

National Human Rights Institutional Reform: Formal Design Principles and Political Function

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Abstract: National Human Rights Institutions (NHRIs), government bureaucracies to monitor human rights, proliferated globally in the 1990s and 2000s. Using a new dataset compiled with Ryan Goodman and Derek Jinks, we examine two questions. First, what institutional features make NHRIs effective? Second, how have international pressures contributed to the spread of NHRIs and to the development of effective institutions? Our preliminary analysis suggests that NHRIs established through national constitutions or legislation, rather than through executive acts, are significantly more effective than other NHRIs. In addition, NHRIs empowered to initiate human rights proceedings (such as habeas actions) and NHRIs able to enforce their own decisions are particularly effective. Very preliminary findings suggest that while international pressures contributed to the adoption of NHRIs, these pressures have not necessarily led to the adoption of effective NHRIs. We find that governments that have ratified relevant international treaties (CAT, CCPR, CESC and CEDAW) appear more likely than other governments to adopt NHRIs. However, NHRIs operating in countries that have ratified these instruments, and NHRIs explicitly empowered to engage with international organizations and to enforce international human rights principles are no more effective than other NHRIs. We are particularly concerned about the influence of international pressures in the Asia-Pacific region, where many NHRIs were adopted rapidly, without strong regional prototypes and without strong regional human rights networks.