

Resolution on the Granting of Affiliate Status to National Human Rights Institutions and specialized human rights institutions in Africa - ACHPR/Res. 370 (LX) 2017

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 60th Ordinary Session from 08 to 22 May 2017, in Niamey, Niger;

Bearing in mind the provisions of Article 45(1) of the African Charter on Human and Peoples' Rights (the African Charter), which provides that the function of the Commission shall be, *inter alia*, "to cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights;"

Considering that Article 26 of the African Charter stipulates that States Parties to the Charter shall have the duty to "allow the establishment and the improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the Charter;"

Cognizant of the adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and other relevant regional and international human rights instruments;

Reaffirming Rule 67 of the Rules of Procedure of the Commission, adopted during its 47th Ordinary Session, held from 12 to 26 May 2010, in Banjul, The Gambia, which provides that "National Human Rights Institutions established by States Parties and functioning according to internationally and regionally recognized norms and standards may be granted affiliate status with the Commission;"

Considering that to date, the Commission has granted affiliate status to 27 National Human Rights Institutions;

Recognizing the Paris Principles which elaborate on the mandate of such institutions;

Recognizing the establishment of the Network of National Human Rights Institutions, the regional umbrella body that brings together African National Human Rights Institutions and works to support and strengthen national human rights institutions in Africa;

Recognizing the emergence of other specialized human rights institutions in Africa, including Gender Commissions and Equality Commissions, with which the Commission may also work in fulfillment of its mandate;

Convinced of the importance of the role of national institutions and other specialized human rights institutions in the promotion and protection of human rights and in creating public awareness in Africa;

The Commission:

1. **Decides to review** its criteria for granting of Affiliate Status to national human rights institutions;
2. **Commends** the increasing interest shown by States Parties in establishing and strengthening national human rights institutions and other specialized human rights institutions for the promotion and protection of human rights;
3. **Recognizes** that it is the right of each State to establish, according to its sovereign prerogatives and within the most appropriate legislative framework, a national institution charged with the promotion and protection of human rights according to internationally recognized norms, and that each State too may establish other specialized human rights institutions such as Gender Commissions and Equality Commissions;
4. **Notes with satisfaction** the significant participation of African national human rights institutions and the Network of African National Human Rights Institutions in the Sessions of the Commission;
5. **Adopts** a new criteria for the granting of Affiliate Status to national human rights institutions and other specialized human rights institutions;
6. **Decides** that the new criteria shall enter into force with immediate effect, and requests the Secretary to the African Commission to report on the implementation of the present Resolution at each Ordinary Session of the Commission.

CRITERIA FOR THE GRANTING OF AFFILIATE STATUS TO NATIONAL HUMAN RIGHTS INSTITUTIONS AND OTHER SPECIALIZED HUMAN RIGHTS INSTITUTIONS WITH THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

1. National Human Rights Institutions and specialized human rights institutions applying for Affiliate Status with the African Commission on Human and Peoples' Rights (the Commission) shall submit a written application to the Secretariat of the Commission, showing that they work for the realisation of the objectives of the African Charter on Human and Peoples' Rights (the African Charter).
2. An institution applying for Affiliate Status shall meet the following criteria:
 - i. It shall be duly established by law;

- ii. It shall be a national human rights institution or other specialized human rights institution of a State Party to the African Charter;
 - iii. Its independence shall be guaranteed by law;
 - iv. It shall have as broad a mandate as possible, capable of promoting, protecting and monitoring human rights through various means;
 - v. It shall be characterized by effective functioning;
 - vi. It shall be adequately funded and not subject to financial control;
 - vii. It shall be accessible to the general public; and
 - viii. It shall be composed of diverse membership representative of the society.
3. Applicant institutions shall submit the following documents to the Commission, at least three months prior to the Ordinary Session where the application will be considered:
 - i. A formal letter of application to the Commission;
 - ii. A copy of the law which establishes the applicant national human rights institution or other specialized human rights institution;
 - iii. Documentation showing how the applicant institution conforms to the criteria stipulated above;
 - iv. A list of the Members of the applicant institution; and
 - v. Information on the sources of funding of the applicant institution.
 4. National institutions and other specialized human rights institutions granted Affiliate Status shall have the following rights:
 - i. They shall be invited to sessions of the Commission; and
 - ii. They shall participate, without voting rights, in deliberations on issues which are of interest to them, and submit proposals which may be put to a vote at the request of any Member of the Commission;
 5. National institutions and other specialized human rights institutions granted Affiliate Status shall have the following responsibilities:
 - i. They shall assist the Commission in the promotion and protection of human rights at the national level; and
 - ii. They shall present their activity reports to the Commission every two years.

Done in Niamey, Republic of Niger, on 22 May 2017