

File No.10(34)/2019-Coord
National Human Rights Commission
Manav Adhikar Bhavan
C-Block, GPO Complex,
INA, New Delhi-110023

Dated: ¹⁶7 October, 2019

To

Shri Rajavelu. K,
32, Besant Road, Chokkikulam,
Madurai- 625 002.
Tamil Nadu
rajavelu.k@outlook.com

Sir,

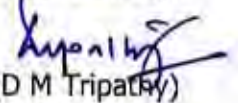
Kindly refer to your RTI application dated 28.8.2019, received on 30/8/2019 in the Commission, seeking information under RTI/2005 addressed to CPIO, National Human Rights Commission. The requisite information sought by you are given as under :-

Sl No	Query	Reply
1	To provide a copy of the report of the "Joint Capacity Assessment of the Office of the High Commissioner for Human Rights, United Nations Development Programme and Asia Pacific Forum" undertaken in December 2018 in the NHRC.	<u>Reply to query 1 & 2 :</u> A copy of final report of the Capacity Assessment of National Human Rights Commission, India conducted by Asia Pacific Forum of National Human Rights Institutions (APF), United Nations Development Programme, Asia Pacific Regional Hub & Office of the High Commissioner for Human Rights, in the Commission in December 2018, is enclosed.
2	To provide copies of the all file notings regarding the Joint Capacity Assessment of the Office of the High Commissioner for Human Rights, United Nations Development Programme and Asia Pacific Forum undertaken by the team in December 2018.	
3	To provide copies of the response sent by the National Human Rights Commission to the Asia Pacific Forum after receiving the report of the joint assessment team in the year 2019.	<u>Reply to query 3 & 4 :</u> The Commission sent a final reply to the APF on 21.5.2019 and a copy of the same is enclosed.
4	To provide copies of all files, documents and related file /notings in the National Human Rights Commission regarding assessment under taken in December 2018.	

3. The details of the Appellate Authority in the matter of RTI are as under:-

Dr.Sanjay Dubey,
Director (Admin),
National Human Rights Commission
Manav Adhikar Bhawan, GPO Complex, INA
New Delhi-110023.

Yours faithfully,



(D M Tripathy)

Under Secretary (Coord)/ PIO

Encl: As stated above

Copy to:- Nodal Officer- w.r.t his letter No. R.C. 16(1)/RTI (on-line)50533/2019 -for kind information.

Subject: **Capacity Assessment of NHRC India**
To: Prof. Chris Sidoti <chris.sidoti@gmail.com>
Cc: Kieren Fitzpatrick <KierenFitzpatrick@asiapacificforum.net>, sgnhrc@nic.in, Joint Secretary <js-nhrc@nic.in>

Date: 22/05/19 10:41 AM
From: "US" <covdnhrc@nic.in>

No.6/1/2018-Coord.
Dear Mr. Chris Sidoti,

Dated: 21/05/2019

Thank you for providing us with the final report of the APF Capacity Assessment of NHRC, India.

2. We are deeply appreciative of the efforts of the APF and its Team in carrying out the Capacity Assessment.

3. As the world's largest democracy, with a population of 1.3 billion, India has been unequivocally committed to human rights protection – it is a signatory to the UN's core human rights conventions including the ICCPR, ICESCR, CEDAW, ICERD, CRC, CRPD, and Optional Protocols to the CRC. Our democratic polity is predicated on values of human dignity, freedom, liberty and equality, which are also the **core values contained in India's Constitution and its Preamble**. The human rights protection framework of the country has been **further bolstered** through the creation of independent National Commissions, including the NHRC, and Commissions on Women, Child Rights, Scheduled Castes, Scheduled Tribes, and Minorities, State Human Rights Commissions, a fiercely independent Judiciary, a robust Media, and a vocal Civil Society.

4. Following the Paris Principles of 1991 endorsed by UN General Assembly, 1993, the National Human Rights Commission, India was set up in accordance with the Protection of Human Rights Act, 1993 (PHRA) with the explicit mandate to protect and promote the inalienable human rights of the people. While a considerable mass of the Commission's work relates to complaint handling, which has grown manifold twice from **five hundred complaints in the year of its inception to One hundred Thousand complaints at present**, the Commission over the last **25 years of its existence**, has contributed immensely towards mainstreaming a human rights culture within Government

organisations as well as Civil Society and non-Governmental organisations and has not shied away from speaking the truth.

5. The Supreme Court of India, in recognition of the commendable work done by the Commission in protecting and promoting civil and political rights and socio-economic justice, has asked the Commission to monitor the functioning of mental healthcare institutions, incidence of bonded/child labour, and extra judicial killings, custodial death in prisons among other potent human rights challenges.

6. Apart from this, the Commission is also an **active member of international forums** such as, **GANHRI**, the **APF**, of which it is a founding member and **CFNHRI**, apart from being actively engaged with UN human rights monitoring processes such as, the **Universal Periodic Review**. The NHRC, India has also been **providing capacity-building assistance** to and **sharing its e-enabled complaint management and information system (CMIS)** and other best practices with NHRIs from across the Asia-Pacific, Africa and other regions, such as Afghanistan, Nepal, Rwanda etc.

7. While careful consideration was given by the Commission to the 33 recommendations and other issues raised in the CA Report by the APF Team, with detailed deliberations having been held at senior levels, there has unfortunately, been no reciprocal attempt on the part of the CA Team to engage in any constructive and/or meaningful manner with the response and concerns raised by the Commission in its comprehensive replies which were sent to the APF's CA Team vide email dated 25.2.2019 and 27.3.2019.

8. The Commission addresses human rights violations within the country both, through the complaints it receives and issues of which it takes suo-motu cognizance – the PHR Act, 1993 bestows upon the Commission the requisite powers to discharge this mandate. The Commission has also devised **important monitoring mechanisms** such as its Camp Sitzings, Open Hearings, monitoring of flagship socio-economic programmes,

Open House deliberations, and public hearings, among a host of other such mechanisms in fulfillment of its mandate, which is reflective of the Commission's robust, dynamic and progressive and forward looking vision.

9. With the appointment of two new Members who have rich experience in the field of human rights, the Commission has augmented its action plan by charting out new programmes and strategies in accordance with its institutional strategic vision plan. This has further enhanced the capacities and broadened their of the NHRC within the country as well as across the globe by participating in various International Forums.

10. While we appreciate the spirit of the Capacity Assessment study carried out by the APF's CA Team, we believe that a two-week assessment is too little to appreciate or understand over two decades of diligent work and concerted efforts of the Commission in discharging effectively and efficiently to achieve the mandate postulated in the PHR Act, by upholding equality, protecting life and liberty and ensuring dignity of the people.

11. The Commission has gained the trust of the citizens of the country and earned its credibility through its ceaseless efforts and contributions towards human rights protection and promotion, guided by the able leadership of the Commission and the commitment of its employees. The monetary and other forms of relief provided to thousands of victims of human rights violations and their families, is testimony of its work in the area. The Commission has recommended payment of Rs.226.98 million to the victims of human rights violations or their next of kin during 2017-2018 while in 2018-2019 the monetary relief recommended is Rs.253.83 million. Besides, disciplinary/departmental action was also recommended against 38 delinquent public servants in 2017-2018 and against 25 public servants in 2018-2019.

12. **We would like to reiterate that the Commission possesses the requisite mandate, leadership, drive, skills, and**

resources to continue addressing in a holistic manner the immediate and long-term human rights challenges being faced by the country. The Commission will also continue its efforts to further enhance its capacities to promote human rights protection and promotion within the country.

13. The Commission will continue to constructively engage with the Asia Pacific Forum (APF), and rely on the expertise of the various APF Training Programmes to strengthen the Commission's capacities in order that the Commission may make meaningful interventions in newer areas in the field of human rights. We do not require further intervention of the APF, envisaged in the MOU, as regards the implementation schedule, and also other aspects of capacity assessment.

14. This may be treated as the final response of the NHRC, India on the matter, as the Commission has the requisite internal mechanisms to not only address issues concerning Governance, strategic and activity planning, program delivery, staffing, and other organizational concerns, but also to monitor the overall human rights situation across India.

15. Under the guidance of the Chairperson and the Full Commission who have vast experience in the domain of human rights, we continue to work collectively for the protection and promotion of human rights in the country and towards further enhancement of our institutional capacity to carry out the mandate as enshrined in the Protection of Human Rights Act, 1993.

16. We once again convey our appreciation and gratitude for the efforts made by the APF's CA Team.

With kind regards,

(Jaideep Govind)
Secretary General
NHRC, India
Email: sg-nhrc@nic.in

To

Mr. Chris Sidoti,
Email: chris.sidoti@gmail.com

Copy to:

Mr. Kieren Fitzpatrick, Director, APF,
Email: KierenFitzpatrick@asiapacificforum.net

CAPACITY ASSESSMENT OF NATIONAL HUMAN RIGHTS COMMISSION OF INDIA

FINAL REPORT

5 APRIL 2019

National Human Rights Commission of India
Asia Pacific Forum of National Human Rights Institutions
United Nations Development Programme, Asia Pacific Regional Hub
Office of the High Commissioner for Human Rights



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ABBREVIATIONS AND DEFINITIONS

APF	Asia Pacific Forum of National Human Rights Institutions
CA	Capacity Assessment
CD	Capacity Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CMIS	Complaint Management and Information System
CSOs	Civil society organisations
CSCs	Common Service Centres
DEO	data entry operators
DGP	Director General of Police
DIG	Deputy Inspector General
ESC(R)	Economic, Social and Cultural (Rights)
FIR	First Information Report
GANHRI	Global Alliance of National Human Rights Institutions
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
IPS	Indian Police Service
JRC	Junior Research Consultants
JRLC	Junior Legal Research Consultants
LDC	lower division clerks
LGBTI	lesbian, gay, bisexual, transgender and intersex
MTS	multi-task staff
NGOs	Non-government organisations
NHRC	National Human Rights Commission of India
NHRIs	National Human Rights Institutions
OHCHR	Office of the High Commissioner for Human Rights
Paris Principles	<i>Principles relating to the status and functioning of national institutions for the promotion and protection of human rights</i> in Commission on Human Rights Resolution 1992/54 and General Assembly Resolution 48/134
PHRA	<i>Protection of Human Rights Act 1993</i>
SC/ST	Scheduled Caste/Scheduled Tribe
SCA	Sub-Committee on Accreditation of GANHRI (formerly ICC)
SHRC(s)	State Human Rights Commission(s)
SOPs	Standard Operating Procedures
SSP	Senior Superintendent of Police
TMB	Treaty monitoring body
TOT	Training of Trainers
UDC	upper division clerks
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNDP APRH	UNDP Asia Pacific Regional Hub
UPR	Universal Periodic Review

In this report, unless the context requires otherwise, 'NHRC' means the National Human Rights Commission of India as a whole, that is, as an institution consisting of the Chairperson, the Members and the staff of the Secretariat. 'Commission' means the

Chairperson and the Members collectively. 'Deemed Members' means those Members who are members pursuant of the *Protection of Human Rights Act 1993* s 3(3), being the Chairpersons of the National Commission for Minorities, the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes and the National Commission for Women.

Unless the context otherwise requires, 'staff' and 'all staff' mean all employees of the NHRC collectively – the secretary general, the joint secretaries, the registrar, the director general, their deputies and assistant directors, the heads of sections, officers and support staff.

Unless the context otherwise requires, 'managers' means the secretary general, the joint secretaries, the registrar, the director general, their deputies and assistant directors, the heads of sections, all of whom have managerial responsibilities in NHRC. The term 'senior managers' means the secretary general, the joint secretaries, the registrar and the director general.

EXECUTIVE SUMMARY

Introduction

This is the report of the findings and recommendations arising out of a Capacity Assessment (CA) of the National Human Rights Commission of India (NHRC), undertaken in December 2018. This assessment was requested by the NHRC and conducted by the NHRC itself, the Asia Pacific Forum of National Human Rights Institutions (APF), the United Nations Development Programme (UNDP) Asia Pacific Regional Hub (UNDP APRH) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) in accordance with the concept note provided by the APF to the NHRC.¹ It was conducted as a part of the Regional Initiative in Support of the Capacity Development of National Human Rights Institutions in Asia Pacific, a joint initiative of APF, UNDP and OHCHR.²

NHRC conducted the CA in December 2018. The CA process included

- analysis of relevant documents and reports to understand the context of the NHRC and the CA³
- discussions with the Chairperson, Members, the Secretary General, the Joint Secretaries, the Registrar, the Director General, their deputies and assistant directors, the heads of sections, officers and support staff, 282 persons in all (228 men and 54 women), individually and in 23 discussion groups⁴
- interviews or discussions with representatives of 24 external stakeholders⁵
- group discussion with the UN Resident Coordinator and representatives of UN agencies in India
- the identification of core capacities issues, 16 in all, on the basis of the group discussions⁶
- a self-assessment questionnaire for the 16 specific key capacity issues, completed either online through Survey Monkey or in hard copy form in English or Hindi, through which 160 NHRC leaders and staff members provided quantitative capacity ratings and qualitative comments.⁷

The NHRC was established on 12 October 1993 by the *Protection of Human Rights Act 1993* (PHRA), which was amended by the Parliament in 2006. Of the NHRC's five full-time Member positions, only three are currently filled. The NHRC has 331 approved staff positions of which 296 are filled. In addition there are currently 55 casual and contractual workers, making a total staff complement of 351 persons. The NHRC's current Strategic Plan commenced in 2018 and extends to 2021. The NHRC has international accreditation with 'A' status.

¹ See Appendix 1.

² See Appendix 3.

³ See Appendix 4 for a list of documents provided to the CA team and consulted by them.

⁴ See Appendix 5 for the CA team's program in India.

⁵ See Appendix 5.

⁶ See Appendix 7 for the 16 key capacity issues.

⁷ See Appendix 8 for the self assessment questionnaire.

Capacity strengths and institutional achievements

The NHRC celebrated its 25th anniversary in 2018. The NHRC, being one of the longest established NHRIs, is well developed and has achieved much.

Cited NHRC *strengths* were

- a generally good law in the NCHR Act, with a broad mandate and strong powers
- independence
- strong and effective national status and human rights leadership by the Chairperson, with the support of the Commissioners
- highly committed, hardworking professional staff
- experienced administrators
- national and international recognition for the NHRC's human rights investigation, research and advocacy
- a library with 27,000 publications and papers available
- a good level of funding, sufficient for 386 staff positions
- good relationships with domestic and international actors.

Cited NHRC *achievements* were

- successful celebration of the 25th anniversary in 2018
- 'A' Status confirmed in 2017
- first strategic plan 2018-21
- highly regarded and trusted complaint handling and investigation
 - victims receive redress, with NHRC recommendations during 2017-18 granting monetary relief in 752 cases amounting to Rs. 21,930,4998/-
 - consistently receives over 100,000 complaints a year
 - Complaints Management and Information System
 - multiple lodging systems for complaints, including mail, in person, email, internet, telephone and now 300 Common Service Centres
 - suo motu initiatives
- effective Camp Sitings and Open Hearings, with 14 held in the past three years
- Supreme Court mandates
- law reform advice to the Government, with advice on 13 proposed laws since 2014
- 24-hour mobile hotline for Human Rights Defenders
 - identified focal point staff for HRDs
 - toll-free helpline
- new website
- awareness raising activities and education and training activities
 - human rights pledge taken by over 100,000 individuals and over 3000 organisations
 - funding human rights education programs at universities and training academies
- building capacity in human rights
 - human rights journals in English and Hindi
 - online training modules
 - funding training programmes the website
 - summer and winter internships, 50 to 60 each for one month
 - human rights library
 - 50 conferences, workshops and other programs 2017-18

- core groups in nine priority areas
- work on bonded labour and human trafficking, including highly successful regional workshops with state and district officials, among others
- funding human rights research projects, on the basis of open applications from universities
- seminar on sexual harassment for government officials.

Core capacity issues

The discussion groups led to the identification of 16 core capacity issues for further examination through questionnaires:

1. The NHRC's culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of resources.
2. The Protection of Human Rights Act 1993, regulations, policy and practices of Governments and Ministries ensure the NHRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.
3. The NHRC develops, adopts, implements, monitors and evaluates strategic plans and annual work plans, following consultation with Members and staff and with external stakeholders. It also ensures that the plans reflect international human rights law (including economic, social and cultural rights as well as civil and political rights), are based on evidence and analysis of the human rights situation in India, and respond to current and emerging human rights issues.
4. The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRI functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.
5. The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC.
6. The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.
7. The NHRC has effective gender policies and programs that ensure the employment of women on the basis of equality at all levels and in all sections and the fair and

respectful treatment of women complainants, victims, witnesses and staff in and by the NHRC.

8. The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.
9. The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.
10. To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people.
11. The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.
12. The NHRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.
13. The NHRC undertakes effective human rights education and awareness raising, that enables it to reach out to all population groups in India, through a strong external communications strategy, including social media, communication in Hindi and English and, where appropriate, other languages.
14. The NHRC has regular engagement and cooperation with civil society organisations, rights forums and think tanks through broad consultation, partnerships, joint projects and common activities.
15. The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.
16. NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.

Most significantly for the NHRC's capacity development priorities, the five capacity issues with the largest capacity gaps, from largest gap to smallest, are

1. The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.
2. The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities
3. The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.
4. To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people .
5. The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC

All five issues with the largest capacity gaps relate to the internal operations of the NHRC. This internal focus has not been found to such an exclusive extent in any other CA. It is certainly an accurate reflection of what was said in the discussion groups. Members, managers, officers and staff see the capacity to 'do the job' as being the NHRC's greatest need and so highest priority. They see internal weaknesses as the main factors holding back its effective performance of its core functions.

Capacity development for the NHRC

The NHRC celebrated its silver jubilee on 12 October 2018. The silver jubilee was an appropriate time to review the institution's capacity – a good time to take stock of where the NHRC had been effective and where it needed to strengthen its capacity so that it could be even more effective in future. At 25 years the NHRC can point to many significant achievements but it is showing signs of age. The Secretary General spoke to the CA team of the NHRC's need for 'rejuvenation'.

This report proposes a program of renewal, Rejuvenation 25, for the NHRC. It recommends a limited number of actions the NHRC could take to effect meaningful rejuvenation. It groups recommended actions under six strategic areas:

1. governance
2. strategic and activity planning
3. program delivery
4. staffing
5. gender mainstreaming
6. external engagement.

It recommends 33 actions under these six strategies.

Governance

Recommended action 1

The Commission should appoint a very senior person, with knowledge of human rights and of the NHRC's work and experience in public administration, to drive Rejuvenation 25 on a full-time basis. The person should be responsible directly to the Commission for implementation of the Commission's decisions on this report's recommendations through a well thought through Rejuvenation action plan with time lines, indicators and responsibilities allocated to focal points.

Recommended action 2

NHRC leaders – the Chairperson and Members, the secretary general, the joint secretaries, the registrar, the director general, their deputies and assistant directors, and other the heads of sections – should strive to build and maintain a culture of respect, trust and teamwork at all levels within the NHRC. This requires fair and equitable treatment of all NHRC personnel -- Commission Members and staff.

This kind of culture can be developed and maintained by engaging all staff in building a shared vision, strategies and priorities for the NHRC, and through the NHRC itself modelling core human rights values such as dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of human, financial and infrastructure resources.

Specific steps that can be taken to build this culture include

- conducting learning sessions on human rights for staff members on a regular basis
- organising managers' sessions of peer to peer exchange of knowledge on leadership, management and application of human rights in managing human resources
- encouraging staff members to participate actively in designing programs, including by rewarding novel ideas and innovation
- building on current initiatives for staff, such as the sports association and create more social platforms for team leaders and team members.

Recommended action 3

The NHRC should continue to protect and ensure its independence and autonomy as provided by law in the *Protection of Human Rights Act 1993*. It should assert its independence

vigorously through a variety of strategies. In particular, it should seek amendment to the PHRA to state that the NHRC is an independent institution that is not subject to direction from the Central Government or any State Government of India,

Further, in accordance with the recommendations of the GANHRI SCA, the NHRC should seek to incorporate in legislation an open, transparent process for the selection and appointment of the Chairperson and Members of the Commission that includes requirements to

- notify vacancies publicly and broadly
- encourage candidates from a wide range of groups including women, people with disabilities, hijra and other sexual minorities, and members of scheduled castes, scheduled tribes, backward classes and minorities
- enable broad consultation and participation in the application, screening, selection and appointment process
- assess applicants on the basis of pre-determined, objective and publicly available criteria.

The NHRC should also seek amendment to the PHRA to permit it to appoint the Secretary General, the head of investigations and all other staff through direct recruitment rather than through deputation from the Central Government.

The NHRC should also seek amendment to the PHRA to require the tabling of the NHRC's annual and special reports in parliament within a fixed time of receipt whether or not the Government is able to table a response at the same time.

Recommended action 4

The NHRC should review the inclusion of Deemed Members in its statutory membership, to evaluate what value they have added to the NHRC's work and to identify whether they can be enabled to make more significant and regular contributions and, if so, how. Unless the review finds strong reasons to retain Deemed Members and unless the potential difficulties for the NHRC in relation to its accreditation under the Paris Principles can be resolved, The NHRC should recommend to the Central Government and parliament the amendment of the NHRC to remove Deemed Members from formal membership of the Commission. If the Act is amended in this way, the NHRC should continue to invite the heads of other relevant national institutions to meet once or twice a year with the NHRC Members to permit an exchange of view and to promote cooperation and collaboration among the institutions.

Recommended action 5

The Commission should ensure that, so long as Deemed Members are Members of the Commission, they participate meaningfully in the Commission's decision making, including by holding Statutory Meetings of the full Commission at least twice a year with the key responsibilities, at appropriate points each year, to

- approve the strategic plan
- approve the annual work plan
- approve the NHRC's annual budget

- receive and discuss reports of NHRC activities against the strategic and annual workplans
- evaluate the NHRC's performance on an annual basis against the strategic and annual workplans
- coordinate activities between the NCHR and the national commissions that the Deemed Members head
- develop common policies and law reform proposals when considered necessary and plan joint advocacy on those common policies and proposals.
- monitor and analyse human rights situations and trends and actively interact with international human rights mechanisms, including by submitting parallel reports.

Recommended action 6

The NHRC should consider the establishment of an All-India Council of Human Rights Institutions, led by the NHRC and including all appropriate national institutions and SHRCs. The proposed All-India Council of Human Rights Institutions should meet at least annually to enable exchange of views among the institutions and to promote cooperation and collaboration, including joint activities and possibly joint advocacy. Major national CSOs with a human rights mandate could also be invited to participate as active observers in the discussions and possibly in joint activities.

Recommended action 7

NHRC leaders should allocate high priority to building and maintaining the visibility of NHRC in India. They should explain and emphasise the distinctive role of NHRC as an independent State institution that is neither governmental nor non-governmental, that has a statutory mandate for the promotion and protection of human rights and that strives to ensure promotion and protection of human rights for all in India.

Strategic and activity planning

Recommended action 8

Building on the strategic and annual activity planning commenced in 2018, NHRC leaders should ensure that NHRC always has

- a multi-year strategic plan for the whole organisation that determines its objectives, priorities and key results in implementing its statutory mandate
- an annual activity workplan for the whole organisation and for each division, consistent with the strategic plan, that provides for the organisation's and the division's contribution to the implementation of the strategic plan and key results for the year
- clear indicators, targets (both annual and multi-year) and measures for monitoring and evaluation in the strategic plan and annual activity plans.

Recommended action 9

The NHRC strategic plan and annual workplans should be evidence based, identifying national priorities. They should be developed through a human rights based approach that includes internal consultation with all Commission Members and staff accompanied by

external consultation with key stakeholders in government, civil society, relevant other national commissions and SHRCs.

Recommended action 10

The strategic plan should reflect and balance appropriately the various functions of NHRIs under the Paris Principles: research, advising, monitoring, educating, training and raising awareness, and complaint handling. It should ensure that the NHRC performs the full range of NHRI functions. It should provide for the balanced allocation of resources – staff and funds – across all these functional areas to ensure that the NHRC operates as a fully-fledged NHRI. It should in particular direct additional priority and resources to NHRI functions other than complaint handling. It should also ensure appropriate balance between work on civil and political rights and work on economic, social and cultural rights in accordance with its mandate for all human rights.

Recommended action 11

The NHRC's annual workplan should set priorities, allocate responsibilities, fix schedules and deadlines and establish accountability mechanisms to ensure the strategic plan's implementation. It should implement for the year in question the balanced allocation of priorities and resources – staff and funds – across all NHRI functional areas. It should also stipulate the NHRC's activities for monitoring and evaluating its work. Implementation of the annual workplan should be reviewed on a quarterly basis.

Recommended action 12

As part of its planning process, the NHRC should build on its existing workplans by developing and implementing broad strategies and policies for its key functions, including

- media and communications, including social media
- human rights promotion through education and awareness raising
- outreach to women and children and to poor and marginalised groups, especially scheduled castes and tribes and backward classes, ethnic, religious and cultural minorities, illiterate and poorly educated persons, persons in remote areas, those in cities and towns living in extreme poverty and hijra and sexual minorities
- external relations with the Government and relevant ministries, Parliament and relevant parliamentary committees, academics, human rights defenders and civil society.

Program delivery

Recommended action 13

Within its strategic plan and annual workplans, the NHRC should develop and implement a structured program of legislative review to assess existing and proposed legislation for its consistency with international human rights law. The NHRC should report to the government and the parliament and to the public on the results of its reviews. The law reform program should commence with the identification of those laws in relation to which human rights are most relevant and allocate priority to their review. The NHRC should also ensure that it is

advised of all new legislation being prepared or introduced into parliament so that it can determine whether a human rights issue is raised to warrant NHRC review and report.

Recommended action 14

The NHRC should build its own internal research capacity, appropriately resourced, to undertake in-house research on the basis of research priorities identified by the NHRC and incorporated into the strategic plan and annual workplans. The NHRC should also use its in-house research capacity to partner with external academics in joint research projects in to priority human rights issues.

Recommended action 15

The NHRC's complaint handling services should be accessible, user friendly, effective, responsive, timely, as informal as possible and directed towards resolution of complaints. The NHRC should undertake an external review of its procedures for complaint handling to ensure this. The review should report on how complaints are handled, what strategies and methodologies in complaint handling are more likely to achieve successful resolution of a complaint and how complaint handling can be used to lead to systemic change. The review should look in particular at the role of investigation in complaint handling and the 'rapid intervention' approach to complaint handling.

The review should make recommendations to streamline the complaint handling process to

- minimise multiple handling by reducing the number of levels of supervision and increasing the use of delegations, so that no decision requires handling by more than three people – the case worker and at most two levels of supervisor, including the Commission where appropriate
- eliminate large volumes of printing and copying by dealing internally with all complaints electronically to the greatest extent possible
- ensure quick in-take assessment of each complaint, in accordance with clear criteria set by the Commission itself, to determine whether it is within jurisdiction, whether there is another more appropriate agency to refer the complainant to, whether it is urgent (that is, whether it involves current or imminent physical or other serious harm), what priority should be allocated to it, who should handle it and what instructions to give the complaint handler
- ensure that respondents reply promptly to NHRC requests for reports, including by reducing the number of reminders and acting sooner and more strongly to enforce the provision of reports
- support victims to make complaints, for example, by enabling complainants who cannot speak Hindi or English well to present their information through an interpreter, by replying to complainant's correspondence in the language of the original complaint and by using simple, easily understood language in responses
- provide a wider range of possible recommendations, beyond compensation and occasional prosecution, to include, for example, employment and restitution of property
- follow up on complaints more quickly and more strongly by pursuing the acceptance of recommendations and monitoring their implementation
- ensure that there is a system for complainant feedback on satisfaction with the handling of a complaint.

Recommended action 16

The NHRC should give greater priority and increased resources to the core function of promoting human rights. It should undertake and encourage human rights education, training and awareness raising, with its own in-house capacity and in cooperation with educational authorities, educational institutions and NGOs. It should give greater priority to informal community education. It should increase its use of the public media, including radio, for awareness raising and promotion.

The NHRC should expand its use of online media. It should extend the number and range of online courses available on its website. It should make greater use of its social media sites, including Facebook and YouTube.

Recommended action 17

The NHRC should allocate higher priority to the core function of human rights monitoring, including in relation to places of detention, and reporting on the results of its monitoring. Members and senior staff should undertake visits to places of detention in addition to the NHRC's Special Rapporteurs and Zonal Rapporteurs. The NHRC should look to training on human rights monitoring for its staff and also the recruitment of specialised monitoring staff for these purposes. It should have a schedule of regular monitoring visits to places of detention that ensures frequent visits to prisons, immigration detention centres, police lock-ups, juvenile justice centres and children's, aged and disability accommodation services. It should follow up its monitoring activities through seeking to effect systemic or institutional change in policy and practice. Where appropriate the NHRC should undertake monitoring visits jointly with other national commissions, SHRCs and NGOs and human rights defenders.

Staffing

Recommended action 18

The NHRC should undertake an external review of its staffing structure to ensure that it is able to operate effectively and efficiently. The review should be undertaken by an external civil service human resources expert. The review should be based on the following principles:

- give priority to maximising staff doing human rights work
- be as flat as possible, eliminating unnecessary levels of hierarchy – there should be no more than four levels of supervision between the Commission and any individual staff person
- enable the NHRC to employ staff on a permanent basis through direct recruitment
- provide increased opportunities for internal promotion
- ensure the quality of the NHRC's work and its productivity through effective supervision and accountability of all staff and staff development through training and mentoring.

The review should report on the optimal structure for the NHRC secretariat, the required numbers and positions of staff in each unit, the levels of skill and expertise required for positions (taking in to considerations recommendations made above on balancing core NHRC functions) and the appropriate mix and balance of NHRC staff and outsourced staff. In

considering structure it should examine the need for a unit focusing on international human rights engagement. It should propose an implementation program, including transitional arrangements to ensure the wellbeing of all existing staff and contractors to the maximum extent possible.

Once the review is complete the NHRC should adopt a program for implementation of its recommendations, including transitional arrangements to support current staff, by

- pressing further for finalisation of its revised Recruitment Rules without further delay
- supporting existing temporary staff and contractors, including day wage contractors, to apply for permanent positions in the NHRC or elsewhere on a competitive, merit-selection basis, including through skills training and work experience in new areas of activity
- encouraging applications from a wide range of highly qualified persons, for example, through incentives and developmental opportunities.

Recommended action 19

The NHRC should seek ways, within civil service rules, through which, where it is to fill a post through deputation, it can itself advertise, seek applications and select persons for NHRC employment on the basis of deputation from another civil service authority or agency. The eligibility criteria should require employment in the NHRC for at least three years to provide continuity of leadership within the NHRC secretariat. Persons unable or unwilling to remain in the NHRC for at least three years should not be eligible for deputation. The selection should be merit based. The selection process should include a robust interview with shortlisted candidates to assess not only their civil service management expertise and experience but also their knowledge of and commitment to human rights.

Recommended action 20

The NHRC should also move urgently to address deficiencies in the ways in which 'day wage' contractors work in the NHRC. It should arrange alternative employment options that day wage contractors can choose to enable them to access terms and conditions aligned with national and international labour practices, including paid holidays and sick leave, maternity benefits, health and medical coverage, and a pension on retirement. It should ensure that, whatever the basis of their employment, day wage contractors working in the NHRC have equal entitlements and benefits.

Recommended action 21

NHRC should have

- a system for annual performance appraisal that includes staff in the performance appraisal of supervisors and that also considers issues of workload, support needs and career development of staff
- a human resource development strategy focusing on human rights education for all levels of staff at regular intervals
- a personalised program for training and development, arising out of performance appraisal

- rotation opportunities as part of career development, also arising out of performance appraisal
- an effective grievance system that enables staff members to raise any difficulties they encounter and have them resolved on a fair and credible basis without fear of recriminations.

Recommended action 22

The NHRC should provide all incoming staff with induction training, for at least two days, on the NHRC, its law and mandate, its operating systems and its work program, as well as rights and responsibilities as a staff member, including in relation to gender issues. The NHRC should provide regular training programmes for staff to be able to refresh their knowledge and be introduced to new concepts.

Recommended action 23

The NHRC should obtain an expert assessment of occupational health and safety conditions in the NHRC building, with specific attention being paid to the impact of carbon paper and photocopying on the health and wellbeing of staff. It should provide staff with full information about the results of the assessment.

Recommended action 24

The NHRC should ensure that all staff have access to gender-appropriate toilets on the same floor in the NHRC building as their work station.

Recommended action 25

The NHRC should ensure that meetings of relevant staff are held regularly for information exchange, coordination, reporting on activities and planning, at section, division and all-staff levels. The meetings should also provide opportunities for staff to raise issues of concern to them and to resolve difficulties that affect staff generally. Brief notes and action points of each meeting should be recorded and distributed so that implementation can be monitored and reported.

Recommended action 26

The NHRC should ensure that every member of the Commission and staff has access to the internet and should provide an official email address for every person to promote communications and accountability. Email should be the standard means of official communications within the NHRC, including reporting and seeking and obtaining official approval for activities and expenditure. The internal electronic communications system should be secure to ensure confidential, safe exchange of communications.

Gender mainstreaming

Recommended action 27

The NHRC should develop and implement a gender mainstreaming policy and strategy, in consultation in particular with its women staff and with CSOs specialising in issues

concerning the rights of women. The policy and strategy should have internal and external dimensions, dealing with both the participation and roles of women within the NHRC and the NHRC's work for and with women. The policy and strategy should respond to the particular perspectives and experiences of women in relation to human rights and the cultural context of their communities. The NHRC should also adopt policies and procedures to ensure the safety and wellbeing of women staff in the performance of their duties. It should develop policies and procedures for staff in responding to complaints received from women on sensitive issues, especially gender based violence. It should ensure that all staff members at all levels receive gender sensitivity training, including in relation to the zero tolerance for sexual harassment.

Recommended action 28

As part of its gender mainstreaming policy the NHRC should implement a program to encourage and support women to enter NHRC employment at all levels with a view to having at least 40% of positions at all levels occupied by women within five years.

External engagement

Recommended action 29

The NHRC should seek to build constructive engagement with the parliament, especially through parliamentary committees dealing with matters relating to human rights. It should build a reputation as parliament's pre-eminent expert adviser on human rights. It should advise in particular on human rights issues arising in current and proposed legislation. It should also seek to have its annual and special reports debated in parliament, either in a plenary session or in a committee.

Recommended action 30

The NHRC should build closer engagement with NGOs through regular meetings, exchange and cooperation on projects. It should include specialist NGOs in all its core groups both to tap their expertise and to involve them in the implementation of NHRC projects. For this purpose all core groups should meet at least quarterly. The NHRC should also ensure regular engagement with NGOs generally through twice yearly consultative meetings. The NHRC and NGOs should work together in monitoring the human rights situation in the country through sharing findings and reports, as well as conducting human rights training programs together. They should together encourage the Government to establish a national mechanism for the implementation of the recommendations of international human rights mechanisms, including the UPR and treaty bodies, and sit as members in this mechanism along with other stakeholders.

Recommended action 31

The NHRC should strengthen and formalise its relationships with SHRCs. It should have MOUs with SHRCs that provide both the framework for cooperation and agreed areas of work and mechanisms for exchange of information. It should also have agreed procedures for handling complaints in which both the NHRC and an SHRC have an interest, including relating to referral of complaints from the NHRC to an SHRC. The NHRC should consider

the inclusion of SHRCs in a proposed All-India Council of Human Rights Institutions, along with the other national institutions.

Recommended action 32

The NHRC should continue and extend its contribution to international human rights mechanisms. It should provide parallel reports to treaty monitoring bodies and to the UN Human Rights Council's Universal Periodic Review. It should engage with and support the work of the Special Procedures of the Human Rights Council. It should continue to encourage India's ratification of human rights treaties that it has not yet ratified so that India may be more active in promoting international human rights law and the international human rights system. The proposed staffing review should examine the need for a unit focusing on international human rights engagement.

Recommended action 33

The NHRC should extend its engagement with UN and other international agencies in support of the NHRC's work, both through contributing to the work of those agencies and in drawing on their expertise. It should discuss areas of common interest and possible collaboration with key agencies, actively seeking them out and encouraging them to see the NHRC as an important partner in their own work.

1. BACKGROUND

1.1 Introduction

This is the report of the findings and recommendations arising out of a Capacity Assessment (CA) of the National Human Rights Commission of India (NHRC), undertaken in December 2018. This assessment was requested by the NHRC and conducted by the NHRC itself, the Asia Pacific Forum of National Human Rights Institutions (APF), the United Nations Development Programme (UNDP) Asia Pacific Regional Hub (UNDP APRIH) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) in accordance with the concept note provided by the APF to the NHRC.⁸ It was conducted as a part of the Regional Initiative in Support of the Capacity Development of National Human Rights Institutions in Asia Pacific, a joint initiative of APF, UNDP and OHCHR.⁹

The CA process is not an external evaluation of the NHRC and it is not a research project on either the NHRC itself or the human rights situation in India. It is a self-assessment based on the perspectives of leaders and staff of the National Human Rights Institution (NHRI). It does not follow up statements or seek corroborating or contradicting evidence or interrogate the NHRI leaders and staff to verify what they say. The process accepts, analyses and reports on the self-assessments given by the leaders and staff, including inconsistent views and opinions where they arise. It does not seek to evaluate or weigh evidence to form conclusions of its own. It does seek to reflect accurately what participants in the CA say in discussion groups and report in questionnaires so that it can propose a program for Capacity Development (CD) for the NHRI.

The structure of the report is as follows.

1. The report begins by introducing the CA process and provides the background of the NHRC and the context of the CA.
2. It analyses the results of the CA process for the NHRC, according to the 16 key capacity issues identified by the NHRC leaders and staff.
3. It proposes a number of actions for CD aimed at enhancing the operational effectiveness of the NHRC but it does not address the human rights situation in India.
4. The appendices provide additional materials and information on the NHRC and the CA process and the detailed results of the questionnaire about the core capacity issues.

The CA team facilitated the NHRC's self-assessment from 3 to 14 December 2018. The team comprised

- Chris Sidoti (team leader), senior consultant with the Asia Pacific Forum
- Sisi Shahidzadeh, Deputy Chief, National Institutions and Regional Mechanisms Section, OHCHR, Geneva
- Sharmeela Rassool, Chief Technical Adviser, Human Rights Program, UNDP Bangladesh
- Simon Karunagaram, Deputy Secretary, Human Rights Commission of Malaysia¹⁰

⁸ See Appendix 1.

⁹ See Appendix 3.

¹⁰ The Human Rights Commission of Malaysia undertook a Capacity Assessment in September 2017. Mr Karunagaram was appointed to this CA team representing that NHRI.

- Fasoah Aishath, Program Manager, APF Secretariat.

Hussein Bitar, formerly of the Jordan National Center for Human Rights, assisted the CA team with the analysis of statistical data in responses to the CA questionnaires.

1.2 The capacity development process and capacity assessment methodology

NHRC conducted the CA in December 2018. The CA process included

- analysis of relevant documents and reports to understand the context of the NHRC and the CA¹¹
- discussions with the Chairperson, Members, the Secretary General, the Joint Secretaries, the Registrar, the Director General, their deputies and assistant directors, the heads of sections, officers and support staff, 282 persons in all (228 men and 54 women), individually and in 23 discussion groups¹²
- interviews or discussions with representatives of 24 external stakeholders¹³
- group discussion with the UN Resident Coordinator and representatives of UN agencies in India
- the identification of core capacities issues, 16 in all, on the basis of the group discussions¹⁴
- a self-assessment questionnaire for the 16 specific key capacity issues, completed either online through Survey Monkey or in hard copy form in English or Hindi, through which 160 NHRC leaders and staff members provided quantitative capacity ratings and qualitative comments.¹⁵

The CA chronology

29-30 November 2017	possibility of a CA discussed by the NHRC Chairperson and the APF director at the APF Annual Meeting in Bangkok, Thailand
5 January 2018	letter of offer of CA provided by APF to NHRC
30 January 2018	NHRC expresses support for a CA and proposes to undertake it in April 2018
5 February 2018	APF welcomes the NHRC support and proposes the CA commence in April, with the preliminary visit then and the assessment itself beginning in May
7 February 2018	APF provides the CA concept note to the NHRC and the CA manual
13 February 2018	NHRC advises APF that the dates of the CA will be decided after consideration of the proposal
1 March 2018	APF seeks information from the NHRC on the dates to proceed
16 March 2018	APF seeks a response to its email of 1 March
20 March 2018	NHRC writes to four NHRCs that had undertaken CAs to seek copies of the CA reports

¹¹ See Appendix 4 for a list of documents provided to the CA team and consulted by them.

¹² See Appendix 5 for the CA team's program in India.

¹³ See Appendix 5.

¹⁴ See Appendix 7 for the 16 key capacity issues.

¹⁵ See Appendix 8 for the self assessment questionnaire

28 March 2018	NHRC advises APF that it is unable to accommodate a CA due to other commitments in 2018
3 April 2018	APF offers to send a Special Envoy to India to brief the Chairperson and the Commissioners on the CA process so that they can consider proceeding in 2019
24 April 2018	NHRC seeks possible dates for a briefing visit
3 May 2018	APF proposes dates for June and July
15 May 2018	NHRC agrees to the briefing visit occurring on 13 July
16 May 2018	APF confirms the dates for the briefing visit
13 July 2018	APF Special Envoy meets with the NHRC Chairperson, the Secretary General and the Joint Secretary (Planning and Administration)
24 July 2018	APF Director writes to the NHRC Chairperson to offer a CA and provides the concept note, the CA manual, a draft Memorandum of Understanding between the NHRC and the APF for the CA, and a draft program for the CA itself
7 September 2018	NHRC advises APF that it will proceed with the CA in December 2018 and returns the signed MOU
13 September 2018	APF confirms the CA and the dates
3-14 December 2018	CA undertaken with the NHRC Commissioners and staff
29 December 2018	First draft of CA report submitted to the NHRC for comment by 14 January 2019
18 January 2019	CA team again requests NHRC comment on first draft
10 February 2019	CA team makes further request to the NHRC for comment
18 February 2019	in absence of NHRC comment on the first draft, the second draft of the CA report is submitted to the NHRC for comment by 4 March
22 February 2019	NHRC provides a response to the recommended actions in the first draft of the CA report
22 February 2019	CA team asks the NHRC whether it proposes to comment on the text of the draft report in addition to the recommended actions
1 March 2019	NHRC advises it proposes to provide further comment on the text
2 March 2019	CA team replies to NHRC extending the time for comment until 20 March
27 March 2019	NHRC provides comment on the text of the second draft of the CA report
5 April 2019	CA team finalises the report and submits it to the NHRC

The CA focused on development issues in the five core capacity areas identified in the UNDP CD framework:

- policies, procedures and processes, including organisational structure
- leadership
- human resources and knowledge
- financial and other resources
- accountability.

It analysed these five core areas in relation to six functional and technical capacities:

- capacity to plan strategically and implement plans
- capacity to investigate, manage and handle complaints and conduct human rights research and analysis
- capacity to advocate and raise awareness
- capacity to engage with stakeholders and create and manage partnerships
- capacity to monitor and evaluate.

The CA questionnaire contained specific capacity indicators of the 16 key capacity issues identified in the discussion groups. The quantitative self-assessment used a six-point capacity rating system, from 0 to 5, defined as follows:

Category	Capacity rating	Definition
No capacity	0	Relevant capacity does not exist
Very low	1	Very low level of relevant capacity exists
Low	2	Only basic or low level of capacity exists
Medium	3	Partially developed level of capacity exists
High	4	Well developed level of capacity exists
Very high	5	Fully developed relevant capacity exists

1.3 National Human Rights Commission of India (NHRC)

Legislation

The National Human Rights Commission (NHRC) of India was established on 12 October 1993 by the *Protection of Human Rights Act 1993* (PHRA), which was amended by the Parliament in 2006. The PHRA provides that the Central Government shall constitute the NHRC to exercise the powers conferred upon it and to perform the functions assigned to it under the Act.¹⁶

The PHRA requires that the NHRC Chairperson be a former Chief Justice of the Supreme Court of India.¹⁷ The other four Members must be a current or former Judge of the Supreme Court, a current or former Chief Justice of a High Court and two persons from having knowledge of or practical experience in matters relating to human rights.¹⁸ According to the PHRA, the Chairpersons of the National Commission for Minorities, the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes and the National Commission for Women shall be deemed to be members of NHRC.¹⁹

The PHRA provides that the President of India appoints the Chairperson and Members upon recommendation by a committee comprising the Prime Minister as the Chairperson, the

¹⁶ PHRA s 3(1).

¹⁷ PHRA s 3(2).

¹⁸ A Bill currently before the Parliament would amend the conditions for membership of the Commission and increase membership by one person, who should be a woman: *Protection of Human Rights (Amendment) Bill 2018* s 3.

¹⁹ PHRC section 3(3). A Bill currently before the Parliament would add three additional Deemed Members to the Commission, the Chairperson of the National Commission for Backward Classes, the Chairperson of the National Commission for Protection of Child Rights and the Chief Commissioner of Persons with Disabilities: *Protection of Human Rights (Amendment) Bill 2018* s 3.

Speaker of the House of the People, the Minister of Home Affairs, the Leader of the Opposition in the House of the People, the Leader of the Opposition in the Council of States and the Deputy Chairman of the Council of States.²⁰ The PHRA provides for a five-year full-time term for Chairperson and Members, noting that the compulsory retirement age is seventy.²¹

Under the PHRA the Chairperson or any Member can resign by giving notice in writing to the President of India.²² The Chairperson or any Member can be removed from office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry held in accordance with the procedure prescribed by the Supreme Court, reported that the Chairperson or Member, as the case may be, ought on any such ground to be removed.²³ The President may also remove from office the Chairperson or any Member who is

- insolvent
- engaged in any paid employment outside the duties of NHRC
- unfit to continue for reasons of infirmity of mind or body
- declared as unsound mind by a competent court
- convicted and sentenced for an offence, which in the President's opinion involves moral turpitude.²⁴

By the PHRA the Central Government shall make available to the Commission

- an officer of the rank of Secretary to the Government as Secretary-General of NHRC
- police and investigative staff under an officer not below the rank of a Director General of Police and
- such other officers and staff as may be necessary for NHRC efficient performance.²⁵

The Central Government may appoint other administrative, technical and scientific staff as it may consider necessary.

Functions and powers

The PHRA mandates the NHRC to

- (a) inquire suo motu or on a petition presented to it by a victim or any person on his behalf, or on a direction or order of any court, into complaint of violation of human rights or abetment thereof; or negligence in the prevention of such violation, by a public servant
- (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court
- (c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons

²⁰ PHRA s 4(1).

²¹ PHRA section 6. A Bill currently before the Parliament would reduce the term of office to three years: *Protection of Human Rights (Amendment) Bill 2018 s 4.*

²² PHRA s 5(1).

²³ PHRA s 5(2).

²⁴ PHRA s 5(3).

²⁵ PHRA s 11.

are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government

- (d) review the safeguard provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- (e) review the factor, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures
- (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation
- (g) undertake and promote research in the field of human rights
- (h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, the media, seminars and other available means
- (i) encourage the efforts of NGOs and institutions working in the field of human rights
- (j) such other functions as it may consider necessary for the protection of human rights.²⁶

When inquiring into complaints the NHRC has the powers of a civil court under the Code of Civil Procedure 1908. That includes power to

- summons witnesses and examine them on oath
- require discovery and production of documents
- receive evidence on affidavit
- requisition documents from courts
- authorise others to examine witnesses or documents.²⁷

Complaint handling

Under the PHRA the NHRC can inquire into complaints of human rights violations stemming from abuse of power by public servants or based on omissions or disregard of their public duties or through negligence or failing to prevent the violation of human rights.²⁸ It can commence an inquiry both *suo motu* or on a complaint by a victim or any person on his or her behalf.

The NHRC has the power to determine its own procedure through regulations.²⁹ It has adopted regulations establishing the procedure for handling complaints.³⁰ Under the regulations, a complaint has been defined as

all petitions/communications received in the Commission from a victim or any other person on his behalf, in person, by post, by telegram, by fax, or by any other means whatsoever, alleging violation or abetment thereof or negligence in the prevention by a public servant, of all or any of the human rights as defined in Section 2(d) of the Act.³¹

²⁶ PHRA s 12.

²⁷ PHRA s 12.

²⁸ PHRA s 12(a).

²⁹ PHRA s 10(2).

³⁰ National Human Rights Commission (Procedure) Regulations 1994 as amended by the National Human Rights Commission (Procedure) Amendment Regulations 1997.

³¹ Reg 2(c).

The PHRA provides that the NHRC shall not inquire into any matter

- pending before a State Commission or any other Commission duly constituted under any law
- after the expiry of one year from the date on which the act is alleged to have been committed.³²

The PHRA does not specify the categories of complaints that are not admissible, however. The regulations set out complaints that are not 'entertainable' (admissible) and liable to be dismissed *in limini*, that is, at the threshold or on receipt, after initial examination.³³ There is no fee attached to lodging a complaint.³⁴

Complaints are received in English or in Hindi but also in other languages included in the Eight Schedule of the Indian Constitution.³⁵ All complaints are translated into English, at the NHRC's cost, as English is the working language for NHRC complaint handling. Complaints are received in person, by post, by telegram, by fax or by 'any other means whatsoever'.³⁶ For many years the NHRC has also been receiving complaints by telephone and online.

The complaint must disclose all information and relevant details to present 'a complete picture of the matter leading to the complaint'.³⁷ However, missing information does not lead to dismissal of the complaint as the NHRC may seek further information as considered necessary.³⁸ In some instances the NHRC has reached out to complainants to obtain clarifications and further details prior to taking up the matter. Persons who are illiterate or disabled or have other limitations can seek assistance from the NHRC's *madad* (help) counter during the submission of the complaint.

The regulations provide that Commission Members must make all significant decisions in relation to complaints. For example, all newly registered complaints must be placed before the Commission within seven days of receipt or within 24 hours of receipt if it requires urgent consideration.³⁹ For the purposes of complaint handling the Commission may be constituted by a Single Bench of one member or by a Division Bench of two Members or by a Full Bench of three or more Members.⁴⁰

The PHRA provides for the powers of the Commission in resolving complaints.⁴¹ Where the inquiry discloses a violation of human rights, the Commission may recommend the payment of compensation or damages, the prosecution of those responsible for the violation and 'such further action as it thinks fit'. It may also seek appropriate orders from the Supreme Court or the High Court.

³² PHRA s 36.

³³ Reg 9.

³⁴ Reg 8(b).

³⁵ Reg 8(a).

³⁶ Reg 2(c).

³⁷ Reg 8(c).

³⁸ Reg 8(d).

³⁹ Reg 15.

⁴⁰ Regs 7 and 16.

⁴¹ PHRA s 18.

After rising steadily during the NHRC's six years, the number of complaints stabilised at around 70,000 for the next six years between 2001 and 2006. It increased again then but it has been reasonably stable for the last 12 years, fluctuating at around 100,000 a year within a range from 82,000 to 118,000, as shown in table 1.⁴² The number of new complaints received in 2017-18 was the lowest since 2005-06. It cannot be said that the NHRC has had and continues to have a steadily increasing complaints load. That has not been the case since 2007.

Table1: Complaints registered per year

Year	Complaints registered
1994-95	6987
1995-96	10195
1996-97	20514
1997-98	36791
1998-99	40724
1999-2000	50634
2000-01	71555
2001-02	69083
2002-03	68779
2003-04	72990
2004-05	74401
2005-06	74444
2006-07	82233
2007-08	100616
2008-09	90946
2009-10	82021
2010-11	84605
2011-12	95174
2012-13	107655
2013-14	98136
2014-15	114167
2015-16	117808
2016-17	91887
2017-18	82006

Report

The PHRA provides for the NHRC to submit to the Central Government an annual report and at any time special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till the submission of the annual report. The Central Government will lay the reports before each House of Parliament, along with a memorandum of action taken or proposed to be taken on NHRC recommendations and the reasons for non-acceptance of the recommendations, if any.⁴³

⁴² See NHRC Annual Reports for complaint statistics at <http://www.nhrc.nic.in/publications/annual-reports>

⁴³ PHRA section 20

Budget

The PHRA states that the Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the NHRC by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of the PHRA and that NHRC may spend the grant as it thinks fit for performing its functions.⁴⁴

The budget estimate and actual expenditure for the past three reported years are

Year	Budget estimate	Expenditure	Surplus
2014-15	3510.00	3384.12	125.88
2015-16	3754.54	3467.47	287.07
2016-17	4404.00	4044.24	359.76

Rs in lakh

In 2016-17 the NHRC's budget surplus was a little over eight per cent.⁴⁵

Personnel

Of the NHRC's five full-time Member positions, only three are currently filled:

- the Chairperson, former Chief Justice, Shree Justice H L Dattu
- one Member who is a former Justice of the Supreme Court, Shri Justice Pinaki Chandra Ghose
- one Member having knowledge of or practical experience in matters relating to human rights, Smt. Jyotika Kalra.

The other two positions are vacant.

The NHRC has 331 approved staff positions of which 296 are filled. In addition there are currently 55 casual and contractual workers, making a total staff complement of 351 persons. It is currently awaiting approval for an additional 77 staff positions but it also has 35 vacant positions which it can fill. More than 10% of the approved positions are vacant at present. The employment of 112 additional staff would provide a very substantial increase in the NHRC's capacity.

Focus areas and priorities

The NHRC Strategic Plan for 2018-21 identifies its focus areas as follows:

Human dignity for all, protect rights of the people especially from marginalised sections of society, prison reforms, women & child rights, rights of disabled, elderly, LGBTI rights, environment protection, health care & mental health, human rights education, bonded & child labour issues, good governance, business & human rights, human right defenders, NGO's/civil society and encourage research on issues related to human rights, generate awareness and work with all the stakeholders for continuous

⁴⁴ PHRA section 32.

⁴⁵ NHRC Annual Report 2016-17 p 177.

improvement in laws & schemes to promote and protect human rights in a holistic manner.⁴⁶

It also identifies the NHRC's priority functions as

- complaints and redressal mechanism.
- awareness raising, Human Rights Education, training and research.
- cooperation with all SHRCs and other National Commissions.
- cooperation with civil society, NGOs and Human Rights Defenders.
- monitoring and Progress
- engagement in international and regional bodies and mechanisms.⁴⁷

International accreditation

The NHRC has international accreditation with 'A' status. That means it is fully compliant with the international principles concerning NHRIs, the Paris Principles.⁴⁸ It was most recently re-accredited, and its 'A' status confirmed, by the Sub-committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) in November 2017.

The NHRC was an early member of GANHRI, then called the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. It was also one of the four founding members of the APF in July 1996.

⁴⁶ NHRC Strategic Plan 2018-21 p 1.

⁴⁷ NHRC Strategic Plan 2018-21 p 2.

⁴⁸ *Principles relating to the status and functioning of national institutions for the promotion and protection of human rights* in Commission on Human Rights Resolution 1992/54 and General Assembly Resolution 48/134.

2. CAPACITY CHALLENGES AND ISSUES

The Chairperson, the two Members and 279 of the 351 NHRC staff (in all, 282 people, 228 men and 54 women) participated in lengthy discussions of the NHRC's strengths, weaknesses and capacity building strategies and actions. They identified 16 core capacity development issues that were the subject of the CA questionnaires. Then 160 NHRC managers and staff completed the questionnaires. More than 80% participated in the groups, a very pleasing participation rate, but only 46% returned questionnaires, which was disappointing. No Member of the Commission completed the questionnaire.

This section of the report describes and analyses the comments made in the discussion groups and the information provided in the questionnaires.⁴⁹

In its response to the draft report the NHRC said

The work culture, the staffing pattern, the terms and conditions of employment, rules and regulations governing the employment varies from country to country and institution to institution. No two countries or institutions are alike and each institution has its own dynamics and functional working culture. This ground reality should have been taken into consideration by the CA team while preparing the report.

The CA team agrees completely with the NHRC view. The one thing that every NHRI has in common with every other NHRI is its uniqueness. The CA process not only takes that into account but has that as its very basis. The CA is built exclusively on what the NHRI's members, managers and staff say, through the discussion groups and questionnaire returns, and the report reflects their expressed perspectives, views and needs. In the words of the NHRC itself,

The assessment report is a mirror to reflect as to where the Commission stands now and the possibilities for improvement.

During the discussion groups the NHRC's leaders and staff identified many institutional strengths that contributed to the NHRC's effectiveness as a national institution for the promotion and protection of human rights. They also pointed to NHRC achievements.

Strengths and achievements

The NHRC celebrated its 25th anniversary in 2018. The NHRC, being one of the longest established NHRIs, has achieved much. It has been functioning for many years as a fully Paris Principle compliant institution and was again accredited with 'A' Status by GANHRI in 2017. This year for the first time it sought to improve its planning processes through the development of its first Strategic Plan for the period 1 April 2018 – 31 March 2021.⁵⁰

The NHRC has a strong complaints and investigation mechanism, receiving around 100,000 complaints a year. All staff and the external individuals and stakeholders that the CA team talked to reported faith in the NHRC's independent investigation mechanism and trust that victims receive redress and relief through the process. The Supreme Court itself has

⁴⁹ Detailed analysis of the completed and returned questionnaires is in appendices 9 and 10.

⁵⁰ <http://nhrc.nic.in/activities/strategic-plan>.

repeatedly demonstrated its confidence in the NHRC by referring matters to it for investigation. For example, it has ordered the NHRC to provide investigators to oversight an investigation by the Indian Central Bureau of Investigations into a serious case of fake encounters with Police that resulted in large numbers of deaths in Manipur.⁵¹

Complaint handling has resulted in substantial remedies for complainants and victims of human rights violation. The NHRC has advised the CA team:

After enquiry by the Commission, in cases where violations of human rights have been found, the victims /complainants have been awarded the compensation/monetary relief. During last year 2017-18, the Commission has made recommendations for grant of monetary relief in 752 cases amounting to Rs. 21,930,4998/-.

Due to the intervention of the Commission, a large number of victims have received reliefs like grant of pensionary benefits, expeditious and independent investigation of their cases in a time bound manner, registration of FIRs, improvement in hygienic conditions and overall functioning of hospitals and other institutions, environmental issues, relief such as benefits under the welfare programmes like Public Distribution System, Housing Scheme, rescue and rehabilitation of bonded/child labour etc. The Commission also makes recommendations for disciplinary actions/ prosecutions against the guilty public servants.

The above initiatives undertaken by the Commission have enhanced the trust and faith of the common man including marginalized sections of the society in the Commission manifold.

The NHRC has also used Camp Sitzings and Open Hearings very effectively. These are processes by which the NHRC Chairperson and Members go to the people, seeking and handling complaints on the spot and undertaking extensive outreach to communities outside Delhi. The NHRC states,

For providing the justice to the victims of the human rights violations at their doorstep, the Commission is organising the Camp Sitzings and Open Hearings throughout the country at regular intervals. During the last 3 years, the Commission organized 14 Camp Sitzings/Open Hearings in different parts of the country. This is a unique process where public hearings take place in the presence of both the complainants and the accountable State functionaries leading to on-the-spot redressal of their grievances. This platform helps the Commission to know the important human rights issues through interactions with the plethora of civil society members/NGOs/Human Rights Defenders and putting it across to the senior functionaries of the State.

The NHRC has made several advances in integrating technology into its services. The NHRC's electronic Complaint Management and Information System (CMIS) has been upgraded to reduce duplications of complaints. In addition, the system is being rolled out to SHRC's for further integration and coordination between the organisations.

⁵¹ <http://www.newindianexpress.com/nation/2018/feb/12/sc-directs-nhrc-to-assist-cbi-in-manipur-fake-encounter-case-1772312.html>.

While the NHRC has several accessible modes of lodging a complaint, including through phone calls, letters, emails and online through the website, the NHRC is also planning to introduce the service to Common Service Centres at district levels, commencing with 300 Common Service Centres initially, thereby expanding their reach to the people. The Commission has a 24-hour mobile hotline for Human Rights Defenders, with an identified staff focal point for HRDs to contact. In addition, the NHRC has launched a toll-free helpline.⁵²

The new NHRC website is another achievement in improving their services to people, with user friendly design of interaction, and up to date information about their work.⁵³ The website also allows for complainants to track the progress of their complaints online. The website is also accessible through mobile devices and in dual language while also being accessible to people with disabilities.

The NHRC has also provided frequent advice to the Government on law reform. According to the NHRC,

The Commission reviews proposed and extant domestic legislations to ensure that they conform to human rights standards as well as the core values of 'life, liberty, dignity and equality' outlined in the PHR Act. NHRC provides its comments on such legislations based on the advice of its concerned thematic Core/Expert Groups. This continues to be a key area of work in its strategic and annual plans.

It provided the CA team with a list of 13 proposed laws on which it has provided advice since 2014.⁵⁴

The NHRC has conducted a number of awareness raising activities and has established programs to build capacity in human rights.

NHRC has established Core Groups on nine priority areas. Each Core Group is chaired by a Member of the NHRC and consists of experts in the field, relevant government officials and representatives from NGOs. The groups are

- Core Group on Children
- Core Group on Human Rights Defenders
- Core Advisory Group on Bonded Labour
- Core Group on LGBTI issues
- Core Group on Business, Environment and Human Rights
- Core Group on Disability and Elderly Persons
- Core Group on Health and Mental Health
- Core Group on Right to Food
- Core Group on Women.⁵⁵

In summary the discussion groups identified many NHRC strengths and achievements.⁵⁶

⁵² Telephone number 1-4433

⁵³ <http://nhrc.nic.in/>.

⁵⁴ See NHRC comments on issue 2.12 below

⁵⁵ <http://nhrc.nic.in/about-us/core-groups>.

⁵⁶ See also the NHRC website, <http://nhrc.nic.in/>.

Cited NHRC *strengths* were

- a generally good law in the NCHR Act, with a broad mandate and strong powers
- independence
- strong and effective national status and human rights leadership by the Chairperson, with the support of the Commissioners
- highly committed, hardworking professional staff
- experienced administrators
- national and international recognition for the NHRC's human rights investigation, research and advocacy
- a library with 27,000 publications and papers available
- a good level of funding, sufficient for 386 staff positions
- good relationships with domestic and international actors.

And cited NHRC *achievements* were

- successful celebration of the 25th anniversary in 2018
- 'A' Status confirmed in 2017
- first strategic plan 2018-21
- highly regarded and trusted complaint handling and investigation
 - victims receive redress
 - consistently receives over 100,000 complaints a year
 - Complaints Management Information System
 - multiple lodging systems for complaints, including mail, in person, email, internet, telephone and now 300 Common Service Centres
 - *suo motu* initiatives
- Supreme Court mandates
- 24-hour mobile hotline for Human Rights Defenders
 - identified focal point staff for HRDs
 - toll-free helpline
- new website
- awareness raising activities and education and training activities
 - human rights pledge taken by over 100,000 individuals and over 3000 organisations
 - funding human rights education programs at universities and training academies
- building capacity in human rights
 - human rights journals in English and Hindi
 - online training modules
 - funding training programmes the website
 - summer and winter internships, 50 to 60 each for one month
 - human rights library
 - 50 conferences, workshops and other programs 2017-18
- core groups in nine priority areas
- work on bonded labour and human trafficking, including highly successful regional workshops with state and district officials, among others
- funding human rights research projects, on the basis of open applications from universities
- seminar on sexual harassment for government officials.

Core capacity issues

The discussion groups led to the identification of 16 core capacity issues for further examination through questionnaires:

1. The NHRC's culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of resources.
2. The Protection of Human Rights Act 1993, regulations, policy and practices of Governments and Ministries ensure the NHRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.
3. The NHRC develops, adopts, implements, monitors and evaluates strategic plans and annual work plans, following consultation with Members and staff and with external stakeholders. It also ensures that the plans reflect international human rights law (including economic, social and cultural rights as well as civil and political rights), are based on evidence and analysis of the human rights situation in India, and respond to current and emerging human rights issues.
4. The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRI functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.
5. The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC.
6. The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.
7. The NHRC has effective gender policies and programs that ensure the employment of women on the basis of equality at all levels and in all sections and the fair and respectful treatment of women complainants, victims, witnesses and staff in and by the NHRC.
8. The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.

9. The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.
10. To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people.
11. The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.
12. The NHRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.
13. The NHRC undertakes effective human rights education and awareness raising, that enables it to reach out to all population groups in India, through a strong external communications strategy, including social media, communication in Hindi and English and, where appropriate, other languages.
14. The NHRC has regular engagement and cooperation with civil society organisations, rights forums and think tanks through broad consultation, partnerships, joint projects and common activities.
15. The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.
16. NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.

Respondents to the questionnaire

The proportion of NHRC personnel who completed the questionnaire was low, 46%. The 160 respondents were not representative of the NHRC's personnel as a whole or of India's population as a whole. They were predominantly male, older, well educated and had been at the NHRC for many years. They predominantly did not come from under-privileged backgrounds.

- 83% were male
- 87% were over 30 years
- 71% did not come from a scheduled caste or tribe or another backward class
- 91% were Hindu and only 4% were Muslim
- only two respondents had a disability
- 76% were university graduates.
- 73% had been at the NHRC for more than 10 years, 82% for more than five years.⁵⁷

The NHRC expressed concerns about the reliability of the questionnaire responses.

The hierarchical structure of the officers and staff of the Commission and their respective responsibilities are of varying degrees and so is their level of knowledge and understanding on the issues framed by the Capacity Assessment Team. All members of staff interacted by the CA team through discussions and questionnaires do not have the same level of substantive knowledge and understanding of human rights as well as other managerial and planning aspects of the Commission. Therefore, most of the respondents to the questionnaire have given their views based on their own limited knowledge and perceptions. The CA team itself has highlighted this fact on Page-61 of the [draft] report under Issue No.2.13. The middle level managers, i.e. from the level of Section Officers and above, can be said to possess the required knowledge and understanding to meaningfully participate in a discussion which is also corroborated by the CA team's own observation under Issue No. 2.1 on page 32 of the [draft] report that Middle level managers spoke with pride about the Commission, and they along with other staff were proud of working with the NHRC and its tireless working for the last 25 years. Therefore, the assessment of the capacity made by the CA Team relying on the views of the staff whose understanding about the functional aspects and the larger perspective cannot be said to be accurate.

The CA team acknowledges that different staff members have different perspectives and different levels of knowledge. It notes, however, that the respondents to the questionnaire were overwhelmingly longstanding members of the staff (82% having been with the NHRC for more than five years), overwhelmingly the better educated members of staff (76% being university graduates or post-graduates). The respondents were therefore overwhelmingly those with the longest and best knowledge of the NHRC.

There were some significant differences in ratings across the various categories of NHRC staff.⁵⁸ The greatest differences were on the basis of gender, not on the basis of position in the Organisation or the nature of the work undertaken.⁵⁹ A comment is made on this in relation to each core capacity issue.

⁵⁷ See Appendix 8

⁵⁸ See appendices 9 and 10 for disaggregation of ratings by categories of staff

⁵⁹ There were also significant differences between staff with technical qualifications and other staff on almost every issue but the number of respondents with technical qualifications was very small and so no statistical significance can be attributed to these differences. There has been no comment on these differences in the commentary that follows

Questionnaire results

The questionnaires asked respondents to indicate, on a scale from 0 to 5, the NHRC’s current capacity in relation to each individual issue and the required future capacity, in five years’ time, on that issue. It is important to emphasise that the responses to the questionnaires, both quantitative and qualitative, are completely consistent with what was said in the discussion groups. If there had been differences between the responses in the discussion groups and those in the questionnaire, it would have been necessary to ask further questions about each set of responses. This issue has not arisen, however, as responses were completely consistent across the methodologies.

A comment is made on differences in ratings across the various categories of NHRC staff in relation to each core capacity issue.⁶⁰ Looking generally, however, some significant differences in perspective become apparent.

- Female staff rated the capacity gap as greater than male staff did on all issues but one, the exception being issue 13 where they gave the same rating for the gap.
- Research and policy staff consistently rated the capacity gap as greater than legal and investigations staff did – on every issue. On many issues legal and investigations staff identified no gap at all. On many issues, notably issues 7, 9, 10, 11, 12, 14, 15 and 16, the differences were very great. This may reflect the priority given by the NHRC to resourcing investigation and legal work, with few staff and resources being made available for research and policy work.
- There were also significant differences of view between those at the NHRC for under five years and those there for over five years. There was little difference between those there under two years and those there between two and five years.
- Differences were less apparent on the basis of employment status. To the extent that there were differences, staff on deputation seemed to have a different perspective from directly recruited and contract staff.
- There were significant variations on the basis of religion but there did not seem to be any clear pattern underlying those differences. Relative ratings varied from issue to issue.

The table below provides the average scores of all respondents for each core capacity issue.

Table 2: Response distribution for core capacity issues

Capacity Issue	Current Capacity				Future Capacity				Capacity Gap
	# Responses	Mean response (x̄)	Standard deviation (σ)	Standard error (SEM)	# Responses	Mean response (x̄)	Standard deviation (σ)	Standard error (SEM)	
1. The NHRC’s culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of	132	3.48	1.19	.10	132	3.86	1.18	.10	0.38

⁶⁰ See appendices 9 and 10 for disaggregation of ratings by categories of staff.

resources.									
2. The Protection of Human Rights Act 1993, regulations, policy and practices of Governments and Ministries ensure the NHRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.	125	3.50	1.11	.10	118	3.31	1.16	.11	0.30
3. The NHRC develops, adopts, implements, monitors and evaluates strategic plans and annual work plans, following consultation with Members and staff and with external stakeholders. It also ensures that the plans reflect international human rights law (including economic, social and cultural rights as well as civil and political rights), are based on evidence and analysis of the human rights situation in India, and respond to current and emerging human rights issues.	121	3.54	1.18	.11	114	3.88	1.26	.12	0.34
4. The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRI functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.	118	3.64	1.02	.09	115	4.12	1.09	.10	0.48
5. The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC	119	3.45	1.21	.11	115	3.94	1.25	.12	0.49
6. The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.	114	2.75	1.44	.13	109	3.75	1.36	.13	1.01
7. The NHRC has effective gender policies and programs that ensure the employment of women on the basis of equality at all levels and in all sections and the fair and respectful treatment of women complainants, victims,	118	3.63	1.27	.12	113	4.01	1.24	.12	0.38

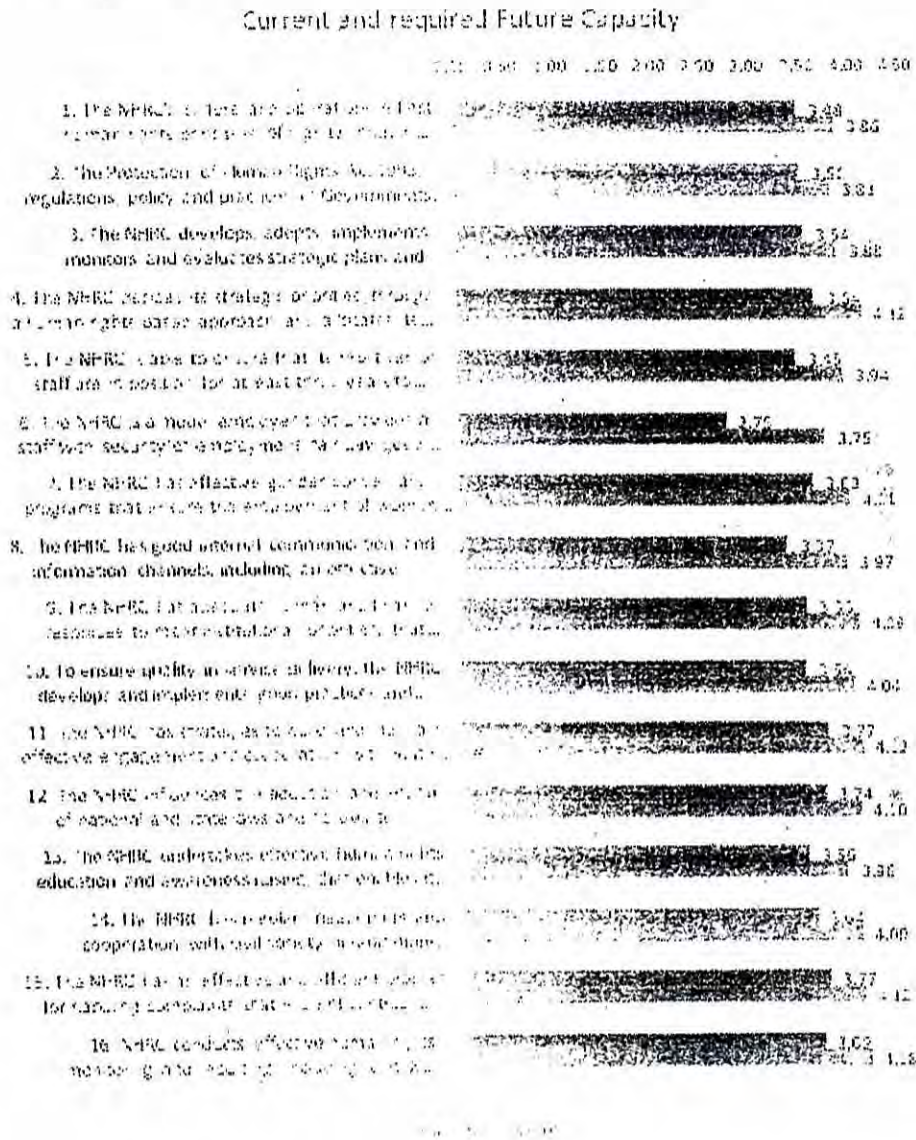
witnesses and staff in and by the NHRC.									
8. The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.	117	3.37	1.27	.12	115	3.97	1.26	.12	0.61
9. The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.	110	3.55	1.17	.11	109	4.09	1.14	.11	0.54
10. To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people.	115	3.54	1.16	.11	110	4.04	1.20	.11	0.50
11. The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.	108	3.77	1.05	.10	103	4.12	1.11	.11	0.35
12. The NHRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.	106	3.74	1.05	.10	105	4.10	1.11	.11	0.36
13. The NHRC undertakes effective human rights education and awareness raising, that enables it to reach out to all population groups in India, through a strong external communications strategy, including social media, communication in Hindi and English and, where appropriate, other languages.	111	3.56	1.08	.10	109	3.96	1.20	.12	0.40

14. The NHRC has regular engagement and cooperation with civil society organisations, rights forums and think tanks through broad consultation, partnerships, joint projects and common activities.	111	3.64	1.00	.09	106	4.09	1.18	.11	0.45
15. The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.	111	3.77	1.14	.11	105	4.12	1.20	.12	0.36
16. NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.	108	3.69	1.01	.10	106	4.18	1.12	.11	0.48

Overall distribution of responses indicates that the standard deviations (σ) for current capacity areas range from the lowest of 1.00 to the highest of 1.44, while for future capacity they range from the lowest of 1.09 to the highest of 1.36. None of the response areas has any significant outliers, indicating a reasonably tight distribution of responses across all issues.

The graphical representation of these scores is in graph 1.

Graph 1: Capacity ratings: current and required future capacities



The capacity issues with the five lowest current capacities are shown in table 3.

Table 3: Lowest current capacities

Issue Number	Capacity Issue	Current Capacity
6	The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.	2.75
8	The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.	3.37
5	The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC.	3.45
1	The NHRC's culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of resources.	3.48
2	The Protection of Human Rights Act 1993, regulations, policy and practices of Governments and Ministries ensure the NHRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.	3.50

The capacity issues with the five highest required (future) capacities are shown in table 4.

Table 4: Highest required future capacities

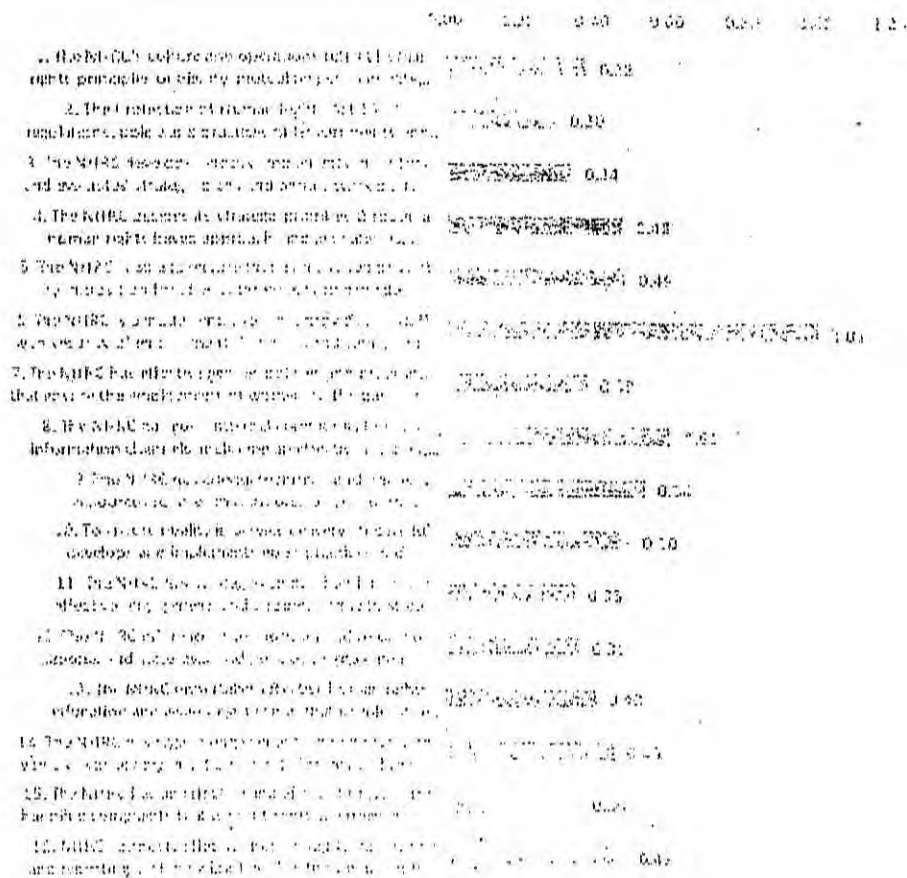
Issue Number	Capacity Issue	Future Capacity
16	NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.	4.18
15	The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.	4.12
4	The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRI functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.	4.12
11	The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.	4.12

12	The NHRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.	4.10
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The capacity gap is the difference between current capacity and required future capacity. It is determined by subtracting the average score for current capacity from the average score for required capacity. The difference is the capacity gap that has to be filled.

Graph 2: Capacity gaps for all capacity issues

Capacity Gaps for all Capacity Issues



The five capacity issues with the largest capacity gaps are shown in table 5.

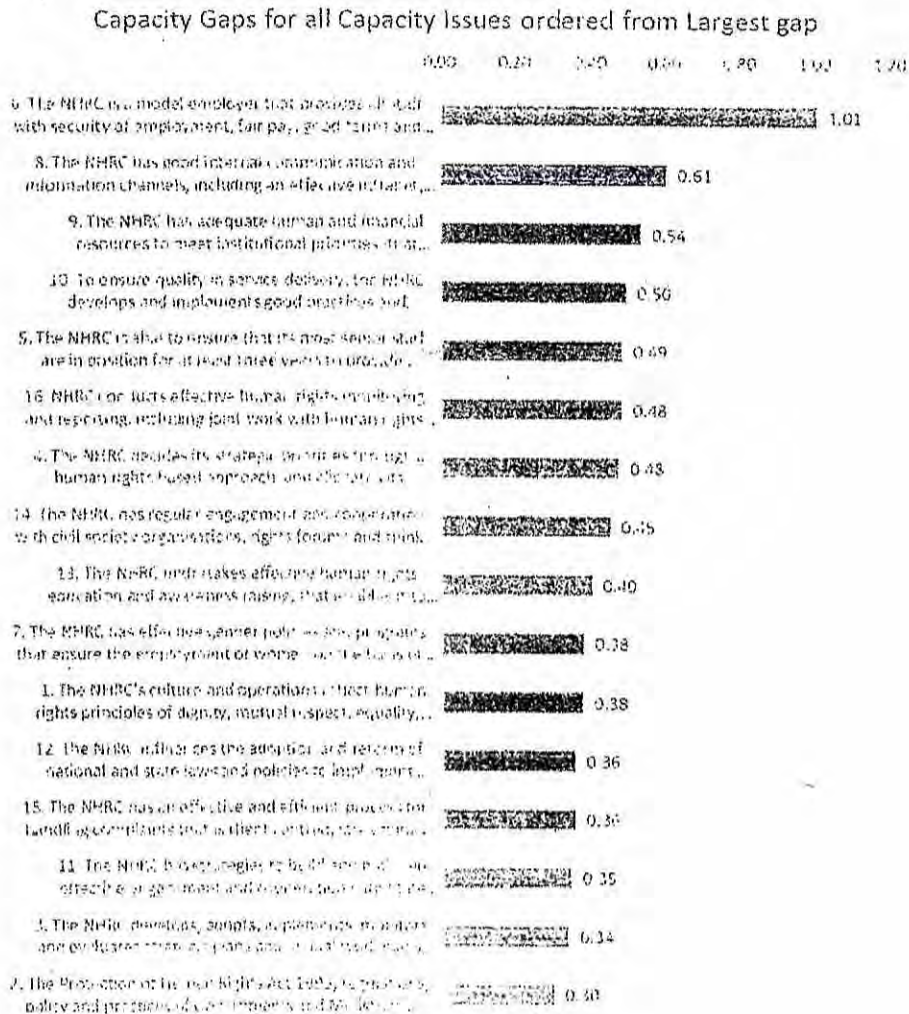
Table 5: Largest capacity gaps

Issue Number	Capacity Issue	Capacity Gap
6	The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.	1.01
8	The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.	0.61
9	The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.	0.54
10	To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people.	0.50
5	The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NIIRC	0.49

All five issues with the largest capacity gaps relate to the internal operations of the NHRC. This internal focus has not been found to such an exclusive extent in any other CA. It is certainly an accurate reflection of what was said in the discussion groups. It does not indicate an introspective pre-occupation, however, because four of the five issues with the highest required capacities relate to the NHRC's core functions and activities. Clearly Members, managers, officers and staff see the capacity to 'do the job' as being the NHRC's greatest need and so highest priority. They see internal weaknesses as the main factors holding back its effective performance of its core functions.

The relative capacity gaps for all 16 core capacity issues are shown in graph 3, from largest to smallest.

Graph 3: Capacity gaps for all capacity issues ordered from the largest gap



The priority gaps identified by Members, managers, officers and staff in the CA need to be addressed if the NHRC is to become more effective in discharging its principal responsibilities for the promotion and protection of human rights in India. Without addressing

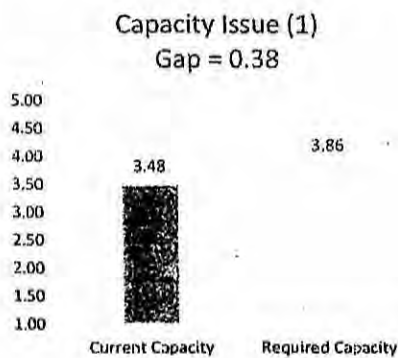
the internal capacity issues, the NHRC will find it increasingly difficult to address the capacity issues related to its core functions as an NHRI.

This section now discusses each of the capacity issues in turn, indicating what was said in the various discussion groups of the NHRC's leaders and staff and the meetings with external stakeholders and what was provided in the questionnaires.

2.1 The NHRC's culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of resources.

The PHRA defines human rights as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of India or embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and such other international human rights treaties specified by the Government of India and enforceable by courts in India.⁶¹ The mission of NHRC is 'to promote and protect human rights of all and enhance the reach of [the] Commission to the

grass root level, especially the vulnerable and marginalized sections of the society'.⁶² The fundamental principles found in international human rights law from its beginnings should be at the heart of the NHRC and its work. These principles are dignity, mutual respect, equality, fairness and non-discrimination. With the continuing development of the law, the fundamental principles are now accompanied by the principles of care for the environment and the responsible use of resources. For 25 years since its establishment in 1993 the NHRC has sought to apply these principles in action.



Staff, especially middle level managers, spoke with pride about the NHRC's work, reflecting its achievements and highlighting the mammoth challenges it had worked hard to overcome. They said that, despite many operational and procedural difficulties, they gained satisfaction and strength from serving the nation's most vulnerable populations free of cost and from bringing justice to those deprived of their rights.

Staff were proud too of working for an organisation headed by the former Chief Justice and said it enhanced the credibility and acceptance of the NHRC among both government officials and the public. The presence of judicial members at the top of the NHRC emphasised and assured its independence. Notwithstanding the comparatively lower salaries in the NHRC compared with the Supreme Court, the middle level managers were happy to work with the NHRC as were many staff at lower levels, including day wagers, LDCs and MTS.

⁶¹ PHRA Section 2(1)(d).

⁶² NHRC Strategic Plan 2018-21 Preamble para 1.

Staff were also pleased by the NHRC's tireless work during the past 25 years to promote equality, respect and fairness in India through their work on complaints. They said that every complaint submitted to the commission received equal attention and was handled with due diligence and care.

The greatest threat to the culture of dignity and respect is the sense of inequality many lower level staff feel. Some lower level staff said that they are often left out of NHRC activities and events, making them feel like 'second class staff'. Most of these said that they were not invited to the silver jubilee celebrations; others said that they were called in at the very last minute to fill empty seats at the event. Nor did they receive the jubilee souvenirs (an NHRC tie for men and an NHRC scarf for women) distributed during the event. The NHRC's recently held Diwali festival was organised at two different venues, the office premises for the junior staff and an expensive external venue for the senior staff. Several groups reported that many junior staff are not treated with respect. At times, for example, delays in bringing tea have resulted in harsh reprimands.

In some cases staff said they felt unequal because of the way the NHRC handled serious deficiencies in office space. The experience in the NHRC building is uneven. Some work areas located on the first and second floors have ample space while those located on the fourth, fifth and sixth floors were small and some were over-crowded. Some staff working on these floors hardly had leg space or space to move around while working. Not all office rooms are maintained well. Some are filled with dust from files which has led to respiratory disorders among some staff. Some staff sit in small offices with no windows with a printer, photocopy or scanner running through the whole working hours.

Staff generally said that they had good access to their immediate supervisors but many lower level staff said that they had little or no access to more senior staff and some mentioned that they had never met the Chairperson, Members or the Secretary General. They said there were very few opportunities for lower level staff to meet directors and senior officials.

These issues – exclusion from activities, inadequate office space, distance from senior officers and Commission Members – taken together with disparities in staff terms and conditions described under core capacity issue 6, lead some staff to feel unequal and inferior in the NHRC.

The average capacity gap on this issue was 0.38. Female staff, staff with a disability and research or policy staff rated the gap as higher.

The NHRC commented on this issue.

The Commission treats its officials and staff with due respect to their dignity and equality. The Commission organizes festivals and other official celebrations, workshops, seminars, open house discussions etc. appropriately in a professionally befitting manner as per the norms in a way that all staff members are given equal opportunity depending on their roles and other logistics constraints.

The other issues of reprimand etc. are extremely trivial and it is unnecessary for a national level Commission of a country as big as India to comment upon. In the view of the Commission, this should not have found place in the report in the first place. The Commission has a well laid out set of laws and policy including verbal

reprimands, notices and imposition of minor & major penalties as per the orders on the subject to deal with indiscipline. Due process of law, regulations and procedures are adhered to in the Commission.

The NHRC has a six storey building to house its staff and assets. This modern building is well laid out with adequate space and larger rooms for both the officers & staff as per the norms. There is a general contentment of staff who are provided with sufficient space and work stations, furniture etc. It is true that few rooms are small and others do not have adequate ventilation. The work is being taken up with the authorities to introduce air ducts / exhaust fans for circulation of air and proper ventilation in the rooms where required. The Commission is also exploring the option of additional space for making seating arrangements.

The Commission is concerned about the welfare and grievances of the staff and has an in-house mechanism for timely redressal of such grievances. The Commission has appointed Nodal Officers for Public Grievances, Sexual Harassment cases, Minorities, Swachh Bharat Abhiyan (cleanliness and hygiene), transparency and Welfare of Pensioners of NHRC who can be approached for their grievances. The Commission nurtures an environment of openness and transparency and any staff member is free to meet the Members or the Chairperson or any other senior officer. The averments in the CA report to the contrary are not acceptable.

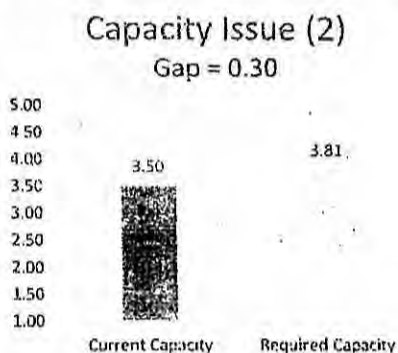
2.2 The Protection of Human Rights Act 1993, regulations, policy and practices of Governments and Ministries ensure the NHRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.

Commission Members and staff spoke strongly about the importance of the NHRC's independence. They said it was independent and acted independently, with the authority of Members who were former senior judges. They pointed to the Chairperson being a former Chief Justice and another Member being a former High Court and Supreme Court justice, NCIIR was thus operating with full autonomy.

However, the PHRA does not specify that the NHRC will function independently from the Government and it does not refer in any other way to the NHRC's independence.

Some discussion groups discussed the process for appointment of Commission Members through the statutory selection committee established by the PHRA.⁶³ There was general satisfaction among these groups that the committee was broadly politically representative and did not raise issues relating

to the NHRC's independence. They acknowledged, however, that some of the procedural requirements of the Paris Principles, for example, relating to advertising vacancies and providing clear selection criteria, were not met.



⁶³ PHRA section 4(1).

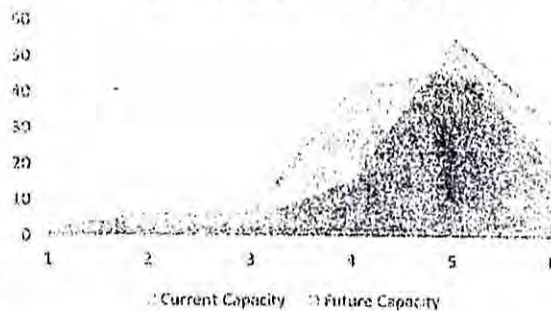
NHRC formally relates to the Government and the Parliament through the Ministry of Home Affairs. The Commission Members and senior staff considered that this presented no issue for the NHRC's independence as the relationship was a purely formal one for the purposes of reporting to Parliament and for governmental functions such as budgeting. They pointed out that the NHRC has never had a problem with its budget and has received whatever funding it has sought.

Other staff, however, argued that there are de facto constraints within which the NHRC operates. They said that the controls on and restrictions relating to staffing were the most significant of these. The NHRC's senior managers all came to the NHRC from the civil service, almost all of them on deputation and many of them with the intention of returning to the civil service. Most of the investigators are police officers on deputation who see their career as being in the police service and so, while at the NHRC, have their eyes on their next promotion in the police service. The staff who expressed these concerns considered that these staffing arrangements constituted a significant constraint on the NHRC's independence in fact, even though it is independent in theory. In response other staff made three important points: first, many senior staff come to the NHRC as their last appointment before retirement and so do not have career aspirations beyond the NHRC; second, many of those who come to the NHRC on deputation are absorbed and become NHRC staff, remaining permanently attached to the NHRC; third, deputees are civil service or police professionals who understand the role of the NHRC and their role within it and fully commit themselves to both.

Groups also expressed concern that the selection procedures for staff and the terms and conditions of employment were fixed by the Government. The provisions prevented the NHRC openly recruiting all staff, including senior staff, directly and determining itself the pay and other conditions of employment for staff. The particular provisions were civil service wide, however, and did not single out the NHRC for more onerous or more restrictive treatment than any other state institution or authority.

Some external stakeholders expressed concerns about the NHRC's independence more in relation to attitude or mindset than any formal restrictions. They said that the NHRC was active and independent in handling individual complaints but it was not prepared to challenge Government on a systemic or policy level. It accepted Government policy uncritically. They instanced comments made by the Prime Minister in an address at the NHRC's Silver Jubilee function and said that the comments, though contrary to human rights, were not challenged or corrected by the Commission either on the occasion or subsequently. They saw this as an example of the NHRC's unwillingness to take a public position based on human rights that was contrary to Government views. Similar comments were made about statement by the

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Minister for Minorities at the NHRC's Human Rights Day function on 10 December 2018 to the effect that terrorists and murderers had no human rights. That statement too went uncontested.

The capacity gap on this issue was 0.30. Female staff, staff under 30 and staff at the NHRC under five years rated the gap as higher.

On this issue the NHRC responded:

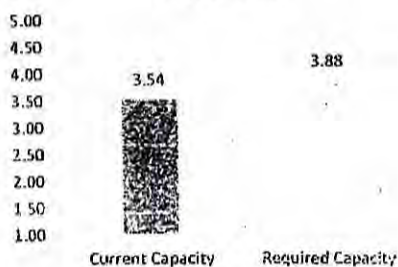
Although the PHRA does not explicitly mention about the independence of the Commission, the provisions in the Act taken together amply demonstrates its autonomy and independence. The Commission is empowered to even summon the top bureaucrats of the government to appear before it, and it does so in practice, whenever required. The number of complaints addressed to the Commission on a day to day basis is proof of the utmost faith that the people in general have reposed in the Commission which enjoys high reputation equally amongst the masses, judiciary and the State authorities. Moreover, almost all the recommendations made by the Commission are complied by the authorities both at the Central and State level.

- 2.3 *The NHRC develops, adopts, implements, monitors and evaluates strategic plans and annual work plans, following consultation with Members and staff and with external stakeholders. It also ensures that the plans reflect international human rights law (including economic, social and cultural rights as well as civil and political rights), are based on evidence and analysis of the human rights situation in India, and respond to current and emerging human rights issues.*

Many of the discussion groups of more senior staff referred to the fact that the NHRC this year had adopted its first strategic plan as an achievement. It has been developed for a period of three years from 1 April 2018 to 31 March 2021. For an NHRI to be effective, it is important for the members, managers and staff to be working towards clear common goals.

Capacity Issue (3)

Gap = 0.34



These discussion groups recognised and applauded the Strategic Plan for this reason as a significant tool for shared common understanding of the NHRC's direction and as the authoritative guide for its work. The Strategic Plan defines the NHRC's mission, priority focus areas and priority functions. The groups recognised, however, that it does not clearly define strategic priorities and goals and does not identify any indicators for the purposes of evaluation.

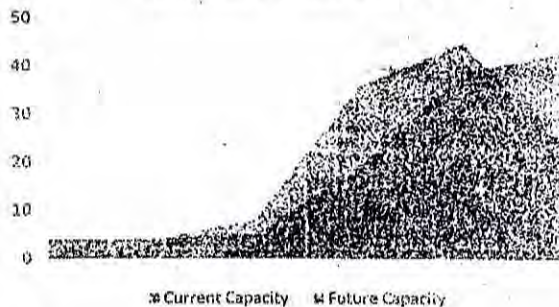
The CA team was told that the Commission consulted staff and some external stakeholders

in the development of the Strategic Plan. However, many of the staff in the discussion groups appeared not to be aware of the plan itself or its content.

Some key stakeholders the CA team met said they had not been consulted during its development. CA team was told that the Deemed Members of the NHRC were not consulted or involved in developing or approving the plan, although they have a statutory role under the

PHRA and should be considered major stakeholders in the NHRC's work. Special Rapporteurs have been entrusted with a key role of monitoring and reporting on human rights issues on behalf of the Commission. They play an important role in spreading awareness about the mandate of the NHRC and human rights, while reporting on the conditions of human rights situations on various areas across the country and on thematic issues. Their input on selecting the NHRC's priority areas would be an invaluable insight but they too said they had not been involved in the development of the Strategic Plan. Some SHRCs and CSOs also appeared to be unaware of the NHRC's strategic planning process, although one CSO member of a core group spoke of that group having been well consulted.

RESPONSE DISTRIBUTION CAPACITY ISSUE (3)



While knowledge of the Strategic Plan and its development process was limited, most staff reported that individual sections had developed their own actions plans, listing the activities to be carried out during the year. These draft plans were sent to the Coordination Division to be consolidated. It appeared from the discussion groups that the staff were well aware of the process but that there were no wider strategic meetings to streamline and coordinate

efforts between divisions while formulating the Annual Action Plan.

Discussion groups said that there was no established process to evaluate the implementation of the Strategic Plan or Annual Action Plans or their outcomes. Ideally, there should be periodic reporting and evaluation periods to ensure that the institution's work is being implemented as intended. The CA team could not identify a unit, section or staff with responsibility for monitoring and evaluation work within the NHRC.

The NHRC has various mechanism that collect important data, including through the very large number of complaints that are filed and through reports of the Special Rapporteurs. However, staff indicated that there is no analysis of trends of complaints or root causes or further analysis of systemic violations. Similarly, the analysis and use of the reports of the Special Rapporteurs were described as inadequate and they do not inform the planning process. There is no unit within the NHRC responsible for analysis of data and information collected by the NHRC. The NHRC's planning is therefore not informed by analysis of its data.⁶⁴

The capacity gap on this issue was 0.34. Female staff and staff at the NHRC under five years rated the gap as higher.

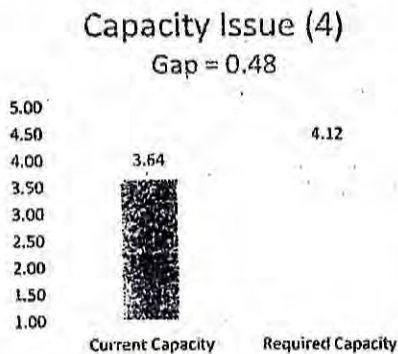
The NHRC has replied:

⁶⁴ This rate was given by senior managers.

The Annual Action Plan and Strategic plan of the Commission are formulated after due diligence and extensive consultations with the divisional heads along with the other external stakeholders including the experts of various Core Groups. This is an exhaustive and well structured process in which inputs of all the concerned stakeholders are taken into consideration. The issues of mutual interests from the perspective of human rights were discussed with the Deemed Members in the Statutory Full Commission meeting. It is also stated in the report itself that the inputs were collected from the individual divisions/sections. Based on the inputs & deliberations, the strategic plan was formulated and approved in the meetings attended by the Divisional heads and other concerned officials. The priority focus areas were decided on the basis of the trends of human rights abuses revealed through the complaints and field reports of the Special Rapporteurs along with the views of Core group on NGOs. Therefore, the plans were finalized after active consultations with all stakeholders and with due diligence keeping the objectives and goals in mind. As regards the indicators for purpose of evaluation, the same are reflected by the growing number of complaints received in the Commission, increasing number of spot enquiries and monetary compensations to the victims, number of Camp Sitings / Open Hearings and Workshops on thematic issues on human rights which are enumerated in the opening paragraphs.

2.4 The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRI functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.

One of the consistent points during the group discussions was the NHRC's ability to address the complaints lodged by public. Almost every layer of the staff expressed satisfaction that



through the NHRC they had the opportunity to help the vulnerable and poor in the country. The discussions with the Chairperson, Members and senior officers indicated that most of their time is dedicated to complaints related work. The Chairperson and Members estimated that they spent 70% of their time on handling complaints. Given the high volume of complaints received, approximately 100,000 annually, and the high expectations of complainants, the NHRC is striving as much as it can to resolve complaints successfully. The commitment to address the complaints is also motivated due to the high percentage (about 90 to 95%) of its recommendations

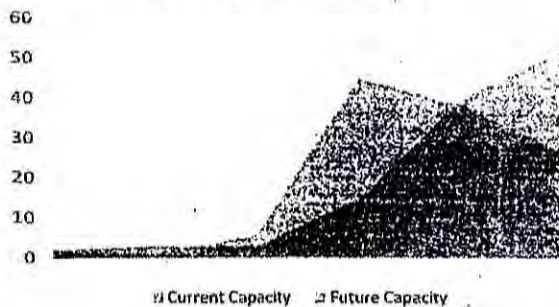
accepted by central government ministries and the state governments and agencies. These points were made frequently in the discussions.

However, some discussion groups also said the NHRC focuses too much on complaints handlings and gives too little priority to its other functions. The NHRC has a Research and Training Division but the Division does not conduct its own research and training programs. Instead, acting on behalf of the NHRC, it outsources research and training work, usually to universities but not exclusively. The NHRC funds most of these activities on the basis of

expressions of interest, not on the basis of priorities previously identified by the NHRC itself, for example in the Strategic Plan or the Annual Action Plans. The NHRC engages research consultants but they have not been assigned any meaningful research work. Their time and expertise are spent on clerical work, especially managing research and training contractors.

Similarly to the situation with research, discussion groups stated that the NHRC outsources human rights education and training on an ad hoc basis, not according to any planned, systematic awareness raising and education programs. With the exception of internship programs, one of which is conducted twice a year for groups of 50 to 60 persons, the NHRC runs events rather than education and training programs. The NHRC Annual Action Plan for 2018-19 lists several conferences and workshops, including on bonded labour, business and human rights, restorative justice and child labour. However, the sustainability of these activities is unclear. The Annual Action Plan does not reflect any planned education and training program for any particular target groups or generally. The discussion groups stated, for example, that there is no targeted training program for the police although the bulk of the complaints received are related to human rights violations by the police. Similarly, there are

RESPONSE DISTRIBUTION CAPACITY ISSUE (4)



no education programs for school students and college students. In both cases the NHRC funds other organisations to conduct programs on the basis of expressions of interest.

The discussion groups offered several reasons for the absence of in-house research and training programs. Some pointed to the NHRC's complaint load which fully occupied the Law Division. The load is so heavy that the NHRC engages outside contractors to

assist in managing complaints. In fact the external contractors do the initial screening of all complaints. Certainly the complaint load has hindered the Law Division's other legal work, especially the review of laws and policies in the country. The groups described some NHRC work in relation to this role, such as the very significant review of legislation governing prisons, but there is no structured, strategic program of legislative review. Many human rights violations keep occurring due to no, or absence of adequate, human rights safeguards in the laws and policies. NHRCs should play an important role in advising their governments of law reform needs to ensure greater compliance with international human rights law. The discussion groups said that the NHRC has been analysing the pattern and the trend of complaints received. However, this does not lead systemically to the review of laws and policies to address the systemic problems identified.

Discussion groups referred to a lack of NHRC activities in rural areas in particular and outside Delhi generally. The NHRC is far better known and better supported among the population in the cities. Its outreach in rural areas is inadequate. Among the challenges faced by the NHRC is the low literacy rate among the rural population and the need to work with broadcasting media and community radio to reach the people in rural and remote areas.

On the other hand, the groups said that the NHRC does important work in raising visibility through its camp sitting activity. However, camp sittings are held only for two days each time, about four times a year, and only in State capital cities. Even so, they attract a great deal of media attention and CSO participation and enable the NHRC to resolve a large number of complaints quickly and effectively, for the benefit of poor and illiterate or poorly educated complainants.

This year the NHRC has been conducting special projects led by individual Members, including on the right to food, bonded labour, LGBTI people and so on. Individual Members have also led the work of core groups. Discussion groups spoke favourably of these projects. However, it is not clear that responsibility for supporting the projects has been assigned to a specialist section or even to a particular division within the NHRC. In the absence of designated support to the Members and the projects, the projects are at risk of becoming unsustainable.

The interaction sessions with senior officers highlighted the NHRC's collaboration with CSOs. They instanced work on the right to food, where there has been effort to collect surplus food and provide it to people in need. This collaborative effort reflects the noble intention of all parties involved. However, it is not clear how the issue of right to food can be addressed for the longer term. The NHRC does not appear to have a clear strategy and program of activities to address issues, like food security and poverty unclear.

Another core NHRC function is international engagement. Discussion groups stated that the Coordination Section does all the international work, including preparing background papers or filling out questionnaires from international organisations like GANHRI and APF. The section also conducted UPR related work, including organising two or three workshops on the UPR and preparing the NHRC report for the UPR. However, it was pointed out that the NHRC does not prepare reports for treaty monitoring bodies. Indeed it appeared in discussions that knowledge within the NHRC about the international human rights system was low and that some staff confused requests from GANHRI and APF for information with the formal process of reporting to treaty monitoring bodies. Others were unaware of the possibility of submitting parallel reports to the treaty bodies and of the treaty bodies' expectation and need of assistance from NHRCs. The NHRC does not monitor implementation of recommendations, including those of the UPR.

The NHRC's international engagement was also an area of concern to NGOs. They commented that the NHRC had only provided a report to the UPR and expressed the opinion that even that would not have happened if the NHRC had not been pushed by NGOs to do so. They said it was very difficult to persuade the NHRC to take treaty monitoring bodies seriously.

Groups also was pointed out that the Coordination Section has few staff and is not as well established as other division or sections within the NHRC. The NHRC has allocated human and financial resources on two occasions to place two of its permanent staff in an OHCHR fellowship in Geneva for 12 months. However, after their fellowships, these staff returned to their previous positions and did not have any continuing responsibility for the NHRC's international engagement, thereby depriving the NHRC of the benefit of the knowledge they acquired during their one-year training at OHCHR.

The capacity gap on this issue was high, at 0.48. Higher ratings were given by staff in the same categories as previously.

The NHRC has commented on this issue.

The Commission accords due priority and maintains a balance while allocating manpower and financial resources for the various functions as mandated i.e. complaints handling, research, training, monitoring, awareness creation, sensitization, advocacy and promotion of human rights. However, since the Commission receives a large number of complaints to the tune of hundred thousand per annum and is duty bound to process as well as inquire in a time bound manner, this entire process of complaint management system is given its due importance. Hence, the complaint management continues to receive comparatively greater attention, manpower and financial resources. Notwithstanding the above, the Commission allocates adequate resources to the other mandated functions towards protection and promotion of human rights.

The Commission has organized large number of workshops, Seminars, conferences, core group meetings, internship programmes, camp sittings, open hearings etc at regular intervals as stipulated in its Annual Action Plan. The Commission also organized Open House discussions on the thematic issues like women, children, health, prevention of torture, prison reforms & rural development. In addition the Commission instituted research programmes through academics and domain experts on a wide range of human rights issues. Besides, in order to enhance the reach in the rural areas, the Commission has identified 28 most backward districts for focused action. The Commission has been regularly visiting and monitoring the gaps in the implementation of welfare schemes and other parameters of health, education and whole range of human rights issues. Besides, the Commission's teams also undertake monitoring visits to remote and rural pockets of some backward districts prior to holding of the camp sitting in a State. Based on the findings, the Commission makes appropriate recommendations to the State authorities which have brought visible improvements on the ground.

It is not true that the UPR recommendations have not been followed up. The Commission has sent the UPR recommendations sector-wise to the respective ministries of the Government of India and is monitoring their implementation through periodic meetings and constant follow up at regular intervals.

The reach of the Commission has grown by leaps and bounds with the ongoing e-governance initiatives to generate human rights awareness on the pan-India basis. The Commission is making further efforts in this regard and some of its recent IT-enabled initiatives include the following:

- **Online registration of complaints through Common Service Centres (CSC)** is aimed at providing immediate and easy access to the Commission by the citizens, at their very doorstep. This e-governance initiative is aimed at substantially reducing the effort and time that people, especially those living in remote rural areas, often invest in writing down their complaints or requesting others to write them on their behalf, and then travelling long distances to post these complaints to the Commission's New Delhi Office. This initiative will not only effectively

reduce the investment of the time and effort of the user/beneficiary, but also reduce the time lag between sending of complaint by the individual and receipt of the complaint by the Commission to nearly zero, through the mechanism of online registration, which will ensure immediate receipt of complaints by the Commission into its CMIS.

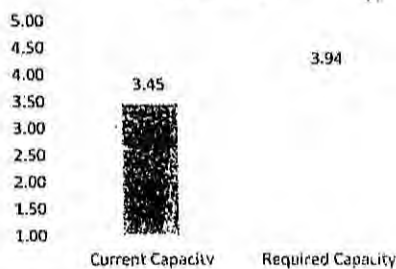
- Similarly, other e-enabled mechanisms of the Commission such as, (a) complaints from Human Rights Defenders through its Focal Point, (b) complaints from the general public, particularly from members belonging to disadvantaged groups such as Scheduled Castes and Scheduled Tribes for the Commission's Camp Sitings and Open Hearings, and (c) complaints received through the Commission's Complaint Management and Information System (CMIS) are all aimed at substantially reducing the time and effort of citizens in availing the Commission's services.
- Electronic transmission of reports for comments and electronic receipts of reports from authorities in the State Governments has eliminated to an extent printing and copying.
- The fast tracking mechanism has enabled prompt handling of complaints and timely delivery of justice.

2.5 *The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC.*

Discussion groups commented on the rapid turnover of the most senior NHRC leaders. They pointed to two difficulties this caused: a lack of longer term strategic planning and frequent changes in priorities and operational demands.

Capacity Issue (5)

Gap = 0.49



The groups considered that at least three years was needed in position to be able to make a meaningful contribution to the NHRC. They pointed out that it took some months to learn about the work of the NHRC and further time to determine the directions and priorities they would pursue and the changes they would want to introduce and then more time for implementation.

The Chairperson and the Members of the Commission are appointed for a term of five years from the date of their appointment or until they attain the age of 70 years, whichever is earlier.⁶⁵ Because the Chairperson must be a former Chief Justice of India and two other Members must be retired justices, they would not normally be appointed to the NHRC before the age of 65 years and often a year or two after that.⁶⁶ They therefore rarely serve a full term of five years before having to retire due to

⁶⁵ PHRA s 6(1).

⁶⁶ PHRA s 3(2).

turning 70. The average term of an NHRC chairperson has been three years and four months. The average term of a judicial Member has been four years.⁶⁷ The two other Members, 'persons having knowledge of, or practical experience in, matters relating to human rights', are usually able to serve their full terms as they are generally younger at the time of their appointment.⁶⁸

The Secretary General, who is the Chief Executive Officer of the Commission, must be an officer of the rank of the Secretary to the Government of India.⁶⁹ The head of investigations must be an officer not below the rank of Director General of Police.⁷⁰ Almost all other senior managers (and many staff below that) are deputed (seconded) to the NHRC from other ministries, particularly from the Ministry of Home Affairs.⁷¹ Often these deputees come to the NHRC as their last position prior to retirement and so, similarly to some Commission Members, serve only a short time at the NHRC. The average term of an NHRC Secretary General has been one year and eight months. The first Secretary General held office for almost five years and the second for almost three years. None since then has held office for more than two years and one month. Three held office for less than ten months. Similar situations prevail in all the divisions except the Program and Administration Division whose joint secretary has been made permanent.

Given these legal constraints, changes in leadership at the most senior levels are inevitable in the NHRC. Some groups pointed out that change is not always bad. As an organization the NHRC needs to adapt to changing circumstances if it wants to stay up to date and abreast changes. And change in leadership roles sometimes results in novel ideas and out of the box thinking. However, a balance needs to be found between change and continuity. All groups confirmed that the rate of leadership turnover was problematic.

Further, many participants commented that the recruitment processes of the Secretary General and other senior staff recruited on deputation needed to be more transparent and merit based.

In several discussion groups participants highlighted that the Chairperson and judicial Members were a key strength of the NHRC. They are eminent, highly respected individuals who enjoyed respect and acceptance from the Government, academia and public. However, these groups also reported that these leadership skills are utilised more in the NHRC's complaints area and less in other areas such as policy and law reform, human rights advocacy and promotion. The groups looked to the NHRC's leaders to play a larger and more visible role in these other areas of NHRC work.

The capacity gap on this issue was 0.49, one of the higher ratings. In addition to staff who gave higher ratings for gaps on many issues (women and staff at the NHRC under five years), in this case both senior managers and staff with less than high school certificate gave this issue a higher rating for the gap than other staff.

⁶⁷ See NHRC website at http://www.nhrc.nic.in/about-us/composition_prev.

⁶⁸ PFIRA s 3(2)(d).

⁶⁹ PFIRA s 11(1)(a).

⁷⁰ PFIRA s 11(1)(b).

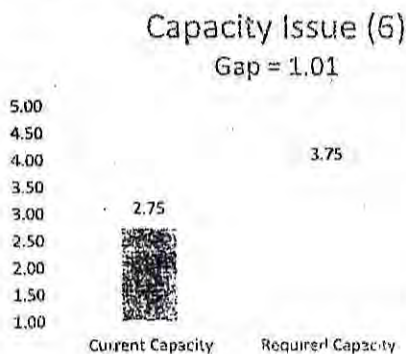
⁷¹ 'Deputation' is the term used to describe the temporary placement of staff from one governmental authority or state institution to another. It is known as 'secondment' in some other civil services. A person so placed is known as a 'deputee'. Deputations to the NHRC are commonly for a term of three years. Deputees may be extended through further deputation or they may be 'absorbed' into the NHRC's permanent staff.

The NHRC replied:

The average tenure of three years and four months for the NHRC Chairperson, four years for the Judicial Members and five years for other members does not appear to be short or problematic. According to GANHRI SCA General Observation 2.2 an appointment period of three years is considered to be the minimum to ensure the continuity of its programs and services. The tenure of Secretary or DGP in Government of India is same as that in NIIRC. Since only a few of Civil Service/Police Officers reached this position that too after working for nearly 35 years in various capacity. Although these officers have short tenures in the Commission, but the institution is immensely benefited from their vast experience and in-depth knowledge of the ground realities at grass root level. The Commission has well laid out and structured policies in place which operates in continuity without being affected by the changeover of senior officers. In fact, change in leadership has brought new innovative ideas. The Commission is paying adequate attention to the entire range of functions entrusted to it under the Protection of Human Rights Act and is discharging its role under the able guidance of its senior leadership who are holding fulltime assignments unlike in some other NHRIs.

- 2.6 *The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.*

Almost every discussion group raised the issue of employment and spoke about the varying bases, terms and conditions of employment and engagement of personnel in the NHRC. The NHRC employs staff on several bases, including deputation and direct recruitment. Deputees



are employed in the NHRC is on temporary transfer from a government ministry or another state authority. They may be absorbed into the NHRC's permanent staff. The NHRC also engages contract staff, either on term contracts of up to four years or as day contractors, called 'day wagers'. The CA team was briefed that 185 staff members have been directly recruited by the NHRC as regular permanent staff, 41 staff members are civil servants on deputation, 51 staff members had joined on deputation and were later absorbed by NHRC as regular staff. In addition 19 retirees from the NHRC remain on a contractual basis. There are also 21

persons engaged on an annual or biennial contract working as either junior research or legal research officers. There are 34 'day wagers', many of whom have worked at the NHRC for more than ten years and some more than 18 years. The terms and conditions are different for

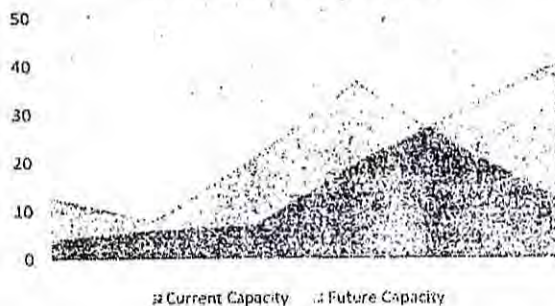
each category. This issue greatly concerned many discussion groups and was raised and discussed at some length.

The discussion groups were concerned about lack of promotional opportunities for directly recruited NHRC employees rather than terms and conditions. These officers have permanent employment and enjoy all benefits, including health insurance, annual leave, 26 weeks of maternity leave and pension. They considered that they were under-paid and compared their salaries with those of comparable staff in the Supreme Court. They argued that the NHRC was of comparable status to the Supreme Court and did similar work and so NHRC employees should be employed on the same terms and conditions, including salary, as Supreme Court employees.

The major issue for directly recruited staff, however, was lack of promotional opportunity. Since higher level positions are filled through deputation, promotion of these employees is slow and rare. Most said they had had no promotion at the NHRC or, at best, one promotion. A large number of staff members argued that higher positions should be filled by promotion of NCHR regular staff rather than by deputation. Some said that deputees did not stay long at the NHRC and so were not as committed to the institution as permanent NHRC staff. Others said, to the contrary, that many deputees were absorbed by the NHRC and so became permanent NHRC staff in the same positions, thus blocking promotion of directly recruited staff. These staff considered promotion as a matter of recognition of their work and dignity and felt not respected by NHRC management which did not listen to their grievance.

Directly recruited permanent staff were also concerned by an NHRC practice they described as common. They said that NHRC retirees are often retained on contract on the basis that no one else on staff meets the requirements to perform that function. These positions are often

RESPONSE DISTRIBUTION CAPACITY ISSUE (6)



not widely advertised or not advertised at all. There is no transparent recruitment process. This again blocks the opportunity for promotion and has again created a feeling of injustice among the longstanding staff, awaiting promotion.

The issue of promotion is not one of complaint about salary. On the contrary, the employment rules provide for a salary increase to a higher level every ten years, even if the

incumbent has not been promoted to a higher level post. Some staff therefore have received a salary promotion but not a professional promotion.

A more fundamental concern was expressed in relation to the 'day wagers'. Some 'day wagers' are contracted directly by the NHRC and others are contracted by outside agency which in turn has a contract with the NHRC for the provision of day labour. 'Day wagers' in both categories are paid on a daily basis, for each day worked. Although NHRC staff work a five day week, with Saturday and Sunday off, 'day wagers' have to work on Saturday to

maintain their income. All 'day wagers' have Sunday off but some are paid for the Sundays and others are not. They are not entitled to any paid annual leave or paid sick leave. They do not have health insurance and are not entitled to a pension on retirement. NHRC has recently introduced three months' paid maternity leave for them. The 'day wagers' expressed grave concern about differences in relation to terms and conditions both between the two categories of 'day wagers' and also between them and NHRC employees doing comparable work. They considered this an issue of discrimination in employment and injustice.

The NHRC also contracts university graduates with a Master degree in law as junior legal research consultants (JLRC) and in social sciences as junior research consultants (JRC). These consultants hold either a two-year or maximum of four-year contract. Their contractual status does not include health insurance coverage or pension scheme. They are entitled to three months' maternity leave. The discussion groups commented that, since NHRC research projects are outsourced, these consultants are mainly assigned to do clerical work, not research, and to organise NHRC events. In the best case they may prepare background papers for meetings and conferences. The groups considered that the NHRC was not using their skills and qualifications to best effect and was failing to provide them with opportunities to gain research experience. As contractors they were also denied opportunities to apply for promotional positions within the NHRC.

Participants in almost all discussion groups expressed concern that, when they joined NHRC, they did not receive any training on international human rights or the work they were expected to perform. They learnt their job from their peers, who had been willing to assist and support them. They said that, after employment, the NHRC did not offer any career development opportunities for staff to improve or learn new skills to aspire for higher positions. Some staff also felt that international training opportunities in particular were not sufficiently available and, when available, were not fairly distributed. Many staff members felt that they deserve to be considered for overseas trainings. They said that they had never had the opportunity or the desired exposure. Some mentioned that staff not linked with substantive work had been given the opportunity to attend overseas trainings.

The NHRC has established a mechanism to address issues of sexual harassment. However, the discussion groups said that the mechanism had not been used. They also said that there is no general in-house grievance mechanism or process to which staff could have recourse to have problems addressed. They said they felt intimidated and feared possible reprisals if they raised grievances with senior managers. Some said that they had raised their employment concerns with the NHRC management and were told, "If you are not happy, take your case to the court". Consequently, a small number of them followed that advice and filed complaints with the court, at considerable personal financial cost. However, their case had been rejected at the Supreme Court level.

The discussions made it clear that these issues are ones that are affecting the morale of many employees and contractors. Many participants made explicit comments on this. Some described it in terms that indicated it was not only a personal concern but an institutional one because of the effect on productivity and the quality of work.

Two other staffing issues raised in some groups concerned the Investigations Division. The first issue was the basis of employment of officers in the Division. The Division's staff are serving officers of the Indian Police Service (IPS) on deputation to the NHRC or former officers of the IPS who have been absorbed by the NHRC as permanent staff. The senior

officers of the Division are always on deputation from the police force and, except for the Director General who often comes to the NHRC as a final posting before retirement, they look to go back in to the IPS. Staff at the NHRC and many external stakeholders praise the quality of investigations conducted by the Division and say that that is due to the training and experience and the knowledge and insight into investigations that police officers bring to the NHRC. However, others inside and outside the NHRC, including some investigators, told the CA team that these arrangements were problematic due to the perception of bias when police are investigating police. A great proportion of complaints are against police. These participants say that the perception of bias is a concern. They acknowledge that the NHRC investigators, as serving police officers, might obtain access to authorities and to police stations but they also say that victims of police brutality or atrocities had reservations about disclosing facts and talking to police officers. They state that the perception is more serious in relation to deputed police officers. Given their expectation to return to work in the IPS, they hope for further employment, possibly in a promotional position, there. The mere possibility of a conflict of interest raises questions about the integrity of the entire investigation process and requires careful consideration. The most serious aspect of the perception could be addressed by the NHRC employing police officers only on a permanent basis and not on the basis of deputation.

The other issue raised in discussion groups was the title of officers in the Investigations Division. Deputed police officers in the Division retain their official police titles while serving in the NHRC. Many of them see this as problematic. They are concerned that victims of human rights violations perpetrated by police or other uniform officials do not fully trust them and will not give evidence to them. Some said that, when investigating cases in the field, NHRC staff with a police title, such as inspector, have to hide from victims their identity as a police officer and their past links to the police.

The capacity gap on this issue was 1.01, the highest for any of the 16 core issues. Staff in all categories rated this gap highly. Staff who are members of a scheduled caste rated the gap very highly, at 1.9. Staff at the NHRC for between five and ten years did not identify a significant gap on this issue. Staff on deputation to the NHRC and staff on contract saw the gap as higher than directly recruited staff did.

According to the NHRC,

The issues relating to job security, promotional avenues and service conditions, cannot be addressed with a sectarian approach but under the laid down policy of human resources. The Commission has notified Recruitment Rules and the same are followed in letter and spirit. These recruitment rules are under revision and dedicated efforts are being made to expedite the process keeping in mind the aspirations of the employees.

Notified Recruitment Rules provides the option for the employees to be appointed either on deputation / contract / absorption. Some employees are appointed on contract / deputation basis against the temporary and ex-cadre posts of technical nature so that the incumbents of these posts do not suffer from stagnation for want of promotional avenues. However, those who are denied promotion and stagnate on a post for more than 10 years are granted higher scales under Modified Assured Career Progression (MACP) scheme. The employees appointed on contract / deputation basis have liberty to pursue their career prospects after completion of the fixed tenure of

their service. Some of the deputationists who fulfilled the eligibility criteria and as per the laid down procedures have been permanently absorbed in the Commission. Many of the staff employees have been promoted as per the existing rules and policies.

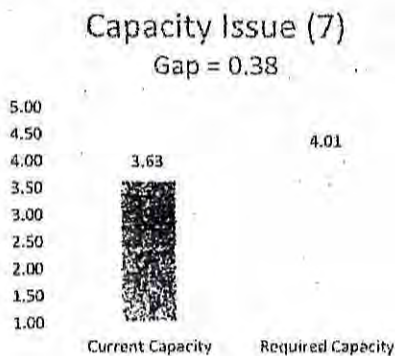
The daily wagers, largely Data Entry Operators, are remunerated as per the wages fixed and notified by the Government from time to time. They are free to pursue and compete for employment opportunities befitting their qualifications whether in the Commission, in the Government or in the private sector. However, the Commission has already taken up the case for creation of posts of Data Entry Operators and the matter is likely to be resolved soon. As regards the police officers working in the Investigation Division, they bring with them vast experience of the investigation techniques and they work under the directions of the Commission. The perception that the victims of human rights violations do not trust the investigating officers of the Commission is at best the personal opinion of some of the staff. This is an aberration rather than the matter of rule.

JRCs and JLRCs have been engaged for a fixed period on the basis of mutually agreed, pre-determined terms and conditions. The staffs engaged on contract basis are also governed by the extant rules and regulations, which the Commission is duty bound to follow and are being followed.

- 2.7 *The NHRC has effective gender policies and programs that ensure the employment of women on the basis of equality at all levels and in all sections and the fair and respectful treatment of women complainants, victims, witnesses and staff in and by the NHRC.*

The discussion groups raised very serious concerns about gender within the NHRC. The CA team was struck by the significance of this issue simply by seeing the composition of the groups. Many senior groups had no women participants at all. Most groups above the most basic levels had one or two women participants at most.

While the absence of women or their under-representation was a significant concern



expressed by almost every group of lower level staff, senior staff did not appear to see it as an issue. They explained the historical basis of the situation, namely the fact that until 25 years ago women were rarely employed in the civil service. They noted the difficulties of employing women officers in senior positions due to the civil service recruitment rules within the Indian civil service as there are not many eligible women who qualify for these positions. This is attributed to the culture of Indian society in the past, where women did not join the work force often. However, senior managers noted that this is slowly changing and in time women would move up through

the ranks of the civil service hierarchy. They expressed confidence that women would be well represented in all senior positions after another 25 years due to this 'natural progression' of

women through civil service ranks. They did not see a need for any NHRC initiative to address the present situation or the very slow 'natural progression' foreseen.

Some NHRC initiatives were described in some groups. The NHRC has taken steps to improve its gender representation at the Commission level by advocating for a woman to be appointed as a Member and proposing that amendments to the PHRA require at least one Member be a woman. The appointment of Member Jyotika Kalra was the first appointment of a woman Member for ten years. Some participants in discussion groups observed that the appointment of Mrs Kalra was an encouragement, especially for female staff. However, many noted that Members are often not very accessible to them.

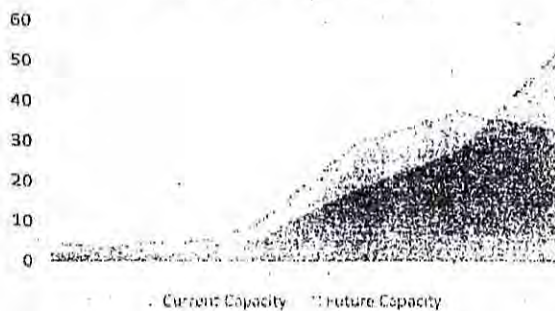
In another initiative in 2017, the NHRC organised APF training for its staff on women and girls' human rights. Following the training, the NHRC included gender sensitisation training every year in its Strategic Plan and staff reported that they now have a room reserved for women. In addition, the NHRC now provides three months of paid maternity leave for female employees and contractors.

Other initiatives have been foreshadowed and were described by the Commission Members. The requirements in the PHRA for the Chairperson to be a former Chief Justice has meant that a woman has never been eligible to be appointed to lead the NHRC, since India to date has not had a female Chief Justice. The CA team was informed of the proposed Bill to amend the PHRA to widen the eligibility for the position of Chairperson to include former justices of the Supreme Court in addition to former Chief Justices. This would make several women former justices eligible for appointment. The proposed Bill would also add an additional Member and require that the person be a woman.

Gender inequality will remain an issue within the staff, however. At present only two senior officers are women. Both positions are being filled on the basis of deputation, not by permanent employment.

Of the 351 persons working in the NHRC, only 20 per cent are women and they are concentrated at secretarial and lower level posts.

RESPONSE DISTRIBUTION CAPACITY ISSUE (7)



The CA team was told that the NHRC had hired many women staff on a contractual basis in the positions of Junior Research Consultants (JRC) and Junior Legal Research Consultants (JLRC). However, these are all junior positions and not permanent and do not provide the opportunity to move up the

ranks of the institution within the current structure. Staff reported that NHRC vacancy notices for the positions of investigators specify that women are encouraged to apply but that encouragement is not included for other posts.

The small number of women staff is a particular problem in the Investigations Division. That Division has very few women investigators and yet the NHRC's investigation work often requires a woman to be a member of an investigation team because of the nature of the human rights violation under investigation, typically sex and gender based violence. Women staff in other divisions, usually JLRCs and JRCs, reported that they had been asked to accompany and assist investigation teams because the Investigation Division does not have enough female staff. They were asked to assist in cases that involve a women's issue or where the victims are female. The staff reported, however, that few female JLRCs and JRCs have received training in assisting investigations. It appears from the discussions that there is a written policy that ensures gender balance on investigation teams. While about five JLRCs and JRCs received some training in assisting investigations, they are temporary staff and some of them have already left or their contracts were not renewed, indicating that this is not a sustainable solution to the problem.

The staff noted that there is a room allocated for female staff on the sixth floor. However, they also said that there are no toilets for women on the fifth and sixth floors of the building. The reason given for this is that there are fewer female staff, or at one point no female staff, working on the particular floor, and hence the female toilet was allocated as a male toilet. While this might have been a logistical decision at the time, it implies that there would not be female staff joining anytime soon. It also implies acceptance that, when women have rejoined the staff, there would be a delay in changing the toilet back. There is an unconscious culture of bias against women and of stereotyping that leads to discrimination against women.

NHRC staff and management, both female and male, maintain that there is no discrimination against women in practice at the NHRC. However, the very low representation of women in the institution and the concentration of most female staff in part time work at lower levels and among the secretarial staff would only build a culture of bias. In addition, during discussions with staff, CA team heard remarks that are discriminatory against women, such as the expressed conviction that women cannot do certain jobs that involve travelling often or staying late and that women do not want to work in a highly demanding workplace and then the exclusion of women from those positions. Perhaps this is why women do not often join the NHRC. These comments demonstrate a conviction among staff that in its effect is discriminatory against women. Staff were supportive of NHRC gender sensitisation training but in addition the NHRC needs to undertake programs to change the culture within institution. While the planned gender sensitisation programs are a step towards this, there needs to be more strategic interventions within the organisation to ensure that gender mainstreaming is carried out in practice in all functional areas and that unconscious bias does not translate into discriminatory policies and practices.

The NHRC has established a committee on sexual harassment as mandated by Indian National law. Staff in all discussion groups said that they know about the committee but it appeared from discussions that no training on sexual harassment has been provided for staff. The discussion groups gave no indication of issues of sexual harassment within the institution, and that may be so, but it is important to ensure a common understanding among Members and staff of what constitutes sexual harassment and the avenues for redress available to victims.

The small number of women in the Investigations Division is not only a staffing issue but also an issue of the NHRC's effective functioning. In addition to staffing issues, there are other gender issues in the NHRC that also go to its operational effectiveness, especially in

relation to women victims and witnesses. Discussions with the senior managers and staff indicated an absence of written gender policies or strategies within the institution. Some other activities on gender issues are planned, including seminars on sexual harassment and a core group on women's issues, but the NHRC's work and functions are not gender mainstreamed.

Discussion groups indicated that the NHRC does not provide parallel reports to the Committee on the Elimination of Discrimination Against Women (CEDAW) and does not monitor implementation of the Committee's recommendations to India. As an 'A' status NHRI, the NHRC could play a lead role in advocating implementation of CEDAW recommendations, and thereby addressing systemic issues across the nation that women face.

The capacity gap on this issue was 0.38. Women staff, members of scheduled castes and research or policy staff gave this issue a higher rating for the gap than other staff.

The NHRC responded:

The Commission strongly believes in principle of gender equality and maintaining their dignity. It is pertinent to mention that at present out of the two members in the Commission, one is a lady member and prior to that we had two lady members. There always have been women participants at all the levels in the NHRC. The Commission also had a female Secretary General and Director General. Presently, the senior positions such as DIG and two SSPs are also held by females.

Besides, we also have women Section Officer, Inspector (Investigation), Assistants, UDCs/LDCs, DEOs and other staff in the Commission. All the eight JLRs working in the Law Division are also female staff.

The investigation division of the Commission with female officers at the senior level has been handling investigation of cases of varied nature whether it is encounter deaths, custodial deaths, bonded labour or cases pertaining to exploitation of women efficiently and effectively. Female JLRs/JRCs are also given exposure to participate in the Investigations, to provide them more experience about the work of the Commission including direct interaction with the complainants/victims and to see the ground realities.

The commission has always encouraged and ensured equality and dignity of its female staff. In November, 2017, there was a training program by APF regarding gender sensitization to the NHRC officials. A training program regarding sexual harassment of women at work place was also organized at National Law University, Delhi with collaboration of the NHRC in the year 2018. The Commission's Committee on Sexual Harassment at Workplace, headed by a senior female officer, organized a workshop during which the women employees were made aware of what constitutes 'Sexual Harassment', the statutory provisions, and to encourage them to raise any grievance in this regard with the Committee. Gender discrimination is the last thing that can take place in the Commission.

The Commission accords top priority to the issue of violence against women and submitted a parallel report to CEDAW in 2013. The Commission also participated and made a statement in the meeting of the Treaty Body.

2.8 *The NIIRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.*

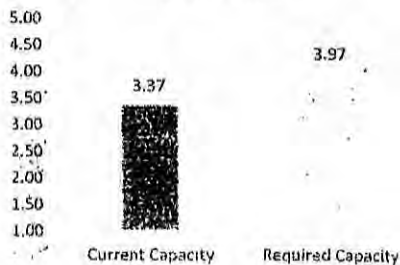
Communication is vital in the work of an NHRI to ensure effective flow of information to all personnel from Members to lower level staff. An effective internal communications system ensures that information reaches everyone, reduces gaps and misunderstandings and, most importantly, maintains unity and a collective sense of common direction in addressing human rights issues through the implementation of programs and activities.

From the interactions with the staff members of the NIIRC, it appears that there is collective effort and a good team work especially in complaints handling so the cases are disposed in a

shortest timeframe possible in order to provide justice to the aggrieved persons. It was informed that the staff members are very helpful to each other and the coordination between the divisions are good.

Capacity Issue (8)

Gap = 0.61

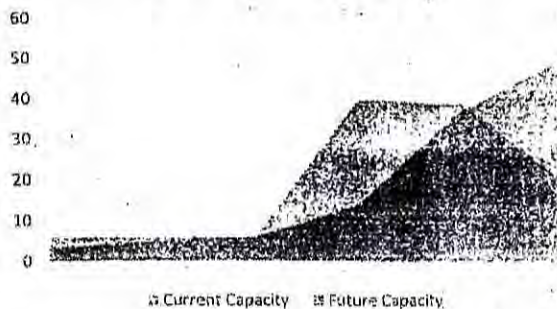


However, many discussion groups commented on a lack of coordination and communication within and between the divisions. Senior staff spoke of meetings of the managers of the various divisions but full staff meetings are never held at either the NHRC wide level or at a divisional level. It appears that work is coordinated between individual staff and the

supervisor. Senior officers are not accessible to the staff generally, especially to the lower ranking staff. This situation could have arisen due to the pressure of the workload and the lack of time in every section. There is no time dedicated to general interactions between supervisors and staff on regular basis but only to ad hoc interaction directed towards specific

tasks. In exceptional cases, some of the senior officers are very helpful and undertake their supervisory role very well by providing guidance and support.

RESPONSE DISTRIBUTION CAPACITY ISSUE (8)



The most senior officials say that they practise an open-door policy. However, other staff described less interaction between the Members and senior officials and staff where the staff must go through several layers before reaching the senior officials. In some

cases, when they tried to meet a senior official, more junior staff were told to meet their immediate supervisors due to busy schedules of the Members and senior officials.

Discussion groups stated that the IT division of the NHRC has 'top notch' software and equipment. However, the advantage of having the technology has not been utilised. Staff discussion groups said there was no effective system for internal communications. There is no internal newsletter. It was also noted that although the NHRC has an intranet, another electronic mode for internal communications, it is not used regularly and extensively and so staff simply do not look at it. It is useless as a communications tool. There is no official personal email for each individual staff member. The formal email address is limited to sections only. This hampers the communication between individual staff members, including between supervisors and lower level staff and also between the Chairperson and Members and staff. The absence of official email also contributes to excessive use of hard copies of documents. Nevertheless, the accounts department have compiled all the individual personal email addresses to circulate the salary slips to staff member.

The capacity gap on this issue was 0.61, the second highest capacity gap. There was remarkable consistency in the ratings on this issue with almost every group close to the average. The principal exception was female respondents who rated the capacity gap significantly higher at 1.31.

The NHRC, in response, said

NHRC has an effective communication system amongst all ranks and file. The communication within the Commission amongst the officers and staff is not only through emails but also through landlines and other means like SMS messages, e-meeting planner etc. The communication within the Commission also takes place by distribution of circulars, office notes and by displaying the important instructions on the Notice Boards which are prominently placed on every floor of the building. The personal emails have been provided to the officials who are authorized to sign the official documents up to the level of Section Officers. In addition, the officials working in the sections have been permitted to access the official email accounts of their respective supervisors for functional purposes. The Commission is moving towards e-governance and paperless office, which is a gradual and an on-going process. Further the Divisional Heads have been taking weekly/fortnightly review meetings with staff to discuss various issues to have a synergy in functioning of staff and officers of their Division and also to hear their views.

- 2.9 *The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.*

The capacity to manage human and financial resources is fundamental to the effective operation of any institution. The Paris Principles require that an NHRI must be adequately funded by the State to enable it to have its own staff and premises and not be subject to financial control which might affect its independence.⁷² The PHRA provides, "The Central Government shall after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think

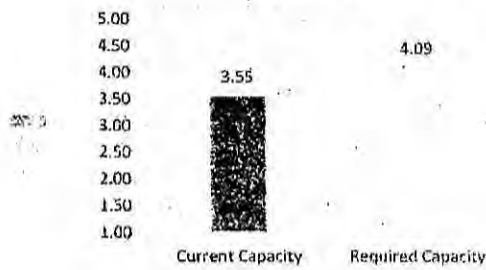
⁷² Paris Principles 'Composition and guarantees of independence and pluralism' para 2

fit for being utilised for the purposes of this Act'.⁷³ It states, 'The Commission may spend such sums as it thinks fit for performing the functions under this Act'.⁷⁴

All discussion groups stated that the NHRC was under-funded and under-staffed. During the meeting with senior officials, the CA team was informed that the NHRC receives adequate funding from the Central Government and finance has never been a problem. The annual budget is drawn up on the basis of estimates from the various divisions in line with the Strategic Plan and the annual workplan. The NHRC makes reasonable budget requests and has always been allocated what it has sought. The annual budget is then paid to the NHRC in quarterly instalments. It was also stated that at the end of each financial year the NHRC has some savings in hand to cover operational cost until receipt of the next allocation in the first quarter of the new financial year.

Capacity Issue (9)

Gap = 0.54



The NHRC has 331 sanctioned positions, of which 296 have been filled. It also has 55 casual and contract staff.⁷⁵ It has sought an additional 77 positions and expects them to be approved early in 2019. Discussion groups referred several times to recent decisions of the Supreme Court that acknowledged the NHRC's under-staffing and ordered the Government to provide more.

Participants spoke of heavy workloads that were increasing. However, as discussed above, after rising steadily during the NHRC's first years, the number of complaints has been

reasonably stable for the last 12 years, fluctuating at around 100,000 a year within a range from 82000 to 118000.⁷⁶

With around 100,000 new complaints are received every year, they constitute the NHRC's major work. The Law Division is the largest division, followed by the Investigation Division. These are the two divisions handling the complaint load and constitute over two-thirds of the NHRC's staff. The Investigations Division also supplements its staff number through assistance from other groups for the field or spot visits as and when necessary. The Research and Training Division has the least number of staff – about 10% of what the Law Division has. The CA team was told that only about 2 to 3% of the NHRC's budget was allocated for research. The shortage of human resources in the division has affected their work. Staff said that the Research Division does not conduct any meaningful research work but outsources research work by providing grants to academicians or students. They said that in this way the NHRC has encouraged research on human rights issues in the country, a commendable effort by the NHRC. However staff expressed concern that the NHRC's own research officers do not do in-house research. They said that the NHRC has a number of officers with the qualifications to do meaningful research work but unfortunately they are burdened with

⁷³ PHRA s 32(1).

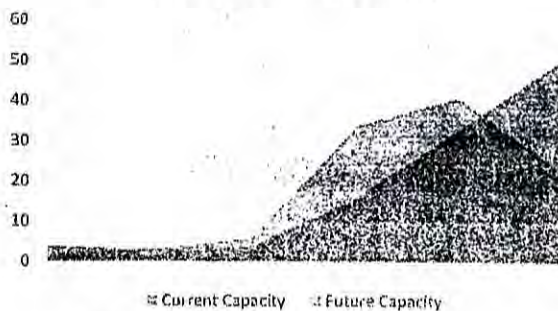
⁷⁴ PHRA s 32(2).

⁷⁵ These numbers do not represent the NHRC's total strength as it also has outsourced staff (cleaners) and other contractually outsourced work.

⁷⁶ See Table 1.

clerical work. Academics told the CA team that research funded by NHRC is predominantly desk-based research due to the limited grant offered. They commented that NHRC could accomplish a great deal through research and have a very significant impact but that would require broader practical research including field research. They questioned the NHRC's practice of exclusively outsourcing research and urged that a partnership approach be adopted instead through which outside academics would work in conjunction with NHRC in-house

RESPONSE DISTRIBUTION CAPACITY ISSUE (9)



researchers on research projects. They sought a more collaborative partnership between the NHRC and academic institutions where research is conducted with more meaningful NHRC engagement.

A number of specific issues were highlighted during the discussion groups. One major problem was said to be the unsuitability of the NHRC's current Recruitment Rules. The Rules were said to be

hampering efforts to recruit new staff and promote existing current staff. New Rules were first proposed a decade ago but, after consultation with the Ministry of Home Affairs and revision, the draft new Rules have still not been approved. The Commission hopes for approval early in 2019.

Another major issue was the lack of training, both internal and external. The NHRC has not set aside any specific budget for staff training needs. Staff learn while doing the job with some guidance from their supervisors. The discussion groups consistently stated that staff need more exposure and training on general human rights issues and specific training relevant to the work assigned to them. This was given as an example of inefficiency in the allocation and use of resources.

One discussion group also raised the issue of limits on the NHRC's independence in relation to international travel. It said that every time the NHRC attends international meetings, the delegation list must be approved by the Government. While it is common for NHRCs to have to abide by the financial procedures set by the Government to ensure transparency and accountability, however, this should not limit the independence of the NHRC in determining its own priorities for the expenditure of its allocation.

Another very great concern related to the waste of resources, both staff and funds, in unnecessary mass production of hard copies of documents and papers for internal work. A very large amount of staff time is spent in copying and collating documents. This is also a very significant environmental issue in view of the amount of paper consumed and the heat and energy impact of photocopying. The discussion groups indicated that the NHRC has an excellent computer-based Complaints Management and Information System (CMIS) and the CA team was given a demonstration of it in operation. However, the CMIS is not being fully utilised. Although all documents, incoming and outgoing, are entered into the system, most work on complaints is still done manually. The practices in the NHRC, right up to the

presentation of complaint files to the Members, require a manual filing system. This also means that all complaints work is done twice, manually and digitally. Many discussion groups expressed concern that the NHRC is wasting large quantities of paper. At least three copies of every document are made and very often more. The CA team was told that, when a Full Commission considers a complaint, up to ten copies of all documents are required. When a Commission camp sitting is held, up to 15 copies of all documents are required. The NHRC is using dot matrix printers and perforated paper with carbon sheets to minimise cost but staff repeatedly expressed about the health consequences of this. They indicated that, at the end of a day of printing, separating the pages and removing the carbon sheets, the air contained large quantities of carbon particles that made them cough.

The capacity gap on this issue was 0.54, the third highest gap. Similarly to issue 8, women were the group providing the most significant different rating, a capacity gap of 1.07.

The NHRC has provided the following comment:

NHRC has got a structural and institutionalized process for allocation of resources in order to fulfill the mandate under the Protection of Human Rights Act. It is incorrect to say that the NHRC is underfunded. The Annual Budget is drawn up on the basis of estimates received from all the Divisions and as per the Annual Work Plans. There has never been any denial or short funding by the Government. Funding has never been a limitation in the functioning of the Commission. As regards international tours, it is not factually correct that the delegation for international visits is decided by the Government. In fact, the delegation is decided and approved by the Chairperson and sent to the Government for political clearance and formal approval.

The Law Division & Investigation Division has got the maximum staff strength on the basis of the functional requirement. This is substantiated by the growing number of complaints and spot enquiries being undertaken by the Commission. Moreover, it may be borne in mind that the Core function of the Commission is to enquire into the complaints of human rights violations and hence they are allocated maximum resources to deal with and process the complaints. Notwithstanding this, due care is taken to ensure that the resources are allocated to all the Divisions as per the mandate stipulated under the Act.

As per Section 12(g) of the PHR Act, 1993, the Commission has been mandated to undertake and promote research in the field of human rights. The research conducted by NHRC are primarily the action based research on the issues of prime importance which are relevant at a point in time. Some of these issues may require a deeper enquiry and therefore should be lead by an expert or an institution having extensive knowledge and experience of working on such issues. Accordingly, every year the Commission identify the areas of human rights concern based on the inputs derived from the Core Group meetings, complaints received, conferences and seminars, open hearings etc. and call for research proposals through expression of interest. Further, in order to ensure the diversity and inclusivity, the research proposals are invited from NGOs, civil society organizations, academic institutions, think tanks etc.

The in-house research capacity of the Commission is responsible for shortlisting the appropriate research proposals. The in-house research team follows a comprehensive criteria while shortlisting the research proposals which includes, detailed examination

of the methodology adopted for achieving the intended objectives of the study, ensuring whether the sample selected for the study is representative. Further the feasibility of the tools and techniques used for the collection and analysis of the data. The in-house research team continuously monitors the research project.

As regards the overuse of paper, it is pointed out that after introduction of HRC Network Portal and e-paper initiatives; there is a drastic reduction in the photocopying work. Efforts are being made to reduce the consumption of carbon papers by all divisions. The staffs have been instructed to use both sides of a paper while printing and the Commission strengthens its initiatives towards the paperless office.

With regard to internal staff training, a system is in place where the Divisional heads and supervisors counsel, brief and guides the staff members about the working of the Division and the work pertaining to their desk. Standard Operating Procedure (SOPs) like an SOP for scrutiny of the complaints is in use. Employees are also sent on training at regular levels. For example, personnel from the Accounts Section were sent on subject-specific training conducted by Institute of Secretariat Training and Management. This is an ongoing process and the system of in-house training will be further strengthened from time to time.

With regard to the issue of under staffing and the unsuitability of NHRCs current recruitment rules, new recruitment rules are under process for the approval and these will become operational as soon as they are notified. The case for additional manpower is under active consideration and is likely to be finalized shortly.

2.10 *To ensure quality in service delivery, the NIIRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NIIRC) and increasing accessibility for poor, illiterate and other disadvantaged people.*

The predominant service offered to the public by the NHRC is complaint handling. Under the PHRA the NIIRC is mandated to inquire into complaints of human rights violation.⁷⁷ It can investigate the matters alleged in a complaint and seek to resolve it. Both Commission Members and staff consider that the NIIRC handles complaints very well and they identify this function as the NHRC's most important.

The process of dealing with a complaint, from when it is received in the NHRC to its final disposal, is set out in the regulations.⁷⁸ Many staff and external stakeholders described the complaint procedure as lengthy, bureaucratic and repetitious. Some steps of the procedure were necessary to ensure quality but other steps did not seem to have a practical or procedural purpose. Across the board discussion groups were confused about procedures, even those involved in complaint handling, and participants had many divergent explanations when questions relating to the internal procedures were raised. Each division had its own understanding and none seemed to be fully aware of the process and procedure as a whole. Most importantly many individuals were not aware of the importance of their contribution or

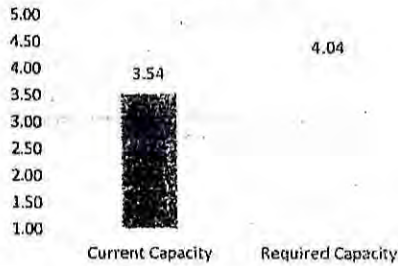
⁷⁷ PHRA s 12(a).

⁷⁸ National Human Rights Commission (Procedure) Regulations 1994 as amended by the National Human Rights Commission (Procedure) Amendment Regulations 1997.

of the legal and practical purpose of their part of the work of the complaint handling procedure.

Capacity Issue (10)

Gap = 0.50

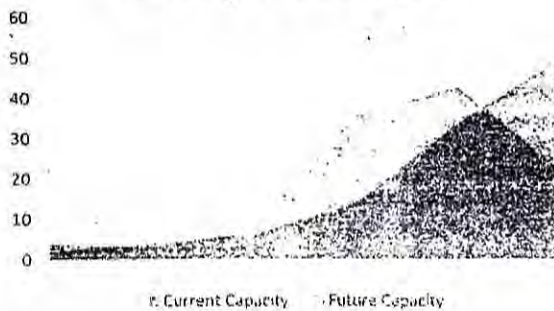


The concerns of staff related to both the time taken to complete an inquiry into a complaint and the results of complaint handling. The practice of seeking reports from ministries and State Governments in response to complaints often leads to long delays. The respondents to complaints often fail to submit reports requested by the NHRC even after two or three reminders. Participants in the discussion groups said that the NHRC waits too long before pursuing unfilled requests and then sends too many reminders before taking decisive action to enforce its request. As a result the complainants often wait months or

even years before a complaint is resolved.

Discussion groups also questioned whether, when resolving a complaint, the Commission was providing complainants with the full range of remedies available to it. The PHRA provides that, where it finds a violation of human rights, the Commission can make recommendations for the payment of compensation or damages, the prosecution of those responsible for the violation, and 'such further action as it thinks fit'. It may also seek appropriate orders from the Supreme Court or the High Court.⁷⁹ The groups said that the Commission routinely makes recommendations for payment of compensation and occasionally for prosecution but it does not make other recommendations. It does not, for example, recommend employment or reinstatement where it finds discrimination or some other form of violation in relation to employment. It does not recommend restitution where the complaint concerns the taking of property or the confiscation of land in violation of human rights. These groups proposed that the Commission should look more widely in

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seeking appropriate remedies for violations of human rights 'as it thinks fit'. The NHRC does not analyse the trend of the violations to identify the systemic issues and it does not then seek systemic responses, such as, recommending or providing a human rights training program for that particular group of perpetrators to prevent recurrence of the violation.

Many staff spoke very positively of the CMIS, saying it had been upgraded recently and was greatly improved. They describe both the hardware

⁷⁹ PHRA s 18.

and the software as 'top notch'. The upgraded system provides easier access to a complainant and gives the complainant access to several new features, including the online complaint tracking systems. It also ensures that the complainant is kept informed of progress in handling the complaint at every stage through a short message service (SMS). It also allows the complainant to track the complaint at any given stage. Further the recently reconstructed website is far more user friendly and followed universal design standards, making it accessible to persons with disabilities. Staff were very positive about both the online CMIS and the website, seeing them as good examples of the NHRC's service quality and client focus.

The NHRC's accessibility to poor, illiterate, rural, remote and other disadvantaged people was discussed in many discussion groups. India has an enormous population, perhaps 1.3 billion people. According to World Bank development indicators, 66.46% of India's population lived in rural areas in 2017. The national census in 2011 placed the literacy rate of India at 74.04% with the male literacy rate at 82.14% and female literacy rate at 65.46%. Positively, there are over 460 million internet users in India, approximately 35% of its total population.⁸⁰ These factual realities were well reflected in all discussions.

Many participants were concerned about the NHRC's outreach particularly in the rural areas. The group discussions revealed that the NHRC is not known in rural areas, which was identified as a huge set back, given the NHRC's mandate as a national organisation and its existence for the past 25 years. It was reported that the NHRC had been conducting awareness programs on FM radio channels in the 1990s and that these were later discontinued. The reasons for discontinuance were unknown. Those staff who knew of the programs said that radio had proven very effective in reaching people in rural and remote areas.

The groups identified barriers such as poverty, illiteracy, geographical divides and other factors as often neglected by the NHRC when awareness raising sessions are designed and implemented. Participants suggested that the NHRC should be holding more awareness raising sessions and use media commonly accessible to many disadvantaged groups.

Notwithstanding the fact that the NHRC is open to receive complaints in English or Hindi or in other languages included in the Eight Schedule of the Indian Constitution, discussion groups said that the NHRC writes to complainants in English, not in the language of the complaint. Recommendations and notices in particular are always communicated in English. Many participants saw this as a concern which needs to be addressed to ensure the NHRC complaint mechanism reflects and responds to the diversity of India and remains client centred.

The capacity gap on this issue was 0.50. Ratings for all groups were close to the NHRC-wide average.

The NHRC has commented on this issue.

The NHRC has got a time tested and efficient complaint management system in place. Although the process is tedious and time consuming, in essence it is result oriented and victim centric.

⁸⁰ <https://www.statista.com/topics/2157/internet-usage-in-india/>

Due to large number of complaints being received by the Commission some delay is inevitable which is an exception rather than the rule. In order to address the problem of delay, the Commission is taking several steps. The HRC-net portal has a provision to upload the reports by the State authorities which will eliminate the requirement of diarizing, scanning and reduce the transmission delays. The Commission is also taking recourse to video conferencing with the senior officers at the State level to expedite their responses. Efforts are being made to re-engineer the complaint handling processes and to deploy more staff to remove the bottlenecks.

The Commission makes recommendations for prosecution/disciplinary action against the guilty public servants depending on the merits of the case. Recommendations are also made for system improvement and other remedial measures to provide succor to the victims of human rights violations. Apart from the monetary relief/compensation to the victims, the Commission also awards payment of interest in cases of delayed grant of retiral benefits, ensure grant of reliefs under the SC/ST (Prevention of Atrocities) Act and payment of old age/widow pensions.

NHRC in order to increase the outreach and service delivery of the Commission, facilities of Common Service Centre (CSC) have been introduced. An individual can upload the complaint along with the concerned documents while sitting in a remote area through the CSC which is closer to his home.

2.11 *The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.*

India has a network of central and state institutions with responsibility for various aspects of human rights. One estimate given to the CA team was that there were about 150 or 160 of these institutions. They include seven other national institutions and over 20 State Human Rights Commissions (SHRCs).

In addition to the NHRC there are seven *other national institutions* with human rights functions: the National Commission for Minorities, the National Commission for the Scheduled Castes, the National Commission for the Scheduled Tribes, the National Commission for Women, the National Commission for Backward Classes, the National Commission for Protection of Child Rights and the Chief Commissioner for People with Disabilities. The PHRA deems the chairpersons of four of those institutions to be Members of the NHRC.⁸¹ A Bill before Parliament would add the heads of the other three institutions to the list of Deemed Members.⁸² The PHRA does not provide specifically for any particular relationship among the various institutions.

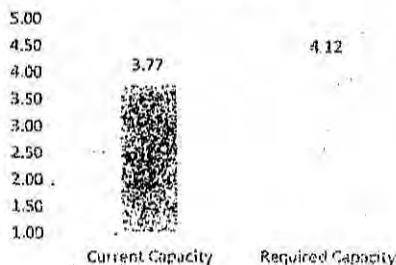
⁸¹ The National Commission for Minorities, the National Commission for the Scheduled Castes, the National Commission for the Scheduled Tribes and the National Commission for Women: PHRA s 3(3).

⁸² *Protection of Human Rights (Amendment) Bill 2018 s 3.*

Even though all the other national institutions were invited to meet with the CA team, only the Registrar of the Commission for Protection of Child Rights (under the administrative control of the Ministry of Women and Child Development) and the Under Secretary of the Commission for Minorities attended the meeting. Both representatives said that they had no knowledge of any interaction between their institution and the NHRC. There is no focal point for these institutions in the NHRC or for the NHRC in the institutions. The issue of possible duplication of complaint handling by the NHRC and these institutions was discussed. Neither of the participants knew of any procedure for referral of complaints from one institution to another, even where the other was more appropriate to handle a particular complaint. There is no interactive linkage between their websites. The Under Secretary of the Commission for

Capacity Issue (11)

Gap = 0.35



Minorities did not know that the chairperson of his institution was a Deemed Member of the NHRC. From the discussions, it was clear that there was no working relation between NHRC and these institutions, nor any cooperation or coordination.

The CA team also had a telephone conversation with a senior officer of the National Commission on Scheduled Tribes. The CA team had previously been informed that the NHRC meets with the Deemed Members every six months to share best practices. But the officer of the National Commission on Scheduled Tribes said that the

Chairperson of his institution was generally represented by less senior officials at meetings with NHRC and that the meetings usually occur once a year or less. He added that his institution had no knowledge of the NHRC's work and had not conducted any joint projects or activities with the NHRC.

NHRC discussion groups agreed with the views of the representatives of the other institutions that there was virtually no interaction or cooperation, even at the Commission level. They said that meetings of the full Commission including the Deemed Members, called a statutory meeting, occurred only once or at most twice a year and often the Deemed Members did not attend themselves but sent lower level representatives. The meetings did not have a business agenda but consisted of general discussion of the activities of the various institutions and of broad areas of cooperation in some events. NHRC participants said that these statutory meetings seemed to have no real purpose. Certainly they had no clear role or function.

NGO representatives did not see the other national institutions as equal to the NHRC or as effective as the NHRC. They said the other national institutions had no idea of human rights and did not work from a human rights perspective. They needed to be more widely exposed to human rights situations. They had much to learn from the NHRC.

The PHRA provides for the establishment of SHRCs, with similar compositions, functions and appointment processes as the NHRC.⁸³ The CA team was told that 26 of India's 29 states now have an SHRC. The NHRC covers the National Capital Territory of Delhi. The PHRA provides that the NHRC can transfer a complaint to an SHRC if necessary or expedient to do

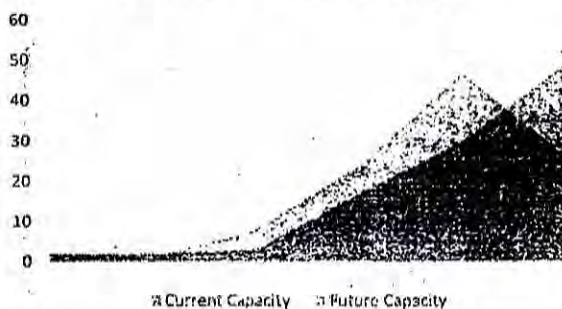
⁸³ PHRA Chapter V.

so.⁸⁴ It also provides that the SHRC will not inquire into a case, if the case is already under investigation by the NCHR or any other Commission established under a law in force.⁸⁵ Otherwise, the PFIRA does not establish any cooperation or interaction between the NHRC and SHRCs.

Discussion groups described the SHRCs as varying greatly in their operations and effectiveness. They said some were essentially moribund and had not functioned effectively for some time. Others had not had a Chairperson or Members for a significant period. Most were under-staffed and operating at a fairly minimal level. Some, however, were well established and effective in their work and seemed to have the confidence of people in their state. There were opportunities for the NHRC to collaborate more closely with these but even with them there were no joint programs or projects.

Several discussion groups referred to the new online complaint handling software, HRC Net, which would permit participating human rights institutions to track complaints received by

RESPONSE DISTRIBUTION CAPACITY ISSUE (11)



other institutions. The system would provide greatly expanded information exchange and would assist in avoiding duplication in complaint handling. NHRC staff saw it as a useful new tool and hoped that SHRCs would accept it and participate in it. However, to date only three SHRCs have agreed to join the project. The NHRC had provided training for the computer staff of those institutions in the use of the system. It also invited representatives of all the SHRCs to participate in a

meeting in Delhi to launch the HRC Net. This was an opportunity to explain and promote the system to all SHRCs. The CA team attended the meeting.

The CA team did not have the opportunity to travel outside Delhi and thus could interview representatives of only three SHRCs, who had travelled to New Delhi for the HRC Net meeting. They were from SHRCs in the north east of India, the centre and the south. Two had been established for more than ten years and both of those had well over 100 staff. The third was recently established and had only ten to 15 staff. Two of the three had vacancies among the Member positions, in one case for an extended period. The two long established SHRCs had significant numbers of complaints but the recently established one had a very small complaint load. All three representatives said that their SHRC had a very good rapport with the NHRC but, when they were asked to give examples of collaboration, there were few to give.

⁸⁴ PFIRA s 13(6).

⁸⁵ PFIRA s 21(5).

The major example instanced by the three representatives was the complaint management system. All referred to the CMIS and the IIRC Net project and expressed support for it. They said that the NHRC had provided training for their staff in the use of the CMIS and their SHRC was ready to introduce it as soon as it was operational. One SHRC representative said that his SHRC had encountered problems in connecting to an older version of the NHRC complaint handling system but she was hoping it would be solved.

The representatives were not able to give examples of the referral of complaints between the NHRC and their institution. In one case, the NIIRC had requested the SIIRC to investigate a case of custodial death, which the SIIRC concluded, after thorough investigation, had been caused by poor health conditions. It reported back to NIIRC on its findings. Another representative concluded that the mandates of the NHRC and SHRCs overlapped, resulting in duplication, with both institutions sometimes investigating the same cases. This SHRC was of the view that the HRC should refer all cases against state authorities to the concerned SHRC. The comments of these three representatives indicated that there were very few referrals between the NHRC and the SHRCs. However, the NHRC reports that 20% of the complaints it disposed of 2016-17 were referred to SIIRCS.⁸⁶

Two of the SHRC representatives referred to NHRC camp sittings. One said that his SHRC had requested that the NHRC conduct a camp sitting in his state. The other said that there had been a recent camp sitting in her state but there had been no coordination with the SIIRC. The SHRC was invited to attend only the inaugural session. She considered that not including the SHRC in the preparation of and throughout the camp sitting undermines the SHRC's image and reputation in its own state, as the SHRC should be seen as the leading entity dealing with human rights issues within the state sphere.

Other small examples of interaction were given. The representative of one SHRC said that his SHRC had been invited to attend NHRC workshops. The representatives of another SHRC described how the SHRC received NHRC publications and translated them into the local language. One SHRC representative said that his SHRC was seeking funding from the NHRC for human rights awareness raising activities in the state.

NGO representatives also told the CA team that the NIIRC needed better and more structured relationships with SHRCs. They said that the NHRC did not see SHRCs as peers, not as subordinate to the NIIRC, and the relationships should be partnerships that respected the independence of each institution.

The discussions clearly established the absence of any memorandum of understanding or standard operating procedure governing the relationship between the NIIRC and the SHRCs. Lack of regular coordination and systematic cooperation creates a grave risk of duplication and overlapping, on the one hand, and of gaps arising and not being identified, on the other hand. The absence of a well structured, collaborative partnership between the NHRC and the SHRCs was noted in all discussions, both inside the NHRC and with the representatives of the SHRCs.

The capacity gap on this issue was 0.35, one of the lowest ratings. Again there was very little divergence in ratings across categories of staff

⁸⁶ NIIRC Annual Report 2016-17 p 15

The NHRC said:

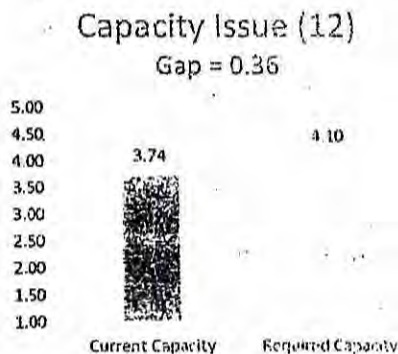
The Commission has got no comments to offer on the ignorance of the officers of some National Commissions interacted with by the CA team, about their association with the NHRC.

The Commission has regular interaction with the Chairpersons/Members only of other national institutions that are deemed members of the Commission. Hence, it is not correct to say that the meetings are attended by the junior level officers. The Commission organizes regular meetings both with the SHRCs and National Commissions on issues of mutual interest. In order to avoid duplication of complaints and overlapping in areas of work, the work of these Commissions are sought to be interlinked through HRC-net. The Commission has been collaborating with the respective SHRCs while holding Camp Sitings and other conferences/workshops on a range of human rights issues.

2.12. The NIIRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.

The PHIRA gives the NIIRC specific functions relating to law reform. It has functions to

- review the safeguards by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- study treaties and other international instruments on human rights and make recommendations for their effective implementation
- undertake and promote research in the field of human rights.⁸⁷



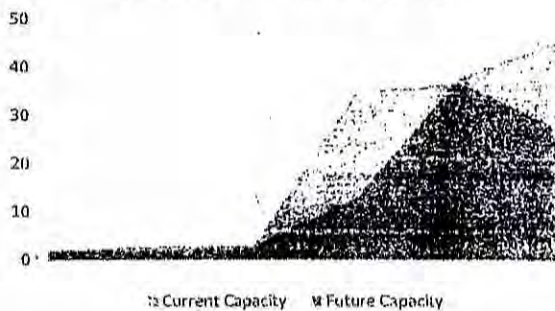
However, discussion groups indicated that the NIIRC did not have a program for the comprehensive review of existing laws and proposed laws for their consistency with international human rights law. There had been some legal review undertaken but it was done on an ad hoc basis when the Government referred a Bill to the NHRC for its comments. The reviews that had occurred were principally performed by staff in the Law Division with little or no involvement of staff in the Research and Training Division, even though the Research and Training Division has the primary responsibility to provide oversight

and guidance in designing research interventions, manage research grants, follow up and finalise research studies.

⁸⁷ PHIRA s 12(d), (f) and (g).

Although undertaken on an ad hoc basis, the NHRC's work on several law reform issues has been very significant. Discussion groups pointed in particular to work on bonded labour, migrant works, child labour, trafficking and the rights of workers engaged in manual scavenging. The NHRC had also undertaken and submitted a major report on prison reform. The work on bonded labour was often cited, by both NHRC personnel and external stakeholders, as the most effective work the NHRC had done in the law and legal policy area. This work has been undertaken consistently for over 20 years following a Supreme Court order in 1997 that specifically identified the NHRC as the key institution to monitor the situation of bonded labour in India. The NHRC has also advocated for the ratification of the Convention Against Torture and prepared and championed a legislative proposal to include the provisions of the Convention in Indian law. These issues are all important and the NHRC's contribution to them has been substantial. However, they have not been part of a comprehensive legislative review program.

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Participants in some discussion groups said that, given its organisational stature, the NHRC is well placed to lead law and policy reforms. It also has the influence and the capacity to engage more systematically on national reform agendas. However, the absence of a strategic vision in the organisation overshadows this potential. Discussions revealed that the NHRC does not take a systematic approach in identifying law or policy reforms needed at the national level. Policy and law reforms

require long term planning, strategies and continuous engagement. Although the NHRC can easily include these interventions in its annual work plans, it is yet to do so.

Some discussion groups expressed doubts about the capacity of the NHRC to develop and implement a legislative review program. They pointed to the overwhelming complaint load in the Law Division and the lack of experienced experts in the Research and Training Division. Many participants recognised that this kind of work was most appropriately undertaken by the Research and Training Division but the absence of experienced researchers there made that impossible. Nonetheless, most groups saw the need for the Research and Training Division to become significantly more active in legislative review, developing and implementing an NHRC strategy with annual workplans.

The groups also identified a gap between legislative review and advocacy for implementation of recommendations from the reviews. They noted that the NHRC provides advice to the Government, at the request of the Government, and does not generally initiate advice itself. It does not provide advice to the parliament, even though, as a statutory body, it owes its existence to parliament. The NHRC does not advocate publicly for the implementation of its law reform proposals. There is a need for well-argued, evidence-based advocacy based on NHRC reports.

The lack of advocacy engagement with parliament is a particular concern. Discussion groups described how the NHRC provides advice to the Government when requested but has no relationship with the parliament at all. However, they did not see this as problematic for the NHRC's independence or its sustainability. The CA team was concerned that the NHRC was vulnerable because of its close relationship to the Government and the Ministry of Home Affairs as well as its distance from the parliament.

The capacity gap on this issue was 0.36. The capacity gap was rated as low and there was little divergence among the categories of staff.

On this issue, the NHRC commented:

The Commission reviews proposed and extant domestic legislations to ensure that they conform to human rights standards as well as the core values of 'life, liberty, dignity and equality' outlined in the PHR Act. NHRC provides its comments on such legislations based on the advice of its concerned thematic Core/Expert Groups constituted in the Research Division. This continues to be a key area of work in its strategic and annual plans. During the recent years, the NHRC, India has given its views on the following legislations:

Right to Life & Dignity

- The Mental Health Care Act, 2017
- Child Labour (Prohibition and Regulation) Amendment Act, 2016
- Sanitation Workers (Regulation of Employment and Condition of Services) Bill, 2014
- Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015
- Draft Cabinet Note for Amendment to the 'Dowry Prohibition Act, 1961'
- The Juvenile Justice (Care and Protection of Children) Act, 2015

Right to Liberty & Equality

- Draft Cabinet Note on National Litigation Policy (February, 2015)
- The Minimum Wages (Amendment) Bill, 2015 (October 2015)
- The Prevention of Destruction of Public Property (Amendment) Bill (June, 2015)
- Amendment to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules (March 2016)
- Draft Cabinet Note for Amendment to 'The Immoral Traffic (Prevention) Act, 1956
- The Rights of Persons with Disabilities Act, 2016
- Prison Act, 1894

The Commission has been submitting its annual reports/special reports to the Ministry of Home Affairs which lays them before the Parliament. The parliament questions having a bearing on the human rights issues are always referred to the Commission and responses/information is provided. The Commission's officials have been appearing before the Select Committees of the Parliament examining proposed Bills and providing inputs from the human rights perspective. The Commission is also

receiving complaints from time to time from the Members of Parliament which are inquired into as per the PHRA.

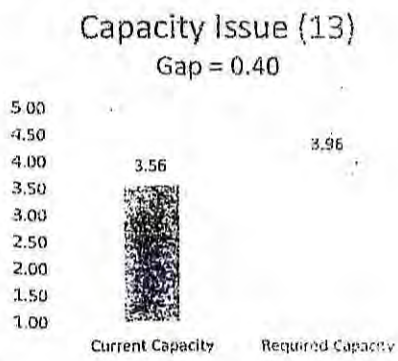
The Commission is independent in its working and there is no interference from the Home Ministry as mentioned in the report. The Commission is empowered to even summon the top bureaucrats of the government to appear before it, and it does so in practice, whenever required.

2.13 The NHRC undertakes effective human rights education and awareness raising, that enables it to reach out to all population groups in India, through a strong external communications strategy, including social media, communication in Hindi and English and, where appropriate, other languages.

Promoting human rights, spreading human rights awareness and creating a culture of human rights are required functions of a Paris Principles compliant NHRI. The PHRA gives the NHRC the function to 'spread human rights literacy among various sections of the society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means'.⁸⁸

Discussion groups advised that the NHRC carries out or facilitates a number of activities for raising awareness on human rights and for training relevant stakeholders and groups. The NHRC conducted over 50 activities in the 2017-18 year. It has an extensive list of publications available in hardcopy and on its website and, where relevant, publications are distributed to stakeholders on a regular basis. One of its most successful initiative in awareness raising, frequently referred in the discussion groups, has been the promotion of the Human Rights Pledge through its website. The Pledge has now been taken by over 100,000 individuals and over 3000 organisations.

Discussion groups identified the NHRC internship programs for university students as among its successful activities. The NHRC runs its month-long summer and winter internships



annually, each for about 50 to 60 students from Indian universities. This project provides university students with practical experience of human rights and work. Part of its effectiveness is that it involves NHRC staff directly in teaching and accompanying the interns, enriching the experience of both the interns and the staff. The NHRC also provides opportunities for short-term internships during the year. The CA heard of many other successful programs that the NHRC conducts for university level students, including funding universities to provide human rights courses and conducting workshops and seminars itself

in partnerships with universities. However, these programs seem to be quite ad hoc and reactive to expressions of interest initiated by universities seeking funding. They are not integrated into the NHRC's strategies and priorities.

⁸⁸ PHRA s 12(h).

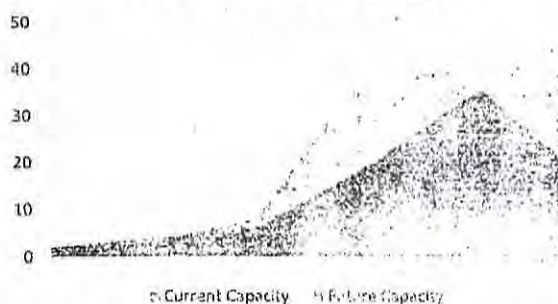
However, discussion groups indicated that the NHRC is doing little work to reach students and teachers in primary and secondary level education. Early education is key to a sustainable and effective approach to building a human rights culture and the NHRC could play a more important part in ensuring that children are made aware of human rights principles and values from an early age and learn about their own rights as children. This is a core area in which the NHRC could extend its work and strengthen its human rights education efforts.

Discussion groups also spoke of the NHRC funding other organisations to conduct seminars, workshops and training programs on human rights. This is a strategic approach that, taking account of the size of India and the diversity of its population, enables the NHRC to reach a wide range of groups, albeit indirectly. It is understandable that the NHRC could not do this alone with its own in-house capacity. However, some participants said that, as a result, the NHRC does not sufficient expertise and in-house capacity to develop, conduct and evaluate human rights education programs that target its priority areas. In outsourcing all the education and training apart from occasional lectures and events, the NHRC reduces itself to a funder and contract manager. Participants said that the NHRC is in a privileged position to build the human rights capacity of other organisations, including SHRCs. The CA team heard that a number of SHRCs are seriously under capacity and newly established, with staff who are fairly new to the work of independent human rights institutions. The NHRC has a clear role in providing human rights training to SHRCs as a priority area that can multiply the effectiveness of the NHRC's work. It is presently not seizing this opportunity.

One very positive training initiative taken by the NHRC is its online foundation course on the NHRC website.⁸⁹ This course is accessible to anyone with internet access. It provides self-sufficient content for self-directed learning to a wide and large audience. Staff were pleased with the course and pointed to it as an NHRC achievement. However, in its present form, it is not a dynamic, interactive module.

The CA team was told that the NHRC's Media and Communications Section has developed a large plan of activities and it was shown the plan. However, the NHRC does not have a

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comprehensive media and communications strategy. Most of the communications activities tend to be one-off events and most of the media work seems to be reactive. Discussion groups said that this area needed further exploration and support from the Commission. Some participants emphasised the need to give higher priority to developing strategies and activities to reach out to diverse and marginalised communities. In addition to releasing announcements of

events, the expertise of this section could be utilised to build general public awareness of international human rights law, of human rights issues in India and of the NHRC's mandate.

⁸⁹ <http://www.nhrc.nic.in/training-%26-research/training-programmes/training-on-human-rights>.

Staff said that, to do this, the section requires more capacity, especially professional expertise, including technical support. It would also require far better communications and coordination among all the divisions and sections within the NHRC and better integration of their work.

All the discussion groups commented on the lack of awareness of the NHRC and its mandate and of general human rights among the wider public, especially in rural and remote communities. They said this was an extremely difficult task in view of India's enormous population, the vastness of the country and the diversity of languages spoken. Given this, it is essential for the NHRC to utilise every available resource and means to spread awareness. The NHRC's strongest available resource is its Members and staff. They are the face of the NHRC but also its first line of contact with the broader community. Every individual working in the NHRC can be a human rights educator for the people with whom she or he has contact on an everyday basis. But to do this they need basic knowledge and understanding about the NHRC's functions, mandate and services and about general human rights. The CA team's discussions indicated that large numbers of staff, especially but not exclusively general support staff, do not understand adequately the work of the NHRC and do not have sufficient knowledge of human rights. Staff at all levels reported that they have little training and few opportunities to learn more about human rights and the NHRC's specialised work. From drivers to senior managers, staff sought a common understanding of the NHRC's mandate, work and human rights. Staff in lower level positions in particular wanted to be able to impart this knowledge to any person they meet in their daily interactions outside the NHRC. With a comprehensive capacity building strategy, the NHRC could increase its strength and its effectiveness in building greater human rights awareness in the general public.

Some discussion groups also called for the NHRC to explore more forms of media available to it, both traditional media and new emerging media and platforms. Some staff said that community radio programs are a low cost way to reach large audiences, especially audiences that traditionally the NHRC has not been able to access. Remote isolated communities and many women may be unable to attend formal meetings or have access to other forms of material. Community radio programs enable content to be provided to many audiences in local languages. Other participants commented that, in addition, the NHRC could explore the use of radio programs in cities as radio is still a generally popular means of obtaining information. They also suggested more targeted interactions on TV talk shows and the development of content for internet video channels. Emerging media and platforms continually raise new opportunities. The NHRC already has a YouTube channel.⁹⁰ It has a Facebook page.⁹¹ Short digital stories can be a powerful tool that is relatively easy and cost effective.

The capacity gap on this issue was 0.40. Younger staff (under 30) and staff in the NHRC for between five and ten years gave much lower ratings than other categories of staff.

The NHRC has stated:

Apart from the steps taken by the Commission to spread awareness regarding human rights among the students, as discussed in the CA report, it has been taking significant steps to reach out to the students, including the students at primary and secondary

⁹⁰ <https://www.youtube.com/channel/UCObfXOWCTPWBUh7tiMyt.9oQA>.

⁹¹ <https://www.facebook.com/nationalhumanrightscmission/>

school level. Accordingly, it has brought out publications such as *'Module on Human Rights Education for Teaching Professionals Imparting Education in Primary, Secondary, Higher Secondary Levels'*, *'Human Rights Education at the Universities & College Levels'*, *'Education for Beginners'* and *'Discrimination Based On Sex, Caste, Religion and Disability'* etc. The Commission also has an Online Training Module on Human Rights in collaboration with IGNOU (Indira Gandhi National Open University) which has a nationwide reach. In addition, the Commission has also published a *'Human Rights Manual'* for District Magistrates in the State and circulated to all the District Magistrates who are at the grassroots level and SOP on Human Trafficking.

In addition, as a part of rural outreach, the Commission has been consistently monitoring the status of awareness about Human Rights and their observance in the 28 selected backward districts in the country, as well as sending its teams in other backward districts before holding camp sitting in a particular State. During the course of their visit the officials directly interact with field level functionaries and people in general about the status of right to food, education, health, shelter and right to custodial justice etc. The Commission's Investigation teams are regularly conducting visits across the country for inquiries into complaints of serious nature and have frequent contacts with the common public at rural and remote areas.

It is true that all members of staff do not have the same level of substantive knowledge and understanding of human rights as well as other managerial and planning aspects of the Commission. This is so because of the unique working arrangement and hierarchical structure of the Commission. However, the staff and officers at low level are being provided necessary guidance and information about the human rights issues.

The Commission has a dedicated Unit to coordinate and liaison with the media and issues, press release and also organizes meetings / interactions with the Chairperson/Members. During the Camp Sittings/Open Hearings, the Commission invariably holds interaction with media about the outcome of the sittings and briefs the media about important human rights issues of the respective States.

2.14 The NHRC has regular engagement and cooperation with civil society organisations, rights forums and think tanks through broad consultation, partnerships, joint projects and common activities.

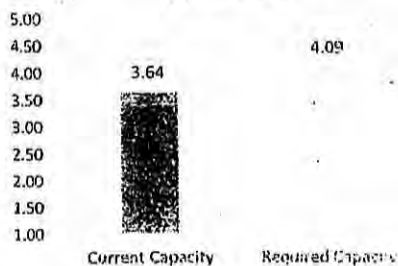
The PHRA requires the NHRC to encourage the efforts of NGOs and institutions working in the field of human rights.⁹² Discussions with Members and staff pointed to a number of ways in which the NHRC did this. One NHRC Member, Jyotika Kalra, has an NGO background. The NHRC has nine core groups all of which include representatives of NGOs among their members. The NHRC invites NGOs to its events, including the Silver Jubilee celebrations and the annual Human Rights Day events. It has been inviting members of NGOs to its camp sitting which are held four times a year. At camp these sittings the NHRC hears and addresses grievances with on-the-spot interaction with government agencies. The NGOs play an important role in connecting the NHRC with marginalised communities at the camp sittings.

⁹² PHRA s 12(i).

The CA team met with a group of four NGO representatives for an extended discussion of the NHRC's interactions with NGOs. The discussion pointed to a number of productive examples of collaboration between the NHRC and NGOs but it indicated a lack of a strategic approach to NGOs and little effective cooperation in joint activities.

Capacity Issue (14)

Gap = 0.45



The NGO representatives are all members of one of the core groups and they spoke very positively about them. Group meetings gave members opportunities to exchange information about their activities and views on the group's area of human rights concern. They could also learn about NHRC activities. However, meetings are irregular and infrequent. Each group is supposed to meet at least twice a year but most struggle to have

even one meeting, with some not having met for more than a year. The core group in business, the environment and human rights has been established but is yet to hold a meeting. In some groups members are engaged between meetings, being asked by email for comments on matters. Some groups are asked by email for comment on complaints issue that arise. Some groups were consulted on the development of the NHRC's strategic plan early in 2018. These kinds of engagement between meetings are very positively received. They are seen as indicators of the NHRC's seriousness in establishing the groups. However, comments in staff discussion groups indicate that for most core groups this between-meeting engagement is rare or non-existent. Clearly, NGO representatives said, the core groups operate on very different bases. There should be more commonality in their working methods and procedures.

The NGOs expressed concern that the NHRC lacked in-house capacity in relation to a number of critical human rights issues. They said that, in giving priority to complaint, the NHRC Members and staff had not developed expertise on specific human rights issues or in human rights law and policy. They said that the NHRC did very little law reform work or human rights research and developed few human rights policy recommendations. They singled out some areas where the NHRC had played an important role, the pre-eminent one being on bonded labour. On bonded labour the NHRC's role was said to be 'unique' and essential since the Supreme Court gave it a specific mandate in relation to bonded labour in 1997. The district level workshops on bonded labour were said to have been very successful both in raising awareness and in contributing directly to the elimination of bonded labour. One example was a workshop that led directly to a significant increase in the maximum level of compensation paid to freed labourers. NGOs consider that through the NHRC they are able to influence the Ministry of Labour to undertake more effective work for the elimination of bonded labour.

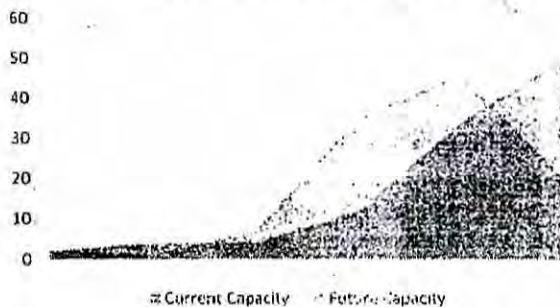
The NGO representatives also identified areas where the NHRC was not effective in responding to its statutory mandate. For example, there are 1400 prisons in India, with deep problems of human rights violations, and yet the NHRC, through its Special Rapporteurs and Prison Monitors, manage to visit only a handful in any year and there are no visits by NHRC Members or staff. The imprisonment rate is low but two thirds of those in detention are on remand waiting for their trials. The NHRC, it was said, focuses on acting after violations

occur through the priority it gives to complaint handling. It does not act to prevent violations from occurring or to protect people who are at risk of violations. The NGOs asked whether the NHRC had the capacity to act to prevent and protect and not merely to give remedies after the event. They asked whether it was 'fit for purpose'. They identified areas where the NHRC needed to act to fulfil its mandate: investigating and finding facts on systemic patterns of violation, observing trials, intervening in court cases where the NHRC could assist the court, monitoring prisons and other places of detention and confinement, analysing and reporting on existing and proposed legislation and policy, among other areas. They said that the NHRC required a more effective capacity to respond rapidly to urgent human rights cases and human rights emergencies. The NHRC's mandate under the PHRA was wide enough and strong enough for it to do all this and more.

The NHRC secretariat was said to lack qualified, experienced staff with expertise in human rights. The secretariat was said to work in silos with little interaction among the various divisions and sections. There are no criteria for setting priorities.

Besides the core groups, the CA team was not informed of any other structured interaction between the NHRC and NGOs. The CA team was not informed of any formal partnership, for example, through an MOU between the NHRC and a CSO. In the discussions the NHRC appeared to be anxious about NGOs, thinking them overly critical of the NHRC and fearing

RESPONSE DISTRIBUTION CAPACITY ISSUE (14)



that their international commentary on the NHRC would make the international community negative towards the NHRC. This was raised from the beginning of the CA process.

The NGO representatives, on the contrary, told the CA team that the NHRC does far more than it is given credit for doing but that it has very low visibility -- no one knows what it does. It seemed to them that the NHRC was fearful of being

too prominent, of the Government becoming aware of what it was in fact achieving. They wanted closer collaboration with the NHRC, including through more formal arrangements, such as an MOU. Many areas for possible collaboration were identified: joint training both for their own staff members and for other organisations, joint monitoring places of detention, joint research projects and human rights awareness training. They also recommended greater prominence for the NHRC's focal point on human rights defenders.

The capacity gap on this issue was 0.45. Some categories of staff stood out in identifying this gap as significantly larger than that of the staff as a whole. These groups were staff under 30, staff working in the NHRC for under five years, research or policy staff and contract staff.

The NHRC commented on this issue:

The Commission has been organizing regular meetings of its different Core Groups which comprises of Civil Society members and other subject experts. The engagement with NGOs is also undertaken through regular interactions by the Focal Point for Human Rights Defenders. A dedicated mobile number is provided to the Focal Point for Human Rights Defenders whereby the NGOs/ Human Rights Defenders can contact in case of any urgency. The Commission also makes it a point to call a meeting of NGOs and HIRDs whenever the camp sittings/open hearings are held in different parts of the country. Their grievances and view points are put across to the State functionaries at senior level.

Regular visits of prisons and other places of detention are made by the Chairperson/Members, Special Rapporteurs and officers of the Commission from time to time. The visit reports along with the recommendations are sent to the concerned State authorities for necessary action.

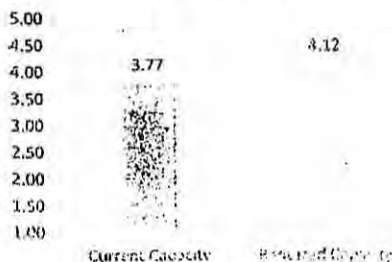
It is absolutely incorrect and not based on the fact that the Secretariat of the Commission lacks qualified and experienced staff with expertise in human rights. The officers of the Commission posted are thorough professionals having adequate qualifications, expertise and sufficient knowledge of human rights.

- 2.15** *The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.*

Almost all those the CA team met at the NHRC considered complaint handling the NHRC's highest priority. This priority is reflected in the allocation of resources. The two divisions responsible for complaint handling, the Law Division and the Investigations Division, contain almost two-thirds of the NHRC's staff. The NHRC's complaint handling is regarded very highly internally and by almost all external stakeholders the CA team met. The CA team was

Capacity Issue (15)

Gap = 0.36



told that the NHRC's success in complaint handling is largely attributable to the status and prestige that a former Chief Justice, other senior judges and prominent members bring to the NHRC. They are very well respected among the people and have high authority within the traditional culture of India's bureaucracy. The CA team was told that, as a former Chief Justice, the NHRC's Chairperson ranks fifth or sixth in India's national hierarchy.

The authority of the NHRC's leaders has several advantages for its complaint handling. Their findings and recommendations are taken

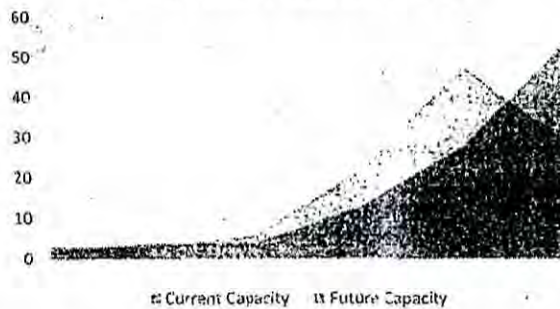
seriously by government authorities, with a resultant high rate of implementation of recommendations. Of the thousands of cases in which the NHRC made recommendations for compensation, prosecution or disciplinary action in the fifteen years from 2000-01 to 2014-

15, only 106 were still pending on 31 March 2017.⁹³ The effectiveness of the process is very clear but discussion groups raised many questions about its efficiency.

Several discussion groups from the Law and Investigations Divisions described the complaint handling process in some detail to the CA team. They presented a process that is highly judicial, very centralised and overly bureaucratic. Complaint files go up and down the NHRC hierarchy, through many layers of supervision, with very substantial resources devoted to file maintenance, photocopying, collating, transporting files from office to office and floor to floor.

One example of this is the intake procedure. The NIIRC contracts a number of Junior Legal Research Consultants (JLRCs) in the Law Division for initial examination of complaints. A JLRC receives the new complaint file, makes a summary of the complaint on a data sheet and may propose some action in relation to it. The complaint file may then be reviewed by an external legal consultant who is a practising advocate. The consultant reviews the file and the JLRC's report and makes a recommendation. The file then moves through an Assistant

RESPONSE DISTRIBUTION CAPACITY ISSUE (15)



Registrar who can return the file to the external consultant or to the JLRC for further consideration or forward it, with his own recommendation, to a Deputy Registrar. Then it continues its way up the hierarchy to Registrar and then to a proceeding consultant or presenting officer, who are also external consultants who are former District Court judges. Finally it reaches a Member for a decision on intake. The many layers of assessment and review are certainly a safeguard to

ensure quality but there are real costs: NIIRC funds for consultants, staff time and delay due to multiple handling and files being moved from hand to hand.

When the CA team toured the NIIRC premises, team members saw many offices, cupboards, shelves and desks stacked high and overflowing with large dusty bundles of files, though not as badly as in the NIIRC's former office building. This situation is especially puzzling when all documents are on the NIIRC's excellent database in the CMIS system and are immediately accessible to all those responsible for complaint handling. The CMIS is mostly used as a banking point for data, not as an operational system for efficiently processing complaints. The time spent on complaint handling is the result of this procedure. During meetings with the Members, the CA team was told that Members spend about 70% of their time working on cases. Given that the NIIRC has other statutory functions, this is a very high percentage of their time and would leave little or time for them to contribute adequately to the performance of other NIIRC functions. Many participants in some groups indicated clearly that effective utilisation of the CMIS and changes to procedures would reduce delay, rationalise staff time, enable the re-allocation of resources and reduce wastage of paper. It

⁹³ NIIRC Annual Report 2016-17 p 217-220.

would also enable the Chairperson and Members to devote more time to other NHRC functions. They identified significant scope to make complaint handling more efficient, without compromising the quality of the process.

Law and Investigation Division staff raised some other issues relating to the complaint handling procedure. They said that investigation teams undertaking spot inquiries require access to specialised equipment and resources and their needs require further inquiry. They also said that after a spot inquiry they often lost contact with victims and witnesses because they were required to return official phones and sim cards on their return to the office and victims or witnesses have no other way of contacting them.

Discussion groups praised aspects of the complaints process that supports a client focus. They referred to it being a free service that produced remedies for victims. Because India is a diverse multi-lingual country, the NHRC has a challenging task to provide service to everyone on the basis of equality. The CA team was told of the challenges faced by staff and management in addressing complaints that come in regional languages other than English and Hindi. It often takes longer to address these cases and at times there is great difficulty in translating complaints and documents in regional languages. Many participants in discussion groups said translation must be given more priority, if necessary by allocating more resources to it and by exploring technological possibilities. The NHRC should ensure that it replies in a language that the complainant can understand.

Many discussion groups observed that the enormous number of complaints gives the NHRC an enormous quantity of data about the human rights situation in India. However, the NHRC is unable to analyse and utilise the data as much as it could. Management and staff report that they do not analyse cases to identify systemic issues and to provide a basis for addressing the underlying issues. As a result the NHRC's work is predominantly focused on individual violations rather than on systemic patterns of violation that enable the NHRC to address the root causes and seek preventive measures to stop the recurrence of the violations. At this time, with the current complaint handling procedures and tiny resources available for research, the NHRC has insufficient capacity to for comprehensive systemic analysis and advocacy. However, many groups agreed that understanding and working to address systemic issues should be a major part of the NHRC's work, given its status and authority. This could also make the caseload more manageable by reducing the number of individual cases in areas where systemic solutions are found and implemented. The NHRC has scope to address individual human rights violations more widely to improve the enjoyment of human rights for larger numbers of people.

The capacity gap on this issue was 0.36. The pattern of responses was very similar to those for issue 14, with staff under 30, staff working in the NHRC for under five years and research or policy staff identifying a higher capacity gap than other staff.

The NHRC replied:

The NHRC complaint handling system is one of the best such systems in the world which has been adopted by the various NHRCs. This is also the reason why a large number of complainants are approaching the National Human Rights Commission from length and breadth of the country for resolving their problems related to violation of human rights. In the Para 2.11 of the CA report, it has been accepted that

"NGO representatives did not see the other national institutions as equal to the NHRC or as effective as the NHRC."

The fresh complaints, after computerized diarisation and scanning, are uploaded in the Complaint Management Information System (CMS). Thereafter, these complaints are primarily scrutinized either by the legal experts like Consultants (Scrutiny) or Junior Legal Research Consultants (JLRCs) under supervision of Group 'A' Officers of the Law Division like Assistant Registrar (Law) and Deputy Registrar (Law), who are experienced legal and human rights experts. The statement in the CA report, that these complaints are being reviewed by any external legal consultant after initial examination by the JLRCs is factually incorrect. It is also denied that the case files move through unnecessary layers of supervisors. The Commission's complaint management is in the process of gradually migrating towards e-office.

Taking cognizance of a trend of delay/denial of retiral benefits to sizeable number of people, the Commission has brought out a compilation/booklet on "Retiral Benefits are Human Rights: NHRC Initiatives". Likewise, booklets/publications have also been brought out on Bonded Labour, Child Labour, etc.

The Investigating Officers have been provided phone, cameras and other equipments to conduct investigations in scientific manner. The Investigating Officers have also been provided official landline phones in the office. It appears that the CA team has misunderstood the factual position with regard to mobile phones.

Systemic patterns of violation of human rights are being taken up by the Commission with the top most bureaucrats of the State in exclusive bilateral meetings, during the camp sitting as well as other forums available during seminars, workshops and conferences.

2.16 *The NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.*

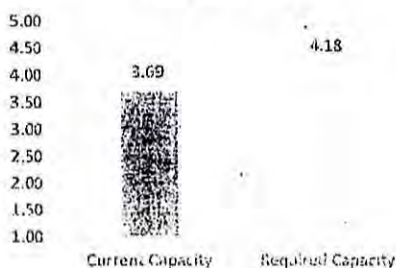
Participants in the discussion groups stated that, because the NHRC's priority is complaints handling, it does limited work in other areas of its mandate. In particular it does little work in monitoring the general human rights situation in the country and visiting places of detention and confinement, including prisons, police lock-ups and cells, psychiatric hospitals and residential centres for elderly persons, persons with disabilities and children. Participants in the discussion groups also said that the NHRC occasionally monitors public assemblies if required and in several instances it has sent its officers to investigate alleged human rights violations during a public protest. But again it does little of this kind of work. Representatives of NGOs who met the CA team were particularly strong in their comments to the same effect. They expressed the need for the NHRC to do much more in relation to these core functions. The PHRA mandates the NHRC to undertake visits to places of detention.⁹⁴

⁹⁴ PHRA s 12(c).

Discussion groups stated that the NHRC's Investigation Division staff do not undertake inspection visits because of the demands of their complaint inquiry work. The CA team was told that the NHRC had appointed Special Rapporteurs and Prisons Monitors to undertake this work on its behalf. Special Rapporteurs were described repeatedly as 'the eyes and ears of the NHRC'. Their primary responsibility is to 'examine, monitor, evaluate, advise and report' on human rights problems through 'activities undertaken by special procedures,

Capacity Issue (16)

Gap = 0.48



conducting visits and providing advice on emerging issues from the perspective of human rights'.⁹⁵ They are appointed on a 'zonal' basis or a 'thematic' basis. Zonal Rapporteurs have responsibility for all human rights issues within a particular region of India. There are five Zonal Rapporteurs. Thematic Rapporteurs have responsibility for one particular rights issue throughout India. There are two Thematic Rapporteurs, one dealing with disabilities and the other with bonded labour, child labour and migrant labour. All Special Rapporteurs are retired senior government officials. All are male. The

CA team was told that the NHRC had also appointed two Prisons Monitors, one of whom is a woman with an NGO background. The team does not know the background of the other.

The Special Rapporteurs do not take action on their own behalf or make public statements. They do not have staff assistance or support. They undertake visits agreed in advance by the NHRC and report to the NHRC at the end of each visit. They are permitted to make one visit of between six and 18 days each quarter. They prepare and propose a program for a visit which is submitted to the Commission for approval. They are unaccompanied on the visit and prepare the report personally after it. The report is to be eight pages in length and contain

RESPONSE DISTRIBUTION

CAPACITY ISSUE (16)



three to four recommendations. It is considered by the Commission at a meeting designated each month for the consideration of reports. The Special Rapporteurs perform their functions on an unpaid, pro bono basis. When undertaking a visit they are paid a set daily allowance to cover expenses.

Following an official visit, a Special Rapporteur is required to submit his report with his findings and recommendations

to the Secretary General who then bring it to the attention of the Commission. As a matter of practice, after considering and endorsing the report, the NHRC sends it to the relevant State Government agencies for their response and action. At times the Special Rapporteurs receive

⁹⁵ Reference

feedback from the state agencies through the NIIRC. However, the CA team was told that there is no proper coordination between the NHRC and the Special Rapporteur. There appears to be little or no follow-up of the report's recommendations. It was said that both the NHRC and the state agencies lack the necessary will in implementing the recommendations.

The Special Rapporteurs and Prisons Monitors do not fall into the formal structure of the NHRC. Although they do essential work that the NHRC should do, their role has little acknowledgement. For example, they are not featured on the NHRC website, apart from their names appearing at the end of the NIIRC Directory of Officers.⁹⁶ Three reports of Special Rapporteurs were uploaded on the website in August 2018 but these are related to specific complaints rather than visit reports.⁹⁷ There is nothing at all on the website about the Prisons Monitors. The lack of attention given to the work of the Special Rapporteurs and Prisons Monitors and the conditions under which they are asked to contribute imply that their role is not especially significant within the NIIRC. Yet they are the only means by which the NHRC undertakes a general program of monitoring and inspections.

The NHRC currently has no collaboration with NGOs in the limited monitoring and inspection work it does. There are clearly opportunities for partnerships here. In fact the NGOs can expand the capacity of the NHRC to undertake these functions more effectively. This is consistent with the NHRC's statutory function to encourage the efforts of NGOs in the field of human rights.⁹⁸

The capacity gap on this issue was 0.48. There was little difference in the assessments of different categories of staff.

On this final issue, the NHRC commented:

NHRC has a well laid out and structured process of monitoring and reporting. The Chairperson/Members of the Commission, Special Rapporteurs and other officers are regularly visiting the prisons, detention centres, psychiatric hospitals and shelter homes for women and children from time to time. The officers of the Investigation Division, Law Division and Research Division are included in the teams to visit such detention places. Their reports along with the recommendations shared with the Government to take necessary action. All reports of the SRs are put up to the full commission and then forwarded to the respective state governments for Action Taken Reports. The members of NGOs/ Civil Society are also associated during the field visits, as and when needed.

The Commission has Special Rapporteurs and Special Monitors on thematic issues/zonal-basis and has been provided remuneration, honorarium including secretariat assistance. Hence, it is not factually correct that they have not provided staff assistance and support.

⁹⁶ <http://www.nhrc.nic.in/contact-us/directory-of-officers>.

⁹⁷ http://www.nhrc.nic.in/activities/reports-and-recommendations?term_node_tid_depth=2476.&title=Special%20Rapporteur&field_date_value%5Bvalue%5D%5Bdate%5D=-

⁹⁸ PIRAs 12(i).

3. CAPACITY DEVELOPMENT FOR NHRC: RECOMMENDATIONS FOR ACTION

3.1 The context for capacity development for the NHRC

The NHRC celebrated its silver jubilee on 12 October 2018 with a number of events, both national and international, to mark the occasion and to acknowledge the NHRC's many achievements over the past 25 years. Reflecting the NHRC's status within India's legal framework, the Prime Minister of India, Shri Narendra Modi, attended and spoke at the principal function.

The NHRC's silver jubilee was also an appropriate time to review the institution's capacity – a good time to take stock of where the NHRC had been effective and where it needed to strengthen its capacity so that it could be even more effective in future. The NHRC saw a CA as timely and helpful and so requested one. The CA partners – APF, OHCHR and UNDP – gladly responded to the request. This report is a snapshot of the NHRC at 25 years.

At 25 years the NHRC can point to many significant achievements.⁹⁹ It was one of the first NHRIs in the world and over its 25 years it has been one of the most respected internationally. In India it is prestigious and authoritative. But it is showing signs of age. The CA team detected a sense of weariness in the institution, a sense that 'things are done this way because they have always been done this way'. The institution actually looks old, sounds old and acts old. There is a risk that after 25 years of high achievement the NHRC may be winding down. The Secretary General spoke to the CA team of the NHRC's need for 'rejuvenation'.

The CA team agrees that the NHRC needs rejuvenation. This is a good time for it. The NHRC must go from being 25 years old to being 25 years young. It needs to do even more than it has done in the past and does today. It needs to broaden the scope of its work. It needs to review and revise many of the procedures and methodologies that obstruct effectiveness and efficiency. It needs to allocate more resources to core NHRI functions that have been under-resourced to date.

This section of the report proposes a program of renewal, Rejuvenation 25, for the NHRC. It recommends a limited number of actions the NHRC could take to effect meaningful rejuvenation. It does not provide a long shopping list of recommended actions. It avoids trying to cover everything in favour of concentrating on the highest priorities for NHRC rejuvenation. It groups recommended actions under six strategic areas:

7. governance
8. strategic and activity planning
9. program delivery
10. staffing
11. gender mainstreaming
12. external engagement.

The NHRC has excellent bases to build on: a generally good statute, highly regarded authority, the wisdom and experience of its leadership, the experience of many older staff and

⁹⁹ See p 32 and following above.

the enthusiasm of many younger staff, a good level of resources and more. However, there will also be challenges to rejuvenation. Some officers accept present ways of doing things uncritically. The CA team detected in many a reluctance to consider change, perhaps even a resistance to change. Many consider that the NHRC is doing well enough and need not worry about doing better. Some former very senior civil servants summarised it well. They told the CA team that the NHRC suffers from 'Indian bureaucracy' and that it would not achieve its best unless it rids itself of the bureaucratic mentality. They said it must 'rise above bureaucracy'. That is the challenge for rejuvenation.

The CA team acknowledges the challenge will be difficult. It will require commitment and determination on the part of the Chairperson and Members and the senior staff. It will also require innovative thinking - a capacity to find ways around problems, such as bureaucratic rules and procedures, rather than fatalistically accepting that 'that's how it is'. The present Secretary General retired at the end of 2018 and a successor was appointed in January 2019. The new Secretary General, who has only recently taken up the position and will require time to learn the internal issues of the NHRC, has responsibility for the executive leadership and management of the whole institution. It is unreasonable to expect that he will be able to devote the time required to take practical, hands-on responsibility for the implementation of the recommendations of this report. In these circumstances the Commission will need a person to drive implementation of its decisions on the report's recommendations. The person would have to be available to work on this task full-time and so would need to be either an existing officer relieved of all other duties while undertaking the task or a consultant contracted exclusively for this purpose.

Recommended action 1

The Commission should appoint a very senior person, with knowledge of human rights and of the NHRC's work and experience in public administration, to drive Rejuvenation 25 on a full-time basis. The person should be responsible directly to the Commission for implementation of the Commission's decisions on this report's recommendations through a well thought through Rejuvenation action plan with time lines, indicators and responsibilities allocated to focal points.

The NHRC responded to the recommended action.

The Secretary General, NHRC is a senior Civil Servant, equivalent to the rank of Secretary to the Government of India, with full knowledge and more than 30 years of experience in the Public Administration and Governance. By virtue of being the CEO of the Commission, he is fully responsible for the implementation of the Commission's decisions and timelines.

3.2 Rejuvenation 25: capacity development actions

Governance

Recommended actions relating to governance address core issues 1 and 2:

1. The NHRC's culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of resources.
2. The *Protection of Human Rights Act 1993*, regulations, policy and practices of Governments and Ministries ensure the NHRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.

The concern for institutional culture is common to all NHRCs. NHRCs should have an institutional culture that is consistent with the human rights principles and values they espouse. The culture should affirm the values of dignity, mutual respect, equality, fairness, non-discrimination within the institution. It should also affirm care for the environment and responsible and prudent use of resources. These are issues that international human rights law is increasingly recognising, although legal development is slow.

Rejuvenation 25 is the opportunity for building further and maintaining this culture. It is the shared responsibility of all those in leadership positions in the institution, as well as all others engaged in the work of the institution, whatever their roles and functions. Human rights principles should be the basis for all relationships within the office, both vertical and horizontal, and with people outside it and they should affect the NHRC's practices and procedures.

Recommended action 2

NHRC leaders – the Chairperson and Members, the secretary general, the joint secretaries, the registrar, the director general, their deputies and assistant directors, and other the heads of sections – should strive to build and maintain a culture of respect, trust and teamwork at all levels within the NHRC. This requires fair and equitable treatment of all NHRC personnel – Commission Members and staff.

This kind of culture can be developed and maintained by engaging all staff in building a shared vision, strategies and priorities for the NHRC, and through the NHRC itself modelling core human rights values such as dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of human, financial and infrastructure resources.

Specific steps that can be taken to build this culture include

- conducting learning sessions on human rights for staff members on a regular basis
- organising managers' sessions of peer to peer exchange of knowledge on leadership, management and application of human rights in managing human resources
- encouraging staff members to participate actively in designing programs, including by rewarding novel ideas and innovation
- building on current initiatives for staff, such as the sports association and create more social platforms for team leaders and team members.

The NHRC responded to the recommended action.

Through the collective efforts of the Chairperson, Members, Officers and Staff of the Commission, the sphere of activities, including the number of complaints, has grown exponentially since the year of its inception -- from a mere 496 complaints in 1993, the number of complaints now received is nearly one lakh per year. There is a culture of respect, trust and teamwork at all levels within the NHRC. This also reflects that the trust reposed by the common man towards the Commission has increased many a fold in the last 25 years.

The Staff and Officers are actively involved in all activities of the Commission, including participation in various training programmes, conferences/seminars etc from time to time to enhance their knowledge and skills so that they can discharge their duties more effectively. The Commission also has a Welfare Association for its employees managed by the Staff and Officers, which promotes cultural/sports and other activities.

In addition, the Commission has also set up a Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to address all complaints and concerns of its female staff. In addition, staff members also have adequate avenues to voice their concerns/grievances to senior officers, and the same are addressed as per law.

Notwithstanding the above, learning sessions on human rights for staff members, such as the gender sensitization training workshop/programme organised in collaboration with the Asia Pacific Forum in 2017, peer to peer knowledge exchange programmes amongst the staff/officers and collective initiatives like sports activities and cultural events etc. are being encouraged in the Commission. The Commission adheres to the spirit of the Paris Principles in all its functioning and initiatives.

The PHRA was enacted in 1993 and has been amended twice, in 2000 and 2006. As part of Rejuvenation 25, it can be reviewed and revised again to bring it into closer alignment with the Paris Principles. The PIIRA is generally a good law but it has deficiencies. Among the deficiencies are

- the absence of any statement in the PIIRA that the NHRC is independent and not subject to government control
- the absence of details of an open, transparent procedure for the appointment of the Chairperson and Members of the Commission
- reliance on civil service deputation for the appointment of the NHRC's most senior officers
- the NHRC's inability to have its annual and special reports tabled in parliament within a short time of presentation to the Government.

There is an amending Bill at present before the Parliament but unfortunately it does little to correct the deficiencies.¹⁰⁰ The GANHRI SCA has made a number of proposals for amendment to the PIIRA to make it more fully compliant with the Paris Principles but those

¹⁰⁰ *Protection of Human Rights (Amendment) Bill 2018.*

proposals have not been taken up in the current Bill. The PHRA requires amendment to address the SCA's concerns.

The Paris Principles are clear on the requirement that NHIRs, regardless of the constitutional and legal system in which they operate, be distinguished formally in their founding legislation from a government agency, an NGO or an ad hoc body. Their independence should be asserted and protected. This requirement has been interpreted and reinforced in General Observation 1.1.

The Paris Principles section B.1 and General Observation 1.8 require a process for the appointment of Members that promotes merit based selection and ensures pluralism as necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI. The General Observation indicates that the procedure should include requirements to

- publicise vacancies broadly
- maximise the number of potential candidates from a wide range of societal groups
- promote broad consultation and participation in the application, screening, selection and appointment process.

General Observation 1.11 states that "it is preferable for the NHRI to have an explicit power to table reports directly in the legislature rather than through the executive and, in so doing, to promote action on them". Under India's constitutional parliamentary system, reports are tabled in parliament through a designated ministry. The Ministry of Home Affairs has that responsibility in relation to the NHRC's reports. The difficulty arises when the Government delays tabling because it does not have a response to the report available for tabling at the same time. In the recent past the tabling of the NHRC annual report has been delayed some years as a result of this requirement.

Recommended action 3

The NHRC should continue to protect and ensure its independence and autonomy as provided by law in the *Protection of Human Rights Act 1993*. It should assert its independence vigorously through a variety of strategies. In particular, it should seek amendment to the PHRA to state that the NHRC is an independent institution that is not subject to direction from the Central Government or any State Government of India,

Further, in accordance with the recommendations of the GANHRI SCA, the NHRC should seek to incorporate in legislation an open, transparent process for the selection and appointment of the Chairperson and Members of the Commission that includes requirements to

- notify vacancies publicly and broadly
- encourage candidates from a wide range of groups including women, people with disabilities, hijra and other sexual minorities, and members of scheduled castes, scheduled tribes, backward classes and minorities
- enable broad consultation and participation in the application, screening, selection and appointment process
- assess applicants on the basis of pre-determined, objective and publicly available criteria.

The NHRC should also seek amendment to the PHRA to permit it to appoint the Secretary General, the head of investigations and all other staff through direct recruitment rather than through deputation from the Central Government.

The NHRC should also seek amendment to the PHRA to require the tabling of the NHRC's annual and special reports in parliament within a fixed time of receipt whether or not the Government is able to table a response at the same time.

The NHRC responded to this recommended action.

The Commission is a statutory, autonomous body constituted under the Protection of Human Rights Act, 1993 (PHR Act), in conformity with the international Paris Principles. The PHR Act does not provide or prescribe any mode to the Commission in its functions as mentioned in Section 12 of the Act, which requires to seek any advisory or opinion from the Government by virtue of its independence to come to a conclusion on any issue relating to protection and promotion of human rights. But on the contrary, the Commission issues adequate instructions, advices and recommendations and also guidelines. In addition to that, Sections 13, 14, 17 and 18 of the PHRA gives the NHRC the powers, which it exercises on a daily basis, to issue directions and recommendations to the Centre and State Governments on any matter relating to violations of human rights, of which it takes cognizance.

It is noteworthy to mention that with regards to selection and appointment of Chairperson and other Members of the Commission, the PHR Act has already provided that a high power Committee consisting of Prime Minister of India as the Chairperson, Speaker of the House of the People (Lok Sabha) as member, leader of the opposition of the House of the People as a member amongst other, which shows that the process of selection of those posts has been insulated from government intervention, rather it is a participatory method involving opposition in it too.

As regards to the Amend of PHR Act, the PHR Bill 2018 has already been proposed and laid in the Parliament for finalization.

The Commission selects the Secretary General and Director General (Investigation) as per the PHR Act from the panel of name of officers sent by the Government. The Commission is uniquely placed to select meritorious candidates for these jobs. The appointment of Secretary General and Director General (Investigation) who have wide knowledge and experience of functioning of Human Rights enables the Commission to discharge its functions more effectively. This system is best suited to promote and protect the human rights of the people which is the primary aim for the establishment of NHRC India.

It may be noted that similar structure exists in the Secretariat of the UN and other multi-lateral institutions, which are accepted to be independent of Members States, nevertheless have significant number of staff at the highest positions on secondment from Governments.

The Commission selects staffs as per the Commission's existing notified Recruitment Rules and Regulations, eligibility criteria and the procedure for selection of staff is transparent and based on merit.

The Commission has been making a conscious effort to promote the greatest possible diversity in the selection of its staff including, women and those belonging to weaker/marginalised sections, as per rules.

The Annual Report of the Commission along with the Action Taken Report is placed before the Parliament year. There is no need for any amendment to the PHR Act, as the Annual Reports of the Commission laid before the Parliament after the Action Taken Report which takes some time.

A re-examination of the place of Deemed Members in the NIIRC can be part of Rejuvenation 25. The inclusion of four Deemed Members in the NIIRC's chief decision-making body has raised difficult issues for the NIIRC.¹⁰¹ In theory, there are good reasons to include the heads of other national institutions that deal with marginalised or at risk groups for whom there are significant human rights issues. These other institutions should also have a focus on human rights, albeit a focus on human rights as they relate only to the groups that are designated within their mandate. It makes sense to bring the heads of these institutions into the NHRC to enable exchanges of view and to promote cooperation and collaboration among the institutions, including joint activities and possibly joint advocacy.

The reality, however, is far different. First, these other institutions are not required to comply with the Paris Principles and so their heads need not meet the criteria for NHRI members under the Paris Principles. Some may be ineligible under the Paris Principles for full voting membership of an NHRI, for example, because they hold parliamentary or ministerial or some other political office or are civil servants. Their membership of the NHRC may jeopardise the NHRC's 'A' status accreditation.

Second, the NHRC's full Commission does not in fact operate as the institution's chief decision-making body. It meets only once or twice a year, in what are called 'Statutory Meetings', where it operates more as a dialogue forum rather than a determinative body. The Deemed Members often do not attend in person but nominate a staff person from their institution to attend in their place and represent them, even though the PHRA does not provide for attendance of Commission members by proxy or through a representative.

In view of the problem arising under the Paris Principles and the fact that Statutory Meetings do not act as formal meetings of the Commission, there seems to be no point in continuing to have Deemed Members of the Commission. On the contrary, the continuation of Deemed Members may jeopardise the NIIRC's 'A' status accreditation at some point. The present unsatisfactory situation may well become worse if an additional three deemed members are added to the four already on the Commission, as proposed in a Bill before the parliament.¹⁰²

The CA team considers Deemed Members should be removed from the Commission's formal membership. Statutory Meetings should then be replaced by inter-institutional meetings twice a year. The purpose of these inter-institutional meetings should be to do what the Statutory Meeting is supposed to do at present, that is, to enable exchanges of view and to promote

¹⁰¹ PHRA section 3(3)

¹⁰² *Protection of Human Rights (Amendment) Bill 2018 s 3.*

cooperation and collaboration among the institutions, including joint activities and possibly joint advocacy.

For so long as Deemed Members are retained as Member of the NIIRC, Statutory Meetings of the Commission should be enhanced and given a proper role, functions and responsibilities, appropriate to the most significant body in the NIIRC's structure.

One result of Rejuvenation 25 can be the emergence of a new force for human rights in India, developed and established by the NIIRC under its leadership. The NHRC could consider widening the dialogue with other national institutions further by including the heads of SHRCs established under the PIIRA.¹⁰³ Indeed there would be value in considering the establishment of an All-India Council of Human Rights Institutions, led by the NHRC and including all appropriate national institutions and SHRCs. It has been estimated that there are 150 to 160 such institutions and yet there is virtually no cooperation and collaboration among them. This kind of cooperation would enhance the protection and promotion of human rights in India.

Recommended action 4

The NIIRC should review the inclusion of Deemed Members in its statutory membership, to evaluate what value they have added to the NIIRC's work and to identify whether they can be enabled to make more significant and regular contributions and, if so, how. Unless the review finds strong reasons to retain Deemed Members and unless the potential difficulties for the NHRC in relation to its accreditation under the Paris Principles can be resolved, The NHRC should recommend to the Central Government and parliament the amendment of the NHRC to remove Deemed Members from formal membership of the Commission. If the Act is amended in this way, the NIIRC should continue to invite the heads of other relevant national institutions to meet once or twice a year with the NIIRC Members to permit an exchange of view and to promote cooperation and collaboration among the institutions.

In relation to recommended action 4 the NHRC responded

The NIIRC is in constant interaction with Deemed Members of the Commission and conduct regular meetings with these members on issues of mutual interest with regards to promotion and protection of human rights. The Commission conducts Conferences/Seminars/Workshops etc. where it is in regular touch with these members by inviting them to these Conferences/Seminars/Workshops pertaining to the respective mandate.

The Deemed Members of the NIIRC are extremely useful to the NIIRC and there is no move or benefit to remove them from the Deemed Members because the complaints which are received are from different sections of society to these Commissions, such as National Commission for Women, National Commission for Minorities, National Commission for Scheduled Castes and National Commission for Scheduled Tribes and National Commission for Protection of Child Rights.

¹⁰³ PIIRA chapter V.

The purpose of the Statutory Commission Meetings is to bring together on a common platform all National Commissions so that they may share common concerns and mutually agree upon initiatives that may help strengthen the overall human rights protection within the country. The Commission has developed an HR Network portal to which it proposes to connect the Deemed Member Commissions as well as SHRCs with a view to promote greater collaboration on issues of mutual human rights concern.

The Commission plans on integrating the Deemed Members on its HRCNet Portal through which duplication of complaints can also be avoided with the deemed members.

Recommended action 5

The Commission should ensure that, so long as Deemed Members are Members of the Commission, they participate meaningfully in the Commission's decision making, including by holding Statutory Meetings of the full Commission at least twice a year with the key responsibilities, at appropriate points each year, to

- approve the strategic plan
- approve the annual work plan
- approve the NIIRC's annual budget
- receive and discuss reports of NIIRC activities against the strategic and annual workplans
- evaluate the NHRC's performance on an annual basis against the strategic and annual workplans
- coordinate activities between the NCHIR and the national commissions that the Deemed Members head
- develop common policies and law reform proposals when considered necessary and plan joint advocacy on those common policies and proposals.
- monitor and analyse human rights situations and trends and actively interact with international human rights mechanisms, including by submitting parallel reports.

In relation to recommended action 5 the NIIRC responded

The discussions with the Deemed Members during the Full Commission Meetings, meetings with Chairpersons/Members of the Deemed Commissions and their Secretaries provide an interface that are built into the strategic plan / Annual work plan/ Annual Budget. Deemed Members in the evaluation and implementation of working of NIIRC is with regard to sensitization and construct and develop the plans such as POCSO, mental health, disability, elders and other advisories.

According to the functions of the Commission envisaged in Section 12, Sub Section (b) to (j) of the PHIR Act, the deemed members of the Commission work in close proximity with the NIIRC.

The Commission reiterates that the purpose of the Statutory Full Commission Meetings is to bring together on a common platform, all the deemed member National Commissions so that they may share common concerns and mutually decide upon initiatives that may help strengthen the overall human rights protection within the country,

The Statutory Full Commission meeting is not the only platform where the participation of Deemed Members is solicited by the Commission. In addition, Deemed Members are invited to, and they attend all the important events organized by the Commission, including Seminars, Conferences, Public Consultations etc. around the year.

The Commission will continue to meet and collaborate with Deemed Members as per the mandate outlined in the PIR Act, to discuss and deliberate upon issues of mutual concern with regard to the protection and promotion of human rights across the country and to give voice to the aspirations of the marginalised sections in all mutually-agreed collaborative action plans of the Commission and Deemed Members, including through joint advocacy and joint action on issues of mutual concern.

Recommended action 6

The NHRC should consider the establishment of an All-India Council of Human Rights Institutions, led by the NHRC and including all appropriate national institutions and SHRCs. The proposed All-India Council of Human Rights Institutions should meet at least annually to enable exchange of views among the institutions and to promote cooperation and collaboration, including joint activities and possibly joint advocacy. Major national CSOs with a human rights mandate could also be invited to participate as active observers in the discussions and possibly in joint activities.

In relation to recommended action 6 the NHRC responded

The Capacity Assessment team was briefed about the functioning of the Commission and its engagement with various stakeholders including State Human Rights Commissions, NGOs, other National Commissions, Civil Society Organizations, Institutions and Academia etc. through a host of mechanisms, platforms and initiatives developed by the Commission based on its experiences of dealing with human rights violations across the country over the last 25 years of its existence.

The Commission has developed a multi-faceted and very intricate network of cooperation and interaction with various stakeholders including civil society, Human Rights Institutions etc. All stakeholders working collectively towards protection and promotion of human rights are State Human Rights Commissions, NGOs, other National Commissions, Civil Society Organizations, Institutions and Academia etc. Therefore, it is not needed or suitable in the Indian context.

The Commission has developed the best practices to engage/associate, coordinate, collaborate with various stakeholders at the national and regional level, through (i) Camp Sitings and Open Public Hearings in different state capitals to ensure speedy

disposal of cases concerning atrocities against Scheduled Castes and other vulnerable sections of society, (ii) Visit of Special Rapporteurs and Special Monitors of NHRC to various States/UTs to assess the human rights situation in health institutions, prisons, implementation of public distribution schemes etc, (iii) Core and Expert Groups are specialised on key sectoral issues, including NGOs and Human Rights Defenders, Bonded Labour, Health and Mental Health, Disability and Elderly persons, Right to Food, Women, Children, LGBTIs and on Business, Environment and Human Rights; (iv) Statutory Full Commission meetings with Chairpersons of other deemed member National Commissions for women, SCs, STs, Minorities, etc to discuss the issues of common interest and promote appropriate policies to address those issues; (v) Regular interactions with State Human Rights Commissions to explore and further strengthen areas of cooperation and partnership on matters of mutual concern; (vi) Focal Point on Human Rights Defenders (HIRDs) to deal with all cases relating to violation of the rights of HIRDs, (vii) Parallel country reports to the UNHRC for India's first, second and third Universal Periodic Review (UPR) by conducting regional and national consultations with NGOs, civil society, HRDs, SHRCs, academics, and other stakeholders to ascertain the ground-level human rights situation in the country, which could be incorporated into its submission to the HRC; (viii) Monitor mental healthcare hospitals/institutions and the Commission is monitoring 43 such mental healthcare institutions across the country.; (ix) Organises human rights training programmes **human rights training programmes, and seminars and workshops in different parts of the country on thematic issues like emerging forms of bonded labour in our society, police and prison reforms, women and child issues, manual scavenging, mental health, business and human rights, right to food, healthcare, education and sanitation within the overall framework of the Sustainable Development Goals (SDGs), challenges faced by the elderly, persons with disabilities and other vulnerable sections like SCs and STs, among other topical human rights concerns, at regular intervals.**

Additionally, the Chairperson, NHRC has designated three days of every week, when on prior appointment, he will meet and interact with civil society members, HRDs, and representatives of NGOs, thus, opening up yet another channel of direct dialogue and interaction between the Commission and civil society aimed at better human rights protection within the country.¹⁰⁴

Finally within the strategic area of governance, the CA team heard frequent calls for the NHRC's visibility to be increased. The NHRC certainly has visibility and credibility among Central and State Governments and their ministries and agencies. The silver jubilee celebrations have confirmed that visibility, with the Prime Minister of India, Shri Narendra Modi, leading the celebrations. However, the NHRC remains little known outside those circles, even in cities. The CA team was told repeatedly that the caseload of 100,000 new complaints a year was very low for a population of 1.3 billion people and that this low number was the result of people simply not knowing of the NHRC and its work. The complaints load is linked to visibility in another way too. Because Members dedicate 70% of their time to complaints and because 70% of the NHRC's resources are consumed in complaint handling, there is little time and few remaining resources that can be allocated to building and maintaining the NHRC's visibility. Yet, it has a responsibility to be visible, that is, well known. People are entitled to know of the NHRC and its work and its provision of

¹⁰⁴ Bold text appears as in the original response from the NHRC.

services to ensure remedies for victims of human rights violation and to provide protection for those at risk of violation. Building and maintaining visibility is an urgent obligation. Rejuvenation 25 can be the time to commence that newer, higher visibility.

Recommended action 7

NHRC leaders should allocate high priority to building and maintaining the visibility of NHRC in India. They should explain and emphasise the distinctive role of NHRC as an independent State institution that is neither governmental nor non-governmental, that has a statutory mandate for the promotion and protection of human rights and that strives to ensure promotion and protection of human rights for all in India.

The NHRC responded to this recommended action.

The Commission through a wide range of its outreach initiatives/programmes, including its camp sittings/open hearings, field visits by its Special Rapporteurs, Special Monitors, and senior officers and Staff as well as through its Media and Communications Unit reaches out to the Public.

The Commission is making extensive use of press releases, digital platforms, information technology and e-governance initiatives and has dovetailed these to the Commission's various programmes and initiatives to redress complaints of human rights violations and spread human rights awareness at the grassroot level.

The Commission has launched an important initiative wherein it will receive online complaints through three lakh Common Service Centres (CSCs) across all districts of India. This is aimed at providing immediate and easy access to the citizens at their very doorstep.

Besides this, the NHRC India through NIC got developed Human Rights Commissions Network(IIRCNet) portal which can be used by citizens of India for lodging complaints at NHRC or any of the onboarded State Human Rights Commission (SHRC). IIRCNet portal has also been integrated with Common Service Centres (CSC) to facilitate common citizen of India to lodge complaints.

Focal Point for Human Rights Defenders (HRD) and HRD Helpline: The Commission has appointed a Senior Officer as the Focal Point for HRDs, who is accessible round the clock, 24x7, 365 days a year, on a dedicated mobile number, as well as through fax and email.

Some of the other major programmes started by the NHRC to explore alternative media platforms ensuring people's participation in the promotion and protection of human rights, include Short film on Human Rights Competition, Human Rights Street theatre competition, Documentaries and short film on human rights themes, Newsletters, Journals and other human rights related publications, Conferences,

Workshops and Seminar on human rights issues. The NHRC, India programmes are also extensively covered by the media.¹⁰⁵

Strategic and activity planning

Recommended actions relating to strategic and activity planning address core issues 3, 4 and 9:

3. The NHRC develops, adopts, implements, monitors and evaluates strategic plans and annual work plans, following consultation with Members and staff and with external stakeholders. It also ensures that the plans reflect international human rights law (including economic, social and cultural rights as well as civil and political rights), are based on evidence and analysis of the human rights situation in India, and respond to current and emerging human rights issues.
4. The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRC functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.
9. The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.

In 2018, the NHRC's silver jubilee year, the NHRC developed and adopted a strategic plan for the first time, the Strategic Plan 2018-21. It also adopted annual activity plans for each of the three years covered by the Strategic Plan. The Strategic Plan seeks to provide an overview and the annual activity plans the specifics of what the NHRC will do in a year, who will do it, when and with what effect. This is a very positive initiative to place the NHRC's work program on a far more strategic footing. It should continue well beyond the silver jubilee.

The Strategic Plan is short and straight-forward. It defines the NHRC's mission, priority focus areas and priority functions. However, it does not clearly define strategic priorities and goals. Defining these clearly would assist in developing measurable indicators that will be used to evaluate the plan. The CA team was told that the NHRC has not yet developed any indicators.

The Strategic Plan should be a document that identifies the strategic direction that the institution wants to take and the goals that the institution aims to achieve. The annual action planning process should complement it, review the achievements and plan actions and activities that would assist in achieving the goals set out in the Strategic Plan.

The NHRC's Strategic Plan could do with further development to provide a more comprehensive overview of the NHRC's work and to include, in particular, monitoring and evaluation processes and indicators. The NHRC's planning now needs to be consolidated and institutionalised. The planning process needs to be further developed so that it is evidenced

¹⁰⁵ Bold text appears as in the original response from the NHRC.

based, takes a human rights approach and is more broadly consultative both inside the NHRC and outside.

The strategic plan and the annual activity plans should also ensure an appropriate balance among the various functions of NHRCs under the Paris Principles. The NHRC has done very well in complaint handling but less well in relation to other NHRC functions. The planning process is the opportunity to examine past and present priorities and allocations, assess whether they have been appropriate and determine new ones for the future in accordance with the Paris Principles requirements.

Recommended action 8

Building on the strategic and annual activity planning commenced in 2018, NHRC leaders should ensure that NHRC always has

- a multi-year strategic plan for the whole organisation that determines its objectives, priorities and key results in implementing its statutory mandate
- an annual activity workplan for the whole organisation and for each division, consistent with the strategic plan, that provides for the organisation's and the division's contribution to the implementation of the strategic plan and key results for the year.
- clear indicators, targets (both annual and multi-year) and measures for monitoring and evaluation in the strategic plan and annual activity plans.

In relation to recommended action 8, the NHRC advised

The Commission has a comprehensive Strategic and Annual plans that are focused such as, Human dignity for all, protect rights of the people from marginalized sections of society, prison reforms, women & child rights, rights of disabled, elderly, LGBTI rights, environment protection, health care & mental health, human rights education, good governance, business & human rights, human right defenders, NGOs/civil society and bonded labour. These plans are aimed at spreading human rights awareness and encouraging greater engagement with all stakeholders for improvement in laws, policies, programmes & schemes to promote and protect human rights. The said plans detail the goals to be achieved and corresponding timelines not only for the Commission as a whole, but also work plans for each division and unit of the Commission.

Recommended action 9

The NHRC strategic plan and annual workplans should be evidence based, identifying national priorities. They should be developed through a human rights based approach that includes internal consultation with all Commission Members and staff accompanied by external consultation with key stakeholders in government, civil society, relevant other national commissions and SIURCs.

The NHRC responded to recommended action 9 as follows:

The NHRC's strategic and annual plans are based on evidence keeping in view the material points in consultation with the stakeholders including the Divisional Heads of the Commission, Civil Society, NGOs, Academicians and other stakeholders.

Recommended action 10

The strategic plan should reflect and balance appropriately the various functions of NHRI's under the Paris Principles: research, advising, monitoring, educating, training and raising awareness, and complaint handling. It should ensure that the NHRC performs the full range of NHRI functions. It should provide for the balanced allocation of resources – staff and funds – across all these functional areas to ensure that the NHRC operates as a fully-fledged NHRI. It should in particular direct additional priority and resources to NHRI functions other than complaint handling. It should also ensure appropriate balance between work on civil and political rights and work on economic, social and cultural rights in accordance with its mandate for all human rights.

In relation to recommended action 10, the NHRC commented:

The Strategic Plan reflects a balance of priority, allocation of manpower and financial resources to each of the functions of the Commission including, complaint handling, research, training, human rights awareness, monitoring, capacity building, advocacy and others.

The Commission has been undertaking extensive initiatives and making a large number of recommendations on the basis of the functions it performs under Sections 12 (b) to (j). All this is made possible by hectic activities organized by NHRC year round in the form of seminars, conferences, workshops, public consultations etc. in which civil society occupies a central place.

As mentioned above, the Commission has been making special efforts to encourage **actionable research** which can enable the Commission to make appropriate policy interventions. To this end, the Commission carry out extensive discussions with researchers to whom research projects are assigned, to outline the Commission's expectations – whether in terms of the geographical area to be covered, the sample size of the target study group/population, and the nature of enquiry to be carried out which can provide the Commission an opportunity to make important policy-level interventions based on such research.

Recommended action 11

The NHRC's annual workplan should set priorities, allocate responsibilities, fix schedules and deadlines and establish accountability mechanisms to ensure the strategic plan's implementation. It should implement for the year in question the balanced allocation of priorities and resources – staff and funds – across all NHRI functional areas. It should also

stipulate the NHRC's activities for monitoring and evaluating its work. Implementation of the annual workplan should be reviewed on a quarterly basis.

The NHRC commented in relation to recommended action 11:

The NHRC's annual work plan reflects a balance of priority, allocation of manpower and financial resources to each of the functions of the Commission including, complaint handling, research, training, human rights awareness, monitoring, capacity building, advocacy and others.

The Priority areas of NHRC Annual Action Plan are the awareness activities, events in a time bound manner that contribute towards key outcome of promotion and protection of human rights. The Annual Action Plan and strategic plan have been developed in recognition of the resources available in the NHRC with focus on human dignity and equality.

The Commission has already taken into account the points raised by CA Team while preparing plans for 2020-21, and the points recommended by the CA Team will be taken into consideration while preparing the strategic plan and annual work plan.

Recommended action 12

As part of its planning process, the NHRC should build on its existing workplans by developing and implementing broad strategies and policies for its key functions, including

- media and communications, including social media
- human rights promotion through education and awareness raising
- outreach to women and children and to poor and marginalised groups, especially scheduled castes and tribes and backward classes, ethnic, religious and cultural minorities, illiterate and poorly educated persons, persons in remote areas, those in cities and towns living in extreme poverty and hijra and sexual minorities
- external relations with the Government and relevant ministries, Parliament and relevant parliamentary committees, academics, human rights defenders and civil society.

On recommended action 12, the NHRC said

The NHRC's strategic and annual plans are based on an assessment of its existing work plans and future projections. It already has in place plans related to the following:

- a detailed media and communications policy including social media,
- plans for human rights awareness/research and training,
- addressing human rights challenges faced by vulnerable sections particularly, women, children, SCs, STs, the elderly, those with disabilities, minorities, as well as those residing in rural areas, human rights defenders,

- enhancing interactions with the central and state governments and its various bodies
- extensive interactions with its nine (09) core and expert groups,
- interactions with various stakeholders including, NGOs, HRDs and civil society groups
- monitoring of flagship socio-economic programmes of the Government of India.

Thus, the strategic and annual plans are adequately geared towards further strengthening its existing work/functions in each of these areas.

Program delivery

Recommended actions relating to program delivery address core issues 10, 12, 13, 15 and 16:

10. To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people.
12. The NHRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.
13. The NHRC undertakes effective human rights education and awareness raising, that enables it to reach out to all population groups in India, through a strong external communications strategy, including social media, communication in Hindi and English and, where appropriate, other languages.
15. The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.
16. The NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.

The Paris Principles define the functions of NHRIs. They fall into six broad areas:

- providing advice, particularly to government and parliament
- complaint handling
- human rights education
- monitoring and inspections
- interventions in court proceedings in relation to an human rights issue
- cooperation and engagement, internationally and nationally.

NHRIs must work effectively under all these functional areas. Their international accreditation status depends on it. The NHRC has been strong in complaint-handling since its inception 25 years ago. It has been less effective in other functional areas, however. Rejuvenation 25 is an opportunity to re-examine priorities and re-assess allocation of resources to ensure a better, more effective and more appropriate balance of in the allocation of responsibilities and resources.

A key part of the NHRI *advisory function* relates to advising on the consistency of domestic laws and policies with international human rights law. NHIRs should have a legislative review program through which they provide advice to both the government and the parliament on both existing laws and regulations and proposed laws and regulations.

The NHRC already undertakes reviews of some Bills at the invitation of the Government. It submits reports to the Government on its reviews but not to Parliament. It does not undertake the reviews on a comprehensive basis but on an ad hoc basis. It is largely reliant on the Government alerting it to Bills that may raise human rights issues and then providing advice in response only on those Bills.

Recommended action 13

Within its strategic plan and annual workplans, the NHRC should develop and implement a structured program of legislative review to assess existing and proposed legislation for its consistency with international human rights law. The NHRC should report to the government and the parliament and to the public on the results of its reviews. The law reform program should commence with the identification of those laws in relation to which human rights are most relevant and allocate priority to their review. The NHRC should also ensure that it is advised of all new legislation being prepared or introduced into parliament so that it can determine whether a human rights issue is raised to warrant NHRC review and report.

The NHRC has stated in relation to recommended action 13,

The Commission reviews proposed and extant domestic legislations to ensure that they conform to human rights standards as well as the core values of 'life, liberty, dignity and equality' outlined in the PIR Act. NHRC provides its comments on such legislations based on the advice of its concerned thematic Core/Expert Groups. The Commission also examine the status of harmonisation of the domestic legislation with the UN Conventions ratified by India with the help of its Core Group Experts and accordingly recommends amendments in the domestic legislations to the Government of India. This continues to be a key area of work in its strategic and annual plans. During the recent years, the NHRC, India has given its views on the legislations:

Right to Life & Dignity

- Child Labour (Prohibition and Regulation) Amendment Act, 2016
- Children (Pledging of Labour) Act, 1933
- The Mental Health Care Act, 2017
- Sanitation Workers (Regulation of Employment and Condition of Services) Bill, 2014

- Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015
- Draft Cabinet Note for Amendment to the 'Dowry Prohibition Act, 1961'
- The Juvenile Justice (Care and Protection of Children) Act, 2015

Right to Liberty & Equality

- Draft Cabinet Note on National Litigation Policy (February, 2015)
- The Minimum Wages (Amendment) Bill, 2015 (October 2015)
- The Prevention of Destruction of Public Property (Amendment) Bill (June, 2015)
- Amendment to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules (March 2016)
- Draft Cabinet Note for Amendment to 'The Immoral Traffic (Prevention) Act, 1956
- The Rights of Persons with Disabilities Act, 2016
- Prison Act, 1984

The Commission is in a continuous process to further strengthen its delivery system and will keep continuing to do so.

The advisory function requires *research* as well as legal review. The NHRC's research priorities are unclear. The CA team was informed that research topics were sometimes proposed by Commission Members and at times identified by the Division. However, the NHRC's research function is largely outsourced to academics on the basis of proposals initiated by the academics, not by the NHRC. There is little planning, discussion and thinking invested in identifying emerging areas warranting research. The core group members, an excellent resource, well placed to help in the process of planning and prioritizing research topics were never consulted.

The NHRC's own research unit has the potential to identify strategic areas for the NHRC research and to explore through research solutions to complex human rights issues. It is well placed to boost and complement the NHRC's advocacy and reform initiatives.

Recommended action 14

The NHRC should build its own internal research capacity, appropriately resourced, to undertake in-house research on the basis of research priorities identified by the NHRC and incorporated into the strategic plan and annual workplans. The NHRC should also use its in-house research capacity to partner with external academics in joint research projects in to priority human rights issues.

The NHRC has commented in relation to recommended action 14,

As per Section 12(g) of the PIR Act, 1993, the Commission has been mandated to undertake and promote research in the field of human rights. The research conducted by NHRC are primarily the action based research on the issues of prime importance which are relevant at a point in time. Some of these issues may require a deeper enquiry and therefore should be lead by an expert or an institution having extensive knowledge and experience of working on such issues. Accordingly, every year the

Commission identify the areas of human rights concern based on the inputs derived from the Core Group meetings, complaints received, conferences and seminars, open hearings etc. and call for research proposals through expression of interest. Further, in order to ensure the diversity and inclusivity, the research proposals are invited from NGOs, civil society organisations, academic institutions, think tanks etc.

The prominent on-going/completed studies and research projects commissioned by NHRC, India, include the following:

1. Sexual and Reproductive Health and Well-being
2. Prevailing Right to Food Situation among BPL Families in Bihar and Uttar Pradesh
3. Study on Human Rights of Transgender as a Third Gender
4. Right to Education of Children of Migrant Labourers in Kerala
5. Witch Hunting in Assam with Special Reference to Bodoland Territorial Area Districts (BTAD)
6. National Research Study on Human Trafficking
7. Governance Challenges for Implementation of Workers' Rights in Hazardous Industries: A Study of Alang-Sosiya Ship-Breaking Yard, Gujarat
8. Interrogating Violence Against Women From the Other Side: An Exploratory Study into the World of Perpetrators
9. Human Rights of Elderly Persons: Law, Policies and Implementation – A Study with Special Reference to Kerala
10. Pilot Study on Under Trial Prisoners in the State of Uttar Pradesh
11. Atrocities against Dalits: An Empirical Study on the Performance of Special Courts in Tamil Nadu
12. Migrant construction workers in Kerala

Further, the findings and the recommendations of the research projects are extensively discussed during the meetings of the concerned Core Group.

The in-house research capacity of the Commission is responsible for shortlisting the appropriate research proposals. The in-house research team follows a comprehensive criteria while shortlisting the research proposals which includes, detailed examination of the methodology adopted for achieving the intended objectives of the study, ensuring whether the sample selected for the study is representative. Further the feasibility of the tools and techniques used for the collection and analysis of the data. The in-house research team continuously monitors the research project.

The NHRC's *complaint handling* service is the best known and best resourced of its functions. The NHRC registers on average 100,000 complaints a year but for many the amount of work done is not great. In 2016-17 over 42% of complaints were dismissed *in limini* and another 20% were transferred to SHRCs. Only a little over 17% of cases were disposed of with directions to the appropriate authorities for remedial measures. So although heavy, the NHRC's complaint load is not unmanageably large. There is no reason why it can't be handled more quickly and more efficiently. This would enable the NHRC to handle larger numbers of complaints effectively in the future. It would also permit additional resources to be allocated to other functional areas of the NHRC's statutory mandate.

The CA team was not able, in the time available to it, to undertake a thorough review of the NHRC's complaint handling procedures and make recommendations for its streamlining and reform. This is a large task which needs to be focused exclusively on the complaint handling process. The CA team would expect it to require an external consultant at least a month to do the task adequately. The team's task was to look generally at the NHRC's strengths and weaknesses, not exclusively at any single area. So it does not make specific recommendations for reform of the complaints handling process. Rather, it offers principles for the complaint handling and objectives for the review as a basis for further work.

Recommended action 15

The NHRC's complaint handling services should be accessible, user friendly, effective, responsive, timely, as informal as possible and directed towards resolution of complaints. The NHRC should undertake an external review of its procedures for complaint handling to ensure this. The review should report on how complaints are handled, what strategies and methodologies in complaint handling are more likely to achieve successful resolution of a complaint and how complaint handling can be used to lead to systemic change. The review should look in particular at the role of investigation in complaint handling and the 'rapid intervention' approach to complaint handling.

The review should make recommendations to streamline the complaint handling process to

- minimise multiple handling by reducing the number of levels of supervision and increasing the use of delegations, so that no decision requires handling by more than three people – the case worker and at most two levels of supervisor, including the Commission where appropriate
- eliminate large volumes of printing and copying by dealing internally with all complaints electronically to the greatest extent possible
- ensure quick in-take assessment of each complaint, in accordance with clear criteria set by the Commission itself, to determine whether it is within jurisdiction, whether there is another more appropriate agency to refer the complainant to, whether it is urgent (that is, whether it involves current or imminent physical or other serious harm), what priority should be allocated to it, who should handle it and what instructions to give the complaint handler
- ensure that respondents reply promptly to NHRC requests for reports, including by reducing the number of reminders and acting sooner and more strongly to enforce the provision of reports
- support victims to make complaints, for example, by enabling complainants who cannot speak Hindi or English well to present their information through an interpreter, by replying to complainant's correspondence in the language of the original complaint and by using simple, easily understood language in responses
- provide a wider range of possible recommendations, beyond compensation and occasional prosecution, to include, for example, employment and restitution of property
- follow up on complaints more quickly and more strongly by pursuing the acceptance of recommendations and monitoring their implementation
- ensure that there is a system for complainant feedback on satisfaction with the handling of a complaint.

On recommended action 15 the NHRC has said,

The reach of the Commission has grown by leaps and bounds in the preceding years, thanks to the various e-governance initiatives of the Commission to generate human rights awareness and enhance its outreach with a pan-India focus. The dovetailing of technology by the Commission with the aim of considerably reducing effort and time of the user/beneficiary has greatly enhanced its reach among the common citizens. The Commission is making further efforts in this regard and some of its more recent IT-enabled initiatives include the following:

1. **Online registration of complaints through Common Service Centres (CSC)** is aimed at providing immediate and easy access to the Commission by the citizens, at their very doorstep. This e-governance initiative is aimed at substantially reducing the effort and time that people, especially those living in remote rural areas, often invest in writing down their complaints or requesting others to write them on their behalf, and then travelling long distances to post these complaints to the Commission's New Delhi Office. This initiative will not only effectively reduce the investment of the time and effort of the user/beneficiary, but also reduce the time lag between sending of complaint by the individual and receipt of the complaint by the Commission to nearly zero, through the mechanism of online registration, which will ensure immediate receipt of complaints by the Commission into its CMIS.
2. Similarly, **other e-enabled mechanisms** of the Commission such as, (a) complaints from Human Rights Defenders through its Focal Point, (b) complaints from the general public, particularly from members belonging to disadvantaged groups such as Scheduled Castes and Scheduled Tribes for the Commission's Camp Sitings and Open Hearings, and (c) complaints received through the Commission's Complaint Management and Information System (CMIS) are all aimed at substantially reducing the time and effort of citizens in availing the Commission's services.
3. Electronic transmission of reports for comments and electronic receipts of reports from authorities in the State Governments has eliminated to an extent printing and copying.
4. The fast tracking mechanism has enabled prompt handling of complaints involving imminent threat to life, bonded labour, atrocities on women and children or other weaker section, torture in custody or death in custody with utmost expedition.

All these efforts are aimed at efficient handling of complaints, reduction in time period, cost efficiency, increase of reach to people, transparency, and the retention and retrieval of records.

The Commission is already making all required efforts to ensure the quickest possible resolution of complaints, making more and more of its functions e-enabled, and having adequate number and skilled staff to deal with complaints at various stages of the complaint-handling process. Other important initiatives include the following:

1. By providing online registration of coraplaints through NHRC website and its integration, NHRC is reducing time in receiving of complaints by removing postal delays. To communicate proceedings of the Commission and submission of responses by Govt. Authorities, features have been provided in the HRCNet Portal. The information submitted through HRCNet portal is automatically consumed by web-CMS application avoiding further data entry by Commission's officials.
2. Provision has also been made in the software to search for duplicity within the same Commission or inter-linked Commissions (NHRC and SHRC of respective states). This provision addresses wastage of manpower and other resources.
3. Comprehensive search has been provided by increasing parameters.
4. Modules for grouping of cases, attachment/linking of duplicate complaints/cases, general correspondence, scrutiny/translators records, weeding out module and Investigation module have reduced number of steps in Commissions working with less manual work.
5. Video conferencing for expeditious response from State functionaries is used, depending on availability at SHRCs/Govt. Authorities Offices.
6. Updated CMIS for functional efficiency and quality service and greater customer satisfaction.
7. Speaking orders have promoted greater compliance with recommendation and effective redressal of grievances.
8. The Commission is considering undertaking an impact assessment of the Complaint handling and recommendation made to the government through independent bodies like universities or other institutions having no link with NHRC.

The Complaint Management System of NHRC India is user friendly and the Commission continue to strive harder to dove tail the latest IT initiatives in the system updated.

As with human rights research, the NHRC usually outsources *human rights education* and awareness raising. This has been very effective in promoting formal tertiary courses on human rights but less successful in raising awareness of human rights in the broader community and in informal community education about human rights, law and obligations. As part of raising the NHRC's visibility, the NHRC itself must make additional efforts to raise public awareness of human rights. This requires increased use of both public media and social media.

The NHRC has a basic online foundation course on human rights. Its online human rights education can be expanded greatly, with appropriate resourcing. With the advancement of online learning and consideration given to adult-learning principles, the NHRC can usefully explore new technology, e-learning platforms designed for adult online learning, and further

online human rights courses on specific specialist subjects. Online courses will also provide avenues for the NHRC to provide diverse, rich content in many of the languages that Indian populations speak and use. The NHRC should make it a priority to make content available that is accessible and relevant to all community groups. More content on different areas of human rights, including, for example, longstanding NHRC priorities such as bonded labour, trafficking, child labour, manual scavenging and prevention of torture, need to be developed and made available to a wide audience.

Recommended action 16

The NHRC should give greater priority and increased resources to the core function of promoting human rights. It should undertake and encourage human rights education, training and awareness raising, with its own in-house capacity and in cooperation with educational authorities, educational institutions and NGOs. It should give greater priority to informal community education. It should increase its use of the public media, including radio, for awareness raising and promotion.

The NHRC should expand its use of online media. It should extend the number and range of online courses available on its website. It should make greater use of its social media sites, including Facebook and YouTube.

The NHRC has responded,

The Commission has a dedicated Training Division as well as a Media and Communications Unit, both of which are effectively engaged in promoting human rights awareness and education, public outreach as well as research.

The Training Division of NHRC is spreading Human Rights literacy through training programmes on Human Rights issues through collaboration with Administrative Training Institutes, Police Training Institutions, SHRCs, University and Colleges and through credible NGOs. Apart from these, a one month Internship Programme twice in a year, i.e. Summer & Winter is being organized by the NHRC within its premises for the university/college students of different States of the Country and also the Short-term Internship Programme of two weeks for the students interested in the field of Human Rights throughout the year except May-June and December-January.

During the internship period, the interns are addressed by senior officers of the Commission on various human rights issues.

NHRC, India has also taken concrete measures over the years to ensure the introduction of human rights education in the formal school and university education systems.

The Commission also has an ongoing interface with schools and universities to promote human rights education and awareness. The Commission for instance, is preparing in-house human rights booklets in collaboration with Multiple Action Research Group (MARG), an NGO. It has also established a Chair for Human Rights at the National Law University, Bangalore.

The NHRC's work *monitoring* human rights and inspecting places of detention is at present very limited and performed almost entirely by a very small number of honorary Special Rapporteurs and Prisons Monitors. As a result there are very few visits in any year relative to the very large number of prisons and other places of detention in India. And those visits that do occur tend to be one-off initiatives as part of more general short visits to districts rather than conducted under a well-developed program of visits determined according to strategic priorities. Monitoring and inspecting should be NHRC core functions, not optional extras. The NHRC needs to place its monitoring and inspecting work on a more stable, regular, strategic footing.

Recommended action 17

The NHRC should allocate higher priority to the core function of human rights monitoring, including in relation to places of detention, and reporting on the results of its monitoring. Members and senior staff should undertake visits to places of detention in addition to the NHRC's Special Rapporteurs and Zonal Rapporteurs. The NHRC should look to training on human rights monitoring for its staff and also the recruitment of specialised monitoring staff for these purposes. It should have a schedule of regular monitoring visits to places of detention that ensures frequent visits to prisons, immigration detention centres, police lock-ups, juvenile justice centres and children's, aged and disability accommodation services. It should follow up its monitoring activities through seeking to effect systemic or institutional change in policy and practice. Where appropriate the NHRC should undertake monitoring visits jointly with other national commissions, SHRCs and NGOs and human rights defenders.

In relation to recommended action 17, the NHRC has said

Human Rights monitoring is already being undertaken by the Commission ever since its inception. Not only do the Commission's Special Rapporteurs and Monitors visit places of detention and other institutions, but also Members and Senior Officers of the Commission. Teams comprising Staff from the Commission's research, training, law and investigation divisions for instance, regularly visit various districts of the country, particularly prior to the Commission's Camp Sitings and Open Hearings to assess the implementation of the government's flagship socio-economic programmes and also the general human rights situation on ground.

The Investigation Team of the Commission regularly visits jails/places of Detention on specific complaints, suo motu cognizance and also general nature i.e health care, food, facilities etc and report their findings to the Commission.

Further, such visits are undertaken in a planned manner to ensure that maximum number of districts across the country can be covered. As regards other National Commission and SHRCs, they have their own mandate and schedule of events for monitoring the human rights situation.

Staffing

Recommended actions relating to staffing address core issues 5, 6 and 7:

5. The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC.
6. The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.
7. The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.

The discussion groups raised many issues relating to NHRC staffing. The issues fell into two general areas: the ways in which the NHRC obtains staff and the consequences of those practices; the situations of staff once employed or contracted by the NHRC.

The Paris Principles and General Observation 2.4 require that NHRIs have power to determine the staffing structure and the skills they require to fulfil their mandate, to set other appropriate criteria for staff selection, for example, to increase diversity, and to select their staff in accordance with relevant national law. Staff should be recruited according to an open, transparent and merit-based selection process that ensures pluralism and a staff composition that possesses the skills required to fulfil the NHRI's mandate. This kind of process promotes the independence and effectiveness of, and public confidence in, the NHRI. A fundamental requirement of the Paris Principles is that NHRIs are, and are perceived to be, able to operate independently of government interference. This requirement should not be seen to limit the capacity of an NHRI to hire a public servant with the requisite skills and experience. However, the recruitment process for positions should always be open to all, clear, transparent, merit-based and at the sole discretion of the NHRI.

The PHRA provides that the Central Government shall make available to NHRC

- an officer of the rank of the Secretary to fill the position of Secretary-General
- police and investigative staff under an officer not below the rank of Director General of Police
- such other officers and staff as may be necessary for the efficient performance of NHRC functions.¹⁰⁶

NHRC has power to appoint administrative, technical and scientific staff as it may consider necessary, but subject to rules made by the Central Government.¹⁰⁷

¹⁰⁶ PHRA s 11(1).

The NHRC employs staff by direct recruitment but it also takes staff on deputation at all levels from government ministries, including the Ministry for Home Affairs. The Secretary General and almost all staff occupying senior positions in the NIIRC came to the NHRC by way of deputation. Some have been absorbed into the NHRC's permanent staff; others remain on deputation and can return to their home ministry or agency on completion of their term at the NHRC. The NHRC Chairperson selects staff to come on deputation from a shortlist of three candidates presented to him by the Central Government. The Chairperson notifies the Central Government of a vacancy and request nominations of candidates, specifying any selection criteria. Persons are selected from the shortlist on the basis of their resumes alone, not on the basis of an interview in addition. Other staff on deputation include police officials and officials from the intelligence service. Almost all investigators come to the NHRC on deputation.

The NHRC has its own recruitment rules but they require government approval. The NHRC considers that its recruitment rules need revising to allow it to be more independent and to have more flexibility in recruiting and promoting staff. It has been seeking government approval for new revised rules for ten years but has still not obtained it, even after the draft rules were revised further to take account of comments from the Ministry of Home Affairs.

The NHRC Chairperson and Members and senior and other staff all agree that on the need for additional staff. The Supreme Court in fact has ordered the Government to provide additional staff. This too needs the approval by the Ministry for Home Affairs and that approval has been sought but not yet granted. The NHRC had requested 77 new posts, 43 new investigators and 34 data entry operators. It is expected that these posts be approved by April 2019. However, it is not clear that these posts are the NHRC's greatest priority needs, when the NHRC has so very few researchers and educators.

One of the most significant staffing issues raised repeatedly in discussion groups was the long-term engagement of 'day wagers' in the NHRC, either under direct contracts with the NHRC or under outsourced contracts with a labour agency. The new posts may open opportunities for some 'day wagers' to move into permanent employment with the NHRC. It will be necessary, however, for them to meet eligibility requirements, which would include passing a test. Many may struggle to pass the test without preparation and support. The NHRC should be anxious to provide whatever support it can to interested 'day wagers' to prepare them for the test with additional training.

Sufficient serious concerns about staffing were raised to convince the CA team of the need for a thorough external review of staffing structure and arrangements. The CA team itself had neither the time nor the expertise in Indian civil service employment to be able to undertake the review itself. The reviewer should be someone with outstanding knowledge of and experience in civil service employment in India. There is no doubt that many of the systems, procedures, rules and regulations of the Indian bureaucracy are outmoded and act as major obstacles to the NIIRC's effective and efficient performance of its mandate. The NHRC of course has to obey the law, including all rules and regulations applying to civil service employment in India. Nonetheless, there are always ways through complex legal mazes that provide more flexibility and scope than imagined and experienced experts are always able to

¹⁰⁰ PHRA s 11(2).

identify those ways. This is the kind of innovative, open approach the NHRC needs to resolve its bureaucratic and staffing problems.

While most of divisions complained that they were under staffed, it was not clear that staff were utilised in an optimal manner and how the task distribution among the staff was made. Optimal use of human resources in any organisation will only be possible if human resource policies are aligned with its organisational strategies and priorities. This would be one of the priorities for the staffing review.

Another priority would be support for the NHRC and the staff during any transition to a new staffing structure and system. Some staff would be affected more than others. They would need assistance to move into new areas of work and they are entitled to receive that from the NHRC. This applied especially to lower level staff who may not previously have had career development opportunities, such as training and job experience in rotational positions.

Recommended action 18

The NHRC should undertake an external review of its staffing structure to ensure that it is able to operate effectively and efficiently. The review should be undertaken by an external civil service human resources expert. The review should be based on the following principles:

- give priority to maximising staff doing human rights work
- be as flat as possible, eliminating unnecessary levels of hierarchy – there should be no more than four levels of supervision between the Commission and any individual staff person
- enable the NHRC to employ staff on a permanent basis through direct recruitment
- provide increased opportunities for internal promotion
- ensure the quality of the NHRC's work and its productivity through effective supervision and accountability of all staff and staff development through training and mentoring.

The review should report on the optimal structure for the NHRC secretariat, the required numbers and positions of staff in each unit, the levels of skill and expertise required for positions (taking in to considerations recommendations made above on balancing core NHRI functions) and the appropriate mix and balance of NHRC staff and outsourced staff. In considering structure it should examine the need for a unit focusing on international human rights engagement. It should propose an implementation program, including transitional arrangements to ensure the wellbeing of all existing staff and contractors to the maximum extent possible.

Once the review is complete the NHRC should adopt a program for implementation of its recommendations, including transitional arrangements to support current staff, by

- pressing further for finalisation of its revised Recruitment Rules without further delay
- supporting existing temporary staff and contractors, including day wage contractors, to apply for permanent positions in the NHRC or elsewhere on a competitive, merit-selection basis, including through skills training and work experience in new areas of activity

- encouraging applications from a wide range of highly qualified persons, for example, through incentives and developmental opportunities.

The NHRC has replied,

The NHRC has approached Ministry of Home Affairs (MHA) to do Staff Inspection Unit (SIU) and also rigorously pursuing the Government for amendment of the Recruitment Rules for the offices and staff of the Commission.

The NHRC hires staff through direct recruitment/deputation and contract as per its own set of rules, regulations and procedures. The procedure of selection is transparent and based on merit and follows the policy of the Government to reserve a percentage of posts for applicants from the most vulnerable sections of the society. The staff is appointed from all over the country cutting across regional and geographic boundaries. The staff is deputed and detailed as per the approval of the Competent Authority and their performance, assessment is made by the Commission which is basic for their career advancement. The Commission provides all the facilities to its regular staff as per rules. For its contractual staff, the Commission adheres to the policies of the Government with minimum basic pay and other facilities as per the contract/rule.

The Commission is consciously trying to increase number of women staff within the notified rules. Further, in order to ensure increase gender sensitivity in the Commission, a gender sensitization programme for its staff in collaboration with Asia Pacific Forum was organized in 2017.

The Commission is cognizant of the need of more staff and offices to handle the increased work load, and has taken up with the government the matter of creating additional posts with the revised recruitment rules which are under active consideration.

There is Staff Inspection Unit (SIU) of the Government which assessed the requirements of the Commission. Last assessment was done in 2012. - The officers and staff have been provided basic facilities within rules.

The review should not hold up other urgent steps the NHRC can take to address staffing issues. The most significant issues concern deputation of staff and the situation of 'day wagers'. On both cases the need is for present undesirable situations to be addressed on an urgent basis.

In the case of deputations, the NHRC plays a very small role in selecting staff for deputation. That role needs to be expanded so that the NHRC, as an independent state institution, has control over all stages of the selection process and secures the services of staff on deputation who are of the highest quality and have a firm commitment to human rights and the NHRC.

In the case of 'day wagers', the NHRC needs to address the unequal and unfair terms and conditions under which they have to work. The employment and engagement circumstances of workers in the NHRC are excessively complicated and discriminatory against some staff. Whatever the basis of employment or engagement, staff should be entitled to a minimum core

set of terms and conditions that are fair and reasonable. As a transitional step, the NHRC should enable them to choose among options, that are clearly set out and understandable to them, that enable them to move to more secure, regular working relationships.

Recommended action 19

The NHRC should seeks ways, within civil service rules, through which, where it is to fill a post through deputation, it can itself advertise, seek applications and select persons for NHRC employment on the basis of deputation from another civil service authority or agency. The eligibility criteria should require employment in the NHRC for at least three years to provide continuity of leadership within the NHRC secretariat. Persons unable or unwilling to remain in the NHRC for at least three years should not be eligible for deputation. The selection should be merit based. The selection process should include a robust interview with shortlisted candidates to assess not only their civil service management expertise and experience but also their knowledge of and commitment to human rights.

In relation to recommended action 19, the NHRC has commented,

The recruitment of the officers and staff of the Commission is carried through an open and transparent procedure based on merit as per the Recruitment Rules, 1996.

The Commission judges the suitability of the candidates on the basis of their qualifications and human rights awareness, among other things.

NHRC is already filling the vacant posts of the Commission on deputation basis by advertising in the leading newspapers and also uploaded on the NHRC website as per existing Recruitment Rules. The selection is also merit based and the selected candidates initially appointed for a period of three years as per instructions of DoPT.

Recommended action 20

The NHRC should also move urgently to address deficiencies in the ways in which 'day wage' contractors work in the NHRC. It should arrange alternative employment options that day wage contractors can choose to enable them to access terms and conditions aligned with national and international labour practices, including paid holidays and sick leave, maternity benefits, health and medical coverage, and a pension on retirement. It should ensure that, whatever the basis of their employment, day wage contractors working in the NHRC have equal entitlements and benefits.

The NHRC has replied,

Few staff are taken on contract or outsourced through the contractors with the condition that the contractors should adhere to all the conditions as per the Contractual Labour Act, Minimum Wages Act, ESIC Act, EPF Act, etc. and provide all the statutory benefits to them as per rule so that secondary employees should also be provided as per contract namely holidays, leave, etc.

The CA process identified a number of other areas to be addressed in rejuvenating the staffing situation in the NHRC. The first relates to ordinary staff management and performance improvement. The NHRC has taken many good initiatives to improve staff capacity and effectiveness but it does not have modern human resources policies and practices. Some of the now routine systems of staff management are either present in rudimentary form or not present at all. For example, there is a system of performance appraisal but it appears to be fairly mechanical without the engagement of the person whose performance is being appraised and without any follow-up of the results of the appraisal. The appraisal does not lead to career development activities. Another example is that the NHRC has a grievance mechanism for sexual harassment, which apparently has never been used, but it does not have a general staff grievance mechanism and procedure. Action is needed and can be taken in a number of areas to rejuvenate the human resources management systems.

Recommended action 21

NHRC should have

- a system for annual performance appraisal that includes staff in the performance appraisal of supervisors and that also considers issues of workload, support needs and career development of staff
- a human resource development strategy focusing on human rights education for all levels of staff at regular intervals
- a personalised program for training and development, arising out of performance appraisal
- rotation opportunities as part of career development, also arising out of performance appraisal
- an effective grievance system that enables staff members to raise any difficulties they encounter and have them resolved on a fair and credible basis without fear of recriminations.

The NHRC has commented on recommended action 21,

A comprehensive annual performance appraisal report is in place for all categories of employees in the Commission.

The rotation policy is being followed in the Commission. The present rotation policy enables regular rotation of employees regularly based on their performance appraisal and to provide an opportunity to the employees to grow and learn.

The Commission has various committees in place to look into and address the grievances of its employees such as

- i. Committee on SC/ST
- ii. Committee on prevention of sexual harassment
- iii. Internal Compliant Committee, etc.

These committees, apart from others are looking into grievance of employees and have been resolving them on a fair and credible basis without fear of recriminations.

Part of training for staff is good induction. Some new NHRC staff have a basis introduction to the organisation but many do not. None has real induction that includes basic training in human rights and human rights law, the nature of NHRIs and the role, work and responsibilities of the NHRC. There seems to be an assumption that staff will either arrive with this knowledge or learn it quickly on the job. This assumption is not factual.

Recommended action 22

The NHRC should provide all incoming staff with induction training, for at least two days, on the NHRC, its law and mandate, its operating systems and its work program, as well as rights and responsibilities as a staff member, including in relation to gender issues. The NHRC should provide regular training programmes for staff to be able to refresh their knowledge and be introduced to new concepts.

In relation to recommended action 22, the NHRC has replied,

The suggestion for induction training for fresh recruits is well taken.

Officers/staff coming by way of deputation will also be given induction training for one or two days with different divisions.

Among the most serious concerns raised by staff during the CA discussion groups related to occupational health and safety. Three specific issues were raised frequently:

- the location of very heavily used photocopy machines in close vicinity to staff, generally in closed offices without ventilation
- the use of enormous quantities of carbon sheets in LaserJet printing of perforated pages, releasing carbon particles into the air
- the lack of women's toilets on the fifth and sixth floors of the NHRC office building.

The first two issues are significant concerns that go not only to the physical wellbeing of NHRC staff but also to their psychological wellbeing. It may be that the work practices are causing illness and potentially very serious disease. There is research that links proximity to photocopying to the development of cancer. But staff simply do not know the health consequences of the practices and are fearful what they might be. The NHRC has a responsibility to obtain an assessment, based on reputable medical research, as to whether there is a health risk. The staff are entitled to the knowledge and information. The practices should be ended or changed, as necessary, to eliminate any unreasonable risk to staff.

The absence of toilets is a simple matter of unacceptable workplace design and organisation. All staff of whatever gender need accessible toilets within reasonable distance from their work station. They should not be required to go to another floor. In this case the issue is compounded by gender based discrimination. No male staff in the NHRC have to work under such conditions.

Recommended action 23

The NHRC should obtain an expert assessment of occupational health and safety conditions in the NHRC building, with specific attention being paid to the impact of carbon paper and photocopying on the health and wellbeing of staff. It should provide staff with full information about the results of the assessment.

On recommended action 23, the NHRC said,

The NHRC has its own six storeyed building with proper design including safety norms and adequate occupational health requirements. There is sufficient separate space for work stations and area for photocopying machines.

The Commission ensures adequate occupational health by setting up of the photocopy machines at appropriate distance from the work desk.

The photocopier machine along with its operator has been outsourced and is installed in a separate room. Adequate and appropriate distance is maintained between the operator and the photocopier machine as per the norms.

Recommended action 24

The NHRC should ensure that all staff have access to gender-appropriate toilets on the same floor in the NHRC building as their work station.

The NHRC responded to recommended action 24,

Facilities have been provided on all the 5 floors except 6th floor due to technical constraints. Notwithstanding a case has being taken up with the CPWD for the 6th Floor.

Internal communications within the NHRC is basic and ad hoc. The Commission itself meets at least weekly and there are frequent meetings of senior staff at divisional level but there are no meetings of all staff in the larger divisions nor of all the NHRC staff generally. There seems to be little information exchange or information flow. There is constant activity but people often do not know what is about to happen until it happens. Good information exchange and good communications are essential ingredients for effective performance. They also prevent or forestall the spread of misinformation and mere gossip that frequently occurs when formal communications systems are either inoperative or non-existent. The NHRC at present operates internally principally through informal information systems.

The NHRC needs a proper range of staff meetings to enable personal communication of key information, joint planning and preparation for activities and review of performance in activities undertaken in the past. These kinds of meetings are necessary for staff morale – to build a sense of common purpose and common commitment in an organisation and to share organisational and divisional strategies and goals.

Information technology has made internal communications in organisations very easy. The NHRC has an office intranet but it does not appear to be used consistently or universally. Many staff either do not access it or cannot access it. As a result notices of meetings and events usually have to be given in printed circulars distributed to relevant staff. Staff do not have official email addresses to enable direct communication with them inside the NHRC. The accounts section has a list of personal email addresses that is used to notify staff of salary and wage payments but reliance on a personal email address leaves official communications subject to personal accessibility and may compromise the security of the organisation. The lack of official email addresses also complicates the work of supervisors in communicating instructions and ensuring accountability for performance.

At a time of serious compromising of electronic integrity of databases and websites in many countries, the NHRC also needs to ensure effective cyber security to protect its valuable data. The NHRC holds vast quantities of highly sensitive personal information about victims of human rights violations and witnesses to violations. The sensitivity of this data requires careful collection and storage and strong protection against hacking and other forms of cyber crime.

Recommended action 25

The NHRC should ensure that meetings of relevant staff are held regularly for information exchange, coordination, reporting on activities and planning, at section, division and all-staff levels. The meetings should also provide opportunities for staff to raise issues of concern to them and to resolve difficulties that affect staff generally. Brief notes and action points of each meeting should be recorded and distributed so that implementation can be monitored and reported.

The NHRC commented on recommended action 25:

The divisional heads and other senior officers interact regularly with their staff and take note of their grievances and always have a positive approach to redress their problem within the resources and as per the rules.

Recommended action 26

The NHRC should ensure that every member of the Commission and staff has access to the internet and should provide an official email address for every person to promote communications and accountability. Email should be the standard means of official communications within the NHRC, including reporting and seeking and obtaining official approval for activities and expenditure. The internal electronic communications system should be secure to ensure confidential, safe exchange of communications.

In relation to recommended action 26, the NHRC said,

Internet facility has been provided in all the divisions and to the relevant staff on the basis of requirements. Official emails have been provided to the officers who are

authorised to sign letters as per the government norms. Further, all divisions have been issued their respective emails for internal communication.

All circulars and other official information is placed on the intranet and sent to the concern official's mobile. The pay slip of each officer and staff is sent to their registered email IDs.

WIFI facility is available in the entire building and is provided to all those who require it.

Gender mainstreaming

Recommended actions relating to gender mainstreaming address core issue 8:

8. The NHRC has effective gender policies and programs that ensure the employment of women on the basis of equality at all levels and in all sections and the fair and respectful treatment of women complainants, victims, witnesses and staff in and by the NHRC.

The NHRC has gender challenges. This is key statistics and from discussions and also visually. At many meetings within the NHRC, not a single participant was a woman or only one or two participants out of 15 were women. Women are visible in the NHRC in significant numbers only at the lower levels of staff, concentrated predominantly at junior consultant positions. Statistically only around 20% of the NHRC's staff are women. There is not a single woman at the top three levels of the staff and only two at the fourth and fifth levels. Such an overwhelming gender imbalance may be explicable for historical and cultural reasons but in a human rights organisation in 2019 it is unacceptable.

The imbalance in staff is even more serious when the human rights situation of women in India is considered. The incidence of violence, including sexual violence and extreme violence resulting in death, against women is very high and has become an issue of public and political concern. A former NHRC Chairperson, Justice J S Verma, led a committee to inquire into the situation in 2012, presenting a landmark report of over 600 pages in January 2013.¹⁰⁸ The opening paragraph of the report refers to

the country-wide peaceful public outcry of civil society, led by the youth, against the failure of governance to provide a safe and dignified environment for the women of India, who are constantly exposed to sexual violence".¹⁰⁹

It later refers to the situation of women generally in India.

It is an admitted fact that women in India have suffered in various aspects of life and physical health, mental well-being, bodily integrity and safety, social relations, political empowerment, education and knowledge, domestic work and non-market

¹⁰⁸ *Report of the Committee on Amendments to Criminal Law* 23 January 2013 at <https://www.prsindia.org/uploads/media/Justice%20verma%20committee%20report.pdf>.

¹⁰⁹ *Report of the Committee on Amendments to Criminal Law* 23 January 2013 p 1 para 1 at <https://www.prsindia.org/uploads/media/Justice%20verma%20committee%20report.pdf>.

care, paid work and other projects, shelter and environment, mobility, leisure activities, time autonomy, respect, religion, and if we may add, self-esteem / self-autonomy. We are of the opinion that Indian women have substantially suffered on most of these counts as a consequence of which the de facto equality guaranteed by the Constitution has not become a reality for them.¹¹⁰

The NHRC has the great and grave task of challenging and changing this situation. Rejuvenation necessarily requires a renewed and strengthened commitment to this task. The CA team was told that already large numbers of complaints come from women, although it does not have a statistical breakdown of complaints by the gender of complainants. The NHRC recognises the importance of women staff investigating complaints by women relating to sensitive matters, such as sexual violence. Yet the NHRC does not have sufficient women investigators to be able to investigate these complaints appropriately without calling on the assistance of women staff outside the Investigations Division. This is perhaps the most serious example of the problems resulting from the gender imbalance in NHRC staff.

Further the NHRC does not have a gender mainstreaming and sensitisation policy or program. It needs a comprehensive framework through which to respond to the needs of women victims of human rights violations, including through ensuring that the NHRC is a model employer for women staff. The gender sensitisation training conducted by the APF for NHRC staff in 2017 is a good example of an initiative the NHRC have already taken. It is not enough, however, to train staff on one occasion. The gender policy should ensure regular training within the broader framework.

Recommended action 27

The NHRC should develop and implement a gender mainstreaming policy and strategy, in consultation in particular with its women staff and with CSOs specialising in issues concerning the rights of women. The policy and strategy should have internal and external dimensions, dealing with both the participation and roles of women within the NHRC and the NHRC's work for and with women. The policy and strategy should respond to the particular perspectives and experiences of women in relation to human rights and the cultural context of their communities. The NHRC should also adopt policies and procedures to ensure the safety and wellbeing of women staff in the performance of their duties. It should develop policies and procedures for staff in responding to complaints received from women on sensitive issues, especially gender based violence. It should ensure that all staff members at all levels receive gender sensitivity training, including in relation to the zero tolerance for sexual harassment.

The NHRC responded to recommended action 27,

Gender mainstreaming are also important pillars of the Commission's annual and strategic plans.

¹¹⁰ *Report of the Committee on Amendments to Criminal Law* 23 January 2013 p 10 para 21 at <https://www.prsindia.org/uploads/media/Justice%20Verma%20committee/is%20verma%20committee%20report.pdf>.

All the employees are recruited in the NHRC as per the recruitment rules where there cannot be any discrimination on the basis of creed, sex, religion, caste, etc.

Recommended action 28

As part of its gender mainstreaming policy the NHRC should implement a program to encourage and support women to enter NHRC employment at all levels with a view to having at least 40% of positions at all levels occupied by women within five years.

The NHRC replied to this issue,

As stated above, the Commission is making a conscious effort to increase the female representation in its staff composition.

The Commission encourages women to apply to all posts as per the notified recruitment rules by specifically mentioning about this in all of Commission's advertisements for jobs.

External engagement

Recommended actions relating to external engagement address core issues 9 and 10:

9. The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.
10. The NHRC has regular engagement and cooperation with civil society organisations, rights forums and think tanks through broad consultation, partnerships, joint projects and common activities.

The Paris Principles require NHRIs to develop a range of external relationships. They should engage with and advise Parliament.¹¹¹ They should work with NGOs.¹¹² They should engage with international human rights mechanisms and United Nations agencies and bodies.¹¹³ The NHRC's work in all these areas should be strengthened as a key part of Rejuvenation 25.

The Paris Principles require NHRIs to

submit to the ... Parliament ... on an advisory basis ... opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights ...¹¹⁴

¹¹¹ Paris Principles Competence and responsibilities para 3(a).

¹¹² Paris Principles Methods of operation para (g).

¹¹³ Paris Principles Competence and responsibilities paras 3(d) and (e).

¹¹⁴ Paris Principles Competence and responsibilities para 3(a).

The NHRC at present has very little relationship with the Parliament. This is unfortunate as the NHRC is a creature of the Parliament, not of the Government. It is a statutory body, not an executive body. It is therefore accountable to the Parliament, not to the Government, and its accountability requires that it relate closely to the Parliament. This is not merely good in principle but good in practice. The Parliament can be the protector of the NHRC in the event of any dispute with the Government. The experience of other Asia Pacific NHRIs indicates that engagement with parliamentarians has helped push vital human rights agendas forward and provided critical support for the NHRI when it has been needed.

Recommended action 29

The NHRC should seek to build constructive engagement with the parliament, especially through parliamentary committees dealing with matters relating to human rights. It should build a reputation as parliament's pre-eminent expert-adviser on human rights. It should advise in particular on human rights issues arising in current and proposed legislation. It should also seek to have its annual and special reports debated in parliament, either in a plenary session or in a committee.

The NHRC commented at some length on recommended action 29.

Sections 13, 14, 17 and 18 of the PHR Act, enacted by the Parliament of India in 1993, give the NHRC the power, which it exercises regularly, to issue directions and recommendations to the Central and State Governments on any matter of which it takes cognizance.

Various Parliamentarians visit the Commission to meet the Chairperson, Members and Senior officers to discuss the issues pertaining to human rights.

According to Section 20 of the PHR Act, its Annual Reports must be tabled in the Parliament by the Government, together with a Memorandum of the actions that the Government has taken or proposes to take on its recommendations, and the reasons for not accepting any of its recommendations. In addition to submitting its Annual Reports to the Ministry of Home Affairs (MHA), Government of India, the nodal ministry, the Commission is also entitled, at any time, to submit 'Special Reports' on any matter which, in its opinion is of such urgency or importance that it should not be deferred till the submission of the Annual Report, and to which it wishes to bring to the notice of the Parliament for necessary action and follow-up. NHRC, India had submitted a Special Report on 'Silicosis' in 2011 to draw the attention of the Parliament to this life-threatening occupational disease.

During the various Parliament Sessions, Members of Parliament raise questions on different issues, among which the most important relate to human rights. Since the Parliament questions are addressed to the Government, answers are given by the Ministers regarding the Ministries and Institutions under them. The concerned Ministries/Departments send questions specific to human rights to the NHRC, India for necessary inputs.

'Parliamentary Questions' are one of the important procedural devices that empower Members of Parliament to elicit information from the Government and other Institutions such as the NHRC on matters of public concern. 'Parliamentary Question' is a unique and an important instrument in the hands of the Members to ensure accountability of the administration for its acts of omission or commission to the Parliament and the citizens.

When a Bill comes up before a House of Parliament for general discussion, it is open to that House to refer it to a Select Committee of the House or a Joint Committee of the two Houses. The Select or Joint Committee considers the Bill clause by clause, a task for which the Committee can also take the advice/evidence of associations, public bodies or experts such as the NHRC, India who are interested in the Bill. Accordingly, the Select Committees of the Indian Parliament have referred several proposed Bills with a substantial Human Rights component to the NHRC, India for its comments.

The NHRC, India and the Indian Parliament cooperate on important matters relating to the protection and promotion of the rights of the citizens of the country. Section 12(d) of the PHRA empowers the NHRC to "review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation."

Further, Section 12(f) of the PHRA mandates the NHRC to study treaties and other international instruments on human rights and make recommendations for their effective implementation. The NHRC uses this power to ensure that draft bills conform to the international human rights standards that have been accepted by the Government of India.

The Paris Principles also require NHRIs to

develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.¹¹⁵

NGOs are very supportive of the NHRC and speak highly of its achievements. They seek closer relationships with the NHRC, including collaboration on joint projects and joint advocacy. They also seek regular meetings with the NHRC to exchange information and share perspectives on human rights situations and issues in India. The NHRC involves NGOs in its nine core groups, invites them to NHRC events and liaises with them in relation to complaints where an NGO acts for the complainant. It also has a focal point on human rights defenders.

Recommended action 30

The NHRC should build closer engagement with NGOs through regular meetings, exchange and cooperation on projects. It should include specialist NGOs in all its core groups both to

¹¹⁵ Paris Principles Methods of operation para (g)

tap their expertise and to involve them in the implementation of NHRC projects. For this purpose all core groups should meet at least quarterly. The NHRC should also ensure regular engagement with NGOs generally through twice yearly consultative meetings. The NHRC and NGOs should work together in monitoring the human rights situation in the country through sharing findings and reports, as well as conducting human rights training programs together. They should together encourage the Government to establish a national mechanism for the implementation of the recommendations of international human rights mechanisms, including the UPR and treaty bodies, and sit as members in this mechanism along with other stakeholders.

In relation to recommended action 30, the NHRC commented,

The Commission engages with NGOs and civil society through a variety of means, including the following:

1. It draws on the expertise and experience of NGOs and civil society actors working in the field of human rights through its Core Group of NGOs.
2. It collaborates with NGOs for organizing training/sensitization programmes on human rights to create human rights literacy amongst various sections of society;
3. It also commissions research studies to be carried out by the NGOs working in the area of human rights;
4. It also actively involves them in the workshops and seminars it holds on sectoral issues in New Delhi and other cities;
5. In all the meetings held by the Commission in the State capitals, a Special Session is set aside for interaction with NGOs;
6. It also consults the NGOs and draws upon their expertise throughout its monitoring visits to backward districts;
7. It receives a large number of complaints through NGOs/human rights defenders on which the Commission takes due cognizance.
8. The Commission also has thematic Core Groups. Members of these Core Groups include specialist NGOs working in the concerned thematic area.
9. The Commission is also entrusting research projects to these specialist NGOs.

The NHRC's relationship with civil society is vibrant and robust. It has a very strong functional mechanism of continuous interaction, sharing, cooperation, and collaboration with civil society. The NGOs and other civil society actors are indispensable allies in the Commission's efforts to realize a just society, predicated on a respect for the rights of every individual to a secure and dignified existence.

NHRC's strategic and annual plans are aimed at further strengthening its partnership with NGOs and CSOs.

During the Camp Sitting/Open Hearings, the Commission have separate session with the NGOs/Civil Society organisations, individuals.

The Commission has very vibrant and active association with the NGOs and Civil Society Members. The Commission organized regional and national workshop with the all stakeholders before finalization the NHRC parallel report on UPR.

The NHRC should also rejuvenate its relationships with other national institutions and with SHRCs. The relationships with other national institutions have been discussed in the context of governance, where the CA team recommends the establishment of an All-India Council of Human Rights Institutions.¹¹⁶

The NHRC also needs to develop a strategy to build a stronger working relationship with the SHRCs in discharging their common mandate of promotion and protection of all human rights in India. There is already some cooperation in relation to complaint handling, with the NHRC referring about 20% of its complaints to an SHRC. The NHRC's new complaint handling software, the HRC Net, can strengthen coordination further, assisting in eradicating duplication in handling of complaints. To avoid overlapping, NHRC and SHRCs need to discuss and agree on the scope and limits of their respective mandates based on a more cooperative and coordinated spirit for the benefit of the victims of the violation of human rights. Other areas of cooperation are also possible. SHRCs should be fully involved in the preparation and holding of NHRC camp sittings, as well as their follow-up once the NHRC leaves the State.

Recommended action 31

The NHRC should strengthen and formalise its relationships with SHRCs. It should have MOUs with SHRCs that provide both the framework for cooperation and agreed areas of work and mechanisms for exchange of information. It should also have agreed procedures for handling complaints in which both the NHRC and an SHRC have an interest, including relating to referral of complaints from the NHRC to an SHRC. The NHRC should consider the inclusion of SHRCs in a proposed All-India Council of Human Rights Institutions, along with the other national institutions.

In response to recommended action 31, the NHRC said,

Section 21 of the Protection of Human Rights Act, 1993 provides for constitution of State Human Rights Commissions (SHRCs) in States. So far, 26 States have set up SHRCs viz. Andhra Pradesh and Telangana (combined SHRC), Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Karnataka, Kerala, Jammu & Kashmir, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Sikkim, Tripura, Tamil Nadu, Uttar Pradesh, Uttarakhand, Haryana, Goa, West Bengal, and Meghalaya.

The Commission holds regular interactions with the State Human Rights Commissions to explore and further strengthen areas of cooperation and partnership on matters of mutual concern. The last such interaction/meeting with the Secretaries of SHRCs was organized by the NHRC, India in New Delhi on 21.12.2018. The Conference was attended by Secretaries, Registrars and Inspectors General of the States.

Further, in all the National/Regional Conferences, SHRCs are invited as one of the key stakeholders. Besides, some of the regional conference on various human rights

¹¹⁶ See recommended action 6 on p 105 of this report.

issues are organised in collaboration with the SHRC. For example, NHRC in collaboration with State Government and Meghalaya SHRC organized a Bonded Labour Sensitization Workshop in Shillong on 08.02.2019.

NHRC has developed the HRCNet portal which can be used by citizens of India for lodging complaints at NHRC or any of the onboard State Human Rights Commission (SHRC). The inter-linking of databases of various commissions is aimed at minimising duplication in the registration of complaints, online transfer of cases to SHRCs, and also bringing in greater coordination in tracking and monitoring complaints effectively. The NHRC is implementing its computerized complaints handling system (CMIS) across SHRCs to on-board them on HRCNet.

International engagement falls into two categories: engagement with international human rights mechanisms and engagement with United Nations bodies and agencies. The Paris Principles require both.¹¹⁷

The NHRC has not engaged comprehensively with international human rights mechanisms. It has prepared a report to the UPR but it has not submitted reports to treaty monitoring bodies. The CA team was told that the NHRC responds to requests for information and submitted a report to the UPR because it had received a request for one. However all treaty bodies also request reports from NHRIs as part of their standard procedures. The treaty bodies have an enormous workload in considering States' periodic reports. They never travel to countries to make their own investigations into country situations but rely on information provided to them. In the context where States are always defensive and NGOs are always critical, NHRIs can play a very important role as independent national experts that can speak fearlessly but fairly about a State's performance. NHRIs can also contribute to promoting implementation of the mechanism's recommendations and monitoring and reporting on progress in implementation. They can collaborate with NGOs in this role.

The UN has many agencies represented in India. The NHRC has little cooperation at present with any of those agencies. There is certainly scope for more cooperation, especially as the UN Country Team in Delhi now has a full-time social inclusion and human rights adviser.

Recommended action 32

The NHRC should continue and extend its contribution to international human rights mechanisms. It should provide parallel reports to treaty monitoring bodies and to the UN Human Rights Council's Universal Periodic Review. It should engage with and support the work of the Special Procedures of the Human Rights Council. It should continue to encourage India's ratification of human rights treaties that it has not yet ratified so that India may be more active in promoting international human rights law and the international human rights system. The proposed staffing review should examine the need for a unit focusing on international human rights engagement.

The NHRC commented in relation to recommended action 32,

¹¹⁷ Paris Principles Competence and responsibilities paras 3(d) and (e).

The Commission is conscious of and discharges its responsibilities to engage with International Human Rights Mechanisms depending upon existing domestic strategic priorities and resources. India has undergone three cycles of review under the Universal Periodic Review process of Human Rights Council in the years 2008, 2012 and 2017. After holding extensive consultations with the relevant stakeholders in the Government, State Human Rights Commissions and civil society organizations at regional as well as national levels, the Commission not only submitted parallel report to the OHCHR but also participated in the plenary of the Human Rights Council and made independent statements. The Commission is also monitoring the implementation of recommendations that emanated from the UPR.

India was reviewed by the Committee on Elimination of all forms of Discrimination against Women in 2013, which was immediately after the crucial amendments made to the criminal laws in the country in the aftermath of the brutal gang-rape of a female student in the national capital. The Commission accorded top priority to the issue of violence against women and submitted a parallel report to CEDAW. The Commission also participated and made a statement in the meeting of the Treaty Body.

The representative of the National Human Rights Commission, India was in the Drafting Committee of the U.N. Convention on the Rights of Persons with Disabilities (CRPD). The Commission also submitted elaborate inputs to OHCHR for the preparation of thematic study in relation to CRPD and its optional protocol.

Apart from the above, the Commission has been advocating to the Government of India to invite Special Mandate Holders/Rapporteurs of the Human Rights Council to India. The Commission regularly interacts with UN Special Rapporteurs, for example, Special Rapporteurs on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Freedom of Religion and Belief, Human Rights Defenders, Extrajudicial, Summary or Arbitrary Executions, Violence against Women, and Business and Human Rights. The Commission has also facilitated their interactions with the civil society members. A large number of questionnaires by the Human Rights Council Special Procedures received through OHCHR have been responded to promptly with elaborate inputs.

The Commission has recommended to the Government of India to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Optional protocol to the CRPD and Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW), 1990.

The persistent efforts of the NHRC contributed to the signing and ratification of both the Optional Protocols to the CRC by the GOI, that is, *Optional Protocol to the CRC on the Involvement of Children in Armed Conflict* and *Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography*.

Recommended action 33

The NHRC should extend its engagement with UN and other international agencies in support of the NIIRC's work, both through contributing to the work of those agencies and in drawing on their expertise. It should discuss areas of common interest and possible

collaboration with key agencies, actively seeking them out and encouraging them to see the NHRC as an important partner in their own work.

The NHRC responded to this recommended action,

The Commission banks on the expertise of the UN and other international agencies in India, whenever required. The representatives of the UNDP and ILO were main speakers during the two-day National Seminar on Bonded Labour organized by the National Human Rights Commission in New Delhi on the 14th February, 2017. The Regional Representative of ILO was also invited to benefit from his insightful views on the bonded labour issues during the Regional Workshop organized by the Commission for the North Eastern Region. At regular intervals, discussions and deliberations have also been held with the representative of UNDP Working Group on Business and Human Rights. Apart from this, the UNDP representatives are also invited to join the meetings of the stakeholders involved in the implementation of UPR recommendations.

The Commission has representatives from ILO and UNICEF as the Members of the recently constituted Core Group on 'Business, Environment and Human Rights' and the Core Group on 'Women' respectively. Further, representatives from UN Women also attend the Core Group meetings as special invitees.

The Commission accords high value to the collaboration with the UN and other international agencies in its work on priority areas. The recommendation is well taken.

4. FOLLOW UP

The CA was undertaken in the basis of a Memorandum of Understanding between the NHRC and APF. Under the Memorandum of Understanding, APF agreed to assist the NHRC with the CA, along with UNDP and OHCHR. The CA was undertaken as agreed and this report is submitted after consultation on the draft with the NHRC.

APF agreed to consult with the NHRC, after the submission of the report, on the implementation of such of the actions proposed in this report as the NHRC may accept and wish to implement, including consulting on what assistance the NHRC may require with implementation. APF would welcome the opportunity of these consultations.

In the MOU, the NHRC agreed to three steps following submission of this report:

- give serious consideration to the final report's proposals for action to build capacity and provide a formal response to those proposals to the APF, indicating which proposed strategies and actions it accepts and will implement and with what timetable, which proposed strategies and actions it does not accept and why, and including an implementation plan for accepted strategies and actions
- provide the full final report to the managers and other staff of the NHRC
- report annually to the APF on implementation of those proposals for action that are accepted by the NHRC.

A template for the NHRC's response to the report is in Appendix 12.

APF looks forward to receiving the NHRC's response to this report in accordance with the Memorandum of Understanding.

APPENDICES

- Appendix 1 Capacity assessment concept note for NHRC
- Appendix 2 NHRIs in the Asia Pacific region
- Appendix 3 Regional Initiative to Support the Capacity Development of NHRIs in Asia Pacific
- Appendix 4 Documents considered by the Capacity Assessment Team
- Appendix 5 Program for the Capacity Assessment Team
- Appendix 6 Core Capacity Assessment issues
- Appendix 7 Self-assessment questionnaire for NHRC
- Appendix 8 Responses by respondent profiles
- Appendix 9 Capacity ratings by respondent profiles (against aggregate gaps)
- Appendix 10 Capacity gaps by profile variables
- Appendix 11 Implementation plan

Appendix 1 Capacity assessment concept note for the NHRC

Concept note on capacity assessment for NHRIs

Asia Pacific Forum of National Human Rights Institutions Capacity Assessment for National Human Rights Institutions in the Asia Pacific

Proposed Capacity Assessment of the National Human Rights Commission of India

Introduction

Since 2008 the Asia Pacific Forum of National Human Rights Institutions (APF), the United Nations Development Programme (UNDP) and the National Institutions and Regional Mechanisms Section (NIRMS) of the Office of the High Commissioner for Human Rights (OHCHR) have undertaken a project to support the institutional capacity development of National Human Rights Institutions (NHRIs) in the Asia Pacific region through Capacity Assessments (CAs). Since 2008 they have facilitated CAs in 18 NHRIs in the region.

CAs assist NHRIs to generate an understanding of their capacity strengths and needs and to develop strategies to fill capacity gaps. They are one of the first steps of the capacity development process. They use a self-assessment process, facilitated by a team, to identify capacity strengths and needs of the individual NHRI and to develop capacity development strategies and actions to address those needs. In close consultation with the NHRI, the CA team produces an analytical report of the self-assessment, measuring required future capacities of the NHRI against its current capacities and proposing capacity development strategies and actions. This report is presented to the NHRI in draft form for discussion and joint finalisation.

The benefits for NHRIs in developing and implementing capacity development strategies that result from CAs are immense. The approach is a systematic approach to the capacity assets and needs of the NHRI. It fosters engagement of all NHRI members and staff and key external stakeholders, often across sectors. It leads to capacity development initiatives that are strategic, longer term and integrated, rather than ad hoc and fragmented.

Since 2008 the following APF members have undertaken a CA:

- Human Rights Commission of Malaysia (SUHAKAM) 2008-9
- Human Rights Commission of the Maldives 2009
- Jordan National Centre for Human Rights 2010
- National Human Rights Commission of Thailand 2010
- Palestinian Independent Human Rights Commission 2011
- Afghanistan Independent Human Rights Commission 2011
- Mongolian Human Rights Commission 2011
- Sri Lankan Human Rights Commission 2012
- Australian Human Rights Commission 2012
- New Zealand Human Rights Commission 2012
- Philippines Commission on Human Rights 2012
- Nepal National Human Rights Commission 2013
- Bangladesh National Human Rights Commission 2013
- Ombudsman's Office of Samoa 2014
- National Human Rights Commission of Oman 2014

- National Commission on Human Rights of Indonesia (Komnas HAM) 2014
- Provedoria for Human Rights and Justice of Timor Leste 2015
- National Institution for Human Rights of Bahrain 2017
- Human Rights Commission of Malaysia (SUHAKAM) 2017.

The National Commission for Human Rights of Pakistan will undertake a CA early in 2018.

Project overview

Objective

To develop strategies to address the most important capacity needs of the National Human Rights Commission of India (NHRC).

Approach

- To enable the NHRC to assess its current capacities against the capacities it requires to implement its mandate and its strategic plan
- To identify the capacity gaps, or deficits, that are the most important and most urgent to be addressed
- To develop strategies and actions to address the identified capacity gaps in a long-term manner.

Participants

The process is a self-assessment approach in which

- all NHRC leaders, managers and staff are the most important participants
- a small number of key external stakeholders are also invited to contribute their perspectives
- a CA team facilitates the process, in consultation with an NHRC liaison person.

Methodology

Information is collected through

- individual and group discussions with NHRC leaders, managers and staff
- completion of an analytical questionnaire by NHRC leaders, managers and staff
- background material shared by the NHRC
- individual and group interviews with key external stakeholders.

Product

An analytical report of

- the self-assessment, with both qualitative and quantitative components, and
- proposed strategies and actions to address identified priority needs for capacity development, prepared jointly by the NHRC and the CA team.

Result

A capacity development program for the NHRC to implement the strategies and actions, with support if required from the APF and others.

Project implementation

The project will be implemented by the CA team, appointed by the APF, UNDP and OHCHR, in close consultation with the NHRC's Liaison Officer. The team will request the appointment of the Liaison Officer when the project proposal is approved by the NHRC. Implementation involves five principal stages.

1. Preparation

The NHRC and the CA team prepare for the CA. The NHRC is briefed on the process and decides whether to proceed. If it decides to undertake the CA, a Memorandum of Understanding is entered between the APF and the NHRC. A preliminary visit is made on behalf of the APF for the briefing and the preparation.

The membership of the CA team is finalised. The NHRC appoints its Liaison Officer to work with the CA team. Together they identify the key documents and the small number of external stakeholders to assist the CA. The external stakeholders should be people who know the NHRC and its work well and can comment from experience and knowledge on the NHRC's capacities. They can be drawn from government, civil society, the judiciary, academia and any other area of relevance. The CA team and the Liaison Officer also agree on the logistics – when the CA will take place, how the focus discussion groups will be organised, whether interpretation and translation will be required and so on.

2. Capacity assessment by the NHRC's leaders and staff

All NHRC leaders, senior managers and staff are given the opportunity to participate in small discussion groups to express their views on

- what the NHRC does well (present capacity)
- what the NHRC needs to do better (required capacity)
- what can be done to increase the capacity from the present level to the required level.

These discussion groups enable exchange among participants and identify the key capacity issues for the NHRC. The issues can concern the current and required capacities in relation to

- the external environment in which the NHRC works
- organisational issues for the NHRC
- NHRC members and staff.

Issues might include:

- institutional development: mission and strategy, business processes, human resource management, information and communications technology
- institutional management: ability to foster independence of the NHRC, ensure plural representation and strengthen relationships with external stakeholders, develop, communicate and give direction on vision, mission and values based on the universal standards of human rights, and create an environment that motivates and support right holders including NHRC staff
- knowledge: training and education of NHRC staff and rights holders
- mutual accountability: capacity to ensure accountability through prevention and enforcement, strengthen national integrity of the NHRC, increase public participation and build coalitions; increase mobilisation, access to and use of information, work with the international community including the GANHRI and the APF.

The discussions also enable all leaders, managers and staff to contribute their own ideas on how to build the NHRC's capacity to do its work more effectively.

After the conclusion of the group discussions the NHRC's leaders, managers and staff undertake their individual assessments of the NHRC's current capacities and required capacities, using a simple Questionnaire on the core capacity issues identified in the discussion groups. By providing their ratings for present and required capacities, they reveal the capacity gaps in the organisation and the

extent of the gap to be met. The data produced by the questionnaire is both qualitative (what kinds of gaps? how important are they?) and quantitative (how many people see this as a gap? what is the extent of the gap that they see? what can be done to address the gaps?).

The questionnaires are completed individually and anonymously.

3. Interviews with key external stakeholders

A small number of key external stakeholders are also interviewed, individually or in groups, by the CA team to provide an external perspective on the capacities of the NHRC. These interviews are directed towards an external validation of the internal perspectives on the NHRC capacities, current and required. The persons interviewed will not be given or asked to complete the questionnaire but participate in a short interview to provide their overall perceptions and comments. The information collected during the interviews will be shared with the NHRC.

4. Data analysis and development of strategies

Following the completion of the discussion groups and questionnaires by the NHRC's leaders and staff and the interviews with external stakeholders, the CA team collates and analyses the data and other information. It begins to develop possible strategies and actions to address the most important capacity gaps identified. The strategies and actions should be practical and able to be implemented. They should address the most important capacity gaps within a comprehensive framework that reflects the needs and priorities of the NHRC as a whole.

5. The report

The CA culminates in a report that analyses the information provided by NHRC leaders, managers and staff, identifies the capacity gaps, indicates priorities, and offers strategies and actions to address the gaps. The CA team will produce a draft report for presentation to and discussion with NHRC leaders and senior managers at the end of the visit. The draft is discussed at some length between NHRC leaders and the team so that the recommended strategies and actions are understood, prioritised and agreed. It will then be finalised and presented to the NHRC. It will include an implementation plan.

The report is a report to the NHRC. The CA team members and their organisations will have a copy of the report. Otherwise any distribution of the report is in the hands of the NHRC. The NHRC should distribute the report to all staff, as agreed in the Memorandum of Understanding. It may also decide to make it public or to give it limited distribution as desirable. APF and the CA team hope that it receives wide distribution, as that is the best way to use it to broaden the understanding of and support for the NHRC and its work and to ensure implementation of the report's strategies, but that is a matter for the NHRC alone. It can be decided after the final report is received.

Implementation of the strategies and actions

The production of the report is not the principal objective of the CA project. The principal objective is strengthening the capacity of the NHRC to do what it wants and needs to do, including through implementation of the report's proposed strategies and actions. That is why the report contains an implementation plan. The APF will be available after the CA to support the NHRC in its endeavours to implement the strategies. The UNDP Country Office can play an important role at this stage. The report will also encourage other UN agencies and organisations to plan future targeted assistance tailored to the needs of the NHRC.

Benefits to the NHRC

NHRIs that have undertaken CAs have said that they benefit greatly from the process. They have ranked their participation in the CA process:

relevance	very high
effectiveness	high
efficiency	high
impact	very high.

They have listed the benefits of participation in a CA:

- better understanding of current organisational and programming capacities
- rigorous assessment of capacity needs
- sound strategies and clear priorities for capacity building
- more effective and evidence-based strategic planning
- better understanding of the link between internal processes and externally oriented activities
- better identification of the similarities and differences in perceptions of capacities and functioning across different units and levels of the NHRI
- a focus on leadership and management, precipitating a review of decision making processes and on internal relationships
- a new focus on training programmes
- the development or review of standard operating procedures, manuals and guidelines
- changes in human resources policies, including revisiting and clarifying roles and responsibilities
- a strong analytical report that can assist in securing the support needed to implement the strategies
- a baseline assessment of capacity that can be used to measure improvement and achievement over time
- an additional means to improve its effectiveness
- training for key NHRI personnel in CA and CD
- the opportunity to lead CD for other NHRIs in the Asia Pacific region.

Appendix 2 NHRIs in the Asia Pacific region

With almost 60% of the world's population and a wide range of socio-economic and political issues, the Asia Pacific region presents a challenging context for the protection and promotion of human rights. Unlike other regions, Asia Pacific does not have a regional inter-governmental system to monitor and protect human rights. In spite of these absences and limitations, significant progress is being made to advance human rights in the region. An important development over the past 30 years has been the establishment of independent national human rights institutions that operate in many countries throughout the region.

NHRIs are essential for an effective national human rights protection system, providing key opportunities through which human rights can be promoted, protected, mainstreamed and nationally owned from within. Indeed, as noted in the UN-wide Plan of Action, "Action 2", the human rights component of the Secretary General's Reform Programme,

Building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner. The emplacement or enhancement of a national protection system in each country [...] should therefore be a principal objective of the organisation.¹¹⁸

The Asia Pacific Forum of National Human Rights Institutions (APF) is the association of NHRIs in the Asia Pacific region.¹¹⁹ Its members include all NHRIs in the region that have been accredited for compliance with the international standards for NHRIs, the Paris Principles.¹²⁰ It supports the establishment and strengthening of NHRIs, providing a framework for national human rights institutions to work together and cooperate on a regional basis through a wide range of services, including training, capacity building, networks and staff exchanges.

Since the 1990s there has been a significant increase in the number of NHRIs in Asia Pacific. Today, there are more than 110 NHRIs worldwide, 25 of which are in Asia-Pacific region and are members of the APF. Two other countries in the region have established NHRIs that are not yet accredited and seven others have made commitments in recent years to establishing NHRIs.¹²¹ As their numbers increase, NHRIs are becoming more prominent actors in the national, regional and international human rights arena.

The OHCHR considers the establishment and strengthening of NHRIs in compliance with the Paris Principles as a priority of its human rights work around the world. Paris Principles compliant NHRIs stand out as partners that are central to national human rights protection

¹¹⁸ <http://www.un.org/events/action2/>.

¹¹⁹ Members are the NHRIs of Afghanistan, Australia, Bahrain, Bangladesh, India, Indonesia, Iraq, Jordan, Kazakhstan, Kyrgyz Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, New Zealand, Oman, Palestine, Philippines, Qatar, Republic of Korea, Samoa, Sri Lanka, Thailand and Timor Leste.

¹²⁰ The Paris Principles are the principal source of normative standards for national human rights institutions. Adopted by NHRIs at an international workshop held in Paris in 1991, the Paris Principles marked the beginning of serious international co-operation and standardisation of NHRIs. Both the United Nations Commission on Human Rights and the General Assembly later endorsed them. The Paris Principles are broad and general and indicate the minimum international standards and benchmarks with which a NHRI must comply: see www.ohchr.org/english/law/parisprinciples.htm.

¹²¹ Pakistan and Fiji have NHRIs that are not yet accredited and so not yet members of the APF. Cambodia, Japan, Nauru, Palau, Papua New Guinea, Solomon Islands and Vanuatu have made commitments to establish NHRIs.

systems and are important counterparts for OHCHR, as they can play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. OHCHR supports and closely works with individual NHRIs, the Global Alliance of National Human Rights Institutions (GANHRI, formerly the International Coordinating Committee of NHRIs) and the four regional groups of NHRIs in the Americas, Africa, Asia Pacific and Europe.

UNDP Regional Hubs and Country Offices (COs) are increasingly involved in supporting NHRIs. Support has generally been provided on a case-by-case basis, often in consultation and collaboration with OHCHR. In the Asia Pacific region, UNDP has supported a number of NHRIs and a number of countries considering establishing NHRIs across the region.¹²²

Different types of NHRIs exist. They can be categorised in terms of their mandate, organisational composition, political environment and legal framework. They are generally differentiated along the lines of an advisory role or of a monitoring and investigative role. All the NHRIs in the Asia Pacific region are of the latter kind. However there is no set model. The extent to which these institutions are forces for change depends on their compliance with the Paris Principles, the context in which they operate and the leadership within the institution. Much of the discussion of NHRIs so far, however, has tended to concentrate on the standards against which these NHRIs should be measured, rather than on their performance and operational effectiveness.

¹²² These include: Afghanistan, Bangladesh, Fiji, Indonesia, Maldives, Mongolia, Nepal, Papua New Guinea, Sri Lanka and Timor Leste.

Appendix 3 Regional Initiative to Support the Capacity Development of NHRIs in Asia Pacific

In 2008 APF, the Justice and Human Rights Team and Capacity Development Team of the UNDP Asia Pacific Regional Centre in Bangkok and the National Institutions and Regional Mechanisms Section of the Office of the High Commissioner for Human Rights launched a Regional Initiative to promote the institutional capacity development (CD) of National Human Rights Institutions (NHRIs) in the Asia Pacific region. The Regional Initiative was supported by the UNDP Global Human Rights Strengthening Programme until 2013.

The objective of the Regional Initiative is to assist NHRIs to understand their capacity strengths and needs and to develop tailored CD strategies to address capacity gaps on a continuing, comprehensive basis. The initiative is intended to complement and enhance the support projects being implemented by UNDP Country Offices and UN Country Teams for NHRIs at the national level.

The starting point of any CD intervention is an assessment of institutional and individual capacities. The Capacity Assessment (CA) is a self-assessment process to identify capacity strengths and needs of the NHRIs. Based on the findings of the CA, a set of CD strategies are developed to enable the NHRI to reach its required capacities.

The benefits for NHRIs in developing and implementing CD strategies that result from CAs are many. The systematic approach to the capacity assets and needs of the NHRI fosters engagement of NHRI members and staff and key external stakeholders, often across sectors. It leads to CD initiatives that are strategic, longer term and integrated, rather than ad hoc and fragmented. NHRIs will be able to implement the process themselves in the future, after having participated in the first assessment, through the selection of CD focal points in their own institution.

There have now been 18 CAs of NHRIs in the Asia Pacific region.

2008-09	Malaysian Human Rights Commission (SUHAKAM)
2009	Human Rights Commission of the Maldives
2010	National Centre for Human Rights in Jordan National Human Rights Commission of Thailand
2011	Independent Commission on Human Rights in Palestine Afghanistan Independent Human Rights Commission National Human Rights Commission of Mongolia
2012	Human Rights Commission of Sri Lanka Australian Human Rights Commission Philippines Commission on Human Rights New Zealand Human Rights Commission
2013	National Human Rights Commission of Nepal National Human Rights Commission of Bangladesh
2014	National Human Rights Commission of Oman Ombudsman of Samoa Indonesian National Commission for Human Rights
2015	Timor Leste Provedor for Human Rights and Justice
2017	National Institution for Human Rights of Bahrain Malaysian Human Rights Commission (SUHAKAM)

2018 National Human Rights Commission of Pakistan
Uzbekistan Ombudsman for Human Rights
Philippines Commission on Human Rights
National Human Rights Commission of Myanmar.

This CA is the 23rd CA in the region.

Appendix 4 Documents considered by the Capacity Assessment Team

Legislation

Protection of Human Rights Act 1993
Protection of Human Rights (Amendment) Bill 2018
NHRC (Procedures) Regulations 1994 as amended in 1997

Annual reports

Annual report 2014-15
Annual report 2015-16
Annual report 2016-17

Plans

Strategic Plan 2018-2021
Workplan 2018-19
Workplan 2019-20
Workplan 2020-21

GANHRI accreditation

Sub-committee in Accreditation final report 2016
Sub-committee in Accreditation final report 2017

Manuals and SOPs

Promotional materials

International engagement

Administrative documents

Organisational chart
Staff list
Staff statistics

Appendix 5 Program for the Capacity Assessment Team

CAPACITY ASSESSMENT OF NHRC, INDIA

PROGRAM

VENUE : Room No.205 & 508 Manav Adhikar Bhawan, NHRC

Name of team members

APF:

- i) Prof. Chris Sidoti - APF's Special Envoy - Team leader
- ii) Faso Aishath, Program Manager, APF Secretariat
- iii) Simon Karunagaram, Deputy Secretary, HRC of Malaysia

OHCHR

- iv) Sisi Shahidzadeh, Deputy Chief, National Institutions and Regional Arrangements Section.

UNDP Bangkok Regional Hub

- v) Sharmeela Rassool, Chief Technical Adviser, Human Rights Program, UNDP Bangladesh.

DAY-1: 03-12-2018 (Monday)

09:45 AM – 10:10 AM	Interaction with Dr. Ranjit Singh, Joint Secretary (Programme & Administration)
10:15 AM – 10:30 AM	Interaction with Ambuj Sharma, Secretary-General
10:30 AM – 11:30 AM	Meeting with Commission, Secretary-General and senior secretariat directors
11:30 AM – 12.45 AM	Interaction with Justice Ghose, Member
12.15 PM – 02.00 PM	LUNCH BREAK
02.00 PM – 03.00 PM	Interaction with Jyotika Kalra, Member
03.00 PM – 04.00 PM	Interaction with Ambuj Sharma, Secretary-General
04.00 PM – 05.00 PM	Interaction with Gurbachan Singh, DG (Investigations)
05.00 PM – 06.00 PM	Interaction with Surajit Dey, Registrar (Law)

DAY-2: 04-12-2018 (Tuesday)

09:15 AM – 10:00 AM	Interaction with Dr. Ranjit Singh, Joint Secretary (Programme & Administration)
10:00 AM – 10:45 AM	Interaction with Hon'ble Justice Shri H.L. Dattu, Chairperson, NHRC.
10:45 AM - 11:30 AM	Interaction with Dilip Kumar, Joint Secretary (Training & Research)

11:30 AM – 11:45 AM	SHORT BREAK
11:45 AM – 01:15 PM	Interaction with A. GROUP 1 - Law Division (Assistant Registrars/ Deputy Registrars/ Joint Registrar (In-charge)) B. Group 2 – Investigation Division (Deputy Superintendents of Police / Sr. Superintendents of Police / Deputy Inspector General of Police)
01:15 PM – 02:15 PM	LUNCH BREAK
02:15 PM – 03:45 PM	Interaction with A. GROUP 3 - Law Division (Section Officers & JLRCs) B. Group 4 – Investigation Division (Inspectors)
03:45 PM – 04:00 PM	SHORT BREAK
04:00 PM – 05:30 PM	Interaction with A. GROUP 5 - Law Division (S r. PPS / PSs / PAs / Stenographers) B. Group 6 – Investigation Division (PS / Personal Assistants / Assistants / LDCs / DEOs)

DAY-3: 05-12-2018 (Wednesday)

10:00 AM - 11:30 AM	Interaction with A. GROUP 7 - Law Division (Assistants / LDCs) B. GROUP 8 - Administration Division (Supervisory Officers)
11:30 AM - 11:45 AM	SHORT BREAK
11:45 AM – 01:15 PM	Interaction with A. GROUP 9 - Law Division (Personal Assistants/LDCs) B. GROUP 10 - Investigation Division (Constables / MTS)
01:15 PM - 02:15 PM	LUNCH BREAK
02:15 PM - 03:45 PM	Interaction with A. GROUP 11- Law Division (Data Entry Operators) B. GROUP 12 – Administration Division (PS/PA/MTS)
03:45 PM - 04:00 PM	SHORT BREAK
04:00 PM - 05:30 PM	Interaction with A. GROUP 13- Law Division (Multi Tasking Staff) B. GROUP 14 – Administration Division (Assistants)

DAY-4: 06-12-2018 (Thursday)

10:00 AM - 11:30 AM	Interaction with A. GROUP 15- Law Division (Daily wagger staff) B. GROUP 16 – Administration Division (UDC/LDC/Pas/Data Entry Operators/JRC)
11:30 AM - 11:45 AM	SHORT BREAK
11:45 AM – 01:15 PM	Interaction with A. GROUP 17 - Administration Division (JLRCs/Consultant (RO) /Data Entry Operators) B. GROUP 18 - Administration Division (Programmer/Programme Assistant/Computer Officials)
01:15 PM - 02:15 PM	LUNCH BREAK
02:15 PM - 03:45 PM	Interaction with A. GROUP 19 - Administration Division (Motor Transport Officer/MTS/Unskilled workers) B. GROUP 20 - Administration Division (Accounting Officials/MTS/unskilled workers)
03.45 PM - 04.00 PM	SHORT BREAK
04.00 PM - 05.30 PM	Interaction with A. GROUP 21- Administration Division (Assistant/Translator/PA/MTS) B. GROUP 22 – Administration Division (PPS/Pas/personal staff of CP/Members)

DAY-5: 07-12-2018 (Friday)

10:00 AM - 12:00 PM	SHRC MEETING
12:00 PM - 12.30 PM	Interaction with Aldous Mawlong, Secretary, Meghalaya Human Rights Commission
12.30 PM - 1.00 PM	Interaction with Secretary, Karnataka Human Rights Commission
1.00 PM – 1.30 PM	Interaction with Secretary, Tamil Nadu Human Rights Commission
1.40 PM – 2.00 PM	Interaction with head, Punjab Police Human Rights Cell
2.00 PM – 3.00 PM	Lunch
3.20 PM - 04.15 PM	Interaction with the representatives of NCM and NCPCR
4.45 PM – 6.00 PM	Interaction with – i) Presenting Officers ii) Consultant (Proceedings)
6.00 PM – 7.00 PM	Interaction with Dr. Ranjit Singh, Joint Secretary (Programme & Administration)

DAY-6: 08-12-2018 (Saturday)

CA Team
<ul style="list-style-type: none"> Finalization of the core capacity issues arising from the discussion groups.

- Preparation of the CA questionnaire based on those core capacity issues.
- Uploading the questionnaire onto the Survey Monkey website

DAY-7: 9-12-2018 (Sunday)

CA Team's work continues.....

DAY-8: 10-12-2018 (Monday)

10:00 AM - 1:00 PM	Interaction with NHRC Special Rapporteurs
1:00 PM - 2:00 PM	Lunch
4.30 PM - 10.00 PM	Human Rights Day function

DAY-9: 11-12-2018 (Tuesday)

10:30 AM - 11:30 AM	Discussion with academics
11:30 AM - 12:00 PM	Discussion with Government officials: Ministry of Social Justice and Empowerment.
12.30 PM - 2.30 PM	Discussion with Civil Society Members
2.30 PM - 2:45 PM	<i>Lunch Break</i>
2.45 PM - 3.45 PM	Discussion with Vice Chancellor Professor Ranbir Singh and Dr Aparna Chandra
3.45 PM - 6.15 PM	Interaction with Secretary-General and senior directors

DAY-10: 12-12-2018 (Wednesday)

Preparation by the CA Team	
11.00 AM - 12:00 PM	Full Commission Meeting Briefing by the CA team (interim report) to the Chairperson & Members
1.00 PM - 1.30 PM	Discussion with Mr Rathod, Joint Secretary, National Commission for Scheduled Tribes (telephone)
1.30 PM - 2.30 PM	<i>Lunch Break</i>
2.30 PM - 4.00 PM	Interaction with Dr Sanjay Dubey, Director Programme and Administration Division
5.00 PM - 5.45 PM	Discussion with Mr Rajit, former Joint Secretary, Ministry of Labour and Employment

DAY-11: 13-12-2018 (Thursday)

10:45 AM - 11:00 AM	UN Resident Coordinator
11:00 AM - 1:00 PM	UN Country Team
2.30 PM - 5.30 PM	Tour of NHRC premises and introduction to CMIS

DAY-12: 14-12-2018 (Friday)

4.15 PM – 5.15 PM	Discussion with staff unable to participate in groups
6.00 PM – 6.30 PM	Final meeting with Secretary-General and senior staff

NOTE:

I. Coordinators

I. Members of the Core team from NHRC

- i) Shri Srinivas Kamath, DR(Law)
- ii) Shri Khaleel Ahmad, DR(Law)
- iii) Shri Mukesh, AR(Law)
- iv) Shri D.M. Tripathy, US(GA)
- v) Shri L. Haridhas, SO(Coord)

II. For Secretarial assistance

- 1) Ms. Usha Nair, PPS
- 2) Shri Karnal Kishore, PS

III. Law Interns

- 1) Ms. Mahak, J.L.R.C, Director (A) Unit.
- 2) Ms. Priyanka, J.R.C, JD(R.) Unit.
- 3) Ms. Alo Dutt, J.L.R.C

IV. For Protocol Assistance

- 1) Shri Mathew Kurien / Shri R.N. Tyagi / Shri Bhawani.

Appendix 6 Core capacity issues

1. The NHRC's culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of resources.
2. The Protection of Human Rights Act 1993, regulations, policy and practices of Governments and Ministries ensure the NHRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.
3. The NHRC develops, adopts, implements, monitors and evaluates strategic plans and annual work plans, following consultation with Members and staff and with external stakeholders. It also ensures that the plans reflect international human rights law (including economic, social and cultural rights as well as civil and political rights), are based on evidence and analysis of the human rights situation in India, and respond to current and emerging human rights issues.
4. The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRI functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.
5. The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC.
6. The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.
7. The NHRC has effective gender policies and programs that ensure the employment of women on the basis of equality at all levels and in all sections and the fair and respectful treatment of women complainants, victims, witnesses and staff in and by the NHRC.
8. The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.
9. The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and

work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.

10. To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people.
11. The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.
12. The NHRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.
13. The NHRC undertakes effective human rights education and awareness raising, that enables it to reach out to all population groups in India, through a strong external communications strategy, including social media, communication in Hindi and English and, where appropriate, other languages.
14. The NHRC has regular engagement and cooperation with civil society organisations, rights forums and think tanks through broad consultation, partnerships, joint projects and common activities.
15. The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.
16. The NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.

Appendix 7 Self-assessment questionnaire for NHRC

Indian National Human Rights Commission Capacity assessment questionnaire

THIS QUESTIONNAIRE IS CONFIDENTIAL AND ANONYMOUS

PLEASE COMPLETE NO LATER THAN WEDNESDAY 12 NOVEMBER

INSTRUCTIONS

Capacity development is defined as 'the process through which individuals, organizations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time'. Supporting this process requires identifying what key capacities already exist and what additional capacities may be needed to reach these objectives. This is the purpose of a capacity assessment. A capacity assessment provides a comprehensive perspective on the capacities critical to achieving development objectives. It is an analysis of required capacities against existing capacities and offers a systematic way of gathering data and information on existing capacities and needed capacities.

This questionnaire follows up on the discussion groups with National Human Rights Commission (NHRC) Members, senior secretariat leaders and staff members as part of the CA process. The issues in it have been identified from the information given and the issues raised during the discussion groups. They are identified as the key capacity development issues for the NHRC. They have been analysed within the UNDP capacity development framework, with its five areas of institutional capacity:

- law, policies, procedures and processes
- leadership
- human resources and knowledge
- financial resources
- accountability.

WHAT THE QUESTIONNAIRE ASKS

There are 16 core capacity issues covered in the questionnaire and there are four questions for each issue. Two of the questions ask you to provide a rating or marking. The same questions are asked in relation to each issue.

1. What score, between 0 and 5, reflects your assessment of the capacity the NHRC has now in the particular area of work (how well it is doing in those areas)?
2. What is the basis, with evidence, of the rating you have given?
3. What score, between 0 and 5, reflects your assessment of the capacity the NHRC is required to have in 5 years' time (how much the NHRC should have improved in the next 5 years)?
4. What are your specific recommendations for changes and improvements to reach that higher level of capacity?

The ratings that are applied are

0. no capacity

1. very low capacity
2. only basic or low level capacity
3. medium partially developed capacity (for example, irregular to basic implementation of plans)
4. well developed level of capacity (for example, partial to full implementation of plans)
5. fully developed relevant capacity (for example, active monitoring and evaluation after implementation).

DIRECTIONS FOR COMPLETING AND RETURNING THE QUESTIONNAIRE

- Each Commission Member and staff member is to complete this questionnaire individually.
- Do NOT indicate your name on the questionnaire as returns are confidential and anonymous.
- Please provide some information about yourself and your present circumstances to enable a statistical analysis of the results across the NHRC as a whole.
- If you do not feel able to provide a response to a specific question, leave it blank.
- The questionnaire is available online in English and in hard copy in English and Hindi. You may choose to write your responses in either of the languages. However, wherever possible, it is preferred that responses are given in English to minimise the need for translation.

ONLINE FORMAT (SURVEY MONKEY)

- The questionnaire can be completed and submitted directly online through Survey Monkey. Simply go to <https://www.surveymonkey.com/r/BBS9MTY>.
- The first page of the online survey provides general instructions on the questionnaire.
- Select your assessment ranking and provide the description in the box provided. The response box can be expanded by dragging from the bottom left corner.
- Use the button at the end of the page to navigate through the questionnaire.
- Navigation buttons can be used to go back and review previous responses, if you so wish.
- Please provide responses to all questions if possible. However, if you do not feel able to provide a response to a specific question, leave it blank and move on to the next question.

HARD COPY FORMAT

The questionnaire is also available in hard copy form for those who are uncomfortable or unable to complete it online through Survey Monkey. Please complete it in English or, if necessary, in Hindi. If you complete a hard copy, please seal it in an envelope, without information identifying you on it, and return it to the CA team no later than 5pm Wednesday 12 December.

PERSONAL PROFILE

To enable the results of the survey to be broken down to allow comparisons among the various groups within the NHRC, you are asked to provide some information about yourself. Please tick one box.

Gender <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	Age bracket <input type="checkbox"/> Under 30 <input type="checkbox"/> 30 to 50 <input type="checkbox"/> Over 50
Are you a member of <i>(Please choose one)</i> <input type="checkbox"/> a scheduled caste? <input type="checkbox"/> a scheduled tribe? <input type="checkbox"/> another backward class? <input type="checkbox"/> none of the above?	Religion <input type="checkbox"/> Buddhist <input type="checkbox"/> Christian <input type="checkbox"/> Hindu <input type="checkbox"/> Muslim <input type="checkbox"/> Sikh <input type="checkbox"/> Other <input type="checkbox"/> None
Disability <input type="checkbox"/> Yes <input type="checkbox"/> No	Highest educational qualification <input type="checkbox"/> Less than high school certificate <input type="checkbox"/> High school certificate <input type="checkbox"/> Technical qualification <input type="checkbox"/> University graduate <input type="checkbox"/> University post-graduate
Length of service <input type="checkbox"/> Under 2 years <input type="checkbox"/> 2 to 5 years <input type="checkbox"/> 5 to 10 years <input type="checkbox"/> Over 10 years	Employment status <input type="checkbox"/> NHRC direct recruit <input type="checkbox"/> Deputation to the NHRC <input type="checkbox"/> Contract
Position <input type="checkbox"/> Commissioner <input type="checkbox"/> Senior manager <input type="checkbox"/> Legal or investigation staff member <input type="checkbox"/> Research or policy staff member <input type="checkbox"/> Administration or finance support <input type="checkbox"/> Office support	

THIS QUESTIONNAIRE IS CONFIDENTIAL AND ANONYMOUS

(Note: one page is provided for each core capacity issue.)

Issue 1: The NHRC's culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of resources.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p><input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity</p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p><input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity</p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 2: The Protection of Human Rights Act 1993, regulations, policy and practices of Governments and Ministries ensure the NIIRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 3: The NHRC develops, adopts, implements, monitors and evaluates strategic plans and annual work plans, following consultation with Members and staff and with external stakeholders. It also ensures that the plans reflect international human rights law (including economic, social and cultural rights as well as civil and political rights), are based on evidence and analysis of the human rights situation in India, and respond to current and emerging human rights issues.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 4: The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRI functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 5: The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 6: The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 7: The NHRC has effective gender policies and programs that ensure the employment of women on the basis of equality at all levels and in all sections and the fair and respectful treatment of women complainants, victims, witnesses and staff in and by the NHRC.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 8: The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 9: The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 10: To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 11: The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 12: The NHRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 13: The NHRC undertakes effective human rights education and awareness raising, that enables it to reach out to all population groups in India, through a strong external communications strategy, including social media, communication in Hindi and English and, where appropriate, other languages.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 14: The NHRC has regular engagement and cooperation with civil society organisations, rights forums and think tanks through broad consultation, partnerships, joint projects and common activities.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p><input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity</p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p><input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity</p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Issue 15: The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.

<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p><i>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</i></p> <p> <input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity </p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

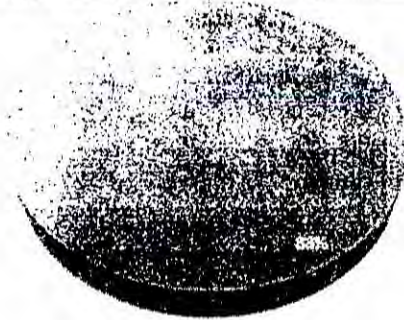
Issue 16: The NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.

<p>What score, between 0 and 5, reflects your assessment of the capacity the NHRI has now in relation to this issue (how well it is doing in this area)?</p> <p><input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity</p>	
<p>What is the basis, with evidence, of the rating you have given?</p>	
<p>What score, between 0 and 5, reflects your assessment of the capacity the NHRI is required to have in 5 years' time in relation to this issue (how much the NHRI should have improved in the next 5 years)?</p> <p><input type="checkbox"/> 0. No capacity <input type="checkbox"/> 1. Very low capacity <input type="checkbox"/> 2. only basic or low level capacity <input type="checkbox"/> 3. Medium partially developed capacity <input type="checkbox"/> 4. Well-developed level of capacity <input type="checkbox"/> 5. Fully developed relevant capacity</p>	
<p>What are your specific recommendations for changes and improvements to reach that higher level of capacity?</p>	

Appendix 8 Responses by respondent profiles

Gender

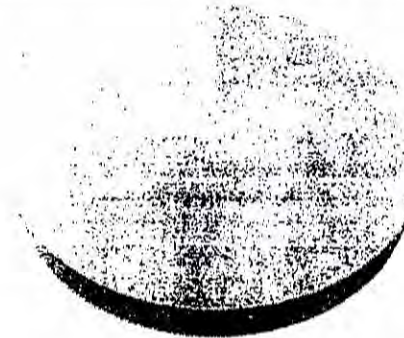
		Responses	
Male	133	83%	
Female	27	17%	
Answered		160	



Male Female

Age bracket

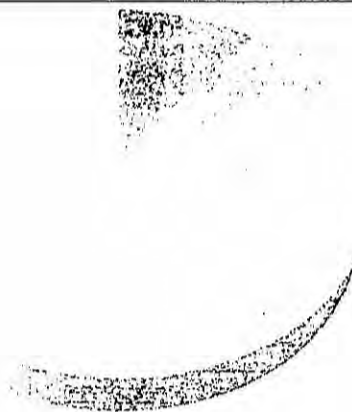
		Responses	
Under 30	20	13%	
30 to 50	93	58%	
Over 50	47	29%	
Answered		160	



Under 30 30 to 50 Over 50

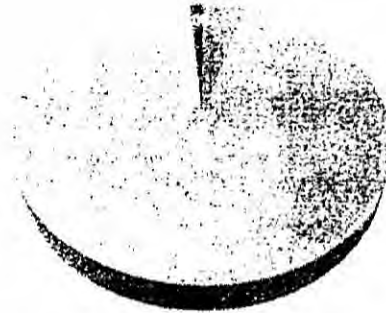
Member of

		Responses	
a scheduled caste?	17	11%	
a scheduled tribe?	11	7%	
another backward class?	18	11%	
none of the above?	114	71%	
Answered		160	



Religion

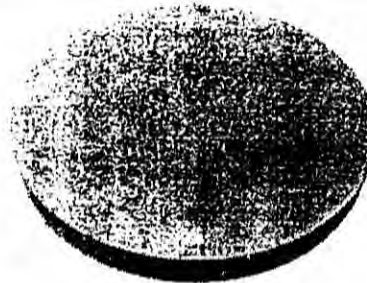
	Responses	
Buddhism	0	0%
Christian	7	4%
Hindu	145	91%
Muslim	6	4%
Sikh	2	1%
Answered	160	



Buddhism Christian Hindu Muslim Sikh

Disability

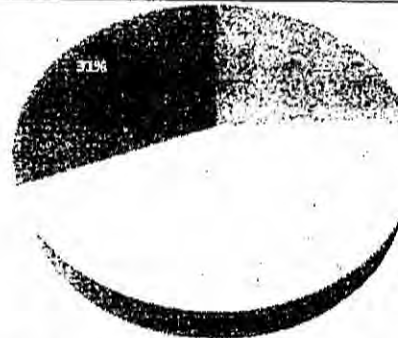
	Responses	
Yes	2	2%
No	158	98%
Answered	160	



Yes No

Highest educational qualification

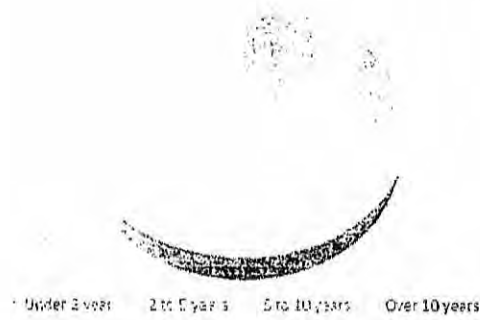
	Responses	
Less than high school certificate	10	7%
High school certificate	26	16%
Technical qualification	2	1%
University graduate	72	45%
University post-graduate	50	31%
Answered	160	



Less than high school certificate High school certificate
 Technical qualification University graduate
 University post-graduate

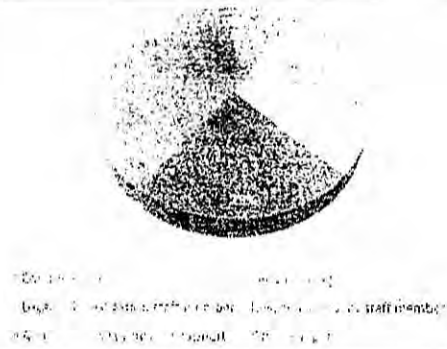
Length of service

	Responses	
Under 2 year	15	9%
2 to 5 years	15	9%
5 to 10 years	14	9%
Over 10 years	116	73%
Answered	160	



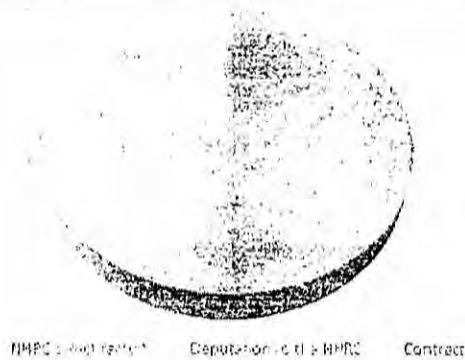
Position

	Responses	
Commissioner	0	0%
Senior manager	14	9%
Legal or investigation staff member	36	22%
Research or policy staff member	10	6%
Administration or finance support	36	23%
Office support	64	40%
Answered	160	



Employment status

	Responses	
NHRC direct recruit	80	50%
Deputation to the NHRC	45	28%
Contract	35	22%
Answered	160	



Appendix 9 Capacity ratings by respondent profiles (against aggregate gaps)

Issues	Current Capacity ratings by:					Future Capacity ratings by:				
	Total responses		Gender			Total responses		Gender		
	male	Female	male	Female	Ref range	male	Female	male	Female	Ref range
1. The NHRC's culture and operations reflect human rights principles of dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of resources.	111	21	3.50	3.33	3.48	112	20	3.81	4.10	3.86
2. The Protection of Human Rights Act 1993, regulations, policy and practices of Governments and Ministries ensure the NHRC's independence, in compliance with and implementation of Paris Principles, and its autonomy, including from the Ministry of Home Affairs.	106	19	3.53	3.37	3.50	101	17	3.76	4.06	3.81
3. The NHRC develops, adopts, implements, monitors and evaluates strategic plans and annual work plans, following consultation with Members and staff and with external stakeholders. It also ensures that the plans reflect international human rights law (including economic, social and cultural rights as well as civil and political rights), are based on evidence and analysis of the human rights situation in India, and respond to current and emerging human rights issues.	102	19	3.57	3.37	3.54	96	18	3.83	4.11	3.88
4. The NHRC decides its strategic priorities through a human rights based approach and allocates its resources so as to balance properly the core NHRC functions of protection, promotion and prevention, through its complaint handling, monitoring, research, human rights education and awareness raising, and training.	101	17	3.67	3.47	3.64	100	15	4.10	4.27	4.12
5. The NHRC is able to ensure that its most senior staff are in position for at least three years to provide continuity of leadership, to utilise fully their individual expertise and to enable the smooth implementation of change towards building a stronger NHRC.	101	18	3.44	3.56	3.45	99	16	3.88	4.31	3.94
6. The NHRC is a model employer that provides all staff with security of employment, fair pay, good terms and conditions aligned with national and international labour practices (including paid holidays and sick leave, health and medical coverage and a pension on retirement), opportunities to advance in their careers (including promotional opportunities and an effective performance appraisal system), training and development (including human rights training), access to effective and efficient grievance procedures and mechanisms, and enjoyment of a safe and healthy workplace.	98	16	2.78	2.56	2.75	96	13	3.71	4.08	3.75
7. The NHRC has effective gender policies and programs that ensure the employment of women on the basis of equality at all levels and in all sections and the fair and respectful treatment of women complainants, victims, witnesses and staff in and by the NHRC.	100	18	3.65	3.50	3.63	97	16	3.96	4.31	4.01
8. The NHRC has good internal communication and information channels, including an effective intranet, official email addresses for all staff and regular staff meetings at all levels, which ensure effective implementation of programs and activities.	100	17	3.45	2.88	3.37	99	16	3.94	4.19	3.97
9. The NHRC has adequate human and financial resources to meet institutional priorities, that budgetary resources are allocated in line with the strategic plan and work plans and that all resources are used as effectively and efficiently as possible, without waste or duplication.	95	15	3.61	3.20	3.55	94	15	4.06	4.27	4.09

10. To ensure quality in service delivery, the NHRC develops and implements good practices and procedures at all levels within the institution, including through streamlining all processes, making them more client friendly (for example, by providing replies to letters in the same language as the original letter to the NHRC) and increasing accessibility for poor, illiterate and other disadvantaged people.	99	16	3.59	3.25	3.54	84	16	4.04	4.00	4.04
11. The NHRC has strategies to build and maintain effective engagement and cooperation with State Human Rights Commissions and National Commissions for women, scheduled castes and tribes, minorities and children, to promote knowledge and acceptance of international human rights law, awareness of the human rights, analysis of situations and issues in India, and collaboration in human rights work of prevention, promotion and protection.	92	16	3.78	3.69	3.77	87	16	4.10	4.19	4.12
12. The NHRC influences the adoption and reform of national and state laws and policies to implement international human rights law in India, through its legal research, its analysis of current and emerging human rights situations and issues in India, and its advocacy with governments and parliaments.	90	16	3.73	3.75	3.74	89	16	4.06	4.31	4.10
13. The NHRC undertakes effective human rights education and awareness raising, that enables it to reach out to all population groups in India, through a strong external communications strategy, including social media, communication in Hindi and English and, where appropriate, other languages.	95	16	3.54	3.69	3.56	93	16	3.95	4.06	3.96
14. The NHRC has regular engagement and cooperation with civil society organisations, rights forums and think tanks through broad consultation, partnerships, joint projects and common activities.	95	16	3.62	3.75	3.64	90	16	4.06	4.31	4.09
15. The NHRC has an effective and efficient process for handling complaints that is client centred, streamlines procedures, eliminates duplication and multiple handling, minimises the demands on the time of the Chairperson, members and senior managers, maximises delegation of less significant procedural decisions and enables a more balanced allocation of resources among NHRC functions.	96	15	3.81	3.47	3.77	90	15	4.10	4.27	4.12
16. NHRC conducts effective human rights monitoring and reporting, including joint work with human rights defenders and CSOs, on the general situation of human rights in India, as well as specific activities, such as monitoring public protests and visiting places of detention on a regular basis.	92	16	3.71	3.63	3.69	90	16	4.17	4.25	4.18

Issues	Current Capacity ratings by:							Future Capacity ratings by:						
	Total responses			Age				Total responses			Age			
	under 30	between 30-50	above 50	under 30	between 30-50	above 50	Ref range	under 30	between 30-50	above 50	under 30	between 30-50	above 50	Ref range
Capacity issue 1.	16	74	42	3.63	3.26	3.81	3.48	14	75	43	3.93	3.68	4.14	3.86
Capacity issue 2.	12	75	38	3.58	3.39	3.71	3.50	10	71	37	4.20	3.61	4.08	3.81
Capacity issue 3.	12	72	37	3.67	3.39	3.78	3.54	11	68	35	4.18	3.68	4.17	3.88
Capacity issue 4.	12	68	38	3.67	3.49	3.92	3.64	10	67	36	4.30	4.01	4.26	4.12
Capacity issue 5.	12	71	36	3.67	3.17	3.94	3.45	10	69	36	4.10	3.71	4.33	3.94
Capacity issue 6.	12	65	37	2.75	2.48	3.22	2.75	10	62	37	3.90	3.48	4.16	3.75
Capacity issue 7.	12	69	37	3.50	3.46	3.97	3.63	11	66	36	4.00	3.92	4.17	4.01
Capacity issue 8.	11	69	37	3.82	3.16	3.62	3.37	11	68	36	4.36	3.75	4.28	3.97

Capacity issue 9.	11	65	34	3.73	3.42	3.76	3.55	11	64	34	4.27	3.95	4.29	4.09
Capacity issue 10.	11	67	37	3.73	3.34	3.84	3.54	11	66	33	4.45	3.83	4.30	4.04
Capacity issue 11.	10	62	36	4.10	3.66	3.86	3.77	10	61	32	4.50	4.03	4.16	4.12
Capacity issue 12.	10	63	33	4.20	3.65	3.76	3.74	10	62	33	4.50	3.98	4.18	4.10
Capacity issue 13.	10	64	37	3.90	3.45	3.65	3.56	9	65	35	4.11	3.82	4.20	3.96
Capacity issue 14.	10	65	36	3.80	3.51	3.83	3.64	10	64	32	4.70	3.94	4.22	4.09
Capacity issue 15.	9	65	37	4.11	3.51	4.14	3.77	9	62	34	4.78	3.89	4.38	4.12
Capacity issue 16.	10	62	36	3.90	3.58	3.83	3.69	10	62	34	4.30	4.03	4.41	4.18

Issues	Current Capacity ratings by:										Future Capacity ratings by:										
	Total responses				Member of						Ref range	Total responses				Member of					
	a scheduled caste?	a scheduled tribe?	another backward class?	none of the above?	a scheduled caste?	a scheduled tribe?	another backward class?	none of the above?	a scheduled caste?	a scheduled tribe?		another backward class?	none of the above?	a scheduled caste?	a scheduled tribe?	another backward class?	none of the above?				
Capacity issue 1.	13	11	15	93	3.4	3.0	3.3	3.6	3.5	13	11	15	93	4.0	3.5	3.2	4.0	3.9			
Capacity issue 2.	11	9	15	90	2.9	3.0	3.0	3.7	3.5	10	7	15	86	3.4	3.3	3.1	4.0	3.8			
Capacity issue 3.	9	11	14	87	3.0	3.1	3.0	3.7	3.5	7	10	14	83	3.3	3.5	3.4	4.1	3.9			
Capacity issue 4.	11	9	14	84	3.5	3.3	3.4	3.8	3.6	11	8	14	82	4.3	3.5	3.6	4.3	4.1			
Capacity issue 5.	11	9	15	84	3.5	3.4	2.8	3.6	3.5	11	8	14	82	3.9	3.1	3.4	4.1	3.9			
Capacity issue 6.	9	7	14	84	1.4	2.6	2.9	2.9	2.7	9	4	14	82	3.3	3.0	3.4	3.9	3.8			
Capacity issue 7.	9	10	14	85	3.1	3.2	3.4	3.8	3.6	9	10	14	80	4.1	3.3	3.8	4.1	4.0			
Capacity issue 8.	10	9	14	84	2.9	3.8	3.0	3.4	3.4	10	9	14	82	3.6	4.1	3.5	4.1	4.0			
Capacity issue 9.	9	9	13	79	3.0	3.2	3.2	3.7	3.6	8	8	13	80	3.6	3.9	3.5	4.3	4.1			
Capacity issue 10.	9	8	15	83	3.2	3.5	3.3	3.6	3.5	8	8	15	79	4.0	3.9	3.7	4.1	4.0			
Capacity issue 11.	8	6	15	79	3.6	3.5	3.3	3.9	3.8	7	5	15	76	4.1	4.2	3.4	4.3	4.1			
Capacity issue 12.	8	7	14	77	3.3	3.4	3.4	3.9	3.7	8	7	14	76	4.0	3.9	3.6	4.2	4.1			
Capacity issue 13.	9	8	15	79	3.0	3.4	3.5	3.7	3.6	9	8	14	78	3.7	3.6	3.4	4.1	4.0			
Capacity issue 14.	10	8	14	79	3.2	3.5	3.1	3.8	3.6	9	8	14	75	3.9	3.6	3.6	4.3	4.1			
Capacity issue 15.	9	7	15	80	3.6	3.7	3.3	3.9	3.8	8	7	14	76	4.0	3.9	3.6	4.3	4.1			
Capacity issue 16.	10	8	13	77	3.2	3.6	3.2	3.8	3.7	9	8	13	76	3.9	3.8	3.5	4.4	4.2			

Issues	Responses by: Religion																		
	Current Capacity ratings by:										Future Capacity ratings by:								
	Total responses					Religion					Total responses					Religion			
	Christian	Hindu	Muslim	Sikh	Christian	Hindu	Muslim	Sikh	Ref range	Christian	Hindu	Muslim	Sikh	Christian	Hindu	Muslim	Sikh	Ref range	
Capacity issue 1.	7	118	5	2	2.6	3.5	3.6	4.0	3.5	7	118	5	2	2.7	3.9	4.0	4.5	3.9	
Capacity issue 2.	7	111	5	2	2.9	3.5	3.8	4.5	3.5	7	105	4	2	2.9	3.8	4.0	4.5	3.8	
Capacity issue 3.	7	107	5	2	2.4	3.6	3.6	3.5	3.5	7	100	5	2	2.9	3.9	4.0	4.5	3.9	
Capacity issue 4.	7	105	4	2	3.0	3.7	3.5	4.0	3.6	7	103	3	2	3.0	4.2	4.0	4.0	4.1	
Capacity issue 5.	7	106	4	2	3.1	3.4	4.0	4.5	3.5	7	103	3	2	2.9	4.0	4.7	5.0	3.9	
Capacity issue 6.	7	101	4	2	2.6	2.7	3.5	3.0	2.7	5	99	3	2	3.0	3.8	4.3	4.0	3.8	
Capacity issue 7.	7	105	4	2	3.1	3.6	3.8	4.5	3.6	7	100	4	2	3.0	4.1	4.0	4.0	4.0	
Capacity issue 8.	6	105	4	2	3.0	3.4	3.5	4.0	3.4	6	103	4	2	3.5	4.0	4.3	4.5	4.0	
Capacity issue 9.	6	99	3	2	2.8	3.6	3.3	3.5	3.0	5	99	3	2	3.0	4.1	4.3	4.5	4.1	
Capacity issue 10.	6	103	4	2	3.2	3.5	4.0	3.5	3.6	6	98	4	2	3.5	4.1	4.3	4.5	4.0	
Capacity issue 11.	6	96	4	2	3.3	3.8	3.8	4.0	3.8	5	92	4	2	3.8	4.1	4.0	4.5	4.1	
Capacity issue 12.	6	94	4	2	3.3	3.8	3.8	4.0	3.7	6	93	4	2	3.7	4.1	4.3	4.5	4.1	
Capacity issue 13.	6	99	4	2	3.2	3.6	3.8	4.0	3.6	6	97	4	2	3.3	4.0	4.0	4.5	4.0	
Capacity issue 14.	6	99	4	2	3.5	3.6	3.5	4.0	3.6	6	94	4	2	3.5	4.1	4.0	4.0	4.1	
Capacity issue 15.	6	100	3	2	3.3	3.8	3.7	4.5	3.8	6	94	3	2	3.5	4.1	4.3	4.5	4.1	
Capacity issue 16.	6	96	4	2	3.5	3.7	3.5	4.0	3.7	6	94	4	2	3.7	4.2	4.3	5.0	4.2	

Issues	Responses by: Education																					
	Current Capacity ratings by:										Future Capacity ratings by:											
	Total responses					Education					Total responses					Education						
	No qualification	High school	Vocational	University	Post-graduate	No qualification	High school	Vocational	University	Post-graduate	Ref range	No qualification	High school	Vocational	University	Post-graduate	No qualification	High school	Vocational	University	Post-graduate	Ref range
Capacity Issue 1	2	7	3	45	25	3.0	3.0	2.7	3.3	3.5	3.3	2	7	3	43	25	4.0	4.0	3.3	4.3	4.3	4.3
Capacity Issue 2	2	7	3	43	25	3.0	2.9	2.7	3.5	3.6	3.4	2	7	3	42	25	4.0	4.0	4.0	4.3	4.3	4.3
Capacity Issue 3	2	7	3	42	25	4.0	3.1	2.7	3.7	3.8	3.6	2	6	3	40	24	4.5	4.5	3.7	4.5	4.4	4.4
Capacity Issue 4	2	6	2	42	25	1.0	3.0	2.5	3.0	2.7	2.8	2	6	2	42	23	2.0	3.7	3.5	4.1	4.0	4.0
Capacity Issue 5	2	6	3	41	25	3.5	3.7	2.7	3.3	3.4	3.4	2	6	3	42	23	4.0	4.3	3.7	4.0	4.1	4.1
Capacity Issue 6	2	6	3	41	24	3.5	3.7	3.3	3.5	3.6	3.5	2	6	3	40	23	4.5	4.3	4.3	4.2	4.2	4.2
Capacity Issue 7	2	6	3	40	25	2.5	2.2	1.7	2.5	2.6	2.5	2	6	3	38	23	4.5	3.7	3.0	4.0	3.8	3.9
Capacity Issue 8	2	6	3	40	24	1.0	1.2	1.3	1.8	1.9	1.7	2	6	3	39	23	3.0	2.8	2.7	3.5	3.6	3.4

Capacity Issue 9	2	7	3	41	24	2.5	3.0	2.3	2.6	2.5	2.6	2	7	3	39	23	3.0	3.7	3.7	3.8	3.7	3.7
Capacity Issue 10	2	6	3	41	24	3.0	3.2	1.7	3.0	2.8	2.9	2	6	3	39	23	4.0	3.8	2.7	4.2	4.0	4.0
Capacity Issue 11	2	6	3	41	24	1.5	3.0	1.7	2.5	3.2	2.8	2	6	3	38	23	2.5	3.7	3.0	4.0	4.2	4.0
Capacity Issue 12	2	6	3	41	24	2.0	3.2	2.0	3.3	3.5	3.3	2	6	3	39	23	4.0	3.8	3.0	4.4	4.5	4.3
Capacity Issue 13	2	5	3	40	24	2.5	2.8	2.3	3.2	3.1	3.1	2	5	3	38	23	4.5	4.0	3.3	4.0	3.9	3.9
Capacity Issue 14	1	5	3	39	23	1.0	2.6	2.7	3.1	3.0	3.0	1	5	3	37	22	3.0	4.0	3.7	4.1	4.1	4.1
Capacity Issue 15	2	5	3	38	23	1.5	2.6	2.0	2.4	2.4	2.4	2	5	3	38	22	2.5	4.0	3.3	3.6	3.7	3.6
Capacity Issue 16	2	5	3	40	23	2.0	3.6	2.3	3.0	3.0	3.0	2	5	3	39	22	4.0	4.2	3.7	3.9	4.1	4.0

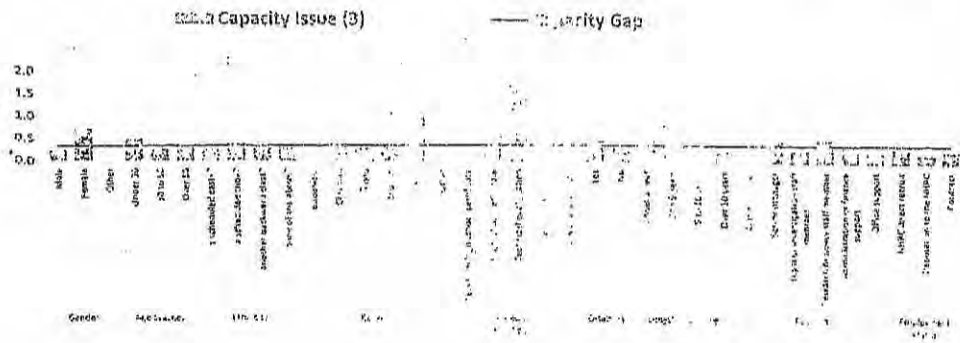
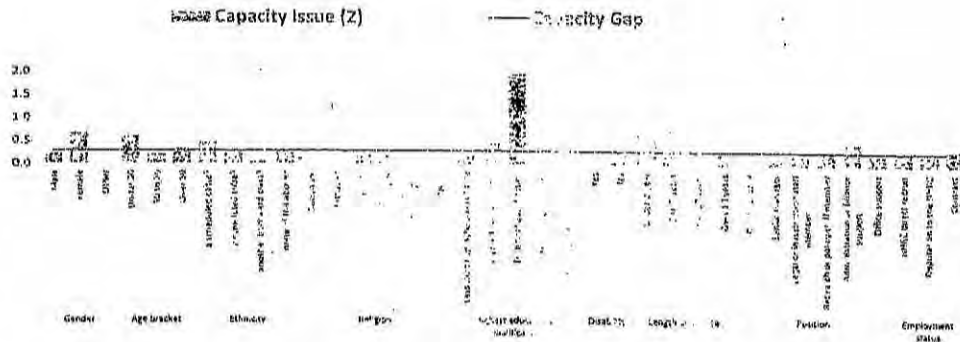
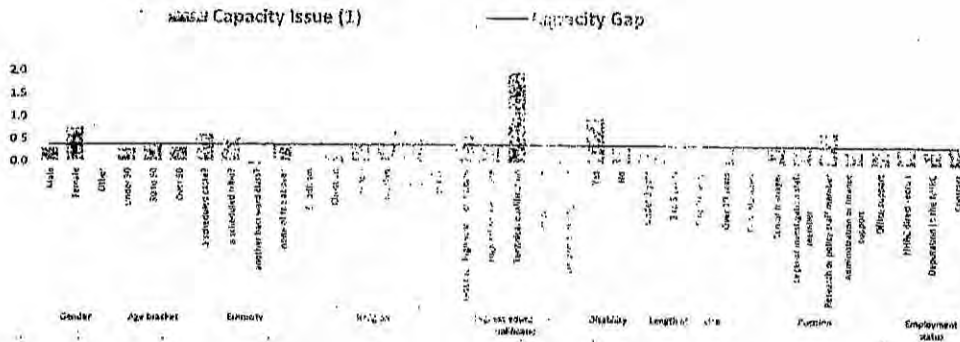
Issues	Current Capacity ratings by:										Future Capacity ratings by:									
	Total responses				Length of service					Ref range	Total responses				Length of service					
	Under 2 year	2 to 5 years	5 to 10 years	Over 10 years	Under 2 year	2 to 5 years	5 to 10 years	Over 10 years	Under 2 year		2 to 5 years	5 to 10 years	Over 10 years	Under 2 year	2 to 5 years	5 to 10 years	Over 10 years	Ref range		
Capacity issue 1.	12	13	9	98	3.4	3.5	3.7	3.5	3.5	11	12	9	100	3.6	4.0	3.7	3.9	3.9		
Capacity issue 2	10	9	9	97	3.7	3.6	3.7	3.5	3.5	8	9	9	92	4.3	4.3	3.8	3.7	3.8		
Capacity issue 3.	10	11	8	92	3.7	3.4	3.8	3.5	3.5	9	11	8	86	4.2	4.3	3.8	3.8	3.9		
Capacity issue 4.	8	11	8	91	3.5	3.6	3.9	3.6	3.6	6	11	8	90	4.0	4.7	4.0	4.1	4.1		
Capacity issue 5.	8	12	7	92	3.5	3.7	2.7	3.5	3.5	6	12	8	89	4.0	4.6	3.6	3.9	3.9		
Capacity issue 6.	7	12	8	87	2.7	2.8	3.3	2.7	2.7	5	12	8	84	4.2	3.8	3.5	3.7	3.8		
Capacity issue 7.	8	12	8	90	3.3	4.2	3.1	3.6	3.6	7	12	8	86	4.0	4.6	3.3	4.0	4.0		
Capacity issue 8.	7	12	8	90	3.9	3.8	3.4	3.3	3.4	7	12	8	88	4.4	4.5	3.6	3.9	4.0		
Capacity issue 9.	6	12	8	84	3.7	3.9	3.9	3.5	3.6	6	12	8	83	4.2	4.6	4.3	4.0	4.1		
Capacity issue 10.	7	12	8	88	3.6	4.0	3.1	3.5	3.5	7	12	8	83	4.4	4.8	3.4	4.0	4.0		
Capacity issue 11.	7	11	8	82	3.9	4.0	3.5	3.8	3.8	7	11	8	77	4.3	4.8	4.0	4.0	4.1		
Capacity issue 12.	7	11	8	80	4.0	3.9	3.8	3.7	3.7	7	11	8	79	4.3	4.7	3.6	4.0	4.1		
Capacity issue 13.	7	11	8	85	3.7	3.9	3.5	3.5	3.6	7	9	8	85	4.0	4.7	3.6	3.9	4.0		
Capacity issue 14.	7	11	8	85	3.4	3.9	3.9	3.6	3.6	7	10	7	82	4.6	4.8	3.9	4.0	4.1		
Capacity issue 15.	6	11	8	85	3.5	4.2	3.6	3.7	3.8	6	10	8	81	4.5	5.0	3.3	4.1	4.1		
Capacity issue 16.	7	11	8	82	3.7	3.7	3.6	3.7	3.7	7	11	8	80	4.1	4.7	4.3	4.1	4.2		

Responses by: position	Current Capacity ratings by:											Future Capacity ratings by:										
	Total responses					position					Ref range	Total responses					position					Ref range
	Senior manager	Legal/ invest.	Research	Admin/ finance	support	Senior manager	Legal/ invest.	Research	Admin/ finance	support		Senior manager	Legal/ invest.	Research	Admin/ finance	support	Senior manager	Legal/ invest.	Research	Admin/ finance	support	
Capacity Issue 1	13	27	8	29	55	4.2	4.0	3.1	3.5	3.1	3.5	13	27	7	30	55	4.5	4.4	3.9	3.8	3.4	3.9
Capacity Issue 2	12	26	7	28	52	4.3	3.9	3.4	3.4	3.2	3.5	11	25	5	28	49	4.4	4.2	3.8	3.9	3.4	3.8
Capacity Issue 3	11	26	7	28	49	4.1	4.1	3.3	3.6	3.1	3.5	10	24	6	27	47	4.6	4.4	3.8	4.0	3.4	3.9
Capacity Issue 4	12	26	6	26	48	4.2	4.0	3.5	4.0	3.2	3.6	12	25	4	26	40	4.6	4.3	4.0	4.4	3.8	4.1
Capacity Issue 5	12	27	6	27	47	3.8	3.9	3.8	3.5	3.0	3.5	12	26	4	27	46	4.5	4.2	4.3	4.1	3.6	3.9
Capacity Issue 6	12	25	6	28	43	3.3	3.2	2.7	2.9	2.2	2.7	12	25	4	27	41	4.4	4.4	4.0	3.6	3.2	3.8
Capacity Issue 7	12	26	6	27	47	3.9	4.0	3.2	3.9	3.2	3.6	11	24	5	27	46	4.1	4.3	4.2	4.3	3.6	4.0
Capacity Issue 8	12	26	5	27	47	4.0	3.7	3.4	3.4	3.0	3.4	12	26	5	26	46	4.7	4.3	4.0	4.0	3.6	4.0
Capacity Issue 9	11	24	5	25	45	3.7	3.9	3.2	4.0	3.1	3.6	12	23	5	25	44	4.5	4.2	4.0	4.4	3.8	4.1
Capacity Issue 10	12	25	5	27	46	4.0	4.0	3.4	3.5	3.2	3.5	11	22	5	27	45	4.4	4.2	4.0	4.2	3.8	4.0
Capacity Issue 11	11	24	5	26	42	4.0	4.1	3.4	4.1	3.4	3.8	10	22	5	26	40	4.3	4.2	4.2	4.5	3.8	4.1
Capacity Issue 12	11	21	5	26	43	4.1	4.1	3.6	3.8	3.4	3.7	11	20	5	26	43	4.5	4.3	4.4	4.2	3.8	4.1
Capacity Issue 13	11	24	5	25	46	4.0	4.0	3.6	3.7	3.1	3.6	10	23	5	26	45	4.8	4.3	4.0	4.5	3.4	4.0
Capacity Issue 14	11	24	5	26	45	4.0	4.0	3.6	3.9	3.2	3.6	11	21	5	26	43	4.5	4.3	4.4	4.4	3.7	4.1
Capacity Issue 15	11	24	4	26	46	4.5	4.3	3.3	3.9	3.3	3.8	10	21	4	26	44	4.8	4.5	4.3	4.4	3.6	4.1
Capacity Issue 16	11	23	5	25	44	4.1	4.1	3.4	3.9	3.3	3.7	11	21	5	26	43	4.7	4.4	4.2	4.5	3.8	4.2

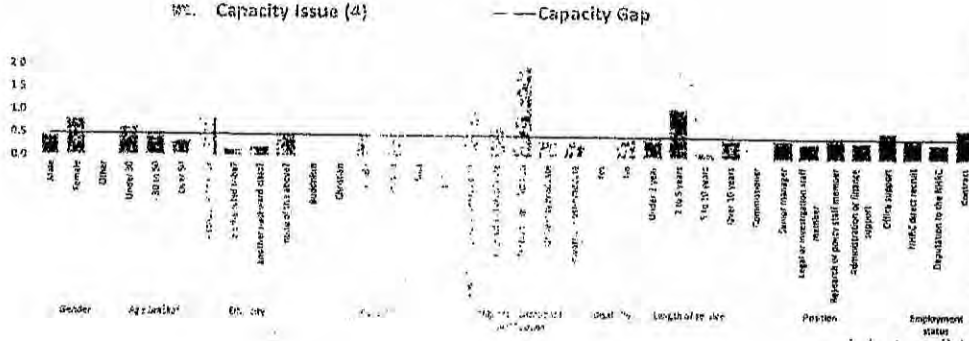
Responses by: Employment status	Current Capacity ratings by:								Future Capacity ratings by:							
	Total responses			Employment status				Ref range	Total responses			Employment status				Ref range
	direct recruit	Deputation	Contract	direct recruit	Deputation	Contract	direct recruit		Deputation	Contract	direct recruit	Deputation	Contract			
Capacity issue 1.	60	42	30	3.43	3.95	2.90	3.48	61	42	29	3.82	4.29	3.31	3.86		
Capacity issue 2.	59	38	28	3.39	4.05	3.00	3.50	56	36	26	3.68	4.31	3.38	3.81		
Capacity issue 3.	56	38	27	3.36	4.21	2.96	3.54	54	34	26	3.81	4.44	3.27	3.88		
Capacity issue 4.	54	38	26	3.63	4.11	3.00	3.64	54	37	24	4.09	4.46	3.67	4.12		
Capacity issue 5.	55	39	25	3.18	4.03	3.16	3.45	56	36	23	3.84	4.31	3.61	3.94		
Capacity issue 6.	51	38	25	2.76	3.24	1.96	2.75	50	37	22	3.62	4.38	3.00	3.75		
Capacity issue 7.	56	37	26	3.51	4.05	3.27	3.63	52	36	25	3.87	4.47	3.64	4.01		
Capacity issue 8	56	37	24	3.27	3.78	2.96	3.37	56	35	24	3.88	4.43	3.54	3.97		
Capacity issue 9	52	35	23	3.38	4.06	3.17	3.55	51	35	23	4.00	4.37	3.87	4.09		

Capacity issue 10.	54	37	24	3.30	4.05	3.29	3.54	53	33	24	3.91	4.36	3.88	4.04
Capacity issue 11.	49	36	23	3.69	4.17	3.30	3.77	47	33	23	4.02	4.42	3.87	4.12
Capacity issue 12.	50	33	23	3.64	4.18	3.30	3.74	50	32	23	4.04	4.38	3.83	4.10
Capacity issue 13.	51	36	24	3.47	4.03	3.04	3.56	51	36	22	3.84	4.44	3.45	3.96
Capacity issue 14.	52	36	23	3.63	4.00	3.09	3.64	52	33	21	3.92	4.45	3.95	4.09
Capacity issue 15.	52	36	23	3.54	4.39	3.30	3.77	51	31	23	3.94	4.61	3.67	4.12
Capacity issue 16.	50	35	23	3.64	4.23	3.00	3.69	51	32	23	4.06	4.59	3.87	4.18

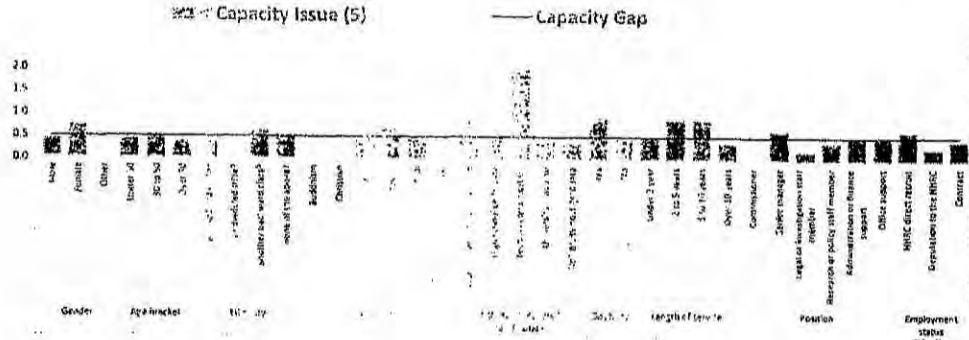
Appendix 10: Capacity gaps by profile variables



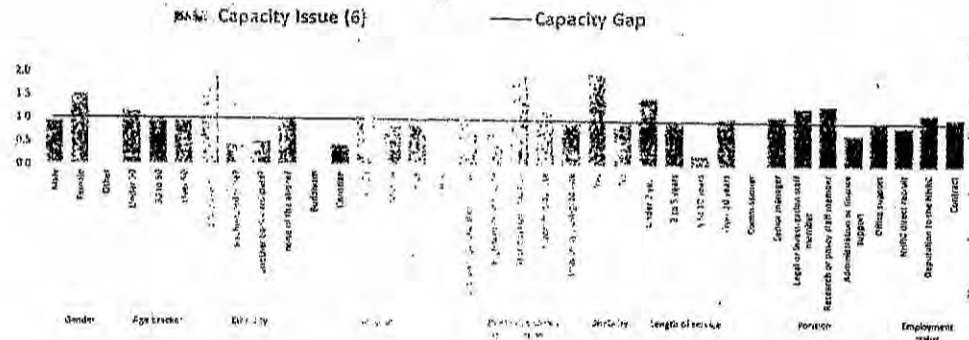
312 Capacity Issue (4)

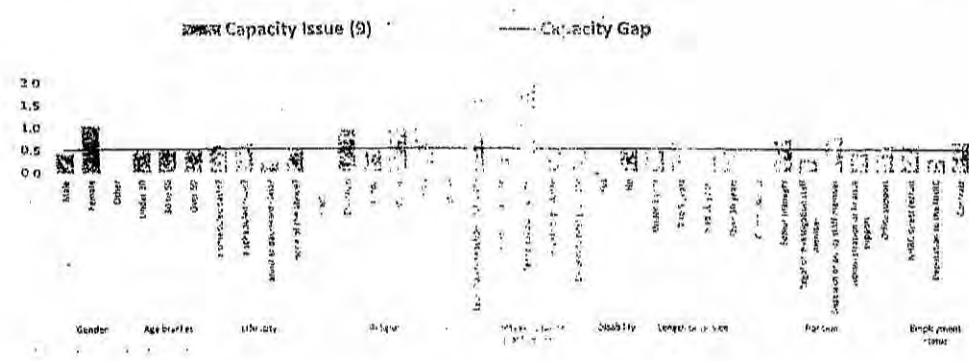
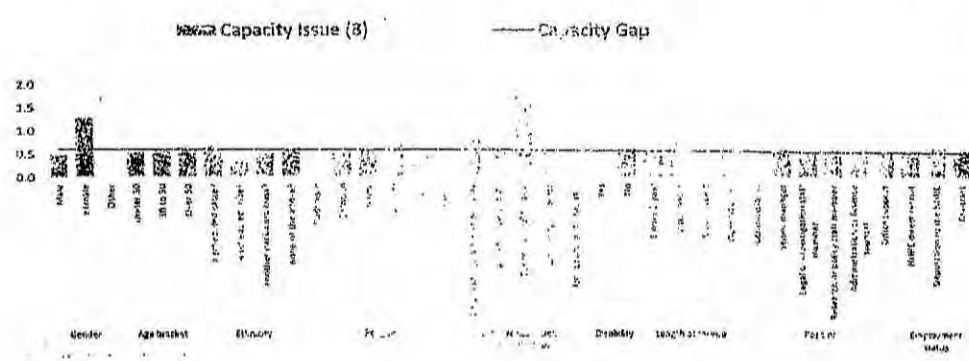
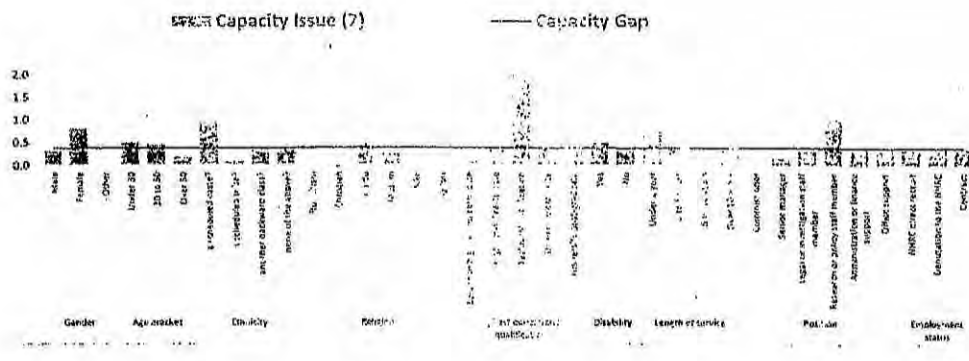


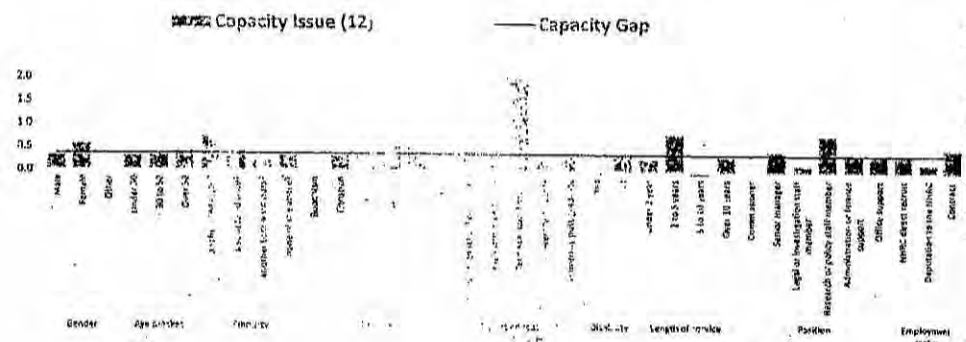
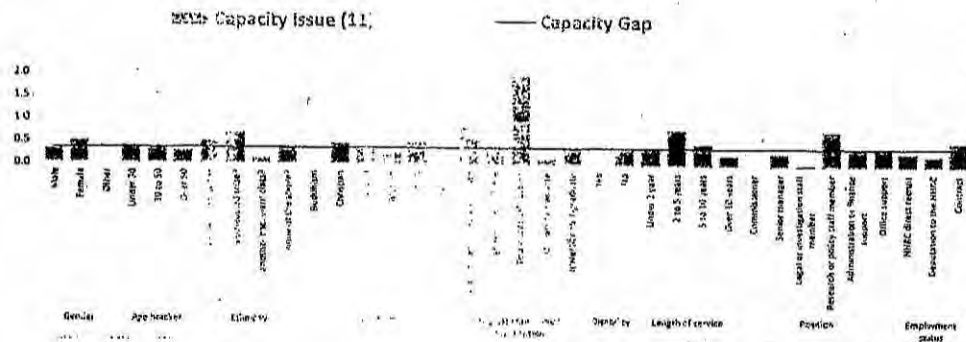
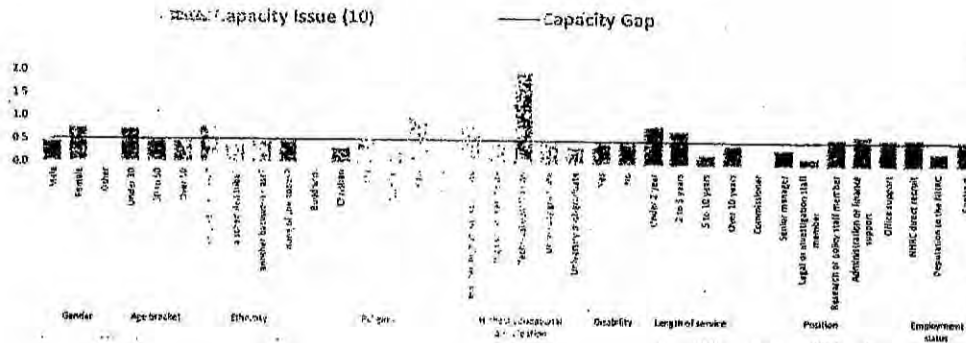
313 Capacity Issue (5)

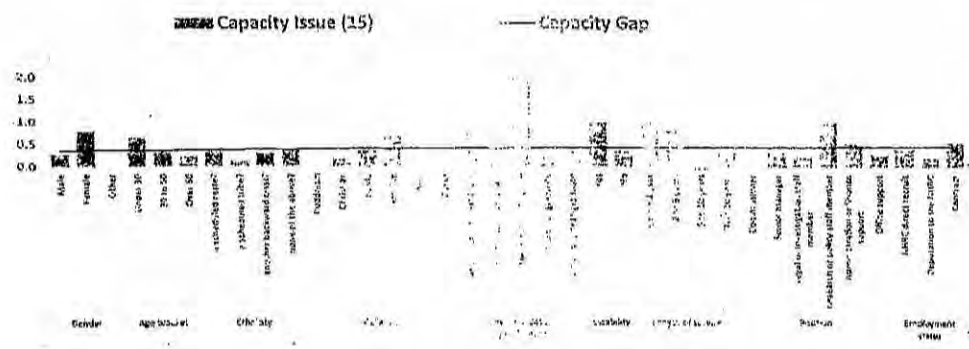
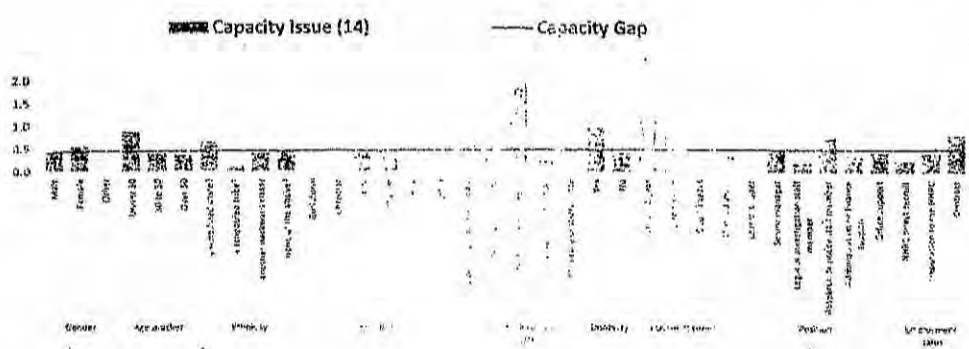
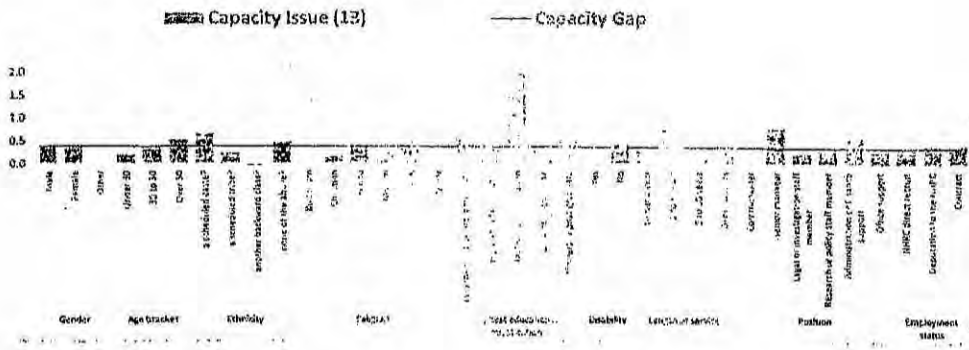


314 Capacity Issue (6)



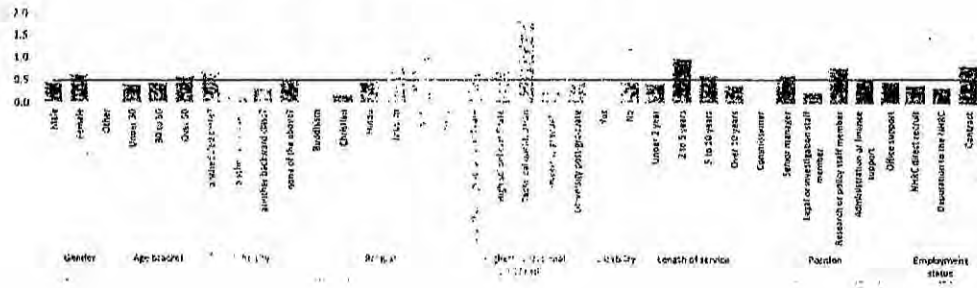






Capacity Issue (16)

— Capacity Gap



Appendix 11 Implementation plan

Strategy 1

NO.	ACTION	ACCEPTED/NOT ACCEPTED	RESPONSIBILITY FOR PREPARATION	REMARKS	TIMELINE	PROGRESS
1.1						
1.2						
1.3						

Strategy 2

NO.	ACTION	ACCEPTED/NOT ACCEPTED	RESPONSIBILITY FOR PREPARATION	REMARKS	TIMELINE	PROGRESS
2.1						
2.2						
2.3						

And so on for each strategy and action

Implementation table

Strategy 1: governance

ACTION	ACCEPTED / NOT ACCEPTED	RESPONSIBILITY FOR ACTION	REMARKS	TIMELINE	PROGRESS
<p>1 The Commission should appoint a very senior person, with knowledge of human rights and of the NHRC's work and experience in public administration, to drive Rejuvenation 25 on a full-time basis. The person should be responsible directly to the Commission for implementation of the Commission's decisions on this report's recommendations through a well thought through Rejuvenation action plan with time lines, indicators and responsibilities allocated to focal points</p> <p>2 NHRC leaders – the Chairperson and Members, the secretary general, the joint secretaries, the registrar, the director general, their deputies and assistant directors, and other the heads of sections – should strive to build and maintain a culture of respect, trust and teamwork at all levels within the NHRC. This requires fair and equitable treatment of all NHRC personnel – Commission Members and staff.</p>					
<p>This kind of culture can be developed and maintained by engaging all staff in building a shared vision, strategies and priorities for the NHRC, and through the NHRC itself modelling core human rights values such as dignity, mutual respect, equality, fairness, non-discrimination (including on the basis of sex, ethnicity, religion, disability, caste, descent, political opinion or other status), care for the environment and responsible use of human, financial and infrastructure resources.</p> <p>Specific steps that can be taken to build this culture include</p> <ul style="list-style-type: none"> conducting learning sessions on human rights for staff members on a 					

	<p>regular basis</p> <ul style="list-style-type: none"> • organising managers' sessions of peer to peer exchange of knowledge on leadership, management and application of human rights in managing human resources • encouraging staff members to participate actively in designing programs, including by rewarding novel ideas and innovation • building on current initiatives for staff, such as the sports association and create more social platforms for team leaders and team members. 	
	<p>3 The NHRC should continue to protect and ensure its independence and autonomy as provided by law in the <i>Protection of Human Rights Act 1993</i>. It should assert its independence vigorously through a variety of strategies. In particular, it should seek amendment to the PHRA to state that the NHRC is an independent institution that is not subject to direction from the Central Government or any State Government of India,</p> <p>Further, in accordance with the recommendations of the GANHRI SCA, the NHRC should seek to incorporate in legislation an open, transparent process for the selection and appointment of the Chairperson and Members of the Commission that includes requirements to</p> <ul style="list-style-type: none"> • notify vacancies publicly and broadly • encourage candidates from a wide range of groups including women, people with disabilities, hijra and other sexual minorities, and members of scheduled castes, scheduled tribes, backward classes and minorities • enable broad consultation and participation in the application, screening, selection and appointment process • assess applicants on the basis of pre-determined, objective and publicly available criteria. <p>The NHRC should also seek amendment to the PHRA to permit it to appoint the Secretary General, the head of investigations and all other staff through direct recruitment rather than through deputation from the Central Government.</p>	

	<p>The NHRC should also seek amendment to the PHRA to require the tabling of the NHRC's annual and special reports in parliament within a fixed time of receipt whether or not the Government is able to table a response at the same time.</p>								
4	<p>The NHRC should review the inclusion of Deemed Members in its statutory membership, to evaluate what value they have added to the NHRC's work and to identify whether they can be enabled to make more significant and regular contributions and, if so, how. Unless the review finds strong reasons to retain Deemed Members and unless the potential difficulties for the NHRC in relation to its accreditation under the Paris Principles can be resolved, The NHRC should recommend to the Central Government and parliament the amendment of the NHRC to remove Deemed Members from formal membership of the Commission. If the Act is amended in this way, the NHRC should continue to invite the heads of other relevant national institutions to meet once or twice a year with the NHRC Members to permit an exchange of view and to promote cooperation and collaboration among the institutions.</p>								
5	<p>The Commission should ensure that, so long as Deemed Members are Members of the Commission, they participate meaningfully in the Commission's decision making, including by holding Statutory Meetings of the full Commission at least twice a year with the key responsibilities, at appropriate points each year, to</p> <ul style="list-style-type: none"> • approve the strategic plan • approve the annual work plan • approve the NHRC's annual budget • receive and discuss reports of NHRC activities against the strategic and annual workplans • evaluate the NHRC's performance on an annual basis against the strategic and annual workplans • coordinate activities between the NCHR and the national commissions that the Deemed Members head • develop common policies and law reform proposals when considered necessary and plan joint advocacy on those common policies and proposals. • monitor and analyse human rights situations and trends and actively 								

	interact with international human rights mechanisms, including by submitting parallel reports.				
6	The NHRC should consider the establishment of an All-India Council of Human Rights Institutions, led by the NHRC and including all appropriate national institutions and SHRCs. The proposed All-India Council of Human Rights Institutions should meet at least annually to enable exchange of views among the institutions and to promote cooperation and collaboration, including joint activities and possibly joint advocacy. Major national CSOs with a human rights mandate could also be invited to participate as active observers in the discussions and possibly in joint activities.				
7	NHRC leaders should allocate high priority to building and maintaining the visibility of NHRC in India. They should explain and emphasise the distinctive role of NHRC as an independent State institution that is neither governmental nor non-governmental, that has a statutory mandate for the promotion and protection of human rights and that strives to ensure promotion and protection of human rights for all in India.				

Strategy 2: strategic and activity planning

	ACTION	ACCEPTED /NOT ACCEPTED	RESPONSIBILITY FOR ACTION	REMARKS	TIMELINE	PROGRESS
8	<p>Building on the strategic and annual activity planning commenced in 2018, NHRC leaders should ensure that NHRC always has</p> <ul style="list-style-type: none"> a multi-year strategic plan for the whole organisation that determines its objectives, priorities and key results in implementing its statutory mandate an annual activity workplan for the whole organisation and for each 					

	<p>division, consistent with the strategic plan, that provides for the organisation's and the division's contribution to the implementation of the strategic plan and key results for the year</p> <ul style="list-style-type: none"> • clear indicators, targets (both annual and multi-year) and measures for monitoring and evaluation in the strategic plan and annual activity plans. 										
9	<p>The NHRC strategic plan and annual workplans should be evidence based, identifying national priorities. They should be developed through a human rights based approach that includes internal consultation with all Commission Members and staff accompanied by external consultation with key stakeholders in government, civil society, relevant other national commissions and SHRCs.</p>			10		11		12			

<ul style="list-style-type: none"> • media and communications, including social media • human rights promotion through education and awareness raising • outreach to women and children and to poor and marginalised groups, especially scheduled castes and tribes and backward classes, ethnic, religious and cultural minorities, illiterate and poorly educated persons, persons in remote areas, those in cities and towns living in extreme poverty and hijra and sexual minorities • external relations with the Government and relevant ministries, Parliament and relevant parliamentary committees, academics, human rights defenders and civil society. 			
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Strategy 3: program delivery

	ACTION	ACCEPTED /NOT ACCEPTED	RESPONSIBILITY FOR ACTION	REMARKS	TIMELINE	PROGRESS
13	<p>Within its strategic plan and annual workplans, the NHRC should develop and implement a structured program of legislative review to assess existing and proposed legislation for its consistency with international human rights law. The NHRC should report to the government and the parliament and to the public on the results of its reviews. The law reform program should commence with the identification of those laws in relation to which human rights are most relevant and allocate priority to their review. The NHRC should also ensure that it is advised of all new legislation being prepared or introduced into parliament so that it can determine whether a human rights issue is raised to warrant NHRC review and report.</p>					
14	<p>The NHRC should build its own internal research capacity, appropriately resourced, to undertake in-house research on the basis of research priorities identified by the NHRC and incorporated into the strategic plan and annual</p>					

15	<p>The NHRC should also use its in-house research capacity to partner with external academics in joint research projects in to priority human rights issues.</p> <p>The NHRC's complaint handling services should be accessible, user friendly, effective, responsive, timely, as informal as possible and directed towards resolution of complaints. The NHRC should undertake an external review of its procedures for complaint handling to ensure this. The review should report on how complaints are handled, what strategies and methodologies in complaint handling are more likely to achieve successful resolution of a complaint and how complaint handling can be used to lead to systemic change. The review should look in particular at the role of investigation in complaint handling and the 'rapid intervention' approach to complaint handling.</p> <p>The review should make recommendations to streamline the complaint handling process to</p> <ul style="list-style-type: none"> • minimise multiple handling by reducing the number of levels of supervision and increasing the use of delegations, so that no decision requires handling by more than three people – the case worker and at most two levels of supervisor, including the Commission where appropriate • eliminate large volumes of printing and copying by dealing internally with all complaints electronically to the greatest extent possible • ensure quick in-take assessment of each complaint, in accordance with clear criteria set by the Commission itself, to determine whether it is within jurisdiction, whether there is another more appropriate agency to refer the complainant to; whether it is urgent (that is, whether it involves current or imminent physical or other serious harm), what priority should be allocated to it, who should handle it and what instructions to give the complaint handler • ensure that respondents reply promptly to NHRC requests for reports, including by reducing the number of reminders and acting 				

	<ul style="list-style-type: none"> • sooner and more strongly to enforce the provision of reports support victims to make complaints, for example, by enabling complainants who cannot speak Hindi or English well to present their information through an interpreter, by replying to complainant's correspondence in the language of the original complaint and by using simple, easily understood language in responses • provide a wider range of possible recommendations, beyond compensation and occasional prosecution, to include, for example, employment and restitution of property • follow up on complaints more quickly and more strongly by pursuing the acceptance of recommendations and monitoring their implementation • ensure that there is a system for complainant feedback on satisfaction with the handling of a complaint. 	
16	<p>The NHRC should give greater priority and increased resources to the core function of promoting human rights. It should undertake and encourage human rights education, training and awareness raising, with its own in-house capacity and in cooperation with educational authorities, educational institutions and NGOs. It should give greater priority to informal community education. It should increase its use of the public media, including radio, for awareness raising and promotion.</p> <p>The NHRC should expand its use of online media, it should extend the number and range of online courses available on its website. It should make greater use of its social media sites, including Facebook and YouTube.</p>	
17	<p>The NHRC should allocate higher priority to the core function of human rights monitoring, including in relation to places of detention, and reporting on the results of its monitoring. Members and senior staff should undertake visits to places of detention in addition to the NHRC's Special Rapporteurs and Zonal Rapporteurs. The NHRC should look to training on human rights monitoring for its staff and also the recruitment of specialised monitoring staff for these purposes. It should have a schedule of regular monitoring visits to places of detention that ensures frequent visits to prisons, immigration detention</p>	

						centres, police lock-ups, juvenile justice centres and children's, aged and disability accommodation services. It should follow up its monitoring activities through seeking to effect systemic or institutional change in policy and practice. Where appropriate the NHRC should undertake monitoring visits jointly with other national commissions, SHRCs and NGOs and human rights defenders.			

Strategy 4: staffing

	ACTION	ACCEPTED /NOT ACCEPTED	RESPONSIBILITY FOR ACTION	REMARKS	TIMELINE	PROGRESS
18	<p>The NHRC should undertake an external review of its staffing structure to ensure that it is able to operate effectively and efficiently. The review should be undertaken by an external civil service human resources expert. The review should be based on the following principles:</p> <ul style="list-style-type: none"> • give priority to maximising staff doing human rights work • be as flat as possible, eliminating unnecessary levels of hierarchy – there should be no more than four levels of supervision between the Commission and any individual staff person • enable the NHRC to employ staff on a permanent basis through direct recruitment • provide increased opportunities for internal promotion • ensure the quality of the NHRC's work and its productivity through effective supervision and accountability of all staff and staff development through training and mentoring. <p>The review should report on the optimal structure for the NHRC secretariat,</p>					

	<p>the required numbers and positions of staff in each unit, the levels of skill and expertise required for positions (taking in to considerations recommendations made above on balancing core NHRI functions) and the appropriate mix and balance of NHRC staff and outsourced staff. In considering structure it should examine the need for a unit focusing on international human rights engagement. It should propose an implementation program, including transitional arrangements to ensure the wellbeing of all existing staff and contractors to the maximum extent possible.</p> <p>Once the review is complete the NHRC should adopt a program for implementation of its recommendations, including transitional arrangements to support current staff, by</p> <ul style="list-style-type: none"> • pressing further for finalisation of its revised Recruitment Rules without further delay • supporting existing temporary staff and contractors, including day wage contractors, to apply for permanent positions in the NHRC or elsewhere on a competitive, merit-selection basis, including through skills training and work experience in new areas of activity • encouraging applications from a wide range of highly qualified persons, for example, through incentives and developmental opportunities. 	
	<p>19 The NHRC should seek ways, within civil service rules, through which, where it is to fill a post through deputation, it can itself advertise, seek applications and select persons for NHRC employment on the basis of deputation from another civil service authority or agency. The eligibility criteria should require employment in the NHRC for at least three years to provide continuity of leadership within the NHRC secretariat. Persons unable or unwilling to remain in the NHRC for at least three years should not be eligible for deputation. The selection should be merit based. The selection process should include a robust interview with shortlisted candidates to assess not only their civil service management expertise and experience but also their knowledge of</p>	

20									<p>and commitment to human rights.</p> <p>The NHRC should also move urgently to address deficiencies in the ways in which 'day wage' contractors work in the NHRC. It should arrange alternative employment options that day wage contractors can choose to enable them to access terms and conditions aligned with national and international labour practices, including paid holidays and sick leave, maternity benefits, health and medical coverage, and a pension on retirement. It should ensure that, whatever the basis of their employment, day wage contractors working in the NHRC have equal entitlements and benefits.</p>		
21									<p>NHRC should have</p> <ul style="list-style-type: none"> • a system for annual performance appraisal that includes staff in the performance appraisal of supervisors and that also considers issues of workload, support needs and career development of staff • a human resource development strategy focusing on human rights education for all levels of staff at regular intervals • a personalised program for training and development, arising out of performance appraisal • rotation opportunities as part of career development, also arising out of performance appraisal • an effective grievance system that enables staff members to raise any difficulties they encounter and have them resolved on a fair and credible basis without fear of recriminations. 		
22									<p>The NHRC should provide all incoming staff with induction training, for at least two days, on the NHRC, its law and mandate, its operating systems and its work program, as well as rights and responsibilities as a staff member, including in relation to gender issues. The NHRC should provide regular training programmes for staff to be able to refresh their knowledge and be introduced to new concepts.</p>		
23									<p>The NHRC should obtain an expert assessment of occupational health and safety conditions in the NHRC building, with specific attention being paid to the impact of carbon paper and photocopying on the health and wellbeing of staff. It should provide staff with full information about the results of the</p>		

	assessment.						
24	The NHRC should ensure that all staff have access to gender-appropriate toilets on the same floor in the NHRC building as their work station.						
25	The NHRC should ensure that meetings of relevant staff are held regularly for information exchange, coordination, reporting on activities and planning, at section, division and all-staff levels. The meetings should also provide opportunities for staff to raise issues of concern to them and to resolve difficulties that affect staff generally. Brief notes and action points of each meeting should be recorded and distributed so that implementation can be monitored and reported.						
26	The NHRC should ensure that every member of the Commission and staff has access to the internet and should provide an official email address for every person to promote communications and accountability. Email should be the standard means of official communications within the NHRC, including reporting and seeking and obtaining official approval for activities and expenditure. The internal electronic communications system should be secure to ensure confidential, safe exchange of communications.						

Strategy 5: gender mainstreaming

NO	ACTION	ACCEPTED /NOT ACCEPTED	RESPONSIBILITY FOR ACTION	REMARKS	TIMELINE	PROGRESS
27	The NHRC should develop and implement a gender mainstreaming policy and strategy, in consultation in particular with its women staff and with CSOs specialising in issues concerning the rights of women. The policy and strategy should have internal and external dimensions, dealing with both the participation and roles of women within the NHRC and the NHRC's work for and with women. The policy and strategy should respond to the particular					

	perspectives and experiences of women in relation to human rights and the cultural context of their communities. The NHRC should also adopt policies and procedures to ensure the safety and wellbeing of women staff in the performance of their duties. It should develop policies and procedures for staff in responding to complaints received from women on sensitive issues, especially gender-based violence. It should ensure that all staff members at all levels receive gender sensitivity training, including in relation to the zero tolerance for sexual harassment.					
28	As part of its gender mainstreaming policy the NHRC should implement a program to encourage and support women to enter NHRC employment at all levels with a view to having at least 40% of positions at all levels occupied by women within five years.					

Strategy 6: external engagement

NO	ACTION	ACCEPTED /NOT ACCEPTED	RESPONSIBILITY FOR ACTION	REMARKS	TIMELINE	PROGRESS
29	The NHRC should seek to build constructive engagement with the parliament, especially through parliamentary committees dealing with matters relating to human rights. It should build a reputation as parliament's pre-eminent expert adviser on human rights. It should advise in particular on human rights issues arising in current and proposed legislation. It should also seek to have its annual and special reports debated in parliament, either in a plenary session or in a committee.					
30	The NHRC should build closer engagement with NGOs through regular meetings, exchange and cooperation on projects. It should include specialist NGOs in all its core groups both to tap their expertise and to involve them in the implementation of NHRC projects. For this purpose all core groups should meet at least quarterly. The NHRC should also ensure regular					

	<p>engagement with NGOs generally through twice yearly consultative meetings. The NHRC and NGOs should work together in monitoring the human rights situation in the country through sharing findings and reports, as well as conducting human rights training programs together. They should together encourage the Government to establish a national mechanism for the implementation of the recommendations of international human rights mechanisms, including the UPK and treaty bodies, and sit as members in this mechanism along with other stakeholders.</p>	
31	<p>The NHRC should strengthen and formalise its relationships with SHRCs. It should have MOUs with SHRCs that provide both the framework for cooperation and agreed areas of work and mechanisms for exchange of information. It should also have agreed procedures for handling complaints in which both the NHRC and a SHRC have an interest, including relating to referral of complaints from the NHRC to an SHRC. The NHRC should consider the inclusion of SHRCs in a proposed All-India Council of Human Rights Institutions, along with the other national institutions.</p>	
32	<p>The NHRC should continue and extend its contribution to international human rights mechanisms. It should provide parallel reports to treaty monitoring bodies and to the UN Human Rights Council's Universal Periodic Review. It should engage with and support the work of the Special Procedures of the Human Rights Council. It should continue to encourage India's ratification of human rights treaties that it has not yet ratified so that India may be more active in promoting international human rights law and the international human rights system. The proposed staffing review should examine the need for a unit focusing on international human rights engagement.</p>	
33	<p>The NHRC should extend its engagement with UN and other international agencies in support of the NHRC's work, both through contributing to the work of those agencies and in drawing on their expertise. It should discuss areas of common interest and possible collaboration with key agencies, actively seeking them out and encouraging them to see the NHRC as an important partner in their own work.</p>	