

**INTERNATIONAL COORDINATING COMMITTEE  
OF NATIONAL INSTITUTIONS FOR  
THE PROMOTION AND PROTECTION OF HUMAN RIGHTS  
19<sup>th</sup> Session, Geneva, 22<sup>nd</sup> March 2007**

**Note:** Sections 1 to 5 of this Report were adopted by the ICC during its 19<sup>th</sup> Annual Meeting from 21 to 23 March 2007. It was agreed that Section 6 and Annex 1 will be further discussed at the next Annual Meeting. Comments on Section 6 and Annex 1 will be sought by the ICC Secretariat and submitted to the next meeting.

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

**1. BACKGROUND**

**1.1** In accordance with the Rules of Procedure of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC), the Sub-Committee on Accreditation (the Sub-Committee) has the mandate to consider and review applications for accreditation received by the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as the ICC Secretariat, and to make recommendations to the ICC members with regard to the compliance of applicant institutions with the Paris Principles.

The Sub-Committee emphasises that their mandate is not to evaluate performance of national institutions but to assess compliance with the Paris Principles.

**1.2** In accordance with the Sub-Committee Rules of Procedure, the Sub-Committee is composed of representatives of each region: the national institutions of Canada for the Americas (Chair), Denmark for Europe, the Republic of Korea for Asia Pacific and Nigeria for Africa. The Sub-Committee convened from the 19<sup>th</sup> to 22<sup>nd</sup> March 2007. The Nigerian Representative was absent during the consideration of the review of Nigeria. OHCHR participated as a permanent observer and in its capacity as ICC Secretariat.

**1.3** Pursuant to article 3 (c) of the ICC Rules of Procedure, the Sub-Committee considered applications for re-accreditation from: Bolivia, Indonesia, Malawi, Peru, the Philippines and Portugal. Applications for re-accreditation were deferred for NHRIs from: Fiji, France, Honduras, Nigeria, Poland and Sweden.

In relation to future re-accreditation applications, the Sub-Committee agreed on the following practices:

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

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.

**1.4** Pursuant to article 3 (c) of the ICC Rules of Procedure, the Sub-Committee also considered new applications for accreditation from Afghanistan, Burkina Faso, Jordan, Puerto Rico and Romania.

**1.5** Pursuant to article 3 (g) of the ICC Rules of Procedure, the Sub-Committee undertook a review of the accreditation status of the national institutions of Fiji and Nepal.

**1.6** Pursuant to its functions under article 3(g) of the Rules of Procedure, the Sub-Committee considered information relating to the national institutions of Nigeria and Sri Lanka.

**1.7** In accordance with the Paris Principles and the ICC Sub-Committee Rules of Procedure, the different classifications for accreditation used by the Committee are:

**A:** Compliance with the Paris Principles;

**A(R):** Accreditation with reserve – granted where insufficient documentation is submitted to confer A status; (In anticipation of the amendment of the ICC Rules to remove this category, the Sub-Committee notes that it has discontinued use of the A(R) classification);

**B:** Observer Status - Not fully in compliance with the Paris Principles or insufficient information provided to make a determination;

**C:** Non-compliant with the Paris Principles.

**1.8** After considering all applications, the Sub-Committee presents this report for consideration of the members of the ICC at its 19<sup>th</sup> session. The report provides the recommendations of the Sub-Committee related to individual applications in sections 2, 3 and 4.

**1.9** Following the practice commenced at the meeting of the Sub-Committee in October 2006, the Sub-Committee continued to make General Observations in relation to accreditation. These General Observations have been formulated on common or important interpretative issues and are intended to be guiding observations for members on the application process or for the implementation of the Paris Principles. These are set out in section 6 of this report. The list of General Observations is not exhaustive and will continue to evolve as the Sub-Committee further reviews other applications. General Observations adopted by the ICC in October 2006 are attached at Annex 1 to

this report. All General Observations will be made available on the NHRI website: [www.nhri.net](http://www.nhri.net)

**1.10** Due to the re-accreditation process, for the first time the Sub-Committee will hold a meeting in October 2007 that is not concurrent with an ICC meeting and will make recommendations requiring adoption by ICC members. To facilitate the adoption of these recommendations, ICC members will be consulted and asked to adopt decisions by email. A period of 10 days will be provided for ICC members to provide a response. Any recommendation not adopted through this process will be deferred to the next ICC meeting.

**1.11** The Sub-Committee notes that when specific concerns are raised in its report in relation to re-accreditation, new accreditation and review, NHRIs are required to address these concerns in any subsequent application.

**1.12** In accordance with the ICC Rules of Procedure, the Sub-Committee encourages all accredited national institutions to advise the ICC at the first available opportunity of any change in their circumstances that would impair their ability to meet the standards and obligations of the Paris Principles.

**1.13** The Sub-Committee would like to acknowledge the high degree of support and professionalism of the staff of the ICC Secretariat which has been essential for the Sub-Committee to conduct its activities.

## **2. SPECIFIC RECOMMENDATIONS - RE-ACCREDITATION APPLICATIONS**

### **2.1 Bolivia: Defensor Del Pueblo Bolivia**

**Recommendation:** The Sub-Committee recommends that the Defensor be accredited **status A**. The Sub-Committee notes its concern regarding the lack of adequate State funding and refers the Defensor to the General Observation on adequate funding.

### **2.2 Indonesia: National Human Rights Commission**

**Recommendation:** The Sub-Committee recommends that the Commission be accredited **status A**. The Sub-Committee further notes the following:

- a) The importance of legislative immunity for members and staff of the Commission in the exercise of their duty and refers the Commission to the General Observation on immunity;
- b) That the representation of women amongst Commissioners is low;
- c) That the position, duties, responsibilities and organisational structure of the Secretariat are currently set forth in a Presidential Decree and should rather be established through Commission regulations and policies to ensure independence and autonomy; and
- d) The Sub-Committee refers the Commission to the General Observation on cooperation with other human rights institutions.

### **2.3 Malawi: Human Rights Commission**

**Recommendation:** The Sub-Committee recommends that the Commission be accredited **status A**. In addition, the Sub-Committee notes

- a) The importance of legislative immunity for members and staff of the Commission in the exercise of their duty and refers the Commission to the General Observation on immunity;
- b) Notes that the Commission does not have adequate funds to fulfil the structure for the Commission, including the establishment of regional offices and the filling of staff posts. In this regard the Sub-Committee refers the Commission to the General Observation on adequate funding

### **2.4 Peru: Defensoria del Pueblo del Peru**

**Recommendation:** The Sub-Committee recommends that the Commission be accredited **status A**. In addition, the Sub-Committee refers the Defensoria to the General Observation on ensuring pluralism and the General Observation on the selection and appointment of the governing body.

### **2.5 The Philippines: Commission on Human Rights of the Philippines**

**Recommendation:** The Sub-Committee recommends that consideration of the application for re-accreditation of the Philippines Commission be deferred to October 2007 pending:

- a) receipt of copies of the Standing Orders of the Commission; and
- b) information on how the Standing Orders are created and who has the power to amend or withdraw them.

In this regard, the Sub-Committee refers the Commission to the General Observation on submission of information.

The Sub-Committee also refers the Commission to the General Observation on the selection and appointment of the governing body.

### **2.6 Portugal: Provedor de Justiça of Portugal**

**Recommendation:** The Sub-Committee recommends that consideration of the application for re-accreditation of the Provedor be deferred to October 2007 pending clarification on certain issues. In this regard, the Sub-Committee requests clarification on whether the Provedor has a broad mandate to perform both protection and promotion of human rights functions including human rights education and promotion and dispersing advice as to the implementation of human rights in the State of Portugal. In this regard the Sub-Committee refers the Provedor to the General Observation on the human rights mandate.

### 3. SPECIFIC RECOMMENDATIONS – NEW ACCREDITATION APPLICATIONS

#### 3.1 Afghanistan: Afghanistan Human Rights Commission

**Recommendation:** The Sub-Committee recommends that consideration of the application for accreditation of the Commission be deferred to October 2007 pending clarification of certain issues. In this regard, the Sub-Committee requests:

- a) Documentation to confirm the receipt of funds from the Government of Afghanistan for the operation of the Commission and arrangements in place for future funding from the Government. In this regard, the Sub-Committee refers the Commission to the General Observation on adequate funding;
- b) Information regarding the system of appointment of Commissioners and how this complies with the General Observation on the selection and appointment of the governing body and the General Observation on ensuring pluralism

#### 3.2 Burkina Faso: National Human Rights Commission

**Recommendation:** The Sub-Committee recommends that the Commission's **B status remain unchanged**. In this regard, the Sub-Committee notes that the issues it raised in April 2005 have not been addressed. These are:

- a) Funding provided by the Government does not support permanent staff;
- b) Funding provided by the Government does not support adequate office accommodation; and
- c) The provision on the appointment of the Secretary General by the Minister for the Promotion of Human Rights is not in compliance with the Paris Principles.

In addition, the Sub-Committee notes that the provisions establishing the Commission and pertaining to its operation are contained only in its Decree and have not been enshrined into an official act of law as required by the Paris Principles. In this regard, the Sub-Committee refers the Commission to the General Observation on establishment of institutions.

#### 3.3 Jordan: National Centre for Human Rights

**Recommendation:** The Sub-Committee recommends that the Commission's **B status remain unchanged**. In this regard the Sub-Committee notes that three of the issues it raised in April 2006 have not been addressed. These are:

- a) That further information be provided with respect to the adequacy of the funding of the NCHR. In this regard the Sub-Committee refers the Centre to the General Observation on adequate funding;
- b) That further information and clarification be provided which addresses the question of the application of the legislation to non-citizens; and
- c) That further clarification be provided to demonstrate that the appointments procedure of the Board of Trustees meets the requirements of pluralism and transparency. In this regard the Sub-Committee refers the Centre to the General Observation on the selection and appointment of the governing body.

**3.4 Puerto Rico: Oficina del Procurador del Ciudadano del Estado Libre Asociado de Puerto Rico**

**Recommendation:** The Sub-Committee recommends that the Procurador be accredited **status C** on the basis that it does not have a broad legislated human rights protection and promotion mandate required by the Paris Principles. In this regard, the Sub-Committee refers the Procurador to the General Observation on the human rights mandate.

**3.5 Romania: Romanian Institute for Human Rights**

**Recommendation:** The Sub-Committee recommends that the Commission be accredited **status C**. In this regard the Sub-Committee notes that it has reviewed the application of the Institute and considers that its human rights mandate does not meet the requirements of the Paris Principles. The Sub-Committee refers the Institute to the General Observation on the human rights mandate.

**4. SPECIFIC RECOMMENDATIONS – REVIEWS UNDER ARTICLE 3(g)**

**4.1 Nepal: National Human Rights Commission**

Pursuant to article 3(g) of the ICC Rules of Procedure, the ICC Chair requested that the accreditation status of Nepal be reviewed at the April 2006 meeting. At the April and October 2006 sessions, the Sub-Committee recommended that the current accreditation status of A be further reviewed at the next meeting of the Sub-Committee and that the Nepal Human Rights Commission provide documentation to demonstrate its continued compliance with the Paris Principles, specifically with respect to the appointment process related to the governing body.

After consideration of the material before it, pursuant to its powers under article 3(g) of the ICC Rules of Procedure, the Sub-Committee will maintain the Commission under review on the basis that it is concerned about the absence of a governing body and the delay in the appointment of Commissioners.

For the purposes of considerations at its meeting in October 2007, the Sub-Committee requests documentation regarding:

- a) Progress on the appointment process and actual appointment of Commissioners to the Commission; and
- b) Progress on the amendment of the Human Rights Act as required by the new Interim Constitution.

In accordance with the General Observation on NHRIs under review, the Sub-Committee notes that the Commission has been under review since April 2006 and that it is the practice of the Sub-Committee to allow a maximum period of one and a half years under review. Therefore, if the Commission is unable to satisfy the concerns of the Sub-Committee at its next meeting in October 2007, the Sub-Committee will recommend that the accreditation of the Commission lapse.

## 4.2 Fiji: Fiji Human Rights Commission

Pursuant to section 3(g) of the ICC Rules, the Sub-Committee was requested by the ICC Chair to consider the accreditation status of the Fiji Commission in relation to:

- a) Whether the appointment of the Acting Chairperson of the Commission was in compliance with the Paris Principles, particularly with the Principle relating to the Composition and Guarantees of Independence and Pluralism, and met with the legal and constitutional requirements of the Republic of the Fiji Islands; and
- b) Whether the actions of the Commission subsequent to 5<sup>th</sup> December 2006 have been in compliance with the Paris Principles, particularly with the Principle of Independence having particular regard to the report of the Commission dated January 4 2007.

The Sub-Committee reviewed materials provided by the Fiji Human Rights Commission and other relevant material.

**Recommendation:** The Sub-Committee recommends that the Fiji Commission's **A status be suspended** until information can be provided to demonstrate that the Commission is compliant with the Paris Principles in relation to the matters under review. The Sub-Committee notes that this recommendation is based on the following:

- a) 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 its mandate. In this regard the Sub-Committee refers the Commission to the General Observation on NHRIs during the situation of a coup d'état or a state of emergency;
- b) After careful consideration of the documents provided, it is not clear to the Sub-Committee that the Constitutional requirements for the appointment of the Acting Chair of the Commission have been properly satisfied, and therefore whether the Commission's obligations under the Paris Principles have been satisfied. In this regard, the Sub-Committee also refers the Commission to the General Observation on selection and appointment of the governing body.
- c) After consideration of the report issued by the Commission on 4 January 2007, and consideration of all other materials before it, it is the view of the Sub-Committee that the report validates the military government to the extent that the Sub-Committee considers that the ability of the Commission to implement its human rights mandate in an independent manner has been compromised. In this regard the Sub-Committee refers the Commission to the General Observation on situations of a coup d'état or a state of emergency.

For the purposes of consideration at its meeting in October 2007, the Sub-Committee requests documentation to address the issues under review two months prior to the next Sub-Committee meeting, with further updates two weeks prior to the meeting.

In relation to the re-accreditation scheduled for October 2007 the Sub-Committee refers the Commission to the General Observation on NHRIs under review and notes that the reaccreditation will be deferred until the review is completed.

## **5. OTHER MATTERS**

### **5.1 Sri Lanka: Human Rights Commission**

Pursuant to its powers under article 3 (g) of the ICC Rules of Procedure, the Sub-Committee considered information provided by the Secretariat of the ICC in relation to matters of concern involving the Sri Lanka Commission. The Sub-Committee notes that the Commission is scheduled for re-accreditation in October 2007.

After consideration of the material before it, pursuant to its powers under article 3(g) of the ICC Rules of Procedure, the Sub-Committee initiates a review of the Sri Lanka Commission on the basis that:

- a) It is not clear whether the appointment of Commissioners has been in compliance with the Law of the Commission and therefore in compliance with the Paris Principles; and
- b) It is not clear whether the actual practice of the Commission remains balanced, objective and non-political, particularly with regard to the discontinuation of follow-up to 2000 cases of disappearances in July 2006.

The review will take place in October 2007. The Commission is requested to provide detailed documentation regarding these concerns two months prior the next Sub-Committee meeting, and updated information two weeks prior to the meeting.

In relation to the re-accreditation scheduled for October 2007 the Sub-Committee refers the Commission to the General Observation on NHRIs under review and notes that the reaccreditation will be deferred until the review is completed.

### **5.2 Nigeria: Human Rights Commission**

Pursuant to section 3(g) of the ICC Rules, the Sub-Committee was requested by the ICC Chair in October 2006 to consider the accreditation status of Nigeria in view of the recall of the Executive-Secretary in June 2006. In its recommendation in October 2006, the Sub-Committee requested documentation from the Nigerian representative to support her oral presentation, and that the Commission report back at the conclusion of the investigation of this matter or prior to the next ICC session, whichever is earliest.

The Sub-Committee notes that it does not have the material before it to support the oral representations made in October 2006. However, it did receive a letter from the Attorney General dated 20<sup>th</sup> February 2007 regarding the outcome of the investigation which states that the Federal Government of Nigeria has decided to stop further investigations into the matter.

After consideration of the material before it, the Sub-Committee concludes that:

- a) There are irregularities regarding the recall of the Executive Secretary in June 2006
- b) The Sub-Committee was advised that an investigation was underway in accordance with national law and due process into the reasons for the recall but has now received information that states this investigation has been discontinued; and
- c) No documentation has been received to support the oral representations that the Commission has continued to address relevant human rights matters with respect to the Government since the recall of the Executive Secretary made in October 2006.

Pursuant to its powers under article 3(g) of the ICC Rules of Procedure, the Sub-Committee initiates a further review of the Nigerian Commission which will be undertaken in October 2007 in relation to these matters. In this regard, the Sub-Committee requests that the Commission provide documentation regarding:

- a) the general appointment and dismissal processes of the Commission for Members;
- b) to clarify the irregularities around the dismissal process and subsequent investigation, and
- c) to demonstrate that the Commission has continued to address relevant human rights matters with respect to the Government since the recall of the Executive Secretary

All documentation should be provided two months prior to the October 2007 meeting, and updated information two weeks prior to the meeting. In relation to the re-accreditation scheduled for October 2007 the Sub-Committee refers the Commission to the General Observation on NHRIs under review and notes that the reaccreditation will be deferred until the review is completed.

## **6. GENERAL OBSERVATIONS**

**6.1 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.

**6.2 NHRIs under review:** Pursuant to article 3(g) of the ICC Rules of Procedure, the ICC Chair or the Sub-Committee may initiate a review of an NHRI's accreditation 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.

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

- a) An NHRI can be under review 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.

**6.3 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.

**6.4 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 realisation of the improvement of the organization's operations and the fulfilment 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.

**6.5 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.

**6.6 Cooperation with other human rights institutions:** NHRIs should cooperate with statutory institutions and other institutions, such as NGOs, established for the

purpose of promoting or protecting human rights and should demonstrate that this occurs in their applications to the ICC Sub-Committee.

**6.7 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.

**6.8 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.

**6.9 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.

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

**6.11 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.

## **Annex 1: General Observations adopted by the ICC in October 2006**

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 emphasises 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.

**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.

**3. 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 emphasises 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 emphasises that the principle of pluralism includes ensuring the meaningful participation of women in the National Institution.

**4. 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 emphasises the following factors:

- a) A transparent process
- b) Broad consultation throughout the selection and appointment process
- c) Advertising vacancies broadly
- d) Maximising 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.

5. **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.
  
6. **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.