The Accreditation of National Human Rights Institutions

– Practical Guide –
The idea of making a practical guide stems from a very specific need. Many National Human Rights Institutions (NHRI) have concrete questions of how best to respond to the Accreditation procedure, which is a peer review. The answer to these questions could be easily found in the guidelines already made either by the regional networks or by the Office of the United Nations High Commissioner for Human Rights. However, none of them are made from the point of view of the beneficiaries, which are the NHRIs under the Accreditation process.

Elected by ENNHRI, the European Network of NHRI, I have been sitting on the Sub-Commitee on Accreditation (SCA) for several years. Many of NHRI representatives have spoken to me about their difficulty to fully grasp the objectives, methodology, steps of the performance evaluation and procedures carried out by the SCA. Such an issue could complicate the task of the SCA to carry out a fair assessment of the compliance of an NHRI with the Paris Principles. Therefore, it is not uncommon for the SCA to decide to defer, that is to postpone the examination of an Accreditation application to a later date with the purpose of seeking additional information from the institution concerned.

As Chairperson of the SCA, my objective is clear: to provide NHRIs with all the necessary information relative to the Accreditation process so that they will be able to provide the SCA with the most relevant information possible at each stage of this procedure. Such information is essential for the SCA to understand the functioning of an institution under review, as well as the legal, political, historical and sociological specificities and the economic environment in which it operates. The goal is to enable NHRI to take full ownership of the Accreditation process in a more participatory and transparent approach. This Guide should not only be used in practical seminars to foster this ownership, but also to ensure the best interaction possible between NHRI and the SCA. Actually, this ownership and the quality of the information rendered are crucial for the SCA to better measure the compliance of NHRI with the Paris Principles.

The Paris Principles are both operational and organizational guidelines concerning NHRI. They were conceived in an international seminar organised in 1991, in which the National Consultative Commission on Human Rights (CNCDH) participated. As the oldest national institution for the promotion and protection of human rights, the CNCDH welcomed this major turning point. Twenty-five years ago, on December 20th, 1993, the Paris Principles were the subject of a resolution of the United Nations General Assembly. They have now become a reference in international law.

1. except for ENNHRI’s overview document ‘Accreditation at a Glance’
My experience on the SCA has taught me that NHRIs could always adjust their compliance with the Paris Principles. Indeed, the very essence of the Accreditation process is to improve the compliance of NHRIs with the Paris Principles.

My conviction is that the SCA is an essential body, *inter alia*, because it is:

- fundamental in guiding NHRIs towards the continuous improvement of their compliance with the Paris Principles;
- useful in assisting NHRIs to lobby their governments to respond better to their mandate;
- crucial for the credibility of the international system of NHRIs, which are credible, solid, pluralistic, and fully independent actors that UN mechanisms and regional systems can rely on with confidence for the protection of human rights.

As the concrete effectiveness and the universality of human rights are often threatened, NHRIs operate as outstanding Human Rights Defenders. As cornerstones for the protection and promotion of human rights at the national level, they contribute to ensuring the government respects its international commitments in this field. They build bridges between civil society and the State. They are part of regional and international networks that focus on exchanging good practices and developing a culture of human rights. They interact with regional and international human rights mechanisms.

Increasingly recognized and established through declarations, resolutions and even by international conventions, NHRIs were born out of a history of enhanced accountability, especially since governments decided to create independent and pluralistic institutions whose vocation is not only to advise them, but also to take a critical look at their public policies in light of human rights standards.

Due to their progress in the exercise of their mandate and their multiplication in the world, NHRIs are the active proof of the vitality and the relevance of the rights proclaimed seventy years ago by the Universal Declaration of Humans Rights.

Magali Lafourcade
Chairperson of the Sub-Commitee on Accreditation
Secretary-general of the National Consultative Commission for Human Rights
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For further information

How do I contact the Secretariat of the SCA, GANHRI and ENNHRI?

Appendix: Paris Principles
NHRIs complying with the Paris Principles

Paris Principles in brief

The Paris Principles were conceived in an international seminar, held in 1991, and were aimed at developing the operating principles, competences and remits of National Institutions for the Promotion and Protection of Human Rights (NHRIs). These Principles were endorsed by the United Nations General Assembly on December 20th, 1993, in a resolution on ‘National Institutions for the Promotion and Protection of Human Rights’ (A/RES/48/134).

The Paris Principles are applicable in a wide variety of legal and political contexts and NHRIs with very different structures can comply with them.

For better implementation of the Paris Principles, General Observations have been established and have become the interpretation of the Paris Principles referred to by the SCA. They are also a reference focused on helping NHRIs to develop their own operating rules in accordance with the Paris Principles.

Accreditation Status in brief

‘A’ status accreditation means that the NHRI has demonstrated full compliance with the Paris Principles. It may fully participate in the international and regional meetings of NHRIs, with voting rights. ‘A’ status NHRI representatives are eligible for governance functions in the GANHRI Bureau, Regional Network or any sub-committee created by the GANHRI Bureau.

NHRIs participate in the international human rights system, in particular with UN Treaty Monitoring Bodies and Special Procedures. ‘A’ status NHRIs have specific participation rights in UN processes and mechanisms. For example, they have speaking rights immediately following their respective State in the Human Rights Council, for the Universal Periodic Review, and before some UN Treaty Bodies. In Europe, ‘A’ status NHRIs are valued interlocutors for regional mechanisms, such as the OSCE, the Council of Europe and European Union institutions and agencies. Through all of these activities, accredited NHRIs provide a bridging role between the national and international arenas.

‘B’ status accreditation means that the institution is an NHRI but is partially in compliance with the Paris Principles. As such, the NHRI has the opportunity to participate in the international and regional networks of NHRIs and their activities. It does not have the opportunity to vote or be eligible for governance functions in the GANHRI Bureau, Regional Network or any sub-committee created by the GANHRI Bureau. It is not able to attend sessions of the Human Rights Council or take the floor in this forum. However, ‘B’ status NHRIs can submit parallel reports to Treaty Bodies and UPR.
The Sub-committee on Accreditation in brief

The SCA was established in accordance with the GANHRI Statute to review and analyse the Accreditation applications of NHRIs. It is composed of four members, one from each of the four regions recognised by GANHRI (Africa, the Americas, Asia-Pacific and Europe). Only NHRIs with ‘A’ status may apply for membership of the SCA. The members are elected for a period of three years, which is renewable.

Article 3 of the SCA Rules of Procedure provides that: ‘Members are nominated by Regional Networks and participate as impartial, objective and independent experts. They must make decisions based on an objective assessment of an applicant’s compliance with the Paris Principles and the General Observations, and without consideration of national or regional interests’. ²

The SCA meets twice a year in Geneva at the Office of the United Nations High Commissioner for Human Rights. In addition to the four members and the SCA Secretariat, GANHRI and regional network representatives participate in the SCA sessions. Article 4.6 of the SCA Rules of Procedure states that: ‘All participants at SCA meetings are required to respect the confidentiality of the proceedings’.³

ENNHRI’s support on the Accreditation process in brief

The support provided by ENNHRI on the Accreditation process is realised through the Accreditation Support Group (ASG) and the ENNHRI Secretariat.

The ASG gathers ENNHRI members with Accreditation expertise from different types of institutions, and includes the SCA member and an alternate member from Europe. The ASG is ENNHRI’s focal point for providing tailored peer support on Accreditation for the benefit of ENNHRI members undergoing review and also provides input to the SCA Rules of Procedure and General Observations when relevant from a regional perspective.

The ENNHRI Secretariat assists and coordinates the activities of the ASG, and has the position of observer in the global Accreditation process. As an observer, the ENNHRI Secretariat supports the SCA in understanding any relevant regional context, and assists members undergoing the Accreditation process before, during and in the follow-up after the review. For example the ENNHRI Secretariat aims to keep track of deadlines and progress when members undergo Accreditation. It can also follow-up any arising issues with actors involved in the Accreditation process when needed. As an observer, the ENNHRI Secretariat cannot advocate for any Accreditation classification.

² https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/SCA%20Rules%20of%20Procedure/Forms/AllItems.aspx, p. 10
³ Ibid
1. WHY APPLY FOR ACCREDITATION?
Reciprocal recognition and credibility for a better access to the UN and regional mechanisms

Obtaining an Accreditation (‘A’ or ‘B’ status) allows the institution to be globally recognised as an accredited NHRI, which gives certain credibility. It also allows the institution to be a member of the GANHRI (the Global Alliance of NHRIs).

‘A’ status Accreditation indicates that an NHRI is a credible and independent actor, able to provide reliable and concrete information to international monitoring bodies and to take a critical and thorough look at how its State complies with international human rights obligations.

Accreditation gives rights to NHRIs within the international human rights protection system. Many Treaty Bodies\(^4\) have formalised their interactions with ‘A’ status NHRIs within the framework of their periodic review of States.

Resolution A/HRC/RES/16/21 of the Human Rights Council of April 12\(^{th}\), 2011, provides for the modalities of intervention of the NHRIs at the Human Rights Council. This recognition is not new as the former UN Commission on Human Rights was already promoting the creation, development and the essential role of NHRIs such as in its Resolution E/CN.4/RES/2005/74 of April 20\(^{th}\), 2005.

During official visits, independent experts of United Nations Special Procedures and the Commissioner for Human Rights of the Council of Europe also meet with NHRIs.

Accreditation also affords better access to NHRI cooperation at global (GANHRI) and regional (ENNHRI) levels, which is aimed at contributing to the compliance of NHRIs with the Paris Principles through a variety of activities such as capacity building, peer formation, workshops about regional concerns or international issues, and so on.

A lever of influence at the national level

This level of interaction, enabled by the Accreditation process, offers a remarkable lever of influence. In addition, a powerful convergence towards better effectiveness of human rights can take place, as the United Nations mechanisms vocalise NHRIs’ concerns and recommendations and, reciprocally, NHRIs monitor how the recommendations of the United Nations mechanisms are implemented at national level. At the regional level, many human rights protection bodies such as the EU

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\(^4\) Certain Treaty Bodies, such as the United Nations Committee on the Rights of the Child, also work with specialized national institutions which are not accredited, or with ‘B’ status NHRIs.
Fundamental Rights Agency (FRA)\(^5\) or those within the Council of Europe also rely on the status of NHRIs.

Accreditation, under the auspices of the United Nations High Commissioner for Human Rights, offers legitimacy and standing. ‘A’ status Accreditation indicates that an NHRI operates independently and with acknowledged expertise on the wide range of issues in which it exercises its mandate. Both civil society and State authorities rely on ‘A’ status NHRIs through ongoing cooperation.

NHRIs are independent State institutions. For a State, the fact of having an NHRI accredited with ‘A’ status at the United Nations is a sign of its commitment to comply with international human rights obligations, as the role of NHRIs is to promote and protect all international human rights standards. This is why many regional organisations, following the example of the United Nations, encourage their member States to establish an NHRI complying with the Paris Principles.

A growing recognition of the role of NHRIs

On December 20\(^{th}\), 1993, the UN General Assembly Resolution 48/134 on ‘National Institutions for the promotion and protection of Human Rights’ enshrined the Paris Principles. Since then, many UN declarations and resolutions have referred to the essential role of NHRIs:

- UN General Assembly Resolution A/RES/60/154 of December 16\(^{th}\), 2005
- UN General Assembly Resolutions A/RES/63/169 and A/RES/63/172 of December 18\(^{th}\), 2008
- UN General Assembly Resolution A/RES/64/161 of December 18\(^{th}\), 2009
- UN General Assembly Resolution A/RES/65/207 of December 21\(^{th}\), 2010
- UN General Assembly Resolution A/RES/67/163 of December 20\(^{th}\), 2012
- UN General Assembly Resolution A/RES/69/168 of December 18\(^{th}\), 2014
- UN General Assembly Resolution A/RES/71/200 of December 19\(^{th}\), 2016
- UN General Assembly Resolution A/RES/72/181 of December 19\(^{th}\), 2017

Moreover, recent international Conventions, such as the *UN Convention on the*

Rights of Persons with Disabilities or the Optional Protocol to the Convention against Torture, directly refer to the Paris Principles and to the status and functioning of NHRIs.

On a regional level, the OSCE recognises support to and cooperation with NHRIs within its Human Dimensions Commitments, and includes Participating States’ debate on NHRIs at each Human Dimensions Implementation Meeting.

The Council of Europe has recognised the role of NHRIs since the Committee of Ministers’ Recommendations on NHRIs in 1997. NHRIs are recognised within Council of Europe processes, including, through ENNHRI, their permanent observer status at its Steering Committee on Human Rights, participation with core Council of Europe Bodies at Inter-Ministerial Meetings on the reform of the Convention System and their outcome Declarations, and recognition throughout the Council of Europe processes for their vital role in the implementation of the European Convention on Human Rights. The Steering Committee on Human Rights currently has a drafting group on civil society, human rights defenders and NHRIs.

At the EU level, NHRIs have been recognised as key actors to boost local ownership in its Action Plan on Human Rights and Democracy and are included within the founding Regulation of the EU Agency for Fundamental Rights. NHRIs are involved in Human Rights Dialogues, accession requirements, and activities to support the promotion and protection of human rights both within the EU and externally. The European Parliament, Commission and Council, through their subordinate bodies, have each released recommendations on NHRIs.

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6. For example, Recommendation No. R (97) 14 of the Committee of Ministers to member States on the Establishment of Independent National Institutions for the Promotion and protection of Human Rights.
7. See, for example, the Brighton Declaration 2012, Brussels Declaration 2015, Copenhagen Declaration 2018, and annual reports on the execution of judgments.
2. WHEN AND HOW TO SUBMIT AN APPLICATION?
The process differs according to the situation of the institution.

**My institution has no status yet**

First and foremost, you should check that, from your point of view, your institution substantially complies with the Paris Principles⁸ and with the General Observations⁹. You can consider reaching out to the ENNHRI Secretariat to introduce you to the different steps of the Accreditation process and to access tailored support for your institution throughout the Accreditation process, including through peer support from members of the Accreditation Support Group.

The General Observations are an interpretation tool of the Paris Principles to which the SCA refers. They also serve as a reference for NHRIs to help them to develop their own operating rules in compliance with the Paris Principles.

General Observation 1.11 relating to the ‘Annual reports of NHRIs’¹⁰ requires new institutions to have been operating for at least one year before submitting their request for Accreditation. An NHRI has to submit to the SCA an annual report about the preceding year that has already been published. Before applying for Accreditation, you will have to wait until you satisfy this rule.

If your institution has been operating for more than a year and if you consider that it complies with the Paris Principles, you have to send to the SCA Secretariat (cf. page 53) a letter addressed to the SCA Chairperson setting out that you wish to apply for NHRI accreditation for your institution. This letter could be sent via e-mail or regular post, without any specific format. It is advised to copy the ENNHRI Secretariat in the communication with the SCA Secretariat; this will enable the ENNHRI Secretariat to follow-up your application at the level of the SCA and to facilitate tailored support throughout the Accreditation procedure. The SCA Secretariat, in coordination with the SCA Chairperson, will take your application to the members of the SCA to put it on the agenda of one of the next sessions. The SCA will then indicate when your institution will be scheduled and will specify what process to follow.

Considering the dynamics of NHRIs and the fact that the SCA meets only twice a year, the sessions of the SCA may be congested and your institution may not be able to be on the agenda of the next session.

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⁸ [https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx](https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx)
⁹ [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/Forms/Default%20View.aspx](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/Forms/Default%20View.aspx)
¹⁰ [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/Forms/Default%20View.aspx](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/Forms/Default%20View.aspx), p 36
It is not necessary to prepare documentation until you know the date of the session at which your institution will be reviewed for accreditation.

**My institution has ‘B’ status Accreditation**

The GANHRI statute does not provide for a specific period for the Re-Accreditation of ‘B’ status NHRIs. If you consider that sufficient changes have taken place for your institution to now comply with the Paris Principles, both in its structure and in practice, you can take the initiative of submitting a request for ‘A’ status Accreditation to the SCA.

You should contact the SCA Secretariat to inform of your wish to apply for ‘A’ status. It is advised to copy the ENNHRI Secretariat in the communication with the SCA Secretariat. As it the case with new accreditation requests, this will enable the ENNHRI Secretariat to follow-up your application at the level of the SCA and to facilitate tailored support throughout the Accreditation procedure. The SCA Secretariat, in conjunction with the SCA Chairperson, will let you know when your institution will be on the agenda of the SCA sessions and explain the process.

It is not necessary to prepare documentation until you know the date of the session at which your institution will be reviewed for accreditation.

**My institution has ‘A’ status Accreditation**

According to the GANHRI Statute, ‘A’ status Accreditation review follows a five year cycle.

In practice, due to the busy SCA schedule and the priority sometimes given to requests for new Accreditation, the SCA members might decide to defer the Re-Accreditation of ‘A’ status NHRIs. If so, your institution retains its ‘A’ status accreditation until it is reviewed by the SCA.

Therefore, you are not required to take any action, apart from waiting for the SCA Secretariat to contact you. In due course, the SCA Secretariat will let you know when your institution will be scheduled and explain what process to follow.

**My institution is in transition**

Your institution may be in transition, either because it has merged with another institution or because its enabling legislation has been substantially modified. In such cases, the SCA will have to determine at the earliest opportunity if your institution...
ensures the continuity of the previously accredited institution or if it is a new institution. This will have a practical impact on the Accreditation process. The SCA Secretariat will inform you of the SCA’s analysis.

If your institution is in transition, you may consult Practice note 4 ‘NHRIs in Transition’ on this subject\(^\text{11}\), and also ask the ENNHRI Secretariat for advice.

It is important to keep these elements in mind in your dialogue with your Government and Parliament when amendments to your enabling law are being passed. Some modifications can have a direct impact on the nature of your institution – such as whether you are a new institution or a continuation of the accredited NHRI.

If the SCA considers it to be a new institution, it will also consider that the previous accredited NHRI no longer exists. The new institution cannot benefit from the Accreditation status of the previous institution.

This will also have an impact on when you will be entitled to request new Accreditation. General Observation 1.11 relating to ‘Annual reports of NHRIs’\(^\text{12}\) provides that new institutions have to be operating for at least one year before submitting their request for Accreditation. They have to submit to the SCA an annual report that has already been published.

As a result, you will have to wait until you have published a report on the preceding year before applying for Accreditation.

In all cases, the SCA Secretariat will be the contact point responsible for answering your questions. In the European region, it is also advised to contact the ENNHRI Secretariat which can provide guidance tailored to your specific situation and context, including through liaison with ENNHRI’s Accreditation Support Group.

\section*{Can I ask for a deferral?}

If the SCA Secretariat has notified you that your institution is scheduled for the following session of the SCA, and you wish to postpone your review by six months, or even a year, you are entitled to ask for a deferral (as stated in article 12.2 of the SCA Rules of Procedure)\(^\text{13}\). Deferral requests are particularly appropriate when amend-

\begin{itemize}
\item[12.] https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/General%20Observations%201/Forms/Default%20View.aspx, p. 36
\item[13.] https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/SCA%20Rules%20of%20Procedure/Forms/AllItems.aspx, p. 11
\end{itemize}
ments to the enabling law of the institution are being discussed in Parliament and could have an impact on its status, or when the renewal process of the composition of your institution coincides with the Accreditation session. If you are in doubt whether a request for deferral would be appropriate in your context, you can contact the ENNHRI Secretariat for advice.

In order to request a deferral, you have to send to the SCA Secretariat (cf. page 53) a letter addressed to the SCA Chairperson specifying as clearly as possible the reasons motivating your request. These reasons will be examined by the SCA Chairperson together with the SCA Secretariat.

In practice, a decision of deferral at the request of an NHRI is a purely administrative decision which does not appear in the report of the SCA session. The NHRI will keep its status in the meantime, until it has its accreditation review.
3. HOW DO I OPTIMISE THE WRITTEN PHASE?
Whether an NHRI is seeking for Accreditation or Re-Accreditation, the following procedure will apply.

The written phase is divided into two parts:
• the initial written phase, which involves the submission of a ‘Statement of Compliance with the Paris Principles’ and all related documents within the deadlines set;
• the complementary written phase, which involves responses to any third party submission to the SCA, and the analysis (summary) by the SCA Secretariat of the documents provided in the initial written phase.

How do I complete the ‘Statement of Compliance with the Paris Principles’?

Article 6.1 of the SCA Rules of Procedure\(^{14}\) provides for the ‘Statement of Compliance with the Paris Principles’ as the core component of an Accreditation or Re-Accreditation request. For this reason, this declaration must be completed in full.

The SCA Secretariat will send you the template for the ‘Statement of Compliance with the Paris Principles’\(^{15}\) when your institution is on the agenda of the SCA. It is an essential document to guide you in your responses. The template contains the following sections:

• CHARACTER OF THE NHRI: this section contains items relating to the establishment of the institution’s mandate; its independence; its composition; the appointment process and the term of office; its organizational infrastructure and its working methods;
• GENERAL MANDATE: this section contains items relating to the general competence and responsibilities of the NHRI; the quasi-jurisdictional functions of the institution, where applicable (since these functions are optional under the Paris Principles) and relationships with relevant human rights stakeholders and other bodies;
• SPECIFIC MANDATE (OPTIONAL) for the National Mechanism for the Prevention of Torture (for the states that have ratified the *Optional Protocol to the Convention against Torture*)

It is essential to fill out each section of the ‘Statement of Compliance with the Paris Principles’, with as much detail and specificity as possible. Certain information might be required in more than one section. It is better to be as exhaustive as possible and to provide the information needed to answer an item, even if it may appear repetitive. This information is very helpful for the SCA to verify the compliance of your

\(^{14}\) https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/SCA%20Rules%20of%20Procedure/Forms/AllItems.aspx, p. 6

\(^{15}\) https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/nex.tsession.aspx
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institution with the General Observations, which are the official interpretation of the Paris Principles.

In order to guide you in your answers, the template of the ‘Statement of Compliance with the Paris Principles’, which the SCA Secretariat will send you, offers explanations and a series of questions under each item.

In case of doubt about the meaning of any of the questions, reading the General Observations, and particularly the justifications appearing under each General Observation, will enable you to better understand the meaning of the question and what the SCA seeks to understand through your responses.

In the event of any difficulties, you may request help and assistance from the SCA Secretariat, but also from the ENNHRI Secretariat that can support your NHRI with any question you may have at this stage, and where helpful, can put you in contact with a member of ENNHRI’s Accreditation Support Group.

Which documents should be supplied with the Statement of Compliance with the Paris Principles?

Article 6.1 of the SCA Rules of Procedure\(^{16}\) provides a list of documents to be included, including:

- a copy of the legislation or other instrument by which the institution is established and empowered – in its official or published format;
- an outline of its organizational structure, including staff complement;
- its annual budget;
- a copy of its most recent annual report or equivalent document – in its official or published format.

If you are not able to provide one of these documents, it is best to explain the reasons for this.

Moreover, if your institution is already accredited, the SCA will also expect you to provide information to show how you have addressed recommendations made by the SCA in the previous Accreditation review. It is appropriate to reflect this information in the Statement of Compliance under relevant sections.

\(^{16}\) https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/SCA%20Rules%20of%20Procedure/Forms/AllItems.aspx, p. 6
How do I attest to the information provided in the Statement of Compliance with the Paris Principles?

Article 6.1 of the SCA Rules of Procedure states that: ‘Original materials should be submitted to support or substantiate assertions made in the Statement of Compliance so that these assertions can be validated or confirmed by the SCA. No assertion will be accepted without material to support it.’

Consequently, it is important to provide all materials which will support the information provided. These documents may be of various types: applicable national laws, relevant case law, rules of procedure and working methods, formal agreements with other national human rights bodies, strategic plans, and so on.

The written phase in practice

Which language should I use?

Article 6.1 of the SCA Rules of Procedure provides that: ‘Documents must be submitted in English, French or Spanish in both hard copy and electronic form.’ Apart from original documents in one of these three languages, it is necessary to provide a professional or certified translation of the documents submitted.

Is there a limit of the number of documents that can be sent and a specific length for the Statement of Compliance with the Paris Principles?

You can include as many documents as you deem helpful to attest to the information contained in the ‘Statement of Compliance with the Paris Principles’.

There is no limit on the length of the ‘Statement of Compliance with the Paris Principles’. Article 6.1 of the SCA Rules of Procedure indicates that it is necessary to complete all the fields in the Statement of Compliance with the Paris Principles.

Article 6.2 of the SCA Rules of Procedure adds that: ‘In addition to the mandatory documents specified in section 6.1 of these Rules, applicants are expected to provide all documents relevant to their application. Failure to do so may affect the recommendation on the Accreditation status of the NHRI as the SCA will make assessments on the basis of the documentation provided.’

17 Ibid., p. 7
18 Ibid., p. 7
To whom should these documents be addressed and how?

Article 6.1 of the SCA Rules of Procedure provides that all documents must be submitted ‘in both hard copy and electronic form.’

All Submissions should be sent by post to:
National Institutions and Regional Mechanisms Section
United Nations High Commissioner for Human Rights
CH-1211 Geneva 10, Switzerland

And by email to:
vsstefanov@ohchr.org, sshahidzadeh@ohchr.org, and bpesut@ohchr.org.

It is advised to also copy the ENNHRI contact point when sending your ‘Statement of compliance’ (Katrien.meuwissen@ennhri.org).

As contact persons may change, please refer to this webpage for updated information: https://nhri.ohchr.org/EN/Contact/Pages/default.aspx

Who has access to these documents?

These documents are uploaded to a protected online area to which only SCA members and observers have access, namely SCA members, the Secretariat of the SCA from the United Nations High Commissioner for Human Rights, the GANHRI Geneva representative, and the representatives of the Regional Networks.

19 Ibid.
What are the deadlines for submitting documents?

Article 6.5 of the SCA Rules of Procedure\(^\text{20}\) sets out the deadlines for submissions. These require that the SCA Secretariat invites you to submit your application for Accreditation or Re-Accreditation and supporting documents at least five months prior to the SCA session.

You will have to send these documents to the SCA Secretariat at least four months prior to the SCA session.

Article 6.6 of the SCA Rules of Procedure\(^\text{21}\) sets out the consequences of non-compliance: ‘Applications and documents submitted after the deadline will only be examined during a subsequent session unless the SCA Chairperson, in consultation with the GANHRI Secretariat, determines otherwise. Provided five months’ notice, if an NHRI fails to submit an application for Re-Accreditation within the required time, its Accreditation status may be suspended or may lapse in accordance with Article 19 of the GANHRI Statute.’

Article 12.2 of the SCA Rules of Procedure\(^\text{22}\) provides that: ‘The SCA may recommend the lapsing of the Accreditation status of an NHRI if an application for Re-Accreditation is not received within one (1) year of a suspension, in accordance with Article 20 of the GANHRI Statute.’

The complementary written phase

The SCA Rules of Procedure allow for additional information to be provided in the following situations:

> Commenting on and responding to third-party contributions

Article 6.7 of the SCA Rules of Procedure\(^\text{23}\) provides for third-parties to submit information relevant to the Accreditation status of your institution, at least four months before the date of Accreditation review.

If such information is received in relation to your institution’s application for Accreditation or Re-Accreditation, it will be provided to you by the SCA Secretariat and you will have an opportunity to comment on all points raised in the third party submission.

\(^{20}\) Ibid, p. 7
\(^{21}\) Ibid, p. 8
\(^{22}\) Ibid, p. 11
\(^{23}\) Ibid, p. 8
> Responding to the summary of the application

The SCA Secretariat will provide a summary of all information relevant to the Accreditation of the applicant institution, including the relevant documentation and other information contained in the reports, recommendations or observations of international Human Rights mechanisms. The summary might also include any ‘issues of concern’ identified by the SCA Secretariat in relation to your institution’s compliance with the Paris Principles.

The summary will be sent to you. Article 7 of the SCA Rules of Procedure\(^2\) provides a deadline of one week for you to review and correct any factual errors in the summary. You can contact the ENNHRI Secretariat for feedback on your amendments to the summary.

The summary and any corrections that you have made will be provided to the SCA members and observers prior to the session.

\(^2\) *Ibid*, p. 8
4. HOW DO I OPTIMISE THE INTERVIEW PHASE?
Whether an NHRI is seeking Accreditation or Re-Accreditation, the following procedure will apply.

The interview phase consists of an interview by teleconference, provided for in Article 8.2 of the SCA Rules of Procedure. The SCA Chairperson, or any other person designated by the SCA Chair, carries out the interview on the basis of a list of questions set beforehand by the members of the SCA.

Can I come in person to the SCA or ask for a video-conference?

No, this is not provided for. For reasons of equal treatment between the NHRIIs examined, interviews are carried out only by teleconference. Present in the room for the teleconference are the members of the SCA, the SCA Secretariat, the GANHRI representative and the representatives of the Regional Networks.

Which language can I use?

Traditionally, the interviews are carried out in English. They can also be carried out in French, Spanish or in Arabic, which are the GANHRI languages. In this case, your answers will be informally translated by the participants of the SCA.

It is recommended to use the language in which you will feel more at ease. You may also provide your own translation.

What materials should I have with me?

It is important to have with you all the documents that you have provided to the SCA, in order to be able to refer to them if necessary.

Do I have to be alone on the phone to answer questions from the SCA?

You are free to make your own arrangements for the telephone interview. You may therefore choose to have several persons present in order to provide responses to the questions according to their areas of competence, or to provide useful complementary information.

You may also choose to be accompanied by a translator. In this case, the interview will be longer. It is therefore preferable to inform the SCA Secretariat of this beforehand so that this additional time is taken into account in the organization of the session.

25 Ibid, p 9
How long does the telephone conversation last?

The SCA Secretariat will arrange a time frame for the interview session beforehand. The agenda for the SCA sessions has been particularly busy in recent years, so it is not uncommon for the SCA session to run late and for the interview to be delayed. The SCA will do its best to inform you of any delays.

It is in any event advisable to leave enough time available in order to be able to carry out the interview as comfortably as possible.

The length of the interview may vary. It seldom lasts less than half an hour, and rarely lasts more than one hour and fifteen minutes. When the interview includes translation, the duration is significantly longer.

How should I prepare myself for the questions?

Under the terms of Articles 6.1 and 8.3 of the SCA Rules of Procedure\(^6\), the members of the SCA will seek to assess what action your institution has taken to address concerns raised at the NHRI’s previous Accreditation review. This is why, traditionally, the SCA Chairperson begins the interview by asking for details on action taken in response to the previous recommendations.

It is therefore important to be able to explain the actions taken for each recommendation made by the SCA during the previous Accreditation review, and to provide explanations to justify the reasons why any recommendations have not been addressed.

Each NHRI is different, and the context in which it operates often has specificities, particularly of a legal, historical, political, social and economic nature. The questions are generally aimed at understanding the connection between the organization and the working of the institution, and the specificities of the context in which it operates. They aim at clarifying the way in which your institution complies substantively with the Paris Principles. The assessment of NHRI is always based on both the practical and legal framework aspects.

The SCA may therefore ask you questions about the main human rights violations in your country and the actions your institution is taking in relation to those. In formulating its questions, the SCA may use reports from the international Human Rights mechanisms, and in particular those of United Nations Treaty Bodies, Special Rapporteurs, and the Human Rights Council. It may also use press releases and the documents that are published on your institution’s website. It is important to be familiar with public reports and documents that refer to the human rights situation in your country and the actions your institution is taking in relation to these reports.

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\(^6\) Ibid
rights situation in your country and the role of your institution.

In the event that the SCA has received a third-party contribution, the SCA will ensure that you always have the opportunity to respond.

Finally, the SCA president traditionally asks whether the SCA could make recommendations which would be useful for you in order to help you to strengthen your institution, and what these might be. The purpose of these recommendations is often to help you in your lobbying towards public authorities to enhance compliance with the Paris Principles.

For further information, Practice Note 3 ‘Assessing the Performance of NHRIs’[^27], produced by the SCA, will provide you with indications of the points to which the SCA will pay particular attention, and the documents which it considers in assessing NHRIs, taking into consideration the Paris Principles.

**How should I answer the questions?**

Do not hesitate to ask for a question to be repeated or re-worded if it is not clear. It is advisable to provide the most honest, accurate and complete answer possible.

At the end of the interview, the SCA Chairperson will give you the opportunity to ask questions or add anything that you think is useful.

5. WHEN CAN I MAKE USE OF THE STATUS GRANTED TO MY INSTITUTION?
Due to the time taken by Appeal Procedures, the report is not made public by the SCA immediately after the SCA session. This does not prevent you from communicating the status that has been granted to your institution or from making full use of it within international mechanisms for the protection of Human Rights.

**When will I receive the section of the report on my institution?**

The SCA drafts the report throughout the week of the session. It ensures a degree of harmonisation and seeks a balance between the various recommendations it makes. The report is finalised at the end of the week.

The SCA Secretariat will send you the section of the report on your institution during the week following the SCA session in which it has considered your application for Accreditation or Re-Accreditation.

**When can I use the status granted?**

Upon receipt of the section of the SCA report concerning your institution, you will be able to communicate the status granted to your institution and make full use of it, even if the report has not yet been made public.

An ‘A’ status recommendation cannot be challenged. Regarding a ‘B’ status recommendation, your institution is the only one able to make a challenge to the GANHRI Bureau. If you do not plan to do this, the recommendation made by the SCA will be regarded as accepted by the GANHRI Bureau. Therefore, you can make it public if you wish so.

If the SCA has recommended ‘A’ status, it means that it considers that your institution has substantively demonstrated full compliance with the Paris Principles. Your institution becomes a voting member of the regional networks and GANHRI. You will be eligible for governance functions in the GANHRI Bureau or any SCA created by the Bureau. In the European region, ‘A’ status ENNHRI members have voting rights and can hold governance positions, although decisions are taken by consensus where possible. Your institution may also participate in sessions of the Human Rights Council, take the floor in this forum and submit documents as an ‘A’ status NHRI.

If the SCA has recommended ‘B’ status, this means that it considers your institution to be an NHRI but not in full compliance with the Paris Principles. As such, your NHRI has the opportunity to participate in international and regional meetings of NRHIs. Your institution cannot be entitled to vote or be eligible for governance functions.
in the GANHRI Bureau, regional network or any sub-committee created by the SCA Bureau. You will not be able to independently take the floor during sessions of the Human Rights Council. However, you can submit parallel reports to UN Treaty Bodies and the Human Rights Council’s UPR.

**When will the report of the SCA’s session be made public?**

It depends on whether or not there are challenges from the NHRI s examined at the SCA session on Accreditation. The report of the SCA can only be made public on the website of the Office of the United Nations High Commissioner for Human Rights after expiration of the deadlines provided for in Article 12.1 of the GANHRI Statute.

In accordance with Article 12.1 of the GANHRI Statute, NHRI s have 28 days to challenge a recommendation. If no challenge is made, the recommendation shall be deemed accepted by the GANHRI Bureau (*Please see below section 7 for details on the challenge procedure*).

The SCA report will then mention, in its heading, the challenge(s) submitted to the GANHRI Bureau.

28. [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/GANHRI%20Statute/Forms/AllItems.aspx](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/GANHRI%20Statute/Forms/AllItems.aspx), pp. 5-6
6. PARTICULAR CASES
Requests for explanations that are not mentioned in the report

The SCA may receive information from third parties. It is then the responsibility of the SCA Secretariat to inform the NHRI concerned and to request their written observations and any additional information deemed relevant. These elements are then considered at the next session of the SCA. If the SCA is satisfied by the explanations provided by the NHRI, it does not mention this examination in the report, in order not to harm to the reputation of the NHRI.

The SCA Secretariat then informs the NHRI that the SCA has considered the information brought to its attention and plans to take no further action.

Special Reviews

Special Reviews are relatively rare. Their particularity is that they occur outside the Re-Accreditation period, when information made available to the SCA appears to be serious in nature. Articles 16.1 to 16.4 of the GANHRI Statute\(^{29}\) set out the conditions and procedures for these.

Practice Note 2 ‘Special Reviews’\(^{30}\), produced by the SCA, provides for the indications of the grounds, conditions and procedure applicable in the event of a Special Review.

Deferral

A decision of the SCA to defer a recommendation on the status of an institution under review is relatively common. It is provided for in Article 14.1 of the GANHRI Statute. Article 12.1 of the SCA Rules of Procedure\(^{31}\) sets out its scope.

If it decides on a deferral, the SCA shall specify the session in which the review will take place. Generally, a deferral is for one year, however, occasionally it is for six months, therefore until the next session of the SCA, which meets twice a year.

The SCA always strives to list the issues of concern and/or subjects for which it wishes to receive additional information. This gives the institution clear guidance on the nature of the explanations or compliance efforts that are expected in the context of a deferral procedure.

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29. [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/GANHRI%20Statute/Forms/AllItems.aspx](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/GANHRI%20Statute/Forms/AllItems.aspx), p. 7
31. [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/SCA%20Rules%20of%20Procedure/Forms/AllItems.aspx](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/SCA%20Rules%20of%20Procedure/Forms/AllItems.aspx), p. 11
The decision to defer the recommendation on the Accreditation status of the institution to a future examination may well be renewed at a later date when it is deferred.

Practice Note 1 ‘Deferrals’\(^\text{32}\), produced by the SCA, provides for the reasons likely to lead the SCA to take this decision.

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7. HOW DO I CHALLENGE A RECOMMENDATION OF THE SCA ON ACCREDITATION?
The grounds for challenging the recommendations made by the SCA are very clearly defined.

Who can challenge a recommendation of the SCA?

Only the institution concerned is entitled to challenge a recommendation of the SCA. You may seek advice from the ENNHRI Secretariat, which can liaise with members of the ENNHRI Accreditation Support Group, if you consider challenging a recommendation of the SCA.

What type of recommendation from the SCA can I challenge?

A challenge can relate only to a recommendation of an Accreditation status made by the SCA that is considered to be unfavourable by the institution, such as a recommendation of ‘B’ status Accreditation, or downgrading the status of the NHRI from ‘A’ to ‘B’. Article 12 of the GANHRI Statute sets out the applicable conditions and procedure.

The SCA makes certain decisions which are not open to challenge as follows: deferral decisions - in accordance with Article 14.2 of the GANHRI Statute, and the decision to initiate a Special Review - in accordance with Article 16.3 of the GANHRI Statute.

What are the applicable deadlines?

Article 12.1 of the GANHRI Statute sets out three successive periods.

• The first period is 28 days as from the notification by the SCA Secretariat of the section of the report of the SCA relating to your institution. This is the time limit for submitting a letter to challenge a recommendation addressed to the GANHRI Chairperson, and copied to the GANHRI Secretariat.

• The second period of 20 days then begins. This is the time allowed for any member of the GANHRI Bureau to inform the Chair of the SCA and the SCA Secretariat if they support the challenge.

• The third period then begins if at least one member of the Bureau supports the challenge. This consists of a 20-day deadline to allow for other members of the GANHRI Bureau to support the challenge. Article 12.1 of the GANHRI Statute provides that the challenge will only be examined by the GANHRI Bureau if 4 members of the Bureau from two different regions offer their support.

33. Ibid
34. Ibid, p. 7
35. Ibid, p. 7
36. Ibid, pp. 5-6
37. Ibid
On what grounds can I make a challenge?

The GANHRI Bureau has set out the applicable procedure for deliberation on a challenge brought to the Bureau for its consideration.

A letter detailing reasons for the challenge is essential, since the procedure followed by the GANHRI Bureau provides that, ‘The issues to be considered by the Bureau are limited to those put forward by the applicant NHRI in its challenge letter.’ The institution that is making the challenge must show that the recommendation of the SCA does not sufficiently demonstrate that the applicant NHRI falls substantially short of the standards set out in the Paris Principles as interpreted through the General Observations.

The challenge letter must therefore establish that the recommendation of the SCA:

a. is based on a consideration not contained in the Paris Principles as interpreted through the General Observations;

b. is based on a manifest disregard of the Paris Principles as interpreted through the General Observations;

c. is manifestly erroneous or arbitrary; or

d. is not sufficiently comprehensive so as to permit a finding that the applicant NHRI falls substantially short of the standards articulated in the Paris Principles as interpreted through the General Observations.

The GANHRI Bureau does not repeat the review of the SCA but considers whether the Accreditation application has been assessed accordingly. For that purpose, it will not take into account information in the challenge letter which refers to information that was not before the SCA at the time of its decision.

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38. [https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Procedure%20for%20challenge/Forms/AllItems.aspx](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Procedure%20for%20challenge/Forms/AllItems.aspx)
8. FOLLOW-UP AND IMPLEMENTATION OF THE RECOMMENDATIONS OF THE SCA ON ACCREDITATION
How should the recommendations of the SCA be read?

The role of the SCA is not only to make recommendations on the status of NHRIs. It sees its role as a spur to show NHRIs ways for continuous improvement in carrying out their mandate as effectively as possible, in accordance with the Paris Principles.

Therefore, the sections of the report in which each institution is requesting Accreditation or Re-Accreditation consist of two essential parts:
- The recommendation relating to the Accreditation status (‘A’ or ‘B’ status);
- Comments made by the SCA aimed at reinforcing the institution examined.

In certain cases, these comments are organized in two parts:
- a part introduced by ‘The SCA notes with concern’, which details the subjects of concern on which the SCA expects concrete and substantial efforts;
- a second part introduced by ‘In addition, the SCA notes’, which details less critical avenues for improvement.

How should the recommendations of the SCA be used?

The SCA considers NHRIs as both Human rights Defenders and as state-related institutions whose independence is guaranteed through relevant legislation.

The comments and recommendations of the SCA therefore aim at both strengthening NHRIs as Human Rights Defenders, and even to support them when they are facing threats. The comments and recommendations of the SCA should help NHRIs which have undergone review to carry out their petitioning towards state authorities, for example to amend enabling legislation or to support NHRIs in their request for an increase in their budget.

The comments and recommendations of the SCA should therefore help you to carry out your petitioning, for example to amend your enabling legislation or to support you in your request for an increase in your budget.

At the European level, the ENNHRI Secretariat and ENNHRI’s Accreditation Support Group can provide useful advice to support your NHRI in following up SCA recom-

39. The Special Rapporteur on the situation of human rights defenders defines a human rights defender as follows “The most obvious human rights defenders are those whose daily work specifically involves the promotion and protection of human rights, for example human rights monitors working with national human rights organizations, human rights ombudsmen or human rights lawyers.” Link: www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx
mendations. Amongst the members of the Accreditation Support Group, there will be representatives of institutions which received similar SCA recommendations and operate with a similar structure and/or in a similar context as your institution.

How should the recommendations of the SCA be implemented?

Once the Accreditation status has been awarded, it is strongly advised not to wait until the next session to consider the implementation of the recommendations. The SCA is generally very attentive to the implementation of the recommendations made at the previous session.

It is desirable to draw up an implementation action plan that involves the members of the decision-making body and the staff of the institution.

Certain recommendations are the responsibility of the institution. It is important to take action on these, respecting the working methods of your institution and the specificities of the context in which you operate.

Certain recommendations are the responsibility of the State. You will need to be able to provide evidence of the petitioning efforts that you have undertaken in order for the State to respond favourably to the recommendations of the SCA.
TIMELINE
Practical guide - The Accreditation of National Human Rights Institutions (NHRIs)

1st PHASE

WRITTEN SUBMISSIONS

5 months prior
4 months prior
1 week

NHRI
(National human rights institution)

Statement of compliance, all required and additional material

Response to third party submissions and review of the summary

OHCHR
(Office of the High Commissioner for Human Rights)

Notification
Reception
Summary

THIRD PARTIES

Submissions

PERMANENT OBSERVERS

Regional networks and GANHRI representative

Assistance to NHRI application

Assistance on implementation of SCA recommendations

Notification
Reception
Summary
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For further information

• References:
The Paris Principles in English, French, Spanish and Arabic:
https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx

General Observations in English, French, Spanish and Arabic:
https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/default.aspx

GANHRI Statute; Rules of Procedure for the SCA on Accreditation; Practice Notes in English, French, Spanish and Arabic:
https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/SCAGeneralObservations.aspx

Applicable procedure of deliberation in the event of a challenge before the GANHRI Bureau in English, French, Spanish and Arabic:
https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Procedure%20for%20challenge/Forms/AllItems.aspx

• Accreditation status table:
https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/default.aspx

• Template of the ‘Statement of Compliance with the Paris Principles’:
https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/NextSession.aspx

• Information relating to the next session of the SCA on Accreditation:
The list of participants at the SCA on Accreditation, the list of National Human Rights Institutions to be examined at the next session and the deadline for the submission of information can be found at:
https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/NextSession.aspx

• ENNHRI Information on accreditation
ENNHRI Accreditation at a Glance:
http://ennhri.org/IMG/pdf/ennhri_s_at_a_glance_final_and_covers.pdf
ENNHRI webpage on Accreditation:
http://ennhri.org/-Accreditation-378-
How do I contact the Secretariat of the SCA, GANHRI and ENNHRI?

• Contact details for the Secretariat of the SCA in the Office of the United Nations High Commissioner for Human Rights

National Institutions and Regional Mechanisms Section
OHCHR
CH-1211 Geneva 10
Switzerland
Tel: +41 22 928 9377
Email: vstefanov@ohchr.org, sshahidzadeh@ohchr.org, rmkwawa@ohchr.org and bpesut@ohchr.org.

• Contact details for the GANHRI representative in Geneva

Ms. Katharina Rose
GANHRI Geneva Representative
UNOG - Palais des Nations · Office B425
Tel: + 41 22 917 16 74; Mobile: + 41 76 217 40 57
Email: k.rose@ganhri.org

• Contact details of ENNHRI

Dr. Katrien Meuwissen
Senior Human Rights Officer (Accreditation)
Rue Royale 138
B-1000 Brussels, Belgium
Tel: +32 (0)2 212 3197
Email: katrien.meuwissen@ennhri.org
GANHRI consists of 4 regional networks:

- Network of African National Human Rights Institutions (NANHRI);
- Network of National Human Rights Institutions of the Americas;
- Asia-Pacific Forum of National Human Rights Institution (APF); and
- European Network of National Human Rights Institutions (ENNHRI).

All contact details are available at: 
https://nhri.ohchr.org/EN/Contact/RegionalNet/Pages/Global.aspx
APPENDIX : PARIS PRINCIPLES
Forty-eighth session
Agenda item 114 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
[on the report of the Third Committee (A/48/632/Add.2)]

48/134. National institutions for the promotion and protection of human rights

The General Assembly,


Emphasizing the importance of the Universal Declaration of Human Rights, Resolution 217 A (III). the International Covenants on Human Rights Resolution 2200 A (XXI), annex. and other international instruments for promoting respect for and observance of human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that institutions at the national level can play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions, expressed during the Regional Meeting for Africa of the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the Regional Meeting for Latin America and the Caribbean, held at San José from 18 to 22 January 1993, the Regional Meeting for Asia, held at Bangkok from 29 March to 2 April 1993, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992 and the Workshop for the Asia and Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and manifested in the decisions announced recently by several Member States to establish national institutions for the promotion and protection of human rights,

Bearing in mind the Vienna Declaration and Programme of Action, Resolution A/CONF.157/24 (Part I), chap. III. in which the World Conference on Human Rights reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role inremedying human rights violations, in the dissemination of human rights information and in education in human rights,
Noting the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches to promoting universal respect for and observance of human rights and fundamental freedoms,

1. Takes note with satisfaction of the updated report of the Secretary-General, 11/ prepared in accordance with General Assembly resolution 46/124 of 17 December 1991;

2. Reaffirms the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

3. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights and to incorporate those elements in national development plans;

4. Encourages national institutions for the promotion and protection of human rights established by Member States to prevent and combat all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

5. Requests the Centre for Human Rights of the Secretariat to continue its efforts to enhance cooperation between the United Nations and national institutions, particularly in the field of advisory services and technical assistance and of information and education, including within the framework of the World Public Information Campaign for Human Rights;

6. Also requests the Centre for Human Rights to establish, upon the request of States concerned, United Nations centres for human rights documentation and training and to do so on the basis of established procedures for the use of available resources within the United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

7. Requests the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical cooperation in the field of human rights, as well as national centres for human rights documentation and training;

8. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of such national institutions;

9. Affirms the role of national institutions as agencies for the dissemination of human rights materials and for other public information activities, prepared or organized under the auspices of the United Nations;

10. **Welcomes** the organization under the auspices of the Centre for Human Rights of a follow-up meeting at Tunis in December 1993 with a view, in particular, to examining ways and means of promoting technical assistance for the cooperation and strengthening of national institutions and to continuing to examine all issues relating to the question of national institutions;

11. **Welcomes also** the Principles relating to the status of national institutions, annexed to the present resolution;

12. **Encourages** the establishment and strengthening of national institutions having regard to those principles and recognizing that it is the right of each State to choose the framework that is best suited to its particular needs at the national level;

13. **Requests** the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

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**ANNEX**

**Principles relating to the status of national institutions**

**Competence and responsibilities**

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, **inter alia**, have the following responsibilities:

   (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

   (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if
necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(ii) Any situation of violation of human rights which it decides to take up;

(iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

(iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and
professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

    (b) Trends in philosophical or religious thought;
    (c) Universities and qualified experts;
    (d) Parliament;
    (e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution’s membership is ensured.

   Methods of operation

   Within the framework of its operation, the national institution shall:

   (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;
   (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
   (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
   (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;
   (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
   (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);
   (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children,
migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.