

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

**Report and Recommendations of the Session of the Sub-Committee on
Accreditation (SCA)**

Geneva, 25 – 28 October 2011

SUMMARY OF RECOMMENDATIONS

1. Accreditation (Art. 10 of the ICC Statute)

1.1 Bermuda: The Ombudsman of the Republic of Bermuda

Recommendation: The SCA recommends that consideration of the application of the OBO be **deferred** to its first session in 2012.

1.2 Bulgaria: The Ombudsman of the Republic of Bulgaria (ORB)

Recommendation: The SCA recommends that the ORB be accredited **status B**.

1.3 Bulgaria: Commission for protection against Discrimination of the Republic of Bulgaria (CPD)

Recommendation: The SCA recommends that the CPD be accredited **status B**.

1.4 Macedonia: The Ombudsman of the Republic of Macedonia (ORM)

Recommendation: The SCA recommends that the ORM be accredited **B status**.

2. Re-Accreditation (Art. 15 of the ICC Statute)

2.1 Argentina: Defensoria del Pueblo de la Nación Argentina (DPNA)

Recommendation: The SCA recommends that the DPNA be re-accredited **A status**.

2.2 Armenia: Human Rights Defender of Republic of Armenia (HRDA)

Recommendation: The SCA recommends that the review of the HRDA be **deferred** to its second session in 2012.

2.3 Burkina Faso: Commission Nationale des Droits de l'Homme (CNDH)

Recommendation: The SCA recommends that the review of the CNDH be deferred to its first session in 2012.

2.4 Costa Rica: Defensoría de los Habitantes de Costa Rica (DHCR)

Recommendation: The SCA recommends that the DHCR be re-accredited **A status**.

2.5 Egypt: The National Council for Human Rights of Egypt (NCHR)

Recommendation: The SCA recommends that the re-accreditation of the NCHR be deferred for one year. The NCHR retains its A status in the intervening period.

2.6 México: Comisión Nacional de los Derechos Humanos of México (CNDH)

Recommendation: The SCA recommends that the CNDH be re-accredited with **A status**

2.7 Norway: Norwegian Centre for Human Rights (NCHR)

Recommendation: The SCA informs the NCHR of its intention to recommend to the ICC Bureau that the NCHR be accredited with **B status**, and gives the institution the opportunity to provide, in writing, within one year of such notice, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The NCHR retains its **A status** during this period.

2.8 Panamá: Defensoría del Pueblo de Panamá (DPP)

Recommendation: The SCA recommends that the review of the DPP be **deferred** to its second session in 2012.

2.9 Slovakia: National Centre for Human Rights (SNCHR)

Recommendation: The SCA recommends that the review of the SNCHR be **deferred** to its first session in 2012.

2.10 Tanzania: Commission for Human Rights and Good Governance of Tanzania (CHRAGG)

Recommendation: The SCA recommends that the CHRAGG be re-accredited **A status**.

2.11 Zambia: Human Rights Commission of Zambia (HRCZ)

Recommendation: The SCA recommends that HRCZ be re-accredited **A status**.

3. Review (Article 16.2 of the ICC Statute)

3.1 Honduras: Comisionado Nacional de los Derechos Humanos de Honduras (CONADEH)

Recommendation: The SCA recommends that the CONADEH be accredited **B status**.

4. Review (Article 17 of the ICC Statute)

4.1 Senegal: Comité Sénégalais des Droits de l'homme (CSDH)

Recommendation: The SCA informs the CSDH of its intention to recommend to the ICC Bureau that it be accredited with **B status**. Pursuant to Article 18 of the ICC Statute, the CSDH has 1 year to provide written evidence that establishes its renewed conformity with the Paris Principles. The CSDH retains its **A status** during this period.

Report and Recommendations of the Session of the SCA on 25 – 28 October 2011

1. BACKGROUND

- 1.1. In accordance with the Statute (attached as Annex I) of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC), the SCA has the mandate to consider and review applications for accreditation, reaccreditation and special or other reviews received by the National Institutions and Regional Mechanisms Section (NIRMS) of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as the ICC Secretariat, and to make recommendations to the ICC Bureau members with regard to the compliance of applicant institutions with the Paris Principles (attached as Annex 2). The SCA assesses compliance with the Paris Principles in law and in practice.
- 1.2. In accordance with the SCA Rules of Procedure, the SCA is composed of NHRI representatives from each region: Canada (Acting Chair) for the Americas, the Republic of Korea for Asia-Pacific, Togo for Africa and France for Europe.
- 1.3. The SCA convened from 25 to 28 October 2011. OHCHR participated as a permanent observer and in its capacity as ICC Secretariat. In accordance with established procedures, regional coordinating committees of NHRIs were invited to attend as observers. The SCA welcomed the participation of representatives from the Secretariat of the Asia Pacific Forum of NHRIs and the Network of NHRIs of the Americas.
- 1.4. Pursuant to article 10 of the Statute, the SCA considered applications for accreditation from the NHRIs of Bermuda, Bulgaria (2 applications) and Macedonia.
- 1.5. Pursuant to article 15 of the Statute, the SCA also considered applications for re-accreditation from the NHRIs of Argentina, Armenia, Burkina Faso, Costa Rica, Egypt, Mexico, Norway, Panama, Slovakia, Tanzania, and Zambia.
- 1.6. Pursuant to article 16.2 of the Statute, the SCA reviewed certain issues regarding the NHRI of Honduras.
- 1.7. Pursuant to article 17 of the Statute, the SCA reviewed certain issues regarding the NHRI of Senegal.
- 1.8. In accordance with the Paris Principles and the ICC SCA Rules of Procedure, the classifications for accreditation used by the SCA are:
 - A:** Compliance with the Paris Principles;
 - B:** Not fully in compliance with the Paris Principles or insufficient information provided to make a determination;
 - C:** Non-compliance with the Paris Principles.
- 1.9. The General Observations (attached as Annex 3), as interpretative tools of the Paris Principles, may be used to:
 - a) Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;

- b) Persuade domestic governments to address or remedy issues relating to an institution's compliance with the standards articulated in the General Observations;
 - c) Guide the SCA in its determination of new accreditation applications, re-accreditation applications or other review:
 - i) If an institution falls substantially short of the standards articulated in the General Observations, it will be open for the SCA to find that it was not Paris Principle compliant.
 - ii) If the SCA 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 SCA 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 SCA to interpret such lack of progress as non-compliance with the Paris Principles.
- 1.10.** The SCA is currently developing General Observations on NHRIs serving as National Monitoring/Preventive Mechanisms; the quasi-judicial competency of NHRIs; and assessing the performance of NHRIs.
- 1.11.** The SCA notes that when specific issues are raised in its report in relation to accreditation, re-accreditation, special or other reviews, NHRIs are required to address these issues in any subsequent application or other review.
- 1.12.** The SCA encourages all accredited NHRIs to inform the ICC Bureau at the first available opportunity about circumstances that would negatively affect their ability to meet the standards and obligations of the Paris Principles.
- 1.13.** When the SCA declares its intention to consider particular issues within a specified time-frame, the outcome of the review may lead to a recommendation that may affect the accreditation status. In the event additional issues arise during the course of the review, the SCA will notify the NHRI.
- 1.14.** Pursuant to Article 12 of the Statute, where the SCA comes to an accreditation recommendation, it shall forward that recommendation to the ICC Bureau whose final decision is subject to the following process:
- i) The recommendation of the SCA shall first be forwarded to the applicant;
 - ii) An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within twenty eight (28) days of receipt.
 - iii) Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau;
 - iv) Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the SCA and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC

Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information at least four members of the ICC Bureau coming from not less than two regional groups notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision;

- v) If at least four members coming from two or more regional groups do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau;
- vi) The decision of the ICC Bureau on accreditation is final.

1.15. Pursuant to Article 18 of the Statute, in cases where the SCA considers a recommendation that would serve to remove the accredited status from an applicant institution, the applicant institution is informed of this intention and given the opportunity to provide in writing, within one year of such notice, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The concerned institution retains its “A” status during this period.

1.16. At ICC24 the Statute was amended to make explicit provision for the suspension of an A status NHRI in exceptional circumstances.

1.17. The SCA continued to consult with concerned NHRIs, where necessary, during its session. Prior to the session, all concerned NHRIs were requested to provide a name and phone number in case the SCA needed to contact the Institution. In addition, OHCHR desk officers and, as appropriate, OHCHR field officers were available to provide further information, as needed.

1.18. The SCA acknowledges the high degree of support and professionalism of the staff of the ICC Secretariat (OHCHR National Institutions and Regional Mechanisms Section).

1.19. The SCA shared the summaries prepared by the Secretariat with the concerned NHRIs before the consideration of their applications and were given one week to provide any comments on them. As in previous cases, once the recommendations of the SCA are adopted by the ICC Bureau, the summaries, the comments and the statements of compliance will be posted on the NHRI website (<http://nhri.ohchr.org/>). The summaries are only prepared in English, due to financial constraints.

1.20. The SCA considered information received from civil society. The SCA shared that information with the concerned NHRIs and considered their responses.

2. SPECIFIC RECOMMENDATIONS – ACCREDITATION APPLICATIONS (Art. 10 of the ICC Statute)

2.1 Bermuda: Office of the Bermuda Ombudsman (OBO)

Recommendation: The SCA recommends that consideration of the application of the OBO be **deferred** to its first session in 2012.

The SCA will obtain additional information on the status of Bermuda as a British Overseas Territory and the ramifications of this status for its accreditation. It may then refer the matter to the ICC Bureau for advice and direction as appropriate.

2.2 Bulgaria: The Ombudsman of the Republic of Bulgaria (ORB)

Recommendation: The SCA recommends that the ORB be accredited **B status**.

The SCA notes:

1. Mandate

The Ombudsman Act mandates the ORB to intervene when citizens' rights and freedoms have been violated by actions or omissions of the state and municipal authorities and their administrations as well as by the persons assigned with the provision of public services. The legislation therefore provides a mandate for protection only in relation to the public sector. It does not provide a mandate for the promotion of human rights, nor for promotion and protection in relation to the acts and omissions of the private sector.

The SCA acknowledges with appreciation the promotional activities being carried out by the ORB, and recommends that the ORB advocate for a wider mandate that includes all rights set out in international, regional and domestic instruments, covers all areas of human rights, and gives it explicit functions in the area of both protection and promotion of all human rights.

The SCA refers to Paris Principle A.1 and to General Observation 1.2 on 'Human rights mandate'.

There is also no provision in the Ombudsman Act giving the ORM the power to encourage ratification of international and regional human rights instruments and to ensure their effective implementation.

The SCA refers to its General Observation 1.3 'Encouraging ratification or accession to international human rights instruments'.

2. Engagement with International Human Rights System and civil society organisations.

The SCA emphasises the importance of the ORM engaging with the international human rights system, (in particular the Human Rights Council and its mechanisms (Special Procedures and UPR) and the United Nations Human Rights Treaty Bodies), and following up at the national level the recommendations originating from the international human rights system. In addition, the SCA encourages the ORB to actively engage with the ICC, the European Group of NHRIs, as well as international and national civil society organizations.

The SCA refers to its General Observation 1.4 'Interaction with the International Human Rights System'.

3. Appointment and Selection Process

The existing legislation does not provide a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the Ombudsman. The SCA encourages the ORB to advocate for legislative amendments to the selection process to:

- publicise vacancies;
- maximise the number of potential candidates from a wide range of societal groups;
- promote broad consultation and/or participation in the application, screening and selection process; and
- ensure pluralism in the composition of the staff

The SCA refers to General Observation 2.2 'Selection and appointment of the governing body'.

4. Adequate Funding

Bulgaria has ratified the Optional Protocol on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and is in the process of designating the ORB as the National Preventive Mechanism (NPM). The SCA encourages the ORB to seek the additional funding required to assume the responsibilities and discharge the functions of an NPM.

The SCA refers to Paris Principles B-2 and to General Observation 2.6 on 'Adequate Funding'.

The SCA notes that applications for accreditation were received from both the Ombudsman of the Republic of Bulgaria and the Commission for Protection against Discrimination of the Republic of Bulgaria. The SCA refers to General Observation 6.6 on 'More than one national institution in a State'.

2.3 Bulgaria: Commission for Protection against Discrimination of the Republic of Bulgaria (CPD)

Recommendation: The SCA recommends that the CPD be accredited **B status**.

The SCA notes:

1. Mandate

The CPD has a mandate to prevent and protect against discrimination, and to promote equality of opportunity. It does not have a mandate to protect and promote all human rights.

The SCA recommends that the CPD advocate for a wider mandate that includes all rights set out in international, regional and domestic instruments, covers all areas of human rights, and gives it explicit functions in the area of both protection and promotion of all human rights.

The SCA refers to Paris Principle A.1 and to General Observation 1.2 on 'Human rights mandate'.

2. Immunity

The founding law of the CPD does not provide for the protection from legal liability for actions undertaken by Commissioners in their official capacity.

The SCA refers to General Observation 2.5 on 'Immunity'.

3. Composition, selection and appointment of the Commissioners

The CPD consists of 9 Commissioners, of which 5 are elected by the National Assembly and 4 are appointed by the President of the Republic of Bulgaria.

The existing legislation does not provide a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the CPD. The SCA encourages the CPD to advocate for legislative amendments to:

- publicise vacancies;
- maximise the number of potential candidates from a wide range of societal groups;
- promote broad consultation and/or participation in the application, screening and selection process; and
- ensure pluralism in the composition of the Commission

The SCA refers to General Observation 2.2 'Selection and appointment of the governing body'.

The SCA notes that applications for accreditation were received from both the Ombudsman of the Republic of Bulgaria and the Commission for Protection against Discrimination of the Republic of Bulgaria. The SCA refers to General Observation 6.6 on 'More than one national institution in a State'.

2.4 Macedonia: Ombudsman of the Republic of Macedonia (ORM)

Recommendation: The SCA recommends that the ORM be accredited **B status**.

1. Mandate

The Ombudsman Law (the Law) provides the ORM with a broad protection mandate but not a mandate to promote human rights. The SCA acknowledges and commends the institution for the human rights promotional activities it carries out and encourages the NHRI to continue interpreting its mandate in a broad fashion.

The SCA encourages the ORM to advocate for a wider mandate that includes all rights set out in international, regional and domestic instruments, covers all areas of human rights, and gives it explicit functions in the area of both protection and promotion of all human rights.

The SCA refers to Paris Principles A.1 and A.2 and to General Observation 1.2 on 'Human Rights Mandate'.

2. Appointment, Composition and Pluralism

When appointing Deputy Ombudspersons, the provisions in the Ombudsman's Act require "an adequate and equitable representation of citizens belonging to all the communities in the Republic of Macedonia". While those appointed as Deputy Ombudspersons currently include ethnic Macedonians and Albanians, the SCA highlights that pluralism, in the context of Paris Principles, refers to broader representation of Macedonian society, not just ethnicity.

The SCA notes that the Act provides that Deputy Ombudsman must be lawyers. It also provides that the Secretary General must be appointed “from among the managing civil servants’. These requirements may unduly narrow and restrict the diversity and plurality of the institution.

The existing legislation does not provide a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the Ombudsman, for example, the SCA notes that vacancies for the position of ORM are not advertised publicly and that the selection process of candidates does not involve a broad consultation with civil society. The SCA encourages the ORM to advocate for legislative amendments to the selection process to:

- publicise vacancies;
- maximise the number of potential candidates from a wide range of societal groups;
- promote broad consultation and/or participation in the application, screening and selection process; and
- ensure pluralism in the composition of the staff

The SCA refers to Paris Principle B.1 and to General Observation 2.2 on ‘Selection and appointment of the governing body

3. Funding

The Former Yugoslav Republic of Macedonia has ratified the OPCAT and has designated the ORM as the NPM. It notes with concern that the ORM was not provided with the necessary funding to carry out these additional responsibilities.

The SCA urges the Government to provide the ORM with the necessary financial resources to enable it to properly fulfill the obligations of the NPM as is required in Article 18(3) of OPCAT which provides that “The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms”.

The SCA refers to Paris Principle B.2, and to General Observation 2.6 on ‘Adequate Funding’.

4. Interaction with the International Human Rights System

The SCA emphasises the importance of the ORM engaging with the international human rights system, (in particular the Human Rights Council and its mechanisms (Special Procedures and UPR) and the United Nations Human Rights Treaty Bodies), and following up at the national level the recommendations originating from the international human rights system. In addition, the SCA encourages the ORM to actively engage with the ICC, the European Group of NHRIs, as well as international and national NGOs and civil society organizations.

The SCA refers to Paris Principle A.3, and to General Observation 1.4 on “Interaction with the International Human Rights System’.

3. SPECIFIC RECOMMENDATIONS - RE-ACCREDITATION APPLICATIONS (Art. 15 of the ICC Statute)

3.1 Argentina: Defensoria del Pueblo de la Nación Argentina (DPNA)

Recommendation: The SCA recommends that the DPNA be re-accredited **A status**.

The SCA notes:

1. Mandate

The DPNA's protection mandate, when read in conjunction with the applicable constitutional provisions, implicitly provides a promotion mandate. The SCA acknowledges and commends the DPNA for the human rights education and training activities undertaken by the institution and encourages the NHRI to continue interpreting its mandate in a broad fashion. However, it encourages the DPNA to advocate for amendments to its enabling law to provide an explicit promotion mandate.

The SCA refers to Paris Principle A.1 and A.2 and to General Observation 1.2 on 'Human Rights Mandate'.

2. Appointment process

The SCA notes that the mandate of the last Ombudsman expired in 2009. The SCA recognizes that the First Deputy Ombudsman has been acting as Ombudsman since then and has formally assumed all of the functions of that office. The SCA takes note of the recent elections in Argentina and that the new Parliament is expected to appoint an Ombudsperson in March 2012.

The SCA notes the requirement for a clear, transparent and participatory selection process for the Ombudsman and Deputy Ombudspersons that promotes the independence of, and public confidence in the senior leadership of a national human rights institution and encourages the formalisation of a detailed selection process in legislation, regulation or binding administrative guidelines as appropriate.

The SCA refers to Paris Principle B.1 and to General Observation 2.2 on 'Selection and appointment of the governing body'.

3.2 Armenia: Human Rights Defender of the Republic of Armenia (HRDA)

Recommendation: The SCA recommends that the review of the HRDA be **deferred** to its second session in 2012.

A new Defender was appointed in March 2011 and the SCA notes that it has not yet had the opportunity to provide examples of how it completely fulfils its obligations under the OPCAT as the NPM. As stated in Article 19 of the OPCAT, the NPM should:

- (a) ...regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) ...make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture

and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;

(c) ...submit proposals and observations concerning existing or draft legislation. The SCA encourages the HRDA to provide the SCA with any recommendations it makes to authorities as well as proposals and observations concerning existing or draft legislation prior to review of the HRDA at its second session in 2012.

3.3 Burkina Faso : Commission Nationale des Droits de l'Homme (CNDH)

Recommendation: The SCA recommends that the review of the CNDH be **deferred** to its first session in 2012.

The SCA advises that the CNDH requested the deferral of its review until the SCA's next session. The SCA draws the CNDH's attention to article 16.3 of the ICC Statute, which provides that "any review of the accreditation classification of a NHRI must be finalized within 18 months". This period will expire in March 2012.

The SCA encourages the CNDH to seek advice and assistance from the Network of African National Human Rights Institutions and the OHCHR.

3.4 Costa Rica: Defensoria de los Habitantes de Costa Rica (DHCR)

Recommendation: The SCA recommends the DHCR be re-accredited **A status**.

The SCA notes:

1. Funding

Costa Rica has ratified the OPCAT and has designated the DHCR as the NPM. It notes with concern that the institution was not provided with the necessary funding to carry out these additional responsibilities.

The SCA urges the Government to provide the DHCR with the necessary financial resources to enable it to properly fulfill the obligations of the NPM as is required in Article 18(3) of OPCAT which provides that "The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms".

The SCA refers to Paris Principle B.2, and to General Observation 2.6 on 'Adequate Funding'.

2. Interaction with the International Human Rights System

The SCA emphasises the importance of the DHCR engaging with the international human rights system, (in particular the Human Rights Council and its mechanisms (Special Procedures and UPR) and the United Nations Human Rights Treaty Bodies), and following up at the national level the recommendations originating from the international human rights system. In addition, the SCA encourages the DHCR to actively engage with the ICC, the Inter-American Human Rights system, the Network of NHRIs of the Americas, as well as international and national NGOs and civil society organizations.

The SCA refers to Paris Principle A.3, and to General Observation 1.4 on "Interaction with the International Human Rights System".

3. Selection and appointment process

The SCA notes that vacancies for the position of Deputy Ombudsperson are not advertised publicly and that the selection process of candidates does not involve a broad consultation with civil society.

The SCA notes the requirement for a clear, transparent and participatory selection process that promotes the independence of, and public confidence in the senior leadership of a national human rights institution and encourages the DHCR to advocate for the formalisation of the selection process in legislation, regulation or binding administrative guidelines as appropriate.

The SCA refers to Paris Principle B.1 and to General Observation 2.2 on 'Selection and appointment of the governing body

3.5 Egypt: National Council for Human Rights (NCHR)

Recommendation: The SCA recommends the re-accreditation of the NCHR be **deferred** for one year. The NCHR retains its **A status** in the intervening period.

The SCA commends the NCHR for the manner in which it has been undertaking its duties following the change of government earlier this year. In particular it notes:

- the decision of the members to resign en-masse in order to facilitate the reconstitution of the NCHR by the new interim government,
- that following their resignation, members continued to undertake their duties pending the reconstitution of the new NCHR;
- the on-going actions of the reconstituted NCHR in continuing to monitor the human rights situation in Egypt; and
- its on-going documentation of allegations of human rights violations that occurred in the lead up to and following the popular uprising and subsequent change of government.

Furthermore, the SCA notes that these activities have been undertaken in very volatile circumstances, made more difficult by the loss of the NCHR's premises through fire.

The SCA also notes that the NCHR has advised the Government to enact amendments to its enabling legislation. This advice accompanied their resignation earlier in the year and it is expected that amendments are likely to be considered in 2012. It is for this reason that the Sub-Committee recommends deferral for one year so that the NCHR's re-accreditation can be undertaken following the enactment of amendments to the enabling law.

In the interim, the SCA encourages the NCHR to continue to advocate for relevant changes to the enabling legislation in order to ensure compliance with the Paris Principles. In particular, the Sub-Committee draws the attention of the NCHR to the following issues:

1. Selection and Appointment process

The existing legislation does not provide a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the senior leadership of the NCHR. It encourages the NCHR to support amendments to the selection process to:

- publicise vacancies
- maximise the number of potential candidates from a wide range of societal groups;
- promote broad consultation and/or participation in the application, screening and selection process; and
- ensure pluralism in the composition of the Council and the staff.

The SCA draws the attention of the NCHR to General Observation 2.2 ‘Selection and appointment of the governing body’.

2. Term of office of members

The enabling law provides that a Commissioner shall be appointed for a term of 3 years. An appropriate minimum term of appointment is crucial in promoting the independence of the member and the NCHR, and to ensure the continuity of its programs and services. The SCA is of the view that an appointment for a period of three years is the minimum that would be sufficient to achieve these aims. It encourages the NCHR to consider advocating for amendments to the enabling law to provide for a longer term of between three and seven years with the option to renew once.

3. Security of tenure of members

Members of the governing body of the NCHR should be provided with immunity from legal prosecution for actions undertaken *in good faith* in the context of their employment. In addition, grounds for the dismissal of members of the governing body should be clearly defined and decisions undertaken by a regularly constituted court, tribunal or other bodies as appropriate.

The SCA encourages the NCHR to advocate for the inclusion of amendments to provide for: limited immunity of members; appropriately defined grounds for dismissal; and an independent and objective dismissal process. It draws the NCHR’s attention to General Observation 2.9 on Guarantees of Tenure.

4. Access to places of Detention and Confinement

The SCA notes that limitations on the NCHR’s ability to visit and access places of detention without prior notice may hamper the fulfilment of its human rights monitoring and protection obligations. The SCA encourages the amendment of legislation to permit the NCHR to make unannounced visits to all public and private places of voluntary and involuntary detention and confinement.

5. Mandate

The SCA notes the mandate of the NCHR encompassed in Article 3 of the enabling law. The SCA encourages the NCHR to advocate to maintain a broad mandate to *promote* and *protect* all human rights, and for the enactment of additional amendments that provide it with the necessary powers to fulfil its mandated functions.

3.6 Mexico: COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS OF MEXICO (CNDH)

Recommendation: The SCA recommends the CNDH be reaccredited with **A status**.

1. Constitutional Reform

The SCA acknowledges the constitutional reform adopted in June 2011 which establishes that every person will enjoy the rights stipulated in both the Constitution and the international treaties on human rights to which Mexico is a party.

The SCA encourages the CNDH to play an active role in the State's implementation of its international human rights obligations emerging from this constitutional reform, in particular the obligation to investigate, punish and compensate for human rights violations.

2. Arraigo

The SCA encourages the CNDH to continue to publicly express its concern with regard to "arraigo" (*sui generis* pre-trial preventative detention) and to call for an amendment to the Constitution of Mexico to remove the provision allowing "arraigo", given that it violates international human rights standards, including human rights treaties to which Mexico is a party.

The SCA acknowledges and appreciates the efforts made by the CNDH regarding "arraigo" to date, including its intervention in a case of 119 ex-police officers deprived of their liberty in an "arraigo" detention centre, and issuing an academic report and opinion on this issue.

3. Cooperation with other human rights institutions

The SCA recognizes that Mexico is a federal state, with 32 State Human Rights Institutions, and notes that the CNDH has entered into agreements with 15 sub-national human rights institutions within the framework of the CNDH's role as National Preventative Mechanism.

The SCA encourages the CNDH to further develop institutional arrangements amongst the sub-national human rights institutions in order to ensure that all human rights are equally protected across the State. The SCA refers to General Observation 1.5 on "Cooperation with other human rights institutions."

4. National Preventative Mechanism (NPM)

The SCA welcomes the appointment of the CNDH as the NPM under OPCAT, but notes that this was done through an exchange of letters between the Minister of Foreign Affairs and the former President of the CNDH in which the Minister asks the CNDH to act as the NPM and the CNDH accepts. The SCA encourages the CNDH to call for the designation and appointment as the NPM through a legislative amendment to the Law establishing the CNDH. The SCA further urges the CNDH to continue to enhance the effectiveness of its functioning as the NPM.

3.7 Norway: Norwegian Centre for Human Rights (NCHR)

Recommendation: The SCA informs the NCHR of its intention to recommend to the ICC Bureau that the NCHR be accredited with **B status**, and gives the institution the opportunity to provide, in writing, within one year of such notice, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The NCHR retains its **A status** during this period.

The SCA notes:

During the 2009 Universal Periodic Review of Norway, the NCHR submitted a stakeholder report in which it requested that the Norwegian Government review the work, organizational structure and resource base of the NCHR. The Norwegian Government responded positively to this request and initiated a comprehensive review in collaboration with the NCHR in early 2010.

The NCHR has a dual role as a department of the University of Oslo and a NHRI, and the SCA understands that the University of Oslo intends to terminate the NCHR's role as a NHRI by the end of 2012. The NCHR, in collaboration with the Norwegian Government, intends on developing a strategy for follow-up and establishment of a Paris Principle compliant NHRI.

The SCA notes that the NCHR, as presently constituted, is not fully Paris Principle compliant, but given the stated intention of the NHRC to develop a strategy for the establishment of a Paris Principles compliant NHRI before the end of 2012, the SCA wishes to provide guidance to the NCHR and the Norwegian Government for matters to consider in developing the strategy.

The SCA recommends that:

1. An inclusive and consultative process to ensure broad support for a new NHRI should be initiated by the Government without delay. The process should include the NCHR, civil society groups and other stakeholders;
2. Irrespective of the institutional model chosen, the new national human rights institution must be established in conformity with the Paris Principles, in particular be established by an Act of Parliament, or preferably by Constitutional provision;
3. The legislation should ensure that the new NHRI is an independent body with the necessary resources and capacity to fulfil a broad mandate to both protect and promote human rights;
4. Without delay and in close consultation with the NCHR, the Norwegian government should develop a strategy for the interim period with clear commitments to uphold as a minimum, the current level of NCHR work until a new NHRI has been established. That portion of the existing budget earmarked for the NHRI should go directly to NHRI work;
5. In the interim period, the NCHR should make every effort to continue the NHRI work it undertakes particularly in relation to conducting human rights monitoring, documentation and advocacy, and to enhance its current knowledge base, work methods, and independent functioning.

3.8 Panama: Defensoria del Pueblo de Panama (DPP)

Recommendation: The SCA recommends that the review of the DPP be **deferred** to its second session in 2012.

The SCA was not provided with sufficient documentary information, nor were the DPP's responses at interview sufficient to satisfy the SCA that it has approached or conducted its functions in a manner that fulfils its mandate to protect and promote human rights. In particular, the SCA requests that the DPP provide additional information on its activities in relation to:

- its interventions in monitoring and responding to allegations of human rights violations, and in particular:
 - the administrative detention of migrants; and
 - the monitoring and inspections of detention facilities and in particular the case of the Centro de Cumplimiento de Menores de Tocumen.
- its interaction with civil society;
- its engagement with the regional human rights mechanisms;
- its engagement with the international human rights mechanisms.

The SCA acknowledges that a new Ombudsperson was recently appointed in April 2011 and may therefore have needed additional time to prepare a detailed response.

3.9 Slovakia: Slovak National Centre for Human Rights (SNCHR)

Recommendation: The SCA recommends that the review of the SNCHR be **deferred** to its first session in 2012.

The SCA advises that the SNCHR requested the deferral of its review to its next session. The SCA draws the SNCHR's attention to article 16.3 of the ICC Statute, which provides that "any review of the accreditation classification of a NHRI must be finalized within 18 months". That term expires on March 2012.

The SCA encourages the SNCHR to seek advice and assistance from the European Coordinating Committee of NHRIs and OHCHR.

3.10 Tanzania: Commission for Human Rights and Good Governance of Tanzania (CHRAGG)

Recommendation: The SCA recommends the Commission for Human Rights and Good Governance of Tanzania (CHRAGG) be re-accredited A **status**.

1. Re-accreditation October 2006

At its October 2006 session, the SCA made the following recommendation:

"...The Sub-Committee notes that the constitutional power of the President to issue directives to the CHRAGG on issues of national interest under article 130(3) of the Constitution has not been invoked but suggests that consideration be given to limiting the scope of this power as prescribed by the law..."

The SCA recognises that at times States may have legitimate reasons to issue *national interest directives*. However, such power should be appropriately circumscribed, particularly in circumstances where their issue may lead to impunity for human rights violations. The SCA therefore notes with concern that the CHRAGG has not taken any steps to follow up on the recommendation. While the CHRAGG stated that this provision has yet to be invoked, it is the view of the SCA that its recommendations ought to have been pursued and steps taken to seek to limit the scope of this power.

The SCA further notes that article 130(4) provides that the President can order the CHRAGG to conduct an inquiry, or (of particular concern to the SCA) the President can order it **not** to conduct an inquiry. While this provision may not have been invoked by the President, the SCA is concerned that this provision may affect the independence and autonomy of the CHRAGG, and that its use may also result in impunity for human rights

violations. The SCA encourages the CHRAGG to advocate for amendments to this provision.

The SCA will again consider this issue at its second session in 2013.

2. Tenure and Term

The SCA notes that the term of appointment for commissioners is for up to three years, renewable once. This term may not be sufficient to ensure continuity of activities and a stable tenure for the Commissioners. The SCA encourages the CHRAGG to consider seeking an amendment to its legislation to provide that the term of its commissioners be at least 3 years and not more than 7 years with the option to renew once.

3. Annual Report

The CHRAGG states in its last Annual Report 2009-2010 that it has insufficient funds to carry out its activities. The SCA refers to its General Observation 2.6 on “Adequate Funding”.

4. Interaction with the International Human Rights System

The SCA highlights the importance of the CHRAGG engaging with the international human rights system, (in particular the Human Rights Council and its mechanisms (Special Procedures, UPR) and the United Nations Human Rights Treaty Bodies), and following up at the national level the recommendations resulting from the international human rights system. In addition, the SCA encourages the CHRAGG to actively engage with the ICC, the African Human Rights system, the Network of African NHRIs, as well as international and national NGOs and civil society organizations.

The SCA refers to Paris Principle A.3 and its General Observation 1.4 “Interaction with the International Human Rights System.”

3.11 Zambia: Human Rights Commission of Zambia (HRCZ)

Recommendation: The SCA recommends the HRCZ be re-accredited **A status**.

The SCA recognises that the HRCZ has been operating under difficult circumstances, noting in particular the budget constraints and consequent implications this has had on staffing levels. Notwithstanding these difficulties, the HRCZ has continued to undertake a range of mandated activities as well as implement new initiatives. In particular, the SCA wishes to commend the HRCZ for its initiative in producing regular “State of Human Rights Reports”.

However, the SCA notes:

1. Budget and Staffing

Information provided by the HRCZ indicates that:

- a) the funding it receives from the State is insufficient and sometimes not released on time.
- b) due to budgetary constraints, from a recommended staffing component of 131 positions, the Commission currently employs 52 staff only.

- c) the requirement for the HRCZ to obtain Presidential approval for external funding which, while never used, has the potential to an impact on a NHRIs ability to fulfil its mandate.

The SCA notes the importance of the State providing adequate core funding. This promotes the independence of the NHRI by allowing it to freely determine its priorities and effectively fulfil its mandate. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the organization's operations and the fulfilment of their mandate. It encourages the HRCZ to advocate for:

- an improvement in the level and timing of release of funding, in particular to ensure an appropriate level of staffing ; and
- the removal of the requirement for Presidential approval for external funding.

It refers to Paris Principles B.2 and to General Observation 2.6 on "Adequate funding".

2. Selection and Appointment process

The enabling legislation provides that Commissioners shall be appointed by the President, subject to ratification by the National Assembly, (section 5(2)). The HRCZ was unable to provide information on the method or procedure that the President uses to select candidates and the legislation does not include any requirement for the publication of vacancies, or consultations or broad participation in the process for nomination of candidates.

The SCA notes the Paris Principles requirement for a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the senior leadership of a national human rights institution. It encourages the HRCZ to advocate for the formalisation of the selection process in relevant laws, regulations or binding administrative guidelines, and for its subsequent application in practice. The SCA refers to the General Observation 2.2 'Selection and appointment of the governing body'.

3. Terms of office of members

The enabling law provides that a Commissioner shall be appointed for a term not exceeding 3 years, subject to renewal.

An appropriate minimum term of appointment is crucial in promoting the independence of the member and the HRCZ, and to ensure the continuity of its programs and services. The SCA is of the view that appointment for a period of less than three years would be insufficient to achieve these aims.

It encourages the HRCZ to advocate for amendments to the enabling law to provide for a minimum term of at least three years, and not more than seven years with the option to renew once.

4. Part time Commissioners

While the original Commissioners were appointed on a full-time basis, all subsequent Commissioners have been appointed on a part-time basis.

The SCA is of the view that the appointment of full-time members would assist in promoting the independence of the NHRI by ensuring a more stable mandate for members, and promoting the ongoing and effective fulfilment of the NHRIs functions.

It encourages the HRCZ to advocate for the appointment of full-time members and draws its attention to General Observation 2.8

5. Security of tenure of members

The enabling law broadly defined the grounds for dismissal, section 7(2) providing that a Commissioner can be removed from office for inability to perform the functions of the Commissioner office for various reasons including “incompetence” or “misbehaviour”. These terms are not defined. In addition, the enabling law makes no provision for an independent and objective process by which ‘incompetence’ and ‘misbehaviour’ is assessed.

The SCA encourages the HRCZ to advocate for the inclusion of appropriately defined grounds for dismissal and an independent and objective dismissal process. It draws the HRCZ’s attention to General Observation 2.9 on Guarantees of Tenure.

4. SPECIFIC RECOMMENDATIONS - REVIEWS UNDER ARTICLE 16.2 OF THE ICC STATUTE

4.1 Honduras: Comisionado Nacional de Derechos Humanos de Honduras (CONADEH)

Recommendation: The SCA recommends that the CONADEH be accredited **B status**.

In October 2010, the ICC Bureau adopted the SCA’s recommendation to foreshadow its intention to downgrade the accreditation status of the CONEDAH. Pursuant to Article 18 of the ICC Statute, the CONEDAH had 1 year to provide written evidence that established its renewed conformity with the Paris Principles. The CONEDAH has failed to provide any information to the SCA and the 1 year period has now elapsed.

5. SPECIFIC RECOMMENDATIONS – REVIEWS UNDER ARTICLE 17 OF THE ICC STATUTE

5.1 Senegal: Comité Sénégalais des Droits de l’homme (CSDH)

Recommendation: The SCA informs the CSDH of its intention to recommend to the ICC Bureau that it be accredited with **B status**. Pursuant to Article 18 of the ICC Statute, the CSDH has 1 year to provide written evidence that establishes its renewed conformity with the Paris Principles. The CSDH retains its **A status** during this period.

At its first session in 2011, the SCA recommended that the review of the CSDH be **deferred** to its second session in 2011, but noted its intention to recommend the CSDH be accredited with **B status** if a range of concerns were not appropriately addressed. Notwithstanding this advance notification, the CSDH did not provided the SCA with a response for consideration at this session.

The concerns expressed by the SCA at previous sessions were as follows:

1. Funding

The SCA expressed concern for the lack of concrete support from the State in providing adequate funding to the CSDH. The SCA refers to Paris Principles B.2 and to General Observation 2.6. It noted also that during the process of the Universal Periodic Review of Senegal in February 2009, a request was made for the government to ensure the necessary financial, material, and human resources to allow the national human rights institution to fulfil its mandate.

2. Selection and Appointment

The SCA noted with concern the absence of a transparent and pluralistic process for the nomination of members. The SCA highlighted the requirement for a clear, transparent and participatory selection process that promotes the independence of, and public confidence in the senior leadership of a national human rights institution. It encourages formalisation of the selection process in legislation, regulation or binding administrative guidelines as appropriate. The SCA refers to Paris Principle B.1 and to General Observation 2.2 'Selection and appointment of the governing body'

3. Full time members

The SCA expressed concern about the appointment of part-time members. It is of the view that the appointment of full-time members would assist in promoting the independence of the CSDH by ensuring a more stable mandate for its members, and promoting the ongoing and effective fulfilment of its functions. It encourages the CSDH to advocate for the appointment of full-time members and draws its attention to General Observation 2.8

4. Appointment of Staff

The SCA expressed concern about the capacity of the CSDH to appoint its own staff. The encourages it to advocate for the capacity to do so, drawing attention to General Observation 2.7.


The SCA further notes that during the process of the Universal Periodic Review of Senegal in February 2009, a request was made for the government to ensure the necessary financial, material, and human resources for the national human rights institution, considering the importance of its mandate.

Annex I

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

STATUTE

Art 1.1	<p>SECTION 1: DEFINITIONS AND INTERPRETATION</p> <p>In this Statute</p> <p>Former Rules of Procedure means the Rules of Procedure of “The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights” adopted on 15 April 2000 and as amended on 13 April 2002, and on 14 April 2008 which are now merged into this Statute;</p> <p>ICC means the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights existing under the former Rules of Procedure, referred to in the United Nations Commission on Human Rights resolution 2005/74 and the United Nations Human Rights Council resolution 5/1, which is now given independent corporate personality by this Statute;</p> <p>ICC Bureau means the committee of management established under Article 43 of this Statute;</p> <p>Days: In this statute, a reference to days means calendar days, not working days.</p> <p>NHRI means a National Human Rights Institution;</p> <p>NIU means the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights;</p> <p>Observer means an institution or person granted permission to participate in ICC meetings or other open meetings or workshops without voting rights and without the right to speak unless invited to do so by the Chairperson of the meeting or workshop.</p> <p>OHCHR means the Office of the United Nations High Commissioner for Human Rights;</p> <p>Paris Principles means the Principles Relating to the Status of National Institutions, adopted by the United Nations Commission on Human Rights in resolution 1992/54 of 3 March 1992 and endorsed by the United Nations General Assembly in resolution 48/134 of 20 December 1993;</p> <p>Rules of Procedure of the ICC Sub-Committee on Accreditation mean the Rules of Procedure for the ICC Sub-Committee on Accreditation adopted by the members of the International Coordinating Committee constituted under the former Rules of Procedure at its 15th session, held on 14 September 2004 at Seoul, Republic of Korea, as amended at the 20th session, held on 14 April 2008 at Geneva, Switzerland, and continued in existence under the transitional provisions of this Statute;</p> <p>Regional Coordinating Committee means the body established by NHRIs in each of the regional groupings referred to in Section 7 of this Statute to act as their coordinating secretariats, namely:</p> <ul style="list-style-type: none"> ▪ Asia Pacific Forum of National Human Rights Institutions; ▪ European Coordinating Committee of National Human Rights Institutions; ▪ Network of African National Human Rights Institutions; and ▪ Network of National Human Rights Institutions of the Americas; <p>Secretary means the individual elected as Secretary under Article 34 who acts as the Deputy to the Chairperson to carry out the role and functions of the Chairperson in her or his absence, including the functions referred to in Article 49;</p> <p>Sub-Committee on Accreditation means the sub-committee established under the former Rules of Procedure and referred to as the Accreditation Subcommittee of the International Coordinating Committee of National Institutions in United Nations</p>
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	<p>Commission on Human Rights 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 ICC Sub-Committee on Accreditation;</p> <p>Voting member means a NHRI which is a member of the ICC and is accredited with an 'A' status; and non-voting member means a NHRI which is a member of the ICC and is accredited with a 'B' status;</p> <p>'Writing' or 'Written' includes any hand-written, typed or printed communication, including telex, cable, electronic mail and facsimile transmissions.</p>
Art 1.2	References to the 'ICC' in the Rules of Procedure for the ICC Sub-Committee on Accreditation shall be read as references to the ICC Bureau established under this Statute, and references to the 'ICC Rules of Procedure' shall be read as references to the former Rules of Procedure, and to the corresponding rules in this Statute.
Art 2	<p>SECTION 2: NAME, LOGO AND REGISTERED OFFICE</p> <p>A non-profit association is hereby created by the National Human Rights Institutions (NHRIs) subscribing to this present Statute, according to Articles 60 and following of the Swiss Civil Code as an international association possessing legal personality independent of its members. The name of the association is the Association International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in this Statute referred to as the ICC. The duration of the ICC is unlimited.</p> <p>The ICC created by this Statute gives independent corporate personality to the loose arrangement of NHRIs hitherto existing under the former Rules of Procedure.</p>
Art 3	<p>The official logo of the ICC, in each of the working languages, is the following image:</p>  <p>INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)</p> <p>COMITÉ INTERNATIONAL DE COORDINATION DES INSTITUTIONS NATIONALES POUR LA PROMOTION ET LA PROTECTION DES DROITS DE L'HOMME (CIC)</p> <p>COMITÉ INTERNACIONAL DE COORDINACIÓN DE LAS INSTITUCIONES NACIONALES PARA LA PROMOCIÓN Y LA PROTECCIÓN DE LOS DERECHOS HUMANOS (CIC)</p>
Art 4	The registered office of the ICC is 42 avenue Krieg, 1208 Geneva, Switzerland
Art 5	<p>SECTION 3: PURPOSE</p> <p>Objects</p> <p>The ICC is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles and provides leadership in the promotion and protection of human rights.</p>
Art 6	General Meetings of the ICC, meetings of the ICC Bureau and of the Sub-Committee on Accreditation, as well as International Conferences of the ICC shall be held under the auspices of, and in cooperation with, OHCHR.
Art 7	<p>Functions</p> <p>The functions of the ICC are:</p> <ol style="list-style-type: none"> To coordinate at an international level the activities of NHRIs established in conformity with the Paris Principles, including such activities as: <ul style="list-style-type: none"> Interaction and cooperation with the United Nations, including the OHCHR, the Human Rights Council, its mechanisms, United Nations human rights treaty bodies, as well as with other international organisations; Collaboration and coordination amongst NHRIs and the regional groups and Regional Coordinating Committees; Communication amongst members, and with stakeholders including, where

	<p>appropriate, the general public;</p> <ul style="list-style-type: none"> ▪ Development of knowledge; ▪ Management of knowledge; ▪ Development of guidelines, policies, statements; ▪ Implementation of initiatives; ▪ Organisation of conferences. <p>2. To promote the establishment and strengthening of NHRIs in conformity with the Paris Principles, including such activities as:</p> <ul style="list-style-type: none"> ▪ Accreditation of new members; ▪ Periodic renewal of accreditation; ▪ Special review of accreditation; ▪ Assistance of NHRIs under threat; ▪ Encouraging the provision of technical assistance; ▪ Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIs. <p>3. To undertake such other functions as are referred to it by its voting members.</p> <p>Principles: In fulfilling these functions, the ICC will work in ways that emphasize the following principles:</p> <ul style="list-style-type: none"> ▪ Fair, transparent, and credible accreditation processes; ▪ Timely information and guidance to NHRIs on engagement with the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies; ▪ The dissemination of information and directives concerning the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies to NHRIs; ▪ Mandated representation of NHRIs; ▪ Strong relationships with the OHCHR and the Regional Coordinating Committees that reflect the complementarity of roles; ▪ Flexibility, transparency and active participation in all processes; ▪ Inclusive decision-making processes based on consensus to the greatest extent possible; ▪ The maintenance of its independence and financial autonomy.
Art 8	<p>International Conference The ICC shall hold a biennial International Conference in accordance with the Rules of Procedure of International Conferences of National Institutions for the Promotion and Protection of Human Rights adopted by NHRIs at their ICC meeting held in Geneva, Switzerland on 17 April 2002.</p>
Art 9	<p>SECTION 4: LIAISON WITH OTHER HUMAN RIGHTS INSTITUTIONS AND NGOs The ICC may liaise with other human rights institutions including the International Ombudsman Institute and non-governmental organizations. The ICC Bureau may decide to grant such organizations observer A status any meetings or workshops of the ICC or the ICC Bureau.</p>
	<p>SECTION 5: PARIS PRINCIPLES ACCREDITATION [Note: Pursuant to Human Rights Council resolution 5/1, VII Rules of Procedure, rule 7(b), participation of NHRIs in the work of the Human Rights Council is based on arrangements and practices agreed upon by the Human Rights Commission including resolution 2005/74 of 20 April 2005. Resolution 2005/74, paragraph 11(a), permitted NHRIs that are accredited by the Sub-Committee on Accreditation to exercise participation rights in the Human Rights Commission and subsidiary bodies of the Commission.]</p>
Art 10	<p>Application for Accreditation Process Any NHRI seeking accreditation under the Paris Principles shall apply to the Chairperson of the ICC. Through the ICC Secretariat, that NHRI shall supply the</p>

	<p>following in support of its application:</p> <ul style="list-style-type: none"> ▪ a copy of the legislation or other instrument by which it is established and empowered in its official or published format; ▪ an outline of its organizational structure including staff complement and annual budget; ▪ a copy of its most recent annual report or equivalent document in its official or published format; ▪ a detailed statement showing how it complies with the Paris Principles as well as any respects in which it does not so comply and any proposals to ensure compliance. The ICC Bureau may determine the form in which this statement is to be provided. <p>The application shall be decided pursuant to Articles 11 and 12 of this Statute.</p>
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 ICC Bureau after considering a report from the Sub-Committee on Accreditation on the basis of written evidence submitted.
Art 11.2	In coming to a decision, the ICC Bureau and the Sub-Committee shall adopt processes that facilitate dialogue and exchange of information between it and the applicant NHRI as deemed necessary to come to a fair and just decision.
Art 12	<p>Where the Sub-Committee on Accreditation comes to an accreditation recommendation, it shall forward that recommendation to the ICC Bureau whose decision is final subject to the following process:</p> <ul style="list-style-type: none"> ▪ The recommendation of the Sub-Committee shall first be forwarded to the applicant; ▪ An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within twenty eight (28) days of receipt. ▪ Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau; ▪ Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information at least four members of the ICC Bureau coming from not less than two regional groups notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision; ▪ If at least four members coming from two or more regional groups do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau; ▪ The decision of the ICC Bureau on accreditation is final.
Art 13	Should the ICC Bureau decide to decline an application for accreditation of any NHRI by reason of its failure to comply with the Paris Principles, the ICC Bureau or its delegate may consult further with that institution concerning measures to address its compliance issues.
Art 14	Any NHRI whose application for accreditation has been declined may reapply for accreditation, according to the guidelines under Article 10, at any time. Such an application may be considered at the next meeting of the Sub Committee on Accreditation.
Art 15	<p>Periodic Re-accreditation</p> <p>All NHRIs that hold an 'A' A statusre subject to re-accreditation on a five year cyclical</p>

	basis. Article 10 applies to NHRIs undergoing re-accreditation. In particular reference to an application for accreditation means both the initial application and the application for re-accreditation.
Art 16.1	Review of Accreditation Process Where the circumstances of any NHRI change in any way which may affect its compliance with the Paris Principles, that NHRI shall notify the Chairperson of those changes and the Chairperson shall place the matter before the Sub-Committee on Accreditation for review of that NHRI's accreditation status.
Art 16.2	Where, in the opinion of the Chairperson of the ICC or of any member of the Sub-Committee on Accreditation, it appears that the circumstances of any NHRI that has been accredited with an 'A' status under the former Rules of Procedure may have changed in a way which affects its compliance with the Paris Principles, the Chairperson or the Sub-Committee may initiate a review of that NHRI's accreditation status.
Art 16.3	Any review of the accreditation classification of a NHRI must be finalized within eighteen (18) months.
Art 17	On any review the Chairperson and Sub-Committee on Accreditation shall have all the powers and responsibilities as in an application under Article 10.
Art 18	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 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, or if a NHRI under review under Article 16 of this Statute fails to provide sufficient documentation, within eighteen (18) months of being placed under review, to satisfy the body determining membership under this Statute that it remains in conformity with the Paris Principles.
Art 21	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 24.1	SECTION 6: MEMBERS Eligibility Only NHRIs which comply fully with the Paris Principles, being those which have been accredited with an 'A' status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to be voting members of the ICC.
Art 24.2	NHRIs that are only partially compliant with the Paris Principles, being those which have been accredited with a 'B' status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to become a non-voting member.

Art 25	Any NHRIs wishing to become a member of the ICC shall apply in writing to the Chairperson of the ICC giving: in the case of an application for voting membership, particulars of the date on which it was accredited with A status; and, in the case of an application for non-voting membership, particulars of the date on which it was accredited with B status. In either case, the applicant must indicate their agreement to be bound by this Statute as amended from time to time (including as to the payment of the applicable annual membership subscription). The application shall be considered and decided by the ICC Bureau.
Art 26	A NHRI shall cease to be a member of the ICC upon written notice by that NHRI of resignation given to the Chairperson of the ICC, but without prejudice to the obligation of the NHRI to discharge outstanding fiscal obligations due to the ICC at the date of resignation.
Art 27	Membership may be revoked by resolution of the ICC Bureau if the body determining accreditation status under this Statute determines that a member no longer meets the membership eligibility requirements in Article 24.
Art 28	Membership may be cancelled by resolution of the ICC Bureau if that member has failed for six (6) months or more to pay an annual subscription that is due and owing.
Art 29.1	A NHRI whose membership has been revoked, or cancelled for non-payment of an annual subscription, may regain membership by reapplying for membership under Article 25 of this Statute.
Art 29.2	Where membership has been cancelled for non-payment of a subscription, re-admission to membership shall be subject to payment of the outstanding subscription or so much thereof as the ICC Bureau shall determine.
Art 30	Independence of Members Notwithstanding anything in this Statute, the independence, authority and national status of members, and their powers, duties and functions under their own legislative mandates, and their participation in the different international fora on human rights shall in no way be affected by the creation of the ICC or its functioning.
Art 31.1	SECTION 7: REGIONAL GROUPING OF MEMBERS For the purpose of ensuring a fair balance of regional representation on the ICC the following regional groups are established: <ul style="list-style-type: none"> ▪ Africa ▪ The Americas ▪ Asia-Pacific ▪ Europe
Art 31.2	The members within any regional group may establish such sub-regional groupings as they wish.
Art 31.3	The members of regional groups may establish their own procedures concerning meetings and activities.
Art 31.4	Each regional group is to appoint four (4) members accredited with an 'A' status which shall each have a representative on the ICC Bureau.
Art 32	SECTION 8: GENERAL MEETINGS OF MEMBERS The General Meeting is composed by the ICC members and constitutes the supreme power of the association.
Art 33	The duties of the General Meeting include control of the activities of the ICC, review and control of the activities of the ICC Bureau, ratification of the program of ICC activities, the amendment of this Statute, consideration of funding issues and the fixing of annual membership subscriptions to be paid by members accredited with an 'A' status provided however that decisions of the ICC Bureau on accreditation determinations shall not be subject to review or control by a General Meeting.
Art 34	The General Meeting ratifies the appointment of the members of the ICC Bureau and elects the Chairperson and the Secretary. The members of the ICC Bureau must be individuals representing the members of the ICC accredited with an "A" status which

	have been appointed by their regional groups under article 31.
Art 35	If required under Swiss Law, the General Meeting must elect an auditor who shall not be a member of the ICC.
Art 36	The General Meeting meets at least once a year in conjunction with a meeting of the Human Rights Council upon written notice given by the ICC Bureau to the members at least six (6) weeks in advance and at such other times required according to the law including when a request is demanded by one fifth or more of the members.
Art 37	The agenda of the meeting shall be submitted to the members with the written notice of meeting.
Art 38	SECTION 9: RIGHT TO VOTE AND DECISIONS At General Meetings only members accredited with an 'A' status shall be entitled to vote. A member that has been accredited with a 'B' status has the right to participate and speak in General Meetings (and all other open meetings and workshops of the ICC). A NHRI that is not accredited with either an 'A' or 'B' status may, with the consent of the particular meeting or workshop, attend as an observer. The Chairperson, after consultation with ICC members, may invite NHRIs who are not members of the ICC and any other person or institution to participate in the work of the ICC as an observer.
Art 39	At General Meetings only one (1) NHRI per Member State of the United Nations shall be eligible to be a voting member. Where more than one (1) institution in a State qualifies for membership the State shall have one (1) speaking right, one (1) voting right, and if elected, one (1) ICC Bureau member. The choice of an institution to represent the NHRIs of a particular State shall be for the relevant institutions to determine.
Art 40	Decisions of the General Meeting are passed by the majority of members present or duly represented. The General Meeting will only deal with matters that are summarized in the Agenda. If necessary, or on the request of more than half of the members present at a General Meeting, the Chairperson can call an Extraordinary General Meeting.
Art 41	A quorum of at least one half of the total number of members is necessary.
Art 42	English, French, and Spanish shall be the working languages of the ICC. As a result, documents from the ICC should be available in these languages.
Art 43	SECTION 10: ICC BUREAU The ICC is managed by a committee entitled the ICC Bureau which shall comprise sixteen (16) individuals, including the Chairperson and the Secretary.
Art 44	In the event that a representative of a member of a regional group for any reason is no longer able to represent that member, or if the member ceases to hold an 'A' A status accreditation, or the member's appointment under Article 31.4 is withdrawn, the representative shall cease to be a member of the ICC Bureau and the Regional Coordinating Committee shall thereupon appoint another representative who shall act as a casual member of the ICC Bureau until the next General Meeting.
Art 45	The Chairperson and the Secretary shall be elected on a geographically rotational basis by the General Meeting for a non-renewable term of three (3) years. The order of rotation shall be: the Americas, the Asia Pacific region, Africa, and Europe.
Art 46	Powers of the ICC Bureau The ICC Bureau is empowered to act generally in the name of the ICC and to carry out the purpose and functions of the ICC. Without limiting the generality of the powers of management the ICC Bureau is empowered to: <ul style="list-style-type: none"> ▪ decide applications for accreditation after considering a recommendation from the Sub-Committee on Accreditation; ▪ decide applications for membership of the ICC; ▪ summon General Meetings of the ICC; ▪ collaborate and work with the OHCHR and its NIU, and in particular to work with the NIU in connection with the ICC accreditation process, annual meetings of the

	<p>ICC, meetings of the ICC Bureau and international conferences of NHRIs. In addition, the NIU will facilitate and coordinate the participation of NHRIs in the Human Rights Council, its mechanisms, and the United Nations human rights treaty bodies ;</p> <ul style="list-style-type: none"> ▪ use and accept the services of the NIU as the Secretariat for the ICC, the ICC Bureau and its Sub-Committee on Accreditation; ▪ appoint from the members of the ICC Bureau a person to be the treasurer of the ICC; ▪ acquire, lease, dispose of or otherwise deal in property of any kind; ▪ open bank accounts, appoint signatories thereto and define the authority of the signatories; ▪ spend money and do all things it considers desirable to promote the purposes of the ICC; ▪ delegate any function to a nominated person, standing committee or subcommittee of persons or members; ▪ co-ordinate and arrange conferences, meetings, standing committees and sub-committees, and other activities; ▪ engage, dismiss or suspend employees, agents and contractors; ▪ enter into contracts ; ▪ engage professional assistance for the preparation of annual and other financial statements, to obtain legal advice, and for any other purpose; ▪ prepare and disseminate information notes, bulletins and papers of any kind to members, and to promote generally information about human rights issues and activities of the Human Rights Council, its mechanisms, the United Nations human rights treaty bodies, and of the ICC in which members could have an interest; ▪ receive financial grants and donations, and gifts of any kind; ▪ adopt, amend or revoke rules of procedure in relation to the working methods of the ICC Bureau and its 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 is practicable be circulated to all members of the ICC and posted on the nhri.net website.
<p>Art 47</p>	<p>Membership Subscription The ICC Bureau shall as and when it considers appropriate recommend to a General Meeting that an annual membership subscription be set by the General Meeting. Once set the Bureau will ensure procedures are in place to collect membership subscriptions. The ICC Bureau in its discretion may waive in whole or in part the annual subscription for a member if satisfied that the member is unable to pay the full amount due.</p>
<p>Art 48</p>	<p>Meetings of the ICC Bureau A meeting of the ICC Bureau shall be held in conjunction with each General Meeting of the ICC and at least two (2) times each year. Otherwise, the ICC Bureau shall meet at such times and places as it or the Chairperson shall decide. Written notice summoning a meeting shall be given at least four (4) weeks in advance unless the ICC Bureau agrees to a shorter period for that meeting. The agenda of the meeting shall be submitted to the members with the written notice of meeting.</p>
<p>Art 49</p>	<p>The Chairperson and Secretary The Chairperson, or in his or her absence the Secretary, shall direct the work of the General Meeting and the ICC Bureau. Until otherwise decided by a General Meeting, she or he shall represent the ICC in accordance with developed practices and authorities followed by the Chairperson acting under the former Rules of Procedure. In particular, the Chairperson may speak at the Human Rights Council, its mechanisms, United Nations human rights treaty bodies and, when invited, at other</p>

	<p>international organisations:</p> <ul style="list-style-type: none"> ▪ on behalf of the ICC on topics authorised by a General Meeting or the ICC Bureau; ▪ on behalf of individual NHRIs when authorised by them; ▪ on thematic human rights issues to promote policy decided by a General Meeting, a biennial conference or by the ICC Bureau; and ▪ generally to advance the objects of the ICC.
Art 50.1	<p>Conduct of ICC Bureau Business English, French, and Spanish shall be the working languages of the ICC Bureau. As a result, documents from the ICC should be available in these languages.</p>
Art 50.2	A majority of the members of the ICC Bureau shall constitute a quorum.
Art 50.3	An agenda for each meeting shall be drawn up by the Chairperson in consultation with the ICC Bureau members. Agenda items may be added at the meeting if approved by a majority of the members present.
Art 50.4	Members of the ICC Bureau may be accompanied at meetings by advisers, including, by representatives from the relevant Regional Coordinating Committee. Such persons attend in the capacity of advisers to their members and observers to the meeting, and may participate in discussions at the call and invitation of the Chair.
Art 50.5	Each member of the ICC Bureau shall have one (1) vote. Where possible, decisions of the ICC Bureau shall be reached by consensus. When consensus is not possible, decisions shall be by a majority of members present and voting. In the event of an equality of votes, the proposal being voted on shall be regarded as being defeated.
Art 50.6	The ICC Bureau may invite NHRIs whether or not members of the ICC and any other person or institution to participate in the work of the ICC or the ICC Bureau as an observer.
Art 50.7	Notwithstanding the forgoing provisions of this Article 50, the ICC Bureau may decide any matter in writing without the need to formally summon a meeting provided that a majority of the members of the ICC Bureau concur with the decision.
Art 50.8	The ICC Bureau, through the Chairperson or in her or his absence through the Secretary, shall present to General Meetings reports on activities carried out by the ICC, the ICC Bureau and its officers since the preceding General Meeting.
Art 51	<p>Further Procedure Should any question concerning the procedure of the ICC Bureau arise which is not provided for by these rules the ICC Bureau may adopt such procedure as it thinks fit.</p>
Art 52	<p>SECTION 11: FINANCIAL ADMINISTRATION Accounting Year The financial year ends on 31 December of each year.</p>
Art 53	<p>SECTION 12: ASSETS OF THE ICC The assets of the ICC comprise and include:</p> <ul style="list-style-type: none"> ▪ grants obtained from international and national public and semi-public organizations; ▪ donations; ▪ subscriptions; ▪ funds entrusted to it by other organizations, associations, businesses or institutions; and ▪ income and property of any kind received from whatever source.
Art 54	The assets of the ICC must be applied solely towards promoting the purposes of the ICC as set out in Section 3 in line with the Principles as set out in Article 7.
Art 55	<p>SECTION 13: DISSOLUTION AND LIQUIDATION Dissolution The ICC may be dissolved by resolution of the ICC in a General Meeting. A General Meeting called for this purpose shall be convened specially. At least one half of the members must be present. If this proportion is not present the General Meeting must</p>

	be reconvened after an interval of at least two (2) weeks. It can then validly deliberate with whatever numbers of members are present. In any case the dissolution can only be approved by a majority of three quarters of the members present.
Art 56	Liquidation The winding up of the ICC and the liquidation of its assets shall be carried out by one (1) or more liquidators appointed by the General Meeting. The General Meeting must authorize the liquidator or liquidators to distribute the net assets to another association or public organization having similar purposes to the ICC. No part of the net assets available for distribution shall be paid to any member of the ICC.
Art 57	SECTION 14: RULES OF PROCEDURE The General Meeting may adopt, amend or revoke rules of procedure in relation to the working methods of the ICC, including General Meetings and international conferences, to regulate or clarify any matter contemplated by this Statute.
Art 58	SECTION 15: AMENDMENT OF STATUTE This Statute may be amended only by a General Meeting of the ICC.
Art 59	SECTION 16: TRANSITIONAL PROVISION The Sub-Committee on Accreditation and the Rules of Procedure for the ICC Sub-Committee on Accreditation are by this Statute continued in existence, and shall remain in existence until amended or revoked by the ICC Bureau. The Sub-Committee on Accreditation is hereby constituted a sub-committee of the ICC Bureau. The Rules of Procedure for the ICC Sub-Committee on Accreditation are incorporated into this Statute as Annex I
EXECUTED BY: Ms. Jennifer Lynch, Q.C. 30 July 2008 Amended at a General Meeting held at Nairobi, 21 st October 2008 Amended at a General Meeting held at Geneva, 24 th March 2009	

ANNEX TO THE ICC STATUTE

RULES OF PROCEDURE FOR THE ICC SUB-COMMITTEE ON ACCREDITATION*

1. Mandate

In accordance with the Statute of the Association International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) (Article 1.1), the Sub-Committee on Accreditation has the mandate to review and analyse accreditation applications forwarded by the ICC Chairperson and to make recommendations to the ICC on the compliance of applicants with the Paris Principles.

2. Composition of the Sub-Committee

2.1. For the purpose of ensuring a fair balance of regional representation on the Sub-Committee on Accreditation, it shall be composed of one (1) ICC NHRI accredited 'A status' for each of the four (4) regional groups as established by the ICC Statute (Section 7), namely Africa, Americas, Asia-Pacific, and Europe.

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

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

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

3. Functions

3.1. Each regional group representative to the Sub-Committee on Accreditation shall facilitate the application process for NHRIs in the region.

3.2. The regional grouping representative shall supply NHRIs from their region with all relevant information pertaining to the accreditation process, including a description of the process, requirements and timelines.

3.3. In accordance with the ICC Statute (Section 5), any NHRI seeking membership or seeking re-accreditation shall apply to the ICC Chairperson, supplying all required supporting documents through the ICC Secretariat.

3.4. These applications and support documents shall be provided to the ICC Secretariat at least four (4) months prior to the meeting of the Sub-Committee. Subject to rule 3.5 of these Rules, an Institution undergoing re-accreditation that does not comply with this deadline will be suspended until such time as the required documentation is submitted and reviewed by the Sub-Committee.

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

3.6. Any civil society organization wishing to provide relevant information pertaining to any accreditation matter before the Sub-Committee shall provide such information in writing to the ICC Secretariat at least four (4) months prior to the meeting of the Sub-Committee.

3.7. The ICC Chairperson, with support from the ICC Secretariat, will ensure that copies of the applications and supporting documentation are provided to each member of the Sub-Committee on Accreditation.

3.8. The ICC Chairperson, with support from the ICC Secretariat, will also provide a summary of particular issues for consideration by the Sub-Committee.

4. Procedures

4.1. The Sub-Committee on Accreditation will meet after the General Meeting of the ICC in order to consider any accreditation matter under Section 5 of the Statute.

4.2. The Chairperson of the Sub-Committee on Accreditation may invite any person or institution to participate in the work of the Sub-Committee as an observer.

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

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

4.5 The Sub-Committee may, pursuant to Article 11.2 of the ICC Statute, consult with the applicant Institution, as it deems necessary, to come to a recommendation. The Sub-Committee shall, also pursuant to and for the purposes set out in Article 11.2, consult with the applicant Institution when an adverse decision is to be recommended. These consultations may be in the form deemed most appropriate by the Sub-Committee but must be supported by written documentation; in particular the substance of verbal consultations must be recorded and be available for review. Since the ICC Bureau makes the final decision on membership, an Institution undergoing a review retains its membership status during the consultation process.

5. Accreditation Classifications

In accordance with the Paris Principles and the ICC Statute, the different classifications for accreditation used by the Sub-Committee are:

A: Voting Member - Fully in compliance with each of the Paris Principles;

B: Non-Voting Member - Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination;

C: No Status – Not in compliance with the Paris Principles.

6. Report and Recommendations

6.1 Pursuant to Article 12 of the ICC Statute, where the Sub-Committee on Accreditation comes to an accreditation recommendation, it shall forward that recommendation to the ICC Bureau whose final decision is subject to the following process:

- (i) The recommendation of the Sub-Committee shall first be forwarded to the applicant;
- (ii) An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within twenty eight (28) days of receipt;
- (iii) Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau;
- (iv) Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information at least four members of the ICC Bureau coming from not less

than two regional groups notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision;

- (v) If at least four members of the ICC Bureau coming from not less than two regional groups do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau;
- (vi) The decision of the ICC Bureau on accreditation is final.

6.2 General Observations are to be developed by the Sub-Committee and approved by the ICC Bureau.

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

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

** Adopted by the members of the International Coordinating Committee at its 15th session, held on 14 September 2004, Seoul, Republic of Korea. Amended by the members of the ICC at its 20th session, held on 15 April 2008, Geneva, Switzerland.*

Annex II

Principles relating to the status of national institutions

(A) 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.

(B) 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.

(C) 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.

** 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.*

Annex III

ICC SUB-COMMITTEE ON ACCREDITATION

GENERAL OBSERVATIONS

1. Competence and responsibilities

- 1.1 Establishment of national institutions:** An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence.
- 1.2 Human rights mandate:** All NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles.
- 1.3 Encouraging ratification or accession to international human rights instruments:** The Sub-Committee interprets that the function of encouraging ratification or accession to international human rights instruments, set out in the Paris Principles, is a key function of a National Institution. The Sub-Committee therefore encourages the entrenchment of this function in the enabling legislation of the National Institution to ensure the best protection of human rights within that country.
- 1.4 Interaction with the International Human Rights System:** The Sub-Committee would like to highlight the importance for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the ICC and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.
- 1.5 Cooperation with other human rights institutions:** NHRIs should closely cooperate and share information with statutory institutions established also for the promotion and protection of human rights, for example at the state level or on thematic issues, as well as other organizations, such as NGOs, working in the field of human rights and should demonstrate that this occurs in their application to the ICC Sub-Committee.
- 1.6 Recommendations by NHRIs:** NHRI recommendations contained in annual, special or thematic human rights reports should normally be discussed within a reasonable amount of time, not to exceed six months, by the relevant government ministries as well as the competent parliamentary committees. These discussions should be held especially in order to determine the necessary follow up action, as appropriate in any given situation. NHRIs as part of their mandate to promote and protect human rights should ensure follow up action to recommendations contained in their reports.

2. Composition and guarantees of independence and pluralism

- 2.1 Ensuring pluralism:** The Sub-Committee notes there are diverse models of ensuring the requirement of pluralism set out in the Paris Principles. However, the

Sub-Committee emphasizes the importance of National Institutions to maintain consistent relationships with civil society and notes that this will be taken into consideration in the assessment of accreditation applications.

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

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

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

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

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

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

2.4 Staffing by secondment:

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

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

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

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

- a) the allocation of funds for adequate accommodation, at least its head office;

- b) salaries and benefits awarded to its staff comparable to public service salaries and conditions;
- c) remuneration of Commissioners (where appropriate); and
- d) the establishment of communications systems including telephone and internet.

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

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

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

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

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

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

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

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

2.10 Administrative regulation

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

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

3. Methods of operation

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

5. Additional issues

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

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

5.3 Functioning of an NHRI in a volatile context: The Sub-Committee acknowledges that the context in which an NHRI operates may be so volatile that the NHRI cannot reasonably be 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.

6. Procedural issues

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

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

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

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

6.3 NHRIs under review: Pursuant to Article 16 of the ICC Statute¹, the ICC Chair or the Sub-Committee may initiate a review of a NHRI's accreditation status if it appears that the circumstances of that NHRI may have changed in any way which affects its compliance with the Paris Principles. Such a review is triggered by an exceptional set of circumstances considered to be temporary in nature. As a consequence, the regular re-accreditation process will be deferred until the review is completed.

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

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

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

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

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

¹ Formerly article 3(g) of the ICC Rules of Procedure.

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

In very exceptional circumstances, should more than one national institution seek accreditation by the ICC, it should be noted that Article 39 of the ICC Statute² provides that the State shall have one speaking right, one voting right and, if elected, only one ICC Bureau member.

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

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

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

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

Adopted by International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) by email after the SCA meeting of March 2009.

Geneva, November 2009.

² Formerly Rule 3 (b) of the ICC Rules of procedure.