

**Application for Accreditation & Re-Accreditation of National Human Rights
Institutions to the International Coordinating Committee
of National Human Rights Institutions**

Version 2 – May 2007

1. Introduction

The United Nations High Commissioner for Human Rights has emphasised the global identification of National Human Rights Institutions (NHRIs) as essential partners in the task of protecting and promoting human rights at the national and regional levels. In order to preserve this international recognition and trust, NHRIs must continue to be credible, legitimate, relevant and effective. This can be achieved by ensuring that the Paris Principles, the principal source of normative standards for National Institutions, guide the work of NHRIs.

NHRIs may become a member of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC) when they are assessed by the ICC in compliance with the Paris Principles. The assessment of NHRIs is carried out in accordance with article 3(c) of the Rules of Procedure of ICC. The Sub-Committee on Accreditation (the Sub-Committee) has been mandated to consider and review applications for accreditation and to make recommendations to the ICC members with regard to the compliance of applicant institutions with the Paris Principles. Applications are received and processed by the National Institutions Unit of the United Nations Office of the High Commissioner for Human Rights (OHCHR) in its capacity as the ICC Secretariat.

2. How to make an application

In accordance with the ICC Rules of Procedure, the following documentation is required to make an application for accreditation to the ICC:

- 2.1 Copy of the legislation or other instrument by which the NHRI is established and empowered (statute, and/or constitutional provision, and/or presidential decree);
- 2.2 Outline of the organizational structure of the organization, including details of staff and annual budget;
- 2.3 A copy of the most recent annual report or equivalent document;
- 2.4 A detailed statement showing that the organization complies with the Paris Principles using the framework document provided by the ICC Secretariat as a guide; and
- 2.5 Any other relevant documents to support the application.

Where possible, applicants should provide documentation in its official or published form (for example, published laws and published annual reports) and not secondary analytical documents. Documentation should be submitted in both hard copy and electronic format to the ICC Secretariat at OHCHR at the following address: National Institutions Unit, OHCHR, CH-1211 Geneva 10, Switzerland and by email to: nationalinstitutions@ohchr.org.

3. General Observations of the ICC Sub-Committee on Accreditation

During the 18th Session of the ICC held in October 2006, the Sub-Committee made General Observations in relation to accreditation.¹ These General Observations have been formulated on common or important interpretative issues and are intended to be guiding observations for members on the application process or

¹ Additional General Observations were made by the ICC Sub-Committee to the ICC at its 19th Session in March 2007. These have not yet been adopted by the ICC and are currently with ICC members for comment. As a result, they have not been included in this document as guidelines for applicants.

for the implementation of the Paris Principles. General Observations should be seen as guidelines for applicants in relation to what the Sub-Committee will consider during their review of accreditation applications.

3.1 General Observations adopted by the ICC in October 2006:

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

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

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.

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

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

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

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

- a) A transparent process
- b) Broad consultation throughout the selection and appointment process
- c) Advertising vacancies broadly
- d) Maximising 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.

5. 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.

6. 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.

The following document should be completed as part of the accreditation application. It should be completed using references to primary sources, in order to provide the Sub-Committee with essential background information on the NHRI. It is essential that the NHRI substantiate each statement made in this report by reference to its enabling instrument(s) or official reports.

**STATEMENT OF COMPLIANCE WITH THE PARIS PRINCIPLES
OF THE [NAME OF NATIONAL INSTITUTION]
- [Date] -**

I. CHARACTER OF THE NHRI

1. Establishment

Discuss the instruments that establish the NHRI. Please explain:

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

2. Independence

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

- The nature of the Institution's accountability i.e. indicate the line of accountability;
- Whether or not the NHRI receives instruction from the government;
- By what means conflicts of interest are avoided;
- Whether members incur legal liability or not for actions taken in their official capacity.

3. Appointments processes and organisational infrastructure

3.1. Composition of the NHRI's membership and appointment processes

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

Please explain:

- The composition of the NHRI membership, i.e. what positions are created by the enacting law and what positions have actually been filled and are in operation (Please include heads and deputy heads of the organization);
- The appointment mechanisms for membership to the NHRI and whether these procedures are applied in practice;
- The terms of office of members;
- Whether the members receive adequate remuneration;
- The procedures for dismissal and/or resignation and how they operate in practice.
- If there is an advisory body in addition to the membership, and if so, please set out the membership requirements of this body.

Applicants may wish to provide information relating to the following General Observation of the ICC Sub-Committee:

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

- a) A transparent process
- b) Broad consultation throughout the selection and appointment process
- c) Advertising vacancies broadly
- d) Maximising the number of potential candidates from a wide range of societal groups

Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.

3.2. Pluralism

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

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

The ICC has adopted the following General Observation on Pluralism as formulated by the ICC Sub-Committee on Accreditation:

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

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

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

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

Please explain how your organisation meets the requirement of Pluralism.

3.3. Organisational infrastructure

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

3.3.1. Organisational Structure

Please provide:

- An outline of the organisational structure of the NHRI and explain whether the Institution has an infrastructure which allows it to function according to its mandate;
- A list of the staff of the NHRI or, if provided in another document, refer to the organisational chart illustrating the staffing structure of the NHRI;
- Any information relating to the budget of the NHRI, its accounts and financial records including whether or not the NHRI has the control and management of its own budget, i.e. if the NHRI is financially independent from the government in how its budget is spent.

3.3.2. Staffing

Please explain: if the NHRI has the authority to hire staff and if there are any limitations on this authority; whether the NHRI is adequately resourced and staffed; and whether the staff reflect the principle of pluralism.

3.3.3. Regular meetings

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

Please state the frequency and composition of the NHRI meetings in practice.

4. Relations with Civil Society and human rights institutions

4.1. Formal Relationships with Civil Society

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

Please explain:

- Whether the enabling legislation formalises relationships between the NHRI and civil society, and if yes, describe the mechanism;
- If the Institution cooperates with the full range of civil society, i.e. this includes NGOs, trade unions, professional organisations, individuals or organisations espousing trends in philosophical or religious thought, universities and qualified experts, parliament and government departments.

4.2. Regular Consultations

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

Please explain whether the NHRI maintains consultation with the above mentioned human rights bodies in the country, and the content of these consultations.

4.3. Cooperation with the United Nations, regional and national institutions

The Paris Principles state that: A national institution shall have the responsibility to cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights. Furthermore, a national institution shall have the responsibility to contribute to the reports which States are required to submit to UN 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.

Please explain:

- Your legislative basis for this function and give an account of such reports the NHRI contributed to;
- The Institution's history of co-operation with regional and international bodies.

5. Accessibility

5.1. Procedures and mechanisms to ensure accessibility

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

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

5.2. Procedures and mechanisms for addressing public opinion

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

Please explain: how the NHRI addresses public opinion; whether it makes publications or services available in several languages; and if it makes interpretation available.

5.3. Working Groups

The Paris Principles state that: Within the framework of its operation, the national institution shall establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions.

Please state the working groups set up by the NHRI, if any, and where the NHRI has established local or regional offices, state their location and whether the offices have access for persons with disabilities.

IV. COMPETENCE AND RESPONSIBILITIES

6. General Jurisdiction and Functions

6.1. Mandate to promote and protect human rights.

The Paris Principles state that: A national institution shall be vested with competence to promote and protect human rights. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text.

Please set out and explain the legislative mandate of the Institution and which rights the Institution addresses: i.e. civil, political, social, economic and cultural.

6.2. The mandate in practice

The Paris Principles state that: Within the framework of its operation, the national institution shall: freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner.

Please explain how the NHRI is able to exercise its mandate in practice.

6.3. Functions regarding national legislation

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

Please set out your legislative basis for this function and discuss how the NHRI carries out this responsibility.

6.4. Encouraging ratification and implementation on international standards

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

Please set out your legislative basis for this function and discuss how the NHRI carries out this responsibility indicating specific examples.

6.5. Programmes for teaching and research

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

Please set out your legislative basis for this function and discuss the NHRI's initiatives in such programmes.

6.6. General powers

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

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

6.6.1. Please set out your legislative basis for this function and discuss how the NHRI carries out this responsibility.

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

6.6.2. Please set out your legislative basis for this function and discuss how the NHRI is active in monitoring domestic human rights situations.

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

6.6.3. Please set out your legislative basis for this function and give an account of what reports have been prepared.

(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.

6.6.4. Please set out your legislative basis for this function and discuss the NHRI's activity in this area and explain whether the Institution monitors government compliance with their advice and recommendations.

6.7. Power to gather information

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

Please discuss the NHRI's competence in this area. (Please complete this section if the NHRI does not have quasi-judicial competence as set out in section 7 below.)

7. Quasi-judicial competence (optional)

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

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

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

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

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

- If the NHRI has a mechanism for Individual Complaints Handling and Powers of Investigation, please provide an overview of the mechanism.