



GANHRI Defers Accreditation of NHRC

For Prelims: [NHRC](#), GANHRI, Human Rights, United Nations, [Paris Principles](#), [Supreme Court](#)

For Mains: UN Body Defers Accreditation of NHRC.

Why in News?

For the second time in a decade, **Global Alliance of National Human Rights Institutions (GANHRI)** deferred the accreditation of [National Human Rights Commission \(NHRC\)](#), citing objections like **political interference in appointments** among others.

- The GANHRI had granted **'A' status of accreditation to NHRC in 2017**, after deferring it the year before — the first such instance since NHRC was established (1993).
- Without the accreditation, NHRC will be unable to represent India at the UN Human Rights Council.

What is GANHRI?

- GANHRI is **recognised and a trusted partner, of the United Nations**.
- It was established in 1993 as the **International Coordinating Committee of National Institutions** for the promotion and protection of human rights (ICC).
- It has been known as the Global Alliance of National Human Rights Institutions (GANHRI) since 2016 and is a member-based network organization that gathers NHRIs from all around the world.
- It is composed of 120 members, **India also is a member of GANHRI**
- Its secretariat is situated in **Geneva, Switzerland**.

Why are the Reasons for Deferment?

- The GANHRI cited reasons such as:
 - **Lack of diversity** in staff and leadership
 - **Insufficient action** to protect marginalized groups
 - **Involving the police in probes** into human rights violations
 - **Poor cooperation** with civil society
- The GANHRI said the NHRC has repeatedly **failed to deliver its mandate**, in particular to protect the rights of people from marginalized communities, religious minorities, and human rights defenders.
- NHCR's lack of independence, pluralism, diversity and accountability are **contrary to the U.N.'s principles on the status of national institutions** (the 'Paris Principles').

What are the Paris Principles and 'A' Status?

- The [United Nations' Paris Principles](#), adopted in 1993 by the UN The General Assembly

provides the international benchmarks against which **National Human Rights Institutions (NHRI)** can be accredited.

- The Paris Principles set out six main criteria that NHRIs are required to meet. These are:
 - Mandate and competence
 - Autonomy from government
 - Independence guaranteed by a statute or Constitution
 - Pluralism
 - Adequate resources
 - Adequate powers of investigation.
- The GANHRI is a group of 16 human rights agencies – 4 from each region; the Americas, Europe, Africa, and the Asia-Pacific – that have the **Highest Rating ('A') for following the Paris Principles.**
- The 'A' rating also lets them join the **work of the GANHRI and the UN on human rights issues.**
 - The NHRC got its 'A' rating in 1999 and kept it in 2006, 2011, and 2017 after a delay. The GANHRI had delayed it because of some problems with the NHRC's staff and appointments. The NHRC is led by Justice Arun Mishra, who used to be a Supreme Court judge.

What is NHRC?

▪ About:

- NHRC of India is an **independent statutory body established on 12th October, 1993** as per provisions of **Protection of Human Rights Act, 1993**, later amended in 2006.
- It is the watchdog of human rights in India, i.e. the **rights related to life, liberty, equality and dignity of the individual guaranteed** by Indian Constitution or embodied in the international covenants and enforceable by courts in India.
- It was established in conformity with the **Paris Principles, adopted for the promotion and protection of human rights in Paris (October, 1991)** and endorsed by the on 20 December, 1993.

▪ Composition:

- **Key Members:** It is a multi-member body consisting of a chairperson, five full-time Members and seven deemed Members.
 - A person who has been the **Chief Justice of India or a judge of the Supreme Court** can become a chairman.
- **Appointment:** The chairperson and members are appointed by the **President** on the recommendations of a six-member committee consisting of the Prime Minister as its head, the **Speaker of the Lok Sabha**, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of **Parliament** and the Union Home Minister.
- **Tenure:** The chairperson and members hold office for a **term of three years or until they attain the age of 70 years**, whichever is earlier.
 - The President can remove the chairman or any member from the office under some circumstances.
- **Removal:** They can be removed only on the charges of proved misbehavior or incapacity, if proved by an inquiry conducted by a Supreme Court Judge.
- **Divisions:** Commission also has five Specialized Divisions i.e. Law Division, Investigation Division, Policy Research & Programmes Division, Training Division and Administration Division.

What are the Challenges Related to NHRC?

▪ Mechanism of Investigation:

- NHRC lacks a **dedicated mechanism for conducting investigations.** Instead, it relies on the **concerned Central and State Governments** to investigate cases of human rights violations.

▪ Time Limit for Complaints:

- Complaints registered with NHRC after one year of the incident **are not entertained**, resulting in many grievances going unaddressed.

▪ Decision Enforcing Power:

- NHRC can only make recommendations and **does not have the authority to enforce its**

decisions or ensure compliance.

▪ **Underestimation of Funds:**

- NHRC is sometimes perceived as a **post-retirement destination for judges** and bureaucrats with political affiliations. Additionally, inadequate funding hampers its effective functioning.

▪ **Limitations of Powers:**

- State human rights commissions do not have **the authority to request information from the national government.**
- Consequently, they face challenges in investigating **human rights violations by armed forces under national control.**
 - NHRC's powers are related to **violations of human rights by the armed forces** that have been largely restricted.

Way Forward

- The government should take steps to make NHRC's decisions enforceable, ensuring that **recommendations and directives are effectively implemented.** This will enhance the impact and accountability of NHRC's interventions.
- The composition of NHRC **should be diversified by including members from civil society and human rights activists.** Their expertise and perspectives will bring fresh insights and contribute to a more comprehensive approach in addressing human rights violations.
- NHRC needs to establish an **independent cadre of staff with relevant expertise** and experience in human rights. This will enable the commission to carry out thorough investigations, conduct research, and provide informed recommendations.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims:

Q. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (d)

Q. Consider the following: (2011)

1. Right to education
2. Right to equal access to public service
3. Right to food.

Which of the above is/are Human Right/Human Rights under “Universal Declaration of Human Rights”?

- (a) 1 only
- (b) 1 and 2 only
- (c) 3 only

(d) 1, 2 and 3

Ans: (d)

Mains:

Q. Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analysing their structural and practical limitations, suggest remedial measures. **(2021)**

Q. National Human Rights Commission (NHRC) in India can be most effective when its tasks are adequately supported by other mechanisms that ensure the accountability of a government. In light of the above observation assess the role of NHRC as an effective complement to the judiciary and other institutions, in promoting and protecting human rights standards. **(2014)**

Source: TH

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