

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

Report and Recommendations of the Session of the Sub-Committee on Accreditation

Geneva, 26-30 March 2009

1. BACKGROUND

- 1.1. In accordance with the Statute of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC), the Sub-Committee on Accreditation (the Sub-Committee) has the mandate to consider and review applications for accreditation, re-accreditation and special or other reviews received by the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as the ICC Secretariat, and to make recommendations to the ICC Bureau members with regard to the compliance of applicant institutions with the Paris Principles. The Sub-Committee assesses compliance with the Paris Principles in law and in practice.
- 1.2. In accordance with the Sub-Committee Rules of Procedure, the Sub-Committee is composed of representatives of each region: the National Human Rights Institutions (NHRIs) of Germany for Europe (chair), Rwanda for Africa (represented by Morocco when absent), the Republic of Korea for Asia-Pacific and Canada for the Americas. The Sub-Committee convened from 26 to 30 March 2009. OHCHR participated as a permanent observer and in its capacity as ICC Secretariat. In accordance with new procedures, regional coordinating bodies of NHRIs were invited to attend as observers. The Sub-Committee welcomed the participation, as observers, of a representative of the Secretariat of the Network of African NHRIs, as well as the Chairperson of that Network, and representatives of the Secretariat of the Network of NHRIs of the Americas and the Asia Pacific Forum of NHRIs.
- 1.3. The Sub-Committee notes the procedures for its work as set out in the ICC Statute adopted on 30 July 2008, as amended on 21 October 2008, and further amended on 24 March 2009 (attached as Annex 1). The Sub-Committee applied these new procedures to its work in the current session, as set out below.
- 1.4. Pursuant to article 10 of the Statute, the Sub-Committee considered applications for accreditation from NHRIs of Qatar, Sri Lanka, Switzerland (*Commission Fédérale pour les Questions Féminines*) and Ukraine.
- 1.5. Pursuant to article 15 of the Statute, the Sub-Committee also considered an application for re-accreditation from the NHRI of Palestine.
- 1.6. Pursuant to article 17 of the Statute, the Sub-Committee reviewed certain issues regarding the NHRIs of Algeria, Ecuador, Luxembourg and Malaysia.
- 1.7. In accordance with the Paris Principles and the ICC Sub-Committee Rules of Procedure, the different classifications for accreditation used by the Sub-Committee are:

A: Compliance with the Paris Principles;

B: Observer status – Not fully in compliance with the Paris Principles or insufficient information provided to make a determination;

C: Non-compliance with the Paris Principles.

1.8. The General Observations (attached as Annex 2), as interpretative tools of the Paris Principles, may be used to:

- a) Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;
- b) Persuade domestic governments to address or remedy issues relating to an institution's compliance with the standards articulated in the General Observations;
- c) Guide the Sub-Committee on Accreditation in its determination of new accreditation applications, re-accreditation applications or other review:
 - i) If an institution falls substantially short of the standards articulated in the General Observations, it will be open for the 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.

1.9. The Sub-Committee formulated a new General Observation (attached as Annex 3).

1.10. The Sub-Committee notes that when specific issues are raised in its report in relation to accreditation, re-accreditation and other review, NHRIs are required to address these issues in any subsequent application or other review.

1.11. The Sub-Committee encourages all accredited NHRIs to inform the ICC Bureau at the first available opportunity about circumstances that would negatively affect their ability to meet the standards and obligations of the Paris Principles.

1.12. When the Sub-Committee declares its intention to consider particular issues within a specified time-frame, the outcome of the review may lead to a recommendation that may affect the accreditation status. In the event additional issues arise during the course of the review, the Sub-Committee will so notify the NHRI.

1.13. Pursuant to Article 12 of the 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:

- The recommendation of the Sub-Committee shall first be forwarded to the applicant;
- An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within twenty eight (28) days of receipt.

- Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau;
- Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information at least four members of the ICC Bureau coming from not less than two regional groups notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision;
- If at least four members coming from two or more regional groups do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau;
- The decision of the ICC Bureau on accreditation is final.

1.14. As provided for in the Statute, in cases where the Sub-Committee considers a recommendation that would serve to remove accredited status from an applicant institution, the applicant institution is informed of this intention and given the opportunity to provide in writing, within one year of such notice, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The concerned institution retains its "A" status during this period.

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

1.16. The Sub-Committee acknowledges the high degree of support and professionalism of the staff of the ICC Secretariat (OHCHR National Institutions Unit).

2. IMPLEMENTATION OF NEW PROCEDURES

2.1. The Sub-Committee continued to develop its procedures in the ongoing effort to advance the principles of rigour, transparency, and fairness in the accreditation process.

2.2. As initiated at the November 2008 session of the Sub-Committee, the March 2009 session was open to NHRI regional coordinating committees to attend as observers. All four committees were invited to participate. A representative of, the Secretariat of the Network of African NHRIs, the Secretariat of the Network of NHRIs of the Americas and the Asia Pacific Forum of NHRIs attended the session. The Sub-Committee encourages the participation of all regional coordinating committees in future sessions.

2.3. The Sub-Committee shared the summaries prepared by the Secretariat with the concerned NHRIs before the consideration of their applications and they were given one week to

comment on them. All comments received, together with the summaries, were then sent to the members of the Sub-Committee. Once the recommendations of the Sub-Committee are adopted by the ICC Bureau, according to the procedures, the summaries and the comments and the statement of compliance will be posted on the NHRI Forum (www.nhri.net). The summaries are currently only prepared in English, due to current financial constraints.

- 2.4. The Sub-Committee considered information received from civil society. The Sub-Committee shared that information with the concerned NHRIs and considered their responses.
- 2.5. The Sub-Committee amended paragraph 3.6 (new), 4.2 and 6.1 of its Rules of Procedure as well as its General Observations 6.3 and 6.6, in keeping with the ICC Statute and its current procedures. The Sub-Committee **recommends** that the ICC Bureau approve the amendments to the Rules of Procedure and General Observations.
- 2.6. The Sub-Committee considered the issue of re-accreditation of status B NHRIs and **recommends** that all NHRIs that hold B status be subject to re-accreditation on a 5 year cyclical basis.

3. SPECIFIC RECOMMENDATIONS – ACCREDITATION APPLICATIONS

3.1. Qatar: National Human Rights Committee (NHRC)

Recommendation: The Sub-Committee recommends that the NHRC be accredited with **status A**.

The Sub-Committee expresses appreciation for the work done by the NHRC, as well as the inclusion of non-citizens under its mandate, especially given the national circumstances and societal composition.

It expresses appreciation for the legislative changes that have increased the number of civil society representatives on the NHRC, their majority status on the NHRC and the removal of voting rights for Government representatives.

It also expresses appreciation for the regular increase in funding for the NHRC and that the NHRC has management and control over the use of those funds.

The Sub-Committee (“SCA”) notes the following:

- While the NHRC considers and proposes new members, the existing legislative process refers to the selection of new members by the Emir. The existing legislation should establish a clear, transparent and pluralistic nomination process. The SCA refers to General Observation 2.1 “Ensuring pluralism” and General Observation 2.2 “Selection and appointment of the governing body”;
- There is no legislative provision guaranteeing the immunity of NHRC members for actions undertaken in their official capacity. The SCA refers to General Observation 2.5 “Immunity”;
- Financial security and autonomy through the creation of an individual entry in the budget which is solely attributed to the NHRC is not ensured. The SCA refers to General Observation 2.6 “Adequate Funding”;

- There is no legislative provision for the dismissal of NHRC members. The SCA refers to General Observation 2.9 “Guarantee of tenure for members of governing bodies”;
- The SCA encourages the NHRC to monitor developments in the international human rights system and to use such developments to inform and develop their domestic activities where applicable. Furthermore, and where relevant, the SCA encourages the NHRC to interact directly with the international human rights system (UN Human Rights Treaty Bodies, Special Procedures Mandate Holders and Human Rights Council, including the UPR), providing information independently of the Government and ensuring follow up action to recommendations resulting from that system. It refers to General Observation 1.4 “Interaction with the International Human Rights System”.

The Sub-Committee will consider these issues at its first session of 2010. The Sub-Committee encourages the NHRC to seek advice and assistance from OHCHR and the regional network of NHRIs.

3.2. Sri Lanka: Human Rights Commission (SLHRC)

Recommendation: after reviewing the information provided by the SLHRC, the Sub-Committee recommends that its **B Status** be maintained. It encourages the SLHRC to submit a complete accreditation application for a future session.

The Sub-Committee (“SCA”) notes the following:

- It observes that new SLHRC members are due to be appointed in April 2009. While recognising that the Constitutional Council may not be constituted at this time to make recommendations on appointments as provided for in the SLHRC’s legislation, the SCA nevertheless stresses the need for a transparent and consultative selection process in practice. The SCA strongly encourages the SLHRC to engage with the government to ensure the adoption of such a process. The SCA refers to General Observation 2.2 “Selection and Appointment of the Governing Body”.
- It expresses its concern that the SLHRC does not appear to have released regular and detailed reports or statements in relation to killings, abductions and disappearances stemming from the human rights crisis in Sri Lanka. While the SCA acknowledges the work of the SLHRC’s regional offices in extremely difficult circumstances, it reemphasises the need for the SLHRC to carry out its core protection mandate to demonstrate its vigilance and independence during the ongoing state of emergency;
- It commends the SLHRC on its concrete efforts to implement a regular consultation mechanism with civil society organisations in line with the ICC recommendation on the same. However, the SCA notes that consultation so far has been described as selective. The SCA emphasises that engagement with civil society must be broad based, to ensure the pluralistic representation of social forces as required by the Paris Principles;
- It welcomes the publication of the 2006-07 Annual Report in line with the ICC recommendation on the same, but notes that the report provides insufficient information to assess the ongoing work of the SLHRC and appears to be only available in English. The SCA refers to General Observation 6.7 “NHRI Annual Report”;

- It further notes that the Tamil and Sinhala sections of the SLHRC website are not functioning. The SCA highlights the importance of ensuring that the SLHRC is accessible to all groups in society.

The Sub-Committee encourages the SLHRC to seek advice and assistance from OHCHR and the regional network of NHRIs.

3.3. Switzerland: Commission fédérale pour les questions féminines (CFQF)

Recommendation: The Sub-Committee recommends that the CFQF be accredited with **status C**.

The Sub-Committee (“SCA”) notes:

- The mandate of the CFQF largely focuses on research and investigation of the status of women’s rights in Switzerland. It refers to General Observation 1.2 “Human Rights mandate” and stresses the importance that NHRIs be endowed with a broad human rights mandate;
- Appointment of members is largely done based on nominations from Government authorities and social organizations. The SCA refers to General Observation 2.2 “Selection and appointment of the governing body” and emphasizes the importance that the selection and appointment process involves; a transparent process; broad consultation through the selection and appointment process; advertising vacancies broadly; maximizing the number of potential candidates from a wide range of societal groups; and selecting members to serve in their own individual capacity rather than on behalf of the organization they represent;
- Nine of the 20 members of the CFQF are appointees from the Swiss Government. The SCA refers to General Observation 2.3 “Government representatives on National Institutions”;
- Members of the CFQF do not enjoy immunity for actions undertaken in their official capacity. The SCA refers to General Observation 2.5 “Immunity”;
- The CFQF receives an annual credit from the Government to support its activities. The SCA refers to General Observation 2.6 “Adequate Funding”;
- There is no provision in the legislation nor in the institution’s internal regulations stipulating salaries or any form of remuneration for CFQF’s members. The SCA refers to General Observation 2.6 “Adequate Funding”;
- None of the members of the CFQF functions on a full-time basis. The SCA refers to General Observation 2.8 “Full-Time Members”;
- There are no written procedures governing dismissal of members of the Institution, nor are there any written procedures to govern resignation of members. The SCA refers to General Observation 2.9 “Guarantee of Tenure for Members of Governing Bodies”;
- The CFQF must seek prior approval of the Swiss Federal Department of the Interior prior to publishing its communications, reports, recommendations, and propositions. The SCA recalls that the Paris Principles proscribe that NHRIs should be able to exercise its mandate in an independent manner.

3.4. Ukraine: Office of the Ukrainian Parliament Commissioner for Human Rights (UPCHR)

Recommendation: The Sub-Committee recommends that the UPCHR be accredited with **status A**.

The Sub-Committee (“SCA”) notes the following:

- The mandate of the UPCHR refers to the parliamentary control over constitutional human and citizens’ rights and freedoms and to the protection of every individual’s rights within the jurisdiction of Ukraine. The SCA refers to General Observation 1.2 “Human Rights mandate” and stresses that NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles;
- Civil society and other groups are not involved in the appointments process. The SCA refers to General Observation 2.2 “Selection and appointment of the governing body” and stresses that this process should include a transparent process, broad consultation throughout the selection and appointment process, advertising vacancies broadly, and maximizing the number of potential candidates from a wide range of societal groups;
- The importance of financial independence, both in terms of budget submissions, as well as sufficient funding. The SCA refers to General Observation 2.6 “Adequate funding”, and furthermore stresses that an NHRI should not be subject to financial control which might affect its independence.

4. SPECIFIC RECOMMENDATIONS – RE-ACCREDITATION APPLICATION

4.1. Palestine: Palestine Independent Commission for Human Rights (PICHR)

Recommendation: The Sub-Committee recommends that the PICHR be accredited with **status A**.

The Sub-Committee expresses appreciation for the work of the PICHR, noting that it operates effectively and efficiently in a context of extreme insecurity and a difficult humanitarian situation. PICHR has conducted itself with a heightened level of vigilance and independence in the exercise of its mandate.

The Sub-Committee (“SCA”) notes the following:

- While acknowledging the specific circumstances regarding the Palestinian Authority, the Sub-Committee encourages the PICHR to continue to engage with the Palestinian Authority to formalize its status through the adoption of an enabling law. The SCA refers to General Observation 1.1 “Establishment of national institutions”;
- Neither the Presidential Decree nor the by-laws contain a definition of human rights. The SCA refers to General Observation 1.2 “Human Rights mandate”;
- The by-laws do not provide guarantees of tenure for members of the governing body, nor do they contain provisions setting out a dismissal procedure for Board members. The SCA refers to General Observation 2.9 “Guarantee of tenure for members of governing bodies”;

- The budget of the PICHR is nearly totally funded through international donor funding. The SCA refers to General Observation 2.6 “Adequate Funding”, in particular that funding from external sources should not compose the core funding of the NHRIs.

The Sub-Committee notes that Palestine has received a standing invitation to participate as an observer in the sessions and the work of the UN General Assembly and maintains a permanent observer mission at the UN Headquarters.

5. SPECIFIC RECOMMENDATIONS – REVIEWS UNDER ARTICLE 17

5.1. Algeria: Commission Nationale Consultative de Promotion et de Protection des Droits de l’Homme (CNCPPDH)

Recommendation: The Sub-Committee recommends that the CNCPPDH be accredited with **status B**. It takes note of a letter dated 25 March 2009 from the CNCPPDH President to the ICC Chair informing that the Prime Minister has instructed the Minister of Justice to elaborate a legislative text on the status of the CNCPPDH. This text is to be submitted to Parliament at its spring session 2009.

The Sub-Committee (“SCA”) notes the following:

- It expresses appreciation that the CNCPPDH provided the Secretariat with the Annual Human Rights Report 2007, following the April 2008 Sub-Committee’s recommendation on the same;
- It reiterates its concern that the CNCPPDH is established by a Presidential decree, which is an act of the executive, rather than a constitutional or legislative text as called for in the Paris Principles and General Observation 1.1 “Establishment of national institutions”;
- No additional information was provided by the CNCPPDH on follow up action on the remaining April 2008 recommendations, despite having been reminded to do so by the Secretariat through a communication dated 12 January 2009;
- The Chair and the members of the CNCPPDH are appointed and dismissed without a clear and transparent process. The SCA has not been informed of plans to establish these processes, following its April 2008 recommendation on the same. The SCA refers to General Observation 2.2 “Selection and appointment of the governing body”;
- It reiterates the need for the CNCPPDH to interact effectively and independently with the United Nations Human Rights System. The SCA refers to General Observation 1.4 “Interaction with the International Human Rights System”.

The Sub-Committee urges the CNCPPDH to apply for accreditation once the legislation has been enacted and the issues above appropriately addressed. The Sub-Committee encourages the CNCPPDH to seek advice and assistance from OHCHR and the regional network of NHRIs.

5.2. Ecuador: Defensoría del Pueblo de Ecuador (DPE)

Recommendation: The Sub-Committee recommends that the **status A** be maintained.

The Sub-Committee is satisfied that the revisions to the Constitution of Ecuador did not negatively affect the independence and effectiveness of the DPE.

The Sub-Committee (“SCA”) notes the following:

- It recommends that amendments to the organic law resolve discrepancies (e.g. term of office) between the revised Constitution and the current organic law and be in line with the Paris Principles;
- The *Consejo de Participación Ciudadana y Control Social* is in charge of the appointment of the *Defensor*. The SCA calls on the *Defensor* to ensure the *Consejo* is aware of and encourages the incorporation of relevant Paris Principles requirements in future selection processes. The SCA refers to General Observation 2.2 “Selection and appointment of the governing body”;
- It reiterates the need for the *Defensoría* to interact effectively with the United Nations Human Rights System. The SCA refers to General Observation 1.4 “Interaction with the International Human Rights System”.

5.3. Luxembourg: Commission Consultative des Droits de l’Homme of Luxembourg (CCDH)

Recommendation: The Sub-Committee recommends that consideration of the CCDH be **deferred** to its next session. It gives the CCDH the opportunity to provide, in writing, within the one year period expiring November 2009, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The CCDH **retains its “A status”** during this period.

The Sub-Committee welcomes the additional information provided by the CCDH following its November 2008 review and acknowledges that efforts are being made to address most of the concerns expressed by it.

The Sub-Committee welcomes the Government’s expressed intention to establish a Special Nominations Committee composed of representatives of civil society and/or human rights institutions that would advise on the designation of the members of the CCDH.

The Sub-Committee (“SCA”) notes the following:

- While the CCDH is composed of members coming from different political, ideological and religious backgrounds, neither the 2000 Regulations nor the Draft Law provides any legal requirements to ensure the pluralism of the institution’s membership and staff composition. The SCA refers to General Observation 2.1 “Ensuring pluralism”;
- The CCDH is developing an internal regulatory document dealing with appointment and dismissal of members. The SCA recommends that selection, appointment and grounds for dismissal be in accordance with the Paris Principles. The SCA refers to General Observations 2.2 “Selection and appointment of the governing body” and 2.9 “Guarantees of tenure for members of governing bodies”.
- None of the CCDH’s members occupies a permanent full-time position. The SCA refers to General Observation 2.8 “Full-time Members”;

- There is indication that the CCDH exercises only limited budgetary autonomy and that the budget may not be sufficient for the CCDH to carry out a protection function in conformity with the Paris Principles. The SCA refers to General Observation 2.6 “Adequate funding”;
- The Draft Law does not provide CCDH members with functional immunity. The SCA refers to General Observation 2.5 “Immunity”,
- It recommends that the CCDH further develop relationships with civil society. The SCA refers to General Observation 1.5 “Cooperation with other human rights institutions”.

5.4. Malaysia: National Human Rights Commission of Malaysia (SUHAKAM)

Recommendation: The Sub-Committee recommends, pursuant to Article 16.3 of the ICC Statute, that consideration of SUHAKAM be **deferred** to its next session. SUHAKAM **retains its “A status”** during this period.

The Sub-Committee welcomes the entry of the Bill to Parliament (i.e. amendment to the 1999 Human Rights Commission of Malaysia Act), which was passed by the House of Representatives on 25 March 2009 and is currently before the Senate. It notes that some of the concerns it raised at its April 2008 session have been addressed (e.g. the expansion of the term of office to 3 years renewable).

However, the Sub-Committee (“SCA”) notes that the legislation is not yet finalised and that not all the issues it raised at its April 2008 Session have been addressed in the amended legislation, namely the following:

- Although the appointment process has been strengthened by the recent legislative amendments, the SCA expresses its disappointment that the amendments do not make the process more transparent through a requirement for broad based participation in the nomination, review, and selection of Commissioners. The SCA notes that this process may be further strengthened through inclusion and participation of civil society. The SCA refers to its General Observations 2.1 “Ensuring pluralism” and 2.2 “Selection and Appointment of the Governing Body”.
- The SCA expresses its concern with regard to the inclusion of performance indicators, as established by the Prime Minister, used in relation to re-appointment or dismissal decisions. While acknowledging the value of such indicators in making clear the expectations of Commissioners, it stresses that such requirements must be clearly established; appropriately circumscribed, so as not to interfere in the independence of members; and made public. The SCA refers to its General Observation 2.9 “Guarantee of tenure for members of governing bodies”;
- While acknowledging SUHAKAM’s interaction with the International Human Rights System, in accordance with its General Observation 1.4 “Interaction with the International Human Rights System”, the SCA stresses the need for SUHAKAM to continue to promote ratification and implementation of international human rights instruments.




The Sub-Committee will consider whether these issues have been dealt with through further amendments to the pending legislation or through regulatory or administrative mechanisms, which are clear, transparent and participatory.

ANNEX I

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

STATUTE

<p>Art 1.1</p>	<p>SECTION 1: DEFINITIONS AND INTERPRETATION</p> <p>In this Statute</p> <p>Former Rules of Procedure means the Rules of Procedure of “The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights” adopted on 15 April 2000 and as amended on 13 April 2002, and on 14 April 2008 which are now merged into this Statute;</p> <p>ICC means the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights existing under the former Rules of Procedure, referred to in the United Nations Commission on Human Rights resolution 2005/74 and the United Nations Human Rights Council resolution 5/1, which is now given independent corporate personality by this Statute;</p> <p>ICC Bureau means the committee of management established under Article 43 of this Statute;</p> <p>Days: In this statute, a reference to days means calendar days, not working days.</p> <p>NHRI means a National Human Rights Institution;</p> <p>NIU means the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights;</p> <p>Observer means an institution or person granted permission to participate in ICC meetings or other open meetings or workshops without voting rights and without the right to speak unless invited to do so by the Chairperson of the meeting or workshop.</p> <p>OHCHR means the Office of the United Nations High Commissioner for Human Rights;</p> <p>Paris Principles means the Principles Relating to the Status of National Institutions, adopted by the United Nations Commission on Human Rights in resolution 1992/54 of 3 March 1992 and endorsed by the United Nations General Assembly in resolution 48/134 of 20 December 1993;</p> <p>Rules of Procedure of the ICC Sub-Committee on Accreditation mean the Rules of Procedure for the ICC Sub-Committee on Accreditation adopted by the members of the International Coordinating Committee constituted under the former Rules of Procedure at its 15th session, held on 14 September 2004 at Seoul, Republic of Korea, as amended at the 20th session, held on 14 April 2008 at Geneva, Switzerland, and continued in existence under the transitional provisions of this Statute;</p> <p>Regional Coordinating Committee means the body established by NHRIs in each of the regional groupings referred to in Section 7 of this Statute to act as their coordinating secretariats, namely:</p> <ul style="list-style-type: none"> ▪ Asia Pacific Forum of National Human Rights Institutions; ▪ European Coordinating Committee of National Human Rights Institutions; ▪ Network of African National Human Rights Institutions; and ▪ Network of National Human Rights Institutions of the Americas;
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	<p>Secretary means the individual elected as Secretary under Article 34 who acts as the Deputy to the Chairperson to carry out the role and functions of the Chairperson in her or his absence, including the functions referred to in Article 49;</p> <p>Sub-Committee on Accreditation means the sub-committee established under the former Rules of Procedure and referred to as the Accreditation Subcommittee of the International Coordinating Committee of National Institutions in United Nations Commission on Human Rights resolution 2005/74 as the authority to accredit NHRIs, under the auspices of the OHCHR, and whose mandate is given to it under and in accordance with the Rules of Procedure for the ICC Sub-Committee on Accreditation;</p> <p>Voting member means a NHRI which is a member of the ICC and is accredited with an 'A' status; and non-voting member means a NHRI which is a member of the ICC and is accredited with a 'B' status;</p> <p>'Writing' or 'Written' includes any hand-written, typed or printed communication, including telex, cable, electronic mail and facsimile transmissions.</p>
<p>Art 1.2</p>	<p>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.</p>
<p>Art 2</p>	<p>SECTION 2: NAME, LOGO AND REGISTERED OFFICE</p> <p>A non-profit association is hereby created by the National Human Rights Institutions (NHRIs) subscribing to this present Statute, according to Articles 60 and following of the Swiss Civil Code as an international association possessing legal personality independent of its members. The name of the association is the Association International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in this Statute referred to as the ICC. The duration of the ICC is unlimited.</p> <p>The ICC created by this Statute gives independent corporate personality to the loose arrangement of NHRIs hitherto existing under the former Rules of Procedure.</p>
<p>Art 3</p>	<p>The official logo of the ICC, in each of the working languages, is the following image:</p> <div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div style="margin-left: 10px;"> <p>INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)</p> </div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div style="margin-left: 10px;"> <p>COMITÉ INTERNATIONAL DE COORDINATION DES INSTITUTIONS NATIONALES POUR LA PROMOTION ET LA PROTECTION DES DROITS DE L'HOMME (CIC)</p> </div> </div> <div style="display: flex; align-items: center;">  <div style="margin-left: 10px;"> <p>COMITÉ INTERNACIONAL DE COORDINACIÓN DE LAS INSTITUCIONES NACIONALES PARA LA PROMOCIÓN Y LA PROTECCIÓN DE LOS DERECHOS HUMANOS (CIC)</p> </div> </div> </div>
<p>Art 4</p>	<p>The registered office of the ICC is 42 avenue Krieg, 1208 Geneva, Switzerland</p>
<p>Art 5</p>	<p>SECTION 3: PURPOSE</p> <p>Objects</p> <p>The ICC is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles and provides leadership in the promotion and</p>

	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	<p>Functions</p> <p>The functions of the ICC are:</p> <ol style="list-style-type: none"> 1. To coordinate at an international level the activities of NHRIs established in conformity with the Paris Principles, including such activities as: <ul style="list-style-type: none"> ▪ Interaction and cooperation with the United Nations, including the OHCHR, the Human Rights Council, its mechanisms, United Nations human rights treaty bodies, as well as with other international organisations; ▪ Collaboration and coordination amongst NHRIs and the regional groups and Regional Coordinating Committees; ▪ Communication amongst members, and with stakeholders including, where 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: <ul style="list-style-type: none"> ▪ Accreditation of new members; ▪ Periodic renewal of accreditation; ▪ Special review of accreditation; ▪ Assistance of NHRIs under threat; ▪ Encouraging the provision of technical assistance; ▪ Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIs. 3. To undertake such other functions as are referred to it by its voting members. <p>Principles:</p> <p>In fulfilling these functions, the ICC will work in ways that emphasize the following principles:</p> <ul style="list-style-type: none"> ▪ Fair, transparent, and credible accreditation processes; ▪ Timely information and guidance to NHRIs on engagement with the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies; ▪ The dissemination of information and directives concerning the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies to NHRIs; ▪ Mandated representation of NHRIs; ▪ Strong relationships with the OHCHR and the Regional Coordinating Committees that reflect the complementarity of roles; ▪ Flexibility, transparency and active participation in all processes; ▪ Inclusive decision-making processes based on consensus to the greatest extent

	<p>possible;</p> <ul style="list-style-type: none"> ▪ The maintenance of its independence and financial autonomy.
Art 8	<p>International Conference</p> <p>The ICC shall hold a biennial International Conference in accordance with the Rules of Procedure of International Conferences of National Institutions for the Promotion and Protection of Human Rights adopted by NHRIs at their ICC meeting held in Geneva, Switzerland on 17 April 2002.</p>
Art 9	<p>SECTION 4: LIAISON WITH OTHER HUMAN RIGHTS INSTITUTIONS AND NGOs</p> <p>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.</p>
	<p>SECTION 5: PARIS PRINCIPLES ACCREDITATION</p> <p>[Note: Pursuant to Human Rights Council resolution 5/1, VII Rules of Procedure, rule 7(b), participation of NHRIs in the work of the Human Rights Council is based on arrangements and practices agreed upon by the Human Rights Commission including resolution 2005/74 of 20 April 2005. Resolution 2005/74, paragraph 11(a), permitted NHRIs that are accredited by the Sub-Committee on Accreditation to exercise participation rights in the Human Rights Commission and subsidiary bodies of the Commission.]</p>
Art 10	<p>Application for Accreditation Process</p> <p>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:</p> <ul style="list-style-type: none"> ▪ a copy of the legislation or other instrument by which it is established and empowered in its official or published format; ▪ an outline of its organizational structure including staff complement and annual budget; ▪ a copy of its most recent annual report or equivalent document in its official or published format; ▪ a detailed statement showing how it complies with the Paris Principles as well as any respects in which it does not so comply and any proposals to ensure compliance. The ICC Bureau may determine the form in which this statement is to be provided. <p>The application shall be decided pursuant to Articles 11 and 12 of this Statute.</p>
Art 11.1	<p>All applications for accreditation under the Paris Principles, shall be decided under the auspices of, and in cooperation with, OHCHR by the ICC Bureau after considering a report from the Sub-Committee on Accreditation on the basis of written evidence submitted.</p>
Art 11.2	<p>In coming to a decision, the ICC Bureau and the Sub-Committee shall adopt processes that facilitate dialogue and exchange of information between it and the applicant NHRI as deemed necessary to come to a fair and just decision.</p>
Art 12	<p>Where the Sub-Committee on Accreditation comes to an accreditation recommendation, it shall forward that recommendation to the ICC Bureau whose decision is final subject to the following process:</p> <ul style="list-style-type: none"> ▪ The recommendation of the Sub-Committee shall first be forwarded to the applicant; ▪ An applicant can challenge a recommendation by submitting a written challenge to the

	<p>ICC Chairperson, through the ICC Secretariat, within twenty eight (28) days of receipt.</p> <ul style="list-style-type: none"> ▪ Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau; ▪ Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information at least four members of the ICC Bureau coming from not less than two regional groups notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision; ▪ If at least four members coming from two or more regional groups do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau; ▪ The decision of the ICC Bureau on accreditation is final.
Art 13	Should the ICC Bureau decide to decline an application for accreditation of any NHRI by reason of its failure to comply with the Paris Principles, the ICC Bureau or its delegate may consult further with that institution concerning measures to address its compliance issues.
Art 14	Any NHRI whose application for accreditation has been declined may reapply for accreditation, according to the guidelines under Article 10, at any time. Such an application may be considered at the next meeting of the Sub Committee on Accreditation.
Art 15	<p>Periodic Re-accreditation</p> <p>All NHRIs that hold an 'A' 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.</p>
Art 16.1	<p>Review of Accreditation Process</p> <p>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.</p>
Art 16.2	Where, in the opinion of the Chairperson of the ICC or of any member of the Sub-Committee on Accreditation, it appears that the circumstances of any NHRI that has been accredited with an 'A' status under the former Rules of Procedure may have changed in a way which affects its compliance with the Paris Principles, the Chairperson or the Sub-Committee may initiate a review of that NHRI's accreditation status.
Art 16.3	Any review of the accreditation classification of a NHRI must be finalized within eighteen (18) months.
Art 17	On any review the Chairperson and Sub-Committee on Accreditation shall have all the powers and responsibilities as in an application under Article 10.
Art 18	<p>Alteration of Accreditation Classification</p> <p>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</p>

	writing, within one (1) year of receipt of such notice, the written evidence deemed necessary to establish its continued conformity to the Paris Principles.
Art 19	An accreditation classification held by a NHRI may be suspended if the NHRI fails to submit its application for re-accreditation or fails to do so within the prescribed time without justification.
Art 20	An accreditation classification may lapse if a NHRI fails to submit an application for re-accreditation within one (1) year of being suspended for failure to reapply, or if a NHRI under review under Article 16 of this Statute fails to provide sufficient documentation, within eighteen (18) months of being placed under review, to satisfy the body determining membership under this Statute that it remains in conformity with the Paris Principles.
Art 21	NHRIs whose accreditation has been suspended remain suspended until the body determining their compliance with the Paris Principles under this Statute comes to a determination of their accreditation status or until their accreditation lapses.
Art 22	NHRIs whose accreditation status has lapsed or been revoked may regain accreditation only by re-applying for accreditation as provided for in Article 10 of this Statute.
Art 23	In the event that accreditation lapses or is revoked or suspended, all rights and privileges conferred on that NHRI through accreditation immediately cease. In the event that a NHRI is under review, it shall retain the accreditation status it has been granted until such time as the body determining membership comes to a decision as to its compliance with the Paris Principles or its membership lapses.
Art 24.1	<p>SECTION 6: MEMBERS</p> <p>Eligibility</p> <p>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.</p>
Art 24.2	NHRIs that are only partially compliant with the Paris Principles, being those which have been accredited with a 'B' status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to become a non-voting member.
Art 25	Any NHRIs wishing to become a member of the ICC shall apply in writing to the Chairperson of the ICC giving: in the case of an application for voting membership, particulars of the date on which it was accredited with A status; and, in the case of an application for non-voting membership, particulars of the date on which it was accredited with B status. In either case, the applicant must indicate their agreement to be bound by this Statute as amended from time to time (including as to the payment of the applicable annual membership subscription). The application shall be considered and decided by the ICC Bureau.
Art 26	A NHRI shall cease to be a member of the ICC upon written notice by that NHRI of resignation given to the Chairperson of the ICC, but without prejudice to the obligation of the NHRI to discharge outstanding fiscal obligations due to the ICC at the date of resignation.
Art 27	Membership may be revoked by resolution of the ICC Bureau if the body determining accreditation status under this Statute determines that a member no longer meets the membership eligibility requirements in Article 24.

Art 28	Membership may be cancelled by resolution of the ICC Bureau if that member has failed for six (6) months or more to pay an annual subscription that is due and owing.
Art 29.1	A NHRI whose membership has been revoked, or cancelled for non-payment of an annual subscription, may regain membership by reapplying for membership under Article 25 of this Statute.
Art 29.2	Where membership has been cancelled for non-payment of a subscription, re-admission to membership shall be subject to payment of the outstanding subscription or so much thereof as the ICC Bureau shall determine.
Art 30	Independence of Members Notwithstanding anything in this Statute, the independence, authority and national status of members, and their powers, duties and functions under their own legislative mandates, and their participation in the different international fora on human rights shall in no way be affected by the creation of the ICC or its functioning.
Art 31.1	SECTION 7: REGIONAL GROUPING OF MEMBERS For the purpose of ensuring a fair balance of regional representation on the ICC the following regional groups are established: <ul style="list-style-type: none"> ▪ Africa ▪ The Americas ▪ Asia-Pacific ▪ Europe
Art 31.2	The members within any regional group may establish such sub-regional groupings as they wish.
Art 31.3	The members of regional groups may establish their own procedures concerning meetings and activities.
Art 31.4	Each regional group is to appoint four (4) members accredited with an 'A' status which shall each have a representative on the ICC Bureau.
Art 32	SECTION 8: GENERAL MEETINGS OF MEMBERS The General Meeting is composed by the ICC members and constitutes the supreme power of the association.
Art 33	The duties of the General Meeting include control of the activities of the ICC, review and control of the activities of the ICC Bureau, ratification of the program of ICC activities, the amendment of this Statute, consideration of funding issues and the fixing of annual membership subscriptions to be paid by members accredited with an 'A' status provided however that decisions of the ICC Bureau on accreditation determinations shall not be subject to review or control by a General Meeting.
Art 34	The General Meeting ratifies the appointment of the members of the ICC Bureau and elects the Chairperson and the Secretary. The members of the ICC Bureau must be individuals representing the members of the ICC accredited with an "A" status which have been appointed by their regional groups under article 31.
Art 35	If required under Swiss Law, the General Meeting must elect an auditor who shall not be a member of the ICC.

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

	<ul style="list-style-type: none"> ▪ 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 information about human rights issues and activities of the Human Rights Council, its mechanisms, the United Nations human rights treaty bodies, and of the ICC in which members could have an interest; ▪ receive financial grants and donations, and gifts of any kind; ▪ adopt, amend or revoke rules of procedure in relation to the working methods of the ICC Bureau and its sub-committees to regulate or clarify any matter contemplated by this Statute. Every decision to adopt, amend or revoke a rule shall as soon as is practicable be circulated to all members of the ICC and posted on the nhri.net website.
<p>Art 47</p>	<p>Membership Subscription</p> <p>The ICC Bureau shall as and when it considers appropriate recommend to a General Meeting that an annual membership subscription be set by the General Meeting. Once set the Bureau will ensure procedures are in place to collect membership subscriptions. The ICC Bureau in its discretion may waive in whole or in part the annual subscription for a member if satisfied that the member is unable to pay the full amount due.</p>
<p>Art 48</p>	<p>Meetings of the ICC Bureau</p> <p>A meeting of the ICC Bureau shall be held in conjunction with each General Meeting of the ICC and at least two (2) times each year. Otherwise, the ICC Bureau shall meet at such times and places as it or the Chairperson shall decide. Written notice summoning a meeting shall be given at least four (4) weeks in advance unless the ICC Bureau agrees to a shorter period for that meeting. The agenda of the meeting shall be submitted to the members with the written notice of meeting.</p>

Art 49	<p>The Chairperson and Secretary</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> ▪ on behalf of the ICC on topics authorised by a General Meeting or the ICC Bureau; ▪ on behalf of individual NHRIs when authorised by them; ▪ on thematic human rights issues to promote policy decided by a General Meeting, a biennial conference or by the ICC Bureau; and ▪ generally to advance the objects of the ICC.
Art 50.1	<p>Conduct of ICC Bureau Business</p> <p>English, French, and Spanish shall be the working languages of the ICC Bureau. As a result, documents from the ICC should be available in these languages.</p>
Art 50.2	<p>A majority of the members of the ICC Bureau shall constitute a quorum.</p>
Art 50.3	<p>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.</p>
Art 50.4	<p>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.</p>
Art 50.5	<p>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.</p>
Art 50.6	<p>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.</p>
Art 50.7	<p>Notwithstanding the forgoing provisions of this Article 50, the ICC Bureau may decide any matter in writing without the need to formally summon a meeting provided that a majority of the members of the ICC Bureau concur with the decision.</p>
Art 50.8	<p>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.</p>
Art 51	<p>Further Procedure</p> <p>Should any question concerning the procedure of the ICC Bureau arise which is not provided for by these rules the ICC Bureau may adopt such procedure as it thinks fit.</p>

<p>Art 52</p>	<p>SECTION 11: FINANCIAL ADMINISTRATION Accounting Year The financial year ends on 31 December of each year.</p>
<p>Art 53</p>	<p>SECTION 12: ASSETS OF THE ICC The assets of the ICC comprise and include:</p> <ul style="list-style-type: none"> ▪ grants obtained from international and national public and semi-public organizations; ▪ donations; ▪ subscriptions; ▪ funds entrusted to it by other organizations, associations, businesses or institutions; and ▪ income and property of any kind received from whatever source.
<p>Art 54</p>	<p>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.</p>
<p>Art 55</p>	<p>SECTION 13: DISSOLUTION AND LIQUIDATION Dissolution The ICC may be dissolved by resolution of the ICC in a General Meeting. A General Meeting called for this purpose shall be convened specially. At least one half of the members must be present. If this proportion is not present the General Meeting must 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.</p>
<p>Art 56</p>	<p>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.</p>
<p>Art 57</p>	<p>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.</p>
<p>Art 58</p>	<p>SECTION 15: AMENDMENT OF STATUTE This Statute may be amended only by a General Meeting of the ICC.</p>
<p>Art 59</p>	<p>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</p>

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 TO THE ICC STATUTE

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

1. Mandate

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

2. Composition of the Sub-Committee

2.1. For the purpose of ensuring a fair balance of regional representation on the Sub-Committee on Accreditation, it shall be composed of one (1) ICC NHRI accredited '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 NHRIs in the region.

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

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

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

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

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

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

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

4. Procedures

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

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

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

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

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

5. Accreditation Classifications

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

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

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

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

6. Report and Recommendations

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

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

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

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

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

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

Annex II

ICC SUB-COMMITTEE ON ACCREDITATION

GENERAL OBSERVATIONS

1. Competence and responsibilities

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

2. Composition and guarantees of independence and pluralism

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

accreditation applications.

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

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

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

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

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

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

2.4 Staffing by secondment:

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

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

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

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

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

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

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

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

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

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

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

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

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

2.10 Administrative regulation

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

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

3. Methods of operation

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

5. Additional issues

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

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

6. Procedural issues

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

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

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

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

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

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

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.

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 Statute² provides that the State shall have one speaking right, one voting right and, if elected, only one ICC Bureau member.

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

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

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

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

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

Adopted by International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) by email after the SCA meeting of November 2008.

Geneva, March 2009

ANNEX III

General Observation developed by the Sub-Committee on Accreditation at its March 2009 session:

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.
