

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

16<sup>th</sup> Session, Geneva, 14-15 April 2005

**Report and Recommendations of the Sub-Committee on Accreditation**

**BACKGROUND**

1. In accordance with the Rules of Procedure of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC), the Sub-Committee on Accreditation (the Sub-Committee) has the mandate to consider and review applications for accreditation received by the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as the ICC Secretariat, and to make recommendations to the ICC members with regard to the compliance of applicant institutions with the Paris Principles.
2. Representatives of the national institutions of Canada, Denmark, Fiji (acting Chair) and Uganda, as members of the Sub-Committee and as representatives of their respective regions, convened on 13 April 2005. The OHCHR participated as a permanent observer and in its capacity as ICC Secretariat.
3. The Sub-Committee considered the applications of the national institutions of Burkina Faso, the Democratic Republic of Congo, Jordan, Kenya, Norway, Palestine and Tanzania.
4. In accordance with the Paris Principles and the ICC Rules of Procedure, the different classifications for accreditation used by the Committee are:
  - A: Compliance with the Paris Principles;
  - A(R): Accreditation with reserve – granted where insufficient documentation is submitted to confer A status;
  - B: Observer Status - Not fully in compliance with the Paris Principles or insufficient information provided to make a determination;
  - C: Non-compliant with the Paris Principles.
5. After considering all applications, the Sub-Committee presents this report for consideration of the members of the ICC at its sixteenth session. The report provides a summary of the discussions and recommendations of the Sub-Committee, and includes background information as appropriate.

## SUMMARY OF DECISIONS AND RECOMMENDATIONS

National Institution	Year(s) reviewed	Recommendation	Comments
<b>Africa</b>			
<b>Burkina Faso</b> <i>(Commission Nationale des Droits Humains)</i>	2002 A(R)	<b>B</b>	<ul style="list-style-type: none"> <li>- Funding provided by the government does not support permanent staff</li> <li>- Funding provided by the government does not support own premises</li> <li>- Provision on appointment of the Secretary-General by the Prime Minister is not in compliance with the Paris Principles</li> </ul>
<b>Democratic Republic of Congo</b> <i>(Observatoire National des Droits de l'Homme)</i>	First application	<b>A(R)</b>	<ul style="list-style-type: none"> <li>- A full activity report was provided to the Sub-Committee</li> <li>- It is recommended that it be granted temporary A(R) status</li> <li>- The status will expire at end of the transitional administration period in the DRC</li> </ul>

<p><b>Kenya</b> (<i>National Commission on Human Rights</i>)</p>	<p>First application received in 2003; deferred following the adoption of new legislation in March 2003</p>	<p><b>A</b></p>	<ul style="list-style-type: none"> <li>- Compliance with the Paris Principles</li> <li>- Appointment process of the Commission is commendable and should be referred to as a best practice</li> </ul>
<p><b>Tanzania</b> (<i>Commission for Human Rights and Good Governance</i>)</p>	<p>First application in 2003 – A(R) for lack of documentation specifically the most recent Annual Report.</p>	<p><b>A(R)</b> (No change)</p>	<ul style="list-style-type: none"> <li>- No change has been made in terms of the institution's 2003 application</li> <li>- The lifting of the reserve is conditional upon the submission of an annual report for 2003 which are to be approved by parliament</li> </ul>
<p><b>Asia-Pacific</b></p>			
<p><b>Jordan</b> (<i>National Centre for Human Rights</i>)</p>	<p>Not Considered</p>	<p><b>DEFERRED</b> until next meeting of the Sub-Committee (see Article 3.5 of the Sub-Committee Rules of Procedure)</p>	<ul style="list-style-type: none"> <li>- Late and incomplete submission of the application</li> </ul>

<p><b>Palestine</b> <i>(The Palestinian Independent Commission for Human Rights)</i></p>	<p>First Application</p>	<p><b>A(R)</b></p>	<ul style="list-style-type: none"> <li>- The enabling law is still in draft form</li> <li>- The lifting of the reserve is conditional upon the correspondence of the draft law (presently under review) with the law which will be adopted by the appropriate authority</li> </ul>
<p><b>Europe</b></p>			
<p><b>Norway</b> <i>(Norwegian Centre for Human Rights)</i></p>	<ul style="list-style-type: none"> <li>- First application in 2003.</li> <li>- Second application in 2004.</li> </ul> <p>A(R) for number of issues raised by the Sub-Committee for clarifications.</p>	<p><b>A(R)</b> (No change)</p>	<ul style="list-style-type: none"> <li>- Significant progress has been made by the NCHR</li> <li>- The Government's intention of providing direct funding to the institution has not yet been decided. The application will be reconsidered once documentation is provided confirming the provision of funding.</li> </ul>

## REVIEW OF APPLICATIONS

### Africa

#### **Burkina Faso**

#### **Recommendation: B**

The Commission Nationale des Droits Humains (CNDH) was accredited with status A(R) by the Sub-Committee on Accreditation on 15 April 2002 in Geneva. The application did not contain all the supporting documentation as required by Article 3.3 of the ICC Rules of Procedure. In particular, the annual report, the budget as well as the accreditation grid were missing. On examination of the supporting documentation submitted for the purposes of the CNDH's 2005 application, the Sub-Committee is of the opinion that the institution is not fully in compliance with the Paris Principles. In particular, the Sub-Committee notes that:

- The status A(R) is a temporary status which reflects that the application does not contain all required supporting documentation. In the case of the CNDH, its 2002 application was incomplete and the institution was therefore accredited with status A(R). Upon present review of the full dossier, the Sub-Committee is of the opinion that the institution is not in full compliance with the Paris Principles;
- The institution is not considered to be in compliance with the Paris Principles as the level of funding from the government appears to be inadequate. It is, however, noted that although the institution's budget is appended to that of the Ministry responsible for human rights, this is not in itself considered to be incompatible with the Paris Principles. The institution needs to demonstrate that it has adequate financial independence;
- Further, due to its lack of financial autonomy, the institution does not have its own premises or permanent staff;
- Further, the Secretary-General of the CNDH is appointed by the Prime Minister. The institution needs to demonstrate that appointment of the Secretary-General has taken place with sufficient consultation and transparency.

For these reasons, the Sub-Committee recommends that the institution is accredited with status B.

#### **Democratic Republic of Congo**

#### **Recommendation: A(R)**

The Observatoire National des Droits de l'Homme (ONDH) of the Democratic Republic of Congo has formally submitted its first application for membership to the ICC. On examination of the supporting documentation provided by the ONDH, the Sub-Committee noted that:

- A full activity report was not submitted as part of the application;
- The institution was established under a transitional administration. This renders the accreditation status presently granted as temporary, and will have to expire at the close of the transitional period, at which time the Sub-Committee will reconsider the application of the new institution. Consequently,

any new institution established will have to present a new application to the Sub-Committee.

For these reasons, it is recommended that the institution should be accorded the status A(R).

## **Kenya**

**Recommendation: A**

The Kenya National Commission on Human Rights (KNHRC) has not been accredited to date. A previous application for accreditation was deferred by the Sub-Committee in 2003 following the adoption of new legislation on the establishment of the Commission in March 2003, with regard to which the Sub-Committee requested further information. Further, the Commission did not provide an annual report in support of its 2003 application. On examination of the present application of the KNHRC, the Sub-Committee finds that the institution is in compliance with the Paris Principles. For this reason, the Sub-Committee recommends that the KNHRC is accredited with status A. In addition, the Sub-Committee notes that the process of appointment of Commissioners of the KNHRC is commendable, and recommends that it is referred to as a best practice.

## **Tanzania**

**Recommendation: A(R)**

The accreditation status of the Commission for Human Rights and Good Governance of Tanzania at present is A(R), which it obtained following its application to the ICC in 2003. The Commission did not provide an annual report and its budget in support of its 2003 application. On examination of the supporting documentation presently provided by the Commission, the Sub-Committee notes that:

- No change has been made in terms of the supporting documentation submitted for the purposes of the institution's application;
- In particular, there is no indication of the recent activity of the institution in an annual report for 2003.

For these reasons, the Sub-Committee recommends that the Commission on Human Rights and Good Governance of Tanzania maintains the status A(R). The Sub-Committee further recommends that a possible lifting of the reserve be conditional upon the institution's submission of an annual report for 2003 to the Sub-Committee, once the report has been approved by Parliament.

## **Asia Pacific**

### **Jordan**

**Recommendation: N/A**

The National Centre for Human Rights (NCHR) of Jordan has formally submitted its first application for accreditation to the ICC. The NCHR did not submit the supporting documentation required by Article 3.3 of the ICC Rules of Procedure within the time-limit stipulated by Article 3.4 of the Sub-Committee Rules of

Procedure. For the above reason, the Sub-Committee recommends that the present application of the NHRC should not be considered and should be deferred.

## **Palestine**

## **Recommendation: A(R)**

The PICCR has formally submitted its first application for accreditation to the ICC. The PICCR was established in 1993 by a Presidential Decree issued by President Yasser Arafat. On examination of the supporting documentation provided by the institution for the purposes of its application, the Sub-Committee notes that the enabling law of the institution is still in draft form. It therefore recommends that the institution be accredited with status A(R). Further, the Sub-Committee recommends that the lifting of the reserve be conditional upon the correspondence of the draft law presently under consideration, with the law that shall be adopted by the appropriate authority. The Sub-Committee adds that, in particular, the institution needs to demonstrate that the provisions of the draft law which relate to the institution's funding are effectively implemented.

## **Europe**

## **Norway**

## **Recommendation: A(R)**

The Norwegian Center for Human Rights was granted accreditation status A with reserve in 2003. This decision was based on various concerns, including the lack of an annual report of activity; the fact that the Centre lacks pluralism in its governing body, in particular with respect to the representation of civil society; and the fact that the Centre lacks autonomy with respect to accountability, infrastructure, staff and resources, given that it is embedded within the structure of the University of Oslo. In 2004, the Centre submitted an annual report for activities in 2003 and further information to address the concerns outlined by the Sub-Committee. After consideration of the annual report and other information submitted, the Sub-Committee was of the opinion that the Centre was not in compliance with the Paris Principles; that not all the concerns of the ICC had been addressed. In light of these considerations, the Sub-Committee recommended that the Centre maintains the status A with reserve accreditation, and that it submit further clarifications in 2005. It was further recommended that the Chair of the ICC correspond with the Centre with a view of providing more detailed information on these considerations and steps that need to be taken to ensure that the Centre be granted full status A accreditation. With regard to the present application of the Centre, the Sub-Committee notes that the Centre has made significant progress towards compliance with the Paris Principles. However, the Sub-Committee considers that the Centre is not yet compliant with the Paris Principles on the element of funding in particular, owing to its affiliation with the University of Oslo. For this reason, the Sub-Committee recommends that the institution maintains the status A(R), and that the lifting of the reserve should be conditional on the full implementation of the government's stated intention to provide funding to the Centre.

## **GENERAL OBSERVATIONS**

- 1. The Sub-Committee would like to stress the importance of keeping within the deadlines for the submission of applications and supporting documentation. It is recalled that Article 3.4 of the Rules of Procedure of the Sub-Committee on Accreditation provide that “applications and support documents shall be provided to the ICC Chairperson no later than two (2) months prior to the meeting of the ICC.”**
- 2. Further, the Sub-Committee refers to the Rules of Procedure requiring an Annual Report to be presented before consideration of accreditation and recommends that any new institution should not be permitted to make an application for accreditation where it has not yet completed its first year of activity.**
- 3. The Sub-Committee notes that in examining applications, it shall consider both the compliance of the institution with the Paris Principles and the implementation program of the institution.**
- 4. The Sub-Committee proposes that once it has made its decision, an applicant institution should have an opportunity to seek clarification with regard to the decision of the Sub-Committee. The institution should be able to seek this information from the ICC in order to ensure transparency in the Committee’s decision-making.**

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