

National Human Rights Institutions

Introduction

Human rights form the normative frame of reference for the 2030 Agenda and the Sustainable Development Goals (SDGs). Since 2004 they have been one of the guiding principles of German development cooperation.

The German Federal Ministry for Economic Cooperation and Development (BMZ) takes a two-pronged approach to enforcing [Human Rights in German Development Policy](#) (PDF, 252 KB). A human rights-based approach is integrated into all sectors of development cooperation (DC) as a cross-sectoral theme, while human rights are also promoted by means of specific projects. National human rights institutions (NHRIs), which have now been established in almost all the countries that are partners of German development cooperation, can be strategic cooperation partners in both cases and can help to strengthen marginalised sections of the population and make foreign development cooperation projects more inclusive and more sustainable.

The purpose of this information tool is as follows:

- Provide information about NHRIs
- Introduce NHRIs as strategic partners for German development cooperation
- Share examples of successful cooperation with NHRIs

The tool has been created by the Sector Programme [Realising Human Rights in Development Cooperation](#) project of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, which supports BMZ in implementing a human-rights-based approach to development cooperation. The [German Institute for Human Rights \(DIMR\)](#), the German NHRI, has played an advisory role in the project since 2005.

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What are national human rights institutions?

Every individual country has an obligation to protect and promote human rights. National governmental bodies are obliged to take the necessary measures in this area, to continuously monitor their actions with regard to the realisation of human rights and to adapt them accordingly. Whether and how a state puts human rights into practice is attested to by its individuals' daily lives, for example with regard to their access to justice, health services and education, and their ability to organise public assemblies and form associations.

Since the 1990s, the importance of preventive measures, such as human rights education and monitoring, has been widely acknowledged, alongside the judicial enforcement of human rights. These tasks exceed the capacity of the [UN human rights treaty bodies](#) and other bodies that monitor compliance with human rights treaties on a regional and international level.

In 1993, the World Conference on Human Rights in Vienna thus called for the establishment of human rights institutions on a national level. That same year, the UN General Assembly adopted the [Principles relating to the Status of National Human Rights Institutions \(The Paris Principles\)](#) (PDF, 119 KB). The Paris Principles define NHRIs as an important link between the national and international levels for the protection and promotion of human rights. Their mandate includes scrutinising national policies and advising policy-makers with regard to human rights.

NHRIs are responsible in particular for monitoring the human rights situation, reviewing legislation, carrying out applied research and providing education on human rights. In most countries they are also a point of contact for individual complaints. They set their own priorities independently of government requirements and based on the human rights issues in their own country.

NHRIs can also introduce international debates into the domestic domain and make them more tangible for both the government and the population. This means that NHRIs act as intermediaries between civil society and the state, between the national and international arenas and between the academic and business worlds. As a result, they are a forum and a platform for dialogue between different stakeholders who may have conflicting opinions.

Key tasks of NHRIs

- Protecting human rights, for example, by handling individual complaints or putting them before the courts (so-called amicus curiae observations)
- Providing education and information on human rights
- Carrying out applied research and providing advice to policy-makers
- Promoting the ratification of international and regional human rights treaties and taking part in the corresponding review processes
- Calling for the implementation of ratified human rights treaties in domestic law and legal practice and taking the necessary monitoring measures



Accreditation

The Geneva-based [Global Alliance of National Human Rights Institutions \(GANHRI\)](#), which is the international umbrella organisation for NHRIs, is responsible for reviewing whether an NHRI meets the requirements of the Paris Principles on a periodic basis of five years. Depending on its level of compliance with the Paris Principles, the institution is awarded A or B status. An A accreditation requires full compliance with the Paris Principles and only A-accredited institutions have voting rights in the umbrella organisation. Institutions with a B accreditation are only granted observer status in GANHRI because they do not fully comply with the Paris Principles.

The (re-)accreditation process is handled by a special committee (the Sub-Committee on Accreditation, SCA) which is made up of one A-accredited NHRI from each of GANHRI's four regional groups (Africa, Americas, Asia and Pacific, Europe). The SCA can also take statements from civil society organisations into consideration during the process. On the basis of interviews with the NHRI and the documents it submits, the SCA issues a [recommendation on the accreditation of the NHRI](#).

The accreditation process meets the requirements for independence and transparency that are expected of the NHRIs. If an institution is awarded an A accreditation, its legitimacy is increased and it has the right to participate in a range of UN forums. However, the A accreditation of an NHRI bears no relation to the human rights situation in the relevant country. It simply recognises that the NHRI can operate independently in that country.

There are currently 77 NHRIs worldwide accredited with A status, of which 45 are German development cooperation partner countries. A total of 33 NHRIs have B accreditation, of which three are in partner countries (GANHRI, [Chart of the Status of National Institutions, 21 February 2018](#), PDF, 587 KB, not accessible).

How do NHRIs work?

NHRIs operate under different names in individual countries, such as human rights committee, commission or institute. The way in which they work also varies significantly in some cases. This is due to the fact that NHRIs have evolved in a specific national context and need to be seen and understood against the background of the development of institutions in a particular country. The following section describes the compulsory requirements regarding the mandate of NHRIs and the different forms they can take.

The mandate of NHRIs

The Paris Principles specify minimum requirements for the mandate, way of working and organisational structure of NHRIs. They call for a clear human rights mandate with a scope which is as broad as possible. NHRIs must have a reliable source of public funding which they can use independently in order to guarantee that they can operate effectively.

They must be able to function independently of government, although public bodies and members of parliament are entitled to consult them. NHRIs must reflect the diversity of society on their committees and in their staff makeup. They require a legal basis in order to ensure their continued existence and to preserve their mandate.

Types of NHRI

NHRIs can be divided into four different types, with their official name not necessarily having a bearing on the type it actually represents.

- **Committees:** These focus on providing policy advice, particularly to the government (e.g. in France and Morocco).
- **Commissions:** These typically perform a wide variety of tasks which range from investigating alleged breaches of human rights to education and public relations activities and taking part in legal proceedings (e.g. in South Africa and Indonesia).

- **Ombudspersons:** These concentrate on individual legal protection, for example fielding and processing complaints (e.g. almost all the NHRIs in Latin America and Eastern Europe). Not all ombudspersons are necessarily NHRIs, nor do all NHRIs have a mandate to handle individual complaints.
- **Institutes:** These concentrate on education and research (e.g. in Chile, Germany and Denmark).

The focus and working methods of the individual organisations vary depending on their type. However, promoting the implementation of international human rights obligations and providing policy advice, education and information are a key part of the mandates of all NHRIs. In some countries, NHRIs perform additional functions. One example is the NHRI in Ghana, which as well as carrying out the duties of an NHRI is also an anti-corruption organisation and an arbitration body.

NHRI networks

Alongside the international umbrella organisation GANHRI, there are four regional NHRI associations:

- **Africa:** [Network of African National Human Rights Institutions \(NANHRI\)](#)
- **Americas:** [Red de Instituciones Nacionales para la Promoción y Protección de los Derechos Humanos del Continente Americano \(Spanish\)](#)
- **Asia and Pacific:** [Asia Pacific Forum of National Human Rights Institutions \(APF\)](#)
- **Europe:** [European Network of National Human Rights Institutions \(ENNHRI\)](#)

In addition, there are cross-regional networks such as the Arab network of NHRIs ([ANNHRI](#)), the network for the French-speaking countries ([Association Francophone des Commissions Nationales des Droits de l'Homme](#)) and a series of sub-regional NHRI networks such as the Southeast Asia National Human Rights Institution Forum (SEANF). There are also North-South exchanges between NHRIs. For example, the Danish and Norwegian NHRIs help their counterparts in a number of countries to develop their capacities, while the German Institute for Human Rights works with the NHRIs in Colombia and Côte d'Ivoire on business and human rights issues.

Opportunities for collaboration and examples from German development cooperation

Collaboration with NHRIs as part of bilateral development cooperation is becoming increasingly common, with many different ways of supporting and working with NHRIs. A number of principles should be taken into consideration:

- The focus must remain on the mandate of the NHRI and its related tasks.
- Development cooperation must not overstretch the capacities of the NHRI: NHRIs are national actors, not service providers.
- They are self-contained and independent. The funding for development cooperation projects should always follow the priorities of the NHRI.
- NHRIs are state-funded organisations: Project financing from donors must not prompt the partner country to withdraw from its obligation to provide its NHRI with adequate funding.

Strengthening NHRIs and dealing with NHRIs without A status

During the accreditation process and the regular status checks, GANHRI provides all NHRIs with detailed recommendations on how they could improve; the UN treaty bodies do the same thing, but in less detail. Civil society organisations also give recommendations to NHRIs. In the Arab world, for example, the [Al-karama Foundation](#) fulfils this role, as does the [Asian NGO Network on NHRIs](#) in Asia.

There are a number of reasons why an NHRI may not be given A status. This is often caused by poor general conditions, such as the absence of a legal basis, unreliable funding, an inadequate mandate or a lack of independence.

As the institutional weakness and absence of independence of an NHRI are usually the result of government policy, development cooperation partners that are supporting an NHRI of this kind should call for more institutional and financial independence for the NHRI in their consultations with the government and base their discussions on the recommendations from the accreditation process or the treaty bodies.



Experiences from German development cooperation

In German development cooperation, it is primarily the Civil Peace Service (CPS) that has worked with NHRIs, particularly in the context of peace and reconciliation processes. It has supported the human rights commissions in Rwanda, Afghanistan, Nepal, Peru and Guatemala. Its approach has always been based on developing the capacity for non-violent conflict transformation and peacebuilding, together with human rights education because of its preventive effects. However, BMZ is increasingly charging GIZ and other actors, such as the German Institute for Human Rights, with promoting and cooperating with NHRIs.

ProFIO: strengthening the structures of associations

German development cooperation supports the regional association of ombuds institutions in Latin America and the Iberian Peninsula (Federación Iberoamericana del Ombudsman (FIO), Spanish).

The goal of the project is to improve the institutional capacity and staffing of the ombuds institutions in the FIO association in order to protect disadvantaged groups.

The project promotes cooperation and information sharing. The association currently has four working groups in which members share information about the rights of children and young people, women's rights, migration and human trafficking, and communication. They are provided with technical, policy and process advice to help them in their work, which includes developing and implementing annual action plans, identifying and managing issues relevant to vulnerable groups, sharing administrative best practices and positioning the FIO on the international stage in these areas.

The project helps the association to improve its strategy so that it can become more visible on an international level and is seen as an important actor in the international protection of human rights. The project also supports developments by providing advice and organisational development processes.

NHRIs as strategic partners in the implementation of development cooperation programmes

The special position of NHRIs allows them to act as independent interfaces and mediators between the state and civil society. Because of their role in encouraging dialogue, NHRIs can take an active part in projects to promote sectoral governance, for example by supporting national action plans for business and human rights in the Sustainable Economic Development sector.

Peru: the NHRI as a central player in upholding the rights of indigenous peoples

The Peruvian NHRI, *Defensoría del Pueblo*, has gained the trust of the public because of its independence and has established regional offices in all areas of the country. Following the oil and mining boom in Peru, the violent conflicts involving the indigenous communities, who fear that they will lose their livelihoods, have increased significantly. Between 2012 and 2016, GIZ ran a project there on behalf of the German Federal Foreign Office to introduce the right to consultation for the indigenous peoples as part of the conflict prevention measures. The *Defensoría* was its most important partner organisation. It played a major role in overcoming the initial widespread political opposition to the right to consultation, which was seen as a barrier to investment and development, and acted as a mediator and expert point of contact for public bodies on the one hand and the organisations representing indigenous peoples on the other.

It monitors the correct implementation of the right to consultation and is present at all the main consultation processes, allowing it to protect the rights of the indigenous communities. The project has also increased the organisation's expertise in providing mediation services that are interculturally sensitive in the case of conflicts involving indigenous communities. In Peru, it is now a matter of course to consult the indigenous peoples who are affected before government decisions are made. The Peruvian NHRI has shared its experiences with neighbouring countries in a number of different discussion forums and has helped to improve the protection of the rights of indigenous people throughout the entire Andes region.

As this example from Peru shows, together with the following example from Uganda, NHRIs can be important partners in implementing programmes. Some NHRIs that have been active for a number of years are firmly rooted in society, which means that their involvement gives partner organisations greater credibility and better access to the population.

Uganda: a human rights-based approach to development planning

In Uganda, BMZ commissioned GIZ to work with the UN High Commissioner for Human Rights to bring together the National Planning Authority and the Uganda Human Rights Commission to help ensure that the entire national development planning process is based on human rights. This includes a specific focus on disadvantaged groups. The National Planning Authority and the Uganda Human Rights Commission are now working together to coordinate and monitor the implementation process. This also involves measuring the process towards achieving the SDGs.

Monitoring the enforcement of human rights obligations

NHRIs play an important role in monitoring the enforcement of a state's human rights obligations, for example with regard to safeguarding the human rights to education, health or clean water supplies. Development agencies can help NHRIs to establish corresponding monitoring capacities.

Colombia-Germany: Monitoring transnational supply chains

The Colombian NHRI (**Defensoría del Pueblo de Colombia**) and its German counterpart have been working together since 2015 on a research project commissioned by BMZ. The collaboration is geared towards ensuring that companies on both sides of the supply chain comply with human rights due diligence requirements and seeing to it that the two governments take measures to protect the people affected. The initial successes include a comprehensive strategy produced by the Colombian NHRI on the subject of business and human rights, which means that their regional offices can also introduce measures that will allow them to intervene quickly in the event of a conflict to provide protection for the people affected.



Almost all NHRIs handle individual complaints. Development cooperation can increase an NHRI's ability to manage complaints, as the example of Mauritania shows. NHRIs that process individual complaints gain a comprehensive overview of human rights violations. This makes it possible to analyse the structural causes of these violations and, on this basis, to draw up recommendations for rectifying the problems and introducing changes.

Mauritania: promoting the NHRI's complaints mechanism

The NHRI ([Commission Nationale des Droits de l'Homme](#), CNDH, French) was established in 2006 and has had constitutional status since 2012. In 2015, GIZ began providing support for CNDH on behalf of BMZ in the form of the project Promotion of Human Rights and Human Rights Dialogue. The goal is to develop an efficient complaints mechanism for CNDH. The first successful measure was to design the complaints procedure in such a way that it was clear what a complaint is and what resources CNDH has to process it. With the support of the Geneva-based NGO HURIDOCS, CNDH set up an online database and trained its staff to use it, thus making classifying, processing and evaluating complaints much easier.

Between April 2016 and April 2017, a total of 200 people, three quarters of them women, submitted complaints to CNDH. Half of the complaints concerned family conflicts and violence against women.

Under its current president, CNDH has close ties to the government and does not take a very proactive approach to promoting or protecting human rights. For this reason, the focus of the bilateral cooperation is on permanently strengthening CNDH's organisational structures. The review of the organisation's accreditation status in 2016 offered a good opportunity to make progress with the organisational reforms. It is not yet clear whether CNDH will meet the requirements of the accreditation committee and thus retain its A status.

NHRIs on an international level

NHRIs, the regional associations and the umbrella organisation GANRHI play various roles on international human rights committees:

- Submitting reports on the processes to the UN treaty bodies (see [The ABC of Human Rights for Development Cooperation](#), PDF, 230 KB).
- Producing reports on the country review processes ([Universal Periodic Review, UPR](#)) for the UN Human Rights Council and making speeches as part of the UPR.
- Making speeches after the presentation of a report by the UN Special Rapporteur.
- In the Working Group on the Rights of Older Persons, the NHRIs are involved as stakeholders in the consultations on a convention about the rights of older persons. They can submit written responses and take part in discussions on every agenda item.
- GANHRI participates in a range of UN committees and forums:
 - GANHRI regularly submits a [report on Protecting and enlarging the space for public debates and participation of all civil society actors](#) (PDF, 230 KB) in the relevant countries to the High-Level Political Forum on Sustainable Development, the UN body which evaluates the implementation of the SDGs. The report is based on surveys of GANRHI members.
 - GANHRI takes part in the Global Compact on Migration by providing [statements](#) and expert reports from its members.

The latter two activities receive support from Germany.

Additional links and literature

(all in English unless otherwise stated)

Website of the NHRIs' umbrella organisation (GANHRI).

- [OHCHR: Information on cooperation between the OHCHR and NHRIs](#)
- Asia Pacific Forum (2017): [A Manual on National Human Rights Institutions](#) (also in Russian and Arabic)

Information on the role of NHRIs in implementing international human rights treaties

- GANHRI (2016): [National Human Rights Institutions and United Nations Treaty Bodies. GANHRI Background Paper.](#)
- Welch, Ryan M. (2017): [National Human Rights Institutions: Domestic implementation of international human rights law.](#) In: Journal of Human Rights 16 (1), pp. 96–116.

Examples of good practices

- GANHRI (2017): [National Human Rights Institutions Engaging with the Sustainable Development Goals \(SDGs\).](#)
- Deniz Utlu/Jan Niebank (2017): [Closing the Gap. International Cooperation in Human Rights in the Extractive Industries of Colombia and Latin America.](#) German Institute for Human Rights (DIMR)
- Andrea Breslin /Anna Würth (2017): [National Human Rights Institutions in post-conflict situations: mandates, experiences and challenges.](#) German Institute for Human Rights (DIMR)

On the development and consolidation of NHRIs

- Beredugo, Ayebaesin J./Viljoen, Frans (2015): [Towards a greater role and enhanced effectiveness of National Human Rights Commissions in advancing the domestic implementation of socio-economic rights: Nigeria, South Africa and Uganda as case studies.](#) In: Comparative and International Law Journal of Southern Africa 48 (3), pp. 401–430.
- Linos, Katerina/Pegram, Tom (2017): What Works in Human Rights Institutions? [The American Journal of International Law](#), 112 (3), pp. 1–61
- GANHRI/UNDP/OHCHR (2016): [Global Principles for the Capacity Assessment of National Human Rights Institutions.](#) New York



NHRIs in partner countries of German bilateral development cooperation

The table gives an overview of NHRIs in selected [partner countries of bilateral German development cooperation](#). It assigns them to one of four different categories for guidance purposes.

Name and country	Status	Type and year founded	Last/next (re-)accreditation
Afghan Independent Human Rights Commission	A	Commission, 2002	2014/2019
The People's Advocate of Albania	A	Ombudsperson, 1999	2014/2019
National Human Rights Commission Bangladesh	B	Commission, 2008	2015/2020
Defensoría del Pueblo de Bolivia (Spanish)	A	Ombudsperson, 1997	2017/2022
Commission Nationale Indépendante des Droits de l'Homme de Burundi (French)	B (recommen- dation)	Commission, 2011	2016/ decision pending
National Commission on Human Rights and Freedoms of Cameroon (French)	A	Commission, 1990	2017
Defensoría del Pueblo de Colombia (Spanish)	A	Ombudsperson, 1992	2017/2022
Defensoría del Pueblo de Ecuador (Spanish)	A	Ombudsperson, 1997	2015/2020
National Council for Human Rights of Egypt	A	Commission, 2003	2006/2018 postponed again, date unknown
Ethiopian Human Rights Commission	B	Commission, 2004	2013/2018
Commission on Human Rights and Administrative Justice of Ghana	A	Commission, 1993	2014/2019
Procurador de los Derechos Humanos de Guatemala (Spanisch)	A	Ombudsperson, 1985	2013/2018
Comisionado Nacional de los Derechos Humanos de Honduras (Spanish)	B	Ombudsperson, 1995	2016/2021
National Human Rights Commission of India	A	Commission, 1993	2011/2017
National Human Rights Commission of Indonesia (Bahasa Indonesia)	A	Commission, 1993	2017/2022
Kenya National Commission on Human Rights	A	Commission, 2002	2014/2019
Malawi Human Rights Commission	A	Kommission, 1995	2016/2021

National Human Rights Institutions

Name and country	Status	Type and year founded	Last/next (re-)accreditation
National Human Rights Commission of Mauritania (French)	A	Commission, 2003	2011/2017 decision pending
Comisión Nacional de los Derechos Humanos de México (Spanish)	A	Commission, 1999	2016/2021
National Human Rights Commission of Mongolia	A	Commission, 2001	2014/2019
National Human Rights Council of Morocco	A	Committee, 1990	2015/2020
The Office of the Ombudsperson of Namibia	A	Ombudsperson, 1990	2011/2017 postponed, date unknown
National Human Rights Commission of Nepal	A	Commission, 2000	2014/2019
Palestinian Independent Commission for Human Rights	A	Commission, 1993	2015/2020
Defensoría del Pueblo del Perú (Spanish)	A	Ombudsperson, 1993	2017/2022
National Human Rights Commission of Rwanda (French)	A	Commission, 1999	2013/2018
Human Rights Commission of Sierra Leone	A	Commission, 2004	2016/2021
South African Human Rights Commission	A	Commission, 1995	2012/2017
Commission for Human Rights and Good Governance of Tanzania	A	Commission, 2000	2011/2017
Uganda Human Rights Commission	A	Commission, 1995	2013/2018
Ukrainian Parliament Commissioner for Human Rights	A	Ombudsperson, 1998	2014/2019
Human Rights Commission of Zambia	A	Commission, 1997	2011/2017 postponed, date unknown

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