

European Union Agency for Fundamental Rights (FRA)
MEMO / 7 May 2010

National Human Rights Institutions in the EU Member States Strengthening the fundamental rights architecture in the EU I

82% of those who were discriminated against in the past 12 months did not report their most recent experience of discrimination anywhere.

(respondents to the FRA's [EU-MIDIS European Union Minorities and Discrimination Survey](#))

“With levels of awareness of human rights issues so low, more really needs to be done to make sure that strong National Human Rights Institutions are in place. Some National Human Rights Institutions lack political support, others experience government interference and many suffer from a weak mandate. In some countries, there is also confusion because of the existence of so many bodies acting in the field. It is clear, therefore, that the fundamental rights architecture in the EU needs to be more user-friendly and, in many cases, more effective.”

Morten Kjaerum, FRA Director

National Human Rights Institutions

In light of the low levels of reporting of discrimination and low rights awareness documented in its [EU-MIDIS survey results](#), the FRA has looked into the mechanisms of redress available to victims of human rights violations in the EU.

Having been discussed and developed for 40 years, agreement over what a National Human Rights Institution (NHRI) should look like was reached in 1993 with the adoption of the [Paris Principles](#). The Principles, adopted by the UN General Assembly, stipulate the essential criteria for a body to qualify as an NHRI, covering issues of competence, independence, and effectiveness. The work of NHRIs is grounded in the idea that human rights violations can be most effectively addressed as close as possible to the victim – at national level – rather than only through international monitoring mechanisms.

This report on National Human Rights Institutions in the European Union Member States identifies gaps and concerns in the respective mandates and powers of these bodies.

The analysis draws on 27 national reports produced by the FRA's group of legal experts ([FRALEX](#))

KEY RESULTS

NHRIs do not enjoy sufficient political support in all Member States

In only 16 of the 27 EU Member States have NHRIs applied for international accreditation through the International Coordinating Committee (ICC) of NHRIs, a self-regulating label for compliance with the Paris Principles.

Implications of the Paris Principles:

A: Fully in compliance with the Paris Principles;

B: Not fully in compliance with the Paris Principles or insufficient information provided to make a determination;

C: Not in compliance with the Paris Principles.

Classifications of NHRIs in the EU Member States according to the Paris Principles:

Status	EU Member States
A	Denmark, France, Germany, Greece, Ireland, Luxembourg, Poland, Portugal, Spain, United Kingdom (with an NHRI in its constituent countries: Great Britain, Northern Ireland and Scotland ¹)
B	Austria, Belgium, the Netherlands, Slovakia, Slovenia
C	Romania
No accredited NHRI	Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, Hungary, Italy, Latvia, Lithuania, Malta and Sweden ²

¹ The Scottish Commission has been recommended for A-status by the ICC SCA, and an approval is expected by the ICC Bureau in late May 2010.

² The A-Status for the Swedish NHRI (JämO) lapsed late 2008 and at present there is no accredited NHRI in Sweden.

The Paris Principles should be taken as the very minimum standard for NHRIs in the European Union

An NHRI should be granted sufficient **independence** (based on secured economic resources and the non-interference of governments), sufficient **powers** (especially to take action, including possibly quasi-judicial powers and powers to handle individual complaints) and a **mandate** that covers the full spectrum of fundamental rights (from economic, social and cultural to civil and political rights)

NHRIs are not sufficiently independent and effective

Only in 10 of the Member States where the NHRIs have sought accreditation have the ICC found the NHRI to be in full compliance with the Paris Principles (covering competence, independence, and effectiveness)

Good practice examples:

Poland, Portugal, Spain: the Ombudsman institutions have their independence guaranteed in constitutional provisions and specialised legislation. These NHRIs enjoy parliamentary immunity and may be dismissed only in certain circumstances stipulated by law.

Scotland: The members of the Scottish Human Rights Commission are appointed by the Parliament (the Chair formally also by the Head of State) They can only be dismissed by a two-thirds majority of the Parliament.

NHRIS should be transparent yet visible

NHRIs should be well known to the public, to boost their efficiency and credibility. A coherent architecture at the national level must be established. The establishment of a single NHRI per Member State would make the system significantly more accessible for citizens. The title of the institution should include the words “human rights” (or “fundamental rights”), and the selection of staff should be based on a transparent selection procedure.

Multiple bodies – gaps and overlaps

The existence in many Member States of several different independent public bodies with human rights remits contributes to a diffusion of resources and gaps in mandates. In some cases it also results in overlapping mandates. As a result, it is more difficult for those seeking redress to be sure where to turn.

EU Member States without A-status NHRIs typically have a variety of bodies with widely differing mandates in place. Such bodies focus their work on a specific topic, a specific right, a specific target group or a specific function.

In many cases, human rights education and awareness-raising, promotion of human rights treaties, or interaction with civil society – all of which are core functions of an NHRI – are either not explicitly stipulated in their founding instruments or are not carried out due to resource constraints.

In particular, the lack of coordination between the bodies within a state leads to overlapping mandates and, consequently, to the omission of certain areas. This poses a major obstacle to the effective protection of human rights.

Good practice examples

UK: The United Kingdom Equality and Human Rights Commission (EHRC) took over the powers and functions of three previously existing specialised commissions.

Sweden: In 2009, four previously specialised ombudsman institutions (gender, ethnicity and beliefs, disabilities, sexual orientation) were merged into one Equality Ombudsman (DO)

Weak mandates often lead to weakened credibility

In many Member States, the National Human Rights Institution is not mandated to deal with individual complaints. This might be so as to ensure a strong focus on the promotional aspects of human rights but if there is no other efficient mechanism for complaints, the credibility of the system is compromised.

Good practice examples

Ireland: The Irish Commission is mandated to protect and promote rights guaranteed by the Constitution or by any treaty to which Ireland is a party.

Denmark: The mandate of the Danish Institute for Human Rights covers “human rights recognised at any given time by international society, including in particular those laid down in the United Nations Universal Declaration, conventions adopted by the United Nations and the Council of Europe, and the civil rights contained in the Danish Constitution.”

A National Human Rights Institution compliant with the Paris Principles that can serve as a ‘one-stop-shop’ for victims of human rights violations should be established in each EU Member State. This institution needs to be independent with a strong and clear mandate and adequate funding.

Notes to editors

National Human Rights Institutions (NHRIs) in the EU Member States come in different shapes; commissions, ombudsmen, or institutes.

Their key tasks include: human rights education and awareness-raising, the handling of individual complaints, promotion of human rights treaties and interaction with civil society. NHRIs help to narrow the ‘implementation gap’ between international treaties and standards and concrete measures.

An NHRI should be able to advise government bodies, promote harmonisation of national legislation with international human rights instruments, cooperate with international and national organisations and institutions, and increase public awareness.

This report is part of a series of reports by the FRA on **Strengthening the Fundamental Rights Architecture in the EU**. This ongoing series looks at the mechanisms available for the redress of human rights violations in the EU, highlighting good practices and recommending areas for improvement.

Other reports in the series include:

[Data Protection in the European Union: the role of National Data Protection Authorities Strengthening the fundamental rights architecture in the EU II](#)

[EU-MIDIS Data in Focus Report: Rights Awareness and Equality Bodies Strengthening the fundamental rights architecture in the EU III](#)

[The Impact of the Racial Equality Directive: Views of Trade Unions and Employers in the European Union Strengthening the fundamental rights architecture in the EU IV](#)

For more information please contact the FRA Media Team:

Email : media@fra.europa.eu

Tel. : +43 1 58030-671

Mob.: + 43 664 8858 1511 (Blanca Tapia)

All FRA reports are available at www.fra.europa.eu