

UNDERSTANDING THE ROLE OF
THE NATIONAL HUMAN RIGHTS INSTITUTIONS
IN IMPLEMENTING THE SUSTAINABLE DEVELOPMENT AGENDA:
THE CASE OF EUROPE

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ABSTRACT

UNDERSTANDING THE ROLE OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS IN IMPLEMENTING THE SUSTAINABLE DEVELOPMENT AGENDA: THE CASE OF EUROPE

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This thesis aims to analyze the role of the European National Human Rights Institutions in global governance through the UN 2030 Sustainable Development Agenda. Throughout the research it has been observed that NHRIs are evolving and academic works lag behind capturing their expanding role. Within this context, this thesis attempts to understand the possible contribution of NHRIs to the implementation and follow-up process of the Sustainable Development Goals (SDGs). Throughout the thesis National Human Rights Institutions (NHRIs) and their expanding role will be analyzed in a historical context and different types of NHRIs located in Europe will be examined. Also, the linkages between the Sustainable Development Agenda and the human rights will be examined within the context of Merida Declaration 2015. In this context, this thesis suggests that Sustainable Development Agenda and human rights are mutually reinforcing. Also, the European NHRIs are important actors in filling global governance gaps regarding SDG implementation process.

Keywords: National Human Rights Institutions, Sustainable Development Goals, global governance, Merida Declaration

ÖZ

SÜRDÜRÜLEBİLİR KALKINMA GÜNDEMİNİN HAYATA GEÇİRİLMESİNDE ULUSAL İNSAN HAKLARI KURUMLARININ ROLÜNÜ ANLAMAK: AVRUPA ÖRNEĞİ

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Bu tez, Ulusal İnsan Hakları Kurumlarının Sürdürülebilir Kalkınma Gündemi ile küresel yönetim bağlamındaki rolünü analiz etmektedir. Araştırma sürecinde, Ulusal İnsan Hakları Kurumlarının gelişmekte olduğu ve akademik çalışmaların UIHKlerin gelişen bu rollerini yansıtmakta yetersiz kaldığı gözlemlenmiştir. Bu bağlamda, bu tez UIHKlerin Sürdürülebilir Kalkınma Hedefleri'nin uygulanması ve izlenmesine yönelik olası katkılarını anlamayı hedeflemektedir. Tez kapsamında, UIHKler ve genişleyen rolleri tarihsel bir bağlam içinde ele alınacak ve Avrupa'da yer alan UIHK tipleri Sürdürülebilir Kalkınma Gündemi'ne yönelik katkıları bağlamında incelenecektir. Ayrıca, Sürdülebilir Kalkınma ve insan hakları ilişkisi 2015 tarihli Merida Deklarasyonu bağlamında ele alınacaktır. Bu çerçevede, bu tez Sürdülebilir Kalkınma Gündemi ile insan haklarının karşılıklı olarak birbirini güçlendirdiğini ayrıca Avrupa Ulusal İnsan Hakları Kurumlarının Sürdürülebilir Kalkınma Hedefleri bağlamında küresel yönetim boşluklarını dolduran önemli aktörler olduğunu savunmaktadır.

Anahtar Kelimeler: Ulusal İnsan Hakları Kurumları, Sürdürülebilir Kalkınma Gündemi, küresel yönetim, Merida Deklarasyonu

To my beloved son

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LIST OF ABBREVIATIONS

ANNHRI	The Arab Network for National Human Rights Institutions
CAT:	Committee against Torture
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Committee on the Rights of the Child
CMW	Committee on Migrant Workers
DIHR	Danish Institute for Human Rights
ECOSOC	Economic and Social Council
ENNHRI	European Network of National Human Rights Institution
GANHRI	Global Alliance of National Human Rights Institution
ICC	International Coordinating Committee
ICCPR	International Covenant on Civil and Political Rights
ICESR	International Covenant on Economic and Social Rights
ILO	International Labor Organization
MDGs	Millennium Development Goals
NANHRI	Network of African National Human Rights Institution
NHRI	National Human Rights Institution
OHCHR	Office of High Commissioner for Human Rights
OPCAT	Optional Protocol on the Convention against Torture
UPR	Universal Periodic Review

UNICEF	United Nations Children’s Fund
SDGs	Sustainable Development Goals
UN WOMEN	Entity for Gender Equality and the Empowerment of Women
UNCHR	The United Nations High Commissioner for Refugees
UNDP	The United Nations Development Program
WCED	World Commission on Environment and Development

CHAPTER 1

INTRODUCTION

1.1. Scope, Objective and Methodology

Defined as independent, statutory bodies, National Human Rights Institutions (NHRIs) are bodies which transmit international human rights developments into the national level. Acting like a bridge between civil society and governments, as well as international human rights system and the national human rights system, NHRIs are considered as crucial actors for protection and promotion of human rights.

In the beginning of 1990s, while there were only eight NHRIs identified by the UN-affiliated International Coordinating Committee (ICC) of NHRIs¹, this number has increased up to 149 institutions today: Africa (43), Americas (29), Asia-Pacific (27), Europe (50) (GANHRI, 2019). This dramatic increase in the number of NHRIs reflects the idea that NHRIs are newly and rapidly emerging actors in the international human rights scene.

One of the most interesting features of the NHRIs that differentiates them from other institutions is their “bridging role”. Being part of the State apparatus and funded by the State, NHRIs are bodies established by a constitutional and/or legislative text to protect and promote human rights (GANHRI, 2019). Cardenas, prefers to use the “chain” metaphor while explaining the bridging role of the NHRIs. She believes that NHRIs function of acting like a bridge between state and society is closely similar to the chains of justice which symbolizes that individuals facing injustice have right to seek remedy from the emperors of the ancient times. Similarly in today’s world, while undermining human rights, states at the same time establish NHRIs for protection and promotion of the human rights (Cardenas, 2014). The relation between violation of

¹ The name of the International Coordinating Committee of NHRI has officially been amended as the Global Alliance of the National Human Rights Institutions, through GANHRI Statute, 2016.

human rights and seeking remedy for abuses, creates chains like vicious circles between different actors. This metaphor is used for emphasizing the hypocritical role of the states which are acting as both protector and violator of human rights. Considering the fact that, as two sides of the same coin, states are responsible for both the protection and the violations of human rights, there is a dilemma here which makes it hard to understand the actual vision and the original motives behind the eagerness of the states regarding NHRI creation.

During the research phase, it has been observed that, many academic works focus on role of the NHRIs in protection and promotion of human rights with reference to Paris Principles dated 1993. But considering the fact that NHRIs are evolving, academic works lag behind in capturing their expanding role in different spheres. Since the adoption of Paris Principles, many developments have occurred on the international human rights agenda. There are many resolutions, declarations, general observations adopted by the international human rights bodies that directly or indirectly affect and enhance the area of work for NHRIs.

In addition to the other thematic areas as women's human rights, migration, protection and promotion of human rights defenders; the role of NHRIs in implementing the UN 2030 Sustainable Development Agenda also came up as a new focus on international human rights mechanisms. The unusual relationship between human rights and sustainable development extremely affected the post-2015 development studies as well. Built upon the success of Millennium Development Goals and encompassing many different areas of study from climate change, energy to equality and non-discrimination, Sustainable Development Agenda indicates the relation between the concepts of development and human rights.

The Merida Declaration on the Role of Human Rights Institution in Implementing the 2030 Agenda for Sustainable Development adopted in 12th International Conference of the International Coordinating Committee of NHRIs (ICC) in 2015 became an important reference point for understanding the role of NHRIs in implementing the Sustainable Development Goals which covers 17 Goals encompassing the areas of environment, peace, energy, equality etc. Although the Goals cover wide range of area of study, academic works remain limited in seeing their connection with human rights.

That is why the limited number of academic sources on this extraordinary relationship between NHRIs and SDGs is the main motivation for this study.

As reflection of international human rights system into local level, understanding the work of NHRIs have become interesting in academic area as well. Considering their unique nature as a bridge between government and civil society, NHRIs are critical actors in filling the governance gaps.

Within this context, the term “global governance” (Weiss & Wilkinson, 2013) will be a critical starting point for understanding the role of NHRIs in implementing the 2030 Agenda. Global governance is defined as the “capacity within the international system at any given moment to provide government-like services and public goods in the absence of a world government” (p. 208). In order to understand the place of the NHRIs in realizing the global governance, this study focuses on the linkages between the UN Sustainable Development Goals and the role of NHRIs in realization of these goals.

Within the context of the study, NHRIs which are members of European Network of National Human Rights Institutions (ENNHRI) and accredited with “A” status will be examined with regard to their contribution to Sustainable Development Agenda. Only for those which have accessible information on this issue will be covered.

Throughout the study, the following questions will be addressed: how did the roles and responsibilities of NHRIs evolve in historical context, how can NHRIs contribute to the implementation process of the Sustainable Development Agenda, by looking at the specific typology of NHRIs observed in European countries. In this regard, how the global governance gaps can be filled by the NHRIs’ contribution to SDGs will try to be answered. In order to do that, global governance gaps will be analyzed under five categories as knowledge, norm, policies, institutions and compliance.

Methodology of the thesis is based on qualitative data collection and data interpretation methods. The data sources originate from comprehensive library research, analysis of written and online secondary sources including the articles of academic journals,

conference declarations, the UN resolutions, statements, theses, handbooks, practical guides, and websites.

1.2. Organization of the Thesis

The thesis is composed of five chapters. In the introduction chapter scope, objective, methodology and organization of the thesis are presented. In the second chapter, the theoretical framework regarding the global governance is analyzed. This chapter covers the five global governance gaps depicted by Thomas G. Weiss as knowledge, norm, policy, institution and compliance. In this context, all gaps are tried to be described and the challenges they may face are discussed. Following the theoretical framework, historical background of national human rights institutions is analyzed in the third chapter. This chapter mainly covers the historical development regarding the evolvement of national human rights institution with reference to Sonia Cardenas's division of four phases as norm emergence, standard setting and promotion, networking and implementation, enforcement and international standing. These phases cover the developments regarding the emergence and diffusion of national human rights institution and their enhancing role in today's world. Then, in the fourth chapter, the UN 2030 Sustainable Development Agenda and its connection with human rights are analyzed. Under this chapter, the development of the relationship between sustainable development and human rights, beginning from Tehran Declaration and other important documents adopted in world conferences are discussed. In addition, transition from the Millennium Development Goals (MDGs) to SDGs is covered. NHRIs contribution to SDGs is analyzed with reference to Merida Declaration and the works of relevant networks of NHRIs. After that, NHRIs contribution to the SDGs is analyzed through the involvement process of NHRIs to the UN System and the ways that NHRIs can contribute to the implementation of the UN Human Rights Treaties is discussed. In addition, specific examples from the works of some NHRIs is shared by looking at a specific typology observed in European countries, especially, the works of the Danish Institution for Human Rights. Finally, the conclusion chapter summarizes the process of how NHRIs can contribute to the SDGs by filling the global governance gaps.

CHAPTER 2

THEORY OF GLOBAL GOVERNANCE

2.1. Theoretical Framework

In this chapter, I will explain the concept of global governance and look at the relevant gaps identified by Thomas G. Weiss i.e. knowledge, norm, policy, institution and compliance gaps.

2.1.1. Global Governance

Dictionaries often define the word “governance” as a method of government. Although this meaning associates the governance with national administration, scholars in international relations have a tendency to define the concept in a way that is different from “government” (Weiss, 2000, p. 795).

According to Weiss global governance can be defined as an “attempt to create government-like services and public goods in the absence of a world government” (Weiss & Wilkinson, 2013). Today, it is hard to claim that there is a world government but there is a globalizing world that eliminates borders and enhances the circulation of goods, services and people. Many political processes are taking place in the absence of enforcement. Considering the fact that the world is composed of intertwined interactions among different actors, it needs a system to define its norms and rules. Under these conditions it is extremely important to understand how the world governs itself without a world government That is why international relations theory answers this question with the term “global governance” (Global Governance, 2019).

Weiss claims that there are five global governance gaps as knowledge, norms, policies, institutions and compliance. Within this context, he exemplifies that governance gaps might be relevant to areas of terrorism, peace and security, human rights and humanitarian action, sustainable growth and climate change. (Weiss,2013,p.42).

Considering these examples this study aims to understand the role of the National Human Rights Institutions established in the light of the UN Paris Principles in filling the gaps in sustainable development.

To begin with, knowledge gap is stemming from the lack of shared understanding on major problems. If the gravity, nature and causes of a major problem is not be understood by the relevant actors in global governance, useful remedies on this issue also cannot be offered. In order to find a solution for global warming, for example, beyond regional level, it must be discussed scientifically rather than remaining in only daily discourses. He also believes that, today many actors have been involved in filling the knowledge gaps on global governance as civil society, research centers, non-governmental organizations (NGOs), universities and the UN etc. (Weiss, 2013, pp. 45-46)

As the idea of Weiss suggests providing scientific knowledge on major problems in the world might be a good starting point for solving these problems. In order to have a global perspective, a problem must be read beyond regional political concerns. But considering the diversification of regional perspectives this might not be easy. Within this context, Weiss argues that there are two main challenges in filling knowledge gaps. First one is domestic issues might be conflicted with the scientific knowledge. Through lobbying activities, ideologies in regional level can even shape information and scientific knowledge. Also, conflicting or insufficient information on a problem might be another challenge regarding the knowledge gaps (Weiss, 2013, p. 47).

In spite of these challenges, filling knowledge gaps remains as a critical first step in global governance. As a step towards recognition of a problem, knowledge provides scientific information, research and data collection. Without recognition, it is impossible to solve problems. In this regard, several actors like civil society, NGOs and the UN might be leader in filling knowledge gaps.

NHRIs have a specific role on reporting and conducting awareness raising activities for the protection and promotion of human rights. That's why they might be critical actors in filling the knowledge gaps of global governance. Within this context, in the

following chapters how NHRIs might fill the knowledge gaps of global governance will be discussed.

The second global governance gaps depicted by Weiss is “normative gap”. Before elaborating the normative gap, it would be useful to discuss the meaning of norms. Katzenstein, constructivist, defines norms as “collective expectations for the proper behavior of actors with a given identity” (as cited in Ring, 2014). As is known, the primary focus of constructivist theory regarding the definition of norms based on shared/ communal expectations. But on the other hand, rationalist theory argues that “a norm exists in a given social setting to the extent that individuals usually act in a certain way and are often punished when seen not to be acting in this way” (Ring, 2014, p. 29). These definitions indicate that constructivism and rationalism depict the framework of norms from different perspectives. While constructivism highlights the “commonality” of expectations, rationalism mostly focuses on the costs on non-compliance of the norms.

Even if creation of universally accepted norms might be challenging, Weiss believes that states care for their good reputation in international arena that is why they follow the international norms. Considering the fact that states might have different perspectives on a specific norm, it is still important to consider that norm simply because it determines what others think about you. In this sense, civil society and the UN considered as critical actors in filling the normative gaps of global governance. Through naming and shaming method, they aim to challenge traditional norms (Weiss, 2013, p. 48).

Within the context of international relations theory, norm diffusion is also important area of study. One of the important examples is the UN and its effect as a norm diffusing agent on the institutionalization process of human rights. As cited in Bordie, (2011), Risse & Sikkink (1999) explain the norm socialization theory within the context of the UN-affiliated accreditation process of National Human Rights Institutions.² According to this theory, socialization process starts with the principles ideas and international norms which may end up with two options: While some

² Further background information on National Human Rights Institution and the accreditation process will be discussed in the following chapters.

countries accept and started adaptation and strategic bargaining process through the UN actors, some others may need moral consciousness-raising, argumentation and persuasion process in order to be fully involved in this path. After this stage, in other words, when acceptance of the international norms is completed, countries start to open institutionalization and habitualization process which refers to establishment of the NHRIs but of course there is a need for internalization of the norms, identities, interest and behavior as a final stage (Bordie, 2011, p. 183).

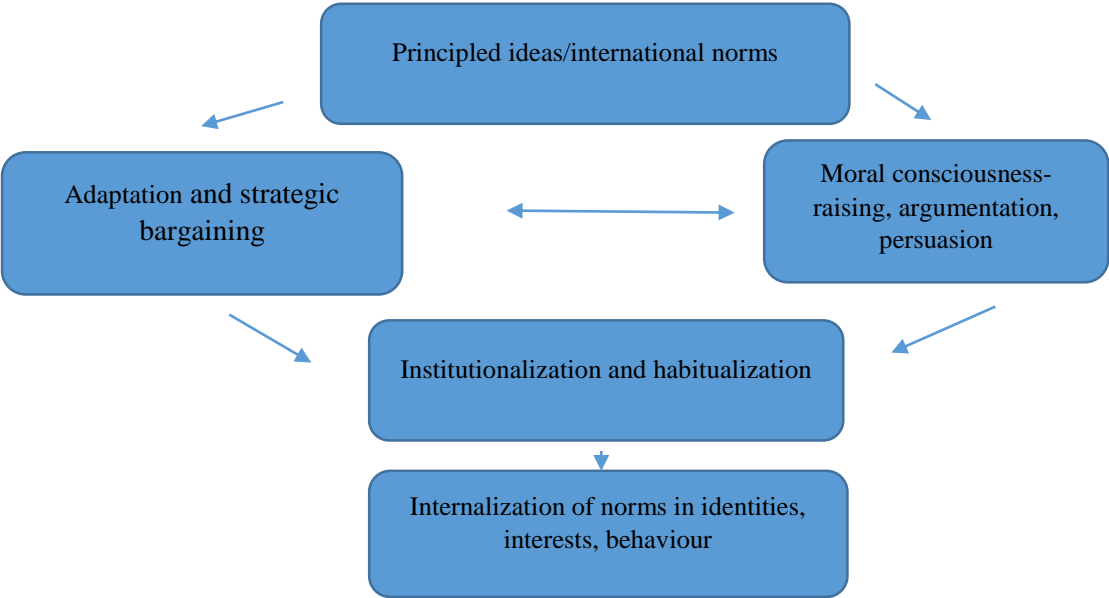


Figure 1. Process of norm socialization (Thomas Risse, 1999, p. 11-12)

On the other hand, Acharya (2004) explains two perspectives on norm diffusion. One of them is *moral cosmopolitanism* which refers the universal and cosmopolitan norms such as protection and promotion human rights. First feature of this perspective is that norms are spread by transnational agents, moral entrepreneurs or social movements. This perspective introduced a dichotomy between good, universal, global norms and bad, local, regional norms. Moral cosmopolitanism defines norm diffusion as “teaching by transnational agent” and curbs the role of national local dynamics. Contrary to moral cosmopolitanism, second perspective explains norm diffusion by looking at local, cultural and organizational variables. Under this perspective notion of *cultural match* stresses that norm diffusion is faster when the infrastructure

regarding legal system, judiciary etc. of international norms are close to the domestic norms (Acharya, 2004, pp. 242-243).

Acharya (2004) also introduces two other concepts as “framing and grafting”. Framing method creates linkages between existing norms and recently rising norms. This method strives to explain the global norm in a proper language that makes it clear in the local context. On the other hand, grafting associates the new norms with existing ones. He believes that “localization” provides tactics beyond framing and grafting. His hypothesis is that the main reason of the success of norm diffusion is directly related to providing opportunities for the localization. Diffusion strategies that include local sensitivities are considered as more likely to achieve (Acharya, 2004, p. 244). In this context, he defines localization as “the active construction of foreign ideas (through discourse, framing, grafting and cultural selection) by local actors, which results in the former developing significant congruence with local beliefs and practices.” By using this definition he suggests that norm diffusion regarding human rights and democracy can be understood from the localization perspective in which legitimate domestic norms are considered as primary actors of variations in the institutionalization process (Acharya, 2004, p. 270).

In light with the Acharya’s theory of norm diffusion, Nakamuro & Yamamoto (2009) believe that there are three stages of norm diffusion as, norm emergence, norm cascade and norm internalization (Nakamuro, Yamamoto 2009, p. 157). They explain their three stage model of norm diffusion through the chart below:

International Society		Domestic Society of the Target State
Stage	Stage (Tipping Point)	Stage
<i>Norm Emergence</i> (Emergence of ideas and moral concerns promoted by norm entrepreneurs.)	<i>Norm Cascade</i>	<i>Norm Internalization</i>
Transnational Advocacy Networks (NGOs, International Organizations, Governments)		Government, Civil Society
(Global Norms)		(Local beliefs and practices) <ul style="list-style-type: none"> → Resistance → Localization → Displacement

Figure 2: Three stage model of norm diffusion (Nakamuro & Yamamoto, 2009, p. 157)

Three-stage model of norm diffusion challenges the idea that norm diffusion can be understood and accelerated only by international actors and dynamics. This theory highlights the importance of the local dynamics as governments and civil society which actively take part in the norm internalization process. In this context, local beliefs and practices may lead to resistance, localization and displacement of the relevant norms. When we look at the case of NHRI establishment across the world, historical evolution process indicates that during the norm emergence and norm cascade stages, transnational advocacy networks as NGOs, international organizations and governments are extremely active norm entrepreneurs. However, when it comes to norm internalization process, it is hard to state that international actors retain their effectiveness. It is an undeniable fact that local actors become much more active and visible once the NHRIs has been established in target state.

All in all, during the norm emergence and norm cascade process of NHRIs, international society, and transnational networks are leading position but when it

comes to norm internalization process with regard to NHRIs local beliefs and practices and the efforts of government and civil society become much more meaningful.

In this regard, localizing SDGs also another critical topic that indicates how NHRIs themselves trying to fill normative gaps. According to Article 17 of the Merida Declaration NHRIs are expected to contribute the implementation of the Sustainable Development Agenda through:

Providing advice to national and local governments, rights-holders and other actors, to promote a human rights-based approach to implementation and measurement of the Agenda, including by assessing the impact of laws, policies, programs, national development plans, administrative practices and budgets on the realization of all human rights for all (International Coordinating Committee of National Human Rights Institution , 2015).

And also

Engage with duty-bearers, rights-holders and other key actors, including government agencies, parliaments, the judiciary, local authorities, national statistical offices, civil society, major groups, marginalized groups, mainstream and social media, the UN and other international and regional institutions, to raise awareness and build trust and promote dialogue and concerted efforts for a human rights-based approach to implementation and monitoring of the Agenda, and safeguarding space for engagement of rights holders and civil society (International Coordinating Committee of National Human Rights Institution , 2015).

Within this context, Merida Declaration encourages NHRIs to become proactive actors in norm internalization process of Sustainable Development Agenda. In order to do that, NHRIs are expected to contribute the local dynamics as national development plans, evaluation of the local laws, establishing dialogues among different local stakeholders. Merida Declaration is critical reference point which indicates the role of NHRIs in norm internalization process through filling the normative gaps on Sustainable Development Agenda. Concrete examples from different European NHRIs on this issue will be discussed in the following chapters.

The third gap regarding the global governance theory is policy gap. Policy means a bunch of governing goals and principles which are interrelated to each other and the action plan to realize these goals and principles. Weiss argues that policy can be

analyzed through three stages as formulation, adoption and implementation. But when it comes to creation of international public policy, it is not always easy to realize those stages. For example, in the UN system most of the countries has a consensus on the civil and political rights but there are a lot of different perspective on economic and social rights. For instance, some countries may not share the same perspectives with others on women's rights. This is stemming from the fact that while some global governance policies based on resolution and declaration (as soft law) whereas others based on treaties and conventions (less soft or hard law). This might create ambiguities and states make reservation from specific treaties which constitutes a challenge for global governance policies (Weiss, 2013, pp. 51-53).

Another challenge that differentiates policy gaps from others is that the question of who are the policy makers in global governance. Although the actors like civil society, NGOs, intergovernmental forums and private actors might affect the UN human rights system through their lobbying activities, they are not the actual policy makers. Even High Commissioner for Human Rights and Refugees are not considered as primary actors in this regard. Primary political organs are the decision makers which are the Security Council, the General Assembly and the Economic and Social Council (Weiss, 2013, p. 53).

Considering all these challenges, it is important to understand the role of NHRIs in shaping global governance policies on policy gaps as well. NHRIs can contribute to National Action Plans (NAPs) and National Development Plans concerning sustainable development policies as well. In this way, they may affect national polices and reflect human rights based approach to NAPs on sustainable development as well. According to Article 17(2) of the Merida Declaration NHRIs are expected to:

Provide advice to national and local governments, rights-holders and other actors, to promote a human rights-based approach to implementation and measurement of the Agenda, including by assessing the impact of laws, policies, programs, national development plans, administrative practices and budgets on the realization of all human rights for all. (International Coordinating Committee of National Human Rights Institution , 2015)

This indicates that NHRIs have a role on providing advice to relevant stakeholders at national level and indirectly affect the national laws and practices. In the following

chapters, how NHRIs contribute to the National Action Plans in practice will be discussed.

The fourth governance gap depicted by Weiss, is the institutional gap. If the former stages has been achieved as filling the gaps in knowledge, norms and policies it is not surprising to focus on institutional structures which are considered as houses of global governance. According to Weiss institutions include rules and norms and they are formally structured establishments. This is different than the norm gap because institutional gap focuses on the lack or weakness or formal structures rather than just norms. Institutions are expected to coordinate the states action and decision-making process, if they fail to do that, institutional gaps might emerged (Weiss, 2013, p. 54).

With regard to institutional gaps of global governance, in theory NHRIs may partially fill the institutional gaps concerning sustainable development but in practice it seems to be difficult. Even if they are not the actual policy makers they can coordinate the state action and policy making process. This is also related to NHRIs bridging role between different actors. For example, they can prepare shadow reports regarding the state actions and submit it to the UN bodies. They can report the implementation level of states pledges on sustainable development. Therefore, through the naming and shaming method they can partially fill the institutional gaps. But in practical terms, still it is hard to claim that NHRIs are the main institutions which coordinate the state action and policy making process. That is why they cannot be considered as one of the main actors contributing to implementation on filling the institutional gaps on SDGs.

Considering the UN-affiliated institutionalization process of human rights, through Paris Principles, states are invited to establish local institutions for the protection and promotion of human rights. Through pressures from civil society activists states may create these structures without maintaining political will. But *de jure* establishment of these bodies does not necessarily mean that institutional gaps are filled. At this point Weiss refers to importance of the fifth gap as “compliance gap”.

The last gap in global governance is the compliance gap. Compliance gaps occurs when the actors refuse or are unable to realize agreed issues on international policy. In terms of the international policies on human rights, although the knowledge, agreed

norms and policies are clear still enforcement mechanism on that issue may not actively work. For example, regarding the genocide, universal knowledge, norms and policies are agreed and quite clear. Although some institutional steps have been taken through the indictments of International Criminal Court, since the enforcement capacity is not sufficient, genocide is still occurring in the world. If these institutions inadequately resourced and inadequately empowered regarding enforcement capacity compliance gaps can never be achieved (Weiss, 2013, pp. 58-60).

Regarding the establishment of NHRIs, the UN-affiliated accreditation process may fulfill the compliance gaps in global governance. *De jure* establishment of a national body for protection and promotion of human rights is not sufficient. These institutions should be vested with adequate resources as well. But the lack of political will is the main challenge in this context.

2.2. Conclusion

Throughout this chapter the concept of global governance and the relevant gaps identified by Thomas Weiss have been analyzed. In this context, global governance gaps as knowledge, norms, policies, institutions and compliance have been discussed. Knowledge gaps on sustainable development are stemming from lack of shared understanding. In that sense NHRIs may play an important role in filling the knowledge gaps by using their bridging role between international and national human rights system and by reporting and documentation on protection and promotion of human rights.

With regard to normative gaps, NHRIs are also proactive actors in filling normative gaps through their contributions to localize the international norms by affecting the national development plans, national policies and laws and engaging with civil society organizations, national statistics offices and other stakeholders operating in national level. This indicates that they can shape the norm internalization process and they can make international norms more understandable and acceptable by local dynamics.

On the other hand, filling the policy gaps regarding sustainable development are relatively difficult area of work for NHRIs. Considering the fact that NHRIs are not the policy makers, they do not have the ability to shape local policies on sustainable

development. But through the contribution to the National Action Plan, NHRIs can affect the formulation process of national policies and they may reflect human rights based approach and its relevance with SDGs to the local polices as well.

With regard to institutional gaps of global governance, NHRIs can prepare shadow reports regarding the state actions and submit it to the UN bodies. Therefore, through reporting the implementation level of states pledges on sustainable development they can partially fill the institutional gaps. However, in practical terms, it is still hard to claim that NHRIs are the main institutions that coordinate the state action and policymaking process.

Regarding the compliance gaps, accreditation of NHRIs to the Global Alliance of National Human Rights Institution (GANHRI) is considered as a critical precondition. In order for NHRIs to be visible and effective, they need to work in compliance with the international standards. If they do not, their work will not be taken into consideration. In this regard, accreditation process of NHRIs will be discussed in the following chapters.

CHAPTER 3

HISTORICAL BACKGROUND OF NATIONAL HUMAN RIGHTS INSTITUTIONS

3.1. Introduction

The idea of the establishment of National Human Rights Institutions (NHRIs) first came to the fore ground at the UN Economic and Social Council (ECOSOC) held in 1946 just two years before the adoption of Universal Declaration of Human Rights which sets the common standards regarding human rights issues (UN Office of High Commissioner of Human Rights, 1995). This idea gained a momentum during 1960s and 1970s with the belief that local human rights committees would be much more effective in realizing the international human rights standards in national context. In 1978, a Seminar themed “Local and National Institution for Protecting and Promoting Human Rights” was held in Geneva and a set of guidelines has been adopted. According to these guidelines, national institutions should provide information on human rights, conduct awareness raising activities, give advice to the Governments on human rights issues. Following the preliminary attempts on the establishment of NHRIs, the UN Human Rights Council conducted the first International Workshop on Protection and Promotion of Human Rights on 7-9 October 1991. The conclusions of this workshop were endorsed by 1992/54 Commission on Human Rights Resolution and 48/134 General Assembly Resolution 20 December 1993. (UN, OHCHR, 1995) Although these developments considered as the major historical framework of the NHRI creation Cardenas (2014) depicts the historical evolution process of the NHRIs into four phases as such:

- Phase 1: Norm Emergence 1940-1980
- Phase 2: Standard Setting and Promotion, 1990s
- Phase 3: Networking and Implementation 2000-2005
- Phase 4: Enforcement and International Standing, Post-2005 (pp.37-57)

These phases depicted by Cardenas indicate the critical turning points for NHRI creation in the world. In that sense, it can be claimed that they correspond the stages of norm diffusion depicted by Nakamuro & Yamamoto (2009) and discussed in the first chapter. First phase which covers the years 1940-1980 is norm emergence, the second phase standard setting and promotion can also be considered as a part of norm emergence. These two phases related to emergence of NHRIs as a norm in international arena. But, when it comes to the years 2000-2005 as networking and implementation phase, this reflects the norm cascade for NHRIs which exceeds the limits of norm emergence and can be considered as tipping point for NHRI creation. On the other hand, the fourth phase as enforcement and international standing may reflect both norms cascade and norm internalization process. While international standing still refers to norm cascade process, enforcement part mostly covers the norm internationalization process. These phases will be covered in details.

3.1.1. Phase 1: Norm Emergence 1940-1980

Within the context of its first session, held in New York in 29 April - 21 May 1946, Economic and Social Council (ECOSOC) set up a preparatory committee for the Human Rights Commission called as Nuclear Commission on Human Rights mandated to propose the terms of reference, status of membership and term limits regarding the Human Rights Commission. (UN Dags Hammarskjöld Library, 2018) Working as a preparatory Committee, the Nuclear Commission discussed the need for establishing local groups on human rights that would supply information regarding the local human rights situations. Within the context of the recommendation of the Nuclear Commission on this issue, ECOSOC adopted another resolution on “the desirability of establishing information groups or local human rights committees within their respective countries to collaborate with them in furthering the work of the Commission on Human Rights” (Pohjolainen, 2006). This resolution reflects that there is an emerging aim to have local human rights committees to gather information on local human rights situation and to enhance cooperation between local and international areas. This idea constitutes the very essence of the logic of establishment of national human rights institutions.

Although there was not any concrete definition with regard to the concept of National Human Rights Institution during the first phase, in 1947 the first NHRI-like creation of the world was established by the French Minister of Foreign Affairs French National Advisory Commission for Human Rights (CNDH), even before the term “national human rights institution” was contextualized (Beco, 2007, p. 30). Rene Cassin is the one who brought the idea that international organizations need domestic bodies to realize their international standards. He was working in the International Labor Organization (ILO) and United Nations Education and Science Organization (UNESCO). During his work, he observed that ILO and UNESCO have their local bodies to conduct their work in domestic area and he was extremely affected by these domestic bodies. That’s why he brought the idea that international organizations should have domestic bodies (Cardenas, 2014, p. 75). Therefore, these developments affected the institutionalization process of human rights in France and French National Advisory Commission for Human Rights (CNDH) emerged within the light of the domestic experience of ILO and UNESCO. It is an interesting fact that idea of establishing domestic bodies for international organizations like in the cases of ILO and UNESCO was an inspiring source of the creation of CNDH in France.

According to Pohjolainen, establishing local committees like in the case of NHRIs is similar to the process of establishing local bodies within the context of International Labor Organization (ILO) and United Nations Education and Science Organization (UNESCO) experience. Through ILO Recommendation dated 1923, it has been recommended that states should create independent labor inspectorates which are basically mandated to advise on protection of workers, inspectorate and publish annual report to this end. On the other hand, according to Article 5 of the UNESCO Constitution, Member States shall establish “national commissions” compose of government representatives and other stakeholders from scientific, educational and cultural field. The national commissions are responsible to advice governments and national delegation of UNESCO (Pohjolainen, 2006, p. 31).

Therefore, it can be concluded that, the domestic structures as committees like in the case of ILO and UNESCO has affected the establishment of the French National Advisory Commission for Human Rights. But, this attempt to establish a Commission

has not become popular until 1970s. Following the contextualization attempts of NHRIs, there has been long-term silence on the role of independent NHRIs, with the exception of a few resolutions adopted in the UN General Assembly in 1960s. Although some developments on anti-discrimination legislation on the establishment of relevant authorities have been observed particularly in Commonwealth countries during the 1960s, they have not addressed the promotion and protection of human rights in an inclusive way (Carver, 2010). In 1978, a seminar on “Promotion and Protection of National and Local Human Rights Institutions” was held in Geneva. Through the seminar, there has been a reference to the “national human rights institutions” for the first time (Cardenas, 2014, pp. 38-39). Following the seminar held in 1978, dual function of the NHRIs as promotion and protection of human rights has been emphasized throughout the 1980s and the UN has started to adopt resolutions on promotion and protection of NHRIs. The idea of establishing standard settings on NHRIs has started to emerge during this period (Cardenas, 2014, p. 39).

Considering their effects on the creation of NHRI-like institutions, during the norm emergence phase, ECOSOC, ILO, UNESCO and the UN agencies can be considered as norm entrepreneurs regarding NHRI creation in the world. They promoted the NHRI creation through relevant resolutions and became inspiring figures for establishing national commissions on human rights.

The silence on the role of national human rights institutions between the 1940s and 1960s, mostly associated with the fact that human rights discourse itself did not gain a considerable attention during the same period. The 1960s, correspond to the emergence of international human rights treaties and mechanisms. For example, International Convention on Elimination of All Forms of Racial Discrimination (ICERD) was adopted in 21 December 1965, International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) were adopted in 16 December 1966 and other core international human rights conventions adopted during 1970s and 1980s. (United Nations Human Rights Office of the High Commissioner, 2019) Therefore, the establishment of the local human rights bodies is considered as an organizational compliment to these treaties (Cardenas, 2014, p. 38). That’s why after the 1960s

human rights discourse gained much more attention and it became much more visible area of study.

3.1.2. Phase 2: Standard Setting and Promotion, 1990s

Although most of the core international human rights treaties have been adopted between the years 1960s and 1980s, this period served as a preliminary period for the establishment of NHRIs. For that reason, second phase of historical evolution refers the 1990s as a standard setting and promotion period which strengthens the NHRI institutionalization process. But considering the fact that this period reflects the adoption of standard setting on NHRIs, it can still be considered as a part of norm emergence process depicted by Nakamuro & Yamamoto (2009).

After the Cold War, promotion and protection of NHRIs gained a fresh impetus. During the second phase as 1990s, the most important documents regarding the NHRIs are the Vienna Declaration and Program of Action adopted by the World Conference in Vienna on 25 June 1993. UN Principles Relating to Status of the National Institutions, the Paris Principles (1993) which were emerged as minimum criteria regarding the NHRI formation (Cardenas, 2014, p. 39).

3.1.2.1. Vienna Declaration and Program of Action

Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, Vienna Declaration and Program of Action is a milestone document for prioritization of human rights discourse and protection and promotion of human rights. It also sheds light on international human rights system and provides a comprehensive overview for protection and promotion of human rights. Referring to the UN Charter of Human Rights, Universal Declaration of Human Rights, ICCPR, ICESCR and Declarations adopted at Tunis, San José and Bangkok. The Vienna Declaration presents an international framework of the all relevant documents on human rights. It includes wide range categories of human rights, encompassing from the rights of people with disabilities, refugees, migrant workers, human rights education right to development and the equal status and the human rights of women etc. (United Nations Human Rights Office of the High Commissioner, 2019).

References given to specific international human rights treaties within the context of Vienna Declaration and Program of Action indicates that the Declaration actually follows a holistic approach regarding human rights. By mentioning the specific categories as freedom from torture, women's human rights, enforced disappearances, rights of the child and people with disabilities, indigenous people, migrant workers etc., the Declaration at the same time set the standards on how NHRIs should react within the context of these categories of human rights.

Regarding the implementation and monitoring methods, Vienna Declaration and Program of Action highlights the importance of the international cooperation on promotion and protection of human rights. According to Paragraph 85:

The World Conference on Human Rights also encourages the strengthening of cooperation between national institutions for the promotion and protection of human rights, particularly through exchanges of information and experience, as well as cooperation with regional organizations and the United Nations (Vienna Declaration Programme of Action, 1993, Para: 85).

As this quote suggests, cooperation in national, regional and international level constitutes the essence of the work of the national human rights institutions. This is also related to the bridging role of the NHRIs that provides a communication channel between domestic level and international level and constitutes a monitoring process. Also, learning from the experiences of other peer institutions through knowledge sharing activities is also another important standard of NHRI formation which enhances promotion and protection of human rights. Considering the fact that Vienna Declaration strongly emphasizes the importance of the “cooperation” among the NHRIs, regional organizations and the UN; one of the key

3.1.2.2. Principles Related to the Status of National Human Rights Institutions Paris Principles

National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions, commonly known as the Paris Principles, are playing a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level, a role which is increasingly

recognized by the international community (United Nations Human Rights Office of the High Commissioner, 2019).

Formulated at 1991 Conference on the Institutions for the Protection and Promotion of Human Rights, Principles Related to the Status of National Human Rights Institutions, Paris Principles has been adopted by General Assembly resolution 48/134 of 20 December 1993 (Human Rights and Equality Institution of Turkey, 2018). Emphasizing the importance of the Universal Declaration on Human Rights, International Covenant on Human Rights Vienna Declaration and Program of Action, the General Assembly resolution 48/134 of 20 December 1993, Paris Principles encourages creation of national institutions for protection and promotion human rights by Member States to fight against all violations of human rights as counted in the Vienna Declaration (United Nations General Assembly, 1993).

Pursuant to Article 2 of the Paris Principles: “A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence” (United Nations Office of the High Commissioner for Human Rights, 1993, Art. 2). As this article suggests, it is expected that the jurisdiction area of NHRIs should be broad but at the same time, it should be included in a constitutional or legislative text covering the details regarding the composition of its decision-making body and the human rights mandate.

Within the context of the General Observation of the Sub-Committee of Accreditation (SCA)³ which accredits NHRIs in compliance with the Paris Principles, it is necessary for an NHRI to have a specific dual mandate on protection and promotion of human rights in its legislative text. In this regard, “protection” means prevention of human rights violations through monitoring, reporting, inquiring and investigating. “Promotion” on the other hand refers to training, advocacy and awareness raising activities on human rights (GANHRI Bureau, 2018, p. 7). It indicates that, according

³ SCA means the Subcommittee of GANHRI responsible for making recommendations on accreditation under the auspices of OHCHR, referred to in United Nations Commission on Human Rights resolution 2005/74, and which is formally established by the Statute as a subcommittee of GANHRI Bureau. (GANHRI, 2018, p. 2)

to GANHRI perspective promotion activities expected from NHRIs is much more expansive than the way promotion is often understood with the UN. In this context, despite the existence of different types and mandates of NHRIs, which will be covered in the next chapters, the dual mandate as protection and promotion of human rights constitutes the essence of the work of NHRIs.

With regard to legislative basis, SCA embraces the fact that the NHRIs are formed in different circumstances with regard to social, economic and political spheres which may affect the way they are established. But regardless of the legal system they function in, they should formally be established by constitution or a legislative text in order to be differentiated from other public institutions and NGOs and any other ad-hoc bodies. Moreover, establishment by a legislative text, rather than an executive decree or regulation would ensure independence of the NHRIs from government (GANHRI Bureau, 2018, p. 5). According to Article 3 of the Paris Principles:

- A national institution shall, inter alia, have the following responsibilities:
(...)
- (b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
- (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
(United Nations Office of the High Commissioner for Human Rights, 1993)

Within this context, it is possible to infer that NHRIs are neither civil society organizations nor the part of classical bureaucratic hierarchy like in the case of Ministerial Human Rights Departments. They are mostly described as “bridges” narrowing the gap between civil society institutions (CSOs) and government organizations; also between international human rights mechanism and the local human rights system (Beco, 2007, p. 331).

Within the context of their bridging role, NHRIs are also responsible for the ratification of the international human rights conventions by the states and for monitoring their implementation. This shows that one of the ways for NHRIs to narrow the gap between international human rights standards and the local ones is to encourage and to promote

the ratification of international human rights instruments. This can be considered as a good starting point for the countries aiming to increase their human rights standards.

The bridging role of the NHRIs is critical in terms of harmonization of international and national dynamics. In this context, NHRIs are expected to promote ratification of international human rights treaties and make sure that States effectively implement these treaties. Reporting to the international treaty bodies and to Universal Periodic Review (UPR)⁴ are important role for the NHRIs bridging role. As cited in Koo & Ramirez signing and ratifying the international treaties by the states might be highly symbolic but establishment of state-funded national human rights institutions depicts more elaborate efforts in affecting local legal structures (Koo & Ramirez, 2009, p.1322). That is why monitoring international human rights treaties to check whether the states are complying with the issues enshrined by these treaties, is essential for NHRIs bridging role.

On the other hand, one of the expected major features of NHRIs counted in the Paris Principles is the issue of *independence* which is mostly associated with the credibility, legitimacy and effectiveness of the NHRIs (Office of the United Nations High Commissioner for Human Rights, 2005, pp. 12-13). In that sense independence of the NHRIs refers the sub categories analyzed below:

Being accountable to the Parliament: Pursuant to the Paris Principles NHRIs should establish an “effective cooperation” with the Parliaments which are significant actors of legislative process. Parliaments should have a significant role in the establishment of the NHRIs and as well as in the amendment to the founding law of NHRIs. According to Belgrade Principles on the Relationship between the Parliament and NHRIs (2012) (International Coordinating Mechanism on NHRIs, 2012), parliaments should implement an inclusive process during the establishment and amendment to the founding law of the NHRIs. In this context, Parliament should conduct consultation with the civil society organizations and all other stakeholders to ensure effective

⁴ International Human Rights Treaty Bodies and UPR will be analyzed in the next chapters.

functioning and independence of the NHRIs (International Coordinating Mechanism on NHRIs, 2012).

Financial Independence is also another important criterion which is related to effective cooperation with the Parliaments. Pursuant to Belgrade Principles (2012), the Annual Plan/Strategic Plan of the NHRIs should be prepared and submitted to the Parliament in order to ensure that the NHRIs have adequate resources for realizing their functions. In addition to that, Parliaments should safeguard that NHRIs have the sufficient budget to realize their mandate envisaged by their founding law (International Coordinating Mechanism on NHRIs, 2012).

With regard to composition of the NHRIs, Paris Principles underlines the importance of the *pluralist representation* of members coming from different backgrounds with the involvement of the activities regarding protection and promotion of human rights such as from non-governmental organizations, different philosophical or regional thoughts, universities, parliaments and government departments (United Nations Office of the High Commissioner for Human Rights, 1993).

No instruction from the government: Within the context of the independence criteria, the relationship with the government and NHRIs constitute a significant variable in this regard. Considering the bridging role of NHRIs, it is aimed that an NHRI should act like a bridge between government and CSOs (United Nations Office of the High Commissioner for Human Rights, 1993).

On the other hand, Buckland (2015) argues that independence of NHRIs can be analyzed under three categories as institutional and financial independence, operational (or functional) independence and staff independence. With regard to institutional and financial independence, NHRIs should be independent from the bodies or structures they are mandated to observe and report to, also from those who manage their funding. Secondly, operational (functional) independence means that an NHRI should have ability and competency to conduct its own investigation without waiting for individual petitions and/or complaints. In addition to that, operational independence is closely related to how an NHRI manages its function, spend its time and budget. The important thing here is the necessity that an NHRI should give its own

decision regarding the investigation it conducts and the budget. No authority can affect the decision of an NHRI in this regard. Publishing reports is another indicator for operational independence. Finally, last but not least staff independence refers that NHRI members and staff should be impartial and accountable. On the other hand, securing membership guarantee is extremely critical way for personal independence criteria (Buckland, 2015).

Buckland's arguments provide a compact analysis on the independence criteria stipulated in the Paris Principles. In parallel with the ideas of Buckland, during his speech on the Expert Meeting on the Strengthening the Independence of the NHRIs in the OSCE Region on November 2016, Polish Commissioner for Human Rights Dr. Adam Bodnar states that there are three major challenges regarding the independence of NHRIs, which are:

- The vulnerability of the budget;
- The lack of support of non-governmental institutions for the institute;
- Governmental control of national media (Organization for Security and Co-operation in Europe, Office of Democratic Institution and Human Rights, 2016)

These challenges within the context of independence of the NHRIs constitute the three major pillars of the independence of the NHRIs.

With regard to the methods of operation, pursuant to Paris Principles NHRIs shall freely act on the issues within the context of their competence, regardless of the fact that these issues submitted by the Governments, petitioners or the proposal of its members. Also hearing any person and request any document necessary to investigate the situation falling within their mandate is envisaged for the methods of operation for NHRIs. In addition to that, forming working groups on specific human rights issues and developing relations with the Non-governmental organizations are the other unique parts for work of NHRIs (United Nations Office of the High Commissioner for Human Rights, 1993).

Besides, there are some additional principles regarding the quasi-jurisdictional competence of the NHRIs envisaged by the Paris Principles. Within this context, a

national institution may be mandated to hear and investigate complaints/petitions which can be brought by individuals, representatives of them, non-governmental organizations, third parties, trade unions etc. This competence may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities... (United Nations Office of the High Commissioner for Human Rights, 1993)

As it can be seen, dealing with individual complaints/petitions are optional elements for NHRIs mandate.

Without doubt, Paris Principles are the most important documents for standard setting and promotion phase of the NHRIs. As an inception document for NHRI creation, Paris Principles highlights the key words as “broad mandate”, “independence”, “harmonizing the national legislation with international human rights practices”, “encouraging the ratification process of international human rights treaties” which set the minimum standards for NHRI creation. These standards also relevant for the accreditation process of NHRIs which will be discussed in the next chapters.

Also, it is an undeniable fact that Paris Principles draw a general framework regarding the establishment criteria of the NHRIs. Murray (2007) argues that although Paris Principles can be considered as a good starting point for the NHRI establishment but they do not provide detailed criteria for the effectiveness of the NHRIs once they created. Also they do not pay attention to how NHRIs perceived by others and the context in which they are functioning. So she argues that Paris Principles should be enhanced and supported and detailed by other work and documents (Murray, 2007).

Considering the increasing number of conferences, declarations, statements resolutions regarding the promotion and protection of human rights, it is not surprising that these documents as current inputs of international human rights system, may

provide much more detailed framework regarding the effectiveness of the NHRIs, than the Paris Principles. In a way, they can provide enhanced criteria and a pathway for the NHRIs beyond Paris Principles. This development will be discussed in the following chapters.

3.1.2.3. Capacity Building Activities

Cardenas argues that during the phase 2, standards setting period, capacity building activities for NHRI also gained a momentum. Technical assistance for the promotion of NHRIs' capacities emerged through knowledge transfer activities by both foreign governments and international organizations. Office of High Commissioner for Human Rights is one of the lead international organizations for capacity development issues of NHRI. In addition to that, governments like in the case of Australia, Denmark and Canada contributed to the diffusion of NHRIs, by supporting them through experience sharing workshops, seminars and several activities regarding technical assistance. (Cardenas, 2014, pp. 4-5)

It is interesting to see that, although the idea of NHRIs started to be visible during the years 1940s-1980s (1st phase), attempts for actual diffusion of NHRIs is observed during the 1990s (2nd phase). During the norm emergence phase there has not been many NHRI establishment across the world (except for French attempt of CNDH). With the help of standard setting phase which includes many developments on international human rights conventions and the adoption of Paris Principles and Vienna Declaration and Program of Action, international organizations and foreign governments have become the drivers of NHRI diffusion across the world. Therefore, it should be highlighted that 2nd phase reflects the time period in which the NHRI diffusion started through technical assistance from international organizations and foreign governments.

3.1.3. Phase 3 Networking and Implementation 2000-2005

During the years between the years 2000-2005, the NHRI evolution shifted towards a new sphere as networking and implementation. Parallel with the increase in the transnational networks during this period, (central bankers, judges etc.), trans-

governmental networks of NHRIs dramatically rose as new actors of post- Cold War dynamics of regionalism and globalism (Cardenas, 2014, p. 46).

3.1.3.1. Global Alliance of the National Human Rights Institutions (GANHRI)

The first trans-governmental network established in 1993 is International Coordinating Committee of NHRIs (ICC), currently known as Global Alliance of the National Human Rights Institutions (GANHRI). ICC and its regional networks are critical leading actors of the growth of development process of the NHRIs. They are considered as one of the main drivers of the diffusion of NHRIs across the world. Through experience sharing and knowledge transfers, and accreditation process they contributed the spread of NHRIs (Wolman, 2015).

Pursuant to Article 18 Human Rights Resolution 2005/74, UN Office of the High Commissioner for Human Rights: ICC is responsible of assessing conformity with the Paris Principles in close cooperation with the Office of the High Commissioner of Human Rights (OHCHR). The name of the ICC was amended as the Global Alliance of National Human Rights Institutions (GANHRI) in the General Meeting on 22 March 2016 (UN Human Rights Commission, 2005).

The Global Alliance of the National Human Rights Institutions (GANHRI), formerly known as International Coordinating Committee (ICC) established under Swiss Law, is the mechanism that is responsible for accreditation of the NHRIs Constituted as a non-profit organization under Swiss Law, GANHRI has a legal personality independent from its members.⁵

According to Article 6 of the GANHRI Statute, “General Meetings of GANHRI, the Subcommittee on Accreditation (SCA), as well as International Conferences of GANHRI shall be held under the auspices of, and in cooperation with, OHCHR.” This reflects the significant effect of the UN on the coordination and accreditation process of NHRIs (GANHRI, 2018, s. 3)

Composed of four members representing each regional network of GANHRI, Subcommittee of Accreditation (SCA) is responsible for reviewing and analyzing the

⁵ The name of the ICC amended in the General Meeting on 22 March 2016

accreditation applications of NHRIs. SCA is responsible for making recommendations on accreditation under the auspices of OHCHR, referred to in United Nations High Commissioner on Human Rights resolution 2005/74, and which is formally established by the Statute as a subcommittee of GANHRI Bureau acting as the management committee (ENNHRI & CNDH France, 2018, s. 9).

SCA has accredited and reviewed NHRIs in light of the Paris Principles since 1999. Throughout the time, SCA's mandate on accreditation has been widened. In 2006 SCA started to develop General Observations (GO) which aim to support the implementations and understanding of the Paris Principles. Regardless of the structures of the NHRIs (as Commission, Ombudsman, Hybrid, Institute etc), SCA General Observations is designed for establishing a clear and concrete framework of the Paris Principles, assisting the NHRIs to organize their events in compliance with the Paris Principles and promoting NHRI advocacy with their domestic governments (Canadian Human Rights Commission on behalf of GANHRI, 2017 updated 2018, pp. 11-15).

Within this context, there are four regional networks under the auspices of GANHRI s as European Network of National Human Rights Institutions (ENNHRI), Asia-Pacific Network (APF), Network of African National Human Rights Institutions (NANHRI) and Network of National Institutions in the Americas play an important role for the establishment and promotion of NHRIs in compliance with the Paris Principles (GANHRI, 2019).

3.1.3.1.1. Regional Networks of the GANHRI

Although there might be some differences between their methods of operations, four regional networks of GANHRI, have the objective to enhance establishment of the NHRIs and promotion of the NHRIs located in their region. Providing technical assistance to NHRIs, facilitate capacity assessment, provide support concerning the accreditation process organizing seminars on thematic human rights issues are some examples of the work of regional networks in general.

3.1.3.1.1.1 European Network of National Human Rights Institution (ENNHRI)

Governed by the title III of the Belgian Law, ENNHRI is an international non-profit organization based on Brussels. Pursuant to its statute, main functions of the ENNHRI are listed as facilitating the adoption and accreditation process of the NHRIs in the region, acting as a platform for promoting knowledge sharing activities and provide technical assistance for NHRIs, enhancing collaboration between the international/regional human rights mechanisms like the UN Bodies, Council of Europe, European Union, the Organization for Cooperation and Security in Europe's Office for Democratic Institutions and Its members.... (ENNHRI, 2018).

As is enshrined in the ENNHRI Statute, the ENNHRI is the main network of NHRIs located in the European Region. As an important supporter of the NHRI creation, it is also an effective tool for the NHRI accreditation. It aims to enhance the number of accredited NHRIs through facilitating, knowledge sharing activities and technical assistance. Organizing seminars on promotion and protection of human rights, developing tools for capacity assessment of NHRIs, strengthening the international cooperation with regional and international human rights mechanisms are the main duties of the ENNHRI.

In accordance with the ENNHRI Statute, there are three categories for ENNHRI membership as:

- Voting members which are eligible to serve as European Coordinating Committee (ECC)⁶ member and represent ENNHRI in SCA, should be accredited as “A” status.
- Ordinary members which are not eligible to serve as ECC member and not represent ENNHRI in SCA, are accredited as “B” status.
- Associate members includes but is not limited to Institutions in the European Region, accredited as “C”⁷ status (ENNHRI, 2018).

Even if the NHRI without “A” status can participate in the events and develop a certain level of cooperation with the ENNHRI, it is an obvious fact that, they are not eligible to make active contribution to the work of the ENNHRI and remained outside of the

⁶ European Coordinating Committee is the administrative branch of the ENNHRI which is responsible for management issues.

⁷ “C” status has been abolished, currently “no status” is used instead of “C” status.

core activities of the ENNHRI. This shows that, the Institution which are not in line with the Paris Principles have restricted options not only for the GANHRI activities and but also activities of regional networks they are associated with.

With regard to accreditation process, ENNHRI and the French Commission for Human Rights have recently published a “Practical Guide on The Accreditation of the National Human Rights Institutions” which provides comprehensive and updated analysis for the NHRI accreditation process to GANHRI. The Guide elaborates the reasons for the need of accreditation, procedures regarding the right time and place for application, interview and written phases and reaction of NHRIs to the recommendation of the Sub-Committee on Accreditation. It is a quite useful tool for NHRIs especially those who did not have a chance to make accreditation application yet (ENNHRI & CNDH France, 2018).

Currently, ENNHRI has five working groups which are focusing on relevant human rights issues in Europe. These working groups are: Legal Working Group, Convention on the Rights of Persons with Disabilities, Business and Human Rights, Economic and Social Rights. The most important aims of these working groups is to provide an effective communication among the members, compose public statements representing the regional perspective (ENNHRI, 2019).

According to ENNHRI Strategic Plan covering the years 2018-2021, other thematic areas that ENNHRI work on are Human Rights and Conflict, Rights of Older Persons’, Human Rights Education and SDGs (ENNHRI, 2018). It indicates that thematic areas covered by GANHRI meetings also affects the work of regional networks. In 2016, a year after the adoption of the Merida Declaration, Regional Consultation Meeting was jointly organized by ENNHRI, UNDP and Arab Network of NHRIs (ANNHRI). During the meeting, the role of NHRIs in implementation of 2030 Sustainable Development Agenda and SDGs were discussed. Experiences shared regarding the monitoring process as data collection and the bridging role of the NHRIs which brings governments and civil society together, as an essential for SDG implementation (ENNHRI, 2018).

Together with the OSCE ODIHR, ENNHRI is also one of the organizers of the “NHRI Academy” which is an annual academy bringing the representatives of NHRIs in OSCE region, as well as trainers and experts. Each year, the Academy focuses on different thematic human rights topic. In 2017, the NHRI Academy was held in Poznan, Poland with dedicated sessions on the role of NHRIs in SDG implementation process. 27 participants from different ENNHRI Member countries trained on SDGs and good practices and experiences shared during the Academy (ENNHRI, 2018). Considering the fact that it was not a coincidence that the thematic issue covered in the NHRI Academy 2017, also highlighted in GANHRI’s one of the most important conferences. This is an important example that reflects the interaction and transaction of the ideas between regional networks and GANHRI.

Also, in March 2019 ENNHRI published a new-leaflet on “How NHRIs can use SDGs in Advancing Human Rights Based Approach to Poverty Reduction Measurements? Within the context of the leaflet, methods such as accountability, equality and non-discrimination, participation was exemplified with reference to good practices conducted by European NHRIs such as Scottish Human Rights Commission, Croatian Ombudsman and Latvia’s Ombudsman (ENNHRI, 2019).

Besides these specific examples of the ENNHRI’s work on SDGs, it is observed that in correlation with the GANHRI work, ENNHRI also mentions the importance of SDGs with a specific reference to individual Goal as well. For example, in May 2019, ENNHRI attended a technical consultation meeting on SDG 16 (Peaceful, Just and Inclusive Societies) held in Sarajevo. During the meeting, the importance of strong democratic institutions was emphasized as critical tools for SDG implementation process (ENNHRI, 2019).

3.1.3.1.1.2. Asia- Pacific Forum of NHRIs (APF)

Established in 1996 by Australia, India, Indonesia, and New Zealand (Pasha, 2010, s. 74) Asia-Pacific Forum (APF) is another network of NHRIs covering the Asia-Pacific Region. Like in the case of ENNHRI, APF is also working for the establishment and strengthening the NHRIs in the region. They provide training programs for thematic issues, conduct capacity assessment and ensure high level dialogues with the

Commissioners (Board Members) of the newly established NHRIs (Asia-Pacific Forum, 2018).

Pursuant to annual report (2017-2018) of the APF, with the active support of the APF, NHRI of Tuvalu has been established and Human Rights Commission of Sri Lanka has been upgraded to the “A” status through reaccreditation process. APF also supported the capacity assessment process of six NHRIs and support the APF members on their role concerning the protection of rights of women and girls. Also, the APF organized training events regarding Sustainable Development Goals in Bahrain in 2017-18s (Asia-Pacific Forum, 2018, pp. 4-10).

The work of APF indicates that, in parallel with the work of GANHRI and other regional networks, APF also strives to conduct awareness raising events regarding the SDGs.

3.1.3.1.1.3. Other Networks and Cross Regional Forums

Network of African National Human Rights Institutions (NANHRI)

Although African NHRIs conducted their first meeting in Yaounde, Cameroon and adopted Yaounde Declaration in 1966 to assist coordination for the NHRIs in the region, they gained a legal status under Kenyan law in October 2007. (Network of African National Human Rights Institution (NANHRI), 2019).

Parallel with the work of other regional networks, NANHRI also works for supporting the establishment and accreditation of the NHRIs in the region, in line with the Paris Principles and provide capacity assessment, technical assistance and knowledge sharing activities among the members on SDGs. Within the context of the 11th Biennial Conference of NANNHRI held in November 2017, the main theme was the “Overview of the Agenda 2030 and Its SDGs: What is the Status of Implementation?” During the Conference National Action plans on SDGs and human rights based approach to implementation of SDGs were discussed. (Center for Economic and Social Rights, 2019)⁸

⁸ There is also another network as Network of National Human Rights Institution in Americas. But since there is not sufficient accessible information on this Network, it will not be mentioned within the context of this study.

Additional Cross Regional Forums

Commonwealth Forum of National Human Rights Institutions

Established in 2007, the Commonwealth Forum of National Human Rights Institutions (CFNHRI) is an informal network NHRIs located in the Commonwealth regions. CFNHRI is also responsible for supporting NHRIs by providing technical assistance and promoting strategic partnership among the members (Commonwealth Forum of National Human Rights Institution, 2018).

Arab Network of National Human Rights Institutions (ANNHRI)

Arab Network of National Human Rights Institutions is also a cross regional Network of NHRIs which aims to strengthen the cooperation among the NHRIs of Arab region (Arab Network of National Human Rights Institution, 2018).

As it is mentioned before, Regional Consultation Meeting was jointly organized by ENNHRI, UNDP and Arab Network of NHRIs (ANNHRI). During the meeting, the role of NHRIs in implementation of 2030 Sustainable Development Agenda and SDGs were discussed (ENNHRI, 2018).

3.1.4 Phase 4: Enforcement and International Standing, Post-2005

Defined as the enforcement and international standing phase, phase 4 is mostly associated with the accreditation process of NHRIs according to their compliance with the Paris Principles. Providing guardianship for the NHRIs' credibility, the main mission of the Global Alliance of the National Human Rights Institution (GANHRI) is to accredit NHRIs through peer-review process based on the degree of compliance with the UN Paris Principles.

Within the context of Paris Principles, there are six main criteria for NHRIs as “given a broad mandate as possible”, “independence from government”, “independence guaranteed by constitutional/ legislative text,” “adequate power of investigation,” “pluralism” and “adequate human and financial sources” (United Nations Office of the High Commissioner for Human Rights, 1993).

NHRIs wishing to apply for accreditation need to submit those documents to the GANHRI Chairperson through the GANHRI Secretariat:

- a copy of its legislation or other related document by which it is established
- an outline of its organizational structure including staff complement and annual budget;
- a copy of its most recent annual report or equivalent document in its official or published format;
- a detailed statement showing how it complies with the Paris Principles as well as any respects in which it does not so comply and any proposals to ensure compliance (OHCHR, 2019).

Following the applications of accreditation SCA shall provide a report based on submitted materials. Considering the reports provided by the SCA, all applications shall be decided under the auspices of, and in cooperation with OHCHR, by GANHRI Bureau. Then, a dialogue shall be started between GANHRI Bureau and the concerned applicant NHRI. GANHRI Bureau approves the report of SCA and decides on accreditation status (Art. 11-12).

What do status of accreditations as “A” and “B” stand for? A Status Voting Member means fully compliance with the Paris Principles, B Status Non-voting Member has right to participate and speak in General Assemblies and others with no accreditation may attend some of the workshops as an “observer” status (GANHRI, 2018).

“A” status NHRI has the right to take on tasks in the GANHRI Bureau, Regional Network (ENNHRI, APF, NANHRI, Americas) or any other sub-committee/working group established by the GANHRI Bureau and more importantly they can fully participate in the NHRI meetings conducted in regional and international field. Also, “A” status NHRIs can actively be involved in and have speaking rights in the UN Treaty Monitoring Mechanism, Human Rights Council, and Universal Periodic Review. Besides, accreditation status “A” affects extremely positively the relationship with other regional mechanism such as the OSCE, the Council of Europe and the EU institutions and agencies. Indeed, “A” status accreditation is an indicator that the NHRI can actively involve in the international human rights system as a bridge between national and international segments.

On the other hand, “B” status accreditation indicates that the institution can be counted as an NHRI but it is only partially in compliance with the Paris Principles which means that they do not fully meet the compliance criteria and have some missing points. The NHRI with “B” status cannot not take on tasks in the GANHRI Bureau and the Regional Network and does not have a voting right. They cannot participate in the meeting in the Human Rights Council. However, they may present parallel reports to the UN Treaty Bodies and UPR (ENNHRI & CNDH France, 2018, s. 9-10).

Article 3 of the SCA Rules of Procedure provides that:

Members are nominated by Regional Networks and participate as impartial, objective and independent experts. They must make decisions based on an objective assessment of an applicant’s compliance with the Paris Principles and the General Observations, and without consideration of national or regional interests (GANHRI, 2019, p. 3.1).

Article 4.6 of the SCA Rules of Procedure states that: “All participants at SCA meetings are required to respect the confidentiality of the proceedings” (GANHRI, 2019). As these articles suggests, in order to prevent bias, representation of the different regional groups within the SCA is prioritized.

3.2. Conclusion

This chapter covers the historical process regarding NHRI creation in the world with reference to Sonia Cardenas classification as Phase 1: Norm Emergence 1940-1980, Phase 2: Standard Setting and Promotion, 1990s, Phase 3: Networking and Implementation 2000-2005, Phase 4: Enforcement and International Standing, Post-2005. In the light of this analysis, it can be concluded that, since they reflect the emergence process of the NHRI as a norm, phase 1 and phase 2 are norm emergence process of NHRIs. Phase 3, on the other hand, can be categorized as norm cascade, since it exceeds the limit of norm emergence and represent the tipping point for NHRI creation. Phase 4 as enforcement and international standing may reflect both norms cascade and norm internalization process. While international standing still refers to norm cascade process, enforcement part mostly covers the norm internationalization process. During the norm emergence process the key background developments are the creation of Nuclear Commissions for Human Rights and other national

commissions inspired from the ILO and UNESCO examples. Also, as a part of norm emergence process phase 2 indicates the importance of Vienna Declaration and Program of Action and the Principles Related to the Status of National Human Rights Institutions, the Paris Principles. These two developments actually reflect the minimum criteria and basis for the creation of NHRIs. Consisting of developments as establishment of International Coordinating Committee (ICC) and its regional networks, phase 3 is a norm cascade process which accelerates the NHRI creation process. Finally, phase 4 as enforcement and international standing, includes the accreditation process of NHRIs in compliance with the Paris Principles, partly represent norm cascade process with regard to international standing and norm internationalization process with regard to enforcement.

CHAPTER 4

NHRI CONTRIBUTIONS TO THE SUSTAINABLE DEVELOPMENT AGENDA

4.1. Introduction

Within the context of their unique area of work, NHRIs may contribute the SGD Agenda in many ways. In this chapter, some of the best examples regarding the NHRI contribution to SDGs are analyzed with reference to NHRI involvement in the UN System and particularly to the works of the UN Treaty Bodies. Before discussing the possible way of NHRI contributions to SDGs, some background information on the agenda and the Merida Declaration 2015 is presented. The following analysis shows that human rights and development studies are aimed to be linked within the UN System and it is the GANHRI strategy that NHRIs are encouraged to be involved in the monitoring and implementation process of SDGs. Within this context, NHRIs may contribute to the SDGs through their involvement to the work of the UN Treaty Bodies and Universal Periodic Review process.

4.1.1 The UN Sustainable Development Goals

The issue of sustainable development has been on the UN agenda since 1960s. Through the resolution 2081 (XX) of 20 December 1965, the UN General Assembly has decided to convene an International Conference on Human Rights in Tehran. At the end of the Conference Tehran Declaration has been adopted in 13 May 1968. Even the Tehran Declaration does not explicitly mention the development it is actually considered as the first UN document which addresses the relationship between human rights and development (The UN General Assembly , 1968).

On 4 December 1986, the Declaration on the Right to Development has been adopted by the General Assembly Resolution of the UN (A/RES/41/128). According to Article 1 of the Declaration “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute

to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized” (The General Assembly of the UN, 1986).

The General Assembly of the UN asked World Commission on Environment and Development (WCED)⁹ to formulate “global agenda for change.” In 1987 WCED published a report on sustainable development entitled “Our Common Future” mostly known as “Brudtland Report”. According to the Report, “Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs” (World Commission on Environment and Development, 1987). Having an explicit emphasis on the sustainable development the report is a critical turning point for the UN’s work on development.

Following the Brudtland Report, the UN Conference on Environment & Development has been convened in 1992, in Rio de Janeiro, Brazil and adopted Agenda 21, another critical document on sustainable development. Agenda 21 has a specific section on social and economic dimensions which aims to enhance international cooperation on sustainable development, fighting against poverty, promoting human health conditions (United Nations Division for Sustainable Development, 1992).

Considering the increasing efforts on merging the human rights agenda and development studies within the UN system in 1990s, Vienna Declaration and Program of Action came to the fore ground as critical document just like in the standard setting and promotion phase of NHRIs. Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, Vienna Declaration and Program of Action is a milestone document that encompasses wide range human rights categories. Pursuant to Paragraph 8 of the Declaration: “Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing” (World Conference on Human Rights, 1993). This paragraph represents the mutually reinforcing nature of the relationship between development and human rights studies

⁹ World Commission on Environment and Development (WCED) is a special commission established through General Assembly Resolution 38/161 of 12 December 1983, in order to report global problems regarding environment. (Sustainable Development Goals Knowledge Platform, 2019)

and puts Vienna Declaration in a very specific place in the sustainable development process.

On the other hand, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has been convened in September 2001 in Durban, South Africa. At the end of the Conference Durban Declaration has been adopted. In addition to the other human right categories, right to development and promoting sustainable development were specifically mentioned by the Declaration (World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001).

All of these developments in the promotion sustainable development at the international level led to the emergence of Millennium Development Goals (MDGs) addressing development studies in the world between the years 2000-2015. As earlier version of the Sustainable Development Goals (SDGs), MDGs were adopted by the UN Member States in September 2000 in a global summit held in UN Headquarter in New York. MDGs are eight goals as:

- MDG 1: Eliminating extreme poverty and hunger,
- MDG 2: Achieving global primary education,
- MDG 3: Empowering women and promote gender equality,
- MDG 4: Reducing child mortality,
- MDG 5: Promoting maternal health,
- MDG 6: Fighting malaria, HIV/AIDS and other diseases,
- MDG 7: Promoting environmental sustainability,
- MDG 8: Developing universal partnership for development (MDG Monitor, 2019).



Figure 3: Millennium Development Goals, <https://www.mdgmonitor.org/outline-of-the-mdgs-notable-challenges/> (accessed on 12 May 2019)

All these goals have also specific number of targets to be achieved by the end of the year 2015. Indeed, it is considered that many targets under the MDGs were achieved at the end of the 2015. According to Report published by the UN on Millennium Development Goals extreme poverty significantly declined, primary education improved dramatically in Sub-Saharan Africa, parliamentary representation of women increased etc. (The Millennium Development Goals Report, 2015).

The achievements in the world gained through MDGs are really worthy of esteem. However, MDG agenda does not include any reference to human rights issues nor there is a Declaration emphasizes the role of NHRIs in implementation process of MDGs (like Merida Declaration which highlights the roles of NHRIs in SDG Agenda). In order to accelerate the achievements in development studies in a right based approach Sustainable Development Goals came into to the foreground between the years 2015-2030 (The UN Sustainable Development Goals , 2019).

Considered as a fresh impulse of post-2015 development studies, Sustainable Development Goals are shaped by the 2030 UN Sustainable Development Agenda. Consisting of 17 goals and 169 targets, the new agenda is a multidisciplinary field that addresses many sectors, from education to health, building peaceful societies to access to affordable and clean energy (The Danish Institute for Human Rights, 2019).

SDGs are:

1. End poverty in all its forms everywhere
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
3. Ensure healthy lives and promote well-being for all at all ages
4. Ensure inclusive and equitable quality education and promote life-long learning opportunities for all
5. Achieve gender equality and empower all women and girls
6. Ensure availability and sustainable management of water and sanitation for all
7. Ensure access to affordable, reliable and sustainable energy for all
8. Promote sustained, inclusive and sustainable economic growth
9. Build resilient infrastructure
10. Reduce inequality within and among countries
11. Make cities and human settlement inclusive
12. Ensure sustainable consumption
13. Take urgent action to combat climate change
14. Conserve and sustainably use the oceans and seas
15. Protect and restore and promote sustainable use of terrestrial ecosystem
16. Promote peaceful and inclusive societies
17. Strengthen the means of implementation and revitalized the global partnership
(The UN Sustainable Development Goals , 2019)



Figure 4 : Sustainable Development Goals,
<https://www.un.org/sustainabledevelopment/blog/2015/12/sustainable-development-goals-kick-off-with-start-of-new-year/> (accessed on 12 May 2019)

As it can be seen, SDGs provide more comprehensive approach and more specific goals compared the ones aimed by MDGs. They constitute a multidisciplinary area

and include economic, social and ecologic sectors. But the most important thing which makes SDGs unique is their reference to the human rights issues. Most of the indicators located under the SDGs are interdependent with the international human rights treaties. How can human rights treaties be associated with the SDGs and what are the role of national human rights institution will be discussed in this chapter.

The most important review mechanisms regarding SDGs within the UN system is High-Level Political Forum (HLPF). Established in 2012 with General Assembly Resolution 62/290, and working under auspices of ECOSOC, HLPF adopts declarations which are intergovernmentally discussed. HLPF carries out international and sub-regional periodic reviews regarding the progress on SDG implementation prepared by voluntary state-led process. These are called as “Voluntary National Reviews” (VNR) (Sustainable Development Goals Knowledge Platform, 2019).

To illustrate, regarding the national progress on SDGs in 2017, 44 countries presented their Voluntary National Reviews during the HLPF convened in 9-19 July 2018. These reviews reflects how countries respond and overcome the challenges regarding SDG implementation process (High-Level Political Forum on Sustainable Development, 2018, p. 7).

According to the Report prepared by GANHRI on NHRIs Engaging with the SDGs, 44 countries presented Voluntary National Reviews during the HLPF and 24 of them have independent NHRIs accredited (A) status in line with the Paris Principles. This demonstrates that, through the work of their independent NHRIs, these countries have access to reliable information and data regarding the relevance of human rights and sustainable development and also as an umbrella network for all NHRIs in the world, GANHRI prepares and submits report to HLPF regarding the SDGs and their relevance with human rights. In addition to the GANHRI, individual NHRIs can also submit reports to HLPF and organize side events. To illustrate, in HLPF 2016 GANHRI, Danish Institute for Human Rights and OHCHR organized side event on “Human Rights in the Follow-up and the Review of the Agenda 2030” and in HLPF 2017 GANHRI and Danish Institute for Human Rights organized another side event on “A Human Rights-Based Approach to Eradicating Poverty and Promoting Prosperity in a Changing World: Lessons Learned, Practices and Tools for Leaving No One Behind”

(GANHRI, 2017, pp. 27- 39). In light of this analysis, it is possible to claim that human rights networks and individual NHRIs may contribute the preparation process of Voluntary National Reviews presented to HLPF and their efforts may fill the knowledge gaps regarding the links between human rights and sustainable development.

Within the context of the HLPF 2018, ENNHRI also organized a side event with other stakeholders on sustainable development and human rights. During the side event, human rights based solutions for sustainable development was discussed (ENNHRI, 2018). This also indicates that although it is actually designed for intergovernmental discussions, HLPF is open to contributions of other relevant stakeholders including human rights networks and individual NHRIs.

4.1.2. The Merida Declaration

One of the most critical documents which depicts the role of NHRIs in implementing the 2030 Agenda is the Merida Declaration adopted in the 12th International Conference of International Coordinating Committee¹⁰ on NHRIs held in Merida, Yucatan, Mexico in 2015. Hosted by the National Human Rights Commission of Mexico (CNDH) and the ICC, the theme of the Conference was “The SDGs: What Role for NHRIs” (International Coordinating Committee of National Human Rights Institution , 2015).

Within the framework of the Declaration, international human rights treaties such as Universal Declaration of Human Rights, Vienna Declaration Program of Action and their emphasis on indivisibility universality and interdependence of human rights were recalled. In addition to that, mutually reinforcing areas as human rights and development were strongly highlighted with mentioning the fact that important progress made by Millennium Development Goals (MDGs) but they are lack of human rights based approach that’s why they were not fully achieved (International Coordinating Committee of National Human Rights Institution , 2015).

¹⁰ Former name of the GANHRI.

The emphasis on the inter-relation between the human rights and development was actually cornerstone which shapes the post-2015 development agenda and as well as the human rights agenda in international scale. After these emphases took part in the Merida Declaration, it has been observed that almost all of the international human rights conferences, workshop meetings include this theme. In this regard, one of the critical difference between SDGs and MDGs that no declaration was issued for MDGs. That is why, Merida Declaration is a critical document which depicts the relationship between human rights based approach and sustainable development. Taking in the account of the lack of human rights based approach and lessons learned in MDGs, SDGs are created through constructive dialogue and directly or indirectly integrated human rights standards. SDGs encompasses economic and social rights (Goal 1, Goal 2, Goal 3, Goal 4, Goal 6, Goal 7, Goal 12, Goal 13, Goal 14, and Goal 15), civil and political rights (Goal 16) and rights regarding equality and non-discrimination (Goal 5, Goal 10). The main motto of the SDGs is “leaving no one behind” which aims to include all segments of the society as women and girls, children, persons with disabilities, indigenous people, older persons, non-governmental organizations etc. (International Coordinating Committee of National Human Rights Institution , 2015). Within this context, there are concrete efforts in the UN System for linking SDGs to the work of ICC, and currently GANHRI. In this context, international human rights mechanisms like Human Rights Council, Treaty Bodies and Universal Periodic Review process are considered as important actors in the implementation process of the SDGs. In addition to that, individual NHRIs and GANHRI Networks are encouraged through the Merida Declaration to monitor the implementation process of the SDGs in line with the international human rights standards. Organizing workshops, preparing action plans, increasing the NHRIs capacities on SDG monitoring process, engaging with the civil society and human rights mechanism on local, regional and international level, supporting the data collection regarding the SDGs and determining the global indicators are some of the actions prescribed for the NHRIs and GANHRI networks in the Merida Declaration (International Coordinating Committee of National Human Rights Institution , 2015).

4.2 NHRIs Contribution to SDG Agenda

Taking in the account of the emerging process of SDGs and Merida Declaration, this chapter covers the possible ways of NHRI contribution to the SDGs, with reference to their involvement to the UN System, UN Treaty Bodies, and Universal Periodic Review Process.

4.2.1. NHRI Involvement in the UN System

Considering the fact that, SDGs are closely related to the international human rights conventions, involvement of NHRIs to the work of the Treaty Bodies became extremely important in SDG monitoring process. In this regard, according to a study conducted by OHCHR, each SDG have a specific relevance with the different categories of human rights defined by the Treaty Bodies. According to this study, Goal 1: No poverty, for example, is closely related to the equal rights of women in economic life, right to social security and right to adequate standard of living which are covered by the Committee on the Elimination of Discrimination against Women (CEDAW) Articles 11, 13, 14(g), 15(2) and 16(1), Committee on the Rights of Persons with Disabilities (CRPD) Art. 28, Committee on the Rights of the Child (CRC) Art.26, 27, International Covenant on Economic and Social Rights (ICESR) Articles 9, 11. (OHCHR, 2018) This analysis made for other individual SDGs as well and it is an extremely useful tool for all stakeholders to understand the critical relationship between international human rights standards and SDGs.

Danish Institute for Human Rights prepared a more detailed Guide that shows the relevance of each Goal (17) and each indicator (169) to the international human rights treaties. It is an advanced version of the work of OHCHR and quite useful instrument for all stakeholders, especially for NHRIs to monitor the implementation of SDGs. According to this Guide, the indicators of Goal 5: Gender Equality are related to specific articles enshrined in the International Covenant on Civil and Political Rights (ICCPR), ICESR, CEDAW, Protocol of San Salvador, African Charter of Human and People's Rights etc. This shows that the Guide of Danish Institute for Human Rights covers the much broader mechanisms and regions with in the context of promotion and protection of human rights (Danish Institute for Human Rights, 2018).

In addition to this, Danish Institute for Human Rights developed a tool as SDG-Human Rights Data Explorer which shows the recommendation of the Treaty Bodies on specific SDG to different countries. Users can select the country that they would like to get information on the SDG recommendation given to that country, then the tool shows recommendations of the relevant Treaty Bodies (Danish Institute for Human Rights, 2019). This tool is considered as one of the leading instruments for NHRIs to monitor and report the implementation of the SDGs.

Defining the framework of NHRI Contribution to international human rights treaties is an important starting point for monitoring process of the SDGs. The tools and guides prepared by the OHCHR and Danish Institute for Human Rights are effective and inspiring instruments for all NHRIs in the world to achieve their mission on monitoring SDGs, originates from Merida Declaration.

Today it is a widely known fact that NHRIs are increasingly involved in the UN System. Pursuant to Para. 3 (d) of the Paris Principles NHRIs are mandated to:

contribute to the reports which States are required to submit to UN bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence... (United Nations Office of the High Commissioner for Human Rights, 1993, s. 3(d))

This paragraph defines one of the essential contributions expected from NHRIs within the context of their bridging role between international and local levels. In this context, NHRIs are expected to be involved in the reporting process to the UN Bodies and other relevant mechanisms to monitor the implementation of treaty obligation of States. While doing this, NHRIs are expected to have an independent perspective and act in line with the independence criteria stemming from the Paris Principles.

According to a survey conducted by Carver (2010), 45 per cent of the legislation of the NHRIs selected from 69 different countries' (operating between the years 1981 to 2007 and geographically covering all regions) included a concrete and explicit reference to the NHRI's mandate to contribute international human rights treaties. While 10 percent of the countries confine this mandate in their national law, and the

remaining 45 per cent have an unspecified mandate on this issue (Carver, 2010, s. 6-7). This indicates that even at earlier phases of NHRI evolution, more than half of the NHRIs in the world have mandate on involving in the making of the international human rights treaties. Therefore, it is possible to claim state that contributing the international treaties is one of the essential parts of the NHRIs mandate in practice.

NHRI involvement to the UN Treaty Bodies is also encouraged by the UN General Assembly Resolutions as well. Pursuant to the UN General Assembly resolution 78/181 dated 19 December 2017, (A/RES/72/181), the General Assembly welcomes:

further the continued contribution of national human rights institutions to the work of the United Nations human rights treaty bodies, as well as the efforts of the human rights treaty bodies, within their respective mandates and in accordance with the treaties establishing these mechanisms, to promote the effective and enhanced participation by national human rights institutions compliant with the Paris Principles at all relevant stages of their work, and noting with appreciation the ongoing efforts of the United Nations human rights treaty bodies, including by the continued consideration of a common treaty body approach to the engagement of the United Nations human rights treaty bodies with national human rights institutions at all relevant stages of their work (UN General Assembly, 2017).

This indicates that the NHRI involvement in the UN Human Rights Treaty bodies is supported by the UN General Assembly. The critical point here is that participation of NHRIs compliant with the Paris Principles which refers NHRIs with “A” level of accreditation status are encouraged by the General Assembly. Although most of the UN Treaty bodies also require this status, in practice there might be some exceptions which will be discussed later. However, having “A” status is almost a precondition for NHRIs to be able to contribute to the UN system so that much more reliable information can be gathered with regard to implementation of the respective treaty.

Although, throughout their establishment, NHRIs are represented in the UN Human Rights Mechanism the evolving regime of international human rights system created an influx of NHRI voices in international human rights mechanisms. With the establishment of the Human Rights Council (HRC), NHRIs started to be allowed to participate generally on the Council’s deliberations and make oral and written contributions (Cardenas, 2014, pp. 50-51).

Created by the UN General Assembly in 2016 by resolution 60/251 and acting as an inter-governmental body within the UN System, HRC is responsible for protection and promotion of human rights and prevention of violations and make recommendations within this context (OHCHR, 2018).

Pursuant to Paragraph 5/h of the Resolution 60/251, “The Council shall Work in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society” (UN General Assembly, 2006).

“NHRIs with “A” status accreditation can attend the HRC sessions and, make oral statements, participate with video messages to the plenary debates of the HRC, submit documents and take a separate seating in all sessions.” (UN Human Rights Council, 2018)

Pursuant to paragraph 28 of the Resolution 6/21,

The national human rights institution consistent with the principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles) of the country concerned shall be entitled to intervene immediately after the country concerned during the interactive dialogue, following the presentation of a country mission report by a special procedure mandate holder (UN Human Rights Council, 2011).

This actually shows that, NHRI with “A” accreditation status have right to actively participate and make oral statements in HRC sessions.

4.2.1.1 UN Treaty Bodies and NHRIs

Pursuant to Article 3(d) of the Paris Principles, one of the important responsibilities of NHRI is to contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence (United Nations Office of the High Commissioner for Human Rights, 1993, s. 3(d)).

Currently there are nine core international human rights treaties within the context of the UN human rights system. While the number of the treaties is nine, there are ten

core human rights treaty bodies composed of independent experts. Nine of these bodies monitor the core international human rights treaties, the tenth treaty body is Sub Committee on Prevention of Torture (SPT) which is the monitoring mechanism of Optional Protocol on the Convention against Torture (OHCHR, 2019).

Carver (2010) argues that involvement and incorporation of NHRIs particularly in the UN Treaty bodies shifted in the recent years and this relationship gained a new momentum with the Optional Protocol on Convention against Torture and Convention on Rights on the Rights of Persons with Disabilities. Both of them requires States to adopt national-level monitoring mechanisms to follow their implementation (Carver, 2010, s. 3).

Pursuant to Article 3(d) of the Paris Principles, one of the important responsibilities of NHRI is to contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence (United Nations Office of the High Commissioner for Human Rights, 1993).

Pursuant to Paragraph 43 of the Compilation of Guidelines on The Form And Content of Reports to be Submitted by States Parties to The International Human Rights Treaties (HRI/GEN/2/Rev.6, 3 June 2009):

States should set out the efforts made to promote respect for all human rights in the State. Such promotion may encompass actions by government officials, legislatures, local assemblies, national human rights institutions, etc, together with the role played by the relevant actors in civil society. States may offer information on measures such as dissemination of information, education and training, publicity, and allocation of budgetary resources. In describing these in the common core document, attention should be paid to the accessibility of promotional materials and human rights instruments, including their availability in all relevant national, local, minority or indigenous languages.¹¹

¹¹ Compilation of Guidelines on The Form And Content of Reports To Be Submitted by States Parties to The International Human Rights Treaties (HRI/GEN/2/Rev.6, 3 June 2009, Para.43

Although main contribution of the NHRIs to the Treaty Bodies work is consultation and comments to the State Report, their involvement to the Treaty Bodies may take various forms. In order to understand how NHRIs may contribute to the UN System, some examples of NHRI involvement to the Treaty Bodies are discussed below.

Table 1: Involvement of NHRI to the Treaty Bodies

Treaty Body (OHCHR, 2018)	NHRI Involvement
Committee on the Elimination of Racial Discrimination (CERD) (1969)	“In its General Recommendation 28, paragraph 2 (a), it is recommended that, NHRIs support their respective States to follow the obligations of reporting and also actively monitor the implementation of recommendations of the Committee and conduct follow up to this end” (CERD, 2002).
Committee on Economic, Social and Cultural Rights(CESCR) 1976	“Objective, specific, reliable written information submitted by NHRIs are welcomed by the Committee” (OHCHR, 2018).
Human Rights Committee (CCPR) (1976)	“Contributions of “A” Status NHRIs to all stages regarding the reporting process including providing information, concluding observations follow up welcomed by the Committee” (Human Rights Committee, 2012).
Committee on the Elimination of Discrimination against Women (CEDAW) (1981)	“NHRIs may provide information and suggestions on the reports of the State Party and also assist the alleged victims of human rights violations within the context of the Convention” (CEDAW, 2008).
Committee against Torture (CAT) (1987)	<p>“The ways in which NGOs, NHRIs and NPMs may engage with the Committee include:</p> <ul style="list-style-type: none"> • Written information for the examination of the State party's report; • NGOs in-session briefings as well as NHRIs and National Preventive Mechanisms (NPM) briefings;

Table 1: (continued)

	<ul style="list-style-type: none"> • Written information for the follow-up to the Committee's concluding observations recommendations” (OHCHR, 2018).
Committee on the Rights of the Child (CRC) (1990)	<p>“Welcoming the contribution of independent NHRIs, the Committee request detailed information on the mandate and legislative basis and activities of the NHRIs during this process.</p> <p>“NHRIs should also cooperate with the special procedures of the Commission on Human Rights, including country and thematic mechanisms, in particular the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General for Children and Armed Conflict” (Committee on the Rights of the Child,2003).</p>
Committee on Migrant Workers (CMW) (2003)	<p>“The Committee emphasizes that duly accredited NHRIs in compliance with the Paris Principles may involve into the work of the CMW” (CMW, 2019).</p>
Committee on the Rights of Persons with Disabilities (CRPD) (2008)	<p>“Representatives of national human rights institutions may be invited by the Committee to make oral or written statements and provide information or documentation in areas relevant to the Committee’s activities under the Convention to meetings of the Committee” (CRPD, 10 October 2016).</p>
Committee on Enforced Disappearances (CED) (2010)	<p>“...To facilitate the interaction, the Committee’s Secretariat liaises with the ICC Geneva Representative Office, which aims at encouraging the national human rights institutions to be more effective in their collaboration with the Committee’s work, including by sharing information, publishing the Committee’s work and advising such institutions about opportunities to contribute” (OHCHR, 2018).</p>

As the table suggests, there are nine main international treaties on human rights within the context of the UN System.¹² The area of work focused by treaty bodies covers women's right, prevention on torture and ill-treatment, migrant workers, racial discrimination, rights of the child, persons with disabilities etc. Even if the fact that they cover wide range of human right issues, Each Treaty Body encourages the participation of NHRIs to the monitoring and follow up processes of the relevant human rights conventions. Although some of them explicitly mention the requirement for "A" level accreditation of NHRIs in order to involve this process (such as CCPR, CRC), some committees do not have this condition. But still, it is widely known fact that the more compatibility level of NHRIs with Paris Principles increase, the more their contribution considered as reliable source of information.

4.2.1.2. Universal Periodic Review (UPR) Mechanism

Adopted by the General Assembly Resolution 60/251 on 3 April 2006, Universal Periodic Review (UPR) is a unique mechanism which periodically review human rights record of the all 193 UN Member states. Acting as a report card on human rights for the UN countries, UPR Mechanism provides an overview on the countries' success on protection and promotion of human rights. Through this process countries have a chance to explain the actions they took for promoting human rights and share their best practices across the world (United Nations Human Rights Council, 2019).

Pursuant to General Assembly Resolution 60/251 Human Rights Council shall:

Undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies; the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year after the holding of its first session (HRC, General Assembly Resolution, 60/251).

¹² Optional Protocols of the relevant conventions are not covered within the context of this study.

In addition to their increasing voice in the Treaty Bodies, NHRIs also started to become more and more active actors in the UPR process. According to a research conducted by Danish Institute for Human Rights, within the context of UPR process over 50.000 recommendation have been made to the States and it is estimated that 50% of these recommendations is related to the SDG targets. In this context, most of the recommendations are related to the Goal 5: Gender Equality and Goal 10: Reduced Inequalities and Goal 16: Peace Justice and Accountable Institutions (Danish Institute for Human Rights, 2019).

This shows that one of the most critical and urgent human rights violations in world took place in the area of equality and non-discrimination. That's why the work of Equality Bodies (some of them are merged with the NHRIs and some others are separate bodies) on monitoring the SDGs are also critical and discussed in the following chapters.

Another Goal which has been addressed by the majority of UPR Recommendation stated as Goal 16: Peace Justice and Accountable Institutions. One of the indicators namely 16.a.1 under this category is "Existence of independent national human rights institutions in compliance with the Paris Principles" (Danish Institute fo Human Rights, 2018).This indicates that, NHRIs are important actors for countries which constitutes peace, justice and accountable institution. But on the other hand, as the relevant indicator suggests that establishing of NHRI is not sufficient, in order to achieve this target compliance of NHRIs with the Paris Principle is extremely important. In other words, GANHRI accreditation is critical for achieving SDG 16 as well.

Regarding the compliance gaps, accreditation of NHRIs to the Global Alliance of National Human Rights Institution (GANHRI) is considered as a critical precondition. Within the context of Paris Principles, there are six main criteria for NHRIs as "given a broad mandate as possible", "independence from government", "independence guaranteed by constitutional/ legislative text," "adequate power of investigation," "pluralism" and "adequate human and financial sources". These criteria reflects the minimum standards expected from the NHRIs. In the light of international standard, NHRIs can be created by the states to work on promotion and protection on human

rights and in particular to contribute to the SDG implementation and monitoring process. But if these institutions do not comply with the international standards their effectiveness level might decrease. As it is discussed in the chapter concerning NHRI involvement to the UN Treaty Bodies, UN Treaty Bodies, contributions of only NHRIs accredited with “A” status are accepted.

Taking account of the statistics retrieved from SDG Human Rights Data Explorer developed by DIHR, the majority of the UPR Recommendations address the Goal 16: Peace Justice and Accountable Institutions. One of the indicators (16.a.1) under this category is “Existence of independent national human rights institutions in compliance with the Paris Principles” This indicates that, NHRIs are important actors for countries which counted as under the category of peace, justice and accountable institution. But on the other hand, as the relevant indicator suggests that establishing of NHRI is not sufficient, in order to achieve this target compliance of NHRIs with the Paris Principle is extremely important. In other words, GANHRI accreditation is critical for achieving SDG 16 as well.

In order for NHRIs to be visible and effective, they need to work in compliance with the international standards. Compliance gap refers to compatibility of institutions to the international policy. GANHRI Accreditation process of NHRI might be critical in terms of filling the compliance gaps. Considering the enhanced role of NHRIs, Merida Declaration which reflects the role of NHRIs on SDG implementation process, also affected the compliance principles. In this regard, although there are other NHRIs accredited with “B” status and no status in Europe, examples of only “A” status NHRIs in Europe is presented throughout the study. Works of “A” status NHRIs in Europe indicate that that they are also actively contributing to the SDG implementation process as well.

4.3. Typology of NHRIs and Their Contribution to the SDGs

Pursuant to Vienna Declaration and Program of Action (1993), states are free “to choose structure convenient with their needs.” So, it can be concluded that Vienna Declaration envisages a flexible space for the states in terms of the design and formation of the NHRIs. Also, according to the UN Principles Relating to Status of the National Institutions, the Paris Principles (1993), there is neither universally

accepted “model” of an NHRI nor recognized organizational structure (EU Fundamental Rights Agency (FRA), 2012, p. 18). Therefore, organizational structures, names, mandates and design of the NHRIs may vary from region to region, Even it is possible to say that each country has its own unique path/adventure regarding the establishment of NHRIs (OHCHR, 2010).

Pursuant to OHCHR documents, NHRIs can be categorized according to their mandate, organizational structure and political and legal tradition they experience. Although there are many typologies studied by different scholars, it is difficult to state that there is a clear-cut distinction among NHRI models. One of the alternative ways to draw a distinction framework is focusing on the NHRIs of the Hispanic, Francophone and Commonwealth countries or it is possible make classification by continent as single- member Defensores del Pueblo in Latin America, multi-member institutions in Africa, Ombudsman in European Nordic countries and advisory institutions in Europe (OHCHR, 2019, p. 2). On the other hand, according to some other sources including documents of OHCHR, NHRIs models can be categorized as human rights commissions, consultative advisory bodies, human rights ombudsperson, hybrid institutions and Institutes/ Centres. This classification will be followed throughout this study.

This classification shows that, at least within Europe, NHRIs exhibit different forms based on their differentiated paths of emergence and development. Appreciating the roles of European NHRIs in filling the gaps in global governance requires an analytical approach that takes into account this differentiation. As will be explained below, the NHRIs may have different roles with regard to the SDGs based on their types.

Even if it is not easy to distinguish functions of the NHRI according to their type, it can be said that the core functions of the NHRIs are basically defined as promotion and protection of civil, economic, political and cultural rights, providing trainings on human rights, handling complaints and making recommendations on legal reforms (OHCHR, 2018). In addition to these functions NHRIs are basically mandated to monitor the human rights situation in the country, submitting advice to the State regarding the fulfillment of international and national commitments on human rights, receiving, investigating and resolving complaints concerning human rights violations

human rights education involving the international human rights mechanisms (Asia-Pacific Forum, 2018).

4.3.1. NHRIs Mandated with Additional Functions

Before analyzing the types of NHRIs, it would be more sensible to focus on additional mandates that can be given to the existing NHRI mechanisms. While in some countries have only the Ombudsperson mechanism (which may or may not be designated as an NHRI), some other may designate their NHRIs as National Prevention Mechanisms under OPCAT or Equality Body combatting discrimination or Data Protection Mechanism as well. Although all of these bodies are expected to be independent monitoring mechanisms, they have different focus with regard to their mandate. Equality bodies and data protection bodies have a narrower area of work compare to NHRIs and their basis for establishment is stems from the EU Directives rather than Paris Principles. (EU Fundamental Rights Agency (FRA), 2010, s. 11). On the other hand, National Preventive Mechanisms are envisaged by the UN Optional Protocol on the Convention Against Torture (OPCAT) to conduct preventive monitoring visits to the places that people deprived of their liberty.

Considering the fact that, there are many domestic institution working in the field of human rights, it might be complicated to identify NHRIs among them. Paris Principles state that ombudsmen and mediators are not “NHRIs”, they can be considered as “other bodies” which NHRIs should interact with (Reif, n.d., s. 54).

In order to avoid the complexity on these roles, it would be better to discuss how the roles of NHRI and other additional mechanisms working in the similar field can be differentiated from each other. This differentiation is considered as a critical indicator for determining the framework of this study as well.

Therefore, in this part mandates and organizational forms of the National Preventive Mechanism (NPMs) and Equality Bodies will be analyzed.

4.3.1.1. NHRIs Designated as National Preventive Mechanisms

Fighting against torture and ill-treatment is one of the most important items in the international human rights agenda since the second half of the last century. Within this

contexts, parallel with the establishment of the NHRIs, mechanisms for the prevention of torture has been established in international, regional and national levels.

Enshrined by the Article 3 of the European Convention of Human Rights (ECHR) prohibition of torture has been regulated as such: No one shall be subjected to torture or to inhuman or degrading treatment or punishment (ECHR, Art. 3).

On the other hand, within the context of the UN human rights treaties as Convention against Torture and Its Optional Protocol, there has been a myriad for the studies concerning fighting against torture.

Prevention of Torture and Ill-treatment in the places where people deprived of their liberty is one of the prominent issues in the international human rights system. One of important leading work on this issue is the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987. (UN General Assembly, 1984) This Convention obliged each State Party to take necessary measures for prevention of torture and ill-treatment.

According to Article 3 of the OPCAT: Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism) (General Assembly Resolution 39/46, 1984).

Envisaged by the OPCAT, National Preventive Mechanisms (NPMs) are important preventive monitoring tools which conduct announced or unannounced visits to places where individuals are deprived of their liberty. (OHCHR, 2018, p. 1) This places are exemplified as prisons, removal centers, police station, juvenile detention centers, psychiatric institutions, pre-trial detention centers, social care homes etc. In addition to their visiting function, they have advisory, educational and cooperation functions as well (OHCHR, 2018, p. 6-7).

According to the database of Association for the Prevention of Torture (APT), currently 70 countries have designated their NPMs. 13 of these NPMs are acting as

National Human Rights Commission, 29 of them acting as Ombudsman, 6 of them acting as Ombudsman plus Institution, 15 of them acting as specialized Institution for NPM, 4 of them designated as multiple institutions(which means there are at least two NPMs) and the remaining are other structures. (Association for the Prevention of Torture , 2018) As it can be seen, most of the NPM models are merged in to NHRIs. Therefore, NPM function generally added to the existing NHRIs in the world. (Like in the case of Serbia, Croatia etc.)

Association for Prevention of Torture (APT) believes that there is a close connection between the torture prevention and the Sustainable Development Goals as well. Considering the role of NPMs to monitor places of detention and increase the human rights standards in those places, SDG targets 2.1 food access, 3.8 health care, 6.2 sanitation and hygiene, 5.1 end all forms of discrimination and achieve gender equality, and 10.3 curbing discriminatory laws and practices are directly related to mandate of NPMs (Association for Prevention of Torture, 2019).

Considering the main idea behind the SDGs as “leaving no-one behind” it is not surprising that prevention of torture and ill-treatment as a main area of NPMs is extremely critical for the achievement of SDGs.

4.3.1.2. NHRIs Designated as Equality Body (through EU Directives)

Another specified role that can be added to the NHRIs mandate is acting as Equality Body. Contrary to the establishment of the NHRIs and NPMs which are originated from the UN documents, establishment of the Equality Bodies has its roots in the European Union legislation (European Union Agency for Fundamental Rights, 2019). The then First Vice-President of European Commission Frans Timmermans said that:

Equality is one of the fundamental values upon which the European Union is built, but it is not a given. We need good laws and strong and independent equality bodies to defend our core principles and values so that victims of discrimination can right the wrongs they face (European Commission Press Release Database, 2018).

Like NHRIs, Equality Bodies are also independent mechanisms working for promotion and protection of human rights. While NHRIs have a rather broad mandate

originated from the UN Paris Principles, Equality Bodies focus on a specific narrowed mandate originated from the EU directives (EU Fundamental Rights Agency (FRA), 2010, p. 11).

Main source of the establishment of Equality Bodies can be found in the Racial Equality Directive (2000/43/EC). According to Article 13 of the Racial Equality Directive:

Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. These bodies may form part of agencies charged at national level with the defense of human rights or the safeguard of individuals' rights (Council Directive, 2000).¹³

In some countries Equality Body mission can be merged with the National Human Rights Institutions (Irish Human Rights and Equality Commission), while other countries established a totally different Equality Body, separately from the existing NHRI. (Denmark).

Considering the main objective of the SDGs as “leaving no one behind”, equality principles and combating discrimination lies at the heart of the SDGs. In this context, equality bodies have a critical role in implementation and the monitoring process of the SDGs. Chair of the European Network of Equality Bodies, Tena Šimonović Einwalter argues that while Goal 5 (Gender Equality) and Goal 10 (Reduced Inequalities) are directly related to the work of equality bodies, Goals 1,3,4,8,9,11 and 17 also indirectly related to the work of equality bodies. In this context, equality bodies have some specific missions relevant for SDGs as providing policy advice and knowledge, conducting awareness-raising activities on equality, encouraging good practices and contributing the legislation on this issue (EQUINET, 2018).

Equality bodies can contribute the implementation of the SDGs through review framework which includes commitment to review disaggregated data regarding the Goals, indicators and target, monitoring the progress in reduction inequalities among social groups and monitoring the global partnership and greater equity in global governance. Regarding the first commitment, equality bodies can monitor the

¹³ Racial Equality Directive, 2000/43/EC, Art. 13

implementation of international human rights treaties such as CERD and CEDAW and provide the data for this process.¹⁴ Regarding the second commitment equality bodies can monitor the reduction of inequalities among different social groups as urban and rural areas, advantaged and disadvantaged groups. This can be done in accordance with different time periods as exemplified by the Table 2 which indicates that if special attention is paid to the disadvantaged groups, their progress will be faster than the others in terms of accessing to water and elimination of the child mortality, so that they can catch up advantaged groups and inequalities will be reduced (OHCHR, 2019). Therefore equality bodies can monitor the reduction of inequalities among different social groups by observing the situation for different time periods. This is critical area of work regarding the elimination of inequalities within the context of SDGs.

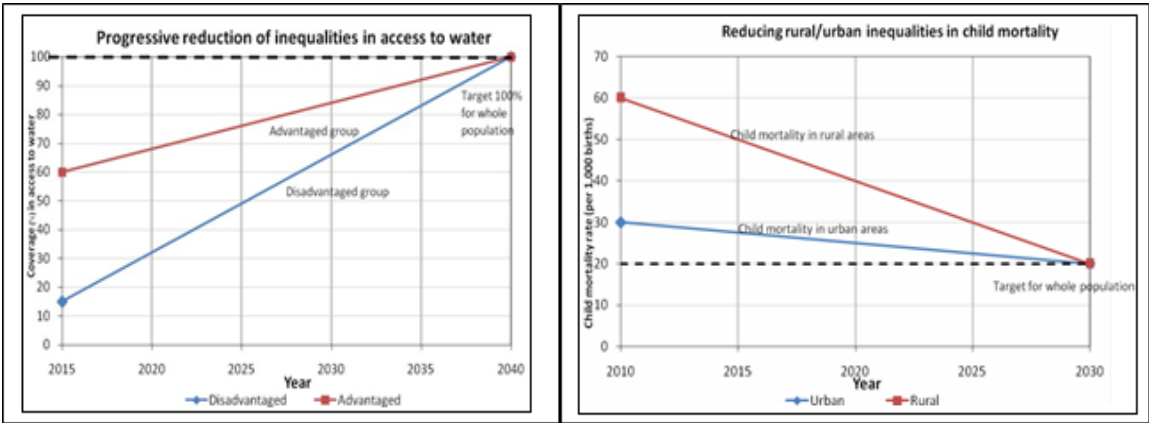


Figure 5: Integrating Human Rights into the Post-2015 Development Agenda
<https://www.ohchr.org/Documents/Issues/MDGs/Post2015/EqualityAndNonDiscrimination.pdf> (accessed on 16 May 2019)

Regarding the third commitment, the equality bodies can monitor the greater equity in global governance by observing the progress in elimination of inequalities between states and accelerate democratization process of governance bodies, and support countries' development in line with the international human rights standards (OHCHR, 2019).

¹⁴ This will be exemplified.

4.3.2. Types of NHRIs

After discussing the role of NHRIs with additional functions with regard to SDG monitoring process, types of NHRIs observed in Europe and their work on SDG monitoring process is discussed within the context of this chapter.

Table 2 indicates the types of NHRIs observed in European Countries. Although there is no clear classification on the types of NHRIs, this study will follow different classification models observed in the works of OHCHR and GANHRI. Human Rights Commission model of NHRI is mostly observed in Commonwealth countries as the UK, Ireland, Northern Ireland and Scotland, consultative and advisory bodies are mostly observed in French spoken countries as France and Luxembourg but Greece also follows this model; Human Rights Ombudsman model is mostly observed in Eastern European countries as Bosnia Herzegovina, Croatia, Latvia etc., Institutes and centers observed in Denmark and Germany, and specialize institutions observed in Sweden and Croatia. Details regarding each type will be presented and also their contribution to the SDG implementation process will be discussed.

Table 2 : Types of NHRIs observed in Europe

Types of NHRI	Country
Human Rights Commissions	The UK Ireland Northern Ireland Scotland
Consultative and Advisory Bodies	France, Luxembourg, Greece
Human Rights Ombudsperson Institutions/ Public Defender / Defensor del Pueblo	Human Rights Ombudsperson –Public Defender- Eastern Europe
Hybrid Institutions	Spain
Institutes and Centres	Denmark Germany

4.3.2.1. Human Rights Commissions

Human Rights Commissions are the most profound model of NHRIs across the world. According to the survey conducted by OHCHR in 2009, Human Rights Commissions constitute almost 58 % of the NHRIs in the world (OHCHR, 2009, p. 8). Pohjolainen (2006), argues that because of its pluralistic structure, the commission type reflects the higher level of conformity with the Paris Principles. The commission type NHRIs have a broad human rights mandate, some of them have a specific focus on anti-discrimination and equality issues. Mostly observed in Commonwealth countries, the commission model composed of members coming from different backgrounds-which is directly related to aim of ensuring pluralism principle-. The Commission type also constitutes the model of the first NHRIs in the world, the UK (1976) Canada (1977). The scope of the mandate under this model encompasses both public and private sector (Pohjolainen, 2006, pp. 16-17).

Although the mandate of human rights commission may diverge, advising the government on human rights issues, conducting training and awareness raising activities on human rights, “investigation” of complaints and conciliation of cases with the aim of amicable settlement (*acting as amicus curiae*¹⁵) are the functions observed in this model (Pohjolainen, 2006, p. 17). Many of them receive individual applications but mostly they only have the power to make recommendations. Some of the Human Rights Commissions focus on anti-discrimination and equality principles. The Chairperson or the Chief Commissioners mostly work in full time basis while other commissioners in the decision making body may work full time and part time basis (OHCHR, 2010, p. 16)

15 “The amicus curiae is someone who, although they are not a party to the lawsuit, petitions the court or is requested by the court to file a brief due to their strong interest in the subject matter of the lawsuit (also referred to as “friend of the court” or “amicus”).” (UNDP-OHCHR Toolkit, 2010, p. xi.)

Table 3 :Examples of Human Rights Commission in Europe

Country	NHRI	Accreditation Status
Ireland	Ireland Human Rights and Equality Commission	A
Great Britain	Great Britain Equality and Human Rights Commission	A
Scotland	Scottish Human Rights Commission	A
Hungary	Office of the Commissioner for Fundamental Rights	A

(GANHRI, 2018)

Table 3 indicates some examples of Human Rights Commission located in European region and accredited with “A” status by GANHRI. In this context, it possible to confer that countries like Ireland, Great Britain, Scotland and Hungary have Commission type NHRIs performing the higher level of conformity with the Paris Principles.

Regarding their contribution of Human Rights Commissions to the implementation of the SDGs some concrete examples can be given. Scottish Human Rights Commission actively contributes the National Action Plans on Human Rights and National Performance Framework determining the national priorities. In 2013, within process of the adoption of the Scottish National Action Plan for Human Rights, a working group composed of Scottish Government team and Scottish Human Rights Commission was established. During this process Scottish Human Rights Commission strives for reflection of human rights based approach to the monitoring, planning and measurement process of the national action plan. This working group produced indicators which make the relevance of human rights and sustainable development visible and highlights the obligation of Scottish government regarding international human rights treaties and SDGs. (GANHRI, 2017) Also, in 2016 together with the government representatives the Commission established a Working Group on how to further integrate human rights and SDGs. Through this effort, some national outcomes

has been produced as further integration of national strategic documents with the SDGs. The outcomes include a specific focus of right to non-discrimination which is directly related to the SDG principle as “leaving no one behind” (Scottish Human Rights Commission, 2018).

Within this context, contribution of NHRIs to the National Action Plans are one of the important ways that indicates the role of NHRIs in implementation and follow-up process of the SDGs. Considering the case of Scottish Human Rights Commission, their contribution to National Action Plan is actually an example of how NHRIs can fill the policy gaps and make the decision-making authorities better understand the relationship between human rights and sustainable development. The dilemma here is that, neither relevant human rights instruments nor NHRIs are actual policy-makers. Their lobbying activities on SDG implementation might affect policy makers at certain level, but this might not be sufficient. Contributions of NHRIs to the National Action Plans on Human Rights or National Development Plan can be considered as an example which aims to fill the policy gap. But still this kind of contribution does not ensure the realization of national actions, they are just pledges of countries to realize in a certain time period, NHRIs contribution to national action plans might have indirect and limited affect to fill the policy gaps.

On the other hand, highlighting the obligations stemming from the international human rights treaties can be considered as a critical way to fill normative gaps. Filling normative gaps through their contributions to localize statistics the international norms by affecting national policies and laws and engaging with the relevant stakeholders operating in national level. This indicates that they can shape the norm internalization process NHRI can make international norms more understandable and acceptable by local dynamics.

4.3.2.2. Consultative and Advisory Bodies

Consultative and Advisory Bodies are mainly observed in Europe and French spoken countries. (France, Luxembourg). One of the main challenges of the consultative and advisory bodies is that the discussions may not produce practical results and sometimes they may only remain at the academic level. (UNDP & OHCHR, 2010) They generally

do not investigate individual applications and mostly advise governments on human rights issues. They may conduct training or awareness raising activities on human rights. They have larger membership ranging from NGOs, academicians, human rights expert and government representatives which reflects higher conformity with Paris Principles in terms of pluralism (Pohjola, 2006, pp. 17-18).

Table 4: Examples of the Consultative and Advisory Bodies

Country	NHRI	Accreditation Status
France	National Consultative Commission of Human Rights	A
Greece	Greek National Commission for Human Rights	A
Luxembourg	Commission Consultative des Droits de l'Homme du Grand-Duché de Luxembourg	A

(GANHRI, 2018)

The table exemplifies the “A” status of NHRIs established as consultative and advisory bodies in Europe. Regarding the SDG contribution, NHRI of Luxembourg (Commission Consultative des Droits de l’Homme du Grand-Duché de Luxembourg) actively takes part to the preparation of National Action Plans regarding the UN Guiding Principles. In this context, in line with Paris Principles and Merida Declaration, NHRI of Luxembourg provides research and advice to the relevant government bodies (The Government of Grand Duchy of Luxembourg, 2019, s. 7).

Luxembourg example shows that like in the case of commission type, NHRIs in the form of consultative and advisory bodies can also affect the national policies through their contribution to National Action Plans and they can fill normative gaps and partially the policy gaps on human rights based approach to SDGs. With regard to normative gaps, the definition of norm gains importance. While constructivism highlights the “commonality” of expectations, rationalism mostly focuses on the costs on non-compliance of the norms. Even if creation of universally accepted norms might be challenging, Weiss believes that states care for their good reputation in international

arena that is why they follow the international norms. Even the states might have different perspectives on a specific norm, it is still important to accept that norm simply because it determines what others think about you. In this sense, civil society and the UN considered as critical actors in filling the normative gaps of global governance. Through naming and shaming method, these actors may challenge traditional norms. Considering the role of NHRIs on SDG implementation process, contrary to the rationalist arguments on normative gaps, NHRIs may have an impact on filling the normative gaps.

Pursuant to the Merida Declaration NHRIs are expected to be proactive actors in norm internalization process of Sustainable Development Agenda. In order to do that, NHRIs are expected to contribute the local dynamics as national development plans, evaluation of the local laws, establishing dialogues among different local stakeholders. As mentioned, the Scottish Human Rights Commission actively contributes the National Action Plans on Human Rights and National Performance Framework determining the national priorities and also Commission Consultative des Droits de l'Homme du Grand-Duché de Luxembourg also actively contributes the National Action Plans. This kind of contribution may strengthen the reflection of human rights based approach to the national priorities and transmit the international human rights standard to the local level. This indicates that NHRIs may be critical actors in norm internalization process on SDGs. As discussed in the theoretical framework, norm internationalization process necessitates the continuous dialogue among different local actors as government and civil society. Acting as a bridge between government and civil society, through their contribution to National Action Plans NHRIs may promote human rights based approach on SDGs and make local actors better understand the linkages between these two.

Filling the policy gaps on SDGs is a relatively challenging work for NHRIs. The reason for that NHRIs are not actual policy makers. Their lobbying activities on SDG implementation might affect policy makers at certain level, but this might not be sufficient and their efforts may not be turn into actual polices. Like in the examples on the contributions of NHRIs to the National Action Plans on Human Rights or National Development Plan (Scottish and Luxembourg) can be considered as an example which

aims to fill the policy gap. These action plans are pledges of countries to realize in a certain time period. Therefore, NHRIs contribution regarding human rights based approach to SDGs might have indirect affect to fill the policy gaps. NHRIs contribution to national action plans might have indirect and limited affect to fill the policy gaps.

4.3.2.3. Human Rights Ombudsman Institutions/ Public Defender/ Defensor del Pueblo

Usually headed by single person with several deputy members, the Human Rights Ombudsman basically combines the classical ombudsperson model and human rights commission model that's why they sometimes called as "*hybrid institutions*" in the literature. But OHCHR documents consider *hybrid institutions* as another category of NHRI. That's why this study will accept the latter. The first institution representing the human rights ombudsman was established in 1970s but rising of this model was observed during 1990s with the establishment of NHRIs in Latin America, Central and Eastern Europe. Having a specific human right mandate, the Human Rights Ombudsperson act as "administrative watchdog" which limits their area of work only with the public sector (Pohjolainen, 2006, s. 18).

Their mandate generally limited to making recommendation, receive individual complaints focus on good governance in public administration. The core function of the Human Rights Ombudsperson institutions is to protect the human rights violations and prevent maladministration. (International Ombudsman Institute, 2019)

Different from other types of NHRIs, Human Rights Ombudsman model have an interesting historical process. According to many scholars, Human Rights Ombudsman has its roots trace back to 1809 Swedish model of Classical Ombudsman. According to Pegram, there are three waves of the Evolution of ombudsman design: classic to human rights ombudsman:

- The Rule of Law Model (1809-1962) Swedish model with powerful jurisdiction
- The Basic Model (1962-1976) New Zealand- enhanced mediation function smoother
- The Human Rights Model (1976-1987) Poland, Portugal (Pegram, 2010, s. 736)

The Human Rights Ombudsman should have a specific human rights mandate. In contrast with the Commissions-type NHRIs, Human Rights Ombudsperson is usually headed by a single person and kind of monocratic¹⁶ institution (Cardenas, 2014, p. 9). On the other hand, it is interesting to observe that even the monocratic structure, a lot of Human Rights Ombudsman in the world have “A” status accreditation given by the GANHRI. This situation indicates that type of organizational structure is not considered as a breach of “pluralism” principle under Paris Principles.

Table 5 : Examples of the Human Rights Ombudsperson

Country	NHRI	Accreditation Status
Georgia	Office of Public Defender	A
Bosnia Herzegovina	The Institution of Human Rights Ombudsman of Bosnia Herzegovina	A
Croatia	Office of the Ombudswoman of the Republic of Croatia	A
Finland	Parliamentary Ombudsman	A
Latvia	Ombudsman’s Office of the Republic of Latvia	A
Lithuania	The Seimas Ombudsmen’s Office of the Republic of Lithuania	A
Moldova	People’s Advocate of the Republic of Moldova	A
Poland	Human Rights Defender of Poland	A
Portugal	Human Rights Defender of P	A
Serbia	The Protector of Citizens of the Republic of Serbia	A

(GANHRI, 2018)

¹⁶ The term “monocratic” refers here, the Ombudsman institutions have a single person in their decision making body which decreases the pluralism and diversity. This situation might be considered dangerous in terms of ensuring pluralism principle enshrined in Paris Principles. In contrast to Ombudsman institutions, other types of NHRIs as Commissions, Institute, centers are composed of multi-membered decision making body.

Table 5 shows the examples of the “A” Status NHRIs, operating with the human rights ombudsman model. Regarding the SDG contributions, NHRIs Croatian Office of Ombudsman works effectively on this issue. Office of the Ombudswoman of the Republic of Croatia has submitted a report regarding right to health and progress and achievements on health related Sustainable Development Goals to the OHCHR on 28th February 2018. Within the context of the report, progress on Goal 3, Good Health and Well-Being, with a specific reference to targets 3.7, 3.8 and 3.4 which are related to sexual and reproductive health care and mental health has been shared. Also information on the local situation in Croatia such as Croatian Health Care Act and National Program on Health Care Services has been given. This is an important example which indicates the bridging role of NHRIs in involving the UN system and competent local bodies. In addition to that, it is important example of collection of data regarding right to health and their relevance with SDGs (Ombudswoman of the Republic of Croatia, 2018).

Another example regarding the SDG contributions of NHRIs, belongs to Protector of Citizens Republic of Serbia which submitted a contribution report to OHCHR, regarding the right to “highest attainable standard on physical and mental health in implementation of the 2030 Sustainable Development Agenda. Regarding target 3.7 Protector of Citizens, conducted trainings for the members of local health council composing of 81 patient rights advisors, 51 members, 86 local government representatives and 14 NGO representative and others (Protector of Citizens Republic of Serbia, 2018).

These two examples show that NHRIs operating under the ombudsperson model can contribute to the SDG agenda through reporting and conducting awareness raising trainings on specific goals. Through this way they can fill the knowledge gaps regarding SDG indicators and this may eliminate the lack of shared understanding on a specific issue among different segments of society as government and civil society.

4.3.2.4 Hybrid Institutions

*Hybrid model*¹⁷ refers to single institution with multiple mandate, combine NHRIs with classical ombudsperson institutions.¹⁸ They work on human rights but also maladministration, corruption and environmental issues. They usually headed by a single person and have recommendatory power only (OHCHR, 2010). One of the main criticism on hybrid model is that merging human rights in other fields may hurt the principle of respecting fundamental nature of human rights. Even if they have a relatively broad mandate, their budget is generally allocated the same as the single-mandate institutions (UNDP & OHCHR, 2010, p. 25).

Table 6 : Example of Hybrid Institution in Europe

Country	NHRI	Accreditation Status
Spain	The Office of the Ombudsman	A

4.3.2.5. Institutes and Centres

Institutes and centres which set the general human rights policies and do not receive individual complaints are actually very limited in number. They basically focus on research activities regarding human rights issues (OHCHR, 2019). Constituting the first example of this kind, The Danish Institute for Human Rights officially accredited as NHRI in 2003. This model is basically observed in the countries which already have a well-functioning human rights system such as parliamentary complaints bodies and ombudsperson. Therefore, this kind have a complementary role to other human rights mechanisms. This explains the reason why they do not receive individual complaints

¹⁷ Since there has not been sufficient accessible information on the contribution of hybrid type to the SDG this issue will not be presented.

¹⁸ Although some sources consider *Hybrid model* under *the Human Rights Ombudsperson* model, according to UNDP-OHCHR Toolkit, *Hybrid Institutions* are different than the others and should be analyzed as another model of NHRI. This study will follow this classification accepted by OHCHR.

and basically focus on research, human rights education and documentation (Pohjolainen, 2006, p. 19).

Table 7 : Examples of Institutes and Centers in Europe

Country	NHRI	Accreditation Status
Denmark	The Danish Institute for Human Rights	A
Germany	German Institute for Human Rights	A
Netherland	Netherlands Institute for Human Rights	A

(GANHRI, 2018)

The table shows the example of “A” status NHRIs in Europe performing as Institute and Centers. The most important feature of this model is that they can focus on research and documentation rather than investigating individual complaints. In that sense, this might affect their visibility and success with regard to their contribution to SDG implementation process. Danish Institute for Human Rights, (DIHR) undoubtedly the most effective actor in SDG monitoring process. The Institute developed a guide which indicates the relation of specific Goals with the human rights. The guide aims to make every stakeholder to understand that SDGs have a comprehensive framework which should include human rights-based approach (Danish Institute fo Human Rights, 2018). “The Human Rights Guide to Sustainable Development Goals” indicates the relevance of international human rights treaties with respect to individual goals.



Figure 6: The Human Rights Guides to Sustainable Development Goals, https://nhri.ohchr.org/EN/News/Documents/GANHRI_NHRIs%20engaging%20with%20the%20SDGs.pdf (accessed on 16 May 2019)

Figure 6 demonstrates The Human Rights Guides to Sustainable Development prepared by the Danish Institute for Human Rights. With the help of this Guide, users can click on the any indicators under the specific Goal and easily see the relevant articles of international human rights treaties on that issue. It is extremely powerful tool to understand and detect the relevance of SDGs with human rights treaties. Besides, it also provides valuable data for the other stakeholders who would like to involve in the reporting process on SDGs.

Danish Institute for Human Rights also developed SDG-Human Rights Data Explorer tool which indicates human rights recommendation given to specific countries within the context of Universal Periodic Review (UPR), Treaty Bodies and Special Procedures.

2030 Agenda. You can browse by the Goals and targets of the 2030 Agenda, country or region, and rights-holder groups. Filters can be freely combined.

Country	Mechanism	SDG	Group
- Any -	- Any -	- Any -	- Any -
▼ Advanced options			
SDG Target	Treaty body	Special procedure	Response (UPR)
- Any -	- Any -	- Any -	- Any -
Cycle (UPR)	Year (start)	Year (end)	Free search
- Any -			
Type	Show only latest		
Recommendation	No		

Figure 7: SDG- Human Rights Data Explorer, DIHR <https://sdgdata.humanrights.dk/en/explorer> (accessed on 12 June 2019)

Figure 7 indicates the filters can be used within the context of SDG-Human Rights Data Explorer developed by the Danish Institute for Human Rights. With the help of this tool, users can reach the information on the recommendation given to a specific country within the context of UPR, Treaty Bodies and Special Procedures. It is possible to filter the search according to country, human rights mechanism, specific SDG targets, year etc. This can be also evaluated as a valuable database for understanding the SDG relevance of the recommendations given by different human rights mechanism. This tool can both help countries to understand their obligations stemming from the recommendations of human rights mechanism and other relevant stakeholders to understand the relevance and involve in the SDG reporting and monitoring process.

As it is discussed before, Danish Institute for Human Rights also actively contributes the HLPF sessions. In HLPF 2016 GANHRI, Danish Institute for Human Rights and OHCHR organized side event on “Human Rights in the Follow-up and the Review of the Agenda 2030” also in HLPF 2017 GANHRI and Danish Institute for Human Rights organized another side event on “A Human Rights-Based Approach to Eradicating Poverty and Promoting Prosperity in a Changing World: Lessons Learned, Practices and Tools for Leaving No One Behind”. The side events basically aims to bring relevant stakeholders including the Member States, the UN Agencies, CSOs, persons with disabilities, women’s organizations etc, to discuss human rights based approach

to the SDGs and aims to create a platform for experience and knowledge sharing among these actors. (GANHRI, 2017, p. 39)

Also, as is stated before, monitoring the implementation of international human rights treaties is another critical role for NHRIs. Within this context as a good practice DIHR started a process to obtain an indicator framework for monitoring process of the Convention on the Rights of Persons with Disabilities (CRPD). In this process DIHR have a close cooperation with the relevant stakeholders as civil society organizations working on disability, relevant ministries and national statistics office. This is an important example which proves the importance of bridging role of NHRIs between different actors. Engaging with statistics office is also another critical recommendation for NHRIs enshrined in the Merida Declaration. In order to produce reliable data for documentation collaboration with statistics offices is extremely important (Danish Institute for Human Rights, 2015).

Within the context of previous discussions it is important to understand the relevance of NHRIs' role on filling the global governance gaps within the context of Sustainable Development. As is discussed, knowledge gap is defined as a recognition step for a problem. In order to eliminate the knowledge gap several actors like civil society, NGOs and the UN might be leader to provide research and data collection. Considering their unique area of work, acting like a bridge between civil society and governments, NHRIs also might play an important role to abolish knowledge gaps. Pursuant to Merida Declaration, NHRIs are critical actors for collecting data and statistics on protection and promotion of human rights. In this context, it is bitterly recommended by the Declaration that NHRIs should develop cooperation agreement with the National Statistics Offices. This will be helpful for collecting a sound data system regarding the documentation and reporting process on SDGs. Within this context, as a good practice DIHR started a process to obtain an indicator framework for monitoring process of the Convention on the Rights of Persons with Disabilities (CRPD). In this process DIHR have a close cooperation with the relevant stakeholders as civil society organizations working on disability, relevant ministries and national statistics office. The cooperation of DIHR with National Statistics Offices indicates that NHRIs can be critical actors for documentation of the implementation of international human rights

treaties and prioritization of SDGs according to national dynamics. As a recognition step of a problem, knowledge provides information, research and data collection.

The cooperation between the NHRIs and National Statistics Offices contributes the national prioritization process of the SDGs as well. Since the Sustainable Development Agenda covers extremely wide area to implement, it is possible for countries to focus on certain Goals and targets rather than focusing the whole Goals. Countries with different development level may prioritize different topics and Goals under the Sustainable Development Agenda. For example, some countries may prefer to prioritize the elimination of poverty with all forms while others prefer to focus gender equality. In order to direct countries to choose the correct focus area with regard to SDGs, NHRIs might be the key actors. This is also related to the role of NHRIs make SDGs more relevant with the local context and make them understandable by the national actors. With the help of this kind of contributions, norm internalization process regarding the SDGs might be accelerated by the NHRIs cooperation with national actors as government and civil society organization operating in local level.

The works of DIHR on SDGs, constitute an important example with regard to filling knowledge gaps and normative gaps regarding Sustainable Development Agenda in the sense that DIHR makes the relationship between human rights and SDGs more understandable and visible. According to the theory of global governance, if there is a lack of shared understanding on a certain subject, knowledge gaps may emerge. Within the context of this study the role of NHRIs on SDG implementation process can be considered as a knowledge gap. That is why the work of the Danish Institute for NHRIs is critical for making the relationship with NHRIs and SDGs more visible. Produced by the Danish Institute for Human Rights, the Human Rights Guide to SDGs is a quite important tool for filling the knowledge gap on this issue. Awareness raising role of the NHRI is a key for achieving SDG implementation as well as filling the knowledge gaps. By looking at the data and statistics in the progress on SDGs, knowledge gaps can be filled by the NHRIs.

4.4. Conclusion

This chapter covers the emerging process of Sustainable Development Agenda and provides background information regarding the SDGs and their relevance with human rights based approach within the context of Merida Declaration dated 2015. Since the SDGs are linked to the UN Human Rights Treaties, NHRI involvement to Treaty Bodies and the process of the Universal Periodic Review is discussed. Also the role of NHRIs with additional mandates as National Preventive Mechanism and Equality Bodies, and different types of NHRIs regarding SDG monitoring process is analyzed. In light of this analysis, it is possible to claim that different from the case of MDGs, SDGs are designed with the human rights based approach and this idea is strengthened with the Merida Declaration emphasizing the role of NHRIs regarding SDG implementation process as reporting, collecting data and statistics and documentation. In this context, NHRI involvement to the UN System, UN Treaty Bodies, and Universal Periodic Review Process gained importance. Also the role of NHRIs with additional mandates might contribute to the SDGs based on their specified role as prevention of torture and ill-treatment and combating discrimination. In addition to NHRIs with additional mandates, types of NHRIs observed in Europe and their contribution to SDGs are discussed within the context of this chapter. These discussions indicate that, although there is a clear flexibility for determination of NHRI types for countries, Human Rights Commissions, Consultative and Advisory Bodies, Human Rights Ombudsperson Institution, Hybrid Institutions and Institutes and Centers are the types of NHRIs observed in Europe. Within this context, through their contributions to National Action Plans Human Rights Commissions and Consultative and Advisory Committees can fill normative gaps and they can partially fill policy gaps under global governance. With regard to Human Rights Ombudsperson model, they can fill the knowledge gaps on SDGs with their reporting and documentation and awareness raising activities on this issue. On the other hand, since they do not receive individual applications and set the general human rights policies, NHRIs operating as Institutes and Centers might have stronger effect over the realization of SDGs. In this regard, the work of Danish Institute for Human Rights as development of Human Rights Guide to SDGs, SDG data explorer and there relevance of SDGs with the UPR

recommendations and organization of side events within the context of HLPF, put the Institutes and Centers in a specific place for SDG implementation process and can be considered as an important tool for curbing the knowledge gaps and normative gaps on SDGs.

CHAPTER 5

CONCLUSION

This thesis aims to understand the role of the National Human Rights Institutions (NHRIs) located in Europe, in implementing and monitoring process of the Sustainable Development Agenda through Weiss' global governance framework. Unlike most of the academic works in this area, the thesis aims to question how it is possible for NHRIs to get involved in the implementation, monitoring and follow-up process of SDGs. Considering the fact that protection and promotion of human rights and the concept of sustainable development seem widely diverse areas of study, understanding the linkages between these two areas gains prominence as a new trend for international human rights agenda. Throughout the thesis, National Human Rights Institutions and their expanding role are analyzed in a historical context. Also, the linkages between the Sustainable Development Agenda and the human rights is examined within the context of Merida Declaration dated 2015. This final chapter covers the summary and the key findings obtained from the discussions provided by the thesis.

The thesis is composed of five chapters as introduction, theoretical framework on global governance, historical background of the NHRIs, NHRI contribution to Sustainable Development Agenda and conclusion. In the introduction chapter; scope, objective, methodology and organization of the thesis are presented. Within this context, in this chapter some background information regarding to NHRIs, their current numbers and their expanding role is shared and the importance of their bridging role and their relevance to the UN 2030 Sustainable Development Agenda was highlighted.

In the second chapter, the theoretical framework regarding global governance is analyzed. This chapter covers the five global governance gaps depicted by Thomas G. Weiss as knowledge, norm, policy, institution and compliance. Within the context of this chapter, constructivist theory and rationalist theory were presented with reference

to their vision regarding the definition of norm. In addition, three stages of norm diffusion as, norm emergence, norm cascade and norm internalization and their relevance with NHRI diffusion were discussed.

Following the theoretical framework, historical background of national human rights institutions is analyzed in the third chapter. This chapter mainly covers the historical development regarding the evolution of national human rights institution with reference to Sonia Cardenas's division of four phases as norm emergence, standard setting and promotion, networking and implementation, enforcement and international standing. These phases cover the developments regarding the emergence and diffusion of national human rights institution and their enhancing role in today's world. Also, these phases harmonized with the three stages of norm diffusion process discussed in the second chapter. Within this context, it is possible to claim that, first phase which covers the years 1940-1980 corresponds to norm emergence, the second phase standard setting and promotion can also be considered as a part of norm emergence process. These two phases related to emergence of NHRIs as a norm in international arena. But, when it comes to the years 2000-2005 as networking and implementation phase, this reflects the norm cascade for NHRIs which exceeds the limits of norm emergence and can be considered as tipping point for NHRI creation. On the other hand, the fourth phase as enforcement and international standing may reflect both norms cascade and norm internalization process. While international standing still refers to norm cascade process, enforcement part mostly covers the norm internationalization process.

In the fourth chapter, the UN 2030 Sustainable Development Agenda and its connection with human rights were analyzed. In this chapter, the development of the relationship between sustainable development and human rights, beginning from Tehran Declaration and other important documents adopted in world conferences, was discussed. Also, transition from the Millennium Development Goals (MDGs) to SDGs was covered. NHRIs contribution to SDGs was analyzed with reference to Merida Declaration and the works of relevant networks of NHRIs. After that, NHRIs contribution to the SDGs was analyzed through the involvement process of NHRIs to the UN System and the ways that NHRIs can contribute to the implementation of the

UN Human Rights Treaties is discussed. Also, specific examples from the works of some NHRIs were shared by looking at a specific typology observed in European countries, especially, the works of the Danish Institute for Human Rights (DIHR), Scottish Human Rights Commission, Commission Consultative des Droits de l'Homme du Grand-Duché de Luxembourg, Ombudswoman of the Republic of Croatia, Protector of Citizens Republic of Serbia. Finally, the conclusion chapter summarizes the key findings regarding the discussions provided throughout the thesis.

To summarize the main findings obtained from the research process, this study argues that NHRIs are important actors in filling the global governance gaps within the context of Sustainable Development Agenda.

In light of the analysis regarding the contribution of GANHRI, ENNHRI and individual NHRIs to the HLPF Voluntary National Reviews, it is possible to claim that human rights networks and individual NHRIs may contribute the preparation process of Voluntary National Reviews presented to HLPF and their efforts may fill the knowledge gaps regarding the links between human rights and sustainable development. Also contributions of Croatian and Serbian NHRIs to the reporting and awareness raising process of specific targets on SDGs related to right to health constitute an important example how NHRIs can fill the knowledge gaps regarding Sustainable Development Agenda.

In addition to these examples, the tools developed by the Danish Institute for Human Rights can be considered as other important basis for filling the knowledge gaps on SDGs. “The Human Rights Guide to Sustainable Development Goals” relates the international human rights treaties with the specific indicators of the SDGs. The tool aims to provide information and data to the government authorities, civil society organizations and other stakeholders to make them understand the relevance of human rights and sustainable development. Danish Institute for Human Rights also developed SDG-Human Rights Data Explorer tool which indicates human rights recommendation given to specific countries within the context of Universal Periodic Review (UPR), Treaty Bodies and Special Procedures. This tool helps both countries to understand their obligations stemming from the recommendations of human rights mechanism and

other relevant stakeholders to understand the relevance and involve in the SDG reporting and monitoring process.

Within this context, Human Rights Commissions, Consultative and Advisory Bodies, Human Rights Ombudsperson Institution, Hybrid Institutions and Institutes and Centers are the types of NHRIs observed in Europe. Through their contributions to National Action Plans Human Rights Commissions and Consultative and Advisory Committees can fill normative gaps and they can partially fill policy gaps under global governance. With regard to Human Rights Ombudsperson model, they can fill the knowledge gaps on SDGs with their reporting and documentation and awareness raising activities on this issue. On the other hand, since they do not receive individual applications and set the general human rights policies, NHRIs operating as Institutes and Centers might have stronger effect over the realization of SDGs. In this regard, the work of Danish Institute for Human Rights as development of Human Rights Guide to SDGs, SDG data explorer and there relevance of SDGs with the UPR recommendations and organization of side events within the context of HLPF, put the Institutes and Centers in a specific place for SDG implementation process and can be considered as an important tool for curbing the knowledge gaps and normative gaps on SDGs.

Also, the typology of NHRIs with regard to their contribution to SDG Agenda shows that although there are some differences in their contribution SDG agenda, types of NHRIs do not directly predict their way of contribution in practice.

All of these arguments indicate that, although Paris Principles are considered as crucial source relating to the status of NHRI, today the role of NHRIs discussed in a wider framework beyond these Principles. The evolving and dynamic nature of human rights also shapes and enhanced the role of NHRIs in all spheres of life. Since the adoption of the Paris Principles in 1993, many developments regarding the role of NHRIs observed in international human rights scene. Although there are variety of different forms of NHRI in the world, their core function –as a dual function of protection and promotion of human rights- remained the same. But different models of NHRIs observed in Europe and NHRIs with additional functions as prevention of torture and

ill-treatment and combating discrimination demonstrate that each type may affect the developments took place in international human rights regime in a different ways.

Considering the intensively diversified perspectives regarding human rights, filling the governance gaps in this area might seem extremely challenging work for the NHRIs. But reciprocal relationship between Sustainable Development Agenda and Human Rights which was shaped after 2015, makes NHRIs much more visible actors in filling the governance gaps as knowledge, norms, policy and partially institution and compliance.

The main reason of this, as presented throughout the study, Sustainable Development Agenda has created with large-scale dialogues among different actors, governments, NGOs, civil society organizations. That is why most of the conflicting issues tried to be avoided within the context of these Goals. They are actually representing the common aims to achieve economic, social and environmental development in the world. They are built in the light of the Conferences, documents and dialogues. In that sense, one of the most comprehensive area of focus regarding the NHRIs' mission is contributing the implementation and monitoring process of the SDGs.

Keeping in the mind that human rights are indivisible, interrelated, interdependent and universal, this study aimed to analyze the role of NHRIs in realizing the SDGs in a comprehensive way rather than focusing an individual Goals or right categories.

As is stated throughout the study, only the work of the European NHRIs with "A" status accreditation level is presented with regard to their contribution to the SDGs. In this context, NHRIs with "B" status accreditation level or did not get any accreditation yet, including Turkey, can be recommended to contribute the SDGs by their reporting and awareness raising role including involvement to the preparation process of National Action Plans and involvement to UN Human Rights Mechanisms. In that way, they would increase their compliance to the Paris Principles and might get "A" status accreditation from the GANHRI SCA.

Within the context of the research, it has been observed that NHRIs can be more effective with their contribution to the knowledge gaps of global governance.

Considering their main area of work as reporting and awareness raising, they might be more visible actors on filling the knowledge gaps regarding Sustainable Development Agenda.

To sum up, NHRIs unique role as acting like a bridge between civil society and government and national and international human rights systems is extremely important in implementation and monitoring process of SDGs. Considering the fact that, SDGs are covering broad area and sectors like energy, environment, economy and development, dialogues among the relevant stakeholders as government, civil society and private sector are critical. In order to achieve this dialogue, NHRIs are important actors to reflect human rights-based approach to the Sustainable Development Agenda. In addition to their role on bringing local actors together, they are also acting like a bridge between national and international human rights systems. Their involvement to the UN Human Rights Bodies, Treaty bodies and UPR Process and also participating the work of Regional Networks is quite important.

The roles of the NHRIs in global governance and their bridge function between the international system and local conditions highlights their agency in the realization of SDGs. As this thesis has demonstrated, although humble, NHRIS can make significant contributions to the realization of human rights understood in a broad way.

This argument has significant implications for the theories of international politics, especially realist views. As is well known, Realism is based on the three principles: statism, self-help and survival. In international politics, states are the main actors operating in a self-help world and their primary objective is survival (Schmidt, 2012). Such an understanding ignores the role of non-state actors such as the United Nations or NHRIs. According to realists, such bodies in global governance reflect the distribution of power in the international system and believing in their autonomy from states and in their effectiveness is believing in “false promises” (Mearsheimer, 1994).

However, since the 1980s a plethora of studies has shown the significance of non-state actors in global governance (Josselin & Wallace, 2001). The argument of this thesis has implications for this debate on the role of non-state actors. Contrary to what the realists argue, it has been showed that NHRI have a role in filling some of the gaps in

global governance. By working through their expertise and authority, NHRIs can develop solutions to specific problems. Certainly, these bodies are not creating a world government or revolutionizing the world order. Yet overlooking their activities is ignoring a vibrant aspect of world politics.

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APPENDICES

A: MEMBERS OF THE EUROPEAN NETWORK OF NATIONAL HUMAN RIGHTS INSTITUTIONS AND THEIR ACCREDITATION STATUS¹⁹

	NHRI	Accreditation Status
1.	People's Advocate of Albania	A
2.	Human Rights Defender of the Republic of Armenia	A
3.	Austrian Ombudsman Board	B
4.	Azerbaijan Ombudsman Institute	B
5.	Interfederal Centre for Equal Opportunities and Opposition to Racism	B
6.	Human Rights Ombudsman of Bosnia and Herzegovina	A
7.	Ombudsman of the Republic of Bulgaria	A
8.	Ombudsman of the Republic of Croatia	A
9.	Commissioner for Administration of Cyprus	B
10.	The Public Defender of Rights Czech Republic	N/A
11.	Danish Institute for Human Rights	A
12.	Chancellor for Justice of Estonia	N/A
13.	Parliamentary Ombudsman of Finland Human Rights Center of Finland	A A
14.	French National Consultative Commission on Human Rights	A
15.	Public Defender (Ombudsman) of Georgia	A
16.	German Institute for Human Rights	A
17.	Equality and Human Rights Commission of Great Britain	A
18.	Greek National Commission for Human Rights	A
19.	Commissioner for Fundamental Rights of Hungary	A
20.	Irish Human Rights and Equality Commission	A

¹⁹ Retrieved from <http://ennhri.org/our-members/> on 12.01.2020

21.	Ombudsperson Institution of Kosova	N/A
22.	Ombudsman's Office of the Republic of Latvia	A
23.	Liechtenstein Human Rights Association	N/A
24.	Ombudsmen's Office of Lithuania	A
25.	Consultative Human Rights Commission of Luxembourg	A
26.	People's Advocate Office of Moldova	A
27.	Protector of Human Rights and Freedoms of Montenegro	B
28.	Netherlands Institute for Human Rights	A
29.	Ombudsman of North Macedonia	B
30.	Northern Ireland Human Rights Commission	A
31.	Norwegian National Human Rights Commission	A
32.	Polish Commissioner for Human Rights	A
33.	Portuguese Ombudsman	A
34.	Romanian Institute for Human Rights	N/A
35.	Commissioner for Human Rights of the Russian Federation	A
36.	Scottish Human Rights Commission	A
37.	Protector of Citizens of the Republic of Serbia	A
38.	Slovak National Centre for Human Rights	B
39.	Human Rights Ombudsman of the Republic of Slovenia	B
40.	Ombudsman of Spain	A
41.	Swedish Equality Ombudsman	N/A
42.	Human Rights and Equality Institution of Turkey	N/A
43.	Ukrainian Parliament Commissioner for Human Rights	A

B: TURKISH SUMMARY / TÜRKÇE ÖZET

Yasal veya anayasal dayanakla kurulmuş bağımsız kuruluşlar olarak tanımlanan Ulusal İnsan Hakları Kurumları (UİHKler), insan haklarına ilişkin uluslararası düzeyde gerçekleşen gelişmeleri ulusal düzeye aktarmak, sivil toplum ve hükümetler arasında köprü görevi görme yetkisini haiz kuruluşlar olarak bilinmektedir. 1990lı yılların başında, BM Ulusal İnsan Hakları Kurumları Uluslararası Koordinasyon Komitesi tarafından tanınan UİHK sayısı yalnızca sekiz iken bu sayı günümüzde 149 a ulaşmış durumdadır. Bu sayıdaki artış, UİHKlerin uluslararası insan hakları sisteminde önemli aktörler olarak karşımıza çıkmakta olduğunun kanıtı niteliğindedir.

UİHKlerin kurumsallaşmasına yönelik tarihsel gelişmeler, Sonia Cardenas'ın dönemselleştirmesi bağlamında şu şekilde sınıflandırılmaktadır: 1. Aşama: Normun Ortaya Çıkışı, 2. Aşama: Standartların Belirlenmesi ve Tanıtım, 3. Aşama: Network Kurma ve Uygulama 4. Aşama: Etkinleştirme ve Uluslararası Statü'dür.

Normun ortaya çıkma sürecini ele alan 1. Aşama 1940-1980 yıllarını kapsamaktadır. Bu çerçevede, UİHKlerin kurulmasına ilişkin ilk fikir 1946 tarihinde BM Ekonomik ve Sosyal Konseyi'nin çalışmaları bağlamında gündeme gelmiştir. Bu fikir 1960lı ve 70li yıllarda yoğunlaşmış olup insan haklarının korunması ve geliştirilmesinde ulusal/yerel komitelerin daha etkin olacağına ilişkin bir anlayış gelişmiştir. 1978 yılında Cenevre'de gerçekleştirilen "İnsan Haklarının Korunması ve Geliştirilmesinde Yerel Komiteler" adlı seminer neticesinde bir takım kılavuz ilkeler kabul edilmiştir. Söz konusu ilkeler çerçevesinde, ulusal komitelerin insan hakları konusunda farkındalık yaratma ve hükümetlere tavsiyeler verme gibi özelliklere sahip olması gerektiği gündeme getirilmiştir.

UİHKlerin ortaya çıkmasında önemli başlangıç girişimleri olarak nitelendirilen bu süreçlerin ardından 2. Aşama olan Standartların Belirlenmesi ve Tanıtım süreci başlamış olup 1991 tarihinde BM İnsan Hakları Konseyi nezdinde insan haklarının korunması ve geliştirilmesine ilişkin ilk uluslararası çalıştay gerçekleştirilmiştir. Söz konusu çalıştayın çıktıları 1992/54 sayılı İnsan Hakları Konseyi kararı ve 48/134 sayılı ve 20 Aralık 1993 tarihli Genel Kurul kararı ile kabul edilmiştir.

UİHKlerin kuruluş ilkelerine ilişkin minimum değerleri belirleyen Paris Prensipleri 1993 tarihinde kabul edilmiştir. Paris Prensipleri uyarınca UİHKlerin sahip olması beklenen altı temel özellik bulunmaktadır. Bunlar: olabildiğince geniş yetkiyle donatılma, hükümetten bağımsız olma, yasal veya anayasal dayanağa sahip olma, insan hakları ihlallerini inceleyecek yeterliliğe sahip olma, çoğulculuk ile yeterli mali kaynak ve insan kaynağına sahip olma olarak sıralanmaktadır.

Paris Prensipleri'nin kabulünden bu güne UİHKlerin görev ve sorumluluklarına ilişkin pek çok gelişme gündeme gelmiş olmasına karşın akademik çalışmaların daha çok Paris Prensipleri ile sınırlı kaldığı görülmektedir. UİHKlerin genişleyen görev alanı bağlamında, sürdürülebilir kalkınma gündemi ile insan hakları ilişkisini kuran 2015 tarihli Merida Deklarasyonu önemli rol oynamaktadır. Buna karşın söz konusu Deklarasyona ilişkin akademik çalışmalar sınırlı sayıdadır. Bu sebeple, sürdürülebilir kalkınma ve insan hakları ilişkisini ortaya koyan bir çalışmanın literatürdeki bu boşluğu doldurabileceği değerlendirilmektedir.

Kadının insan hakları, göç, insan hakları savunucularının durumu gibi konulara ek olarak sürdürülebilir kalkınma ve insan hakları hususu özellikle 2015 sonrası dönemde uluslararası insan hakları gündeminde sıklıkla yer almaktadır.

2000-2015 yıllarını kapsayan Binyıl Kalkınma Hedefleri temelinde inşa edilen 2030 Sürdürülebilir Kalkınma Hedefleri iklim değişikliğinden enerjiye, eğitimden sağlığa pek çok farklı alanı ihtiva eden 17 Hedef ve 169 Alt Hedeften oluşmaktadır. “Hiç kimseyi geride bırakmama” prensibiyle oluşturulan Birleşmiş Milletler 2030 “Sürdürülebilir Kalkınma Gündemi”; kalkınma hakkının yanı sıra ekonomik ve sosyal hak kategorileri başta olmak üzere birçok insan hakkı kategorisi ile ilişkilendirilmekte olup, söz konusu hakların hayata geçirilmesi noktasında evrensel bir eylem planı olarak değerlendirilmektedir.

Binyıl Kalkınma Hedefleri 8 temel amaçtan oluşmaktadır. Bunlar: “Amaç 1: Aşırı Yoksulluk ve Açlığı Ortadan Kaldırmak, Amaç 2: Evrensel Düzeyde, Temel Eğitim Sağlamak Amaç 3: Kadınların Konumunu Güçlendirmek ve Toplumsal Cinsiyet Eşitliğini Geliştirmek, Amaç 4: Çocuk Ölümlerini Azaltmak, Amaç 5: Anne Sağlığını İyileştirmek, Amaç 6: HIV/AIDS, Sıtma ve Diğer Salgın Hastalıklarla Mücadele

Etmek, Amaç 7: Çevresel Sürdürülebilirliğin Sağlanması, Amaç 8: Kalkınma için Küresel Ortaklıklar Geliştirmek” olarak sıralanmaktadır.Sürdürülebilir Kalkınma Hedeflerinin öncülü olarak addedilen bu hedeflerin hayata geçirilmesindeki aktörler sıralanırken, ulusal insan hakları kurumlarına yönelik herhangi bir referansın bulunmadığı görülmüştür. Söz konusu hedefler kapsamında belli düzeyde başarılar elde edilmiş olsa da, ilgili hedeflerin insan hakları bağlamından yoksun olması sebebiyle beklenen başarıya ulaşamadığı değerlendirilmektedir.

25 Eylül 2015 tarihli BM Genel Kurulu Oturumunda “Dünyamızı Değiştirmek: 2030 Sürdürülebilir Kalkınma Gündemi kabul edilmiştir. Gündemin ön sözünde; Bu çalışmanın tüm gezegen, ve insanların refahı için bir eylem planı olarak değerlendirilmesi gerektiği, yoksulluğun önlenmesi, eşitsizliklerin giderilmesi ve insan haklarının temin edilmesi hususlarının bu plan içerisinde önemli bir yere sahip olduğu, bu eylem planının hayata geçirilmesinde tüm paydaşlara önemli sorumluluklar düştüğü ve “hiç kimsenin geride bırakılmaması” prensibinin bu eylem planının kalbinde yer aldığı ifade edilmiştir. Ayrıca, 17 Hedef ve 169 Alt Hedeften oluşan bu gündemin, 2015 ve 2030 yıllarını kapsadığı ve sürdürülebilir kalkınmayı; -ekonomik, sosyal ve çevresel- tüm yönleriyle içerdiği vurgulanmıştır. Bu çerçevede, insan, gezegen, refah, barış ve ortaklık SKH’lerin özünü oluşturan anahtar kelimeler olarak sıralanmıştır.

Sürdürülebilir Kalkınma Hedefleri: “Hedef 1.Yoksulluğa Son-Yoksulluğun, Hedef 2.Açlığı bitirmek, gıda güvenliğini sağlamak, beslenme imkânlarını geliştirmek sürdürülebilir tarımı desteklemek, Hedef 3. İnsanların sağlıklı bir yaşam sürmelerini ve herkesin her yaşta refahını sağlamak Hedef 4. Herkesi kapsayan ve herkese eşit derecede kaliteli eğitim sağlamak, Hedef 5. Toplumsal cinsiyet eşitliğini sağlamak ve kadınların ve kız çocuklarının toplumsal konumlarını güçlendirmek, Hedef 6. Herkes için suya ve sağlık hizmetlerine erişim Hedef 7. Herkes için erişilebilir, güvenilir, sürdürülebilir ve modern enerji sağlamak, Hedef 8. Sürdürülebilir ve kapsayıcı ekonomik kalkınmayı sağlamak, tam ve üretici istihdamı ve insan onuruna yakışır işleri sağlamak, Hedef 9. Dayanıklı altyapı inşa etmek, sürdürülebilir ve kapsayıcı sanayileşmeyi ve yeni buluşları teşvik etmek, Hedef 10. Ülkelerin içinde ve aralarındaki eşitsizlikleri azaltmak, Hedef 11. Kentleri ve insan yerleşim yerlerini

herkesi kucaklayan, güvenli, güçlü ve sürdürülebilir kılmak, Hedef 12. Sürdürülebilir tüketimi ve üretimi sağlamak, Hedef 13. İklim değişikliği ve etkileri ile mücadele için acil olarak adım atmak, Hedef 14. Okyanusları, denizleri ve deniz kaynaklarını sürdürülebilir kalkınma için korumak ve sürdürülebilir şekilde kullanmak, Hedef 15. Karasal ekosistemleri korumak, restore etmek ve sürdürülebilir kullanımını sağlamak, ormanların sürdürülebilir kullanımını sağlamak, çölleşme ile mücadele etmek, toprakların verimlilik kaybını durdurmak ve geriye çevirmek ve biyoçeşitlik kaybını durdurmak, Hedef 16. Sürdürülebilir kalkınma için barışçıl ve herkesi kucaklayan toplumları teşvik etmek, herkesin adalete erişimini sağlamak, her seviyede etkin, hesap verebilir ve kucaklayıcı kurumlar inşa etmek, Hedef 17. Sürdürülebilir kalkınma için küresel ortaklığın uygulama araçlarını güçlendirmek ve küresel ortaklığı yeniden canlandırmak”²⁰ olarak sıralanmaktadır.

BM çalışmaları bağlamında Sürdürülebilir Kalkınma Hedefleri'nin, insan hakları ile ilgisini kuran en büyük gelişme ise, 8-10 Ekim 2015 tarihinde Meksika, Merida'da gerçekleştirilen İnsan Haklarının Korunması ve Geliştirilmesi Uluslararası Koordinasyon Komitesi (ICC)'nin 12. Uluslararası Konferansı bağlamında kabul edilen Merida Deklarasyonu olarak değerlendirilmektedir.

2015 tarihli Merida Deklarasyonu bağlamında, İnsan Hakları Evrensel Beyanname, Viyana Deklarasyonu ve Eylem Planı gibi uluslararası insan hakları sözleşmelerine ve insan haklarının evrenselliği ve karşılıklı bağımlılığına atıfta bulunulmuştur. Buna ek olarak insan hakları ve sürdürülebilir kalkınmanın karşılıklı olarak birbirini güçlendiren kavramlar olduğu dile getirilmiştir. Ayrıca Binyıl Kalkınma Hedefleri'nin tam olarak hayata geçirilememiş olmasında insan hakları bağlamının yeterince kurulamadığı hususu açık bir biçimde vurgulanmıştır.

Deklarasyon ayrıca, Ulusal ölçekte en geride kalmış kesimlerin saptanması hususunda UİHKlere görev ve sorumluluklar yüklemiştir. Bu çerçevede, ilgili verilerin toplanması ve paylaşımı hususunda ulusal düzeyde faaliyet gösteren istatistik ofisleri ile UİHKler arasında kurulacak işbirliği büyük önem taşımaktadır.

²⁰Sürdürülebilir Kalkınma Hedefleri <http://unesco.org.tr/dokumanlar/duyurular/skh.pdf> (18.05.2019)

Bu çerçevede, konuya ilişkin bölgesel ve uluslararası düzeyde kapasite gelişimi sağlanmasına yönelik çalıştayların düzenlenmesi, hükümetlere Sürdürülebilir Kalkınma Hedefleri konusunda politika önerilerinin sunulması, (alt) bölgesel stratejilerin belirlenmesi sivil toplum kuruluşları ve BM'nin ilgili organları ile bu yönde işbirliklerinin yapılması; Ulusal İnsan Hakları Kurumları Küresel Birliği'ne (GANHRI) ve onun bölgesel ağlarına düşen görev ve sorumluluklar arasında sıralanmıştır.

Merida Deklarasyonu kapsamında gündeme gelen bu hususlarla birlikte BM 2015 sonrası kalkınma çalışmaları hak temelli bir bakış açısıyla ele alınmaya başlamış olup, gündemin UİHK'lerin görev alanı kapsamındaki çalışmalarda daha görünür olmaya başladığı gözlemlenmiştir.

Tüm bu arkaplan verilerinden hareketle, UİHKlerin, Thomas G. Weiss'ın küresel yönetim teorisi bağlamında ele alınan küresel yönetim boşluklarının doldurulmasındaki yerleri ve görevleri tez kapsamında ele alınmaya çalışılmıştır. Küresel yönetim teorisinin, UİHKlerin 2030 Sürdürülebilir Kalkınma Hedeflerinin hayata geçirilmesindeki görevleri ile ilişkilendirilebileceği değerlendirilmektedir.

Küresel yönetim, "herhangi bir anda uluslararası sistem içerisinde, bir dünya hükümeti olmaksızın hükümet benzeri hizmetler ve kamu malları sağlama kapasitesi" olarak tanımlanmaktadır. Weiss'e göre küresel yönetim boşlukları terörizm, barış ve güvenlik, insan hakları be insani yardım, sürdürülebilir büyüme ve iklim değişikliği gibi pek çok alanla ilgili olabilmektedir. Söz konusu teoriye göre beş temel küresel yönetim boşluğu bulunmaktadır. Bunlar: Bilgi, Norm, Politikalar, Kurumlar ve Uygunluk/Uyumluluk olarak adlandırılmaktadır.

Bilgiye ilişkin küresel yönetim boşluğu bir konuya ilişkin ortak anlayışın bulunmamasından kaynaklanmaktadır. Sürdürülebilir Kalkınma Gündemi bağlamında oluşabilecek bilgi boşlukları ve yetersizlikleri, Merida Deklarasyonundaki rolleri bağlamında UİHKler tarafından kapatılabilmektedir. UİHKlerin insan haklarının korunması ve geliştirilmesi bağlamında raporlama ve farkındalık artırma gibi özel misyonları bulunmaktadır. Bu kapsamda UİHKler Sürdürülebilir Kalkınma Gündemi

bağlamında raporlama ve farkındalık artırma çalışmaları gerçekleştirerek, Gündemin ulusal düzeyde daha görünür ve daha anlaşılır olmasını sağlayabilmektedir.

Norma ilişkin küresel yönetim boşluğu ise evrensel bir normun kabul edilme gücünden kaynaklanabilmektedir. Bu tür güçlükler rağmen, Weiss devletlerin uluslararası alanda iyi bir itibara sahip olmak için uluslararası normları takip etmeyi tercih ettiklerini değerlendirmektedir. Bu bağlamda, insan haklarının korunması ve geliştirilmesinde yeni bir alan olan Sürdürülebilir Kalkınma Hedefleri'ne ilişkin normlar ülkelerin uluslararası itibarlarıyla doğrudan ilintili olabileceğinden devletler tarafından takip edilmektedir. Bu aşamada devletlerin söz konusu hedeflere ilişkin taahhütlerinin izlenmesinde sivil toplum örgütleri, hükümet dışı örgütler ve UİHKlere büyük görev ve sorumluluklar düşmektedir. Bu bağlamda UİHKler söz konusu alana ilişkin Ulusal Eylem Planlarına, ulusal politikalara ve mevzuata hak temelli katkılar sunabilmektedirler. Bununla birlikte, Merida Deklarasyonu'ndan hareketle UİHKler sivil toplum, ulusal istatistik ofisleri ve diğer ilgili aktörlerle işbirliği gerçekleştirerek, uluslararası gündeme ilişkin normların ulusal düzeyde içselleştirilmesine yönelik de katkı sunabilmektedir.

Öte yandan küresel yönetim bağlamında politika boşlukları oluşabilmektedir. Weiss'e göre politika "birbiriyle ilişkili yönetim hedefleri ve ilkeleri ile bu hedef ve ilkeleri gerçekleştirmeye yönelik eylem planı" olarak tanımlanmaktadır. Ulusal insan hakları gündeminde Sürdürülebilir Kalkınma Hedefleri'nin yer edinmesi her zaman mümkün olmayabilmektedir. Bu aşamada ulusal düzeydeki yönetim hedeflerine söz konusu gündemin eklenmesi gerekmektedir. Fakat bu noktada politikayı belirleyen karar alıcıların kimler olduğu sorunsalı karşımıza çıkmaktadır. Kuşkusuz UİHKler bu bağlamda bir karar alıcı rolünü haiz değildir. Bu sebeple UİHKlerin, Sürdürülebilir Kalkınma Hedefleri doğrultusunda ulusal politika boşluklarını doldurma görevleri oldukça sınırlı olabilmektedir. Yalnızca, Ulusal Kalkınma Planlarına sunacakları hak temelli katkılarla politika boşluklarını dolaylı yoldan etkileme imkanları olabileceği değerlendirilse de uygulamada bu hususun hayata geçirilmesinin çok güç olacağı aşikardır.

Weiss tarafından tanımlanan diğer bir küresel yönetim boşluğu ise kurumsal düzeyde gerçekleşen boşluklardır. Küresel yönetişimin kalesi olarak addedilen kurumlar, kural

ve normlardan oluşan resmi düzeyde kurulmuş yapılardır. Kurumsal boşlukların, norma dayanan boşluklardan farkı resmi yapıların eksiliği veya hiç olmaması şeklinde ifade edilmektedir. Kurumlardan beklenen temel husus karar alma süreçleriyle devletlerin eylemlerini koordine etmeleridir. Eğer bu noktada bir koordinasyon kopukluğu meydana gelirse kurumsal boşluklar oluşmaktadır. UİHKlerin, karar alma ve devletlerin eylemlerini koordine etme noktasında herhangi bir yetkilerinin bulunduğunu söylemek oldukça güçtür. Bu sebeple UİHKlerin kurumsal boşluklara katkı sunmaları pek mümkün görünmemektedir.

Son olarak, uygunluk/uyumluluk noktasında bir takım küresel yönetim boşlukları ortaya çıkabilmektedir. Burada kast edilen, üzerinde uzlaşmış olan uluslararası politikaların bazı aktörlerce reddedilmesi hususudur. Bir konuya ilişkin bilgi, norm ve politikalar açık olsa dahi konuya ilişkin uygulama ve yaptırımlar yeterli olmayabilir. Bu noktada, Sürdürülebilir Kalkınma Hedefleri'nin hayata geçirilmesinde görevli kuruluşların yeterli yaptırım kapasitesine sahip olması gerekmektedir. Fakat bu durum ne UİHKler ne de BM nezdindeki diğer kuruluşlar açısından pek mümkün görünmemektedir. Dolayısıyla, UİHKlerin Ulusal İnsan Hakları Küresel Birliği nezdinde akreditasyonu, Paris Prensiplerine uyumlulukları noktasında bir fikir verse de, sürdürülebilir kalkınma gündeminin uygulanmasına ilişkin yeterli yaptırım kapasitelerinin olduğunu söylemek mümkün görünmemektedir.

UİHKlerin Sürdürülebilir Kalkınma Gündemine yapabilecekleri somut katkılar tez kapsamında ele alınan diğer bir başlıktır. Bu çerçevede, birçok uluslararası metinde tavsiye edildiği şekilde, UİHKler BM Sistemine, Sözleşme Mekanizmalarına ve Evrensel Periyodik İnceleme (EPİM) süreçlerine yapacakları katkılarla Gündemin hayata geçirilmesinde rol oynayabilmektedirler.

BM nezdinde dokuz temel insan hakları sözleşmesi bulunmaktadır. Bunlar: Kadına Yönelik Her Türlü Ayrımcılığın Ortadan Kaldırılması Sözleşmesi (CEDAW), Engelli Bireylerin Haklarına İlişkin Sözleşme (CRPD), İşkence Ve Diğer Zalimane, Gayri İnsani Veya Küçültücü Muamele veya Cezaya Karşı Sözleşme (CAT), Medeni ve Siyasi Haklar Sözleşmesi (CCPR), Zorla Kaybedilmeye Karşı Herkesin Korunmasına Dair Sözleşme (CED),_Her Türlü Irk Ayrımcılığının Tasfiye Edilmesine Dair Uluslararası Sözleşme (CERD), Ekonomik, Sosyal Ve Kültürel Haklar Uluslararası

Sözleşmesi (CESCR), Tüm Göçmen İşçilerin ve Aile Fertlerinin Haklarının Korunmasına Dair Uluslararası Sözleşme (CMW), Çocuk Hakları Sözleşmesi (CRC) dir.

BM İnsan Hakları Yüksek Komiserliği (OHCHR) tarafından gerçekleştirilen bir çalışmaya göre BM Sözleşme Mekanizmalarının, Sürdürülebilir Kalkınma Hedefleri altında yer alan göstergeler ile doğrudan ilişkisi bulunmaktadır. Örneğin 1. Hedef Yoksulluğun Önlenmesi, Kadına Yönelik Her Türlü Ayrımcılığın Ortadan Kaldırılması Sözleşmesi (CEDAW)ın 11, 13,15,16. maddeleri ile Engelli Bireylerin Haklarına İlişkin Sözleşme (CRPD)'nin 28. maddesi ile doğrudan ilintilidir.

Danimarka Ulusal İnsan Hakları Kurumu ise BM İnsan Hakları Yüksek Komiserliği'nin bu çalışmasını detaylandırarak son derece kapsamlı bir kılavuz hazırlamıştır. Söz konusu kılavuz kapsamında Sürdürülebilir Kalkınma Gündeminde yer alan 17 Hedef ve 169 Alt Hedef göstergelerinin hangi uluslararası insan hakları sözleşmesinin hangi maddesiyle ilintili olduğu ortaya konulmuştur. Söz konusu çalışma, bu alanda raporlama yapacak olan tüm paydaşların konuya ilişkin verilere erişimi açısından nitelikli bir kapsam sunmaktadır.

Danimarka Ulusal İnsan Hakları Kurumu ayrıca Sürdürülebilir Kalkınma Hedefleri-İnsan Hakları Veri Gezgini adında bir araç geliştirmiştir. Söz konusu araç yardımıyla her ülkenin sözleşme mekanizmaları kapsamında aldıkları tavsiyeler ve bunların Sürdürülebilir Kalkınma Hedefleri ile olan ilişkisine erişim sağlanabilmektedir. Söz kılavuz ve araçlar Sürdürülebilir Kalkınma Hedeflerine ilişkin bilgi boşluklarının doldurulması açısından önemli örnekler olarak değerlendirilmektedir

Öte yandan EPİM süreçlerine katkı sunma UIHKlerin BM sistemine dahil olma çalışmaları arasında yer almaktadır. BM Genel Kurulu'nun 60/251 sayılı 3 Nisan 2016 tarihli kararıyla kabul edile EPİM 193 BM üyesi ülkenin periyodik olarak insan hakları karnelerini gözden geçiren bir mekanizmadır.

Danimarka Ulusal İnsan Hakları Kurumu'nun yayınladığı araştırma raporuna göre, ilk oturumundan bu yana ülkelere EPİM süreçleri kapsamında 50.000'in üzerinde tavsiye verilmiştir. Söz konusu tavsiyelerin %50 sinden fazlası sürdürülebilir kalkınma

hedefleri ile doğrudan ilişkilidir. Kurumun hazırladığı Veri Gezini'nde yer alan alan istatistiklere bakıldığında EPİM kapsamında en çok tavsiye verilen hedefin Barış, Adalet ve Hesap verebilir Kuruluşlar başlıklı 16. Hedef olduğu görülmektedir. Söz konusu hedefin altında yer alan önemli göstergelerden biri de “Paris Prensipleri ile uyumlu bağımsız insan hakları kurumlarının varlığı” olarak ifade edilmektedir. Bu durum, ulusal düzeyde bağımsız UİHKlerin faaliyet göstermesinin sürdürülebilir kalkınma hedeflerinin hayata geçirilmesinde önemli rol oynadığını kanıtlar niteliktedir.

Çalışma kapsamında ayrıca, Avrupa'da yer alan Ulusal İnsan Hakları Kurumlarına ilişkin bir tipoloji çalışmasına da yer verilmiştir. Esasen, 1993 tarihli Viyana Deklarasyonu ve Eylem Planı kapsamında, UİHKlerin ulusal düzeyde kurumsallaşmalarına yönelik belli bir model yerine, ülkenin ihtiyaçlarını gözeterek esnek bir yapılanma öngörülmektedir.

BM İnsan Hakları Komiserliği'nin bazı kaynaklarında UİHK tipleri “İnsan Hakları Komisyonu”, “Danışma Mekanizmaları”, “İnsan Hakları Ombudsmanı”, “Melez Kurumlar” ve “Enstitü/Merkez” modelleri olarak sıralanmaktadır.

GANHRI'nin dört temel bölgesinden birini temsil etmekte olan Avrupa Ulusal İnsan Hakları Kurumları Ağı (ENNHRI) üyelerine bakıldığında İnsan Hakları Komisyonu gibi çoklu karar almak mekanizmasına sahip olan yapıların daha çok Commonwealth ülkelerinde görüldüğü tespit edilmiştir. Birleşik Krallık, İrlanda, Kuzey İrlanda, İskoçya gibi ülkelerde İnsan Hakları Komisyonu modeli şeklinde UİHKler yer almaktadır. Bu modelde yer alan UİHKlerin sürdürülebilir kalkınma konusundaki çalışmaları incelendiğinde insan haklarına yönelik ulusal eylem planlarına katkı sundukları gözlemlenmiştir. Ayrıca ilgili paydaşlarla bir araya gelerek Sürdürülebilir Kalkınma Hedeflerinin nasıl daha etkin bir şekilde hayata geçirileceğine ilişkin çalışma grupları kurmuşlardır. Söz konusu çalışma gruplarının girişimleri neticesinde bir takım strateji belgeleri oluşturulmuş ve ayrımcılıkla mücadele yasağına ilişkin birçok olumlu gelişme gözlemlenmiştir. Söz konusu hak kategorisi Sürdürülebilir Kalkınma Hedeflerinin temelinde olan “kimseyi geride bırakmama” ilkesiyle doğrudan ilişkilidir.

İnsan Hakları Komisyonu şeklinde örgütlenen UİHKlerin ulusal eylem planlarına sundukları katkılar, uluslararası bir normun ulusal düzeyde içselleştirilmesi amacını taşıdığı için norma dayalı küresel yönetim boşluklarının doldurulması açısından önem arz etmektedir. Öte yandan, her ne kadar UİHKler karar alıcı mekanizmalar olarak faaliyet göstermeseler de ulusal eylem planlarına sundukları katkılarla ulusal politika gündemini dolaylı yoldan etkileyebilmektedir. Dolayısıyla söz konusu katkılar, kısmi ölçüde politika temelli küresel yönetim boşluklarının doldurulmasına örnek verilebilir.

Diğer taraftan ENNHRI bölgesinde görülen diğer bir UİHK modeli ise Fransa, Luxemburg ve Yunanistan örneğinde olduğu gibi Danışma Mekanizmaları olarak adlandırılan modellerdir. Danışma Mekanizmaları genel olarak insan haklarının korunması ve geliştirilmesi konusunda hükümetlere danışmanlık mahiyetinde tavsiyeler vermektedir. Söz konusu mekanizmaların da uygulamada tıpkı insan hakları komisyonları gibi ulusal kalkınma planlarına katkı sundukları görülmüştür. Bu sebeple, insan hakları komisyonu modelinde olduğu gibi Danışmanlık Mekanizmaları da norma dayalı küresel yönetim boşluklarını ve kısmen politika boşluklarını doldurmaya yönelik faaliyetler göstermektedirler.

ENNHRI Ağı'nda yer alan diğer bir UİHK modeli ise İnsan Hakları Ombudsmanı modelidir. Söz konusu model, idarenin eylem ve işlemlerinden kaynaklanan insan hakları ihlallerini incelemek ve kötü yönetimi engellemekle yükümlüdür. Sadece kamu sektörüne ilişkin ihlallerle ilgilendiği için İnsan Hakları Ombudsmanı modeli diğerlerine göre nispeten daha dar bir çalışma alanına sahiptir. Daha çok Doğu Avrupa ülkelerinde yer alan bu model, spesifik sürdürülebilir kalkınma hedeflerine ilişkin veri toplanması ve raporlama konusunda önemli çalışmalar gerçekleştirebilmektedir. Örneğin, Hırvatistan Ombudsmanlığı sağlıklı hakkına ilişkin sürdürülebilir kalkınma hedefleri bağlamında ulusal düzeyde kaydedilen gelişmeleri derleyerek bir rapor hazırlamış ve BM İnsan Hakları Yüksek Komiserliğine sunmuştur. Söz konusu raporun hazırlanmasında istatistik ofisleri gibi ilgili ulusal paydaşlarla koordinasyon sağlanmıştır. Diğer taraftan Sırbistan Ombudsmanlığı da sürdürülebilir kalkınma hedefleri bağlamında fiziksel ve ruhsal sağlığa ilişkin ulusal uygulamaları içeren bir

rapor hazırlayarak BM İnsan Hakları Yüksek Komiserliği'ne sunmuştur. Ayrıca sağlık hakkı temalı hedefler doğrultusunda yerel düzeyde eğitimler vermiştir.

İnsan Hakları Ombudsmanı modelinin sürdürülebilir kalkınma gündemine yönelik katkılarını ihtiva eden bu iki örnek göstermektedir ki söz konusu model gündeme ilişkin bilgi boşluklarının doldurulmasına önemli rol oynamaktadır.

ENNHRI Ağı'nda yer alan diğer bir UİHK modeli ise Hibrit/Melez olarak adlandırılmaktadır. Söz konusu model klasik ombudsmanlık modeli ile çok görevli UİHK modelinin karışımı olarak nitelendirilmektedir. Bu model altında insan haklarının korunması ve geliştirilmesine ek olarak kötü yönetim, yolsuzluk ve çevre ile ilgili konular yer almaktadır. Söz konusu model İspanya'da görülmekte olup sürdürülebilir kalkınma gündemine katkısı bağlamında herhangi bir bilgiye ulaşılamamıştır.

Son olarak, Enstitü ve Merkezler ENNHRI Ağı'nda yer alan önemli UİHK modelleri arasındadır. Danimarka, Almanya ve Hollanda'nın yer aldığı bu grupta sürdürülebilir kalkınma gündemine etkileri bağlamında önemli çalışmalar bulunmaktadır. Bu model ulusal düzeyde halihazırda iyi bir şekilde işleyen mekanizmalara sahip olan ülkelerde ek bir kurum olarak gündeme gelmiştir. Enstitü ve merkezlerin en önemli özellikleri, bireysel başvuru almamaları sebebiyle araştırma ve dokümantasyon oluşturma görevi olarak tanımlanmaktadır.

Tez boyunca da sıklıkla ifade edildiği üzere Danimarka Ulusal İnsan Hakları Kurumu insan haklarının sürdürülebilir kalkınma ile ilişkisine dikkat çeken lider kuruluşlardan biridir. Anılan Kurum tarafından oluşturulan kılavuz ve rehberler alandaki bilgiye dayalı küresel yönetim boşluklarını dolduran önemli araçlar olarak değerlendirilmektedir.

UİHK modellerine dayalı bu tipoloji çalışması göstermektedir ki ENNHRI Ağı'nda yer alan ulusal insan hakları kurumları modellerinden bağımsız olarak sürdürülebilir kalkınma gündemine farklı yönlerden katkılar koyabilmektedir. Paris Prensipleri'nden günümüze genişleyen dinamik bir görev alanına sahip olan UİHKlerin akreditasyonu noktasında yeni gündeme ayak uydurmaları büyük önem taşımaktadır. BM sistemi

içerisinde aktif bir biçimde söz hakkına sahip olmak isteyen henüz akredite olmamış UİHKlerin Merida Deklarasyonu'na kayıtsız kalmamaları gerektiği değerlendirilmektedir.

Özetle, sivil toplum ve hükümetler ile ulusal ve uluslararası insan hakları mekanizmaları arasında köprü vazifesi gören UİHKler, Sürdürülebilir Kalkınma Gündemine yönelik katkılarıyla küresel yönetim boşluklarını kısmen de olsa doldurabilmektedir. Devlet dışı aktörlerin küresel yönetimdeki yerini görmezden gelen 1980 öncesi bakışıcısının aksine günümüzde devlet dışı aktörler de bu süreçlerde rol oynayabilmektedir. Realist görüşün aksine UİHKler yetkileri ve uzmanlık alanları ile küresel yönetim problemlerine bazı çözümler getirebilmektedir. Bu kuruluşlar, kuşkusuz yeni bir dünya düzeni yaratmamaktadır. Fakat tez kapsamında ele alındığı üzere UİHKlerin; raporlama, farkındalık arttırma, ulusal eylem planlarına katkı sunma, spesifik veri toplama, eğitimler verme ve BM Mekanizmalarına dahil olma gibi Sürdürülebilir Kalkınma Gündemine ilişkin faaliyetlerini görmezden gelmek talihsiz bir bakış açısı olacaktır.

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