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# SURVEY ON NATIONAL HUMAN RIGHTS INSTITUTIONS

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*Report on the findings and  
recommendations of a questionnaire  
addressed to NHRIs worldwide*

July 2009, Geneva, Switzerland

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United Nations  
**Human Rights**

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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## ACRONYMS AND ABBREVIATIONS

ICC	International Coordinating Committee of National Human Rights Institutions
HRC	Human Rights Council
NHRI	National Human Rights Institution
NIU	National Institutions Unit
OHCHR	United Nations Office of the High Commissioner for Human Rights
RCC	Regional Coordinating Committee of National Human Rights Institutions
SPMH	Special Procedures Mandate Holder
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UPR	Universal Periodic Review

## EXECUTIVE SUMMARY

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This is a report on the findings and recommendations of a baseline survey conducted by OHCHR, based on responses to a questionnaire received from 61 NHRIs around the world. The purpose of the survey is to take stock of the current state of NHRIs globally to enhance OHCHR's efforts – in partnership with other stakeholders – to strengthen the functional capacities of NHRIs, both individually and collectively.

The questionnaire gathered information from NHRIs that evaluated among other things, their legal framework; functional capacity needs; core protection activities; participation rates in the international human rights system; and level of interaction with UN country presences. From the trends shown in the responses and particular comments from respondents, the survey report draws general conclusions about the core issues and capacity needs facing NHRIs; in relation to both institutional characteristics (e.g. legal framework, mandate, budget etc) and performance (e.g. resource allocation, working methods, relationships etc).

In relation to **institutional characteristics**, the results showed that:

- NHRIs remain recent phenomena; with the large majority being less than 20 years old. Regionally, trends in NHRIs' typology broadly showed: mainly statute-based commissions in the Asia Pacific and Europe (although the ombudsman model was common in Eastern Europe); mainly constitutionally-based commissions in Africa and mainly constitutionally-based ombuds-institutions in the Americas.
- Breadth of mandate is not considered to be a key concern amongst NHRIs; with the large majority empowered to perform the full range of competences and responsibilities specified in the Paris Principles (although fewer NHRIs in Europe are mandated to perform protection-related functions such as detention visits, providing remedies etc).
- Many NHRIs do not achieve pluralism in the composition of their governing bodies and general staff; with roughly only half of the respondents in all regions rating their diversity as good.
- Although most NHRIs have legal procedures for the selection and appointment of the members of their governing body, these procedures need to be strengthened in all regions to include the public advertisements of vacancies (although this was notably more common in the Americas); the independent scrutiny of candidates, and consultations with civil society. In Africa, in particular, clear legal procedures for the dismissal of members are also frequently lacking.
- Over 70% of respondents considered their institution to be very independent in practical terms. While this is a positive indicator, a significant number of respondents also noted the influence of government departments or ministries over their budget allocation. As nearly half of the respondents in all regions (and slightly higher in Africa) indicated that their budget is insufficient, this administrative connection remains a problem area for many institutions.
- Greater efficiency in organizational infrastructure is also needed; with roughly 40% of respondents in all regions considering their staff size to be insufficient. In Africa and the Asia Pacific, management structures are also a weakness for many institutions, with fewer than 60% of respondents considering their institution's organizational structure to be efficient.

In relation to **performance**, the results showed that:

- Most respondents considered the physical accessibility of and communication with their institution to be satisfactory, however commented on the need to enhance this further. In addition, respondents recognized the need to improve engagement with vulnerable groups, with less than half in all regions describing their relationships with these groups as strong.
- Many respondents noted the need to strengthening relationships with national stakeholders, particularly with public bodies (the executive, parliament, the judiciary); with roughly only 50% or less across all regions describing their relationship with these bodies as strong. Particularly in Africa and the Asia Pacific, respondents noted a lack of appreciation of or interest in human rights or the work of the institutions amongst public bodies, which needs to be addressed.
- Most respondents have had limited effectiveness in following up their recommendations. This is therefore an area where increased capacity is needed. This issue is of particular concern in Africa and the Americas where only just over 20% of respondents rated the responsiveness of government bodies to their recommendations as good. However, even the highest percentage, in Europe, was under 40%.
- The large majority of respondents (varying from 100% in the Asia Pacific to roughly 70% in Europe) are carrying out activities relating to core protection issues like the prevention of torture and ill-treatment, such as detention monitoring and complaints handling. Nevertheless, the examples described suggest that quantity and quality of such work is somewhat varied.
- Fewer respondents had dedicated activities for human rights defenders (varying between roughly 90% in the Asia Pacific to just over 40% in Europe). Only a small number referred to advocacy on behalf of human rights defenders at risk.
- A number of respondents are not carrying out activities relating to human rights education and research, despite having the mandate to do so. Many, particularly in Africa and the Asia Pacific commented that there was a lack of resources or materials available to do so.
- Despite some variation amongst the four regions, the level of NHRI engagement with international and regional human rights mechanisms – particularly in following up on recommendations – remains significantly underdeveloped overall and reflects a limited familiarity with these systems.

# I. INTRODUCTION

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This is a report on the findings and recommendations of a baseline survey on national human rights institutions (NHRIs), which the Office of the High Commissioner for Human Rights (OHCHR) conducted through questionnaires distributed to NHRIs around the world in January 2009. The purpose of the survey was to capture data on NHRIs, to take stock of the current state of NHRIs around the world. The outcomes of the survey will be used to enhance OHCHR's efforts – in partnership with other UN bodies, the International Coordinating Committee of national institutions (ICC) and the regional coordinating committees of national institutions (RCCs) – to strengthen the functional capacities of NHRIs, both individually and collectively.

The structure of the report is as follows:

1. Background to the questionnaire and an outline of its key objectives
2. Methodology adopted for the questionnaire
3. Conclusions on identified priority needs
4. Full questionnaire results
5. Summary of findings and recommendations
6. Appendixes

The questionnaire was developed by staff of the OHCHR National Institutions Unit (NIU). This report was compiled by Ms. Allison Corkery, consultant with the NIU, with support from Ms. Carmen Celina Arévalo and Mr. Bamazi Tchaa, fellows with the NIU to record and collate the data received from the returned questionnaires. The NIU extends its sincere gratitude to all institutions that responded to the questionnaire for their time and their candid and constructive answers.

## Background

In its 2008 Strategic Plan, the OHCHR NIU prioritized the development of methodology for collecting periodic, up-to-date information on NHRIs to monitor and evaluate their effectiveness and to identify the key needs and challenges facing NHRIs, in order to more effectively target its future activities. The aim of the questionnaire was to collect data to help guide the development of capacity building projects; training programs for NHRIs at various levels; technical assistance programs tailored to the needs of NHRIs; and advocacy tools for strengthening the role and competences of NHRIs. It also aims to assist UN agencies, including UNCTs and UNDP, to strategize their activities with regard to NHRIs and to produce a variety of documents and papers related to NHRIs.

OHCHR received responses from 61 NHRIs out of roughly 100 around the world (see Appendix A), 19 from Africa, 9 from the Americas, 12 from the Asia Pacific and 21 from Europe. Of these, 46 were A Status accredited institutions, 4 were B Status, 2 were C Status and 10 had not applied for ICC accreditation.

## Methodology

The questionnaire gathered information from NHRIs that evaluated among other things, their legal framework; functional capacity needs; core protection activities; participation rates in the international human rights system; and level of interaction with UN country presences. It included a mix of quantitative questions (that asked respondents to provide objective data or a measurable ranking) and qualitative questions (that asked respondents to provide more in

depth, explanatory comments). Respondents were requested on the basis that results would be kept confidential and that particular comments would not be attributed to individual institutions.

When interpreting the results of the survey, it should be noted that the response rate for qualitative questions was notably lower than for quantitative ones. Furthermore, when sizeable numbers of respondents did not provide responses to particular questions, these are recorded as such (rather than equating a blank answer to “no” or “0”) and not calculated in percentages.

From the trends shown in the responses and particular comments from respondents, the report draws general conclusions about the core issues and capacity needs facing NHRIs. The survey takes as its benchmarks, the standards articulated in the Paris Principles<sup>1</sup> and the General Observations of the ICC;<sup>2</sup> as well as OHCHR’s experiences of best practice and lessons learned regarding the elements that contribute to an NHRI’s effectiveness.<sup>3</sup> The report’s findings can generally be divided into those that relate to an NHRI’s institutional characteristics (e.g. its legal framework, mandate, budget etc), which are generally beyond the control of the NHRI, and those that relate to its performance (e.g. resource allocation, working methods, relationships etc).

The findings also identify, where appropriate, priority areas for action for the UN and other actors to either work with institutions to improve their performance or engage with governments to strengthen their institutional characteristics. It must be underlined however, that of course, not all of these priorities area will apply to all institutions. Further follow up work with particular respondents would be needed to address the distinctive capacity needs of that individual NHRI.

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<sup>1</sup> *Principles Relating to the Status of National Institutions*, adopted by the United Nations Commission on Human Rights in resolution 1992/54 of 3 March 1992 and endorsed by the United Nations General Assembly in resolution 48/134 of 20 December 1993.

<sup>2</sup> Interpretative tools of the Paris Principles, the General Observations instruct institutions developing their own processes and mechanisms, to ensure Paris Principles compliance; persuade governments to address or remedy issues relating to an institution’s compliance; and guide the ICC’s Sub-Committee on Accreditation in its determinations of accreditation status. Available at: <http://www.nhri.net/default.asp?PID=253&DID=0>

<sup>3</sup> Including in particular, the OHCHR and International Council on Human Rights Policy publication *Assessing the Effectiveness of National Human Rights Institutions* (2005). Available at: <http://www.ichrp.org/en/projects/102?theme=8>

## II. QUESTIONNAIRE RESULTS

### PART A. Background

This section provides a general snapshot of NHRIs around the world. The responses indicate that NHRIs – a fairly recent phenomenon – are generally human rights commissions or ombudsmen with a broad geographic jurisdiction. While the majority of respondent institutions were established by a founding law (constitutional or legislative) a number would benefit from a strengthened legal framework.

#### 1. Establishment

Responses confirmed that NHRIs remain a fairly recent phenomenon, one which has seen exponential growth from the 1990s onwards. In particular, the responses showed that the number of NHRIs began to grow in the Americas in the early 1990s, in Africa in the mid-1990s and in the Asia Pacific in the late 1990s, while Europe has seen a steady growth since the mid 1990s.

A number of respondents (e.g. one from Africa, two from the Asia Pacific and two from Europe) made the connection between the establishment of their institution and the 1993 Vienna World Conference on Human Rights. Others, including two from Africa and two from Europe, pointed to direct UN action (e.g. country missions, workshops, agreements). A notable number (e.g. four from Africa, one from the Americas, three from the Asia Pacific and three from Europe) explained how their institution's establishment was the product of a peace agreement or a period of transitional justice following the end of conflict in the country. A more general process of constitutional reform was also the impetus for the establishment of a number of other institutions (e.g. two from Africa, one from the Americas, two from the Asia Pacific and two from Europe).

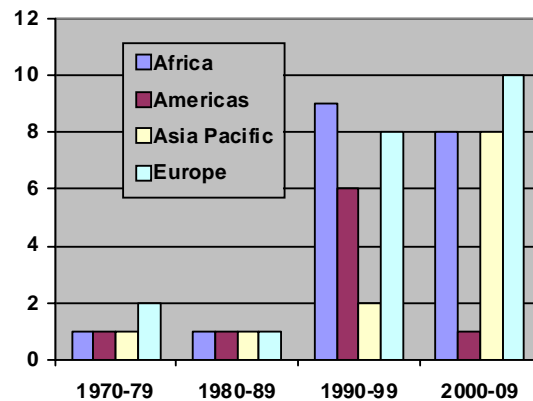


Figure 1: Year of Establishment

#### 2. Founding Law

The Paris Principles require that an institution be established by a constitutional or legislative text. The ICC, in its General Observations, has taken the view that the creation of an institution by an instrument of the Executive is not adequate to ensure permanency and independence.

Although the majority of respondents met this requirement, a small number of respondents in all regions (13 in total) reported that they had been established on the basis of decree, or another instrument, which included government regulation or parliamentary decision.

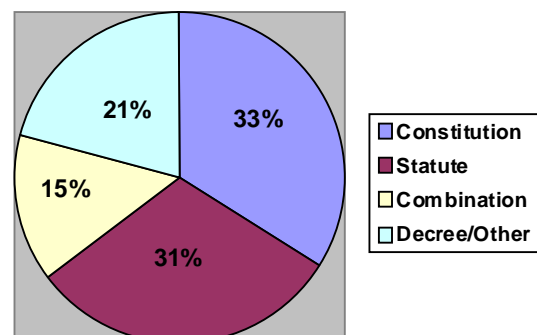


Figure 2: Founding document

Of those institutions that were established by law, responses showed an even distribution between institutions established by statute (19) and institutions that are constitutionally entrenched (21). The number of statute-based institutions was higher in the Asia Pacific and



European regions, while in Africa and the Americas constitutionally-based institutions were more common. In the Americas, for example, 6 of the 9 respondents were constitutionally based.

### 3. Institutional Type

Responses showed that institutions vary considerably in terms of their structural type. The majority of respondents defined themselves as human rights commissions, although ombudsmen institutions also made up a significant number. This is particularly the case in the Americas, where 6 of the 9 respondents were ombuds-institutions. The ombudsman model was also common in Eastern Europe.

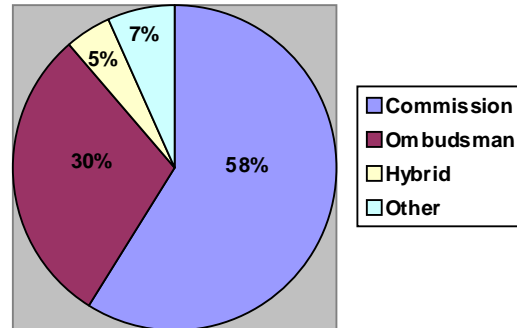


Figure 3: Institutional Type

Europe was the only region where respondents indicated that they adopted other institutional models. Examples include NHRIs that are human rights institutes or centres.

### 4. Jurisdiction

To be effective, national institutions require broad jurisdiction across the national territory, so that there is no gap in jurisdiction between the national and local level. The large majority of respondents (58) indicated that their geographic jurisdiction covers the whole country. Only four respondents indicated that they had a limited geographic jurisdiction. In all of these cases, complementary jurisdiction is vested with other institutions.

Almost all respondents indicated their jurisdiction cover all those residing in the country, regardless of nationality. A number of respondents (14) also indicated that their institution has extra-territorial jurisdiction. Examples include:

- The protection of citizens overseas;
- One NHRI from the Asia Pacific has jurisdiction in a territory that has been designated by the UN as a non-self-governing territory;
- One European NHRI, which works on foreign policy issues, e.g. extraterritorial obligations resulting from ratified HR treaties;
- Another European NHRI, which supervises the work of the country's administration outside the territory, such as embassies and consulates.

Just under 40% of the respondents indicated that other organizations with human rights mandates existed in the country. Examples include: human rights institutions at the state or territorial level (e.g. two NHRIs from the Americas) or with particular geographic responsibility (e.g. one NHRI from Europe); ombudsmen and public mediators (e.g. four from Africa and one from Europe); and specialized agencies for rights of particular groups (e.g. two from the Asia Pacific, one from Africa and two from Europe).

## PART B. Institutional Character

### 1. Composition of the governing body

An institution's mandate is vested with its members (e.g. commissioners, ombudsmen and deputies etc.), collectively described as its governing body. OHCHR has recognised that governing bodies tend to be more effective when they have a small number of full-time members. This trend was broadly reflected in the responses received; with roughly two thirds of the respondents indicating that their governing body had 10 members or less, the majority of which worked full-time. Nevertheless, respondents with both small and large governing bodies ranked their composition as effective.

A governing body whose members reflect society's diversity is also an important method for achieving pluralism in an institution, one of the core concepts of the Paris Principles. Just over half of respondents indicated that their institution's founding law included a provision on pluralism (this low number may be attributable to the fact that single member ombuds-institutions cannot reflect the principle of pluralism). Nevertheless, less than half of the respondents rated their governing body as diverse in practice and data on the representation of particular groups showed that while the representation of women is strong, it remains limited for people with disabilities and minority groups. Furthermore, the correlation between the existence of a legal provision on pluralism and diversity in practice did not appear strong.

#### 1.1 Number of members

As shown in the table to the right, the majority of respondents (38) indicated that the governing body of their institution was composed of 10 or less members. Those institutions that adopt an ombudsman model frequently had a number of deputies, who together form the governing body.

Of the institutions with less than 10 members or less, on average 78.25% of the members worked full-time; while those institutions with 10 members or more had on average 30% of their members working full-time.

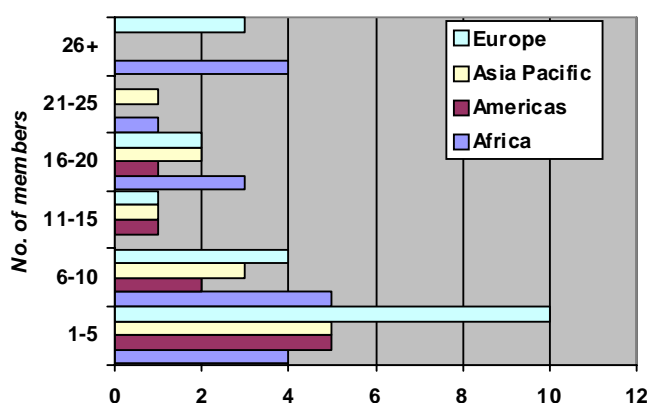


Figure 4: Size of Governing Body

When asked to comment on the effectiveness of the composition of their governing body, 41 respondents (67.2%) ranked the composition as effective (4 or 5 out of 5). This ranking was roughly equal regardless of the size of the governing body. Only 3 respondents gave a ranking of ineffective (2 out of 5), with the rest (16) ranking the composition as moderately effective (3 out of 5).

#### 1.2 Requirement of pluralism in the founding law

Just over half 33 (54%) of the respondents indicated that their founding law required a pluralistic composition of membership on the governing body. This percentage was highest in the Asia Pacific, with 9 respondents (75%), followed by 13 respondents in Africa (68%), 9 respondents in Europe (43%) and 2 respondents in the Americas (22%). The majority of the examples of legislative provisions on pluralism that respondents gave

related to criteria concerning the qualifications of candidates or the organisations they must come from. A number of respondents (e.g. five from Africa, one from the Americas, two from the Asia Pacific and three from Europe) also indicated that their founding law specifies that a quota of the institution’s governing body must be women.

### 1.3 Diversity in Practice

Nevertheless, legal provisions requiring pluralism did not always equate to diversity in practice. Respondents were asked to rate how much the composition of their governing body reflected the population of the country. Overall, 30 respondents (49%) rated their governing body as diverse (4 or 5 out of 5). 15 respondents (24.6%) rated the governing body as moderately diverse (3 out of 5); while 7 respondents (11.5%) indicated that their governing body was not diverse (1 or 2 out of 5). Amongst the institutions that *did* have a requirement of pluralism in their founding law, only 55% in the Asia Pacific and Europe rated their governing body as diverse (4 or 5 out of 5). This percentage was higher in Africa (75%) and the Americas (100%).

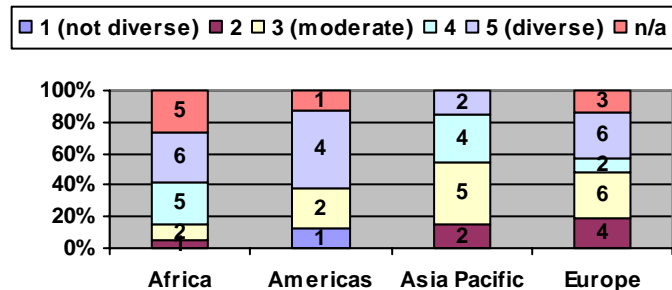


Figure 5: Diversity of Governing Body

The table below shows the professional backgrounds of the current members of respondents’ governing bodies. As can be seen, the most common backgrounds for members are NGOs (72.1 %), the legal profession (81.9%) and academia (63.9%). This pattern is generally consistent across each of the four regions.

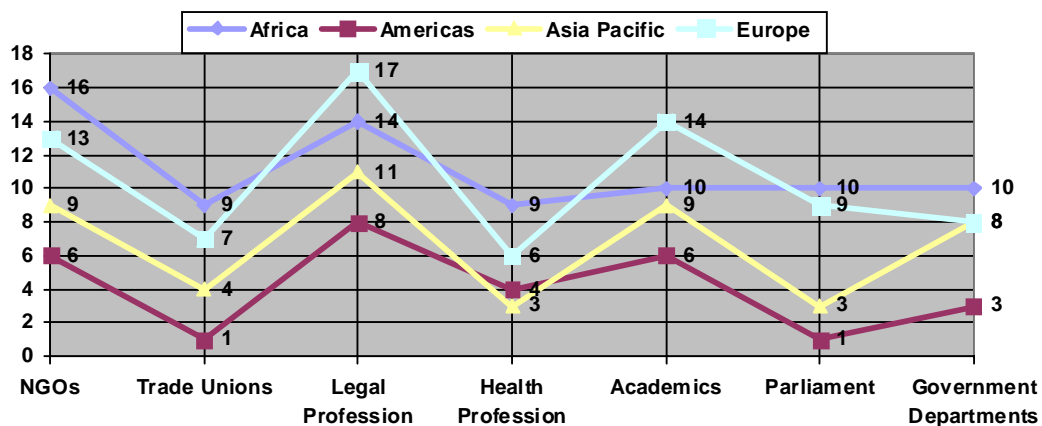
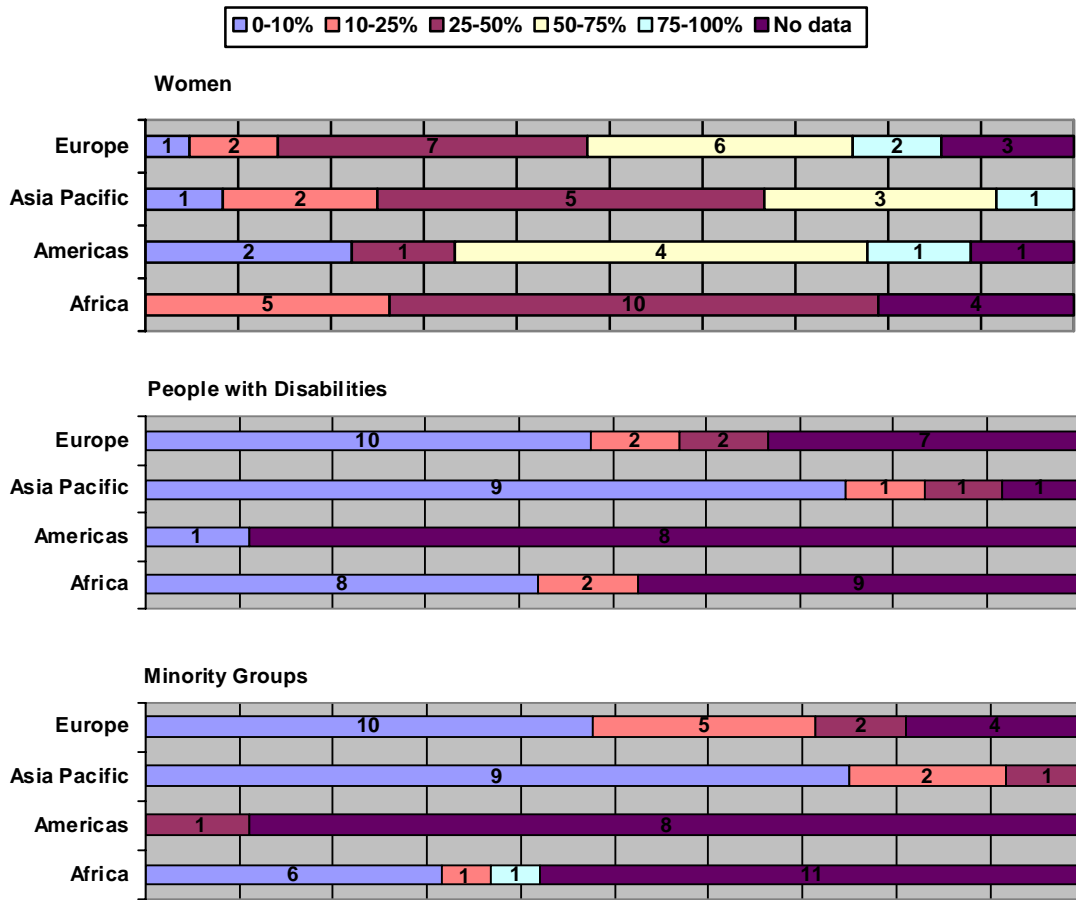


Figure 6: Professional Backgrounds of Members

Just under half (30) of respondents (49%) also indicated that their members came from other professional backgrounds. These included: religious groups, the media, education professionals, diplomats, and the private sector.

The below tables indicate the percentage of women, people with disabilities and minority groups represented on the governing bodies of NHRIs. As can be seen, a number of respondents did not provide data on this question. Of those that did, it is clear that while the representation of women is strong, it remains limited for both people with disabilities and minority groups.

Figure 7: Representation of particular groups



## 2. Appointing members to the governing body

The ICC, in its General Observation on the selection and appointment of the governing body, notes that an open and transparent process is important in ensuring the pluralism and independence of the NHRI. The vast majority of respondents (90%) indicated that appointment procedures were specified in their institution’s founding law or elsewhere. Nevertheless, this process only included independent scrutiny of candidates for just over 60% of respondents; only included the advertisement of vacancies for just over 50% of respondents; and only included consultation with civil society for 45% of respondents.

### 2.1 Appointment provisions

49 respondents (80.3%) indicated that their institution’s founding law includes a provision that specifies the appointment procedure for members. In addition, 33 respondents indicated that an appointment procedure is included elsewhere (e.g. decree, regulations etc). This includes 6 of the 12 institutions that do not have an appointment procedure in their founding law. Examples of other appointment provisions included: the institution’s internal rules

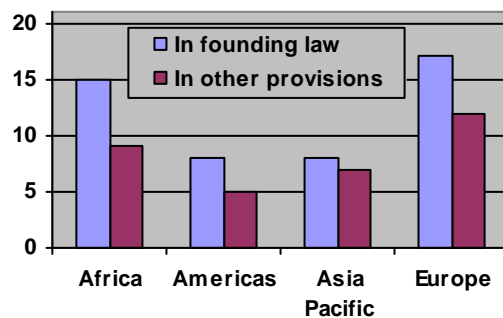


Figure 8: Source of Appointment Provisions

and regulations (e.g. one from Africa, one from the Americas and one from the Asia Pacific); specific regulations on appointments (e.g. one from Africa); decree (e.g. one from Europe); or the State’s public appointment legislation or regulations (e.g. one each from the Asia Pacific and Europe).

## 2.2 The nomination and appointments process

In general, the responses showed that multiple groups were able to nominate candidates. Most commonly, nominations came from the parliament, civil society, and the candidate themselves. Only 4 respondents indicated that the head of state or government *only* could nominate candidates.

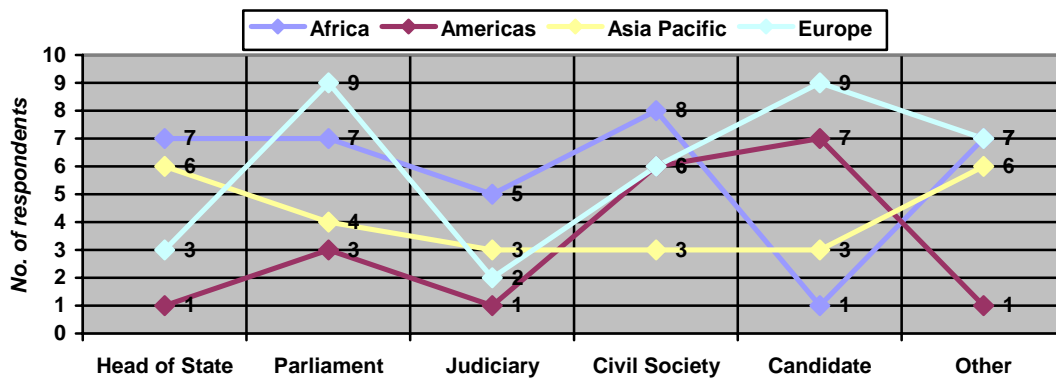


Figure 9: Nomination of Candidates

22 respondents also indicated that other groups were able to nominate candidates. Examples include: an advisory panel (e.g. one NHRI from the Asia Pacific), the institution itself (e.g. another one from the Asia Pacific), universities (e.g. one from Africa and one European), and the government (e.g. one European).

32 respondents (52.4%) indicated that vacancies on the governing body are publicly advertised (meaning the candidate can effectively nominate themselves). This percentage was highest in the Americas (77%), compared with 36.7% in Africa, 50% in the Asia Pacific and 57% in Europe.

39 respondents (63.9%) indicated that the qualifications of candidates to the governing body were independently scrutinised. This percentage was consistent across the four regional groups. Examples of processes for scrutiny include: parliamentary committees (e.g. one each from Africa, the Americas, the Asia Pacific and Europe) or selection panels (e.g. one each from Africa, the Asia Pacific and Europe).

Only 28 respondents (45.9%) indicated that civil society was consulted in the appointment process. Again this percentage was consistent across the four regional groups. Examples of the types of consultation methods given include: presenting before a parliamentary committee (e.g. one African NHRI), informal consultation (e.g. one from the Asia Pacific), including NGO representatives on selection panels (e.g.

**Example: Sierra Leone**

The Attorney General invites the public to submit names of candidates. These are then scrutinised by a Selection Panel composed of representatives from: the Government, the Inter-religious Council, the National Forum for Human Rights, the civil society movement, the Sierra Leone Women's Forum, the Sierra Leone Labour Congress, and the Council of Paramount Chiefs. The Panel shortlists 7 candidates and again invites comments from the public. The 7 short listed candidates are submitted to the President, who selects 5 names to present to Parliament for approval.

one from the Asia Pacific and three from Europe), and public comment in the media (e.g. two from Europe).

Most respondents indicated that either the government (22) or parliament (21) was responsible for confirming the appointment of members to the governing body. A small number (6) indicated that they were confirmed by the judiciary. 10 respondents indicated that ‘other’ bodies were responsible for appointment. These include the King or royal decree (e.g. one from Africa and one from the Asia Pacific) or the institution itself (e.g. one each from the Asia Pacific and Europe).

### 3. Security of tenure for members of the governing body

In its General Observations, the ICC has recognised the importance of security of tenure of members of an institution’s governing body as a means protecting its independence. A secure term of office for members is an important guarantee of their independence; to ensure a period during which members can develop expertise and be vocal without fear of hindering future prospects. The ICC’s General Observations further require that dismissal of a member of the governing body should follow all substantive and procedural requirements, as prescribed by law, and should not be solely at the discretion of the appointing authorities.

Almost 80% of respondents indicated that the terms of their members were between 3 – 5 years, which is a reasonable period to ensure tenure of membership. Nevertheless, only just over 70% of respondents’ founding laws state the grounds on which members may be dismissed and even fewer (just under 60%) included a procedure for the dismissal of members. As the ICC’s General Observations further state that dismissal or forced resignation of a member may result in a review of the institution’s accreditation, strengthening legal requirements for dismissal should be a priority.

#### 3.1 Length of Term

48 respondents (78.6%) indicated that the terms of their members were between 3 – 5 years, which is a reasonable period to ensure tenure of membership.

The vast majority of respondents (91.8%) indicated that the term of members was renewable. This was generally either renewable once (47.5%) or unlimited (47.5%), although 4 respondents indicated that the term was renewable twice.

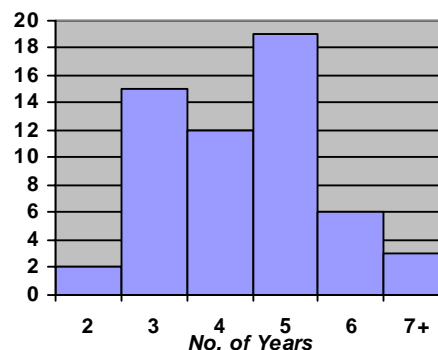


Figure 10: Length of Term

#### 3.2 Dismissal provisions in the founding law

43 respondents (70.5%) indicated that their institution’s founding law stated the grounds on which members of the governing body may be dismissed. This percentage was generally consistent across the four geographic regions, although Africa was slightly less (63%) and the Americas slightly higher (77%). The examples given demonstrate that the grounds for dismissal generally relate to absence, incompetence, incapacity, criminal misconduct or bankruptcy. However, there are examples of wider discretion to remove an institution’s member “when in the public interest”.

Fewer (34) respondents (56%) indicated that their founding law included a procedure for the dismissal of members of the governing body. Again, this percentage was generally consistent across the four geographic regions, although Africa was slightly less (42%) and the Asia Pacific slightly higher (75%). Examples of dismissal procedures to remove an



institution's member include provisions that establish an independent tribunal or panel to investigate alleged misconduct (e.g. two from Africa) or require a two thirds vote by Parliament (e.g. one each from the Americas, the Asia Pacific and Europe) or by the governing body (e.g. one from Africa and two from the Asia Pacific). Other examples vest the decision to remove an institution's member with the government or head of state (e.g. one Africa, two from the Asia Pacific and one from Europe; although may specify due process requirements before this decision can be made (e.g. one each from the Asia Pacific and Europe).

#### **4. Operational and Financial Autonomy**

Independence, one of the core concepts of the Paris Principles to ensure an institution's legitimacy and credibility, must include practical, as well as formal independence. Over 70% of respondents considered their institution to be very independent in practical terms. Nevertheless, almost 40% of respondents indicated that a government department had administrative responsibility for their institution; and of these respondents approximately 20% ranked the department's influence over their institution as moderate or greater. In its general observation on administrative regulation, the ICC has noted that such regulation must not compromise an NHRI's ability to perform its role independently and effectively and that therefore the relationship between government and the NHRI must be clear.

Another crucial guarantee of an institution's independence is financial autonomy, which ensures its ability to independently determine its priorities and activities. This remains a problem area for many institutions, with nearly half of the respondents indicating that their budget is insufficient. Furthermore, to ensure financial autonomy, public funds should be provided through a mechanism that is not under direct government control. The majority of respondents indicated that their budget is not presented directly to parliament, but rather through a government ministry; and further, that the relevant ministry has much influence over their budget allocation.

##### **4.1 Independence**

Respondents were asked to rank the level of independence they considered their institution enjoyed in practical terms. 45 respondents (74%) considered their institution to be 'very' independent (4 or 5 out of 5). 10 respondents (16%) considered their independence 'moderate' (3 out of 5). A small number (4) of respondents considered their independence to be limited (1 or 2 out of 5). This is despite the fact that three of these four institutions indicated that their founding law nevertheless contained a guarantee of its independence.

Respondents were invited to provide additional comments on their institution's independence. In general, respondents cited the legal provisions that assure the institutions independence. Although a few commented that financial dependence on government or on external aid inhibited their functional autonomy.

Over 90% of respondents indicated that their founding law guaranteed the independence of their institution. Although, of those that did not, only one had given a ranking of less than moderate when assessing its practical independence.

## 4.2 Administrative Responsibility

The responses confirmed that many institutions have some administrative connection to a government department, with 25 respondents (40.9%) indicating that a government department had administrative responsibility for their institution. This percentage was highest in Africa and Europe, followed by the Asia Pacific. Only 1 institution in the Americas had an administrative connection to government. 17 respondents (27.8%) indicated that parliament was responsible for the administration of their institution and 16 respondents (26.2%) indicated that there was no other body that had responsibility for the institution, but rather the institution itself. This percentage was notably highest in the Americas (78%). 5 institutions indicated that another body had such responsibility, for example in one European NHRI, the University where the institution is based.

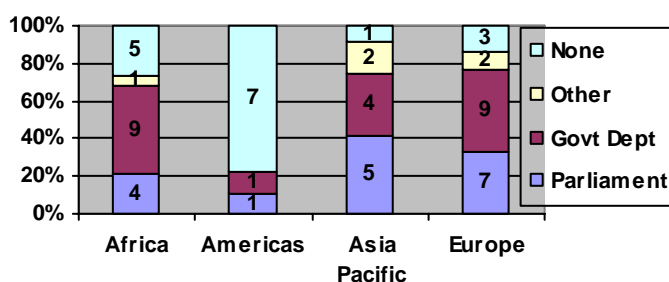


Figure 11: Administrative Responsibility

Respondents were asked to comment on how much influence the above body has on their institution's operations. 31 respondents (50.8%) ranked the influence of this body as none or very little (1 or 2 out of 5); 8 respondents (13.1%) ranked it as moderate (3 out of 5); and 5 respondents (8%) ranked it as much (4 or 5 out of 5).

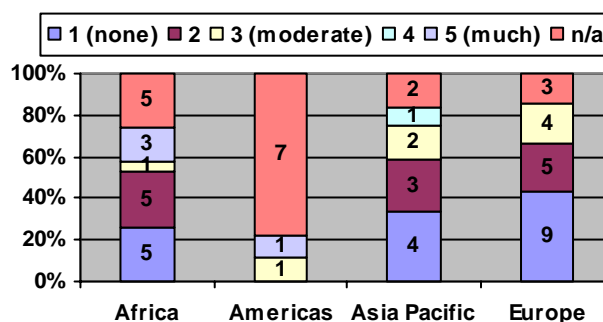


Figure 12: Administrative Influence

## 4.3 Financial Independence

36 respondents (59%) indicated that their founding law contains a provision obligating the government to provide sufficient funding. A provision of this nature was less common amongst respondents from the Americas (33%) and Europe (47.6%) and more common in the Asia Pacific (66%) and Africa (79%).

For the majority of respondents (67%) the budget allocated by the state makes up the total budget of the NHRI. Although, roughly the same percentage (69%) indicated that their founding law did allow the institution to raise funds from other sources. For those institutions that did not receive their total budget from the state, the state's contribution varied between less than 10% (one from Africa and one from the Asia Pacific) to over 90% (one each from Africa, the Americas and Europe). But in general (for 7 out of 20 respondents) the state contribution was between 35 – 65% of the institution's total.

There was significant diversity in the budgets respondents indicated their institution currently received; from less than 10,000 (one from Africa) to over 100mil USD (one from Europe). A regional breakdown of these responses follows in the table below.



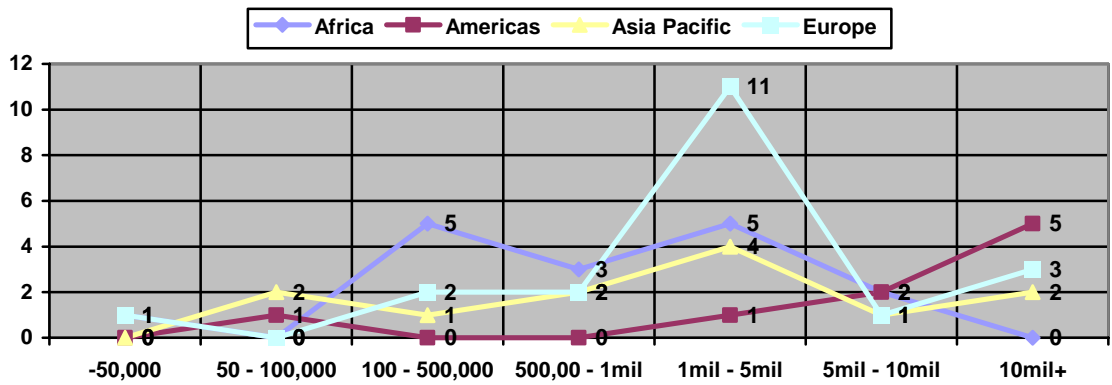


Figure 13: Current Budget

For the majority of respondents (87%), this budget had either remained stable (30) or increased significantly (23) over the past five years. Only 6 respondents indicated that their budget had decreased significantly over the past five years.

Respondents were asked to comment how sufficient they considered their budget to enable the institution to carry out its functions as effectively as possible. 28 respondents (46%) considered their budget to be insufficient (1 or 2 out of 5); 12 respondents (19.6%) considered it to be moderate (3 out of 5); and 21 respondents (34.4%) considered it to be sufficient (4 or 5 out of 5).

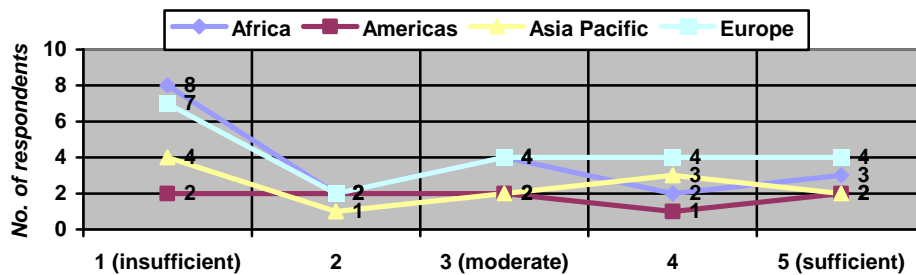


Figure 14: Sufficiency of Budget

#### 4.4 Budget Formulation

The majority of respondents (85%) indicated that their institution formulates its own budget. However, only a minority (24.5%) present their budget directly to the Parliament for approval. 46 respondents indicated that their institution did not present their budget directly to parliament. In general, budgets were presented through either the ministry of justice or the ministry of finance.

Respondents were asked to comment on how much influence this body had over their institution's budget. Of the 51 respondents that answered this question, 24 respondents (47%) indicated that this body had much influence over their budget (4 or 5 out of 5). This percentage was roughly even, although slightly higher in Africa and the Americas. 12 respondents (23.5%) indicated that it

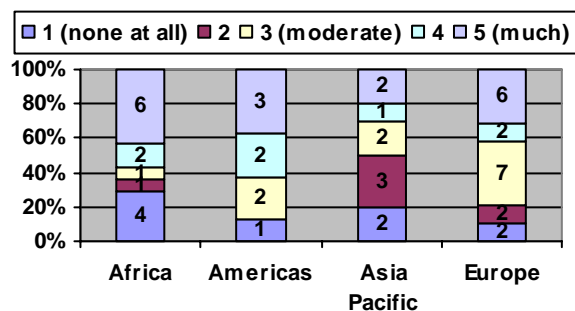


Figure 15: Budgetary Influence

had moderate influence (3 out of 5) and 15 (29.4%) indicated that it had little or no influence (1 or 2 out of 5).

The large majority of respondents (81.9%) indicated that their institution's financial accounts were independently audited.

## 5. Organizational structure and staffing

The Paris Principles state that an institution shall have an infrastructure suited to the smooth conduct of its activities, which raises a number of issues concerning the institution's internal structure and staffing. For an NHRI to be accessible and effective, it needs diverse staff with the necessary professional skills and knowledge of human rights, as well as an organizational structure that allows for the most effective use of its resources, budget and powers. The majority of respondents were satisfied with the organizational structure of their institution, including the functioning of working groups and specific units to address vulnerable groups. Nevertheless, a significant number of respondents considered their staff size to be insufficient and a number highlighted the challenge of recruiting and retaining skilled candidates. Staff diversity, particularly minority groups and people with a disability also remains an area for improvement.

### 5.1 Organizational structure

Most respondents indicated that their organisational structure provided for a number of divisions or departments (either thematically or functionally based, or both). These departments are generally overseen by the chair of the institution, or an executive secretary (who may or may not be a member of the institution).

#### Example: Afghanistan

Within the Afghan Independent Human Rights Commission (AIHRC) the Commissioners are responsible for policy formulation and the executive body, headed by the Executive Director, is responsible for program implementation and administration. Three national managers (for administration and finance, human rights protection, and human rights promotion) assist the Director. The AIHRC has 8 regional and 6 provincial offices, each with units for the promotion and protection of the rights of women, children, and people with a disability, education and awareness; monitoring and investigation; and transitional justice. At the national level, there are units for human rights research, reporting, premises construction and maintenance, special investigations (for cases of IHL) and press and media.

Respondents were asked to comment on how effective their structure was in allowing the institution to carry out its mandate. 42 respondents (68.8%) ranked the effectiveness of their structure as considerable (4 or 5 out of 5). This percentage was highest in Europe (85.7%), followed by the Americas (66.6%), while the Asia Pacific and Africa were lower (at 58.3% and 57.8%) respectively. 14 respondents (22.9%) ranked their organizational structure as moderate (3 out of 5) and 5 (8.1%) ranked it as not effective (2 out of 5).

Examples of some of the challenges that respondents described with their organizational structure included:

- Ensuring that the structure sufficiently caters for corporate governance requirements and integration;
- Lack of skilled personnel and developing specialisation;
- Leadership development issues at all levels, including capacity gaps in management; and
- Coordinating and organising part time members.

## 5.2 Staff size and composition

Responses showed an enormous diversity in institutional size, in terms of staff numbers; ranging from 2 (e.g. one from Europe) to 1129 (e.g. one from the Americas). Just over half (33) of respondents indicated that they had less than 100 staff.

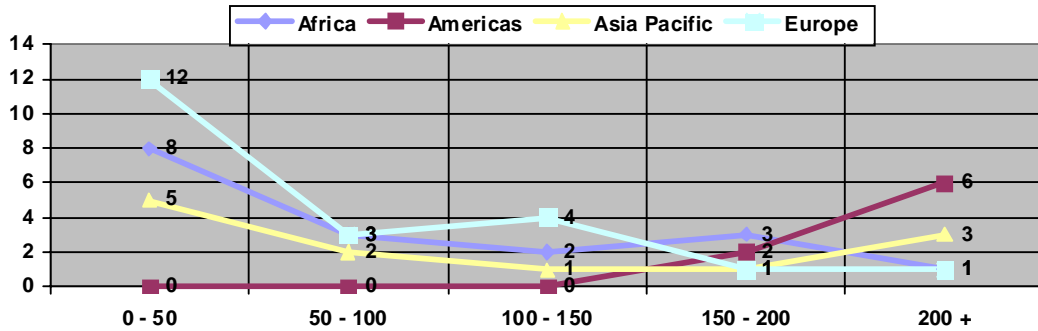


Figure 16: Number of Staff

Respondents were asked to comment on how sufficient they consider their staff size to enable the institution to carry out its functions effectively. Responses were fairly evenly distributed, although a significant number (39%) indicated that their staff size was insufficient (1 or 2 out of 5) and 18 respondents (29.5%) indicated that their staff size was only moderately sufficient (3 out of 5). Only 18 respondents (29.5%) indicated that it was sufficient (4 or 5 out of 5).

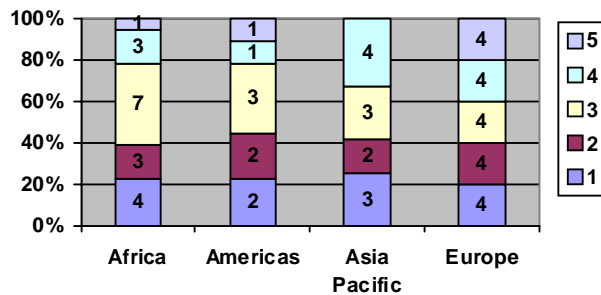
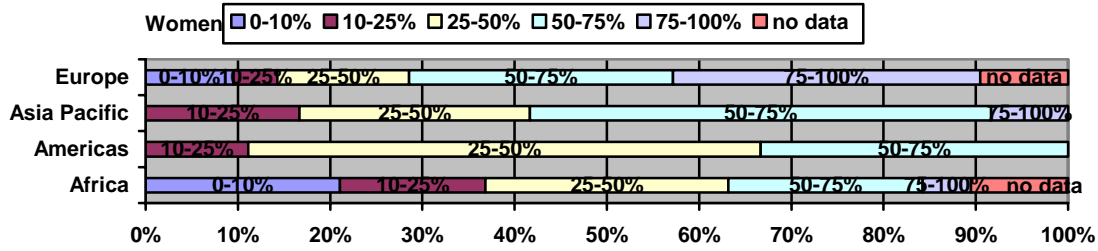


Figure 17: Sufficiency of staff size

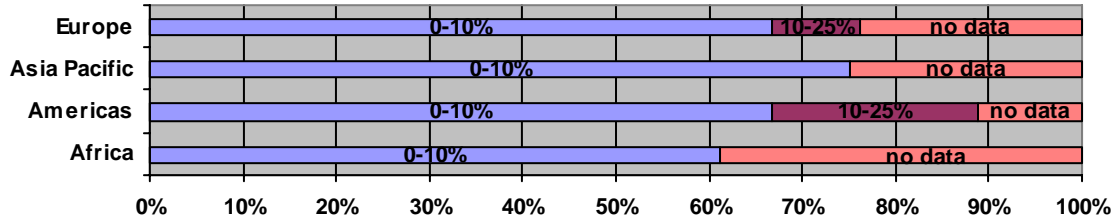
In terms of staff pluralism, 51% of respondents (31) indicated that their institution was diverse (4 or 5 out of 5). This percentage was highest in the Asia Pacific (66.6%), followed by the Americas (55.5%), Africa (47.3%) and Europe (42.8%). 19 respondents (31.1%) indicated that their staff was only moderately diverse (3 out of 5) and 8 respondents indicated that their institution did not reflect the principle of pluralism (1 or 2 out of 5).

The below tables show the percentage of women, people with disabilities and minority groups represented amongst NHRI staff at both the senior and junior levels. As can be seen, a number of respondents did not provide data on this question. Of those that did, it is clear that while the representation of women is strong, it remains limited for both people with disabilities and minority groups.

Figure 18: Diversity of Staff at the Senior Level



People with a disability



Minority and Indigenous Groups

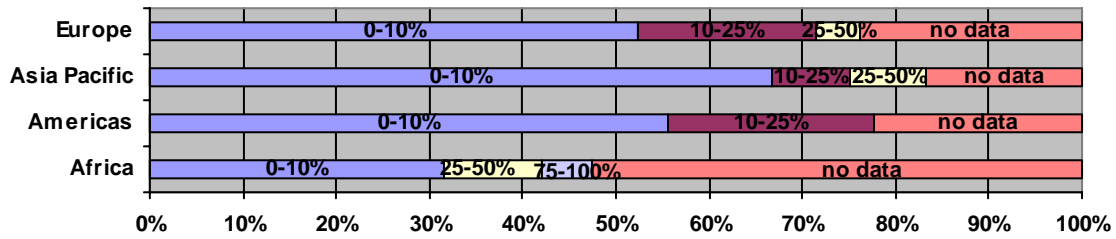
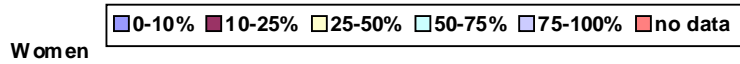
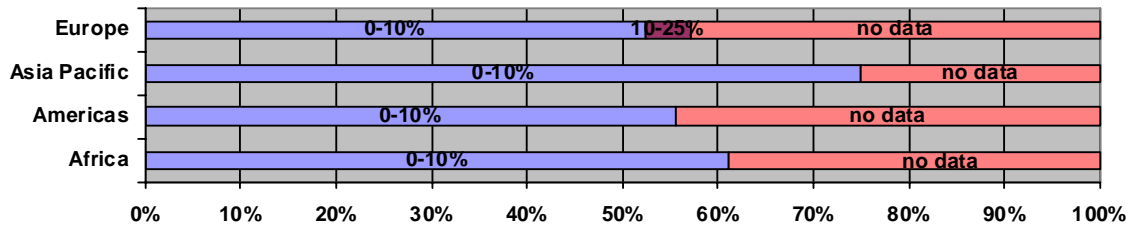
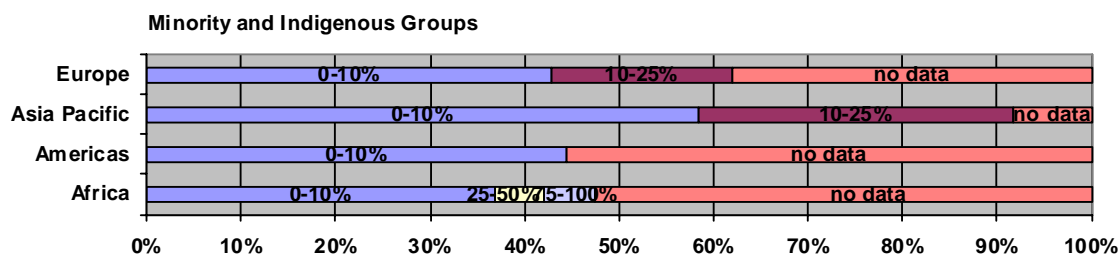


Figure 19: Diversity of Staff at the Junior Level



People with a disability





### 5.3 Specialized Units

All respondents indicated that their institution had at least one specialized unit dealing with the rights of particular groups. The most common specializations were for children (51), women (47) and people with a disability (44). A significant number of respondents also had specialized units for minorities or indigenous (31) or other groups (24) such as the elderly, detainees, sexual minorities, and migrants or non-nationals.

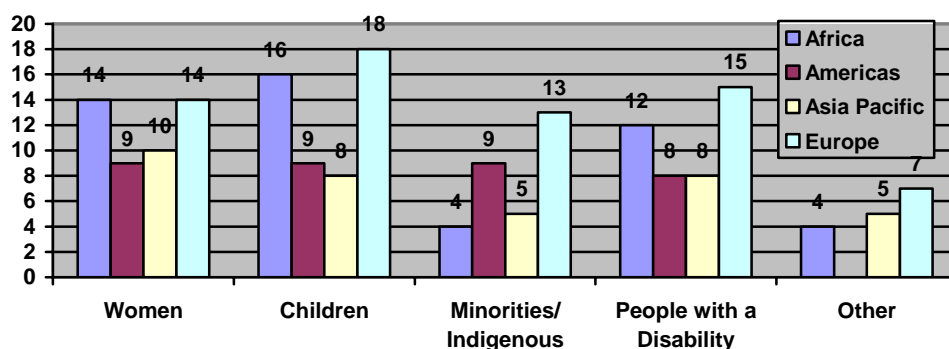


Figure 20: Specialized Units

Where respondents that did not have specialised unit for a particular group, they were asked to explain how these issues are addressed within their institutions. Examples included:

- Ensuring that each working group/committee/division has a specific role in regards to vulnerable groups (e.g. one in the Asia Pacific);
- Vesting responsibility undertaking different activities to address the rights of vulnerable groups within the broad work of a department (e.g. one each from the Asia Pacific, Africa and Europe);
- Creating ad hoc committees or handling issue as needed (e.g. two in Africa);
- Participating in national taskforces and working with NGOs and relevant stakeholders in relation to vulnerable groups (e.g. one in Africa).

### 5.4 Working Groups

46 respondents (75.4%) indicated that their institution had constituted working groups, of members and staff of the institution and/or outside experts, to work on specific matters. This percentage was consistent across all regions, although slightly higher in the Asia Pacific (83%).

Numbers of working groups varied between 1 and 34, however were generally fewer than 5. The large majority of respondents (42) indicated that their working groups related to thematic issues. However, a number (28) were also functionally based (e.g. on complaints, policy etc).

In the Americas and Europe, over 85% of respondents (6 out of 7 and 14 out of 15 respondents respectively) ranked the efficiency of these groups as 4 or 5 out of 5. This percentage was only approximately 40% in Africa (6 out of 15 respondents) and the Asia Pacific (5 out of 11 respondents). Overall, 15 ranked their efficiency as moderate (3 out of 5) and only 2 respondents giving a ranking of 2 out of 5.

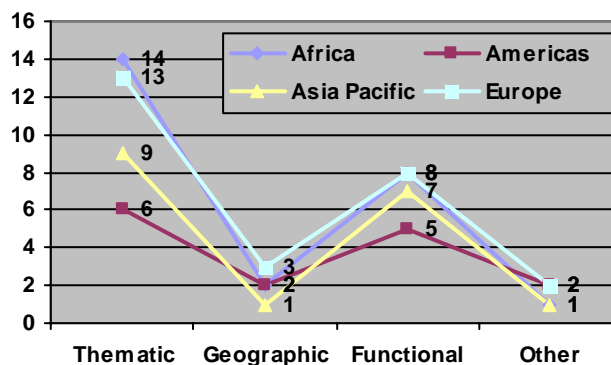


Figure 21: Types of Working Groups

### 5.5 Human Resources

The remuneration of staff was generally equivalent to other public bodies. 28 respondents indicated that the remuneration of their institution’s staff was equal to (3 out of 5), while 16 indicated that it was lower (1 or 2 out of 5) and 15 that it was higher (4 or 5 out of 5).

Staff turnover did not appear to be an issue of concern for respondents, with 26 respondents (42.6%) indicating that turnover was low (1 or 2 out of 5) and 22 respondents (36%) indicating that it was moderate. However, 9 respondents (14.7%) did indicate that staff turnover was high (4 or 5 out of 5). Reasons for staff turnover included more attractive salaries; promotion or career progression to other organisations; end of contract; lack of a systematic human resource development and training opportunities; and lack of job security.

Examples of some of the challenges that respondents described with their human resources included:

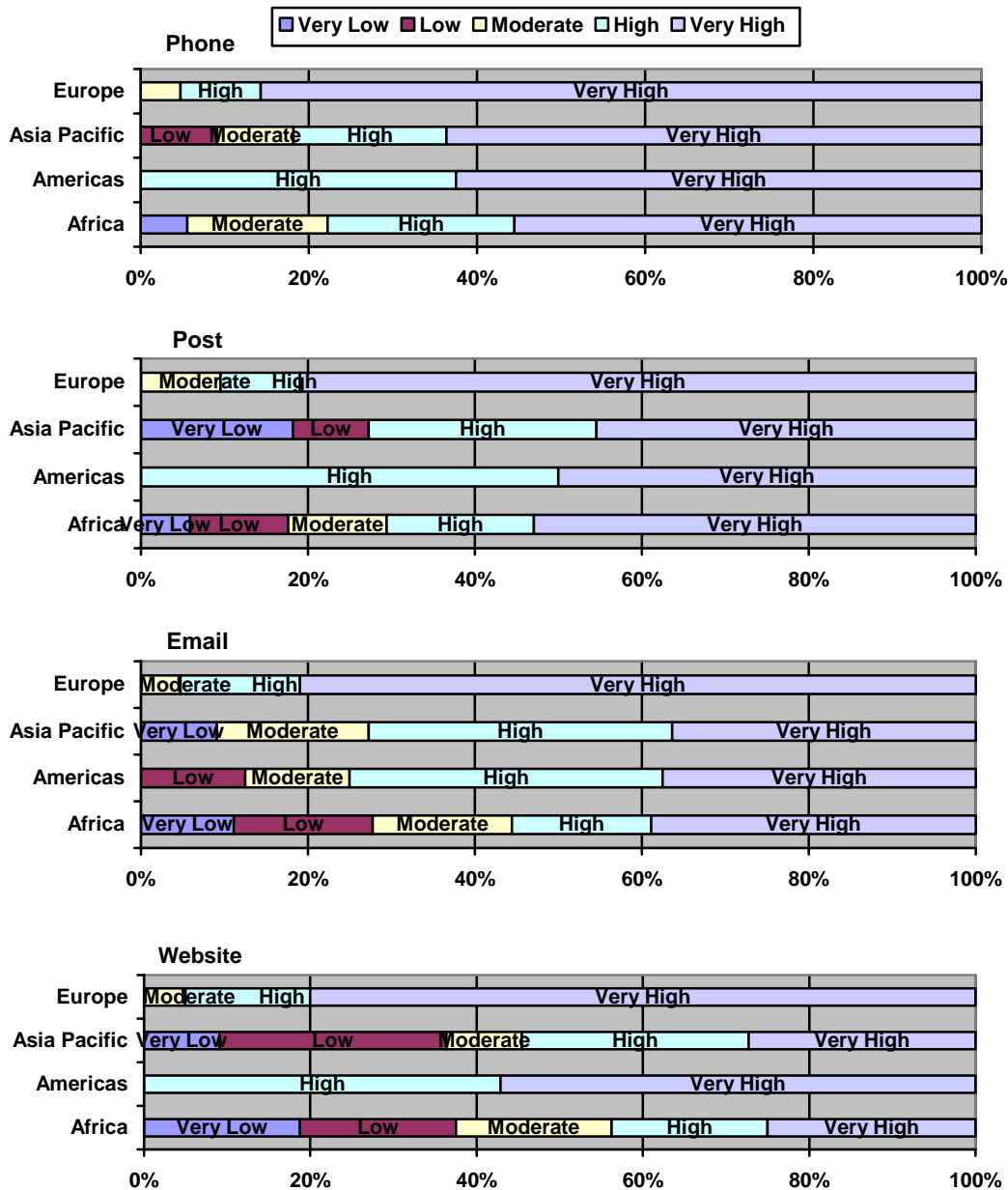
- Limited career advancement opportunities within the institution, with resulting competition for personnel from other organisations;
- Sourcing qualified candidates with human rights expertise for recruitment;
- The ongoing need for further professional skills development and training;
- Managing high workloads;
- Safety and welfare of personnel.

## 6. Accessibility

Although not articulated specifically in the Paris Principles, a crucial element of an institution’s effectiveness will be its visibility and accessibility to people exposed to human rights violations. Respondents generally considered the accessibility of and communication with their office to be satisfactory. However, room for improvement was noted in relation to the spread of regional offices; access to the institution’s premises for people with disabilities; and electronic communication, especially via the web (particularly in Africa). Less than half described their relationship with marginalised groups as strong. Support to institutions to improve their accessibility should therefore focus in particular on these groups.

In terms of public access to the institution, all respondents indicated that their services were provided free of charge and that their office hours were convenient to the public. Respondents were asked to evaluate the ease with which the public can access their institution through phone, email, post and the web. Generally, the majority of respondents considered their accessibility high or very high (4 or 5 out of 5), although less so with respect to the web.

Figure 22: Levels of communication



Respondents were also asked whether their institution’s website was regularly updated. The majority of respondents indicated that it was. However, this percentage was notably lower in the African region (47%), compared with an average of 84% in the other three regions.

In terms of accessibility to people with a disability, 40 respondents (65.5%) indicated that their offices were accessible to persons with disabilities. However, accessibility of the

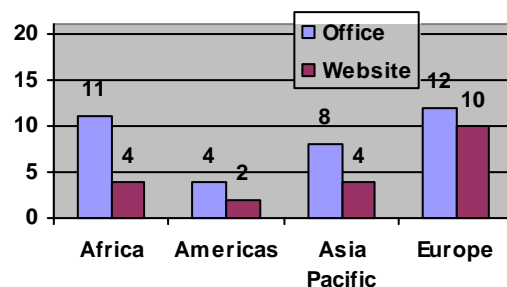


Figure 23: Access for People with a Disability

institution's website was lower, with only 20 respondents (32.7%) indicating that their website was accessible. Further, only 14 respondents (22.9%) indicated that they had staff who can communicate in sign language.

Respondents were asked to comment on their relationship with marginalised communities. Overall, 29 respondents (47.5%) described this relationship as strong (4 or 5 out of 5). This percentage was highest in the Asia Pacific, with 7 respondents (58.3%), followed by 5 in the Americas (55.5%), 8 in Africa (42.1%) and 9 in Europe (42.8%). 16 (26.2%) described the strength of the relationship as moderate (3 out of 5) and 10 (16.3%) described it as weak (1 or 2 out of 5). In terms of online accessibility for minority groups, only 8 respondents indicated that their website was available in all minority languages.

In terms of regional spread, 40 respondents (65.5%) indicated that their institution had regional offices. This percentage was highest in the Americas, where all respondents indicated that they had regional offices and lowest in Europe where only 9 respondents (43%) indicated they did. However, only 26 of the 40 indicated that their regional offices covered the entire country.

Respondents were asked to comment generally on how the accessibility of their institution could be enhanced. Comments highlighted the need to:

- Increase the number of regional offices and/or strengthening their outreach capacity.
- Establish mechanisms for mobile service delivery system to cover communities not accessible to the institutions' offices.
- Ensure physical accessibility to offices for people with disabilities.
- Improve communication systems including by: upgrading the institutions' website, using the radio, providing a toll free phone number, developing online complaints forms, creating an intranet for the institutions' members.

## **PART C. Mandate and Competences**

### **1. The Mandate in General**

The Paris Principles require that an institution have a broad mandate to promote and protect human rights and specify a number of areas in which institutions are expected to have competence. Responses indicated that breadth of mandate is not considered to be a key concern amongst institutions and that most respondents are mandated to perform the responsibilities specified in the Paris Principles. However, protection-related functions (such as detention visits, providing remedies) are notably less prevalent amongst European NHRIs. As the following sections show, it is the fulfilment of the institution's mandate where challenges arise.

The large majority of respondents (86.8%) indicated that they felt their institution's mandate was sufficiently broad (4 or 5 out of 5). This percentage was roughly equal across all four regions. 6 respondents (9.8%) indicated that it was moderately broad (3 out of 5) and only 2 indicated that it was limited. As shown in the table below, the most of respondents are mandated to perform the majority of the responsibilities specified in the Paris Principles, without dependency on a request from concerned authorities.



Mandate	On request of the authorities concerned	On its own initiative	Both
Make recommendations to the Government, Parliament and any other competent body on matters concerning:			
▪ Any legislative or administrative provisions	10 (16.3%)	22 (36%)	37 (60.6%)
▪ Provisions relating to judicial organizations	5 (8.1%)	22 (36%)	25 (40.9%)
▪ Bills and proposals	4 (6.6%)	21 (34.4%)	34 (55.7%)
▪ Adoption of new legislation	4 (6.6%)	21 (34.4%)	34 (55.7%)
▪ Amendment of legislation in force	3 (5%)	26 (42.6%)	31 (50.8%)
▪ Adoption or amendment of administrative measures	3 (5%)	25 (40.9%)	28 (45.9%)
Report on the national human rights situation or on more specific matters	0 (0%)	27 (44.2%)	31 (50.8%)
Report on any violation of human rights it decides to take up	2 (3.3%)	31 (50.8%)	25 (40.9%)
Publicize its opinions, recommendations and reports	0	35 (57.3%)	25 (40.9%)
Promote and advocate for the:			
▪ harmonization of national laws and practices with the international instruments the State is a party to	1 (1.6%)	31 (50.8%)	23 (37.7%)
▪ implementation of recommendations of international human rights mechanisms to which the State is a party	2 (3.3%)	34 (55.7%)	23 (37.7%)
▪ ratification of international human rights instruments	1 (1.6%)	32 (52.4%)	24 (39.3%)
Contribute to the State's periodic treaty body reports	10 (16.3%)	24 (39.3%)	23 (37.7%)
Express an opinion on the State's reports to the UN treaty bodies	2 (3.3%)	30 (48.3%)	22 (36.1%)
Cooperate with the UN and any other organization in the UN systems, regional institutions and NHRIs of other countries	1 (1.6%)	37 (60.6%)	20 (32.7%)
Assist in the formulation and implementation of programmes for the teaching of, and research into, human rights	1 (1.6%)	29 (47.5%)	29 (47.5%)
Carry out public awareness activities, especially, through information and education initiatives and by making use of all press organs	0 (0%)	37 (60.6%)	23 (37.7%)

Respondents were also asked to indicate which competences their institution is mandated to perform. Again, the below table shows that the large majority of institutions cover all of the

relevant competences. However, protection-related functions (such as detention visits, providing remedies) are less prevalent in Europe.

<b>Competences</b>	<b>Africa</b>	<b>Americas</b>	<b>Asia Pacific</b>	<b>Europe</b>
Hear any person necessary for assessing situations falling within its competence	18 (95%)	9 (100%)	12 (100%)	19 (90%)
Obtain any information and any document necessary for assessing situations falling within its competence	17 (89%)	9 (100%)	12 (100%)	20 (95%)
Submit annual reports and special reports on specific human rights situations to the Government, Parliament, and concerned authorities	18 (95%)	9 (100%)	12 (100%)	20 (95%)
Address public opinion directly or through any press organ	19 (100%)	9 (100%)	12 (100%)	21 (100%)
Visit places of detention, including prisons and protection facilities	19 (100%)	9 (100%)	11 (92%)	12 (57%)
Act as a National Preventive Mechanism under the OPCAT	8 (42%)	6 (66%)	6 (50%)	5 (24%)
Make recommendations to the competent authorities, especially by proposing amendments of reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights	18 (95%)	9 (100%)	12 (100%)	21 (100%)
Provide remedies to victims of human rights violations	15 (79%)	7 (78%)	8 (66%)	8 (38%)
Protect its staffing when conducting investigations	14 (74%)	6 (66%)	11 (92%)	14 (67%)

Respondents were also asked to comment on how the ways they felt the mandate and competences of their institution could be strengthened. Comments highlight the need to provide institutions with:

- The capacity to deal with human rights education, information and awareness raising campaigns, as information about rights and the accessibility of legal remedies is crucial to effective protection;
- Investigative powers including access to information and to issue subpoenas and summon witnesses;
- The power to act on recommendations (e.g. by making it compulsory to respond to recommendations, through penalties to public bodies that do not comply with recommendations, or by enabling the institution to make binding decisions on complaints);
- Entrenching the principle of autonomy (e.g. in appointments, funding etc.);
- The power to visit places of detention and specific functions under OP-CAT.

## 2. Complaint Handling

Where an institution has a quasi-judicial function to hear and consider individual complaints, the Paris Principles set out several principles on which this function may be based. The majority of respondents with complaint handling functions are able to inform complainants of their rights and transmit complaints to competent authorities in line with these principles; although fewer can seek settlement through conciliation, and only a very small number can make binding decisions. Generally, respondents are able to receive complaints in relation to all rights; and against all relevant parties (although slightly less in relation to individuals, business and intelligence agencies). Respondents were asked to provide data on complaints received in 2008. However, many did not. This may be an area for further exploration, as it suggests a need for more developed processing and data system.

### 2.1 Legal Provisions

55 respondents (90%) indicated that they were mandated to handle complaints from individuals. Of these, 47 respondents (85%) indicated that this mandate covered all rights, while 8 (15%) were limited to specific rights. Generally, those institutions mandated to receive complaints on specific rights were limited to receiving complaints brought for discrimination or denial of equal opportunity on specified grounds.

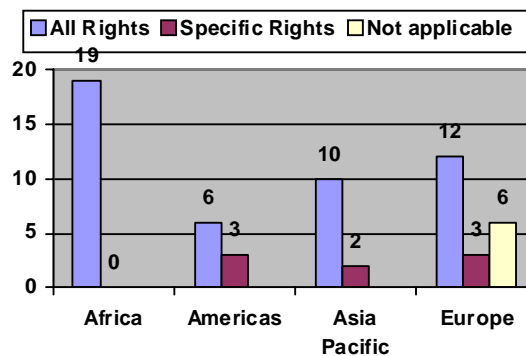


Figure 24: Complaints Handling Mandate

Of the institutions with a complaints handling function, 53 indicated that they were able to receive complaints against the government. This number was the same for complaints against police, and the military. 52 respondents also indicated that they were able to receive complaints against public servants. The number of respondents was lower in relation to individuals (43 respondents), business (44 respondents) and intelligence agencies (45 respondents).

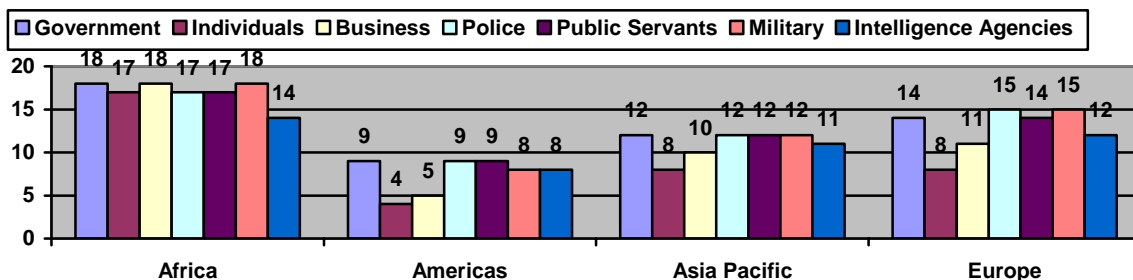


Figure 25: parties against which complaints can be made

In terms of the powers exercised by institutions in carrying out their complaints handling function, responses indicated that the large majority of institutions are able to assist complaints with information about their rights and remedies and transmit complaints to other authorities. However, fewer are mandated to conciliate or mediate complaints and only a small number have the authority to make binding decisions.

Complaint Handling Powers	Africa	Americas	Asia Pacific	Europe
Seek an amicable settlement through conciliation or mediation	15 (79%)	7 (78%)	7 (58%)	11 (73%)
Make binding decisions	2 (11%)	3 (33%)	4 (33%)	1 (7%)
Inform complainants of their rights and remedies available and promote his/her access to them	17 (89%)	9 (100%)	11 (92%)	15 (100%)
Transmit complaints to any other competent authority	18 (95%)	8 (89%)	12 (100%)	13 (87%)
Ensure the communications to and from the NHRI remain confidential	18 (95%)	9 (100%)	10 (83%)	13 (87%)

## 2.2 Complaint Handling in Practice

Respondents were asked to provide data on the number of complaints they received during the period 1 January 2008 – 31 December 2008.

Figure 26: Complaints Statistics - Africa

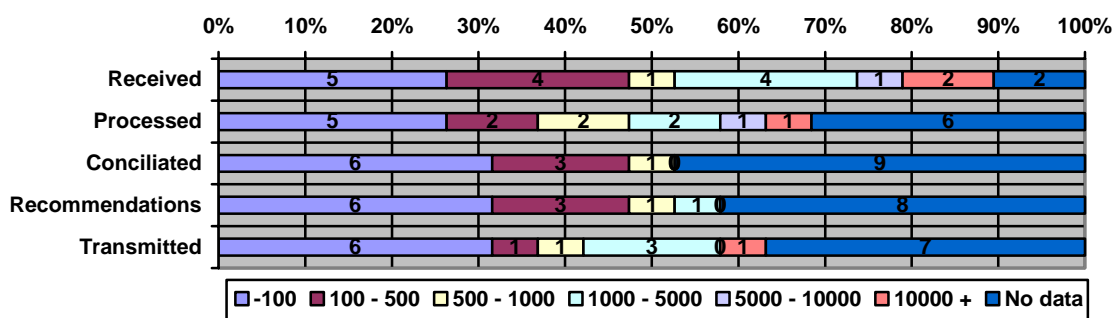


Figure 27: Complaints Statistics - Americas

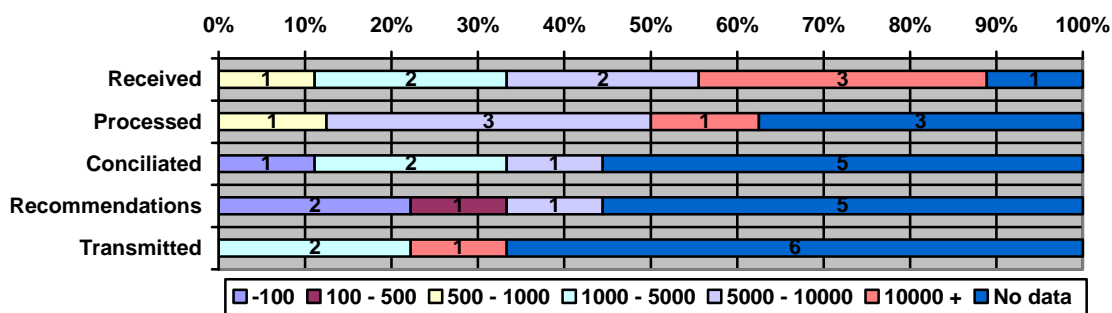


Figure 28: Complaints Statistics - Asia Pacific

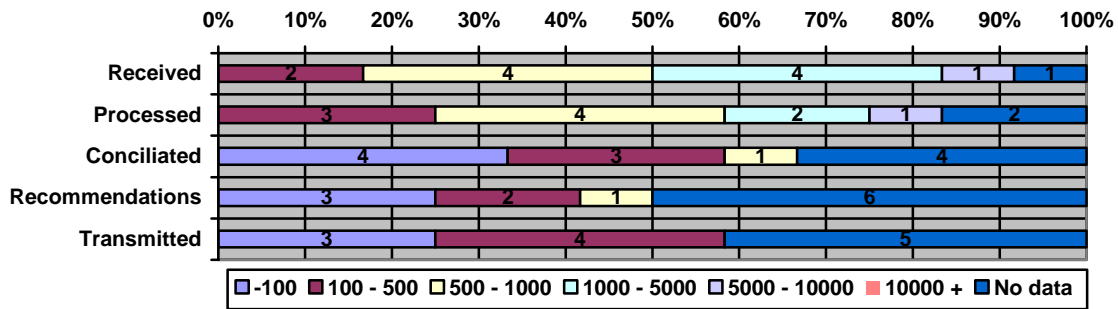
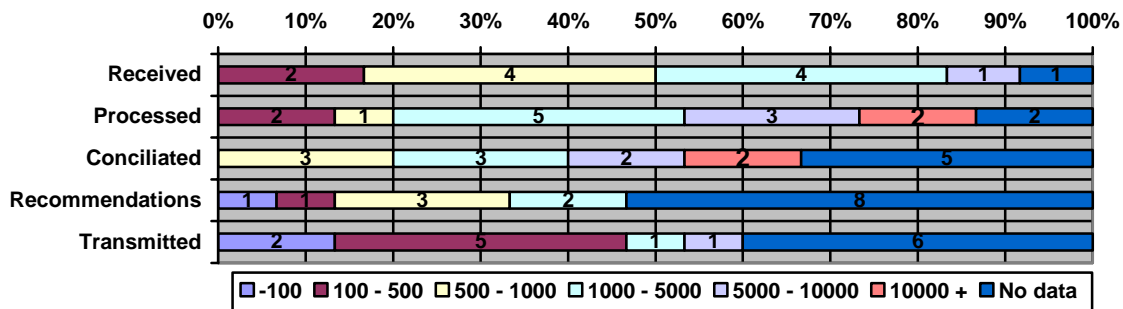


Figure 29: Complaints Statistics - Europe



### 2.3 Types of complainants

Based on the statistics provided for the year 2008 above, respondents were asked to provide a breakdown of the groups from whom they received complaints. As can be seen in the tables below, the large majority of respondents did not provide data relating to the percentage of complaints received from people with disabilities, minority and indigenous groups, people in detention or human rights defenders.

Figure 30: Percentage of complaints received by people with a disability

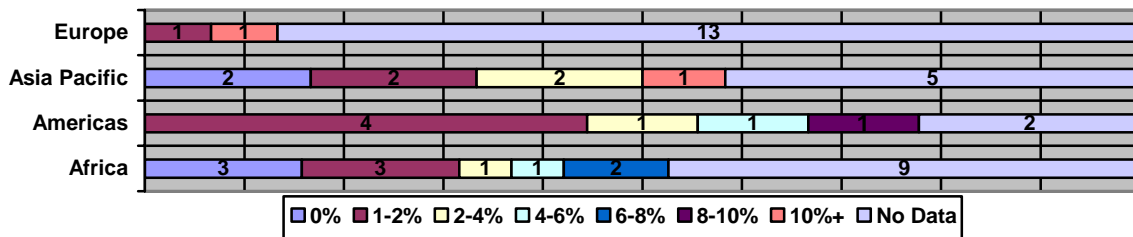
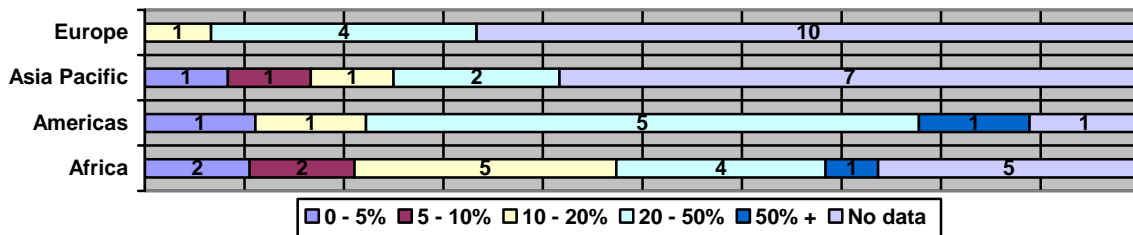
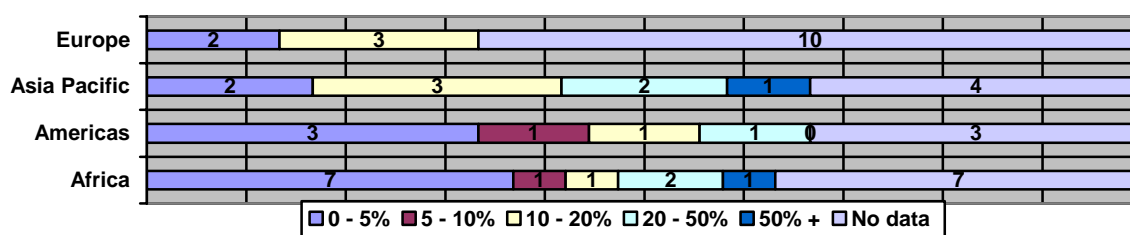


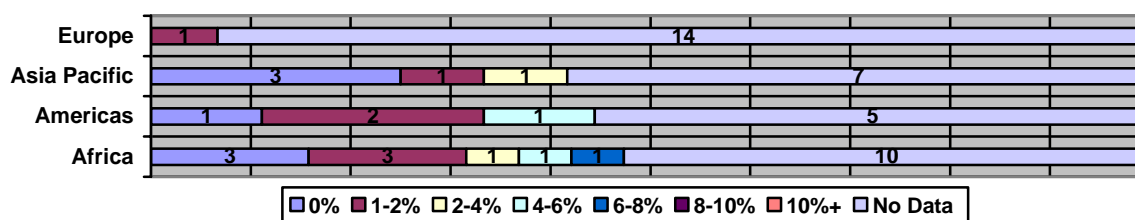
Figure 31: Percentage of complaints received by women



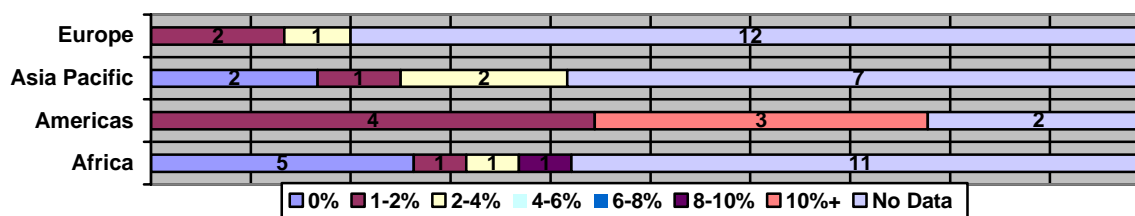
**Figure 32: Percentage of complaints received by people in detention**



**Figure 33: Percentage of complaints received by human rights defenders**



**Figure 34: Percentage of complaints received by minority and Indigenous groups**



Respondents were asked to comment on their relationship with complainants. 43 respondents (70%) described these relationships as strong (4 or 5 out of 5). This percentage was roughly even across all four regions, although slightly higher in the Asia Pacific at 83.3%. 11 respondents (18%) described this relationship as moderate (3 out of 5) and 4 respondents (6.5%) described it as weak (1 or 2 out of 5). Respondents were also asked to comment on their relationship with respondents to complaints. These relationships were generally weaker, with 31 respondents (51%) described this relationship as strong (4 or 5 out of 5); 20 (33%) described it as moderate (3 out of 5) and 5 (8%) described it as weak (1 or 2 out of 5).

Respondents were asked to comment on the main challenges their institution faces with respect to complaints handling. Examples included:

- underdeveloped or inadequate processing and data systems;
- lack of skilled, specialized staff;
- difficulty ensuring compliance with non-binding recommendations;
- lack of cooperation from public bodies (and lack of powers to compel production of information etc); and
- insufficient resources to respond to high caseload.

### 3. Monitoring core protection issues

OHCHR has consistently prioritized support to NHRIs to carry out their work on core protection issues; as it considers this to be one of the most important elements in determining their credibility at the national and international levels. Over 80% of respondents indicated that they are indeed carrying out activities relating to the prevention of torture and ill-

treatment, including by visiting places of detention and receiving complaints from detainees. Nevertheless, the quantity and quality of this work appears varied. Furthermore, only two thirds the responses had dedicated activities for human rights defenders. The level of activity in this area was notably lower among European respondents.

### 3.1 General activities relating to the prevention of torture, summary executions and arbitrary detention

50 respondents (82%) indicated that their institution carries out activities aimed at the prevention of torture. This percentage was highest in the Asia Pacific (100%), followed by Africa (89%), the Americas (77%) and Europe (71%). Fewer (41) respondents (67%) indicated that their institution carries out activities aimed at the prevention of arbitrary detention. Again, the percentage was highest in the Asia Pacific (91.6%), followed by Africa (84.2%), the Americas (55.5%) and Europe (42.8%). Much fewer (26) respondents (42.6%) indicated that their institution carries out activities aimed at the prevention of summary executions. The percentage was highest in the Asia Pacific (66.6%), followed by the Americas (55.5%), Africa (52.6%), and Europe (14.2%).

Reasons for not carrying out activities in these areas included infrequency of such issues arising and adequate protection from the judiciary when they did; no mandate; or lack of resources.

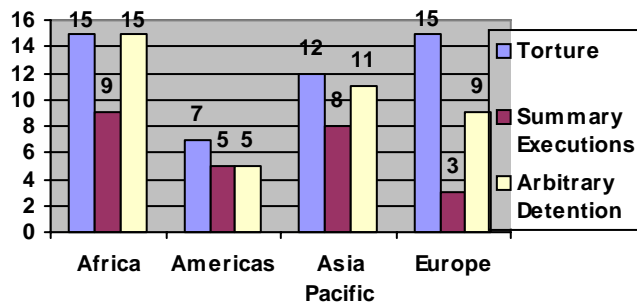


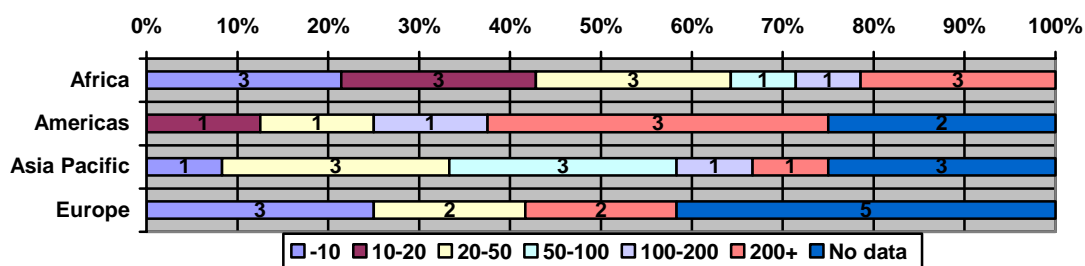
Figure 35: Core Protection Activities

Examples of the kinds of activities respondents carry out included: monitoring places of detention, receiving complaints of torture and ill-treatment, bringing cases of habeas corpus, presenting specific and annual reports to parliament, and conducting joint monitoring with the relevant regional body. Interestingly, many respondents described promotional, educational and advocacy activities designed to improve human rights protection, including training for security personnel, public awareness raising, seminar and workshops, and encouraging ratification of the relevant international instruments.

### 3.2 Complaints from detainees

46 respondents (75%) indicated that their institution receives complaints from detainees. The percentage was highest in the Asia Pacific (100%), followed by the Americas (88.8%), Africa (73.6%) and Europe (57.2%). Of these 46 respondents, 36 provided statistics on the numbers of complaints received regarding the use of torture and ill-treatment. These varied widely, between 2 and 620. A regional breakdown of these figures is shown in the below.

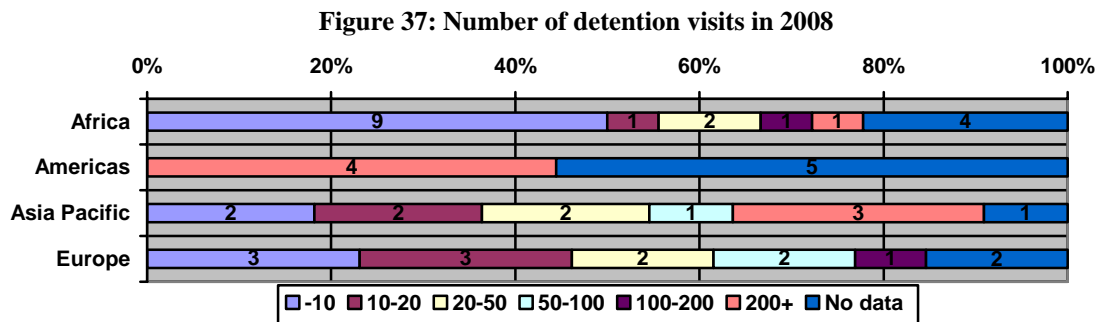
Figure 36: Complaints Statistics - Torture and Ill-treatment



In addition to torture, examples types of complaints received that respondents reported, included a wide range of issues amounting to ill-treatment, including: assault and brutality by security personnel, dietary requirements not being met, poor conditions and overcrowding, unnecessary isolation, and forced medical trials.

### 3.3 Detention monitoring

51 respondents (83.6%) indicated that they conduct visits to places of detention. The percentage was very high in the Americas (100%), Africa (94.7%) and the Asia Pacific (91.6%), however was notably lower in Europe (61.9%). There was however, wide variety in the number of visits that respondents indicated they undertook in the past year, with answers ranging from 1 to 6000.



The majority of respondents in Africa (94.7%), Europe, (85.7%) and the Asia Pacific (75%) indicated that there were other bodies in their country empowered to visit places of detention (although this percentage was notably lower in the Americas at 55.5%). Nevertheless, the types of other bodies identified by respondents did not always have the equivalent independence or official status of an NHRI. Numerous respondents identified NGOs, government justice departments, or members of parliament. Other examples of visiting bodies included the Red Cross, Magistrates and other members of the judiciary, UNHCR, public prosecutors or other statutory agencies and ombudsmen.

### 3.4 General activities relating to the protection of human rights defenders

38 respondents (62.2%) indicated that their institution carries out activities aimed at protecting the rights of human rights defenders. This percentage was highest in the Asia Pacific, with 11 respondents (91.6%), followed by 7 in the Americas (77.7%), 11 in Africa (57.8%) and 9 in Europe (42.8%). Examples of the kinds of activities respondents carry out included:

- receiving and handling complaints from human rights defenders (e.g. two from Africa, one from the Asia Pacific and one from Europe);
- sensitizing the general public and particular target groups (state institutions, lawyers etc) on the importance of respecting the work of human rights defenders (e.g. two from Africa and two from the Asia Pacific);
- advocating on behalf of human rights defenders at risk, for example through protection programs or by submitting complaints to regional bodies, an appointed rapporteur on freedom of expression (e.g. three from the Americas);
- establishing a focal point or unit within the NHRI for human rights defenders; and



- supporting the work of human rights defenders, for example through sharing best practices and holding training workshops, presenting awards (e.g. two from Africa, two from the Americas, one from the Asia Pacific and two from Europe).

Reasons for not carrying out activities in this area included: lack of capacity, or the fact that human rights defenders do not face particular difficulties in the country. Others commented that while they did not have specific programmes for human rights defenders, they are considered as partners in activities (as part of civil society) and as citizens that fall generally within the jurisdiction of the institution.

#### 4. Following up recommendations

Given the non-binding nature of most institutions' recommendations, their effectiveness depends on a good working relationship with relevant government bodies. In all four regions only between 20%-40% of respondents stated that government bodies take recommendations on board well, indicating that increased capacity is needed in this area.

18 respondents (29.5%) stated that government bodies took recommendations on board well (4 or 5 out of 5). This percentage was notably lower in Africa and the Americas (both 22.2%), although even the highest percentage in Europe was only 38.1%. 27 respondents (44.2%) described responsiveness of government bodies as moderate (3 out of 5); and 8 respondents (13.1%) stated that the government did not take on board their recommendations (1 or 2 out of 5).

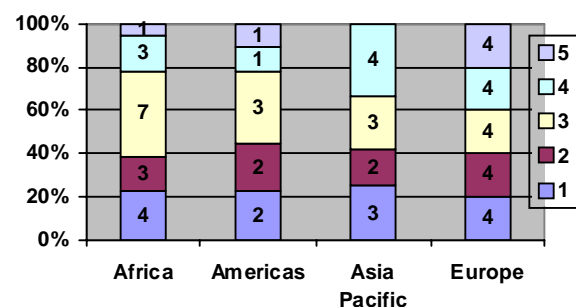


Figure 38: Implementation of recommendations

Nevertheless, 40 respondents (65.5%) indicated that government bodies are formally required to respond to the institution's resolutions, reports or recommendations. This percentage was highest in the Americas (88.8%), followed by Africa (73.6%), the Asia Pacific (58.3%), and Europe (52.3%).

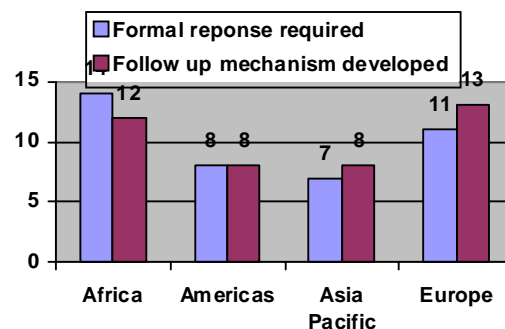


Figure 39: Methods of following up recommendations

mechanisms to follow up their

resolutions, reports, or recommendations. The percentage was highest in the Americas (88.8%), followed by the Asia Pacific (66.6%), Africa (63.1%), and Europe (61.9%).

The types of follow up mechanisms described by respondents included:

- internal mechanisms and procedures, such as implementation program, dedicated unit or monitoring team (e.g. one from Africa, two from the Americas and one from the Asia Pacific);
- promoting issues through annual or special reports (e.g. two from Africa and one from Europe);

#### Example – New Zealand

To follow up the publication of its Public Inquiries, the Commission: develops a 3-5 year implementation program; advocates for the execution of the Inquiry's recommendations; provides advice and guidelines to relevant agencies and organisations; engages with affected civil society groups; and publishes information on progress - or lack thereof - of recommendations.

- following up with authorities through correspondence, meetings etc (e.g. four from Africa, two from the Americas and one from the Asia Pacific and two from Europe);
- advocacy through the media and public statements (e.g. one each from the Asia Pacific and Europe).

The difficulties with following up recommendations that respondents described generally related to: lack of cooperation from or coordination amongst the relevant public bodies to whom the recommendations are made; a lack of political will or human rights culture; the inability of the institution to follow up with sanctions or similar measures for non-compliance; and the institution’s limited internal capacity to conduct follow up work (while dealing with new work).

## 5. Human rights education and research

Human rights education and research are key responsibilities of NHRIs identified in the Paris Principles. Although almost all respondents indicated that they have mandates for human rights education and research (98% and 95% respectively), the actual implementation of these mandates in practice is significantly lower (68% and 79% respectively); in particular in the African and European regions. The main reason given for this was lack of resources and materials.

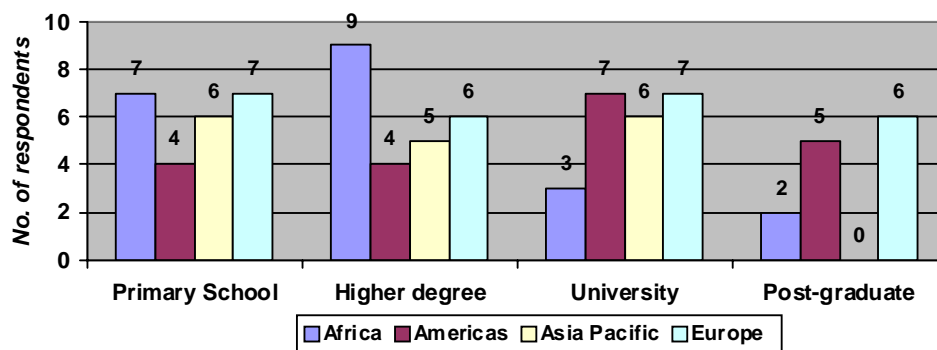
### 5.1 Human rights research

48 respondents (78.6%) indicated that their institution regularly carries out research on human rights. This percentage was similar across the Americas (88.8%), the Asia Pacific (83.3%) and Europe (80.9%). However, was notably lower in Africa (68.4%). Such research was generally carried out by staff and external partners (65.5%) or by staff (29.5%).

### 5.2 Human rights education

41 respondents (67.2%) indicated that their institution undertakes activities to mainstream human rights into educational curricula. This percentage was highest in the Asia Pacific (91.6%), followed by the Americas (77.7%), Africa (63.1%) and Europe (52.3%). A breakdown of the educational levels for which respondents had developed and implemented human rights curricula is shown below.

Figure 40: Human Rights Curricula Development



The kinds of activities respondents have undertaken to implement human rights curricula in the education system included working with the relevant education departments to develop curricula or producing education materials. For example:

- Developing thematic curriculum for Primary levels and Primary School Human Rights Readers Books 1-7 (e.g. one in Africa);
- A Workshop on non-violent resolutions of conflicts (e.g. one in the Americas);
- Reviewing existing textbooks from a human rights perspective (e.g. one in the Asia Pacific);
- Developing training materials for professional colleges, such as police academies (e.g. one in the Asia Pacific);
- Filtering curriculum to remove material promotes racism, gender inequality, religious segregation (e.g. one in Africa);
- Contributing to the preparation of human rights text-book for higher educational institutions (e.g. one in Europe).

### 5.3 Informal education

39 respondents (64%) indicated that their institution had developed and implemented human rights education materials for use in informal educational settings. This percentage was highest in the Asia Pacific (91.6%) and the Americas (77.7%), but was notably lower in Africa (52.6%) and Europe (52.3%). The types of informal education materials developed by respondents generally included pamphlets, booklets, posters, DVDs and other promotional materials on human rights. Some had carried out 'train the trainers' programs. Others had targeted programs for particular groups in society, such as community and religious leaders.

#### Example – Slovakia

The Commission has undertaken an activity called the "Non - Discrimination Club". The club's activities include: information on the Commission and the Anti-Discrimination Act; screening films; poster exhibitions; and discussions with students about human rights, discrimination, and gender mainstreaming.

### 5.4 General comments on human rights education

Respondents were asked to comment on the main challenges their institution faces in promoting human rights education. The most frequent challenge noted by respondents was the lack of resources available to the institution. Other respondents commented on: lack of (appropriate) materials; high illiteracy levels; a lack of interest or resistance from the education sector; and resistance from the dominant culture towards human rights concepts.

## PART D. Relationships with other organizations

### 1. Relationships with civil society

The Paris Principles recognize civil society as a group with whom an NHRI should have a well developed relationship. Almost 80% of respondents described their relationship with civil society as strong. Nevertheless, the frequency of respondents' engagement with civil society varies widely and numerous responses highlighted challenges for engagement, such as lack of capacity and understanding amongst both NHRIs and NGOs. Increased awareness raising for both NHRIs and NGOs on each others respective roles would therefore be beneficial. Strengthening legal provisions that require NHRIs to establish formal relationships with civil society may also assist (only 45% of respondents indicated that their founding law contains such a provision).

48 respondents (78.6%) described their relationship with civil society as strong (4 or 5 out of 5). This percentage was highest in the Asia Pacific with 11 respondents (91.6%), followed by

Europe with 17 (80.9%), Africa with 14 (73.6%), and 6 in the Americas (66.6%). 10 respondents (16.3%) described it as moderate (3 out of 5) and 2 respondents (3.3%) described it as weak (1 or 2 out of 5).

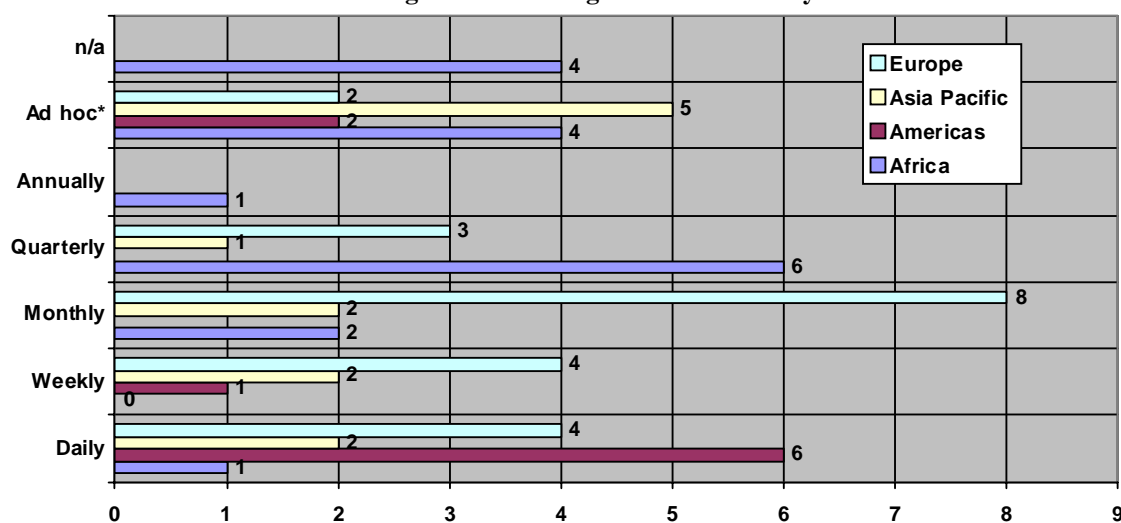
28 respondents (45.9%) indicated that their founding law requires the institution to establish formal relationships with civil society. This percentage was highest in Africa (68.4%), followed by the Asia Pacific (50%), but was significantly lower in the Americas (33.3%) and Europe (28.6%).

Examples of the mechanisms established to set up formal relationships with civil society included: the representation of civil society on the commission or its advisory body; the representation of civil society on the institution’s thematic committees; formal consultation meetings with NGOs; a designated focal point or unit within the institution for NGOs; and the signing of MOUs with NGOs.

**Example – Great Britain**  
 The Equality Commission has a dedicated stakeholder management team that ensures coordinated and strategic outreach. The team holds an annual conference where stakeholders are able to hold the Commission to account on a wide range of issues.

Nevertheless, the existence of a formal mechanism for engaging with civil society did not appear to be determinative of the level of engagement with civil society organizations. There was a fairly even spread in the frequency with which respondents met with civil society, as shown in the table below. Respondents indicated that they met with civil society daily (13), weekly (7), monthly (12) or quarterly (10), or annually (1). In addition, 13 respondents indicated that they met with civil society, “frequently” or “as needed” (this is recorded in the table as ad hoc).

**Figure 41: Meetings with Civil Society**



Examples of the main challenges respondents face in working with civil society include:

- Lack of capacity of NHRI (e.g. limited local presence);
- Lack of capacity of NGOs (e.g. weak coordination, poor management and transparency, not strong social force);
- Perception from NHRIs that some NGOs were politically or ideologically driven or had conflicting approaches;
- Perception from some NGOs that NHRIs are part of government or that they are a solely a funding source.

Activities respondents had undertaken to improve or enhance relationships with civil society included meetings, forums and roundtables with civil society, as well as joint projects undertaken by the institution with NGOs and civil society groups.

## 2. Relationship with public organizations

The official status of an NHRI puts it in a unique position to influence and work with politicians and public authorities. Over 60% of respondents indicated that their founding law required the institution to establish formal relationships with public bodies. Nevertheless, overall roughly only 50% of respondents rated their relationship with the executive, parliament, the judiciary, police and prison administrators a strong. Respondents commonly noted, particularly in Africa and the Asia Pacific, that public organizations lacked an appreciation of or interest in human rights issues generally, or the institution specifically.

### 2.1 Relationships in general

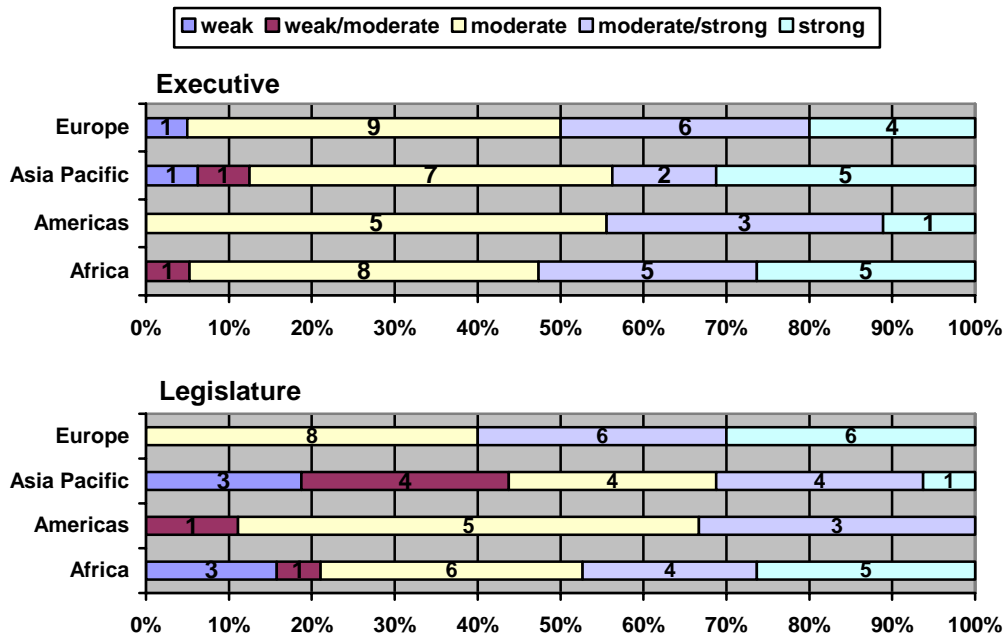
38 respondents (62.2%) indicated that their founding law required the institution to establish formal relationships with public organizations. This percentage was highest in the Americas (77.7%), followed by Africa (68.4%), the Asia Pacific (66.6%), and Europe (47.6%). Mechanisms established to set up formal relationships with public organizations typically included: reporting mechanisms to parliament and other public organizations (e.g. annual reports); the obligation of public organizations to cooperate with the institution; the representation of public organizations in the institution (with consultative status only); or the establishment of consultative committees.

#### Example – Mexico City

Under the Commission’s law, it must establish mechanisms for cooperation with the authorities and organisations working on human rights. It has set up a Coordination Committee composed of members of the executive, legislative, judiciary, civil society and the Commission.

Respondents were asked to describe the relationship between their institution and the following public bodies:<sup>4</sup>

Figure 42: Relationships with Public Bodies



<sup>4</sup> NB: results are not available for the Americas in relation to the police and prison administrators due to a misprint in the Spanish version of the questionnaire.



Respondents were asked to describe the main challenges the institutions faces in working with public organizations. The most common response from respondents, particularly in Africa and the Asia Pacific was that public organizations lacked an appreciation of or interest in human rights issues generally, or the institution specifically. Others remarked on the need to balance in maintaining cooperation, with the need to remain independent. The need to address overlapping responsibilities was also noted. Finally, some commented that difficulty obtaining information from public organizations was a hindrance in their work with them.

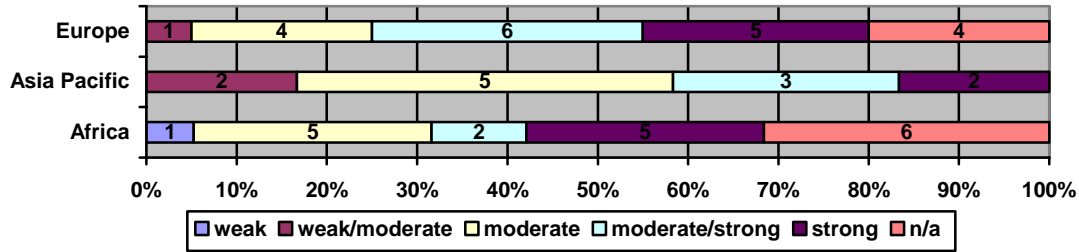
Action respondents had undertaken to improve or enhance their relationship with public organizations generally focused on education and training for these organizations (e.g. seminars, workshops etc) or on general awareness raising activities (e.g. meetings, discussion forums etc).

## 2.2 Parliamentary human rights committees<sup>5</sup>

38 respondents (62.3%) indicated that their Parliament has a human rights committee or equivalent. This percentage was highest in Africa (84.2%), while 66.6% of respondents in both the Asia Pacific and Europe have such a committee.

<sup>5</sup> NB: information in this section only covers the regions of Africa, Asia Pacific and Europe as there was a misprint with the Spanish version of the questionnaire.

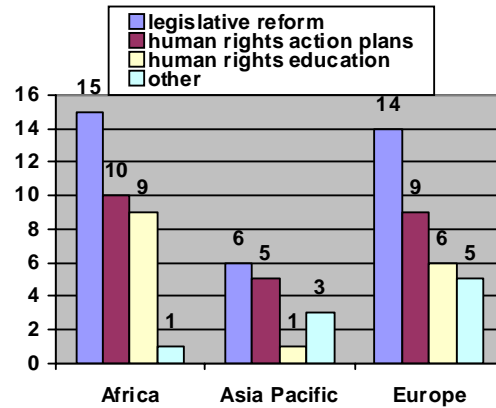
**Figure 43: Relationships with parliamentary committees**



As shown in the above table, relationships with relevant parliamentary committees were generally considered strong in Africa and Europe (4 or 5 out of 5), but less so in the Asia Pacific. 35 of the 38 respondents (92%) that did have a parliamentary human rights committee indicated that their institution did engage with it in relation to legislative reform, human rights action plans, human rights education or other areas.

For example numerous respondents reported that they:

- Advised the committee on legislative reform and reviewed draft bills.
- Tabled their reports to the committee and advocated for the recommendations contained therein.
- Briefed the committee on substantive human rights issues.



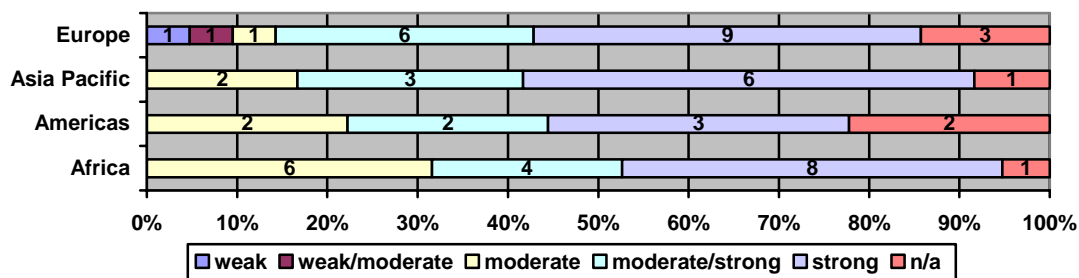
**Figure 44: Activities with parliamentary committees**

### 2.3 Other entities with human rights responsibilities

50 respondents (82%) indicated that their institution had the capacity to establish partnerships with other entities working on human rights. This percentage was highest in the Americas and the Asia Pacific (both 100%), followed by Europe (71.4%) and Africa (52.6%). Examples of the mechanisms institutions have established for building these relationships this included signing memoranda of understanding or other agreements, maintaining communication and carrying out joint activities.

The types of other entities that respondents described in this section varied widely; including state bodies, NGOs, regional organizations and other NHRIs overseas. 41 respondents (67.2%) described their relationship with these bodies as strong (4 or 5 out of 5). This percentage was roughly even in all regions. 11 respondents (18%) described it as moderate (3 out of 5) and 2 respondents (3.3%) described it as weak (1 or 2 out of 5).

**Figure 45: Relationships with other human rights entities**





### 3. Interaction with the International Coordinating Committee and regional networks

Cooperation with international and regional human rights organizations is one of the functions the Paris Principles vests with NHRIs. An institution's participation in the regional and international networks of NHRIs, in particular, helps to reinforce an institution's independence and effectiveness. While over 80% of respondents regularly attend the meetings of their regional network, there is room for improvement in relation to the level of participation in ICC meetings, which is currently just over 60%.

42 respondents (68.8%) indicated that their founding law gave the institution the mandate to interact with international and regional human rights organizations. This percentage was highest in the Asia Pacific (75%), followed by Europe (61.9%), Africa (63.1%) and the Americas (55.5%).

39 respondents (63.9%) indicated that their institution regularly attends meetings of the International Coordinating Committee of National Institutions (ICC). This percentage was highest in the Asia Pacific (83.3%), followed by Europe (71.4%), Africa (63.1%) and the Americas (55.5%). Of those respondents that did not indicate they regularly attend ICC meetings, 12 indicated that their main reason for not attending was budgetary constraints; 4 indicated it was because of lack of information; and 6 indicated that it was for other reasons. Other reasons included the fact that the institution was newly established, was not accredited with the ICC, or faced competing national priorities.

Comments on how ICC meetings could be strengthened to increase the benefits for participating institutions included:

- Focusing more on thematic areas, in the sessions of the general meeting and through workshops and ensuring that the topics of discussion are relevant to all regions and reflect the fast-changing international environment.
- The need to develop working methods that provide for channels for greater consultation with NHRIs.
- Increasing follow-up communications to meeting outcomes.
- Creating possibilities for exchanging information between meetings, and generally encouraging greater contact between NHRIs.
- The role of the ICC in enhancing NHRIs' capacity to better understand the Paris Principles.
- Developing stronger links with partners; for example by submitting declarations and programmes of actions directly to governments, and working cooperatively with other networks of national bodies with human rights mandates.

29 respondents (47.5%) indicated that they often refer to the declarations of the International conferences in developing their work plan (4 or 5 out of 5). This percentage was highest in Africa (57.8%) and the Americas (55.5%), followed by Europe (42.8%) and the Asia Pacific (33.3%). 19 respondents (31.1%) indicated that they refer to them occasionally (3 out of 5) and 10 respondents (16.3%) indicated that they do not refer to them (1 or 2 out of 5). Reasons for not referring to the declarations included:

- The need to determine the institution's work plan based on domestic priorities.

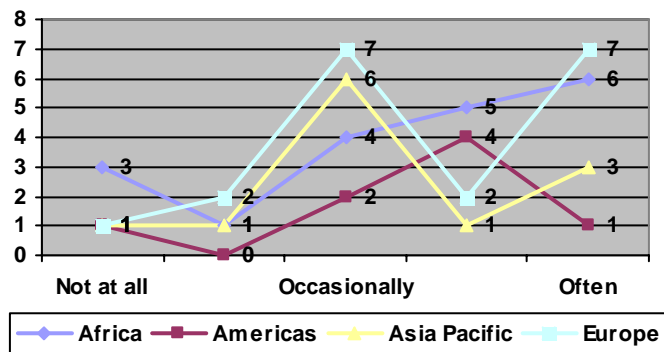


Figure 46: References to ICC Declarations



- Lack of ownership over the declarations because of the manner in which they are produced (i.e. drafted in advance, no advance consultation on the text, finalization of text in plenary meeting).
- The need for further guidance from OHCHR on how to implement the declarations.

The majority (50) of respondents (81.9%) indicated that they regularly attend the meetings of their relevant regional network. This percentage was highest in the Americas and the Asia Pacific (both 100%), followed by Africa (84.2%) and Europe (76.1%). The majority of (6) respondents that did not indicate they regularly attending regional meetings indicated that their main reason for not attending was budgetary constraints.

#### 4. Interaction with institutions in other countries

Increasing the frequency of interaction between institutions on a bilateral or sub-regional level should also be a priority, with only 50% of respondents overall describing such interaction as frequent.

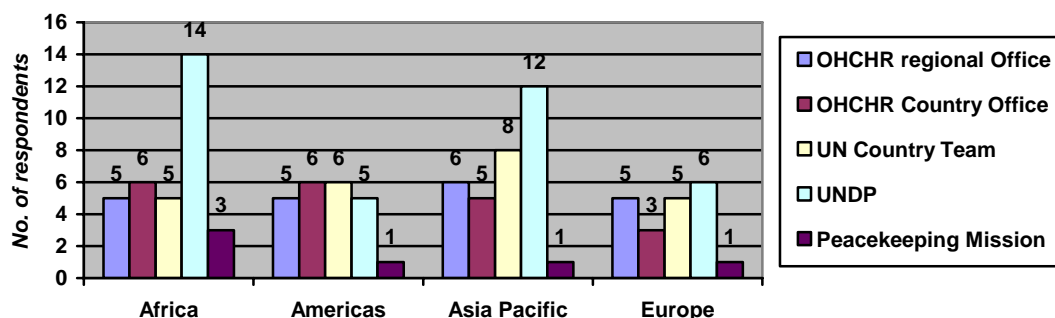
Respondents were also asked to indicate how frequently they interacted with institutions from other countries. 31 respondents (50.8%) described this interaction as frequent (4 or 5 out of 5). This percentage varied between over 75% in the Americas to under 45% in Africa, with the Asia Pacific and Europe both at roughly 50%. 22 respondents (36%) described this interaction as moderate (3 out of 5) and 2 respondents described it as infrequent (1 or 2 out of 5). The capacity in which respondents interacted with institutions in other countries included: through the regional network of NHRIs; by offering or participating in visiting programs, training sessions, study exchanges etc; by conducting joint activities, such as workshops and conferences.

#### 5. Interaction with UN bodies at the country level

Many institutions, particularly in Africa and the Asia Pacific had interacted with UNDP and OHCHR’s field presences; as an implementing partner, recipient of technical assistance or training, or joint partner in activities.

The most common interaction respondents indicated they had had with the UN at the country level was with UNDP, particularly in Africa and the Asia Pacific. 37 respondents (60.6%) indicated that they had engaged with UNDP in the past year. Significant numbers of respondents also indicated that they had engaged with OHCHR regional offices (21); with OHCHR country offices (20) and with UN country teams (24). A small number of respondents (6) indicated that they had engaged with the human rights component of a UN peacekeeping mission.

Figure 47: Country Level Engagement with the UN



Respondents generally indicated that their interaction with these UN bodies was as an implementing partner, as a recipient of technical assistance or training, as a joint partner in activities. While such engagement was generally on the issue of human rights, a significant

number of institutions also indicated that they have been involved in projects with these UN bodies that related to the rule of law (22) and good governance (25).

Respondents were also asked to comment on their relationship with international organizations. 45 respondents (73.7%) described this relationship as strong (4 or 5 out of 5). This percentage was highest in the Asia Pacific with 10 respondents (83.3%), followed by 17 in Europe (80.9%), 7 in the Americas (77.7%) and 13 in Africa (68.4%). 11 respondents (18%) described these relationships as moderate (3 out of 5). No respondents described it as weak (1 or 2 out of 5).

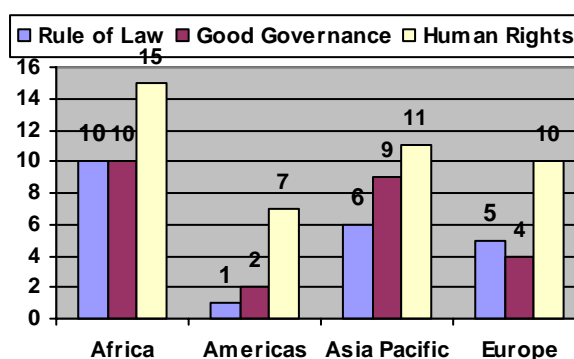


Figure 48: Types of activities with the UN

## PART E. Interaction with International and Regional Mechanisms

Cooperation with the international and regional human rights mechanisms is a key requirement of the Paris Principles. As emphasized in the ICC’s General Observation on interaction with the international system, this includes making an input to, participating in and following up the recommendations of the Human Rights Council and its mechanisms, and the human rights treaty bodies. While NHRI participation in the Council’s UPR process was high, interaction with the treaty bodies remained moderate. Participation in the Human Rights Council and interaction with its special procedures mandate holders was low and interaction with other international mechanisms, conferences, workshops was minimal. Although the responses indicated that interaction with the regional human rights system was higher, examples of the types of such interaction referred to general regional interaction (e.g. through regional NHRI networks, OHCHR training etc), rather than formal interactions with the mechanisms of the regional human rights bodies.

These participation rates show a limited familiarity with the international and regional systems. In fact, just over 50% of respondents had participated in training on the international human rights system. OHCHR should therefore continue to focus on providing training to NHRIs on the international system. However, it should explore methods of doing so that are less resource-intensive for NHRIs and reach the broadest number of staff.

### 1. Interaction with the UN Treaty Bodies

Overall, NHRI interaction with the UN treaty bodies was moderate. In Africa, almost 80% of respondents had contributed to a state report and 50% had participated in a session. However, few had submitted a parallel report or contributed to the list of issues. In the other three regions, fewer had contributed to a state report, but the level of parallel reports and contributions to the list of issues was higher (around 30-40%). In all regions, only 40-45% of respondents had disseminated concluding observations and conducted follow up activities and only around 20% had participated in the treaty bodies’ general work (days of general discussion and drafting concluding observations).

The interactions respondents indicated their institution had with the UN treaty bodies in 2006-2008, broken down by region, are shown in the below table:

	<b>Activity</b>	<b>Africa</b>	<b>Americas</b>	<b>Asia Pacific</b>	<b>Europe</b>
1	Contributed to a State report	14 (74%)	6 (67%)	6 (50%)	9 (43%)
2	Commented publicly on the State report	2 (10.5%)	6 (67%)	5 (41%)	7 (33%)
3	Submitted a parallel report	2 (10.5%)	4 (44%)	4 (33%)	6 (29%)
4	Contributed to the drafting of the 'list of issues'	2 (10.5%)	4 (44%)	4 (33%)	6 (29%)
5	Participated in the session	9 (47%)	3 (33%)	4 (33%)	7 (33%)
6	Made a statement through the ICC Representative	1 (5%)	1 (11%)	1 (8%)	1 (5%)
7	Disseminated concluding observations	7 (37%)	3 (33%)	4 (33%)	8 (39%)
8	Conducted follow-up activities	8 (42%)	4 (44%)	6 (50%)	9 (43%)
9	Participated in the days of 'General Discussion'	3 (16%)	3 (33%)	1 (8%)	1 (5%)
10	Contributed to the drafting of 'General Comments'	0 (0%)	1 (11%)	3 (25%)	3 (14%)

The table below shows each of the 10 activities listed above, broken down by treaty body:

<b>Treaty Body</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
CESCR	8	3	2	1	2	-	4	3	1	1
CCPR	14	5	5	5	9	1	5	4	3	1
CERD	13	6	1	2	2	-	3	4	1	-
CEDAW	12	9	6	2	8	-	8	7	2	1
CRC	18	10	6	6	8	-	5	4	3	4
CAT	8	2	3	4	4	-	3	4	1	2
SCPT	2	1	-	1	1	-	-	-	-	-
CMW	1	1	2	2	3	-	-	1	-	-

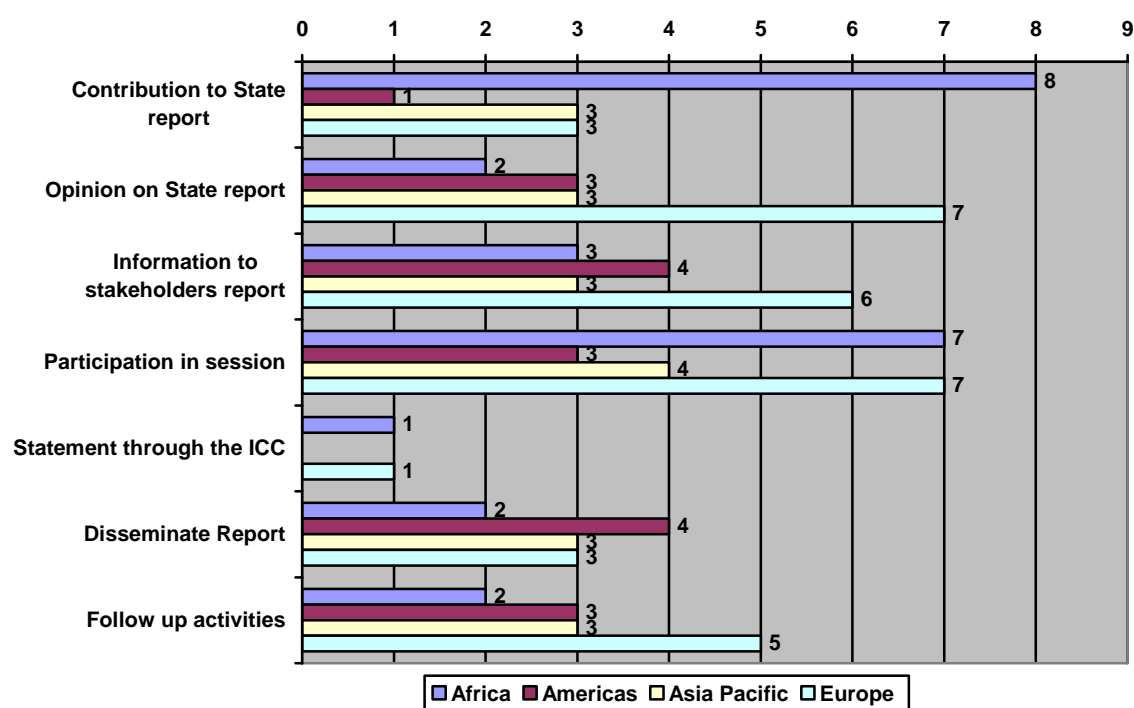
## 2. Participation in the Universal Periodic Review

Respondents demonstrated the highest level of engagement in connection with the UPR mechanism. While the Americas and the Asia Pacific showed consistent engagement in the various stages, in Africa and Europe increasing the level of follow up activities should be encouraged. The need to increase the level of contributions of independent information was also notable in Africa.

27 respondents indicated that their country had been reviewed under the Universal Periodic Review (UPR). Proportionally, this number was highest in Africa (10 respondents) and the Americas (5 respondents), both 55.5%; followed by 8 in Europe (38.1%) and 4 in the Asia Pacific (33.3%).

Of these 27 respondents, all indicated that they had engaged with the UPR in some capacity. Overall, 15 respondents (55.5%) indicated that they had contributed to the State’s report and the same number indicated they had expressed an opinion on the State’s report. 16 respondents (59.3%) indicated that they had submitted information to the stakeholders report. 21 respondents (77.7%) indicated that they had participated in the session and 2 respondents (7.4%) indicated that they had made a statement through ICC Geneva Representative. 12 respondents (44.4%) indicated that they had disseminated the UPR report and 13 indicated (48.1%) that they had carried out follow-up activities. Regional trends on the types of engagement institutions had in the UPR process is shown in the table below.

**Figure 49: Interaction in the UPR**



### 3. Engagement with the Special Procedures Mandate Holders (SPMH)

Generally, less than 35% of respondents had provided information to a SPMH or met with them during a country visit, although this percentage was over 50% in the Asia Pacific region. Follow up to the country missions of SPMHs was even lower, with less than 20% publicizing mission reports, monitoring recommendations and reporting on their implementation, on average.

The interactions respondents indicated their institution had with the UN Special Procedures Mandate Holders (SPMH) in 2006-2008, broken down by region, are shown in the below table:

Activity	Africa	Americas	Asia Pacific	Europe
Nominated candidates	6 (31.5%)	1 (11%)	4 (33%)	2 (10%)
Initiated communications	2 (10.5%)	1 (11%)	1 (8%)	0 (0%)

Assisted victims to access to communications	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Provided relevant information/ materials	5 (26%)	3 (33%)	6 (50%)	4 (19%)
Met with the SPMH during country visit	7 (37%)	3 (33%)	7 (58%)	6 (29%)
Publicized press release or mission report of SPMH	3 (16%)	2 (22%)	3 (25%)	3 (14%)
Monitored the follow-up of recommendations	4 (21%)	2 (22%)	4 (33%)	2 (10%)
Reported on the status of implementation of SPMH recommendations	2 (10.5%)	1 (11%)	3 (25%)	0 (0%)

The SPMHs with whom respondents indicated they had interacted included the thematic mandates on: torture; human rights defenders; violence against women; extrajudicial, summary or arbitrary executions; the human rights of migrants; internally displaced persons; arbitrary detention; health; and minority issues.

#### 4. Interaction with the Human Rights Council

The level of interaction with the Human Rights Council, for activities such as submitting documents, contributing to SPMH reports and OHCHR reports, attending council sessions and making oral statements averaged about 20% or less.

The interactions respondents indicated their institution had with the Human Rights Council in 2006-2008, broken down by region, are shown in the below table:

Activity	Africa	Americas	Asia Pacific	Europe
Submitted documents	3 (16%)	2 (22%)	0 (0%)	2 (10%)
Contributed to reports of the SPMHs	1 (5%)	1 (11%)	2 (17%)	1 (5%)
Provided input on thematic reports	4 (21.5%)	2 (22%)	5 (42%)	6 (29%)
Attended the session	7 (37%)	1 (11%)	3 (25%)	3 (14%)
Delivered an oral statement	4 (21%)	n/a	3 (25%)	n/a
Made a statement through the ICC Representative	4 (21%)	2 (22%)	4 (33%)	1 (5%)
Organized a parallel event	1 (5%)	1 (11%)	0 (0%)	1 (5%)
Contributed to joint statements	2 (10.5%)	1 (11%)	1 (8%)	2 (10%)

#### 5. Interaction with other international mechanisms, conferences, workshops

Respondents were asked to describe the interaction their institution had with other international mechanisms, conferences, workshops etc in 2006-2008. As can be seen in the table below, this interaction has been minimal. These responses, broken down by region, are shown in the below table:

Body	Africa	Americas	Asia Pacific	Europe
UN Expert Mechanism on Indigenous Peoples	1 (5%)	0 (0%)	1 (8%)	0 (0%)
Advisory Committee of the Human Rights Council	1 (5%)	1 (11%)	1 (8%)	2 (10%)
Preparatory Conferences and meetings for the Durban Review Conference	9 (47%)	3 (33%)	0 (0%)	2 (10%)
Commission on the Status of Women	1 (5%)	0 (0%)	4 (33%)	0 (0%)
Forum on Minority Issues	0 (0%)	1 (11%)	1 (8%)	1 (5%)

## 6. Interaction with regional human rights mechanisms

Although the responses indicated that interaction with the regional human rights system was higher, examples of the types of such interaction often referred to general regional interaction, rather than formal interactions with the regional mechanisms.

44 respondents (72.1%) indicated that their institutions cooperates with regional human rights commissions and 15 (24.5%) indicated that they cooperate with regional

human rights courts. Reasons for not engaging with regional commissions, included: the lack of commission in the region (Asia Pacific), lack of information, funding and capacity of the institution. Reasons for not engaging with regional courts included: lack of court in the region (Asia Pacific), lack of mandate or lack of capacity to take on individual cases.

Respondents who indicated they did cooperate with these bodies were asked to describe how. Examples included:

- attending sessions of the regional commission (e.g. eight in Africa and two in Europe);
- submitting documentation or cases (e.g. four from the Americas and one from Europe);
- participating in activities on thematic issues (e.g. three in Europe);
- submitting legal briefs to the court (e.g. one each from Africa, the Americas and Europe); and
- disseminating and monitoring the implementation of court judgments (e.g. one in the Americas and two in Europe).

Nevertheless, it should be noted that a number of responses appeared to indicate that institutions did not have a comprehensive understanding of these regional mechanisms. For example, respondents described interaction with regional NHRI networks, OHCHR, or intergovernmental bodies.

## 7. Managing international and regional engagement

Overall, only 34 respondents (56%) indicated that their institution had organized or participated in training on interaction with the international and or regional human rights mechanisms. This percentage was higher in the Asia Pacific with 10 respondents (83.3%) and the Americas with 5 (66.6%), compared with 10 in Europe (47.6%) and 8 in Africa (42.1%).

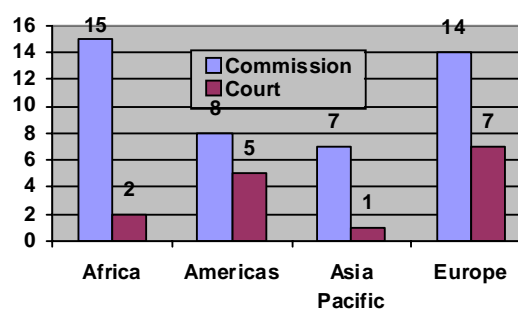


Figure 50: Interaction with regional mechanisms

Examples included training organized internally by the institution; by regional NHRI networks; the ICC; OHCHR training from university centres and NGOs, such as the Raoul Wallenberg Institute, the Association for the Prevention of Torture; regional bodies, such as the Council of Europe. 38 respondents (62.2%) also indicated that their institution had a department/ section/ unit or similar dedicated to engagement with the international human rights system.

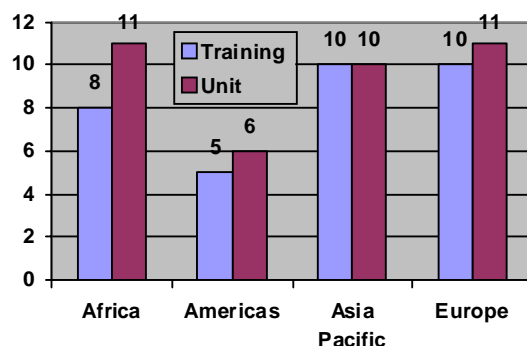


Figure 51: Handling International Engagement

## 8. Evaluating international and regional engagement

The challenges that respondents indicated their institution has encountered when interacting with the international and / or regional human rights mechanisms included:

- A notable number of respondents (17) commented that budgetary and resource constraints were a barrier to engagement.
- Others commented on the difficulty in accessing the international system, for example due to insufficient support from the international system, inconsistencies in communication, high staff turnover, lack of knowledge.
- A few respondents commented that the benefits gained from participation in international fora did not reach the majority of staff in the institution.
- Some commented on the difficulty of balancing their domestic and international work: e.g. international cooperation was not always felt to be relevant to domestic priorities. A method for determining which requests to respond to was therefore needed.

Nevertheless, many highlighted the benefits interactions with the international and / or regional human rights mechanisms have had for the institution. For example, some commented that the sharing of best practices had increased the capacity of the institution. Others highlighted that such interaction allowed the institution to keep up to date on international developments. Some noted that interaction internationally increased the institution's credibility or influence domestically. A number also particularly highlighted that engagement at the international level had increased the impact of the institution's efforts on domestic issues.

Examples of the institution's interaction with the international and / or regional human rights mechanisms that respondents considered to be best practice varied widely and included: the institution's participation in the UPR process; training, workshops, meetings and capacity building events organised through NHRI-networks; submitting complaints to regional mechanisms; country visits by treaty bodies and special procedures mandate holders; technical assistance; and joint projects with other NHRIs or UN agencies.

## PART F. Thematic Issues

### 1. Africa

Respondents were asked to describe the top seven human rights issues in their country. In Africa, the most frequent answers related to: women's rights (10); children's rights (10); torture and detention (8); the right to education (8); poverty and economic, social and cultural rights (8); health related issues (6); and the administration of justice (5).



Respondents were also asked to describe which of these issues their institution has been unable to act upon, or has been unable to effectively advance despite its efforts and the reasons for this. Although not many respondents did, generally the responses showed that in Africa difficulty in achieving change stemmed from the long-term nature of the problems; the complex number of actors involved; limited funding and resources; and the difficulty in measuring the institution's impact.

## **2. Americas**

Respondents were asked to describe the top seven human rights issues in their country. In the Americas, there was much diversity in the responses. However, the most frequent answers related to: poverty and economic, social and cultural rights (6); women's rights (5); security (4); indigenous rights (3); structures for human rights protection (3); and civil and political rights (3).

Respondents were also asked to describe which of these issues their institution has been unable to act upon, or has been unable to effectively advance despite its efforts and the reasons for this. Although not many respondents did, generally the responses showed that in the Americas difficulty in achieving change often stemmed from limited funding and resources.

## **3. Asia Pacific**

Respondents were asked to describe the top seven human rights issues in their country. In the Asia Pacific, the most frequent answers related to: women's rights (8); children's rights (8); the rights of migrants and refugees (7); the administration of justice (7); civil and political rights (particularly in relation to freedom of expression and assembly) (7); the rights of people with a disability (7); land and housing rights (6); and economic, social and cultural rights (6).

Respondents were also asked to describe which of these issues their institution has been unable to act upon, or has been unable to effectively advance despite its efforts and the reasons for this. Although not many respondents did, generally the responses showed that in the Asia Pacific difficulty in achieving change often stemmed from the difficulties in the political and security situation (e.g. government's limited capacity to address the issues due to corruption, impunity, lack of state infrastructure limited funding and resources etc) or the complex actors involved in the issues.

## **4. Europe**

Respondents were asked to describe the top seven human rights issues in their country. In Europe, there was much diversity in the responses. However, the most frequent answers related to: detention conditions and the prevention of torture (11); the rights of migrants, refugees and asylum seekers (9); the administration of justice and access to justice (8); the rights of minority groups; economic, social and cultural rights (7); privacy (5); children's rights (5); and the rights of people with a disability (5).

Respondents were also asked to describe which of these issues their institution has been unable to act upon, or has been unable to effectively advance despite its efforts and the reasons for this. Although not all respondents did, generally the responses showed that in Europe difficulty in achieving change stemmed often from limitations in the institution's mandate or the complex actors involved in the issue.



## PART G. Additional Comments

OHCHR invited respondents to provide additional comments and suggestions to assist OHCHR and the ICC better support NHRIs. Examples of respondents included:

- Supporting NHRIs to get financial support and supporting NHRIs to attend events.
- Showing political support for the decisions/ recommendations made by NHRIs against their governments, including by ensuring that all visits undertaken to state parties, acknowledge the presence, work and role of an institution.
- Providing opportunities for NHRI's to undergo short training, internships etc.
- Organising capacity development activities for staff of NHRIs (and the national, regional and international level) to assist NHRIs efficiently execute the work of human rights to the expected international standards. Training, capacity building and sharing expertise was particularly sought in relation to the UN human rights mechanisms.
- Increasing the dissemination of information on international mechanisms and of publications and support materials that contribute to the daily work of NHRIs.
- Assisting NHRIs in improving their own institutional capacity building, including by providing targeted technical assistance that builds their expertise on substantive human rights issues (e.g. on issues such as communications, dealing with conflict-related issues, conflict transformation and the role of NHRIs).
- Making the ICC more visible and accessible, including by involving local human rights institutions in NHRI meetings; rotating meeting locations; increasing the number of staff supporting the ICC; using all UN official languages to give NHRIs the opportunity to be more visible and more dynamic.
- Increasing awareness about the role of NHRIs amongst government agencies through workshops etc, in order to assist in changing the perception of authorities towards the NHRIs.
- Developing an ICC training programme for newly accredited NHRIs.
- Improving the flow of information, including through the nhri.net website; greater use of regional chairs for dissemination of information or consultation on thematic area; and OHCHR staff attending meetings of the regional networks.
- Greater recognition of the limited capacity of NHRIs to deal with the volume of requests for information or engagement at the international level.
- More consultation with all ICC members about needs and thematic issues to be pursued.
- Advice on conducting human rights impact assessments and stakeholder management and treaty work.

## III. FINDINGS AND RECOMMENDATIONS

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### PART A. Background

The questions in this section were designed to provide a general snapshot of NHRIs around the world. The responses indicate that NHRIs – a fairly recent phenomenon from the 1990s onwards – are generally human rights commissions or ombudsmen with a broad geographic jurisdiction. In Europe and the Asia Pacific respondents were commonly statute-based commissions, although the ombudsman model was common in Eastern Europe. In the Americas they are commonly constitutionally-based ombuds-institutions and in Africa are commonly constitutionally-based commissions.

Although the majority of respondent institutions were established by a founding law, as required by the Paris Principles, a small number of respondents in all regions would benefit from a strengthened legal framework.

**Recommendation:** *OHCHR, UNDP, RCCs of NHRIs, and interested donors, should support NHRIs to prioritise advocacy with their government for the revision and strengthening of the legal framework of those NHRIs established by an executive instrument. Recommendations from UN Treaty Bodies, the SPMHs, and the UPR in the Human Rights Council, as well as the ICC Sub-Committee on Accreditation may all support the expansion of the mandate of NHRIs.*

### PART B. Institutional Character

#### 1. Composition of the governing body

An institution's mandate is vested with its members (e.g. commissioners, ombudsmen and deputies etc.), described collectively as its governing body. OHCHR has recognised that governing bodies tend to be more effective when they have a small number of full-time members. This trend was broadly reflected in the responses received; with roughly two thirds of the respondents indicating that their governing body had 10 members or less, the majority of which worked full-time. Nevertheless, respondents with both small and large governing bodies rated their composition as effective (4 or 5 out of 5).

A governing body whose members reflect society's diversity is also an important method for achieving pluralism in an institution, one of the core concepts of the Paris Principles. Just over half of respondents indicated that their institution's founding law included a provision on pluralism (this low number may be attributable to the fact that the governing bodies of single member ombuds-institutions cannot reflect the principle of pluralism). However, there did not appear to be a strong correlation between the existence of a legal provision on pluralism and diversity in practice, particularly in the Asia Pacific and in Europe. Overall, less than half of the respondents rated the diversity of their governing body as good (4 or 5 out of 5). This percentage was roughly even across the four regions. In addition, data on the representation of particular groups showed that while the representation of women is strong, in all regions it is limited for both people with disabilities and minority groups.

**Recommendation:** *OHCHR, UNDP, RCCs of NHRIs, and interested donors, should support activities that explore and gather best practice on the types of legal provisions (e.g. membership criteria, appointment processes) ensure the governing body is effective and*

*diverse in practice. Data on other mechanisms of ensuring pluralism within an institution, beyond the composition of its governing body, would also be useful.*

## 2. Appointing members to the governing body

The ICC, in its General Observation 2.2 on the selection and appointment of the governing body, notes that an open and transparent process is important in ensuring the pluralism and independence of the NHRI.

The vast majority of respondents (90%) indicated that appointment procedures are specified in their institution's founding law and or elsewhere. Nevertheless, such processes only include independent scrutiny of candidates for just over 60% of respondents; only include the advertisement of vacancies for just over 50% of respondents; and only include consultation with civil society for 45% of respondents. Generally these percentages were consistent across the four regions, although the level of public vacancy announcements in Africa was notably lower, at around 30%.

***Recommendation:*** *OHCHR, UNDP, RCCs of NHRIs, interested donors, should support NHRIs to prioritize advocacy with governments for the revision and strengthening of procedural requirements for the selection and appointment of members.*

## 3. Security of tenure for members of the governing body

In its General Observations, the ICC has recognised the importance of security of tenure of members of an institution's governing body as a means protecting its independence. A secure term of office for members is an important guarantee of their independence; to ensure a period during which members can develop expertise and be vocal without fear of hindering future prospects. The ICC's General Observation 2.9 on guarantees of tenure for members of governing bodies further states that dismissal of a member of the governing body should follow all substantive and procedural requirements, as prescribed by law, and should not be solely at the discretion of the appointing authorities.

Almost 80% of respondents indicated that the terms of their members were between 3 – 5 years, which is a reasonable period to ensure tenure of membership. Nevertheless, only just over 70% of respondents' founding laws state the grounds on which members may be dismissed (this statistic was roughly even across all four regions). Even fewer (just under 60%) included a procedure for the dismissal of members (again, this percentage was roughly even, but was lower in Africa at just over 40%).

***Recommendation:*** *as the ICC's General Observations state that dismissal or forced resignation of a member may result in a review of the institution's accreditation, strengthening legal requirements for dismissal (building on the best practice examples provided by respondents) should be a priority. OHCHR, UNDP, RCCs of NHRIs, and interested donors should support NHRIs in securing such legal requirements.*

## 4. Operational and Financial Autonomy

Independence, one of the core concepts of the Paris Principles to ensure an institution's legitimacy and credibility, must include practical, as well as formal independence. Over 70% of respondents considered their institution to be very independent in practical terms. This is a positive indicator. Nevertheless, almost 40% of respondents indicated that a government department had administrative responsibility for their institution; and of these respondents,

approximately 20% ranked the department's influence over their institution as moderate or greater (this percentage was roughly even across all four regions). In its general observation on administrative regulation, the ICC has noted that where the administration and expenditure of public funds by an NHRI is regulated by government, such regulation must not compromise an NHRI's ability to perform its role independently and effectively and that therefore the relationship between government and the NHRI must be clearly defined.

Another crucial guarantee of an institution's independence is financial autonomy, which ensures its ability to independently determine its priorities and activities. This remains a problem area for many institutions, with nearly half of the respondents, indicating that their budget is insufficient. This statistic was roughly even across all regions, although just over 50% in Africa. Furthermore, to ensure financial autonomy, public funds should be provided through a mechanism that is not under direct government control. Over 75% of respondents indicated that their budget is not presented directly to parliament, but rather through a government ministry; and further, almost 50% of respondents commented that the relevant ministry has much influence over their budget allocation. This percentage was roughly even in all regions, although slightly higher in Africa and the Americas.

***Recommendation:*** OHCHR, UNDP, RCCs of NHRIs, and interested donors, should prioritize activities to develop the capacity of NHRIs to effectively manage the relationship with their relevant government department, including in budget allocation. In addition, they could also prioritize continued advocacy with member states to ensure they meet their obligation to provide adequate resources.

## 5. Organizational structure and staffing

The Paris Principles state that an institution shall have an infrastructure suited to the smooth conduct of its activities, encompassing a number of issues relating to the institution's internal structure and staffing. For an institution to be effective, it needs diverse staff with the necessary professional skills and knowledge on human rights; as well as an organizational structure that allows for the most effective use of its resources, budget and powers.

Overall, just under 70% of respondents were satisfied with the organizational structure of their institution, including the functioning of working groups and specific units to address vulnerable groups, although this percentage was lower in the Asia Pacific and Africa (at under 60%). In addition, a significant number of respondents (approximately 40%) in all regions considered their staff size to be insufficient and a number highlighted the challenge of recruiting and retaining skilled candidates. Staff diversity, particularly the representation of minority groups and people with a disability, also remains an area for improvement; with only 50% of respondents rating their staff as diverse (4 or 5 out of 5).

***Recommendation:*** OHCHR, UNDP, RCCs of NHRIs, and interested donors, should prioritize further training and capacity development for NHRI staff across all levels. They should also prioritize support for institutions to develop human resource plans to increase staff effectiveness, career development and diversity.

## 6. Accessibility

Although not specifically articulated in the Paris Principles, a crucial element of an institution's effectiveness will be its visibility and accessibility to people exposed to human rights violations. Respondents generally considered the physical accessibility of and communication with their office to be satisfactory. However, the percentage that described

their relationship with marginalised groups as strong (4 or 5 out of 5) varied between roughly 60% in the Asia Pacific to just over 40% in Europe.

Generally, well over 70% respondents in all regions considered their accessibility by phone, post and email to be high or very high (4 or 5 out of 5), although less so with respect to the web (this was particularly the case in the African region, where under 50% of respondents indicated their website was regularly updated; compared with an average of 84% in the other three regions). Respondents' comments noted the need to increase the number of regional offices and/or strengthening their outreach capacity; ensure physical accessibility to offices for people with disabilities; and to improve electronic communication systems.

***Recommendation:*** OHCHR, UNDP, RCCs of NHRIs, and interested donors should prioritize support to institutions to improve their accessibility, with a particular focus on reaching out to vulnerable groups.

## PART C. Mandate and Competences

### 1. The Mandate in General

The Paris Principles require that an institution have a broad mandate to promote and protect human rights and specify a number of areas in which institutions are expected to have competence. Responses indicated that breadth of mandate is not considered to be a key concern amongst institutions and that most respondents are mandated to perform the responsibilities specified in the Paris Principles. However, protection-related functions (such as detention visits, providing remedies) are notably less prevalent amongst European NHRIs. As the following sections show, it is the fulfilment of the institution's mandate where challenges arise.

### 2. Complaint Handling

Where an institution has a quasi-judicial function to hear and consider individual complaints, the Paris Principles set out several principles on which this function may be based. Responses showed that, in line with these principles, the majority of respondents with complaint handling functions are able to inform complainants of their rights and transmit complaints to competent authorities; although fewer can seek settlement through conciliation, and only a very small number can make binding decisions. Generally, the large majority respondents are able to receive complaints in relation to all rights and against all relevant parties. However, fewer respondents could receive complaints against individuals, business and intelligence agencies (particularly in the Americas and Europe).

Respondents were asked to provide data on the numbers and types of complaints they received in 2008. However, beyond the number of complaints received for that period, many did not. This may be an area for further exploration, as it suggests a need for more developed processing and data systems. Indeed, a number of respondents from all regions commented that complaints handling systems were underdeveloped or inadequate and that resources were insufficient to respond to high caseloads.

### 3. Monitoring core protection issues

OHCHR has consistently prioritized support to NHRIs to carry out their work on core protection issues; as it considers this to be one of the most important elements in determining their credibility at the national and international levels.



The large majority of respondents indicated that they are indeed carrying out activities relating to the prevention of torture and ill-treatment; with highest majority in the Asia Pacific (100%), followed by Africa (89%), the Americas (77%) and Europe (71%). Such activities included visiting places of detention and receiving complaints from detainees. However, the quantity and quality of this work appears somewhat varied. For example, the number of detention visits respondents had conducted in the past year ranged from 1 to 6000. Others described promotional activities, rather than more direct protection work; such as public awareness raising and encouraging ratification of the relevant international instruments. A large number of respondents, especially in Africa and Europe, reported that there were other bodies mandated to conduct detention visits, although the types of other bodies identified by respondents did not always have the equivalent independence or official status of an NHRI.

***Recommendation:*** OHCHR, UNDP, RCCs of NHRIs, and interested donors should prioritize work with NHRIs, in the framework of the Nairobi Declaration, to effectively implement their core protection functions, particularly in detention monitoring. Follow up research with NHRIs to collect best practice on collaboration and coordination with other visiting bodies is also important to explore, to address any potential protection gaps.

Fewer respondents had dedicated activities for human rights defenders; with the highest in the Asia Pacific (92%), followed by the Americas (78%), Africa (58%) and Europe (43%). However, only a very small number referred to advocacy on behalf of human rights defenders at risk. A few respondents from Africa commented that they lacked capacity in this area.

***Recommendation:*** OHCHR, UNDP, RCCs of NHRIs, and interested donors, should prioritize further guidance to NHRIs in relation to their activities for human rights defenders, including by systematically collecting and disseminating examples of best practice. Capacity building activities for NHRIs, particularly in Africa, to support human rights defenders (generally and in cases threat) should also be prioritized.

#### 4. Following up recommendations

Given the non-binding nature of most institutions' recommendations, their effectiveness depends on a good working relationship with relevant government bodies. Overall, roughly 65% of respondents indicated that government bodies are formally required to respond to the institution's resolutions. And a similar percentage of institutions had developed mechanisms to follow up their resolutions, reports, or recommendations (although these percentages are notably higher in the Americas).

Nevertheless, overall only 30% of respondents stated that government bodies take recommendations on board well; suggesting limited effectiveness of existing follow up mechanisms and provisions. This is therefore an area where increased capacity is needed. This issue is of particular concern in Africa and the Americas where only just over 20% of respondents rated the responsiveness of government bodies as good. However, even the highest percentage, in Europe, was under 40%

***Recommendation:*** OHCHR, UNDP, RCCs of NHRIs, and interested donors should prioritize support to institutions to develop strategies for follow up where they do not exist and strengthen them where they do. Advocacy for strengthened legal frameworks that require the state to formally respond to institutions' recommendations is also another important medium- and long-term priority.

## 5. Human rights education and research

Human rights education and research are key responsibilities of NHRIs identified in the Paris Principles. Although almost all respondents indicated that they have mandates for human rights education and research (overall 98% and 95% respectively), the actual implementation of these mandates in practice is lower.

In Africa, less than 70% of respondents carried out regular research on human rights, and less than 60% carried out activities to mainstream human rights in education curricula or developed materials for informal educational settings. In the Americas the percentage was closer to 90% for research, but under 80% for education. In the Asia Pacific the percentage was over 90% for education, but just over 80% for research. In Europe the percentage was over 80% for research, but just over 50% for education. The main challenges respondents noted in promoting human rights education, particularly in Africa and the Asia Pacific was a lack of resources available to the institution or lack of (appropriate) materials, as well as a lack of interest or resistance from the education sector

**Recommendation:** *OHCHR, UNDP, RCCs of NHRIs, and interested donors should consider providing support to NHRIs in this area, as well as developing mechanisms to encourage institutions to pool educational and research material.*

## PART D. Relationships with other organizations

### 1. Relationships with civil society

The Paris Principles recognize civil society as a group with whom an NHRI should have a well developed relationship. Over 80% of respondents in the Asia Pacific and Europe described their relationship with civil society as strong (4 or 5 out of 5). However, this percentage was closer to 70% in Africa and the Americas. Nevertheless, the frequency of respondents' engagement with civil society varies widely and numerous responses highlighted challenges for engagement, such as lack of capacity and lack of understanding amongst both NHRIs and NGOs about each other's respective role. Activities respondents had undertaken to improve or enhance relationships with civil society included joint projects or activities such as meetings, forums and roundtables.

**Recommendation:** *OHCHR, UNDP, RCCs of NHRIs, and interested donors should facilitate increased awareness raising for both NHRIs and NGOs on each others respective roles, for example through joint activities. Support for the strengthening of legal provisions that require NHRIs to establish formal relationships with civil society is also another important medium- and long-term priority (only 45% of respondents indicated that their founding law contains such a provision).*

### 2. Relationship with public organizations

An NHRI's official status puts it in a unique position to influence and work with politicians and public authorities. Indeed, over 60% of respondents indicated that their founding law required the institution to establish formal relationships with public bodies. Nevertheless, across all regions generally around 50% or fewer respondents rated their relationship with the executive, parliament, the judiciary, police and prison administrators a strong (4 or 5 out of 5). Relationships with parliamentary human rights committees were generally ranked as strong in Europe (just under 75%), but less so in Africa (just over 50%) and the Asia Pacific (just over 40%). Around 70% of respondents, in all regions, described their relationships with other human rights entities (including state bodies, NGOs, regional organizations etc) as

strong. Nevertheless, respondents commonly noted, particularly in Africa and the Asia Pacific, that public organizations lacked an appreciation of or interest in human rights issues generally, or the institution specifically.

**Recommendation:** *OHCHR, UNDP, RCCs of NHRIs, and interested donors should facilitate and assist NHRIs direct engagement with these organizations, thus also increasing the level of awareness about the work of NHRIs.*

### 3. Interaction with the International Coordinating Committee and regional networks

Cooperation with international and regional human rights organizations is one of the functions the Paris Principles vest with an NHRI. An institution's participation in the regional and international networks of NHRIs, in particular, helps to reinforce an institution's independence and effectiveness.

While over 80% of respondents regularly attend the meetings of their regional network, there is room for improvement in relation to the level of participation in ICC meetings, which is currently just over 60% overall. It is worth noting however, that participation amongst Asia Pacific NHRIs was over 80%; highlighting how a strong, well established regional network is important for strengthening the ICC. Strategies to increase the incorporation of the ICC's declarations into institutions' work plans should also be a priority, as roughly only 50% of respondents in Africa, the Americas and Europe indicated that they often refer to the declarations in developing their work plans. In the Asia Pacific this percentage was even lower, with only a third indicating that that they often refer to the declarations. The ICC might consider undertaking further consultations with its members to explore how to enhance the utility of the declarations for NHRIs in their domestic work.

**Recommendation:** *OHCHR, UNDP, RCCs of NHRIs, and interested donors should consider extending support to institutions to overcome budgetary constraints to improve participation rates in ICC events. Respondents also made a number of valuable suggestions on how to enhance the benefits of ICC meetings, which OHCHR should work with the ICC and the RCCs to implement.*

### 4. Interaction with institutions in other countries

Increasing the frequency of interaction between institutions on a bilateral or sub-regional level in all regions should also be a priority. The percentage of respondents describing such interaction as frequent (4 or 5 out of 5) varied between over 75% in the Americas to under 45% in Africa, with the Asia Pacific and Europe both at roughly 50%.

**Recommendation:** *OHCHR, UNDP, RCCs of NHRIs, and interested donors should facilitate capacity building missions, encourage increased cooperation and provide opportunities for working experiences with regional networks. Comments from respondents particularly noted the educational value in these types of activities. To facilitate this, such bodies may consider supporting the establishment and strengthening of regional and sub-regional networks of NHRIs.*

### 5. Interaction with UN bodies at the country level

Many institutions, particularly in Africa and the Asia Pacific had interacted with UNDP and OHCHR's field presences; as an implementing partner, recipient of technical assistance or training, or joint partner in activities. While over 70% of respondents overall described their



relationship with the UN as strong (4 or 5 out of 5), there is scope to improve this even further.

**Recommendation:** OHCHR should further consult with NHRIs on their experiences of working with the UN at the country level, as respondents did not generally comment on this in their responses. Collecting examples of best practice in relation to coordination and collaboration between NHRIs and field presences would also be valuable.

## PART E. Interaction with International and Regional Mechanisms

Cooperation with international and regional human rights mechanisms is a key requirement of the Paris Principles. As emphasized in the ICC's General Observation on interaction with the international system, this includes making an input to, participating in and following up the recommendations of the Human Rights Council and its mechanisms (including supporting the work of SPMH, especially during country visits), and the human rights treaty bodies. In practice however:

- NHRI interaction with the UN treaty bodies was moderate overall. In Africa, almost 80% of respondents had contributed to a state report and 50% had participated in a session. However, few had submitted a parallel report or contributed to the list of issues. In the other three regions, fewer had contributed to a state report, but the level of parallel reports and contributions to the list of issues was higher (around 30-40%). In all regions, only 40-45% of respondents had disseminated concluding observations and conducted follow up activities and only around 20% had participated in the treaty bodies' general work (days of general discussion and drafting concluding observations).
- The UPR mechanism demonstrated the highest level of engagement from respondents. The countries of 27 respondents had been reviewed and all 27 institutions indicated that they had participated in the process in some capacity. While the Americas and the Asia Pacific showed consistent engagement in the various stages of the process, in Africa and Europe increasing the level of follow up activities should be encouraged. The need to increase the level of contributions of independent information was also noticeable in Africa.
- Generally, less than 35% of respondents had provided information to a special procedures mandate holder (SPMH) or met with them during a country visit, although this percentage was over 50% in the Asia Pacific region. Follow up to the country missions of SPMHs was even lower, with less than 20% publicizing mission reports, monitoring recommendations and reporting on their implementation, on average.
- The level of interaction with the Human Rights Council, for activities such as submitting documents, contributing to SPMH reports and OHCHR reports, attending council sessions and making oral statements averaged about 20% or less.
- The interaction respondents had with other international mechanisms, conferences, workshops etc was minimal.
- Although the responses indicated that interaction with the regional human rights system was higher, examples of the types of such interaction often referred to general regional interaction (e.g. through regional NHRI networks, OHCHR training etc), rather than formal interactions with the relevant mechanisms of the regional human rights bodies (i.e. courts and/or commissions).

These participation rates show a limited familiarity with the international and regional systems. In fact, just over 50% of respondents had participated in training on the international human rights system.

***Recommendation:*** OHCHR, UNDP, RCCs of NHRIs, and interested donors should prioritize continued training to NHRIs on the international human rights system. However, they should explore methods of doing so that are less resource-intensive for NHRIs and reach the broadest number of staff. This could include “train the trainers” workshops for identified focal points on international engagement and developing online or distance training materials.

## Appendix A – Responses Received

Region	Africa	Americas	Asia Pacific	Europe
	Algeria	Argentina	Afghanistan	Albania
	Cape Verde	Bolivia	Iran	Armenia
	Djibouti	Canada	Jordan	Bosnia & Herzegovina
	Egypt	Ecuador	Korea	Croatia
	Malawi	El Salvador	Malaysia	France
	Mali	Guatemala	Maldives	Germany
	Morocco	Mexico	Mongolia	Greece
	Namibia	Mexico City	Nepal	Ireland
	Niger	Paraguay	New Zealand	Latvia
	Nigeria		Philippines	Luxembourg
	Rwanda		Thailand	Northern Ireland (UK)
	Senegal		Timor Leste	Norway
	Sierra Leone			Portugal
	South Africa			Romania
	Southern Sudan			Scotland (UK)
	Tanzania			Slovakia
	Togo			Spain
	Uganda			Sweden
	Zambia			Ukraine
				Great Britain (UK)
				Uzbekistan
Total	19*	9	12	21

\* Although an additional response was received, unfortunately the file could not be opened.