

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

Existence of independent National Human Rights Institutions in compliance with the Paris Principles	
Goal and target addressed	This indicator is relevant to the measurement of several targets and in particular 16a (strengthen national institutions), 10.3 (eliminate discriminatory laws), and 16b (promote and enforce non-discriminatory laws)
Definition and method of computation	<p>This indicator 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 International Coordinating Committee of National Institutions (ICC). 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 centres 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 ICC. There are three possible types of accreditation:</p> <p>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</p> <p>Accreditation by the ICC 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.</p>

	In terms of method of computation, the indicator is computed as the accreditation classification, namely A, B or C of the NHRI.
Rationale and interpretation	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 publicise 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.
Sources and data collection	The main source of data on the indicator is administrative records of the Sub-Committee on Accreditation reports of the ICC. 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.
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.
Comments and limitations	<p>The UN Secretary General's (SG) reports to the Human Rights Council (HRC) (A/HRC/13/44) and to the General Assembly (A/65/340, highlighted the value of the overall human rights work by NHRIs and stated that, 'National human rights institutions compliant with the Paris Principles are key elements of a strong and effective national human rights protection system. They can help ensure the compliance of national laws and practices with international human rights norms; support governments to ensure their implementation; monitor and address at the national level core human rights concerns such as torture, arbitrary detention, human trafficking and human rights of migrants; support the work of human rights defenders; and contribute to eradicate all forms of discrimination', (A/HRC/13/44, par. 108). Cooperation and constructive relationship between NHRIs and the government, parliaments, civil society organisations and other national institutions with a role to promote and protect human rights is encouraged by the SG in his report to the HRC for 2010 (A/HRC/16/76).</p> <p>The important and constructive role of national institutions for the promotion and protection of human rights has also 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</p>

	<p>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.</p> <p>UN treaty bodies have also recognised 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/.</p> <p>The ICC 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 organisational 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 organisations may also provide relevant information to OHCHR pertaining to any accreditation matter.</p> <p>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 ICC. 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.</p>
Gender equality issues	NHRIs should have a clear mandate to examine and make recommendations on equality and non-discrimination, including on the ground of gender.
Data for global and regional monitoring	ICC and OHCHR are the entities responsible for compiling these indicators at the international level.
Supplementary information	

References

Data for the indicator are available here:

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

Maps of the data are available here:

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

The Paris Principles require NHRIs to: a) Protect human rights, including by receiving, investigating and resolving complaints, mediating conflicts and monitoring activities; and b) Promote human rights, through education, outreach, the media, publications, training and capacity building, as well as advising and assisting the Government. The Paris Principles set out six main criteria that NHRIs require to meet: Mandate and competence: a broad mandate, based on universal human rights norms and standards; Autonomy from Government; Independence guaranteed by statute or Constitution; Pluralism; Adequate resources; and Adequate powers of investigation.

UNITED NATIONS (2011). National Human Rights Institutions; History, Principles, Roles and Responsibilities. Geneva. Available from

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

UNITED NATIONS (2012). Human Rights Indicators: A Guide to Measurement and Implementation. New York and Geneva. Available from

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