1. Excerpt from the ICC Statute relevant to the accreditation process............ pages 1-4
2. Rules of Procedure for the ICC Sub-Committee on Accreditation (SCA) ...... pages 5-7
3. SCA General Observations................................................................. pages 8-12
5. Guidelines for Accreditation Applications........................................... pages 14-18
6. Template of the Statement of Compliance......................................... pages 19-31

1. Excerpt from the ICC Statute relevant to the accreditation process

**Art 1.1 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 Commission on Human Rights resolution 2005/74 as the authority to accredit NHRIIs, 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;

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**Art 7 Functions**

The functions of the ICC are:

2. To promote the establishment and strengthening of NHRIIs in conformity with the Paris Principles, including such activities as:

   ▪ Accreditation of new members;
   ▪ Periodic renewal of accreditation;
   ▪ Special review of accreditation;
   ▪ Assistance of NHRIIs under threat;
   ▪ Encouraging the provision of technical assistance;
   ▪ Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIIs.

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**Art 10 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 following in support of its application:

   ▪ a copy of the legislation or other instrument by which it is established and empowered in its official or published format;
   ▪ an outline of its organizational structure including staff complement and annual budget;
- a copy of its most recent annual report or equivalent document in its official or published format;
- a detailed statement showing how it complies with the Paris Principles as well as any respects in which it does not so comply and any proposals to ensure compliance. The ICC Bureau may determine the form in which this statement is to be provided.

The application shall be decided pursuant to Articles 11 and 12 of this Statute.

Art 11.1 All applications for accreditation under the Paris Principles, shall be decided under the auspices of, and in cooperation with, OHCHR by the 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 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:

- 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  **Periodic Re-accreditation**
All NHRI's that hold an ‘A’ status are subject to re-accreditation on a five year cyclical basis. Article 10 applies to NHRI's 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 NHRI's whose accreditation has been suspended remain suspended until the body determining their compliance with the Paris Principles under this Statute comes to a determination of their accreditation status or until their accreditation lapses.

Art 22 NHRI's whose accreditation status has lapsed or been revoked may regain accreditation only by re-applying for accreditation as provided for in Article 10 of this Statute.

Art 23 In the event that accreditation lapses or is revoked or suspended, all rights and privileges conferred on that NHRI through accreditation 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.

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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:

- decide applications for accreditation after considering a recommendation from
  the Sub-Committee on Accreditation;
- (…)
- collaborate and work with the OHCHR and its NIU, and in particular to work
  with the NIU in connection with the ICC accreditation process, annual meetings
  of the ICC, meetings of the ICC Bureau and international conferences of
  NHRIs. In addition, the NIU will facilitate and coordinate the participation of
  NHRIs in the Human Rights Council, its mechanisms, and the United Nations
  human rights treaty bodies;
- use and accept the services of the NIU as the Secretariat for the ICC, the ICC
  Bureau and its Sub-Committee on Accreditation;
- (….)
- 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;
- (…)
- 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.

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Art 50.1  **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.

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Art 51  **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.

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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**.
2. 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 ‘Status A’ 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 NHRIIs in the region.

3.2. The regional grouping representative shall supply NHRIIs 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.
3. SCA General Observations (as updated March 2009)

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 NHRI s 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 NHRI s 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 NHRI s 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, NHRI s should also actively engage with the ICC and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRI s.

1.5 Cooperation with other human rights institutions: NHRI s 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 NHRI s

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. NHRI s 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 secondees 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 realization of the improvement of the organization’s operations and the fulfillment of their mandate. Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the state to ensure the NHRI’s minimum activity budget in order to allow it to operate towards fulfilling its mandate. Financial systems should be such that the NHRI has complete financial autonomy. This should be a separate budget line over which it has absolute management and control.

2.7 Staff of an NHRI: As a principle, NHRIs should be empowered to appoint their own
Members of the NHRI should include full-time remunerated members to:

a) Ensure the independence of the NHRI free from actual or perceived conflict of interests;

b) Ensure a stable mandate for the members;

c) Ensure the ongoing and effective fulfillment of the mandate of the NHRI.

2.9 Guarantee of tenure for members of governing bodies

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

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.

Methods of operation

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

Additional issues

5.1 NHRI 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.

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 emphasizes 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 Statute\textsuperscript{1}, 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

\textsuperscript{1} Formerly article 3(g) of the ICC Rules of Procedure
information is brought before the Sub-Committee to demonstrate that, in the areas under review, the Commission is fully compliant with the Paris Principles. An NHRI with a suspended A status is not entitled to the benefits of an A status accreditation, including voting in the ICC and participation rights before the Human Rights Council, until the suspension is lifted or the accreditation status of the NHRI is changed.

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

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

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

In very exceptional circumstances, should more than one national institution seek accreditation by the ICC, it should be noted that Article 39 of the ICC Statute 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:

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

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

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 the 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.

2Formerly Rule 3 (b) of the ICC Rules of procedure 6

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

**ICC Secretariat Summaries**

1.1 The ICC Secretariat will, on behalf of the Sub-Committee, share the summaries prepared by the Secretariat with each NHRI before the consideration of its application and to give that NHRI one week to comment on the summary. All comments received, together with the summaries, are to be then sent to the members of the Sub-Committee. Once the recommendations of the Sub-Committee are adopted by the ICC according to the procedures, the summaries and the comments will be posted on the NHRI Forum ([www.nhri.net](http://www.nhri.net)).

1.2 The summaries are prepared only in English, due to current financial constraints.

**Civil Society Submissions**

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

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

**Conduct of Session**

1.5 If further clarification is requested during its deliberations, the SCA will make conference calls with relevant NHRIIs. Prior to the meeting all concerned NHRIIs will be informed about this new way of seeking clarifications and are requested to provide a name and phone number in each NHRI in case the Sub-Committee needs to contact the Institution.

1.6 OHCHR Desk Officers and, as appropriate, field offices are made available to the Sub-Committee members to introduce individual NHRIIs considered by the Sub-Committee and provide further information, as needed.

1.7 The Sub-Committee encourages the participation of all NHRI regional coordinating committees to attend the sessions as observers.

**Re-Accreditation of B status institutions**

1.8 The Sub-Committee recommends that all NHRIIs that hold B status be subject to re-accreditation on a 5 year cyclical basis.

**NHRIIs under Review**

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

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5. Guidelines for Accreditation Applications (as updated June 2009)

1. Background

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

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 (ICC Statute, Art 5). NHRIs may become a voting member of the ICC when they are assessed in compliance with the Paris Principles.

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

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

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

2. How to make an application

New applicants seeking accreditation under the Paris Principles should apply to the Chairperson of the ICC, through the National Institutions Unit of the OHCHR, in its capacity as ICC Secretariat (ICC Statute, Art 10). NHRIs due to be reviewed under the established re-accreditation process will be contacted by OHCHR in due time indicating a deadline for submission of a complete application for re-accreditation.
In accordance with Art 10 of the ICC Statute, applications for accreditation or reaccreditation must supply the following supporting documents:

- a copy of the legislation or other instrument by which it is established and empowered in its official or published format (e.g. statute, and/or constitutional provision, and/or presidential decree);
- an outline of its organizational structure including details of staff and annual budget;
- a copy of its most recent annual report or equivalent document in its official or published format;
- a detailed statement showing how it complies with the Paris Principles as well as any respects in which it does not so comply and any proposals to ensure compliance (following the template provided by OHCHR).

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

All the above mentioned documents must be received by OHCHR (in its capacity as the ICC Secretariat) four (4) months before the following Sub-Committee on Accreditation session\textsuperscript{15}. NHRI can submit information in one of the working languages of the ICC – English, French or Spanish but shall not be translated by the Secretariat\textsuperscript{16}.

Documentation should be submitted in both hard copy and electronic format to the ICC Secretariat at OHCHR at the following address: National Institutions Unit, OHCHR, CH-1211 Geneva 10, Switzerland, and by email to the National Institutions Unit (vstefanov@ohchr.org; sshahidzadeh@ohchr.org; nliza-doyen@ohchr.org).

3. Deadlines for submission of an application

Deadlines for complete submission of documents must be absolutely adhered to. The Sub-committee is very strict on supporting the Secretariat in this regard. At its 18th Session in 2006, the ICC agreed that late submission will not be considered until a subsequent meeting of the Sub-Committee. For NHRI seeking re-accreditation, such a delay may result in a suspension of the NHRI’s accreditation status\textsuperscript{17}. At its 20th session in 2008 the ICC agreed that the deadline for the Secretariat to receive a complete application for each applicant NHRI is four (4) months before the scheduled Sub-committee session.

4. The application process

a) Before the Sub-Committee meeting

In addition to an initial application, the Sub-Committee may review an NHRI’s compliance with the Paris Principles in the following circumstances. First, under Art 15 of the ICC Statute, NHRI that hold an “A” Status are periodically reviewed every 5 years. Additionally, following the March 2009 session of the Sub-Committee on Accreditation, the ICC Bureau agreed that NHRI holding “B” Status would also be subject to the 5-year review process.\textsuperscript{18} Finally, under Art 16.2 of the ICC Statute, the Chair of the ICC or a member of the Sub-Committee on Accreditation may initiate an accreditation review of a particular NHRI when

\textsuperscript{15} Sub-Committee on Accreditation Rules of Procedure, Rule 3.4
\textsuperscript{16} According to the Statute of the ICC (article 42), the working languages of the ICC are English, French and Spanish.
\textsuperscript{17} Sub-Committee on Accreditation Rules of Procedure, Rule 3.5
\textsuperscript{18} See, Report and Recommendations of the Session of the Sub-Committee on Accreditation (Geneva, 26-30 March 2009), at paragraph 2.6
he/she perceives a change in the circumstances of any “A Status” NHRI which may affect its compliance with the Paris Principles.\textsuperscript{19}

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

Civil society organizations may also provide relevant information to OHCHR pertaining to any accreditation matter before the Sub-Committee. According to Rule 3.6 of the Sub-Committee’s Rules of Procedure, those wishing to do so must provide such information in writing to OHCHR at least four (4) months prior to the meeting of the Sub-Committee.

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

b) During the Sub-Committee meeting

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

The course of the meeting, the Sub-Committee agrees on a recommended accreditation status for each applicant NHRI. In accordance with Rule 5 of the ICC Sub-Committee on Accreditation Rules of Procedure, the different classifications for accreditation used by the Sub-Committee are:

\textbf{A}: Voting Member - Fully in compliance with each of the Paris Principles;

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

\textbf{C}: No Status – Not in compliance with the Paris Principles.

c) After the Sub-Committee meeting

The process for approving the Sub-Committee’s recommendations is set out in Art 12 of the ICC Statute. After the evaluation of an NHRI application, OHCHR sends the recommendation of the Sub-Committee first to relevant applicant NHRI. These NHRI have 28 days to react to the recommendation, if they so wish. Immediately after that 28-day period, OHCHR sends the Report and Recommendations of the Sub-Committee (and any response from the

\textsuperscript{19} Under Art 16.1 NHRI are obliged to inform the Chairperson of any changes that may affect its compliance with the Paris Principles
applicant NHRI) to the 16 members of the ICC Bureau. The Bureau members have **twenty (20) days** to approve or object to the recommendations.

Any member of the ICC Bureau who disagrees with the recommendation must notify the Chair of the Sub-Committee and the ICC Secretariat within these 20 days. The ICC Secretariat then notifies all other Bureau members and provides all information to clarify that objection. If 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 within twenty (20) days of receipt of this information, the recommendation shall be referred to the next ICC Bureau meeting for decision. If the required number of members does not raise any objection to the recommendation within the 20 day period, it will be deemed to be approved by the ICC Bureau.

d) **Approval of Recommendations**

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

e) **Diagram of the accreditation and re-accreditation process**

![Diagram of the accreditation and re-accreditation process]

5. **General Observations of the ICC Sub-Committee on Accreditation**

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

a) Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;

b) Persuade domestic governments to address or remedy issues relating to an institution’s compliance with the standards articulated in the General Observations;

c) Guide the Sub-Committee on Accreditation in its determination of new accreditation applications, re-accreditation applications or special reviews:
i) If an institution falls substantially short of the standards articulated in the General Observations, it would be open for the Sub-Committee to find that it was not Paris Principle compliant.

ii) If the Sub-Committee has noted concern about an institution’s compliance with any of the General Observations, it may consider what steps, if any, have been taken by an institution to address those concerns in future applications. If the Sub-Committee is not provided with proof of efforts to address the General Observations previously made, or offered a reasonable explanation why no efforts had been made, it would be open to the Sub-Committee to interpret such lack of progress as non-compliance with the Paris Principles’.

A compilation of the General Observations adopted by the ICC is attached in annex 1.

Applicant NHRIs are also encouraged to refer to the latest ICC Sub-Committee reports available in www.nhri.net to find that latest General Observations developed by the Sub-Committee and pending adoption by the ICC.
6. Template of the Statement of Compliance

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

STATEMENT OF COMPLIANCE WITH THE PARIS PRINCIPLES OF THE [NAME OF NHRI]
- [Date] -

CHARACTER OF THE NHRI

1. ESTABLISHMENT

*The Paris Principles state that an institution’s mandate shall be clearly set forth in a constitutional or legislative text (...).*

The ICC has adopted the following General Observation on the Establishment of NHRI: “An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence”

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

2. INDEPENDENCE

*Independence is a fundamental pillar of the Paris Principles. All the provisions in the section “Composition and guarantees of independence and pluralism” aim to ensure independence through composition, representation, infrastructure, stable mandate of the NHRI.*

The ICC has adopted the following General Observation on the administrative regulation of NHRI: “The classification of an NHRI as a public body has important implications for the regulation of its accountability, funding, and reporting arrangements. In cases where the administration and expenditure of public funds by an NHRI is regulated by the Government, such regulation must not compromise the NHRI’s ability to perform its role independently and effectively. For this reason, it is important that the relationship between the Government and the NHRI be clearly defined”.

To preserve the independence of members, the ICC has strongly recommended that “provisions be included in national law to protect legal liability for actions undertaken in the official capacity of the NHRI”.
Discuss the mechanisms that guarantee the independence of the NHRI. Please explain:
- The nature of the Institution’s accountability (i.e. whether the NHRI is accountable to parliament, a ministry, government department, head of state, etc.);
- Whether or not the NHRI receives instruction from the government;
- By what means conflicts of interest are avoided;
- Whether or not members incur legal liability for actions taken in their official capacity.

3. **COMPOSITION, APPOINTMENT PROCESS, TENURE**

3.1 **Composition**

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

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
(b) Trends in philosophical or religious thought;
(c) Universities and qualified experts;
(d) Parliament;
(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

The ICC has adopted the following **General Observations on the composition and pluralism of NHRIs:**

- **Ensuring pluralism:** The Sub-Committee notes there are diverse models of ensuring the requirement of pluralism set out in the Paris Principles. However, the Sub-Committee emphasises the importance of National Institutions to maintain consistent relationships with civil society and notes that this will be taken into consideration in the assessment of accreditation applications. The Sub-Committee observes that there are different ways in which pluralism may be achieved through the composition of the National Institution, for example:
  1. Members of the governing body represent different segments of society as referred to in the Paris Principles;
  2. Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;
  3. Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or
  4. Pluralism through diverse staff representing the different societal groups within the society.

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

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

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

3.2 Selection and appointment

The ICC has adopted the following General Observations on selection and appointment:

• Selection and appointment of the governing body: The Sub-Committee notes the critical importance of the selection and appointment process of the governing body in ensuring the pluralism and independence of the National Institution. In particular, the Sub-Committee emphasises the following factors:
  1. A transparent process
  2. Broad consultation throughout the selection and appointment process
  3. Advertising vacancies broadly
  4. Maximising the number of potential candidates from a wide range of societal groups
  5. Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.

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

3.3 Tenure

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

The ICC has adopted the following General Observations on membership tenure:

• Full-time Members: Members of the NHRI should include full-time remunerated members to:
  1. Ensure the independence of the NHRI free from actual or perceived conflict of interests;
  2. Ensure a stable mandate for the members;
  3. Ensure the ongoing and effective fulfilment of the mandate of the NHRI.

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20 Members refers to those individuals that are appointed or elected under the NHRI’s founding law (i.e. Chair, Commissioners, Ombudsmen, Deputy Ombudsmen) and with whom the NHRI’s functions are vested.
• **Guarantee of tenure for members of governing bodies:** Provisions for the dismissal of members of governing bodies in conformity with the Paris Principles should be included in the enabling laws for NHRIs.
  1. The dismissal or forced resignation of any member may result in a special review of the accreditation status of the NHRI;
  2. Dismissal should be made in strict conformity with all the substantive and procedural requirements as prescribed by law;
  3. Dismissal should not be allowed based on solely the discretion of appointing authorities.

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

4. **ORGANIZATIONAL INFRASTRUCTURE**

4.1 **Infrastructure**

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

Discuss the NHRI’s infrastructure.

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

Please provide:
- An organizational chart of the NHRI’s structure.

4.2 **Staffing**

*The Paris Principles state that the NHRIs should be able to have its own staff. The ICC has adopted the following General Observation on staffing:*

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

- **Staffing by secondment:** In order to guarantee the independence of the NHRI, the Sub Committee notes, as a matter of good practice, the following:
  1. Senior level posts should not be filled with secondees;
  2. The number of secondees should not exceed 25% and never be more than 50% of the total workforce of the NHRI.
Discuss the NHRI’s staffing. Please explain:

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

Please provide:

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

4.3 Premises (accessibility)

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

Discuss the NHRI’s premises. Please explain:

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

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

4.4 Budget

*The Paris Principles state that the national institution shall have an (...) adequate funding (...) and not be subject to financial control which might affect its independence.*

The ICC has adopted the following General Observation on Adequate Funding: Provision of adequate funding by the state should, as a minimum include:

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

Adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of the improvement of the organization’s operations and the fulfillment of their mandate. Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the state to ensure the NHRI’s minimum activity budget in order to allow it to operate towards fulfilling its mandate. Financial systems should be such that the NHRI has complete financial autonomy. This should be a separate budget line over which it has absolute management and control.

Discuss the NHRI’s budget. Please explain:

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

Whether -and what percentage of- the NHRI budget is donor funded.

Please provide:
- information relating to the budget of the NHRI, its accounts and financial records;

5. **WORKING METHODS**

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

5.1 **Regular meetings**

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

Discuss how the meetings of the NHRI’s members operate. Please explain:
- The frequency and composition of the NHRI meetings in practice (at the senior and staff level).

5.2 **Working groups**

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

Discuss the NHRI’s working groups (if any). Please explain:
- Whether the NHRI has established any working groups;
- If so, what are the mandate, composition and working methods of these groups.

**GENERAL MANDATE**

6. **GENERAL COMPETENCE AND RESPONSIBILITIES**

For each of the functions described in the following sections, please discuss:
- the relevant provisions in the NHRI’s founding law,
- the powers the NHRI is vested with (e.g. if it can act on its own initiative), and
- concrete examples of how the NHRI fulfils the function in practice.

6.1 **Mandate to promote and protect human rights**

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

The ICC has adopted the following General Observation on Human rights mandate: All NHRIIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles.
Discuss the broad legal mandate of the NHRI. Please explain:
- How human rights are defined in the NHRI’s founding law;
- Which rights the NHRI is mandated to address: e.g. civil, political, social, economic and cultural;
- If the institutions’ mandate refers to any limitation in the mandate or jurisdiction (e.g. rights or areas of the countries that are excluded);
- Broadly, how the NHRI is able to exercise its mandate in practice.

6.2 Advisory Functions

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

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

6.2.1 Functions regarding national legislation

The Paris Principles state that a national institution shall have the responsibility to promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation.

It is also stated that a NHRI shall have responsibilities in relation to any of the following areas:

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

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

6.2.2 Encouraging ratification and implementation of international standards

The Paris Principles state that a national institution shall have the responsibility to encourage ratification of international human rights instruments to which the State is a party, and to ensure their effective implementation.

The ICC has adopted the following General Observations on NHRIs’ encouraging ratification or accession to international human rights instruments: The Sub-Committee interprets that the function of encouraging ratification or accession to
The Paris Principles state that a NHRI shall have responsibilities in relation to (....) any situation of violation of human rights which it decides to take up; and (...) on drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government.

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

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

The ICC has adopted the following General Observations on: 
- Annual Report: The Sub-Committee stresses the importance for an NHRI to prepare and publicize an annual report on its national situation with regard to human rights in general, and on more specific matters. This report should include an account of the activities undertaken by the NHRI to further its mandate during that year and should state its opinions, recommendations and proposals to address any human rights issues of concern.
**Recommendations by NHRIs:** NHRI recommendations contained in annual, special or thematic human rights reports should normally be discussed within a reasonable amount of time, not to exceed six months, by the relevant government ministries as well as the competent parliamentary committees. These discussions should be held especially in order to determine the necessary follow up action, as appropriate in any given situation. NHRIs as part of their mandate to promote and protect human rights should ensure follow up action to recommendations contained in their reports.

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

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

### 6.4 Promotional Functions

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

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

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

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

#### 6.4.2 Through programmes for teaching and research

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

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

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

#### 6.4.3 By addressing public opinion

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

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

- The legal provisions that vest the NHRI with this function;
7. **QUASI-JURISDICTIONAL FUNCTIONS** (optional, only for those NHRIs having quasi-judicial powers)

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

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

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

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

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

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

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

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

8. **RELATIONSHIP WITH RELEVANT HUMAN RIGHTS STAKEHOLDERS AND OTHER BODIES**

8.1 Relationships with Civil Society

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

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

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

8.2 Relationship with other with other bodies

The Paris Principles state that within the framework of its operation, the national
institution shall maintain consultation with the other bodies, whether
jurisdictional or otherwise, responsible for the promotion and protection of human
rights (in particular ombudsmen, mediators and similar institutions).

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

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

8.3 Cooperation with the United Nations and other organizations

The Paris Principles state that a national institution shall have the responsibility to
 cooperate with the United Nations and any other organization in the United
Nations system, the regional institutions and the national institutions of other
countries that are competent in the areas of the promotion and protection of
human rights. It is important for NHRIs to engage with the international human
rights system, in particular the Human Rights Council and its mechanisms (Special
Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies.
This means generally NHRIs providing input to, and participating in, these human
rights mechanisms and following up at the national level to the recommendations
resulting from the international human rights system. In addition, NHRIs should
also actively engage with the ICC and its Sub-Committee on Accreditation, Bureau
as well as regional coordinating bodies of NHRIs.

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

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

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

**SPECIFIC MANDATE (OPTIONAL)**

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

9. NATIONAL PREVENTIVE MECHANISM UNDER OPCAT

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

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

21 Questions in this section are mainly based on the guidelines for the ongoing development of NPM published in the first annual report of the Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment (February 2007- March 2008), pages 28-29.
7. **Annex 1: Paris Principles**

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

**Competence and responsibilities**

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

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

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

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

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

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

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

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

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

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

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

   (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;
(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

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

Composition and guarantees of independence and pluralism

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

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
(b) Trends in philosophical or religious thought;
(c) Universities and qualified experts;
(d) Parliament;
(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

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

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

Methods of operation

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

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

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

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

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

(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);

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

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

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

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

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

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

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

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