

NHRIs: History, Model, Organization and Mandates

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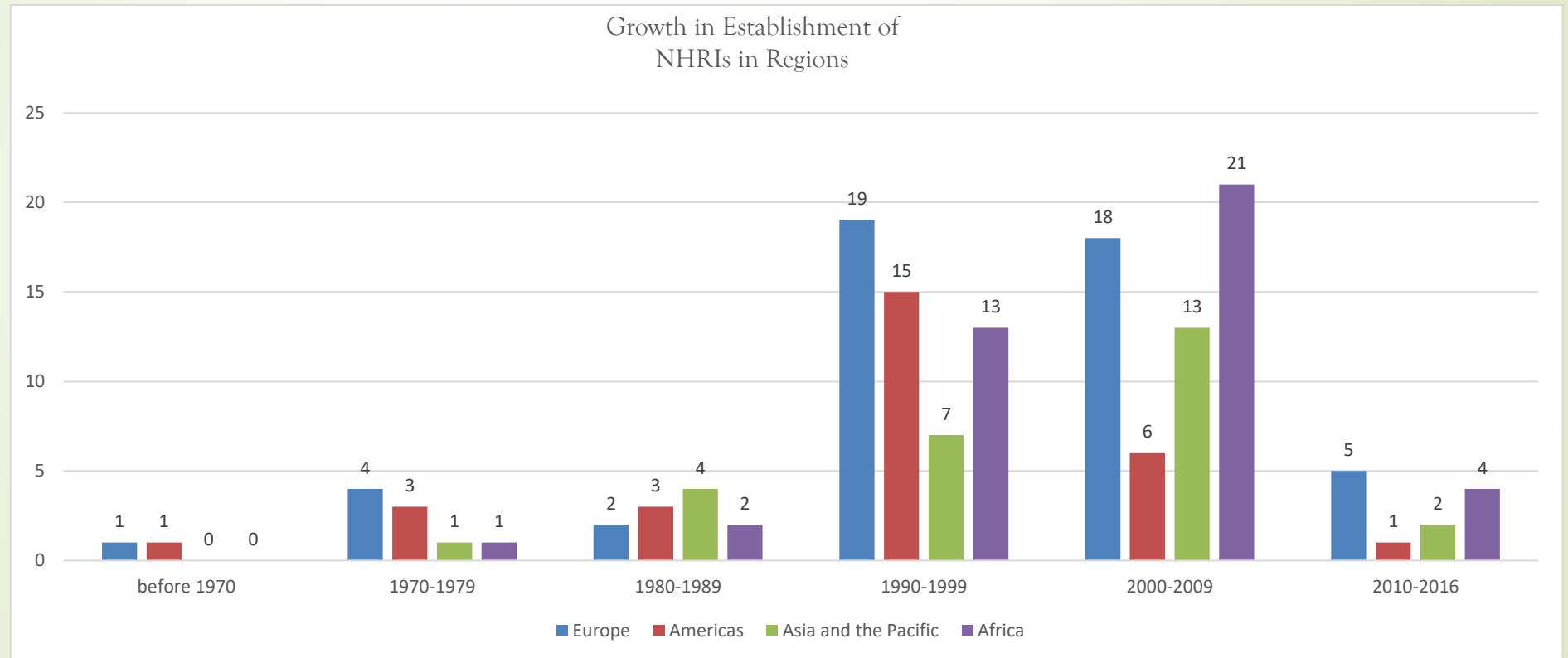
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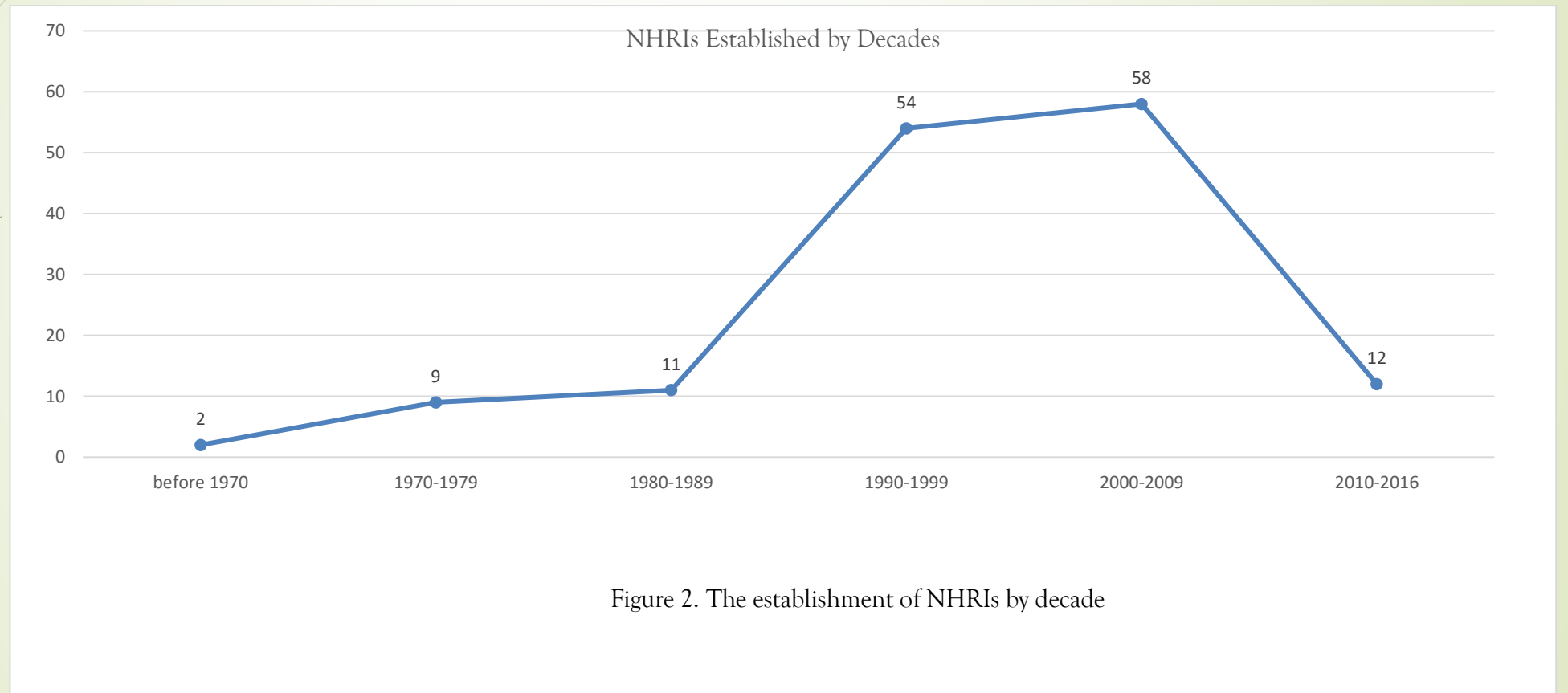
Four Major Themes

- 1. History
- 2. Model
- 3. Organization
- 4. Mandate

1. History

Figure 1. The growth of NHRIs in respective regions.





2. Model Types

- 1. Human rights advisory commission**
- 2. Single function commission**
- 3. Hybrid institution**
- 4. Human rights ombudsman**
- 5. Independent human rights commission**

► Respective Distributions

It is found that the choice of which of the five models is adopted varies in respect to region.

In Europe 59% of states have adopted the human rights ombudsmen model; 15% of states prefer independent human rights commissions; 10% of them opt for hybrid institutions; 8% of states adopt human rights advisory commissions and another 8% employ single function commissions.

However, in America as many as 86% of states adopt the human rights ombudsman model,

whereas in Africa and Asia Pacific, 80% and 85% of states, respectively, prefer independent human rights commissions.

In the global arena of NHRIs, the independent human rights commission is the most popular model, having been adopted by 45% of states while the human rights ombudsmen model has been adopted by 43% of states. The other three models, the human rights advisory commission, the single function commission and hybrid institutions, have each been adopted by 4% of states.

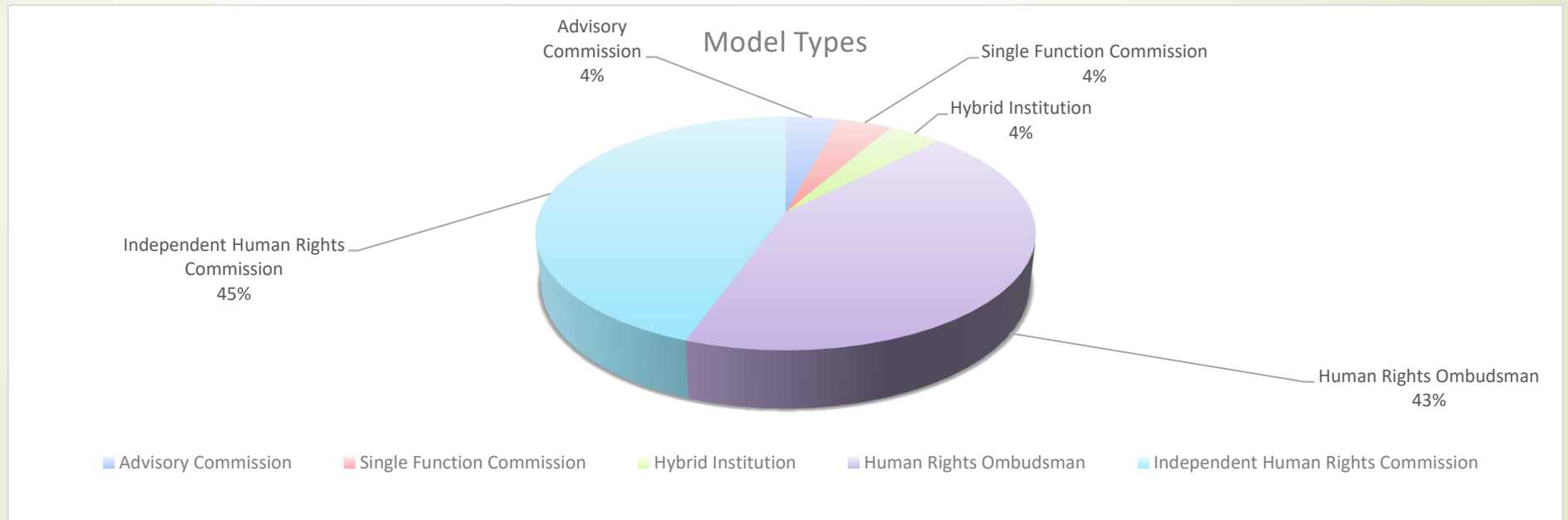


Figure 3. Proportion of Model Types

Accreditation Results

- ▶ **Comparative Outcomes**
- ▶ **1. Time factor**

Number and Proportion of Accreditation of NHRIs by Decade

	A status		B status		C status		NO status		Total
	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion	
Before 1970	1	50%	0	0%	0	0%	1	50%	2
1970-1979	3	34%	2	22%	2	22%	2	22%	9
1980-1989	6	60%	1	10%	2	20%	1	10%	10
1990-1999	30	56%	11	20%	5	9%	8	15%	54
2000-2009	26	46%	11	19%	1	2%	19	33%	57
2010-2016	6	43%	3	21%	0	0%	5	36%	14

Regional distribution

Number and Proportion of Accreditation of NHRIs by Region

	Europe		Asia Pacific		America		Africa		Total	
A status	25	51%	15	56%	14	48%	18	44%	72	49%
B status	12	25%	6	22%	2	7%	8	19%	28	19%
C status	3	6%	2	7%	3	10%	2	5%	10	7%
NO status	9	18%	4	15%	10	35%	13	32%	36	25%
Total	49	100%	27	100%	29	100%	41	100%	146	100%

► Model difference

Number and Proportion of Accreditations of NHRIs by Model

◻	Advisory Commission◻		Single Function Commission◻		Hybrid Institution◻		Human Rights Ombudsman◻		Independent Human Rights Commission◻		Total◻	
	Count	Proportion	Count	Proportion	Count	Proportion	Count	Proportion	Count	Proportion	Count	Proportion
A status◻	4◻	67%◻	1◻	16%◻	3◻	50%◻	31◻	49%◻	33◻	51%◻	72◻	49%◻
B status◻	1◻	16%◻	1◻	17%◻	2◻	33%◻	10◻	16%◻	14◻	21%◻	28◻	19%◻
C status◻	0◻	0%◻	3◻	50%◻	0◻	0%◻	4◻	6%◻	3◻	5%◻	10◻	7%◻
NO status◻	1◻	17%◻	1◻	17%◻	1◻	17%◻	18◻	29%◻	15◻	23%◻	36◻	25%◻
Total◻	6◻	100%◻	6◻	100%◻	6◻	100%◻	63◻	100%◻	65◻	100%◻	146◻	100%◻

➤ 3. Organization

➤ 4. Mandate

A “hybrid” approach was adopted in which brought the NHRC into the Control Yuan.

But this proposal did not regard the national human rights commission as one of the specialized commissions of the Control Yuan, neither it transferred the Control Yuan as a NHRI.

- It in fact merges a NHRI into the Ombudsmen institute. This approach has problems both in structure and function.
- 1. As to structure, Article 3 of the Organic Act of the NHRC rules that the NHRC shall consist of 10 Members. They include the President of the Control Yuan, seven ex-officio members and two members assigned by the President of the Control Yuan who are assigned annually and shall not be reassigned. It means that among 29 members of the Control Yuan, 8 members are both members of the NHRC and the Control Yuan. These 8 members are called “A status” as they can exercise both functions of the NHRC and the Control Yuan, while the others are regarded as “B status” because they exercise only function of the Control Yuan.

2. As to function, it is argued, a NHRI may have a distinctly different nature from that of an ombudsman. A human rights ombudsman could be a passive and ex-post protector, while an independent human rights commission may positively join in protecting human rights. When these two are combined into one institution, there will be conflicts. It is unfortunately happening and may continue in Taiwan.

Comprehensive Mechanisms and Mandates

1. NHRI
2. CRC Mechanism
3. CRPD Mechanism
4. NPM

See Attachment