



Meritorious Journal of Social Sciences & Management

Vol. 05, No. 3 (2022)

Journal homepage:

<http://journal.mgp.org.pk/index.php/MJSSM>

Human Rights Protection and the Effectiveness of National Institutions

Dr. Muhammad Hamza Farooq

ARTICLE DETAILS	ABSTRACT
History Revised format: Aug, 2022 Available Online: Sep, 2022 Keywords human rights protection, national institutions, institutional effectiveness, Paris Principles, accountability ,rule of law.	National institutions have become essential components of modern human rights protection systems. Although international conventions establish universal standards, the practical realization of rights largely depends on domestic institutions capable of investigating violations, receiving complaints, reviewing legislation, monitoring detention facilities, educating citizens and recommending corrective action. This article examines the effectiveness of national human rights institutions, with particular attention to the institutional conditions that enable them to transform formal commitments into practical protection. It adopts a qualitative and analytical approach based on international standards, institutional literature and the experience of Pakistan's National Commission for Human Rights. The analysis indicates that the existence of a commission or ombudsman does not automatically produce meaningful human rights protection. Institutional effectiveness depends on legal and operational independence, a broad statutory mandate, financial autonomy, pluralistic membership, professional investigative capacity, public accessibility and cooperation from executive, judicial and legislative authorities. National institutions are particularly valuable because they connect citizens, civil society, state agencies and international human rights mechanisms. They can document systemic violations, identify weaknesses in legislation and administration, promote remedies for affected groups and improve government compliance with treaty obligations. However, their impact may be restricted by inadequate budgets, delayed appointments, limited enforcement powers, political pressure, poor public awareness and the non-implementation of recommendations.

Department of Political Science, University of the Punjab, Lahore, Pakistan

Email: hamza.farooq@example.com

Introduction:

Human rights are protected through a combination of international obligations, constitutional guarantees, domestic legislation, courts, administrative bodies and independent oversight institutions. International treaties provide normative standards, but their implementation ultimately occurs within national legal and

political systems. Consequently, the effectiveness of human rights law depends not only on the ratification of treaties but also on the existence of institutions capable of translating legal promises into accessible remedies. National human rights institutions, commonly known as NHRIs, occupy a distinctive position within this protection framework. They are normally created by a constitution or legislation but are expected to function independently of the government. Their responsibilities may include investigating complaints, conducting inquiries, visiting prisons, advising legislatures, monitoring public authorities, promoting human rights education and engaging with international monitoring mechanisms. The internationally recognized framework governing these bodies is contained in the Principles Relating to the Status of National Institutions, generally known as the Paris Principles. These principles were endorsed by the United Nations General Assembly through Resolution 48/134 on 20 December 1993. They require a broad human rights mandate, independence established through law, pluralistic composition, adequate resources, investigative powers and cooperation with civil society and other institutions. The effectiveness of a national institution should not be assessed merely by its legal existence. A formally established commission may remain ineffective when it lacks adequate funding, regional offices, qualified personnel, political support or access to state records. Conversely, an institution with limited coercive authority may still exert considerable influence through credible investigations, public reporting, strategic litigation, parliamentary engagement and cooperation with civil society. Pakistan offers an important case for examining this relationship between institutional design and practical effectiveness. The National Commission for Human Rights was established under the National Commission for Human Rights Act, 2012. Its mandate includes investigating alleged violations, reviewing legislation, visiting detention facilities, producing research and advising the government regarding national and international human rights obligations. As of July 2026, the Commission is listed by the Global Alliance of National Human Rights Institutions as an “A-status” institution, indicating full compliance with the Paris Principles under the international accreditation framework.

Conceptual and Legal Foundations of National Human Rights Institutions:

National human rights institutions emerged from the recognition that international monitoring alone could not ensure the protection of individuals within domestic jurisdictions. International bodies generally review state reports, receive selected communications and make recommendations, but they rarely possess the continuous domestic presence required to monitor everyday administrative conduct. NHRIs help address this gap by providing permanent national mechanisms for oversight, investigation and advocacy. The legal legitimacy of such institutions arises from three interconnected sources. The first is international human rights law, including the Universal Declaration of Human Rights and major conventions concerning civil, political, economic, social, cultural, women’s, children’s, disability and minority rights. The second is the national constitution, which normally recognizes fundamental rights and establishes procedures for judicial enforcement. The third is enabling legislation that defines the institution’s structure, jurisdiction, powers and relationship with other state authorities. The Paris Principles emphasize that an NHRI must possess the broadest possible mandate. A narrowly defined institution may be unable to address emerging or interconnected violations. For example, discrimination may involve employment, education, policing, housing and access to public services. An institution limited to only one administrative field would be unable to examine the structural relationship among these problems. National institutions also differ from courts. Courts primarily decide disputes through formal legal proceedings and issue binding judgments. NHRIs may use more flexible procedures, accept complaints without complex litigation, initiate inquiries on their own motion, undertake field visits and identify patterns extending beyond an individual case. They may therefore serve individuals who lack the financial resources, legal knowledge or social power required to approach a court. However, an NHRI should complement rather than replace the judiciary. Serious violations may require criminal prosecution, constitutional litigation or judicial orders. The national institution’s role is to make justice more accessible, identify administrative failures, preserve evidence, recommend reforms

and refer appropriate matters to competent authorities. The establishment of an NHRI also reflects the state's acknowledgement that government agencies should not be the sole judges of their own compliance. Independent oversight introduces institutional checks into the exercise of public authority. It creates an official forum in which citizens, journalists, lawyers, human rights defenders and marginalized communities can challenge administrative conduct without relying entirely on executive institutions.

Institutional Design and the Conditions of Effectiveness:

Institutional effectiveness begins with independence. A commission cannot objectively investigate government agencies when its leadership, funding, staff appointments or reports are controlled by the same authorities under investigation. Independence must therefore be legal, financial, administrative and operational. Legal independence requires the institution's existence, mandate and powers to be established through a constitution or legislation rather than an executive notification that can be easily withdrawn. The appointment process should be transparent, participatory and protected from domination by a single political party or government department. Fixed terms and clearly defined removal procedures protect commissioners from dismissal in response to politically inconvenient findings. Financial autonomy is equally important. An institution may possess extensive legal powers but remain ineffective when it cannot hire investigators, establish regional offices, conduct prison visits or publish reports. Adequate funding should be provided through a transparent process and should not be reduced as retaliation for criticism. Financial accountability is necessary, but budgetary supervision should not become a means of institutional control. Pluralism strengthens legitimacy. The membership and staff of an NHRI should reflect the diversity of the society it serves, including women, minorities, and persons with disabilities, legal professionals, academics and civil society representatives. Diversity improves institutional understanding of the barriers faced by different communities and reduces the risk that human rights priorities will be defined only by politically powerful groups. Accessibility determines whether formal powers produce practical benefits. Complaint procedures should be inexpensive, understandable and available in major national and regional languages. Citizens should be able to file complaints in person, by post and through secure digital systems. Regional offices, mobile complaint units and partnerships with community organizations can extend protection to rural populations and individuals without reliable internet access. Investigative capacity is another core requirement. Effective institutions require trained investigators, legal researchers, forensic expertise, reliable case-management systems and timely access to government documents. They should be able to summon relevant persons, request records, visit places of detention and protect complainants and witnesses from retaliation.

Protection, Accountability and Implementation Mechanisms:

The most visible function of a national institution is complaint handling. Citizens may approach the institution regarding unlawful detention, torture, discrimination, and workplace harassment, restrictions on expression, denial of public services or other violations. Complaint mechanisms enable an NHRI to provide individual assistance while simultaneously identifying recurring institutional problems. Individual complaints should be handled through transparent procedures. Complainants should receive acknowledgement, information about the investigation and a reasoned final decision. Where a complaint falls outside the institution's jurisdiction, it should be referred to the appropriate authority rather than simply rejected. Time limits are also necessary because delayed decisions can deprive victims of meaningful remedies. National inquiries allow institutions to move beyond individual cases. An inquiry may examine patterns of custodial violence, forced labour, discrimination against minorities, gender-based violence or barriers affecting persons with disabilities. Public hearings and consultations can create an official record of experiences that may otherwise remain excluded from policy debates. Detention monitoring is particularly important because prisons, police stations, psychiatric institutions, immigration centers and other closed facilities carry a heightened risk of abuse. Unannounced and confidential visits enable an institution to

examine physical conditions, medical care, legal access, disciplinary practices and allegations of torture. Legislative review represents a preventive function. Instead of responding only after a violation has occurred, an NHRI can evaluate proposed laws and regulations before implementation. It may assess whether vague definitions, excessive penalties, discriminatory classifications or broad surveillance powers are consistent with constitutional and international obligations. Human rights education also contributes to long-term protection. Public officials may violate rights because of institutional culture, inadequate training or poor knowledge of legal standards. Educational programmers for police officers, prison staff, teachers, healthcare workers and civil servants can integrate rights-based principles into routine administrative practice. Nevertheless, recommendations must lead to implementation. Many NHRIs have advisory rather than binding authority. Advisory status is not necessarily a weakness because public reporting, parliamentary debate and judicial use of institutional findings can create significant pressure. Problems arise when governments are permitted to ignore recommendations without explanation. A formal response mechanism should therefore require public authorities to accept a recommendation, provide an implementation timetable or issue a reasoned explanation for rejection. Annual reports should identify unresolved cases, delayed responses and agencies that repeatedly fail to cooperate. Parliamentary committees should review these reports and call responsible officials to explain non-compliance.

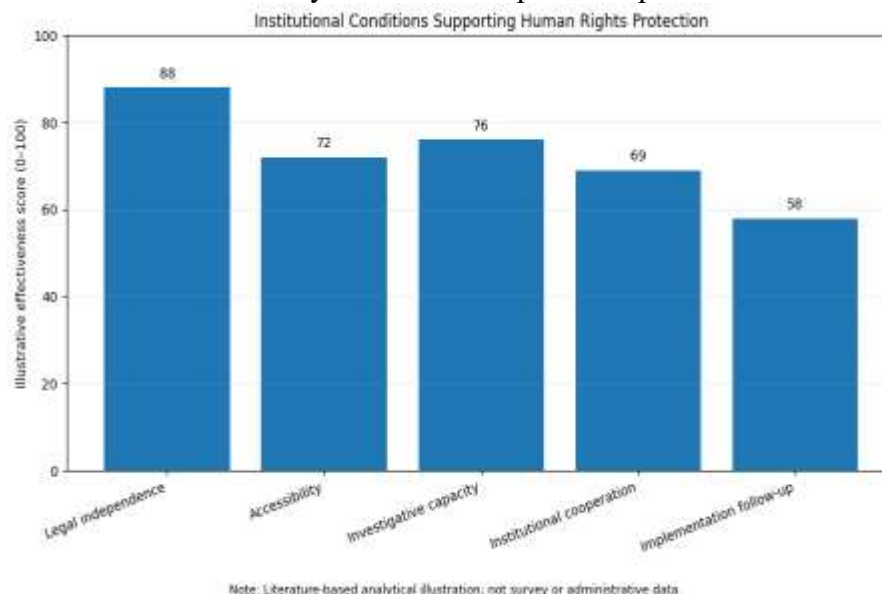
Pakistan's National Commission for Human Rights:

Pakistan's National Commission for Human Rights provides an example of a statutory institution operating across a complex federal, political and social environment. The NCHR Act, 2012 authorizes the Commission to investigate complaints, intervene in relevant court proceedings, visit detention facilities, review constitutional and legal protections, examine factors preventing the realization of rights and recommend legislative or administrative reforms. Its mandate also enables engagement with Pakistan's international obligations. The Commission identifies seven major human rights instruments ratified by Pakistan, including the ICCPR, ICESCR, CEDAW, CRC, CAT, CRPD and CERD. It may provide independent information concerning the implementation of these obligations and advise the government on necessary legal and policy reforms. The Commission's contemporary work illustrates the diverse functions of an NHRI. Its published reports address torture and custodial death, child protection, irregular migration, foreign prisoners, child labour, bonded labour, religious minorities, domestic violence, mental healthcare and the treatment of vulnerable communities during disasters. Its public repository also includes annual reports for 2022, 2023 and 2024. The NCHR has reported several policy and legal interventions. These include advocacy concerning discriminatory employment advertisements, minority employment quotas, identity documents for transgender persons, minimum-wage implementation, disability impact assessments, juvenile justice committees and the registration of Hindu marriages. These examples demonstrate how an NHRI can connect research, advocacy and administrative engagement. Its monitoring of detention facilities has also contributed to public discussion of custodial torture and prison conditions. Under its statutory authority, the Commission may visit jails and other institutions where detained persons are held. Such visits enable it to examine allegations, review records and recommend corrective measures. International accreditation provides an additional measure of institutional credibility. Pakistan's NCHR is currently listed with "A status" by GANHRI. This status indicates that the institution has been assessed as compliant with the Paris Principles. Accreditation, however, should not be treated as a permanent substitute for domestic evaluation. An institution must continually demonstrate independence, transparency, accessibility and measurable impact. The Commission continues to operate in an environment characterized by a large population, regional inequality, security challenges, administrative fragmentation and limited public awareness of complaint mechanisms. These conditions make provincial presence and local accessibility essential. Complaints from remote areas may remain unreported when citizens lack information, transportation, legal assistance or confidence in public institutions. Pakistan can strengthen the NCHR's

effectiveness by institutionalizing government response periods, increasing regional outreach, improving public case-tracking systems and ensuring sufficient financial and technical resources. Cooperation between the Commission, Parliament, provincial governments, courts and civil society is necessary to convert institutional findings into practical remedies.

Challenges, Reforms and Future Directions:

The first major challenge is the difference between formal independence and actual independence. Legislation may describe an institution as autonomous while executive agencies retain influence through appointments, funding or administrative approvals. Transparent selection procedures and protected budgets are therefore essential. The second challenge is inadequate enforcement. Most NHRIs issue recommendations rather than binding judgments. This model preserves their flexible and advisory nature, but it can allow persistent non-compliance. Governments should be legally required to respond to recommendations within a specified period. Rejected recommendations should be accompanied by written reasons subject to parliamentary and public scrutiny. The third challenge concerns accessibility. National headquarters located in capital cities cannot effectively serve entire populations. Regional offices, toll-free complaint lines, accessible websites and mobile outreach programmers are needed. Complaint materials should be available in local languages and formats accessible to persons with disabilities. The fourth challenge is the protection of complainants and human rights defenders. Individuals rights defenders. Individuals may hesitate to report violations when they fear retaliation from employers, police officials, influential community members or political actors. Confidential procedures, witness-protection arrangements and cooperation with legal-aid organizations can reduce these risks. The fifth challenge is weak measurement of institutional impact. Annual reports often present numbers of complaints, meetings and publications but provide less information about remedies and implementation. Performance frameworks should distinguish activities from outcomes. Useful indicators include the percentage of complaints resolved, average investigation time, compensation or remedies obtained, laws amended, detention conditions improved and recommendations implemented. Digital technologies can improve accessibility and accountability through online complaint submission, automated status updates and searchable recommendation databases. However, digitalization must include strong privacy safeguards. Human rights complaints may contain sensitive information about health, identity, political activity, family circumstances or alleged criminal conduct. Insecure systems could expose complainants to additional harm.



Summary:

National human rights institutions provide an essential bridge between international legal standards and the everyday experiences of citizens. Their importance arises from their ability to combine investigation, monitoring, policy advice, public reporting, education and international engagement within a single national body. The analysis demonstrates that institutional effectiveness cannot be measured by legal establishment alone. A commission may possess an impressive statutory mandate but remain unable to protect rights when it lacks financial resources, professional staff, public accessibility or cooperation from government agencies. Conversely, an institution with primarily advisory powers may produce considerable change when its investigations are credible, its reports are public and its recommendations receive parliamentary, judicial and civil-society support. The Paris Principles offer an internationally accepted framework for assessing credibility and effectiveness. Their central requirements include a broad mandate, legal independence, pluralistic composition, adequate resources, investigative authority, cooperation and international engagement. Accreditation under this framework strengthens legitimacy, but continuing national monitoring remains necessary. Pakistan's National Commission for Human Rights illustrates both the potential and the continuing challenges of national institutional protection. Its statutory mandate, A-status accreditation, detention monitoring, legal analysis, thematic research and policy interventions provide an important foundation. Its work demonstrates that national institutions can influence legislation, administrative practices and public understanding even when they do not exercise the same binding authority as courts. For greater effectiveness, governments should be required to respond formally to NHRI recommendations. Parliamentary committees should monitor implementation, while digital case-management systems should improve transparency and accessibility. Adequate budgets, regional offices, qualified investigators and cooperation with civil society are also essential. Ultimately, national institutions cannot independently eliminate all human rights violations. Their success depends on the wider political and legal environment in which they operate. Nevertheless, a genuinely independent, accessible and well-resourced NHRI can expose abuse, amplify marginalized voices, improve public policy and strengthen accountability. National institutions should therefore be viewed not as symbolic administrative bodies but as central pillars of democratic governance, constitutionalism and the rule of law.

References:

- Cardenas, S. (2012). National human rights institutions and state compliance. In R. Goodman and T. Pegram (Eds.), *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions*. Cambridge University Press.
- Global Alliance of National Human Rights Institutions. (2024). *Accreditation of National Human Rights Institutions*. GANHRI.
- Global Alliance of National Human Rights Institutions. (2024). *Principles Relating to the Status of National Institutions: The Paris Principles*. GANHRI.
- Goodman, R., and Pegram, T. (Eds.). (2012). *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions*. Cambridge University Press.
- Linos, K., and Pegram, T. (2015). *Interrogating Form and Function: Designing Effective National Human Rights Institutions*. Danish Institute for Human Rights.
- Mertus, J. (2012). Evaluating national human rights institutions: Considering structure, mandate and impact. In R. Goodman and T. Pegram (Eds.), *Human Rights, State Compliance, and Social Change*. Cambridge University Press.
- Murray, R. (2007). *The Role of National Human Rights Institutions at the International and Regional Levels: The Experience of Africa*. Hart Publishing.
- National Commission for Human Rights Pakistan. (2024). *Annual Report 2024*. Government of Pakistan.

- National Commission for Human Rights Pakistan. (2026). Legal Monitoring and Human Rights Policy Interventions. NCHR Pakistan.
- Office of the United Nations High Commissioner for Human Rights. (2010). National Human Rights Institutions: History, Principles, Roles and Responsibilities. Professional Training Series No. 4, Rev. 1. United Nations.
- Pakistan. (2012). The National Commission for Human Rights Act, 2012, Act No. XVI of 2012. Government of Pakistan.
- United Nations General Assembly. (1993). Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights. Resolution 48/134, adopted 20 December 1993.