

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report and Recommendations of the Session of the Sub-Committee on Accreditation

Geneva, 3-6 November 2008

1. BACKGROUND

- 1.1. In accordance with the Statute of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC), the Sub-Committee on Accreditation (the Sub-Committee) has the mandate to consider and review applications for accreditation, re-accreditation and special or other reviews received by the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as the ICC Secretariat, and to make recommendations to the ICC Bureau members with regard to the compliance of applicant institutions with the Paris Principles. The Sub-Committee assesses compliance with the Paris Principles in law and in practice.
- 1.2. In accordance with the Sub-Committee Rules of Procedure, the Sub-Committee is composed of representatives of each region: the National Human Rights Institutions (NHRIs) of Germany for Europe (chair), Morocco for Africa (replacing Rwanda), the Republic of Korea for Asia-Pacific and Canada for the Americas. The Sub-Committee convened from 03 to 06 November 2008. OHCHR participated as a permanent observer and in its capacity as ICC Secretariat. In accordance with new procedures, regional coordinating bodies of NHRIs were invited to attend as observers. The Sub-Committee welcomed the participation of a representative of the Asia Pacific Forum of NHRIs.
- 1.3. The Sub-Committee notes the new ICC Statute adopted at the 21st session of the ICC on 21 October 2008 in Nairobi, Kenya (attached as Annex 1). The Sub-Committee applied these new procedures to its work in the current session, as set out below.
- 1.4. Pursuant to article 10 of the Statute, the Sub-Committee considered applications for accreditation from Great Britain (Equality and Human Rights Commission), Qatar, Russia, and Switzerland (Commission fédérale pour les questions féminines).
- 1.5. Pursuant to article 15 of the Statute, the Sub-Committee also considered applications for re-accreditation from: Albania, Bosnia and Herzegovina, Germany, Ghana, Ireland, Kenya, Luxembourg, Mongolia, Paraguay, Republic of Korea, Sweden and Thailand.
- 1.6. Pursuant to article 17 of the Statute, the Sub-Committee reviewed certain issues regarding the NHRIs of Afghanistan and Nepal.
- 1.7. In accordance with the Paris Principles and the ICC Sub-Committee Rules of Procedure, the different classifications for accreditation used by the Sub-Committee are:
 - A: Compliance with the Paris Principles;
 - B: Observer status – Not fully in compliance with the Paris Principles or insufficient information provided to make a determination;

C: Non-compliance with the Paris Principles.

1.8. The Sub-Committee formulated General Observations (attached as Annex 3).

Recommendation: The Sub-Committee recommends the adoption of General Observations attached as Annex 3, provided that, should any member of the ICC Bureau request that one or more of the General Observations be referred to the ICC22 Bureau meeting, that/those General Observation(s) shall be considered by the ICC Bureau at ICC22 in March 2009.

1.9. The General Observations, as interpretative tools of the Paris Principles, may be used to:

- a) Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;
- b) Persuade domestic governments to address or remedy issues relating to an institution's compliance with the standards articulated in the General Observations;
- c) Guide the Sub-Committee on Accreditation in its determination of new accreditation applications, re-accreditation applications or other review:
 - i) If an institution falls substantially short of the standards articulated in the General Observations, it will be open for the Sub-Committee to find that it was not Paris Principle compliant.
 - ii) If the Sub-Committee has noted concern about an institution's compliance with any of the General Observations, it may consider what steps, if any, have been taken by an institution to address those concerns in future applications. If the Sub-Committee is not provided with proof of efforts to address the General Observations previously made, or offered a reasonable explanation why no efforts had been made, it would be open to the Sub-Committee to interpret such lack of progress as non-compliance with the Paris Principles.

1.10. The Sub-Committee notes that in all applications considered reference could be made to the General Observation 1.4 "Interaction with the International Human Rights System" and encourages all NHRIs to interact consistently with the international human rights system (UN Human Rights Treaty Bodies, Special Procedures mandate holders and Human Rights Council, including the UPR), providing information independently of the Government and later ensuring follow up action to recommendations resulting from that system (and to rely on the services of the ICC Representative in Geneva when necessary).

1.11. The Sub-Committee notes that in all applications considered reference could be made to the General Observation on 2.6 "Adequate funding". Provision of adequate funding by the State should, as a minimum include:

- a) the allocation of funds for adequate accommodation, at least its head office;
- b) salaries and benefits awarded to its staff comparable to public service salaries and conditions;
- c) remuneration of Commissioners (where appropriate); and
- d) the establishment of communications systems including telephone and internet.

Adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the institution's operations and the fulfilment of their mandate.

Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the State to ensure the NHRI's minimum activity budget in order to allow it to operate towards fulfilling its mandate.

Financial systems should be such that the NHRI has complete financial autonomy. This should be a separate budget line over which it has management and control.

- 1.12. The Sub-Committee notes that when specific issues are raised in its report in relation to accreditation, re-accreditation and other review, NHRIs are required to address these issues in any subsequent application or other review.
- 1.13. The Sub-Committee encourages all accredited NHRIs to inform the ICC Bureau at the first available opportunity about circumstances that would negatively affect their ability to meet the standards and obligations of the Paris Principles.
- 1.14. When the Sub-Committee declares its intention to consider particular issues within a specified time-frame, the outcome of the review may lead to a recommendation which may affect the accreditation status. In the event additional issues arise during the course of the review, the Sub-Committee will so notify the NHRI.
- 1.15. As per article 12 of the Statute, where the Sub-Committee on Accreditation comes to an accreditation decision, that decision shall be considered an accreditation status recommendation, with the final decision being taken by the ICC Bureau after the following process has occurred:
 - The recommendation of the Sub-Committee shall first be forwarded to the applicant;
 - An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within twenty eight (28) days of receipt.
 - Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau;
 - Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information a majority of members of the ICC Bureau notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision;
 - If a majority of members do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau;
 - The decision of the ICC Bureau on accreditation is final.
- 1.16. As provided for in the Statute, in cases where the Sub-Committee considers a recommendation that would serve to remove accredited status from an applicant institution, the applicant institution is informed of this intention and given the opportunity to provide in writing, within one year of such notice, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The concerned institution retains its "A" status during this period.
- 1.17. The Sub-Committee continued to consult with concerned NHRIs, where necessary, during its session. Prior to the session, all concerned NHRIs were requested to provide a name and phone number in case the Sub-Committee needed to contact the Institution. In addition, OHCHR desk officers and, as appropriate, OHCHR field officers were available to provide further information, as needed.

1.18. The Sub-Committee acknowledges the high degree of support and professionalism of the staff of the ICC Secretariat (OHCHR National Institutions Unit).

2. ADOPTION OF NEW PROCEDURES

2.1. The Sub-Committee continued to develop its procedures in the ongoing effort to advance the principles of rigour, transparency, and fairness of the accreditation process.

2.2. The November 2008 session of the Sub-Committee was open to NHRI regional coordinating committees to attend as observers. All four committees were invited to participate. A representative of the Asia Pacific Forum of NHRIs attended the session. The Sub-Committee encourages the participation of all regional coordinating committees in future sessions.

2.3. The Sub-Committee shared the summaries prepared by the Secretariat with the concerned NHRIs before the consideration of their applications and they were given one week to comment on them. All comments received, together with the summaries, were then sent to the members of the Sub-Committee. Once the recommendations of the Sub-Committee are adopted by the ICC Bureau, according to the procedures, the summaries and the comments and the statement of compliance will be posted on the NHRI Forum (www.nhri.net). The summaries are currently only prepared in English, due to current financial constraints.

2.4. The Sub-Committee considered information received from civil society. The Sub-Committee shared that information with the concerned NHRIs and considered their responses.

2.5. The Sub-Committee agreed, commencing with its next session, to consider only that information from civil society that is received by the National Institutions Unit at least four (4) months prior to the next session of the Sub-Committee.

3. SPECIFIC RECOMMENDATIONS – NEW ACCREDITATION APPLICATIONS

3.1. Great Britain: Equality and Human Rights Commission (EHRC)

Recommendation: The Sub-Committee recommends that the EHRC be accredited with **status A**.

The Sub-Committee acknowledges the EHRC met all of the mandatory requirements set out in General Observation 6.6 “More than one National Institution in a State”. It emphasizes the importance of further developing cooperation between the EHRC, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission. It also refers to General Observation 1.5 “Cooperation with other human rights institutions”.

The Sub-Committee notes the following:

- 1) In the current effort to unify the different anti-discrimination and equality legislation, it is important that the views of the EHRC be considered. It recommends that:
 - a. the functions of the EHRC be expanded to give it an explicit mandate to protect human rights, including the power to receive and determine complaints on human rights violations;
 - b. the EHRC’s mandate be expanded to include explicit powers regarding the harmonisation of national legislation with international human rights instruments and principles, and the encouragement of their ratification and implementation. The Sub-Committee refers to General Observation 1.3 “Encouraging ratification or accession to international human rights instruments”;

- c. the Equality Act include a specific reference to pluralism with regard to the appointments process. The Sub-Committee refers to General Observations 2.1 “Ensuring pluralism” and 2.2 “Selection and appointment of the governing body”;
- d. the grounds for dismissal of a Commissioner be more clearly defined. The Sub-Committee refers to General Observation 2.9 “Guarantee of tenure for members of governing bodies”.

The Sub-Committee also notes the requirement for the Minister’s consent in relation to the following issues: payment of Commissioners; the numbers, terms and conditions of staff appointments; and the appointment of investigating commissioners. The Sub-Committee emphasizes that this relationship should not negatively influence the EHRC’s ability to function independently. The Sub-Committee refers to General Observation 1.6 “Recommendations by NHRIs”.

3.2. Qatar: National Committee for Human Rights (NCHR)

Recommendation: The Sub-Committee recommends that consideration of the application of the NCHR **be deferred** to the March 2009 Sub-Committee session **while keeping its current accreditation B Status**.

The Sub-Committee notes that insufficient information was provided for it to make a determination and encourages the NCHR to seek advice and assistance from OHCHR and the Asia Pacific Forum of NHRIs.

3.3. Russia: Office of the Commissioner for Human Rights (OCHR)

Recommendation: The Sub-Committee recommends that the OCHR be accredited with **status A**.

The Sub-Committee notes the following:

- 1) It recommends that the OCHR engage systematically with the international human rights system as well as the European human rights system. The Sub-Committee emphasizes the importance of General Observation 1.4 “Interaction with the international human rights system”;
- 2) It encourages the continued interaction of the OCHR with civil society organizations;
- 3) It encourages the OCHR to institutionalize the cooperation with the regional human rights institutions of the subjects of the Russian Federation and refers to General Observation 1.5 “Cooperation with other human rights institutions”. The Sub-Committee acknowledges the existence of the Coordination Council;
- 4) It refers to General Observation 2.2 “Selection and appointment of the governing body” and in particular the need for the appointment process to be transparent;
- 5) It refers to General Observation 1.6 “Recommendations by NHRIs”.

3.4. Switzerland: Commission fédérale pour les questions féminines (CFQF)¹

Recommendation: After consideration of the application of the CFQF, the Sub-Committee is not satisfied that the CFQF is in compliance with the Paris Principles and recommends that the application be **deferred**, to allow the CFQF to take such steps as necessary to expand its powers. The Sub-Committee encourages the CFQF to also consider consolidating together with other

¹ Please note: The ICC Sub-Committee on Accreditation will review the CFQF again at its March 2009 session.

existing human rights commissions in Switzerland into a comprehensive NHRI with a broad mandate in line with the Paris Principles.

4. SPECIFIC RECOMMENDATIONS – RE – ACCREDITATION APPLICATIONS

4.1. Albania: People’s Advocate (PA)

Recommendation: The Sub-Committee recommends that the People’s Advocate (PA) be re-accredited with **status A**.

The Sub-Committee notes the following:

- 1) It recommends that the mandate of the PA be strengthened to include human rights promotion and refers to General Observation 1.2 “Human rights mandate”;
- 2) It refers to the importance for the PA to be accessible as requested by the Paris Principles and in this regard recommends the establishment of a permanent regional presence, for example through regional offices;
- 3) It refers to the need for the PA to systematically interact with the international human rights system and further refers to General Observation 1.4 “Interaction with the International Human Rights System”;
- 4) It stresses the importance for the PA to have a transparent appointments process, based on a broad advertisement of the vacancy and a broad consultation. It further refers to General Observation 2.2 “Selection and appointment of the governing body”.

The Sub-Committee notes with concern the lack of dialogue and follow up by the Parliament to the work of the PA despite the provisions contained in the Law on the People’s Advocate.

4.2. Bosnia and Herzegovina: Human Rights Ombudsman (HRO)

Recommendation: The Sub-Committee recommends that consideration of the application for re-accreditation of the HRO **be deferred**.

In support of the ongoing effort to merge the existing human rights institutions in Bosnia and Herzegovina, the Sub-Committee agreed to defer the consideration of the re-accreditation of the national human rights institution of Bosnia and Herzegovina until the October/November 2009 session of the Sub-Committee. The Sub-Committee refers to General Observation 6.2 “Deferral of re-accreditation applications”, in particular to stress the timeframe contained in the General Observation and adopted by the ICC.

4.3. Germany: German Institute for Human Rights (GIHR)

The Sub-Committee reviewed this application in the absence of the German representative on the Sub-Committee.

Recommendation: The Sub-Committee recommends that the GIHR be re-accredited with **status A**.

The Sub-Committee notes the following:

- 1) It refers to the importance for the GIHR to further broaden its mandate to include complaint handling functions;

- 2) It stresses the importance of ensuring pluralism at all levels in the GIHR on a more permanent and formal basis and in a manner distinct from the length of the contracts of the staff in particular with regard to gender balance and ethnic diversity. It also underlines the need to clarify the contradiction between articles 9(1) and 11(3) of the GIHR Statutes in order to ensure that the Board of Trustees provides a written explanation for rejecting an application for General Membership or for expelling a member. In this context the Sub-Committee refers to General Observation 2.1 “Ensuring pluralism”;
- 3) While article 24(2) of the GIHR’s Statute provide that the German Government’s representatives on the Board of the Trustees have no voting rights, article 24(1) indicates that two of the GIHR’s Trustees must be members of the German’s Bundestag’s Committee on Human Rights and Humanitarian Aid. The Statute does not exclude these representatives from voting on decisions made by the Board of Trustees. The Sub-Committee refers to General Observation 2.3 “Government representatives on national institutions”.

The Sub-Committee expresses its concern that the GIHR is founded by a Motion of the Bundestag (Motion 14/4801). Notwithstanding the fact that the Motion was unanimously adopted and that the GIHR is functioning independently and effectively under this arrangement, the Sub-Committee reiterates the need for an NHRI to be established in a constitutional or legal text and therefore recommends the adoption of a stronger legal basis for the Institute. It refers to General Observation 1.1 “Establishment of national institutions”.

It also highlights the need for the GIHR to broaden its mandate to include the protection functions as contained in General Observation 1.2 “Human rights mandate”.

4.4. Ghana: Commission of Human Rights and Administrative Justice (CHRAJ)

Recommendation: The Sub-Committee recommends that the CHRAJ be re-accredited with **status A**.

The Sub-Committee notes the following:

- 1) The CHRAJ’s most recent annual report is for the year 2005. This made it more difficult for the Sub-Committee to review the CHRAJ. The Sub-Committee refers to General Observation 6.7 “NHRI Annual Report”;
- 2) It highlights the desirability of ensuring that the composition of the Council of State explicitly includes members of civil society and other social forces and, in this regard, refers to General Observation 2.1 “Ensuring Pluralism”.

4.5. Ireland: Irish Human Rights Commission (IHRC)

Recommendation: The Sub-Committee recommends that the IHRC be re-accredited with **status A**.

The Sub-Committee notes the following:

- 1) the process for appointing Commissioners adopted by the Government in 2006 ought to be formalized in the IHRC’s enabling legislation to guarantee ongoing transparency. It refers to General Observation 2.2 “Selection and appointment of the governing body”;
- 2) the grounds for dismissal of a Commissioner ought to be more clearly defined. The Sub-Committee refers to General Observation 2.9 “Guarantee of tenure for members of governing bodies”;

- 3) the IHRC should be able to independently conduct its affairs without undue interference from the Government. This could include having direct accountability to Parliament. The Sub-Committee refers to General Observation 2.10 “Administrative regulation”.

The Sub-Committee notes that under Section 22 of the IHRC’s enabling legislation, its financial grant is determined by the Minister for Justice with the consent of the Minister for Finance.

The Sub-Committee expresses deep concern about plans to significantly reduce the IHRC’s budget for 2009. This would undermine the IHRC’s capacity to carry out its mandate effectively and threatens its financial autonomy. The Sub-Committee urges that this plan be reconsidered. It refers to General Observation 2.6 “Adequate funding”.

4.6. Kenya: National Commission on Human Rights (NCHR)

Recommendation: The Sub-Committee recommends that the NCHR be re-accredited with **status A**.

The Sub-Committee notes the following:

- 1) it highlights the need for the NCHR to have financial autonomy, including by submitting its budget directly to Parliament;
- 2) it stresses the importance for the NCHR to receive adequate funding in order to hire the necessary staff and to be able to establish a permanent regional presence, for example through regional offices. It refers to General Observation 2.6 “Adequate funding”;
- 3) it underlines the need to entrench in the mandate of the NCHR the encouragement of ratification or accession to international human rights instruments and refers to General Observation 1.3 “Encouraging ratification or accession to international human rights instruments”.

4.7. Luxembourg: Commission Consultative des Droits de l’Homme (CCDH)

Recommendation: The Sub-Committee informs the CCDH of its **intention to recommend to the ICC Bureau status B**, and gives the CCDH the opportunity to provide, in writing, within one year of such notice, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The CCDH **retains its “A status” during this period**.

The Sub-Committee acknowledges that the Draft Law of 2008 (*Projet de Loi No. 5882*) was unanimously adopted by the Chamber of Deputies on 22 October. The Sub-Committee further acknowledges the CCDH is developing an internal regulatory document.

The Sub-Committee considers the following issues need to be addressed:

- 1) Neither the Règlement de 2000 nor the *Projet de Loi* imposes any legal requirements to ensure the pluralism of the institution’s membership and staff composition. The Sub-Committee refers to General Observation 2.1 “Ensuring pluralism”;
- 2) Article 4 (1) of the *Projet de Loi* establishes the exclusive authority of the Government to nominate members of the CCDH without consultation. The Sub-Committee refers to General Observation 2.2 “Selection and Appointment of the Governing Body”;
- 3) The grounds for dismissal of the CCDH’s members are not specified in the *Projet de Loi*. The Sub-Committee refers to General Observation 2.9 “Guarantee of Tenure for Members of Governing Bodies”;
- 4) None of the CCDH’s members occupies a permanent full-time position. The Sub-Committee refers to General Observation 2.8 “Full-time Members”;

- 5) The CCDH's annual budget for non-post expenditures has been set for the past 3 years at 12,500 EUR. The Sub-Committee refers to General Observation 2.6 "Adequate funding". There is also no indication that the CCDH exercises budgetary autonomy;
- 6) The *Projet de Loi* does not provide CCDH members with functional immunity. The Sub-Committee refers to General Observation 2.5 "Immunity";
- 7) The CCDH should further develop relationships with civil society. The Sub-Committee refers to General Observation 1.5 "Cooperation with other human rights institutions".

4.8. Mongolia: National Human Rights Commission (NHRC)

Recommendation: The Sub-Committee recommends that the NHRC be re-accredited **status A**.

The Sub-Committee notes the following:

- 1) It stresses the need for adequate funding provided by the state and refers to General Observation 2.6 "Adequate Funding";
- 2) It acknowledges that the NHRC is seeking to secure premises that are separate from government offices and which are accessible, including for persons with disabilities;
- 3) it stresses the importance for the NHRC to establish a permanent regional presence, for example through regional offices;
- 4) It expresses its appreciation to the NHRC for having carried out its mandate in a difficult and volatile political and security related situation and stresses the need for the NHRC to be vigilant in monitoring, promoting and protecting human rights. It refers to General Observation 5.1 "NHRIs during the situation of a coup d'état or a state of emergency";
- 5) It recommends that the appointments process be transparent and that consultation and engagement with civil society be enhanced. It refers to General Observation 2.2 "Appointments procedure";
- 6) It notes the requirement to provide the Sub-Committee with a translated executive summary of the annual human rights report. The Sub-Committee refers to General Observation 6.7 "NHRI annual report".

4.9. Paraguay: Defensoría del Pueblo (DP)

Recommendation: The Sub-Committee recommends that the DP be re-accredited with **status A**.

The Sub-Committee notes the following:

- 1) Salaries of staff members of the DP are lower than those of civil servants performing similar tasks in other institutions of the State. The Sub-Committee emphasizes the need to allocate a sufficient amount of resources for activities. It refers to General Observation 2.6 "Adequate funding";
- 2) It encourages the DP to interact consistently with the international human rights system, in particular the UN Human Rights Treaty Bodies, Special Procedures Mandate Holders and Human Rights Council, including the UPR. It refers to General Observation 1.4 "Interaction with other human rights institutions";
- 3) It also encourages the DP to consistently interact with civil society and refers to General Observation 1.5 "Cooperation with other human rights institutions" in this regard.

4.10. Republic of Korea: National Human Rights Commission (NHRCK)

The Sub-Committee reviewed this application in the absence of the Korean representative on the Sub-Committee.

Recommendation: The Sub-Committee recommends that the NHRCK be re-accredited with **status A**.

The Sub-Committee notes the following:

- 1) The NHRCK is considered a “central government institution” under the National Fiscal Act and as such does not enjoy complete functional autonomy from the Government. This is in contrast to “independent institutions”, which are constitutionally entrenched;
- 2) Under article 5 of the founding Act, the process of appointing Commissioners, on nomination from the President, the National Assembly or the Chief Justice of the Supreme Court, does not provide for formal public consultation in the recruitment and scrutiny of candidates nor for the participation of civil society. The Sub-Committee refers to General Observations 2.1 “Ensuring pluralism” and 2.2 “Selection and appointment of the governing body” and encourages the adoption of procedures that ensure a broad and transparent appointment process. This should be done through public advertisement and a broad consultation procedure;
- 3) It acknowledges the action taken during the recent Candle Light Vigils and encourages the NHRCK to consider issuing public statements and reports through the media in a timely manner to address urgent human rights violations;
- 4) It stresses the need for the NHRCK to have more autonomy to appoint its own staff in a manner that does not unnecessarily delay the fulfilment of the NHRCK needs. The Sub-Committee refers to General Observation 2.7 “Staff of an NHRI”.

The Sub-Committee expresses its concern about the recent proposal to place the Commission directly under the Office of the President and subsequent interventions in the Commission’s financial and administrative affairs. It refers to General Observation 2.10 “Administrative regulation”.

4.11. Sweden: Equal Opportunities Ombudsman (EEO)

Recommendation: The Sub-Committee recommends that the accreditation status of the EEO **lapse**.

The Sub-Committee on Accreditation has been informed that legislation consolidating the four current ombuds-institutions will come into force and effect on 1 January 2009.

As per General Observation 6.2 “Deferral of re-accreditation applications”, the Sub-Committee recommends the lapse of the accreditation status of the EEO. It invites the new institution to apply for accreditation.

4.12. Thailand: National Human Rights Commission (NHRC)

Recommendation: The Sub-Committee recommends that the NHRC be re-accredited **status A**.

The Sub-Committee notes the following:

- 1) The NHRC is located at the Anti-Money Laundering Office, which is heavily guarded by police forces. The Sub-Committee acknowledges that the NHRC is seeking to secure separate premises. It recommends that accessibility be further enhanced by establishing permanent regional presence, for example through regional offices. It refers to General Observation 2.6 “Adequate Funding”;
- 2) The Sub-Committee emphasizes the need for broad consultation in the nomination and selection of Commission members, including with civil society and vulnerable groups. It refers

- to General Observations 2.1 “Ensuring pluralism” and 2.2 “The selection and appointment of the governing body”;
- 3) The NHRC’s permanent staff members are seconded from various government ministries. The Sub-Committee refers to General Observations 2.4 “Staffing by secondment” and 2.7 “Staff of an NHRI”;
 - 4) The UN Human Rights Committee expressed its concern that many of NHRC’s recommendations to the relevant authorities have not been implemented and given serious follow-up. The Sub-Committee refers to General Observation 1.6 “Recommendations by NHRIs”;
 - 5) The grounds for dismissal of a Commissioner ought to be more clearly defined. The Sub-Committee refers to General Observation 2.9 “Guarantee of tenure for members of governing bodies”.

5. SPECIFIC RECOMMENDATIONS – REVIEWS UNDER ARTICLE 17

5.1. Afghanistan: Afghanistan Independent Human Rights Commission (AIHRC)

Recommendation: The Sub-Committee confirms the **status A** accreditation of the Commission.

The Sub-Committee notes the following:

- 1) It expresses its appreciation to the AIHRC for carrying out its mandate in a difficult and volatile political and security related context and encourages the AIHRC to continue its vigilant role in monitoring, promoting and protecting human rights. The Sub-Committee refers to General Observation 5.1 “NHRIs during the situation of a coup d’état or a state of emergency”;
- 2) It recognizes the need for the international community to continue to engage and support the AIHRC in order to ensure it receives adequate funding, until such time when the State will be able to cover the AIHRC’s adequate funding. The AIHRC should ensure the coordinated, transparent and accountable management of funding.

The Sub-Committee expresses its concern over any attempt to undermine the effectiveness and independence of the AIHRC, in particular through financial or budgetary constraints and/or amendments of its legal structure. Any reform, particularly to the appointment process, should only aim at enhancing the AIHRC’s independence, transparency and effectiveness.

5.2. Nepal: National Human Rights Commission (NHRC)

Recommendation: The Sub-Committee confirms the **status A** accreditation of the NHRC.

The Sub-Committee acknowledges NHRC’s response to the concerns it raised in October 2007, particularly with regard to the issue of financial autonomy. Having completed its review, it also reiterates the comments it made in its October 2007 report regarding adequate funding and selection and appointment of the governing body.

In the course of the review, the Sub-Committee noted that the NHRC legislation has not yet been adopted by the Parliament and therefore it encourages the NHRC to promote the development of legislation in full compliance with the Paris Principles.

The Sub-Committee encourages the NHRC to increase its cooperation with statutory institutions for the promotion and protection of human rights as well as civil society organizations. It refers to General Observation 1.5 “Cooperation with other human rights institutions”.

The Sub-Committee will again consider these issues at its October/November 2009 session.

ANNEX 1

ASSOCIATION INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

STATUTE

Art 1.1	<p>SECTION 1: DEFINITIONS AND INTERPRETATION</p> <p>In this Statute</p> <p>Former Rules of Procedure means the Rules of Procedure of “The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights” adopted on 15 April 2000 and as amended on 13 April 2002, and on 14 April 2008 which are now merged into this Statute;</p> <p>ICC means the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights existing under the former Rules of Procedure, referred to in the United Nations Commission on Human Rights resolution 2005/74 and the United Nations Human Rights Council resolution 5/1, which is now given independent corporate personality by this Statute;</p> <p>ICC Bureau means the committee of management established under Article 43 of this Statute;</p> <p>Days: In this statute, a reference to days means calendar days, not working days.</p> <p>NHRI means a National Human Rights Institution;</p> <p>NIU means the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights;</p> <p>OHCHR means the Office of the United Nations High Commissioner for Human Rights;</p> <p>Paris Principles means the Principles Relating to the Status of National Institutions, adopted by the United Nations Commission on Human Rights in resolution 1992/54 of 3 March 1992 and endorsed by the United Nations General Assembly in resolution 48/134 of 20 December 1993;</p> <p>Rules of Procedure of the ICC Sub-Committee on Accreditation mean the Rules of Procedure for the ICC Sub-Committee on Accreditation adopted by the members of the International Coordinating Committee constituted under the former Rules of Procedure at its 15th session, held on 14 September 2004 at Seoul, Republic of Korea, as amended at the 20th session, held on 14 April 2008 at Geneva, Switzerland, and continued in existence under the transitional provisions of this Statute;</p> <p>Regional Coordinating Committee means the body established by NHRIs in each of the regional groupings referred to in Section 7 of this Statute to act as their coordinating secretariats, namely:</p> <ul style="list-style-type: none">▪ Asia Pacific Forum of National Human Rights Institutions;▪ European Coordinating Committee of National Human Rights Institutions;▪ Network of African National Human Rights Institutions; and▪ Network of National Human Rights Institutions of the Americas; <p>Secretary means the individual elected as Secretary under Article 34 who acts as the Deputy to the Chairperson to carry out the role and functions of the Chairperson in her or his absence, including the functions referred to in Article 49;</p> <p>Sub-Committee on Accreditation means the sub-committee established under the former Rules of Procedure empowered to exercise the mandate given to it under and in accordance with the</p>
----------------	---

	<p>Rules of Procedure for the ICC Sub-Committee on Accreditation to review and analyse accreditation applications;</p> <p>Voting member means a NHRI which is a member of the ICC and is accredited with an ‘A’ status; and non-voting member means a NHRI which is a member of the ICC and is accredited with a ‘B’ status;</p> <p>‘Writing’ or ‘Written’ includes any hand-written, typed or printed communication, including telex, cable, electronic mail and facsimile transmissions.</p>
Art 1.2	<p>References to the ‘ICC’ in the Rules of Procedure for the ICC Sub-Committee on Accreditation shall be read as references to the ICC Bureau established under this Statute, and references to the ‘ICC Rules of Procedure’ shall be read as references to the former Rules of Procedure, and to the corresponding rules in this Statute.</p>
Art 2	<p>SECTION 2: NAME, LOGO AND REGISTERED OFFICE</p> <p>A non-profit association is hereby created by the National Human Rights Institutions (NHRIs) subscribing to this present Statute, according to Articles 60 and following of the Swiss Civil Code as an international association possessing legal personality independent of its members. The name of the association is the Association International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in this Statute referred to as the ICC. The duration of the ICC is unlimited.</p> <p>The ICC created by this Statute gives independent corporate personality to the loose arrangement of NHRIs hitherto existing under the former Rules of Procedure.</p>
Art 3	<p>The official logo of the ICC, in each of the working languages, is the following image:</p> <div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div style="margin-left: 10px;"> <p>INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)</p> </div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div style="margin-left: 10px;"> <p>COMITÉ INTERNATIONAL DE COORDINATION DES INSTITUTIONS NATIONALES POUR LA PROMOTION ET LA PROTECTION DES DROITS DE L’HOMME (CIC)</p> </div> </div> <div style="display: flex; align-items: center;">  <div style="margin-left: 10px;"> <p>COMITÉ INTERNACIONAL DE COORDINACIÓN DE LAS INSTITUCIONES NACIONALES PARA LA PROMOCIÓN Y LA PROTECCIÓN DE LOS DERECHOS HUMANOS (CIC)</p> </div> </div> </div>
Art 4	<p>The registered office of the ICC is 42 avenue Krieg, 1208 Geneva, Switzerland</p>
Art 5	<p>SECTION 3: PURPOSE</p> <p>Objects</p> <p>The ICC is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles and provides leadership in the promotion and protection of human rights.</p>
Art 6	<p>General Meetings of the ICC, meetings of the ICC Bureau and of the Sub-Committee on Accreditation, as well as International Conferences of the ICC shall be held under the auspices of, and in cooperation with, OHCHR.</p>

<p>Art 7</p>	<p>Functions</p> <p>The functions of the ICC are:</p> <ol style="list-style-type: none"> 1. To coordinate at an international level the activities of NHRIs established in conformity with the Paris Principles, including such activities as: <ul style="list-style-type: none"> ▪ Interaction and cooperation with the United Nations, including the OHCHR, the Human Rights Council, its mechanisms, United Nations human rights treaty bodies, as well as with other international organisations; ▪ Collaboration and coordination amongst NHRIs and the regional groups and Regional Coordinating Committees; ▪ Communication amongst members, and with stakeholders including, where appropriate, the general public; ▪ Development of knowledge; ▪ Management of knowledge; ▪ Development of guidelines, policies, statements; ▪ Implementation of initiatives; ▪ Organisation of conferences. 2. To promote the establishment and strengthening of NHRIs in conformity with the Paris Principles, including such activities as: <ul style="list-style-type: none"> ▪ Accreditation of new members; ▪ Periodic renewal of accreditation; ▪ Special review of accreditation; ▪ Assistance of NHRIs under threat; ▪ Encouraging the provision of technical assistance; ▪ Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIs. 3. To undertake such other functions as are referred to it by its voting members. <p>Principles:</p> <p>In fulfilling these functions, the ICC will work in ways that emphasize the following principles:</p> <ul style="list-style-type: none"> ▪ Fair, transparent, and credible accreditation processes; ▪ Timely information and guidance to NHRIs on engagement with the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies; ▪ The dissemination of information and directives concerning the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies to NHRIs; ▪ Mandated representation of NHRIs; ▪ Strong relationships with the OHCHR and the Regional Coordinating Committees that reflect the complementarity of roles; ▪ Flexibility, transparency and active participation in all processes; ▪ Inclusive decision-making processes based on consensus to the greatest extent possible; ▪ The maintenance of its independence and financial autonomy.

Art 8	<p>International Conference</p> <p>The ICC shall hold a biennial International Conference in accordance with the Rules of Procedure of International Conferences of National Institutions for the Promotion and Protection of Human Rights adopted by NHRIs at their ICC meeting held in Geneva, Switzerland on 17 April 2002.</p>
Art 9	<p>SECTION 4: LIAISON WITH OTHER HUMAN RIGHTS INSTITUTIONS AND NGOs</p> <p>The ICC may liaise with other human rights institutions including the International Ombudsman Institute and non-governmental organizations. The ICC Bureau may decide to grant such organizations observer status at any meetings or workshops of the ICC or the ICC Bureau.</p>
	<p>SECTION 5: PARIS PRINCIPLES ACCREDITATION</p> <p>[Note: Pursuant to Human Rights Council resolution 5/1, VII Rules of Procedure, rule 7(b), participation of NHRIs in the work of the Human Rights Council is based on arrangements and practices agreed upon by the Human Rights Commission including resolution 2005/74 of 20 April 2005. Resolution 2005/74, paragraph 11(a), permitted NHRIs that are accredited by the Sub-Committee on Accreditation to exercise participation rights in the Human Rights Commission and subsidiary bodies of the Commission.]</p>
Art 10	<p>Application for Accreditation Process</p> <p>Any NHRI seeking accreditation under the Paris Principles shall apply to the Chairperson of the ICC. Through the ICC Secretariat, that NHRI shall supply the following in support of its application:</p> <ul style="list-style-type: none"> ▪ a copy of the legislation or other instrument by which it is established and empowered in its official or published format; ▪ an outline of its organizational structure including staff complement and annual budget; ▪ a copy of its most recent annual report or equivalent document in its official or published format; ▪ a detailed statement showing how it complies with the Paris Principles as well as any respects in which it does not so comply and any proposals to ensure compliance. The ICC Bureau may determine the form in which this statement is to be provided. <p>The application shall be decided pursuant to Article 11 of this Statute.</p>
Art 11.1	<p>All questions of accreditation, including whether a NHRI complies with the Paris Principles, shall be decided under the auspices of, and in cooperation with, OHCHR by the ICC Bureau after considering a report from the Sub-Committee on Accreditation on the basis of written evidence submitted.</p>
Art 11.2	<p>In coming to a decision, the ICC Bureau or the Sub-Committee may adopt processes that facilitate dialogue and exchange of information between it and the applicant NHRI as deemed necessary to come to a fair and just decision.</p>
Art 12	<p>Where the Sub-Committee on Accreditation comes to an accreditation decision, that decision shall be considered an accreditation status recommendation, with the final decision being taken by the ICC Bureau after the following process has occurred:</p> <ul style="list-style-type: none"> ▪ The recommendation of the Sub-Committee shall first be forwarded to the applicant; ▪ An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within twenty eight (28) days of receipt. ▪ Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with

	<p>all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau;</p> <ul style="list-style-type: none"> ▪ Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information a majority of members of the ICC Bureau notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision; ▪ If a majority of members do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau; ▪ The decision of the ICC Bureau on accreditation is final.
Art 13	Should the ICC Bureau decide to decline an application for accreditation of any NHRI by reason of its failure to comply with the Paris Principles, the ICC Bureau or its delegate may consult further with that institution concerning measures to address its compliance issues.
Art 14	Any NHRI whose application for accreditation has been declined may reapply for accreditation, according to the guidelines under Article 10, at any time. Such an application may be considered at the next meeting of the Sub Committee on Accreditation.
Art 15	<p>Periodic Re-accreditation</p> <p>All NHRIs that hold an ‘A’ status are subject to re-accreditation on a cyclical basis. The ICC Bureau may determine the periodicity of re-accreditation, but this cannot be longer than five (5) years. Article 10 applies to NHRIs undergoing re-accreditation. In particular reference to an application for accreditation means both the initial application and the application for re-accreditation.</p>
Art 16.1	<p>Review of Accreditation Process</p> <p>Where the circumstances of any NHRI change in any way which may affect its compliance with the Paris Principles, that NHRI shall notify the Chairperson of those changes and the Chairperson shall place the matter before the Sub-Committee on Accreditation for review of that NHRI’s accreditation status.</p>
Art 16.2	Where, in the opinion of the Chairperson of the ICC or of any member of the Sub-Committee on Accreditation, it appears that the circumstances of any NHRI that has been accredited with an ‘A’ status under the former Rules of Procedure may have changed in a way which affects its compliance with the Paris Principles, the Chairperson or the Sub-Committee may initiate a review of that NHRI’s accreditation status.
Art 16.3	Any review of the accreditation classification of a NHRI must be finalized within eighteen (18) months.
Art 17	On any review the Chairperson or Sub-Committee on Accreditation shall have all the powers and responsibilities as in an application under Article 10.
Art 18	<p>Alteration of Accreditation Classification</p> <p>Any decision that would serve to remove accredited ‘A’ status from an applicant (hereafter referred to as an ‘adverse decision’) can only be taken after the applicant is informed of this intention and is given the opportunity to provide in writing, within one (1) year of receipt of such notice, the written evidence deemed necessary to establish its continued conformity to the Paris</p>

	Principles.
Art 19	An accreditation classification held by a NHRI may be suspended if the NHRI fails to submit its application for re-accreditation or fails to do so within the prescribed time without justification. A NHRI whose accreditation is suspended under this Article remains suspended until the body determining accreditation comes to a decision as to its compliance with the Paris Principles or its accreditation lapses.
Art 20	An accreditation classification may lapse if a NHRI fails to submit an application for re-accreditation within one (1) year of being suspended for failure to reapply, or if a NHRI under review under Article 21 of this Statute fails to provide sufficient documentation, within eighteen (18) months of being placed under review, to satisfy the body determining membership under this Statute that it remains in conformity with the Paris Principles.
Art 21	NHRI's whose accreditation has been suspended remain suspended until the body determining their compliance with the Paris Principles under this Statute comes to a determination of their accreditation status or until their accreditation lapses.
Art 22	NHRI's whose accreditation status has lapsed or been revoked may regain accreditation only by re-applying for accreditation as provided for in Article 10 of this Statute.
Art 23	In the event that accreditation lapses or is revoked or suspended, all rights and privileges conferred on that NHRI through accreditation are immediately suspended. In the event that a NHRI is under review, it shall retain the accreditation status it has been granted until such time as the body determining membership comes to a decision as to its compliance with the Paris Principles or its membership lapses.
Art 24.1	<p>SECTION 6: MEMBERS</p> <p>Eligibility</p> <p>Only NHRI's which comply fully with the Paris Principles, being those which have been accredited with an 'A' status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to be voting members of the ICC.</p>
Art 24.2	NHRI's that are only partially compliant with the Paris Principles, being those which have been accredited with a 'B' status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to become a non-voting member with observer status.
Art 25	Any eligible NHRI wishing to become a member of the ICC (voting or non-voting respectively) shall apply in writing to the Chairperson of the ICC, giving particulars of the date on which it was accredited with an 'A' or 'B' status, and agreeing to be bound by this Statute as amended from time to time (including as to the payment of the applicable annual membership subscription). The application shall be considered and decided by the ICC Bureau.
Art 26	A NHRI shall cease to be a member of the ICC upon written notice by that NHRI of resignation given to the Chairperson of the ICC, but without prejudice to the obligation of the NHRI to discharge outstanding fiscal obligations due to the ICC at the date of resignation.
Art 27	Membership may be revoked by resolution of the ICC Bureau if the body determining accreditation status under this Statute determines that a member no longer meets the membership eligibility requirements in Article 24.
Art 28	Membership may be cancelled by resolution of the ICC Bureau if that member has failed for six (6) months or more to pay an annual subscription that is due and owing.

Art 29.1	A NHRI whose membership has been revoked, or cancelled for non-payment of an annual subscription, may regain membership by reapplying for membership under Article 25 of this Statute.
Art 29.2	Where membership has been cancelled for non-payment of a subscription, re-admission to membership shall be subject to payment of the outstanding subscription or so much thereof as the ICC Bureau shall determine.
Art 30	Independence of Members Notwithstanding anything in this Statute, the independence, authority and national status of each member and their powers, duties and functions under their own legislative mandates shall in no way be affected by the creation of the ICC or its functioning.
Art 31.1	SECTION 7: REGIONAL GROUPING OF MEMBERS For the purpose of ensuring a fair balance of regional representation on the ICC the following regional groups are established: <ul style="list-style-type: none"> ▪ Africa ▪ The Americas ▪ Asia-Pacific ▪ Europe
Art 31.2	The members within any regional group may establish such sub-regional groupings as they wish.
Art 31.3	The members of regional groups may establish their own procedures concerning meetings and activities.
Art 31.4	Each regional group is to nominate four (4) members accredited with an ‘A’ status which shall each have a representative on the ICC Bureau.
Art 32	SECTION 8: GENERAL MEETINGS OF MEMBERS The General Meeting is composed by the ICC members and constitutes the supreme power of the association.
Art 33	The duties of the General Meeting include control of the activities of the ICC, review and control of the activities of the ICC Bureau, ratification of the program of ICC activities, the amendment of this Statute, consideration of funding issues and the fixing of annual membership subscriptions to be paid by members accredited with an ‘A’ status provided however that decisions of the ICC Bureau on accreditation determinations shall not be subject to review or control by a General Meeting.
Art 34	The General Meeting elects the members of the ICC Bureau, including the Chairperson and the Secretary. The members of the ICC Bureau must be individuals representing the members of the ICC accredited with an “A” status which have been nominated by their regional groups under article 31.
Art 35	If required under Swiss Law, the General Meeting must elect an auditor who shall not be a member of the ICC.
Art 36	The General Meeting meets at least once a year in conjunction with a meeting of the Human Rights Council upon written notice given by the ICC Bureau to the members at least four (4) weeks in advance and at such other times required according to the law

	including when a request is demanded by one fifth or more of the members.
Art 37	The agenda of the meeting shall be submitted to the members with the written notice of meeting.
Art 38	<p>SECTION 9: RIGHT TO VOTE AND DECISIONS</p> <p>At General Meetings only members accredited with an 'A' status shall be entitled to vote. A member that has been accredited with a 'B' status has the right to participate as an observer in General Meetings (and all other open meetings and workshops of the ICC). A NHRI that is not accredited with either an 'A' or 'B' status may, with the consent of the particular meeting or workshop, attend as an observer. The Chairperson, after consultation with ICC members, may invite NHRIs who are not members of the ICC and any other person or institution to participate in the work of the ICC as an observer without the right to vote.</p>
Art 39	At General Meetings only one (1) NHRI per Member State of the United Nations shall be eligible to be a voting member. Where more than one (1) institution in a State qualifies for membership the State shall have one (1) speaking right, one (1) voting right, and if elected, one (1) ICC Bureau member. The choice of an institution to represent the NHRI of a particular State shall be for the relevant institutions to determine.
Art 40	Decisions of the General Meeting are passed by the majority of members present or duly represented. The General Meeting will only deal with matters that are summarized in the Agenda. If necessary, or on the request of more than half of the members present at a General Meeting, the Chairperson can call an Extraordinary General Meeting.
Art 41	A quorum of at least one half of the total number of members is necessary.
Art 42	English, French, and Spanish shall be the working languages of the ICC.
Art 43	<p>SECTION 10: ICC BUREAU</p> <p>ICC is managed by a committee entitled the ICC Bureau which shall comprise sixteen (16) individuals, including the Chairperson and the Secretary, elected by the General Meeting on the nomination of regional groupings of members, comprising four (4) representatives from members of each of the regional groups.</p>
Art 44	In the event that a representative of a member of a regional group for any reason is no longer able to represent that member, or if the member ceases to hold an 'A' status accreditation, the representative shall cease to be a member of the ICC Bureau and the Regional Coordinating Committee may thereupon nominate another representative who shall act as a casual member of the ICC Bureau until the next General Meeting.
Art 45	The Chairperson and the Secretary shall be elected on a geographically rotational basis by the General Meeting for a term of three (3) years.
Art 46	<p>Powers of the ICC Bureau</p> <p>The ICC Bureau is empowered to act generally in the name of the ICC and to carry out the purpose and functions of the ICC. Without limiting the generality of the powers of management the ICC Bureau is empowered to:</p> <ul style="list-style-type: none"> ▪ decide applications for accreditation after considering a recommendation from the Sub-Committee on Accreditation; ▪ decide applications for membership of the ICC;

	<ul style="list-style-type: none"> ▪ summon General Meetings of the ICC; ▪ collaborate and work with the OHCHR and its NIU, and in particular to work with the NIU in connection with the ICC accreditation process, annual meetings of the ICC, meetings of the ICC Bureau and international conferences of NHRIs. In addition, the NIU will facilitate and coordinate the participation of NHRIs in the Human Rights Council, its mechanisms, and the United Nations human rights treaty bodies ; ▪ use and accept the services of the NIU as the Secretariat for the ICC, the ICC Bureau and its Sub-Committee on Accreditation; ▪ appoint from the members of the ICC Bureau a person to be the treasurer of the ICC; ▪ acquire, lease, dispose of or otherwise deal in property of any kind; ▪ open bank accounts, appoint signatories thereto and define the authority of the signatories; ▪ spend money and do all things it considers desirable to promote the purposes of the ICC; ▪ delegate any function to a nominated person, standing committee or subcommittee of persons or members; ▪ co-ordinate and arrange conferences, meetings, standing committees and sub-committees, and other activities; ▪ engage, dismiss or suspend employees, agents and contractors; ▪ enter into contracts ; ▪ engage professional assistance for the preparation of annual and other financial statements, to obtain legal advice, and for any other purpose; ▪ prepare and disseminate information notes, bulletins and papers of any kind to members, and to promote generally information about human rights issues and activities of the Human Rights Council, its mechanisms, the United Nations human rights treaty bodies, and of the ICC in which members could have an interest; ▪ receive financial grants and donations, and gifts of any kind.
<p>Art 47</p>	<p>Membership Subscription</p> <p>The ICC Bureau shall as and when it considers appropriate recommend to a General Meeting that an annual membership subscription be set by the General Meeting. Once set the Bureau will ensure procedures are in place to collect membership subscriptions. The ICC Bureau in its discretion may waive in whole or in part the annual subscription for a member if satisfied that the member is unable to pay the full amount due.</p>
<p>Art 48</p>	<p>Meetings of the ICC Bureau</p> <p>A meeting of the ICC Bureau shall be held in conjunction with each General Meeting of the ICC and at least two (2) times each year. Otherwise, the ICC Bureau shall meet at such times and places as it or the Chairperson shall decide. Written notice summoning a meeting shall be given at least two (2) weeks in advance unless the ICC Bureau agrees to a shorter period for that meeting. The agenda of the meeting shall be submitted to the members with the written notice of meeting.</p>
	<p>The Chairperson and Secretary</p> <p>The Chairperson, or in his or her absence the Secretary, shall direct the work of the</p>

Art 49	<p>General Meeting and the ICC Bureau. Until otherwise decided by a General Meeting, she or he shall represent the ICC in accordance with developed practices and authorities followed by the Chairperson acting under the former Rules of Procedure.</p> <p>In particular, the Chairperson may speak at the Human Rights Council, its mechanisms, United Nations human rights treaty bodies and, when invited, at other international organisations:</p> <ul style="list-style-type: none"> ▪ on behalf of the ICC on topics authorised by a General Meeting or the ICC Bureau; ▪ on behalf of individual NHRIs when authorised by them; ▪ on thematic human rights issues to promote policy decided by a General Meeting, a biennial conference or by the ICC Bureau; and ▪ generally to advance the objects of the ICC.
Art 50.1	<p>Conduct of ICC Bureau Business</p> <p>English, French, and Spanish shall be the working languages of the ICC Bureau.</p>
Art 50.2	<p>A majority of the members of the ICC Bureau shall constitute a quorum.</p>
Art 50.3	<p>An agenda for each meeting shall be drawn up by the Chairperson in consultation with the ICC Bureau members. Agenda items may be added at the meeting if approved by a majority of the members present.</p>
Art 50.4	<p>Members of the ICC Bureau may be accompanied at meetings by advisers, including, by representatives from the relevant Regional Coordinating Committee. Such persons attend in the capacity of advisers to their members and observers to the meeting, and may participate in discussions at the call and invitation of the Chair.</p>
Art 50.5	<p>Each member of the ICC Bureau shall have one (1) vote. Where possible, decisions of the ICC Bureau shall be reached by consensus. When consensus is not possible, decisions shall be by a majority of members present and voting. In the event of an equality of votes, the proposal being voted on shall be regarded as being defeated.</p>
Art 50.6	<p>The Chairperson, after consultation with ICC Bureau members, may invite NHRIs whether or not members of the ICC and any other person or institution to participate in the work of the ICC or the ICC Bureau as an observer without the right to vote.</p>
Art 50.7	<p>Notwithstanding the forgoing provisions of this Article 50, the ICC Bureau may decide any matter in writing without the need to formally summon a meeting provided that a majority of the members of the ICC Bureau concur with the decision.</p>
Art 51	<p>Further Procedure</p> <p>Should any question concerning the procedure of the ICC Bureau arise which is not provided for by these rules the ICC Bureau may adopt such procedure as it thinks fit.</p>
Art 52	<p>SECTION 11: FINANCIAL ADMINISTRATION</p> <p>Accounting Year</p> <p>The financial year ends on 31 December of each year.</p>
Art 53	<p>SECTION 12: ASSETS OF THE ICC</p> <p>The assets of the ICC comprise and include:</p>

	<ul style="list-style-type: none"> ▪ grants obtained from international and national public and semi-public organizations; ▪ donations; ▪ subscriptions; ▪ funds entrusted to it by other organizations, associations, businesses or institutions; and ▪ income and property of any kind received from whatever source.
Art 54	The assets of the ICC must be applied solely towards promoting the purposes of the ICC as set out in Section 3.
Art 55	<p>SECTION 13: DISSOLUTION AND LIQUIDATION</p> <p>Dissolution</p> <p>The ICC may be dissolved by resolution of the ICC in a General Meeting. A General Meeting called for this purpose shall be convened specially. At least one half of the members must be present. If this proportion is not present the General Meeting must be reconvened after an interval of at least two (2) weeks. It can then validly deliberate with whatever numbers of members are present. In any case the dissolution can only be approved by a majority of three quarters of the members present.</p>
Art 56	<p>Liquidation</p> <p>The winding up of the ICC and the liquidation of its assets shall be carried out by one (1) or more liquidators appointed by the General Meeting. The General Meeting must authorize the liquidator or liquidators to distribute the net assets to another association or public organization having similar purposes to the ICC. No part of the net assets available for distribution shall be paid to any member of the ICC.</p>
Art 57	<p>SECTION 14: AMENDMENT OF STATUTE</p> <p>This Statute may be amended only by a General Meeting of the ICC.</p>
Art 58	<p>SECTION 15: TRANSITIONAL PROVISION</p> <p>The Sub-Committee on Accreditation and the Rules of Procedure for the ICC Sub-Committee on Accreditation are by this Statute continued in existence, and shall remain in existence until amended or revoked by the ICC Bureau. The Sub-Committee on Accreditation is hereby constituted a sub-committee of the ICC Bureau. The Rules of Procedure for the ICC Sub-Committee on Accreditation are incorporated into this Statute as Annex I</p>
<p>EXECUTED BY:</p> <p>Ms. Jennifer Lynch, Q.C.</p> <p>30 July 2008</p> <p>Amended at a General Meeting held at Nairobi, 21st October 2008</p>	

ANNEX to the ICC Statute

Rules of Procedure for the ICC Sub-Committee on Accreditation*

1. Mandate

In accordance with the Rules of Procedure of the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), the Sub-Committee on Accreditation has the mandate to review and analyse accreditation applications forwarded by the ICC Chairperson and to make recommendations to ICC members on the compliance of applicants with the Paris Principles.

2. Composition of the Sub-Committee

2.1. For the purpose of ensuring a fair balance of regional representation on the Sub-Committee on Accreditation, it shall be composed of one (1) ICC accredited national institution for each of the four (4) regional groupings as established by the ICC Rules of Procedure, namely Africa, Americas, Asia-Pacific, and Europe.

2.2. Members are appointed by Regional Groupings for a term of three (3) years renewable.

2.3. The Chair of the Sub-Committee on Accreditation shall be selected, for a term of one (1) year, renewable a maximum of two (2) times, on a rotational basis from within the Sub-Committee so that each region assumes office in turn; in the event that a member of the Sub-Committee whose turn it is to be named Chair declines the office, the Chair shall pass to the region next in line or to another NI in that region.

2.4 The Office of the United Nations High Commissioner for Human Rights shall be a permanent observer to the Committee and in its capacity as Secretariat of the ICC, support the Committee's work, serve as a focal point on all communications and maintain records as appropriate on behalf of the ICC Chairperson.

3. Functions

3.1. Each Regional Grouping Representative to the Sub-Committee on Accreditation shall facilitate the application process for national institutions in the region.

3.2. The Regional Grouping Representative shall supply national institutions from their region with all relevant information pertaining to the accreditation process, including a description of the process, requirements and timelines.

3.3. In accordance with the ICC Rules of Procedure (art. 3), any national institution seeking membership or seeking re-accreditation shall apply to the ICC Chairperson, supplying all required supporting documents through the ICC Secretariat.

3.4. These applications and support documents shall be provided to the ICC Secretariat at least four (4) months prior to the meeting of the Sub-Committee so that they can be passed on to the ICC Chairperson no later than one (1) month prior to that meeting. Subject to paragraph 3.5 of these Rules, an Institution undergoing re-accreditation that does not comply with this deadline will be suspended

until such time as the required documentation is submitted and reviewed by the Sub-Committee.

3.5. Applications and documents submitted after this delay will only be examined during the subsequent meeting of the Sub-committee, unless the situation warrants otherwise, as determined by the ICC Chairperson. In the event that the delay involves an Institution seeking re-accreditation, a decision to not suspend the Institution can be taken only if written justifications for the delay have been provided and these are, in the view of the ICC Chairperson, compelling and exceptional.

3.6. The ICC Chairperson will ensure that copies of the applications and supporting documentation are provided to each member of the Sub-Committee on Accreditation.

3.7. The ICC Chairperson, with support from the Office of the United Nations High Commissioner for Human Rights, will also provide a summary of particular issues for consideration by the Sub-Committee.

4. Procedures

4.1. The Sub-Committee on Accreditation will meet after the annual meeting of the ICC in order to review new applications, additional information submitted on applications presented previously, and prepare recommendations.

4.2. Unless specifically authorized in exceptional circumstances by the Chairperson to satisfy the conditions imposed by sub-article 4.5 below, the meeting will be restricted to members of the Sub-Committee on Accreditation and the Office of the United Nations High Commissioner for Human Rights.

4.3. Additional meetings of the Committee may be convened by the Chair with the agreement of the ICC Chairperson and Accreditation Sub-Committee members.

4.4 When, in the view of the Sub-Committee, the accreditation of a particular applicant Institution cannot be determined fairly or reasonably without further examination of an issue for which no policy has been articulated, it shall refer that matter directly to the ICC for determination and guidance. An ultimate decision as to accreditation can only be taken once the ICC provides that decision or guidance.

4.5 The Sub-Committee may, pursuant to Rule 3(d) [*3(e) if the proposed amendments to the Rule are accepted*] of the ICC Rules of Procedure, consult with the applicant Institution, as it deems necessary, to come to a recommendation. The Sub-Committee shall, also pursuant to and for the purposes set out in Rule 3(d) [*3(e) if the proposed amendments to the Rule are accepted*], consult with the applicant Institution when an adverse decision is to be recommended. These consultations may be in the form deemed most appropriate by the Sub-Committee but must be supported by written documentation; in particular the substance of verbal consultations must be recorded and be available for review. Since the ICC makes the final decision on membership, an Institution undergoing a review retains its membership status during the consultation process.

5. Accreditation Classifications

In accordance with the Paris Principles and the ICC Rules of Procedures, the different classifications for accreditation used by the Committee are:

- A: Voting Member: In compliance with each of the Paris Principles;
- B: Observer Status - Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination;
- C: No Status - Non-compliant with the Paris Principles.

6. Report and Recommendations

6.1 The Chair of the Sub-Committee on Accreditation will present a report with recommendations and rationale to members of the ICC for their decision.

6.2. The ICC Chairperson will indicate in the report of the meeting decisions taken by ICC members with regards to applications for accreditation; in the event the ICC takes a decision contrary to the recommendation of the Sub-committee, the ICC Chairperson will indicate the reasons for this in that report.

6.3. The Chairperson of the ICC will inform applicant institutions of the decisions taken and their rationale by ICC members.

6.4 General Observations are to be developed by the SCA and approved by the ICC.

6.5 The General Observations, as interpretive tools of the Paris Principles, may be used to:

- (a) Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;
- (b) Persuade domestic governments to address or remedy issues relating to an institution's compliance with the standards articulated in the General Observations;
- (c) Guide the Sub-Committee on Accreditation in its determination of new accreditation applications, reaccreditation applications or special reviews:
 - (i) If an institution falls substantially short of the standards articulated in the General Observations, it would be open for the Sub-Committee to find that it was not Paris Principle compliant.
 - (ii) If the Sub-Committee has noted concern about an institution's compliance with any of the General Observations, it may consider what steps, if any, have been taken by an institution to address those concerns in future applications. If the Sub-Committee is not provided with proof of efforts to address the General Observations previously made, or offered a reasonable explanation why no efforts had been made, it would be open to the Sub-Committee to interpret such lack of progress as non-compliance with the Paris Principles.

* Adopted by the members of the International Coordinating Committee at its 15th session, held on 14 September 2004, Seoul, Republic of Korea.

ANNEX 2

ICC SUB-COMMITTEE ON ACCREDITATION

GENERAL OBSERVATIONS

Preamble

The General Observations, as interpretive tools of the Paris Principles, may be used to:

- a) Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;
- b) Persuade domestic governments to address or remedy issues relating to an institution's compliance with the standards articulated in the General Observations;
- c) Guide the Sub-Committee on Accreditation in its determination of new accreditation applications, re-accreditation applications or special reviews:
 - i) If an institution falls substantially short of the standards articulated in the General Observations, it would be open for the Sub-Committee to find that it was not Paris Principle compliant.
 - ii) If the Sub-Committee has noted concern about an institution's compliance with any of the General Observations, it may consider what steps, if any, have been taken by an institution to address those concerns in future applications. If the Sub-Committee is not provided with proof of efforts to address the General Observations previously made, or offered a reasonable explanation why no efforts had been made, it would be open to the Sub-Committee to interpret such lack of progress as non-compliance with the Paris Principles.

1. Competence and responsibilities

1.1 Establishment of national institutions: An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence.

1.2 Human rights mandate: All NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles.

1.3 Encouraging ratification or accession to international human rights instruments: The Sub-Committee interprets that the function of encouraging ratification or accession to international human rights instruments, set out in the Paris Principles, is a key function of a National Institution. The Sub-Committee therefore encourages the entrenchment of this function in the enabling legislation of the National Institution to ensure the best protection of human rights within that country.

1.4 Interaction with the International Human Rights System: The Sub-Committee would like to highlight the importance for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the ICC and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.

1.5 Cooperation with other human rights institutions: NHRIs should closely cooperate and share information with statutory institutions established also for the promotion and protection of human rights, for example at the state level or on thematic issues, as well as other organizations, such as NGOs, working in the field of human rights and should demonstrate that this occurs in their application to the ICC Sub-Committee.

2. Composition and guarantees of independence and pluralism

2.1 Ensuring pluralism: The Sub-Committee notes there are diverse models of ensuring the requirement of pluralism set out in the Paris Principles. However, the Sub-Committee emphasizes the importance of National Institutions to maintain consistent relationships with civil society and notes that this will be taken into consideration in the assessment of accreditation applications.

The Sub-Committee observes that there are different ways in which pluralism may be achieved through the composition of the National Institution, for example:

- a) Members of the governing body represent different segments of society as referred to in the Paris Principles;
- b) Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;
- c) Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or
- d) Pluralism through diverse staff representing the different societal groups within the society.

The Sub-Committee further emphasizes that the principle of pluralism includes ensuring the meaningful participation of women in the National Institution.

2.2 Selection and appointment of the governing body: The Sub-Committee notes the critical importance of the selection and appointment process of the governing body in ensuring the pluralism and independence of the National Institution. In particular, the Sub-Committee emphasizes the following factors:

- a) A transparent process
- b) Broad consultation throughout the selection and appointment process
- c) Advertising vacancies broadly
- d) Maximizing the number of potential candidates from a wide range of societal groups
- e) Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.

2.3 Government representatives on National Institutions: The Sub-Committee understands that the Paris Principles require that Government representatives on governing or advisory bodies of National Institutions do not have decision making or voting capacity.

2.4 Staffing by secondment:

In order to guarantee the independence of the NHRI, the Sub-Committee notes, as a matter of good practice, the following:

- a) Senior level posts should not be filled with secondees;
- b) The number of seconded should not exceed 25% and never be more than 50% of the total workforce of the NHRI.

2.5 Immunity: It is strongly recommended that provisions be included in national law to protect legal liability for actions undertaken in the official capacity of the NHRI.

2.6 Adequate Funding: Provision of adequate funding by the state should, as a minimum include:

- a) the allocation of funds for adequate accommodation, at least its head office;
- b) salaries and benefits awarded to its staff comparable to public service salaries and conditions;
- c) remuneration of Commissioners (where appropriate); and
- d) the establishment of communications systems including telephone and internet.

Adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the organization's operations and the fulfillment of their mandate.

Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the state to ensure the NHRI's minimum activity budget in order to allow it to operate towards fulfilling its mandate.

Financial systems should be such that the NHRI has complete financial autonomy. This should be a separate budget line over which it has absolute management and control.

2.7 Staff of an NHRI: As a principle, NHRIs should be empowered to appoint their own staff.

2.8 Full-time Members:

Members of the NHRIs should include full-time remunerated members to:

- a) Ensure the independence of the NHRI free from actual or perceived conflict of interests;
- b) Ensure a stable mandate for the members;
- c) Ensure the ongoing and effective fulfillment of the mandate of the NHRI.

2.9 Guarantee of tenure for members of governing bodies

Provisions for the dismissal of members of governing bodies in conformity with the Paris Principles should be included in the enabling laws for NHRIs.

- a) The dismissal or forced resignation of any member may result in a special review of the accreditation status of the NHRI;
- b) Dismissal should be made in strict conformity with all the substantive and procedural requirements as prescribed by law;
- c) Dismissal should not be allowed based on solely the discretion of appointing authorities.

3. Methods of operation

4. Additional principles concerning the status of commissions with quasi-judicial competence

5. Additional issues

5.1 NHRIs during the situation of a coup d'état or a state of emergency: As a principle, the Sub-Committee expects that, in the situation of a coup d'état or a state of emergency, an NHRI will conduct itself with a heightened level of vigilance and independence in the exercise of their mandate.

5.2 Limitation of power of National Institutions due to national security: The Sub-Committee notes that the scope of the mandate of many National Institutions is restricted for national security reasons. While this tendency is not inherently contrary to the Paris Principles, it is noted that consideration must be given to ensuring that such restriction is not unreasonably or arbitrarily applied and is exercised under due process.

6. Procedural issues

6.1 Application processes: With the growing interest in establishing National Institutions, and the introduction of the five-yearly re-accreditation process, the volume of applications to be considered by the Sub-Committee has increased dramatically. In the interest of ensuring an efficient and effective accreditation process, the Sub-Committee emphasises the following requirements:

- a) Deadlines for applications will be strictly enforced;
- b) Where the deadline for a re-accreditation application is not met, the Sub-Committee will recommend that the accreditation status of the National Institution be suspended until the application is considered at the next meeting;
- c) The Sub-Committee will make assessments on the basis of the documentation provided. Incomplete applications may affect the recommendation on the accreditation status of the National Institution;
- d) Applicants should provide documentation in its official or published form (for example, published laws and published annual reports) and not secondary analytical documents;
- e) Documents must be submitted in both hard copy and electronically;
- f) All application related documentation should be sent to the ICC Secretariat at OHCHR at the following address: National Institutions Unit, OHCHR, CH-1211 Geneva 10, Switzerland and by email to: nationalinstitutions@ohchr.org; and
- g) It is the responsibility of the applicant to ensue that correspondence and application materials have been received by the ICC Secretariat.

6.2 Deferral of re-accreditation applications: The Sub-Committee will apply the following policy on the deferral of re-accreditation applications:

- a) In the event that an institution seeks a deferral of consideration of its re-accreditation application, a decision to grant the deferral can be taken only if written justifications for the deferral have been provided and these are, in the view of the ICC Chairperson, compelling and exceptional;
- b) Re-accreditation applications may be deferred for a maximum of one year, after this time the status of the NHRI will lapse; and
- c) For NHRIs whose re-accreditation applications are received after the due date or who have failed to submit their applications, their accreditation status will be suspended. This suspension can be in place for up to one year during which time the NHRI may submit its application for re-accreditation. If the application is not submitted during this time, the accreditation status will lapse.

6.3 NHRIs under review: Pursuant to article 3(g) of the ICC Rules of Procedure, the ICC Chair or the Sub-Committee may initiate a review of an NHRI's accreditation if it appears that the circumstances of that NHRI may have changed in any way which affects its compliance with the Paris Principles. Such a review is triggered by an exceptional set of circumstances considered to be temporary in nature. As a consequence, the regular re-accreditation process will be deferred until the review is completed.

In its consideration of NHRIs under review, the Sub-Committee will apply the following process:

- a) An NHRI can be under review a maximum of one and a half years only, during which time it may bring information to the Sub-Committee to demonstrate that, in the areas under review, the NHRI is fully compliant with the Paris Principles;
- b) During the period of review, all privileges associated with the existing accreditation status of the NHRI will remain in place;
- c) If at the end of the period of review, the concerns of the Sub-Committee have not been satisfied, then the accreditation status of the NHRI will lapse.

6.4 Suspension of Accreditation: The Sub-Committee notes that the status of suspension means that the accreditation status of the Commission is temporarily suspended until information is brought before the Sub-Committee to demonstrate that, in the areas under review, the Commission is fully compliant with the Paris Principles. An NHRI with a suspended A status is not entitled to the benefits of an A status accreditation, including voting in the ICC and participation rights before the Human Rights Council, until the suspension is lifted or the accreditation status of the NHRI is changed.

6.5 Submission of information: Submissions will only be accepted if they are in paper or electronic format. The Statement of Compliance with the Paris Principles is the core component of the application. Original materials should be submitted to support or substantiate assertions made in this Statement so that the assertions can be validated and confirmed by the Sub-Committee. No assertion will be accepted without material to support it.

Further, where an application follows a previous recommendation of the Sub-Committee, the application should directly address the comments made and should not be submitted unless all concerns can be addressed.

6.6 More than one national institution in a State: The Sub-Committee acknowledges and encourages the trend towards a strong national human rights protection system in a State by having one consolidated and comprehensive national human rights institution.

In very exceptional circumstances, should more than one national institution seek accreditation by the ICC, it should be noted that Rule 3 (b) of the ICC rules of procedure provide for only one speaking right, one voting right and only one is eligible for election as a member of the ICC bureau.

In those circumstances the conditions precedent for consideration of the application by the Sub-Committee are the following:

- 1) Written consent of the State Government (which itself must be a member of the United Nations).
- 2) Written agreement between all concerned national human rights institutions on the rights and duties as an ICC member including the exercise of the one voting and the one speaking right. This agreement shall also include arrangements for participation in the

international human rights system, including the Human Rights Council and the Treaty Bodies.

The Sub-Committee stresses the above requirements are mandatory for the application to be considered.

Adopted by International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) by email after the SCA meeting of April 2008.

Compilation of 20 October 2008, Nairobi, Kenya

ANNEX 3

General Observations developed by the Sub-Committee at its November 2008 session

1.6 Recommendations by NHRIs

NHRI recommendations contained in annual, special or thematic human rights reports should normally be discussed within a reasonable amount of time, not to exceed six months, by the relevant government ministries as well as the competent parliamentary committees. These discussions should be held especially in order to determine the necessary follow up action, as appropriate in any given situation. NHRIs as part of their mandate to promote and protect human rights should ensure follow up action to recommendations contained in their reports.

2.10 Administrative regulation

The classification of an NHRI as a public body has important implications for the regulation of its accountability, funding, and reporting arrangements.

In cases where the administration and expenditure of public funds by an NHRI is regulated by the Government, such regulation must not compromise the NHRI's ability to perform its role independently and effectively. For this reason, it is important that the relationship between the Government and the NHRI be clearly defined.

6.7 NHRI annual report

The Sub-Committee finds it difficult to review the status of an NHRI in the absence of a current annual report, that is, a report dated not earlier than one year before the time it is scheduled to undergo review by the Sub-Committee. The Sub-Committee stresses the importance for an NHRI to prepare and publicize an annual report on its national situation with regard to human rights in general, and on more specific matters. This report should include an account of the activities undertaken by the NHRI to further its mandate during that year and should state its opinions, recommendations and proposals to address any human rights issues of concern.
