



STATE OF COMPLIANCE OF NHRIS WITH THE PARIS PRINCIPLES- PROGRESS & CHALLENGES

JOSEPH WHITTAL

CHAIR, COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

(CHRAJ), GHANA

WHAT THE PARIS PRINCIPLES STAND FOR

- They are the Principles relating to the status of national human rights institutions adopted by the UN GA by Resolution to guide the establishment, effectiveness and functioning of NHRIs in member states
- Adopted in 1993, this year marks the 25th anniversary of the PP
- NHRIs have grown enormously in numbers and influence under the leadership of GANHRI

REVIEW CRITERIA OF NHRIS IN WEST AFRICA USING THE PARIS PRINCIPLES AS GUIDE

- COMPETENCE AND RESPONSIBILITIES

- Need to examine the mandates given to NHRIs in West Africa
- Are they sufficiently brought ?
- Are they set out in a Constitution or statute specifying composition and sphere of competence of jurisdiction ?
- Do their Responsibilities include submissions of opinions, recommendations, proposals and reports to Governments, Parliaments and other competent Bodies matters concerning the promotion and protection of human rights ? Can they publicise these opinions and reports ?

REVIEW CONT'D

- Do power to submit opinions, reports and proposals to Government, Parliament and other competent Bodies involve:
- Legislative and administrative provisions in force intended to preserve and extend the protection of human rights
- Bills and proposals
- Situation of violations of human rights which it decides to take up on its own

REVIEW CONT'D

- Promoting the harmonization of national legislation, regulations and practices with international human rights instruments to which the state is a party and their effective implementation.
- Encouraging Ratification and accession to international human rights instruments and to ensure their implementation
- Contributing to state reports which states are required to submit to UN Bodies and Committees, Regional Mechanisms

REVIEW CONT'D

- Cooperate with the United Nations and any other organizations in the UN system, Regional Mechanisms and the national institutions of other countries competent in the area of the promotion and protection of human rights
- Assist in the formulation of programmes for teaching of and research into human rights and to take part in their execution in schools etc
- To publicise human rights and efforts to combat all forms of discrimination by increasing awareness through public education and the media

COMPOSITION AND GUARANTEES OF INDEPENDENCE AND PLURALISM

- Does the composition of our NHRIs in West Africa and the appointment or election of the members follow established procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces involved in promotion and protection of human rights e.g
 - CSOs
 - Academia
 - Parliament etc

GUARANTEES OF INDEPENDENCE CONT'D

- Adequate Funding. The purpose of the funding is to enable the NHRI have its own staff and premises in order to be independent of Government and not subject to financial control which might affect its independence
- To ensure stable mandate for the members of the institution without which there can be no real independence their appointment shall be effected by an official act which shall establish the specific duration of the mandate
- The mandate may be renewable provided that pluralism is ensured.

METHODS OF OPERATION

- The NHRI shall be free to consider any questions falling within its competence either by petition, submitted by Government, or on its own motion.
- Hear any person and obtain any information and/or documents necessary for assessing situations falling within its competence
- Address public opinion directly or through the media particularly to in order to publicise its opinions and recommendations
- Meet regularly
- Establish working groups and set up local or regional sections to assist in the discharge of its functions

OPERATIONS CONT'D

- Maintain consultations with other bodies whether within jurisdiction or otherwise responsible for the promotion and protection of human rights
- Develop relations with NGOs devoted to the promotion and protection of human rights

QUASI-JURISDICTIONAL COMPETENCE

- Hear and consider complaints and petitions concerning individual situations