Steps for the Establishment and Strengthening of an NHRI

WORKSHOP ON THE ESTABLISHMENT OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN COMPLIANCE WITH THE PARIS PRINCIPLES

Steps for the establishment of a NHRI

1. Developing a national consensus
   There should be a public consultation process leading up to, and including the development of legislation.
   - Organize, in cooperation with OHCHR and UNDP, a sensitisation meeting involving all key stakeholders (Government officials, Members of Parliament, NGOs, research centres, experts from Paris Principles-complying NHRIs in the region), in order to:
     - ‘seed’ the idea of NHRIs and gather national support;
     - identify key elements of the Paris Principles.
   - Look at best practices and lessons learned of existing NHRIs in conformity with the Paris Principles.
   - Obtain or develop material providing basic information about the nature and function of NHRIs, and concrete examples of how they may assist in protecting and promoting human rights.
   - Brainstorm on the nature of NHRI required for the country with due regard to the role of other existing institutions in the country.

2. Establishing a national process
   A government focal point should be identified who would oversee the establishment of an NHRI. The focal point may be in a specific Ministry or in a specific Parliamentary Committee.
   - A national process can established to create a NHRI, led by a specific focal point or working group. This will determine the details of what kind of NHRI should be created, as well as its roles and powers.
   - Establish an open, transparent, consultative and participatory process; encourage the creation of one or more working groups that would consist of representatives of every important social sector, including civil society and NGOs, and which would examine and recommend on the features of a new NHRI.

3. Statutory base / enabling legislation
   A governmental/parliamentary working group can be established and entrusted with the development of draft legislation. Ensure that the Parliament and other appropriate officials are aware of the statutory powers that an NHRI requires to undertake effective programming.
   - Ensure that Parliament and other appropriate officials are aware of the main considerations when choosing a model of NHRI.
   - Ensure that civil society actors and relevant UN bodies are consulted. (OHCHR can provide advice to any draft law to provide guidance on the Paris Principles where relevant).
   - Ensure that Parliament and other appropriate officials are aware that the enabling legislation should:
     1. establish a separate and independent legal identity of the NHRI;
     2. define the jurisdiction, scope of the NHRI’s powers and responsibilities;
     3. ensure specific legal responsibilities regarding the protection and promotion of human rights (civil and political, economic, social and cultural); and where appropriate, set out the complaint process; the remedies available; and the monitoring capacity;
     4. define the legal authorities and powers that the NHRI can exercise in the implementation of its responsibilities;
     5. ensure the NHRI’s independence and autonomy;
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6. define the membership, membership criteria, membership selection and dismissal process, duration of term and privileges and immunities of members; and ensure transparency and pluralisms in appointment and nominations;
7. ensure the NHRI has the power to employ staff; and provides immunity for staff;
8. ensure the financial autonomy of the NHRI;
9. describe reporting procedures, preferably to Parliament
10. Seeks to comply with the Paris Principles- (Refer to information on ICC accreditation; the Paris Principles and General Observations of the ICC and statement of compliance with the Paris Principles form )

- Request sample legislation on NHRIs to compare;
- Organise seminars or workshops to discuss, with appropriate stakeholders, the statutory powers that an NHRI requires in order to undertake effective programming and ensure the involvement of civil society;
- Organise visits by expert practitioners to discuss with parliamentarians and other appropriate officials the need for appropriate legislative powers.

4. Organisational structure

- Organise workshops on ‘best practices’ to promote appropriate organisational structures and relationships that allow for the effective delivery of programmes.
- An NHRI experts /consultant could be recruited to provide the relevant technical support.

5. Organise government funding and International development assistance

In accordance with the Paris Principles the state is required to provide adequate funding, as a minimum, this would include:

- Allocation of funds for adequate accommodation, at least for its head office; salaries and benefits to its staff; remuneration for commissioners;
- Establishment of communications system and other infrastructure
- Premises, transport and telecommunications

While the details of activities to be carried out by the NHRI, may not all be known, a draft budget of activities can be drawn based on consultations with other NHRIs in the region. Depending on the economic situation of the country the UN and other development organisations could be called upon to provide additional funding, and develop projects.

6. Organisational Development and leadership

- Appointments of members/commissioners, staff, role definition, vision and leadership
- Strategic planning- organisational structure, human resources , Knowledge management , research and information systems
- Training of staff, human rights capacity (e.g. investigations, and complaints handling etc.)
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STRENGTHENING THE MATURE NHRI

If a NHRI has been established, the following activities may be envisaged to strengthen the NHRI:

1. **Statutory base**
   - Efforts could be made to ensure that the NHRI is given the necessary powers, in line with the Paris Principles, to carry out their programmes by:
     - ensuring that Parliament and other appropriate officials are aware of the statutory powers that an NHRI requires to undertake effective programming;
     - providing sample legislation on NHRI in accordance with the Paris Principles to parliamentarians or other appropriate officials;
     - organising seminars or workshops to discuss, with appropriate stakeholders, the statutory powers that an NHRI requires in order to undertake effective programming;
     - organising visits by expert practitioners to discuss with parliamentarians and other appropriate officials the need for appropriate legislative powers; and
     - Arranging for experts, including practitioners, to ‘audit’ existing or proposed legislation.
   - Lobby Parliament to amend provisions in the legislation that may not be in compliance with the Paris Principles.

Mature NHRI may apply for accreditation and re-accreditation to the International Coordinating Committee of NHRI, to ensure compliance with the Paris Principles. NHRI may do so by filling in a template statement of Compliance with the Paris Principles and submitting the relevant documentation to the Sub Committee on Accreditation through OHCHR (Information is included in file).

2. **Organisational structure**
   - To help ensure that an NHRI’s organisational structure is suited to its responsibilities, efforts could be made to:
     - organise workshops on ‘best practices’ to promote appropriate organisational structures and relationships that allow for the effective delivery of programmes;
     - organise organisational “audits” or capacity gaps assessments by expert practitioners to identify challenges and areas that need to be strengthened;
     - ensure that relevant UN human rights material is made available to the NHRI so that it can be a focal point for human rights documentation and information.

3. **Capacity building of NHRI staff**
   - To ensure that NHRI has the necessary skills and abilities to perform their functions, efforts could be made to:
     - ensure that training on the relevant international human rights standards, including engagement with regional and international human rights systems; human rights thematic issues (e.g. gender, disabilities, torture); and core protection issues;
     - ensure that skills-based training, as required, in specific programmes and functions or approaches is provided (such as investigations, case management, reporting and monitoring);
     - ensure substantive engagement with stakeholders: including civil society, government, judiciary and parliament.
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- ensure that research, publications and information on the relevant standards are made available to the NHRI; and Sponsor or organise study tours or other similar exchanges with more experienced NHRIs in the area, possibly through the International or relevant Regional or Sub-regional Network.