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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH
COMMISSIONER AND THE SECRETARY-GENERAL**

**Process currently utilized by the International Coordinating Committee of
National Institutions for the Promotion and Protection of Human Rights to
accredit national human rights institutions in compliance with the
Paris Principles and to ensure that the process is strengthened with
appropriate periodic review and ways and means of enhancing
participation of national human rights institutions in the work of
the Human Rights Council**

Report of the Secretary-General*

* Annexes are circulated as received in the language of submission only.

Introduction

1. The present report is submitted pursuant to Human Rights Council decision 2/102, in which the Council decided to request the High Commissioner for Human Rights to “continue with the fulfilment of [her] activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. The present report outlines progress achieved since the last report on the accreditation of national human rights institutions to the Human Rights Council (A/HRC/4/92) and should be read in conjunction with the report of the Secretary-General on national institutions for the promotion and protection of human rights (A/HRC/7/69) which includes, inter alia, information on ways and means of enhancing participation of NHRIs in the work of the Human Rights Council.

I. SUB-COMMITTEE ON ACCREDITATION

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

3. For the purpose of ensuring a fair balance of regional representation on the Sub-Committee on Accreditation, it is composed of one “A status” accredited NHRI for each of the four regional groupings, as established by the ICC rules of procedure, namely Africa, the Americas, Asia and the Pacific, and Europe. Members of the Sub-Committee are appointed by regional groupings for a renewable term of two years. The Sub-Committee on Accreditation designates by consensus, for a renewable term of two years, one of its members to act as the Chair of the Sub-Committee. As of December 2007, the ICC Sub-Committee on Accreditation is composed of representatives of the NHRIs of Canada (Chair) for the Americas; Rwanda for Africa; the Republic of Korea for Asia and the Pacific; and Germany for Europe. OHCHR participates as a permanent observer and in its capacity as ICC secretariat.

4. The Sub-Committee convened on 19-20 March 2007 and considered applications for re-accreditation from Bolivia, Indonesia, Malawi, Peru, the Philippines and Portugal. Applications for re-accreditation were deferred for NHRIs from Fiji, France, Honduras, Nigeria, Poland and Sweden. The Sub-Committee also considered new applications for accreditation from Afghanistan, Burkina Faso, Jordan, Puerto Rico and Romania. Finally, the Sub-Committee undertook a review of the accreditation status of the national institutions of Fiji and Nepal, and considered information relating to the NHRIs of Nigeria and Sri Lanka.

5. The Sub-Committee convened from 22-26 October 2007 and considered applications for re-accreditation from Colombia, Denmark, France, Greece, Honduras, Jordan, Morocco, Philippines, Poland, Portugal, Rwanda, Senegal, South Africa, Spain and Togo. The circumstances of Sweden were also considered. The Sub-Committee also considered new applications from Afghanistan, Georgia and Slovakia, and undertook a review of the accreditation status of the NHRIs of Nepal, Nigeria and Sri Lanka. The national human rights institution of Germany was elected as Chair at the following session.

6. The table reflecting the accreditation status of NHRIs as of December 2007 is attached in annex I. The Sub-Committee also acknowledged the high degree of support and professionalism of the staff of the ICC secretariat (OHCHR, National Institutions Unit).

II. IMPROVEMENT OF THE ICC ACCREDITATION PROCESS

7. At the seventeenth session of its annual meeting, held on 12 April 2006, ICC established a Working Group to examine the process used to accredit NHRIs and to develop a discussion paper for the ICC on the matter. The working group, whose members were also the members of the ICC Sub-Committee on Accreditation at the time, developed a discussion paper examining three areas: (a) the composition of the Sub-Committee and its role and responsibilities; (b) the accreditation process; and (c) the substance of criteria or minimum standards set for accreditation. The paper was presented at the eighteenth and nineteenth sessions of the annual meeting of the ICC. In addition, members were asked to provide further comments in writing with a view to developing a final paper for presentation and adoption at the 20th ICC meeting (scheduled for April 2008).

8. In addition, and in response to comments made at the nineteenth session, the working group examined the issues of: (a) including a mechanism to challenge adverse accreditation recommendations within the accreditation process; and (b) the status that should be accorded to NHRIs while their accreditation status is being reviewed or recommendations on that status are being challenged.

9. In accordance with the recommendations of the seventeenth session of ICC in April 2006, it was agreed to initiate a review process of NHRIs already accredited with "A status" every five years. The process began in October 2006. It was also agreed that there would be a continuous review of accreditation of NHRIs every five years from the date of initial accreditation.

10. At its October 2007 session, the Sub-Committee on Accreditation adopted measures to improve its accreditation procedure, including:

- An appeal process to ensure that greater transparency and due process has been instituted by the Sub-Committee, especially for NHRIs that are deemed not to comply with the Paris Principles. Such NHRIs have 30 days to appeal the results of the Sub-Committee review with the full ICC membership then making a decision;
- A more rigorous review of each application for accreditation, including of the full documentation and statement of compliance submitted in advance of the session by NHRIs, with a detailed summary prepared by the secretariat (NIU) in close coordination with relevant parts of OHCHR. OHCHR is actively involved in the reviews and the Sub-Committee could also address NHRIs themselves, if necessary, through conference calls;
- More focused recommendations provided to each NHRI (no matter if it has A or B status) to ensure full compliance with the Paris Principles - even before the prescribed five-year time frame for review of accreditations;

- Wider distribution and greater knowledge of the Sub-Committee recommendations by NHRIs and other stakeholders, so that they can play a proactive role in the context of follow-up action by the United Nations or NHRI regional coordinating bodies in the concerned country. The Sub-Committee reports are also posted on the Internet (www.nhri.net).

III. GENERAL OBSERVATIONS

11. Following the practice initiated at its meeting in October 2006, the Sub-Committee continued to make general observations in relation to accreditation. These general observations have been formulated on common or important interpretative issues and are intended to constitute guidelines for members on the application process for accreditation or for the implementation of the Paris Principles. The list of general observations is not exhaustive and will continue to evolve as the Sub-Committee reviews additional applications.

12. The list of general observations adopted by the ICC in October 2006 is attached in annex II to this report. The general observations developed by the Sub-Committee at its March 2007 and October 2007 sessions have yet to be formally adopted by ICC, scheduled to take place at its twentieth session.

ANNEXES

Annex I

CHART OF THE STATUS OF NATIONAL INSTITUTIONS

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

In accordance with the Paris Principles and the ICC Sub-Committee Rules of Procedure, the following classifications for accreditation are used by the ICC:

A: Compliance with the Paris Principles;

A(R): Accreditation with reserve - granted where insufficient documentation is submitted to confer A status;

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

C: Non-compliant with the Paris Principles.

A Status Institutions

National Institution	Status	Year reviewed
Asia and the Pacific		
Afghanistan: Independent Human Rights Commission	A	October 2007 Will be reviewed in October 2008
Australia: Australian Human Rights and Equal Opportunity Commission	A	1999 October 2006
India: National Human Rights Commission of India	A	1999 October 2006
Indonesia: National Human Rights Commission of Indonesia	A	2000 March 2007
Jordan: National Centre for Human Rights	A	April 2006 March 2007 October 2007 Will be reviewed in October 2010
Malaysia: Human Rights Commission of Malaysia (SUHAKAM)	A	2002
Mongolia: National Human Rights Commission of Mongolia	A	2002 - A(R) 2003
Nepal: National Human Rights Commission of Nepal	A	2001 - A(R) 2002 - A A status placed under review April 2006;

National Institution	Status	Year reviewed
		under review in March 2007 October 2007 Will be reviewed in October 2008
New Zealand: New Zealand Human Rights Commission	A	1999 October 2006
The Philippines: Philippines Commission on Human Rights	A	1999 March 2007 October 2007
Republic of Korea: National Human Rights Commission of the Republic of Korea	A	2004
Thailand: Office of the National Human Rights Commission of Thailand	A	2004
Africa		
Algeria: Commission Nationale des Droits de l'homme	A	2000 - A(R) 2002 - A(R) 2003
Egypt: National Council for Human Rights	A	April 2006 - B October 2006
Ghana: Commission on Human Rights and Administrative Justice	A	2001
Kenya: Kenya National Commission on Human Rights	A	2005
Malawi: Malawi Human Rights Commission	A	2000 March 2007
Mauritius: Commission Nationale des Droits de L'homme	A	2002
Morocco: Conseil Consultatif des Droits de L'homme du Maroc	A	1999 - A(R) 2001 October 2007 Will be reviewed in October 2010
Namibia: Office of the Ombudsman	A	2003 (A(R)) April 2006
Niger: Niger Commission Nationale des Droits de L'homme et des Libertés Fondamentales	A	2001 - A(R) 2002 - A April 2006 (reviewed)
Rwanda: National Commission for Human Rights	A	2001 October 2007
Senegal: Comité Sénégalais des Droits de L'homme	A	2000 October 2007 Will be reviewed in October 2010
South Africa: South African Human Rights Commission	A	1999 - A(R) 2000 October 2007

National Institution	Status	Year reviewed
Tanzania: National Human Rights Commission	A	2003 - A(R) 2005 - A(R) October 2006
Togo: National Commission for Human Rights	A	1999 - A(R) 2000 October 2007
Uganda: Uganda Human Rights Commission	A	2000 - A(R) 2001
Zambia: Zambian Human Rights Commission	A	2003 A(R) October 2006
The Americas		
Argentina: Defensoría del Pueblo de la Nación Argentina	A	1999 October 2006
Bolivia: Defensor del Pueblo	A	1999 - B 2000 March 2007
Canada: Canadian Human Rights Commission	A	1999 October 2006
Colombia: Defensoría del Pueblo	A	2001 October 2007
Costa Rica: Defensoría de los Habitantes	A	1999 October 2006
Ecuador: Defensor del Pueblo	A	1999 - A(R) 2002
El Salvador: Procuraduría para la Defensa de los Derechos Humanos	A	April 2006
Guatemala: Procuraduría de los Derechos Humanos de Guatemala	A	1999 - B 2000 - A(R) 2002
Honduras: Comisionado Nacional de los Derechos Humanos de Honduras	A	2000 October 2007
Mexico: Comisión Nacional de los Derechos Humanos	A	1999 October 2006
Nicaragua: Procuraduría para la Defensa de los Derechos Humanos	A	April 2006
Panama: Defensoría del Pueblo de la República de Panamá	A	1999 October 2006
Paraguay: Defensoría del Pueblo de la República del Paraguay	A	2003
Peru: Defensoría del Pueblo	A	1999 March 2007
Venezuela: Defensoría del Pueblo	A	2002
Europe		
Albania: Republic of Albania People's Advocate	A	2003 - A(R) 2004

National Institution	Status	Year reviewed
Armenia: Human Rights Defender of Armenia	A	April 2006 - A(R) October 2006
Azerbaijan: Human Rights Commissioner (Ombudsman)	A	October 2006
Bosnia and Herzegovina: Human Rights Ombudsman of Bosnia and Herzegovina	A	2001 - A(R) 2002 - A(R) 2003 - A(R) 2004
Denmark: Danish Institute for Human Rights	A	1999 - B 2001 October 2007
France: Commission Nationale Consultative des Droits de L'homme	A	1999 October 2006 review deferred to October 2007 October 2007
Georgia: Public Defender's Office	A	October 2007
Germany: Deutsches Institut für Menschenrechte	A	2001 - A(R) 2002 - A(R) 2003
Greece: National Commission for Human Rights	A	2000 - A(R) 2001 October 2007 Will be reviewed in October 2009
Ireland: Human Rights Commission of Ireland	A	2002 - A(R) 2003 - A(R) 2004
Luxembourg: Commission Consultative des Droits de L'homme du Grand-Duché de Luxembourg	A	2001 - A(R) 2002
Norway: Centre for Human Rights	A	2003 A(R) 2004 A(R) 2005 A(R) April 2006
Northern Ireland (UK): Northern Ireland Human Rights Commission	A	2001 - B April 2006 - B October 2006
Poland: Commissioner for Civil Rights Protection	A	1999 October 2007
Portugal: Provedor de Justiça	A	1999 October 2007
Spain: El Defensor del Pueblo	A	2000 October 2007
Sweden: Ombudsman Against Ethnic Discrimination	A	1999 Requested a deferral in October 2007

A Reserve Status Institutions

National Institution	Status	Year reviewed
Asia and the Pacific		
Palestine: The Palestinian Independent Commission for Citizen's Rights	A(R)	2005
Africa		
Chad: Commission Nationale des Droits de L'homme	A(R)	2000 - A(R) 2001 - A(R) 2003 - A(R)
Democratic Republic of Congo: Observatoire National des Droits de l'Homme	A(R)	2005

B Status Institutions

National Institution	Status	Year reviewed
Asia and the Pacific		
Qatar: National Human Rights Committee of Qatar	B	October 2006
Sri Lanka: Human Rights Commission of Sri Lanka	B	2000 A status placed under review March 2007 Reviewed in October 2007
Africa		
Cameroon: National Commission on Human Rights and Freedoms	B	1999 - A October 2006
Burkina Faso: Commission Nationale des Droits de L'homme	B	2002 - A(R) 2003 - A(R) 2005 (B) April 2006, March 2007
Nigeria: Nigerian Human Rights Commission	B	1999 - A(R) 2000 - A October 2006 (special review) Placed under review March 2007 October 2007
Europe		
Austria: The Austrian Ombudsman Board	B	2000
Belgium: The Centre for equal opportunities and opposition to racism	B	1999
The Netherlands: Equal Treatment Commission of The Netherlands	B	1999 - B 2004

National Institution	Status	Year reviewed
Slovakia: National Centre for Human Rights	B	October 2007
Slovenia: Republic of Slovenia Human Rights Ombudsman	B	2000
Switzerland: Federal Commission against Racism (FCR)	B	1998
Russia: Commissioner on Human Rights in the Russian Federation	B	2000 2001

C Status Institutions

National Institution	Status	Year reviewed
Africa		
Benin: Commission Béninoise des Droits de L'homme	C	2002
Madagascar: Commission Nationale des Droits de l'Homme de Madagascar	C	2000 - A(R) 2002 - A(R) 2003 - A(R) April 2006 - status withdrawn October 2006
Americas		
Antigua and Barbuda: Office of the Ombudsman	C	2001
Barbados: Office of the Ombudsman	C	2001
Puerto Rico: Oficina del Procurador del Ciudadano del Estado Libre Asociado de Puerto Rico	C	March 2007
Asia and the Pacific		
Hong Kong: Hong Kong Equal Opportunities Commission	C	2000
Iran: Commission Islamique des Droits de L'homme	C	2000
Europe		
Romania: Romanian Institute for Human Rights	C	March 2007
Slovakia: Slovakia Commissioner for Human Rights	C	2002

Pending or suspended institutions

National Institution	Status	Year reviewed
Africa		
Americas		

National Institution	Status	Year reviewed
Asia and the Pacific		
Fiji: Fiji Human Rights Commission	Suspended Note: Fiji resigned from the ICC on 2 April 2007	2000 Accreditation suspended in March 2007 for review in October 2007 Commission resigned from the ICC 2 April 2007
Europe		

Annex II

General observations adopted by the ICC at its October 2006 session

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

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

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 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.

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 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.

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.
