

GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI)

**Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation
(SCA)**

14-25 March 2022

SUMMARY OF RECOMMENDATIONS

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| <u>1. Accreditation (Art. 10 of the GANHRI Statute)</u> |
| <u>1.1 Benin: Commission Béninoise des Droits de l’Homme (CBDH)</u> Recommendation: The SCA recommends that the CBDH be accredited with A status. |
| <u>1.2 The Gambia: National Human Rights Commission of the Gambia (NHRC)</u> Recommendation: The SCA recommends that the NHRC be accredited with A status. |
| <u>2. Re-Accreditation (Art. 15 of the GANHRI Statute)</u> |
| <u>2.1 Austria: Austrian Ombudsman Board (AOB)</u> Recommendation: The SCA recommends that the AOB be re-accredited with A status. |
| <u>2.2 Ecuador: Defensoría del Pueblo de Ecuador (DPE)</u> Recommendation: The SCA recommends that the DPE be re-accredited with A status. |
| <u>2.3 Jordan: National Centre for Human Rights of Jordan (JNCHR)</u> Recommendation: The SCA recommends that the NHRC be re-accredited with A status. |
| <u>2.4 Luxembourg: Commission consultative des Droits de l’Homme (CCDH)</u> Recommendation: The SCA recommends that the CCDH be re-accredited with A status. |
| <u>2.5 Mali: Commission Nationale des Droits de l’Homme (CNDH)</u> Recommendation: The SCA recommends that the Commission be re-accredited with A status. |
| <u>2.6 Mexico: Comisión Nacional de los Derechos Humanos (CNDH)</u> Recommendation: The SCA recommends that the CNDH be re-accredited with A status. |
| <u>2.7 New Zealand: New Zealand Human Rights Commission (NZHRC)</u> Recommendation: The SCA recommends that the NZHRC be re-accredited with A status. |
| <u>2.8 Thailand: National Human Rights Commission of Thailand (NHRCT)</u> Recommendation: The SCA recommends that the NHRCT be re-accredited with A status. |
| <u>3. Decision (Art. 14.1 of the GANHRI Statute)</u> |
| <u>3.1 Australia: Australian Human Rights Commission (AHRC):</u> Decision: The SCA decides to defer the review of the AHRC for 18 months (or three sessions) |
| <u>3.2 Germany: German Institute for Human Rights (GIHR)</u> Decision: The SCA decides to defer the review of the GIHR for 18 months (or three sessions) |
| <u>3.3 El Salvador: Procuraduría para la Defensa de los Derechos Humanos de la República de El Salvador (PDDH)</u> Decision: The SCA decides to defer the review of the PDDH for 6 months (or at its next session) |
| <u>4. Review (Art. 16.1 of the GANHRI Statute)</u> |
| <u>4.1 Afghanistan: Afghanistan Independent Human Rights Commission (AIHRC)</u> Recommendation: The SCA recommends that the AIHRC be downgraded to B status. |
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5. Special Review (Art. 16.2 of the GANHRI Statute)

5.1 Madagascar: Commission Nationale Indépendante des Droits de l’Homme (CNIDH)

Decision: The SCA decides to initiate a **Special Review** of the CNIDH at its second session of 2022

6. Alteration of accreditation classification (Article 18.1 of the GANHRI Statute)

6.1 Hungary: Commissioner for Fundamental Rights of Hungary (CFR)

Recommendation: The SCA recommends that the CFR be downgraded to **B** status

**Report, Recommendations, and Decision of the Virtual Session of the SCA,
14-25 March 2022**

1. BACKGROUND

1.1 In accordance with the Statute (Annex I) of the Global Alliance of National Human Rights Institutions (GANHRI), the SCA has the mandate to consider and review applications for accreditation, reaccreditation and special or other reviews received by the National Institutions and Regional Mechanisms Section (NIRMS) of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as the GANHRI Secretariat, and to make recommendations to the GANHRI Bureau members with regard to the compliance of applicant institutions with the Paris Principles (Annex II). The SCA assesses compliance with the Paris Principles in law and in practice.

At its June/July 2020 session, the GANHRI Bureau adopted amendments to the SCA Rules of Procedure (RoP) and the General Observations.

At its March 2019 session, the GANHRI General Assembly adopted amendments to the GANHRI Statute.

1.2 In accordance with the RoP, the SCA is composed of NHRI representatives from each region: Palestine for Asia-Pacific (Chair), South Africa for Africa, The Great Britain for Europe, and Guatemala for the Americas. In accordance with section 3.1 of the SCA's RoP, the NHRI of Greece, as alternate member for Europe, participated to learn about the procedures in practice, in advance of serving on the SCA.

1.3 The SCA virtually convened from 14-25 March 2022. OHCHR participated as a permanent observer in its capacity as GANHRI Secretariat. In accordance with established procedures, regional networks of NHRIs were invited to attend as observers. The SCA welcomed the participation of representatives from the Secretariats of the Asia-Pacific Forum (APF), European Network of National Human Rights Institutions (ENNHRI), Network of African National Human Rights Institutions (NANHRI) and Network of National Human Rights Institutions in the Americas (RINDHCA). The SCA also welcomed the participation of the GANHRI Head Office.

1.4 Pursuant to article 10 of the Statute, the SCA considered applications for accreditation from the NHRIs of Benin and The Gambia.

1.5 Pursuant to article 14.1 of the Statute, the SCA took a decision regarding the re-accreditation of the NHRIs of Australia, El Salvador and Germany.

1.6 Pursuant to article 15 of the Statute, the SCA considered applications for re-accreditation from the NHRIs of Australia, Austria, Ecuador, El Salvador, Germany, Jordan, Luxembourg, Mali, Mexico, and New Zealand.

1.7 Pursuant to article 16.1 of the Statute, the SCA reviewed certain issues regarding the NHRI of Afghanistan.

1.8 Pursuant to article 16.2 of the Statute, the SCA decided to initiate a special review for the NHRI of Madagascar.

1.9 Pursuant to article 18.1 of the Statute, the SCA reviewed the NHRI of Hungary.

1.10 In accordance with the Paris Principles and the SCA RoP, the classifications for accreditation used by the SCA are:

A: Compliance with the Paris Principles;

B: Not fully in compliance with the Paris Principles or insufficient information provided to make a determination.

1.11 In the interests of clarity and as a good practice, where the SCA has recommended that an NHRI be accredited with other than A status, it has divided its recommendations between those that it “notes with concern” and those that it “notes”. The issues that have been noted “with concern” constitute the primary reasons for which the NHRI has not been accredited with A status.

1.12 The General Observations, as interpretative tools of the Paris Principles, may be used to:

- a) Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;
- b) Persuade domestic governments to address or remedy issues relating to an institution’s compliance with the standards articulated in the General Observations;
- c) Guide the SCA in its determination of new accreditation applications, re-accreditation applications or other review:
 - i) If an institution falls substantially short of the standards articulated in the General Observations, it will be open for the SCA to find that it was not Paris Principle compliant.
 - ii) If the SCA has noted concern about an institution’s compliance with any of the General Observations, it may consider what steps, if any, have been taken by an institution to address those concerns in future applications. If the SCA is not provided with proof of efforts to address the General Observations previously made, or is offered no reasonable explanation why no efforts had been made, it would be open to the SCA to interpret such lack of progress as non-compliance with the Paris Principles.

1.13 The SCA notes that when specific issues are raised in its report in relation to accreditation, re-accreditation, or special reviews, NHRIs are required to address these issues in any subsequent application or other review.

1.14 The SCA wishes to highlight its expectations that all NHRIs will take the necessary steps to pursue continuous efforts at improvement and to enhance effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA. Failure to do so may result in a finding that a NHRI is no longer operating in compliance with the Paris Principles.

1.15 Pursuant to Article 12.1 of the Statute, where the SCA comes to an accreditation recommendation, it shall be deemed accepted by the GANHRI Bureau unless it is successfully challenged by the applicant NHRI in accordance with the following process:

- i) The recommendation of the SCA shall, as soon as practicable, be forwarded to the applicant NHRI;
- ii) The applicant NHRI can challenge a recommendation of the SCA by submitting a letter addressed to the GANHRI Chairperson and copied to the GANHRI Secretariat within twenty-eight (28) days of the date of communication of the recommendation;
- iii) At the end of this twenty-eight (28) day period, the GANHRI Secretariat will forward to Bureau members, as soon as practicable, the recommendations of the SCA. If the applicant NHRI has not challenged the recommendation, it shall be deemed accepted by the Bureau;
- iv) If an applicant NHRI submits a challenge within these twenty-eight (28) days, the GANHRI Secretariat will forward to the Bureau, as soon as practicable, all relevant materials related to the challenge. GANHRI Bureau members will be provided with twenty (20) days in which to determine whether or not to support this challenge;
- v) Any member of the GANHRI Bureau that supports the challenge of the applicant NHRI shall, within twenty (20) days, notify the Chair of the SCA and the GANHRI Secretariat of this support. If the challenge does not receive the support of at least one (1) Bureau member within twenty (20) days, the recommendation of the SCA will be deemed accepted by the Bureau;
- vi) If at least one (1) member of the GANHRI Bureau supports the challenge of the applicant NHRI within these twenty (20) days, the GANHRI Secretariat will notify members of the Bureau as soon as practicable of this support and will provide any additional relevant information;
- vii) Once provided with this notification and any additional relevant material, any member of the GANHRI Bureau that supports the challenge of the applicant NHRI shall, within twenty (20) days, notify the GANHRI Chairperson and GANHRI Secretariat of this support. If the challenge does not receive the support of at least four (4) Bureau members in total coming from not less than two (2) regions within the twenty (20) days, the recommendation of the SCA will be deemed accepted by the Bureau;
- viii) If the challenge receives the support of at least four (4) Bureau members in total coming from not less than two (2) regions, the recommendation of the SCA shall be referred to the following GANHRI Bureau meeting for a decision.

1.16 At each session the SCA conducts a teleconference with every NHRI. It may also consult with and seek further information from NHRIs where necessary.

1.17 Pursuant to Article 18.1 of the Statute, any decision that would serve to remove accredited "A" status from an applicant can only be taken after the applicant is informed of this intention and is given the opportunity to provide in writing, within one (1) year of receipt of such notice,

the written evidence deemed necessary to establish its continued conformity to the Paris Principles.

- 1.18** At any time, the SCA may receive information that raises concern that the circumstances of a NHRI have changed in a way that affects its compliance with the Paris Principles, and the SCA may then initiate a Special Review of that NHRI's accreditation status.
- 1.19** Pursuant to Article 16.4 of the Statute, any review of the accreditation classification of a NHRI must be finalized within 18 months.
- 1.20** The SCA acknowledges the high degree of support and professionalism of the GANHRI Secretariat (OHCHR-NIRMS).
- 1.21** The SCA shared the summaries prepared by the Secretariat with the concerned NHRIs before the consideration of their applications and gave one (1) week to provide any comments on them. The summaries are only prepared in English, due to financial constraints.
- 1.22** Once the recommendations of the SCA are adopted by the GANHRI Bureau, the report of the SCA is placed on the SCA website (<https://www.ohchr.org/EN/Countries/NHRI/Pages/SCA-Reports.aspx>).
- 1.23** The SCA considered information received from civil society. The SCA shared that information with the concerned NHRIs and considered their responses.
- 1.24 Notes:** The GANHRI Statute, the Paris Principles, the General Observations and the Practice Notes referred to above can be downloaded in Arabic, English, French and Spanish from the SCA website at <https://www.ohchr.org/EN/Countries/NHRI/Pages/SCA-Rules-of-Procedures.aspx>

SPECIFIC RECOMMENDATIONS

1. ACCREDITATION (Art. 10 of the GANHRI Statute)

1.1 Benin: Commission Béninoise des Droits de l'Homme (CBDH)

Recommendation: The SCA recommends that the CBDH be accredited with **A** status.

The SCA welcomes the establishment of the CBDH under a new enabling law. SCA commends the CBDH for its efforts to promote and protect human rights.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The CBDH is encouraged to continue to actively engage with the OHCHR, GANHRI, NANHRI, other NHRIs, as well as relevant stakeholders at international, regional and national levels, in particular, in order to continue strengthening their institutional framework and working methods.

The SCA notes:

1. Selection and appointment

In accordance with Article 7 of the Law n°2012-36 (the Law), members of the CBDH are designated by the various entities stated in the Law, under the supervision of a Selection Committee established by the National Assembly.

The CBDH reports that, in practice, each designating entity elects the members during their respective general assembly. However, the SCA is of the view that the process currently enshrined in the Law is not sufficiently broad and transparent. In particular, it does not:

- require the advertisement of vacancies for members;
- establish clear and uniform criteria;
- ensure that such criteria are uniformly used to assess the merit of eligible applicants; and
- promote broad consultation and/or participation in the application, screening, selection, and appointment process for all members.

Further, the SCA is of the view that providing for the different entities to select members according to their respective rules of procedure may result in each designating entity using different selection processes. The SCA recommends a consistent, transparent, merit-based, and broadly consultative selection process for all relevant entities.

It is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations, or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA encourages the CBDH to advocate for the formalization and application of a uniform process that includes requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Promote broad consultation and/ or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and
- e) Select members to serve in their individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on ‘Selection and appointment of the decision-making body of NHRIs’.

2. Political representatives on NHRIs

In accordance with Article 5 of the Law, the CBDH includes two Commissioners who are elected members of the National Assembly. The CBDH confirms that the two members have voting rights in the general activities of the CBDH but not in the decision-making body.

The SCA emphasises that the Paris Principles require an NHRI to be independent from government and parliament in its structure, composition, decision-making, and method of operation. It must be constituted and empowered to consider and determine the strategic priorities and activities of the NHRI based solely on its determination of the human rights priorities in the country, free from political interference.

For these reasons, government representatives and members of parliament should not be members of, nor participate in, the decision-making organs of an NHRI as their membership of, and participation in, the decision-making body of the NHRI has the potential to impact on both the real and perceived independence of the institution.

The SCA recognizes that it is important to maintain effective working relationships, and where relevant, to consult with government. However, this should not be achieved through the participation of government representatives in the decision-making body of the NHRI.

Where individuals designated by government or parliament are included in the decision-making body, the NHRI’s legislation should clearly indicate that such persons participate only in an advisory capacity. In order to further promote independence in decision-making, and avoid conflicts of interest, an NHRI’s rules of procedure should establish practices to ensure that such persons are unable to inappropriately influence decision-making by, for example, excluding them from attending parts of meetings where final deliberations and strategic decisions are made.

The participation of individuals designated by the government or parliament should be restricted to those whose roles and functions are of direct relevance to the mandate and functions of the NHRI, and whose advice and cooperation may assist the NHRI in fulfilling its mandate. In addition, the number of such individuals should be limited and should not exceed the number of other members of the NHRI’s governing body.

The SCA encourages the CBDH to take such additional steps as are necessary to ensure that the presence of the individuals designated by parliament does not impact its independent functioning.

The SCA refers to Paris Principle B.3 and to its General Observation 1.9 on 'Political representatives on NHRIs'.

3. Adequate funding

The CBDH reports that six regional branches have been operational since December 2021. The CBDH plans to open additional branches in order to cover the 11 departments of the country.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises, which are accessible to the wide community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities. Where an NHRI has been mandated with additional responsibilities by the State, it must be provided with additional financial resources to enable it to assume the responsibilities of discharging these functions.

The SCA encourages the CBDH to continue to advocate for an appropriate level of funding to carry out its mandate effectively and independently. This includes appropriate funding to maintain the existing regional branches, as well as expanding into every region of the country.

Further, the CBDH informs that 21% of its staff are secondees and that it recruits its staff members independently through a public call for applications conducted by an external independent recruitment firm.

A fundamental requirement of the Paris Principles is that an NHRI is, and is perceived to be, able to operate independent of government interference. The SCA highlights that this requirement should not be seen to limit the capacity of an NHRI to hire a public servant with the requisite skills and experience and indeed acknowledges that there may be certain positions within an NHRI where such skills are particularly relevant. However, the recruitment process for such positions should always be open to all, clear, transparent, merit-based, and at the sole discretion of the NHRI.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on ‘Adequate funding’ and General Observation 2.4 ‘Recruitment and retention of NHRI staff’.

1.2 The Gambia: National Human Rights Commission of the Gambia (NHRC)

Recommendation: The SCA recommends that the NHRC be accredited with **A** status

The SCA welcomes the establishment of the NHRC and commends its efforts to promote and protect human rights. It encourages the NHRC to continue these efforts.

The SCA highlights that NHRIs that have been accredited ‘A’ status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The NHRC is encouraged to continue to actively engage with the OHCHR, GANHRI, NANHRI, other NHRIs, as well as relevant stakeholders at international, regional and national levels, in particular, in order to continue strengthening their institutional framework and working methods.

The SCA notes:

1. Adequate funding and financial autonomy

Section 31 of the National Human Rights Commission Act (the Act) states that the NHRC shall have control over its funds. The SCA notes that the NHRC budget is submitted to the Ministry of Finance and Economic Affairs for inclusion in the draft State budget for the Parliament’s approval and also that budget is released to the NHRI on a quarterly, not annual, basis.

While, the SCA acknowledges that the State has provided the NHRC core budget, as well as support for the implementation of other NHRC projects, it emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI’s operations and the fulfilment of its mandate. The SCA encourages the NHRC to continue to advocate for an adequate level of funding to allow it to effectively carry out the full breadth of its mandate.

The SCA refers to Paris Principles A.3 and B.2, and to its General Observation 1.10 on ‘Adequate funding of NHRIs’.

2. Pluralism and diversity

While Section 5 of the Act requires gender representation when selecting and appointing representatives of the NHRC’s decision-making body, the SCA was not provided with evidence of provisions or practices that ensure ethnic, geographic, religious, and minority representation.

The SCA notes that pluralism and diversity in the membership and staff of an NHRI facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI for all people in The Gambia.

Pluralism refers to broader representation of national society. Consideration should be given to ensuring pluralism in the context of gender, ethnicity, religious, geographic, or minority status. The SCA considers the pluralistic composition of the NHRI to be fundamentally linked to the requirement of independence, credibility, effectiveness, and accessibility.

The SCA further notes that where the members and staff of NHRIs are representative of a society's social, ethnic, religious, and geographic diversity, the public are more likely to have confidence that the NHRI will understand and be more responsive to its specific needs.

The SCA encourages the NHRC to take steps to ensure pluralism in its membership composition.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on 'Ensuring pluralism of the NHRI'.

3. Recommendations by NHRIs

The SCA acknowledges that the NHRC reports it meets with the President, Parliament, and other State institutions to discuss the implementation of its recommendations. The NHRC also reports that a task force has been set up to work on implementing its recommendations.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, and report on the human rights situation in the country, it should also undertake rigorous and systematic follow up activities to promote and advocate for the implementation on its recommendations and findings, and the protection of those whose rights were found to have been violated.

The SCA also encourages the NHRC to take steps to encourage public authorities to respond to its recommendations in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.

The SCA refers to Paris Principles A.3 and D.d, and to its General Observation 1.6 on 'Recommendations by NHRIs'.

2. REACCREDITATION (Art. 15 of the GANHRI Statute)

2.1 Austria: Austrian Ombudsman Board (AOB)

Recommendation: The SCA recommends that the AOB be reaccredited with **A** status.

The SCA welcomes the amendments to AOB's enabling laws and to the provisions of the Federal Constitutional Law in relation to the AOB since its last review in 2011.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the AOB to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Selection and appointment

Article 148 (g) paragraph 2 of the Federal Constitutional Law provides that the AOB three decision-making members are nominated by the three political parties with the greatest number of seats in the National Council. The AOB Board members are then elected by the National Council on the basis of this joint recommendation.

The SCA notes that the process currently enshrined in the Federal Constitutional Law is not sufficiently broad and transparent. In particular, the process does not:

- Require the advertisement of vacancies, and
- Promote broad consultations and or participation in the application, screening, selection and appointment process.

It is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process of the NHRI's decision-making body in relevant legislation, regulations, or binding administrative guidelines, as appropriate. A process that promotes a merit-based selection process and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA encourages the AOB to advocate for the formalization and application of a process that includes the requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Promote broad consultation and/or participation of civil society organizations in the application screening selection and appointment process;
- d) Access applicants on the basis of pre-determined, objective and publicly available criteria; and
- e) Select numbers to serve in the individual capacity rather than on behalf of the organization they represent.

In order to ensure its application in practice, the selection process should be formalized in relevant laws, regulations, or binding administrative guidelines.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

2. Pluralism and diversity

The existing enabling legal framework is silent with regard to the pluralism and diversity of members of the AOB Board.

While the SCA notes that the recruitment of AOB's members is based on merit and a professional background in maladministration and human rights, the SCA was not provided with evidence of provisions or practices that ensure ethnic, geographic, religious, and minority representation.

The SCA further notes that, at present, all the three AOB members are men. The SCA emphasizes that pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity, geographic, and minority status. This includes, for example, ensuring the equitable participation of women in the NHRI. This facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI.

The SCA encourages the AOB to take steps to ensure pluralism in its membership and staff composition. The SCA further notes that ensuring pluralism through staff that are representative of

the diverse segments of society is particularly relevant for single member NHRIs, such as an Ombudsperson.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on 'Ensuring pluralism of the NHRI'.

3. Cooperation with civil society

The SCA emphasizes that regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates, and contribute to the accessibility of the institution for all, including those who are geographically, politically, or socially remote. NHRIs should develop, formalize, and maintain working relationships as appropriate with other domestic institutions, as well as civil society and non-governmental organizations.

Broad engagement with all stakeholders improves the effectiveness of an NHRI in implementing its mandate to promote and protect human rights by providing a better understanding of the breadth of human rights issues across the state; the different impact of such issues based on social, cultural, geographic, and other factors; gaps; priorities; and implementation strategies.

The SCA therefore encourages the AOB to continue to enhance and formalize its working relationships and cooperation with civil society organizations and human rights defenders, including those working on the rights of vulnerable groups.

The SCA refers to Paris Principles C(f) and (g), and to its General Observations 1.5 on 'Cooperation with other human rights bodies'.

2.2 Ecuador: Defensoría del Pueblo de Ecuador (DPE)

Recommendation: The SCA recommends that the DPE be re-accredited with **A** status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the DPE to continue to actively engage with the OHCHR, GANHRI, RINDHCA, other NHRIs, as well as relevant stakeholders at international, regional and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Adequate funding

While the SCA acknowledges that the DPE is undertaking a range of activities within its existing budget, it notes that the DPE has reported that it does not have sufficient funding, particularly in view of its efforts to recruit additional staff.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises that are accessible to the wider community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities.

The SCA encourages the DPE to advocate for the funding necessary to ensure that it can effectively carry out its mandate and fulfil its staffing requirements.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding'.

2. Recommendations by NHRIs

The SCA notes that while the DPE reports that in practice, it meets with Parliament, relevant committees, and parliamentarians, there is no legal obligation on behalf of relevant State entities to formally respond to the DPE recommendations and conclusions.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, and report on the human rights situation in the country, it should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation on its recommendations and findings, and the protection of those whose rights were found to have been violated.

The SCA also encourages the DPE to take steps to encourage public authorities to respond to its recommendations in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.

The SCA refers to Paris Principles A.3 and D.d, and to its General Observation 1.6 on 'Recommendations by NHRIs'.

3. Annual reports

The SCA notes that the DPE Organic Law (the Law) is silent on whether annual and special reports are discussed at the National Assembly.

The SCA considers it important that the enabling laws of an NHRI establishes a process whereby its reports are required to be discussed and considered by the legislature, to ensure that relevant public authorities properly consider its recommendations.

The SCA encourages the DPE to advocate for the appropriate amendment to its enabling law to ensure that the National Assembly discusses and considers its annual, special, and thematic reports.

The SCA refers to Paris Principles A.3 and D.d, and to its General Observation 1.11 on 'Annual reports of NHRIs'.

4. Protection from criminal and civil liability

In accordance with Articles 216 of the Constitution and 10 of the Law, the Defensor enjoys functional immunity. However, the SCA notes that neither the Vice-Defensor nor the staff of the DPE enjoy such protection.

External parties may seek to influence the independent operation of a NHRI by initiating, or by threatening to initiate, legal proceedings against a member. For this reason, NHRI legislation should include provisions to protect members from legal liability for acts undertaken in good faith in their official capacity. Such a provision promotes:

- security of tenure;
- the NHRI's ability to engage in critical analysis and commentary on human rights issues, free from interference;
- the independence of the senior leadership; and
- public confidence in the NHRI.

The SCA recognizes that no office holder should be beyond the reach of the law and thus, in certain circumstances, such as corruption, it may be necessary to lift immunity. However, the authority to do so should not be exercised by an individual, but rather by an appropriately constituted body such as the superior court or by a special majority of parliament. It is recommended that the Law clearly establish the grounds, and a clear and transparent process, by which the functional immunity of the decision-making body may be lifted.

The SCA encourages the DPE to advocate for amendments to the Law to provide functional immunity for other members of the DPE decision-making body and staff.

The SCA refers to Paris Principle B.3 and to its General Observation 2.3 on 'Protection from criminal and civil liability for official actions and decisions undertaken in good faith'.

2.3 Jordan: National Centre for Human Rights of Jordan (JNCHR)

Recommendation: The SCA recommends that the JNCHR be reaccredited with **A** status.

The SCA commends the efforts made by the JNCHR to promote and protect human rights in the challenging context in which it operates, including its efforts to address the previous recommendations made by the SCA through its advocacy and activities since its last review in 2016. The SCA welcomes the adoption of the 2017 amendments to the JNCHR enabling law.

The SCA highlights that NHRIs accredited with A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the JNCHR to continue to actively engage with the OHCHR, GANHRI, APF, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Selection and appointment

In accordance with Article 13(A) of the National Centre for Human Rights Law No. (51) (the Law), the JNCHR shall be supervised by a Board of Trustees of no more than 21 members. The Chairperson and members of the Board are appointed by Royal Decree at the recommendation of the Prime Minister, and the Prime Minister shall take into consideration any proposals submitted by representatives of civil society.

The SCA acknowledges that, in addition to the mandatory consultation with the Chairperson, the JNCHR reports that, in practice, the Prime Minister conducts intensive talks and broad consultation with a diverse range of stakeholders while preparing the list of candidates for appointment by the King.

The SCA reiterates its previous recommendation made in November 2016 and remains of the view that the current process is not sufficiently broad and transparent. In particular, it does not:

- require the advertisement of vacancies; and
- promote broad consultation and / or participation in the application, screening, selection and appointment process.

It is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations, or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA encourages the JNCHR to advocate for the formalization and application of a process that includes requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and
- d) Select members to serve in their individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

2. Political representatives on NHRIs

The SCA notes that currently one member of the JNCHR's Board of Trustees is a member of parliament, and that member has voting rights.

The Paris Principles require that an NHRI be independent of government in its composition, operation, and decision-making. It must be constituted and empowered to consider and determine its strategic priorities and activities based solely on its determination of the human rights priorities in the country, free from political interference.

For these reasons, government representatives and members of parliament should not be members of, nor participate in, the decision-making organs of an NHRI. Their membership of, and participation in, the decision-making body of the NHRI has the potential to impact on both the real and perceived independence of the NHRI.

The SCA recognizes that it is important to maintain effective working relationships, and where relevant, to consult with government. However, this should not be achieved through the participation of government representatives in the decision-making body of the NHRI.

Where government representatives or members of parliament are included in the decision-making body, they should be excluded from attending parts of the meeting where final deliberations and strategic decisions are made, and they should not be able to vote on these matters.

The SCA reiterates its previous recommendation made in November 2016 and encourages the JNCHR to advocate for the necessary changes in its governance structure and accordingly amend the law.

The SCA refers to Paris Principles B.1, B.3 and C(c), and to its General Observation 1.9 on 'Government representatives on NHRIs'.

3. Adequate funding

The SCA acknowledges that the JNCHR has effectively undertaken activities within its existing budget. The SCA notes that the JNCHR has no regional offices due to its limited financial resources, but has trained a number of volunteer lawyers across the country to serve as liaison officers in the different governorates to contribute to the implementation of the JNCHR's mandate.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate. Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises that are accessible to the wider community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities.

The SCA encourages the JNCHR to continue to advocate for an increase of its budget allocation and an appropriate level of funding to carry out its mandate, recruit additional staff members and establish regional offices.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding of NHRIs'.

4. Donor funding

Article 20 of the Law stipulates that the JNCHR requires the approval of the Council of Ministers in order to accept foreign donations.

The JNCHR reports that in practice it has not had to seek the approval of the Council of Ministers in order to accept any foreign donations, and that this requirement of approval applies to all state and non-state entities under separate legislation of general application.

The SCA emphasizes that NHRIs should not be required to obtain approval from the State for external sources of funding, which may otherwise detract from its independence.

The SCA continues to encourage the JNCHR to advocate for amendments to any relevant legislation to remove this requirement.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on ‘Adequate funding’.

2.4 Luxembourg: Commission consultative des Droits de l’Homme (CCDH)

Recommendation: The SCA recommends that the CCDH be re-accredited with **A** status.

The SCA highlights NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the CCDH to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Term of office

In accordance with Article 4(1) of the CCDH Law (the Law), members of the CCDH are appointed by the Government for renewable terms of five years. The SCA notes that the Law is silent on the number of times that members may be reappointed and the President may be re-elected, which leaves open the possibility of unlimited tenure.

The SCA encourages the CCDH to advocate for amendments to the Law to provide for limits on the number of times that members may be reappointed and the President may be re-elected.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on ‘Full-time members of an NHRI’.

2. Full-time members

The CCDH does not have full-time remunerated members on its decision-making body.

The SCA acknowledges that the CCDH reports that the Secretary General, who acts in a full-time and remunerated capacity, is also involved in the strategic planning and execution of the activities. However, the SCA reiterates that the enabling law of an NHRI should provide that members of its decision-making body include full-time remunerated members. This assists in ensuring:

- a) the independence of the NHRI from actual or perceived conflicts of interest;
- b) a stable tenure for members;
- c) regular and appropriate direction for staff; and

- d) the ongoing and effective fulfillment of the NHRI's functions.

The SCA encourages the CCDH to advocate for changes to its enabling law to provide for remunerated full-time members in its decision-making body.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of a NHRI'.

3. Recommendations by NHRIs

The SCA acknowledges that the CCDH has produced reports, statements, and recommendations to relevant authorities.

Annual, special, and thematic reports of NHRIs serve to highlight key national human rights concerns and provide the means by which these bodies can make recommendations to, and monitor respect for human rights by, public authorities.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, publish, and report on the human rights situation in the country, it should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and for the protection of those whose rights were found to be violated.

Public authorities are encouraged to respond to recommendations from NHRIs in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.

The SCA encourages the CCDH to continue to conduct follow-up activities to ensure that its recommendations are implemented by the relevant authorities.

The SCA refers to Paris Principles A.3(a), C(c), and D(d), and to its General Observation 1.6 on 'Recommendations by NHRIs'.

4. Annual report

In accordance with Article 1(2) of the Law, the annual report of the CCDH is transmitted to Prime Minister who then transmits it to Parliament. The SCA acknowledges that the CCDH reports that its report is discussed by parliamentary committees. The CCDH also reported it is increasingly consulted by and engages with the Parliament on a variety of human rights issues.

The SCA reiterates it is important that the enabling laws of a NHRI establish a process whereby the institution's reports are required to be widely circulated, discussed, and considered by the legislature. It is preferable for a NHRI to have explicit power to table reports directly in the legislature, rather than through the Executive, and in doing so to promote action on them.

The SCA encourages the CCDH to advocate for changes to its enabling law to provide the explicit power to table all reports directly in the legislature, rather than through the Executive. The SCA further encourages the CCDH to advocate for its reports to be discussed by Parliament.

The SCA refers to Paris Principle A.3 and to its General Observation 1.11 on 'Annual reports of NHRIs'.

5. Adequate funding

While acknowledging that the CCDH has received increases in its budget during the past years, the SCA encourages the CCDH to continue to advocate for an appropriate level of funding to carry out its mandate effectively and independently.

The SCA reiterates that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises, which are accessible to the wide community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities. Where an NHRI has been mandated with additional responsibilities by the State, it must be provided with additional financial resources to enable it to assume the responsibilities of discharging these functions.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding of NHRIs'.

2.5 Mali: Commission nationale des droits de l'homme - the CNDH

Recommendation: The SCA recommends that the Commission be re-accredited with **A** status.

The SCA commends the efforts made by the CNDH to promote and protect human rights in the challenging context in which it operates. The SCA welcomes the adoption of Law n°2016-036 (the Law) of 7 July 2016, which strengthens the CNDH's mandate.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The CNDH is encouraged to continue to actively engage with the OHCHR, GANHRI, NANHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in particular, in order to continue strengthening their institutional framework and working methods.

The SCA notes:

1. Term of office

Article 13 of the Law states that the term of office of Commissioners is seven years and is not renewable. In order to promote the continuity of its programs and services and as a proven practice, the SCA is of the view that the term of office should be limited to a term of between three and seven years, with the option to renew once.

The SCA encourages the CNDH to advocate for amendments to its enabling law to provide for the option to renew once the term of office of the Commissioners.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI'.

2. Adequate funding

The SCA notes that the CNDH budget had decreased from the year 2020 to 2021.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises, which are accessible to the wide community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities. Where an NHRI has been mandated with additional responsibilities by the State, it must be provided with additional financial resources to enable it to assume the responsibilities of discharging these functions.

The SCA encourages the CNDH to continue to advocate for an appropriate level of funding to carry out its mandate effectively and independently.

Article 26 of the Law states that the Secretary General is appointed by the Chairperson subsequent to the confirmation of the Executive Bureau following a call for applications. The CNDH reports, that in practice, the Secretary General and the Head of Finance are secondees with no voting rights in the decision-making body of the CNDH.

The CNDH confirms that around 30% of staff are secondees due to the limited resources preventing the institution from freely being able to advertise and select staff independently. A fundamental requirement of the Paris Principles is that an NHRI is, and is perceived to be, able to operate independent of government interference. The SCA highlights that this requirement should not be seen to limit the capacity of an NHRI to hire a public servant with the requisite skills and experience and

indeed acknowledges that there may be certain positions within an NHRI where such skills are particularly relevant. However, the recruitment process for such positions should always be open to all, clear, transparent, merit-based, and at the sole discretion of the NHRI.

The SCA acknowledges that the CNDH is seeking to recruit its staff members, including the Secretary General, independently upon an increase in its funding.

NHRIs must be provided with sufficient resources to permit the employment and retention of staff with the requisite qualifications and experience to fulfil the NHRI's mandate. Such resources should allow for salary levels, and terms and conditions of employment, equivalent to those of other independent State agencies.

The SCA encourages the CNDH to advocate for adequate funding to be able to freely recruit and retain staff including at senior level in accordance with Article 26 of the Law and Article 85 of Internal Rules and Regulations.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding' and General Observation 2.4 'Recruitment and retention of NHRI staff'.

2.6 Mexico: Comisión Nacional de los Derechos Humanos (CNDH)

Recommendation: The SCA recommends that the CNDH be re-accredited with **A** status.

The SCA acknowledges that the CNDH has presented a reform proposal for Articles 9, 23 and 24 of the CNDH Law (the Law) to the Senate that aims to assert the importance of pluralism in the composition of the CNDH. The SCA therefore encourages the CNDH to continue to advocate for the Senate to adopt these amendments to ensure pluralism, including appropriate gender balance, in its composition.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the CNDH to continue to actively engage with the OHCHR, GANHRI, RINDHCA, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening their institutional framework and working methods.

The SCA notes:

1. Addressing human rights violations

The SCA acknowledges that the CNDH provided some information in relation to its activities and efforts to address human rights violations on excessive use of force by the National Guard, as well as crimes against journalists, media workers, and human rights defenders. The SCA encourages the CNDH to strengthen its actions to address all violations of human rights and to ensure effective follow-up so that the State makes the necessary changes to ensure that human rights are clearly protected. The SCA further encourages the CNDH to ensure that its positions on these issues are made publicly available, as this will contribute to the strengthening of the credibility and accessibility of the institution for all people in Mexico.

An NHRI's mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional, and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles, and the strengthening of the rule of law in all circumstances, and without exception. Where serious violations of human rights are imminent, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence.

The SCA refers to Paris Principles A.1, A.2, and A.3, and to its General Observation 1.2 'Human rights mandate'.

2. Selection and appointment

The SCA notes that the members of the Advisory Council are selected and appointed according to Articles 102(B)(6) of the Constitution and 18 of the Law. However, the Law is silent on the criteria used to determine the suitability of the candidates.

The SCA is of the view that it is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations, or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA reiterates its concerns and encourages the CNDH to continue to advocate for the formalization and application of a process that includes requirements to:

1. Publicize vacancies broadly;
2. Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
3. Promote broad consultation and / or participation in the application, screening, selection and appointment process;
4. Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and
5. Select members to serve in their individual capacity rather than on behalf of the organization they represent.

The SCA encourages the CNDH to advocate for the amendment of its enabling law to include pre-determined and objective criteria for the selection and appointment of the members of the Advisory Council.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

3. Dismissal

The SCA notes that the grounds for dismissal of members of the Advisory Council are not specified in the Law.

The SCA emphasizes that, in order to address the requirement for a stable mandate, which is important in reinforcing independence, the enabling law of an NHRI must contain an independent and objective dismissal process.

The grounds for dismissal must be clearly defined and appropriately confined to those actions that impact adversely on the capacity of the member to fulfil its mandate. Where appropriate, the legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction. The dismissal must be made in strict conformity with all the substantive and procedural requirements as prescribed by law. It should not be allowed to be based solely on the discretion of the appointing authorities.

The SCA is of the view that such requirements ensure the security of tenure of members of the governing body and are essential to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA encourages the CNDH to advocate for appropriate amendments to its enabling law to ensure an independent and objective dismissal process of the members of the Advisory Council.

The SCA refers to Paris Principle B.3 and to its General Observations 2.1 on 'Guarantee of tenure for members of the NHRI decision-making body'.

4. Recommendations by NHRIs

The SCA acknowledges that the CNDH has produced reports and statements, and has made recommendations to relevant authorities.

Annual, special, and thematic reports of NHRIs serve to highlight key national human rights concerns and provide the means by which these bodies can make recommendations to, and monitor respect for human rights by, public authorities.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, publish, and report on the human rights situation in the country, it should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and for the protection of those whose rights were found to be violated.

Public authorities are encouraged to respond to recommendations from NHRIs in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.

The SCA encourages the CNDH to continue to conduct follow-up activities to promote the implementation of its recommendations by the relevant authorities.

The SCA refers to Paris Principles A.3(a), C(c), and D(d), and to its General Observation 1.6 on 'Recommendations by NHRIs'.

2.7 New Zealand: New Zealand Human Rights Commission (NZHRC)

Recommendation: The SCA recommends that the NZHRC be re-accredited with **A** status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review. The SCA acknowledges the steps taken by NZHRC in advocating successfully for the adoption of the Guidance Document by the Ministry of Justice on the Appointment of Human Rights Commissioners (the Guidance Document).

The SCA encourages the NZHRC to continue to actively engage with the OHCHR, GANHRI, APF, other NHRIs, as well as other relevant stakeholders at international, regional, and national levels in order to continue strengthening their institutional framework and working methods.

The SCA notes:

1. Human rights mandate

The SCA notes that the NZHRC has been advocating to strengthen its mandate in relation to the rights of Indigenous Peoples through the following measures:

- the establishment of a Human Rights Commissioner for Indigenous Peoples' rights and the human rights dimensions of *Te Tiriti o Waitangi*; and
- amendments to the Act by including the promotion of the human rights dimensions of *Te Tiriti o Waitangi* as a primary function under Section 5(1) and by establishing Indigenous Peoples' rights as a priority area under Section 8(1A).

NHRIs should be legislatively mandated with specific functions to both promote and protect all human rights. An NHRI's mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional, and domestic instruments, including economic, social, and cultural rights.

The SCA encourages the NZHRC to continue advocating for appropriate amendments to its enabling law and for the establishment of a new Human Rights Commissioner on this thematic area. The NZHRC is also encouraged to continue its work to ensure that the human rights of Indigenous Peoples in New Zealand are adequately and effectively promoted and protected.

The SCA refers to Paris Principles A.1, A.2, A.3 and to its General Observation 1.2 on 'Human Rights Mandate'.

2. Term of office

The SCA notes that the Human Rights Act 1993 (the Act) and the Guidance Document do not provide for the minimum period of office for Commissioners. Section 20F of the Act provides that Commissioners hold office for a term not longer than five years. Paragraph 56 of the Guidance Document states that the 'Minister may recommend an appointment for a shorter period if there is good reason to do so and the Minister is satisfied that the proposed period of appointment will not interfere with the Commissioners' ability to carry out their functions independently and appropriately'.

The SCA also notes that the Act and the Guidance Document are silent on the number of times that Commissioners may be reappointed, which leaves open the possibility of unlimited tenure. Paragraph 25 of the Guidance Document states that 'the Minister may consider recommending that a Commissioner be reappointed for a second, or further, term of office if the Minister considers there are good reasons for doing so'.

An appropriate minimum term of appointment is crucial in promoting the independence of the membership of the NHRI, and to ensure the continuity of its programs and services. The SCA is of the view that an appointment period of three years is considered to be the minimum that would be

sufficient to achieve these aims. The SCA is also of the view that in order to promote institutional independence, it would be preferable for the term of office to be limited to one reappointment. As a proven practice, the SCA encourages that a term between three and seven years with the option to renew once be provided for in the NHRI's enabling law.

The SCA encourages the NZHRC to advocate for amendments to its enabling law to provide for a fixed minimum term of appointment for Commissioners, as well as limits on the number of times that Commissioners may be reappointed.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI'.

3. Monitoring places of deprivation of liberty

The SCA notes that the NZHRC has conducted or contributed to monitoring activities in places for the deprivation of liberty both in its capacity as an NHRI and as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT). While a number of these were for the purpose of research for subsequent reports, the NZHRC notes, however, that all visits to these places were announced.

While the SCA acknowledges that, in some circumstances, it may be necessary to provide notice for reasons such as security, it is of the view that an NHRI should conduct unannounced visits to all places of deprivation of liberty within its jurisdiction as these limit opportunities for detaining authorities to hide or obscure human rights violations and facilitate greater scrutiny.

The SCA encourages the NZHRC to advocate for amendments to the Act to provide for an explicit mandate to conduct unannounced visits to all places of deprivation of liberty.

In the interim, the SCA encourages the NZHRC to access all places of deprivation of liberty in a timely, regular, and/or ad-hoc manner in order to effectively monitor, investigate, and report on the human rights situation in these places. It further encourages the NZHRC to undertake systematic follow-up activities and advocate for the consideration and implementation of its findings and recommendations to ensure the protection of persons deprived of liberty.

The SCA refers to Paris Principles A.2, A.3, and D.d, and to its General Observations 1.2 on 'Human rights mandate' and 1.6 on 'Recommendations by NHRIs'.

4. Adequate funding

While acknowledging that the NZHRC has received additional budget during the past years for specific parts of its mandate, the SCA notes that these are time-bound and so are not sufficiently sustainable. The SCA encourages the NZHRC to continue to advocate for an increase in its baseline funding, to ensure that it can effectively carry out the full breadth of its mandate, which includes all new relevant powers.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises, which are accessible to the wide community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities. Where an NHRI has been mandated with additional responsibilities by the State, it must be provided with additional financial resources to enable it to assume the responsibilities of discharging these functions.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding of NHRIs'.

5. Annual report

Section 150 of the Crown Entities Act requires the NZHRC to prepare and present an annual report at the end of each financial year to the Minister of Justice, who will present it to Parliament.

The SCA notes that the NZHRC has repeatedly advocated for a change in its legal status to be considered as a Parliamentary Office. This will enable it to establish a direct reporting line to the legislature, rather than, as an Independent Crown Entity, through a Government minister.

An NHRI should be given the legislative authority to table its reports directly to the legislature rather than through the Executive and, in so doing, to promote action on them. The legislature should be required to discuss and consider the reports of the NHRI, to ensure that relevant public authorities properly consider its recommendations.

The SCA encourages the NZHRC to continue advocating for the appropriate amendments to its enabling legal framework to allow the direct tabling of its annual report before Parliament.

The SCA refers to Paris Principle A.3 and to its General Observation 1.11 on 'Annual reports of NHRIs'.

2.8 Thailand: National Human Rights Commission of Thailand (NHRCT)

Recommendation: The SCA recommends that the NHRCT be re-accredited with **A** status

The SCA commends the continuing efforts of the NHRCT to promote and protect human rights in Thailand, including its efforts to address the previous recommendations made by the SCA through its advocacy and activities since its last review in 2020, such as the preparation of a draft amendment to the NHRCT Organic Act (the Act) to remove Section 26(4) and recommend the repeal of Section 247(4) of the 2017 Constitution.

The SCA highlights that NHRIs that have been accredited with A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The NHRC is encouraged to continue to actively engage with the OHCHR, GANHRI, APF, other NHRIs, as well as relevant stakeholders at international, regional and national levels, in particular, in order to continue strengthening their institutional framework and working methods.

The SCA notes:

1. Encouraging ratification of/or accession to international human rights instruments

The SCA acknowledges that the NHRCT has made recommendations to the Government of Thailand to ratify the Optional Protocol to the Convention against Torture (OPCAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

Encouraging ratification of, or accession to, international human rights instruments, and the effective implementation of international human rights instruments to which the State is a party, is a key function of an NHRI. The Paris Principles further prescribe that NHRIs should promote and encourage the harmonization of national legislation, regulations, and practices with these instruments.

The SCA encourages the NHRCT to continue to implement its mandate by encouraging the ratification of/accession to international human rights instruments.

The SCA refers to Paris Principle A.3(c) and to its General Observation 1.3 on 'Encouraging ratification of, or accession to international human rights instruments'.

2. Cooperation with civil society

The SCA notes that Section 33 of the Act stipulates that the NHRCT shall coordinate with, or seek cooperation from, State agencies, private organizations and civil society.

The SCA acknowledges that the NHRCT has provided information regarding its cooperation with civil society organizations. The SCA encourages the NHRCT to continue to enhance and formalize its working relationships and cooperation with the widest range of civil society organizations and human rights defenders.

The SCA is of the view that regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandate. Broad engagement with all stakeholders improves the effectiveness of an NHRI in implementing its mandate to promote and protect human rights by providing a better understanding of: the breadth of human rights issues across the state; the different impacts of such issues based on social, cultural, geographic, and other factors; gaps; priorities; and implementation strategies. NHRIs should develop, formalize, and maintain working relationships with other domestic institutions established for the promotion and protection of human rights, including civil society organizations.

The SCA refers to Paris Principles C(f) and (g), and to its General Observation 1.5 on 'Cooperation with other human rights bodies'.

3. Recommendations by NHRIs

The SCA acknowledges the improvements made by the NHRCT in following up on its recommendations, including through the establishment of a dedicated unit to follow up on the

implementation of its recommendations. The SCA encourages the NHRI to continue to strengthen these efforts.

NHRIs, as part of their mandate to promote and protect human rights, should undertake follow-up action on recommendations contained in all reports it produces and should publicize detailed information on the measures taken or not taken by public authorities in implementing specific recommendations or decisions.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, and report on the human rights situation in the country, but should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and the protection of those whose rights were found to be violated. Public authorities are encouraged to respond to recommendations from NHRIs in a timely manner, and to provide detailed information on practical and systematic follow up action, as appropriate, to the NHRI's recommendations.

The SCA encourages the NHRCT to conduct rigorous follow-up activities to ensure that public authorities are aware of its recommendations, to encourage their implementation, and to monitor and report on the extent to which they have been implemented.

The SCA refers to Paris Principles A.1, A.2 and A.3, and to its General Observation and 1.6 on 'Recommendations by NHRIs'.

4. Pluralism and diversity

Section 13(3) of the Act only requires gender representation among the staff and commissioners.

The SCA notes that pluralism and diversity in the membership and staff of an NHRI facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI for all people in Thailand.

Pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity, or minority status. The SCA considers the pluralistic composition of the NHRI to be fundamentally linked to the requirement of independence, credibility, effectiveness and accessibility.

The SCA further notes that where the members and staff of NHRIs are representative of a society's social, ethnic, religious, and geographic diversity, the public are more likely to have confidence that the NHRI will understand and be more responsive to its specific needs.

The SCA encourages the NHRCT to take steps to ensure pluralism in its membership composition.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on 'Ensuring pluralism of the NHRI'.

5. Quasi-judicial functions

The SCA acknowledges that the NHRCT has prepared a draft amendment to the Act, to provide it with the power to conciliate disputes. The NHRCT reported that this draft amendment has undergone a public consultation process and has been presented to the Government of Thailand for introduction to Parliament.

Where an NHRI has been provided with a mandate to receive and consider complaints alleging violations of human rights, an NHRI should ensure that complaints are dealt with fairly, transparently, efficiently, expeditiously, and with consistency. In order to do so, an NHRI should:

- ensure that its facilities, staff, and its practices and procedures, facilitate access by those who allege their rights have been violated and their representatives; and
- ensure that its complaint-handling procedures are contained in written guidelines and that these are publicly available.

In fulfilling its complaint-handling mandate, it should be provided with the necessary functions, resources, and powers to adequately fulfil this mandate. This may include the ability to seek an amicable and confidential settlement of the complaint through an alternative redress process.

The SCA encourages the NHRCT to continue to advocate for the expansion of its complaint-handling mandate to include the function to seek an amicable settlement to disputes through conciliation.

The SCA refers to Paris Principle D and to its General Observation 2.9 on ‘The quasi-judicial competence of NHRIs (complaints handling)’.

3. DECISION (Art 14.1 of the GANHRI Statute)

3.1 Australia: Australian Human Rights Commission (AHRC)

Decision: The SCA decides that further consideration of the re-accreditation application of the AHRC will be **deferred** for 18 months (or three sessions).

While the SCA acknowledges the efforts made by the AHRC to address the previous recommendations made both through its advocacy and activities since its last review in 2016, the SCA notes that the progress made on its previous recommendation on selection and appointment has not fully addressed the SCA’s previous recommendations.

The SCA encourages the AHRC to continue its efforts to promote and protect all human rights, and to continue to strengthen its institutional framework and effectiveness in line with the recommendations below.

The AHRC is encouraged to continue to actively engage with the OHCHR, GANHRI, APF, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in particular, in order to continue strengthening their institutional framework and working methods.

The SCA decided to defer consideration of the AHRC on the following grounds. The SCA encourages the AHRC to take the actions necessary to address these issues and to provide further information and evidence, as required:

1. Selection and appointment

The Australian Human Rights Commission Act (AHRC Act) and the Anti-Discrimination Acts provide that the Governor-General appoints AHRC members. The AHRC reports that, by convention, the Governor-General usually makes appointments to the AHRC on the basis of advice from the Executive

Council, which is a body established by the Australian Constitution and comprises some or all members of the Cabinet.

The SCA notes that some merit-based criteria are provided in the relevant enabling laws, and that the process for the assessment of candidates is specified in the ‘Government’s Merit and Transparency Policy’ of the Australian Public Service Commission (APSC). The APSC policy includes requirements to advertise vacancies, provide detailed selection criteria, and assess candidates by a panel that includes an APSC representative, whose role is to ensure that the process is in accordance with the policy. On the completion of the assessment process, the panel determines a pool of suitable candidates and provides a report to the APSC Commissioner for endorsement and transmission to the Attorney-General. Subsequently, the Attorney-General seeks the Prime Minister’s approval for the appointment of the candidate by the Governor-General as AHRC President or Commissioner.

The SCA notes, however, that the APSC policy provides for circumstances where the Attorney-General may consider that a full selection process is not required. This includes where there is an urgent requirement to fill a position, as was the case for the Disability Discrimination Commissioner in 2019. It is also relevant in relation to the availability of an eminent person ‘where there would be little value in conducting a selection process’, as was the case for the Human Rights Commissioner in 2021. In this respect, the SCA reiterates its 2016 concern that such appointments have the potential to bring into question the legitimacy of the appointees and the independence of the NHRI. The SCA reiterates that it is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI’s decision-making body, and the application of the established process in all cases.

The SCA notes that the AHRC has advocated for changes to the selection process to ensure compliance with the Paris Principles, and calls on it to continue to advocate for such changes. The SCA also notes that the Attorney-General has recently written to the AHRC advising that future appointments of Commissioners will be openly advertised. However, the SCA is not satisfied that the commitment from the Attorney-General is sufficient to indicate that full compliance with the Paris Principles standards on selection and appointment will be forthcoming, either in terms of amendments to the existing process or future appointments in practice.

The SCA encourages the AHRC to continue to advocate for a selection process in law and practice that includes explicit requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups;
- c) Promote broad consultation and/or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly available criteria; and
- e) Select members to serve in their own individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on ‘Selection and appointment of the decision-making body of NHRIs’.

The SCA notes the following additional issues, which were not grounds for deferral, but were considered relevant to accreditation.

2. Term of office

The AHRC Act and the Anti-Discrimination Acts provide that members are eligible for reappointment. The SCA notes that the law is silent on the number of times a member can be reappointed, which leaves open the possibility of unlimited tenure.

In order to promote institutional independence, the SCA is of the view that it would be preferable for the term of office to be limited to one reappointment.

The SCA encourages the AHRC to continue to advocate for amendments to its enabling legislation to provide for such limits on the term of office.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI'.

3. Mandate

The SCA continues to note that the AHRC Act does not include explicit references to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) or the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

The SCA acknowledges that the AHRC interprets its mandate to encompass all human rights. The Paris Principles require that an NHRI must be legislatively mandated for both the promotion and protection of all human rights. The SCA welcomes the AHRC's ongoing advocacy for the inclusion of a broad definition of human rights in the AHRC Act.

An NHRI's mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional, and domestic instruments, including economic, social, and cultural rights.

The SCA encourages the AHRC to continue broadly interpreting its mandate and advocating for amendment within the AHRC Act to include all core human rights treaties ratified by Australia.

The SCA refers to Paris Principles A.1, A.2, and A.3, and to its General Observation 1.2 on 'Human rights mandate'.

4. Adequate funding

The SCA notes that the AHRC has raised concerns regarding the sustainability of its funding base and specific challenges in the past 12 months concerning cash flow and operations. The AHRC reports that it has faced significant challenges in this regard, including:

- The appointment of two Commissioners without additional funding being provided (in particular, funding was removed for the Disability Discrimination Commissioner in 2014, and was not restored when appointments to this role were made in 2016 and 2019; funding was not provided when the Human Rights Commissioner was appointed in 2016, and is yet to be confirmed following the appointment of a Human Rights Commissioner in 2021);
- A sustained increase in complaints of discrimination and human rights violations without dedicated additional funding;

- A substantial increase in complaints during the COVID-19 pandemic, with no additional funding support; and
- No general increase in the AHRC overall budget, requiring increased property and staffing costs to be met through the existing appropriation.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises, which are accessible to the wider community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities. Where the NHRI has been designated with additional responsibilities by the State, additional financial resources should be provided to enable it to assume the responsibilities of discharging these functions.

The SCA encourages the AHRC to continue to advocate for an appropriate level of funding to ensure the sustainability of its funding base in carrying out its mandate.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding'.

3.2 Germany: German Institute for Human Rights (GIHR)

Decision: The SCA decides that further consideration of the re-accreditation application of the GIHR will be **deferred** for 18 months (or three sessions).

The SCA welcomes the adoption of the Statutes of the German Institute for Human Rights of 24 September 2021, which complements the Law of the Legal Status and Mandate of the German Institute for Human Rights (DIMRG law) adopted in 2015 by the Federal Parliament and Federal Council.

The SCA recognizes that the DIMRG is the legislative framework within which the GIHR General Assembly can independently determine details of the structure and procedures of the NHRI's bodies.

The GIHR is encouraged to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels to continue strengthening its institutional framework and working methods.

The SCA decided to defer consideration of the GIHR on the following grounds. The SCA encourages the GIHR to take the actions necessary to address these issues and to provide further information and evidence, as required:

1. Human rights mandate

Section 2.1 of DIMRG law states that '[t]he German Institute for Human Rights (registered association) shall inform the public on the situation of human rights in Germany and abroad and shall contribute to the prevention of the human rights violations and the promotion and protection of human rights'. The GIHR mandate comprises, in particular, the following tasks and functions:

- a) informing the public on the situation of human rights in Germany and abroad from a comparative angle - as well as establishing and operating a specialized reference library;
- b) academic research and publication;
- c) policy advice;
- d) educational work at the domestic level;
- e) facilitating dialogue as well as national and international cooperation with human rights relevant actors; and
- f) analysing the continuing human rights-related effects of totalitarian dictatorships as well as of situations of armed conflict and post-conflict situations, complementing the work of institutions active in this field.

The SCA understands protection activities as those that address and seek to prevent actual human rights violations. Such functions include monitoring, inquiring, investigating, and reporting on human rights violations. Some NHRIs may also have an individual complaint-handling mandate.

The SCA acknowledges that GIHR undertakes certain protection activities through, for example, monitoring activities, including monitoring the child's rights situation (e.g. setting up the CRC monitoring body); reporting to international and regional human rights mechanisms; submitting amicus curiae briefs to the constitutional court, and holding hearings on various human rights issues, such as the rights of persons with disabilities and refugees. It also acknowledges that the GIHR has been designated as the National Monitoring Mechanism (NMM) under the CRPD with monitoring functions, for which it can carry out announced and informal visits to relevant institutions and facilities.

While the SCA acknowledges that the GIHR has made use of its current mandate to protect human rights in practice, it notes that the GIHR also confirms that its inquiry and investigation function is limited as it has no right to access classified documents or to visit certain facilities.

The SCA of the view that an NHRI's mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional, and domestic instruments, including economic, social, and cultural rights. Specifically, the mandate should:

- extend to the acts and omissions of both the public and private sectors;
- vest the NHRI with the competence to freely address public opinion, raise public awareness on human rights issues and carry out education and training programs;
- provide the authority to address recommendations to *public authorities*, to analyse the human rights situation in the country, and to obtain statements or documents in order to assess situations raising human rights issues;

- authorize unannounced and free access to inspect and examine any public premises, documents, equipment and assets without prior written notice;
- authorize the full investigation into all alleged human rights violations, including the military, police and security officers.

The SCA encourages the GIHR to advocate for appropriate amendments to its enabling law to strengthen its protection mandate, including its capacity to monitor and have access to places of deprivation of liberty.

The SCA refers to Paris Principles A.1, A.2, and to its General Observation 1.2 on Human rights mandate’.

The SCA notes the following additional issues, which were not grounds for deferral, but were considered relevant to accreditation.

1. Selection and appointment

Section 24.1 of the GIHR Statutes outlines how members of the Board of Trustees are selected and appointed through a number of different appointing bodies, including the General Assembly, Federal Parliament, and representatives of civil society organisations or Non-Governmental Organizations. While the SCA acknowledges that the process is carried out with ‘the principles of broad publication of vacancies, transparency and participation’, it is of the view that providing for the different entities to select members according to their respective rules of procedure may result in each designating entity using different selection processes. The SCA recommends a consistent, transparent, merit-based, and broadly consultative selection process for all relevant entities.

Furthermore, the process led by the Federal Parliament does not allow for the advertisement of vacancies. The SCA is of the opinion that advertising vacancies broadly maximises the potential number of candidates, thereby promoting pluralism.

The assessment of applicants on the basis of pre-determined, objective, and publicly available criteria promotes the merit-based appointment of candidates, limits the capacity for undue interference in the selection process, and serves to ensure the appropriate management and effectiveness of the NHRI.

The SCA encourages the GIHR to advocate for the formalization and application of a consistent and uniform process that includes requirements to:

- Publicize vacancies broadly; and
- Assess applicants on the basis of pre-determined, objective and publicly available criteria.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on ‘Selection and appointment of the decision-making body of NHRIs’.

2. Political representatives

The SCA notes that an amendment to the GIHR statute, and Section 27(5) stipulates that the voting members of the Board of Trustees may resolve, by a majority of 10 members, to allow deliberations and decisions on strategic issues related to the independent fulfilment of the institution’s mandate to

take place without the non-voting members. In this regard non-voting members according to Section 24(2) predominantly include government members.

The SCA notes however, that two members of the GIHR's Board of Trustees are members of the Federal Parliament, and these members still have voting rights.

The NHRI has indicated that the presence and voting rights of members of parliament reinforces the institution's democratic legitimacy. However, an NHRI is required to be independent of government in its composition, operation, and decision-making. It must be constituted and empowered to consider and determine its strategic priorities and activities based solely on its determination of the human rights priorities in the country, free from political interference.

For these reasons, government representatives and members of parliament should not be members of, nor participate in the decision-making of, organs of an NHRI. Their membership of, and participation in, the decision-making body of the NHRI has the potential to impact on both the real and perceived independence of the NHRI.

The SCA recognizes that it is important to maintain effective working relationships, and where relevant, consult with government. However, this should not be achieved through the participation of government representatives in the decision-making body of the NHRI.

Where government representatives or members of parliament are included in the decision-making body, they should be excluded from attending parts of the meeting where final deliberations and strategic decisions are made, and they should not be able to vote on these matters.

Reiterating its previous recommendation in November 2013 and 2015, the SCA encourages the GIHR to advocate for the necessary changes in its governance structure and accordingly amend the law.

The SCA refers to Paris Principles B.1, B.3 and C(c), and to its General Observation 1.9 on 'Government representatives on NHRIs'.

3. Term of office

According to Sections 6(1) and 7 of the DIMGR Law, the Board of Directors are appointed for a period of four years, renewable. However, the term limits of the Board of Directors are not defined in the legislation, which means there is no limitation on the number of terms they can serve. This leaves open the possibility for unlimited tenure.

In order to promote institutional independence, the SCA is of the view that it would be preferable for the term of office to be limited to one reappointment. The SCA encourages the GIHR to advocate for amendments to its enabling law to provide for such limits on the term of office and reappointments.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI'.

4. Adequate funding

The SCA notes that GIHR reports that following the 2021 federal elections, the coalition agreement included a number of provisions that strengthened the GIHR's core funding. This includes the institutionalization of its CRC monitoring, the establishment of a monitoring mechanism for the Istanbul

Convention aimed at violence against women and girls and human trafficking, as well as a commitment to strengthen the funding base for human resources and the overall functions of the GIHR. While the SCA notes that this followed significant advocacy from the GIHR, the SCA encourages the institution to continue to advocate for an increase in its baseline funding, to ensure that it can effectively carry out the full breadth of its mandate, which includes all new relevant powers.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises, which are accessible to the wide community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities. Where an NHRI has been mandated with additional responsibilities by the State, it must be provided with additional financial resources to enable it to assume the responsibilities of discharging these functions.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding of NHRIs'.

3.3 El Salvador: Procuraduría para la Defensa de los Derechos Humanos de la República de El Salvador (PDDH)

Decision: The SCA decides that further consideration of the re-accreditation application of the PDDH will be **deferred** for six months (or at its next session).

The SCA commends the efforts undertaken by the PDDH to promote and protect human rights in the challenging context in which it operates.

The SCA is of the view that it requires additional information from the PDDH on addressing specific human rights violations, particularly against human rights defenders, journalists and media workers.

While the SCA acknowledges that PDDH provided some information in relation to the above mentioned issues, it considers that it requires additional information on the PDDH activities and initiatives.

The PDDH is encouraged to continue to actively engage with the OHCHR, GANHRI, RINDHCA, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA decided to defer consideration of the PDDH on the following grounds. The SCA encourages the PDDH to take the actions necessary to address these issues and to provide further information and evidence, as required:

1. Addressing human rights violations

The SCA acknowledges that the PDDH can initiate *ex officio* or upon request investigations on human rights violations as per Articles 194.I.2, 8, 10 and 11 of the Constitution.

The SCA provided the PDDH with an opportunity to respond to specific issues of concern. It acknowledges that the PDDH provided information regarding:

- The activities of the Deputy Procuraduria on Migration and Public Security on prevention of human rights violations against human rights defenders, journalists and media workers; and
- Recommendations on the exemption of journalists from restrictions imposed during the COVID-19 pandemic.

However, the SCA notes that the PDDH did not provide sufficient information with regards to how it implements its full mandate to monitor, promote, and protect the rights of journalists, media workers, and human rights defenders.

The SCA encourages the PDDH to address all violations of human rights and to ensure effective follow-up so that the State makes the necessary changes to ensure that human rights are clearly protected. The SCA further encourages the PDDH to ensure that its positions on these issues are made publicly available, as this will contribute to the strengthening of the credibility and accessibility of the institution for all people in El Salvador.

An NHRI's mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional, and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles, and the strengthening of the rule of law in all circumstances, and without exception. Where serious violations of human rights are imminent, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence.

The SCA refers to Paris Principles A.1, A.2, and A.3, and to its General Observation 1.2 'Human rights mandate'.

The SCA notes the following additional issues, which were not grounds for deferral, but were considered relevant to accreditation.

1. Diversity and pluralism

The SCA notes that the existing legal framework is silent with regard to the pluralism and diversity of the Procurador and Deputies, as well as staff of the PDDH.

Pluralism and diversity in the membership and staff of an NHRI facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI for all people in El Salvador. The PDDH states that the Procurador has discretionary power to select and appoint Deputies. However, there are no processes in place to ensure these deputies are representative of the diverse segments of society.

Pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity, or minority status. This includes, for example, ensuring the equitable participation of women in the NHRI.

The SCA encourages the PDDH to continue to take steps to ensure pluralism in its staff component.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on 'Ensuring pluralism of the NHRI'.

2. Term of office

According to Articles 192 of the Constitution and 4 of Law no. 183 (the Law), the Procurador shall be appointed for a three-year renewable term. However, the Constitution and the Law are silent on the number of times the Procurador can be reappointed, which leaves open the possibility of unlimited tenure.

In order to promote institutional independence, the SCA is of the view that it would be preferable for the term of office to be limited to one reappointment.

The SCA reiterates its previous recommendation encouraging the PDDH to advocate for amendments to the Constitution and the Law to provide for such limits on the term of office.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI'.

3. Recommendations by NHRIs

The SCA acknowledges that the PDDH has produced reports and statements, and has made recommendations to relevant authorities.

Annual, special, and thematic reports of NHRIs serve to highlight key national human rights concerns and provide the means by which these bodies can make recommendations to, and monitor respect for human rights by, public authorities.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, publish, and report on the human rights situation in the country, it should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and for the protection of those whose rights were found to be violated.

Public authorities are encouraged to respond to recommendations from NHRIs in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.

The SCA encourages the PDDH to continue to conduct follow-up activities to ensure that its recommendations are implemented by the relevant authorities.

The SCA refers to Paris Principles A.3(a), C(c), and D(d) and to its General Observation 1.6 on 'Recommendations by NHRIs'.

4. Adequate funding

The PDDH reports that it has not been allocated with sufficient funding to create new programs or strengthen existing ones and that, while it has received some increase in its budgetary allocation, these have not been sufficient to address the limitations faced by the institution. The PDDH also reports that the limitation of the budget has also been exacerbated by the significant proportion of the budget that is allocated to the long-term rental of office premises, including the headquarters and regional branches.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises that are accessible to the wider community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities.

The SCA reiterates its previous recommendation encouraging the PDDH to advocate for the funding necessary to ensure that it can effectively carry out its mandate.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding'.

5. Annual report

Articles 131(36) of the Constitution and 49 of the Law state that the PDDH shall submit annual reports on its activities to the Parliament. However, the law is silent on whether annual and special reports are discussed in the Parliament.

The SCA considers it important that the enabling law establish a process whereby the NHRI's reports are required to be publicly circulated, tabled, discussed and considered by the legislature.

The SCA encourages the PDDH to advocate for the appropriate amendment to its enabling law to ensure that the Parliament discusses and considers its annual, special, and thematic reports.

The SCA refers to Paris Principle A.3 and to its General Observation 1.11 on 'Annual reports of NHRIs'.

5. REVIEW (Art. 16.1 of the GANHRI Statute)

5.1 Afghanistan: Afghanistan Independent Human Rights Commission (AIHRC)

Recommendation: The SCA recommends that the AIHRC be downgraded to **B** status.

In accordance with Article 18.1 of the GANHRI Statute, a recommendation to downgrade does not take effect for a period of one year. The SCA notes that the AIHRC maintains A status until the first session of SCA in 2023. This allows an opportunity for the AIHRC to provide the evidence necessary to establish its continued conformity with the Paris Principles.

The SCA received correspondence dated 3 September 2021 from the then AIHRC Chairperson addressed to the GANHRI Chairperson invoking Article 16.1 of the GANHRI Statute on the AIHRC's continued compliance with the Paris Principles.

During its October 2021 session, the SCA reviewed this correspondence, as well as publicly available information and decided to undertake a Special Review of the accreditation status of the AIHRC at its March 2022 session.

The SCA acknowledges the information provided by the AIHRC in writing and during the interview. However, from the information provided, the SCA considers that the AIHRC is unable to maintain its effectiveness in line with the requirements of the Paris Principles.

The AIHRC is encouraged to continue to actively engage with the OHCHR, GANHRI, APF, and other NHRIs, as well as relevant stakeholders at international, regional and national levels, in order to continue strengthening its institutional framework and working methods.

6. SPECIAL REVIEW (Art. 16.2 of the GANHRI Statute)

6.1 Madagascar: Commission Nationale Indépendante des Droits de l'Homme (CNIDH)

Decision: The SCA decides to initiate a Special Review of the CNIDH at its second session of 2022.

In February 2022, the SCA received correspondence from a group of 72 Malagasy civil society organizations raising concerns about the discriminatory application of the enabling law of the CNIDH in the selection and appointment of the new Commissioners. In the view of the group, the Presidential Decree of 26 May 2021, which aimed to formalize the appointment of five members of the Commission, 'deliberately excluded two members from civil society working for the defence of human rights, including one woman'.

The SCA is of the view that this information raises concerns with respect to the continued compliance of the CNIDH with the Paris Principles.

The SCA acknowledges that it received a response from the CNIDH regarding these allegations. This response indicates that the CNIDH has made the necessary logistical and administrative arrangements for the immediate installation of the two Commissioners, as soon as the presidential decree is issued, although this is the sole responsibility of the Presidency of the Republic.

The SCA is of the view that the response provided does not fully address all of the concerns raised.

In view of the information before it, the SCA decides to initiate a Special Review in accordance with Article 16.2 of the GANHRI Statute in order to determine the CNIDH's ongoing compliance with the Paris Principles.

7. ALTERATION OF ACCREDITATION CLASSIFICATION (Art. 18.1 of the GANHRI Statute)

7.1 Hungary: Commissioner for Fundamental Rights of Hungary (CFR)

Recommendation: The SCA recommends that the CFR be **downgraded to B** status.

In June 2021, the SCA recommended that the CFR be downgraded to B status. In accordance with Article 18.1 of the GANHRI Statute, the SCA gave the CFR the opportunity to provide, within one year (two sessions), the written evidence deemed necessary to establish its continued compliance with the Paris Principles.

Prior to this, in October 2019, the SCA decided to defer the reaccreditation application of the CFR as a result of ongoing concerns relating to its compliance with the Paris Principles, including with respect to addressing human rights violations, as well as its selection and appointment process.

At this session, the CFR was scheduled for interview on 21 March 2022. However, on 19 March it requested for the postponement of its review. While the CFR was informed of the timeline stated in Article 18.1, the SCA tried to accommodate this request and provided the CFR with three new dates for its interview during its March 2022 session. However, the CFR declined the alternate opportunities to take the interview. Thus, the SCA reached its recommendation based on documentation that the CFR provided for its review at this session.

In view of all the material provided, the SCA is not satisfied the CFR has adequately addressed its concerns.

The SCA again notes with concern:

1. Addressing human rights violations

In October 2019, the SCA noted with concern that the CFR did not demonstrate adequate efforts in addressing all human rights issues, nor had it spoken out in a manner that promotes and protects all human rights. In June 2021, the SCA reiterated these concerns and noted the following:

The SCA had received information from the Special Rapporteur on the situation of human rights defenders in 2017 that amendments to the CFR enabling law and the lack of enforceability of its recommendations have weakened its protection mandate in relation to certain rights and that, despite its mandate, the CFR has been reluctant to refer complaints to the Constitutional Court for review in cases that it deems political or institutional.

The Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, as well as the UN Human Rights Committee expressed concerns regarding the 'Foreign Funded Organizations Act'. The SCA also received a report from partner organizations of the CFR highlighting several human rights issues in the country including in relation to vulnerable ethnic minorities, migrants and asylum seekers.

The SCA also received information from civil society that the CFR had failed to step up in support of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention.

Based on the CFR written and oral response to the above issues, the SCA is of the view that the CFR has not effectively engaged on and publicly addressed all human rights issues, including in relation to vulnerable groups such as ethnic minorities, LGBTI, refugees and migrants as well as constitutional court cases deemed political and institutional, media pluralism, civic space and judicial independence.

The SCA is of the view that the CFR has not spoken out in a manner that promotes protection of all human rights. The failure to do so demonstrates a lack of sufficient independence. Therefore, the SCA is of the view that the CFR is operating in a way that has seriously compromised its compliance with the Paris Principles.

An NHRI's mandate should be interpreted in a broad, liberal and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles and the strengthening of the rule of law in all circumstances, and without exception. Where serious violations of human rights are imminent, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence.

The SCA acknowledges that the CFR reported that it has undertaken various activities, including:

- issuing various statements, calling on the protection of rights of vulnerable people including the Roma;
- receiving several complaints related to the pandemic and inquiring into these complaints;
- providing legal advice and conducting advocacy on migrants and asylum seekers;
- visiting places of deprivation of liberty and producing reports pursuant to its mandate as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention Against Torture (OPCAT);
- providing an *ex officio* opinion to the competent parliamentary committee of its concerns in relation to the law on the 'transparency of foreign-funded civil society organisations';
- monitoring the practical implementation of the amended law on National Higher Education;
- monitoring and gathering information about the situation of LGBTQI people;
- publishing a report and reviewing whether there is a question of constitutionality and reasons for it to use its right of petition before the Constitutional Court in relation to provisions on gender reassignment; and
- handling a complaint in relation to practices in blood donation that were discriminatory on the basis of sexual orientation.

However, based on all the material before it, the SCA is not satisfied that the CFR has substantiated that it is fulfilling its mandate to effectively promote and protect all human rights. The SCA remains concerned that it has not received the written evidence necessary to establish that the CFR is effectively carrying out its mandate in relation to vulnerable groups such as ethnic minorities, LGBTQI people, human rights defenders, refugees and migrants, or related to important human rights issues such as media pluralism, civic space and judicial independence. The SCA has not received sufficient evidence on the CFR engagement with the constitutional court and international human rights

mechanisms in relation to cases deemed political and institutional. The SCA emphasizes that the failure to do so evidences a lack of independence.

Accordingly, the SCA is of the view that the CFR is acting in a way that seriously compromises its compliance with the Paris Principles.

An NHRI's mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional, and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles, and the strengthening of the rule of law in all circumstances and without exception. Where serious human rights violations are occurring or imminent, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence.

The SCA refers to Paris Principles A.1, A.2, and A.3.

2. Selection and appointment

In October 2019, the SCA noted concerns with respect to the selection and appointment process of the Commissioner for Fundamental Rights. In response to these concerns, the CFR reported that, on 9 February 2021, it wrote to the Minister of State for Parliamentary Affairs and Deputy Minister of Justice with regards to the SCA recommendations for their consideration. They also requested that the letter be forwarded to the competent Minister.

In June 2021, the SCA noted the following ongoing concerns:

Article 9(3)(j) of the Fundamental Law of Hungary provides that the President of Hungary nominates a candidate to Parliament for election as Commissioner.

The SCA is of the view that the selection process currently enshrined in the existing Law is not sufficiently broad and transparent. In particular, it does not:

- *Require the advertisement of vacancies;*
- *Establish clear and uniform merit criteria on which candidates are assessed; and*
- *Specify the process for achieving broad consultation and/or participation in the application, screening, and selection and appointment process.*

The SCA is of the view that it is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA reiterates its concerns and encourages the CFR to continue to advocate for the formalization and application of a process that includes requirements to:

1. *Publicize vacancies broadly;*
2. *Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;*

3. *Promote broad consultation and / or participation in the application, screening, selection and appointment process;*
4. *Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and*
5. *Select members to serve in their individual capacity rather than on behalf of the organization they represent.*

In this regard, the SCA notes that Section 7(4) of Act CXI of 2011 on the Commissioner for Fundamental Rights provides that the Commissioner shall seek advice from the nationality self- government before proposing the Deputy Commissioner responsible for the protection of the rights of national minorities.

The SCA provided the CFR the opportunity to respond to the aforementioned concerns. However, the SCA was not informed of any changes in the selection and appointment process and is of the view that the CFR has not sufficiently advocated for the formalization and application of a clear, transparent, and participatory selection and appointment process.

A transparent process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI. The SCA encourages the CFR to strengthen its recommendations and advocacy for the necessary amendments to its selection and appointment process, in law and in practice, in order to ensure the actual and perceived independence of this process and promote public confidence in the institution.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on ‘Selection and appointment of the decision-making body of NHRIs’.

The SCA further notes:

1. Cooperation with civil society

In June 2021, the SCA noted the following issues with respect to the CFR’s cooperation with civil society:

The SCA emphasizes that regular and constructive engagement of all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates, and contribute to the accessibility of the institution for all, including those who are geographically, politically or socially remote. NHRIs should develop, formalize and maintain working relationships as appropriate with other domestic institutions, as well as civil society and non-governmental organizations.

Broad engagement with all stakeholders improves the effectiveness of an NHRI in implementing its mandate to promote and protect human rights by providing a better understanding of the breadth of human rights issues across the state; the different impact of such issues based on social, cultural, geographic and other factors; gaps; priorities; and implementation strategies.

The SCA provided the CFR the opportunity to respond to the above. The SCA acknowledges that the CFR reported it engages with the Civil Consultative Body to assist them in discharging their mandate as NPM. The CFR further reported that it also launches investigations based upon the initiative of civil society organizations.

The SCA encourages the CFR to continue to enhance and formalize its working relationships and cooperation with civil society organizations and human rights defenders, including those working on the rights of vulnerable groups.

The SCA refers to Paris Principles C(f) and (g) and to its General Observations 1.5 on 'Cooperation with other human rights bodies'.