Principles Relating to the Status of National Institutions (The Paris Principles)
The Accreditation Process before the International Coordinating Committee of NHRIs (ICC)

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National Human Rights Institutions (NHRIs)

Definition
A National Human Rights Institution is an independent official State-funded body, constitutionally and/or legally based, and with authority to promote and protect human rights at the national level (as regulated by the Paris Principles).

Types of NHRIs
National Human Rights Commissions, Ombudsman, Specialised institutions
NHRIs in the work of OHCHR

- **Global level indicator of success** is the “number of Paris Principle compliant NHRIs established”

- **OHCHR engagement strategy for NHRIs:**
  - Supports to Governments to establish or strengthen NHRIs in accordance with the Paris Principles;
  - Strengthens NHRI capacity to work effectively and independently
  - **Interaction with the UN HR system:** supports an effective interaction between NHRIs and TBs, HRC (including SPs and UPR)
  - **Partnership within the UN system:** mainstreaming of the work of NHRIs throughout the whole UN system, field offices, UNDP/OHCHR toolkit

- **NIRMS Section**
  - provides advisory services, legal advice, technical assistance, secretariat support (International Coordination Committee of NHRIs, and Accreditation process), networking and partnerships, methodological guidance, support to NHRI regional networks.
National Human Rights Institutions & the Paris Principles

Historical Background

1946: ECOSOC

1978: Geneva Workshop


UN Commission on Human Rights resolution 1992/54;
UN G.A. resolution 48/134-PPs

2005: UN Commission on Human Rights Resolution 2005/74

2007: UN Human Rights Council Resolution 5/1
National Human Rights Institutions: Essential element of national protection systems
National Human Rights Institutions & the Paris Principles

Legal Framework: the Paris Principles

Principles Relating to the Status of National Human Rights Institutions for the Promotion and Protection of Human Rights (the Paris Principles), as endorsed by the UN General Assembly Resolution 48/134

A) Establishment and composition
B) Essential requirements for NHRIs
C) Competence and Responsibilities
D) Powers
E) Methods of Operation
(a) Establishment and Composition

- Constitutional/Legal Status
- Composition
- Appointment of its members
- Tenure of the mandate
National Human Rights Institutions & the Paris Principles

(b) Essential requirements

- Independence
- Broad mandate to promote and protect human rights, all encompassing jurisdiction
- Accessibility
- Consult with civil society
- Pluralism (represent all social sectors, diverse membership and staff)
- Adequate resources
- Cooperation with national and international actors
Guarantees of independence

- Process of appointment – guarantees to ensure independence and pluralistic representation in enabling Act (i.e. Diverse groups)

- Accountability/reporting structure – answerable to parliament
- Terms of office
- Adequate renumeration
- Immunity of staff and commissioners
- Authority to hire staff
- Financial independence not subject to govt controls.
- Indep. from executive
- Non interference of government
(c) Competence and Responsibilities

- Promote and protect *all* human rights
- Submit opinions, recommendations etc. to government
- Ensure harmonization of national laws and policies with universal human rights standards
- Preparation of reports on human rights situation
- Assist in the formulation of programmes for the teaching of, and research into, human rights
- Encourage ratification of human rights instruments
- Contribute to reports which state is required to submit to the UN and regional human rights bodies
- Liaise with other human rights entities
- Publicize human rights and combat all forms of discrimination
National Human Rights Institutions & the Paris Principles

**d) Powers**

- Monitor, Examine, Review and Assess domestic human rights situation
- Advise and Recommend
- Report
- Raise awareness, Educate and Inform
- Address public opinion
- Inquire any matters falling under its competence
- Seek for cooperation of public actors
- Receive & act upon individual complaints
- *Provide remedy
- *Conciliate & mediate
(E) Methods of Operation

- Freely determine its management
- Freely consider questions falling within its competence
- Hear persons and obtain information and documents
- Maintain consultations

And …bridge different constituencies in the society…by creating room for positive encounter of different constituencies around human rights....
What is the ICC?

“The ICC is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles and provides leadership in the promotion and protection of human rights”

Article 5 ICC Statute
The ICC Accreditation process

- Assessment of compliance with the Paris Principles of NHRIs (human rights ombudsman, commissions, specialized agencies)
- Carried out by the ICC Subcommittee on Accreditation with the support of OHCHR
- Final decision is with the ICC Bureau members
The ICC Subcommittee on Accreditation (SCA)

- Peer review mechanism
- Review NHRIs’ compliance with the Paris Principles (accreditation, re-accreditation, special review)
- Guided by ICC statute, PPs, and SCA Rules of Procedures
- Assisted by OHCHR as its Secretariat
- Composed of 4 members, one per region
- Holds two sessions per year
- Regional coordinating groups of NHRIs might participate (as observers)
- Makes recommendations to the ICC Bureau members (A,B,C statute)
- Develops General Observations
Application Documentation

For Accreditation or Reaccreditation

- Copy of Legislation
- List of staff, Organigram and budget
- Annual Report
- Statement of Compliance

Article 10 ICC Statute
The accreditation of national human rights institutions is carried out by the ICC Sub-Committee on Accreditation, under the auspices of OHCHR (Commission on Human Rights Resolution 2005/74)
What does the SCA review?

Compliance with the Paris Principles

- Establishment
- Independence
- Composition, Appointment, Selection
- Organizational Infrastructure
- Working methods
- Mandate in practice (promotion and protection of all human rights)
- Relationship with national stakeholders (e.g. CSOs)
- Interaction with the international human rights system
SCA General Observations

- Interpretative tools of the Paris Principles (PP) to ensure that they guide the work of NHRIs
- Specific and tailored instructions to assist NHRIs develop their own processes and mechanisms in line with the Paris Principles
- Tools to pressure State’s compliance with the PP

Example: GO 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.
By 23rd May 2014, 106 NHRIs were accredited by the ICC:

- (A status) - 71 in full compliance with the Paris Principles

- (B status) - 25 not fully in compliance with the Paris Principles

- (C status) - 10 non-compliance with the Paris Principles
Some figures from NHRIs around the world (106 NHRIs members of the ICC)

<table>
<thead>
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<th>Region</th>
<th>Total</th>
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Benefits of ICC Membership

- Recognised standing in the international community
- Strengthened voice of NHRIs internationally
- Active role in ICC decision making and policy development
- Access to ICC services (e.g. for a to exchange good practices, develop knowledge, share expertise and network)
- Cooperation on issues of common concern
Thank you!