

European Network of National Human Rights Institutions (ENNHRI)

Hon. Helena Dalli MP
Minister for Social Dialogue, Consumer Affairs and Civil Liberties
Barriera Wharf
Valletta
Malta

8 April 2014

Dear Hon. Helena Dalli MP

The European Network of National Human Rights Institutions (ENNHRI) is privileged to write to you as a consequence of your recent consultation on the creation of a national human rights institution (NHRI).

As Chair of ENNHRI, I would like to emphasise how this work by the Maltese government is of international importance and that we as a network would wish to ensure recognition of the forward thinking of your executive in these actions and offer our assistance in any way which may be deemed useful.

Please treat the content of this welcoming letter of support as an introductory outline of key international guidance which will assist with your work.

The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) was established in 1993 with a Bureau comprised of representatives NHRI from four regions: Africa, the Americas, Asia Pacific, and Europe. The ICC facilitates and supports NHRI engagement with the UN system. Moreover the ICC or its regional networks may be invited to help governments establish a new NHRI and strengthen existing NHRIs, while the UN Office of the High Commissioner for Human Rights also provides support for these purposes.

As a central responsibility, the ICC accredits NHRIs as 'A', 'B', or 'C' status, based on their formal and functional compliance with the UN Paris Principles relating to the status of national institutions (the Paris Principles). NHRIs designated with 'A' status are fully compliant with the Paris Principles and have speaking rights before the Human Rights Council and other UN bodies. In addition, only 'A' status institutions are eligible to vote or serve as office holders at the ICC or in ENNHRI. 'B' status NHRIs are considered not fully compliant with the Paris Principles, and 'C' status NHRIs are not at all compliant.

It is therefore important, when planning for the establishment of a NHRI, to put into place arrangements that are most likely to be in full compliance with the Paris Principles. In particular, we would like to underline the requirements in the Paris Principles for:

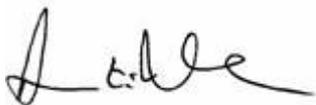
- A broad mandate, both to promote and protect human rights, set out in the constitution or primary legislation;
- Formal and functional independence from government, including for the spending of its budget;
- A clear and transparent selection and appointment process for members, who should be representative of society; and
- Adequate resources to carry out its mandate.

ENNHRI has prioritised collegiate support in the accreditation process and developed assistance to optimise fulfilment of the Paris Principles, which includes detail on the guidance or General Observations of the ICC's Sub-Committee on Accreditation. We have reviewed the accreditation submissions made within Europe so as to learn from one another about how we can best, in our own contexts, meet the Paris Principles and grow into better institutions.

We would welcome the opportunity to meet with you physically or virtually, and to provide introductory and tailored guidance. Our members have experience of establishing and accrediting NHRIs in various legal contexts, and in combination with other national bodies, such as Equality Bodies or Ombudsman Institutions.

Please do not hesitate to contact me or our Secretary General, Debbie Kohner, at the contact details below, for introductions to several of our members who can provide more detailed advice, if and when it would be of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Miller', written in a cursive style.

Alan Miller
Chair, Scottish Human Rights Commission
Chair, European Network of National Human Rights Institutions