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Item 18 (b) of the provisional agenda

**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:
NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS**

**Process currently utilized by the International Coordinating Committee
to accredit national human rights institutions in compliance with the
Paris Principles and ensure that the process is strengthened with
appropriate periodic review and on ways and means of enhancing
participation of national human rights institutions in the work of
the Commission**

Report of the Secretary-General

Summary

The present report is submitted at the request of the Commission on Human Rights in resolution 2005/74 in which the Commission requested the Secretary-General to report at its sixty-second session “on the process currently utilized by the International Coordinating Committee to accredit national human rights institutions in compliance with the Paris Principles and ensure that the process is strengthened with appropriate periodic review” and on “ways and means of enhancing participation of national human rights institutions in the work of the Commission”.

1. The present report is submitted pursuant to paragraph 22 of Commission on Human Rights resolution 2005/74 in which the Commission requested the Secretary-General to report at its sixty-second session on the process currently utilized by the International Coordinating Committee of national institutions for the promotion and protection of human rights (ICC) to accredit national human rights institutions (NHRIs) in compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex) and ensure that the process is strengthened with appropriate periodic review and “on the ways and means of enhancing participation of national human rights institutions in the work of the Commission”.
2. During its sixteenth session, held in Geneva in April 2005, ICC held a thematic discussion on the increased role of NHRIs in the Commission and other United Nations bodies on the basis of the Secretary-General’s report submitted to the Commission at its sixty-first session pursuant to its resolution 2004/75 (E/CN.4/2005/107). ICC members thanked the Government of Australia for sponsoring Commission resolution 2005/74 and commented on the draft. This resolution permits, subject to the Commission determining the working methods, NHRIs to address orally the Commission on Human Rights under all agenda items and/or to submit written reports on the agenda items of interest for the NHRIs at the next session of the Commission. All NHRIs expressed their strong support to the resolution in its present format.
3. The reports of the Secretary-General to the sixty-first session of the Commission on the Effective functioning of human rights mechanisms: national institutions and regional arrangements - national institutions for the promotion and protection of human rights and on the Effective functioning of human rights mechanisms: national institutions and regional arrangements - Enhancing the participation of national human rights institutions in the work of the Commission on Human Rights and its subsidiary bodies (E/CN.4/2005/106 and E/CN.4/2005/107, respectively), were noted.
4. Participants discussed ways to improve the participation of NHRIs in the work of the Commission. The National Institutions Unit (the Unit) Coordinator of the Office of the United Nations High Commissioner for Human Rights (OHCHR) informed participants on the reform processes the United Nations and OHCHR were undertaking as a response from the Secretary-General to the high-level panel. These reform processes should provide opportunities for NHRIs to improve their contribution to the Commission. In addition, the Coordinator indicated that, with the increase in the number of staff of the Unit, better assistance will be provided to NHRIs. NHRI representatives expressed the need to have a body to convey their proposals regarding the reform and expressed satisfaction that the Unit was being strengthened.
5. The consequences of Commission resolution 2004/75 as well as the proposed United Nations reform processes were discussed. In relation to the United Nations reform processes NHRI representatives expressed the need to underline the role of NHRIs. It was agreed that the ICC Chairperson and regional chairs should draft an ICC position on the reform process. With regard to resolution 2004/75 permitting NHRIs to speak under all agenda items of the Commission, it was agreed that the ICC Chairperson should speak under agenda item 18 (b) with input from regional chairs and NHRIs on issues of particular concern. In relation to the other agenda items of the Commission, it was agreed that the regional chairs should coordinate interventions on prioritized areas, and that both the regional chairs and individual NHRIs would make interventions at the Commission. Individual NHRIs were encouraged to collaborate on the

preparation of possible joint statements though they would still have the possibility to make individual statements as required. Generally, the need for coordination of NHRI interventions on the agenda items was emphasized, as was the importance of not necessarily intervening on all agenda items, but rather focusing on areas of particular interest. It was agreed that the ICC Chairperson and regional chairs would prepare a paper on coordination of NHRI interventions at the Commission for circulation prior to the next meeting of ICC. As a first step, it was suggested to distribute a questionnaire on topics of common concern for prioritization during the next session of the Commission.

6. In the conclusions of the Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region (E/CN.4/2006/100), held in Beijing, from 30 August to 2 September 2005, participants welcomed the enhanced participation of NHRIs in the sessions of the Commission and other relevant United Nations forums, including in the sessions of human rights treaty bodies in accordance with their rules of procedure. In her statement to the sixty-first session of the Commission, on behalf of the Coordinating Committee of African National Human Rights Institutions, the Chairperson of the Committee supported the call to allow NHRIs to speak on all agenda items of the Commission. The Coordinating Committee of African National Human Rights Institutions has NHRIs among its membership from: Algeria, Cameroon, Ghana, Kenya, Malawi, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, South Africa, Togo and Uganda.

7. In its statement to the Commission, the Asia Pacific Forum of National Human Rights Institutions noted that “the Commission would benefit from the participation of expertise of national human rights institutions on substantive agenda items of the Commission - rather than simply agenda item 18 (b)”. In addition, the Forum called on the Commission to “(a) permit NHRIs, which are fully accredited by the International Coordinating Committee’s Sub-Committee and Coordinating Committees of such institutions to speak under all agenda items of the Commission; to continue to allocate dedicated seating to NHRIs for this purpose; to support their engagement with all subsidiary bodies of the Commission; and to continue to the practice of issuing documents from NHRIs under their own symbol numbers”. The Forum at the time of the statement comprised the following full member institutions Australia, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, New Zealand, the Philippines, the Republic of Korea, Sri Lanka and Thailand.

8. Similarly, under agenda item 18 (b) of the sixty-first session of the Commission, the President of the European Coordinating Group of National Human Rights Institutions supported, in accordance with the report of the Secretary-General on enhancing the participation of human rights institutions in the work of the Commission submitted to the sixty-first session (E/CN.4/2005/107), a broader and strengthened participation by NHRIs in the agenda of the Commission.

Accreditation process

9. With respect to the accreditation process by ICC, individual institutions must follow a formal application process. As part of the process and according to ICC Rules of Procedure, any NHRI seeking membership is required to apply to the Chairperson of ICC. That NHRIs shall supply, in support of its application:

- (a) A copy of the legislation or other instrument by which it is established and empowered;
- (b) An outline of its organizational structure including staff complement and annual budget;
- (c) A copy of its most recent annual report or equivalent document;
- (d) A detailed statement showing that it complies with the Paris Principles or, alternatively, an outline of any respects in which it does not so comply and any proposals to ensure compliance.

10. All questions of membership, including whether a NHRI complies with the Paris Principles, is decided by ICC or any membership subcommittee that it may establish. At present the Sub-Committee on Accreditation makes its recommendations to ICC members for their approval. No decision adverse to the application for membership of a NHRI is to be made without consultation with that institution.

11. Should the application for membership of any NHRI be declined by reason of its failure to comply with the Paris Principles, ICC or its delegate may consult further with that institution concerning compliance. Any NHRI whose application for membership is declined may, with the consent of ICC, attend meetings or workshops of the group as observer and may reapply for membership at any time.

12. Where the circumstances of any member of the group of NHRIs change in any way which may affect its compliance with the Paris Principles, that member shall notify the Chairperson of those changes and the Chairperson shall place the matter before the Sub-Committee on Accreditation for review of that member's membership. Where, in the opinion of the Chairperson of ICC or of any member of the Sub-Committee on Accreditation, it appears that the circumstances of any member of the group of NHRIs may have changed in any way which affects its compliance with the Paris Principles, the Chairperson or Sub-Committee may initiate a review of that member's membership.

Sub-Committee on Accreditation

13. For the purpose of ensuring a fair balance of regional representation on the Sub-Committee on Accreditation, it is composed of one ICC - accredited NHRI for each of the four regional groupings, as established by the ICC Rules of Procedure, namely Africa, Americas, Asia-Pacific and Europe. Members 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 Chair of the Sub-Committee.

14. OHCHR is a permanent observer to the Committee and in its capacity as secretariat of the ICC, supports the Sub-Committee's work, serves as a focal point on all communications and maintains records as appropriate on behalf of the ICC Chairperson and provides the Sub-Committee with an objective analysis as to the various powers, functions and composition and other relevant information of the applicant institution. Supplementary material may be provided at the request of the Sub-Committee members.

15. Each regional grouping representative to the Sub-Committee on Accreditation facilitates the application process for NHRIs in the region. The Regional Grouping Representatives supply NHRIs from their region with all relevant information pertaining to the accreditation process, including a description of the process, requirements and timelines. At the request of the Chair of ICC each application is reviewed to ensure that all documentation is received on time. A full set of documents must reach the secretariat no later than two months prior to the meeting of ICC. Applications and documents submitted after this delay are only examined during the following year's meeting of ICC, unless the situation warrants otherwise, as determined by the ICC Chairperson.

16. Copies of the applications and supporting documentation are provided to each member of the Sub-Committee on Accreditation. The ICC Chairperson, with support from OHCHR, also provides a summary of particular issues for consideration by the Sub-Committee.

17. The Sub-Committee on Accreditation meets before and during the annual meeting of ICC in order to review new applications, review additional information submitted on applications presented previously, and prepare recommendations. The meeting is restricted to members of the Sub-Committee on Accreditation and OHCHR. Additional meetings of the Committee may be convened by the Chair with the agreement of the ICC Chairperson and members of the Sub-Committee on Accreditation.

18. In accordance with the Paris Principles and the ICC Rules of Procedures, the different classifications for accreditation used by the Committee are:

- (a) Compliance with the Paris Principles;
- (b) Accreditation with reserve - granted where preliminary analysis indicates compliance with the Principles but insufficient documentation is submitted to confer status;
- (c) Observer status - not fully in compliance with the Paris Principles or insufficient information provided to make a determination;
- (d) Non-compliant with the Paris Principles.

19. The Chair of the Sub-Committee on Accreditation presents a report with recommendations and rationale to ICC members for their decision. The ICC Chairperson indicates in the report of the meeting decisions taken by ICC members with regard to applications for accreditation. The Chairperson of ICC informs applicant institutions of the decisions taken and their rationale by ICC members.

Further strengthening of the accreditation process

20. The report of the Secretary-General (E/CN.4/2005/107) highlighted the importance of a strong accreditation procedure which should be determinant of the nature of the participation of national institutions in international forums. The secretariat to ICC at the request of ICC members has therefore instituted a more rigorous review process. It has also now made it clear to all applicant institutions that, should incomplete applications be received and not completed by the two-month deadline prior to the holding of the ICC meeting, they cannot be considered.

21. Equally, national institutions have generally welcomed a strengthened process and the recommendation of a process of regular reassessment. The European Coordinating Committee of National Human Rights Institutions during their meeting held in Dublin on 14 October 2005, noted the importance of reinforcing the accreditation process of national institutions so that it directly affects their legitimacy, credibility and visibility at the international level. The Group noted that the Sub-Committee on Accreditation should be given the power to make regular assessments and if need be country visits to ensure that the compliance is effective.

22. ICC is expected to make a decision as to the frequency of such reassessment (recommended as a possibility in report E/CN.4/2005/107 to occur every five years following the initial accreditation) at its next annual meeting. It is therefore recommended that the accreditation of national institutions in international forums could be commensurate with the institution's accreditation to the ICC. Should the Commission, or a successor body, move for such an approach, it should be confirmed that the existing national institutions already accredited by ICC go through a process of reassessment. The secretariat to ICC has committed to assisting in such a process and has already begun structuring information so that when ICC determines how it wishes to proceed, the review process can commence. The first review of institutions could take place during a meeting of the Sub-Committee on Accreditation which ICC may wish to hold during the eighth International Conference of NHRIs to be held in the fourth quarter of 2006 in Latin America.
