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# Rules and Working methods of the SCA

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# Excerpt from the GANHRI Statute relevant to the accreditation process

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| **Art 1** | SCA means the Subcommittee of GANHRI responsible for making recommendations on accreditation under the auspices of OHCHR, referred to in United Nations Commission on Human Rights resolution 2005/74, and which is formally established by the Statute as a subcommittee of the GANHRI Bureau; |
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| **Art 7** | **Functions and principles**  The functions of GANHRI are:  b) To promote the establishment and strengthening of NHRIs in conformity with the Paris Principles, including such activities as:  i) Accreditation of new members;  ii) Periodic renewal of accreditation;  iii) Special review of accreditation;  iv) Assistance to NHRIs under threat;  v) Encouraging the provision of technical assistance;  vi) Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIs |
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| **Art 10** | **Application for Accreditation Process**  Any NHRI seeking accreditation under the Paris Principles shall apply to the GANHRI Chairperson. Through the GANHRI Secretariat, the NHRI shall supply the following in support of its application:  • 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 GANHRI Bureau may determine the form in which this statement is to be provided.  The application shall be decided pursuant to Articles 11 and 12 of this Statute. |
| **Art 11.1** | All applications for accreditation under the Paris Principles, shall be decided under the auspices of, and in cooperation with OHCHR, by the GANHRI Bureau after considering a report from the SCA on the basis of written evidence submitted. |
| **Art 11.2** | In coming to a decision, the GANHRI Bureau and the SCA shall adopt processes that facilitate dialogue and exchange of information between them and the applicant NHRI as deemed necessary to come to a fair and just decision. |
| **Art 12.1**  **Art 12.2**  **Art 12.3**  **Art 12.4**  **Art 12.5**  **Art 12.6**  **Art 12.7**  **Art**  **12.8** | Where the SCA comes to an accreditation recommendation, it shall be deemed accepted by the GANHRI Bureau unless it is successfully challenged by the applicant NHRI in accordance with the following process:  (i) The recommendation of the SCA shall, as soon as practicable, be forwarded to the applicant NHRI;  (ii) The applicant NHRI can challenge a recommendation of the SCA by submitting a letter addressed to the GANHRI Chairperson and copied to the GANHRI Secretariat within twenty eight (28) days of the date of communication of the recommendation;  (iii) At the end of this twenty-eight (28) day period the GANHRI Secretariat will forward to the GANHRI Bureau members, as soon as practicable, the recommendations of the SCA. If the applicant NHRI has not challenged the recommendation, it shall be deemed accepted by the Bureau;  (iv) If an applicant NHRI submits a challenge within these twenty-eight (28) days, the GANHRI Secretariat will forward to the GANHRI Bureau members, as soon as practicable, all relevant material related to the challenge. The GANHRI Bureau members will be provided with twenty (20) days to determine whether or not support this challenge;  (v) Any member of the GANHRI Bureau that supports the challenge of the applicant NHRI shall, within twenty (20) days, notify the Chair of the SCA and the GANHRI Secretariat of this support. If the challenge does not receive the support of at least one (1) Bureau member within twenty (20) days, the recommendation of the SCA will be deemed accepted by the GANHRI Bureau;  (vi) If at least one (1) member of the GANHRI Bureau supports the challenge of the applicant NHRI within these twenty (20) days, the GANHRI Secretariat will notify members of the GANHRI Bureau as soon as practicable of this support and will provide any additional relevant information;  (vii) Once provided with this notification and any additional relevant material, any member of the GANHRI Bureau that supports the challenge of the applicant NHRI shall, within twenty (20) days, notify the GANHRI Chairperson and the GANHRI Secretariat of this support. If the challenge does not receive the support of at least four (4) GANHRI Bureau members in total coming from not less than two (2) regions within the second twenty (20) day period, the recommendation of the SCA will be deemed accepted by the GANHRI Bureau;  (viii)If the challenge receives the support of at least four (4) GANHRI Bureau members in total coming from not less than two (2) regions, the recommendation of the SCA shall be referred to the following GANHRI Bureau meeting for a decision.  For the purposes of Article 12.1, the counting of days will commence on the day following the dispatch of a communication from the GANHRI Secretariat and will conclude at midnight, Central European Time (Geneva, Switzerland), on the final day.  A member of GANHRI Bureau cannot initiate a challenge to a recommendation of the SCA that has not been challenged by the concerned applicant NHRI.  Each member of the GANHRI Bureau that supports the challenge of an applicant NHRI must attest to its support by written communication to the SCA Chairperson and GANHRI Secretariat within the time periods specified in Article 12.1.  No GANHRI Bureau member may support a challenge on behalf of another member or a group of members.  An applicant NHRI who is also a member of the GANHRI Bureau cannot support a challenge made on its own behalf.  An applicant NHRI whose challenge will be heard by the GANHRI Bureau pursuant to Article 12.1 (viii), and who is also a member of the GANHRI Bureau, is excluded from participating in the GANHRI Bureau meeting in which the challenge is heard and decided.  An alternate member shall be appointed by the Regional Networks to participate in the GANHRI Bureau, replacing a member whose challenge will be heard by the GANHRI Bureau pursuant to Article 12.1 (viii) and 12.7. The replacement by the alternate member is for the entire meeting. |
| **Art 13.1** | Should the GANHRI Bureau decide to decline an application for re-accreditation of any NHRI by reason of its failure to comply with the Paris Principles, the GANHRI Bureau or its delegate may consult further with that NHRI concerning measures to address its compliance issues. |
| **Art 13.2** | Any NHRI whose application for accreditation or re-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 SCA. |
| **Art. 14.1** | **Deferral**  The SCA may decide to defer an application rather than make a decision on status. The deferral decision(s) shall be limited to a period of two (2) years, except in exceptional circumstances that may justify a longer period. In any event, the total duration of the deferral shall not exceed the periodic cycle set out in Article 15. |
| **Art. 14.2** | A decision of the SCA to defer an application for accreditation or re-accreditation is not a recommendation to the GANHRI Bureau and cannot be challenged under the provisions of Article 12. |
| **Art 15** | **Periodic Re-accreditation**  All NHRIs that hold an ‘A’ status are subject to re-accreditation on a five year cyclical basis. Articles 10, 11 and 12 apply 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. |
| **Art 16.1** | **Special Review**  Where the circumstances of any NHRI change in any way that may affect its continued compliance with the Paris Principles, that NHRI shall notify the GANHRI Chairperson of those changes and the GANHRI Chairperson shall place the matter before the SCA for review of that NHRI’s accreditation status. |
| **Art 16.2** | Where, in the opinion of the GANHRI Chairperson or of any member of the SCA, it appears that the circumstances of any NHRI that has been accredited with ‘A’ status may have changed in a way that affects its compliance with the Paris Principles, the GANHRI Chairperson or the SCA may initiate a review of that NHRI’s accreditation status. |
| **Art 16.3**  **Art 16.4** | A decision of the SCA to initiate a Special Review is not a recommendation to the GANHRI Bureau and cannot be challenged under the provisions of Article 12.  Any review of the accreditation classification of an NHRI must be finalized within eighteen (18) months. |
| **Art 17** | On any review the GANHRI Chairperson and the SCA shall have all the powers and responsibilities as in an application under Article 10. |
| **Art 18.1** | **Alteration of Accreditation Classification**  Any decision that would serve to remove accredited ‘A’ status from an applicant 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 Principles. |
| **Art 18.2** | **Authority to Immediately Suspend Accreditation in Exceptional Circumstances**  Where, in the opinion of GANHRI Chairperson, an exceptional circumstance exists necessitating the urgent suspension of the accreditation status of an ‘A’ status NHRI, the GANHRI Bureau may decide to immediately suspend the accreditation classification of that NHRI and request the SCA to initiate a special review, pursuant to Article 16.2. |
| **Art 18.3** | **Process for immediate suspension of accreditation in exceptional circumstances**  The decision of the GANHRI Bureau in such exceptional circumstance is final and is subject to the following process:   1. The GANHRI Chairperson, through the GANHRI Secretariat, will immediately notify the GANHRI Bureau and the NHRI in question of the alleged existence of an exceptional circumstance pursuant to Article 18.2 and the recommendation to suspend the accreditation classification of that NHRI; 2. The NHRI can challenge the recommendation by submitting a letter addressed to the GANHRI Chairperson and copied to the GANHRI Secretariat, within twenty-eight (28) days of the date of communication of the recommendation; 3. Any member of the GANHRI Bureau that supports the challenge of the NHRI shall, within twenty (20) days, notify the GANHRI Chairperson and the GANHRI Secretariat. If the challenge does not receive the support of at least one (1) GANHRI Bureau member within twenty (20) days, the recommendation to suspend will be deemed accepted by the GANHRI Bureau; 4. If at least one (1) member of the GANHRI Bureau supports the challenge of the NHRI within these twenty (20) days, the GANHRI Secretariat will notify all GANHRI Bureau members as soon as practicable of this support and will provide any additional relevant material; 5. Once provided with this notification and any additional relevant material, any other member of the GANHRI Bureau that supports the challenge of the NHRI shall, within twenty (20) days, notify the GANHRI Chairperson and the GANHRI Secretariat of this support. 6. If at least two (2) GANHRI Bureau members in total coming from not less than two (2) regions support the challenge pursuant to Article 18.3 (iv) and (v) of the NHRI, the recommendation shall be referred to the following GANHRI Bureau meeting for decision. Otherwise, the recommendation to suspend the accreditation classification is deemed approved by the GANHRI Bureau. |
| **Art 18.4** | For the purposes of Article 18.2 and 18.3, an “exceptional circumstance” refers to a sudden and drastic change in internal political order of a State such as:   * breakdown in the constitutional or democratic order; or * a declared state of emergency; or * gross violations of human rights;   and this is accompanied by any of the following:   * there is a change in the NHRI enabling legislation or other applicable law that is contrary to the Paris Principles; or * there is a change in the composition of the NHRI that is not undertaken in accordance with the established selection and/or appointment process; or * the NHRI acts in a way that seriously compromises its compliance with Paris 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. |
| **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. |
| **Art 21** | NHRIs 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** | NHRIs 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 immediately cease. 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 46** | **Powers of the GANHRI Bureau**  1. GANHRI Bureau is empowered to act generally in the name of GANHRI and to carry out the purpose and functions of GANHRI  2. Without limiting the generality of the powers of management GANHRI Bureau is empowered to:  a) decide applications for accreditation after considering a recommendation from the Sub-Committee on Accreditation;   * (…)   d) collaborate and work with UN bodies, as well as OHCHR and UNDP, in particular work with OHCHR in connection with the GANHRI accreditation process, General Assemblies of GANHRI, meetings of the GANHRI Bureau and international conferences of NHRIs. In addition, OHCHR will facilitate and coordinate the participation of NHRIs in the Human Rights Council, its mechanisms, and the United Nations human rights treaty bodies;  e) use and accept the services of OHCHR as the Secretariat for GANHRI, GANHRI Bureau and its SCA;   * (….)   j) delegate any function to a nominated person, standing committee or subcommittee of persons or members;  k) co-ordinate and arrange conferences, meetings, standing committees and sub- committees, and other activities;   * (…)   q) adopt, amend or revoke rules of procedure in relation to the working methods of GANHRI Bureau and GANHRI sub-committees to regulate or clarify any matter contemplated by this Statute. Every decision to adopt, amend or revoke a rule shall as soon as practicable be circulated to all members of GANHRI. |
| **(---)** |  |
| **Art 50.1** | Conduct of GANHRI Bureau Business  1. Arabic, English, French and Spanish shall be the working languages of GANHRI Bureau. As a result, documents from the GANHRI should be available in these languages. |
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| **Art 51** | **Further Procedure**  Should any question concerning the procedure of the GANHRI Bureau arise which is not provided for by this Statute Bureau may adopt such procedure as it thinks fit. |
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| *Amendments adopted by GANHRI on 5 March 2019, at Geneva.* | |

# Rules of Procedure for the GANHRI Sub-Committee on Accreditation\*

1. **Interpretation**

In this document:

* **GANHRI** means the Global Alliance of National Human Rights Institutions.
* **GANHRI Bureau** means the committee of management established under Article 43 of the GANHRI Statute.
* **GANHRI Chairperson** means the person elected pursuant to Article 34 of the GANHRI Statute.
* **GANHRI Statute** means the Statute of the Global Alliance of National Human Rights Institutions.
* **NHRI** means a National Human Rights Institution as defined in Article 1 of the GANHRI Statute.
* **OHCHR** means the Office of the High Commissioner for Human Rights.
* **Regional Networks** mean the networks defined in Article 1 of the GANHRI Statute.

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* **SCA** means the Sub-Committee on Accreditation as described in Article 1 of the GANHRI Statute.
* **SCA Chairperson** means the person elected according to art. 3.2 of these Rules of Procedure
* **Secretariat** means the relevant unit in OHCHR that is designated responsibility for National Human Rights Institutions.

1. **Mandate**
   1. **Accreditation**

In accordance with the GANHRI Statute, the SCA has been established to review and analyse applications for accreditation from NHRIs.

The SCA makes recommendations to the GANHRI Bureau, which has the authority to make final decisions on accreditation.

* 1. **General Observations**

The SCA may develop General Observations to explain the meaning and practical application of the Paris Principles.

General Observations should:

* promote a clear understanding of the Paris Principles and their application to decisions on accreditation, re-accreditation or special review;
* assist NHRIs in developing their own practices and procedures in compliance with the Paris Principles; and
* facilitate NHRI advocacy with their domestic governments to address issues relating to Paris Principles compliance.

Where an NHRI falls substantially short of the standards articulated in the General Observations, the SCA may determine that the NHRI is not or is no longer compliant with the Paris Principles.

General Observations must be approved by the GANHRI Bureau.

1. **Composition**
   1. **Members**

For the purpose of ensuring a fair balance of regional representation on the SCA, it shall be composed of one (1) NHRI accredited with ‘A’ status from each of the four (4) Regional Networks recognized in Article 31 of the GANHRI Statute. Members may be accompanied by a support person.

Members are appointed by Regional Networks for a renewable term of at least three (3) years.

Regional Networks should also appoint an alternate member to participate where a member is unavailable to attend a session, is under review during a session, or has identified a conflict of interest pursuant to section 4.7 of these Rules, or is under notice of intention to downgrade its status pursuant to section 4.8 of these Rules. The replacement by the alternate member is for the whole SCA session.

Members are nominated by Regional Networks and participate as impartial, objective and independent experts. They must make decisions based on an objective assessment of an applicant’s compliance with the Paris Principles and the General Observations, and without consideration of national or regional interests.

Any SCA member-elect or alternate member- can attend one SCA session in order to learn about the procedures in practice, in advance of serving on the SCA.

* 1. **SCA Chairperson**

SCA members shall select a member to serve as Chairperson for a one (1) year term, renewable twice.

The SCA Chairperson shall:

* authorise the agenda for sessions;
* preside over meetings;
* consult with members on issues arising between sessions;
* report to the GANHRI Bureau and General Meetings; and
* authorise all communications from the SCA, whether issued by the Secretariat or the Chair. The Secretariat shall assume responsibility for regular communications.

The Chair shall rotate between each of the four (4) Regional Networks recognized in Article 31 of the GANHRI Statute. If an SCA member declines to accept the role of SCA Chairperson, or is no longer able to continue in this role, the Chair shall pass to the member from the region next in rotation. The order of rotation is Africa, Asia Pacific Americas, and Europe.

1. **Meeting Requirements**
   1. **Frequency**

The SCA meets twice a year in Geneva.

* 1. **Additional meetings**

With the agreement of the GANHRI Chairperson and SCA members, the SCA Chairperson may convene additional meetings.

* 1. **Posting of participants**

All members shall, at the latest thirty (30) days before the beginning of a session, provide the GANHRI Secretariat, in writing, with the names and titles of those individuals that will be attending the session. This information will be posted by the Secretariat on the website of the SCA at the latest twenty-eight (28) days before the beginning of the session.

* 1. **Quorum**

Four (4) members constitute a quorum, except in the circumstance outlined in the following paragraphs.

A member may remove themselves from deliberations where they have a real or perceived conflict of interest pursuant to section 4.7 of these Rules. In this case, a quorum shall be three (3) members, unless an alternate member appointed by the Regional Network participates in the SCA session.

Where a member is, in exceptional circumstances, unable to attend whole or part of the session and no alternate member is attending, a quorum shall be three (3) members.

* 1. **Voting**

Each member shall have one (1) vote.

SCA decisions should be taken by consensus wherever possible. Where consensus is not possible, decisions may be made by a vote in favour of three (3) members. Where a vote is tied and further deliberation is unlikely to result in a decision, the SCA Chairperson will have a casting vote.

Decisions on an accreditation recommendation to the GANHRI Bureau are the sole responsibility of members of the SCA.

* 1. **Confidentiality**

All participants at SCA meetings are required to respect the confidentiality of the proceedings.

* 1. **Conflicts of interest**

A member is expected to remove themselves from deliberation where they have a real or perceived conflict of interest.

Where an NHRI under review feels that a member has a real or perceived conflict of interest, they shall inform the Secretariat of this in writing at latest twenty-one (21) days before the SCA session. The Secretariat shall forward the correspondence to the GANHRI Chairperson.

The final decision on whether a real or perceived conflict of interest exists shall rest with the GANHRI Bureau. It shall decide at the latest seven (7) days before the SCA session.

A member may not attend the entirety of the session where the accreditation of their NHRI will be considered. In such cases, the alternate member appointed by the Regional Network shall attend the entire session.

* 1. **Member under notice of intention to downgrade status**

The SCA member whose institution is under notice of intention to downgrade its status pursuant to Article 18.1 of the GANHRI Statute may not attend SCA sessions or meetings during that one year period. In such cases, the alternate member appointed by the respective Regional Network shall attend the SCA sessions or meetings.

1. **Secretariat and Observers**
   1. **OHCHR**

OHCHR shall be a permanent observer to the SCA and shall serve as its Secretariat.

In its capacity as Secretariat, OHCHR shall support the SCA’s work, serve as a focal point for all communications, prepare a summary of all accreditation applications, and maintain records as appropriate on behalf of the GANHRI Chairperson.

The OHCHR shall be present during the decision-making process to attest to the compliance of the accreditation process with these Rules of Procedure, which contributes to its transparency, fairness and rigor.

Members of the Secretariat have the right to speak during all phases of the deliberations at the call and invitation of the SCA Chairperson- They should not advocate for a particular accreditation classification.

* 1. **Regional Networks**

A representative from each of the Regional Network secretariats may attend the SCA as a permanent observer.

Representatives attend on such terms and conditions as are determined by members of the SCA. They do not have a right to vote.

The attendance of Regional Networks is intended to:

* assist SCA members in understanding any relevant regional context; and
* improve their understanding of the accreditation process to assist them in helping their members to participate in that process.

Representatives of Regional Networks have the right to speak at the invitation of the SCA Chairperson

Regional Networks should not advocate for a particular accreditation classification.

**5.3 GANHRI Head Office**

A staff member of the GANHRI Head Office, designated by the GANHRI Chairperson, may attend the SCA as a permanent observer.

The designated GANHRI staff member attends on such terms and conditions as are determined by members of the SCA. He/She does not have a right to vote.

The attendance of the designated GANHRI staff member is intended to:

* assist SCA members in understanding any relevant international context;
* improve his/her understanding of the accreditation process to assist him/her in helping members to participate in that process.

Representatives of GANHRI Head Office have the right to speak at the invitation of the SCA Chairperson

The designated GANHRI staff member should not advocate for a particular accreditation classification

1. **Applying for Accreditation**
   1. **Submission of information**

An NHRI applying for accreditation or re-accreditation shall submit a ‘Statement of Compliance with the Paris Principles’ and such supporting documentation as may be prescribed by the SCA

The Statement of Compliance template is the core component of an accreditation application and must be completed in full.

In addition to the Statement of Compliance, an applicant shall include:

* 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;
* its annual budget; and
* a copy of its most recent annual report or equivalent document in its official or published format.

In addition to the documentation outlined above, applicants for re-accreditation should provide information to show how they have addressed recommendations made by the SCA in the previous accreditation review.

Applicants should provide documentation in its official or published form (for example, published laws and published annual reports) and not secondary analytical documents.

Where an annual or other report is not available in one of the four (4) GANHRI languages, an applicant must provide a summary of the report and a certified translation of the sections of the report on which the applicant seeks to rely in their Statement of Compliance.

Original materials should be submitted to support or substantiate assertions made in the Statement of Compliance so that these assertions can be validated or confirmed by the SCA. No assertion will be accepted without material to support it.

Documents must be submitted in English, French or Spanish in both hard copy and electronic form.

* 1. **Failure to submit full documentation**

Failure to submit the required documentation will result in the rejection of the application.

In addition to the mandatory documents specified in section 6.1 of these Rules, applicants are expected to provide all documents relevant to their application. Failure to do so may affect the recommendation on the accreditation status of the NHRI as the SCA will make assessments on the basis of the documentation provided.

* 1. **Applications by more than one NHRI in a UN Member State**

Should more than one NHRI from a UN Member State seek accreditation by the GANHRI, the conditions precedent for consideration of the application are the following:

1. Written consent of the Government of the UN Member State.
2. Written agreement between all concerned national human rights institutions on the rights and duties as a GANHRI 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.
   1. **Questions about standing**

Where a question arises as to whether:

1. an institution is an NHRI, or
2. an institution in transition will be considered a new institution or a continuation of the previously-accredited institution, the matter will be put to the SCA for determination at the beginning of its next session.
   1. **Deadlines for submission**

The Secretariat shall invite an NHRI which is being accredited, re-accredited or which is under Special Review, to provide its application and supporting documents to the GANHRI Secretariat by the following dates:

* for NHRIs being reviewed at the SCA’s first session of a given calendar year, on or before **August 1** of the preceding calendar year; and
* for NHRIs being considered at the SCA’s second session of a given calendar year, on or before **April 1** of that calendar year.

At the invitation of the Secretariat, applications and supporting documentation shall be provided to the GANHRI Secretariat by the following dates:

* for NHRIs being reviewed at the SCA’s first session of a given calendar year, on or before **October 1** of the preceding calendar year; and
* for NHRIs being considered at the SCA’s second session of a given calendar year, on or before **June 1** of that calendar year.

The dates for the relevant SCA session will be set for no earlier than four (4) months from the deadline for receipt of relevant information and documentation.

In exceptional circumstances, the Secretariat may decide to alter these dates after having consulted with members and observers.

It is the responsibility of the applicant to ensure that correspondence and application materials have been received by the GANHRI Secretariat.

* 1. **Failure to comply with deadlines**

Applications and documents submitted after the deadline will only be examined during a subsequent session unless the SCA Chairperson, in consultation with the GANHRI Secretariat, determines otherwise.

Provided at least six (6) months notice has been given to the NHRI, if an NHRI fails to submit an application for re-accreditation within the required time, its accreditation status may be suspended or may lapse in accordance with Article 19 of the GANHRI Statute.

* 1. **Submissions from third parties**

A third party may submit information relevant to the accreditation status of an NHRI.

Third party submissions must be received by the Secretariat by the following dates:

* for NHRIs being reviewed at the SCA’s first session of a given calendar year, on or before October 1 of the preceding calendar year; and
* for NHRIs being considered at the SCA’s second session of a given calendar year, on or before June 1 of that calendar year.

The dates for the relevant SCA session will be set for no earlier than four (4) months from the deadline for receipt of relevant information and documentation.

In exceptional circumstances, the Secretariat may decide to alter these dates after having consulted with members and observers.

All third party submissions must be in writing and should address the issues contained in the SCA’s Statement of Compliance template.

Information submitted by third parties will be provided to the applicant for comment and response.

* 1. **Circulation of applications to members**

All documents relating to an accreditation application will be provided to SCA members in advance of the SCA session.

1. **Summary of Applications and Related Information**

The Secretariat will provide a summary of all information relevant to the accreditation of the applicant, including the applicant’s documentation and other information contained in the reports, recommendations or observations of international human rights mechanisms.

The summary will be provided to the applicant in advance of its distribution to SCA members. Applicants will have one (1) week to review and correct any factual errors in the summary.

The summary and any corrections from the applicant will be provided to SCA members prior to the SCA session.

1. **Assessing Applications**
   1. **General**

The SCA assesses an applicant’s compliance with the Paris Principles in both law and practice. In doing so, it considers whether:

* the applicant’s legal base is compliant with the Paris Principles; and
* an applicant’s actions demonstrate that it is effectively fulfilling its mandate to promote and protect human rights.

To undertake this assessment, the SCA shall review:

* the NHRI’s enabling legislation and any other relevant laws, rules or regulations;
* any relevant policies and procedures;
* the NHRI’s organizational structure, including staff complement and annual budget;
* a current annual report and other reports;
* the concluding recommendations / observations of international human rights mechanisms, including the Universal Periodic Review, UN Treaty Bodies and Special Procedures;
* credible third party reports, including from civil society; and
* other relevant documentation, as required.
  1. **Form of assessment**

For reasons of equity, administrative efficiency and cost effectiveness, the SCA assesses accreditation applications based on written applications and a teleconference interview only.

* 1. **Consideration of issues raised in previous accreditation reviews**

In considering an application for re-accreditation, the SCA will also assess what action an NHRI has taken to address concerns raised at the NHRI’s previous accreditation review.

If there is insufficient evidence to show that an NHRI has taken reasonable steps to address past concerns, or has failed to offer a reasonable explanation why previous concerns have not been addressed, the SCA may, depending on the seriousness of the issues previously raised, interpret such lack of progress as an indication of non-compliance with the Paris Principles.

* 1. **Applications from NHRIs in volatile contexts**

The context in which an NHRI operates may be so volatile that the NHRI cannot be reasonably expected to be in full conformity with all the provisions of the Paris Principles. When formulating its recommendation on the accreditation status in such cases, the Sub-Committee will give due consideration to factors such as:

* political instability;
* conflict or unrest;
* lack of state infrastructure, including excessive dependency on donor funding; and
* the NHRI’s execution of its mandate in practice.
  1. **Policy guidance from the GANHRI Bureau**

When, in the view of the SCA, the accreditation of a particular applicant 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 GANHRI Bureau for guidance.

An ultimate decision as to accreditation can only be taken once the GANHRI Bureau provides that guidance.

1. **Recommendations on Accreditation**

On completing a review of an application for accreditation or re-accreditation, the SCA shall make a recommendation to the GANHRI Bureau. In coming to a final decision on accreditation, the GANHRI Bureau considers the SCA recommendation in accordance with the process set out in Article 12 of the GANHRI Statute.

1. **Accreditation Classifications**

The accreditation classifications are:

A: Fully compliant with the Paris Principles; and

B: Partially compliant with the Paris Principles.

1. **Decision to Initiate a Special Review**

In accordance with Article 16.2 of the GANHRI Statute, the SCA has the authority to initiate a review of the accreditation status of an NHRI where it is of the view that the circumstances of the NHRI have changed in such a way as to affect its ongoing compliance with the Paris Principles.

A decision of the SCA to initiate a special review is not a recommendation to the GANHRI Bureau and is not subject to challenge. Upon completion of a review undertaken in accordance with Article 16.2, the SCA shall make a recommendation to the GANHRI Bureau on the accreditation status of the NHRI.

1. **Deferral of an Application for Accreditation**
   1. **Decision by the SCA**

The SCA may decide to defer an application for accreditation or re-accreditation rather than make a decision on status.

A decision of the SCA to defer an application is not a recommendation to the GANHRI Bureau and is not subject to challenge.

* 1. **Request by an applicant**

An applicant may request the deferral of its re-accreditation review by writing to the SCA Chairperson and providing reasons justifying the proposed deferral.

The SCA Chairperson may grant a deferral only if written justifications for the deferral have been provided and these are, in the SCA Chairperson’s view, compelling and exceptional / reasonable in the circumstances.

The SCA may recommend suspension of the accreditation status of an NHRI if an application for re-accreditation is not received in accordance with Article 19 of the GANHRI Statute.

The SCA may recommend the lapsing of the accreditation status of an NHRI if an application for re-accreditation is not received within one (1) year of a suspension, in accordance with Article 20 of the GANHRI Statute.

1. **Additional Roles for Members**

Each member shall present a report to the annual meeting of their Regional Network. This report shall include, as appropriate, information about accreditation, including a description of the process, requirements and timelines, as well as previous accreditation reports, developments in General Observations and other trends.

1. **Additional Procedures**

The SCA, in consultation with the Secretariat, may establish such additional procedures as are deemed necessary and relevant for its work.

1. **Status of this Document**

The English version of this document is the original and shall prevail to the extent of any inconsistency.

*\* Amendments adopted by GANHRI on 4 March 2019, at Geneva.*

# SCA Working Methods

At its twice-yearly sessions, the Sub-Committee continued to develop its working methods in the ongoing effort to advance the principles of rigour, transparency, and fairness in the accreditation process.

**GANHRI Secretariat Summaries**

* 1. The GANHRI Secretariat will, on behalf of the Sub-Committee, share the summaries prepared by the Secretariat with each NHRI before the consideration of its application and to give that NHRI one week to comment on the summary. All comments received, together with the summaries, are to be then sent to the members of the Sub-Committee. Once the recommendations of the Sub-Committee are adopted by the GANHRI according to the procedures, the summaries and the comments will be posted on the NHRI Forum ([www.nhri.ohchr.org](http://www.nhri.ohchr.org)).
  2. The summaries are prepared only in English, due to current financial constraints.

**Civil Society Submissions**

The Sub-Committee also considers information received from civil society. It shares that information with the concerned NHRIs and considers their responses.

* 1. The Sub-Committee will consider only that information from civil society that is received by the GANHRI Secretariat at least four (4) months prior to the next session of the Sub-Committee.

**Conduct of Session**

* 1. If further clarification is requested during its deliberations, the SCA will make conference calls with relevant NHRIs. Prior to the meeting all concerned NHRIs will be informed about this new way of seeking clarifications and are requested to provide a name and phone number in each NHRI in case the Sub-Committee needs to contact the Institution.
  2. OHCHR Desk Officers and, as appropriate, field offices are made available to the Sub-Committee members to introduce individual NHRIs considered by the Sub-Committee and provide further information, as needed.
  3. The Sub-Committee encourages the participation of all NHRI regional coordinating committees to attend the sessions as observers.

**NHRIs under Review**

* 1. When the Sub-Committee is to review particular issues within a specified timeframe, the outcome of the review may affect the accreditation status.

# 4. Guidelines for Accreditation Applications

1. **Background**

The United Nations High Commissioner for Human Rights has emphasised that National Human Rights Institutions (NHRIs) around the globe are essential partners in protecting and promoting human rights at the national and regional levels. In order to preserve this international recognition and trust, NHRIs must continue to be credible, legitimate, relevant and effective. This can be achieved by ensuring that the Paris Principles, the principal source of normative standards for NHRIs, guide the work of NHRIs. OHCHR and the International Coordinating Committee of NHRIs (GANHRI) work closely to ensure that NHRIs are established and strengthened in line with the Paris Principles.

The GANHRI 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 (GANHRI Statute, Art 5). NHRIs may become a voting member of the GANHRI when they are assessed in compliance with the Paris Principles[[1]](#footnote-1).

Reviewing NHRIs’ compliance with the Paris Principles, through its accreditation and reaccreditation process (i.e. through the work of its Sub-committee on Accreditation), is one of the main functions of the GANHRI. In accordance with the Statute of the GANHRI, the Sub-Committee on Accreditation (the Sub-committee) has the mandate to consider and review applications for accreditation, re-accreditation and accreditation reviews of NHRIs on the basis of written evidence submitted[[2]](#footnote-2). The GANHRI Bureau is vested with the power to decide applications for accreditation after considering the recommendation from the Sub-Committee on Accreditation (GANHRI Statute, Art 46).

The accreditation process has progressively become more rigorous and transparent, and now considers the effectiveness of NHRIs and their engagement with the international human rights system. The Sub-Committee assesses a NHRI’s compliance with the Paris Principles in law and in practice. All applications for accreditation under the Paris Principles are decided under the auspices of, and in cooperation with, OHCHR.

The following sections explain what the accreditation process is and how it works, and includes recent developments as approved by the GANHRI.

1. **How to make an application**

New applicants seeking accreditation under the Paris Principles should apply to the Chairperson of the GANHRI, through the National Institutions and Regional Mechanisms Section of the OHCHR, in its capacity as GANHRI Secretariat (GANHRI Statute, Art 10). NHRIs due to be reviewed under the established re-accreditation process will be contacted by OHCHR in due time indicating a deadline for submission of a complete application for re-accreditation.

In accordance with Art 10 of the GANHRI Statute, applications for accreditation or reaccreditation must supply the following supporting documents:

* a copy of the legislation or other instrument by which it is established and empowered in its official or published format (e.g. statute, and/or constitutional provision, and/or presidential decree);
* an outline of its organizational structure including details of staff 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 (following the template provided by OHCHR).

Where possible, applicants should provide documentation in its official or published form (for example, published laws and published annual reports) and not secondary analytical documents. For documents that are translated by the applicant NHRI for the Sub-Committee, the NHRI is requested to include the official letterhead of the institution with its logo on the translated document.

All the above mentioned documents must be received by OHCHR (in its capacity as the GANHRI Secretariat) four (4) months before the following Sub-Committee on Accreditation session[[3]](#footnote-3). NHRIs can submit information in one of the working languages of the SCA – English, French or Spanish but shall not be translated by the Secretariat.

Documentation should be submitted in both hard copy and electronic format to the GANHRI Secretariat at OHCHR at the following address: National Institutions, Regional Mechanisms and Civil Society Section, OHCHR, CH-1211 Geneva 10, Switzerland, and by email to the National Institutions and Regional Mechanisms Section ([sshahidzadeh@ohchr.org](mailto:sshahidzadeh@ohchr.org); [cradert@ohchr.org](mailto:cradert@ohchr.org); [nfellow4@ohchr.org](mailto:nfellow4@ohchr.org) and [nifellow2@ohchr.org](mailto:nifellow2@ohchr.org).

1. **Deadlines for submission of an application**

Deadlines for complete submission of documents must be absolutely adhered to. The Sub-committee is very strict on supporting the Secretariat in this regard. Pursuant to Art.6.5 of the SCA Rules of Procedure, a complete application both electronically and in hard copy for each applicant NHRI should reach the Secretariat at the latest four (4) months before the scheduled Sub-committee session.

1. **The application process**
2. **Before the Sub-Committee meeting**

In addition to an initial application, the Sub-Committee may review an NHRI’s compliance with the Paris Principles in the following circumstances. First, under Art 15 of the GANHRI Statute, NHRIs that hold an “A” Status are periodically reviewed every 5 years. Additionally, under Art 16.2 of the GANHRI Statute, the Chair of the GANHRI or a member of the Sub-Committee on Accreditation may initiate an accreditation review of a particular NHRI when he/she perceives a change in the circumstances of any “A Status” NHRI which may affect its compliance with the Paris Principles.[[4]](#footnote-4)

As noted above in section 2, applications and supporting documents are received and processed by the National Institutions and Regional Mechanisms Section of the United Nations Office of the High Commissioner for Human Rights (OHCHR) in its capacity as the GANHRI Secretariat.

Third parties including Civil society organizations may also provide relevant information to OHCHR pertaining to any accreditation matter before the Sub-Committee. According to Art. 6.7 and 8.1 of the Sub-Committee’s Rules of Procedure, those wishing to do so must provide such information in writing to OHCHR at least four (4) months prior to the meeting of the Sub-Committee.

OHCHR shares the complete file of the applicant NHRI with the four Sub-Committee members. It also reviews the supporting documentation provided and prepares a summary, which follows the structure of the statement of compliance provided by the NHRI. The summary is also shared with relevant OHCHR desk officers and United Nations field presences. During this process, OHCHR may contact the applicant NHRI to seek further information or clarification on issues arising. The summary is shared with the applicant NHRI to check for factual errors, one week prior to its distribution to the Sub-Committee members.

1. **During the Sub-Committee meeting**

The procedures adopted by the Sub-committee aim to facilitate dialogue and exchange of information between it and the applicant NHRI as deemed necessary to come to a fair and just decision. The summary and the statement of compliance are the basis for the discussions during the Sub-Committee meetings. The complete documentation file received is also available to Sub-Committee members during the meeting. During these deliberations, OHCHR desk officers are invited to participate and provide their views. The Sub-Committee requests contact persons within applicant NHRIs to be available by phone during the review as it may also call them to request additional information needed to evaluate the NHRI. Applicant NHRIs are not present during the meetings of the Sub-Committee.

The course of the meeting, the Sub-Committee agrees on a recommended accreditation status for each applicant NHRI. In accordance with Rule 10 of the GANHRI Sub-Committee on Accreditation Rules of Procedure, the classifications for accreditation used by the Sub-Committee are:

**A**: Voting Member - Fully compliant with the Paris Principles;

**B**: Non-Voting Member - Partially compliant with the Paris Principles.

1. **After the Sub-Committee meeting**

The process for approving the Sub-Committee’s recommendations is set out in Art 12.1 of the GANHRI Statute. After the evaluation of an NHRI application, OHCHR sends the recommendation of the Sub-Committee first to relevant applicant NHRIs. These NHRIs have 28 days to react to the recommendation, if they so wish. Immediately after that 28-day period, OHCHR sends the Report and Recommendations of the Sub-Committee (and any response from the applicant NHRI) to the 16 members of the GANHRI Bureau. The Bureau members have twenty (20) days to approve or object to the recommendations.

Any member of the GANHRI Bureau who disagrees with the recommendation must notify the Chair of the Sub-Committee and the GANHRI Secretariat within these 20 days. The GANHRI Secretariat then notifies all other Bureau members and provides all information to clarify that objection. If at least four members of the GANHRI Bureau (coming from not less than two regional groups) notify the GANHRI Secretariat that they hold a similar objection within twenty (20) days of receipt of this information, the recommendation shall be referred to the next GANHRI Bureau meeting for decision. If the required number of members does not raise any objection to the recommendation within the 20 day period, it will be deemed to be approved by the GANHRI Bureau.

1. **Approval of Recommendations**

The decision of the GANHRI Bureau on accreditation, based on the Sub-Committee’s review, is final. Unapproved decisions are referred for consideration at the next GANHRI meeting.

1. **Diagram of the accreditation and re-accreditation process**

**NHRIs**

**Sub-Committee**

**on Accreditation**

**GANHRI Bureau**

**Submit application documentation to the GANHRI**

**Meets twice per year**

**Makes recommendations on accreditation status**

**Develops General Observations**

**Approves the report of the Sub-Committee**

**Decides on accreditation status**

**(A or B )**

**A status: review every 5 years**

**B Status: re-apply anytime**

**GANHRI Secretariat (OHCHR)**

**Reviews documents submitted and prepares summary for the Sub-committee**

**Step One**

**Step Two**

**Step Three**

**Step Four**

1. **General Observations of the GANHRI Sub-Committee on Accreditation**

As per the Sub-Committee’s Rules of Procedure, the General Observations, are interpretive tools of the Paris Principles, may be used to:

1. Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;
2. Persuade domestic governments to address or remedy issues relating to an institution’s compliance with the standards articulated in the General Observations;
3. Guide the Sub-Committee on Accreditation in its determination of new accreditation applications, re-accreditation applications or special reviews:
   1. 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.
   2. 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”.

Applicant NHRIs are also encouraged to refer to the latest GANHRI Sub-Committee reports available in [www.nhri.ohchr.org](http://www.nhri.ohchr.org) and to find the full version of GANHRI Statute and SCA Rules of Procedure as well as General Observations developed by the Sub-Committee on Accreditation.

# Template of the Statement of Compliance

The following document should be completed by the applicant NHRI as part of the accreditation application. It should be completed using references to primary sources (e.g. constitution, law, decree, reports) in order to provide the Sub-Committee with essential background information on the NHRI. It is essential that the NHRI substantiate each statement made by reference to its enabling instrument(s) or official reports. Applicants are kindly requested to clearly indicate articles and sections of primary sources they refer to (i.e. article, paragraph, and page).

**STATEMENT OF COMPLIANCE WITH THE PARIS PRINCIPLES OF THE [NAME OF NHRI]**

**- [Date] -**

|  |
| --- |
| **CHARACTER OF THE NHRI** |

1. **ESTABLISHMENT**

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| ***The Paris Principles state that an institution’s mandate shall be clearly set forth in a constitutional or legislative text (…).***  *The GANHRI has adopted the following General Observation on the Establishment of NHRIs: “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”* |

Discuss the instruments that establish the NHRI. Please explain:

* When and by what enabling law the NHRI was established;
* The legal status is of the NHRI, i.e. whether it has been established by legislation or if it is entrenched in the Constitution;
* If there is any other mechanism that gives the NHRI its legitimacy;
* The geographic jurisdiction of the NHRI.

1. **INDEPENDENCE**

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| ***Independence is a fundamental pillar of the Paris Principles. All the provisions in the section “Composition and guarantees of independence and pluralism” aim to ensure independence through composition, representation, infrastructure, stable mandate of the NHRI.***  *The GANHRI has adopted the following General Observation on the* ***administrative regulation*** *of NHRIs: “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”.*  *To preserve the independence of members, the GANHRI has strongly recommended that “provisions be included in national law to protect legal liability for actions undertaken in the official capacity of the NHRI”.* |

Discuss the mechanisms that guarantee the independence of the NHRI. Please explain:

* The nature of the Institution’s accountability (i.e. whether the NHRI is accountable to parliament, a ministry, government department, head of state, etc.);
* Whether or not the NHRI receives instruction from the government;
* By what means conflicts of interest are avoided;
* Whether or not members incur legal liability for actions taken in their official capacity.

1. **COMPOSITION, APPOINTMENT PROCESS, TENURE**
   1. **Composition**

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| ***The Paris Principles state that “the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:***  ***(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;***  ***(b) Trends in philosophical or religious thought;***  ***(c) Universities and qualified experts;***  ***(d) Parliament;***  ***(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).***  *The GANHRI has adopted the following* ***General Observations on the composition and pluralism of NHRIs:***   * ***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 emphasises 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:*  1. *Members of the governing body represent different segments of society as referred to in the Paris Principles;* 2. *Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;* 3. *Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or* 4. *Pluralism through diverse staff representing the different societal groups within the society.*   *The Sub-Committee further emphasises that the principle of pluralism includes ensuring the meaningful participation of women in the National Institution.*   * ***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.* |

Discuss how your NHRI meets the requirement of pluralism. Please explain:

* Whether your founding law requires a diverse composition of members[[5]](#footnote-5);
* Which authority/group may nominate candidates for membership;
* The composition of the NHRI’s membership, i.e. what positions are created by the enacting law and what positions are currently filled and are in operation (Please include heads and deputy heads of the organization);
* How the groups mentioned at the letters a-e as above are represented;
* Representation of women;
* Representation of ethnic or minority groups (e.g. indigenous, religious minorities, etc);
* Representation of particular groups (e.g. people with a disability, etc);
  1. **Selection and appointment**

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| *The GANHRI has adopted the following* ***General Observations on selection and appointment:***   * ***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 emphasises the following factors:*  1. *A transparent process* 2. *Broad consultation throughout the selection and appointment process* 3. *Advertising vacancies broadly* 4. *Maximising the number of potential candidates from a wide range of societal groups* 5. *Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.* |

Discuss how members of the NHRI are selected and appointed. Please explain:

* The legal provisions (in your founding law or elsewhere) regarding the selection and appointment of members to the NHRI;
* The selection process and appointment procedure in practice (please indicate how publicity, transparency, broad consultation, openness to different groups of societies are enshrined in the enabling legislation and operate in practice);
* Whether and how these procedures ensure adequate representation of civil forces (e.g. civil society) involved in the promotion and protection of human rights
* Cooperation with the representatives of the groups mentioned above in 3.1;
* Membership criteria;

**3.3. Tenure**

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| ***The Paris Principles state that in order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured*.**  *The GANHRI has adopted the following* ***General Observations on membership tenure:***   * + ***Full-time Members:*** *Members of the NHRIs should include full-time remunerated members to:*     1. *Ensure the independence of the NHRI free from actual or perceived conflict of interests;*     2. *Ensure a stable mandate for the members;*     3. *Ensure the ongoing and effective fulfilment of the mandate of the NHRI.*        - ***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.*  1. *The dismissal or forced resignation of any member may result in a special review of the accreditation status of the NHRI;* 2. *Dismissal should be made in strict conformity with all the substantive and procedural requirements as prescribed by law;* 3. *Dismissal should not be allowed based on solely the discretion of appointing authorities.* |

Discuss how the tenure of the NHRIs’ members in ensured. Please explain:

* The terms of office of members (and if it is specified in the founding law);
* Whether members are full and/or part-time;
* Whether the members receive adequate remuneration;
* Whether the members’ terms are renewable;
* The grounds and procedures for dismissal and/or resignation of a member and how they operate in practice;
* If there is an advisory body in addition to the members, and if so, please set out the membership requirements of this body.

1. **ORGANIZATIONAL INFRASTRUCTURE**

**4.1 Infrastructure**

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| ***The Paris Principles state that the national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.*** |

Discuss the NHRI’s infrastructure.

Please explain:

* The organisational structure of the NHRI;
* How the NHRI’s infrastructure (including staff and resources) is allocated;
* How the NHRI’s infrastructure allows it to function according to its mandate;
* Evidence that the NHRI is adequately resourced and staffed.

Please provide:

* An organizational chart of the NHRI’s structure.

**4.2 Staffing**

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| ***The Paris Principles state that the NHRIs should be able to have its own staff.***  *The GANHRI has adopted the following General Observation on staffing:*   * ***Staff of an NHRI:*** *As a principle, NHRIs should be empowered to appoint their own staff.* * ***Staffing by secondment:*** *In order to guarantee the independence of the NHRI, the Sub Committee notes, as a matter of good practice, the following:*  1. *Senior level posts should not be filled with secondees;* 2. *The number of seconded should not exceed 25% and never be more than 50% of the total workforce of the NHRI.* |

Discuss the NHRI’s staffing. Please explain:

* + How staff of the NHRI are hired;
  + If there are any limitations on the NHRI’s authority to hire staff;
  + Which current positions (if any) are filled by secondees;
  + What percentage of the staff (including senior position) is seconded;
  + Whether and how the staff reflects the principle of pluralism.

Please provide:

* A list of the staff of the NHRI or, if provided in another document, refer to the organisational chart illustrating the staffing structure of the NHRI (please indicate gender distribution).
  1. **Premises (accessibility)**

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| ***The Paris Principles state that the NHRIs should be able to have its own (…) premises and that, within the framework of its operation, the national institution shall (…) set up local or regional sections to assist it in discharging its functions.*** |

Discuss the NHRI’s premises. Please explain:

* The presentation of the main premises of your organization;
* Whether the NHRI has local or regional offices;
* If so, how local and regional offices communicate with the main office;
* How the public can access the NHRI’s offices;
* Whether the NHRI’s offices are accessible to people with disabilities;

Please also describe procedures and mechanisms of the NHRI to ensure accessibility to the broader population and in particular, to people who are exposed to human rights violations or non-fulfilment of their rights, i.e. women, ethnic, linguistic, religious or other minorities, non-nationals and persons with disability, as well as the poor.

* 1. **Budget**

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| ***The Paris Principles state that the national institution shall have an (…) adequate funding (…) and not be subject to financial control which might affect its independence.***  *The GANHRI has adopted the following General Observation on* ***Adequate Funding****: Provision of adequate funding by the state should, as a minimum include:*   * *the allocation of funds for adequate accommodation, at least its head office;* * *salaries and benefits awarded to its staff comparable to public service salaries and conditions;* * *remuneration of Commissioners (where appropriate); and* * *the establishment of communications systems including telephone and internet.*   *Adequate funding should, to a reasonable degree, ensure the gradual and progressive realization 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.* |

Discuss the NHRI’s budget. Please explain:

* How the NHRI’s budget is developed, submitted and approved (e.g. if it is drafted by the NHRI, presented directly to parliament or through a government ministry or other body, the influence of that body);
* Whether or not the NHRI has control over the management and expenditure of its allocated budget (i.e. if the NHRI is financially independent from the government in how its budget is spent).
* Whether -and what percentage of- the NHRI budget is donor funded.

Please provide:

* information relating to the budget of the NHRI, its accounts and financial records;

1. **WORKING METHODS**

Please indicate whether your organization has adopted internal regulations and/or an annual/strategic plan. Briefly describe its main elements.

* 1. **Regular meetings**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened.*** |

Discuss how the meetings of the NHRI’s members operate. Please explain:

* The frequency and composition of the NHRI meetings in practice (at the senior and staff level).
  1. **Working groups**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall establish working groups from among its members as necessary.*** |

Discuss the NHRI’s working groups (if any). Please explain:

* Whether the NHRI has established any working groups;
* If so, what are the mandate, composition and working methods of these groups.

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| **GENERAL MANDATE** |

1. **GENERAL COMPETENCE AND RESPONSIBILITIES**

For each of the functions described in the following sections, please discuss:

* the relevant provisions in the NHRI’s founding law,
* the powers the NHRI is vested with (e.g. if it can act on its own initiative), and
* concrete examples of how the NHRI fulfils the function in practice.
  1. **Mandate to promote and protect human rights**

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| --- |
| ***The Paris Principles state that a national institution shall be vested with competence to promote and protect human rights*. *A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text* (….). *Within the framework of its operation, the national institution shall freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petition.***  *The GANHRI has adopted the following General Observation on* ***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.* |

Discuss the broad legal mandate of the NHRI. Please explain:

* How human rights are defined in the NHRI’s founding law;
* Which rights the NHRI is mandated to address: e.g. civil, political, social, economic and cultural;
* If the institutions’ mandate refers to any limitation in the mandate or jurisdiction (e.g. rights or areas of the countries that are excluded);
* Broadly, how the NHRI is able to exercise its mandate in practice.
  1. **Advisory Functions**

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| ***The Paris Principles state that a national institution shall, inter alia, have the responsibility to submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights (…).*** |

Discuss the legal provisions for this function and how the NHRI carries out this responsibility in relation to the following functions:

* + 1. **Functions regarding national legislation**

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| ***The Paris Principles state that a national institution shall have the responsibility to promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation*.**  ***It is also stated that a NHRI shall have responsibilities in relation to any of the following areas*:**  ***(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures*.** |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this function in practice;
* What recommendations the NHRI has made on legislative and administrative provisions; amendment of legislation and bills, etc.;
* What advocacy the NHRI has undertaken to harmonize national laws and practices to international standards and/or to implement recommendation of international human rights system).
  + 1. **Encouraging ratification and implementation of international standards**

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| ***The Paris Principles state that a national institution shall have the responsibility to encourage ratification of international human rights instruments to which the State is a party, and to ensure their effective implementation*.**  *The GANHRI has adopted the following General Observations on NHRIs’* ***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.* |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this function in practice;
* Examples of advocacy or awareness raising campaigns the NHRI has undertaken to encourage ratification or accession to international instruments.
  1. **Monitoring functions**

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| ***The Paris Principles state that a NHRI shall have responsibilities in relation to (….) any situation of violation of human rights which it decides to take up; and (…) on drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government*.** |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this function in practice;
* How the NHRI is active in monitoring domestic human rights situations (e.g. decision-making bodies, courts, government agencies), including visiting places of deprivation of liberty, etc.
* Whether the Institution monitors government compliance with its advice and recommendations.

**6.3.1 Investigation**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall: hear any person and obtain any information and any documents necessary for assessing situations falling within its competence*.** |

*Please complete this section if the NHRI does not have quasi-jurisdictional competence as set out in section 7 below.*

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* Whether individuals, government, public bodies etc are obliged to provide the NHRI with requested documentation;
* How the NHRI carries out this function in practice (e.g. in the conduct of public inquires).

**6.3.2 Reporting**

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| ***The Paris Principles state that a NHRI shall have responsibilities in relation to (…) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters*.**  *The GANHRI has adopted the following General Observations on:*   * ***Annual Report:*** *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.* * ***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.* |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this function in practice;
* How annual and thematic reports are delivered (e.g. publicity, distribution, and languages available; authorities to which it is submitted);
* Whether relevant parties (individuals, government, public bodies etc) are obliged to formally respond to the recommendations and reports of the NHRI;
* How the NHRI follows up with authorities on its recommendations.

**6.4 Promotional Functions**

**6.4.1 By raising awareness on human rights norms and issues**

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| ***The Paris Principles state that a national institution shall have the responsibility to publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs*.** |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this public education function in practice;
* Whether it makes publications or services available in several languages and if it makes interpretation available;
* What public awareness campaigns the NHRI has undertaken in relation to combating racism.

**6.4.2 Through programmes for teaching and research**

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| ***The Paris Principles state that a national institution shall have the responsibility to assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles.*** |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this education function in practice;
* Examples of the NHRI’s initiatives in such programmes in schools, universities and professional groups.

**6.4.3 By addressing public opinion**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations*.** |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this public education function in practice;
* What policies and strategies the NHRI has to engage with the media.

1. **QUASI-JURISDICTIONAL FUNCTIONS (optional, only for those NHRIs having quasi-judicial powers)**

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| ***The Paris Principles state that a national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, and associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles*:**  ***(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;***  ***(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;***  ***(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;***  ***(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights*.** |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this complaints handling function in practice (i.e. an overview of the mechanisms and procedures adopted to receive, investigate, and handle complaints received).

Please provide an account of complaints-handling statistics (e.g. number and typology of complaints received and processed; resolved; dismissed; referred).

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| 1. **RELATIONSHIP WITH RELEVANT HUMAN RIGHTS STAKEHOLDERS AND OTHER BODIES** |

**8.1 Relationships with Civil Society**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall, in view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas*.** |

Discuss how the NHRI carries out this responsibility. Please explain:

* Whether the provisions in the NHRI’s founding law formalises relationships between the NHRI and civil society;
* How the NHRI has developed relationships with NGOs in practice;
* Which civil society groups the NHRI cooperates with (i.e. NGOs, trade unions, professional organisations, individuals or organisations espousing trends in philosophical or religious thought, universities and qualified experts, parliament and government departments);
* How frequent and what type of interaction the NHRI has with NGOs (e.g. workshops, meetings, joint projects, through complaints handling).

**8.2 Relationship with other with other bodies**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions).***  *The GANHRI has adopted the following General Observations on* ***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 GANHRI Sub-Committee.* |

Discuss how the NHRI carries out this responsibility. Please explain:

* Whether the provisions in the NHRI’s founding law formalise relationships between the NHRI and other bodies with human rights responsibilities;
* How the NHRI has developed relationships with these bodies in practice;
* Which bodies the NHRI cooperates with (i.e. governmental agencies, the justice system, the parliament, any human rights committees, or any other bodies that might affect the human rights situation in the country);
* How frequent and what type of interaction the NHRI has with such bodies (e.g. training, consultations, meetings, joint projects, through complaints handling)
* The NHRI’s relationship with other human rights institutions at the national level (e.g. specialised human rights institutions, ombudsmen) (OPTIONAL: only for NHRIs operating in countries where such bodies have been established).

**8.3 Cooperation with the United Nations and other organizations**

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| ***The Paris Principles state that a national institution shall have the responsibility to cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights.* *It is important 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 providing input to, and 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 GANHRI and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.***  *The GANHRI has adopted the following General Observations on the* ***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 GANHRI and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.* |

Discuss how the NHRI carries out this function. Please explain:

* The legal provisions that vest the NHRI with this function;
* How the NHRI carries out this function in practice;
* Which UN mechanisms the NHRI has engaged with (e.g. Human rights Council, UPR, Treaty Bodies, Special procedures mandate holders, Commission on the Status of Women, etc)
* Which regional mechanisms the NHRI has engaged with (e.g. regional human rights commissions, courts, etc);
* The type of interaction the NHRI has had with these bodies (e.g. sending information, parallel reports, amicus curiae briefings; attending the meetings; acting as an implementing partner etc)
* How your NHRI has followed up at the national level to the recommendations resulting from these bodies, etc.);
* Which UN agencies the NHRI has engaged with (e.g. OHCHR regional or field offices, UNDP, UNCHR, human rights components of UN peacekeeping missions, etc);
* The type of interaction the NHRI has had with these bodies (e.g. sharing information, undertaking joint activities, acting as an implementing partner etc).

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| **SPECIFIC MANDATE (OPTIONAL)** |

**\*\*\**only for those NHRIs which have been formally designated as NPM, by States that have ratified OPCAT\*\*\****

**9. NATIONAL PREVENTIVE MECHANISM UNDER OPCAT**

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| ***Under OPCAT: “Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions (Art. 17). NPMs will be allowed to visit any place under the State jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention)). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment (art.4). The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel. (2) The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country. (3) The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms. (4) When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights Article 18: (1).***  ***For more information please refer to art. 19-23 and 35 of OPCAT.*** |

Please discuss how the NHRI carries out its function. Please explain[[6]](#footnote-6):

1. Are the mandate and powers of the NPM clearly and specifically established in national legislation as a constitutional or legislative text?
2. How “places of deprivation of liberty” visited by the NPM are defined? Is this definition in line with the OPCAT requirements?
3. Is the NPM established by a public, inclusive and transparent process?
4. Does it include civil society and other actors involved in the prevention of torture?
5. Has the designation of the NHRI as the NPM be open for debate, involving civil society?
6. How the independence of the NPM is fostered?
7. What is the process of selection and appointment of members?
8. Are ways to avoid questions of conflict of interest in place?
9. Are there stated criteria relating to the experience and expertise required to carry out NPM work effectively and impartially?
10. Is the NPM gender-balanced?
11. Does the NPM have adequate representation of ethnic, minority and indigenous groups?
12. Has the State taken the necessary measures to ensure that the expert members of the national preventive mechanism have the required capabilities and professional knowledge?
13. Have ad-hoc training been provided to the NPM?
14. Have adequate resources been provided for the specific work of the NPM (in accordance with article 18, 3 of the OPCAT)? Are they ring‑fenced, in terms of both budget and human resources?
15. Does the work programme of the NPM cover all potential and actual places of deprivation of liberty?
16. Does the scheduling of the NPM visits ensure effective monitoring of such places with regard to safeguards against ill-treatment?
17. Have working methods of the NPM been developed? Have they ever been reviewed with a view to effective identification of good practice and gaps in protection?
18. Does the NPM report on visits with feedback on good practice and gaps in protection to the institutions concerned?
19. Does the NPM address recommendations to the responsible authorities on improvements in practice, policy and law?
20. Has the NPM established an ongoing dialogue with authorities based on the recommendations for changes arising from the visits and the action taken to respond to such recommendations (as per article 22 of the OPCAT)?
21. Does the NPM publish its annual report (as per article 23 of the OPCAT)?
22. Does the NPM communicate with the international human rights system and, in particular, with the Sub-committee on Prevention?

# Annex 1: The Paris Principles

**Principles relating to the status of national institutions**

**Competence and responsibilities\***

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

(a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(ii) Any situation of violation of human rights which it decides to take up;

(iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

(iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

**Composition and guarantees of independence and pluralism**

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

**Methods of operation**

Within the framework of its operation, the national institution shall:

(a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;

(b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

(c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

(d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);

(g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

**Additional principles concerning the status of commissions with quasi-jurisdictional competence**

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

\* *The Paris Principles* defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in Paris 7-9 October 1991, adopted by Human Rights Commission Resolution 1992/54, 1992 and General Assembly Resolution 48/134, 1993.

\* \* \*

1. Benefits of membership (i.e. full compliance with the Paris Principles, 'A status' accreditation) for NHRIs are a recognised standing in the international community (e.g. right to seat and speak in the Human Rights Council); a strengthened voice of NHRIs internationally; possibility to play an active role in GANHRI decision making and policy development; access to GANHRI services (e.g. fora to exchange good practices, develop knowledge, share expertise and network); access to cooperation on issues of common concern. [↑](#footnote-ref-1)
2. GANHRI Statute, Art. 1 defines the Sub-committee on Accreditation as ‘the sub-committee established under the former Rules of Procedure and referred to as the Accreditation Subcommittee of the GANHRI in Human Rights Council resolution 2005/74 as the authority to accredit NHRIs, under the auspices of the OHCHR, and whose mandate is given to it under and in accordance with the Rules of Procedure for the GANHRI Sub-Committee on Accreditation’... [↑](#footnote-ref-2)
3. Sub-Committee on Accreditation Rules of Procedure, Rule 6.5 [↑](#footnote-ref-3)
4. Under Art 16.1 NHRIs are obliged to inform the Chairperson of any changes that may affect its compliance with the Paris Principles [↑](#footnote-ref-4)
5. Members refers to those individuals that are appointed or elected under the NHRI’s founding law (i.e. Chair, Commissioners, Ombudsmen, Deputy Ombudsmen) and with whom the NHRIs functions are vested. [↑](#footnote-ref-5)
6. Questions in this section are mainly based on the guidelines for the ongoing development of NPM published in the first annual report of the Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment (February 2007- March 2008), pages 28-29. [↑](#footnote-ref-6)