



THE POTENTIAL OF NATIONAL HUMAN RIGHTS INSTITUTIONS TO SERVE AS PROTECTION MECHANISMS FOR HUMAN RIGHTS DEFENDERS

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ACRONYMS

NHRI	National human rights institution
HRD	Human rights defender
WHRD	Women human rights defender
ISHR	International Service for Human Rights
HRC	United Nations Human Rights Council
GA	United Nations General Assembly
OHCHR	Office of the High Commissioner for Human Rights
GANHRI	Global Alliance for National Human Rights Institutions
HRCSL	Human Rights Commission of Sierra Leone
CNDH	Commission Nationale des Droits Humains
CNDHCI	Commission Nationale des Droits de L'Homme de la Côte D'Ivoire
NGO	Non-governmental organisations
OPCAT	Optional Protocol to the Convention against Torture

Desk Research commissioned by the International Service for Human Rights (ISHR) to explore the extent to which national human rights Institutions could act as national protection mechanisms as part of the implementation of national human rights defender protection laws in selected West African countries

Executive summary

This study examines existing national human rights institutions (NHRIs) in West African countries of Burkina Faso, Côte d'Ivoire, Mali, Niger, Sierra Leone, and Togo with a view to determining the complementarity of the power, mandate and functioning of these NHRIs with the minimum principles of a protection mechanism as set out in Part IV of the Model Law for the promotion and protection of human rights defenders (Model Law).¹

This study is divided into six sections: background, objective, methodology, analysis, conclusions, and recommendations.

The study concludes that while NHRIs have the potential to serve as protection mechanisms for the implementation of laws for the promotion and protection of the rights of human rights defenders (HRD Protection Laws), their ability to do so requires a clear mandate, as well as adequate capacity and resources. The study also concludes that the powers and functions contained in laws that establish and mandate the NHRIs in the selected countries are to an extent complementary to the elements set out in the Model Law. However, the study reveals that there are significant deficiencies that could limit the effectiveness of these NHRIs as a protection mechanism. These include the lack of a specific mandate for the NHRIs to consult with human rights defenders (HRDs) and civil society organisations; lack of an existing prevention function and ability to provide effective protective measures; lack of enforcement powers; lack of a training mandate for personnel and staff; and lack of adequate resources.

The following key recommendations are made:

- The NHRIs should be granted a specific mandate to consult with civil society when developing the protection mechanism, and during its functioning.
- The NHRIs should be mandated with a prevention function that includes the power to comment and provide inputs on public policies and proposed legislation.
- As a crucial part of the national human rights infrastructure, NHRIs should be involved from the outset in the development of any law for the promotion and protection of the rights of HRDs. This would ease their transition into the role of protection mechanism.
- The NHRIs should be mandated with the power to provide protective measures for HRDs at risk, including physical protection such as temporary relocation and legal protection such as free legal aid. This function should – in some circumstances - be exercised in close collaboration with the security and judicial agencies.
- The protective measures referred to above should come in the form of orders and directives, which the NHRIs should be empowered to enforce.
- HRDs and civil society organisations should take a leading role in the definition of the mandate and operation of a national protection mechanism and the identification of the most suitable institutional structure.
- The NHRIs should be mandated and required to train staff and personnel involved in the implementation of the protection mechanism.
- The NHRIs should be fully compliant with the Principles relating to the Status of National Institutions (Paris Principles).²

It is important to note that in some national circumstances, NHRIs may not be the best option to house the relevant protection mechanism. Therefore, new and/or independent institutions could be established to serve as a protection mechanism.

It is acknowledged that this study is limited by the fact that it is a desktop study and examines laws and policies of NHRIs in a select few countries. A further in-depth analysis, including structured surveys, field visits and focused group discussions on the operations and performance of these NHRIs is recommended to enhance the recommendations and conclusions in this study.

¹ See 1.0 Background to study and <http://www.ishr.ch/news/model-law>.

² <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

1.0 Background to the study

Risks faced by HRDs

HRDs continue to face threats, intimidation and reprisals in many countries worldwide. Official restrictions on the space in which HRDs operate are maintained in many jurisdictions through enforcement of restrictive laws and policies. Those facing specific and heightened risks include HRDs working on civil and political rights, land rights, as well as journalists and labour rights activists. Women human rights defenders (WHRDs) are especially vulnerable to specific risks and threats. They face gender-specific forms of stigma and abuse in response to their work defending human rights.

Legislative protection of HRDs

The legal recognition and protection of HRDs is a crucial element of ensuring a safe and enabling environment for HRDs to operate in. In 1998, after 14 years of advocacy by ISHR along with a small group of key civil society actors and negotiation among States, the UN General Assembly (GA) adopted the landmark Declaration on Human Rights Defenders. This Declaration not only calls on States to develop and implement specific laws and policies for the protection of HRDs but also enshrines the importance of NHRIs, encouraging States 'to ensure and support the creation and development of independent national institutions for the promotion and protection of human rights, such as ombudsmen or human rights commissions' (§2.b).³

In 2017, ISHR developed the first ever national model law on human rights defenders. The Model Law has been endorsed by 28 leading international human rights experts from all regions of the world and has been used by both policymakers and defenders working to improve their national-level legal protection in over 10 countries, including Côte d'Ivoire, Burkina Faso, Mali, Sierra Leone and Niger. Substantive provisions in the Model Law include the implementation of obligations or standards outlined in the UN Declaration on Human Rights Defenders, as well as other international instruments.

NHRIs as protection mechanisms

The report of the UN Special Rapporteur on the situation of HRDs (A/HRC/25/55, 23),⁴ emphasised the pivotal role of NHRIs in creating a safe and enabling environment for HRDs. This focus on NHRIs was further reinforced by GA Resolution 68/171, adopted in 2013 with strong advocacy from Germany, insisting that NHRIs or Ombudsman institutions should operate as HRD protection mechanisms (§19).⁵

According to the Office of the High Commissioner for Human Rights (OHCHR), NHRIs must comply with the Paris Principles⁶, a set of international standards that frame and guide the work of NHRIs. The Paris Principles require NHRIs to lay out their human rights objectives and achieve financial and political independence. They are widely accepted as the main test of a NHRI's credibility and form the basis of classifying NHRIs (see annex) by the Global Alliance for National Human Rights Institutions (GANHRI).⁷

More recently, in 2018 during its 13th international conference, GANHRI adopted the Marrakech Declaration⁸ in which NHRIs resolve to 'contribute to the establishment of national protection systems for human rights defenders, who need an enabling environment which is accessible and inclusive and in which all rights are respected. This should be done in consultation with those human rights defenders and civil society, media and other non-state entities and individuals (such as ethnic, indigenous and religious leaders)' (Article 20. A.c).

Part IV of the Model Law focuses on implementation of mechanisms for the protection of HRDs, calling on States to establish such mechanisms.⁹ The document recognises that different pathways may be used for the establishment of a HRD protection mechanism, including through the designation of such powers to the relevant NHRI.

While the potential role of an NHRI¹⁰ as the entity hosting the HRD protection mechanism is envisaged in

³ <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>

⁴ <https://www.refworld.org/docid/52e0f1c64.html>

⁵ <https://undocs.org/en/A/RES/68/171>

⁶ Adopted as of 20 December 1993 the Paris Principles by the General Assembly resolution 48/134 www.ohchr.org/Eng/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx & (www.ohchr.org/NewEvents/pases/ParisPrinciples.20yearsguidingtheworkofNHRI.aspx).

⁷ The Global Alliance for National Human Rights Institutions (GANHRI) is a global network of national human rights institutions. It coordinates the relationship between NHRIs and the UN human rights system and is unique as the only non-UN body whose internal accreditation system, based on compliance with the 1993 Paris Principles grants access to UN committees. https://en.m.wikipedia.org/wiki/Global_Alliance_of_National_Human_Rights_Institutions.

⁸ The Marrakech Declaration "Expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women: The role of national human rights institutions" https://nhri.ohchr.org/EN/ICC/InternationalConference/13IC/Background%20Information/Marrakech%20Declaration_ENG_%2012102018%20-%20FINAL.pdf

⁹ Part IV and Annexure 1 of the model law.

¹⁰ National Human Rights Institutions are independent institutions with the broad responsibility to promote, protect and monitor human rights in a given country. According to the OHCHR, they are expected to comply with the Paris Principles relating to the status of such national institutions.

the Model Law and in a number of HRD protection laws being developed in West Africa,¹¹ it has yet to materialise. Examples in West Africa include Côte d'Ivoire, where the implementation decree (which was required to fully operationalise the HRD Law) stipulates that the NHRI will act as the host of the national HRD protection mechanism,

and Sierra Leone, where the Human Rights Commission of Sierra Leone (its NHRI) has been proposed in the draft law as housing the protection mechanism. Similar proposals are also being developed in Burkina Faso, Mali, Niger and Togo.

2.0 Objective of the study

Given that the development of laws for the protection of HRDs and protection mechanisms are fairly recent innovations, empirical data on the use of NHRIs as a national HRD protection mechanism is limited. This study seeks to conduct a comparative analysis of the essential principles and functions of a national protection mechanism, as set out in the Model Law, and the extent to which those elements are realised in existing NHRIs in Burkina Faso, Côte d'Ivoire, Mali, Niger, Sierra Leone, and Togo.

It is anticipated that this study will outline the advantages, as well as limitations, of housing national HRD protection mechanisms in NHRIs, and provide recommendations aimed at enhancing their ability to do so.

3.0 Methodology

This study consisted of a comparative analysis of the minimum principles and functions of a protection mechanism as outlined in Part IV of the Model Law and the mandate and functions of the NHRIs in Burkina Faso, Côte d'Ivoire, Mali, Niger, Sierra Leone and Togo.

These countries were selected because they have drafted or passed legislation on the protection of the rights of HRDs or are in the process of doing so.

This study was also informed by the Regional Workshop on 'The role of African NHRIs as national protection mechanisms

for HRDs' held in Abidjan from 19 to 20 December 2017 which included participants from civil society, NHRIs and Ministries of Justice of the selected countries.

The developments of national laws for the protection of HRDs in the selected countries were also scrutinised to reveal the envisaged role of NHRIs in those processes.

¹¹ Côte d'Ivoire, Burkina Faso, Sierra Leone, Mali

4.0 Analysis

4.1 Protection mechanism principles

In the Commentary to **Part IV - Mechanism for the protection of human rights defenders** in the Model Law it is stated that:

'States should establish or mandate, adequately resource, and fully and effectively implement mechanism/s or programme/s for the protection of human rights defenders. Such mechanism/s or programme/s should be coordinated by an independent body, whether established and mandated specifically for this purpose or by way of conferring such a mandate within an existing body... Whatever specific mechanism or programme a State chooses to implement, it should adhere to the following minimum principles...'

It goes on to list 11 principles that should be adhered to when establishing the protection mechanism and functions of the mechanism. Each of these principles will be discussed in turn below.

Principle 1

Consultation with human rights defenders

Principle 1 states that:

'The mechanism or programme should be developed, implemented and evaluated in close consultation with human rights defenders and should directly involve human rights defenders in its development, governance and decision-making structures'

The NHRIs of Burkina Faso, Sierra Leone, Côte d'Ivoire, Mali, Niger, Togo, were established by various processes, which for the most part were not 'in close consultation' with HRDs. However, civil society did play an active role in the establishment of NHRIs in these countries and has been included in the membership of the majority of the NHRIs.

In cases where they are not members of the respective Commission, civil society organisations are consulted and participate in the selection process of Commissioners. Sierra Leone's NHRI law (HRCSL Act No. 9 2004) stipulates in the Schedule (Section (3)(1) of the Act) that civil society should be included among the members of the selection panel for the appointment of Commissioners. In the case of Côte d'Ivoire, Article 6 of the NHRI Law lists a number of non-governmental organisations (NGOs) working on human rights as members of the Commission thus giving them a voice in the Commission's programmes and activities. The laws establishing the Togo NHRI (Article 3), Burkina Faso NHRI (Article 9), Mali NHRI (Article 8) and Niger NHRI (Article 3), all of which deal with the composition of the Commission, have comparable provisions with the Côte d'Ivoire law.

On this basis it is considered that these NHRIs fulfil this requirement. However, it is necessary for these provisions to be implemented in practice. In this regard, consultations with HRDs are needed to measure effective compliance with this principle.

A specific requirement for decision makers to consult and coordinate with civil society for the development and establishment of the protection mechanisms for HRDs is recommended.

Principle 2

Establishment of the mechanism in national legislation

Principle 2 states that:

'The mechanism or programme should be established, or the mandate conferred, in national legislation'

All of the NHRIs were established through national legislation or constitutional provisions which provide broad mandates for the protection and promotion of human rights.¹² However, with the exception of Côte d'Ivoire and Burkina Faso, the national NHRI laws do not specifically provide them with the mandate of protecting HRDs as required by this principle.

The Côte d'Ivoire NHRI has the broad mandate to promote, protect and defend human rights and to contribute to the protection of HRDs (Article 2). This mandate is further strengthened by the implementation decree of the HRD Law which in Article 8 (Décret d'application HRD CI) names the NHRI (CNDHCI) in collaboration with the State as the protection mechanism for the implementation of the HRD Law.

Article 15 of the implementation decree of the NHRI law of Burkina Faso confers the responsibility to protect HRDs through the establishment of its sub-committees. The permanent sub-committee on civil and political rights has a specific mandate to ensure the protection of HRDs. In Mali, the same approach was adopted through Article 13 of the implementation decree of the HRD law (Décret N°2020-0087/P-RM du 18 Février 2020) which charges the NHRI to ensure the protection of HRD through the sub-committee protection of human rights.

Even though all the NHRIs have a broad mandate to promote and protect human rights in accordance with the Paris Principles, the specific mandate to ensure the protection of HRDs is absent outside of Côte d'Ivoire. Indeed, contrary to the previous law establishing the NHRI in Côte d'Ivoire, the new NHRI law gives a specific mandate to protect HRDs (Article 2) which is reiterated in subsidiary legislation. In Burkina Faso and Mali, the mandate is given to a sub-committee of the NHRI and is not included in the primary functions of the NHRI.

To enable NHRIs to fully comply with this principle it is recommended that a specific mandate to protect HRDs should be included in their constitutive laws. This would give the NHRI the impetus and legitimacy needed to serve as a protection mechanism.

Principle 3

Independence and autonomy of the mechanism

Principle 3 states that:

'The mechanism or program should be independent of government and should not be subject to political, administrative or financial controls which are incompatible with its independence'

The NHRIs in Côte d'Ivoire, Sierra Leone, Burkina Faso, Niger, Mali and Togo are established as independent bodies.

Article (2) of the Burkina Faso NHRI Law states that the NHRI is established as an independent public authority that enjoys administrative and financial independence in relation to the other institutions with which it maintains collaborative relationships (*Loi portant création d'une Commission Nationale Burkina Faso, 2016*). In the case of Sierra Leone, Article 14 of HRCSL Act. No 9. 2004 guarantees the independence of the Commission.

¹² Burkina Faso - Loi N°001-2016/AN Portant Création d'une Commission Nationale des Droits Humains Burkina Faso; Côte d'Ivoire - Loi n° 2018-900 du 30 Novembre, 2018; Sierra Leone - HRCSL Act. No. 9, 2004; Mali - Loi N°2016-0361 du 7 Juillet 2016 Portant Création de la Commission Nationale des Droits de L'Homme; Niger - La loi n°2012- 44 du 24 août 2012; Togo - Loi organique n°96-12 du 11 décembre 1996.

The NHRIs of Niger, Mali, Togo and Côte d'Ivoire have similar provisions in their laws that guarantee their independence and financial autonomy (Article 2 in Niger, Articles 1 and 3 in Togo, Articles 1 in Côte d'Ivoire, and Articles 1 and 27 in Mali). These are in line with key requirements under the Paris Principles governing the establishment of NHRIs.

Although the scope of this study did not enable a determination as to whether this legislated independence or autonomy is implemented in practice, the varied empirical rankings of these NHRIs by GANHRI indicate that some of them are not fully compliant with the Paris Principles (see [annex](#) below) and therefore independence is not guaranteed in practice.

It is recommended that NHRIs must be fully compliant with the Paris Principles to effectively serve as protection mechanisms.

Principle 4

Sustainable and adequate financial resourcing of the mechanism

Principle 4 states that:

'The mechanism or programme should be adequately and sustainably resourced'

All of the NHRIs receive core funding from governments. They are further empowered to source project funding, donations, gifts and legacies.

The Burkina Faso NHRI Law (No. 001-2016, Art.48 & Art. 49) obliges the State to provide funds to the Commission. These funds are to be managed with transparency and are subject to annual audit.

Similarly, in the case of Côte d'Ivoire (Article 35) and Sierra Leone (Article 21), the laws establishing the respective NHRIs make the necessary provisions. These are also contained in the laws of the other selected countries (Togo Article 25, Niger Article 56 and 57 and Mali Article 33 and 34 of the respective laws).

These provisions oblige the States to fund the activities of their respective NHRIs and by extension any potential protection mechanisms housed within them, in line with key requirements of the Paris Principles. However, in practice the majority of these NHRIs are provided with inadequate and insufficient funding.

There is need for a sufficient, clearly earmarked, independently adopted and sourced budget dedicated to the NHRI and the protection mechanism. Ideally, such a budget would be voted and provided by an independent and democratically elected parliament with a specific portion of the NHRI budget dedicated to the protection mechanism.

Principle 5

Promotion and prevention mandate of the mechanism

Principle 5 states that:

'The mechanism or programme should be mandated to promote a safe and enabling environment for human rights defenders, contribute to the prevention of threats, risks and restrictions to human rights defenders, and provide both urgent and longer-term protection to human rights defenders at risk'

All of the NHRIs that were part of this study have broad functions vested in them regarding the promotion and protection of human rights, but no specific mandate enabling them to prevent violations against HRDs.

The Burkina Faso NHRI Law contains the following provisions in Articles 2 and 3 (*Loi N°001-2016/AN Portant Création d'une Commission Nationale des Droits Humains*) providing the NHRI with the mandate to:

- Investigate in Article (2)(c), (3)(e) – pursuant to which the NHRI receives and handles complaints, conducts investigations, provides legal assistance to victims, conciliates, appeals to the competent institutions on cases of violations.
- Promote human rights in Article (2)(e), (3)(l)(m) - to be fulfilled through the provision of information, awareness raising, educational programs, extension of instruments.
- Monitor, evaluate and react to the human rights situation in Article (3)(a)(d)(h) through studies, research, drawing attention to violations, visits to places of detention, drafting an annual report and detailed reports.
- Make recommendations, opinions and proposals to public authorities in Article (3)(f)(g)(h)(i) on draft laws and other human rights issues.
- Develop networks and cooperative relationships with institutions and civil society organisations in Article (1), (2)(d), (3)(b).
- Consult with other structures and organisations in Article (2)(d).

The Sierra Leone NHRI has its functions detailed in Article 7 (HRCSL Act. No. 9, 2004) which permits it to:

- Launch an investigation or make inquiries either on its own or prompted by complaints made by any person regarding violations against human rights, followed by a written report.
- Advocate for human rights through:
 - Public awareness and education programs focused on establishing a culture of human rights in Sierra Leone;
 - Making information on human rights readily available, by establishing a national human rights resource and documentation centre within the Commission;
 - Describing the role of public officials in the protection of human rights, through varied publication of guidelines, manuals and other materials;
 - Engaging with non-governmental organisations and other public interest bodies focused on human rights;
- Review current legislation and advise the government on compliance to the legislation as is obligated of Sierra Leone under international treaties.
- Consult the government on draft legislations that may influence human rights.
- Consult the government on submission of periodic reports that are obligatory by international human rights treaties to which Sierra Leone is a party.
- Observe and report violations of human rights.
- Prepare an annual report on the state of human rights in Sierra Leone.
(Article 7 HRCSL Act. No. 9 2004)

The Niger NHRI has similar functions in Articles 2 and 3 of its NHRI Law, which allow for:

- Investigation function in Articles (2)(c), (3)(e) pursuant to which the Commission receives complaints and conducts investigations, provides legal assistance to victims.
- A promotion, awareness raising and human rights education function in Articles (2) (e), (3)(l)(m) through information, communication, educational programs, translation of instruments.

It also has a mandate to:

- Monitor, evaluate and react to the human rights situation by identifying specific needs (Article (3) (a)(d)(h)), informing the government of all cases of violations, carrying out studies and research, writing an annual report.
- Issue recommendations and advise the government (Article (3)(f)(g)(h)(i)) on legislation and other human rights issues.

The NHRI of Côte d'Ivoire in Article 2 of its law has comparable functions to those out above (*Loi No. 2018- 900 du 30 Novembre 2018*) as does the Togo NHRI under Article 2 of the Togo Law (*Loi organique n°2005-004*). Thereby each of these NHRIs fulfils this principle to a large extent.

In the case of the Mali NHRI, Articles 4, 5 and 6 of the Mali Law (*Loi N°2016-036/ du 7 Juillet 2016 Portant Création de la Commission Nationale des Droits de l'Homme*) sets out powers that enable it to fulfil this principle.

It is mandated to:

- Receive individual or collective complaints about allegations of human rights violations on the national territory.
- Guide the complainants and offer them legal assistance.
- Ensure respect for the rights of groups or persons particularly vulnerable such as women, children, older people, people living with HIV / AIDS, people deprived of their liberty, refugees, internally displaced persons.
- Undertake inquiries, in particular on questions of violations of human rights and address the authorities' recommendations on measures to strengthen the protection and culture of human rights.
- Recommend to the public authorities any measure aimed at strengthening the respect and effectiveness of human rights.

However, the preventive mandate is absent from the laws of all of these NHRIs. This is a serious flaw with respect to fulfilling this principle, thus undermining the capacity of these NHRIs to execute the required functions of a protection mechanism as set out in the Model Law.

This principle aims to give the protection mechanism a mandate and ability to act and create a safe and enabling environment for HRDs to operate, and to prevent violations. However, the current mandates of the NHRIs are limited and simply address human rights violations by conducting investigations. The implication is that NHRIs lack the authority to make orders or directives for protective measures or to prevent violations against HRDs. For example, these NHRIs do not have the authority to make orders regarding the physical protection of a HRD or their family.

This is evident in the case of Sierra Leone where Article 8(1)(b) and (c) of HRCSL Act No. 9 2004 states:

- For the purposes of any investigation under this Act, the Commission shall have:
 - (b) the power to issue or make orders or directions to enforce its decisions, including measures to protect the life and safety of an individual and free medical treatment where necessary;
 - (c) the power to refer to the High Court for contempt any person who refuses, without justifiable cause, to comply with a decision, direction or order of the Commission within a specified time.

The lack of a preventive mandate suggests that the NHRI can only conduct an investigation once violations have occurred.

It is recommended that the NHRIs should be mandated to take protective measures including making orders and directives that are enforceable and work to prevent violations.

Principle 6, 7 & 8

Principles 6, 7 and 8 of the Model Law aim to address systemic and structural factors that contribute to risk and the specific needs of certain categories of HRDs.

Principle 6

The need for the mechanism to identify and address structural and systemic factors that contribute to risk

Principle 6 states that:

'The mechanism or programme should seek to identify and address both structural and systemic factors contributing to risk and provide for individualised assessment for particular defenders'

Principle 7

The need for identification and addressing risks of specific target groups by the mechanism

Principle 7 states that:

'The mechanism or programme should be developed and implemented in such a way as to identify and address the particular situation and risks faced by particular groups of defenders, including women human rights defenders, and apply a gender perspective'

Principle 8

The need for the mechanism to have specific protection measures based on disaggregated socio-economic data

Principle 8 states:

'The mechanism or programme should include specific, rather than generic, protection measures that respond to the level and nature of risk, taking into account elements such as gender, gender identity and sexual orientation, ethnicity, age, health and family considerations, geographical location, socio-economic contexts and the individual or collective nature of the beneficiary. These measures should be defined according to a clear risk analysis methodology and in consultation with the beneficiaries'

The Niger NHRI has a mandate in Article 19 of its constitutive law (iii) to combat rape and gender-based violence in public and private life. While the Mali NHRI in Article 4 of its law has a mandate to ensure respect for the rights of groups or persons, particularly vulnerable women, children, older people, people living with HIV / AIDS, people deprived of their liberty, refugees, internally displaced persons.

These are the only NHRIs in this study with a mandate for the protection of certain vulnerable groups of people. As such, these NHRIs are mandated to address very few of the disadvantaged groups specified in the principles of the Model Law.

The other NHRI laws making up this study are silent on the categorisation of target groups as listed in the principles 6, 7 and 8 of the Model Law. Notwithstanding this, there are other provisions in their laws that enable the creation of sub-committees on specific issues pursuant to which it could be possible for these principles to be fulfilled.

For example the Sierra Leone NHRI in Article 17 (1) of its law has the mandate to:

'For the efficient performance of its functions and so as to facilitate a thorough study and research into all the substantive issues within its jurisdiction, the Commission shall appoint at least four committees each headed by a member of the Commission well-versed in the subject-matter assigned to the committee concerned, including a committee for the promotion and protection of the human rights of women and children.'
(HRCSL Act No.9. 2004)

Arguably such committees, if established, could fulfil the principles 6, 7 and even 8 (Model Law, 2016).

It is recommended that the NHRI laws in the various countries should be reviewed with the aim of providing them with a specific mandate as protection mechanism for HRDs.

Principle 9

Focus on the holistic security of human rights defenders

Principle 9 states that:

'The mechanism or programme should focus on the holistic security of human rights defenders, their family members and associates, including physical security, digital security and psycho-social wellbeing'

Principle 10

Non-interference of protection measures

Principle 10 states that:

'Any plans or measures to protect human rights defenders should be designed and implemented to support and minimally interfere with their activities and work as human rights defenders'

An examination of the NHRIs laws does not reveal any specific provisions to support these principles. However, the NHRIs do have scope to fulfil these principles in the sense that they are prescriptive and can be adopted by the NHRI based on their autonomy and independence in addressing the promotion and protection of human rights, and in the case of Côte d'Ivoire to 'contribute to the protection of human rights defenders' (Article 2).

Principle 11

Scrutiny, vetting and training of personnel involved in the implementation of the protection mechanism

Principle 11 states that:

'All staff and other personnel involved in the implementation of a mechanism or programme should be adequately and properly vetted and trained, including in relation to the situation and protection needs of women human rights defenders and in relation to multiple, intersectional and systemic discrimination'

All the NHRIs have robust selection and appointment procedures for members of the Commission as well as provisions for diversity and plurality.

In the case of the Burkina Faso NHRI, background checks are part of the selection process for new members of the Commission (**Article 10 - Loi N°001-2016/AN Portant Création d'une Commission Nationale des Droits Humains**). However, the Burkina Faso law does not mention the need for specific training on systemic discrimination or the protection needs of WHRDs.

In the case of Côte d'Ivoire, the members of the NHRI are required to fulfil certain criteria which include:

- 4 out of 12 voting members are representatives of NGOs working in a specific field of human rights, 1 worker representative, 2 personalities recognised for their human rights skills, 1 personality from a media professional organisation, 1 magistrate, 1 lawyer, 1 psychologist and 1 doctor (Article 6).
- All members of the CNDHCI must never have been convicted of acts constituting violation of human rights or international human rights law and must have competences in the field of human rights (Article 9).

As in Burkina Faso, these provisions fulfil the vetting requirement in principle 11 but not that of training on systemic discrimination and the protection needs of WHRDs.

The Sierra Leone NHRI, apart from its robust selection procedures in Article 2 of its law (HRCSL Act. No. 9 2004), has provisions for diversity and plurality of the members of the Commission in the schedule as follows:

- The members of the Commission shall be appointed from among persons:
 - of high moral probity who have so distinguished themselves in their respective fields as to command the respect of the public;
 - of proven record of respect for, and interest in human rights;
 - well-versed in the rights contained in Chapter III of the Constitution and familiar with the international conventions, treaties and other agreements relating to human rights, provided that the members shall include at least 2 lawyers and 2 women.

However, the law does not make provisions for adequate training.

The NHRI Law of Mali (Article 11) has similar provisions which state that:

- The appointment of commissioners and delegates must meet the criteria of competence, probity, spirit of independence and impartiality
- They must have professional experience in a field that may be of interest to the Commission
- They must produce the criminal record number 3, dating from less than three months attesting that the candidate has never been sentenced for crimes and misdemeanours, excluding unintentional offenses (Article 11 Loi N°2016-036/ du 7 Juillet 2016 Portant Création de la Commission Nationale des Droits de l'homme).

The Niger NHRI Law also meets recruitment standards. According to the law, the Commission should be composed of 9 permanent members, including 4 members of human rights organisations. They must all have experience in the area of human rights, and they must not have received any professional ban through the judiciary.

Such criteria were absent from the Togo NHRI's original law (1996). However, they were included in the revised law (Article 3), which specifies that members of the Commission should be elected on the basis of their moral probity, their independence of mind, their experience in their respective fields and interest in human rights (*Loi organique n°2005-004 du 9 février 2005 modifiant et complétant la loi organique n°96-12 du 11 décembre 1996 relative à la composition, à l'organisation et au fonctionnement de la Commission Nationale des Droits de l'Homme (CNDH)*).

These NHRI laws fulfil principle 11 based on the selection criteria included in their constitutive laws.

However, the training of staff and all personnel involved in the implementation of the mechanism is not emphasised. This needs to be incorporated in future revisions of the NHRI laws to enhance full compliance with this principle.

Principle 12

Promotion and reporting mandate of the mechanism

Principle 12 states that:

'The mechanism or programme should promote, contribute to ensuring, and report on the full and effective implementation of the Declaration, including through the provision of reports and advice to parliament and the government and through cooperation with relevant international and regional human rights mechanisms'

The NHRIs largely fulfil this principle by virtue of the functions listed in their respective laws. The HRCSL Act No. 9, 2004 in Article 7 requires the NHRI in Sierra Leone to publish an annual report on the country's human rights situation, which should include:

- The ways in which the fundamental rights and freedoms contained in the Constitution and in the international and regional agreements to which Sierra Leone is a party have been observed or violated.
- The steps taken by the Commission to respect, protect and fulfil human rights, including results of individual complaints investigated and interventions and recommendations made by the Commission or by any of its committees in respect of matters brought before them.

Similarly, the Côte d'Ivoire NHRI is required under Article 3 of its law (Loi No. 2018 – 900) to present an annual report on the country's human rights situation to the President of the Republic and all other state institutions.

The Burkina Faso NHRI is subject to comparable provisions in Article 7(Loi N°001-2016). It also allows the Commission to issue reports on specific cases of human rights violations in addition to annual reports.

In the case of the Niger (Article 28), Togo (Article 9) and Mali (Article 7) NHRIs the Commissions are required to present annual reports on human rights to their national assemblies, in addition to activity reports. These annual reports on the state of human rights and fundamental freedoms are meant to be widely disseminated.

This principle is adequately met in the laws of the selected countries.

Summary of analysis of the minimum principles

This analysis reveals that these NHRIs to some extent fulfil the minimum principles required for a protection mechanism as set out in the Model Law. However, there are significant limitations. The most significant being the inability to enforce decisions and measures, the lack of a mandate for prevention of human rights violations, the lack of a mandate for protection of specific categories of HRDs, and the lack of training for staff and personnel.

4.2 Protection mechanism functions

A comparative analysis of the protection mechanism functions listed in the Model Law and those of selected NHRIs revealed that on paper, some of these functions overlap and could be fulfilled by NHRIs if designated as protection mechanisms. This is set out in Table 1.

As can be seen from Table 1 below, the prevention function is mostly absent from each NHRI, indicating low partial compatibility with this function. However, the NHRIs have robust protection functions through their complaints handling, promotion and public education mandates. The NHRIs of Côte d'Ivoire and Burkina Faso have nearly full

compatibility with this function, as they have specific mandates for the protection of HRDs in addition to their broad promotion and protection mandates. The inter-agency coordination function is absent in the NHRI laws of Côte d'Ivoire and Togo, thus rating low partial compatibility. All the NHRIs in the selected countries have high partial compatibility with the function of promoting and publicly acknowledging the work of HRDs, as they all have a promotion function in their laws and regularly submit annual reports. They have not been given full compatibility as they do not have a specific mandate to promote the work of HRDs.

Table 1

A matrix of compatibility of the functions with the Model Law in the various countries

MODEL LAW (section 34. 2)	CÔTE D'IVOIRE	BURKINA FASO	SIERRA LEONE	NIGER
a) prevent intimidation or reprisal	*	*	*	*
b) protect HRDs from intimidation or reprisal	**** Article 2 (e)	**** Article 14	*** Article 7	*** Article 9
c) assist in ensuring investigation of, and accountability for, acts of intimidation or reprisal	**** Article 2 (f)	**** Article 5 (ii – v)	**** Article 2 (a)	**** Article 19 (I)
d) facilitate and promote inter-agency and inter-departmental coordination to prevent, protect against, investigate, and ensure accountability for acts of intimidation or reprisal	*	**** Article 6 (iv)	**** Article 2(b) (iv)	**** Article 21 (v)
e) promote and publicly acknowledge the legitimate and important role, function, activities and work of HRDs	*** Article 2	*** Article 4	*** Article 2 (b) (i)	*** Article 20(I – iv)

Notes:

**** indicate full compatibility (above 95%)

*** indicate high partial compatibility (70% - 95%)

** indicate moderate partial compatibility (40% - 69%)

* indicate low partial compatibility (below 40%)

4.3 Protection mechanism activities

The Model Law in Section 34(3) proposes several activities for the implementation mechanism to enable it to carry out its functions.

Table 2 presents an analysis of the proposed activities and the current status quo vis-à-vis the selected NHRIs.

The data indicates that NHRIs in the selected countries can carry out the majority of these activities. The NHRIs in Burkina Faso and Côte d'Ivoire achieve almost full compatibility in some activities (Section 34 (3) (c) (e)) because they have specific mandates for HRDs in their laws. A significant caveat is that these NHRIs do not have preventive functions in their respective mandates and generally provide inadequate training regarding their responsibility to protect human rights defenders (section 34 (j)).

Furthermore, the NHRI of Côte d'Ivoire does not have the specific function of 'monitoring and controlling existing laws and bills and proposing amendments to laws' (section 34, (3), (f)). It is limited to ensuring the implementation of international human rights instruments at the national level as well as the harmonisation of national legislation with international standards (Article 2), thereby rating low partial compatibility with the Model Law in this area.

Another noteworthy finding is that all NHRIs in the selected countries have moderate partial compatibility with the Model Law in the areas of consulting and working closely with HRDs in the implementation of the Law for HRDs (section 34, (3), (b) – Model Law). Despite the fact that their laws do not give them this specific mandate regarding defenders, they all have mandates to cooperate with organisations and agencies in the promotion of human rights.

Table 2

Matrix of compatibility of activities in the NHRIs of selected countries with the Model Law

MODEL LAW (section 34. 3)	CÔTE D'IVOIRE	BURKINA FASO	SIERRA LEONE	NIGER
a) monitor and respond to the situation of HRDs in [country's name], including risks to their security, and legal and other impediments to a safe and enabling environment that is conducive to their work	****	****	***	***
b) consult and work closely and cooperatively with HRDs in the implementation of this Law	**	**	**	**
c) coordinate the implementation of this Law, including by developing protocols and guidelines for this purpose, within a period of no longer than [180 days] of the entry into force of this Law	**** NHRI is the implementation mechanism	**** NHRI is the implementation mechanism	** Draft law with the NHRI as the implementation mechanism (submitted to Government for Parliamentary approval)	*
d) carry out assessments of risks, vulnerability or conflict at the [national, regional or local] levels, with the aim of identifying specific needs for the protection of HRDs, including by undertaking gender-based and collective risk assessments	*	*	*	**
e) aid, assist and inform investigations for the purpose of prosecuting the offences created under Section 28	****	****	***	****
g) advise all areas of government on the design and implementation of policies and programmes to guarantee and protect the rights of HRDs under this Law	****	****	****	****

h) monitor and prepare annual reports on the situation of human rights defenders in [country's name] and make recommendations to the relevant authorities on the appropriate measures to be taken to promote a safe and enabling environment for their work and to mitigate and prevent the risks facing them, including by tackling the root causes of violations against HRDs	****	****	****	****
i) propose and implement, or ensure the implementation of, prevention measures and protection measures to guarantee the life, integrity, liberty, security and the work of HRDs, giving particular attention to the situation and protection needs of HRDs and other HRDs at increased risk	****	****	***	***
j) advise the [competent authority] on the desired profiles, selection procedure, income and training of all staff and security personnel with responsibility towards the protection of HRDs	*	*	*	*
k) receive and assess applications for protection measures and implement the appropriate protection measures, including emergency measures, in coordination with other relevant authorities	*	*	*	*
(l) disseminate information to the public about protection programmes for HRDs and how to access them, and about the Mechanism's work, guaranteeing transparency in regards to resource allocation	*	*	*	*
m) disseminate information to authorities and to the public about the UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and the vital and legitimate role, function and work of HRDs	****	****	****	****
n) prepare and submit reports and communications on the situation of HRDs in [country's name] to relevant international and regional human rights bodies and mechanisms				

Notes:

- **** indicate full compatibility (above 95%)
- *** indicate high partial compatibility (70% - 95%)
- ** indicate moderate partial compatibility (40 % - 69%)
- * indicate low partial compatibility (below 40%)

4.4 Other provisions for the protection mechanism

Section 32 of the Model Law (Obligation to implement protection and urgent protection measures) requires that:

'Public authorities shall take all necessary measures to fully and effectively implement protection and urgent protection measures determined under Part IV of this Law'

NHRIs need to have powers of enforcement or compulsion in order to effectively implement the protection and urgent protection measures required by the protection mechanism.

Except during the conduct of an investigation or inquiry, NHRI laws in the selected countries do not confer the power to compel public authorities or issue orders to implement urgent protection measures. This is evident in the NHRI laws of Burkina Faso (Article 5), Togo (Article 21), Côte d'Ivoire (Article 2), Niger (Article 19), Sierra Leone (Article 8).

In the case of Mali, Article (15) of the implementation decree (Décret N°2016-0853/P-RM DU 8 Novembre 2016 Fixant l'Organisation et Les Modalités de Fonctionnement de la Commission Nationale des Droits de L'homme) states that:

'The National Commission for Human Rights can, in the exercise of its mission, solicit the collaboration of any public authority, including law enforcement, the administrative and judicial authorities as well as any natural or legal person'

This provision as it stands is rather lax, as it does not give the NHRI power to order or compel these authorities to act.

In the case of Sierra Leone's NHRI, the sole Commission with powers of compulsion, enforcement can only be done through the High Courts (Article 8 (c), HRCSL Act. No 9, 2004).

(c) power to refer to the High Court for contempt any person who refuses, without justifiable cause, to comply with a decision, direction or order of the Commission within a specified time.

Côte d'Ivoire Article 2 of the NHRI Law states that:

'The CNDH, in matters of promotion, protection and defense of human rights, exercises advisory functions, conducts consultations, conducts assessment missions and makes proposals. As such, it is responsible in particular:

- to challenge any authority or any holder of a power of coercion on violations of human rights in the fields which concern them and to propose measures tending to put an end to them'

It is therefore essential that there be some legally enforceable means of ensuring that public authorities take measures to protect defenders. The NHRIs should be empowered much like Sierra Leone's NHRI to enforce their decisions, orders or directions.

Section 34 (4) of the Model Law (2016) requires that:

'The Mechanism shall respect and maintain the confidentiality of the personal data collected on human rights defenders and those referred to Section 38(2)(b). The Mechanism, together with independent experts and in consultation with civil society, shall develop obligatory information management and digital security policies for their staff and all other authorities with access to information received by the Mechanism'

It further states that:

'The Mechanism, together with independent experts and in consultation with civil society, shall carry out periodic reviews of the implementation of this Law and the Mechanism's effective functioning. The first review shall be carried out within [18 months] of the entry into force of this Law' (Section 34(5), Model Law, 2016)'

According to the Section 35 of the Model Law:

'The [competent authority] shall consult with human rights defenders and other civil society actors in relation to all aspects of the work of the Mechanism'

None of the NHRIs in the selected countries have a specific mandate to consult with HRDs and civil society actors in the performance of their functions. However, almost all the NHRIs have been given broader mandates to cooperate with other actors, organisations or mechanisms in the furtherance of human rights.

The law of the NHRI of Burkina Faso (*Loi No. 001-2016/AN*) does not mention the duty to 'consult' but requires the Commission to 'develop networks and relations of cooperation with national and international institutions, CSOs at the national and international levels pursuing the same objectives'. A similar requirement appears in the law establishing the Côte d'Ivoire NHRI (Law No. 2018-900) in its Article 2.

The law establishing Niger's NHRI (*Loi No. 2012-44*) does not mention collaboration with civil society but gives the Commission a mandate for the promotion, information, education and awareness of human rights, as does Togo's NHRI Law.

While the law establishing Sierra Leone's NHRI does not explicitly mandate the function of consultation with civil society, Article 2(b) (iv) requires the Commission to promote the respect of human rights through cooperation with non-governmental organisations and other bodies engaged in the field (HRCSL Act No. 9 2004).

Mali's NHRI comes closest to fully fulfilling this provision through its promotion and protection mandate, which is assigned the function of consulting with non-governmental organisations (Articles 5 and 6).

Section 36 (1) of the Model Law requires that:

'The [competent authority] shall provide adequate financial resources to the Mechanism to enable it to fulfil its functions and exercise its powers fully and effectively'

It also goes on further to give details on how the funds should be managed and utilised.

All of the NHRIs in the selected countries are guaranteed financial resources from the State based on their laws. Law No. 001-2016 / AN (Articles 48 and 49) obliges the government of Burkina Faso to provide funds to the NHRI. These funds are managed with transparency by the Court of Auditors. Nonetheless, NHRIs such as Burkina Faso's lack the resources to effectively carry out this mandate.

Article 33 of the Côte d'Ivoire NHRI Law (*Loi No° 2018-900*) stipulates that the core financial resources of the NHRI should come from the State budget. It also allows the NHRI to receive additional resources by way of donations, legacies and subsidies from individuals or corporations, national or foreign. It also makes prescriptive statements on management of the NHRI's accounts (Articles 35 and 36 - *Loi No° 2018-900*).

In the case of the Niger NHRI, Article 57 of its law (*Loi No. 2012-44*) obliges the government to provide funds for its operations. The law requires these funds to be managed with transparency and subject to audit, with the NHRI required to report on the use of its budget.

Similar provisions exist in the NHRI laws of Sierra Leone (Articles 21 and 22 - HRCSL Act No.9 2004), Mali (Articles 33, 34 and 35 - *Loi N°2016-036*) and Togo (Article 25 - *Loi organique n°2005-004 du 9 février 2005 modifiant et complétant la loi organique n°96-12 du 11 décembre 1996 relative à la composition, à l'organisation et au fonctionnement de la Commission Nationale des Droits de l'Homme (CNDH)*).

However, the question of whether these resources are adequate in enabling NHRIs to execute their functions and exercise their powers effectively needs further examination.

Section 37 of the Model Law makes provision for the training and vetting of persons involved in the implementation mechanism.

It states that:

'All persons involved in the Mechanism, including security and law enforcement officials, shall be appropriately vetted and shall receive training prior to the commencement of their involvement, together with continuing training designed to ensure full and effective implementation of the Law. The training under sub-section 1 shall include training on human rights and fundamental freedoms, including the situation and protection needs of victims and of more vulnerable human rights defenders, specifically those working on sexual orientation, gender identity and sex characteristics issues, those acting or working in rural and remote areas and women human rights defenders'

Based on their appointment procedures, it is reasonable to suggest that the NHRIs in the selected countries have adequate provisions for vetting their members and therefore have the capacity to implement Section 37. However, the fact that some of the NHRIs are under status B seems to indicate a lack of full compliance with the Paris Principles, with potential issues related to their actual or perceived independence from the Executive.

The selection procedure for the Burkina Faso NHRI in Chapter 3 of its law (*Loi N°001-2016/AN Portant Création d'une Commission Nationale des Droits Humains*) allows background checks for Commission members, but not other staff members. There are similar provisions in Article 9 of the Côte d'Ivoire NHRI Law and Chapter 1 of the Niger NHRI Law. Article 2 of Sierra Leone's HRCSL Act No. 9 2004 also provides for the vetting of members of the Commission, as do Article 11 of the Mali NHRI Law and Article 3 of the Togo NHRI Law.

These legal provisions are only applicable to members of the Commission (Commissioners), not other staff as required by the Model Law. Furthermore, the laws in the selected countries do not mandate human rights training of the type described in Section 37 (1) and (2) of the Model Law.

4.5 Status of the development of HRD laws in the selected countries

The issue of protection mechanisms is closely tied to the HRD Protection Laws being developed in the various selected countries and Table 3 below presents the status quo in the various countries selected for this research.

Table 3

Progress in the development of HRD protection laws in the selected countries¹³

COUNTRY	CONSULTATIONS	DRAFT LAW PREPARED	DRAFT LAW SUBMITTED	LAW ADOPTED	IMPLEMENTATION MECHANISM
Burkina Faso				X	NHRI
Côte d'Ivoire				X	NHRI
Mali				X	NHRI
Niger			X	X	
Sierra Leone			X		NHRI proposed

Notes: X - Indicates progress in the development of the law for the protection of HRDs

4.6 Other alternatives as protection mechanisms

Information obtained from a regional workshop organised by ISHR from 19 to 20 December 2017 revealed that all of the NHRIs were established before the development of the Model Law. Therefore, the findings of this analysis of the policies and laws of the NHRIs vis-à-vis the Model Law show important shortcomings regarding their proposed role as protection mechanisms.

Furthermore, reports presented at the workshop by NHRI representatives from some of the selected countries indicated that the independence and financial autonomy required by the Model Law is far from fully realised. It was also pointed out that the prevention mandate and the power to issue orders and directives are fundamental requirements for a protection mechanism. Any institution

established without these powers and abilities could not be called an effective protection mechanism. Examples were discussed on the establishment of institutions for the prevention of torture in countries where new institutions were established with independent mandates as required by the Optional Protocol to the Convention against Torture (OPCAT). In other regions such as Latin America, new institutions have been established to fulfil the mandate of protection mechanisms in Colombia and Mexico. A similar approach is currently being considered in Honduras. The Mexican institution was hailed as the best funded protection mechanism in the world, although the sadly regular assassinations of HRDs in Mexico expose its shortcomings.

5.0 Conclusions

Based on the above analysis, it is reasonable to conclude that while there is potential for the designation of NHRIs as protection mechanisms, they would only be effective if subject to substantial, far-reaching and fundamental changes.

Given the powers and functions listed in the laws of the Burkina Faso, Côte d'Ivoire, Mali, Niger, Sierra Leone, and

Togo NHRIs the analysis has shown that they partially fulfil the requirements of the protection mechanism as stated in the Model Law.

Although the compatibility levels of the laws are high for NHRIs in the selected countries there are nonetheless significant deficiencies which would limit their capacity

to effectively serve as the protection mechanism. These include sparse resources, the lack of a specific mandate to consult with HRDs; the lack of a prevention function; the lack of enforcement powers for the implementation of their decisions, directives and orders; and the lack of adequate human rights training for NHRI personnel and staff.

In places where NHRIs are or will be designated as protection mechanisms, it is recommended that there should be a time bound review of all NHRI Laws, taking into consideration feedback and experiences from implementation of the protection mechanism in the intervening period. The review period could be stipulated as every five years and should be broad based and all encompassing.

It must be emphasised that this study only examined the laws and policies of the NHRIs in the selected countries in tandem with the Model Law. A further in-depth analysis incorporating structured surveys, field visits and focus group discussions on their operation and performance is required to enhance the research recommendations and practices.

From the findings, it can also be concluded that there may be some cases where the NHRI cannot be effective. In these cases, consideration should be given to other possible protection mechanisms.

6.0 Recommendations

In addition to recommendations made under the analysis section, the following recommendations are proffered to strengthen the compliance of NHRIs with the requirements of a protection mechanism.

- NHRIs should have a specific mandate to consult with civil society on the development and establishment of protection mechanisms for HRDs.
- NHRIs should be given the mandate to consult with civil society in the execution of their functions as protection mechanisms. This provision should be included in the HRD Law.
- NHRIs should be provided with adequate, earmarked and independently sourced funds to undertake the specific mandate of protection mechanism for HRDs.
- NHRIs should be given a prevention function and be able to comment on draft legislation and public policies relevant to HRDs.
- NHRIs should be empowered to undertake and enforce concrete protection measures and directives. This function should be exercised in close collaboration with the security and judicial agencies in the country.
- NHRIs should be mandated to scrutinise and properly train staff and personnel involved in the implementation of the protection mechanism.
- As a crucial part of the human rights infrastructure in a country, NHRIs should be involved from the onset in the development of HRD law. This would ease their potential transition into the role of implementation mechanism for any HRD law.
- NHRIs should work towards being fully compliant with the Paris Principles to enhance their potential to effectively serve as protection mechanisms.
- NHRIs should not be seen as the only possible option for the establishment of a protection mechanism as there may be cases where the establishment of a new or different entity would be more effective.

References

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7. Loi N°2016-036/ Du 7 Juillet 2016 Portant Création de la Commission Nationale des Droits de l'Homme – Mali
8. Décret N°2016-0853/P-RMDU8 Novembre 2016 Fixant l'Organisation et Les Modalités de Fonctionnement de la Commission Nationale des Droits de L'homme – Mali
9. Décret N°2020-0087/P-RM du 18 Février 2020 Fixant les modalités d'application de la loi relative aux défenseurs des droits de l'homme – Mali
10. Décret N°2017-121 Du 22 Février 2017 Portant Modalités d'Application de la Loi N° 2014-338 du 20 Juin 2014 Portant Promotion et Protection de Défenseurs des Droits De L'Homme – Côte d'Ivoire
11. Décret N°2017-0681/Pres promulguant la loi no. 029-2017 portant protection des défenseurs de droits humains au Burkina Faso

Annex

Accredited Status of the NHRIs in the Selected Countries with the Global Alliance of National Human Rights Institutions (GANHRI) as of 2021

- 1 Togo ———— **A status**
- 2 Sierra Leone — **A status**
- 3 Côte d'Ivoire — **A status**
- 4 Mali ———— **B status**
- 5 Niger ———— **A status**
- 6 Burkina Faso — **Lapsed**



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