

**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, 19 - 23 November 2012

The SCA refers to its General Observation 2.10 on 'Administrative regulation'.

7. Encouraging ratification or accession to international human rights instruments

The new Act does not provide the DIHR with a specific mandate to encourage ratification and implementation of international human rights standards.

The SCA encourages the DIHR to advocate for the entrenchment of this function in the enabling legislation and refers to Paris Principles A3 (b) and (c) and General Observation 1.3 'Encouraging ratification or accession to international human rights instruments'.

3.4 Egypt: National Council for Human Rights (NCHR)

Recommendation: The SCA recommends that consideration of the re-accreditation of the NCHR be **deferred** to its first session in 2013.

At its October 2011 session, the SCA recommended deferral for one year so that the NCHR's re-accreditation could be undertaken following the enactment of proposed amendments to the enabling law.

On 14 June 2012, the Supreme Constitutional Court determined that certain provisions of the People's Assembly Law were unconstitutional. This resulted in the dissolution of the People's Assembly and it has not therefore been possible to pursue amendments to the founding law.

The SCA encourages the NCHR to continue to advocate for the enactment of the amendments that are compliant with the international standards contained in the Paris Principles and elaborated in the ICC General Observations, noting in particular the requirements in Paris Principles B.1 – B.3, which require independence from government.

The SCA again refers the NCHR to issues raised in its report of October 2011. These specifically addressed concerns about the selection and appointment process, the duration of appointment of members, security of tenure, appropriately defining the grounds and process for dismissal of members, access to places of detention and confinement and a broader mandate to promote and protect human rights.

The SCA also highlights the following comments on the proposed amendments that were before it:

- Proposed Article 2 states that the NHCR shall not comprise more than 5 members of political parties whether members of the People's Assembly or the Shura Council. The criteria for the selection of candidates should focus on applicants having appropriate skills, qualification and experience in the promotion and protection of human rights. Membership of a political party is not, in itself, a relevant criteria for the selection of members to the governing body on an NHRI. In addition, in order to ensure both the actual and perceived independence of the NCHR, which is a fundamental requirement in the Paris Principles, neither

- members of parliament, nor members of political parties, should be appointed as members of the governing board nor should they have the right to vote. Finally, in determining the overall composition of the NHCR, the appointment process should also highlight that the Parliamentary Committee of Human Rights, ensure fair gender representation in each of the proposed categories; and
- The NHRC may refer alleged human violations committed by public officials to the relevant public authority. The reference of such matters to the relevant public authorities should not preclude the capacity of the NHRC to conduct its own independent inquiry.

The SCA encourages the NCHR to continue its activities in a manner which reflects the independence, in law as well as in practice, required under the Paris Principles and despite the challenging context in the country, especially as to the investigation of human rights violations.

The SCA encourages the NCHR to seek advice from the African Network of NHRIs and OHCHR.

3.5 Georgia: Office of the Public Defender (OPD)

Recommendation: The SCA recommends that consideration of the application of the OPD be **deferred** to its first session of 2013.

The SCA notes the imminent appointment of a new Public Defender.

The SCA commends the amendments to the OPD law since 2009, which provide a broader mandate to promote and protect human rights.

The SCA notes:

1. Selection and appointment

Article 6(2) of the enabling law indicates that candidates for the position of Defender can be nominated by the President, by parliamentary factions, or by a group of at least 6 parliamentarians who do not belong to any faction. The positions are not advertised broadly, nor are diverse societal forces consulted in this process.

The SCA emphasizes the requirement for a clear, transparent and participatory selection process that promotes merit based selection and the independence of, and public confidence in, the senior leadership of a national human rights institution.

The SCA encourages the OPD to advocate for the formalization of the selection process in relevant legislation, regulations or binding administrative guidelines, and for its subsequent application in practice. This should include requirements to:

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