

NATIONAL HUMAN RIGHTS INSTITUTIONS

Accelerators, Guarantors
and Indicators of Sustainable Development



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS



GANHRI

Global Alliance of National Human Rights Institutions

National Human Rights Institutions (NHRIs) are independent State institutions, with a constitutional and/or legislative mandate to protect and promote human rights. NHRIs address discrimination in all its forms, and promote and protect civil, political, economic, social and cultural rights.

As stated in the 2030 Agenda for Sustainable Development, the Sustainable Development Goals (SDGs) “seek to realise human rights of all”. Given the mutually reinforcing nature of human rights and sustainable development, NHRIs are crucial elements of the good governance and institutional accountability architecture that is necessary to achieve the SDGs.

The Paris Principles

The United Nations Paris Principles provide the international benchmarks against which NHRIs are accredited.

The Paris Principles set out six main criteria that NHRIs require to meet:

- **Mandate and competence: a broad mandate, based on universal human rights norms and standards;**
- **Autonomy from Government;**
- **Independence guaranteed by statute or Constitution;**
- **Pluralism;**
- **Adequate resources; and**
- **Adequate powers of investigation.**

Typical NHRI functions comprise:

- **Protection of human rights, including by monitoring activities, mediating conflicts; receiving, investigating and resolving complaints, and; and**
- **Promotion of human rights, through education, outreach, the media, publications, training and capacity building, as well as advising and assisting the Government.**



At the international level, NHRIs work together through the **Global Alliance of National Human Rights Institutions** (GANHRI).

In 2015, just few weeks after the adoption of the 2030 Agenda for Sustainable Development, NHRIs from all world regions adopted the **Mérida Declaration**, which outlines how the NHRIs can apply their broad human rights mandate and functions for achieving the SDGs and ensuring that no one is left behind.

- **Monitoring and reporting.**

All NHRIs undertake systematic analysis of the national human rights situation and issue reports and recommendations, which can be immediately used for guiding SDG implementation. In addition, many NHRIs report to international and regional human rights mechanisms, including the United Nations treaty bodies.

A growing number of states use NHRI analysis and data to guide, plan and monitor the implementation of the SDG. The Argentinian NHRI, the Defensor del Pueblo de la Nación, has developed a comprehensive SDG monitoring and evaluation programme, including numerous thematic studies, which generate specific recommendations for achieving the SDGs for particular groups.

Likewise, a number of NHRIs (including Denmark, Indonesia, Kenya and Palestine) have established partnerships with National Statistical Offices to enhance a human rights-based approach to data, include disaggregated data on vulnerable groups.

- **Advising the government.**

An increasing number of NHRIs use their advisory function to also advise on human rights-based SDG implementation. For example, the NHRI of Costa Rica participates in the national advisory committee for SDG implementation.

- **Facilitating access to justice, redress and remedy.**

Some NHRIs are mandated to handle complaints on human rights violations. An increasing number of NHRIs link these complaints to the SDGs, and thereby contribute to SDG implementation for particular groups and individuals. The complaints also unveil systemic barriers, and thereby facilitate necessary policy and legislative change.

- **Fostering dialogue and participation.**

NHRIs serve as bridges between governments, private sector and groups of rights-holders. They play a crucial role in securing space for civil society, facilitating dialogue, promoting responsible business conduct and protecting human rights defenders.

For example, the Instituto Nacional de Derechos Humanos, the NHRI of Chile, has an institutionalized role in supervising the implementation of the National Action Plan on Business and Human Rights.

NHRIs as credible data providers on a range of SDG targets

Given their broad mandate covering all human rights, their monitoring mandate and independent status, NHRIs have a significant potential for serving as credible data providers that can provide context-specific analysis and advice, as well as information about vulnerable groups and sensitive issues that are hard to capture through statistical data.

For example, SDG targets 16.b, 10.3 and 5.1 call for the elimination of discriminatory laws and policies and the promotion and enforcement of non-discriminatory laws and policies for sustainable development. NHRIs are well placed to report on the status of discriminatory policies and legislation.

Likewise, they are well-placed to report on SDG indicator 16.10.1 on the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates.

An independent NHRI is an indicator of sustainable development

The 'existence of independent NHRIs in compliance with the Paris Principles' is a **global indicator** for the achievement of **SDG 16** on peace, justice and strong institutions. This reaffirms that sustainable development cannot be achieved without a strong and independent NHRI.



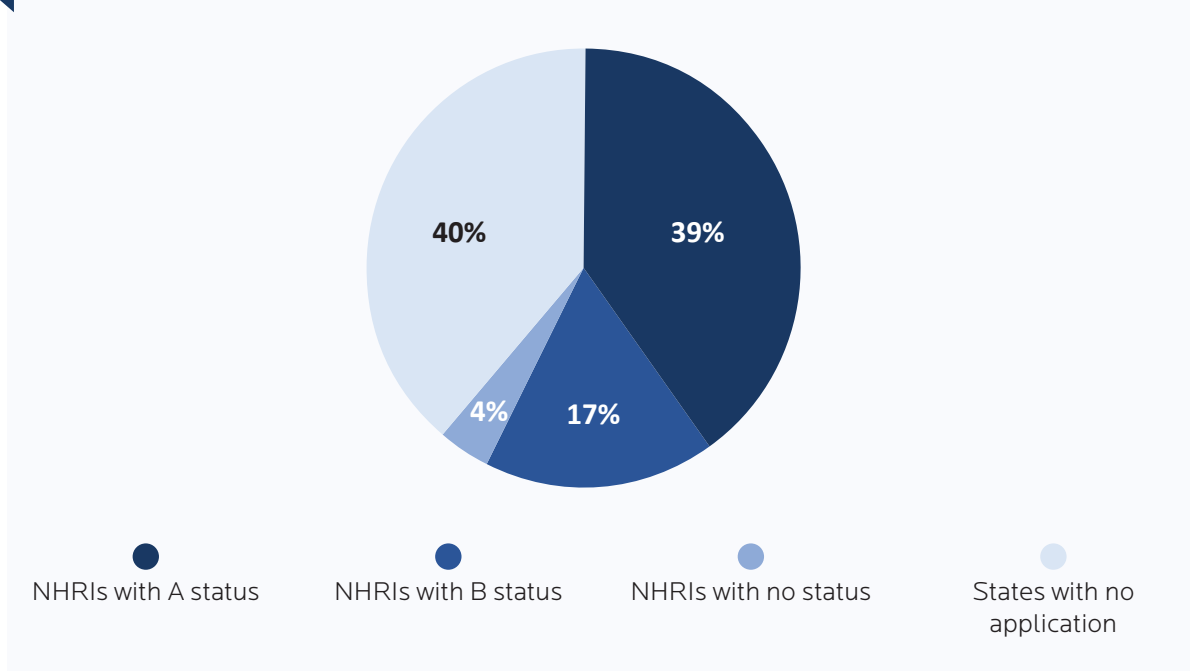
NHRIs are part of the State apparatus and are funded by the State. However, in order to comply with the **Paris Principles** they must operate and function independently from government.

The Paris Principles constitute authoritative and **reliable metrics, adopted by the UN General Assembly**, to measure the independence, investigatory powers, mandate and capacity of NHRIs. All NHRIs are regularly assessed and awarded with either **A, B or no status** depending on their compliance with the Paris Principles by a Sub-Committee of GANHRI, under the auspices of the Office of the High Commissioner for Human Rights.

Based on this transparent, periodic and internationally agreed peer review procedure, the existence of an independent NHRI in compliance with the Paris Principles, (A-status), is the **global indicator for SDG target 16.a**.



NHRI status distribution of UN member states in 2018



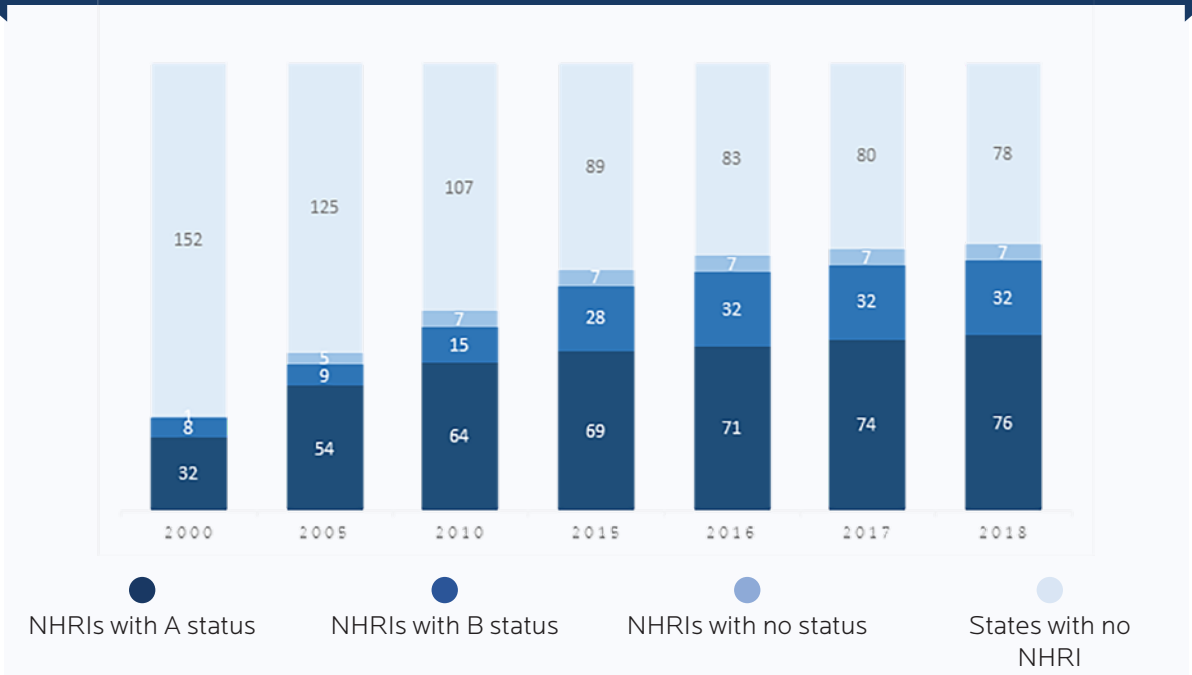
The status by the end of 2018 is that 76 UN Member states have a NHRI with A-status accreditation (accounting for app. 39% UN Member States).

Currently, there are 32 UN Member States that have a NHRI with B-status. While these institutions are not in full compliance with the Paris Principles, this represents an important step towards the fulfilment of SDG 16.

However, although there is a positive trend towards an increased number of A-status NHRIs over time, there are also set-backs as the overall figures hide some A-status NHRIs being downgraded to B-status.

From 2015-2018, 11 NHRIs have been granted A-status. However, during the same period, 4 other NHRIs have been downgraded from A to B status, given failure to comply with certain elements of the Paris Principles.

NHRI status trend of UN member states



The progress in ensuring A-status NHRIs in all UN member states will naturally be influenced by many factors.

However, if we project current trends (2015-2018) of new establishments as well as up and down-gradings into the future, only 54% of UN member states would have an A-status NHRI by 2030.

If the pace set from 2015-2018 is maintained, it is not until 2067 that all UN member states will have an A-status NHRI.

Assessing progress towards the SDGs

In order to assess progress, the 2030 Agenda establishes follow-up and review mechanisms at national, regional and global levels. These mechanisms are supposed to “draw as far as possible on the existing network of follow-up and review institutions and mechanisms“ (A/RES/70/1, para. 77), including with a view to ease their reporting obligations.

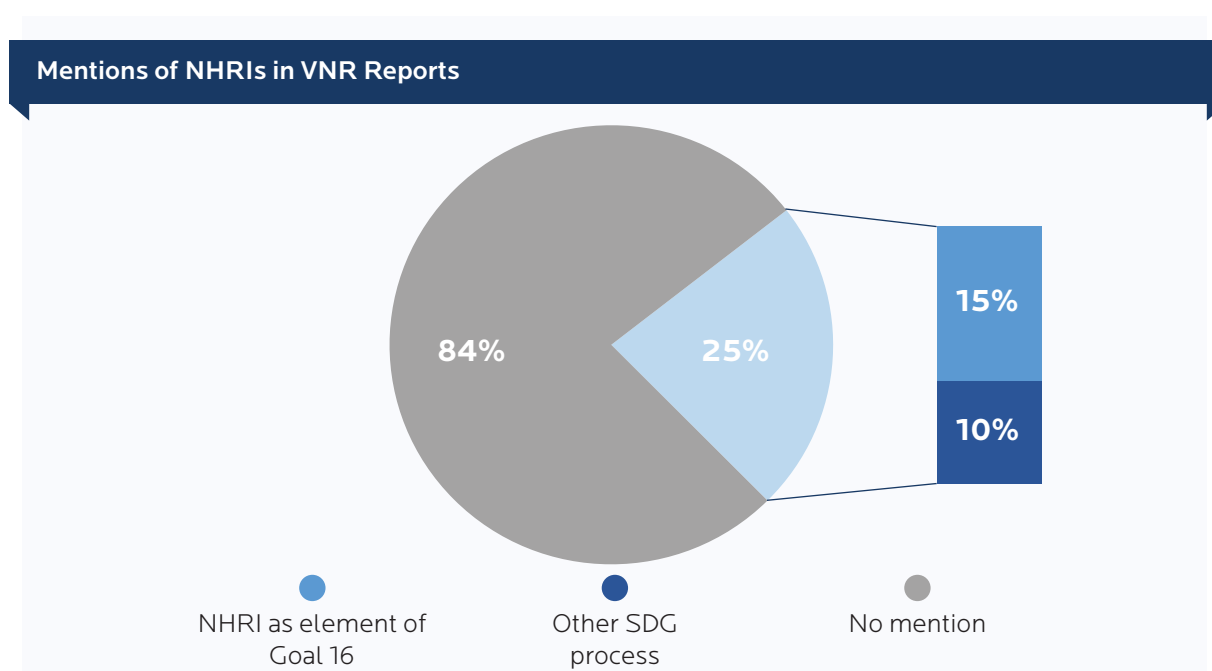
The mutually reinforcing nature of human rights and the SDGs implies that NHRIs can directly contribute to **assessment of progress** of the SDGs, and **provide guidance** to direct and accelerate implementation, including to ensure that vulnerable groups are not left behind. Moreover, as the existence of an independent NHRI is an indicator of SDG 16, it could be expected that states would **report on the existence of an A-status NHRI**, or their **challenges or efforts in that regard**.

From 2015-2018, a total of 109 **Voluntary National Review** (VNR) reports were submitted to the High-Level Political Forum, with the aim of reporting on progress and challenges, enable mutual learning across countries and mobilise necessary support and partnerships. Of these, 15 reports **refer to NHRIs as an element/indicator of SDG 16**. However, with a few exceptions, these references are only made by States that already have an A-status NHRI. Noteworthy exceptions are:

- **Sweden**, which has a B-status NHRI mentions (2017 VNR report) a commitment from the government to establish an NHRI in line with the Paris Principles (A-status)
- **Montenegro**, which mentions (2016 VNR report) that fulfilment of the NHRI indicator is in line with its national strategy on governance for development. The Protector of Human Rights and Freedoms, the NHRI of Montenegro, currently has B-status.

In addition, 10 VNR reports mention NHRIs in relation to other sustainable development goals or processes:

- **Azerbaijan** mentions that its NHRI (B-status) is represented in several working groups to further sustainable development under the National Coordination Council for Sustainable Development.
- **Chile** mentions that its NHRI (A-status) is represented in a working group linked to the SDGs and the implementation and follow up on the 2030 Agenda.
- **Panama** mentions that its NHRI (A-status) is involved in an interinstitutional body created to strengthen women's rights;
- **Paraguay** mentions creation of an interinstitutional body to deal with recommendations, in collaboration with, among others, its NHRI (No Accreditation).



While it is positive that NHRIs are mentioned in a number of VNR reports, it can be concluded that there is an underutilized potential for using the VNRs to:

- Highlight the role and contribution of NHRIs, including as data providers for the most human rights-related aspects of the 2030 Agenda; and
- Highlight the challenges and efforts of ensuring the existence of an A-status NHRI as a crucial element of achieving the SDGs in any given country, including any need for support and partnership in that regard.

Most states have already committed

The importance of establishing an independent NHRI (A-status) is not only reflected in the SDG 16 indicators, but has been **reaffirmed by the UN General Assembly** and the **UN Human Rights Council** in various resolutions.

For example, the 2015 UN General Assembly Resolution on NHRIs (A/70/163) 'encourages Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all' (para. 8), and likewise 'encourages NHRIs to continue to participate in and to contribute to deliberations in all relevant UN mechanisms and processes, including the discussions on the implementation of the 2030 Agenda for Sustainable Development' (para. 15).

Moreover, establishing a Paris Principles compliant NHRI is a **long-standing commitment** of the vast majority of states.

For example, under the **Universal Periodic Review** of the Human Rights Council, recommendations relating to NHRIs are among the most frequent ones made to states under review:

- 73 UN member states which do not have an accredited NHRI have accepted recommendations towards establishing one;
- 59 UN member states have accepted recommendations to strengthen their existing NHRI (either A- or B-status)
- Only few UN member states have not yet made any commitments to work towards attaining an A-status NHRI.

This implies that there is a broad consensus among states that attaining an A-status NHRI is a crucial element of fulfilling their human rights commitments. This again underlines the mutually reinforcing nature of human rights and sustainable development.

The Universal Periodic Review (UPR)

The UPR is a unique peer review mechanism under the UN Human Rights Council.

The UPR seeks to improve the human rights situation in all UN Member States by periodically assessing their human rights records and addressing human rights violations wherever they occur. The reviewed State can choose to either accept or note the recommendations received from other States.

See all recommendations from the international human rights-system pertaining to NHRIs here:
<http://sdgdata.humanrights.dk/>

Time for action

The catalytic effect of NHRIs on the implementation and monitoring of the SDGs; the existence of independent NHRIs as indicators of sustainable development, and the existing commitment by many states to establish one underline the importance of rapidly increasing the number of independent A-status NHRIs across the globe.

GANHRI recalls the commitments made by many states under the UPR process and encourages these states to strengthen existing institutions and establish fully independent NHRIs in line with the Paris Principles as a matter of priority.

The 2019 global review of progress under SDG 16 provides a timely opportunity for states to renew these commitments. GANHRI also stands ready to support such efforts, including through its Tripartite Partnership with the OHCHR and the United National Development Programme (UNDP).

Moreover, to fully benefit from the support and catalytic effect of NHRIs on the implementation and monitoring of the SDGs, GANHRI calls on Member states to develop suitable modalities allowing for the participation of Paris Principles compliant NHRIs, GANHRI and the four NHRI regional networks in the global review and follow-up of the 2030 Agenda for Sustainable Development, in particular the High-Level Political Forum on Sustainable Development (HLPF), on the basis of those participation modalities afforded to PP compliant NHRIs and their networks at the Human Rights Council.

This would help give effect to Human Rights Council resolutions 5/1, 5/2 and 16/21 as well as UN General Assembly Resolution A/70/163, which encourages all relevant United Nations mechanisms and processes to further enhance the participation of NHRIs compliant with the Paris Principles and to allow for their contribution to these United Nations mechanisms and processes, including those related to the 2030 Agenda for Sustainable Development, such as the High-Level Political Forum (para. 16).

Read more

GANHRI:
<https://nhri.ohchr.org/EN/Themes/SustDevGoals/Pages/default.aspx>

DIHR:
<https://www.humanrights.dk/our-work/sustainable-development>

