

FREMP-COHOM Joint Meeting: 5 November 2019

Ladies and gentlemen,

today marks an important milestone for National Human Rights Institutions and ENNHRI as it is the first time in history that you will discuss NHRIs in a joint meeting of FREMP & COHOM. We warmly thank you for this opportunity and are confident that it will contribute to the further integration of and cooperation with NHRIs across EU internal and external policies & regulation, thereby contributing to the further enjoyment of human rights by individuals in the EU and the world.

I will use this time to:

- first, remind you briefly of what NHRIs are, while highlighting the benefits of engaging with NHRIs and ENNHRI, and how they are complementary to other independent national actors such as equality bodies & their network, Equinet;
- second, I will provide some good practice examples of ongoing cooperation with NHRIs, including in the context of EU internal and external policies;
- and third, I will provide you recommendations on how the enabling environment for NHRIs can be further improved, reflecting on the importance of coherence between EU internal and external policies and action

1. National Human Rights Institutions (NHRIs) and ENNHRI -Benefits

NHRIs are state-mandated bodies, independent of government, with a broad mandate to promote and protect human rights.

While the establishment of NHRIs is so far not required by EU law, all EU Member States have committed to establishing an NHRI in compliance with the UN Paris Principles, and ENNHRI has currently members in 26 out of the 28 EU Member States.

NHRIs are different to other national bodies working on human rights in a few key ways:

- First, their broad mandate addresses all human rights, and is not limited to specific types of rights, equality groups, or policy areas. Accordingly, NHRIs help ensure national implementation of human rights in a coherent way, acting in areas the EU cannot reach, as

national level guardians of the EU Charter and of the EU values of fundamental rights, democracy and rule of law.

- Secondly, NHRIs must cooperate with civil society, other national bodies working on human rights and international mechanisms. This makes them natural interlocutors and conveners of the various human rights actors. As recognised in a 2018 Recommendation of the Committee of Ministers of the Council of Europe, NHRIs enable civic space and support human rights defenders, working actively with civil society and supporting inclusive societies.
- Thirdly, NHRIs are regularly accredited by reference to the UN Paris Principles to ensure their independence, pluralism, and accountability. Therefore, NHRIs are trusted and credible partners & can bridge civil society and the state; as well as the national with the international arenas. NHRIs provide national ownership and understanding of the application of human rights standards to the local context, while reinforcing multilateral structures through independent reporting.

A-status NHRIs (those in full compliance with the Paris Principles) are given independent reporting rights before the UN Human Rights Council, Treaty Bodies and other UN mechanisms. Through ENNHRI, NHRIs also have participation rights at the Council of Europe, which currently devotes a drafting group to NHRIs, and will develop an updated Recommendation on NHRIs in the coming year. The existence of a Paris Principles-compliant NHRI has been recognised also as a global indicator for the Sustainable Development Goals, under Goal 16 on peaceful, just and inclusive societies.

Accordingly, the establishment of, and active cooperation with, NHRIs shows the EU's and Member States' commitment to international human rights standards, and coherence on the internal and external levels.

- Finally, NHRIs contribute to coherence, solidarity and mutual trust, including through cross-border cooperation under the auspices of ENNHRI and other NHRI networks.

ENNHRI's membership covers the wider European region. Thereby, ENNHRI's peer exchange and capacity-building activities contribute to fundamental rights protection in EU, neighbourhood and accession countries. We consider synergies and complementarities that can be made across applicable human rights frameworks, including the European Convention of Human Rights and the EU Charter for Fundamental Rights, for the implementation of rights at national level.

ENNHRI's reach also extends across the globe. ENNHRI is one of four regional networks of NHRIs, which together make up the Global Alliance of NHRIs (GANHRI). GANHRI has 127 members across the globe and aims to have an accredited NHRI in each country in the world. As the European network of GANHRI, ENNHRI provides access to information, peer exchange and joint cooperation between NHRIs globally. ENNHRI's work on the role of NHRIs in conflict and post-conflict situations, funded by DG DEVCO, is an example in place where ENNHRI

builds on cross-regional NHRI experiences & provides frontrunner guidance to the benefit of individuals living in conflict situations, including contested territories, across Europe & the globe.

2. Current good examples of constructive cooperation

In view of the multi-layered functioning of NHRIs, examples of constructive cooperation can be found at the national level, as well as in the EU internal and external policies.

A few examples of good cooperation at national level -which you can further illustrate without a doubt through your own national experiences- include:

- State authorities which take into account NHRIs' advice on compatibility of draft legislation and policies with international human rights standards, including the Charter;
- Cooperation in awareness raising of fundamental rights among the public, and training on fundamental rights for state officials and other actors; and
- due consideration of NHRIs' special and annual reports on the fundamental rights situation, in order to prioritise actions to ensure promotion, protection and prevention for individuals.

On the EU internal level good practices include

- the cooperation between the EU FRA with ENNHRI & NHRIs to provide training on the use of the Charter of Fundamental Rights at national level;
- the recognition by the European Commission of the relevance and role of NHRIs for the monitoring of rule of law in member states; and
- the EU's support of ENNHRI, which allows NHRIs to learn from each other and work together on key human rights issues such as the monitoring of fundamental rights of [migrants](#) at borders; or working on [implementation of the UN CRPD in Europe](#).

In the EU External policy examples include

- the use by DG NEAR of NHRIs as partners to drive the Copenhagen criteria on rule of law and fundamental rights, and in Eastern Partnership states, through twinning and technical assistance.
- The current EU Action Plan on HR and Democracy which includes actions to establish, strengthen and cooperate with NHRIs.

ENNHRI has made a submission to the EEAS with a view to ensure that the next EU Action Plan (starting in 2020) will further build on the achievements realised so far, including, for

example, by ensuring more even opportunities for engagement of third country NHRIs in EU political processes

3. Recommendations for enhancing cooperation and benefits

While important progress has been made over the past years on the establishment of and cooperation with NHRIs, the innovating and ground-breaking potential of NHRIs is yet to be fully explored and operationalised for optimal impacts by the EU and Member States.

Ten years after the entry into binding force of the EU Charter for Fundamental Rights, and after the establishment of EU actors dedicated to fundamental rights (the EU FRA) and human rights (the EU Special Representative for Human Rights) it is now time for the EU to ensure fundamental rights actors at national level.

An EU requirement for states to establish and strengthen NHRIs in compliance with the Paris Principles would significantly strengthen an enabling environment for NHRIs. Accordingly, the EU should include such a requirement in the new EU Action Plan on Human Rights and Democracy (at external level) and primary EU legislation (at internal level). Such EU requirements would be coherent with existing commitments of EU Member states, as recognised through the SDG global indicator on NHRIs, the UPR, Council of Europe, and national processes.

The Paris Principles provide basic standards for ensuring an enabling environment for NHRIs at the national level, including:

- Strong legislation and regulation on NHRIs, including a broad mandate to address all human rights, a separate budget line, freedom to address any fundamental rights issues arising, annual reporting to Parliament, pluralism and an open and transparent recruitment processes.
- Governments should also ensure adequate funding for an NHRI to carry out the full breath of its mandate, and provide additional funding for additional mandates, such as that of national mechanism under UN CRPD or OPCAT, or an additional role under the recent EU Whistle-blower Directive;
- State authorities should also respect the independence of an NHRI in all instances, and engage in constructive cooperation, including through timely follow-up to NHRI recommendations

In an EU context of shrinking space for civil society and challenges to rule of law and democracy, it is important that the EU also provides avenues for support to NHRIs when there are threats to

their compliance with the Paris Principles, including through cooperation with ENNHRI and other NHRI networks.

With a view to further moving ahead with internal and external coherence, we also recommend the EU and Member States to further develop effective and consistent cooperation with NHRIs, including by formally recognising NHRIs as implementation partners in relevant policy areas and processes, and by taking due account of NHRI recommendations and reports. In this regard, we look forward to the development of an EU action plan on *fundamental* rights, as announced by Commissioner Jourova. We also would like to specifically point out again the importance of ensuring coherence between the EU values of FR, ROL and democracy. This should not only be done at the level of principle but also in implementation and reporting processes across EU internal and external policies and at national level, including through formal recognition & involvement of NHRIs.

To further exploit the potential of NHRIs, further resources should be dedicated which would allow to build on the wider regional approaches offered by ENNHRI. A good example is the current partnership the network has with European Commission DG JUST for NHRIs *in the EU*. Enabling a “matching approach” between NHRIs in the EU and NHRIs in the Eastern Partnership and Enlargement countries would further infuse ENNHRI’s endeavors to promote the rule of law, respect for human rights and fundamental freedoms across Europe and the world.

Thank you.