

**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, 13-16 May 2013

The SCA encourages the ORC to advocate for sufficient and sustainable State funding. This should include adequate funding for accessibility and new functions flowing from the broadening of its mandate.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding of National Human Rights Institutions'.

2. Accessibility

The SCA notes that the ORC's offices are only based in Zagreb. Although the SCA appreciates the action taken by the ORC to enhance its accessibility by visiting areas outside the capital city, it recommends that regional offices be established to assist in discharging its functions.

The SCA highlights that ensuring the accessibility of the Institution is particularly important for the most vulnerable sections of society, who would otherwise have particular difficulty bringing attention to any violation of their human rights. As many vulnerable persons may be geographically remote from major cities, establishing a regional presence increases accessibility. It is essential that where regional offices exist, they are resourced to function effectively.

3. Encouraging ratification or accession to international human rights instruments

The new legislation of the ORC does not provide for a specific mandate to encourage the ratification and implementation of international human rights standards. The SCA acknowledges that the ORC's mandate makes general reference to, 'promote the alignment of legislation with international and European standards...' It further notes the proactive role taken by the ORC to encourage the State to adopt and ratify the Optional Protocol on Economic, Social and Cultural Rights.

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

3.3 Egypt: National Council for Human Rights (NCHR)

Recommendation: The SCA recommends that consideration of the re-accreditation of the NCHR be deferred to its second session in 2013 in order to consider the new law once adopted and the reports provided by the NCHR during the current session.

The SCA welcomes the entrenchment of the NCHR in the new Constitution, adopted in December 2012, and the development of a new draft enabling law for the NCHR.

The SCA commends the NCHR on its response to recommendations arising from the SCA's November 2012 session and in particular the changes the NCHR has made to the draft legislation currently before the Shura Council. This includes extending members' term of office, granting immunity from prosecution, inserting grounds and process for dismissal of members, and providing for access to places of detention and confinement.

The SCA notes however that a key recommendation has not been specifically addressed in the amended law, namely, the inclusion of a detailed merit-based selection process

including criteria that require candidates to have appropriate skills, qualification and experience relevant to the promotion and protection of human rights.

In addition, the SCA had highlighted that election as a member of Parliament or membership of a political party is not, in itself, a relevant criteria for the selection of members to the governing body of an NHRI. It noted that such membership should be avoided in order to ensure both the actual and perceived independence of the NCHR, which is a fundamental requirement in the Paris Principles. The SCA notes that the proposed amendments to the selection process do not specifically exclude the appointment of such members.

The SCA recommends the NCHR consider such amendments and refers the NCHR to General Observation 2.2 on “Selection and appointment of the governing body”.

The SCA acknowledges the receipt of extensive documentation as requested by the SCA during the session, and will undertake an assessment of these documents at its next session.

Despite the challenging context in which the NCHR is functioning, the SCA encourages it to continue its activities in a manner which reflects its independence, in law and in practice, as required by Paris Principles B.1 and B.3. This pertains especially to the investigation of alleged human rights violations, particularly torture, forced disappearances and violence

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

3.4 France: National Consultative Commission on Human Rights (CNCDH)

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

The SCA commends the CNCDH for responding to the majority of its concerns expressed at its re-accreditation in October 2007.

The SCA notes:

1. Human Rights Mandate

All National Human Rights Institutions should be legislatively mandated with specific functions to both promote and protect human rights. The ‘protection’ functions have been defined in General Observation 1.2 as those that address and seek to prevent actual human rights violations. Such functions include monitoring, inquiring, investigating and reporting on human rights violations, and may include individual complaint handling.

The SCA is of the view that a National Institution’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.

The SCA notes that Article 1 of the CNCDH’s enabling legislation [Loi no. 2007-292 du 5 mars 2007] states:

“La Commission nationale consultative des droits de l’homme assure, auprès du