

Template of the Statement of Compliance

The following document should be completed by the applicant NHRI as part of the accreditation application. It should be completed using references to primary sources (e.g. constitution, law, decree, reports) in order to provide the Sub-Committee with essential background information on the NHRI. It is essential that the NHRI substantiate each statement made by reference to its enabling instrument(s) or official reports. Applicants are kindly requested to clearly indicate articles and sections of primary sources they refer to (i.e. article, paragraph, and page).

STATEMENT OF COMPLIANCE WITH THE PARIS PRINCIPLES OF THE [NAME OF NHRI] - [Date] -

CHARACTER OF THE NHRI

1. ESTABLISHMENT

The Paris Principles state that an institution's mandate shall be clearly set forth in a constitutional or legislative text (...).

The ICC has adopted the following General Observation on the Establishment of NHRIs: "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"

Discuss the instruments that establish the NHRI. Please explain:

- When and by what enabling law the NHRI was established;
- The legal status of the NHRI, i.e. whether it has been established by legislation or if it is entrenched in the Constitution;
- If there is any other mechanism that gives the NHRI its legitimacy;
- The geographic jurisdiction of the NHRI.

2. INDEPENDENCE

Independence is a fundamental pillar of the Paris Principles. All the provisions in the section "Composition and guarantees of independence and pluralism" aim to ensure independence through composition, representation, infrastructure, stable mandate of the NHRI.

*The ICC has adopted the following General Observation on the **administrative regulation** of NHRIs: "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".*

To preserve the independence of members, the ICC has strongly recommended that "provisions be included in national law to protect legal liability for actions undertaken in the official capacity of the NHRI".

Discuss the mechanisms that guarantee the independence of the NHRI. Please explain:

- The nature of the Institution's accountability (i.e. whether the NHRI is accountable to parliament, a ministry, government department, head of state, etc.);
- Whether or not the NHRI receives instruction from the government;
- By what means conflicts of interest are avoided;
- Whether or not members incur legal liability for actions taken in their official capacity.

3. COMPOSITION, APPOINTMENT PROCESS, TENURE

3.1 Composition

The Paris Principles state that "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 promotion and protection 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).

The ICC has adopted the following General Observations on the composition and pluralism of NHRIs:

• ***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:

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

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

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

4. 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.

• ***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.

Discuss how your NHRI meets the requirement of pluralism. Please explain:

- Whether your founding law requires a diverse composition of members¹;
- Which authority/group may nominate candidates for membership;
- The composition of the NHRI's membership, i.e. what positions are created by the enacting law and what positions are currently filled and are in operation (Please include heads and deputy heads of the organization);
- How the groups mentioned at the letters a-e as above are represented;
- Representation of women;
- Representation of ethnic or minority groups (e.g. indigenous, religious minorities, etc);
- Representation of particular groups (e.g. people with a disability, etc);

3.2 Selection and appointment

*The ICC has adopted the following **General Observations on selection and appointment**:*

- **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:*
 1. *A transparent process*
 2. *Broad consultation throughout the selection and appointment process*
 3. *Advertising vacancies broadly*
 4. *Maximising the number of potential candidates from a wide range of societal groups*
 5. *Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.*

Discuss how members of the NHRI are selected and appointed. Please explain:

- The legal provisions (in your founding law or elsewhere) regarding the selection and appointment of members to the NHRI;
- The selection process and appointment procedure in practice (please indicate how publicity, transparency, broad consultation, openness to different groups of societies are enshrined in the enabling legislation and operate in practice);
- Whether and how these procedures ensure adequate representation of civil forces (e.g. civil society) involved in the promotion and protection of human rights
- Cooperation with the representatives of the groups mentioned above in 3.1;
- Membership criteria;

3.3. Tenure

The Paris Principles state that 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.

*The ICC has adopted the following **General Observations on membership tenure**:*

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

¹ Members refers to those individuals that are appointed or elected under the NHRI's founding law (i.e. Chair, Commissioners, Ombudsmen, Deputy Ombudsmen) and with whom the NHRIs functions are vested.

1. Ensure the independence of the NHRI free from actual or perceived conflict of interests;
2. Ensure a stable mandate for the members;
3. Ensure the ongoing and effective fulfilment of the mandate of the NHRI.

- **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.
 1. The dismissal or forced resignation of any member may result in a special review of the accreditation status of the NHRI;
 2. Dismissal should be made in strict conformity with all the substantive and procedural requirements as prescribed by law;
 3. Dismissal should not be allowed based on solely the discretion of appointing authorities.

Discuss how the tenure of the NHRIs' members is ensured. Please explain:

- The terms of office of members (and if it is specified in the founding law);
- Whether members are full and/or part-time;
- Whether the members receive adequate remuneration;
- Whether the members' terms are renewable;
- The grounds and procedures for dismissal and/or resignation of a member and how they operate in practice;
- If there is an advisory body in addition to the members, and if so, please set out the membership requirements of this body.

4. **ORGANIZATIONAL INFRASTRUCTURE**

4.1 **Infrastructure**

The Paris Principles state that 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.

Discuss the NHRI's infrastructure.

Please explain:

- The organisational structure of the NHRI;
- How the NHRI's infrastructure (including staff and resources) is allocated;
- How the NHRI's infrastructure allows it to function according to its mandate;
- Evidence that the NHRI is adequately resourced and staffed.

Please provide:

- An organizational chart of the NHRI's structure.

4.2 **Staffing**

The Paris Principles state that the NHRIs should be able to have its own staff. The ICC has adopted the following General Observation on staffing:

- **Staff of an NHRI:** As a principle, NHRIs should be empowered to appoint their own staff.
- **Staffing by secondment:** In order to guarantee the independence of the NHRI, the

Sub Committee notes, as a matter of good practice, the following:

- 1. Senior level posts should not be filled with secondees;*
- 2. The number of seconded should not exceed 25% and never be more than 50% of the total workforce of the NHRI.*

Discuss the NHRI's staffing. Please explain:

- How staff of the NHRI are hired;
- If there are any limitations on the NHRI's authority to hire staff;
- Which current positions (if any) are filled by secondees;
- What percentage of the staff (including senior position) is seconded;
- Whether and how the staff reflects the principle of pluralism.

Please provide:

- A list of the staff of the NHRI or, if provided in another document, refer to the organisational chart illustrating the staffing structure of the NHRI (please indicate gender distribution).

4.3 Premises (accessibility)

The Paris Principles state that the NHRIs should be able to have its own (...) premises and that, within the framework of its operation, the national institution shall (...) set up local or regional sections to assist it in discharging its functions.

Discuss the NHRI's premises. Please explain:

- The presentation of the main premises of your organization;
- Whether the NHRI has local or regional offices;
- If so, how local and regional offices communicate with the main office;
- How the public can access the NHRI's offices;
- Whether the NHRI's offices are accessible to people with disabilities;

Please also describe procedures and mechanisms of the NHRI to ensure accessibility to the broader population and in particular, to people who are exposed to human rights violations or non-fulfilment of their rights, i.e. women, ethnic, linguistic, religious or other minorities, non-nationals and persons with disability, as well as the poor.

4.4 Budget

The Paris Principles state that the national institution shall have an (...) adequate funding (...) and not be subject to financial control which might affect its independence.

The ICC has adopted the following General Observation on Adequate Funding: Provision of adequate funding by the state should, as a minimum include:

- *the allocation of funds for adequate accommodation, at least its head office;*
- *salaries and benefits awarded to its staff comparable to public service salaries and conditions;*
- *remuneration of Commissioners (where appropriate); and*
- *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.

Discuss the NHRI's budget. Please explain:

- How the NHRI's budget is developed, submitted and approved (e.g. if it is drafted by the NHRI, presented directly to parliament or through a government ministry or other body, the influence of that body);
- Whether or not the NHRI has control over the management and expenditure of its allocated budget (i.e. if the NHRI is financially independent from the government in how its budget is spent).
- Whether -and what percentage of- the NHRI budget is donor funded.

Please provide:

- information relating to the budget of the NHRI, its accounts and financial records;

5. WORKING METHODS

Please indicate whether your organization has adopted internal regulations and/or an annual/strategic plan. Briefly describe its main elements.

5.1 Regular meetings

The Paris Principles state that within the framework of its operation, the national institution shall meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened.

Discuss how the meetings of the NHRI's members operate. Please explain:

- The frequency and composition of the NHRI meetings in practice (at the senior and staff level).

5.2 Working groups

The Paris Principles state that within the framework of its operation, the national institution shall establish working groups from among its members as necessary.

Discuss the NHRI's working groups (if any). Please explain:

- Whether the NHRI has established any working groups;
- If so, what are the mandate, composition and working methods of these groups.

GENERAL MANDATE

6. GENERAL COMPETENCE AND RESPONSIBILITIES

For each of the functions described in the following sections, please discuss:

- the relevant provisions in the NHRI's founding law,
- the powers the NHRI is vested with (e.g. if it can act on its own initiative), and
- concrete examples of how the NHRI fulfils the function in practice.

6.1 Mandate to promote and protect human rights

The Paris Principles state that a national institution shall be vested with competence to promote and protect human rights. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text (....). Within the framework of its operation, the national institution shall 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 petition.

*The ICC has adopted the following General Observation on **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.*

Discuss the broad legal mandate of the NHRI. Please explain:

- How human rights are defined in the NHRI's founding law;
- Which rights the NHRI is mandated to address: e.g. civil, political, social, economic and cultural;
- If the institutions' mandate refers to any limitation in the mandate or jurisdiction (e.g. rights or areas of the countries that are excluded);
- Broadly, how the NHRI is able to exercise its mandate in practice.

6.2 Advisory Functions

The Paris Principles state that a national institution shall, inter alia, have the responsibility 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 (...).

Discuss the legal provisions for this function and how the NHRI carries out this responsibility in relation to the following functions:

6.2.1 Functions regarding national legislation

The Paris Principles state that a national institution shall have the responsibility 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.

It is also stated that a NHRI shall have responsibilities in relation to any of 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.

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this function in practice;
- What recommendations the NHRI has made on legislative and administrative provisions; amendment of legislation and bills, etc.;
- What advocacy the NHRI has undertaken to harmonize national laws and practices to international standards and/or to implement recommendation of international human rights system).

6.2.2 Encouraging ratification and implementation of international standards

The Paris Principles state that a national institution shall have the responsibility to encourage ratification of international human rights instruments to which the State is a party, and to ensure their effective implementation.

*The ICC has adopted the following General Observations on NHRIs' **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.*

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this function in practice;
- Examples of advocacy or awareness raising campaigns the NHRI has undertaken to encourage ratification or accession to international instruments.

6.3 Monitoring functions

The Paris Principles state that a NHRI shall have responsibilities in relation to (...) any situation of violation of human rights which it decides to take up; and (...) on 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.

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this function in practice;
- How the NHRI is active in monitoring domestic human rights situations (e.g. decision-making bodies, courts, government agencies), including visiting places of deprivation of liberty, etc.
- Whether the Institution monitors government compliance with its advice and recommendations.

6.3.1 Investigation

The Paris Principles state that within the framework of its operation, the national institution shall: hear any person and obtain any information and any documents necessary for assessing situations falling within its competence.

Please complete this section if the NHRI does not have quasi-jurisdictional competence as set out in section 7 below.

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- Whether individuals, government, public bodies etc are obliged to provide the NHRI with requested documentation;
- How the NHRI carries out this function in practice (e.g. in the conduct of public inquiries).

6.3.2 Reporting

The Paris Principles state that a NHRI shall have responsibilities in relation to (...) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters.

The ICC has adopted the following General Observations on:

- **Annual Report:** *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.*
- **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.*

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this function in practice;
- How annual and thematic reports are delivered (e.g. publicity, distribution, and languages available; authorities to which it is submitted);
- Whether relevant parties (individuals, government, public bodies etc) are obliged to formally respond to the recommendations and reports of the NHRI;
- How the NHRI follows up with authorities on its recommendations.

6.4 Promotional Functions

6.4.1 By raising awareness on human rights norms and issues

The Paris Principles state that a national institution shall have the responsibility 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.

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this public education function in practice;
- Whether it makes publications or services available in several languages and if it makes interpretation available;
- What public awareness campaigns the NHRI has undertaken in relation to combating racism.

6.4.2 Through programmes for teaching and research

The Paris Principles state that a national institution shall have the responsibility 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.

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this education function in practice;
- Examples of the NHRI's initiatives in such programmes in schools, universities and professional groups.

6.4.3 By addressing public opinion

The Paris Principles state that within the framework of its operation, the national institution shall address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations.

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this public education function in practice;
- What policies and strategies the NHRI has to engage with the media.

7. **QUASI-JURISDICTIONAL FUNCTIONS (optional, only for those NHRIs having quasi-judicial powers)**

The Paris Principles state that 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, and 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;

(d) 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.

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this complaints handling function in practice (i.e. an overview of the mechanisms and procedures adopted to receive, investigate, and handle complaints received).

Please provide an account of complaints-handling statistics (e.g. number and typology of complaints received and processed; resolved; dismissed; referred).

8. **RELATIONSHIP WITH RELEVANT HUMAN RIGHTS STAKEHOLDERS AND OTHER BODIES**

8.1 Relationships with Civil Society

The Paris Principles state that within the framework of its operation, the national institution shall, in view of the fundamental role played by the non-governmental organizations 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.

Discuss how the NHRI carries out this responsibility. Please explain:

- Whether the provisions in the NHRI's founding law formalises relationships between the NHRI and civil society;
- How the NHRI has developed relationships with NGOs in practice;
- Which civil society groups the NHRI cooperates with (i.e. NGOs, trade unions, professional organisations, individuals or organisations espousing trends in philosophical or religious thought, universities and qualified experts, parliament and government departments);
- How frequent and what type of interaction the NHRI has with NGOs (e.g. workshops, meetings, joint projects, through complaints handling).

8.2 Relationship with other with other bodies

The Paris Principles state that within the framework of its operation, the national institution shall 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).

*The ICC has adopted the following General Observations on **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, working in the field of human rights and should demonstrate that this occurs in their application to the ICC Sub-Committee.*

Discuss how the NHRI carries out this responsibility. Please explain:

- Whether the provisions in the NHRI's founding law formalise relationships between the NHRI and other bodies with human rights responsibilities;
- How the NHRI has developed relationships with these bodies in practice;
- Which bodies the NHRI cooperates with (i.e. governmental agencies, the justice system, the parliament, any human rights committees, or any other bodies that might affect the human rights situation in the country);
- How frequent and what type of interaction the NHRI has with such bodies (e.g. training, consultations, meetings, joint projects, through complaints handling)
- The NHRI's relationship with other human rights institutions at the national level (e.g. specialised human rights institutions, ombudsmen) (OPTIONAL: only for NHRIs operating in countries where such bodies have been established).

8.3 Cooperation with the United Nations and other organizations

The Paris Principles state that a national institution shall have the responsibility 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 promotion and protection of human rights. It is important 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 providing input to, and 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.

*The ICC has adopted the following General Observations on the **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.*

Discuss how the NHRI carries out this function. Please explain:

- The legal provisions that vest the NHRI with this function;
- How the NHRI carries out this function in practice;
- Which UN mechanisms the NHRI has engaged with (e.g. Human rights Council, UPR, Treaty Bodies, Special procedures mandate holders, Commission on the Status of Women, etc)
- Which regional mechanisms the NHRI has engaged with (e.g. regional human rights commissions, courts, etc);
- The type of interaction the NHRI has had with these bodies (e.g. sending information, parallel reports, amicus curiae briefings; attending the meetings; acting as an implementing partner etc)
- How your NHRI has followed up at the national level to the recommendations resulting from these bodies, etc.);
- Which UN agencies the NHRI has engaged with (e.g. OHCHR regional or field offices, UNDP, UNCHR, human rights components of UN peacekeeping missions, etc);
- The type of interaction the NHRI has had with these bodies (e.g. sharing information, undertaking joint activities, acting as an implementing partner etc).

SPECIFIC MANDATE (OPTIONAL)

*****only for those NHRIs which have been formally designated as NPM, by States that have ratified OPCAT*****

9. NATIONAL PREVENTIVE MECHANISM UNDER OPCAT

Under OPCAT: "Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions (Art. 17). NPMs will be allowed to visit any place under the State jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention)). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment (art.4). The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel. (2) The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country. (3) The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms. (4) When establishing national preventive mechanisms, States Parties shall give due consideration to the

***Principles relating to the status of national institutions for the promotion and protection of human rights Article 18: (1).
For more information please refer to art. 19-23 and 35 of OPCAT.***

Please discuss how the NHRI carries out its function. Please explain²:

1. Are the mandate and powers of the NPM clearly and specifically established in national legislation as a constitutional or legislative text?
2. How “places of deprivation of liberty” visited by the NPM are defined? Is this definition in line with the OPCAT requirements?
3. Is the NPM established by a public, inclusive and transparent process?
4. Does it include civil society and other actors involved in the prevention of torture?
5. Has the designation of the NHRI as the NPM be open for debate, involving civil society?
6. How the independence of the NPM is fostered?
7. What is the process of selection and appointment of members?
8. Are ways to avoid questions of conflict of interest in place?
9. Are there stated criteria relating to the experience and expertise required to carry out NPM work effectively and impartially?
10. Is the NPM gender-balanced?
11. Does the NPM have adequate representation of ethnic, minority and indigenous groups?
12. Has the State taken the necessary measures to ensure that the expert members of the national preventive mechanism have the required capabilities and professional knowledge?
13. Have ad-hoc training been provided to the NPM?
14. Have adequate resources been provided for the specific work of the NPM (in accordance with article 18, 3 of the OPCAT)? Are they ring-fenced, in terms of both budget and human resources?
15. Does the work programme of the NPM cover all potential and actual places of deprivation of liberty?
16. Does the scheduling of the NPM visits ensure effective monitoring of such places with regard to safeguards against ill-treatment?
17. Have working methods of the NPM been developed? Have they ever been reviewed with a view to effective identification of good practice and gaps in protection?
18. Does the NPM report on visits with feedback on good practice and gaps in protection to the institutions concerned?
19. Does the NPM address recommendations to the responsible authorities on improvements in practice, policy and law?
20. Has the NPM established an ongoing dialogue with authorities based on the recommendations for changes arising from the visits and the action taken to respond to such recommendations (as per article 22 of the OPCAT)?
21. Does the NPM publish its annual report (as per article 23 of the OPCAT)?
22. Does the NPM communicate with the international human rights system and, in particular, with the Sub-committee on Prevention?

² Questions in this section are mainly based on the guidelines for the ongoing development of NPM published in the first annual report of the Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment (February 2007- March 2008), pages 28-29.