

Taoiseach Micheál Martin

Thursday, 09 December 2021

Re: Open Letter in Support of the Northern Ireland Human Rights Commission

A Taoiseach,

In view of the recent [decision](#) of the Sub-Committee on Accreditation ([SCA](#)) of the Global Alliance of National Human Rights Institutions ([GANHRI](#)) to defer the international accreditation of the Northern Ireland Human Rights Commission (NIHRC), ENNHRI writes this open letter to underline the seriousness of the concerns raised by the SCA. We also encourage you to take actions to support the institution, particularly in view of the impact that this situation can have on The Good Friday / Belfast Agreement and Northern Ireland Act 1998, in so far as the NIHRC would not be able to fulfil effectively the required mandate, or the Joint Committee with the Irish Human Rights and Equality Commission (Irish NHRI).

In October 2021, the SCA completed its five-year periodic review of the NIHRC, which until now holds an A-status demonstrating its compliance with the [UN Paris Principles](#). However, the SCA was unable to reaccredit the NIHRC with an A-status and, instead, chose to defer its recommendation until 2022 in view of grave concern regarding the current and prospective financial environment in which the NIHRC operates. The SCA evaluates the situation as being “very serious and time sensitive, and strongly recommends that an improved and sustainable position is reached within this deferral period”.

Requirements for Respect of the UN Paris Principles

Given the deferral of NIHRC’s accreditation, it is now essential that all relevant authorities take the necessary steps to ensure that the NIHRC is provided with sufficient resources to be able to function effectively and independently. The NIHRC is expected to receive further formal communication from the Secretariat of the SCA in April 2022, and will be requested to provide new information by June 2022. Therefore, it is now critical that urgent action is taken to ensure the NIHRC will be in a position to provide such satisfactory information to the SCA.

The obligation to ensure NHRIs are given adequate funding is well-rooted in international and regional standards. More recently, the Council of Europe’s Committee of Ministers stressed in its [Recommendation 2021/1](#) that “Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to

engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.”

In addition, ENNHRI reminds that, according to the [UN Paris Principles](#) and the SCA’s [General Observations](#):

- NHRIs must be provided with an appropriate level of funding in order to guarantee its independence and its ability to freely determine its priorities and activities.
- Adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the NHRI’s operations and the fulfilment of its mandate. Where the NHRI has been designated with additional responsibilities by the state, additional financial resources should be provided.
- The allocation of funding to NHRIs must be based on objective criteria and must not be in detriment to the NHRIs’ ability to carry out their work effectively and independently. Relevant authorities must not use the reduction of funding to undermine the work of NHRIs.
- While the provision of adequate funding is determined in part by the national financial climate, states have the duty to protect the most vulnerable members of society, who are often the victims of human rights violations, even in times of severe resource constraints. For this reason, NHRIs must be able to continue to carry out their broad human rights mandate with adequate resources throughout the financial year. Relevant authorities must consult with the NHRI to understand what constitutes ‘adequate funding’, and decisions must be based on objective criteria.

Considerable Risks of Inaction

An insufficient budget can render an NHRI ineffective or limit it from reaching its full effectiveness. The SCA has indicated in October 2021 that, in addition to the already fragile financial situation to which NIHRC is subjected, the proposed annual 5% budget cut until 2025 will impact the NIHRC’s ability to fulfil its core mandate under the UN Paris Principles. To be clear, the NIHRC therefore risks being downgraded to a B-status NHRI (not in full compliance with the UN Paris Principles) in 2022.

If the national authorities do not take immediate steps to solve present and future budgetary issues, and thereby avoid a possible downgrade of the NIHRC by the SCA, the following negative consequences could ensue:

- Northern Ireland would no longer have an NHRI capable to fully discharge its mandate to promote and protect human rights, losing an essential actor in the system of checks and balances necessary to respect the rule of law. People in Northern Ireland would no

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longer be able to resort to various aspects of the NIHRC's core human rights work, such as in relation to legal work, monitoring implementation of international treaties, investigating violations, and receiving education and research on human rights.

- Northern Ireland would cease to benefit from the essential contribution of the NIHRC at the international level, including before the United Nations, GANHRI, ENNHRI, and the Commonwealth Forum of National Human Rights Institutions.
- Northern Ireland would no longer have independent representation before the UN Human Rights Council or International Human Rights Treaty Bodies, which are responsible for holding the UK to account.
- The United Kingdom risks losing international credibility as it would no longer have all NHRIs accredited as in full compliance with the UN Paris Principles.

For the Republic of Ireland, this is relevant as the Good Friday / Belfast Agreement and Northern Ireland Act 1998 would be called into question in so far as the NIHRC would not be able to fulfil effectively the required mandate, or the Joint Committee with the Irish NHRI. If the situation is not resolved, it will have consequences for the protection and promotion of human rights across our region.

ENNHRI therefore calls the Taoiseach and the Irish Department of Foreign Affairs to advocate before the relevant authorities in the United Kingdom for the full implementation of the [recommendations](#) of the SCA, such as by ensuring that an Independent Review of the NIHRC's core funding is carried out as soon as possible.

National authorities should ensure NIHRC is in a sustainable funding position so that it can fulfil its mandate with certainty into the future. Open and constructive engagement between the NIHRC and the state is paramount to ensure all budgetary issues are resolved quickly, appropriately, and in a sustainable manner.

ENNHRI remains available to further clarify the applicable standards and to cooperate on this matter.

Yours faithfully,



Caroline Fennell
ENNHRI Chair, on behalf of ENNHRI's Board

This is an open letter and has been made public on ENNHRI's website.