

NOTE

As of 20 November 2024, the SCA recommendations contained in this report are considered final with exception of those related to the National Institution for Human Rights of Bahrain, the National Council for Human Rights of Egypt, the Iraqi High Commission for Human Rights, and the Myanmar National Commission on Human Rights, which in accordance with Article 12.1(ii) of GANHRI statute challenged the recommendation.

GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI)

**Report and Recommendations of the Session of the Sub-Committee on Accreditation
(SCA)**

**Online, 1-3 October 2024
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SUMMARY OF RECOMMENDATIONS

1. Accreditation (Art. 10 of the GANHRI Statute)
<p>1.1. <u>Sweden: The Swedish Institute for Human Rights (SIHR)</u> Recommendation: The SCA recommends that the SIHR be accredited with “A” status.</p>
<p>1.2. <u>Turkmenistan: The Office of the Authorized Representative for Human Rights in Turkmenistan (Ombudsman’s Office)</u> Recommendation: The SCA recommends that the Ombudsman’s Office be accredited with “B” status.</p>
2. Re-Accreditation (Art. 15 of the GANHRI Statute)
<p>2.1. <u>Armenia: The Human Rights Defender of the Republic of Armenia (HRDA)</u> Recommendation: The SCA recommends that the HRDA be re-accredited with “A” status.</p>
<p>2.2. <u>Bahrain: National Institution for Human Rights of Bahrain (NIHRB)</u> Recommendation: The SCA recommends that the NIHR be reaccredited with “B” status</p>
<p>2.3. <u>Denmark: The Danish Institute for Human Rights (DIHR)</u> Recommendation: The SCA recommends that the DIHR be re-accredited with “A” status.</p>
<p>2.4. <u>Egypt: National Council for Human Rights (NCHR)</u> Recommendation: The SCA recommends that the NCHR be downgraded to “B” status</p>
<p>2.5. <u>Georgia: The Public Defender’s Office of Georgia (PDO)</u> Recommendation: The SCA recommends that the PDO be re-accredited with “A” status.</p>
<p>2.6. <u>Greece: The Greek National Commission for Human Rights (GNCHR)</u> Recommendation: The SCA recommends that the GNHCR be re-accredited with “A” status.</p>
<p>2.7. <u>Timor Leste: Provedoria dos Direitos Humanos e Justiça (PDHJ)</u> Recommendation: The SCA recommends that the PDHJ be re-accredited with “A” status.</p>
<p>2.8. <u>Zambia: The Human Rights Commission of Zambia (HRCZ)</u> Recommendation: The SCA recommends that the HRCZ be re-accredited with “A” status.</p>
3. Decision (Art. 14.1 of the GANHRI Statute)
<p>3.1. <u>Decision:</u> The SCA decides to defer the review of the <u>Commission nationale des Droits de l’Homme of the Democratic Republic of Congo (CNDH)</u> for 18 months (or three sessions).</p>
<p>3.2. <u>Decision:</u> The SCA decides to defer the review of the <u>Office du Protecteur du Citoyen of Haiti (OPC)</u> for 18 months (or three sessions)</p>
<p>3.3. <u>Decision:</u> The SCA decides to defer the review of the <u>Office of the Ombudsman of Namibia</u> for 18 months (or three sessions).</p>
<p>3.4. <u>Decision:</u> The SCA decides to defer the review of the <u>National Commission for Human Rights of Rwanda (NCHR)</u> for 18 months (or three sessions).</p>

4. Review (Art. 16.2 of the GANHRI Statute)
4.1. <u>Canada: The Canadian Human Rights Commission (CHRC)</u> <u>Recommendation:</u> The SCA recommends that the accreditation status of the CHRC be maintained .
4.2. <u>Iraq: The Iraqi High Commission for Human Rights (IHCHR)</u> <u>Recommendation:</u> The SCA recommends that the accreditation status of the IHCHR be downgraded to B status.
5. Alteration of accreditation classification (Article 18.2 of the GANHRI Statute)
5.1. <u>Myanmar: Myanmar National Human Rights Commission (MNHRC)</u> <u>Recommendation:</u> The SCA recommends that the status of MNHRC be removed
5.2. <u>The Russian Federation: The Office of the Commissioner for Human Rights in the Russian Federation (OCHR)</u> <u>Recommendation:</u> The SCA recommends that the Status of the OCHR be removed

committee of the National Assembly by at least three-fifths (3/5) of votes of the total number of Members of Parliament.

While acknowledging that the HRDA reports that, in practice, vacancies are advertised, the process is broad and transparent, and civil society is able to participate in the screening and selection process, this practice is not explicitly enshrined in law, regulation or in another binding administrative guideline.

The HRDA indicated that in response to the SCA's previous recommendations, it has advocated for amendments to its enabling legislation to formalise the consultation and participation of civil society in the selection and appointment process.

The SCA reiterates its recommendation that a clear, transparent and participatory selection and appointment process for membership of the NHRI's decision-making body must be included in relevant legislation, regulations or binding administrative guidelines, as appropriate.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

2.2. Bahrain: National Institution for Human Rights of Bahrain (NIHRB)

Recommendation: The SCA recommends that the NIHRB be re-accredited with **B** status.

The SCA acknowledges the efforts by NIHRB to respond to complaints on hunger strikes and protests by prisoners and detainees as well as facilitation of access to medical care; follow up measures on alerts and reports by civil society organisations (CSOs) and United Nations (UN) mechanisms; and progress on legislative amendments. However, the SCA is of the view that a number of issues still need to be addressed in order to ensure the NIHRB's full compliance with the requirements of the Paris Principles and the General Observations.

In particular, the SCA is of the view that its observations on addressing systemic human rights violations including torture and arbitrary detention; effective and meaningful cooperation with CSOs including human rights defenders in the exercise of NIHRB's protection mandate on serious human rights violations; and the absence of a clear and transparent mechanism for selecting members of the council of commissioners, remain unaddressed.

The SCA encourages the NIHRB to continue strengthening its accessibility to victims and families of victims of human rights violations; its cooperation with the institutions mandated to investigate torture and ill-treatment in Bahrain to ensure victims have access to justice; its engagement with CSOs working on human rights; monitoring access to adequate medical care for detainees and prisoners.

The SCA notes with concern:

1. Addressing systemic human rights violations

The SCA received third party information indicating that the NIHRB has not strengthened measures to address serious human rights violations. Third party submissions and reports of UN special procedures indicate the continued existence of patterns of arbitrary arrest and

detention, as well as poor conditions of detention including ill-treatment and lack of access to medical care in Bahrain.

The SCA acknowledges positive measures taken by NIHRB in promoting the rights of detainees and prisoners, which is to be commended. However, regarding reports of torture and ill-treatment, the NIHRB informed the SCA that Bahrain has other domestic structures that address such violations.

The SCA notes that while NIHRB has provided information on individual cases of violations that it monitored, the institution has not provided evidence of protection measures to prevent or address reports of systemic human rights concerns in Bahrain such as arbitrary detention and torture and ill-treatment. As an institution with access to places of deprivation of liberty in Bahrain, NIHRB is uniquely placed to monitor, investigate, and report on systemic violations in this context.

The NIHRB indicates that it engages in direct dialogue with authorities in addressing reported cases of torture and ill-treatment. However, the SCA is concerned that NIHRB has refrained from publicizing its monitoring findings including in relation to visits to places of deprivation of liberty.

The public statements, annual reports, and parallel reports of NIHRB include limited to no information on substantive human rights developments in Bahrain. The SCA is of the view that the NIHRB has not taken sufficient action, nor made its positions on these issues publicly available in a manner to promote the protection for human rights in Bahrain.

The SCA emphasizes that annual, special and thematic reports serve to highlight key developments in the human rights situation in a country and provide a public account, and therefore public scrutiny, of the effectiveness of an NHRI. It is vitally important that the findings and recommendations of the NHRI be publicly available, as this increases the transparency and public accountability of the NHRI.

In view of the above, the SCA recommends that NIHRB:

- takes proactive steps to address systemic human rights issues and to protect all human rights; and
- publicise its findings and recommendations particularly on systemic or patterns of violations identified during its monitoring and investigation work in its public statements, annual reports, as well as parallel reports to international and regional human rights bodies.

The SCA refers to Paris Principles A.1, A.2, and A.3 and its General Observations 1.2 on 'Human rights mandate, G.O. 1.11 on 'Annual reports of NHRIs', and G.O. 1.4 on 'Interaction with the international human rights system'.

The SCA also notes:

2. Human rights mandate

Article 12 (e) of the enabling law (Law No. 26/2014 with 2016 amendments) provides that the NIHRB has the competence “to monitor violation of human rights, conduct the necessary investigation, and draw the attention of the competent authorities”.

The NIHRB’s submits that its mandate to investigate allegations of torture and ill-treatment is limited and that it has followed up on complaints and reports from NGOs and UN special procedures by referring such matters to relevant authorities.

The SCA recalls its previous observation that NIHRB had not provided adequate information on measures it took to address serious human rights violations including torture and arbitrary detention.

The SCA refers to A.2 of the Paris Principles which provides that “a national institution shall be given as broad a mandate as possible” and G.O. 1.2 on ‘Human rights mandate’ which states that “the NHRI’s mandate [...] must be defined as broadly as possible so as to give the public the protection of a wide range of international human rights standards.

The SCA recommends for NIHRB to interpret and implement its mandate broadly to independently investigate all human rights violations including violations committed in places of deprivation of liberty by the military, police, and security officers.

3. Meaningful engagement with civil society and human rights defenders

The SCA recalls its October 2023 report, in which it found that the NIHRB had not provided sufficient evidence of effective and meaningful cooperation with civil society organisations (CSOs), including human rights defenders, in the exercise of its protection mandate on serious human rights violations.

The NIHRB reported its engagement with the Ministry of Social Development to seek support for CSOs, the organization of 22 meetings with CSOs from November 2023 to January 2024, and the establishment of a Joint Working Group with eight registered CSOs in Bahrain. The SCA acknowledges the efforts of the NIHR to strengthen its relationships with CSOs in fulfilling its mandate.

Third-party submissions however indicate that the NIHRB has not meaningfully engaged with CSOs, adding that the discussions and outcomes of the consultations are not publicized and that the process lacks transparency. The SCA reiterates that NHRIs should maintain working relationships with human rights defenders as well as a wide range of civil society organisations.

The SCA encourages NIHRB to continue strengthening its engagement with CSOs, particularly in the discharge of its protection mandate, and to reinforce its work on the protection of human rights defenders in Bahrain.

The SCA refers to Paris Principles C (f) and (g) and to its General Observations 1.2 on ‘Human Rights Mandate’ and 1.5 on ‘Cooperation with other human rights bodies.’

4. Selection and appointment

In its October 2023 report, the SCA acknowledged the amendment to the selection and appointment process under Royal Order No. (17) of 2017 as amended by Royal Order No. (39) Year 2023 but noted that the criteria for the identification of the full-time and part-time members of the Council of the Commissioners is still not explicit under Article 3 bis of the Royal Order No. (39) of 2023.

The SCA further noted that the amended Royal Order of August 2023 will only apply for the next appointment of the Council of Commissioners in 2025. The NIHRB indicated that it is following up on the issuance of the ministerial decision by the chairperson of the Selection Committee which will include clear and transparent details about the mechanism for selecting full-time and part-time members of the Council of Commissioners.

The SCA encourages the NIHRB to continue to advocate for the adoption of a clear, transparent, merit-based, and participatory selection and appointment process for selecting full-time and part-time members of the council of commissioners.

The SCA refers to Paris Principles B.1 and its General Observation 1.8 on ‘Selection and appointment of the decision-making body of NHRIs’.

2.3. Denmark: The Danish Institute for Human Rights (DIHR)

Recommendation: The SCA recommends that the DIHR be re-accredited with **A** status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and implement the recommendations made by the SCA during each review.

The SCA notes:

1. Human Rights Mandate

Section 2 of the DIHR Act provides the DIHR with a mandate to both promote and protect human rights. The SCA notes the efforts undertaken by the DIHR to address gender-based violence (GBV), the rights of migrants, stateless persons, and refugee including through conduct of consultations, issuance of reports and recommendations to parliament and government, and highlighting human rights implications of government policies. The SCA further notes the intersectional work of DIHR on GBV including its report on foreign women stranded in violent marriages, efforts in addressing sexual harassment, and the efforts undertaken with the Human Rights Council of Greenland to remove the territorial exclusion of Greenland to the Istanbul Convention.

The SCA encourages DIHR to continue to implement long term and proactive strategies to counter retrogressive national policies.

In addition, the SCA notes that the DIHR Act does not explicitly provide for the mandate to encourage ratification or accession to international human rights instruments. In practice, the DIHR reported that encouraging ratification of treaties and implementation of international human standards is an important aspect its work. The SCA encourages the DIHR to continue to advocate and follow up with relevant authorities to make this mandate explicit in its enabling law.