



GANHRI

25 Global Alliance of National
Human Rights Institutions

YEARS
Promoting and Protecting Human Rights

A PRACTICAL GUIDE TO THE WORK OF THE SUB-COMMITTEE ON ACCREDITATION (SCA)

ABBREVIATIONS



Global Alliance of National
Human Rights Institutions



International Coordinating Committee of
National Institutions for the Promotion
and Protection of Human Rights



National Human Rights
Institution



Office of the High Commissioner
for Human Rights



Sub-Committee on Accreditation



United Nations

ABOUT GANHRI

GANHRI, formerly known as the ICC, is the international association of national human rights institutions from all parts of the globe. Established in 1993, GANHRI promotes and strengthens NHRIs to be and work in accordance with the Paris Principles, and provides leadership in the promotion and protection of human rights worldwide.

GANHRI coordinates and supports at an international level the activities of NHRIs established in conformity with the Paris Principles and promotes the establishment and strengthening of NHRIs in conformity with the Paris Principles in order to strengthen human rights domestically. GANHRI undertakes accreditation of NHRIs under the auspices of the OHCHR, and holds an annual meeting and international conferences to strengthen cooperation and share good practice between NHRIs. GANHRI contributes to the work of UN human rights bodies, in particular the Human Rights Council, the UN treaty bodies and the UN special procedures.



A PRACTICAL GUIDE TO THE WORK OF THE SUB-COMMITTEE ON ACCREDITATION (SCA)

PREPARED ON BEHALF OF GANHRI BY



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

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COVER PHOTO:
UN PHOTO/Elma Okic

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ABOUT THIS GUIDE

This Guide has been developed to provide practical assistance to NHRIs navigating the accreditation process, future members of the SCA, and others who may be studying NHRIs and accreditation.

This Guide is structured as follows:

Part 1	Explains what accreditation is and why it is important;
Part 2	Details what the SCA assesses – ie the requirements of the Paris Principles and General Observations – in terms of NHRI mandate, composition, terms and conditions of service, funding and financial autonomy, and demonstrating independence in practice;
Part 3	Describes the accreditation process in detail from beginning to end, including the composition of the SCA, how to make an application for accreditation or re-accreditation, what happens before the session, what happens during the session, and what NHRIs can expect to see in the report and recommendations;
Part 4	Describes in detail the reasons why the SCA may decide to undertake a Special Review and the process that is followed in such cases; and
Part 5	Describes in detail the process for challenging a recommendation made by the SCA.

ACKNOWLEDGEMENTS

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This Guide was written by the Canadian Human Rights Commission.

GANHRI thanks the Canadian Human Rights Commission for its contributions to the work of the SCA, and to this Guide specifically.

The Canadian Human Rights Commission has served on the SCA as the representative of the Americas region since the SCA was established. The Commission served as its Chair from 1999 to October 2007, and again from October 2014 to March 2017. On behalf of GANHRI, the Commission in its capacity as SCA Chair and member has been substantially involved in establishing and strengthening the accreditation governance structure, including through the development and revision of General Observations, and the drafting of amendments to the GANHRI Statute and the SCA Rules of Procedure.

The Guide also benefitted from comments and contributions from GANHRI Chairperson¹, the SCA Chair² and members³, the OHCHR⁴ in its capacity as SCA Secretariat, the regional networks and the GANHRI Geneva Representative.

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4 National Institutions and Regional Mechanisms Section.



PART I

WHAT IS ACCREDITATION AND WHY DOES IT MATTER?



UN PHOTO / Mukunda Bogati

NHRIs⁵ are independent bodies established by States with a specific mandate of promoting and protecting human rights at the national level. They are established by the State but operate independently from government. They have powers to monitor the human rights situation in the country, particularly in relation to those in the most vulnerable or marginalized circumstances, and to review laws, policies and practices.

THEY occupy a unique space in the human rights protection framework in that they are neither a government body nor a civil society organization, and, as such, do not have a defined constituency of vested interest other than the public interest, in line with international human rights norms and standards.

By virtue of their mandates to promote and protect human rights, NHRIs are acknowledged by the international community to be an important means to bridge the implementation gap between the State's international human rights obligations and the actual enjoyment of human rights by the people domestically. In order to ensure that NHRIs can do so in an effective way, the international community recognized that it would be beneficial to establish a set of universal "standards" for NHRIs.

In 1991, the first international workshop on NHRIs took place in Paris. The outcome was the Paris Principles.

The Paris Principles are unique in that they were drafted almost exclusively by NHRIs themselves and under the auspices of the UN. The Paris Principles quickly received support within the broader UN human rights system. They

⁵ The GANHRI Statute defines an NHRI as "an independent national institution established by a Member or Observer State of the United Nations with a constitutional or legislative mandate to promote and protect human rights" (Article 1).

were endorsed by the Commission on Human Rights⁶ in 1992. They became the basis on which the Vienna World Conference on Human Rights in June 1993 urged the establishment of new NHRIs, and they were subsequently endorsed by the General Assembly later in 1993.⁷

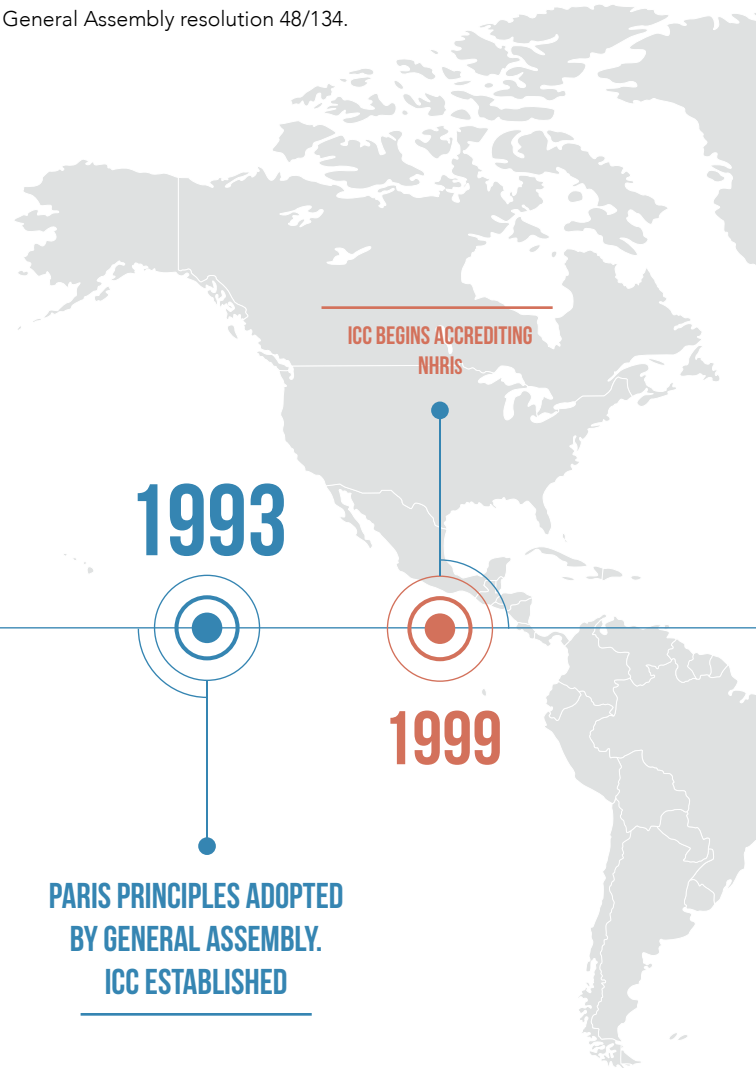
The Paris Principles are the standards governing the independence, jurisdiction, mandate and composition of NHRIs. They provide the international community, including Member States, the UN and NHRIs themselves, with the minimum requirements for the establishment and functioning of NHRIs. These requirements, and the protection associated with it, help ensure that NHRIs can effectively contribute to advancing human rights in their respective jurisdictions.

The ICC, now GANHRI, was established by NHRIs at their International Conference in Tunis in 1993 as a global, membership-based body with a mandate to coordinate the work of NHRIs internationally.

Key to the mandate of GANHRI is to accredit NHRIs based on their compliance with the Paris Principles, under the auspices

⁶ Now the UN Human Rights Council.

⁷ General Assembly resolution 48/134.



WHAT IS ACCREDITATION AND WHY DOES IT MATTER?

of the OHCHR. The accreditation process is administered by the SCA.

The SCA has been reviewing NHRIs' compliance with the Paris Principles since 1999. Over time, the accreditation process has developed and has been strengthened to ensure the process is fair, rigorous, transparent and consistent. A review of the jurisprudence of the SCA over time demonstrates that the expectations on NHRIs have increased substantially, as has the ability of the SCA to offer concrete and practical advice to NHRIs in relation to these expectations. This increased rigour has been made necessary by both the proliferation of NHRIs and their increasingly important role at national, regional and global levels.

Accreditation signals international acceptance of an NHRI and its compliance with the Paris Principles. As such, it confers substantial legitimacy on an NHRI.

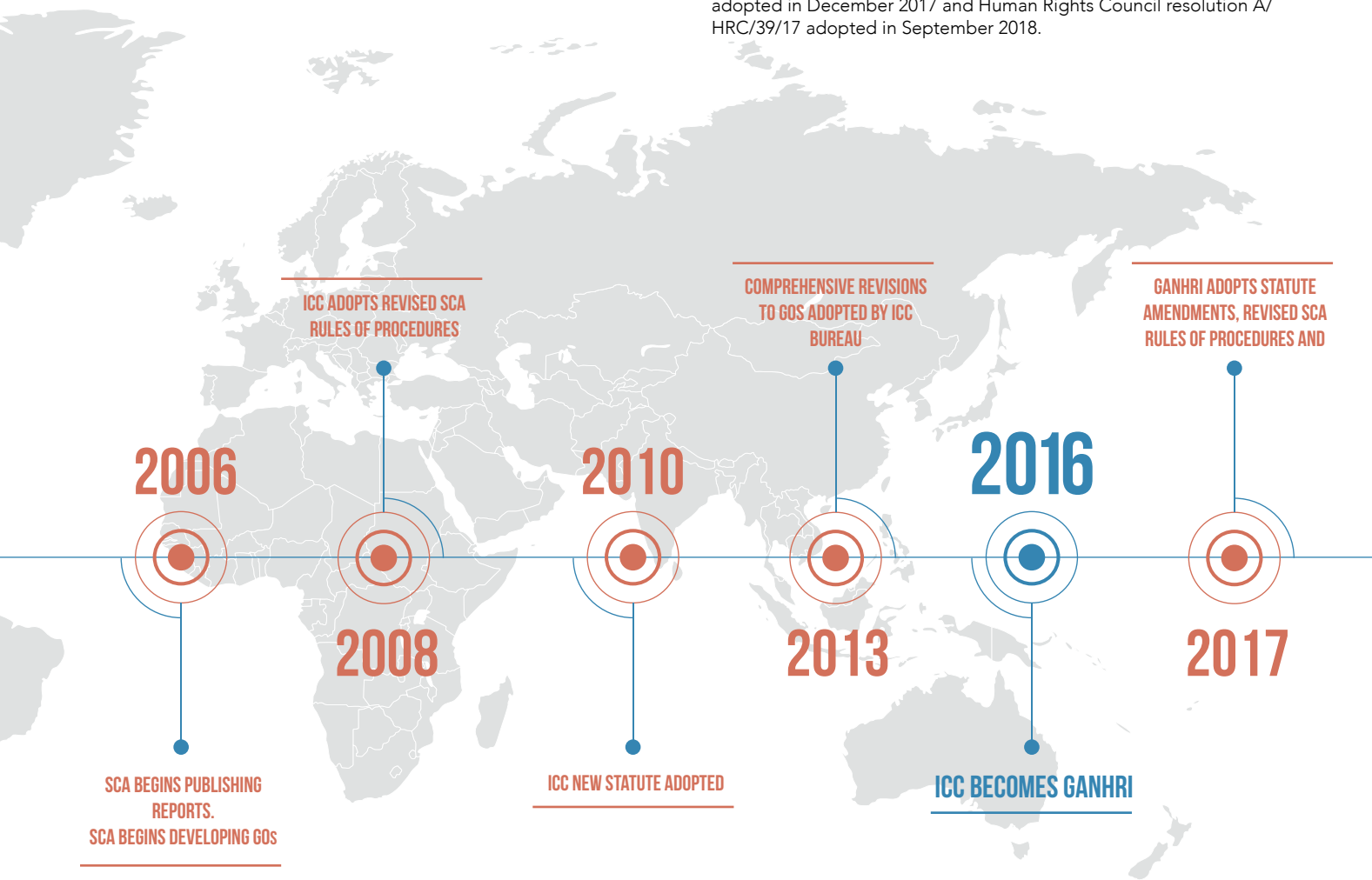
NHRIs accredited with A-status – denoting that they have been assessed as operating in full compliance with the Paris Principles – are entitled to participate in the work and decision-making of GANHRI. They are also afforded significant enhanced participation rights and independent

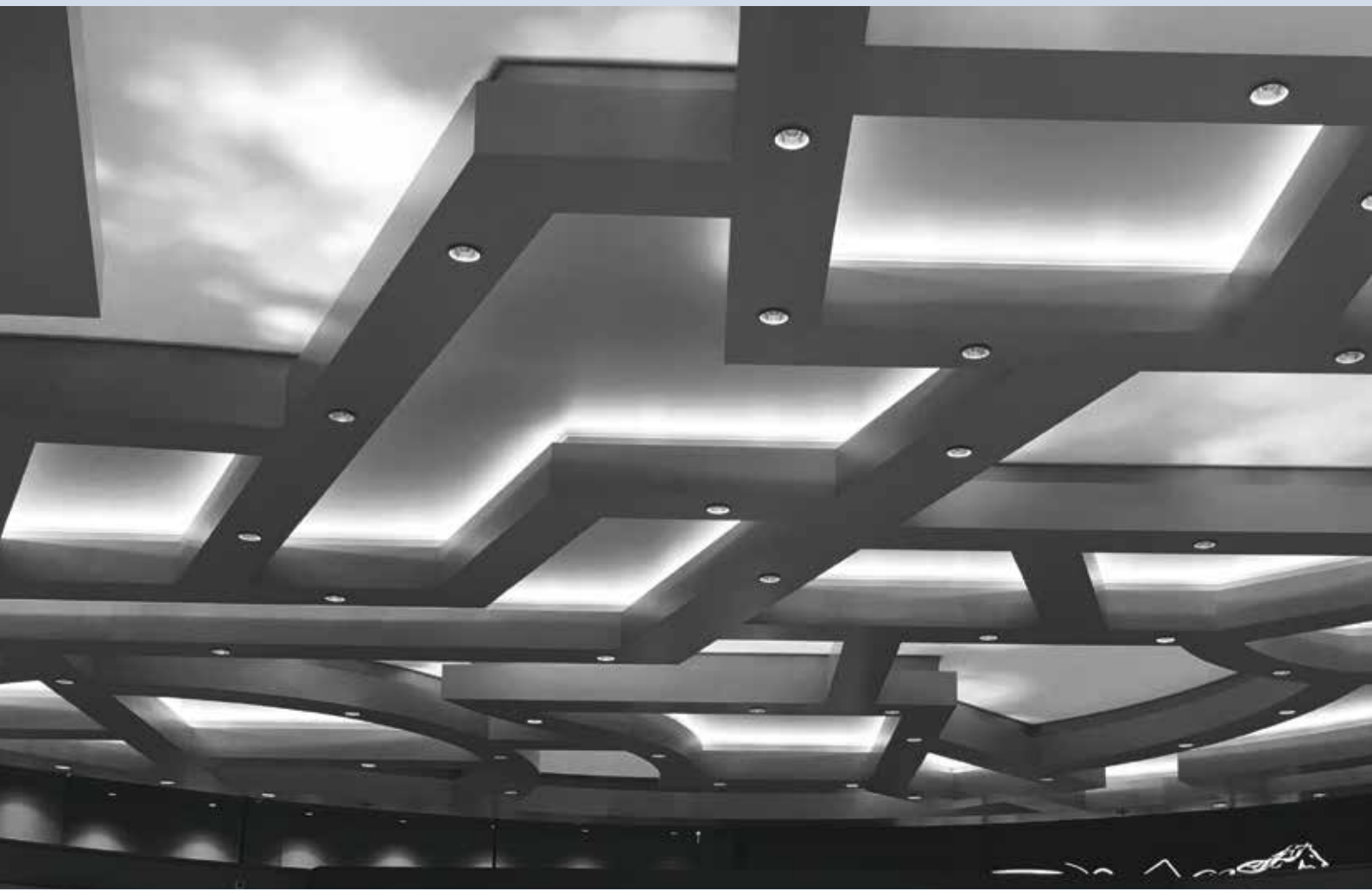
access to UN human rights mechanisms, including the Human Rights Council and its mechanisms, and, more recently, to other UN bodies such as the Open-Ended Working Group on Ageing. This increased access has come with greater scrutiny of the manner in which NHRIs are accredited.

GANHRI's accreditation process is unique in that it is a peer review of NHRIs that is supported and serviced by the UN through the OHCHR. The UN Secretary General periodically reports to both the General Assembly and the Human Rights Council on the accreditation process and on GANHRI's role and activities associated with it. This role has been regularly welcomed by the General Assembly and Human Rights Council in their respective resolutions on NHRIs.⁸

GANHRI and OHCHR have focussed substantial efforts on ensuring the accreditation process is fair, transparent and rigorous, and that accreditation is a meaningful reflection of both design and practice in the promotion and protection of human rights. •

⁸ See most recently General Assembly resolution A/RES/72/181 adopted in December 2017 and Human Rights Council resolution A/HRC/39/17 adopted in September 2018.





PART II

WHAT DOES THE ACCREDITATION PROCESS ASSESS?

- THE GENERAL OBSERVATIONS
- MANDATE
- COMPOSITION
- TERMS AND CONDITIONS OF SERVICE
- FUNDING AND FINANCIAL AUTONOMY
- DEMONSTRATING INDEPENDENCE IN PRACTICE





WHAT DOES THE ACCREDITATION PROCESS ASSESS?

The Paris Principles provide a broad normative framework for the status, structure, mandate, composition, powers and methods of operation of an NHRI. As noted above, the key pillars of the Paris Principles are pluralism, independence, and effectiveness.

THE accreditation process assesses compliance with the Paris Principles in both **law** and in **practice**. It considers, for example:

- whether the provisions of the enabling law are sufficient to allow the institution to function effectively and independently;
- whether the organizational structure of the NHRI – including its staff complement and budget – lends itself to effective and independent functioning;
- whether the NHRI is able to carry out its mandate effectively and without interference; and
- whether the NHRI demonstrates independence in practice and a willingness to address pressing human rights issues.⁹

The SCA will also consider the specific **context** in which the NHRI is operating, including such factors as political instability, conflict or unrest, or lack of State infrastructure.

ABOVE:
GANHRI 2017
Annual Meeting
Room XVII @UNOG
(GANHRI Flickr)

⁹ SCA Rules of Procedure, section 8.1; SCA Practice Note 3 on 'Assessing the Performance of NHRIs.'



While the impact of such circumstances varies from one case to another, the SCA is aware that they often have a dramatic impact on the realization of rights recognized in international human rights standards and the ability of the NHRI to effectively carry out the full breadth of its mandate. While disruptions to peace and security in no way nullify or diminish the relevant obligations of an NHRI, the SCA recognizes that, in some exceptional cases, the context in which they operate may be so volatile that the NHRI cannot reasonably be expected to be operating in full compliance with the Paris Principles. The SCA emphasizes, however, that NHRIs in such circumstances must continue to demonstrate that they have taken steps to ensure individuals continue to have accessible and effective remedies to address human rights violations, including through the NHRI itself.¹⁰

THE GENERAL OBSERVATIONS

The Paris Principles were developed to provide general guidance to all NHRIs, regardless of their structural model or the particular circumstances in which they operate. As such, they are broad and lack the kind of precision and specificity that would be most useful to States and NHRIs themselves in establishing and strengthening institutions in compliance

with these Principles. In order to provide this kind of specific guidance, and to facilitate the practical assessment of NHRI compliance with the Principles, the SCA has developed a set of General Observations.

The General Observations are authoritative, interpretative statements that assist in understanding and implementing the Paris Principles. They are an important body of jurisprudence that attempt to give meaning to the content and scope of the Principles.

General Observations are developed – and revised as circumstances demand – by the SCA and approved by the GANHRI Bureau.¹¹ They are intended to provide concrete guidance to NHRIs in order to:

- promote a clear understanding of the Paris Principles and their application to decisions on accreditation, re-accreditation and Special Review;
- assist NHRIs in developing their own practices and procedures in a manner consistent with the requirements of the Paris Principles; and
- facilitate NHRI advocacy with their domestic governments to address issues relating to Paris Principles compliance.

¹⁰ SCA Rules of Procedure, section 8.4.

¹¹ SCA Rules of Procedure, section 2.2.



ABOVE:
GANHRI Bureau Meeting
21 February 2018
(GANHRI Flickr)

NHRIs vary in structure and functioning – they may be commissions, ombuds institutions, hybrid institutions, consultative and advisory bodies, research institutes and centres, public defenders, or parliamentary advocates. The General Observations are intended to apply to every NHRI, regardless of its structural model.

The categorization of the General Observations falls into two sections:

- Part 1 entitled “Essential requirements of the Paris Principles” are direct interpretations of the Paris Principles; and
- Part 2 entitled “Practices that directly promote Paris principles compliance” are drawn from the SCA’s extensive experience in identifying proven practices to ensure independent and effective NHRIs.

The entirety of the content of the General Observations is binding on NHRIs seeking accreditation. Where an NHRI falls substantially short of the standards articulated in the General Observations, the SCA may determine that the NHRI is not compliant with the Paris Principles.¹² In considering whether an NHRI fall substantially short of these standards, the SCA will take into account the totality of an NHRI’s circumstances, including the constraints imposed by the context in which it operates, how it exercises its mandate in practice despite these constraints, and the responses provided by the NHRI in relation to concerns raised by the SCA.

MANDATE

NHRIs are established in different socio-economic circumstances and political systems which impact on the manner in which they are formally established. However, where an NHRI is established by a decision of the Executive – for example, through a decree, regulation, motion or administrative action – this raises concerns regarding permanency, independence from government and the ability to exercise its mandate in an unfettered manner. For this reason, the Paris Principles require that an NHRI must be established in a **constitutional or legislative text**.¹³

The Paris Principles further require that an NHRI must be legislatively mandated with specific functions to both **promote and protect** human rights.¹⁴ Promotion includes those functions which seek to create a society where human rights are more broadly understood and respected and may include education, training, advising, public outreach and advocacy. Protection functions are those that address and seek to prevent actual human rights violations. While many NHRIs have an individual complaints-handling mandate and the SCA is of the view that such a mandate is useful in effectively protecting human rights, this is not a requirement of the Paris

¹² SCA Rules of Procedure, section 2.2.

¹³ Paris Principle A.2 and General Observation 1.1 on ‘The establishment of NHRIs.’

¹⁴ Paris Principles A.1 and A.2 and General Observation 1.2 on ‘Human rights mandate’.



LEFT:
GANHRI 2018
Annual Meeting
Delegates from
NHRI Haiti
(GANHRI Flickr)



RIGHT:
GANHRI 2018
Annual Meeting
Delegates from
NHRI Oman
(GANHRI Flickr)

Principles¹⁵. Other protection functions include monitoring, inquiring and reporting on human rights violations. Where an NHRI does not have a complaints-handling mandate, it should ensure that it carries out these additional protection functions in a robust manner.

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.¹⁶ This should include economic, social and cultural rights. Where this is not explicitly set out in legislation, the accreditation process will assess whether the activities undertaken by the NHRI demonstrate that it is interpreting its mandate in a broad manner.

The enabling legislation of an NHRI should authorize **unannounced and free access** to inspect and examine any public premises, documents, equipment and assets,

15 At Part 1 of the Paris Principles, 'Competence and responsibilities' of NHRIs, the prescriptive word "shall" is used. By contrast, the section of the Principles dealing with 'Additional principles concerning the status of commissions with quasi-jurisdictional competence' (or an individual complaints-handling mandate) uses the permissive word "may". Accordingly, mandating an NHRI with a complaints-handling mandate is optional.

16 Paris Principles A.1 and A.2 and General Observation 1.2 on 'Human rights mandate'.

without prior notice.¹⁷ Though not a requirement of the Paris Principles, many NHRIs are mandated to visit places of deprivation of liberty. While in some circumstances it may be necessary to provide notice for security reasons, NHRIs who do have such a mandate should conduct unannounced visits as this limits opportunities for detaining authorities to hide or obscure human rights violations and facilitates greater scrutiny.

NHRIs, based on their analysis of the human rights situation in the country, should be authorized to fully investigate all alleged human rights violations **without limitations**, regardless of which State officials are responsible. This power should extend to protect the public from acts and omissions of all public authorities, including officers and personnel of the military, police and special security forces. In many cases, the authority of an NHRI may be restricted for national security reasons. However, such restriction should not be unreasonably or arbitrarily applied and should be exercised under due process.¹⁸

The effectiveness of an NHRI in implementing its mandate is largely dependent upon the quality of its working

17 Paris Principles A.1 and A.2 and General Observation 1.2 on 'Human rights mandate'.

18 Paris Principle A.2 and General Observation 2.7 on 'Limitation of power of NHRIs due to national security.'



TOP:
GANHRI 2018
Annual Meeting
Delegates from
NHRI Australia
(GANHRI Flickr)

BOTTOM:
GANHRI 2018
Annual Meeting
Delegates from
NHRI Canada
(GANHRI Flickr)

relationships with other domestic institutions established for the promotion and protection of human rights. For this reason, the Paris Principles require that an NHRI should **cooperate with other human rights bodies**, including, for example, sub-national statutory human rights institutions, thematic institutions, and civil society organizations.¹⁹ The importance of formalizing clear and effective relationships with these bodies through legislation or another instrument – such as a public memoranda of understanding – reflects the importance of ensuring regular, constructive relationships and is key to increasing the transparency of the NHRI’s work with these bodies.

Finally, the Paris Principles recognize that **cooperation with the international and regional human rights system** is an effective tool for NHRIs in the promotion and protection of human rights domestically.²⁰ This cooperation may include submitting parallel reports to regional mechanisms and UN mechanisms such as the Universal Periodic Review (UPR) and Treaty Bodies, making statements during debates at in regional fora and at the UN Human Rights Council, participating in country visits by regional and international representatives including UN Special Procedures mandate holders, and monitoring the implementation of relevant recommendations originating from the regional and international human rights systems. This cooperation should be as fulsome and regular as is permitted by the existing priorities and resources of the NHRI.

While it is appropriate for governments to consult with NHRIs in the preparation of a State’s reports to human rights mechanisms, NHRIs should neither prepare the country report nor should they report on behalf of the government. NHRIs must **maintain their independence** and, where they have the capacity to provide information to human rights mechanisms, do so in their own right. NHRIs should not participate as part of a government delegation in regional or international mechanisms where independent participation rights for NHRIs exist, such as during the UPR. Where independent participation rights for NHRIs do not exist in a particular body and an NHRI therefore chooses to participate in proceedings as part of a State delegation, the manner of their participation must clearly distinguish them as an independent entity.²¹

COMPOSITION

Having a diverse decision-making body and staff complement facilitates an NHRI’s appreciation of, and its capacity to engage on, all human right issues affecting the society in which it operates. It also promotes the accessibility of the NHRI for members of the public. For this reason, the Paris

¹⁹ Paris Principles C(f) and (g) and General Observation 1.5 on ‘Cooperation with other human rights bodies.’

²⁰ Paris Principles A.3(d) and (e) and General Observation 1.4 on ‘Interaction with the international human rights system.’

²¹ Paris Principles A.3(d) and (e) and General Observation 1.4 on ‘Interaction with the international human rights system.’

Principles require that the composition of the NHRI reflects the **diversity and pluralism** of the society in which the NHRI is operating. This includes ensuring appropriate gender balance.²²

Given the variation in NHRI structures, there are **diverse models** for ensuring pluralism. For example, members of the decision-making body may represent different segments of society, or the staff complement may be broadly representative. The latter is particularly relevant for single-member NHRIs such as ombuds institutions.

It is critically important that the **selection and appointment process** for members of the NHRI's decision-making body be clear, transparent and participatory.²³ This is essential to ensuring the independence of, and public confidence in, the senior leadership of an NHRI. For this reason, the process must include requirements to:

- publicize vacancies broadly;
- maximize the number of potential candidates from a wide range of societal groups;
- promote broad consultation and participation in the application, screening, selection and appointment process;
- assess applicants on the basis of pre-determined, objective and publicly-available criteria; and
- select members to serve in their own individual capacity rather than on behalf of the organization they represent.

The process must be **formalized** in legislation, regulations or other binding administrative guidelines. In some cases, the process may apply to the NHRI and to other independent state agencies – for example, it may be contained in the regulation of Parliament or in a law of general application for the screening or selection of public officials generally.²⁴

In some NHRI models, different entities select a representative to serve as part of the NHRI's decision-making body. This is common, for example, in advisory or consultative bodies. In such cases, it is preferable that a **uniform selection process** be employed across all entities. This process should respect the principles outlined above.

Selection criteria that may be **unduly narrow** and restrict the diversity and plurality of the NHRI's membership – such as the requirement to belong to a specific profession – may limit the real or perceived capacity of the NHRI to effectively carry out all of its mandated activities and should be avoided unless the criteria is an inherent requirement for the position.

By clearly requiring independence in the composition, structure and method of operation of an NHRI, the Paris Principles seek to avoid any possible government interference in the NHRI's



TOP:
GANHRI 2018
Annual Meeting
Delegates from NHRI
Mexico
(GANHRI Flickr)

BOTTOM:
GANHRI 2018
Annual Meeting
Delegate from NHRI
Slovakia
(GANHRI Flickr)

²² Paris Principle B.1 and General Observation 1.7 on 'Ensuring pluralism of the NHRI.'
²³ Paris Principle B.1 and General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs.'
²⁴ Paris Principle B.1 and General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs.'



ABOVE:
**UNDP Annual Rule of Law
 Seminar 2017 - NHRIs**
 United Nations, New York

17 June 2016

(UN PHOTO / Eskinder Debebe)

assessment of the human rights situation in the State and the subsequent determination of its strategic priorities. It follows, therefore, that **political representatives** – including members of the ruling political party or coalition, other members of parliament, or representatives of government agencies – should not generally be represented on, nor should they participate in the decision-making of, an NHRI.²⁵ This is because they hold positions that may, at times, conflict with the work of an independent NHRI.

Where political representatives are included in an NHRI's decision-making body, the NHRI's legislation should clearly indicate that they participate in an advisory capacity only and without voting rights. To further promote independence in decision-making and avoid potential conflicts of interest, such individuals should be excluded from attending parts of meetings of the NHRI where final deliberation and strategic decisions are made.²⁶

Finally, NHRIs must be legislatively empowered to select their own staff. This should be done according to an open, transparent and merit-based selection process that ensures pluralism and a staff composition that possesses the skills required to fulfill the NHRI's mandate.²⁷ A fundamental

²⁵ Paris Principles B.1, B.2, B.3 and C(a) and General Observation 1.9 on 'Political representatives on NHRIs.'

²⁶ Paris Principles B.1, B.2, B.3 and C(a) and General Observation 1.9 on 'Political representatives on NHRIs.'

²⁷ Paris Principle B.2 and General Observation 2.4 on 'Recruitment and retention of NHRI staff.'

requirement of the Paris Principles is that an NHRI is, and is perceived to be, able to operate independent of government interference. This requirement should not be seen to limit the capacity of an NHRI to hire a public servant with the requisite skills and experience. The recruitment process for such positions, however, should always be open to all, clear, transparent and at the sole discretion of the NHRI.

An NHRI should not be required to accept staff assigned to it by government, often referred to as **secondment**, as this may bring into question the NHRI's capacity to function independently. This is particularly the case where it involves those at the highest levels of the NHRI and, as such, senior leadership posts should not be filled in this manner.

TERMS AND CONDITIONS OF SERVICE

The enabling law of an NHRI should provide that the decision-making body includes **full-time remunerated members**. This promotes stability, ensures an appropriate degree of management and direction, and limits the risk of members being exposed to conflicts of interest that may arise as a result of their engagement in other remunerated employment.²⁸

An appropriate minimum **term of appointment** is also crucial in promoting the independence of the membership of an NHRI, and to ensure the continuity of its programs and

²⁸ Paris Principle B.3 and General Observation 2.2 on 'Full-time members.'



ABOVE:
GANHRI-IDA-FRA-CRPD Side Event
 Kagwiria Mbogori, Chair - Kenya National
 Commission on Human Rights, addresses the
 audience - Geneva, Switzerland
 25 August 2017
 (GANHRI Flickr)

services.²⁹ As a good practice, it is recommended that the enabling legislation of an NHRI provide for a term of between three (3) and seven (7) years, renewable once.

The specific **terms and conditions of service** of members should be equivalent to those with similar responsibilities in other independent State agencies and should not be at the sole discretion of the appointing authority.³⁰ NHRI members must be able to undertake their responsibilities without fear and without inappropriate interference from the State or other actors. For this reason, the enabling law should also provide that these terms and conditions cannot be modified to the detriment of members during their terms of appointment.

The avoidance of **conflicts of interest** protects the reputation, and the real and perceived independence of, an NHRI. Members should be required to disclose conflicts of interest and to avoid participation in decisions where these arise.

External parties may seek to influence the independent operation of an NHRI by initiating, or by threatening to initiate, legal proceedings against a member of the decision-making body or a staff member of the NHRI. For this reason, **members and staff of the NHRI should be protected from both criminal and civil liability for acts undertaken in good**

faith in their official capacity.³¹ This is often referred to as functional immunity. Such protections serve to enhance the NHRI's ability to engage in critical analysis and commentary on human rights issues, safeguard the independence of senior leadership, and promote public confidence in the NHRI. No office holder should be beyond the reach of the law and, in certain exceptional circumstances, it may be necessary to lift these protections. However, the decision to do so should not be exercised by an individual, but rather by an appropriately-constituted body, such as by a court or by a special majority of parliament.

While it is preferable for these protections to be explicitly entrenched in NHRI legislation or another applicable law of general application, it is recognized that, in some national contexts, functional immunity is **not part of the legal tradition** and it may therefore be unrealistic or inappropriate for the NHRI to request that formal legal provisions be adopted. In such exceptional circumstances, an NHRI under review should provide sufficient information to explain why such provisions are not appropriate in its particular national context.

In order to address the Paris Principles requirement for a stable mandate, which is vital in reinforcing independence, members of the decision-making body must be subject to an independent and objective **dismissal** process which

²⁹ Paris Principle B.3 and General Observation 2.2 on 'Full-time members.'

³⁰ Paris Principle B.3 and General Observation 2.2 on 'Full-time members.'

³¹ Paris Principles B.3 and C(a) and General Observation 2.3 on 'Guarantee of functional immunity.'



should be contained in the NHRI's enabling legislation, in a regulation, or in legislation of general application to which the NHRI is subject.³² Members should only be dismissed on serious **grounds** of misconduct or incompetence, which must be clearly defined and appropriately confined only to those actions which impact adversely on the capacity of the members to fulfill their mandate. The **process** for dismissal must be fair, and ensure objectivity and impartiality. Where appropriate, legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction, such as a court or tribunal. Dismissal should not be allowed based solely on the discretion of appointing authorities. In NHRI models where different entities are responsible for appointing a representative to the decision-making body of the NHRI, the process for dismissal of representatives should be **uniform** across all entities and should respect the principles outlined above.

FUNDING AND FINANCIAL AUTONOMY

To function effectively, the Paris Principles require that an NHRI must be provided with an **appropriate level of funding** to guarantee its independence and its ability to freely determine its priorities and activities.³³ An insufficient budget can render an NHRI ineffective or limit it from effectively discharging its full mandate. In assessing the adequacy of an NHRI's budget, the SCA considers the totality of its circumstances, including the range of activities undertaken by the NHRI and its views of the whether its budget is sufficient to allow it to effectively carry out its work. While the SCA will consider the national financial situation in this assessment, it reminds NHRIs that States duty to protect the most vulnerable members of society, who are often the victims of human rights violations, even in times of resource constraints.

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

- The allocation of funds for premises that are accessible to the wider community, including the most vulnerable. As many vulnerable persons may be geographically remote from major cities where NHRIs are located, establishing a regional presence increases the accessibility of an NHRI. Another means of increasing

the accessibility of an NHRI to vulnerable groups is to ensure that premises are neither located in wealthy areas nor in, or nearby to, government buildings. This is particularly important where government buildings are protected by military or security forces.

- Salaries and benefits awarded to NHRI staff that are comparable to those of civil servants performing similar tasks in other independent State agencies.
- Remuneration for members, where appropriate, that is equivalent to the remuneration of individuals with similar responsibilities in other independent State agencies.
- The establishment of well-functioning communications systems, including telephone and internet.
- The allocation of a sufficient amount of resources for mandated activities. Where an NHRI has been designated by the State with additional responsibilities – such as designation as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture or as the Independent National Monitoring Mechanism under the Convention on the Rights of Persons with Disabilities – additional financial resources must be provided to enable it to discharge these functions.

Because it is the responsibility of the State to provide adequate funding for an NHRI, **donor funding** from external sources – such as from international development partners – should not constitute its core funding.³⁴ However, it is recognized that, in rare and specific circumstances, the international community may need to support an NHRI to ensure that it receives adequate funding until such time as the State will be able to provide this funding. This is particularly the case in conflict and post-conflict States. It is also recognized that some NHRIs may receive donor funding to conduct activities that lie outside of its core mandate. In all cases, NHRIs should not be required to obtain approval from the government for external sources of funding, as this requirement may pose a threat to its independence.

Financial systems should be such that the NHRI has full **financial autonomy**.³⁵ National law should indicate from where the budget of the NHRI is allocated and should ensure

32 Paris Principle B.3 and General Observation 2.1 on 'Guarantees of tenure for members of the NHRI decision-making body.'

33 Paris Principle B.2 and General Observation 1.10 on 'Adequate funding.'

34 Paris Principle B.2 and General Observation 1.10 on 'Adequate funding.'

35 Paris Principle B.2 and General Observation 1.10 on 'Adequate funding.'



that annual funding is announced and released in a manner that enables the recruitment and retention of skilled staff and adequate time to plan for the conduct of activities to fulfill the NHRI's mandate. It is preferable that the NHRI be empowered through legislation or regulation to participate fully and independently in the budgetary process. The NHRI's budget should be a separate line-item in the overall State budget over which the NHRI has absolute management and control.

Where a State has developed uniform rules or regulations to ensure State agencies are properly **accountable for their use of public funds**, the application of these rules or regulations to an NHRI is not considered inappropriate provided they do not compromise the NHRI's ability to perform its role independently and effectively.³⁶ In all cases, the administrative requirements imposed on NHRIs must be clearly defined and should be no more onerous than those applicable to other independent State agencies.

DEMONSTRATING INDEPENDENCE IN PRACTICE

NHRIs, as independent and impartial bodies, 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. In particular, they must demonstrate a **willingness to address all issues of human rights**, including those that are politically sensitive or that involve credible allegations of gross or systematic human rights violations having been committed by government authorities. In a situation of a **coup d'état or state of emergency**, or where gross violations of human rights are imminent, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence.³⁷

This may include monitoring, documenting, issuing public statements and releasing regular and detailed reports through the media on human rights violations. An NHRI should also undertake **rigorous and systematic follow-up** activities and advocate for the consideration and implementation of its findings and recommendations in order to ensure the protection of those whose rights have been violated.³⁸ These

actions, in particular the release of public reports, serve to combat impunity for human rights violations.

Annual, special and thematic reports serve to highlight key developments in the human rights situation in a country and provide a public account, and therefore public scrutiny, of the effectiveness of an NHRI.³⁹ Annual, special and thematic reports are vital public documents that not only provide a regular audit of the government's performance on human rights, but also an account of what the NHRI has done. For these reasons, it is important for an NHRI to publicize and widely distribute its reports in a timely manner, as this increases the transparency and public accountability of the NHRI. Where technical or other issues beyond the control of the NHRI arise and prevent the NHRI from tabling its reports in parliament, the NHRI should take steps to ensure that it continues to make public information about the human rights situation in the country and the activities of the NHRI.

Members and staff of an NHRI must also be cognizant of actions they take that **demonstrate a personal political affiliation** and the way in which this impacts on the real and perceived independence, impartiality and accessibility of the NHRI. This is particularly the case where a State is undergoing a period of political unrest. Such actions may affect the credibility of, and degree of public confidence in, the NHRI and may discourage those whose rights have been violated from addressing the NHRI.

A failure to address all human rights issues, through actions and / or inactions, demonstrates a lack of independence and seriously compromises an NHRI's compliance with the Paris Principles. In determining whether an NHRI has demonstrated independence in practice, the SCA will take into account the totality of the NHRI's circumstances, including the constraints imposed by the context in which it operates, the extent to which the NHRI concerned has taken steps to the maximum of its available resources to provide the greatest possible protection for the human rights of each individual within its jurisdiction, and the responses provided by the NHRI in relation to concerns raised by the SCA. ●

³⁶ Paris Principle B.2 and General Observation 2.8 on 'Administrative regulation of NHRIs.'

³⁷ Paris Principles A.1, A.3 and C(C) and General Observation 2.6 on 'NHRIs during the situation of a coup d'état or a state of emergency.'

³⁸ Paris Principles A.3, C(c), and D(d) and General Observation 1.6 on 'Recommendations by NHRIs.'

³⁹ Paris Principle A.3 and General Observation 1.11 on 'Annual reports of NHRIs.'



PART III

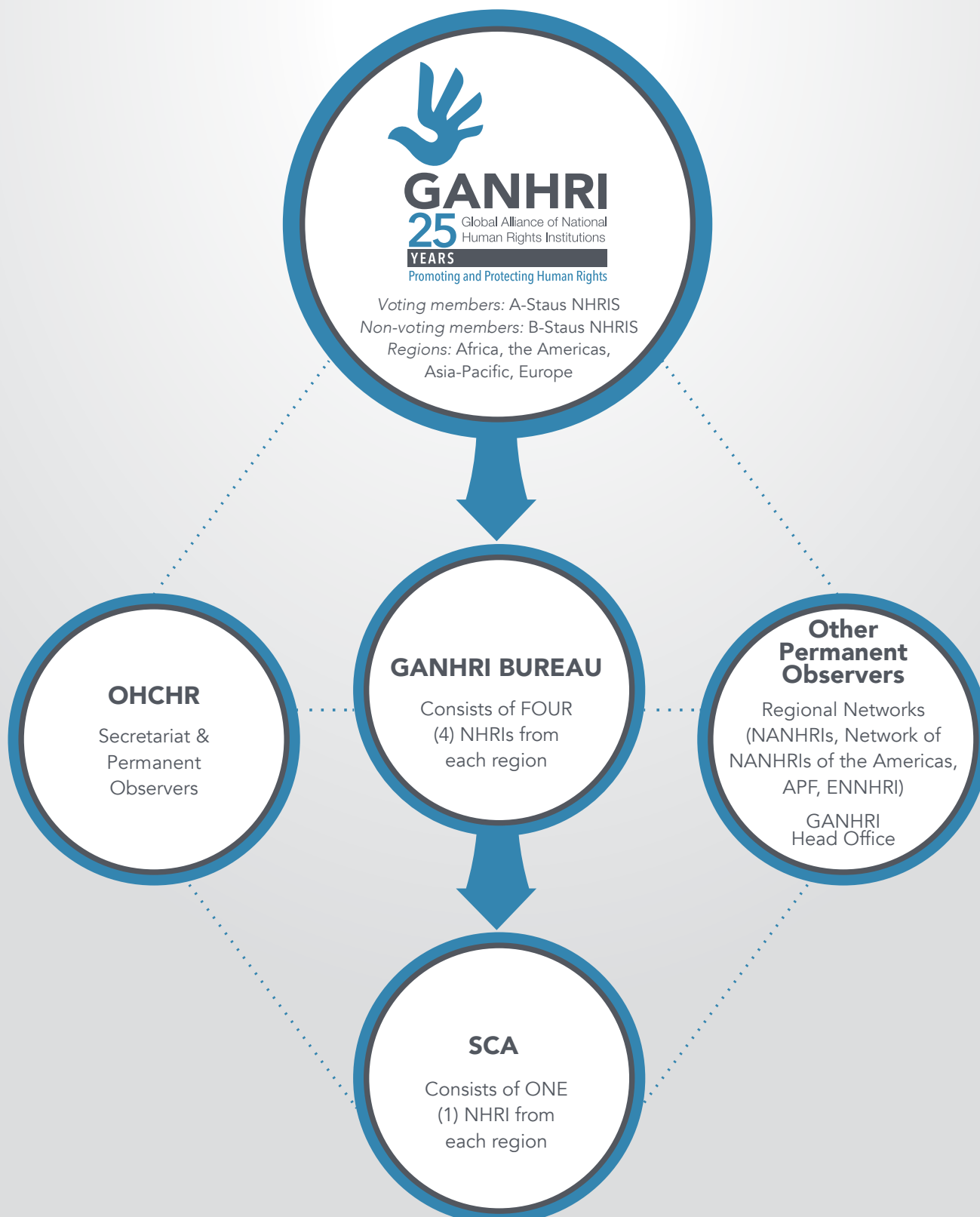
THE ACCREDITATION PROCESS

- COMPOSITION OF THE SCA
- APPLICATIONS FOR ACCREDITATION
- BEFORE THE SESSION
- AT THE SESSION
- REPORT AND RECOMMENDATIONS

Delegates from Niger receive
their certification
(GANHRI Flickr)



THE ACCREDITATION PROCESS



COMPOSITION OF THE SCA

The SCA is composed of **four (4) members**, one (1) from each of the GANHRI regions – Africa, the Americas, Asia Pacific and Europe.⁴⁰ The member must be an NHRI who is accredited with A-status.⁴¹ Members are often accompanied by a support person, such as a staff member of the NHRI.

Members select a **Chairperson** for a one (1) year⁴² term that is renewable twice, for a total of three (3) years⁴³. The Chair rotates between each of the four (4) regions in the following order: Africa, Asia-Pacific, the Americas and Europe. If an SCA member declines to accept the role of Chair or is no longer able to continue in this role, the Chair passes to the member belonging to the next region in rotation.⁴⁴

The SCA Chair presides over sessions, and is additionally responsible for:

- authorizing the agenda for sessions;
- consulting with members on issues arising between sessions;
- reporting to the GANHRI Bureau and General Meetings; and
- authorizing all communications from the SCA, whether issued by the Chair or by OHCHR in its capacity as SCA Secretariat.⁴⁵

Members are elected by their Regional Network for a renewable term of three (3) years.⁴⁶ The process for election is set by the Regional Network and differs from region to region.

40 SCA Rules of Procedure, section 3.1.

41 SCA Rules of Procedure, section 3.1

42 Two (2) sessions of the SCA.

43 Six (6) sessions of the SCA in total.

44 SCA Rules of Procedure, section 3.2.

45 SCA Rules of Procedure, section 3.2.

46 SCA Rules of Procedure, section 3.1; six (6) sessions of the SCA in total.



Members participate as impartial, objective and independent resources who are familiar with the Paris Principles, General Observations, and the work of NHRIs.

Regional Networks are also required to appoint an alternate member to participate in sessions where the member is unavailable or has a conflict of interest.⁴⁷ Members are expected to remove themselves from deliberations of the SCA where they have a real or perceived conflict of interest. Further, a member shall not attend the entirety of the SCA session where the accreditation of their NHRI will be considered. In these cases, the alternate member selected by the Regional Network must attend the entire session instead.⁴⁸ This is because discussions about the recommendations to be made by the SCA may continue for the duration of the session.

NHRIs wishing to serve as their Regional Network's representative on the SCA are required to dedicate the requisite amount of resources to the role. The SCA meets twice per year in Geneva for one (1) full week.⁴⁹ GANHRI does not provide financial assistance to facilitate members' participation in these sessions. As a good practice, the SCA makes every effort to co-locate its sessions with other meetings of GANHRI, such as its Annual General Meeting or an International Conference. Members are expected to have reviewed the material provided by NHRIs under review in advance of the session, and to be familiar with the content of the Paris Principles and the General Observations. To do so can require a significant amount of preparation time.

Members participate as impartial, objective and independent resources who are familiar with the Paris Principles, General Observations, and the work of NHRIs. They are required to make decisions based on an objective assessment of an applicant's compliance with the Paris Principles without consideration of national or regional interests.

The SCA also has a number of **permanent observers**.

- **OHCHR** is a permanent observer to the accreditation process and also serves as the Secretariat for the SCA. In this capacity, it supports the SCA's work by:
 - serving as a focal point for communications;
 - preparing a summary of all accreditation applications; and
 - maintaining records as appropriate on behalf of the GANHRI Chairperson.
- A representative from each of the Regional Network secretariats may also attend SCA sessions as a permanent observer.

47 SCA Rules of Procedure, section 3.1.

48 SCA Rules of Procedure, sections 3.1 and 4.7.

49 SCA Rules of Procedure, section 4.1.

50 GANHRI Statute, article 11.1; SCA Rules of Procedure, section 5.1.

The role of representatives of Regional Networks and their presence at SCA sessions is important, as they are often able to assist SCA members in understanding any relevant regional context and may have first-hand knowledge of the work of the NHRI. The participation of Regional Network representatives in SCA sessions is also important to improve their understanding of the accreditation process, which may assist them in helping their members navigate the process.⁵¹

- A staff member of the GANHRI Head Office, designated by the GANHRI Chairperson, may also attend SCA sessions as a permanent observer.

The presence of a GANHRI Head Office staff member is important for similar reasons as those outlined above regarding representatives of Regional Networks, in that they may be able to assist SCA members in understanding any relevant international context and may improve their understanding of the accreditation process to assist them in helping GANHRI members navigate the process.⁵²

All permanent observers have the right to speak during SCA sessions at the invitation of the Chair, but do not have voting rights and should not advocate for a particular accreditation classification.⁵³

An SCA member-elect or alternate member can attend one SCA session as an observer in order to learn about the accreditation process and the working methods of the SCA in advance of serving on the SCA.⁵⁴

All participants in SCA sessions – including members, permanent observers and other observers – are required to respect the confidentiality of the proceedings.⁵⁵

51 SCA Rules of Procedure, section 5.2.

52 SCA Rules of Procedure, section 5.3.

53 SCA Rules of Procedure, sections 5.1-5.3.

54 SCA Rules of Procedure, section 3.1.

55 SCA Rules of Procedure, section 4.6.



NHRIs wishing to serve as their Regional Network's representative on the SCA are required to dedicate the requisite amount of resources to the role.

From time to time, the SCA Chair receives requests from other individuals wishing to attend an SCA session as an observer – for example, from academics and professors doing research related to NHRIs and accreditation, or from civil society representatives. It is the practice of the SCA to decline all such requests both to safeguard the confidentiality of deliberations and as a matter of fairness because NHRIs under review are not able to attend the session themselves.

APPLICATIONS FOR ACCREDITATION

The Secretariat will write to an NHRI that has requested to be accredited or is scheduled for re-accreditation to invite them to provide their **application**. All NHRIs must wait for this invitation to be received prior to submitting information to the Secretariat.

In the interests of consistency, the SCA has developed fixed deadlines for notification and for the submission of information to the Secretariat.

- For NHRIs being reviewed at the SCA's **first session** of a calendar year, they will be contacted by the Secretariat and invited to provide their application on or before **August 1st** of the preceding calendar year. All NHRIs must provide relevant materials to the Secretariat electronically and in hard copy on or before **December 1st**.
- For NHRIs reviewed at the SCA's **second session** of a calendar year, they will be contacted by the Secretariat and invited to provide their application on or before **April 1st** of that calendar year. All NHRIs must provide relevant materials to the Secretariat electronically and in hard copy on or before **August 1st**.

Applications received after the deadline will be examined during a subsequent session unless the SCA Chair, in consultation with the Secretariat, decides otherwise.⁵⁶

The core component of an accreditation application is the '**Statement of Compliance**' detailing the NHRI's compliance with the Paris Principles. NHRIs applying for accreditation or re-accreditation must complete the Statement of Compliance in full.⁵⁷ The Secretariat has developed a template that is available on the SCA website at <http://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/NextSession.aspx>.

In addition to the Statement of Compliance, an NHRI applying for accreditation or re-accreditation must submit:

- a copy of its legislation or other instrument by which it is established in its official or published format;
- an outline of its organizational structure;
- its annual budget; and
- a copy of its most recent annual report or equivalent document in its official or published format.⁵⁸

These documents must be submitted in all cases, and without exception. Failure to submit the required documentation will

56 SCA Rules of Procedure, section 6.6.

57 GANHRI Statute, article 10; SCA Rules of Procedure, section 6.1.

58 GANHRI Statute, article 10; SCA Rules of Procedure, section 6.1.



result in the rejection of an accreditation application and, in the case of an application for re-accreditation, may lead to the suspension and eventual lapse of the accreditation status held by the NHRI.⁵⁹

An NHRI should also provide all **additional information** relevant to their application, including all material required to validate assertions made in the Statement of Compliance. This may include, for example:

- other legislation or regulations that impact on its functioning, including laws of general application;
- internal rules of procedure or operating procedures;
- strategic and other plans;
- correspondence to government requesting changes to its enabling legislation, or other evidence to demonstrate that it has taken action to request that the government strengthen legislation in accordance with the Paris Principles, and
- thematic reports.

Failure to submit all documents relevant to an accreditation application may affect the ultimate outcome of the review, as the SCA can only make decisions on the basis of the information before it at the time of review.⁶⁰

Should **more than one NHRI** from a UN Member State or Observer seek accreditation, the following additional documentation is required before the SCA will consider the application:

- written consent from the government of the State; and
- a written agreement between all concerned NHRIs on their respective rights and duties as a GANHRI member, including agreement on the exercise of the one (1) voting right and one (1) speaking right allotted to members. The agreement must also include arrangements for participation in the international human rights system.⁶¹

Key documents including the Statement of Compliance and the NHRI's enabling legislation must be submitted in **English, French or Spanish**.⁶² Unfortunately, GANHRI and OHCHR do not at present have the capacity to accept these documents in Arabic.

Where an annual or thematic report is not available in one of the four (4) GANHRI languages (English, French, Spanish or Arabic), the NHRI must provide a summary of the report and an official translation of those sections of the report on which it seeks to rely in its Statement of Compliance.⁶³

New institutions wishing to be accredited for the first time must make a request in writing to the Secretariat. The Secretariat will then invite the NHRI to submit its application in advance of a future SCA session as outlined above. NHRIs should note that, as a result of the growing number of NHRIs

and resource constraints within the SCA, there may be a delay between when an NHRI requests accreditation and when they are eventually reviewed by the SCA. NHRIs requesting accreditation for the first time should also note that, in order to be considered by the SCA, an NHRI must have been in operation for at least one (1) year and must have published at least one (1) annual report.⁶⁴

An NHRI is defined by the GANHRI Statute as being "an independent national institution established by a Member or Observer State of the United Nations with a constitutional or legislative mandate to promote and protect human rights".⁶⁵ Where there is a question as to whether an institution that has contacted the Secretariat seeking accreditation can properly be considered an NHRI for the purposes of accreditation – for example, where the institution is sub-national, is not legislatively established, or has a significantly limited mandate – the matter will be put before the SCA at its next session for determination.⁶⁶ If the SCA determines that an institution cannot be considered an NHRI for the purposes of accreditation, the institution will not be eligible to make an application for accreditation and the SCA will advise the NHRI of the reasons for its ineligibility through the Secretariat.⁶⁷

All A-status NHRIs are required to apply for **re-accreditation** every five (5) years.⁶⁸ As noted above, the Secretariat will invite an NHRI who is due for re-accreditation to submit its application. NHRIs should note that, as a result of the growing number of NHRIs and resource constraints within the SCA, this re-accreditation may not take place precisely at the five-year point and may be delayed by one or several sessions.

A re-accreditation application should focus on developments since the NHRI's last accreditation, including, for example:

- amendments to its enabling legislation;
- changes to its structure or methods of operation; or
- expansion of its mandate, duties or powers.

All NHRIs are expected to 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. For this reason, a re-accreditation application should address the actions that the NHRI has taken to implement the previous recommendations made by the SCA.⁶⁹ If no action has been taken to implement the recommendations, the NHRI must be in a position to explain why not.⁷⁰

As noted above, the accreditation status of an NHRI may be suspended if it fails to submit an application for re-accreditation within the prescribed time without justification.⁷¹ If, within

59 GANHRI Statute, articles 19-20; SCA Rules of Procedure, section 6.2.

60 SCA Rules of Procedure, section 6.2.

61 SCA Rules of Procedure, section 6.3.

62 SCA Rules of Procedure, section 6.1.

63 SCA Rules of Procedure, section 6.1.

64 General Observation 1.11 on 'Annual reports of NHRIs.'

65 GANHRI Statute, Article 1.

66 SCA Rules of Procedure, section 6.4.

67 GANHRI Statute, article 13.1.

68 GANHRI Statute, article 15.

69 SCA Rules of Procedure, sections 6.1 and 8.3.

70 SCA Rules of Procedure, section 8.3..

71 GANHRI Statute, article 19.

PHOTO on pg 29:
GANHRI 2018
Annual Meeting
(GANHRI Flickr)



RIGHT, CLOCKWISE:
GANHRI 2018 Annual
Meeting

Delegate from Colombia
receives certification.

Delegate from Indonesia
receives certification.

Delegate from Liberia
receives certification.

(GANHRI Flickr)



one (1) year⁷² of being suspended, the NHRI does not submit an application for re-accreditation, its accreditation status will lapse.⁷³ In such cases, all rights and privileges associated with accreditation immediately cease, and the NHRI will be required to apply as a new institution should it wish to regain an accreditation status.⁷⁴

Where an **NHRI is in transition** – for example, it is undergoing a merger or substantial changes are being made to its enabling legislation – the SCA may consider whether, for the purposes of accreditation, the NHRI should be considered a new institution or a continuation of the existing institution.⁷⁵

72 Two (2) sessions of the SCA.

73 GANHRI Statute, article 20.

74 GANHRI Statute, article 23.

75 SCA Rules of Procedure, section 6.4; SCA Practice Note 4 on

Where new or significantly amended legislation has been or is going to be enacted, the SCA will first and foremost consider the wording of this legislation, including whether it:

- changes the name of the existing institution;
- dissolves the previously-existing institution;
- provides that the newly-created institution is a continuation of the previously-existing institution; and
- contains appropriate continuation provisions.

The SCA will further consider whether the newly-created institution maintains or expands its previous mandate, and whether it maintains equivalent or strengthened protections in relation to its structure and functioning.⁷⁶

⁷⁶ 'NHRIs in Transition.'

76 SCA Practice Note 4 on 'NHRIs in Transition.'

If the SCA determines based on the above-listed criteria that a newly-created institution will be considered a new institution for the purposes of accreditation, the NHRI immediately ceases to hold status and cannot rely on the status of the previously-existing institution.⁷⁷

NHRIs in this situation should note as well the requirements that a new institution be in operation for one (1) year prior to submitting an application for accreditation, having produced at least one (1) annual report. In some cases, the SCA may consider accepting an unpublished report – for example, a status report that has been made publicly available, but has not yet been submitted to Parliament – from an NHRI that finds itself in this situation.⁷⁸

77 SCA Practice Note 4 on 'NHRIs in Transition.'

78 SCA Practice Note 4 on 'NHRIs in Transition.'

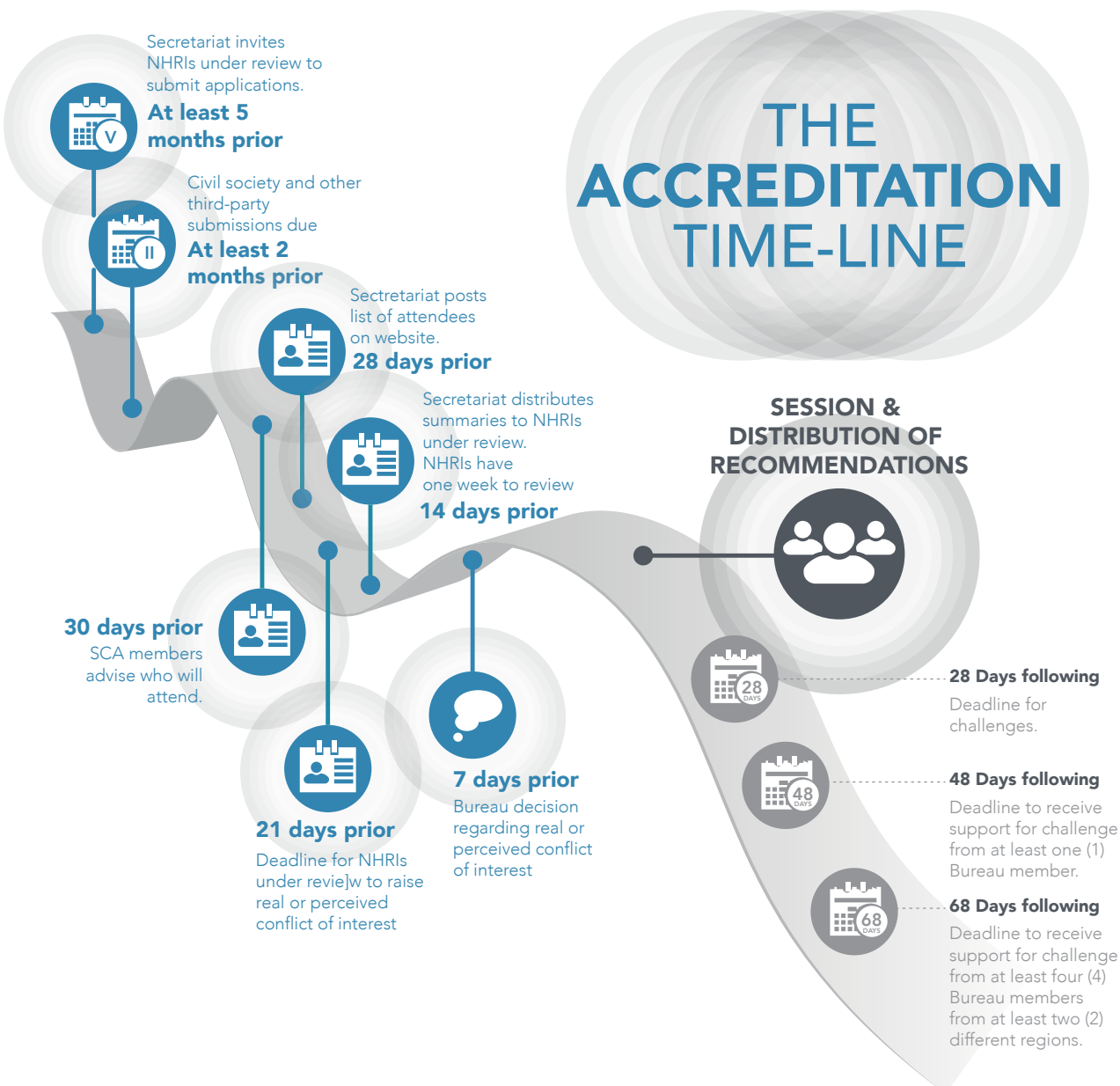
BEFORE THE SESSION

All information provided by an NHRI under review, including its Statement of Compliance and supporting documentation, is made available to SCA members soon after they are received by the Secretariat via a private **web portal** to which only members and permanent observers have access.⁷⁹

All members attending the session are to provide to the Secretariat, in writing, the **names and titles of those participating** on its behalf at least thirty (30) days before the session. This information is posted by the Secretariat on the website of the SCA at least twenty-eight (28) days before the beginning of the session.⁸⁰ Where an NHRI under review feels that a member of the SCA attending the session has a **real or perceived conflict of interest**, they are to inform

79 SCA Rules of Procedure, section 6.8.

80 SCA Rules of Procedure, section 4.3.



the Secretariat of this in writing at least twenty-one (21) days before the SCA session. The Secretariat will then forward the correspondence to the GANHRI Chairperson. The final decision on whether a real or perceived conflict of interest exists is to be decided by the GANHRI Bureau at least seven (7) days before the SCA session.⁸¹

The SCA may receive information from **multiple sources** related to an application for accreditation or re-accreditation.⁸² This includes information submitted by the NHRI, and can also include publicly-information and information provided by third-party sources such as civil society organizations. This information assists the SCA in assessing the performance of NHRIs and their compliance with the Paris Principles.

There may be **publicly-available information** about an NHRI that is relevant to the review of their application. This can include:

- Observations and recommendations of the international human rights system, including the Universal Periodic Review, Treaty Bodies and Special Procedures mandate holders;
- Observations and recommendations of regional human rights mechanisms; and
- Press releases and other documents issued by the NHRI itself.

Because this information is publically available, an NHRI under review is expected to be aware of its existence. As such, it will not generally be forwarded to the NHRI for a response prior to the relevant SCA session. However, such information may be the subject of questions during the telephone interview with the NHRI at the session.⁸³

Other sources of information may also be publically available, but may not reasonably be known to an NHRI under review. This can include:

- Media reports; and
- Public reports from civil society or other published sources.

Where information contained in these documents gives rise to concerns, the SCA will ensure that the information is provided to the NHRI under review as soon as practicable, and in any event prior to the telephone interview conducted by the SCA at the relevant session. The NHRI under review is not required to formally respond to this information in writing, as it will be given a chance to do so during the interview.⁸⁴

The Secretariat, from time to time, receives **other submissions** in relation to the review of a particular NHRI. This can include:

- **Third-party submissions** addressed to the SCA or GANHRI bodies by civil society organizations or individuals; and

⁸¹ SCA Rules of Procedure, section 4.7.

⁸² SCA Rules of Procedure, section 6.7.

⁸³ Practice Note 5, Sources of information to assess the performance of NHRIs.

⁸⁴ Practice Note 5, Sources of information to assess the performance of NHRIs.

- Official, non-public notes from Special Procedures mandate holders.

All third-party submissions are subject to the same fixed dates for submission to the Secretariat:

- For information related to an NHRI being reviewed at the SCA's first session of a calendar year, third-party information must be received by the Secretariat no **December 1st** of the preceding calendar year.
- For information related to an NHRI being reviewed at the SCA's second session of a calendar year, third-party information must be received by the Secretariat no later than **August 1st**.

Submissions from Special Procedures mandate holders are not subject to these fixed dates and may be received any time prior to the relevant SCA session. This is because these individuals are part of the international human rights system and, as such, their contributions are not considered third-party submissions.

Such information is generally not in the public domain and, in order to ensure procedural fairness, must be sent to the NHRI concerned prior to the SCA session in order to provide an opportunity to respond to the issues identified.⁸⁵ The NHRI may wish to respond in writing to the issues identified, however this is not mandatory as the NHRI will be provided with an opportunity to respond during the interview.

The Secretariat prepares a **summary** of all information that is relevant to the accreditation of the NHRI under review. This summary also includes information contained in the reports, recommendations or observations of international human rights mechanisms. The summary is provided to the NHRI under review prior to it being distributed to members. The applicant NHRI is provided with one (1) week to review the summary and correct any factual errors by providing their comments to the Secretariat in writing. The Secretariat will then post the summary, along with the NHRI's unedited response, on the SCA members' web portal.⁸⁶

The Secretariat also prepares a **programme of work** for each session based on the arrangements it has made with each NHRI under review as to the date and time when they will be considered. This programme is distributed to SCA members and observers in advance of the session.

AT THE SESSION

The process undertaken by the SCA is the same for each NHRI under review:

- 1** The staff member of the Secretariat who prepared the summary provides an **overview of the NHRI's application**, including any potential issues of concern the Secretariat has identified. Members and observers are provided an opportunity to ask questions.

⁸⁵ Practice Note 5, Sources of information to assess the performance of NHRIs.

⁸⁶ SCA Rules of Procedure, section 7.

2 **Additional information** may be provided, as needed. This may include an overview of the domestic context in which the NHRI is operating and information about any activities that OHCHR has undertaken with the NHRI. SCA members and observers are provided with an opportunity to ask questions.

3 The SCA Chair will then ask the **Regional Network representative** and the representative of the **GANHRI Head Office** to provide information about their knowledge of and work with the NHRI under review, as well as any relevant national, regional or international context.

4 Following these verbal reports, the members will develop a **list of questions** to pose to the NHRI during an interview. These questions most often pertain to issues raised in the NHRI's application that require further clarification or those that have not been addressed fully by the NHRI in its Statement of Compliance. It is the practice of the SCA to also ask the NHRI under review whether there are any recommendations that the SCA could make that would assist the NHRI in strengthening their institution.

In all cases where the SCA wishes to rely on information that is adverse to the NHRI under review, and to which the NHRI has not yet been provided an opportunity to respond, the SCA will raise this information in the interview and provide the NHRI with an opportunity to respond. This includes in respect of publicly-available information and other additional information that has been provided during the session.

5 **Interviews** are conducted by telephone only. Some NHRIs have, in the past, requested that they be able to do the interview via videoconference or in person. However, in order to ensure that the process is fair for all NHRIs and does not favour those who have greater resources, or are geographically closer to Geneva, the SCA permits interviews only by telephone.⁸⁷

The working language of the SCA is English. However, NHRIs can be interviewed in another of the GANHRI languages – French, Spanish or Arabic – should they choose, and their answers will be translated to English following the interview, for the benefit of those SCA members who do not speak the chosen language. NHRIs under review may wish to consider using a local interpreter fluent in English and the local/national language so that they can both speak in the language in which they are most comfortable during the interview and best ensure that members of the SCA are able to fully understand their responses to questions.

The interview conducted by the SCA provides the NHRI under review with an opportunity to respond to any questions or concerns related to the review of its application, including any that have been arisen

as a result of publicly-available information or other submissions received in relation to the NHRI.⁸⁸

Based on the totality of information available to them, including the responses provided by the NHRI during the interview, the members will **deliberate** until a decision is reached.

Though SCA members are provided with the summary from the Secretariat, this is not the only information they consider when reviewing an NHRI. They are also provided with, and consider, all information provided by the NHRI under review. This includes, for example:

- the Statement of Compliance prepared by the NHRI;
- the provisions of the NHRI's enabling law;
- any other relevant laws, rules or regulations;
- the practices and procedures of the NHRI
- the NHRI's organizations structure, including staff complement and budget;
- annual and other reports of the NHRI; and
- statements and media releases issued by the NHRI.

As noted above, the SCA may also consider information about the NHRI that is provided by other sources. This information enables the SCA to better assess the performance of the applicant NHRI and strengthens the credibility of the accreditation process itself by ensuring that all relevant information is taken into consideration.

The weight that is given to third-party information is determined on a case-by-case basis by the members of the SCA. In practice, where the information received is congruent with other available information, detailed, and makes reference to relevant facts, the SCA is more likely to attach importance to it.⁸⁹ The SCA acknowledges that even an effective NHRI may be criticized by a variety of stakeholders for the way it undertakes its mandate, and that the SCA must, therefore, ensure that it independently assesses whether those criticisms are, or are not, well-founded. Where the NHRI has responded to allegations made by a third party, the SCA will carefully consider this response.⁹⁰

Each member of the SCA has one (1) vote. The ultimate results of deliberations are the sole responsibility of SCA members. Permanent observers do not have voting rights and, therefore, do not participate in the deliberations.⁹¹

In all instances, the SCA must make every effort to reach its decisions by consensus. Where this is not possible, decisions may be made by a vote of three (3) members. In the rare circumstance where a vote is tied and further deliberation is unlikely to result in a decision, the SCA Chairperson has a casting or deciding vote.⁹²

⁸⁸ Practice note 5, *Sources of information to assess the performance of NHRIs*.

⁸⁹ Practice Note 5 on 'Sources of information to assess the Performance of NHRIs.'

⁹⁰ SCA Practice Note 3 on 'Assessing the Performance of NHRIs.'

⁹¹ SCA Rules of Procedure, section 4.5.

⁹² GANHRI Statute, article 11.2; SCA Rules of Procedure, section 4.5.

⁸⁷ SCA Rules of Procedure, section 8.2.



ABOVE:
Side-event GANHRI 2018
Annual Meeting
(GANHRI Flickr)

REPORT AND RECOMMENDATIONS

The outcome document of an SCA session, the Report and Recommendations of the SCA, is a public document that is posted on the SCA website at <http://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/SCA-Reports.aspx> once it is considered final. This occurs after all NHRI under review have been informed of the SCA's recommendations and have been provided with an opportunity to challenge the same in accordance with the statutory procedures outlined below.

During deliberations, SCA members will decide not only what accreditation classification they will recommend, but also what **recommendations** should be made to the NHRI under review. The Secretariat prepares a draft report following each meeting based on the decisions made by members and circulates it for the review of the members. On the final day of the SCA session, all members together review the draft SCA report and make final decisions in respect of the issues of concern that are to be highlighted and the recommendations to be made. All members and observers participate in the drafting of the report.

All recommendations made by the SCA in its report follow a standard format:

- the particular issue of concern is described;
- the requirements of the Paris Principles and General Observations are outlined; and
- a recommendation is made as to what the NHRI should do to address the issue of concern.

The recommendations made by the SCA in relation to a particular NHRI are sent by the Secretariat via e-mail to that NHRI as soon as possible following the session.⁹³

At times, the SCA may decide to **defer** an application rather than make a recommendation as to the accreditation status of the NHRI.⁹⁴ It may do this, for example, where:

- the SCA has identified significant concerns that may impact adversely on the NHRI's accreditation status and would like to provide the NHRI with an opportunity to provide additional information or to take action to address its concerns;
- SCA recommendations made at a previous review remain unaddressed, and the NHRI has not provided sufficient justification as to why no action has been taken or why the issues have not been addressed since the time of its last review;
- significant legislative reforms are pending that may impact on the accreditation status of the NHRI; or
- the political or security situation in the state in which the NHRI is operating is so volatile as to make a proper review of the NHRI impossible.⁹⁵

The decision to defer is made by the SCA based on the totality of an NHRI's circumstances, the responses provided by the NHRI in relation to concerns raised by the SCA, and consideration of how the SCA has dealt with similar issues in the past.

⁹³ GANHRI Statute, article 12.1(i).

⁹⁴ GANHRI Statute, article 14.1.

⁹⁵ SCA Practice Note 1 on 'Deferrals.'

Generally, where the SCA decides to defer an institution, it will do so for a period of one (1) year⁹⁶, though the period of deferral may be longer or shorter in some cases. The period for deferral is limited to two (2) years⁹⁷ except in exceptional circumstances that warrant an additional period of deferral. However, regardless of the circumstances of the NHRI concerned, the period of deferral cannot be longer than the five-year periodic re-accreditation cycle.

When the SCA subsequently considers an application that has been deferred, the NHRI will not be required to submit a complete Statement of Compliance. Rather, the NHRI should submit information detailing what action it has taken to address the concerns previously noted by the SCA. The process for hearing a deferred application will otherwise be the same as it would be for an accreditation or a re-accreditation, as detailed in section 4.4 above. When considering an application for accreditation or re-accreditation that has been deferred, the SCA will generally consider only those issues that have been raised previously. However, it is open to the SCA to consider any significant changes in the circumstances of the NHRI or new information that may affect its ongoing compliance with the Paris Principles. In all cases, the SCA will provide the NHRI concerned with an opportunity to be heard on any new matters, including through the interview conducted by the SCA at the relevant session.⁹⁸

There are rare occasions when the accreditation of an NHRI cannot be determined fairly or reasonably without further examination of an issue for which no policy has been articulated. In such cases, the SCA can **refer** the matter directly to the GANHRI Bureau for guidance, and will only make a determination as to its recommendation once that guidance has been provided.⁹⁹

The SCA may recommend that an NHRI be accredited or re-accredited with **A-status**, which is described as denoting 'full compliance' with the Paris Principles.¹⁰⁰ In reality, however, it has been the experience of the SCA that no NHRI operates in perfect compliance with the Paris Principles, and, therefore, recommendations for improvement are always made by the SCA. What A-status does signal, therefore, is that the issues of concern noted by the SCA are not of sufficient severity to impact the NHRI's ability to act in an effective and independent manner.

The SCA may also recommend that an NHRI be accredited or re-accredited with **B-status**, which denotes 'partial compliance' with the Paris Principles.¹⁰¹ The SCA understands that most NHRIs applying for accreditation do so in the hopes of being awarded A-status and having the rights and privileges associated with that status. However, it should be emphasized that a determination by the SCA to recommend

B-status is not necessarily an indicator that an NHRI is not an effective body.

- Most often, a decision to recommend B-status will be based on a determination that there are **multiple issues of concern** relating to structure, effectiveness, independence, or a combination of those factors. The SCA recognizes that, in these cases, the NHRI may not fully understand which issues were of significant concern and need to be addressed in order to improve their compliance with the Paris Principles to the point that they would be eligible for accreditation as A-status. Accordingly, the SCA has developed a practice of outlining the recommendations made in its report into those that it 'notes with concern' which the NHRI should address as a priority and those that it merely 'notes' which the NHRI should address in due course.
- In some cases, there may be a **single issue of concern** that is structural in nature and, in the view of the SCA, is sufficiently serious that the NHRI cannot be considered to be operating in 'full compliance' with the Paris Principles. Such situations are varied and dependent on the particular facts related to a given application. Past examples include the following:
 - In one instance, the founding legislation of an NHRI required that all members of the decision-making body be adherents to a particular religion. The SCA viewed that this clause was not in compliance with the Paris Principles requirement for pluralism.¹⁰²
 - In another case, an NHRI was operating with a dual role as a department at a university and as an NHRI, but was not established either by legislation or by the constitution with a broad mandate to both promote and protect human rights.¹⁰³

Finally, the SCA may recommend that an A-status NHRI be **downgraded** to B-status. Where this recommendation is made, the NHRI is given one (1) year¹⁰⁴ to address the issue or issues of concern noted and demonstrate continued compliance with the Paris Principles. The NHRI maintains its status during this time.¹⁰⁵

- In some cases, the SCA may recommend a downgrade where an NHRI applying for re-accreditation has **not taken steps** to address the issues of concern previously noted by the SCA, and these are, in the view of the SCA, sufficiently serious to impact the NHRI's ability to act in an effective and independent manner.¹⁰⁶ The accreditation process has become more rigorous over time. As such, even an NHRI that has been accredited with A-status for a number of years is expected to take steps to improve its compliance with the Paris Principles, in line with the recommendations previously made by the SCA. An NHRI may be downgraded if it has not done

96 Two (2) sessions of the SCA.

97 Four (4) sessions of the SCA.

98 Practice Note 1, *Deferrals*.

99 SCA Rules of Procedure, section 8.5.

100 SCA Rules of Procedure, section 10.

101 SCA Rules of Procedure, section 10.

102 SCA Report and Recommendations March-April 2010

103 SCA Report and Recommendations October 2011

104 Two (2) sessions of the SCA.

105 GANHRI Statute, article 18.1.

106 SCA Rules of Procedure, section 8.3.

so. Generally, it is the practice of the SCA to defer the application for re-accreditation prior to recommending a downgrade in order to allow the NHRI to take the necessary steps to address the issues of concern or to provide sufficient justification as to why it is not able to do so.

- In other cases, the concerns of the SCA may be related to the conduct of an NHRI, either as a result of a **single incident of sufficient severity** or a **pattern of conduct**. Examples of such situations are varied and depend on the facts of a particular case, but they often relate to the conduct of an NHRI in situations of political unrest or in the face of credible allegations of grave human rights violations having been committed by government authorities:
 - In one instance, an NHRI failed to respond to credible allegations of human rights violations having taken place following a coup d'état.¹⁰⁷
 - In two similar such instances, the SCA was of the view that the NHRIs had failed to demonstrate – through their actions and/or inactions – a willingness to address all human rights issues in response to credible allegations that gross violations of human rights had been committed.¹⁰⁸

The SCA may also determine that an exceptional circumstance exists necessitating the urgent **suspension** of an NHRI. In such cases, the SCA will write to the GANHRI Chairperson. The authority to suspend an NHRI rests with the GANHRI Bureau.¹⁰⁹

An exceptional circumstance is defined as a sudden and drastic change in the internal political order of a state such as:

- a break in the constitutional or democratic order;
- a declared state of emergency; or
- credible allegations of gross violations of human rights having been committed.

Such a change must be accompanied by any of the following in order to constitute an exceptional circumstance for the purpose of suspension:

- amendment of the NHRI legislation or other law applicable to the NHRI that is contrary to the Paris Principles;
- a change in composition of the NHRI that is not undertaken in accordance with the established selection and appointment process; or
- actions taken – or not taken – by the NHRI that seriously compromise its compliance with the Paris Principles.¹¹⁰

Where the SCA has recommended that an NHRI be suspended, the GANHRI Chairperson, through the Secretariat, will immediately notify the GANHRI Bureau of this.¹¹¹ •

107 SCA Report and Recommendations October 2011

108 SCA Report and Recommendations March 2015; SCA Report and Recommendations November 2015.

109 GANHRI Statute, article 18.1.

110 GANHRI Statute, article 18.4.

111 GANHRI Statute, article 18.3(i).



ABOVE:
Side-event GANHRI 2018
Annual Meeting
(GANHRI Flickr)

SPECIAL REVIEWS PART IV

A Special Review is one which occurs outside of the regular five (5) year re-accreditation cycle. The SCA may decide to initiate a Special Review where it appears that the circumstances of an NHRI have changed in a way that may affect its compliance with the Paris Principles.¹¹²

THERE are many instances in which information comes to the attention of the SCA by various means, and which cause it to consider whether a Special Review of an NHRI may be warranted. For example:

- the enabling law of the NHRI is significantly amended;
- there is a significant political change in the State that may have an adverse impact on the ability of the NHRI to fulfill its mandate;
- the conduct of the NHRI – such as failing to respond adequately or in a timely manner to serious human rights violations – calls into question the institution’s independence; or
- the SCA receives credible information that the circumstances of the NHRI have changed.¹¹³

An NHRI is expected to notify the GANHRI Chairperson of any change in its circumstances that may affect its continued compliance with the Paris Principles.¹¹⁴ Credible information about such a change may also emanate from a variety of sources, as outlined above, and the weight that it is given is determined on a case-by-case basis, taking into account that an independent and effective NHRI can expect to face criticism from a variety of stakeholders from time to time.¹¹⁵

In all cases where the SCA is considering whether or not to initiate a Special Review, the NHRI concerned will be notified and provided with any information that has been received by the SCA. The NHRI will be given the opportunity to respond to the information and the concerns raised.¹¹⁶

¹¹² GANHRI Statute, article 16.2; SCA Rules of Procedure, section 11.

¹¹³ SCA Practice Note 2 on ‘Special Reviews.’

¹¹⁴ GANHRI Statute, article 16.1.

¹¹⁵ SCA Practice Note 2 on ‘Special Reviews.’

¹¹⁶ SCA Practice Note 2 on ‘Special Reviews.’

If, after considering any information received and the response of the NHRI, the SCA decides not to initiate a Special Review, the Secretariat will notify the NHRI that the matter has been finalized. No mention of the matter will be contained in the SCA’s Report. This is to prevent a public perception that the NHRI’s compliance with the Paris Principles may be in question when, in fact, the SCA has decided that a Special Review is not warranted at the time.

If the SCA decides to undertake a Special Review, this will be reflected in the SCA’s Report. The NHRI will be asked to provide information specific to the concern that has been raised by the SCA. An NHRI undergoing a Special Review is not expected to provide a complete Statement of Compliance, but the process for the actual review is otherwise the same as it would be for a new accreditation or a re-accreditation – a summary of the information provided is prepared by the Secretariat, other information may be provided as required, and the NHRI under review is interviewed by telephone.

The options available to SCA members following a Special Review are:

- to recommend that the NHRI’s A-status be maintained;
- to recommend that the NHRI be downgraded to B-status; or
- to defer the review to allow the NHRI under review an opportunity to provide additional information. It should be noted, however, that any Special Review of an NHRI must be finalized within eighteen (18) months¹¹⁷ and, as such, the ability of SCA members to defer the review are more limited in these situations than they would be in a regular accreditation or re-accreditation review¹¹⁸

As with all recommendations to downgrade the status of an NHRI, a recommendation to downgrade in the context of a Special Review does not take effect for a period of one (1) year during which time the NHRI has an opportunity to demonstrate its continued compliance with the Paris Principles. The NHRI maintains its status during this time.¹¹⁹ •

¹¹⁷ Three (3) sessions of the SCA

¹¹⁸ GANHRI Statute, article 16.4.

¹¹⁹ . GANHRI Statute, article 18.1.





PART V

CHALLENGING A RECOMMENDATION OR DECISION TO SUSPEND

- RECOMMENDATIONS MADE BY THE SCA
- SUSPENSION BY THE BUREAU
- DECISIONS TAKEN BY THE SCA

GANHRI 2018
Annual Meeting
Delegates from
NHRI Egypt.
(GANHRI Flickr)



CHALLENGING A RECOMMENDATION OR DECISION TO SUSPEND

RECOMMENDATIONS MADE BY THE SCA

Where an NHRI disagrees with the recommendation made by the SCA, it can challenge that recommendation. The GANHRI Bureau is empowered to make the final decision on whether a recommendation made by the SCA is accepted or not.¹²⁰

An NHRI wishing to challenge the SCA's recommendation can do so by submitting a letter addressed to the GANHRI Chairperson and copied to the Secretariat within twenty-eight (28) days of the date that the recommendation was communicated to the NHRI.¹²¹

At the end of this twenty-eight (28) day period, the Secretariat will forward to the Bureau the recommendations made by the SCA. If the applicant NHRI has not challenged the recommendation of the SCA, the recommendation will be deemed accepted by the Bureau.¹²² A member of the Bureau cannot independently initiate a challenge to a recommendation that has not been challenged by the applicant NHRI itself.¹²³

If an applicant NHRI submits a challenge within the allotted time, the Secretariat will forward it to Bureau members, along with all relevant material related to the challenge. Bureau members will then have twenty (20) days in which to support the challenge by setting out their reasons for doing so in writing and communicating this to the Secretariat.¹²⁴ If, during this time, at least one (1) Bureau member supports the challenge, the Secretariat will inform the other Bureau members of this, and a further twenty (20) day period will commence during which time other Bureau members may also support the challenge made by the applicant NHRI.¹²⁵ If

no Bureau member supports the challenge during the initial twenty (20) day period, the recommendation made by the SCA will be deemed to be accepted.¹²⁶

An applicant NHRI who has challenged a decision, and who is also a member of the Bureau, cannot support a challenge made on its own behalf.¹²⁷ As well, every Bureau member who supports a challenge must do so in writing on its own behalf.¹²⁸ No Bureau member may write in support of a challenge on behalf of another Bureau member or a group of members.¹²⁹

In order to have the Bureau hear the challenge, an NHRI needs to obtain the support of at least four (4) Bureau members coming from not less than two (2) different regions.¹³⁰ If the challenge does not receive this level of support during the allotted time, then the recommendation made by the SCA will be deemed accepted by the Bureau.¹³¹ If the challenge does receive the requisite support, it will be referred to the next Bureau meeting for a decision.¹³²

The Bureau has developed a procedure for deliberation on a challenge brought before it. This procedure provides that the issues to be considered by the Bureau are limited to those put forward by the applicant NHRI in its challenge letter. However, the Bureau will not consider any information – whether contained in the challenge letter or brought to the attention of the Bureau in another way – that was not before the SCA at the time of its recommendation. For example, if an NHRI has taken steps in the intervening period to address the issues of concern identified by the SCA at the time of

120 GANHRI Statute, article 12.1.

121 GANHRI Statute, article 12.1(ii).

122 GANHRI Statute, article 12.1 (iii).

123 GANHRI Statute, article 12.3.

124 GANHRI Statute, articles 12.1(iv) and (v).

125 GANHRI Statute, article 12.1 (vi).

126 GANHRI Statute, article 12.1 (v) and (vi).

127 GANHRI Statute, article 12.6.

128 GANHRI Statute, article 12.4.

129 GANHRI Statute, article 12.5.

130 GANHRI Statute, article 12.1(vii).

131 GANHRI Statute, article 12.1(vii).

132 GANHRI Statute, article 12.1(viii).



INTERGOVERNMENTAL CONFERENCE TO ADOPT THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION
MARRAKECH 10 & 11 DECEMBER 2018

INTERGOVERNMENTAL CONFERENCE TO ADOPT THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION
MARRAKECH 10 & 11 DECEMBER 2018

70th Anniversary of
Universal Declaration
of Human Rights -
Marrakech, Morocco
10 December 2018
UN PHOTO /
Sebastien Di Silvesto



its recommendation, this information will not be considered by the Bureau in determining whether or not to accept the recommendation of the SCA.

The standard for review by the Bureau is whether the SCA recommendation sufficiently demonstrates that the applicant NHRI falls substantially short of the standards set out in the Paris Principles and the General Observations. The Bureau may find that an SCA recommendation does not meet this standard where:

- it is based on a consideration not contained in the Paris Principles as interpreted through the General Observations;
- it is based on a manifest disregard of the Paris Principles as interpreted through the General Observations;
- it is manifestly erroneous or arbitrary; or
- it is not sufficiently comprehensive as to permit a finding that the applicant NHRI falls substantially short of the standards articulated in the Paris Principles as interpreted through the General Observations.

If, after deliberations, Bureau members are satisfied that the SCA recommendation sufficiently demonstrates non-compliance with the Paris Principles, it will accept the recommendation. If Bureau members find that the SCA recommendation does not meet this standard, it will direct the SCA to re-consider the application at its next session and submit its revised recommendation to the Bureau.

It should be noted that, in order to ensure all challenges are handled fairly and consistently, an NHRI whose challenge is being heard by the Bureau, and who is also a Bureau member, is excluded from participating in the meeting at which the challenge will be heard and decided.¹³³

SUSPENSION BY THE BUREAU

Where an NHRI disagrees with the recommendation made by the GANHRI Chairperson to suspend that institution, they can challenge the recommendation by submitting a letter addressed to the GANHRI Chairperson and copied to the Secretariat within thirty (30) days of the date that the recommendation was communicated to the NHRI.¹³⁴

¹³³ GANHRI Statute, article 12.7.

¹³⁴ GANHRI Statute, article 18.3(ii).

Any member of the Bureau who disagrees with the recommendation to suspend the NHRI must, within thirty (30) days notify the Secretariat of this, setting out in writing the reasons why it disagrees.¹³⁵ If no Bureau member disagrees with the suspension, the recommendation will be deemed accepted and the NHRI will be suspended.¹³⁶

If a Bureau member disagrees with the recommendation during this initial thirty (30) day period, the Secretariat will promptly notify all other Bureau members and will provide all necessary information regarding the reasons for the recommendation to suspend. Other Bureau members will then have twenty (20) days in which to decide whether they also disagree with the recommendation.¹³⁷

In order to successfully challenge a recommendation to suspend, an NHRI must receive the support of at least two (2) NHRIs coming from no less than two (2) different regions.¹³⁸ If this level of support is received, the matter will be referred to the next Bureau meeting for a decision.¹³⁹ If this level of support is not received, the recommendation will be deemed accepted and the NHRI will be suspended. Where accreditation status is suspended, all rights and privileges conferred on the NHRI by virtue of this status – including independent participation rights in UN mechanisms – immediately cease.

DECISIONS TAKEN BY THE SCA

There are decisions taken by the SCA that are not recommendations to the GANHRI Bureau. These include a decision to defer an accreditation review¹⁴⁰ or a decision to initiate a Special Review¹⁴¹. Such decisions are not subject to the challenge provisions outlined above. •

¹³⁵ GANHRI Statute, article 18.3(iii).

¹³⁶ GANHRI Statute, article 18.3(iv).

¹³⁷ GANHRI Statute, article 18.3 (iii).

¹³⁸ GANHRI Statute, article 18.3 (iii).

¹³⁹ GANHRI Statute, article 18.3 (iii).

¹⁴⁰ GANHRI Statute, article 14.2; SCA Rules of Procedure, section 12.2.

¹⁴¹ GANHRI Statute, article 16.3; SCA Rules of Procedure, section 11.



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