

The Sub-Committee (“SCA”) notes the following:

- The mandate of the UPCHR refers to the parliamentary control over constitutional human and citizens’ rights and freedoms and to the protection of every individual’s rights within the jurisdiction of Ukraine. The SCA refers to General Observation 1.2 “Human Rights mandate” and stresses that NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles;
- Civil society and other groups are not involved in the appointments process. The SCA refers to General Observation 2.2 “Selection and appointment of the governing body” and stresses that this process should include a transparent process, broad consultation throughout the selection and appointment process, advertising vacancies broadly, and maximizing the number of potential candidates from a wide range of societal groups;
- The importance of financial independence, both in terms of budget submissions, as well as sufficient funding. The SCA refers to General Observation 2.6 “Adequate funding”, and furthermore stresses that an NHRI should not be subject to financial control which might affect its independence.

4. SPECIFIC RECOMMENDATIONS – RE-ACCREDITATION APPLICATION

4.1. Palestine: Palestine Independent Commission for Human Rights (PICHR)

Recommendation: The Sub-Committee recommends that the PICHR be accredited with **status A**.

The Sub-Committee expresses appreciation for the work of the PICHR, noting that it operates effectively and efficiently in a context of extreme insecurity and a difficult humanitarian situation. PICHR has conducted itself with a heightened level of vigilance and independence in the exercise of its mandate.

The Sub-Committee (“SCA”) notes the following:

- While acknowledging the specific circumstances regarding the Palestinian Authority, the Sub-Committee encourages the PICHR to continue to engage with the Palestinian Authority to formalize its status through the adoption of an enabling law. The SCA refers to General Observation 1.1 “Establishment of national institutions”;
- Neither the Presidential Decree nor the by-laws contain a definition of human rights. The SCA refers to General Observation 1.2 “Human Rights mandate”;
- The by-laws do not provide guarantees of tenure for members of the governing body, nor do they contain provisions setting out a dismissal procedure for Board members. The SCA refers to General Observation 2.9 “Guarantee of tenure for members of governing bodies”;
- The budget of the PICHR is nearly totally funded through international donor funding. The SCA refers to General Observation 2.6 “Adequate Funding”, in particular that funding from external sources should not compose the core funding of the NHRIs.

The Sub-Committee notes that Palestine has received a standing invitation to participate as an observer in the sessions and the work of the UN General Assembly and maintains a permanent observer mission at the UN Headquarters.

5. SPECIFIC RECOMMENDATIONS – REVIEWS UNDER ARTICLE 17

5.1. Algeria: Commission Nationale Consultative de Promotion et de Protection des Droits de l’Homme (CNCPPDH)

Recommendation: The Sub-Committee recommends that the CNCPPDH be accredited with **status B**. It takes note of a letter dated 25 March 2009 from the CNCPPDH President to the ICC Chair informing that the Prime Minister has instructed the Minister of Justice to elaborate a legislative text on the status of the CNCPPDH. This text is to be submitted to Parliament at its spring session 2009.

The Sub-Committee (“SCA”) notes the following:

- It expresses appreciation that the CNCPPDH provided the Secretariat with the Annual Human Rights Report 2007, following the April 2008 Sub-Committee’s recommendation on the same;
- It reiterates its concern that the CNCPPDH is established by a Presidential decree, which is an act of the executive, rather than a constitutional or legislative text as called for in the Paris Principles and General Observation 1.1 “Establishment of national institutions”;
- No additional information was provided by the CNCPPDH on follow up action on the remaining April 2008 recommendations, despite having been reminded to do so by the Secretariat through a communication dated 12 January 2009;
- The Chair and the members of the CNCPPDH are appointed and dismissed without a clear and transparent process. The SCA has not been informed of plans to establish these processes, following its April 2008 recommendation on the same. The SCA refers to General Observation 2.2 “Selection and appointment of the governing body”;
- It reiterates the need for the CNCPPDH to interact effectively and independently with the United Nations Human Rights System. The SCA refers to General Observation 1.4 “Interaction with the International Human Rights System”.

The Sub-Committee urges the CNCPPDH to apply for accreditation once the legislation has been enacted and the issues above appropriately addressed. The Sub-Committee encourages the CNCPPDH to seek advice and assistance from OHCHR and the regional network of NHRIs.

5.2. Ecuador: Defensoría del Pueblo de Ecuador (DPE)

Recommendation: The Sub-Committee recommends that the **status A** be maintained.

The Sub-Committee is satisfied that the revisions to the Constitution of Ecuador did not negatively affect the independence and effectiveness of the DPE.

The Sub-Committee (“SCA”) notes the following: