HANDBOOK

Handbook on the establishment and accreditation of National Human Rights Institutions in the European Union

FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

This handbook addresses matters related to an effective remedy (Article 47), falling under the Chapter VI 'Justice' of the Charter of Fundamental Rights of the European Union.

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Cataloguing data can be found at the end of this publication.

Luxembourg: Publications Office of the European Union, 2012

ISBN 978-92-9192-993-1
doi:10.2811/14554

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Preface

The number of independent, peer-accredited, human rights guardians – National Human Rights Institutions (NHRIs) – has grown from just a handful 25 years ago to more than 100 now across the globe. There have been attempts since the mid-1940s, when the United Nations (UN) was founded, to request states to set up or designate independent human rights mechanisms at national level. But it was only in 1991, with the formulation of the Paris Principles, which provide comprehensive guidance on the role, function and make-up of NHRIs, that NHRIs assumed an important place on the agenda.

In the European Union (EU) to date, 10 Member States have fully accredited NHRIs (with the United Kingdom having three A-status NHRIs) and another seven EU Member States have NHRIs with less than full accreditation (with Bulgaria having two B-status NHRIs). Several EU Member States plan either to establish new NHRIs that are compliant with the main Paris Principles or to bolster existing bodies. By 2020, there could be some 20 EU Member States with fully accredited NHRIs.

As the European Union Agency for Fundamental Rights (FRA) concluded in its 2010 report on *National Human Rights Institutions in the EU Member States (Strengthening the fundamental rights architecture in the EU I)*, NHRIs act as the focal point of the fundamental rights landscape. Indeed, their existence reflects the fact that fundamental rights can most effectively be addressed at the national level, as emphasised in the 2012 *Brighton Declaration on the future of the European Court of Human Rights*. As one of the main actors on fundamental rights at the national level, an NHRI ensures an independent focus on fundamental rights across a state, by, for example, pro-actively addressing systemic issues, suggesting solutions and raising fundamental rights awareness and knowledge.

The work of NHRIs is closely tied to institutions not only at national level but also at regional and international level. NHRIs in some EU Member States, for example, also function as Equality Bodies under EU legislation. Some serve as preventive mechanisms required under international treaties, responsible, for instance, for promoting non-discrimination for persons with disabilities or preventing torture. NHRIs thus link EU Member States to international organisations and monitoring mechanisms, supporting the more effective promotion and protection of human rights.

To fulfil their role NHRIs must be effective and independent, equipped with sufficient resources and the requisite competence to promote and protect the full spectrum of rights. In other words, NHRIs must adhere to the Paris Principles. NHRIs in full compliance with those principles are accredited at A-status. Because relatively few EU Member States have A-status NHRIs, the FRA has developed this handbook, which explains and simplifies the road to A-status, walking readers step-by-step through accreditation and thereby encouraging all EU Member States to establish and maintain such NHRIs. The handbook also supports the effective functioning of Equality Bodies in cases where NHRIs and Equality Bodies form the same entity, or simply where a comparison between the two may be beneficial. Currently, seven NHRIs serve the dual function of equality body and NHRI under EU law.

Moving human rights from the law books into the everyday lives of people living in Europe takes effective institutions and commitment at all levels. The FRA hopes this guide will prove a useful tool to deepen and strengthen the EU human rights culture with the help of independent NHRIs.

Morten Kjaerum
Director of the FRA

Foreword

The establishment of the European Union Agency for Fundamental Rights (FRA) in 2007 has proved a welcome addition to the framework for the promotion and protection of human rights in Europe. Since its establishment, the FRA has worked closely with the European Group of National Human Rights Institutions (NHRIs), a partnership which has been mutually beneficial. This relationship will continue to grow and develop over time as both the FRA and the European Group of NHRIs establish themselves more fully within Europe's existing human rights landscape.

While only 10 of the 27 Member States of the European Union (EU) currently have a fully Paris Principles-compliant NHRI, both EU Member States and European civil society organisations have clearly recognised their value. The United Nations (UN) has long acknowledged the important role of NHRIs. As part of the UN's fundamental rights compliance review, the Universal Periodic Review, states are placing increasing importance on NHRIs by issuing recommendations about them to their fellow states. This emphasis has encouraged states to either establish NHRIs or upgrade existing NHRIs towards full compliance with the Paris Principles.

This handbook offers an overview of the history of NHRIs, explains their place in the international framework and provides practical examples of how NHRIs fulfil their mandates. These examples can provide inspiration for new NHRIs and more established ones aiming to enhance their status.

One of the Paris Principles' strengths is that they set clear guidelines, requiring NHRIs to be grounded in national law, independent from government, with a broad mandate to cover all international human rights standards, a diverse membership and the responsibility to work with both civil society and the state. Another strength is that the Principles recognise the need for flexibility: "that it is the right of each State to choose the framework that is best suited to its particular needs at the national level". Though such flexibility is essential, the wide diversity of approaches can make it challenging to assess whether an NHRI fully complies with the Paris Principles. The experiences of NHRIs set out in the handbook give clear examples of how the different models demonstrate their compliance.

The peer review process of accreditation is robust, serving to protect the integrity and legitimacy of all NHRIs and to maintain the status of NHRIs within the UN

system. We must give credit to those NHRIs which sit on the Sub-Committee on Accreditation, whose expertise and dedication safeguard the system, while recognising that it can be a challenge for new NHRIs to navigate the accreditation process. This handbook provides an accessible summary of the system for those Member States which are establishing NHRIs. More experienced NHRIs have always played a key role in supporting new NHRIs through the process and the European Group has established a working group to formalise such support. This handbook is a welcome addition to that support, for it gives a clear guide to the accreditation process and draws on the practical experience of other NHRIs.

During times of economic austerity there is a temptation for governments to reduce funding for NHRIs and other bodies that promote and protect human rights just when they are most needed. This makes a handbook such as this one even more important as it sets out clearly the value of NHRIs and allows us all to reflect on the best practice of NHRIs and to join in solidarity to ensure that Europe remains committed to a robust system for the protection and promotion of human rights.

Alan Miller
Chair of the Scottish Human Rights Commission
Chair of the European Group of National Human Rights Institutions

List of abbreviations

CERD	Committee on the Elimination of Racial Discrimination
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organisation
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
HRC	Human Rights Council
ICC	International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights
NGO	Non-governmental organisation
NHRI	National Human Rights Institution
OHCHR	Office of the High Commissioner for Human Rights
OP-CAT	Optional Protocol to the UN Convention against Torture
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UNDP	UN Development Programme

Country codes

Abbreviation	Member State
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland

Abbreviation	Member State
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

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Introduction

National Human Rights Institutions (NHRIs), bodies established to protect and promote human rights at the national level, play an important role in the fundamental rights landscape in Europe. They bridge the gap between international human rights norms and their implementation at national level. They forge links between the national, European Union (EU) level and other international human rights systems, such as the United Nations (UN), strengthening international monitoring efforts. A-status NHRIs – those that are in full compliance with the Paris Principles – are particularly strong partners in this respect. They have formal national and international recognition, stronger legitimacy and credibility, and can expect their work to enjoy heightened visibility and effectiveness.

In the EU, specific institutional mandates, however, vary. NHRIs may, for example, be focused on monitoring compliance with human rights; conducting research; or hearing complaints; addressing human rights concerns at local, regional and national levels; and awareness-raising and seeking to prevent violations. They may do all of this or, alternatively, focus on certain specific aspects.

The handbook's focus is on the accreditation process of NHRIs, conducted in line with the Paris Principles, which set forth primary minimum standards for the effective functioning of an NHRI. The handbook briefly introduces the concept, nature and role of NHRIs and examines NHRIs' relevance in the EU and in the broader international human rights context, referring to concrete hands-on examples. It then presents the four main steps of the accreditation process,

drawing primarily on existing publications, such as: the International Coordinating Committee on National Institutions for the Promotion and Protection of Human Rights' (ICC) *ICC Guidelines for Accreditation & Re-Accreditation of National Human Rights Institutions to the International Coordinating Committee of National Human Rights Institutions* (2009) and the United Nations Development Programme's (UNDP)/Office of the United Nations High Commissioner for Human Rights (OHCHR) *Toolkit for Collaboration with National Human Rights Institutions* (2010). *National Human Rights Institutions – History, Principles, Roles and Responsibilities* (2010), a reference work produced by the OHCHR, describes in general the roles and responsibilities of NHRIs, going beyond this handbook's EU perspective and accreditation focus.

The handbook's appendices include: the FRA opinions issued in *National Human Rights Institutions in the EU Member States* (2010), the Paris Principles, ICC General Observations, an overview of existing NHRIs in EU Member States and a chart on the composition and methods of establishing NHRI governing bodies in the EU in light of the Paris Principles' independence requirement.

In a separate annex to the handbook, NHRI representatives, experts from national governments or civil society discuss the experiences of EU Member States seeking to establish or (re)accredit NHRIs. The case studies also outline Member States' efforts to establish NHRIs in compliance with the Paris Principles. They provide an illustration of challenges faced as well as lessons learned, serving as concrete points of reference for Member States seeking to establish or (re)accredit an NHRI.

The handbook profited considerably from the expert contributions and crucial inputs provided by the ICC, the European Group of NHRIs, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and the OHCHR.

1 National Human Rights Institutions

This chapter looks at the origin, definition and purpose of an NHRI and identifies the main characteristics of the Paris Principles, which provide the basis for NHRI accreditation. The chapter will also illustrate the various models of NHRIs in the EU and the roles and functions carried out by these bodies according to the standards that exist at national and European level.

1.1. Definition, origins and Paris Principles

National human rights institutions are independent bodies established by domestic law with a mandate to protect and promote human rights in a state.[1] When properly established and well-functioning, these institutions "are key elements of a strong, effective national human rights protection system",[2] which bridge the gap between international human rights norms and their implementation at national level. Through multilevel cooperation with other actors involved at national, EU and international level, NHRIs are called upon to help individuals exercise their fundamental rights and address violations.[3]

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1 National Human Rights Institutions (NHRIs) (2011), para. 21, p. 4. The concepts of 'human rights' and 'fundamental rights', although not the same, are intrinsically linked and used interchangeably throughout this handbook.

2 UN, Secretary-General (2009), para. 99.

3 European Commission (2012); FRA (2012), pp. 11-36.

The UN has played a crucial role in the establishment, development and strengthening of independent and effective NHRIs through the extensive involvement of its OHCHR and the UNDP.[4]

Conceptualising NHRIs

The formal basis for the concept of NHRIs dates back to 1946.[5] The UN, aiming to promote human rights at the national level,[6] conceived of what were to be termed National (Human Rights) Institutions as national level entities that would enhance adherence to UN human rights standards and strengthen communication between the UN and its Member States.[7] Only some states, however, opted to establish such bodies.[8] With the Vienna Declaration and Programme of Action of 1993, which reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights,[9] all UN Member States committed to establishing NHRIs.

Over time, UN bodies, including the General Assembly[10] and the Human Rights Council,[11] have repeatedly affirmed the important role of NHRIs in promoting and protecting human rights at both the national and international levels,[12] highlighting the need for NHRIs to comply with the *Principles relating to the status of national institutions* (Paris Principles),[13] which represent the primary

4 UN, Human Rights Council (HRC) (2011a). Note also that the UN Secretary-General has made significant reference to the role and functioning of NHRIs in several reports, including: UN Secretary-General (2010); and UN Secretary-General (2011).

5 UN, Economic and Social Council (Ecosoc) (1946), para 5. Ecosoc followed up with a call for "national advisory committees on human rights", UN Ecosoc (1960); and UN Ecosoc (1962).

6 UN, Ecosoc (1959); see also: UN, General Assembly (1978).

7 For a description of the process from 1946 and onwards, see: Ramcharan, B. G. (1979), p. 246.

8 For a complete overview of the historic and legal development of NHRIs see: FRA (2010a).

9 UN, General Assembly (1993a), part I, para. 36.

10 UN, General Assembly (2011), (2012a) and (2012b).

11 UN, HRC (2011a). This was the HRC's first resolution focusing specifically on the work of NHRIs and 122 states across all regions supported it. See International Coordinating Committee on National Institutions for the Promotion and Protection of Human Rights (ICC) (2011a).

12 See also: UN, Committee on the Elimination of Racial Discrimination (1993), para. 1; UN, Committee on Economic, Social and Cultural Rights (1998); UN, Committee on the Rights of the Child (2002); and UN, Committee on the Elimination of Discrimination against Women (2002).

13 UN, General Assembly (1993b); see also: UN Doc. E/CN.4/1992/43 (16 December 1991). An online database containing selected UN documents as well as academic articles on NHRIs is available at: http://libguides.lub.lu.se/content.php?pid=265225&sid=2634459. All hyperlinks were accessed in July 2012.

source of standards required for NHRIs to be able to effectively protect and promote human rights. The Paris Principles are considered minimum standards that may be exceeded by, for example, granting additional powers and a wider mandate.[14]

The six main criteria of the Paris Principles

1. a mandate "as broad as possible", based on universal human rights standards and including the dual responsibility to both promote and protect human rights, covering all human rights;
2. independence from government;
3. independence guaranteed by constitution or legislation;
4. adequate powers of investigation;
5. pluralism including through membership and/or effective cooperation; and
6. adequate human and financial resources.

For more information, see: ICC, Sub-Committee on Accreditation (2009); for a thorough outline of the requirements set out in the Paris Principles, including how they may be achieved, see: UN, OHCHR (2010), Chapter III.A , pp. 3-43

The Paris Principles were formulated at a 1991 conference devoted to the subject of NHRIs convened by the UN Commission on Human Rights, the precursor to the UN Human Rights Council. The UN General Assembly endorsed the principles in 1993.[15]

[14] UN, United Nations Development Programme (UNDP)/OHCHR (2010), Chapter 3, p. 31.
[15] Burdekin, B. (2007), p. 6.

Referencing the Paris Principles in international, legally binding, instruments

Internationally binding instruments recognise the normative role of the Paris Principles when they require the setting-up of human rights-related monitoring mechanisms:

- The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), adopted in 2002, obliges State Parties to designate or establish an "independent national preventive mechanism" to prevent torture and stipulates that this shall be done with "due consideration" to the Paris Principles (Article 18 (4)).[16]
- The Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2006, obliges State Parties in Article 33 (2) to take the Paris Principles into account when designating or establishing an "independent mechanism" to promote, protect and monitor the implementation of the Convention.[17]

The extent to which an NHRI meets the minimum standards set out in the Paris Principles is reflected by its accreditation status. This status, while important for an NHRI's European and international credibility, is crucial to its national-level credibility.

16 UN, OHCHR (2002), Art. 17.

17 UN, Convention on the Rights of Persons with Disabilities (CRPD) (2006), Art. 33 (2). See also the OHCHR thematic study on the structure and role of national mechanisms for the implementation and monitoring of the Convention, for example, para. 78, A/HRC/13/29, 22 December 2009.

Classifying accreditation statuses

An NHRI can obtain three types of accreditation status:[18]

"A status: Voting Member – Fully in compliance with each of the Paris Principles"[19]

A-status NHRIs are entitled to vote and hold office in the ICC or its regional groups and are accorded speaking rights and seating privileges during human rights review procedures.

"B status: Non-Voting Member – Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination"[20]

B-status NHRIs have the right to participate as observers in open meetings and workshops of the ICC, but they cannot vote.

"C status: Not in compliance with the Paris Principles"[21]

C-status NHRIs may, with the consent of the ICC, also participate in meetings or workshops as observers,[22] but they cannot vote and have no rights or privileges with the network or in UN rights forums.

The ICC's Sub-Committee on Accreditation assesses and accredits NHRIs (see section 3.1).

1.1.1. Development of the Paris Principles through General Observations

General Observations, issued by the Sub-Committee on Accreditation and adopted by the ICC, detail and update the Paris Principles. These General Observations serve as interpretive tools of the Paris Principles (Appendix 3).[23] Their main role is to clarify, for NHRIs, states and civil society, how the Paris Principles should be implemented in practice, and thereby help to ensure robust, independent and effective institutions. General Observations are included as an annex to the Sub-Committee on Accreditation's reports and classified according

18 ICC (2008), Annex 1 to the ICC Statute, rule 5. ICC Rules of Procedure are available in Appendix 3.
19 *Ibid.*
20 *Ibid.*
21 *Ibid.*
22 The ICC Statute does not mention this status (compare Art. 1 (1)).
23 ICC, Sub-Committee on Accreditation (2008), Rules of procedure, sections 6.2 and 6.3.

to the themes contained in the Paris Principles, including NHRI competencies and responsibilities, composition, guarantees of independence and pluralism and procedural issues. The list of General Observations contained in Appendix 4 is not exhaustive and is expected to evolve as the ICC Sub-Committee on Accreditation continues to review applications for accreditation status. In October 2011, the Sub-Committee developed draft General Observations on: NHRIs serving as National Monitoring/Preventive Mechanisms; the quasi-judicial competency of NHRIs; and assessing the performance of NHRIs.[24]

1.2. National Human Rights Institutions in EU Member States: typology and mandates

The existing NHRIs in EU Member States have varying organisational structures, as there is neither a universally accepted ideal 'model' of an NHRI nor a recognised standard structure. Indeed, the Paris Principles do not dictate any particular model or structure for an NHRI, with the result that NHRIs vary depending on the legal and political traditions of a state. The Paris Principles' broad approach was endorsed by the Vienna Declaration and Programme of Action (1993), which recognises the right of each state to choose the legal framework for NHRIs that is "best suited to its particular needs at the national level."[25] The Paris Principles do, however, provide for minimum standards and characteristics which should be in place irrespective of the model chosen.

The Paris Principles require that an NHRI be established by a constitutional or other legislative act and have suitable infrastructure – in particular adequate funding and budget autonomy. Other factors that operate to ensure independence include pluralism in the composition of governing bodies of NHRIs reflecting the composition of society, including selection and appointment criteria.[26] The example below illustrates the diversity that exists among EU Member States when it comes to addressing these issues.[27]

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24 See: www.asiapacificforum.net/news/international-nhri-body-prepares-advice-on-key-topics?utm_medium=email&utm_campaign=APF+Bulletin+November+2011+-+HTML&utm_content=APF+Bulletin+November+2011+-+HTML+CID_cd874fbd074cdbf7bc3a873de4ebf764&utm_source=Email+marketing+software&utm_term=International+NHRI+body+prepares+advice+on+key+topics.

25 UN, General Assembly (1993a), part I, para. 36.

26 FRA (2010a), p. 30.

27 For other examples as well as detailed comparative overview of various aspects of independence and other requirements under the Paris Principles, see: Appendix 6; and FRA (2010a).

Promoting pluralism in composition and appointment criteria – France and Hungary

Due to its composition, the **French National Consultative Human Rights Commission** acts as a platform for interaction between civil society and government. It has 64 members, 30 of whom come from non-governmental organisations (NGOs) and trade unions. Other members include government representatives, who take part in an advisory capacity.

The **Hungarian Commissioner for Fundamental Rights** on the other hand, has just one Commissioner. Potentially, this could mean the NHRI fails to satisfy the pluralism requirement. In this case, however, because a qualified majority in Parliament must elect the Commissioner, based on a proposal by the Hungarian president, pluralist representation is in part achieved.

For a comparative overview of the situation in the EU as a whole, see Appendix 6

The NHRI model selected by a state has no direct effect on either its potential for accreditation or its effectiveness as an NHRI.[28] Rather, in a given context, a particular form of NHRI may be more appropriate and hence more efficient for the promotion and protection of human rights.[29]

The main models of NHRIs, typically used to depict the wide spectrum of existing bodies, include: commissions, ombudsperson institutions and institutes or centres.[30] The categorisation of NHRIs in literature commonly distinguishes between institutions in other ways, for example, single-member in contrast to multi-member institutions.[31] Among commissions, a sub-category is often provided for those with a more advisory role.[32]

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28 On ombudsperson institutions, see: Council of Europe, Venice Commission (2011).
29 On the role of NHRIs in Europe, see: Kjaerum, M. and Grimheden, J. (2011).
30 UN, OHCHR (2009), p. 9.
31 International Council on Human Rights Policy (2005), p. 5: This report mentions "mandate", "organisational composition", "political and legal traditions within which they operate"; for the description of characteristics, see: UN, OHCHR (2009), p. 9.
32 FRA (2010a), p. 24.

There are currently 12 NHRIs in the EU in 10 EU Member States[33] with A-status – in other words, fully compliant with the Paris Principles. Of these, seven are commissions, located in five Member States, three are ombudsperson institutions and two are institutes. Of the eight B-status NHRIs located in seven EU Member States, five are ombudsperson institutions, one is a centre and the remaining two are commissions. The sole C-status NHRI at present in the EU is an institute.

The A-status NHRIs in France, Greece and Luxembourg are consultative or advisory commissions which are particularly active in raising awareness and providing recommendations to government. In contrast, commissions in Ireland, Great Britain, Northern Ireland and Scotland have a broader set of powers, beyond advising they also carry out investigations or strategic litigation. Institutes, such as in Denmark and Germany, generally have a strong scientific foundation and focus on providing advice to government and parliament on policies and legislation as well as monitoring and providing human rights education. Ombudsperson institutions are typically single-member institutions, appointed by parliament, which deal mainly with individual legal protection, focusing on handling maladministration complaints. Fully accredited ombudsperson institutions currently exist in Poland, Portugal and Spain. Table 1 breaks down A-status NHRIs in EU Member States.[34]

[33] According to the ICC Sub-Committee on Accreditation General Observation 6.6, one NHRI per member state is preferred but special situations might enable more than one to be accredited (such as for Northern Ireland, Britain, and Scotland or for Bulgaria) but if so, arrangements must be in place to ensure that there is only one joint vote from the NHRIs in one Member State. With the 2007 Decision Paper, the Sub-Committee on Accreditation has become increasingly rigorous and is not inclined to accredit several institutions from one state with limited mandates (such as the four former thematically mandated ombudsmen in Sweden).

[34] For a detailed description of various types of NHRIs, see: FRA (2010a); and Aichele, V. (2010).

Table 1: Typology of A-status NHRIs, by EU Member State

Type of NHRI	Member State
Commissions	Great Britain (UK)* Ireland Northern Ireland (UK)* Scotland (UK)*
Advisory commissions	France Greece** Luxembourg
Ombudsperson institutions	Poland Portugal Spain
Institutes	Denmark Germany

Notes: * *The United Kingdom has three NHRIs: in Great Britain the Equality and Human Rights Commission covering human rights issues in England and Wales, and certain human rights issues in Scotland (those not devolved to the Scottish Parliament); in Northern Ireland, the Northern Ireland Human Rights Commission; and in Scotland, the Scottish Human Rights Commission.*

** *The Greek Commission has powers that go beyond advice. It is authorised to handle cases under certain circumstances, intervene in cases of human rights abuses and violations and facilitate solutions.*

Source: FRA, 2012

1.3. Importance at national level

States establish NHRIs, because they assist them in complying with international human rights standards and obligations by providing an objective perspective; and link the national to the international level. NHRIs have the ability to address human rights issues comprehensively and consistently due to their broad mandate, which should include powers to **promote** and **protect** all human rights: from civil and political to economic, social and cultural. This makes it possible for NHRIs to cover and embed the concept of indivisible and interdependent human rights in government policies, legislation as well as public awareness.[35]

[35] UN, General Assembly (1993a); UN, Human Rights Commission (1992). See also: Amnesty International (2001), Part 3.1.

Promoting and protecting human rights – the scope of mandates in Belgium, Denmark and Slovakia

Some EU NHRIs, such as the **Danish Institute for Human Rights** (DIHR) and the **Slovak National Centre for Human Rights** (SNCHR), have very broad mandates which cover all human rights as recognised in international human rights standards and norms. Other institutions, however, have more limited mandates which cover only certain human rights issues.

The mandate of the Belgian Centre for Equal Opportunities and Opposition to Racism (CEOOR), for example, is of a more specific nature, namely to promote equality of opportunity and to oppose any form of distinction, exclusion, limitation or preference based on: race, skin colour, descent, national or ethnic origin, sexual orientation, marital status, birth, fortune, age, religion or philosophical conviction, current or future state of health, disability or physical characteristic.

For more information on the DIHR, see: www.humanrights.dk; on CEOOR, see: www.diversiteit.be; and on SNCHR, see: www.snslp.sk

An NHRI's power to promote human rights includes: providing government and parliament with advice on various human rights issues and raising human rights awareness, including human rights education, publication of reports, training and capacity-building activities. While promotion is mainly about advice and awareness-raising, a NHRI's power to protect human rights is primarily understood to include: the monitoring of human rights violations and making recommendations to improve the human rights situation on the ground. The protection aspect can also include the power to receive, investigate and resolve complaints.

Human rights promotion includes advising and assisting the government and parliament.[36] By providing advice on legislation from a human rights perspective or even initiating such legislation when so mandated, NHRIs can contribute to a more effective consideration of human rights in legislation and policy making.

[36] UN, General Assembly (1993b), Art. 3 (a). See also: International Seminar on the relationship between national human rights institution and parliaments (2012).

Screening legislation – Ireland

One of the statutory functions of the **Irish Human Rights Commission** (IHRC) is to review legislation to ensure that it complies with constitutional and international human rights standards. The IHRC comments on the human rights implications of draft legislation, as well as on legislation already in force. When the IHRC considers that a piece of legislation may affect people's human rights, it undertakes a comprehensive analysis of the human rights implications of the legislation and publishes its observations with recommendations for any amendments required. It sends these observations to the government and publishes them on the IHRC website and via the media.

For more information, see: www.ihrc.ie

Promotion also includes various awareness-raising activities, including human rights education, publication of reports, training and capacity-building activities. While NHRIs collaborate with a variety of different stakeholders, they do not represent any special interest group. For this reason, NHRIs are well placed to produce balanced, unbiased and credible messages when it comes to human rights issues.

Providing training in human rights and awareness-raising – Northern Ireland and Scotland

As part of its role, the **Northern Ireland Human Rights Commission** (NIHRC) provides training to government officials, other oversight bodies as well as professions such as social- and public-service providers. The Commission has, for a number of years, also trained lawyers in Northern Ireland on human rights at the institute of Professional Legal Studies. The Commission helped develop a school curriculum and support material for teachers. It also works with local and community groups and non-governmental organisations to raise awareness of human rights and build advocacy capacity. The **Scottish Human Rights Commission** (SCHR) meets regularly with key civil society organisations (CSOs) and sits on the Scottish Parliament's Cross Party Group on Human Rights. The Commission has worked in partnership with CSOs in the care sector in developing resources and training and awareness-raising programmes related to, for example, the rights of older people. The Commission's outreach coordinator travels across Scotland to meet with CSOs working at local level.

For more information on NIHRC, see: www.nihrc.org; and on SCHR, see: www.scottishhumanrights.com

In the course of human rights protection, NHRIs may also be entrusted with the power to investigate human rights violations and make appropriate recommendations, such as proposing new legislation, revisions of existing legislation or new policy measures.

Investigating fundamental rights matters – inquiries and fact finding in Portugal

When investigating an issue, the **Portuguese Ombudsperson Institution** has significant powers. It can, for example, carry out inspections without prior notice and pursue any line of investigation or inquiry deemed necessary or convenient, using all reasonable means for collecting and producing evidence, provided those means do not collide with the rights and legitimate interests of citizens.

Civil and military public entities have a duty to cooperate fully with Ombudsperson requests for documents and files and to allow Ombudsperson inspections. To ensure cooperation with its requests, the Ombudsperson Institution has the power to compel the presence of any citizen, civil servant or official. Unjustified non-compliance with the duty to cooperate constitutes a crime of disobedience.

Should the Ombudsperson Institution find illegality or unfairness, it can issue a suggestion, a critical remark or a formal recommendation for the relevant body to address.

For more information on the Ombudsman Office in Portugal, see: www.provedor-jus.pt

Through the authority of some NHRIs to receive, investigate and resolve complaints, as well as through the generally proactive capacity of all such institutions, NHRIs can also play a key role in addressing and resolving issues at the domestic level, dispensing with the need for certain cases to be brought to the European or international level.[37] This capacity is underscored in the Brighton Declaration, which calls for more effective implementation of the European Convention on Human Rights (ECHR) at the national level through, among other things, the establishment of independent NHRIs. In addition, the Declaration calls on states to draw on the work of NHRIs.[38]

[37] ICC (2009a).

[38] See: www.coe.int/en/20120419-brighton-declaration.

Handling cases and related powers – ombudsperson institutions in Poland and Slovenia

The Polish and Slovenian ombudsperson institutions, the **Commissioner for Civil Rights Protection** and the **Human Rights Ombudsman**, respectively, possess a wide range of powers in relation to individual complaints and litigation involving infringement of public freedoms and liberties – including arbitrary exercise of powers or inaction by public bodies which often overlap with human rights violations.[39] Such powers include: investigatory powers and the right to demand the cooperation of the bodies concerned, the power to take action against authorities/officials or intervene in legal proceedings, and, in the case of the Polish institution, the right to lodge a motion to punish.

For more information on the Polish Commissioner for Civil Rights Protection, see: www.rpo.gov.pl; and on the Human Rights Ombudsman in Slovenia, see: www.varuh-rs.si

An NHRI's powers to promote and protect human rights are closely linked in practical terms and should be viewed as mutually reinforcing. While acting to promote and protect human rights in line with the Paris Principles, NHRIs link their national human rights structures with international and regional human rights mechanisms by cooperating with "the United Nations and any other organisation in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights".[40] NHRIs are thus key interlocutors with international and regional monitoring mechanisms – a dialogue which helps to further improve human rights protection at the national level. NHRIs can thus facilitate an improved 'joined-up' approach among national, European and international structures.

39 FRA (2010a).

40 UN, General Assembly (1993b), Competence and responsibilities 3 (e). See also: UN Doc. E/CN.4/1992/43 (16 December 1991).

FRA ACTIVITY

Joining up to promote and protect fundamental rights

NHRIs are well positioned, and indeed in part designed, to serve as links between the international and national levels. A recently initiated FRA project seeks to explore models to improve human rights implementation by improving linkages between levels of government, in particular the various levels within a country. This 'joined-up' governance project is not limited to NHRIs but looks at governance and monitoring structures more broadly. The joined-up approach is also about linking departments and agencies at the same level, again for the purpose of improving the human rights situation on the ground. NHRIs could also serve as an example here, in that they are able to work as coordinators of other bodies with a human rights remit.

For more information, see: http://fra.europa.eu/fraWebsite/research/projects/proj_joinedupgov_en.htm

1.4. Importance at European level

In Europe, the OSCE,[41] primarily through its Office for Democratic Institutions and Human Rights (ODIHR)[42] and field operations, has for some time promoted the establishment of strong and independent NHRIs. Similarly, the Council of Europe[43] and, in particular, its Commissioner for Human Rights,[44] have also highlighted the need for states to have Paris Principles-compliant NHRIs in place.[45] The Council of Europe emphasised the NHRIs' cooperative role. European NHRIs, for instance,

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41 The issue of NHRIs has been discussed at a number of OSCE human dimension events, see, for instance: www.osce.org/odihr/78324; www.osce.org/cio/80879; or: www.osce.org/mc/88839?download=true.

42 In 2007, building on on-going work across its programmes, ODIHR established a Focal Point for Human Rights Defenders and NHRIs. The Focal Point closely monitors the situation of human rights defenders and NHRIs in the OSCE region and promotes and protects their interests, see: www.osce.org/odihr/29028.

43 Council of Europe, Committee of Ministers (1997a); Council of Europe, Committee of Ministers (1997b); Council of Europe, European Commission against Racism and Intolerance (1997). See also: Brighton declaration from April 2012 adopted in the course of the European Court of Human Rights reform process, available at: www.coe.int/en/20120419-brighton-declaration.

44 Council of Europe, Commissioner for Human Rights (2011) and (2012).

45 The Council of Europe commonly refers to National Human Rights Structures, which in addition to National Human Rights institutions includes Ombudsmen and Equality Bodies, see: www.coe.int/t/commissioner/Activities/NHRS/default_en.asp.

have played an active part in the process of the reform of the European Court of Human Rights (ECtHR).[46] The 2012 Brighton Declaration, as a part of this reform process, explicitly acknowledges the role and importance of strong and independent NHRIs in the effective implementation of the ECHR.

Getting involved – European NHRIs' role in proceedings before the European Court of Human Rights

The European Group of NHRIs, which co-ordinates joint action by NHRIs across the Council of Europe region, intervened in 2008 in the ECtHR case of *DD v. Lithuania* – the first such application as a third-party, in other words not as a party to the proceedings, by an European NHRI before this regional court.[47] In August 2011, the European Group made its second intervention before the ECtHR in *Gauer v. France*, focusing its submission on the international standards on protecting women and girls with an intellectual disability from intrusive procedures such as sterilisation.[48]

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46 Intervention by Des Hogan on behalf of the European Group of NHRIs, High-level conference on the future of the ECtHR, Interlaken, 18-19 February 2010, available at: www.ejpd.admin.ch/content/dam/data/staat_buerger/menschenrechte/eurokonvention/ber-ministerkonf-fe.pdf and intervention by Beate Rudolf, on behalf of the European Group of NHRIs, High-level conference on the future of the ECtHR, Izmir, 26-27 April 2011, available at: www.coe.int/t/dghl/standardsetting/conferenceizmir/Speeches/Speech%20NHRI.pdf. See also the Statement of the European Group of NHRIs in elaboration of the Brighton Declaration, available at: www.scottishhumanrights.com/news/latestnews/article/brighton2012news.

47 The submission is available at: www.interights.org/userfiles/Documents/DDAmicusHumanrightsinstitutions.pdf.

48 The submission is available at: www.ihrc.ie/download/pdf/gauer_ors_v_france_in_french.pdf.

Given the consequences of the Lisbon Treaty, particularly the legally binding nature of the EU Charter of Fundamental Rights and the upcoming EU accession to the ECHR, the EU has made the implementation of human rights at the country level a priority area for action. NHRIs play a key role in such implementation provided they are fully independent, equipped with a broad human rights mandate and in a close dialogue with the many different institutions in EU Member States that are called upon to address fundamental rights issues.[49] By establishing and maintaining effective NHRIs in all EU Member States, the capacity, and indeed quality, of fundamental rights can be improved across the whole EU.[50] Moreover, NHRIs can help Member States in delivering information on rights deriving from EU law and thereby contribute to raising awareness about the contribution of the EU level to the overall fundamental rights landscape.[51]

The EU has recognised the importance of NHRIs in several policy decisions and instruments. The European Parliament has, for example, issued several resolutions encouraging Member States to set up fully independent Paris Principles-compliant NHRIs.[52] The European Commission's Technical Assistance and Information Exchange instrument has also played an important role in supporting Eastern partnership countries in the creation of NHRIs.[53] In its *2011 Report on the Application of the EU Charter of Fundamental Rights*, the European Commission stressed the need to help citizens exercise their rights by further developing a multilevel cooperation with all actors involved at EU and at national level, including NHRIs.[54]

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49 See European Commission (2012); FRA (2010a); and ICC (2011b).

50 NHRIs are, for example, able to play an instrumental role in fulfilling the Copenhagen criteria for EU membership, which include maintaining the stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities. See Denmark, Copenhagen European Council (1993), 7.A.iii.

51 Where NHRIs, for example, have a dual role, also serving as equality bodies; see, e.g.: Art. 10 of the Racial Equality Directive obliging Member States to bring the rights as enshrined in the Directive "to the attention of the persons concerned by all appropriate means throughout their territory".

52 See, for example: European Parliament (2009).

53 See European Partliament (2011).

54 The European Commission, jointly with the European Parliament Committee on Petitions, started such cooperation in October 2011 when they, for the first time, brought together NHRIs, equality bodies and ombudsperson institutions to discuss how the three types of bodies handle complaints on fundamental rights in practice. See European Commission (2012).

FRA ACTIVITY

Working together

The FRA sees EU NHRIs as a key stakeholder group. It holds regular and targeted dialogue with these bodies as well as with the Chair of the European Group of NHRIs on specific and concrete priority themes. The FRA hosts annual meetings with NHRIs and the chair of the European Group of NHRIs and engages in an on-going dialogue with national NHRIs, equality bodies and ombudspersons, to enhance co-operation on behalf of rights holders in the EU. It has also launched discussions with communicators from NHRIs as well as equality bodies to further stimulate co-operation in communication activities. Its annual report reviews the steps EU Member States are taking to strengthen or create NHRIs.

For more information, see: http://fra.europa.eu/fraWebsite/networks/partners/nhri_equalitybodies/nhri_equalitybodies_en.htm

One area of visible interaction between the EU and NHRIs is in the non-discrimination field, where EU law explicitly requires EU Member States to establish and implement monitoring mechanisms for the promotion of equal treatment on the grounds of gender and of racial or ethnic origin.

More concretely, the Racial Equality Directive requires the establishment of a body or bodies for the promotion of equal treatment of all persons without discrimination on grounds of racial or ethnic origin.[55] This directive also states that "[t]hese bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights." These bodies shall have the competence to "provide independent assistance to victims of discrimination in pursuing their complaints about discrimination," to conduct "independent surveys concerning discrimination," and to publish "independent reports and mak[e] recommendations on any issue relating to such discrimination."[56] When compared with the Racial Equality

[55] Council Directive 2000/43/EC, Art. 13.
[56] *Ibid*, Art. 13 (2).

Directive (2000/43/EC), the Gender Equality Directive on Goods and Services (2004/113/EC) uses similar language in the corresponding parts,[57] and the Gender Equality Directive (2006/54/EC), in turn, has identical language to that of the latter directive.[58]

With their authority and expertise, NHRIs are often well-placed to promote equal treatment. Many such equality bodies were first established as part of pre-existing NHRIs or have since been (or are expected to be) merged with current NHRIs.[59] Six[60] accredited NHRIs in EU Member States currently also serve as Equality Bodies (two of them have A-status: Denmark and United Kingdom (Equality Human Rights Commission)) while four of them have B-status: Belgium, Bulgaria, Netherlands and Sweden).[61] Slovakia's B-status lapsed in March 2012 due to non-submission of the relevant documents.

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57 Council Directive 2004/113/EC, Art. 12.

58 Directive 2006/54/EC of the European Parliament and of the Council, Art. 28.

59 Institutions that hold a dual mandate have an increased capacity to deal with complex cases that involve both equality and human rights issues or that involve a conflict between human rights and equality issues. It is necessary, however, to create appropriate conditions to realise this potential, including the allocation of sufficient resources. See Equinet (2011).

60 Recent developments in Ireland and the Netherlands are also to be noted in this context. The Irish Government has agreed to merge the Irish Human Rights Commission and the Equality Authority into a new Human Rights and Equality Commission, see: www.inis.gov.ie/en/JELR/Pages/PR11000174. In the Netherlands, a new National Human Rights Institute was established and the Netherlands Equal Treatment Commission, which currently holds B-status, is planned to be integrated into this new institute as of summer 2012.

61 FRA (2010a).

Influencing EU law – involvement of NHRIs serving as equality bodies in proceedings of the Court of Justice of the European Union

The **Bulgarian Commission for Protection against Discrimination**, which has the dual function of NHRI and equality body, addressed its first request for a preliminary ruling to the Court of Justice of the European Union (CJEU) in July 2011. The Commission wanted an interpretation of the burden of proof provisions and the discrimination definitions under Council Directive 2000/43/EC of 29 June 2000, which implements the principle of equal treatment between persons irrespective of racial or ethnic origin.

The response to these questions, although set in the context of specific legal proceedings, will help eliminate some significant practical challenges in court proceedings relating to protection against discrimination, including the issue of sharing and shifting the burden of proof as well as the application of definitions of discrimination. The CJEU's response will also serve as principal guidance on the Bulgarian Commission's power as a national jurisdiction to address references for preliminary rulings to the CJEU for the interpretation of EU Treaties and law.

For more information, see: www.equineteurope.org

Even in states where NHRIs and equality bodies are separate entities, they often maintain close links, realising – given the nature of their mandates – the advantages to be gained from cooperation. Such cooperation leads to a more coherent architecture at the national level.[62]

[62] Equinet (2011). See also: FRA (2010a), (2010b) and (2010c), available at: www.fra.europa.eu/fraWebsite/research/publications/publications_per_year/2010/2010_en.htm.

Although none of the Equality Directives mentioned earlier require independent monitoring mechanisms, the European Commission[63] has proposed a detailed reference to the role of the Paris Principles in the design of monitoring mechanisms in the draft Equal Treatment Directive (Horizontal Directive). The European Parliament has expressed its support of such independence in even stronger terms.[64] Keeping reference to the Paris Principles in the final version of the 'Horizontal Directive' would, by definition, further strengthen the link between NHRIs and equality bodies.

Promoting independence in accordance with the Paris Principles – an EU example

To ensure the FRA is independent of both EU institutions and EU Member States, the EU explicitly refers to the Paris Principles in its founding Regulation on the composition of its Management Board.[65] According to Recital 20 of this Regulation:

"[...] each Member State should appoint one independent expert to the Management Board. Having regard to the principles relating to the status and functioning of national institutions for the protection and promotion of human rights (the Paris Principles), the composition of that Board should ensure the Agency's independence from both Community institutions and Member State governments and assemble the broadest possible expertise in the field of fundamental rights."

63 European Commission (2008).

64 The Parliament argues for the principles of independence and adequate resources to be explicitly referred to in the text of the Directive (see Amendment 69, Parliament report A6-0149/2009, 20 March 2009). See also support for this in the Opinion (14 January 2009) of the European Economic and Social Committee, para. 3.4.1.

65 Council of the European Union (2007).

2

Necessity and relevance of accrediting NHRIs

This chapter explains the relevance of full compliance, primarily focusing on the heightened level of participation of A-status NHRIs in the work of UN organs. NHRIs which are awarded A-status are recognised at the international level for their credibility and professionalism. Such recognition enables them to maximise their role in the promotion and protection of human rights.[66]

2.1. NHRIs and the work of the United Nations

NHRIs perform an important role by cooperating with intergovernmental bodies, including the UN Human Rights Council, through such mechanisms as the Universal Periodic Review, as well as by supporting 'special procedures' which address specific issues that are run by independent mandate holders. NHRIs can also contribute to the consideration and promotion of the implementation of UN treaty bodies' recommendations. Due to their practical expertise, NHRIs are effective partners for intergovernmental agencies seeking to define new or develop existing human rights standards and mechanisms. Recent reforms have strengthened the role of A-status NHRIs at the UN level, changes which will be explored in more detail in the following sub-sections.

[66] UN, OHCHR (2010).

Cooperating with NHRIs – Observations of the Sub-Committee on Accreditation of the International Coordinating Committee of NHRIs

Reaffirming the Paris Principles' requirement for NHRIs' to cooperate with the international human rights system, the Sub-Committee on Accreditation, in its General Observations, states:

"The Sub-Committee would like to highlight the importance for NHRIs to engage with the international human rights system, in particular the [UN] Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the ICC and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs."

Source: ICC, Sub-Committee on Accreditation (2009); see Appendix 4, point 1.4. See also: UN, Human Rights Council Resolution 20/14 from 29 June 2012 affirming the critical importance of NHRIs and the valuable contribution they make to the international human rights system

2.1.1. Human Rights Council

NHRIs may engage with the Human Rights Council in two major ways: through the Universal Periodic Review, an assessment, undertaken every four years, of an individual state's fundamental rights compliance; and through 'special procedures', an in-depth expert review of human rights compliance in specific countries or on certain global thematic issues.[67] A-status NHRIs may also attend sessions of the Human Rights Council and:

- make oral statements on all substantive agenda items of the Human Rights Council;
- participate through video messages in the Human Rights Council plenary debates;
- submit documents under all agenda items, which will be issued with their symbol number;
- take separate (from government delegations and NGOs) seating in all sessions;

[67] UN, HRC (2007).

- submit written statements;
- organise parallel events of relevance to the work of the Human Rights Council.

The Human Rights Council adopted a resolution on 25 March 2011 on the outcome of its review of the work and functioning of the Human Rights Council.[68] Resolution 16/21 granted Paris Principles-compliant NHRIs further privileges at the Council, affording such A-status NHRIs, for example, more opportunities to speak when the Council is convening and the possibility of delivering statements via information technology tools.[69] The Council resolution likewise authorised A-status NHRIs to nominate candidates for UN expert positions (mandate holders) that the Human Rights Council appoints.[70]

Universal Periodic Review

As indicated above, all accredited and non-accredited NHRIs actively engage in the Universal Period Review of states' human rights compliance by:

- submitting information for inclusion in the summary, which the OHCHR prepares based on information from relevant stakeholders;
- attending the Universal Periodic Review in the Working Group;
- involving themselves in the follow-up to the recommendations (although responsibility for this lies with the state in question);
- making general comments at the Human Rights Council before adoption of the Universal Periodic Review Working Group's report on their country.[71]

In addition, during the Human Rights Council's adoption of a Universal Periodic Review report,[72] A-status NHRIs are entitled to comment, either in person or through a video statement, immediately following their state.

NHRIs are themselves also subject to scrutiny during Universal Periodic Review sessions – as are states which do not have NHRIs. Indeed, it is rare not to find an

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68 UN, HRC (2011b).

69 The Provedoria for Human Rights and Justice of Timor Leste delivered the first NHRI video statement on 5 March 2012, speaking under Item 3, during the Interactive Dialogue with the Working Group on enforced disappearances; see: http://nhri.ohchr.org/EN/News/Lists/News/DispForm.aspx?ID=50&ContentTypeId=0x0104006A3D2D731523E24B9C932DE5D6E5EDFF.

70 UN, HRC (2011b).

71 UN, HRC (2007) and (2011b).

72 UN, HRC (2007) and (2011b).

observation of some kind relating to a country's NHRI (or lack thereof) in the final Working Group report of any state.[73] Typical final recommendations often relate to the institutional set-up, independence, mandate or resources of an NHRI, as well as to its level of compliance with the Paris Principles. Recommendations also specify thematic areas that the NHRI should be addressing more effectively. They are commonly formulated along the following lines:[74] "establish an independent NHRI in accordance with the Paris Principles";[75] "increase human and financial resources of the NHRI";[76] "explore the possibility of consolidating existing ombudsperson institutions and mechanisms into a single NHRI in full compliance with the Paris Principles";[77] "seek A-status accreditation by the ICC";[78] "further enhance the mandate of the NHRI in accordance with the Paris Principles".[79]

Special procedures

NHRIs with or without ICC-status also support 'special procedures' on specific country situations or global thematic issues. NHRIs support such procedures in many ways, including:[80]

- providing information on human rights issues to mandate holders of the 'special procedures';
- assisting with the preparation of country visits (by, for example, suggesting interlocutors or providing background information);

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73 According to statistics provided by Universal Periodic Review info.org (see: www.upr-info.org/database/statistics) recommendations relating to NHRIs are among the most frequently raised during the Universal Periodic Review process.

74 A very useful tool that enables access to and searching of all Universal Periodic Review recommendations in several categories is available at: www.upr-info.org/database; see also: www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx where recommendations can be searched by country or session.

75 See, for example: UN, HRC (2011c), recommendation 77.18 from the United Kingdom to Estonia in the Report of the Working Group, A/HRC/17/17; see also: UN, HRC (2011d), recommendation 80.12 from Azerbaijan and Indonesia to Bulgaria.

76 See, for example: UN, HRC (2010a), recommendation 96.11 from France to Sweden; see also: UN, HRC (2011e), recommendation 93.19 from Honduras to Austria.

77 See, for example: UN, HRC (2011d), recommendation 80.13 from Malaysia to Bulgaria.

78 See, for example: UN, HRC (2011e), recommendation 93.15 from Malaysia to Austria; see also: UN, HRC (2011c), recommendation 79.9 from Poland to Estonia to "make efforts to obtain accreditation for a national human rights institution that complies with the Paris Principles from the International Coordinating Committee".

79 See, for example: UN, HRC (2011e), recommendation 92.19 from Jordan to Austria.

80 See also: UN, OHCHR (2007).

- helping to formulate recommendations and follow-up actions after a country visit (such as by participating in monitoring the follow-up of 'special procedures' recommendations, informing mandate holders about the implementation of their recommendations, encouraging national stakeholders to implement recommendations);
- suggesting specific issues for inclusion in thematic studies.

A-status NHRIs can also attend Human Rights Council 'special procedures' sessions and make oral statements, particularly in relation to 'special procedures' country mission reports, immediately following the state concerned, a right which was first implemented for country mission reports at the Council's 18th session in September 2011. The Human Rights Council resolution 16/21 of 25 March 2011, mentioned earlier, reaffirmed this important role.[81] This resolution also provided A-status NHRIs with an opportunity to present their statements on special procedures country mission reports by video statements.

2.1.2. Treaty bodies

According to the Sub-Committee on Accreditation's General Observations, which are intended to provide further guidance to NHRIs on their implementation of the Paris Principles (Appendix 4), NHRIs should engage, for example, with the UN treaty bodies.[82] NHRIs should provide input to and participate in these human rights mechanisms, and follow up at the national level on the recommendations made through the international human rights system.[83]

The nature and scope of NHRIs' interaction in the work of the treaty bodies varies according to the particular rules of procedure of each body. However, the general working methods, practices and opportunities for interaction by all NHRIs, regardless of accreditation status, in the treaty bodies' work include:[84]

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81 UN, HRC (2011b).

82 NHRIs (2010); UN, General Assembly (2012a).

83 ICC, Sub-Committee on Accreditation (2009a).

84 For further information and useful guidelines on how NHRIs should go about getting involved in the work of UN treaty bodies, ICC (2011c); see also a glossary of treaty body terminology, available at: www2.ohchr.org/english/bodies/treaty/glossary.htm#S, that the OHCHR is currently developing in order to explain and standardise terminology used by treaty bodies relating to the technical elements of their work; see also: UN, OHCHR (2005).

- monitoring state reports – those reports which States Parties to treaties regularly provide to detail their national implementation of the relevant treaty provisions – through consultation and provision of comments on such reports;
- drafting 'shadow' or 'alternative' NHRI reports – reports which are drafted by stakeholders as alternative information to the States Parties own reports;
- empowering civil society organisations to draft (joint) 'shadow' reports;
- making oral presentations in the pre-session meetings of treaty bodies in addition to providing written information prior to the formal examination of a state report. With reference to the Committee on the Elimination of Racial Discrimination (CERD), A-status NHRIs may address the CERD during such formal meetings in an independent capacity and with seating apart from the government of their state, on issues related to the dialogue between the CERD and the State Party.[85]

NHRIs can also play an important role in monitoring the follow-up to treaty bodies' recommendations.

Following up the concluding observations of a treaty body – Germany

The **German Institute for Human Rights** regularly invites the government, parliament and civil society organisations to follow-up conferences, during which participants discuss ways to implement the concluding observations of a treaty body. On the basis of the outcome of these conferences, the Institute engages with political actors and monitors the implementation of the concluding observations.

For more information, see: www.institut-fuer-menschenrechte.de

In cases where EU Member States recognise the treaty body's competence to deal with individual complaints, NHRIs can also advise complainants on procedures, provide them with relevant information or even, where the system allows, lodge a complaint on behalf of individual groups. Where applicable, NHRIs may submit information to a treaty body regarding an on-going case or encourage NGOs or other actors involved in human rights work to initiate such procedures before a treaty body. NHRIs are also important actors for the dissemination and implementation of treaty bodies' recommendations on the

[85] ICC (2011b); see also: www2.ohchr.org/english/bodies/cerd/docs/NHRIsInformationNote.doc.

ground. Although the state bears the main responsibility for disseminating Concluding Observations as widely as possible, NHRIs also have a duty to distribute these throughout their constituencies and encourage governments to translate them into the appropriate local language(s).

NHRIs also have the potential to play additional roles in the international human rights system, depending upon the treaties to which their states are parties. States, for example, which have acceded to or ratified the OP-CAT, must maintain, designate or establish (Article 17) a national visiting body for all places of detention, known as a National Preventive Mechanism, aimed at preventing torture and other cruel, inhuman or degrading treatment or punishment.[86] NHRIs may be named the preventive mechanism or they may be made part of a designated umbrella group of bodies.[87] Regardless of whether or not NHRIs are designated as preventive mechanisms, they are expected to play an enhanced role in preventing torture and other cruel, inhuman or degrading treatment or punishment.[88] Of the 14 EU Member States which currently have preventive mechanisms under OP-CAT, five are NHRIs – three with A-status and two with B-status.

In addition, a growing number of NHRIs also serve as independent mechanisms for national implementation and monitoring of the CRPD,[89] as per its Article 33. Although the CRPD does not require states to designate NHRIs to fulfil this role, it does require that the Paris Principles be taken into account. Given their human rights mandate and experience, NHRIs are well suited to carry out such a role; a fact which the OHCHR has recognised.[90] So far, three EU Member States have entrusted their A-status NHRIs with CRPD monitoring: Denmark with the Danish Institute for Human Rights, Germany with the German Institute for Human Rights and the United Kingdom with three NHRIs: the Equality and Human Rights Commission, the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission.[91] As of September 2011, Belgium entrusted the Centre for equal opportunities and opposition to racism (CEOOR), a B-status NHRI, with monitoring the implementation of the CRPD.[92]

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86 UN, OHCHR (2002), Art. 1.

87 The European Group of NHRIs emphasised the role of NHRIs as National Preventive Mechanisms (see section 3.1.1. for further details on the European Group of NHRIs).

88 A more detailed overview of the complementary role of NHRIs in the UN treaty body process can be found in Müller, A. and Seidensticker, F. (2007).

89 Canadian Human Rights Commission (2011).

90 UN, OHCHR (2011).

91 *Ibid.*

92 On 12 July 2011, following the ratification of the CRPD, Belgium established CEOOR as an independent mechanism under Article 33 (2) of the CRPD.

Exploring the role of NHRIs in Europe under Article 33 of the UN Convention on the Rights of Persons with Disabilities

NHRIs hold a special position among independent mechanisms, since the rules governing their composition, mandate and working methods – the Paris Principles – form the criteria for evaluating these mechanisms, according to an OHCHR study. Their designation can therefore be considered the surest option for ensuring compliance with the Paris Principles. It does not necessarily follow, however, that NHRIs automatically meet all the requirements set out in Article 33 (2) of the CRPD. While their ICC accreditation suggests that these institutions are compliant with the Principles, their ability to promote, protect and monitor the implementation of the CRPD requires independent verification.

Source: UN, OHCHR (2011)

NHRIs can and should also raise general awareness about treaty body mechanisms among other domestic actors, such as non-governmental organisations (NGOs), professional groups, trade unions and academics, thereby helping to promote the visibility of issues covered by the work of relevant bodies and encouraging participation and engagement in any subsequent reviews.[93]

NHRIs and raising awareness on the treaty bodies' mechanisms – United Kingdom

The **United Kingdom Equality and Human Rights Commission** developed guidance and built capacity in 2010 on three UN human rights treaties, aiming to empower individuals to access their rights via the conventions and optional protocols of the following: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the CRPD and the CERD. The Commission also launched a 'dignity drive'; an interactive guide to raise awareness about the United Kingdom Human Rights Act.

For more information, see: www.equalityhumanrights.com/wales/projects/dignity-drive and www.youtube.com/watch?v=ZEGN-cjCTnk

[93] ICC (2011b).

3 Accreditation

Having described the rationale for accrediting NHRIs, this Chapter provides information on the ICC accreditation process, including practical guidelines on the steps required for accreditation.[94]

3.1. Bodies responsible for accrediting NHRIs

The ICC is responsible for accrediting NHRIs. The ICC established a Sub-Committee on Accreditation with the mandate to review and analyse accreditation applications and to make recommendations to ICC Bureau members on the compliance of applicants with the Paris Principles.

The Sub-Committee on Accreditation is composed of one A-status NHRI from each of the four ICC regional groupings;[95] namely Africa (African Network of NHRIs),[96] the Americas (Network of the NHRIs of the American Continent),[97] the Asia Pacific (Asia Pacific Forum)[98] and Europe (European Group of NHRIs).

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94 As mentioned in the Introduction to this Handbook, this part draws mainly on UNDP/OHCHR (2010).

95 See also a newly developed database available at: www.nhridb.org which contains various NHRI-related documents (such as annual reports, thematic guides and studies, national inquiries) produced predominantly by NHRIs from Africa and Asia. The database will continue to be developed to cover NHRIs from other regions as well.

96 See: www.nanhri.org.

97 See: www.rindhca.org.ve.

98 See: www.asiapacificforum.net.

International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

NHRIs established the ICC at a 1993 international conference in Tunis in order to coordinate the activities of the NHRI network. The ICC was incorporated into Swiss law in 2008 with a Bureau of 16 voting members (ICC Bureau) representing the four regions – Africa, the Americas, Asia Pacific and Europe. Elected representatives from four A-status NHRIs represent each of the four regional groupings.

One of the main functions of the ICC is to review NHRIs' compliance with the Paris Principles. It does so through its Sub-Committee on Accreditation. Secretariat support is provided to the ICC by the National Institutions and Regional Mechanisms Section of the Field Operations and Technical Cooperation Division of the Office of the OHCHR.

The regional groupings appoint members of the Sub-Committee on Accreditation for a renewable term of three years. In 2011, the Sub-Committee on Accreditation was composed of: Togo for Africa, Canada for the Americas, the Republic of Korea for Asia Pacific, and Germany for Europe, with France replacing the latter in April 2011. The OHCHR participates in the work of the Sub-Committee on Accreditation as a permanent observer and in its capacity as ICC secretariat.

Selected advantages of the peer review process in ICC accreditation

- objectivity of peers from NHRIs in other countries – not affected by political or other concerns within a state;
- strong de-politicised interest in human rights as expert institutions;
- self-interest in independence and other criteria of the Paris Principles; and
- knowledge of human rights challenges on the ground.

The European Group of NHRIs, one of the four ICC regional groupings, was established in 2003 and consists of 34 European NHRIs, including those within the EU. Twenty-two of the 34 member organisations are fully accredited (A-status) under the UN Paris Principles. The European Group chair liaises with regional and international human rights bodies on behalf of the Group and acts as a focal point for interaction between the group and these bodies. The chair also provides and coordinates technical assistance for the establishment of new NHRIs in conjunction with the OHCHR as well as facilitating capacity building for

existing institutions through bodies such as the OSCE and the UNDP and through EU technical support missions. The European Group furthermore established a Sub-Committee on Accreditation to assist NHRIs within the European Group with access to and enhancement of accreditation. The European Group also established a Legal Working Group whose primary purpose would be to drive the European Group's work on issues such as reform of the ECtHR and third-party, or *amicus curie*, interventions before the ECtHR. The European Group aims to establish its own permanent secretariat in order to more effectively support and strengthen the capability of the European Group and enhance its role within the European human rights landscape.[99]

3.2. Types of accreditation processes

The Sub-Committee on Accreditation meets twice a year to review and assess applications for accreditation, periodic re-accreditation and special reviews.[100]

Accreditation (Initial)

When a national institution first applies for membership in the ICC, the applicant institution must submit its annual report or equivalent as part of the background documentation accompanying the application. The institution must also demonstrate that it is functioning effectively; therefore, an initial accreditation decision is only taken after the institution has been in existence for a year or more. A-accredited institutions and B-accredited institutions denied full (re)accreditation (A-status) are re-accredited every five years automatically, although B-accredited institutions wanting to be reviewed for A-status may reapply sooner if a change has occurred regarding their application conditions. C-status accredited institutions may apply for ICC re-accreditation at any time. In the case of a re-application, the same process is followed as with institutions applying for the first time; however, particular attention is paid to the areas of non-compliance noted in the initial application, including any areas highlighted for improvement.

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99 ICC (2011c).

100 ICC (2012). For more information, see the compendium of the rules of the Sub-Committee on Accreditation and working methods, attached to the 2010 March Report of the Sub-Committee on Accreditation as Annex 5, which include: ICC Statute provisions on the Sub-Committee on Accreditation; Sub-Committee rules of procedures; new procedures adopted by the Sub-Committee from October 2007-November 2008; implementation of new procedures from the Sub-Committee's report of March 2009; and procedural issues in the ICC General Observations as per the Sub-Committee's March 2009 report.

Establishing a Paris Principles-compliant NHRI

When establishing an NHRI with the goal of obtaining ICC status, EU Member States should consider taking the following steps:

- Seek an advance consultation with relevant stakeholders (such as civil society, the OHCHR and the European group of NHRIs) concerning the draft legislation establishing the NHRI.
- Take inspiration and guidance from the relevant legal provisions of other Member States with accredited NHRIs.
- Involve national stakeholders, including civil society actors, in the negotiations on the establishment of the NHRI.
- Avoid gaps and overlaps in the human rights mandates of separate institutions; creating an NHRI with a broad and all-encompassing human rights mandate could be an alternative to maintaining several different bodies with varying mandates, as could some form of one-stop shop that ensures coordination among diverse mechanisms.

This information is drawn from the experiences of selected EU Member States in establishing their NHRIs in accordance with the Paris Principles; for an overview of those experiences, see the separate Annex to this Handbook

'Periodic' re-accreditation

All A-status NHRIs, as well as all B-status NHRIs that have not re-applied for reconsideration of their status, are subject to re-accreditation every five years.[101] This aims to ensure that NHRIs maintain and improve their compliance with the Paris Principles. An NHRI that fails to demonstrate its on-going compliance with the Paris Principles may have its status downgraded. A decision becomes effective after 12 months, allowing for the institution concerned to provide additional documents in the intervening period.

NHRIs must provide the necessary documents to support their re-accreditation applications. Unless compelling and exceptional circumstances exist, an NHRI

[101] ICC (2012). Art. 15 of the ICC Statute says that all A-status NHRIs are subject to re-accreditation on a five-year cyclical basis. Additionally, following the March 2009 session of the Sub-Committee on Accreditation, the ICC Bureau agreed that NHRIs holding B-status would also be subject to the five-year review process. See: ICC, Sub-Committee on Accreditation (2009b), para. 2.6.

that fails to provide the required documents will be suspended until it does so. A suspended NHRI loses all membership privileges during that period. An NHRI that does not submit its re-accreditation application within one year of a suspension will lose its membership status completely. An NHRI whose membership has lapsed or been downgraded must reapply for membership.

In exceptional, justifiable circumstances, and at the request of the applicant institution, re-accreditation can be postponed, a so-called deferral. The Consultative Commission of France was, for example, scheduled for re-accreditation while its enabling legislation was being amended; so, at the request of the Commission, the process was delayed until the amendments had been enacted. While the situation has not yet arisen, if an A-status NHRI were to withdraw its re-accreditation application without justification, it would likely be treated as if it had failed to apply for re-accreditation and be suspended. A B-status NHRI in the same circumstances would likely retain its status.

Review

Re-examination of an institution is considered if circumstances have changed, including, for example, for revisions in founding legislation. The NHRI concerned shall notify the Sub-committee on Accreditation and raise the issue for review. The chairperson or the Sub-Committee on Accreditation may also initiate a review if the chairperson or any member of the Sub-Committee expresses doubts about the on-going compliance of the NHRI with the Paris Principles (see Article 16 of the ICC Statute).

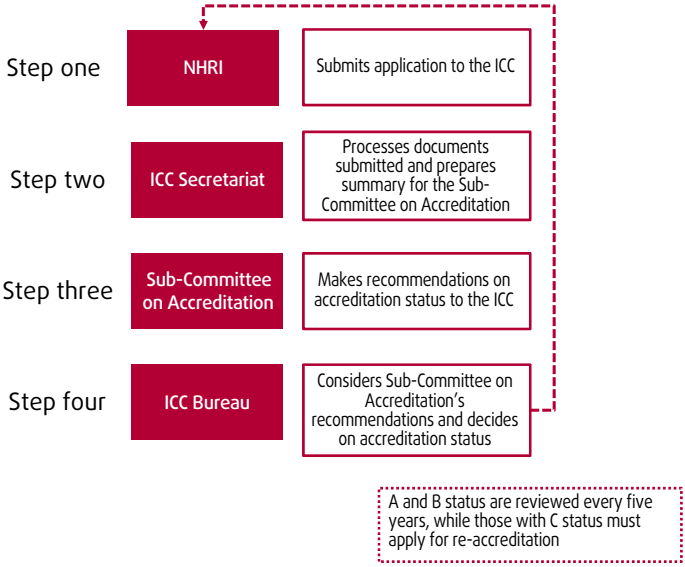
Either the ICC Chair or a member of the Sub-Committee on Accreditation may initiate a review of any accredited NHRI if he or she considers that changed circumstances compromise an NHRI's compliance with the Paris Principles. This might occur, for example, if the NHRI's enabling legislation is amended in an adverse manner or reports or claims surface that the NHRI is no longer functioning as an independent body. NHRIs are required to notify the ICC Chair of any such changes; information from outside sources, including civil society organisations, might also prompt a review of the NHRI's compliance with the Paris Principles. Such a review must be completed within 18 months. During the review period the NHRI retains its accreditation status. Exceptionally, when the fundamental compliance of an A-status NHRI with the Paris Principles has been put in jeopardy, the ICC bureau has the power to conduct an urgent review

and suspend its A-status.[102] If the NHRI under review fails to provide sufficient documentary evidence within the review period to satisfy the ICC Bureau that it continues to comply with the Paris Principles, its membership will lapse. An NHRI whose membership has lapsed must reapply for membership.

3.3. Accreditation and re-accreditation – step by step

NHRI accreditation consists of four major steps, as per the *Guidelines for Accreditation & Re-Accreditation of National Human Rights Institutions to the International Coordinating Committee of National Human Rights Institutions*.[103]

Figure 1: Accreditation and re-accreditation process



Note: *A comprehensive glossary of terms related to NHRIs and accreditation by the ICC is contained in the UNDP/OHCHR Toolkit for Collaboration with National Human Rights Institutions (2010), p. xi.*

Source: *Guidelines for Accreditation & Re-Accreditation of National Human Rights Institutions to the International Coordinating Committee of National Human Rights Institutions Version 4 – June 2009, p. 4*

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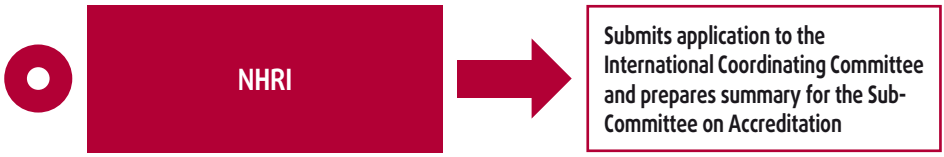
102 ICC (2012), Art. 18 (2) and 18 (3). Amended in March 2012, the ICC Statue now provides for a definition of exceptional circumstances.

103 ICC (2009b).



STEP 1

1. An NHRI seeking accreditation should apply to the OHCHR through its National Institutions and Regional Mechanisms Section. The OHCHR will contact an NHRI due to be reviewed under the established re-accreditation process in due time.[104]

2. The Mechanisms Section must receive the completed application for accreditation or re-accreditation at least four months before the scheduled meeting of the Sub-Committee on Accreditation.[105] Documentation must be submitted in one of the working languages of the ICC – Arabic, English, French or Spanish.

3. An NHRI must supply the following documents in order to apply for accreditation or re-accreditation:[106]

- a detailed statement showing how it complies with the Paris Principles and pointing out an aspects of non-compliance and proposals to ensure future compliance. The ICC Bureau may determine the form in which this statement is to be provided;[107]
- a copy of the legislation or other instrument by which it is established and empowered in its official or published format;
- an outline of its organisational structure, including staff and annual budget; and
- a copy of its most recent annual report or equivalent document in its official or published format.

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104 In both cases, documentation should be submitted in both hard copy and electronic format to the ICC Secretariat at OHCHR at the following address: National Institutions and Regional Mechanisms Section (NIRMS), OHCHR, CH-1211 Geneva 10, Switzerland; and by email to: nationalinstitutions@ohchr.org.

105 For information on the upcoming session of the Sub-Committee on Accreditation and respective deadline, see: http://nhri.ohchr.org/EN/Pages/default.aspx.

106 Where possible, applicants should provide documentation in its official or published form (e.g., published laws and published annual reports) and not secondary analytical documents. For documents that have been translated by the applicant NHRI for the Sub-Committee, the NHRI is requested to include the official letterhead of the institution with its logo on the translated document.

107 The current template is available at: www.asiapacificforum.net/working-with-others/icc/sub-committee-on-accreditation/nhri-accreditation-process/downloads/resources-for-nhris/Statement_Compliance_Template_June_2009.doc.

4. CSOs may also provide relevant information through the OHCHR to the Sub-Committee on Accreditation pertaining to any accreditation matter before it. Those wishing to do so must provide such information in writing to the OHCHR at least four months prior to the meeting of the Sub-Committee. The CSOs' reports received by OHCHR are then shared with the appropriate applicant NHRI for their review and comment. Both the report by civil society and the NHRI applicant's comments are shared with the Sub-Committee.

Practical tips for applicant states

- Start early on: appoint a coordinator and ensure the involvement of the right persons within the organisation, such as the human resources department; those responsible for budgetary issues; the communication department; and the legal and policy departments. The questions that NHRIs are obliged to answer are very broad and the involvement of many experts is the most effective way of ensuring the best responses quickly.
- Translate the relevant documents: decide which documents need translation, such as the most recent annual report, the legislation establishing the organisation and other supporting documents. Remember, translations take time and should be carefully factored into the planning to avoid missing the delivery deadline.
- 'It is not over until it is over': after all relevant documents have been delivered, the OHCHR will ask for clarifications and for a review of the summary that they produce. This is a good opportunity to make sure that the members of the Sub-Committee on Accreditation have received the right information and ensure that there are no outstanding uncertainties about organisational matters.
- Communicate with the OHCHR: the staff is helpful and insightful on accreditation process questions.
- Seek assistance from other NHRIs and the ICC regional coordinating body: remember that, upon request, other NHRIs may provide feedback and practical support during the accreditation process.

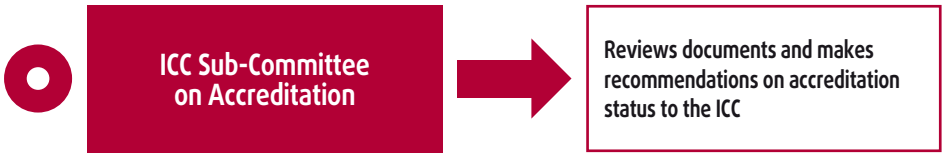
For the actual experience of the existing EU NHRIs with the accreditation process, see the separate Annex to this Handbook
Source: ICC Statute (2012)

STEP 2

International Coordinating Committee Secretariat

Processes application and prepares summary for the Sub-Committee on Accreditation

1. Applications and supporting documents are received and processed by the National Institutions and Regional Mechanisms Section in its capacity as the ICC secretariat.
2. During the review of the supporting documentation, the ICC secretariat may contact the applicant NHRI to seek further information or clarification on issues arising.
3. The ICC secretariat prepares a summary, which follows the structure of the statement of compliance provided by the NHRI. The secretariat shares the summary with the applicant NHRI for fact-checking then, one week later, distributes it to the members of the Sub-Committee on Accreditation.



STEP 3

1. The Sub-Committee on Accreditation's review is based on the OHCHR's summary and the statement of compliance with the Paris Principles as well as all other materials the applicant NHRI submits. The regional coordinators sit as observers on the Sub-Committee and provide information on the NHRI's actual work and independence.[108] During these deliberations, OHCHR desk officers are also invited to participate and provide their views. In addition, the Sub-Committee on Accreditation contacts OHCHR field staff. Contact persons within applicant NHRIs must remain on stand-by to receive telephone requests if the Sub-Committee needs additional information to complete the evaluation.

2. The Sub-Committee on Accreditation agrees on a recommended accreditation status (i.e. A-, B- or C-status) for each applicant NHRI. The Sub-Committee also offers recommendations to the applicant NHRI on ways to increase its compliance with the Paris Principles.

3. The OHCHR sends the recommendation of the Sub-Committee on Accreditation to the applicant NHRI.

4. An applicant NHRI can contest a recommendation by submitting a written challenge to the ICC Chair, through the ICC Secretariat, within 28 days of receipt of the recommendation.

5. Following that 28-day period, the OHCHR sends the Sub-Committee's report and recommendations, along with any response from the applicant NHRI, to the 16 members of the ICC Bureau for its final decision.

[108] The Sub-Committee on Accreditation's independence is guaranteed by the geographical balance of voting members coming from each of the four regions. Since November 2008, the regional coordinating committees of NHRIs (networks of African, American, Asia-Pacific and European groups of NHRIs) have been invited to attend the Sub-Committee's sessions as observers. This has proven effective in helping the Sub-Committee gain a better understanding of the legal and political contexts in which NHRIs operate.

ICC Bureau → **Considers Sub-Committee on Accreditation's recommendations and decides on accreditation status**

STEP 4

1. ICC bureau members have 20 days to approve or object to the recommendations.
2. Any member of the ICC bureau who disagrees with the recommendation must notify the Chair of the Sub-Committee on Accreditation and the ICC secretariat within these 20 days.
3. The ICC secretariat then notifies all other bureau members and provides all information to clarify that objection. If at least four members from at least two regional groups of the ICC bureau notify the ICC secretariat within 20 days of receiving this information that they hold a similar objection, then the recommendation is referred for a decision to the next ICC bureau meeting.
4. If the required number of members does not raise any objection to the recommendation within the 20-day period, it will be deemed to be approved by the ICC bureau. The ICC bureau decision on accreditation is final.
5. Once the process is complete, the accreditation documentation (including summaries, reports of the Sub-Committee on Accreditation and recommendations) are posted to the NHRI's website.

4 Accreditation situation in EU Member States: overview and further opportunities

This chapter presents a brief overview of the current accreditation situation in EU Member States and offers hands-on advice about what to take into account in the planning stages of establishing a Paris Principles-compliant NHRI and/or when applying for (re)accreditation.

While the Paris Principles provide the framework for the founding of an NHRI (section 1.1.), the accreditation process scrutinises how an NHRI operates in practice. As mentioned in Chapter 1, of the 27 EU Member States, only 12 have fully accredited 'A-status' NHRIs (the United Kingdom having three NHRIs, with one for Northern Ireland, one for Scotland, and one for England and Wales), seven Member States have been awarded B-status (with Bulgaria having two B-status NHRIs),[109] while one Member State institution possesses a C-status institution. At the end of 2011, there remained, however, eight EU Member States (Cyprus, Czech Republic, Estonia, Finland, Italy, Latvia, Lithuania and Malta) which lacked an ICC-status body (see Figure 2). These Member States may well have independent public institutions devoted to human rights, which for various reasons have either not sought accreditation or are no longer accredited. Developments are, however, underway in several of these Member States which might lead to accreditation in the near future.[110]

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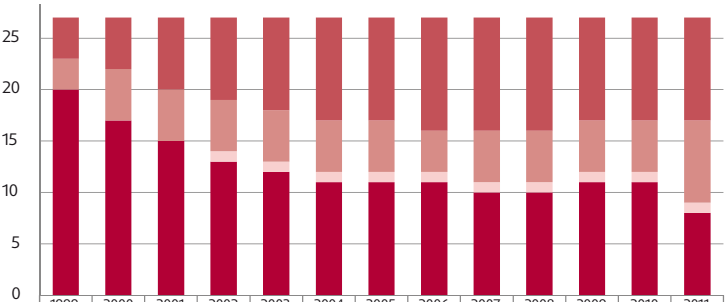
109 ICC, Sub-Committee on Accreditation (2008), Rule 5, Annex 1 to the ICC Statute: "B: Non-Voting Member – Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination". Slovakia lost its B-status in March 2012 due to non-submission of the relevant documents.

110 FRA (2012), Chapter 8. See also the separate Annex to this Handbook which includes a case study dedicated to the situation in Finland.

Figure 2: Number of EU Member States with, and without, accredited NHRIs, 1999–2011*



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
A	4	5	7	8	9	10	10	11	11	11	10	10	10
B	3	5	5	5	5	5	5	4	5	5	5	5	8
C	0	0	0	1	1	1	1	1	1	1	1	1	1
No accreditation	20	17	15	13	12	11	11	11	10	10	11	11	8

Note: * *The United Kingdom has three A-status NHRIs: the Equality and Human Rights Commission for England and Wales, the Northern Ireland Human Rights Commission for Northern Ireland and the Scottish Human Rights Commission for Scotland. In Bulgaria, there are two B-status NHRIs – the Ombudsman and the Commission for protection against discrimination.*

Source: *ICC, see: http://nhri.ohchr.org*

The principal challenges NHRIs in EU Member States face when seeking accreditation include achieving and maintaining:[111]

- an adequate, sufficiently broad and clear mandate to cover all human rights, including both their promotion and protection;
- a satisfactory level of independence from the government in the selection and appointment of the governing bodies and in the allocation of budgets; and
- sufficient resources to deal with a broad range of human rights issues.

[111] FRA (2010a), p. 13.

FRA ACTIVITY

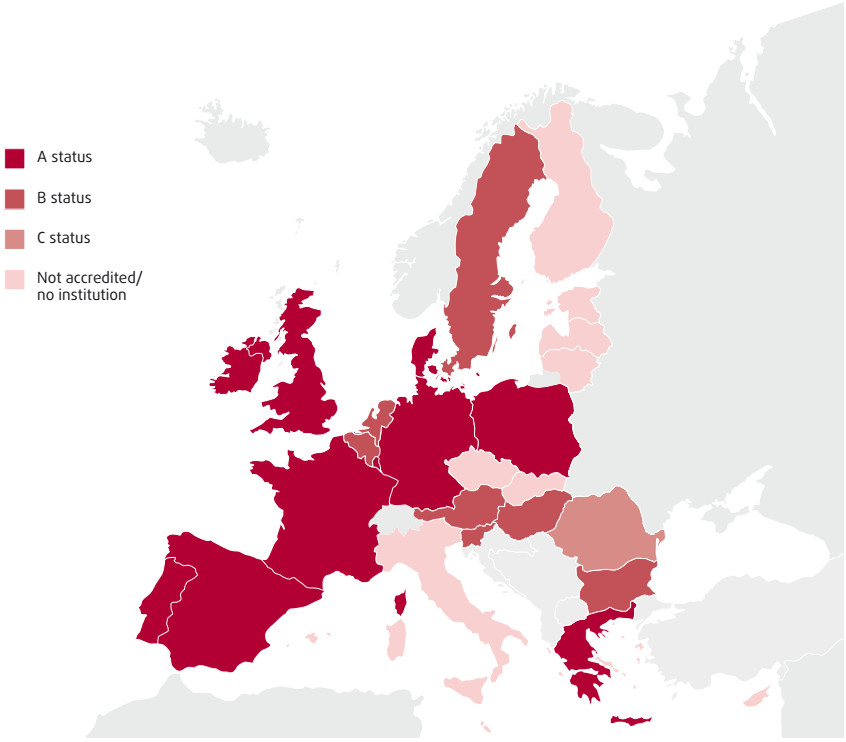
Mapping EU Member States' NHRIs

FRA mapped the situation of NHRIs in EU Member States in 2010, focusing on the crucial role NHRIs play in the field of fundamental rights. The 2010 report, *National Human Rights Institutions in the EU Member States*, concluded that NHRIs are not sufficiently independent or effective. It also found that they need to be better enabled to cooperate among themselves as well as with the EU and international mechanisms.

For further information, see: http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/2010/pub_national_hr_inst_en.htm

An overview of the EU Member States by accreditation status of their NHRIs is provided in Figure 3 as well as in the Appendix 5, which includes the names and websites of these institutions.

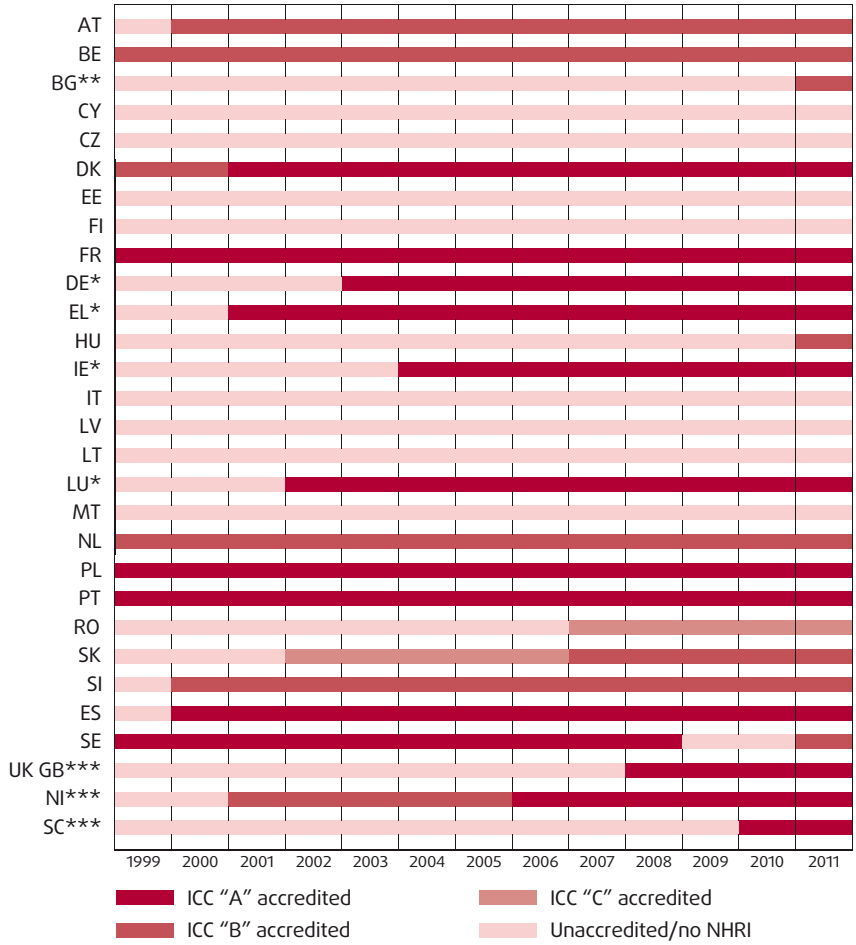
Figure 3: NHRIs in EU Member States by accreditation status



Notes: * *The UK has three A-status NHRIs: in Great Britain the Equality and Human Rights Commission covering human rights issues in England and Wales, and certain human rights issues in Scotland (those not devolved to the Scottish Parliament); in Northern Ireland, the Northern Ireland Human Rights Commission; and in Scotland, the Scottish Human Rights Commission.*
***Bulgaria has two B-status NHRIs.*
Source: FRA, 2012

Figure 4 shows the development of the accreditation situation in the EU Member States between 1999 and 2011. The accreditation status of the majority of NHRIs has been upgraded or retained over time. In one case, however, A-status lapsed: two Swedish institutions were merged in 2008 to create an NHRI, which was awarded B-status in May 2011.

Figure 4: ICC accreditation status of EU Member States, 1999–2011



Notes: * *Initially, 'A with reserve' (a category no longer in use): in 2000, in (Greece) ; in 2001, in Germany and Luxembourg, and in 2002, in Ireland.*

** *There were two Bulgarian NHRIs accredited with B-status in 2011, the Ombudsman and the Commission for protection against discrimination.*

*** *The United Kingdom has three NHRIs: in Great Britain the Equality and Human Rights Commission covering human rights issues in England and Wales, and certain human rights issues in Scotland (those not devolved to the Scottish Parliament); in Northern Ireland, the Northern Ireland Human Rights Commission; and in Scotland, the Scottish Human Rights Commission. GB stands for Great Britain; NI for Northern Ireland; and SC for Scotland.*

Source: *FRA (2010a); ICC website: http://nhri.ohchr.org; and websites of individual NHRIs across the EU*

Belgium[112] and the Netherlands,[113] both with B-status NHRIs, are making progress towards achieving A-status. While the reform process in Belgium is still underway, the Netherlands is on track to establish its new NHRI in 2012. Meanwhile, three of the Member States without accredited institutions (Cyprus, Finland and Italy), have taken decisive steps towards establishing NHRIs with the potential for receiving A-status. Italy in particular has shown its commitment to establishing an NHRI in line with the Paris Principles for several years.[114] In Finland, a newly established NHRI that is administratively associated with the existing Parliamentary Ombudsperson Institution began its work in January 2012,[115] while in Cyprus, efforts are underway to strengthen the functions of the Commissioner for Administration (Ombudsperson Institution) and transform the office into a 'Commissioner of Human Rights'.[116] In Hungary, the Parliamentary Commissioner for Civil Rights, currently known as the Commissioner for Fundamental Rights, was accredited with B-status in May 2011. Hungary is considering a possible re-application for A-status in the near future. In March 2012, the Slovakian NHRI lost its B-status due to non-submission of the relevant documents. For more details on the reform process and accreditation status in some of the above-mentioned Member States, see the separate Annex to this handbook.

Those EU Member States which already have A-status NHRIs should ensure that they have adequate resources to allow them to continue to function and develop properly. Otherwise, they run the risk of a downgrade or even loss of their accreditation status.

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112 Centre for equal opportunities and opposition to racism (CEOOR). See also commitments and recommendations of the Universal Periodic Review from the 11th session (2011), available at: www.ohchr.org/EN/HRBodies/UPR/PAGES/BESession11.aspx, as well as the proposal of the Commission Justice et Paix, *La Commission Belge des Droits Fondamentaux: présentation et projet d'accord*, available at: www.justicepaix.be/IMG/pdf/2006-CBDFondamentaux.pdf.

113 The Dutch Senate adopted the draft bill on the establishment of a NHRI on 22 November 2011. The new NHRI will open its doors in summer 2012. The Equal Treatment Commission will be integrated into the new NHRI.

114 UN, HRC (2010b). The Italian Chamber of Deputies approved a draft law in April 2007, but the draft has yet to be endorsed by the Senate. The same draft was introduced in the Senate in late 2009 and discussed in February 2010.

115 See: www.yle.fi/uutiset/kotimaa/2011/12/ihmisoikeuskeskuksen_johtajaksi_sirpa_rautio_3103228.html, (in Finnish).

116 The Attorney-General prepared the bill and the Council of Ministers approved it on 22 October 2010. It is currently pending before the legislature.

Downgrading an A-status NHRI – an example from outside the EU

An institution that no longer meets all the attributes set out in the Paris Principles – such as independence, broad scope of authority, pluralism and effectiveness – will lose its A-status. Although this has not yet happened in Europe,[117] the Sri Lankan NHRI – the Human Rights Commission – lost its A-status in October 2007, principally because the Commission no longer fulfilled the independence criterion. This stemmed from the governing body's appointment. In contrast to constitutional requirements, the process lacked a transparent consultation and recommendation of the Constitutional Council.[118]

Above all, the Paris Principles should be seen only as a minimum, rather than a maximum, standard. According to the FRA opinions in the report on *National Human Rights Institutions in the EU Member States* (2010): "NHRIs which fully comply with the Paris Principles are able to effectively support the implementation of fundamental rights at the national level. At the same time, however, it needs to be emphasised that the Paris Principles should be taken as the very minimum standard for NHRIs in the European Union."[119] In fact, such an approach appears ever more desirable given ICC efforts to raise the rigour, as well as the transparency, of the accreditation review.[120] EU Member States will benefit from NHRIs that go above and beyond the minimum standards laid down in the Paris Principles, as they are better equipped to cooperate with one another, as well as with EU and international mechanisms.

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117 Sweden's situation differed somewhat. Its institution held A-status, but this status lapsed during a domestic reform because supporting documents were not submitted to the ICC on time. See ICC, Sub-Committee on Accreditation (2008), point 3.10.

118 ICC, Sub-Committee on Accreditation (2007), point 5.3; see also subsequent review in March 2009, point 3.2: http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/2009_March%20SCA%20REPORT.pdf.

119 FRA (2010a). See also Appendix 1 where these opinions are reproduced.

120 UN, HRC (2011f).

References

Aichele, V. (2010), *National Human Rights Institutions. An introduction*, Berlin, Deutsches Institut für Menschenrechte.

Amnesty International (2001), *National Human Rights Institutions: Amnesty International's recommendations for effective protection and promotion of human rights*, October 2001, available at: www.asiapacificforum.net/members/international-standards/downloads/best-practice-for-nhris/Amnesty%20International%20-%20Recommendations%20on%20NHRIs.pdf.

Asia Pacific Forum (2012), *International Human Rights and the international Human Rights System*, available at: www.asiapacificforum.net/news/support/training/int-hr-systems/downloads/resources/international-human-rights-and-the-international-human-rights-system-a-manual-for-nhris-2012.

Burdekin, B. (2007), *National Human Rights Institutions in the Asia-Pacific Region*, Leiden/Boston, Martinus Nijhoff Publishers.

Burdekin, B. (2009), 'National Human Rights Institutions' in: Alfredsson, G., Grimheden, J., Ramcharan, B.G. and Zayas, A. (eds.)*, International Human Rights Monitoring Mechanisms*, Martinus Nijhoff Publishers, pp. 659–664.

Canadian Human Rights Commission (2011), *Survey of National Human Rights Institutions on Article 33.2 of the Convention on the Rights of Persons with Disabilities*, August 2011.

Caver, R. (2011), 'One NHRI or Many? How Many Institutions Does It Take to Protect Human Rights – Lessons from the European Experience', *Journal of Human Rights Practice,* Volume 3, Number 1.

Commonwealth Human Rights Initiative (2011), *A Partnership for Human Rights: Civil Society and National Human Rights Institutions*, New Delhi, Commonwealth Human Rights Initiative.

Commonwealth Secretariat (2001), *National Human Rights Institutions: Best Practice*, London, 11 July 2001.

Commonwealth Secretariat (2007a), *Commonwealth Model National Plan of Action on Human Rights*, London, Commonwealth Secretariat.

Commonwealth Secretariat (2007b), *Comparative Study on Mandates of National Human Rights Institutions in the Commonwealth*, London, Commonwealth Secretariat.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ 2000 L 180 (*Racial Equality Directive*).

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, OJ 2004 L 373/17 (*Gender Equality Directive on Goods and Services*).

Council of Europe, Commissioner for Human Rights (2011), Opinion of the Council of Europe Commissioner for Human Rights on national structures for promoting equality, CommDH(2011)2, 21 March 2011.

Council of Europe, Commissioner for Human Rights (2012), Comment of the Council of Europe Commissioner for Human Rights on National Human Rights Structures can help mitigate the effects of austerity measures, CommDH 027(2012), 31 May 2012.

Council of Europe, Committee of Ministers (1997a), Recommendation No. R (97) 14 on the Establishment of [NHRIs], 30 September 1997.

Council of Europe, Committee of Ministers (1997b), Resolution (97) 11 on Co-operation between [NHRIs] of Member States and between them and the Council of Europe, 30 September 1997.

Council of Europe, Committee of Ministers (2010), Interlaken Declaration, 19 February 2010.

Council of Europe, Committee of Ministers (2011), Izmir Declaration, 27 April 2011.

Council of Europe, European Commission against Racism and Intolerance (1997), General Policy Recommendation No. 2: on Specialised Bodies to combat Racism, Xenophobia, Antisemitism and Intolerance at National Level, 13 June 1997.

Council of Europe, Venice Commission (2011), *Compilation on the Ombudsman*, CDL(2011)079, 1 December 2011.

Council Regulation (EC) No. 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, Recital 20, 15 February 2007, OJ 2007 L 53.

De Beco, G. (2010), *Non-Judicial Mechanisms for the Implementation of Human rights in European States,* Volume 8, Bruxelles, Bruylant, 2010.

Denmark, Copenhagen European Council (1993), Presidency Conclusions, 21–22 June 1993.

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281.

Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, OJ L 269.

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), OJ L 204 (*Gender Equality Directive*).

European Commission (2008), *Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation*, COM(2008) 426 final, 2 July 2008.

European Commission (2012), *2011 Report on the Application of the EU Charter of Fundamental Rights*, COM(2012) 169 final, 16 April 2012.

European Parliament (2009), *Resolution on the development of the UN Human Rights Council, including the role of the EU*, 2010/C 46 E/08, 14 January 2009.

European Parliament (2011), *Supporting Ombudsman cooperation in the Eastern Partnership countries*, EXPO/B/DROI/2011/16, 15 December 2011, available at: www.europarl.europa.eu/committees/fr/studiesdownload.html?languageDocument=EN&file=67131.

Equinet (2009), *Strategic Roles of Equality Bodies,* Brussels, Equinet.

Equinet (2011), *Equality Bodies and National Human Rights Institutions. Making the Link to maximise Impact,* Brussels, Equinet.

FRA (European Union Agency for Fundamental Rights) (2010a), *National Human Rights Institutions in the EU Member States (Strengthening the fundamental rights architecture in the EU I)*, Luxembourg, Publications Office of the European Union (Publications Office).

FRA (2010b), *Data Protection in the European Union: the role of National Data Protection Authorities (Strengthening the fundamental rights architecture in the EU II)*, Luxembourg, Publications Office.

FRA (2010c), *The Impact of the Racial Equality Directive – Views of trade unions and employers in the European Union (Strengthening the fundamental rights architecture in the EU IV)*, Luxembourg, Publications Office.

FRA (2011), *Access to justice in Europe: an overview of challenges and opportunities*, Luxembourg, Publications Office, March 2011.

FRA (2012), *Fundamental rights: challenges and achievements in 2011 – Annual Report 2011*, Luxembourg, Publications Office, June 2012.

Harvey, C. and Spencer, S. (2011), *Equality and Human Rights Commissions in the UK and Ireland: Challenges and Opportunities Compared*, November 2011.

International Coordinating Committee on National Institutions for the Promotion and Protection of Human Rights (ICC) (2008), *Rules of Procedure for the ICC Sub-Committee on Accreditation*, 14 September 2004, amended 15 April 2008.

ICC (2009a), *Report on the 22nd session of ICC, Discussion: Developing a Plan of Action for NHRI Interaction with International Human Rights Mechanisms in 2009*, Palais des Nations, Geneva, 23-27 March 2009.

ICC (2009b), *ICC Guidelines for Accreditation & Re-Accreditation of National Human Rights Institutions to the International Coordinating Committee of National Human Rights Institutions.*

ICC (2011a), *Operational Plan 2010–2011: Progress Report for ICC Bureau Meeting, October 2011, Annex II*, Geneva, May 2011.

ICC (2011b), *Report of the Chair of the European Group of National Human Rights Institutions Covering the Period March 2010 to March 2011, 24th Session of the International Coordinating Committee of NHRIs,* Geneva, 17 May 2011.

ICC (2011c), *Information Note on National Human Rights Institutions (NHRIs) interaction with the UN Treaty Body System*, April 2011.

ICC (2012), *ICC Statute*, as amended in March 2012.

ICC, Sub-Committee on Accreditation (2007), *Report and Recommendations of the Sub-Committee on Accreditation*, October 2007, available at: http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/2007_October%20SCA%20Report.pdf.

ICC, Sub-Committee on Accreditation (2008), *Report and Recommendations of the Sub-Committee on Accreditation*, April 2008, available at: http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/2008_April%20SCA%20Report.pdf.

ICC, Sub-Committee on Accreditation (2009a), *General Observations*, Geneva, June 2009.

ICC, Sub-Committee on Accreditation (2009b), *Report and Recommendations of the Session of the Sub-Committee on Accreditation*, Geneva, 26-30 March 2009, available at: http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/2009_March%20SCA%20REPORT.pdf.

ICC, Sub-Committee on Accreditation (2010), *Report – Annex 4: Discussion Paper on the Proposed Revision of General Observations*, Geneva, 29 March – 1 April 2010, available at: http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20REPORT%20MARCH%202010%20-%20FINAL%20(with%20annexes).pdf.

ICC, Sub-Committee of Accreditation (2011), *Report and Recommendations of the Sub-Committee on Accreditation*, Geneva, 23-27 May 2011, available at: http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20REPORT%20MAY%202011%20-%20FINAL%20(with%20annexes).pdf.

International Council on Human Rights Policy (2005), *Assessing the Effectiveness of National Human Rights Institutions.*

International Seminar on the relationship between national human rights institution and parliaments (2012), *Belgrade principles on the relationship between national human rights institutions and parliaments*, 22-23 February 2012.

Kjaerum, M. (2000), 'The Experiences of European National Human Rights Institutions' in: Lindsnaes, B., Lindholt, L. and Yigen, K. (eds.), *National Human Rights Institutions: Articles and Working Papers*, The Danish Centre for Human Rights, pp. 113–120.

Kjaerum, M. (2003), 'National Human Rights Institutions Implementing Human Rights' in: Bergsmo, M. (ed.) *Human Rights and Criminal Justice for the Downtrodden*, Leiden, Martinus Nijhoff Publishers, pp. 631–653.

Kjaerum, M. (2007), 'National Human Rights Institutions: A Partner in Implementation' in: Müller, L. (ed.) *The First 365 Days of the United Nations Human Rights Council*, Swiss Foreign Ministry, Geneva.

Kjaerum, M. and Grimheden, J. (2011), 'NHRIs in the European Union: Status Quo Vadis?' in: Eide, A., Möller, J. Th. and Ziemele, I. (eds.), *Making Peoples Heard*, Brill, 2011, pp. 363–370.

Kumar, Raj, C., (2003), 'National Human Rights Institutions: Good Governance Perspectives on Institutionalisation of Human Rights', in: *American University International Law Review*, Volume 19, Issue 2, pp. 259–300.

Mac Aodha, E. and Roberts, K. (2011), 'National Human Rights Institutions in Europe' in: Benedek, W., Benoît-Rohmer, F., Karl, W., Nowak, M. (eds.), *European Yearbook on Human Rights 2011*, Vienna/Antwerp, Intersentia, July 2011, pp. 527–538.

Meuwissen, K. and Wouter, J. (eds.), *National Human Rights Institutions in Europe: Comparative, European and International Perspectives*, forthcoming 2012.

Müller, A. and Seidensticker, F. (2007), *The Role of National Human Rights Institutions in the United Nations Treaty Body Process*, Berlin, German Institute for Human Rights, December 2007.

National Human Rights Institutions (NHRIs) (2010), *Marrakech Statement on strengthening the Relationship between NHRIs and the Human Rights Treaty Bodies System*, 9-10 June 2010.

NHRIs (2011), *Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*, United Nations Professional Training Series No. 4, New York and Geneva, 1995 (UN, OHCHR Handbook).

Ojanen, T. (2008), *FRA Thematic Legal Study on National Human Rights Institutions and Human Rights Organisations Finland*, Helsinki/Åbo, Finland, September 2008.

Organization for Security and Co-operation in Europe (OSCE) (1975), *Helsinki Final Act 1975*, Helsinki, 1975.

OSCE, Office for Democratic Institutions and Human Rights (2011), *Pilot Comparative Review: National Human Rights Institutions and their Practices in Protecting and Promoting Women's Rights and Gender Equality*, August 2011.

Ramcharan, B. G. (1979), 'The Role of Regional, National and Local Institutions: Future Perspectives' in: Ramcharan, B. G. (ed.) *Human Rights: Thirty Years after the Universal Declaration*, The Hague, Martinus Nijhoff Publishers, pp. 233–248.

Sarugaser-Hug, S. (without date) 'How a Peer-Review Mechanism Can Influence the Implementation of international Human Rights Standards: Why the Work of the Sub-Committee on Accreditation of the International Coordinating Committee

of National Institutions for the Promotion and Protection of Human Rights Matters', *Australian Journal for Human Rights* (forthcoming).

UN, Committee against Torture (2007), *Concluding observations: Italy*, UN doc. CAT/C/ITA/CO/4, 16 July 2007.

UN, Committee on Economic, Social and Cultural Rights (1998), *General Comment No. 10: The Role of National Human Rights Institutions in the Protection of Economic, Social and Cultural Rights*, 14 December 1998.

UN, Committee on Economic, Social and Cultural Rights (2004), *Concluding observations: Italy*, UN doc. E/C.12/1/Add.103, 14 December 2004.

UN, Committee on the Elimination of Discrimination against Women (2002), *Results of the fortieth session of the Committee on the Elimination of Discrimination against Women*, E/CN.6/2008/CRP.1, Annex II.

UN, Committee on the Elimination of Racial Discrimination (CERD) (1993), *General Recommendation 17, 'Establishment of national institutions to facilitate implementation of the Convention'*, 25 March 1993.

UN, CERD (2008), *Concluding observations: Italy*, UN doc. CERD/C/ITA/CO/15, 16 May 2008.

UN, Committee on Rights of the Child (2002), *General Comment No. 2: The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child*.

UN, Committee on the Rights of the Child (2003), *Concluding observations: Italy*, UN doc. CRC/C/15/Add.198, 18 March 2003.

UN, Convention on the Rights of Persons with Disabilities (CRPD) (2006), 13 December 2006.

UN, Economic and Social Council (Ecosoc) (1946), *Resolution 2/9,* 21 June 1946.

UN, Ecosoc (1959), *A Memorandum on National Advisory Committees on Human Rights,* Doc. E/CN.4/791, 23 November 1959.

UN, Ecosoc (1960), *Resolution E/RES/772 B (XXX)*, 25 July 1960.

UN, Ecosoc (1962), *Resolution E/RES/888 F (XXXIV)*, 24 July 1962.

UN, General Assembly (1978), *Resolution 33/46*, UN Doc. A/RES/33/46, 14 December 1978.

UN, General Assembly (1993a), *Vienna Declaration and Programme of Action*, UN Doc. A/CONF.157/23, 12 July 1993.

UN, General Assembly (1993b), *The Principles relating to the status and functioning of national institutions for protection and promotion of human rights (The Paris Principles)*, Resolution A/RES/48/134, 20 December 1993.

UN, General Assembly (2007), *Letter dated 17 April 2007 from the Permanent Representative of Italy to the United Nations addressed to the President of the General Assembly*, 61st session, UN doc. A/61/863, 17 April 2007.

UN, General Assembly (2011), *Resolution A/C.3/66/L.49/Rev.1,* 16 November 2011.

UN, General Assembly (2012a), *Resolution A/RES/66/169*, 11 April 2012.

UN, General Assembly (2012b), *Resolution A/ RES/66/254*, 15 May 2012.

UN, Human Rights Committee (2006), *Concluding observations: Italy*, UN doc. CCPR/C/ITA/CO/5, 24 April 2006.

UN, Human Rights Commission (1992), *Paris Principles*, Resolution 1992/54, 7-9 October 1991.

UN, Human Rights Council (HRC) (2007), *Resolution 5/1*, 18 June 2007.

UN, HRC (2009), 7th session, *Compilation prepared by the Office of the High commissioner for Human Rights, in accordance with paragraph 15(b) of the annex to Human Rights Council Resolution 5/1 – Italy*, UN doc. A/HRC/WG.6/7/ITA/2, 20 November 2009.

UN, HRC (2010a), *Report of the Working Group on the Universal Periodic Review*, A/HRC/15/11, 16 June 2010.

UN, HRC (2010b), *Response of the Government of Italy to recommendations in the report of 11 February 2010 of the Working Group on the Universal Periodic Review*, UN doc. A/HRC/14/4/Add.1, 31 March 2010.

UN, HRC (2011a), *Resolution 17/9*, 16 July 2011.

UN, HRC (2011b), *Resolution 16/21*, 25 March 2011.

UN, HRC (2011c), *Report of the Working Group on the Universal Periodic Review*, A/HRC/17/17, 28 March 2011.

UN, HRC (2011d), *Report of the Working Group on the Universal Periodic Review*, A/HRC/16/9, 4 January 2011.

UN, HRC (2011e), *Report of the Working Group on the Universal Periodic Review*, A/HRC/17/8, 18 March 2011.

UN, HRC (2012), *Resolution 20/14*, 29 June 2012.

UN, Human Rights Treaty Bodies (2007), *Conclusions of the International Roundtable on the Role of National Human Rights Institutions and Treaty Bodies,* HRI/MC/2007/3, Berlin, 23 and 24 November 2006).

UN, Office of the High Commissioner for Human Rights (OHCHR) (1995), *Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*, United Nations Professional Training Series No.4, New York and Geneva, 1995.

UN, OHCHR (2002), *The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (OP-CAT), Resolution A/RES/57/199, 18 December 2002.

UN, OHCHR (2005), *Fact Sheet No. 30: An introduction to the core human rights treaties and the treaty bodies*, available at: www.unhcr.org/refworld/docid/479477490.html.

UN, OHCHR (2007), *Discussion paper on interaction between national human rights institutions and special procedures,* available at: www2.ohchr.org/english/bodies/chr/special/docs/draftNHRI-SPinteraction_May2007.pdf.

UN, OHCHR (2009), *Survey of national human rights institutions: report on the findings and recommendations of a questionnaire addressed to NHRIs worldwide*.

UN, OHCHR (2010), *National Human Rights Institutions – History, Principles, Roles and Responsibilities*, Professional Training Series No. 4 (Rev. 1), HR/P/PT/4/Rev.1, United Nations Publication: New York and Geneva.

UN, OHCHR (2011), *Study on the Implementation of Article 33 of the UN Convention on the Rights of Persons with Disabilities in Europe*.

UN, United Nations Development Programme (UNDP)/OHCHR (2010), *Toolkit for Collaboration with National Human Rights Institutions*, New York and Geneva.

UN, Secretary-General (2009), *Report of the United Nations Secretary-General to the UN General Assembly*, A/64/320, 24 August 2009.

UN, Secretary-General (2010), *Report of the Secretary-General, GA 65th session 1, The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human right*, A/65/340, 1 September 2010.

UN, Secretary-General (2011), *Report of the Secretary-General, Process currently utilized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to accredit national institutions in compliance with the Paris Principles*, A/HRC/16/77, 3 February 2011.

Appendices

Appendix 1: FRA opinions

The European Union Agency for Fundamental Rights has formulated the following opinions based on the findings and comparative analysis contained in the *National Human Rights Institutions in the EU Member States* report from 2010.

Beyond the Paris Principles

All EU Member States should have NHRIs with a sufficient level of independence, powers, and a mandate related to the full spectrum of rights – at minimum the rights covered by the EU Charter of Fundamental Rights – as well as other relevant European and international instruments. NHRIs should also be equipped with strong preventive powers, and sufficiently resourced to be able to collect data and conduct research and awareness-raising. When possible, NHRIs should have quasi-judicial competence to hear and consider complaints and petitions, including powers to establish facts, compel the production of evidence, and summon witnesses. NHRIs must be fully independent and guaranteed a sufficient infrastructure with adequate funding so as to ensure the highest attainable level of operations irrespective of changes in the political leanings of successive governments, economic downturns, or perceived sensitivity of the matters they address. NHRIs should have a separate budget line and legislative prescription of adequate resources, with clear goals and measurement of performance. In this way, NHRIs are equipped for efficient promotion and protection of human rights. The Paris Principles should be taken as the very minimum standard for NHRIs in the European Union.

Transparent yet visible

An NHRI should be a prestigious and visible entity which should serve to boost its credibility and efficiency. In particular, it should have a title that includes "human rights" or possibly "fundamental rights" in its wording. An NHRI should, moreover, be or include a broad collegial body reflecting the composition of society, as far as possible, within the existing legal framework.

An NHRI should be headed by an individual appointed on the basis of his or her personal merit. The selected individual or, as the case may be, jointly with others in leadership positions, should have experience in the field of fundamental rights and possess administrative and management skills. Members of an NHRI (commissioners or equivalent), shall possess "appropriate experience in the management of public or private sector organisations and, in addition, knowledge in the field of fundamental rights" (FRA founding Regulation, Article 12).

NHRIs should select their members – serving in their individual capacity rather than as representatives of an organisation – through a transparent and efficient recruitment procedure so as to ensure trust and secure broad representativeness in terms of gender, political and other opinion, and participation of minorities. They should also benefit of a stable mandate. An NHRI should have the capacity to select and employ its own staff; secondment should not be the dominant feature, particularly with regards to senior posts.

Stronger European cooperation

NHRIs should be supported to contribute effectively to European and international human rights mechanisms, such as the various Council of Europe and UN monitoring mechanisms, as well as effective interaction with the FRA. In this way they can facilitate an improved 'joined-up' approach between the national, European, and international structures. This should be done by strengthening regional cooperation of NHRIs through supporting the establishment of a permanent entity for the European Group of NHRIs that, on a full time basis, could undertake the following: coordinate joint efforts; support the establishment of new NHRIs when needed; offer advice in establishment processes and during challenging periods; offer training and technical exchange and support. A further possibility for such regional cooperation could include assessing the impact of various models and methods of operation, systematic collection of more comparable data (enabling more systematic analysis), and closer follow-up of recommendations by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) to ensure progressive improvements of NHRIs in Europe.

A coherent architecture at the national level

Where no NHRI exists, the EU and its Member States should jointly support all national monitoring bodies, including equality bodies and data protection

authorities, to explicitly comply with the relevant Paris Principles and their authoritative interpretation as laid down by the ICC. To the extent that existing ombudsmen are not also serving as NHRIs, their independence and mandate should be revisited with a view to compliance with the Paris Principles.

The EU and its Member States should also jointly work towards ensuring the inclusion of a clear reference both to the Paris Principles as well as the need for a comprehensive approach to monitoring in the wording of relevant proposals for EU legislation, such as the possible horizontal directive on equal treatment across all grounds of discrimination, a clear reference to the Paris Principles and the need for a comprehensive approach to monitoring. Equality bodies and NHRIs, and other relevant bodies, should be clearly encouraged to cooperate when these entities are not one and the same.

When adding specific mandates under various EU directives, consideration should also be given to promoting existing NHRIs as an alternative to the establishment of new specialised bodies, while ensuring that enlarged mandates are matched with enhanced capacity. There is a clear need to adopt a more comprehensive approach to human rights at the national level, with efforts and resources focused on key institutions – such as a visible and effective overarching NHRI that can act as a hub to ensure that gaps are covered and that all human rights are given due attention.

Appendix 2: Principles relating to the Status of National Institutions (The Paris Principles)

Adopted by General Assembly resolution 48/134 of 20 December 1993.

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, *inter alia*, have the following responsibilities:

   a. To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

      i. Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

      ii. Any situation of violation of human rights which it decides to take up;

      iii. The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

      iv. Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

   b. To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

c. To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

d. To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

e. To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;

f. To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

g. To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

   a. Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

   b. Trends in philosophical or religious thought;

c. Universities and qualified experts;

d. Parliament;

e. Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

a. Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;

b. Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

c. Address public opinion directly or through any press organ, particularly in order to publicise its opinions and recommendations;

d. Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

e. Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

f. Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);

g. In view of the fundamental role played by the non-governmental organisations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

a. Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

b. Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

c. Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

Appendix 3: Rules of procedure for the ICC Sub-Committee on Accreditation*

1. Mandate

In accordance with the Statute of the Association International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) (Article 1.1), the Sub-Committee on Accreditation has the mandate to review and analyse accreditation applications forwarded by the ICC Chairperson and to make recommendations to the ICC on the compliance of applicants with the Paris Principles.

2. Composition of the Sub-Committee

2.1. For the purpose of ensuring a fair balance of regional representation on the Sub- Committee on Accreditation, it shall be composed of one (1) ICC NHRI accredited 'Status A' for each of the four (4) regional groups as established by the ICC Statute (Section 7), namely Africa, Americas, Asia-Pacific, and Europe.

2.2. Members are appointed by regional groups for a term of three (3) years renewable.

2.3. The Chair of the Sub-Committee on Accreditation shall be selected, for a term of one (1) year, renewable a maximum of two (2) times, on a rotational basis from within the Sub-Committee so that each region assumes office in turn; in the event that a member of the Sub-Committee whose turn it is to be named Chair declines the office, the Chair shall pass to the region next in line or to another NHRI in that region.

2.4. The Office of the United Nations High Commissioner for Human Rights (OHCHR) shall be a permanent observer to the Committee and in its capacity as Secretariat of the ICC, support the Sub-Committee's work, serve as a focal point on all communications and maintain records as appropriate on behalf of the ICC Chairperson.

3. Functions

3.1. Each regional group representative to the Sub-Committee on Accreditation shall facilitate the application process for NHRIs in the region.

3.2. The regional grouping representative shall supply NHRIs from their region with all relevant information pertaining to the accreditation process, including a description of the process, requirements and timelines.

3.3. In accordance with the ICC Statute (Section 5), any NHRI seeking membership or seeking re-accreditation shall apply to the ICC Chairperson, supplying all required supporting documents through the ICC Secretariat.

3.4. These applications and support documents shall be provided to the ICC Secretariat at least four (4) months prior to the meeting of the Sub-Committee. Subject to rule 3.5 of these Rules, an Institution undergoing re-accreditation that does not comply with this deadline will be suspended until such time as the required documentation is submitted and reviewed by the Sub-Committee.

3.5. Applications and documents submitted after this deadline will only be examined during the subsequent meeting of the Sub-Committee, unless the situation warrants otherwise, as determined by the ICC Chairperson. In the event that the delay involves an Institution seeking re-accreditation, a decision to not suspend the Institution can be taken only if written justifications for the delay have been provided and these are, in the view of the ICC Chairperson, compelling and exceptional.

3.6. Any civil society organization wishing to provide relevant information pertaining to any accreditation matter before the Sub-Committee shall provide such information in writing to the ICC Secretariat at least four (4) months prior to the meeting of the Sub- Committee.

3.7. The ICC Chairperson, with support from the ICC Secretariat, will ensure that copies of the applications and supporting documentation are provided to each member of the Sub-Committee on Accreditation.

3.8. The ICC Chairperson, with support from the ICC Secretariat, will also provide a summary of particular issues for consideration by the Sub-Committee.

4. Procedures

4.1. The Sub-Committee on Accreditation will meet after the General Meeting of the ICC in order to consider any accreditation matter under Section 5 of the Statute.

4.2. The Chairperson of the Sub-Committee on Accreditation may invite any person or institution to participate in the work of the Sub-Committee as an observer.

4.3. Additional meetings of the Sub-Committee may be convened by the Chair with the agreement of the ICC Chairperson and members of the Sub-Committee on Accreditation.

4.4 When, in the view of the Sub-Committee, the accreditation of a particular applicant Institution cannot be determined fairly or reasonably without further examination of an issue for which no policy has been articulated, it shall refer that matter directly to the ICC Bureau for determination and guidance. An ultimate decision as to accreditation can only be taken once the ICC Bureau provides that decision or guidance.

4.5 The Sub-Committee may, pursuant to Article 11.2 of the ICC Statute, consult with the applicant Institution, as it deems necessary, to come to a recommendation. The Sub-Committee shall, also pursuant to and for the purposes set out in Article 11.2, consult with the applicant Institution when an adverse decision is to be recommended. These consultations may be in the form deemed most appropriate by the Sub-Committee but must be supported by written documentation; in particular the substance of verbal consultations must be recorded and be available for review. Since the ICC Bureau makes the final decision on membership, an Institution undergoing a review retains its membership status during the consultation process.

5. Accreditation Classifications

In accordance with the Paris Principles and the ICC Statute, the different classifications for accreditation used by the Sub-Committee are:

A: Voting Member – Fully in compliance with each of the Paris Principles;

B: Non-Voting Member – Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination;

C: No Status – Not in compliance with the Paris Principles.

6. Report and Recommendations

6.1. Pursuant to Article 12 of the ICC Statute, where the Sub-Committee on Accreditation comes to an accreditation recommendation, it shall forward that recommendation to the ICC Bureau whose final decision is subject to the following process:

(i) The recommendation of the Sub-Committee shall first be forwarded to the applicant;

(ii) An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within twenty-eight (28) days of receipt;

(iii) Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau;

(iv) Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information at least four members of the ICC Bureau coming from not less than two regional groups notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision;

(v) If at least four members of the ICC Bureau coming from not less than two regional groups do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau;

(vi) The decision of the ICC Bureau on accreditation is final.

6.2. General Observations are to be developed by the Sub-Committee and approved by the ICC Bureau.

6.3. The General Observations, as interpretive tools of the Paris Principles, may be used to:

(a) Instruct Institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;

(b) Persuade domestic governments to address or remedy issues relating to an Institution's compliance with the standards articulated in the General Observations;

(c) Guide the Sub-Committee on Accreditation in its determination of new accreditation applications, re-accreditation applications or special reviews:

(i) If an Institution falls substantially short of the standards articulated in the General Observations, it would be open for the Sub-Committee to find that it was not Paris Principle compliant.

(ii) If the Sub-Committee has noted concern about an Institution's compliance with any of the General Observations, it may consider what steps, if any, have been taken by an Institution to address those concerns in future applications. If the Sub-Committee is not provided with proof of efforts to address the General Observations previously made, or offered a reasonable explanation why no efforts had been made, it would be open to the Sub-Committee to interpret such lack of progress as non-compliance with the Paris Principles.

**Adopted by the members of the International Coordinating Committee at its 15th session, held on 14 September 2004, Seoul, Republic of Korea. Amended by the members of the ICC at its 20th session, held on 15 April 2008, Geneva, Switzerland.*

Appendix 4: General Observations of the ICC Sub-Committee on Accreditation (2009)[121]

1. Competence and responsibilities

1.1. **Establishment of national institutions:** An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence.

1.2. **Human rights mandate:** All NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles.

1.3. **Encouraging ratification or accession to international human rights instruments:** The Sub-Committee interprets that the function of encouraging ratification or accession to international human rights instruments, set out in the Paris Principles, is a key function of a National Institution. The Sub-Committee therefore encourages the entrenchment of this function in the enabling legislation of the National Institution to ensure the best protection of human rights within that country.

1.4. **Interaction with the International Human Rights System:** The Sub-Committee would like to highlight the importance for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the ICC and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.

1.5. **Cooperation with other human rights institutions:** NHRIs should closely cooperate and share information with statutory institutions established also for the promotion and protection of human rights, for example at the state level or on thematic issues, as well as other organizations, such as NGOs,

[121] For further developments regarding the revision of the General Observation, see Section 1.1.1.

working in the field of human rights and should demonstrate that this occurs in their application to the ICC Sub-Committee.

1.6. **Recommendations by NHRIs**

NHRI recommendations contained in annual, special or thematic human rights reports should normally be discussed within a reasonable amount of time, not to exceed six months, by the relevant government ministries as well as the competent parliamentary committees. These discussions should be held especially in order to determine the necessary follow up action, as appropriate in any given situation. NHRIs as part of their mandate to promote and protect human rights should ensure follow up action to recommendations contained in their reports.

2. Composition and guarantees of independence and pluralism

2.1. **Ensuring pluralism:** The Sub-Committee notes there are diverse models of ensuring the requirement of pluralism set out in the Paris Principles. However, the Sub-Committee emphasizes the importance of National Institutions to maintain consistent relationships with civil society and notes that this will be taken into consideration in the assessment of accreditation applications.

The Sub-Committee observes that there are different ways in which pluralism may be achieved through the composition of the National Institution, for example:

a) Members of the governing body represent different segments of society as referred to in the Paris Principles;

b) Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;

c) Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or

d) Pluralism through diverse staff representing the different societal groups within the society.

The Sub-Committee further emphasizes that the principle of pluralism includes ensuring the meaningful participation of women in the National Institution.

2.2. **Selection and appointment of the governing body:** The Sub-Committee notes the critical importance of the selection and appointment process of the governing body in ensuring the pluralism and independence of the National Institution. In particular, the Sub-Committee emphasizes the following factors:

a) A transparent process

b) Broad consultation throughout the selection and appointment process

c) Advertising vacancies broadly

d) Maximizing the number of potential candidates from a wide range of societal groups

e) Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.

2.3. **Government representatives on National Institutions:** The Sub-Committee understands that the Paris Principles require that Government representatives on governing or advisory bodies of National Institutions do not have decision making or voting capacity.

2.4. **Staffing by secondment:**

In order to guarantee the independence of the NHRI, the Sub-Committee notes, as a matter of good practice, the following:

a) Senior level posts should not be filled with secondees;

b) The number of seconded should not exceed 25% and never be more than 50% of the total workforce of the NHRI.

2.5. **Immunity:** It is strongly recommended that provisions be included in national law to protect legal liability for actions undertaken in the official capacity of the NHRI.

2.6. **Adequate Funding:** Provision of adequate funding by the state should, as a minimum include:

a) the allocation of funds for adequate accommodation, at least its head office;

b) salaries and benefits awarded to its staff comparable to public service salaries and conditions;

c) remuneration of Commissioners (where appropriate); and

d) the establishment of communications systems including telephone and internet.

Adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of the improvement of the organization's operations and the fulfillment of their mandate.

Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the state to ensure the NHRI's minimum activity budget in order to allow it to operate towards fulfilling its mandate.

Financial systems should be such that the NHRI has complete financial autonomy. This should be a separate budget line over which it has absolute management and control.

2.7. **Staff of an NHRI:** As a principle, NHRIs should be empowered to appoint their own staff.

2.8. **Full-time Members:**

Members of the NHRIs should include full-time remunerated members to:

a) Ensure the independence of the NHRI free from actual or perceived conflict of interests;

b) Ensure a stable mandate for the members;

c) Ensure the ongoing and effective fulfillment of the mandate of the NHRI.

2.9. **Guarantee of tenure for members of governing bodies**

Provisions for the dismissal of members of governing bodies in conformity with the Paris Principles should be included in the enabling laws for NHRIs.

a) The dismissal or forced resignation of any member may result in a special review of the accreditation status of the NHRI;

b) Dismissal should be made in strict conformity with all the substantive and procedural requirements as prescribed by law;

c) Dismissal should not be allowed based on solely the discretion of appointing authorities.

2.10. **Administrative regulation**

The classification of an NHRI as a public body has important implications for the regulation of its accountability, funding, and reporting arrangements.

In cases where the administration and expenditure of public funds by an NHRI is regulated by the Government, such regulation must not compromise the NHRI's ability to perform its role independently and effectively. For this reason, it is important that the relationship between the Government and the NHRI be clearly defined.

3. Methods of operation

4. Additional principles concerning the status of commissions with quasi-jurisdictional competence

5. Additional issues

5.1. **NHRIs during the situation of a coup d'état or a state of emergency:** As a principle, the Sub-Committee expects that, in the situation of a coup d'état or a state of emergency, an NHRI will conduct itself with a heightened level of vigilance and independence in the exercise of their mandate.

5.2. **Limitation of power of National Institutions due to national security:** The Sub-Committee notes that the scope of the mandate of many National

Institutions is restricted for national security reasons. While this tendency is not inherently contrary to the Paris Principles, it is noted that consideration must be given to ensuring that such restriction is not unreasonably or arbitrarily applied and is exercised under due process.

5.3. **Functioning of an NHRI in a volatile context:** The Sub-Committee acknowledges that the context in which an NHRI operates may be so volatile that the NHRI cannot reasonably be expected to be in full conformity with all the provisions of the Paris Principles. When formulating its recommendation on the accreditation status in such cases, the Sub-Committee will give due consideration to factors such as: political instability; conflict or unrest; lack of state infrastructure, including excessive dependency on donor funding; and the NHRI's execution of its mandate in practice.

6. Procedural issues

6.1. **Application processes:** With the growing interest in establishing National Institutions, and the introduction of the five-yearly re-accreditation process, the volume of applications to be considered by the Sub-Committee has increased dramatically. In the interest of ensuring an efficient and effective accreditation process, the Sub-Committee emphasizes the following requirements:

a) Deadlines for applications will be strictly enforced;

b) Where the deadline for a re-accreditation application is not met, the Sub-Committee will recommend that the accreditation status of the National Institution be suspended until the application is considered at the next meeting;

c) The Sub-Committee will make assessments on the basis of the documentation provided. Incomplete applications may affect the recommendation on the accreditation status of the National Institution;

d) Applicants should provide documentation in its official or published form (for example, published laws and published annual reports) and not secondary analytical documents;

e) Documents must be submitted in both hard copy and electronically;

f) All application related documentation should be sent to the ICC Secretariat at OHCHR at the following address: National Institutions Unit, OHCHR, CH-1211 Geneva 10, Switzerland and by email to: nationalinstitutions@ohchr.org; and

g) It is the responsibility of the applicant to ensure that correspondence and application materials have been received by the ICC Secretariat.

6.2. **Deferral of re-accreditation applications:** The Sub-Committee will apply the following policy on the deferral of re-accreditation applications:

a) In the event that an institution seeks a deferral of consideration of its re-accreditation application, a decision to grant the deferral can be taken only if written justifications for the deferral have been provided and these are, in the view of the ICC Chairperson, compelling and exceptional;

b) Re-accreditation applications may be deferred for a maximum of one year, after this time the status of the NHRI will lapse; and

c) For NHRIs whose re-accreditation applications are received after the due date or who have failed to submit their applications, their accreditation status will be suspended. This suspension can be in place for up to one year during which time the NHRI may submit its application for re-accreditation. If the application is not submitted during this time, the accreditation status will lapse.

6.3. **NHRIs under review:** Pursuant to Article 16 of the ICC Statute,[122] the ICC Chair or the Sub-Committee may initiate a review of an NHRI's accreditation status if it appears that the circumstances of that NHRI may have changed in any way which affects its compliance with the Paris Principles. Such a review is triggered by an exceptional set of circumstances considered to be temporary in nature. As a consequence, the regular re-accreditation process will be deferred until the review is completed.

[122] Formerly article 3 (g) of the ICC Rules of Procedure.

In its consideration of NHRIs under review, the Sub-Committee will apply the following process:

a) an NHRI can be under review for a maximum of one and a half years only, during which time it may bring information to the Sub-Committee to demonstrate that, in the areas under review, the NHRI is fully compliant with the Paris Principles;

b) During the period of review, all privileges associated with the existing accreditation status of the NHRI will remain in place;

c) If at the end of the period of review, the concerns of the Sub-Committee have not been satisfied, then the accreditation status of the NHRI will lapse.

6.4. **Suspension of Accreditation:** The Sub-Committee notes that the status of suspension means that the accreditation status of the Commission is temporarily suspended until information is brought before the Sub-Committee to demonstrate that, in the areas under review, the Commission is fully compliant with the Paris Principles. An NHRI with a suspended A status is not entitled to the benefits of an A status accreditation, including voting in the ICC and participation rights before the Human Rights Council, until the suspension is lifted or the accreditation status of the NHRI is changed.

6.5. **Submission of information:** Submissions will only be accepted if they are in paper or electronic format. The Statement of Compliance with the Paris Principles is the core component of the application. Original materials should be submitted to support or substantiate assertions made in this Statement so that the assertions can be validated and confirmed by the Sub-Committee. No assertion will be accepted without material to support it.

Further, where an application follows a previous recommendation of the Sub-Committee, the application should directly address the comments made and should not be submitted unless all concerns can be addressed.

6.6. **More than one national institution in a State**: The Sub-Committee acknowledges and encourages the trend towards a strong national human rights protection system in a State by having one consolidated and comprehensive national human rights institution.

In very exceptional circumstances, should more than one national institution seek accreditation by the ICC, it should be noted that Article 39 of the ICC Statute[123] provides that the State shall have one speaking right, one voting right and, if elected, only one ICC Bureau member.

In those circumstances the conditions precedent for consideration of the application by the Sub-Committee are the following:

1) Written consent of the State Government (which itself must be a member of the United Nations).

2) Written agreement between all concerned national human rights institutions on the rights and duties as an ICC member including the exercise of the one voting and the one speaking right. This agreement shall also include arrangements for participation in the international human rights system, including the Human Rights Council and the Treaty Bodies.

The Sub-Committee stresses the above requirements are mandatory for the application to be considered.

6.7. **NHRI annual report**

The Sub-Committee finds it difficult to review the status of an NHRI in the absence of a current annual report, that is, a report dated not earlier than one year before the time it is scheduled to undergo review by the Sub-Committee. The Sub-Committee stresses the importance for an NHRI to prepare and publicize an annual report on its national situation with regard to human rights in general, and on more specific matters. This report should include an account of the activities undertaken by the NHRI to further its mandate during that year and should state its opinions, recommendations and proposals to address any human rights issues of concern.

Adopted by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) by email after the SCA meeting of March 2009.

Geneva, June 2009

[123] Formerly Rule 3 (b) of the ICC Rules of procedure.

Appendix 5: NHRIs and their ICC-status by EU Member State

Table A1: NHRIs and their ICC status, by EU Member State

EU Member State	Status	NHRI (in English)	NHRI (in language of EU Member State)	Website
AT	B	Ombudsman Board	*Volksanwaltschaft*	www.volksanw.gv.at
BE	B	Centre for Equal Opportunities and Opposition to Racism (CEOOR)	*Centrum voor Gelijkheid van Kansen en voor Racismebestrijding/Centre pour l'égalité des chances et la lutte contre le racisme*	www.diversiteit.be
BG	B	Commission for protection against Discrimination of the Republic of Bulgaria	*Комисия за защита от дискриминация*	www.kzd-nondiscrimination.com
	B	The Ombudsman of the Republic of Bulgaria	*Омбудсман на Република България*	www.ombudsman.bg
DE	A	German Institute for Human Rights (GIHR)	*Deutsches Institut für Menschenrechte (DIMR)*	www.institut-fuer-menschenrechte.de
DK	A	Danish Institute for Human Rights (DIHR)	*Institut for Menneskerettigheder*	www.humanrights.dk
EL	A	National Commission for Human Rights (GNCHR)	*Εθνική Επιτροπή για τα Δικαιώματα τοθ Ανθρώπου (ΕΕΔΑ)*	www.nchr.gr
ES	A	Ombudsman	*Defensor del Pueblo Español*	www.defensordelpueblo.es
FR	A	National Consultative Human Rights Commission (NCHRC)	*Commission Nationale Consultative des Droits de l'Homme (CNCDH)*	www.cncdh.fr
HU	B	Commissioner for Fundamental Rights	*Alapvető Jogok Biztosa*	www.obh.hu

EU Member State	Status	NHRI (in English)	NHRI (in language of EU Member State)	Website
IE	A	Irish Human Rights Commission (IHRC)	Irish Human Rights Commission/ *An Coimisún um Chearta Duine*	www.ihrc.ie
LU	A	Consultative Commission on Human Rights (CCHR)	*Commission Consultative des Droits de l'Homme* (CCDH)	www.ccdh.public.lu
NL	B	Equal Treatment Commission	*Commissie Gelijke Behandeling* (CGB)	www.cgb.nl
PL	A	Commissioner for Civil Rights Protection	*Rzecznik Praw Obywatelskich* (RPO)	www.rpo.gov.pl
PT	A	Ombudsman Office	*Provedor de Justiça*	www.provedor-jus.pt
RO*	C*	Romanian Institute for Human Rights (RIHR)	*Institutul Român pentru Drepturile Omului* (IRDO)	www.irdo.ro
SE	B	Equality Ombudsman	Diskrimineringsombudsmannen	www.do.se
SI	B	Human Rights Ombudsman	*Varuh človekovih pravic*	www.varuh-rs.si
SK**				
Great Britain (UK)***	A	Equality and Human Rights Commission (EHRC)		www.equalityhumanrights.com
Northern Ireland (UK)***	A	Northern Ireland Human Rights Commission (NIHRC)		www.nihrc.org
Scotland (UK)***	A	Scottish Human Rights Commission		www.scottishhumanrights.com

Notes: * *Romania is listed at: www.nhri.net as having no status but a formal overview on the same site updated as of June 2009 records C status.*
** *Slovakia's former B-status has lapsed.*
*** *United Kingdom has three NHRIs: in Great Britain the Equality and Human Rights Commission covering human rights issues in England and Wales, and certain human rights issues in Scotland (those not devolved to the Scottish Parliament); in Northern Ireland the Northern Ireland Human Rights Commission and in Scotland, the Scottish Human Rights Commission.*

Source: FRA, 2012

Appendix 6: Number of members and methods of appointment of the governing body of EU NHRIs

Table A2: Number of members and methods of appointment of the governing body of EU NHRIs

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
AT	Ombudsman Board	**B**	**3** One acts in turn as chairman	The National Council (Parliament) elects Ombudsman board members on the basis of a joint recommendation drawn up by the Main Committee in the presence of at least half its members. Each of the three parties with the largest number of votes in the National Council is entitled to nominate one member for this joint recommendation.	Article 148g (1) and (2) of the Austrian Constitution
BE	Centre for Equal Opportunities and Opposition to Racism	**B**	**21** 19 Commissioners, 1 President and 1 Vice-Chairman	The board of directors is appointed by the King, by Decree of the Council of Ministers upon the proposal of the Prime Minister.	Article 5 of the Act (15 February 1993); Article 1 (2) and (4) of the Royal Decree (28 February 1993) establishing the Organic Status of the Centre for Equal Opportunities and Opposition to Racism

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
BG	Ombudsman of the Republic of Bulgaria	B	**1** Ombudsperson and **1** Vice Ombudsperson	The National Assembly elects the Ombudsman, by secret ballot, for a term of five years. He/she may be re-elected one time only. The winner is the candidate who receives a majority of votes from the Members of Parliament who participate in the voting. Based on the Ombudsman's recommendation, the National Assembly elects the Deputy Ombudsman within one month of the Ombudsman's election and for the term under Article 8.	Articles 8, 10 (2) and 11 (1) of the Ombudsman Act
	Commission for protection against Discrimination of the Republic of Bulgaria	B	**9** Commissioners including 1 Chairman and 1 Vice-Chairman	According to the founding law, the Commission shall consist of nine members, at least four of whom should be lawyers. The National Assembly elects five of the Commissioners, including the Chairperson and Vice Chairperson, and the President of the Republic of Bulgaria appoints the other four.	Protection against Discrimination Act, Article 41

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
DE	German Institute for Human Rights	**A**	**20** 18 (Board of Trustees and 1 Chairperson and 2 Deputy Chairpersons), and 2 (Board of Directors)	The Board of Trustees has 18 members. The Government delegates five non-voting members; the Parliament's Human Rights Committee appoints two, and the Federal Commissioner for Migration, Refugees and Integration, one. The Forum Human Rights (a major network of human rights NGOs in Germany) elects three persons; the German Disability Council (umbrella organisation of Disability Organisations) delegates one. The General Assembly of the German Institute for Human Rights elects six members. The Board of Trustees elects a Chairperson and two Deputy Chairpersons, as well as, after a public call for applications, the Board of Directors. The Board of Directors consists of a Director and a Deputy Director.	Paragraph 24 and 25 of the Statutes of the German Institute for Human Rights

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
DK	Danish Institute for Human Rights	**A**	**13** (The Institute Board)	The Board of the Danish Institute for Human Rights is responsible for all matters relating to substance and professional issues, including research and strategy. The Board consists of 13 members, serving in their personal capacity. Only 12 of them have voting rights. The Council for Human Rights appoints six members; the Rector of the University of Copenhagen, two; the Rector of the University of Aarhus, another two; the Danish Rectors' Conference, a further two; and the Institute's staff selects one member. Of the six members appointed by the Council for Human Rights, at least two should have a connection with ethnic minorities or a humanitarian organisation engaged in issues related to ethnic minorities (Subsection 2). The Council, in its composition, is also to reflect the composition of society (Subsection 5).	Chapter 2, Section 5, Subsection 2 of the Act No. 411 on 6 June 2002 establishing the Danish Centre for International Studies and Human Rights

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
EL	National Commission for Human Rights	**A**	**31** 1 President and 2 Vice-Presidents	The members of the Commission and their alternates shall be appointed by a decision of the Prime Minister for a term of office of three years. For the election of the President and the Vice-Presidents, the absolute majority of the members of the Commission present who have a vote is required.	Section A, Article 2 (2), (3) and (4) of Law No. 2667/1998
ES	Ombudsman	**A**	**3** Ombudsman, First Deputy Ombudsman and Second Deputy Ombudsman	The Parliament appoints a Joint Congress-Senate Committee which is charged with the relationship with the Ombudsman and which proposes in a simple majority vote the candidate or candidates to the post of Spanish Ombudsman. The Plenum of both Chambers of the Parliament votes on the candidates proposed. The candidate that obtains at least a three-fifths majority of the members of each House is elected.	Part 1, Chapter 1, Articles 2 and 5, Organic Act 3/1981

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
FR	National Consultative Human Rights Commission	**A**	**64** 60 Commissioners, 1 President, 2 Vice-Presidents, 1 Secretary-General	The Prime Minister, after consulting a committee comprising the Vice-Chairman of the State Council and former presidents of the Court of Cassation and Court of Auditors on the organs likely to make nominations, appoints the Members of the Committee and their alternates by decree. The Prime Minister chooses the President of the Commission. The plenary assembly elects two Vice-presidents. The Prime Minister further appoints a Secretary general based the President of the Commission's proposal.	Articles 5, 13 and 16 of the Decree No. 2007- 1137 of 26 July 2007

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
HU	Commissioner for Fundamental Rights	**B**	**1** Ombudsman	The President of the Republic shall propose a person for the role of Commissioner for Fundamental Rights between the ninetieth day and the forty-fifth day preceding the expiry of the mandate of the Commissioner for Fundamental Rights. The Commissioner is elected by a two-thirds majority of the votes for a six-year term. If Parliament does not elect the person proposed, the President of the Republic shall make a new proposal within, at the most, thirty days. The competent Parliament committee will hold a hearing with the person proposed for the post of Commissioner for Fundamental Rights. The Commissioner for Fundamental Rights may be re-elected once.	Paragraph 5 of the Act CXI of 2011 on the Commissioner for Fundamental Rights
IE		**A**	**15** 1 President and 14 Commissioners	The Government appoints the members of the Commission.	Section 5(10) of the Human Rights Commission Act 2000

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
LU	Consultative Commission on Human Rights	**A**	**21** 1 President, 2 Vice-Presidents and 18 Members	The Government appoints the members of the Commission. The president and the two vice-presidents of the Commission are appointed by a majority of the members voting.	Chapter 4, Article 4 (1) and Article 5 (1) of the Law no. A-No.180 establishing the Consultative Commission on Human Rights in the Grand Duchy of Luxemburg
NL	Equal Treatment Commission	**B**	**9** 1 Chairman, 2 Deputy Chairmen, 6 Commissiners	The members and alternate members are appointed by the Minister of Justice, in consultation with the Minister of the Interior, the Minister of Social Affairs and Employment, the Minister of Education and Science and the Minister of Welfare, Health and Cultural Affairs.	Article 16 (3) of the Equal Treatment Act of 2 March 1994
PL	Commissioner for Civil Rights Protection	**A**	**1** Commissioner (Human Rights Defender) and Deputy Commissioners	The Human Rights Defender shall be nominated by the lower house of parliament upon the approval of the Senate or by a group of 35 deputies.	Article 209 of the Constitution, Article 3 the Ombudsman Act

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
PT	Ombudsman Office	**A**	**3** 1 Ombudsman and 2 Deputy Ombudsmen	The Ombudsman shall be appointed by the Parliament by a two-thirds majority of the Members present, provided that the said majority is greater than the absolute majority of the Members in office.	Chapter II, Articles 5 (1) and 16 of the Statute of the Portuguese Ombudsman
RO	Romanian Institute for Human Rights	**C**	Steering Committee (**7** members) and the General Council	The Institute will be headed by the General Council appointed by the Standing Bureaus of the two chambers of Parliament. The Council appoints further a steering committee of its members, consisting of seven persons: politicians, scientists, NGO representatives and a chief executive.	Article 5 Law 9/1991 concerning the Creation of the Romanian Institute for Human Right
SE	Equality Ombudsman	**B**	**1** Ombudsman	The Government appoints the head of the agency, who is referred to as the Equality Ombudsman.	The basic principles governing a head of agency apply.
SI	Human Rights Ombudsman	**B**	**3 (maximum 5)** Ombudsman and 2 (or maximum 4 deputies)	The Parliament elects the Human Rights Ombudsman based upon the President of the Republic's nomination. The Ombudsman shall have not less than two but no more than four deputies. The Parliament shall appoint deputies based upon nominations made by the Ombudsman.	Art. 2, 12 and 13 of the Human Rights Ombudsman Act 7/1993

EU Member State	NHRI	Status	Number of members of the Governing Body	Method of appointment of the Governing Body	Legal provision
UK* Great Britain	Equality and Human Rights Commission	**A**	**Minimum 12 (Maximum 16)** 1 Chief Executive and 11-15 Commissioners	The Secretary of State appoints the Members of the Commission, which are to be no fewer than 11 and no more than 15. The Commission, with the consent of the Secretary of State, then appoints a chief executive.	Part 1, Article 1 of the Equality Act 2006
UK* Northern Ireland	Northern Ireland Human Rights Commission	**A**	**1** Chief Commissioner and 'other' Commissioners	The Commission consists of a Chief Commissioner and other Commissioners appointed by the Secretary of State.	Article 68 (2) of the Northern Ireland Act 1999
UK* Scotland	Scottish Human Rights Commission	**A**	**5** 1 Head of Commission and 4 Commissioners	The Queen, as Head of State, appoints the chair of the Commission on the nomination of the Scottish Parliament. Parliament appoints the other members.	Schedule 1, Article 1 of the Scottish Commission for Human Rights Act 2006

*Note: * The United Kingdom has three NHRIs: in Great Britain the Equality and Human Rights Commission covering human rights issues in England and Wales, and certain human rights issues in Scotland (those not devolved to the Scottish Parliament); in Northern Ireland, the Northern Ireland Human Rights Commission; and in Scotland, the Scottish Human Rights Commission.*

European Union Agency for Fundamental Rights

Handbook on the establishment and accreditation of National Human Rights Institutions in the European Union

2012 — 107 p. — 14.8 x 21 cm

ISBN 978-92-9192-993-1
doi:10.2811/14554

A great deal of information on the European Union Agency for Fundamental Rights is available on the Internet.
It can be accessed through the FRA website at fra.europa.eu.

TK-30-12-781-EN-N
doi:10.2811/14554

FRA
EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION

National Human Rights Institutions (NHRIs) protect and promote fundamental rights at the national level, tackling systemic problems and raising fundamental rights awareness. To equip NHRIs to perform their role well, they should have, among other qualities, independence, powers and a broad mandate, in accordance with the so-called 'Paris Principles' which were adopted by the United Nations General Assembly in 1993 and set forth the primary minimum standards for an effective NHRI. As relatively few European Union (EU) Member States have NHRIs that fully comply with these criteria and some Member States still do not have an NHRI, the FRA developed this handbook to explain and simplify the road to establishing such institutions and enabling their full compliance with the Paris Principles. It explains the wide diversity of possible approaches across the EU and walks readers step-by-step through the necessary accreditation procedures conducted in line with the Paris Principles.

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ISBN 978-92-9192-993-1