

**INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR  
THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

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

**Geneva, 25 – 28 October 2011**

### **3. Selection and appointment process**

The SCA notes that vacancies for the position of Deputy Ombudsperson are not advertised publicly and that the selection process of candidates does not involve a broad consultation with civil society.

The SCA notes the requirement for a clear, transparent and participatory selection process that promotes the independence of, and public confidence in the senior leadership of a national human rights institution and encourages the DHCR to advocate for the formalisation of the selection process in legislation, regulation or binding administrative guidelines as appropriate.

The SCA refers to Paris Principle B.1 and to General Observation 2.2 on 'Selection and appointment of the governing body

#### **3.5 Egypt: National Council for Human Rights (NCHR)**

**Recommendation:** The SCA recommends the re-accreditation of the NCHR be **deferred** for one year. The NCHR retains its **A status** in the intervening period.

The SCA commends the NCHR for the manner in which it has been undertaking its duties following the change of government earlier this year. In particular it notes:

- the decision of the members to resign en-masse in order to facilitate the reconstitution of the NCHR by the new interim government,
- that following their resignation, members continued to undertake their duties pending the reconstitution of the new NCHR;
- the on-going actions of the reconstituted NCHR in continuing to monitor the human rights situation in Egypt; and
- its on-going documentation of allegations of human rights violations that occurred in the lead up to and following the popular uprising and subsequent change of government.

Furthermore, the SCA notes that these activities have been undertaken in very volatile circumstances, made more difficult by the loss of the NCHR's premises through fire.

The SCA also notes that the NCHR has advised the Government to enact amendments to its enabling legislation. This advice accompanied their resignation earlier in the year and it is expected that amendments are likely to be considered in 2012. It is for this reason that the Sub-Committee recommends deferral for one year so that the NCHR's re-accreditation can be undertaken following the enactment of amendments to the enabling law.

In the interim, the SCA encourages the NCHR to continue to advocate for relevant changes to the enabling legislation in order to ensure compliance with the Paris Principles. In particular, the Sub-Committee draws the attention of the NCHR to the following issues:

#### **1. Selection and Appointment process**

The existing legislation does not provide a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, the senior leadership of the NCHR. It encourages the NCHR to support amendments to the selection process to:

- publicise vacancies
- maximise the number of potential candidates from a wide range of societal groups;
- promote broad consultation and/or participation in the application, screening and selection process; and
- ensure pluralism in the composition of the Council and the staff.

The SCA draws the attention of the NCHR to General Observation 2.2 'Selection and appointment of the governing body'.

## **2. Term of office of members**

The enabling law provides that a Commissioner shall be appointed for a term of 3 years. An appropriate minimum term of appointment is crucial in promoting the independence of the member and the NCHR, and to ensure the continuity of its programs and services. The SCA is of the view that an appointment for a period of three years is the minimum that would be sufficient to achieve these aims. It encourages the NCHR to consider advocating for amendments to the enabling law to provide for a longer term of between three and seven years with the option to renew once.

## **3. Security of tenure of members**

Members of the governing body of the NCHR should be provided with immunity from legal prosecution for actions undertaken *in good faith* in the context of their employment. In addition, grounds for the dismissal of members of the governing body should be clearly defined and decisions undertaken by a regularly constituted court, tribunal or other bodies as appropriate.

The SCA encourages the NCHR to advocate for the inclusion of amendments to provide for: limited immunity of members; appropriately defined grounds for dismissal; and an independent and objective dismissal process. It draws the NCHR's attention to General Observation 2.9 on Guarantees of Tenure.

## **4. Access to places of Detention and Confinement**

The SCA notes that limitations on the NCHR's ability to visit and access places of detention without prior notice may hamper the fulfilment of its human rights monitoring and protection obligations. The SCA encourages the amendment of legislation to permit the NCHR to make unannounced visits to all public and private places of voluntary and involuntary detention and confinement.

## **5. Mandate**

The SCA notes the mandate of the NCHR encompassed in Article 3 of the enabling law. The SCA encourages the NCHR to advocate to maintain a broad mandate to *promote* and *protect* all human rights, and for the enactment of additional amendments that provide it with the necessary powers to fulfil its mandated functions.

### **3.6 Mexico: COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS OF MEXICO (CNDH)**

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