

NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIS)

Introduction

National human rights institutions (NHRIs) are governmental bodies with a constitutional or legislative mandate to protect and promote human rights. They are part of the national government structure and are funded by the government, but they operate and function independently from government. NHRIs play an important role in ensuring that internationally accepted human rights standards result in improved enjoyment of human rights on the ground within their respective countries. They may take the following forms:¹

- Human rights commissions,
- National human rights ombuds institutions,
- Hybrid institutions,
- Consultative and advisory bodies,
- Institutes and centers, or
- A combination of multiple institutions.

Today there are over 110 NHRIs around the world.² Their role is to independently advise, investigate, and sometimes criticize governments; however, they do not replace governments and must therefore “respect the role of government in making decisions and setting policy.”³ NHRIs are in a unique position to connect governments, civil society, and other organizations with the goal of promoting human rights. NHRIs are designed to educate actors within their respective States and work with community actors to prevent human rights violations. NHRIs provide a forum for discussion and action.

NHRIs vary greatly in authority and structure, so the Center for Human Rights convened an international workshop in 1991 to develop minimum standards for these bodies. These standards were subsequently adopted by the UN General Assembly in 1993 and became known as the “Paris Principles.”⁴ The Paris Principles provide guidelines that NHRIs must follow.

Functions of NHRIs

NHRIs serve a variety of purposes, but the main goal of every NHRI is to promote and protect human rights. The Global Alliance of National Human Rights Institutions’ (GANHRI) Sub-Committee on Accreditation (SCA) has stated that an NHRI’s mandate “should be interpreted in a broad, liberal and purposive manner to promote a progressive definition of human rights.”⁵ According to the Paris Principles,

¹ Global Alliance of National Human Rights Institutions, “National Human Rights Institutions,” Accessed 12 February 2021, <https://ganhri.org/nhri/>.

² Global Alliance of National Human Rights Institutions, “History of GANHRI and NHRIs,” Accessed 12 February 2021, <https://ganhri.org/history-of-ganhri-and-nhris/>.

³ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 12. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 12 February 2021).

⁴ Global Alliance of National Human Rights Institutions, *A Practical Guide to the Work of the Sub-Committee on Accreditation (SCA)*, (Canadian Human Rights Commission, Dec. 2017, updated Nov. 2018), 10. Also available online at [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/GANHRI%20Manual_online\(1\).pdf](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/GANHRI%20Manual_online(1).pdf) (last visited 16 February 2021).

⁵ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 82. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 16 February 2021).

an NHRI's mandate must come from a legislative or constitutional document, and must direct the NHRI to promote and protect human rights. The Paris Principles provide that promotion is accomplished through education, outreach activities, and programming, while protection aims to prevent human rights violations.⁶

The Paris Principles identify responsibilities NHRIs should fulfill, including:

- working to harmonize national laws with international human rights standards;
- encouraging ratification and implementation of human rights treaties;
- helping the State write reports to international and regional human rights entities;
- promoting research and education related to human rights; and
- promoting human rights values and standards by raising awareness and implementing programming.⁷

Along with the responsibilities outlined by the Paris Principles, NHRIs play a key role in linking international and domestic human rights systems and state governments to civil society by:

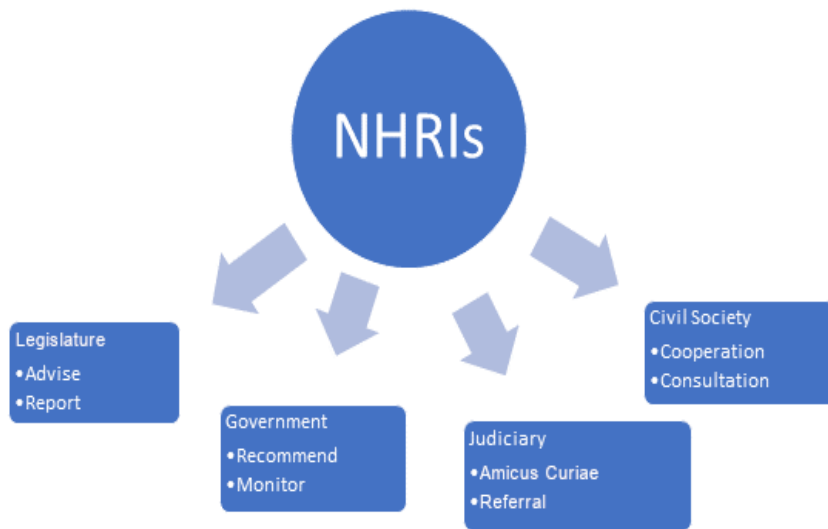
- Monitoring the government's human rights policies in order to detect shortcomings and recommend and facilitate improvements;
- Promoting and teaching human rights in order to inform and engage the public; and
- Receiving, investigating, and resolving complaints of alleged human rights violations from individuals and organizations.⁸

⁶ Global Alliance of National Human Rights Institutions, *A Practical Guide to the Work of the Sub-Committee on Accreditation (SCA)*, (Canadian Human Rights Commission, Dec. 2017, updated Nov. 2018), 16. Also available online at [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/GANHRI%20Manual_online\(1\).pdf](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/GANHRI%20Manual_online(1).pdf) (last visited 16 February 2021).

⁷ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 89. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 16 February 2021).

⁸ Office of the High Commissioner for Human Rights, *OHCHR-UNDP Toolkit for Collaboration with National Human Rights Institutions* (New York and Geneva: United Nations, December 2010), 2-3. Also available online at <https://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf> (last visited 15 February 2021).

NHRIs carry out these functions at different levels of government and in civil society:



One critical role of an NHRI is its relationship with the local or national government. NHRIs can be a valuable component of a country's human rights protection and accountability framework. Most governments recognize and publicly acknowledge the importance of protecting human rights, but the government itself often is the perpetrator of human rights abuses. An NHRI can function as an independent and

neutral office that examines and investigates possible human rights violations. The Paris Principles state that an NHRI should submit to the governmental body its opinions and recommendations about legislative provision or administrative regulations, the judicial process, and any violations of human rights that may have occurred within the country.⁹ NHRIs may also monitor government-operated functions such as elections or places of detention.¹⁰ When a government is drafting its state report to human rights mechanisms, it may find it helpful to consult with NHRIs.¹¹ Importantly, NHRIs should not assist governments with drafting the reports.¹²

Another important function of most (but not all) NHRIs is handling complaints. An NHRI may investigate and address complaints of human rights violations in its home State. It is important to note that an NHRI complaint process is “not a substitute for law enforcement officials or a properly functioning judiciary.”¹³ A decision issued by an NHRI is often not binding, but some NHRIs may have a mandate that grants authority to make enforceable decisions.¹⁴

Another aspect of an NHRI's functions is to provide education and programs related to human rights. The United Nations Declaration on Human Rights Education and Training stated that NHRIs play an important

⁹ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 105. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 16 February 2021).

¹⁰ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 138, 144. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 16 February 2021).

¹¹ United Nations Human Rights, Office of the High Commissioner, *UPR Tips for NHRIs and NGOs*, https://www.ohchr.org/Documents/HRBodies/UPR/Tips_21Sept2020.pdf (last visited 28 December 2021).

¹² United Nations Human Rights, Office of the High Commissioner, *UPR Tips for NHRIs and NGOs*, https://www.ohchr.org/Documents/HRBodies/UPR/Tips_21Sept2020.pdf (last visited 28 December 2021).

¹³ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 151. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 16 February 2021).

¹⁴ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 152. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 16 February 2021).

role in helping States educate, raise awareness, and train individuals and entities about human rights.¹⁵ Programs and training are based upon the specific needs of an NHRI's home State, and look different around the world.

An NHRI does not have to seek approval in order to perform its functions. An NHRI may act on its own initiative or at the request of an entity such as a governmental officer, a civil society entity, or a community organization. It may also act upon a complaint alleging a violation of human rights.¹⁶ The purpose of providing an NHRI with a broad mandate is to allow it to have flexibility and independence when performing its duties.

International Standards and Accreditation for NHRIs

The Paris Principles provide standards that NHRIs can be measured against to assess their ability to effectively fulfill their role. Standards include the need for: a broad-based mandate, guarantees of independence, autonomy from government, pluralism of members and staff, adequate powers of investigation, and adequate resources.

The SCA of GANHRI reviews and accredits NHRIs in compliance with the Paris Principles.¹⁷ The committee uses two levels of accreditation, each of which affords members a different level of participation in the international system.

- “A” - These are voting members that comply fully with the Paris Principles. NHRIs with “A” status and can participate as full voting members in the international and regional work and meetings of NHRIs. They may also hold office in the ICC Bureau. They may participate in sessions of the UN Human Rights Council and may take the floor under any agenda item. “A” status accreditation review occurs every five years.¹⁸
- “B” - These are observer members that are not fully compliant with the Paris Principles or have not submitted sufficient documentation for the ICC to make an accreditation determination. NHRIs with “B” status may participate as observers in the international and regional work and meetings of NHRIs. They cannot vote or hold office within the ICC Bureau. The United Nations does not give them NHRI badges, and they do not have the right to take the floor during sessions of the UN Human Rights Council.¹⁹

At one time there was a third status, “C,” for entities that did not comply with the Paris Principles. NHRIs with “C” status have no rights or privileges with GANHRI or in UN forums. GANHRI stopped using this status, but it is maintained for institutions that were accredited with this status before October 2007.²⁰

¹⁵ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 119. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 16 February 2021).

¹⁶ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 108. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 16 February 2021).

¹⁷ UN Office of the High Commissioner for Human Rights, OHCHR and NHRIs, <https://www.ohchr.org/en/countries/nhri/pages/nhrimain.aspx#:~:text=Accreditation%20of%20NHRIs,applicants%20with%20the%20Paris%20Principles>. (last visited 14 February 2021).

¹⁸ GANHRI, “GANHRI Sub-Committee on Accreditation (SCA),” Accessed on 15 February 2021, <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/default.aspx>.

¹⁹ GANHRI, “GANHRI Sub-Committee on Accreditation (SCA),” Accessed on 15 February 2021, <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/default.aspx>.

²⁰ GANHRI, “GANHRI Sub-Committee on Accreditation (SCA),” Accessed on 15 February 2021, <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/default.aspx>.

As of 20 January 2021, 84 NHRIs are accredited with “A” status, 33 are accredited with “B” status, and 10 are accredited with “C” status.²¹

NHRIs are evaluated and accredited every 5 years and NHRIs may appeal their accreditation status.²² The SCA has focused on providing NHRIs with more recommendations after reviewing their applications and it has increased awareness of the accreditation process.²³ NHRIs are encouraged to apply for accreditation because it provides the NHRI with recognition and credibility, provides NHRIs the ability to participate in the international human rights protection structure, and it may grant the NHRI more influence in its home State.²⁴

Types of NHRIs

The Paris Principles do not require NHRIs to conform to a specific model or form, therefore, there are many types of NHRIs.²⁵ There are multiple forms, or models, of NHRI that are discussed in more detail below. In addition to taking a variety of forms, NHRIs also operate at a variety of levels within a State. Regional and sub-regional NHRI networks and associations are an important complement to the international system because they encourage engagement and expand the influence of NHRIs. Regional NHRI networks have the right to participate in the UN Human Rights Council as observers and to engage with its various mechanisms. They also enable NHRIs from the same region to meet and discuss issues of common concern. This section will explain the different types of NHRIs and then discuss sub-national and regional human rights institutions.

i. NHRI Models

Around the world, NHRIs embody a variety of different structures such as: Human rights commissions, human rights ombuds institutions, hybrid institutions, consultative and advisory bodies, institutes, and centers and multiple institutions.²⁶ The organizational structures of NHRIs can be organized in a variety of ways, but NHRIs are most commonly divided into four types: the ombuds model, the commission model, the consultative council model, and the research institute model.²⁷

Ombuds model

The ombuds model is an individual officer who investigates citizen complaints of human rights abuses and maladministration.²⁸ Not all ombuds offices are classified as NHRIs; however, only those that “have explicit mandates, as broad as possible, for the promotion and protection of human rights.”²⁹

²¹ A list of accredited NHRIs, organized by country, can be viewed at GANHRI, “Our Members,” Accessed on 18 February 2021, <https://ganhri.org/membership/>.

²² GANHRI, “Accreditation,” Accessed on 16 February 2021, <https://ganhri.org/accreditation/>.

²³ GANHRI, “Accreditation,” Accessed on 16 February 2021, <https://ganhri.org/accreditation/>.

²⁴ European Network of National Human Rights Institutions, *The Accreditation of National Human Rights Institutions Practice Guide*, (2018), 12. Also available online at <http://ennhri.org/wp-content/uploads/2019/09/ENNHRI-CNCDH-Practical-Guide-on-the-Accreditation-of-NHRIs.pdf> (last visited 16 February 2021).

²⁵ Office of the High Commissioner for Human Rights, *OHCHR-UNDP Toolkit for Collaboration with National Human Rights Institutions* (New York and Geneva: United Nations, December 2010), 20. Also available online at <https://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf> (last visited 15 February 2021).

²⁶ GANHRI, “Roles and Types of NHRIs,” Accessed on 15 February 2021, <https://nhri.ohchr.org/EN/AboutUs/Pages/RolesTypesNHRIs.aspx>.

²⁷ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 29. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 12 February 2021).

²⁸ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 31. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 12 February 2021).

²⁹ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 31. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 12 February 2021).

An ombuds is typically a public-sector entity responsible for supervising conduct of government officials and agencies.³⁰ Furthermore, it “is an independent governmental official who receives complaints against government agencies and officials from aggrieved persons, who investigates, and who, if the complaints are justified, makes recommendations to remedy the complaints.”³¹

Further, if a country’s judicial system is difficult to use, the ombuds system can be a more accessible alternative because “its form is not rigidly fixed and can be varied to suit the characteristics and needs of each country.”³² Moreover, in many countries, if the “[e]xisting mechanism[s]—courts, legislatures, the executive, administrative courts, and administrative agencies—are not sufficient to cope with the grievances of the aggrieved . . . [t]he [o]mbuds[] system provides an informal, independent, and impartial public official who, with relative speed and without cost to the complainant, investigates, with access to governmental records, and recommends relief when the complaint is justified.”³³

An ombuds system may also be a good alternative when a country’s judiciary lacks independence. In El Salvador and Guatemala, for example, the “ombuds[’s] office was established in settings in which it would have been sheer fantasy to imagine the judiciary playing its assigned role in the separation of powers. . . . [El Salvador and Guatemala’s] judicial systems are politically dependent and dominated by the political environments in which they are embedded.”³⁴ Because the governments of both countries had a history of authoritarianism, “[t]he relative failure of judicial reform . . . accentuated the role that the ombuds[] might play in protecting human rights and pressuring the public authorities to be answerable to the law.”³⁵ In El Salvador, the law establishing the ombuds[] office “empowers the institution to defend a long list of human rights, and specifies that all public officials must cooperate fully with its inquiries and respond to its recommendations.”³⁶ The ombuds’ offices in both countries have given individuals a means to help curb human rights violations.

One limitation of an ombuds’s office is that the ombuds does not typically have enforcement power: “A hallmark of the ombuds[] is that the office does not have the power to make decisions that are legally binding on the administration—the executive/administrative branch is free to implement, in whole or in part, or ignore the ombuds[’s] recommendations.”³⁷ In some cases, the ombuds may be able to encourage human rights progress in other ways. If, in response to an individual’s complaint, an ombuds completes an investigation and concludes that the government has acted inappropriately, “some ombuds[] may enter into informal negotiations or mediation with the government department concerned to try to persuade the government to accept and implement [their] recommendations.”³⁸ In some countries, the ombuds system is compulsory for the governing body,³⁹ so the ombuds may be able to negotiate for

³⁰ Linda C. Reif, *The Ombudsman, Good Governance, and the International Human Rights System* (Leiden, The Netherlands: Koninklijke Brill NV, 2004), 2.

³¹ Bernard Frank, *The Ombudsman and Human Rights*, 22(3) *Administrative Law Review*, 467 (Apr. 1970).

³² Bernard Frank, *The Ombudsman and Human Rights*, 22(3) *Administrative Law Review*, 491 (Apr. 1970).

³³ Bernard Frank, *The Ombudsman and Human Rights*, 22(3) *Administrative Law Review*, 491 (Apr. 1970).

³⁴ Michael Dodson and Donald Jackson, *Horizontal Accountability in Transitional Democracies: The Human Rights Ombudsman in El Salvador and Guatemala*, 46(4) *Latin American Politics and Society*, 2 (Winter 2004).

³⁵ Michael Dodson and Donald Jackson, *Horizontal Accountability in Transitional Democracies: The Human Rights Ombudsman in El Salvador and Guatemala*, 46(4) *Latin American Politics and Society*, 2 (Winter 2004).

³⁶ Michael Dodson and Donald Jackson, *Horizontal Accountability in Transitional Democracies: The Human Rights Ombudsman in El Salvador and Guatemala*, 46(4) *Latin American Politics and Society*, 2 (Winter 2004).

³⁷ Linda C. Reif, *The Ombudsman, Good Governance, and the International Human Rights System* (Leiden, The Netherlands: Koninklijke Brill NV, 2004), 18.

³⁸ Linda C. Reif, *The Ombudsman, Good Governance, and the International Human Rights System* (Leiden, The Netherlands: Koninklijke Brill NV, 2004), 16.

³⁹ Linda C. Reif, *The Ombudsman, Good Governance, and the International Human Rights System* (Leiden, The Netherlands: Koninklijke Brill NV, 2004), 16.

progressive human rights solutions. In Argentina, the Defensoría del Pueblo de la Nación of Argentina is an example of the ombuds model.⁴⁰

Commissions model

There are several differences between a traditional ombuds and a human rights commission. First, the ombuds is one individual with a team of support staff. Human rights commissions, on the other hand, are multi-member committees that often encompass a wide range of social groups and political leanings.⁴¹ Second, ombuds typically carry out their mandate using an individual complaint and investigation system. Human rights commissions have a specific mandate that may include research, documentation, training, or education on human rights issues. Human rights commissions may also be established to handle more specific duties, such as issues relating to minority populations, refugees, children, women, or disenfranchisement. Some, but not all, human rights commissions also receive and act on individual complaints. Examples of this model can be found in the United States, Australia, United Kingdom, Canada, and New Zealand.⁴²

Consultative council model

As the name indicates, NHRIs structured after this model tend to focus on consulting and advising governments and other entities. NHRIs using this model, often called the advisory model, have a small staff and a large governing body.⁴³ The large governing body is often made up of members from community stakeholders such as NGOs, academics, trade unions, business, religious groups, and government.⁴⁴ Government members, however, cannot vote or partake in the decision-making process.⁴⁵ NHRIs embracing this model often do not create programming or handle complaints; rather, it focuses on monitoring, researching, and educating. One example of this model is the Conseil National des Droits de l'Homme in Morocco.⁴⁶

Research institute model

NHRIs utilizing this model focus directly performing research and publishing information about human rights issues. These NHRIs are often not involved in advocacy, complaint handling, or programming. The research institute model develops around universities but these NHRIs must remain independent from the

⁴⁰ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 33. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 28 December 2021).

⁴¹ Office of the High Commissioner for Human Rights, *OHCHR-UNDP Toolkit for Collaboration with National Human Rights Institutions* (New York and Geneva: United Nations, December 2010), 22. Also available online at <https://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf> (last visited 16 February 2021).

⁴² Office of the High Commissioner for Human Rights, *National Human Rights Institutions: History, Principles, Roles, and Responsibilities* (New York and Geneva: United Nations, 2010), 13. Also available online at https://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf (last visited 28 December 2021).

⁴³ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 32. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 15 February 2021).

⁴⁴ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 32. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 15 February 2021).

⁴⁵ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 32. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 15 February 2021).

⁴⁶ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 33. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 28 December 2021).

university that sponsors their establishment.⁴⁷ Because of this model's connection to universities, academics and professors often govern these NHRIs. These NHRIs may struggle to receive accreditation because their mandates are often narrow.⁴⁸ The German Institute of Human Rights is an example of this model.⁴⁹

ii. Sub-national Human Rights Institutions

Sub-national Human Rights Institutions (SNHRIs) are equivalents to NHRIs but operate at the sub-national level to promote human rights policies and practices. The regional nature of these organizations allows them to be more responsive to needs of local communities and facilitate cooperation between local and state governments. SNHRIs are diverse entities and operate differently around the world. SNHRIs include entities such as provincial and local ombuds and anti-discrimination commissions.⁵⁰ The body of human rights law that a SNHRI promotes is determined by its mandate—some SNHRIs are directed to implement international human rights practices while others focus on applying domestic human rights policies.⁵¹

For example, SNHRIs that are mandated to implement international human rights norms often include commissions and ombuds model organizations.⁵² Even within this category there is a range of mandates that SNHRIs may receive. Some SNHRIs are directed to promote generally recognized norms of international law or international treaties regardless of ratification status, while others are directed to implement the international human rights treaties that have been ratified by the country in which the SNHRI's is organized.⁵³ Some SNHRIs only focus on issues related to a narrow topic such as the rights of women; children; indigenous peoples; persons with disabilities; migrant workers; refugees; or lesbian, gay, bisexual, transgender, queer, and intersex people.⁵⁴

⁴⁷ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 33. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 15 February 2021).

⁴⁸ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 33. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 15 February 2021).

⁴⁹ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 33. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 28 December 2021).

⁵⁰ Andrew Wolman, *Sub-National Human Rights Institutions and the Domestication of International Human Rights Norms*, (Netherlands Quarterly of Human Rights, 2014) 226. Also available online at https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/nethqur48&id=218&men_tab=srchresults (last visited 15 February 2021).

⁵¹ Andrew Wolman, *Sub-National Human Rights Institutions and the Domestication of International Human Rights Norms*, (Netherlands Quarterly of Human Rights, 2014) 226. Also available online at https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/nethqur48&id=218&men_tab=srchresults (last visited 15 February 2021).

⁵² Andrew Wolman, *Sub-National Human Rights Institutions and the Domestication of International Human Rights Norms*, (Netherlands Quarterly of Human Rights, 2014) 229. Also available online at https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/nethqur48&id=218&men_tab=srchresults (last visited 15 February 2021).

⁵³ Andrew Wolman, *Sub-National Human Rights Institutions and the Domestication of International Human Rights Norms*, (Netherlands Quarterly of Human Rights, 2014) 229. Also available online at https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/nethqur48&id=218&men_tab=srchresults (last visited 15 February 2021).

⁵⁴ Office of the High Commissioner for Human Rights, *OHCHR-UNDP Toolkit for Collaboration with National Human Rights Institutions* (New York and Geneva: United Nations, December 2010), 7. Also available online at <https://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf> (last visited 15 February 2021).

In contrast, SNHRIs may also be directed to promote its home country's human rights policies found in its constitution, charter, or statutes.⁵⁵ Additionally, some directives to SNHRIs do not specify whether international or domestic human rights norms should be implemented.⁵⁶

iii. Regional NHRIs

NHRIs around the world have come together and created four regional organizations of which NHRIs may become members. These regional organizations include: The Asia Pacific Forum of National Human Rights Institutions, the European Coordinating Committee of National Human Rights Institutions, The Network of African National Human Rights Institutions, and the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas.⁵⁷ There are also cross-regional entities that bring together NHRIs from different regions. For example, the Commonwealth Forum of National Human Rights Institutions consists of NHRIs from the British Commonwealth, including Canada and Australia.⁵⁸ The Arab-European Human rights Dialogue is comprised of NHRIs from European and Arab countries.⁵⁹

NHRIs and Civil Society

“Civil society” refers to groups outside the government such as community groups, non-governmental organizations, labor unions, indigenous peoples' organizations, charitable organizations, faith-based organizations, professional associations, and foundations.⁶⁰ As independent entities established by the government, NHRIs occupy a unique place between government and civil society, often serving as a bridge between rights-holders and responsible authorities: “[NHRIs] link the responsibilities of the State to the rights of citizens and they connect national laws to regional and international human rights systems.”⁶¹ Because NHRIs do not have a defined constituency or vested interest, they are ideally situated to provide a balanced message on human rights issues. They can also encourage dialogue and facilitate cooperation between rights-holders and the government by providing a neutral meeting point.

NHRIs rely heavily on civil society participation to carry out their mandates to monitor and investigate human rights issues and to educate the public. In general, civil society can support the work of NHRIs by enhancing their effectiveness and deepening their public legitimacy, ensuring they reflect public concerns and priorities, and giving them access to expertise and valuable social networks.⁶²

⁵⁵ Andrew Wolman, *Sub-National Human Rights Institutions and the Domestication of International Human Rights Norms*, (Netherlands Quarterly of Human Rights, 2014) 231. Also available online at https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/nethqur48&id=218&men_tab=srchresults (last visited 15 February 2021).

⁵⁶ Andrew Wolman, *Sub-National Human Rights Institutions and the Domestication of International Human Rights Norms*, (Netherlands Quarterly of Human Rights, 2014) 233. Also available online at https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/nethqur48&id=218&men_tab=srchresults (last visited 15 February 2021).

⁵⁷ Asia Pacific Forum, *A Manual on National Human Rights Institutions*, (Sydney: APF, May 2015; Updated May 2018), 10. Also available online at https://www.asiapacificforum.net/media/resource_file/Manual_on_NHRIs_Oct_2018.pdf (last visited 12 February 2021).

⁵⁸ International Justice Resource Center, “Regional NHRI Networks and Forums,” Accessed on 16 February 2021, <https://ijrcenter.org/national-human-rights-institutions/regional-nhri-networks-and-forums/>.

⁵⁹ International Justice Resource Center, “Regional NHRI Networks and Forums,” Accessed on 16 February 2021, <https://ijrcenter.org/national-human-rights-institutions/regional-nhri-networks-and-forums/>.

⁶⁰ Office of the High Commissioner for Human Rights, *OHCHR-UNDP Toolkit for Collaboration with National Human Rights Institutions* (New York and Geneva: United Nations, December 2010), xii. Also available online at <https://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf> (last visited 15 February 2021).

⁶¹ Office of the High Commissioner for Human Rights, *National Human Rights Institutions: History, Principles, Roles, and Responsibilities* (New York and Geneva: United Nations, 2010), 13. Also available online at https://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf (last visited 15 February 2021).

⁶² International Council on Human Rights Policy, *Assessing the Effectiveness of National Human Rights Institutions* (Versoix, Switzerland: ICHRP, 2005), 15. Also available online at <https://www.ohchr.org/Documents/Publications/NHRIen.pdf> (last visited 15 February 2021).

Civil society can engage with NHRIs in many ways:

NHRI Formation. If a country does not have an NHRI, civil society can be instrumental in advocating for one and in helping to create one through meaningful consultations with the government. Such consultations should be broad-based, including a diverse range of civil society groups and other stakeholders. Governments should ensure that the outcomes of these consultations are incorporated into the design and mandate of an NHRI. If a country has an NHRI with less than “A” status, civil society can advocate for improvements to the NHRI and better compliance with the Paris Principles.

Monitoring. Civil society can monitor the effectiveness of an NHRI by submitting reports on the NHRI’s performance to the International Coordinating Committee of National Institutions for Promotion and Protection of Human Rights. For a checklist on assessing conformity with the Paris Principles, consult page 50 of the UN Office of the High Commissioner for Human Rights publication *National Human Rights Institutions: History, Principles, Roles, and Responsibilities*:
http://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf.

Membership. NHRIs should have independent and diverse memberships, representative of the society’s social, ethnic, and linguistic composition. Appointment mechanisms should be open and transparent. Many NHRI appointment procedures allow civil society organizations to nominate members and include representatives from a broad cross-section of civil society groups on the selection panel.⁶³

Formal and informal consultation. To ensure formal diversity, an NHRI may have an advisory board nominated by, or broadly representative of, civil society organizations. Moreover, NHRIs should consult regularly with civil society to better understand what the public wants and needs. Civil society should proactively engage with the NHRI and use formal and informal means to improve access to the government’s policymaking process.

Complaints. Civil society can assist victims of human rights violations in accessing NHRI resources and can support them through the process of filing a complaint. Making a complaint to an NHRI is usually a straightforward process, and no attorney is needed. Many NHRI offices have staff who can assist with completing the necessary forms. If a country has both an ombuds and a human rights commission, it is important to determine which NHRI is the most appropriate accountability mechanism for a particular human rights violation. Advocates should know, however, that if they have already raised the same complaint in litigation, the NHRI will typically refrain from considering the matter. Approaching the ombuds or human rights commission first, however, does not preclude a person from later bringing a court action.⁶⁴

Outreach. Civil society can facilitate an NHRI’s outreach by establishing or making use of networks to spread awareness of the NHRI’s role and functions as a mechanism for redress and by providing education to the public on the role of the NHRI.

National Human Rights Action Plan. Many governments establish a national human rights action plan outlining a strategy to implement obligations under human rights instruments. Governments often consult NHRIs when developing these strategies. The NHRI may also develop its own plan to promote respect for human rights. In either case, civil society can consult with the NHRI as the strategies are being drafted

⁶³ International Council on Human Rights Policy, *Assessing the Effectiveness of National Human Rights Institutions* (Versoix, Switzerland: ICHRP, 2005), 15. Also available online at <https://www.ohchr.org/Documents/Publications/NHRlen.pdf> (last visited 15 February 2021).

⁶⁴ Linda C. Reif, *The Ombudsman, Good Governance, and the International Human Rights System* (Leiden, The Netherlands: Koninklijke Brill NV, 2004), 15.

and can work with the NHRI, the government, and other stakeholders to develop time-bound, benchmarked objectives.

Active partnership. Civil society organizations can also help implement some NHRI programs and activities. Civil society can provide expertise and a bridge into communities that may distrust the NHRI, perceiving it to be a body representing the government. Strategic alliances establishing a rational division of labor between civil society organizations and the NHRI can make both parties more effective.⁶⁵

⁶⁵ International Council on Human Rights Policy, *Assessing the Effectiveness of National Human Rights Institutions* (Versoix, Switzerland: ICHRP, 2005), 16. Also available online at <https://www.ohchr.org/Documents/Publications/NHRlen.pdf> (last visited 15 February 2021).