

A NATIONAL HUMAN RIGHTS INSTITUTION FOR ITALY

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Buongiorno, saluti da Bruxelles.

Thank you for inviting me to speak to you on behalf of ENNHRI, the European Network of National Human Rights Institutions. We have been following the ongoing efforts in establishing a National Human Rights Institution in Italy over the past years and it is really commendable, and much needed, that you bring this debate today to the Italian chamber of deputies.

I am senior human rights officer at the ENNHRI secretariat in Brussels, and I am in charge of supporting the establishment of NHRIs in compliance with the Paris Principles in Europe. ENNHRI is one of the four regional networks of National Human Rights Institutions in the world. We come together at the global level as GANHRI, the Global Alliance of National Human Rights Institutions.

I will speak with you today about two aspects in particular:

- I will start with highlighting the key requirements for NHRIs to be established in compliance with the Paris Principles;
- and secondly, I will explain why it matters for Italy to establish an NHRI in compliance with the Paris Principles.

I hope that after my intervention, you will be as convinced as we are that the establishment of an NHRI in Italy is much needed, and, from a technical perspective at least, not difficult to achieve. After my presentation, there will be time for asking me questions.

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So, let me give you some context on the emergence of National Human Rights Institutions across the globe and in Europe. Since 1993, the United Nations has been calling on every state to establish an NHRI, when the UN General Assembly endorsed the Paris Principles; the international criteria against which all NHRIs are tested for their independence, pluralism, effectiveness and accountability. Simply said, according to the Paris Principles,

NHRIs are independent public institutions with a broad mandate to promote and protect the full spectrum of human rights.

Today, 121 NHRIs exist across the world and they are testimony to the fact that it is feasible to establish an NHRI in the most diverse national contexts, with different legal structures and pre-existing institutional frameworks. The Paris Principles are sufficiently flexible to allow for a variety of types of NHRIs, so long as the fundamental requirements of the Paris Principles are respected.

The Paris Principles determine the contours for the competences and roles of NHRIs and also lay down standards that must guarantee the independence and pluralism of the institution. Only then, NHRIs can function as credible and legitimate human rights defenders, at national level, and in the international arena. The requirement for NHRIs to be independent actors is a cornerstone of the NHRI system and implies continuous efforts, also after the establishment phase.

According to the Paris Principles, NHRIs' independence is ensured through following key requirements:

- Reporting and accountability of the NHRI to Parliament, as opposed to government;
- A pluralistic composition of the decision-making body of the NHRI, reflecting various strands of civil society, including non-governmental organisations active in the area of human rights;
- Open, transparent and participatory recruitment of members of the decision-making body of the NHRI, preferably by parliament with involvement of civil society organisations and NGOs;
- A fixed term of mandate for members of the NHRI, with security of tenure, so they cannot be dismissed without legitimate reasons;
- Ensuring adequate funding for the NHRI through a separate budget line, so that the NHRI can effectively fulfil its broad mandate;
- and also, freedom for the NHRI to manage its own budget, staff, strategic plan, and organization within the contours of its mandate;

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The NHRI family has been growing steadily in Europe over the past 25 years. Currently, ENNHRI counts 42 members in countries across the Council of Europe region, spanning from Norway in the north, to Russia in the east and Greece in the south.

Together with Malta, Italy is since the first of January 2019 one of the two last European Union member states without an NHRI at all. The Estonian parliament has adopted a law

on the establishment of an NHRI that entered into force on the first of January. The Estonian Institution is currently applying for ENNHRI membership and international recognition as NHRI, and so soon we will count 43 members across wider Europe.

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Given the context of this meeting, I would like to address why it is important to establish an NHRI in Italy in compliance with the Paris Principles, and how it is different to other national mechanisms working on human rights, some of which are established already in this country.

Within the wider human rights framework, NHRIs differ from other national bodies working on human rights in at least four respects.

First, NHRIs work on the full range of human rights and policy areas, within the complete geographic area of a state's jurisdiction. As a result, unlike specialized institutions or local institutions that already exist, an Italian NHRI could provide a complete overview of the national human rights situation, including civil and political rights, as well as economic and social rights. Currently, for example, we are working with our members on poverty reduction in Europe, through applying a human-rights based approach.

Secondly, NHRI's have the mandate to both protect and promote human rights, and undertake a wide range of activities to support the enjoyment of human rights, which are also of a preventive nature. For example, on the basis of their monitoring function, NHRIs can inform and advice state authorities on how to address emerging human rights problems in a country. NHRIs also undertake human rights impact assessments of draft laws, to ensure that laws do not have negative implications for the enjoyment of human rights which incur significant costs to society.

Third, NHRIs are often described as a bridge -an image you may recognise in the ENNHRI logo.

At national level, NHRIs are a bridge between civil society and the state. Through their cooperation with NGOs, academic institutions and other civil society actors, NHRIs collect an accurate overview of the human rights situation which, on the basis of their public mandate, they can bring directly to parliament, government and other state bodies.

NHRIs also provide a bridge between the national and international arena. NHRIs all apply international human rights standards, and do so as national expert actors with a full understanding of the local context. NHRIs also bring information to regional and international human rights bodies, and thereby provide local context and understanding to the international human rights arena. NHRIs that are in compliance with the Paris Principles are allocated specific roles in a variety of UN and regional human rights procedures, and, have a particular role, for example, in the execution of judgements of the European Court of Human Rights.

Last but not least, NHRIs are the only national bodies that are periodically reviewed for their independence and effectiveness in compliance with the Paris Principles. The accreditation of NHRIs is an international peer review undertaken by the Global Alliance of National Human Rights Institutions, under auspices of the United Nations. NHRIs that are deemed in compliance with the Paris Principles receive an A-status accreditation. The international accreditation provides NHRIs with credibility and legitimacy in both the national and the international arenas. It is only through their independence that NHRIs can be trusted by the state, NGOs and international actors. This is reflected, for example, in the context of the UN Sustainable Development Goals, where the existence of an NHRI in compliance with the Paris Principles is recognized globally as an indicator of peaceful, just and inclusive societies.

In conclusion, an Italian NHRI will be instrumental in elevating Italy's participation in international and regional human rights fora, in ensuring compliance with international commitments, and in enhancing the promotion and protection of human rights on the national and local level in this country.

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Let me end by highlighting that ENNHRI stands ready to further support you in the establishment of an NHRI in Italy. You can contact me at any time, also in case you would like technical advise on whether a specific draft law lives up to the requirements of the Paris Principles.

We are looking forward to also welcoming Italy to the ever growing NHRI family, in Europe and the world.