

ENNHRI Statement on the Flemish Institute for Human Rights and the UN Paris Principles

In view of ENNHRI's mandate to support National Human Rights Institutions (NHRIs) in Europe through the establishment and accreditation process, ENNHRI is taking the opportunity to clarify the applicable international standards, in response to the initiative by the Flanders Government to establish a Flemish Institute for Human Rights in Belgium.

When establishing an NHRI, states have the right to determine the institutional model that will best fit their national context. At the same time, in order to be recognised as an NHRI, the body must show compliance with the UN Paris Principles. ENNHRI welcomes that the UN Paris Principles' standards regarding independence and effectiveness are taken into account when establishing a Flemish Institute for Human Rights.

However, the UN Paris Principles consistently use the language of a 'national institution' when referring to NHRIs, and in the Global Alliance of National Human Rights Institutions (GANHRI) Statutes, Article 1 defines an NHRI as "an independent national institution established by a Member or Observer State of the United Nations". Additionally, General Observation 1.2 of the Sub-committee on Accreditation (SCA) states that for a human rights body to be accredited with A-status, it must have a broad mandate to address all human rights.

In line with the definition of an NHRI in the GANHRI Statute, no sub-national or regional institutions are accredited as NHRIs.¹ Indeed, the General Observations of the SCA recognise that NHRIs are established for the specific purpose of advancing and defending human rights at the national level.

In light of the existing B-status accredited Unia, according to Article 6.3 of the SCA Rules of Procedure, any new body from Belgium seeking to be internationally accredited would need to obtain a written agreement with Unia, including on the arrangements to be made regarding participation in the international human rights system (such as the UN Human Rights Council and

¹ The only historical exception is situated in the UK, where three A-status institutions exist. This situation, however, is based on an international peace agreement which preceded the start of the international accreditation of NHRIs. The Northern Ireland Human Rights Commission was established under the 1998 Northern Ireland Peace Agreement, prior to the first SCA review of NHRIs' compliance with the Paris Principles, which took place in 1999.

the Treaty Bodies), and the consent of the Belgian government. It is important to note that Unia has been given the mandate to monitor Belgium's compliance under the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Notably also, the Act of 12 May 2019 establishing the Federal Institute for the Protection and Promotion of Human Rights (FIRM-IFDH) has been adopted with reference to the UN Paris Principles, and the FIRM-IFDH may therefore seek accreditation status in the future, with application of Article 6.3 of the SCA Rules of Procedure.

There are several existing human rights bodies working in Belgium, including ENNHRI members like the B-Status accredited Unia, the newly established Federal Institute for the Protection and Promotion of Human Rights, Myria (Belgian Federal Migration Centre), and the Combat Poverty, Insecurity and Social Exclusion Service. In line with the UN Paris Principles, and reflecting the indivisibility and interdependence of human rights, cooperation and dialogue between the proposed new Flemish body and existing human rights bodies are crucial to ensuring holistic human rights protection in Belgium.

ENNHRI remains available for further information and cooperation on this matter and can provide further advice on the establishment of an NHRI in full compliance with the Paris Principles in Belgium.

About ENNHRI

ENNHRI, the European Network of National Human Rights Institutions, brings together over 40 NHRIs across Europe to enhance the promotion and protection of human rights in the region.

ENNHRI supports the establishment of NHRIs in Europe in compliance with the Paris Principles, including by providing advice to state authorities and raising awareness of governments, parliaments and civil society on the role, function and value of NHRIs.