

NHRI Part II: The Paris Principles and the EOC

This is the second column discussing the Equal Opportunity Commission's (EOC) strategic vision of becoming the National Human Rights Institution (NHRI) of TT. On April 17, we spoke about what are NHRIs. Today we will explain how NHRIs are recognised in the United Nations (UN) system. Contrary to other national institutions, NHRIs are accredited with an internationally accepted quality label, based on their compliance with the UN's Paris Principles.

In 1946, the UN Economic and Social Council (ESC) invited member states to consider establishing local human rights committees. In 1960, the ESC went further and encouraged to form such bodies. In 1978, the Commission on Human Rights approved guidelines for the structure and functioning of these bodies. These guidelines were endorsed by the General Assembly. Coming out of a workshop held in Paris in 1991 on NHRIs the commission endorsed a list of "principles relating the status and functioning of NHRIs" which set out the minimum standards that NHRIs must meet to be considered credible and to operate effectively (the Paris Principles). Up until that time, there were fewer than 20 NHRIs around the world. The Vienna Declaration and Programme of Action, coming out of the Second World Conference on Human Rights, held in Vienna in 1993, gave renewed impetus for establishing NHRIs in line with the Paris Principles. In December 1993, the General Assembly adopted the Paris Principles (Resolution A/RES/48/134). Since that time, the number of NHRIs has grown rapidly to 120 in 2018, of which 79 have been accredited as compliant with the Paris Principles by the Global Alliance for National Human Rights Institutions.

These principles include:

1. The NHRI should be set up by written



law or by the Constitution.

2. The law/constitution must guarantee its independence from the government; for example, its members must be appointed and could only be removed on clearly defined reasons or by a clearly defined process.

3. As part of its independence, it should be given adequate resources and financial autonomy: it should receive funding from the government but should not be subject to onerous financial control or oversight.

4. It must be given as broad a mandate as possible to protect and promote human rights.

5. Its membership shall represent civil society as plurally as possible.

6. It should have the power to inquire into any question of human rights, including the power to obtain information and documents.

7. It should have the power to investigate complaints by individuals or groups who allege that their human rights have been infringed, including the power to conciliate these disputes.

8. It should have the power to submit opinions, recommendations and proposals on the reform of laws, regulations or administrative practices or on any situation concerning a violation of human rights.

9. It should have the power to formulate or coordinate programmes for the teaching of, and research into, human rights.

10. It should be able to contribute to the reports which states are required to submit to international bodies pursuant to

treaty obligations, including any opinion and commentary without prior political approval.

11. It should develop networks and relations with other bodies concerned with the protection and promotion of human rights, such as local and foreign ombudsmen, NGOs, and special interest groups (for example, groups that treat with vulnerable communities such as children, migrants, refugees and persons with disabilities).

At present, the EOC meets some of these criteria for example:

i. It is set up by a written law, the Equal Opportunity Act (EOA), which provides for how its members may be appointed or removed.

ii. The act mandates at section 26(2) and (5) that its membership shall be as plural as possible.

iii. The act gives the EOC the power to investigate and conciliate complaints brought by members of the public, including the power to obtain information and documents (section 33).

iv. The act gives the EOC the power to make recommendations for law reform and to conduct research and educational programmes (section 26).

However, the EOA did not create the EOC as an autonomous body, and this was one proposal for amendment that has been submitted.

Additionally, the EOC does not have the power to inquire into human rights generally, it can only inquire into complaints that individuals have lodged with it. Thirdly, its mandate is to protect and promote only those rights guaranteed by the EOA and not to human rights generally. It is hoped that with the appropriate amendments to the EOA, the EOC can meet the requirements of the Paris Principles to become an NHRI.