

The SCA notes the CCDH has not satisfactorily responded to its concern noted at the SCA November 2009 session that the CCDH's enabling legislation does not include a provision to ensure the functional immunity of its members, that is, protection from liability for actions undertaken in their official capacity. Such protection reinforces the independence of an NHRI and its ability to engage in critical analysis and commentary on human rights issues. The SCA refers it to General Observation 2.5 "Immunity".

The NCHR is encouraged to continue to seek advice and assistance from OHCHR and the European Coordinating Committee.

5.4 Malaysia: National Human Rights Commission of Malaysia (SUHAKAM)

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

The SCA welcomes the adoption in 2009 of the two Human Rights Commission of Malaysia (Amendment) Acts and expresses its appreciation for the constructive approach taken by SUHAKAM in pursuing both sets of amendments with the Government.

The SCA also welcomes the appointment of the new Chairperson and Commissioners.

The SCA:

1. Notes the ongoing development of KPIs and its previous recommendation that once adopted, they be made public. KPIs should not be used to infringe upon the functional independence and organizational and financial autonomy of an NHRI. The SCA therefore encourages SUHAKAM to ensure that the finalisation of KPIs does not restrict the Institution's ability to review and revise its priorities, dependent upon its assessment of the domestic human rights situation.
2. Refers to General Observation 1.5 "Cooperation of NHRIs with other human rights institutions" and encourages SUHAKAM to work closely with civil society organizations.

SUHAKAM is encouraged to continue to seek advice and assistance from OHCHR and the Asia-Pacific Forum of NHRIs.

5.5 Morocco: Conseil Consultatif des Droits de l'Homme (CCDH)

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

The SCA commends the efforts undertaken by the CCDH to address the SCA's recommendations made at its October 2007 session. However the SCA notes the following concerns have not been fully addressed:

- 1) There has been no action by the CCDH to translate the Royal Dahir into a constitutional or legislative text and it has not provided a sufficient explanation for not doing so.

- 2) The CCDH has not pursued legislative amendments to ensure broad consultation throughout the selection and appointment process of Council members. The SCA refers to General Observation 2.2 “Selection and appointment of the governing body”.
- 3) The Royal Dahir does not include a provision to ensure the functional immunity of the Council members, that is, protection from legal liability for actions undertaken in the official capacity of the NHRI. The SCA refers to General Observation 2.5 “Immunity”,
- 4) The Royal Dahir is silent on the dismissal and removal process of Council members. The SCA refers to General Observation 2.9 “Guarantee of tenure for members of governing bodies”.

It encourages the CCDH to work towards having the Royal Dahir amended and to seek advice and assistance from OHCHR and the Network of African NHRIs, in doing so.

The SCA will again consider these issues at its second session of 2012.

5.6 Qatar: National Human Rights Committee (NHRC)

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

The SCA commends the efforts taken by the NHRC to address the SCA’s recommendations at its March 2010 session and welcomes the enactment of the Decree Law No. (17) dated 19 August 2010.

The SCA encourages the NHRC to ensure their internal procedures for the selection, appointment and dismissal of members are in writing, and requests a copy be transmitted to it once finalized

The SCA encourages the NHRC to seek advice and assistance from OHCHR and the Asia-Pacific Forum of NHRIs.

5.7 Senegal: Comité Sénégalais des Droits de l’Homme (CSDH)

Recommendation: The SCA recommends that consideration of the review of the CSDH be **deferred** to its next session. The CSDH retains its **A status** during this period.

The SCA notes the CSDH did not submit its review application in time and draws the CSDH’s attention to article 19 of the ICC Statute which states: “An accreditation classification held by a NHRI may be suspended if the NHRI fails to submit its application for re-accreditation or fails to do so within the prescribed time without justification.”

The SCA also draws the CSDH’s attention to article 16.3 of the ICC Statute, which provides that “any review of the accreditation classification of a NHRI must be finalized within 18 months”.

It encourages the CSDH to seek advice and assistance from OHCHR and the Network of African NHRIs.