GUIDANCE NOTE

National Human Rights Institutions and the work of OHCHR at Headquarters and field level

June 2010

United Nations Human Rights
Office of the High Commissioner for Human Rights
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## Basic Terminology

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<th>Title</th>
<th>Abbreviation</th>
<th>Meaning</th>
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<tr>
<td>International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights</td>
<td>ICC</td>
<td>The ICC is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles (PP) and provides leadership in the promotion and protection of human rights.</td>
</tr>
<tr>
<td>National Human Rights Institution</td>
<td>NHRI</td>
<td>A NHRI is an institution with a constitutional and/or legislative mandate to protect and promote human rights. NHRIs are independent, autonomous institutions that operate at the national level. They are part of the State, are created by law, and are funded by the State.</td>
</tr>
<tr>
<td>National Institutions and Regional Mechanisms Section¹</td>
<td>NIRMS</td>
<td>NIRMS is part of OHCHR providing expertise and support for the establishment and strengthening of NHRIs. It also provides secretariat to ICC. It is located within the Field Operations and Technical Cooperation Division (FOTCD). Contact e-mail address: <a href="mailto:Nationalinstitutions@ohchr.org">Nationalinstitutions@ohchr.org</a> and <a href="mailto:ccastaneda@ohchr.org">ccastaneda@ohchr.org</a></td>
</tr>
<tr>
<td>OHCHR Field Presences</td>
<td>FP</td>
<td>OHCHR presences away from Headquarters are a strategic entry point for promoting and protecting human rights at the country level; integrating a human rights perspective into the work of the United Nations Country Teams (UNCT) and helping strengthen national institutions and civil society. The following are OHCHR's field presences: Country Officers, UN Peace Missions, Regional Offices, Human Rights Advisers and OHCHR's Rapid Response Unit.</td>
</tr>
<tr>
<td>Paris Principles</td>
<td>PP</td>
<td>Also known as the “Principles Relating to the Status and Functioning of National Institutions”, they were adopted by the General Assembly in 1993. They set out basic standards for NHRIs, such as the requirement of a broad mandate to promote and protect human rights; to submit to the Government advisory recommendations; to have a pluralistic composition; to freely consider any question falling within its competence, etc. (See Annex IV)</td>
</tr>
<tr>
<td>Sub-Committee on Accreditation</td>
<td>SCA or ICC-SCA</td>
<td>It is the ICC body in charge of reviewing and analysing accreditation applications from NHRIs. (See Annex VI)</td>
</tr>
</tbody>
</table>

¹ Prior to 2009 this Section was called “National Institutions Unit”. 
1. **What is the purpose of this guidance note?**

This Guidance Note aims to increase understanding of OHCHR Staff about National Human Rights Institutions (NHRIs) as well as the Paris Principles (PP) and in this basis to reinforce capacity to support the establishment and the strengthening of NHRIs.

This Guidance note refers to NHRIs in general. However, the recommendations contained should ideally be taken into consideration whenever the NHRI has been accredited with “A” status (that is in compliance with the PP) by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights – ICC. Without precluding their application in any other situation where OHCHR strives to achieve establishing or strengthening a NHRI.

2. **Is the OHCHR mandated to work in establishing and strengthening NHRIs?**

Yes it is. An important aspect of OHCHR’s mandate has to do with the development and strengthening of capacity to protect human rights **at the national level**. Therefore, it works closely with a number of national actors, including NHRIs where they exist and provide assistance for their establishment where they do not exist.

In this regard, the General Assembly (GA) has commended the high priority given by OHCHR to work on NHRIs. It encouraged the High Commissioner, in view of the expanded activities relating to NHRIs, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of NHRIs, and invited Governments to contribute additional voluntary funds to that end. The first Global Expected Accomplishment of the 2010–2011 High Commissioner’s Strategic Management Plan specifically refers to NHRIs’ compliance with international standards. (See table below)

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2 It also seeks to increase staff familiarity with OHCHR Performance Monitoring System, by building their result based management capacity regarding the implementation and monitoring of the following indicators, described in the High Commissioner’s Strategic Management Plan: - Number and percentage of countries of engagement where NHRIs have been established and/or have been working in compliance with international standards (Paris Principles), and extent to which NHRI has been established and/or worked in conformity with international standards (Paris Principles).


OHCHR’s Expected Accomplishments and Indicators 2010–2011

<table>
<thead>
<tr>
<th>Global Expected Accomplishments</th>
<th>Global Level Indicators</th>
<th>National Level Indicators</th>
</tr>
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<tbody>
<tr>
<td>Relating to changes in national protection systems</td>
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<tr>
<td>1. Increased compliance with international human rights standards by all States entities, including national human rights institutions and the judiciary, as well as by domestic laws, policies and programmes.</td>
<td>Number and percentage of countries of engagement where national human rights institutions (NHRIs) have been established and/or have been working in compliance with international standards (PPs).</td>
<td>Extent to which NHRI has been established and/or worked in conformity with international standards (PPs).</td>
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Background

The 1993 Vienna Declaration and Programme of Action not only reaffirmed human rights as a UN priority objective, but it endorsed the idea that human rights needed to be advanced mainly “at home”; including by urging Governments, the UN system and other multilateral organizations “to increase considerably the resources allocated to programmes aiming at the establishment and strengthening of national institutions”.

The World Conference on Human Rights reaffirmed the important and constructive role played by NHRI, in particular in:
- their advisory capacity to the competent authorities,
- their role in remedying human rights violations,
- the dissemination of human rights information, and education in human rights.”

Some of the indicators presented in this table might be reformulated as OHCHR’s finalizes the protocols for their monitoring.

At the 2000 Millennium Summit\textsuperscript{7}, Member States committed themselves to “\textit{strengthen the capacity of all our countries to implement} principles and practices of (…) \textit{respect for human rights}”. At the 2005 World Summit\textsuperscript{8}, member States committed themselves to integrate human rights into \textit{national policies}.

In 2002, the Secretary-General launched the Action 2 Global programme\textsuperscript{9} designed to reinforce the UNCT capacities to better support members States to reinforce their \textit{national human rights promotion and protection systems}.

“… building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner….”

SG Report 2002 A/57/387\textsuperscript{10}

The General Assembly has recently adopted the following resolutions:
- \textbf{Resolution 64/161} on national institutions for the promotion and protection of human rights\textsuperscript{11};
- \textbf{Resolution 63/169} on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights\textsuperscript{12}; and
- \textbf{Resolution 63/172} on National institutions for the promotion and protection of human rights\textsuperscript{13}.

\textbf{3. Why is it important for OHCHR to work in establishing and strengthening NHRIs?}

NHRIs are key-stones of strong \textit{national human rights protection systems}, which also include an independent judiciary, an effective administration of justice, a parliament (ideally with a Human Rights body), strong and dynamic civil society organizations, alert and responsive media, a school system with human rights education programmes at all levels and, generally, a society encouraging the objective of a universal culture of human rights. Specifically, “A” status NHRIs can be one of the best relay mechanisms at country level to ensure the application of international human rights norms.

\textsuperscript{7} \url{www.un.org/millennium/declaration/ares552e.pdf}
\textsuperscript{8} \url{www.who.int/hiv/universalaccess2010/worldsummit.pdf}
\textsuperscript{9} \url{www.un.org/events/action2/A.57.0387.pdf}
\textsuperscript{10} \url{www.un.org/events/action2/A.57.0387.pdf}
\textsuperscript{11} \url{daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/471/49/PDF/N0947149.pdf?OpenElement}
\textsuperscript{12} \url{www.worldlii.org/int/other/UNGARsn/2008/232.pdf}
\textsuperscript{13} \url{daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/481/11/PDF/N0848111.pdf?OpenElement}
Five key reasons:

✔ NHRIs can contribute to **addressing critical human rights gaps**, ensuring the rule of law and fighting impunity. NHRIs can effectively address the lack of enforcement of most of the international human rights mechanisms and complement their action as national entities with broad responsibility for the promotion and protection of human rights.

✔ Because they operate at the domestic level, NHRIs can for instance ensure **follow up action to the recommendations of the international human rights mechanisms** and hold authorities accountable with respect to their human rights obligations.

✔ They can increase **national ownership** and thus sustainability of technical cooperation projects. NHRIs are significantly important partners of OHCHR and the UN at the country level and can facilitate the interaction with other actors of the national protection system, such as the judiciary, national parliament and civil society organizations.

✔ A concerted and uniform approach on cooperation with NHRIs in the field as well as at Headquarters will strengthen support to NHRIs, contribute to greater effectiveness and sustainability of OHCHR at the country level.

✔ A Status NHRIs can be crucial partners in the **design and implementation of human rights related programmes and activities**, given their:

- **broad mandate** (covering civil, political, economic, social and cultural rights)
- **varied tasks** (human rights monitoring, reporting, complaints handling and investigation)
- **independent** nature
- **legal basis** (constitutional or organic law), and
- **outreach and contact network**

Supporting the creation of NHRIs and strengthening them to ensure that they are both effective and independent (thus fully compliant with the PPs) can be an important benchmark for the success of our field work. Likewise, in countries where there is not OHCHR’s FP, independent NHRIs could be reliable partners.

Increasingly, the setting up of a NHRI seen as an integral part of peace building strategies in post-conflict situations developed by UN Peace
Missions and UNCTs. OHCHR staff and human rights components of such UN Missions should be closely associated in these efforts and to the extent possible ensure coherent rule of law strategies built upon the creation or strengthening of the national human rights protection system as described above.

4. What is the Role of the OHCHR’s National Institutions and Regional Mechanisms Section (NIRMS)?

NIRMS, in close cooperation with the geographic sections in the Field Operations and Technical Cooperation Division (FOTCD) as well as other relevant OHCHR divisions and FP, is the main entry point for OHCHR’s efforts for the establishment and strengthening of NHRIs, as well as for cooperation with NHRIs.

“OHCHR has continued to provide advice and assistance in the establishment and strengthening of institutions through its country and regional offices, human rights advisers and human rights components of United Nations peace missions, as well as through collaboration with other United Nations partners (including UNDP) and the regional coordinating bodies of NHRIs”.

Secretary-General Report on national institutions for the promotion and protection of human rights, 15 January 2010, A/HRC/13/44

NIRMS:
- supports efforts for the establishment and strengthening of NHRIs worldwide, with and through OHCHR geographic desk officers, and FPs; other UN agencies, funds and programmes and regional networks of NHRIs, including through technical cooperation and capacity-building projects for NHRIs;
- reviews draft laws concerning NHRIs and advises on compliance with the PPs;
- establishes guidance notes, methodological tools, best practices and lessons learned on issues related to NHRIs;
- provides secretariat support to the ICC of NHRIs, including its Subcommittee on Accreditation and its Bureau;
- facilitates partnerships between NHRIs and UNCTs;
- supports the role of NHRIs as a key element of strong national protection systems and their effective interaction with the judiciary, parliament, and NGOs;

14 www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A_HRC.13.44_ru.pdf
supports the interaction of NHRIs with the international human rights system, including treaty bodies, special procedures mechanisms, the HRC/UPR and the follow-up of the Durban Review Conference;

• ensures information-sharing within OHCHR on NHRI related matters;

• supports regional and sub-regional networks on NHRIs (i.e. the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions, the Network of African National Human Rights Institutions and the European Group of National Human Rights Institutions);

• drafts HC and SG reports to the General Assembly and the Human Rights Council on OHCHR NHRI-related activities;

• shares information with NHRIs on relevant thematic issues and strengthens the capacity of NHRIs on specific thematic issues such as the administration of justice, the rule of law, transitional justice, prevention of torture;

• maintains — in collaboration with the Human Rights Commission of India — the web page of the National Human Rights Institutions Forum16.

Human rights FPs, FOTCD Geographic Sections, as well as other Divisions in OHCHR, should:

- endeavour, whenever appropriate, to involve (A status) NHRIs in their work or support the establishment or aligning of existing non-compliant NHRIs, in close cooperation with the NIRMS;

- keep NHRIs in mind when planning, implementing or coordinating activities;

- copy the NIRMS on any relevant communication regarding NHRIs, as a matter of standard practice.

NHRIs can further respect for human rights at the national level and address critical human rights issues, including through cooperation with international human rights mechanisms. The following sections give an overview of the potential role of NHRIs with regard to international human rights mechanisms and some thematic issues.

16 www.nhri.net
5. What is the Role of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights?

The ICC is an international association of NHRI s which promotes and strengthens NHRI s to be in accordance with the PP and provides leadership in the promotion and protection of human rights, coordinating at international level the activities of NHRI s, including through the accreditation of new members, the periodic renewal of accreditation, special reviews, assistance to NHRI s under threat and encouraging the provision of technical assistance.

The Sub-Committee on Accreditation is the ICC body in charge of:

- Accrediting new NHRI members
- Renewing the accreditation of existing NHRI members
- Carrying out special reviews of accreditation
- Adopting General Observations

6. What to do if there is no “A status” institution in the country?

OHCHR staff will have to exercise caution with NHRI s that do not have “A” status accreditation (and also keep a critical eye when dealing with “A” status accredited NHRI s). In these cases, attention needs to be paid as to the legal and practical aspects of the NHRI, in order to avoid situations in which OHCHR may inadvertently legitimize a NHRI that is neither effective nor independent.

OHCHR staff and FPs may face some practical difficulties when dealing with a NHRI at the national level, including the following cases:

- a NHRI that has not been accredited by the ICC;
- a NHRI that has been accredited with “A” status in the past, but is currently falling short of the PPs or has been suspended or is under review;
- a NHRI with “B” or “C” status (B: Not fully in compliance with the PP; C: non compliant with the PPs);
- a NHRI (including with “A” status) that is closely associated with the national authorities and would clearly not meet the PPs;
- a NHRI which is accredited but experiences pressures/sanctions from the authorities;

17 For further information on the ICC and the SCA see Annex VI: ICC Statute.
a NHRI which meets requirements but is not availing itself of accreditation with ICC (on own choice or because there is already other ICC accredited NHRI in the country)\textsuperscript{18}.

Each circumstance needs to be considered with the support and assistance of the NIRMS.

This does not mean that OHCHR should exclusively work with and support A-accredited NHRIs. OHCHR staff and field presences are encouraged to strive to improve the level of compliance of all NHRIs with the PPs and endeavor to enhance their independence and effectiveness.

Based on the Checklist for assessing the involvement of NHRIs in areas of work of relevance to OHCHR (Annex I), the actual performance of a NHRI may be assessed. Lacunae that appear through this assessment may then be used as benchmarks for improvement through action by OHCHR staff or the FP. Annex II (Steps for the establishment of a NHRI) provides with the basic “building blocks” based upon which the NHRI should function. Annex III (Steps for the strengthening of a NHRI) may also be used as a source of inspiration for activities to bring the NHRI more into line with the PPs, and address the above-mentioned complications and challenges.

In this context, it is important to note that the ICC–SCA may have assessed a NHRI for its compliance (or lack thereof) with the PPs. Current practice by the Sub-Committee ensures that specific recommendations for compliance with the PPs are made to each accredited institution. These ICC recommendations should be a point of departure for OHCHR staff or FP for follow up work to strengthen the NHRI.

\textbf{KEY DOCUMENTS AND MATERIALS}

- National Human Rights Institutions Articles and working papers -
  Input to the discussions on the establishment and development of the functions of national human rights institutions, The Danish Centre for Human Rights, 2001\textsuperscript{19}.

\textsuperscript{18} See Annex VI. ICC Statute, art. 39, and Annex VII. General Observations 6.6
\textsuperscript{19} www.nhri.net/pdf/nhribook.pdf
7. What to do in case of threats against NHRIs?

Whenever threats are reported against a NHRI or its members, OHCHR staff or FPs are encouraged to:

- report to NIRMS and discuss appropriate follow up action, including public expressions of support which would raise the visibility of the NHRI at the national level and offer some protection; or, when appropriate, direct intervention by High Commissioner or by the Special Rapporteur on Human Rights Defenders20, as relevant;
- seek ICC assistance through NIRMS as ICC Secretariat regarding early warning or preventive action;
- inform, and possibly involve relevant special procedure mandate holders;
- inform and possibly involve relevant treaty bodies when discussing the State party report;
- ensure that the High Commissioner uses every opportunity to address these threats through public or discreet communications with the national authorities.

8. What is the role of UN agencies, UNCTs and OHCHR’s FPs in supporting NHRIs?

Role of UN Agencies and UNCTs

UN agencies, funds and programmes, individually or as members of the UNCT, have an important role to play:

- At the pre-establishment phase, the UNCTs can help create the right momentum for establishing a NHRI, most importantly ensuring it is driven by national actors, including civil society. In particular the UNCT has a role in advocating with the executive and legislature for the establishment of a NHRI that complies with the PPs; and that the NHRI is reflected in the Constitution;
- Supporting members of the NHRI to carry out their mandate: Even when independent members are appointed there will often be a need to provide assistance and advice to the Commissioners and staff of the NHRI about their role;
- When involved in both support to NHRIs and the justice system, UNDP can assist the NHRI in developing strategies for establishing a collaborative relationship with the judiciary;

• Continue to promote networking among institutions. Regional and international networks have provided a useful way to exchange knowledge and experiences. They are also important support systems when a NHRI is in difficulty within their own counties;
• Work towards strengthening NHRI’s status within the UN mechanisms, bodies and forums;
• Encourage follow-up actions by the State on the recommendations made through the UPR and by the treaty bodies and special procedures mechanisms.

### KEY DOCUMENTS AND MATERIALS

- Final Summary of E-Discussion: The Role of UN Agencies and UN Country Teams in Supporting National Human Rights Institutions

### PREVIOUS PROJECTS/EXPERIENCE

- Consolidated Reply: WHO Mozambique & UNDP Timor-Leste/Comparative Experiences/ National Human Rights Institutions, August 2006

### Cooperation with UNDP

OHCHR and UNDP have increased the degree of cooperation on establishing and strengthening NHRI’s, leading to an increasing range of activities on this matter, including an e-discussion on the UN Human Rights Policy Network (HURITALK), joint technical cooperation projects, joint advocacy for the establishment of NHRI’s, following up and building on the Universal Periodic Review and the SCA recommendations, joint capacity needs assessments and evaluation missions.

Collaboration between OHCHR and UNDP is crucial, bearing in mind the amount of valuable expertise that UNDP has accumulated on the ground while supporting the capacity development of NHRI’s around the world, as well as given UNDP extended presence in the field.

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Prominent examples of OHCHR–UNDP cooperation in this realm includes:

- A defined strategic partnership, a joint mechanism of information sharing, and regular coordinating meetings between OHCHR, UNDP and ICC on NHRIs;
- OHCHR NIRMS, UNDP Good Governance Division and the ICC Chair will act as a joint secretariat in order to prepare Principals level meetings and in order to take stock and document progress in the partnership on NHRIs in-between meetings;
- The UNCT Toolkit on how to support the establishment and consolidation of NHRIs;
- Training sessions involving UNDP regional centers, OHCHR and the ICC and its regional coordinating committees, will be organized in order to assess and enhance the capacity of NHRIs and facilitate the use of the Toolkit;
- Expertise at country level for UNDP action on NHRIs will be made available by ICC members and regional coordinating bodies after consultation with, or the participation of, OHCHR.

### KEY DOCUMENTS AND MATERIALS

**OHCHR/UNDP Toolkit on NHRIs for UNCT Staff, 2010.**

This Toolkit covers the following topics: Introducing NHRIs; Models of NHRIs; Roles and Responsibilities of NHRIs; The Rule of Law and the NHRI Core Protection Mandate; NHRIs and the UN country planning cycle; Pre-establishment Phase of NHRIs; Establishment Phase of NHRIs; Consolidation Phase; Strengthening the Mature of NHRIs; and PPs and Accreditation.

Resident/Humanitarian Coordinators Could Play a Particular Role in …

- Enhancing the UNCT cooperation with NHRI;
- Ensuring that NHRI-related results are programmed in the UNCT Annual Work-plan, wherever possible;
- Ensuring that NHRI-related considerations are integrated onto the CCA/UNDAF or other similar programmatic instruments, and formalize the partnership within UNCT and the NHRIs;
- Promoting that NHRI-related activities are implemented inside the UNCT (i.e. by having NHRIs concerns as a recurrent agenda topic in

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23 Link to come.
the work of the Theme Groups and the Steering Committee; by promoting Joint Programmes on NHRIs) wherever possible;

- Promoting that NHRI-concerns are recurrently raised in the dialogue/negotiations with the national counterparts.

<table>
<thead>
<tr>
<th>Inside the UNCT</th>
<th>Ensuring that all UNCT members are sensitized about the importance of establishing and strengthening PP-compliant NHRIs in a coordinated fashion and understand the relevance that NHRIs has inside the national human rights system.</th>
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<tr>
<td></td>
<td>Guaranteeing the identification of HREPSS focal points from UNCT members.</td>
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<td></td>
<td>Promoting a mapping exercise in order to assess UNCT’s human rights-related capacities, experiences and demands, particularly regarding the establishment and strengthening of NHRIs.</td>
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<td></td>
<td>Ensuring a minimum common understanding of all UNCT members about its country-level response to NHRIs.</td>
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<table>
<thead>
<tr>
<th>Outside the UNCT</th>
<th>Promoting the engagement of the relevant authorities in the establishment and strengthening of PP-compliant NHRIs.</th>
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<tbody>
<tr>
<td></td>
<td>Ensuring the participation of civil society organizations and other relevant stakeholders in the establishment and strengthening of NHRIs.</td>
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**Role of OHCHR’s FPs**

**Human Rights Adviser Could Play a Particular Role in …**

- Working directly with the NHRI;
- Sensitizing UNCT staff about the importance of promoting the establishment and strengthening of PP-compliant NHRIs, with a view to reinforce the national human rights systems;
- Providing strategic guidance on how to address the topic with relevant national stakeholders;
- Playing a facilitator role at the moment of convening consultation and dialogue mechanisms on NHRIs-related matters;
- Assessing capacities and needs of the UNCTs to establish and strengthen NHRIs;
- Facilitating a system-wide approach to NHRI, in the framework of his/her work-plan;
- Advising on relevant joint programming on NHRIs;
- Making proposals (in the form of project documents, concept notes) to advance the establishment and/or strengthening of NHRIs, underlining the UNCT strategic contribution in this regard.

**The Human Rights Components of the UN Peace Missions Could Play a Particular Role in ...**

- Working closely with NHRI;

- Including NHRI-concerns as part of their human rights monitoring tasks, as well as in their roles of assisting to (re) build human rights-related national capacities;

- Monitoring the independence and performance of NHRI systematically by applying the PPs and other international human rights standards, such as the General Comments developed by the ICC SCA (i.e. including explicit references to NHRIs in their monitoring public reports);

- Working closely with relevant stakeholders and donors involved in the establishment and strengthening of NHRIs-related activities;

- Advocate for the integration of NHRI-considerations into the UNCT programmatic and operational activities.
9. How can the NHRI strengthen their cooperation with the UN Human Rights System?

“Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation... Recognizes the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanisms and the special procedures, as well as in the human rights treaty bodies, in accordance with Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007 and Commission on Human Rights resolution 2005/74 of 20 April 2005.”

GA Resolution 63/172

9.1 Treaty Bodies

With regard to the Treaty Bodies (TB), NHRI can contribute as follows:

<table>
<thead>
<tr>
<th>State reports</th>
<th>List of issues</th>
<th>Session</th>
<th>Recommendations</th>
<th>Human rights instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contribute to the reports which States are required to submit to United Nations human rights bodies, and to regional institutions, pursuant to their treaty obligations and, where necessary, express an opinion on the subject (or produce separate, independent reports for TB’s information especially in critical political circumstances)</td>
<td>Provide information to the secretariat of the treaty bodies for the elaboration of the “list of issues”, highlighting gaps in human rights protection at the national level</td>
<td>Contribute actively during the examination of the periodic report by the TB, for example through participatio in pre-sessional meetings or, if allowed, participate in the dialogue with the TB (e.g. as is the procedure in CERD)</td>
<td>Ensure follow up to TB concluding observations by the national authorities</td>
<td>Encourage ratification of international instruments or accession to those instruments, removal of reservations, and contribute to ensuring their implementation</td>
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</table>

25 See Footnote 9
9.2. Special Procedures Mechanisms

With regard to Special Procedures Mechanisms, NHRIs are instrumental regarding:

- **Information**: provide information on human rights issues to mandate holders, which may then result in urgent appeals;
- **Country visits**: support country visits - lobbying for standing invitations and visit requests; preparation of a country visit; facilitation of meetings during a country visit, including with civil society and human rights reporters;
- **Recommendations**: follow up on the recommendations made by mandate holders after a country visit;
- **HRC**: attend the presentation of reports of special procedures mechanism at HRC sessions and take the floor in the subsequent interactive dialogue (only the “A” status NHRIs).

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26 files.institut-fuer-menschenrechte.de/488/d74_v1_file_47ab28c937923_IUS-049_HB_NHRI_WEB_DS.pdf
27 www.nhri.net/pdf/TBs_and_NIs.pdf
28 www.cndh.org.mx/redindhca/ONU/ConsejodeDerechosHumanos/ProcedimientosEspecialesdelCDH/08-06-08BuenasPracticasINDHYPE.pdf
Moreover, NHRIs may propose candidates for the election of special procedures mandate holders.

### 9.3. Human Rights Council

The basis for NHRIs’ involvement in the HRC is resolution 5/1, adopted on 18 June 2007, entitled “Institution-Building of the United Nations Human Rights Council”.

**Rules of Procedure:** NHRIs with “A” status ICC accreditation, the ICC and regional coordinating bodies of NHRIs (speaking on behalf of its “A” status members) can:
- make an oral statement under all agenda items of the Human Rights Council;
- submit documents, which will be issued with an own symbol number;
- take separate seating in all sessions.

### 9.4. Universal Periodic Review (UPR)

Resolution 5/1 allows for an active engagement of NHRIs in the UPR mechanism. The UPR shall “ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions.”

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33 [ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc)
In this process, NHRIs are encouraged to:

- play an active role in the national consultation;
- submit information for inclusion in the summary prepared by OHCHR of information provided by other relevant stakeholders;
- attend the UPR- Working Group Review (WGR);
- make general comments before adoption of the WG report in plenary;
- be involved in the follow-up on the recommendations (the primary responsibility lies with the State);
- Include the UPR recommendations into their programming.

NHRIs, wishing to submit information for consideration and possible inclusion by OHCHR in the summary of stakeholders’ information, may send their contribution in to UPRsubmissions@ohchr.org

### KEY DOCUMENTS AND MATERIALS

- Organizational and Procedural Matters
  - Human Rights Bodies and Mechanisms
    - Universal Periodic Review, 2007
  - Information and Guidelines for Relevant Stakeholders on the Universal Periodic Review Mechanism, 2008
  - The Universal Periodic Review- Handbook, FIDH Delegation to the UN, 2009
  - UPR Good Practice Compilation
  - ICC Position Papers – National Human Rights Institutions and the UN Human Rights Council
  - Universal Human Rights Index
  - UPR Info

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37 www.fidh.org/IMG/pdf/UPR_HANDBOOK.pdf
40 www.nhri.net/default.asp?PID=363&DID=0
41 www.universalhumanrightsindex.org/
42 www.upr-info.org/
10. What are possible thematic areas of involvement for NHRIs?43

10.1 Racism, Discrimination, Xenophobia and related Intolerance (Durban Review Conference)

NHRIs are among the expert bodies specifically called upon to help implement the Durban Declaration and Programme of Action (DDPA).

On April 2009, NHRIs from around the world attended the Durban Review Conference where they made the following commitments to strengthen monitoring in relation to anti-discrimination:

- Promoting the goals of the Durban process as a global effort to combat racism;
- Promoting and participating in the development of national plans of action;
- Promoting the ratification of the relevant international treaties on racism and the implementation of their provisions through domestic legislation;
- Exercising their mandates in relation to the rights of Indigenous Peoples;
- Engaging with NGOs, Indigenous Peoples, ethnic and religious minorities, vulnerable groups, business and the media;
- Monitoring racism at the local, regional and global levels by such means as annual and special reports on racism and cultural diversity; discrimination testing; government contracts; complaints analysis; reviewing the performance of public institutions and national strategies;
- Ensuring that data about racism is collected and that research is conducted, and collating existing data from a range of sources relating to racism, and contributing this information to the observatory proposed and to be further developed by the High Commissioner for Human Rights;
- Establishing focal points on racism within NHRIs and networking with each other, including through electronic networks, the NHRI web forum, regional meetings, roundtables, and side events at the ICC to share good practice and discuss issues;

43 The thematic areas included in this section are not exhaustive.
Recognizing that there are different manifestations of racism in different regions and countries;

- Engaging with the wider public on racism;
- Further increasing engagement with the UN human rights system and the OHCHR, as a two way process;
- Gaining public confidence in our procedures by being accessible to victims;
- Promoting CERD reporting and developing national plans of action to combat racism;
- Ensuring that governments adequately resource NHRIs to carry out their functions under the PPs independently and effectively, despite the current environment of financial constraints.

NHRIs also commit themselves to carry out the following initial practical steps to implement the Durban process:

- Establish focal points within institutions and identify a contact person;
- Establish a network of focal point contact persons, with an electronic newsletter managed by the OHCHR NIRMS in consultation with persons designated by the ICC;
- Develop web pages on www.nhri.net to publish examples of good practice, other resources and reports on implementation of the above priorities;
- Strengthen the relationship between NHRIs, NIRMS and Anti-Discrimination Unit of OHCHR;
- Contribute to the OHCHR observatory and the Durban process website;
- Request the ICC to place the Durban process on the agenda of the next ICC meeting, including the above commitments and the further implementation of the Durban process.

### KEY DOCUMENTS AND MATERIALS

- The World Conference against racism, racial discrimination, xenophobia and related intolerance, Durban, South Africa, 2001[^44]


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22
- Guidance note prepared by the NIRMS of the OHCHR about the Role of NHRIs under the Durban Review Conference 2009\textsuperscript{46}
- The role National Human Rights Institutions (NHRIs) in implementing the Durban Declaration and Programme of Action (DDPA), Commitments by NHRIs at the Durban Review Conference, 20–24 April 2009\textsuperscript{17}
- Statement to the Durban Review Conference by National Human Rights Institutions\textsuperscript{48}
- SIDE EVENT – The role of NHRIs in Implementing the DDPA, Summary Report\textsuperscript{49}

10.2 Rule of law

Regarding the rule of law, NHRIs can be instrumental, including in the following aspects:

- contributing to the reform and strengthening of judicial and security institutions, including of the police and prison administrations, and all sectors of the rule of law (i.e. through ensuring the compliance of standing orders or advocating for the establishment of or contributing to internal accountability systems);
- ensuring that the administration of justice conform with international human rights standards and provide effective remedies particularly with regard to marginalised groups in society;
- Encouraging and contributing to legislative reform in compliance with the international human rights obligations of State.

### KEY DOCUMENTS AND MATERIALS

- Nairobi Declaration on “National Human Rights Institutions and the administration of Justice”, adopted at the ninth International Conference for NHRIs, October 2008\textsuperscript{50}

\textsuperscript{45} www.ohchr.org/Documents/Publications/Durban_text_en.pdf
\textsuperscript{50} www.nhri.net/2008/Nairobi%20Declaration%20-%20ENGLISH.pdf
10.3. Transitional justice

NHRIs may contribute to:
- establishing effective accountability mechanisms;
- documenting past abuses and other truth seeking/truth telling mechanisms;
- reparation processes, through awareness raising on specific mechanisms and through their quasi-judicial role (if mandated to do so);
- institutional reform, including vetting initiatives;
- promoting reconciliation and efforts to preserve the memory of the past;
- support the reintegration of demobilised forces, displaced persons and returning refugees into society;
- special initiatives for the reintegration and protection of child soldiers and child abductees;
- ensuring gender-sensitive approaches to transitional justice.

KEY DOCUMENTS AND MATERIALS

- Guidance Note on National Human Rights Institutions and Transitional Justice, by the OHCHR, 2008
- Rabat Declaration on “Peace and Justice, the Role of NHRIs”, adopted at the seventh Regional Conference of African NHRIs, Rabat, November 2009

10.4. Prevention of torture

NHRIs are expected to become even more involved and visible with the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which provides for the establishment of national preventive mechanisms (NPM) in line with PP. There is an increasing practice that States which have ratified OPCAT are designating existing NHRIs as NPM under the OPCAT. Following a questionnaire sent out by NIRMS in March 2007, some 35 NHRIs were already actively engaged in torture prevention activities, as an NPM or otherwise within their NHRI mandates.

51 hrbaportal.org/wp-content/files/1265667676nhris_guidancenotetj_oct08.pdf
52 www.nhri.net/2009/Rabat%20Declaration_final.doc
In the cases which NHRIs are designated as NPMs, under the OPCAT, the NHRIs have preventive functions and should be constituted as a separate unit or department, with its own staff and budget.

### KEY DOCUMENTS AND MATERIALS

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- NHRIS and the Role in the Struggle Against Torture in the Asia-Pacific Region, 2009;
- National Human Rights Commissions and Ombudspersons’ Offices / Ombudsmen as National Preventive Mechanisms under the Optional Protocol to the Convention against Torture, 2008;
- The Role of National Human Rights Institutions in the prevention of torture and cruel, inhuman and degrading treatment or punishment, 2005;
- Subcommittee on Prevention of Torture annual reports

### 10.5. Arbitrary detention

NHRIs mandated to conduct prison visits to monitor detention conditions, as an NPM under the OPCAT, or within their regular protection mandate, can play an important role. They can conduct unannounced visits to detention premises and request private interviews with detainees. Detainees’ families can also appeal to NHRIs in case of irregularities and in case of the existence of a complaints procedure in the NHRI. Their action at country level could support efforts by the international human rights system, especially the Working Group on Arbitrary Detention.

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53 In accordance with the Point 51 of the Third annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
54 www2.ohchr.org/english/law/cat.htm
55 Link to come.
56 projects.essex.ac.uk/ehrr/V6N2/Pasha.pdf
57 www.apt.ch/component/option,com_docman/task,doc_download/gid,291/Itemid,99999999/lang,en/
58 www.nhri.net/pdf/PositionPaper_NHRI_EN.pdf and to see others several texts about the same subject www.apt.ch/component/option,com_docman/task,doc...,lang=en/
59 www2.ohchr.org/english/bodies/cat/opcat/annual.htm
60 www2.ohchr.org/english/issues/detention/
10.6. Persons with Disabilities

The Convention on the Rights of Persons with Disabilities requires that State parties maintain, strengthen, designate or establish a framework, including one or more independent national mechanisms to promote, protect and monitor its implementation (art.33 (2)). It calls on State parties to take into account the PPs, when designating or establishing such mechanisms.

If the NHRI has been designated as the national mechanism, pursuant article 33 (2), it could engage in the promotion, protection and monitoring of the implementation of the Disability Convention, through:
- **promotion**: education, awareness-raising, encouraging further and better implementation of the Convention;
- **protection**: assisting with cases, receiving cases, engaging in strategic litigation;
- **monitoring**: reflecting periodically on domestic implementation and commenting on or proposing in close consultation with NGOs and persons with disabilities, legislation that best fits local circumstances.

- **KEY DOCUMENTS AND MATERIALS**
  - Convention on the Rights of Persons with Disabilities⁶³;
  - OHCHR Thematic Study on Legal Measures for the Ratification and Implementation of the Convention on the Rights of Persons with Disabilities⁶⁴

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⁶¹ www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf
⁶² www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.30_AEV.pdf
⁶³ www2.ohchr.org/english/law/disabilities-convention.htm
⁶⁴ www2.ohchr.org/english/issues/disability/docs/A.HRC.10.48AUV.doc
- Thematic study by the Office of the United Nations High Commissioner for Human Rights on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities\textsuperscript{65}, 2009
- National Implementation and Monitoring Structures: The Content and Rationale of Article 33 - “The notion of independence in article 33 and the PPs on national human rights institutions”, Geneva, 2009\textsuperscript{66}

10.7. Refugees, IDPs and stateless persons

NHRIs can contribute to the protection of the rights of refugees, IDPs and stateless persons through assistance and protection activities:

- by ensuring that persons in need can have access to humanitarian assistance, including through interventions with humanitarian organizations and governments;
- through human rights monitoring, which can play a role in the needs assessment and strategic planning as a basis for effective assistance programmes (for example, monitoring of the right to food, shelter, health care and education of vulnerable groups and identifying crucial protection gaps);
- Through fostering cordial relations between refugees and the host communities;
- By evaluating and reviewing legislation on citizenship and nationality, ensuring that they do not create situations that could lead to statelessness: by urging governments to establish an efficient registration mechanism.

\section*{KEY DOCUMENTS AND MATERIALS}

- Guiding Principles on Internal Displacement, 1998\textsuperscript{67}
- Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2002\textsuperscript{68}

\section*{PREVIOUS PROJECTS/EXPERIENCE}

- Seminar on the role of African NHRIS in protecting the human rights of IDP, October 2008, Nairobi (OHCHR– SG Representative on

\textsuperscript{65} www2.ohchr.org/english/issues/disability/docs/A-HRC-13-29.doc
\textsuperscript{66} www2.ohchr.org/english/issues/disability/docs/sisi.doc
\textsuperscript{67} www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html
\textsuperscript{68} www.unhchr.ch/Huridocda/Huridoca.nsf/0/caf3deb2b05d4f35c1256bf30051a003/$FILE/N0240168.pdf
10.8. Economic, Social and Cultural Rights (ESCRs)

NHRIs can contribute to the promotion and protection of ESCRs through:

- Promoting the ratification of international and regional human rights instruments related to ESCRs, particularly the ICESC and its Optional Protocol, and review of reservations related to these instruments;
- Expanding their mandates as to include ESCRs;
- Developing frameworks for monitoring ESCRs;
- Promoting State recognition of obligations relating to ESCRs;
- Promoting judicial recognition for the justiciability of ESCR;
- Promoting awareness and empowerment through public education;
- Promoting observance of ESCRs by non-state actors.

**KEY DOCUMENTS AND MATERIALS**

- Report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights, A/HRC/10/46, 2009

**PREVIOUS PROJECTS/EXPERIENCE**

- Workshop on the role of NHRIs in the protection of ESCR, Iberoamerican Federation of Ombudsmen and University of Alcala, May 2008;

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70 [www.ohchr.org/Documents/Publications/training12en.pdf](www.ohchr.org/Documents/Publications/training12en.pdf)
72 [www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.46.pdf](www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.46.pdf)
73 [www.nhri.net/pdf/NHRI-Implementing%20human%20rights.pdf](www.nhri.net/pdf/NHRI-Implementing%20human%20rights.pdf)
10.9. Business and Human Rights

NHRI may contribute to:
- Monitor and report on human rights abuses in the business sector;
- Facilitate legal reform;
- Build capacity of government institutions;
- Work with private sector enterprises and transnational corporations in the promotion and protection of human rights;
- Implement the framework proposed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises;
- Facilitate dialogue and collaboration among key stakeholders from business, government and civil society.

KEY DOCUMENTS AND MATERIALS


PREVIOUS PROJECTS/EXPERIENCE

- ICC Working Group on Business and Human Rights, 2009

10.10 HIV and AIDS

NHRI may contribute to:
- Protect the rights of persons living with HIV/AIDS;
- Launch Public education campaign to prevent HIV–related stigma and discrimination;
- Assess its workplace policies and build HIV competency of its staff;
- Expand its work with HIV/AIDS service organizations and networks of people living with HIV;
- Working with the national HIV/AIDS programmes;
- Monitor the achievement of universal access to HIV prevention, treatment, care and support.

75 nhri.nic.in/default.asp?PID=625&AFD=0
10.11 Migrants

NHRIs may contribute to:

- Advocate for a human rights approach to migration and migration management;
- Ensure efficient domestic legal protection of all migrants, including access to justice, non-discrimination and equal treatment, including full and effective protection in all areas of society;
- Examine and raise awareness of the causes of migration, encompassing economic, political, social, cultural, historical, or other factors leading to migration;
- Engage in cross-cutting cooperation and use their networks to communicate on migration issues;
- Develop plans of actions among NHRIs of relevant sending, transit and receiving states in cooperation with partners including civil society;
- Promote the ratification of the International Convention on the Protection of the Rights of Migrants Workers and Member of their Families;
- Monitor the domestic implementation of international instruments relevant for all migrants;
- Initiate complaints to protect the rights of migrant workers;
- Protect the rights of victims of trafficking and smuggling, especially women and children;
- Launch public campaign in order to counteract stereotypes of migrants and promote the knowledge and respect of their rights.

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76 www.un.org/ga/aids/coverage/FinalDeclarationHIVAIDS.html
79 www2.ohchr.org/english/law/cmw.htm
KEY DOCUMENTS AND MATERIALS

- Santa Cruz Declaration on “the role of NHRIs in dealing with migration”, adopted at the eight International Conference of NHRIs, Bolivia, October, 2006
- Guidelines for NHRIs to ensure the protection of migrants’ rights, adopted in the Conference on the promotion and protection of the rights of migrants in a multicultural society (National Human Rights Commission of the Republic of Korea, November, 2008)

PREVIOUS PROJECTS/EXPERIENCE

- International Seminar on “Illicit Trafficking of Migrants, Human Rights and National Institutions”, Campeche, Mexico, 2005
- ICC Working Group on Migration, Rabat, Morocco, 2009
- Migration Working Group of the European Group of NHRIs, Strategic Plan’ 2009–2010
Annex I

-Checklist-

Assessing the involvement of NHRIs in areas of work relevant to OHCHR

The following checklist allows OHCHR staff to assess the involvement of an NHRI in some of the main areas of relevance to the work of OHCHR.

<table>
<thead>
<tr>
<th>A. Treaty Bodies</th>
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<tbody>
<tr>
<td><strong>Reporting</strong></td>
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<tr>
<td><strong>Follow-up</strong></td>
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<tr>
<td><strong>Petitions/Enquiry procedure</strong></td>
</tr>
</tbody>
</table>
|                  | Does the NHRI lobby the State to assent to the
<table>
<thead>
<tr>
<th><strong>International Human Rights Instruments</strong></th>
<th>respective individual complaint mechanisms of the treaty bodies?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Does the NHRI follow up to treaty bodies’ assessments of complaints to monitor State party action undertaken in relation to it?</td>
</tr>
<tr>
<td></td>
<td>Does the NHRI follow up on interim orders of treaty bodies given to State parties in relation to complaints where irreparable harm is envisaged?</td>
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<td></td>
<td>Does the NHRI engage with treaty body enquiry procedures, in an appropriate manner, including through briefings and the provision of information?</td>
</tr>
<tr>
<td><strong>Training</strong></td>
<td>Does the NHRI encourage ratification of international human rights instruments and accession to these instruments?</td>
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<tr>
<td></td>
<td>Does the NHRI publicise and disseminate information concerning the respective international human rights instruments and undertake advocacy and educational campaigns?</td>
</tr>
<tr>
<td></td>
<td>Does the NHRI assist governments and other stakeholders in understanding, conceptualising and contextualising international instruments?</td>
</tr>
<tr>
<td></td>
<td>Does the NHRI inform Parliaments about State party obligations regarding international human rights instruments?</td>
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<tr>
<td></td>
<td>Has the NHRI encouraged the removal of State party reservations to the respective treaties including through public awareness campaigns?</td>
</tr>
<tr>
<td><strong>Country visits</strong></td>
<td>Is the NHRI supporting the capacity building of State officials regarding reporting procedures, collection of data for reports and other relevant issues relating to the reporting process?</td>
</tr>
<tr>
<td></td>
<td>Has the NHRI encouraged the Government to extend a standing invitation to all thematic mandate holders?</td>
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<tr>
<td></td>
<td>In preparation for a visit, has the NHRI provided the mandate holder with relevant information and materials on the human rights situation?</td>
</tr>
<tr>
<td></td>
<td>Has the NHRI met the mandate holder during the visit or arranged meetings with other stakeholders?</td>
</tr>
<tr>
<td><strong>Follow-up</strong></td>
<td>Was the NHRI involved in the process of formulating the recommendations of the mandate holder?</td>
</tr>
</tbody>
</table>

**B. Special Procedures of the Human Rights Council**
<table>
<thead>
<tr>
<th>Communications</th>
<th>Is the NHRI in contact with relevant mandate holders in case of an anticipated or ongoing human rights violation?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Does the NHRI flag relevant legislative developments to the relevant mandate holder?</td>
</tr>
<tr>
<td>Thematic studies</td>
<td>Does the NRHI bring a specific human rights situation to the attention of the relevant mandate holder and suggest that specific issues be the subject of, or be included in, a thematic study?</td>
</tr>
<tr>
<td></td>
<td>Has the NHRI organized thematic conferences or seminars and invited the relevant mandate holder to attend?</td>
</tr>
<tr>
<td>Annual meeting</td>
<td>Has the NHRI participated in the annual meeting of Special Procedure Mandate Holders?</td>
</tr>
<tr>
<td>Human Rights Council</td>
<td>Has the NHRI attended the presentation of mandate holder reports at HRC sessions and taken the floor in the following dialogue?</td>
</tr>
<tr>
<td></td>
<td>Has the NHRI made use of the presence of the ICC representative in Geneva to make a statement on its</td>
</tr>
</tbody>
</table>
behalf after the presentation of a mandate holder before the HRC?

### C. Rule of law

<table>
<thead>
<tr>
<th>Administration of justice and judicial institutions</th>
<th>Is the NHRI involved in the reform and strengthening of the judicial institutions? Efforts in this area could focus on:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- legislative reforms, harmonization and compliance with international standards, removal of reservations, etc.;</td>
</tr>
<tr>
<td></td>
<td>- procedures related to the level and appointment of prosecutors and judges and qualifying lawyers;</td>
</tr>
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<td></td>
<td>- the security and working conditions of prosecutors and judges;</td>
</tr>
<tr>
<td></td>
<td>- institutional monitoring and accountability mechanisms within the judicial system;</td>
</tr>
<tr>
<td></td>
<td>- the independence of the judiciary and its capacity to adjudicate cases fairly and competently;</td>
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<tr>
<td></td>
<td>- equal access to fair justice, especially people living in poverty;</td>
</tr>
<tr>
<td></td>
<td>- education for judges, lawyers, prosecutors and other judicial authorities in human rights law;</td>
</tr>
<tr>
<td></td>
<td>- rule of law training that emphasizes human rights and international humanitarian law;</td>
</tr>
<tr>
<td></td>
<td>- support to legal education facilities, for example a library;</td>
</tr>
<tr>
<td></td>
<td>- ensuring that the administration of justice conforms to human rights standards and provides effective remedies particularly to minorities and to the most vulnerable groups in society.</td>
</tr>
</tbody>
</table>

Has the NHRI made active use of the OHCHR Professional Training Series No.9 “Manual on Human Rights for Judges, Lawyers and Prosecutors”? 

<table>
<thead>
<tr>
<th>Police</th>
<th>Is the NHRI involved in the reform and strengthening of the security institutions? Efforts in this area could focus on:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- establishing and carrying out effective and</td>
</tr>
</tbody>
</table>
| **Prisons** | impartial vetting of persons involved in criminal acts of violence, as well as corruption and other serious crimes;  
- ensuring professionalism in the security forces, through senior management training, including human rights training, and the setting up of accountability mechanisms based on the development of standard operating procedures and standing orders, a monitoring system to ensure their application and an internal investigation procedure leading to concrete sanctions including prosecution in case of misconduct, arrest procedures, collection and preservation of evidence, procedures for protecting witnesses, including the confidentiality of witnesses when necessary, interrogation procedures, and preparation of reports;  
Has the NHRI made active use of the OHCHR Professional Training Series No. 5 “Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police”? |
## D. Transitional justice

**Accountability**
- Has the NHRI engaged in support for the establishment of an effective accountability mechanisms?
- Has the NHRI contributed to the documentation of past abuses or other truth seeking/truth telling mechanisms?
- Has the NHRI been involved in advising on an enabling Act for a Truth & Reconciliation Commission, Special Court or on Reparation Programme?
- Is the NHRI involved in the preservation of truth commission archives?

**Institutional reform**
- Is the NHRI involved in vetting initiatives?
- Has the NHRI provided advice on institutional reforms (as a remedy to address causes of conflict)?
- Has the NHRI provided advice on legal reform?

**Reintegration**
- Does the NHRI support the reintegration of demobilised forces, displaced persons and returning refugees into society?
- Does the support include special initiatives for child soldiers and child abductees, as well as integration of a gender-sensitive approach?

**Reparation**
- Does the NHRI assist victims with claims?
- Does the NHRI promote the adoption of ad-hoc measures for victims?

## E. Torture prevention

**Convention**
- Has the NHRI lobbied the State for the ratification of the Convention against Torture, and its Optional Protocol?

**Monitoring**
- Has the State designated the existing NHRI as the national preventive mechanism, and if so, does the NHRI engage in regular visits to places of detention?
- Is the NHRI mandated and engaged in conducting prison visits to monitor conditions of detention (unannounced visits and private interviews with detainees)?
- Is the NHRI dealing with detainees’ families who appeal to the NHRI in case of irregularities?
- Does the NHRI submit opinions and recommendations?
### Action taken

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the NHRI provide training to military, prisons officers, law enforcement officials, judges and lawyers, social workers and NGOs?</td>
<td></td>
</tr>
<tr>
<td>Does the NHRI actively cooperate with the Special Rapporteur on Torture, the Committee against Torture or its Sub-Committee on Prevention?</td>
<td></td>
</tr>
</tbody>
</table>

### F. Disability

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the NHRI been designated as (one of) the independent national mechanisms to promote, protect and monitor the implementation of the Disability Convention?</td>
<td>If it has been designated as a national mechanism, does it engage in the promotion, protection and monitoring if the implementation of the Disability Convention?</td>
</tr>
<tr>
<td></td>
<td>- <strong>promotion</strong>: education, awareness-raising, encouraging further and better implementation of the Convention;</td>
</tr>
<tr>
<td></td>
<td>- <strong>protection</strong>: assisting with cases, receiving cases, engaging in strategic litigation;</td>
</tr>
<tr>
<td></td>
<td>- <strong>monitoring</strong>: reflecting periodically on domestic implementation and commenting on or proposing, in close consultation with NGOs and persons with disabilities legislation that best fits local circumstances.</td>
</tr>
</tbody>
</table>

### G. IDPs, refugees and stateless persons

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the NHRI been engaged in ensuring that persons in need of assistance enjoy the right to humanitarian assistance, that humanitarian organizations have a right to provide it, and that the Government grants these organizations access?</td>
<td>Has the NHRI contributed to human rights monitoring as a basis for effective assistance programme (for example, monitoring of the right to food, shelter, health care and education of vulnerable groups)?</td>
</tr>
<tr>
<td></td>
<td>Has the NHRI received and handled complaints from IDPs, refugees and stateless persons?</td>
</tr>
<tr>
<td></td>
<td>Is the NHRI fostering cordial relations between...</td>
</tr>
<tr>
<td>National Institutions and Regional Mechanisms Section.</td>
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<td>--------------------------------------------------------</td>
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<tr>
<td>OHCHR, FOTCD</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>refugees and the host communities?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the NHRI evaluating and reviewing existing legislations on citizenship and nationality?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>H. Economic, Social and Cultural Rights</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Optional Protocol</strong></td>
</tr>
<tr>
<td>Has the NHRI lobbied the State for the ratification of the ICESCR and its Optional Protocol?</td>
</tr>
<tr>
<td><strong>Activities</strong></td>
</tr>
<tr>
<td>Is the NHRI mandated to promote and protect ESCRs?</td>
</tr>
<tr>
<td>Does the NHRI carry out public education campaign on ESCRs?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>I. Human Rights Council</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sessions</strong></td>
</tr>
<tr>
<td>Does the NHRI submit written statements to the HRC?</td>
</tr>
<tr>
<td>Does the NHRI or its regional coordinating body deliver oral statements on any agenda item?</td>
</tr>
<tr>
<td>Has the NHRI issued documentation for the HRC, with its own UN document symbol number?</td>
</tr>
<tr>
<td>Has the NHRI made use of the presence of the ICC representative in Geneva to make a statement on its behalf?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Democratic Rights</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Universal Periodic Review</strong></td>
</tr>
<tr>
<td><strong>(Preparation at the country level)</strong></td>
</tr>
<tr>
<td>Is the NHRI included in the broad consultation process at the national level to be organised by the State for the purpose of the preparation of the information to be submitted to the UPR by the State?</td>
</tr>
<tr>
<td>Has the NHRI submitted information for inclusion by OHCHR into the summary of stakeholders’ report?</td>
</tr>
<tr>
<td>Has the NHRI taken the lead in establishing a broad consultation process with relevant State entities, civil society organizations and NGO for the purpose of (joint) submissions of information?</td>
</tr>
</tbody>
</table>

| **Universal Periodic Review**                        |
| **(Participation in the UPR review)**                |
| Has the NHRI attended the UPR Working Group session? |
| Has the NHRI taken the floor in the plenary of the HRC to make general comments before adoption of the WG report (only if “A” status)? |
| Has the NHRI made use of the presence of the ICC representative in Geneva to make a statement on its behalf? |

| **Universal Periodic Review**                        |
| **(Follow-up to the UPR)**                           |
| Has the NHRI disseminated the outcome of the UPR process to all major stakeholders at the national level? |
| Has the NHRI drawn up an action plan or strategy to contribute to the implementation of the various recommendations? |
| Is the NHRI actively monitoring the implementation of |
Has the NHRI issued communications to the attention of all national stakeholders, including through the media, regarding the UPR and upcoming deadlines?

<table>
<thead>
<tr>
<th>J. General comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ICC accreditation status</strong></td>
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<tr>
<td><strong>UNCTs</strong></td>
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<tr>
<td><strong>NIRM Section</strong></td>
</tr>
</tbody>
</table>
## Annex II

### Steps for the establishment of a NHRI

<table>
<thead>
<tr>
<th><strong>Once the human rights presence or UNDP contact point has been identified and a working relationship has been established, the following issues could be considered</strong></th>
</tr>
</thead>
</table>
| **Developing a national consensus** | Organize, ideally in cooperation with UNDP, a sensibilisation meeting involving all key stakeholders (Government officials, Members of Parliament, NGOs, research centres, experts from PPs—complying NHRIs in the region), in order to:  
- ‘seed’ the idea of NHRIs and gather national support;  
- identify key elements of the PPs;  
- look at best practices and lessons learned of existing NHRIs in conformity with the PPs  
|  |
|  |
|  | obtain or develop material providing basic information about the nature and function of NHRIs, and perhaps some concrete examples of how they may assist in protecting and promoting human rights, to provide to local stakeholders  
|  |
| **Establishing a national process** | encourage and support national ownership for creating an NHRI, for example by recommending to the Government that a process be set in motion involving an appropriate Ministry (one with a supportive Minister and senior staff) or a Parliamentary Committee to determine the details of what kind of NHRI should be created, as well as its roles and powers  
|  |
|  | encourage the creation of one or more working groups that would consist of representatives of every important social sector, including civil society and NGOs, and which would examine and recommend on the features of a new NHRI  
|  |
| **Statutory base / Enabling legislation** | ensure that Parliament and other appropriate officials are aware of the statutory powers that an NHRI requires to undertake effective programming  
|  |
|  | ensure that Parliament and other appropriate officials are aware of the main considerations when choosing a model of NHRI  
|  | ensure that Parliament and other appropriate officials are...
<table>
<thead>
<tr>
<th>Organisational structure</th>
<th>organise workshops on ‘best practices’ to promote appropriate organisational structures and relationships that allow for the effective delivery of programmes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>organise seminars or workshops to discuss, with appropriate stakeholders, the statutory powers that an NHRI requires in order to undertake effective programming</td>
</tr>
<tr>
<td></td>
<td>organise visits by expert practitioners to discuss with parliamentarians and other appropriate officials the need for appropriate legislative powers</td>
</tr>
<tr>
<td></td>
<td>provide sample legislation on NHRIs to parliamentarians or other appropriate officials</td>
</tr>
</tbody>
</table>

aware that the enabling legislation should: (1) establish the separate legal identity of the NHRI; (2) define the scope of the NHRI’s responsibilities; (3) define the legal authorities that the NHRI can exercise in the implementation of its responsibilities; (4) where appropriate, set out the complaint process and the remedies available; (5) define the membership, membership criteria, membership selection and dismissal process, duration of term and privileges and immunities of members; (6) authorise the establishment of the NHRI and the right to employ staff; and (7) describe reporting procedures, preferably to Parliament.
If a NHRI has been established, the following activities may be envisaged to strengthen the NHRI

(Please see the Information Note for UNCTs on more background regarding the statutory base, organisational structure, capacity building, (post) conflict situations as well as the Paris Principles)

| Statutory base | Efforts could be made to ensure that the NHRIs are given the necessary powers, in line with the Paris Principles, to carry out their programmes by:
|               | - ensuring that Parliament and other appropriate officials are aware of the statutory powers that an NHRI requires to undertake effective programming;
|               | - providing sample legislation on NHRIs in accordance with the PPs to parliamentarians or other appropriate officials;
|               | - organising seminars or workshops to discuss, with appropriate stakeholders, the statutory powers that an NHRI requires in order to undertake effective programming;
|               | - organising visits by expert practitioners to discuss with parliamentarians and other appropriate officials the need for appropriate legislative powers; and
|               | - arranging for experts, including practitioners, to ‘audit’ existing or proposed legislation. |

| Organisational structure | To help ensure that an NHRI’s organisational structure is suited to its responsibilities, efforts could be made to:
|                         | - organise workshops on ‘best practices’ to promote appropriate organisational structures and relationships that allow for the effective delivery of programmes;
|                         | - organise organisational “audits” by expert practitioners; and
|                         | - ensure that relevant UN human rights material is made available to the NHRI so that it can be a focal
To ensure that NHRI staff have the necessary skills and abilities to perform their functions, efforts could be made to:
- ensure that training on the relevant international human rights standards as well as human rights thematic issues is provided;
- ensure that skills-based training, as required, in specific programme activities or approaches is provided (such as investigation and monitoring);
- ensure that publications and information on the relevant standards are made available to the NHRI; and
- sponsor or organise study tours or other similar exchanges with more experienced NHRI staff, possibly through the International or relevant Regional or Sub-regional Network.

Efforts to support NHRI staff in conflict situations may include:
- provision of training in and materials on humanitarian law, the rights of displaced persons and refugees, the particular situations involving child soldiers, sexual assault, etc.;
- facilitation of the exchange of information on approaches and best practices that other NHRI staff may have gathered through their own experiences;
- participation in joint programming, community outreach, monitoring and providing advice to the Government; and
- publicly supporting the NHRI so that it is not isolated.
### NHRIs in post-conflict situations

<table>
<thead>
<tr>
<th>Efforts to support NHRIs in this may include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- provision of training in and materials on issues of restorative justice, documenting past abuses, dealing with the reintegration of rebels, refugees and displaced persons and the particular difficulties in this faced by child soldiers and child abductees;</td>
</tr>
<tr>
<td>- facilitation of the exchange of information on approaches, experiences and best practices that other NHRIs have gathered through their own experiences; and</td>
</tr>
<tr>
<td>- if an NHRI is being created in a post-conflict situation, Parliament and other appropriate officials may be encouraged to give the NHRI a key role to play in carrying out consultations and making recommendations on the balance that should be drawn between justice and reconciliation for abuses that will likely have occurred during the conflict.</td>
</tr>
</tbody>
</table>
The Paris Principles

The Paris Principles, as annexed to GA resolution 48/134 define the minimum conditions that a NHRI must meet if it is to be considered a legitimate NHRI. An NHRI in compliance with the Paris Principles is one that has a broad responsibility to promote and protect human rights and that can act independently from the Government, including in coming to and publicizing opinions and decisions on human rights matters within its area of jurisdiction.

Principles relating to the status and functioning of national institutions for protection and promotion of human rights

*Note*: In October, 1991, the Center for Human Rights convened an international workshop to review and update information on existing national human rights institutions. Participants included representatives of national institutions, States, the United Nations, its specialized agencies, intergovernmental and non-governmental organizations.

In addition to exchanging views on existing arrangements, the workshop participants drew up a comprehensive series of recommendations on the role, composition, status and functions of national human rights instruments. These recommendations, which were endorsed by the Commission on Human Rights in March 1992 (resolution 1992/54) and by the General Assembly in its resolution A/RES/48/134 of 20 December 1993, are summarized below.

A. Competence and responsibilities

1. A national institution shall be vested with competence to protect and promote 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 protection and promotion 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 organization, 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 agency in the United Nations system, the regional institutions and the national institutions of other countries which are competent in the areas of the protection and promotion of human rights;

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

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

B. Composition and guarantees of independence and pluralism

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

   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;

   Trends in philosophical or religious thought:

   Universities and qualified experts;

   Parliament;

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

C. Methods of operation

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

1. 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;

2. Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

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

4. Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly consulted;

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

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

7. 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 protecting and promoting 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.

D. 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:

1. 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;

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

3. Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

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

CHART OF THE STATUS OF NATIONAL INSTITUTIONS

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

Accreditation status as of June 2010

In accordance with the Paris Principles and the ICC Statute, the following classifications for accreditation are used by the ICC:

- **A** Compliance with the Paris Principles;
- **B** Not fully in compliance with the Paris Principles
- **C** Non-compliance with the Paris Principles.

### National Institutions

<table>
<thead>
<tr>
<th>National Institution</th>
<th>Status</th>
<th>Year reviewed</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td></td>
<td></td>
<td>Placed under review</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nov 2008 - A</td>
</tr>
<tr>
<td>Australia: Australian Human Rights and Equal Opportunity Commission</td>
<td>A</td>
<td>1999</td>
</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td>India: National Human Rights Commission of India</td>
<td>A</td>
<td>1999</td>
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<tr>
<td></td>
<td></td>
<td>Oct 2006</td>
</tr>
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<td>Indonesia: National Human Rights Commission of Indonesia</td>
<td>A</td>
<td>2000</td>
</tr>
<tr>
<td></td>
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<td>March 2007</td>
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<tr>
<td>Jordan: National Centre for Human Rights</td>
<td>A</td>
<td>April 2006</td>
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<tr>
<td></td>
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<td>March 2007</td>
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<td></td>
<td></td>
<td>October 2007</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Will be reviewed in October 2010</td>
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<tr>
<td>Malaysia: Human Rights Commission of Malaysia (SUHAKAM)</td>
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<td>To be reviewed at the SCA second session of 2010</td>
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<tr>
<td>Mongolia: National Human Rights Commission of Mongolia</td>
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<td></td>
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<td></td>
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### National Institutions and Regional Mechanisms Section

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<th>Accreditation Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timor Leste: Provedoria for Human Rights and Justice</td>
<td>A</td>
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### Africa

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<tr>
<td>Morocco: Conseil Consultatif des Droits de L'homme du Maroc</td>
<td>A</td>
<td>1999 – A(R) 2001 October 2007 Will be reviewed in October 2010</td>
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<tr>
<td>Namibia: Office of the Ombudsman</td>
<td>A</td>
<td>2003 (A (R)) April 2006</td>
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<td>Senegal: Comité Sénégalais des Droits de L'homme</td>
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**The Americas**

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<td>Ecuador</td>
<td>Defensor del Pueblo</td>
<td>A</td>
<td>1999 – A(R) 2002 April 2008 2009</td>
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<td>A</td>
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<td>Honduras</td>
<td>Comisionado Nacional de los Derechos Humanos de Honduras</td>
<td>A</td>
<td>2000 October 2007 A status placed under Special Review for October 2010</td>
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<tr>
<td>Mexico</td>
<td>Comisión Nacional de los Derechos Humanos</td>
<td>A</td>
<td>1999 Oct 2006</td>
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<td>Nicaragua</td>
<td>Procuraduría para la Defensa de los Derechos Humanos</td>
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<td>Panama</td>
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<td>A</td>
<td>1999 Oct 2006</td>
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<td>Paraguay</td>
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<td>A</td>
<td>2003 Nov 2008</td>
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<td>Peru</td>
<td>Defensoría del Pueblo</td>
<td>A</td>
<td>1999 March 2007</td>
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<td>Venezuela</td>
<td>Defensoría del Pueblo</td>
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<td>2002 April 2008</td>
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**Europe**

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<th>Years</th>
<th>Notes</th>
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<tr>
<td>Albania</td>
<td>Republic of Albania People’s Advocate</td>
<td>A</td>
<td>2003 – A (R) 2004 Nov 2008</td>
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<td>Azerbaijan</td>
<td>Human Rights Commissioner (Ombudsman)</td>
<td>A</td>
<td>Oct 2006 A status placed under Special review for October 2010</td>
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<td>Bosnia and Herzegovina</td>
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<td>A</td>
<td>2001 - A(R)</td>
<td></td>
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<td>Country/Office/Commission</td>
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| of Bosnia and Herzegovina | (see SCA report Nov.09) | 2002 - A (R)  
2003 - A (R)  
2004  
Nov 2008: deferral of review to Oct/Nov 2009  
Placed under review – Nov.2009 |
| Croatia: Ombudsman of the Republic of Croatia | A | April 2008 |
| Denmark: Danish Institute for Human Rights | A | 1999 – B  
2001  
October 2007 |
| France: Commission Nationale Consultative des Droits de L'homme | A | 1999  
Oct 2006 review deferred to Oct 2007  
October 2007 |
| Georgia: Public Defender's Office | A | October 2007 |
| Germany: Deutsches Institut für Menschenrechte | A | 2001 – A(R)  
2002 – A(R)  
2003  
Nov 2008 |
| Great Britain: Equality and Human Rights Commission | A | Nov 2008  
A status placed under Special review for October 2010 |
2001  
October 2007  
Reviewed Nov 2009  
A status maintained- Nov 09 |
| Ireland: Irish Human Rights Commission | A | 2002 - A (R)  
2003 - A (R)  
2004  
Nov 2008 |
2002  
Reviewed in Nov. 09  
To be reviewed in Oct/Nov 2009 |
| Norway: Center for Human Rights | A | 2003 A(R)  
2004 A(R)  
2005 A(R)  
April 2006 |
| Northern Ireland (UK): Northern Ireland Human Rights Commission | A | 2001 - B  
April 2006 - B  
Oct 2006 |
| Poland: Commissioner for Civil Rights Protection | A | 1999  
October 2007 |
| Portugal: Provedor de Justiça | A | 1999  
October 2007 |
| Russia: Commissioner for Human Rights in the Russian Federation | A | 2000 - B  
2001 –B  
Nov 2008 |
| Scotland: Scottish Human Rights Commission | A | Nov. 2009: deferral to March 2010  
March 2010 |
| Serbia: Protector of Citizens of the Republic of Serbia | A | March 2010 |
| Spain: El Defensor del Pueblo | A | 2000  
October 2007 |
| Ukraine: Ukrainian Parliament Commissioner for Human Rights | A | 2008- B  
March 2009- A |
### B STATUS INSTITUTIONS

#### Asia and the Pacific

<table>
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<tr>
<th>Institution</th>
<th>Status</th>
<th>Review Dates</th>
</tr>
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<tbody>
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<td>Maldives (The): Human Rights Commission</td>
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<td>April 2008</td>
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#### Africa

<table>
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<tbody>
<tr>
<td>Algeria: Commission Nationale des Droits de l’homme</td>
<td>B</td>
<td>2000 – A(R)</td>
</tr>
<tr>
<td>Burkina Faso: Commission Nationale des Droits de L’homme</td>
<td>B</td>
<td>2002 - A(R)</td>
</tr>
<tr>
<td>Chad: Commission Nationale des Droits de L’homme</td>
<td>B</td>
<td>2000 – A(R)</td>
</tr>
<tr>
<td>Mauritania : Commission nationale des Droits de l’Homme</td>
<td>B</td>
<td>Nov. 2009 –(B)</td>
</tr>
<tr>
<td>Nigeria: Nigerian Human Rights Commission</td>
<td>B</td>
<td>1999 – A(R)</td>
</tr>
<tr>
<td>Tunisia: Comité Supérieur des Droits de l’Homme et des Libertés Fondamentales</td>
<td>B</td>
<td>2009</td>
</tr>
</tbody>
</table>

#### Europe

<table>
<thead>
<tr>
<th>Institution</th>
<th>Status</th>
<th>Review Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria: The Austrian Ombudsman Board</td>
<td>B</td>
<td>2000</td>
</tr>
<tr>
<td>Belgium: The Centre for equal opportunities and opposition to racism</td>
<td>B</td>
<td>1999 March 2010</td>
</tr>
<tr>
<td>Human Rights Centre of Moldova</td>
<td>B</td>
<td>Nov. 2009</td>
</tr>
<tr>
<td>The Netherlands: Equal Treatment Commission of The Netherlands</td>
<td>B</td>
<td>1999 - B March 2010</td>
</tr>
</tbody>
</table>
### C STATUS INSTITUTIONS

#### Africa

<table>
<thead>
<tr>
<th>Country</th>
<th>Institution</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>Commission Béninoise des Droits de L’homme</td>
<td>C 2002</td>
<td></td>
</tr>
</tbody>
</table>

#### Americas

<table>
<thead>
<tr>
<th>Country</th>
<th>Institution</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>Office of the Ombudsman</td>
<td>C 2001</td>
<td></td>
</tr>
<tr>
<td>Barbados</td>
<td>Office of the Ombudsman</td>
<td>C 2001</td>
<td></td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Oficina del Procurador del Ciudadano del Estado Libre Asociado de Puerto Rico</td>
<td>C March 2007</td>
<td></td>
</tr>
</tbody>
</table>

#### Asia and the Pacific

<table>
<thead>
<tr>
<th>Country</th>
<th>Institution</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hong Kong</td>
<td>Hong Kong Equal Opportunities Commission</td>
<td>C 2000</td>
<td></td>
</tr>
<tr>
<td>Iran</td>
<td>Commission Islamique des Droits de L’homme</td>
<td>C 2000</td>
<td></td>
</tr>
</tbody>
</table>

#### Europe

<table>
<thead>
<tr>
<th>Country</th>
<th>Institution</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Romania</td>
<td>Romanian Institute for Human Rights</td>
<td>C March 2007</td>
<td></td>
</tr>
<tr>
<td>Switzerland</td>
<td>Commission fédérale pour les questions féminines (CFQF)</td>
<td>C March 2009</td>
<td></td>
</tr>
<tr>
<td>Switzerland</td>
<td>Federal Commission against Racism (FCR)</td>
<td>C 1998 - B March 2010</td>
<td></td>
</tr>
</tbody>
</table>

### SUSPENDED INSTITUTIONS

#### Africa

<table>
<thead>
<tr>
<th>Country</th>
<th>Institution</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Niger</td>
<td>Niger Commission Nationale des Droits de L’homme et des Libertés Fondamentales</td>
<td>Removed</td>
<td>Removed Note: The CNDHLF was dissolved in February 2010 March 2010: the CNDHLF was removed as per its dissolution in February 2010</td>
</tr>
</tbody>
</table>

#### Americas

<table>
<thead>
<tr>
<th>Country</th>
<th>Institution</th>
<th>Status</th>
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#### Asia and the Pacific

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<tr>
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#### Europe

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<tr>
<th>Country</th>
<th>Institution</th>
<th>Status</th>
<th>Notes</th>
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*Note: Unless specified, previous years in the third column refer to the same status as the most recent one*
### SECTION 1: DEFINITIONS AND INTERPRETATION

**Art 1.1**

**In this Statute**

**Former Rules of Procedure** means the Rules of Procedure of “The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights” adopted on 15 April 2000 and as amended on 13 April 2002, and on 14 April 2008 which are now merged into this Statute;

**ICC** means the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights existing under the former Rules of Procedure, referred to in the United Nations Commission on Human Rights resolution 2005/74 and the United Nations Human Rights Council resolution 5/1, which is now given independent corporate personality by this Statute;

**ICC Bureau** means the committee of management established under Article 43 of this Statute;

**Days:** In this statute, a reference to days means calendar days, not working days.

**NHRI** means a National Human Rights Institution;

**NIU** means the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights;

**Observer** means an institution or person granted permission to participate in ICC meetings or other open meetings or workshops without voting rights and without the right to speak unless invited to do so by the Chairperson of the meeting or workshop.

**OHCHR** means the Office of the United Nations High Commissioner for Human Rights;


**Rules of Procedure of the ICC Sub-Committee on Accreditation** mean the Rules of Procedure for the ICC Sub-Committee on Accreditation adopted by the members of the International Coordinating Committee constituted under the former Rules of Procedure at its 15th session, held on 14 September 2004 at Seoul, Republic of Korea, as amended at the 20th session, held on 14 April 2008 at Geneva, Switzerland, and continued in existence under the transitional provisions of this Statute;

**Regional Coordinating Committee** means the body established by NHRIIs in each of the regional groupings referred to in Section 7 of this Statute to act as their coordinating secretariats, namely:
- Asia Pacific Forum of National Human Rights Institutions;
- European Coordinating Committee of National Human Rights Institutions;
- Network of African National Human Rights Institutions; and
- Network of National Human Rights Institutions of the Americas;

**Secretary** means the individual elected as Secretary under Article 34 who acts as the Deputy to the Chairperson to carry out the role and functions of the Chairperson in her or his absence, including the functions referred to in Article 49;

**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 NHRIs, under the auspices of the OHCHR, and whose mandate is given to it under and in accordance with the Rules of Procedure for the ICC Sub-Committee on Accreditation;

**Voting member** means a NHRI which is a member of the ICC and is accredited with an ‘A’ status; and **non-voting member** means a NHRI which is a member of the ICC and is accredited with a ‘B’ status;

‘Writing’ or ‘Written’ includes any hand-written, typed or printed communication, including telex, cable, electronic mail and facsimile transmissions.

| Art 1.2 | References to the ‘ICC’ in the Rules of Procedure for the ICC Sub-Committee on Accreditation shall be read as references to the ICC Bureau established under this Statute, and references to the ‘ICC Rules of Procedure’ shall be read as references to the former Rules of Procedure, and to the corresponding rules in this Statute. |
| Art 2 | **SECTION 2: NAME, LOGO AND REGISTERED OFFICE**

A non-profit association is hereby created by the National Human Rights Institutions (NHRIs) subscribing to this present Statute, according to Articles 60 and following of the Swiss Civil Code as an international association possessing legal personality independent of its members. The name of the association is the **Association International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights**, in this Statute referred to as the **ICC**. The duration of the ICC is unlimited.

The ICC created by this Statute gives independent corporate personality to the loose arrangement of NHRIs hitherto existing under the former Rules of Procedure.

| Art 3 | The official logo of the ICC, in each of the working languages, is the following image:

- INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)
- COMITÉ INTERNATIONAL DE COORDINATION DES INSTITUTIONS NATIONALES POUR LA PROMOTION ET LA PROTECTION DES DROITS DE L’HOMME (CIC)
Art 4  The registered office of the ICC is 42 avenue Krieg, 1208 Geneva, Switzerland

Art 5  SECTION 3: PURPOSE
Objects
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.

Art 6  General Meetings of the ICC, meetings of the ICC Bureau and of the Sub-Committee on Accreditation, as well as International Conferences of the ICC shall be held under the auspices of, and in cooperation with, OHCHR.

Art 7  Functions
The functions of the ICC are:

1. To coordinate at an international level the activities of NHRIs established in conformity with the Paris Principles, including such activities as:
   - Interaction and cooperation with the United Nations, including the OHCHR, the Human Rights Council, its mechanisms, United Nations human rights treaty bodies, as well as with other international organisations;
   - Collaboration and coordination amongst NHRIs and the regional groups and Regional Coordinating Committees;
   - Communication amongst members, and with stakeholders including, where appropriate, the general public;
   - Development of knowledge;
   - Management of knowledge;
   - Development of guidelines, policies, statements;
   - Implementation of initiatives;
   - Organisation of conferences.
2. To promote the establishment and strengthening of NHRIs in conformity with the Paris Principles, including such activities as:
   - Accreditation of new members;
   - Periodic renewal of accreditation;
   - Special review of accreditation;
   - Assistance of NHRIs under threat;
   - Encouraging the provision of technical assistance;
   - Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIs.
3. To undertake such other functions as are referred to it by its voting members.
<table>
<thead>
<tr>
<th>Principles:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In fulfilling these functions, the ICC will work in ways that emphasize the following principles:</td>
</tr>
<tr>
<td>- Fair, transparent, and credible accreditation processes;</td>
</tr>
<tr>
<td>- Timely information and guidance to NHRIs on engagement with the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies;</td>
</tr>
<tr>
<td>- The dissemination of information and directives concerning the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies to NHRIs;</td>
</tr>
<tr>
<td>- Mandated representation of NHRIs;</td>
</tr>
<tr>
<td>- Strong relationships with the OHCHR and the Regional Coordinating Committees that reflect the complementarity of roles;</td>
</tr>
<tr>
<td>- Flexibility, transparency and active participation in all processes;</td>
</tr>
<tr>
<td>- Inclusive decision-making processes based on consensus to the greatest extent possible;</td>
</tr>
<tr>
<td>- The maintenance of its independence and financial autonomy.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Art 8</th>
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</thead>
<tbody>
<tr>
<td><strong>International Conference</strong></td>
</tr>
<tr>
<td>The ICC shall hold a biennial International Conference in accordance with the Rules of Procedure of International Conferences of National Institutions for the Promotion and Protection of Human Rights adopted by NHRIs at their ICC meeting held in Geneva, Switzerland on 17 April 2002.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Art 9</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 4: LIAISON WITH OTHER HUMAN RIGHTS INSTITUTIONS AND NGOs</strong></td>
</tr>
<tr>
<td>The ICC may liaise with other human rights institutions including the International Ombudsman Institute and non-governmental organizations. The ICC Bureau may decide to grant such organizations observer status at any meetings or workshops of the ICC or the ICC Bureau.</td>
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<table>
<thead>
<tr>
<th>Art 10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 5: PARIS PRINCIPLES ACCREDITATION</strong></td>
</tr>
<tr>
<td>[Note: Pursuant to Human Rights Council resolution 5/1, VII Rules of Procedure, rule 7(b), participation of NHRIs in the work of the Human Rights Council is based on arrangements and practices agreed upon by the Human Rights Commission including resolution 2005/74 of 20 April 2005. Resolution 2005/74, paragraph 11(a), permitted NHRIs that are accredited by the Sub-Committee on Accreditation to exercise participation rights in the Human Rights Commission and subsidiary bodies of the Commission.]</td>
</tr>
<tr>
<td><strong>Application for Accreditation Process</strong></td>
</tr>
<tr>
<td>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:</td>
</tr>
<tr>
<td>- a copy of the legislation or other instrument by which it is established and empowered in its official or published format;</td>
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<tr>
<td>- an outline of its organizational structure including staff complement and annual budget;</td>
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<tr>
<td>Art 11.1</td>
</tr>
<tr>
<td>Art 11.2</td>
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<td>Art 12</td>
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<tr>
<td>Art 13</td>
</tr>
<tr>
<td>Art 14</td>
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</tbody>
</table>
accréditation, 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.

<table>
<thead>
<tr>
<th>Art 15</th>
<th>Periodic Re-accreditation</th>
</tr>
</thead>
<tbody>
<tr>
<td>All NHRIs that hold an ‘A’ status are subject to re-accreditation on a five year cyclical basis. Article 10 applies to NHRIs undergoing re-accreditation. In particular reference to an application for accreditation means both the initial application and the application for re-accreditation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Art 16.1</th>
<th>Review of Accreditation Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

| 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. |

<table>
<thead>
<tr>
<th>Art 18</th>
<th>Alteration of Accreditation Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
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</table>

| Art 19 | An accreditation classification held by a NHRI may be suspended if the NHRI fails to submit its application for re-accreditation or fails to do so within the prescribed time without justification. |

| Art 20 | An accreditation classification may lapse if a NHRI fails to submit an application for re-accreditation within one (1) year of being suspended for failure to reapply, or if a NHRI under review under Article 16 of this Statute fails to provide sufficient documentation, within eighteen (18) months of being placed under review, to satisfy the body determining membership under this Statute that it remains in conformity with the Paris Principles. |

| Art 21 | NHRIs whose accreditation has been suspended remain suspended until the body determining their compliance with the Paris Principles under this Statute comes to a determination of their accreditation status or until their accreditation lapses. |
Art 22 | NHRIs whose accreditation status has lapsed or been revoked may regain accreditation only by re-applying for accreditation as provided for in Article 10 of this Statute.

Art 23 | In the event that accreditation lapses or is revoked or suspended, all rights and privileges conferred on that NHRI through accreditation immediately cease. In the event that a NHRI is under review, it shall retain the accreditation status it has been granted until such time as the body determining membership comes to a decision as to its compliance with the Paris Principles or its membership lapses.

SECTION 6: MEMBERS
Eligibility
Art 24.1 | Only NHRIs which comply fully with the Paris Principles, being those which have been accredited with an ‘A’ status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to be voting members of the ICC.

Art 24.2 | NHRIs that are only partially compliant with the Paris Principles, being those which have been accredited with a ‘B’ status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to become a non-voting member.

Art 25 | Any NHRIs wishing to become a member of the ICC shall apply in writing to the Chairperson of the ICC giving: in the case of an application for voting membership, particulars of the date on which it was accredited with A status; and, in the case of an application for non-voting membership, particulars of the date on which it was accredited with B status. In either case, the applicant must indicate their agreement to be bound by this Statute as amended from time to time (including as to the payment of the applicable annual membership subscription). The application shall be considered and decided by the ICC Bureau.

Art 26 | A NHRI shall cease to be a member of the ICC upon written notice by that NHRI of resignation given to the Chairperson of the ICC, but without prejudice to the obligation of the NHRI to discharge outstanding fiscal obligations due to the ICC at the date of resignation.

Art 27 | Membership may be revoked by resolution of the ICC Bureau if the body determining accreditation status under this Statute determines that a member no longer meets the membership eligibility requirements in Article 24.

Art 28 | Membership may be cancelled by resolution of the ICC Bureau if that member has failed for six (6) months or more to pay an annual subscription that is due and owing.

Art 29.1 | A NHRI whose membership has been revoked, or cancelled for non-payment of an annual subscription, may regain membership by reapplying for membership under Article 25 of this Statute.

Art 29.2 | Where membership has been cancelled for non-payment of a subscription, re-admission to membership shall be subject to payment of the outstanding subscription or so much thereof as the ICC Bureau shall determine.
<table>
<thead>
<tr>
<th>Art 30</th>
<th>Independence of Members</th>
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<tbody>
<tr>
<td></td>
<td>Notwithstanding anything in this Statute, the independence, authority and national status of members, and their powers, duties and functions under their own legislative mandates, and their participation in the different international fora on human rights shall in no way be affected by the creation of the ICC or its functioning.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Art 31.1</th>
<th>SECTION 7: REGIONAL GROUPING OF MEMBERS</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>For the purpose of ensuring a fair balance of regional representation on the ICC the following regional groups are established:</td>
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<tr>
<td></td>
<td>- Africa</td>
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<td></td>
<td>- The Americas</td>
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<td></td>
<td>- Asia-Pacific</td>
</tr>
<tr>
<td></td>
<td>- Europe</td>
</tr>
</tbody>
</table>

| Art 31.2 | The members within any regional group may establish such sub-regional groupings as they wish. |

| Art 31.3 | The members of regional groups may establish their own procedures concerning meetings and activities. |

| Art 31.4 | Each regional group is to appoint four (4) members accredited with an ‘A’ status which shall each have a representative on the ICC Bureau. |

<table>
<thead>
<tr>
<th>Art 32</th>
<th>SECTION 8: GENERAL MEETINGS OF MEMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The General Meeting is composed by the ICC members and constitutes the supreme power of the association.</td>
</tr>
</tbody>
</table>

| Art 33 | The duties of the General Meeting include control of the activities of the ICC, review and control of the activities of the ICC Bureau, ratification of the program of ICC activities, the amendment of this Statute, consideration of funding issues and the fixing of annual membership subscriptions to be paid by members accredited with an ‘A’ status provided however that decisions of the ICC Bureau on accreditation determinations shall not be subject to review or control by a General Meeting. |

| Art 34 | The General Meeting ratifies the appointment of the members of the ICC Bureau and elects the Chairperson and the Secretary. The members of the ICC Bureau must be individuals representing the members of the ICC accredited with an “A” status which have been appointed by their regional groups under article 31. |

| Art 35 | If required under Swiss Law, the General Meeting must elect an auditor who shall not be a member of the ICC. |

| Art 36 | The General Meeting meets at least once a year in conjunction with a meeting of the Human Rights Council upon written notice given by the ICC Bureau to the members at least six (6) weeks in advance and at such other times required according to the law including when a request is demanded by one fifth or more of the members. |

| Art 37 | The agenda of the meeting shall be submitted to the members with the written notice of meeting. |
| Art 38 | SECTION 9: RIGHT TO VOTE AND DECISIONS  
At General Meetings only members accredited with an ‘A’ status shall be entitled to vote. A member that has been accredited with a ‘B’ status has the right to participate and speak in General Meetings (and all other open meetings and workshops of the ICC). A NHRI that is not accredited with either an ‘A’ or ‘B’ status may, with the consent of the particular meeting or workshop, attend as an observer. The Chairperson, after consultation with ICC members, may invite NHRIs who are not members of the ICC and any other person or institution to participate in the work of the ICC as an observer. |
| Art 39 | At General Meetings only one (1) NHRI per Member State of the United Nations shall be eligible to be a voting member. Where more than one (1) institution in a State qualifies for membership the State shall have one (1) speaking right, one (1) voting right, and if elected, one (1) ICC Bureau member. The choice of an institution to represent the NHRIs of a particular State shall be for the relevant institutions to determine. |
| Art 40 | Decisions of the General Meeting are passed by the majority of members present or duly represented. The General Meeting will only deal with matters that are summarized in the Agenda. If necessary, or on the request of more than half of the members present at a General Meeting, the Chairperson can call an Extraordinary General Meeting. |
| Art 41 | A quorum of at least one half of the total number of members is necessary. |
| Art 42 | English, French, and Spanish shall be the working languages of the ICC. As a result, documents from the ICC should be available in these languages. |
| Art 43 | SECTION 10: ICC BUREAU  
The ICC is managed by a committee entitled the ICC Bureau which shall comprise sixteen (16) individuals, including the Chairperson and the Secretary. |
| Art 44 | In the event that a representative of a member of a regional group for any reason is no longer able to represent that member, or if the member ceases to hold an 'A' status accreditation, or the member’s appointment under Article 31.4 is withdrawn, the representative shall cease to be a member of the ICC Bureau and the Regional Coordinating Committee shall thereupon appoint another representative who shall act as a casual member of the ICC Bureau until the next General Meeting. |
| Art 45 | The Chairperson and the Secretary shall be elected on a geographically rotational basis by the General Meeting for a non-renewable term of three (3) years. The order of rotation shall be: the Americas, the Asia Pacific region, Africa, and Europe. |
| Art 46 | Powers of the ICC Bureau  
The ICC Bureau is empowered to act generally in the name of the ICC and to carry out the purpose and functions of the ICC. Without limiting the generality of the powers of management the ICC Bureau is empowered to:  
- decide applications for accreditation after considering a recommendation from the Sub-Committee on Accreditation;  
- decide applications for membership of the ICC; |
• summon General Meetings of the ICC;
• collaborate and work with the OHCHR and its NIU, and in particular to work with the NIU in connection with the ICC accreditation process, annual meetings of the ICC, meetings of the ICC Bureau and international conferences of NHRIs. In addition, the NIU will facilitate and coordinate the participation of NHRIs in the Human Rights Council, its mechanisms, and the United Nations human rights treaty bodies;
• use and accept the services of the NIU as the Secretariat for the ICC, the ICC Bureau and its Sub-Committee on Accreditation;
• appoint from the members of the ICC Bureau a person to be the treasurer of the ICC;
• acquire, lease, dispose of or otherwise deal in property of any kind;
• open bank accounts, appoint signatories thereto and define the authority of the signatories;
• spend money and do all things it considers desirable to promote the purposes of the ICC;
• delegate any function to a nominated person, standing committee or subcommittee of persons or members;
• co-ordinate and arrange conferences, meetings, standing committees and sub-committees, and other activities;
• engage, dismiss or suspend employees, agents and contractors;
• enter into contracts;
• engage professional assistance for the preparation of annual and other financial statements, to obtain legal advice, and for any other purpose;
• prepare and disseminate information notes, bulletins and papers of any kind to members, and to promote generally in formation about human rights issues and activities of the Human Rights Council, its mechanisms, the United Nations human rights treaty bodies, and of the ICC in which members could have an interest;
• receive financial grants and donations, and gifts of any kind;
• adopt, amend or revoke rules of procedure in relation to the working methods of the ICC Bureau and its sub-committees to regulate or clarify any matter contemplated by this Statute. Every decision to adopt, amend or revoke a rule shall as soon as is practicable be circulated to all members of the ICC and posted on the nhri.net website.

Art 47

Membership Subscription
The ICC Bureau shall as and when it considers appropriate recommend to a General Meeting that an annual membership subscription be set by the General Meeting. Once set the Bureau will ensure procedures are in place to collect membership subscriptions. The ICC Bureau in its discretion may waive in whole or in part the annual subscription for a member if satisfied that the member is unable to pay the full amount due.

Meetings of the ICC Bureau
A meeting of the ICC Bureau shall be held in conjunction with each General Meeting.
| Art 48 | of the ICC and at least two (2) times each year. Otherwise, the ICC Bureau shall meet at such times and places as it or the Chairperson shall decide. Written notice summoning a meeting shall be given at least four (4) weeks in advance unless the ICC Bureau agrees to a shorter period for that meeting. The agenda of the meeting shall be submitted to the members with the written notice of meeting. |
| The Chairperson and Secretary | The Chairperson, or in his or her absence the Secretary, shall direct the work of the General Meeting and the ICC Bureau. Until otherwise decided by a General Meeting, she or he shall represent the ICC in accordance with developed practices and authorities followed by the Chairperson acting under the former Rules of Procedure. In particular, the Chairperson may speak at the Human Rights Council, its mechanisms, United Nations human rights treaty bodies and, when invited, at other international organisations:  
- on behalf of the ICC on topics authorised by a General Meeting or the ICC Bureau;  
- on behalf of individual NHRIs when authorised by them;  
- on thematic human rights issues to promote policy decided by a General Meeting, a biennial conference or by the ICC Bureau; and  
- generally to advance the objects of the ICC. |
<p>| Art 49 | 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. |
| Art 50.1 | A majority of the members of the ICC Bureau shall constitute a quorum. |
| Art 50.2 | An agenda for each meeting shall be drawn up by the Chairperson in consultation with the ICC Bureau members. Agenda items may be added at the meeting if approved by a majority of the members present. |
| Art 50.3 | Members of the ICC Bureau may be accompanied at meetings by advisers, including, by representatives from the relevant Regional Coordinating Committee. Such persons attend in the capacity of advisers to their members and observers to the meeting, and may participate in discussions at the call and invitation of the Chair. |
| Art 50.4 | Each member of the ICC Bureau shall have one (1) vote. Where possible, decisions of the ICC Bureau shall be reached by consensus. When consensus is not possible, decisions shall be by a majority of members present and voting. In the event of an equality of votes, the proposal being voted on shall be regarded as being defeated. |
| Art 50.5 | The ICC Bureau may invite NHRIs whether or not members of the ICC and any other person or institution to participate in the work of the ICC or the ICC Bureau as an observer. |
| Art 50.6 | Notwithstanding the foregoing provisions of this Article 50, the ICC Bureau may decide any matter in writing without the need to formally summon a meeting provided that a majority of the members of the ICC Bureau concur with the decision. |</p>
<table>
<thead>
<tr>
<th>Art 50.8</th>
<th>The ICC Bureau, through the Chairperson or in her or his absence through the Secretary, shall present to General Meetings reports on activities carried out by the ICC, the ICC Bureau and its officers since the preceding General Meeting.</th>
</tr>
</thead>
</table>
| 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. |
| Art 52   | **SECTION 11: FINANCIAL ADMINISTRATION**  
**Accounting Year**  
The financial year ends on 31 December of each year. |
| Art 53   | **SECTION 12: ASSETS OF THE ICC**  
The assets of the ICC comprise and include:  
- grants obtained from international and national public and semi-public organizations;  
- donations;  
- subscriptions;  
- funds entrusted to it by other organizations, associations, businesses or institutions; and  
- income and property of any kind received from whatever source. |
| Art 54   | The assets of the ICC must be applied solely towards promoting the purposes of the ICC as set out in Section 3 in line with the Principles as set out in Article 7. |
| Art 55   | **SECTION 13: DISSOLUTION AND LIQUIDATION**  
**Dissolution**  
The ICC may be dissolved by resolution of the ICC in a General Meeting. A General Meeting called for this purpose shall be convened specially. At least one half of the members must be present. If this proportion is not present the General Meeting must be reconvened after an interval of at least two (2) weeks. It can then validly deliberate with whatever numbers of members are present. In any case the dissolution can only be approved by a majority of three quarters of the members present. |
| Art 56   | **Liquidation**  
The winding up of the ICC and the liquidation of its assets shall be carried out by one (1) or more liquidators appointed by the General Meeting. The General Meeting must authorize the liquidator or liquidators to distribute the net assets to another association or public organization having similar purposes to the ICC. No part of the net assets available for distribution shall be paid to any member of the ICC. |
| Art 57   | **SECTION 14: RULES OF PROCEDURE**  
The General Meeting may adopt, amend or revoke rules of procedure in relation to the working methods of the ICC, including General Meetings and international conferences, to regulate or clarify any matter contemplated by this Statute. |
**SECTION 15: AMENDMENT OF STATUTE**

This Statute may be amended only by a General Meeting of the ICC.

**Art 58**

**SECTION 16: TRANSITIONAL PROVISION**

The Sub-Committee on Accreditation and the Rules of Procedure for the ICC Sub-Committee on Accreditation are by this Statute continued in existence, and shall remain in existence until amended or revoked by the ICC Bureau. The Sub-Committee on Accreditation is hereby constituted a sub-committee of the ICC Bureau. The Rules of Procedure for the ICC Sub-Committee on Accreditation are incorporated into this Statute as **Annex I**

**EXECUTED BY:**

Ms. Jennifer Lynch, Q.C.

30 July 2008

Amended at a General Meeting held at Nairobi, 21st October 2008

Amended at a General Meeting held at Geneva, 24th March 2009
ANNEX 1

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 NHRI s in the region.

3.2. The regional grouping representative shall supply NHRI s 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;
6.2 General Observations are to be developed by the Sub-Committee and approved by the ICC Bureau.

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

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

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

(c) Guide the Sub-Committee on Accreditation in its determination of new accreditation applications, reaccreditation applications or special reviews:

   (i) If an Institution falls substantially short of the standards articulated in the General Observations, it would be open for the Sub-Committee to find that it was not Paris Principle compliant.

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

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

ICC SUB-COMMITTEE ON ACCREDITATION

GENERAL OBSERVATIONS

1. Competence and responsibilities

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

1.2 Human rights mandate: All NHRI 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 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 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 should also actively engage with the ICC and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRI.

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

1.6 Recommendations by NHRIs

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

2. Composition and guarantees of independence and pluralism

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

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

a) Members of the governing body represent different segments of society as referred to in the Paris Principles;

b) Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;

c) Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or

d) Pluralism through diverse staff representing the different societal groups within the society.

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

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

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

2.4 Staffing by secondment:

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

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

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

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

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

2.8 Full-time Members:

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

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

2.9 Guarantee of tenure for members of governing bodies

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

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

2.10 Administrative regulation

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

3. Methods of operation

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

5. Additional issues

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

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

5.3 Functioning of an NHRI in a volatile context: The Sub-Committee acknowledges that the context in which an NHRI operates may be so volatile that the NHRI cannot reasonably be expected to be in full conformity with all the provisions of the Paris Principles. When formulating its recommendation on the accreditation status in such cases, the Sub-Committee will give due consideration to factors such as: political instability; conflict or unrest; lack of state infrastructure, including excessive dependency on donor funding; and the NHRI’s execution of its mandate in practice.

6. Procedural issues

6.1 Application processes: With the growing interest in establishing National Institutions, and the introduction of the five-yearly re-accreditation process, the volume of applications to be considered by the Sub-Committee has increased dramatically. In the interest of
ensuring an efficient and effective accreditation process, the Sub-Committee 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 NRHIs 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\(^\text{87}\), the ICC Chair or the Sub-Committee may initiate a review of a NHRI’s accreditation status if it appears that the circumstances of that NHRI may have changed in any way which affects its compliance with the Paris Principles. Such a review is triggered by an exceptional set of circumstances considered to be temporary in nature. As a consequence, the regular re-accreditation process will be deferred until the review is completed.

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

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

6.4 **Suspension of Accreditation**: The Sub-Committee notes that the status of suspension means that the accreditation status of the Commission is temporarily suspended until information is brought before the Sub-Committee to demonstrate that, in the areas under review, the Commission is fully compliant with the Paris Principles. An NHRI with a suspended A status is not entitled to the benefits of an A 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.

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\(^\text{87}\) Formerly article 3(g) of the ICC Rules of Procedure
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\textsuperscript{88} 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

\textsuperscript{88} Formerly Rule 3 (b) of the ICC Rules of procedure
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.

Geneva, June 2009