

# Reference Guide

## دليل مرجعي



الهيئة الوطنية لحقوق الانسان

المتضمنة لجنة الوقاية من التعذيب

National Human Rights Commission

including the committee for the prevention of torture



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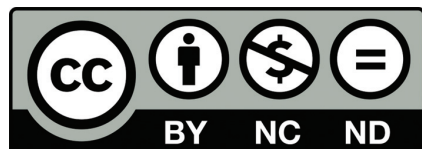
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## List of abbreviations

|          |   |
|----------|---|
| EU       | European Union  |
| FIIAPP   | International and Ibero-American Foundation for Administration and Public Policies                                |
| NHRC-CPT | National Human Rights Commission, including the Committee for the Prevention of Torture                           |
| NPM      | National Preventive Mechanism   |
| UNHRC    | United Nations Human Rights Council   |
| NHRIs    | National Human Rights Institutes  |
| CAT      | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                          |
| OPCAT    | Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment |
| SPT      | UN Subcommittee on the Prevention of Torture  |
| GANHRI   | Global Alliance of National Human Rights Institutions   |
| UDHR     | Universal Declaration of Human Rights   |
| CRC      | Convention on the Rights of the Child   |
| CRPD     | Convention on the Rights of Persons with Disabilities   |
| UPR      | Universal Periodic Review   |
| OHCHR    | Office of the High Commissioner for Human Rights  |
| CSOs     | Civil Society Organizations   |





## *Executive Summary*

## *Executive Summary*

Law No. 62 on the Establishment of the National Human Rights Commission, including the Committee for the Prevention of Torture (NHRC-CPT), was ratified on October 27, 2016, based on the Paris Principles, which govern the mechanisms of establishing and running NHRCs. It followed several recommendations from the United Nations Human Rights Council (UNHRC) and international treaty bodies to establish Lebanon's NHRI.

NHRIs have a broad mandate, pluralism in membership, broad functions, adequate powers, adequate resources, cooperative methods, and engagement with international bodies. Full compliance with the Paris Principles provides NHRIs with international recognition.

Although funded by the state, NHRIs are independent. They are not considered Non-Governmental Organizations (NGOs), but serve as a «bridge» between civil societies and governments. They go by various names, depending on the country. For example, they may be called a commission, a committee, a human rights council, an ombudsman, a public defense, conciliation, or the defense of the people's interests.

Lebanon acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) under Law No. 12 of September 5, 2008. Based on CAT Article 17, the state committed itself to creating an independent national mechanism to prevent torture by establishing the National Human Rights Commission, including the Committee for the Prevention of Torture.

The NHRC-CPT was established by decree 3267 of June 19, 2018, and decree 5147 of July 5, 2019.

On July 16 and August 14, 2019, and per the provisions of Article 5 of Law No. 62/2016, NHRC-CPT members were sworn in by the President using the following Oath:

«I swear by Almighty God to carry out my duties in the National Commission on Human Rights with all integrity, faithfulness, and independence; act, in all that I do, in a trustworthy manner and always seek rightfulness and protect and promote human rights.»

On November 12, 2019 and following the provisions of Article 6 of Law No. 62/2016, and pursuant to the provisions of Chapter Three of Law No. 62/2016, especially Articles 15 to Article 20, the NHRC-CPT elected the President and members of the NHRC board and distributed tasks as follows.

- Dr. Fadi Gerges - President of the NHRC-CPT
- Judge Khalil Abourjeily - President of CPT, Vice President of NHRC-CPT
- Lawyer Dr. Rana Jamal - Secretary
- Mr. Ali Youssef - Treasurer and Commissioner of Complaints
- Mr. Bassam Al Kantar - Commissioner of International Relations and Information
- Professor Fadl Daher - Commissioner of Studies, Monitoring, Education, and Development
- Dr. Josyan Madi-Skaff - Commissioner in the CPT
- Lawyer Raymond Medlej - Commissioner in the CPT
- Ms. Rida Ramez Azar - Commissioner in the CPT
- Dr. Bilal Sabloun - Commissioner in the CPT

## **Powers and duties of NHRC and CPT**

Law 62/2016 defines the powers and duties of NHRC as follow:

NHRC protects and promotes human rights in Lebanon following the standards laid down in the Lebanese Constitution, the Universal Declaration of Human Rights (UDHR), International Human Rights Conventions and

Treaties, and Lebanese laws consistent with these standards. In addition, the NHRC shall carry out special functions set out in the present law and may, for this purpose, communicate independently with international and local human rights bodies.

In particular, the NHRC is vested with the following duties:

- 1- Monitor the extent of Lebanon's compliance with Human Rights and International Humanitarian Law and draft and publish special or periodic reports thereon.
- 2- Contribute independently to drafting reports that shall be submitted by the Lebanese State.
- 3- Offer feedback and consultation upon the request of competent authorities or under its initiative regarding the respect and observation of human rights standards.
- 4- Receive claims and complaints of human rights violations and contribute to handling these claims through negotiations and mediation or prosecution
- 5- Contribute to disseminating the culture of human rights and push for the implementation and development of human rights education programs.

## **Powers and duties of CPT**

Law 62/2016 defines the powers and duties of CPT as follow:

The CPT works within the NHRC to protect the rights of persons who are detained and deprived of their liberties, under the provisions of the present law and following Lebanon's obligations under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

As defined by OPCAT, the CPT carries out the function of a national preventive mechanism aimed to protect the rights of those detained and

deprived of their liberties. Accordingly, the CPT enjoys the independent legal capacity to act in matters related to the prevention of torture.

The CPT, its appointed members, its accompanying employees, or contractors have the full authority to access and visit all places of detention and related facilities in Lebanon without any exception to protect detainees against arbitrary detention, torture, and other cruel, inhuman, or degrading treatment or punishment. Furthermore, the CPT shall cooperate and negotiate with competent authorities to enforce and improve laws and regulations related to detainees and places of detention.

**The CPT or any of its appointed members may:**

- 1- Carry out periodic or unannounced visits at any time to places of detention without prior notice or the need for any permission from any administrative, judicial, or other authority.
- 2- Conduct collective or individual interviews with detainees in private, away from any surveillance, and with the assistance of an interpreter if necessary.
- 3- Meet any other person who may have relevant information or provide assistance that it deems necessary and have unrestricted access to confidential information as required by CPT's work. The CPT may not publish or reveal any of this information without the consent of the person concerned or the source.
- 4- Receive complaints or requests for interviews, inspection, or medical examination.

Article 27/b of Law 62/2016 allowed CPT to establish direct contact with the UN Subcommittee on Prevention of Torture (SPT) and provide it with information when required. Accordingly, CPT and SPT shall meet periodically or whenever needed.

NHRC and CPT, each in its field, shall provide a unified report including their

annual program, achievements, and challenges. NHRC shall submit the unified report to the office of the President, the office of Head of Parliament, the office of the Prime Minister, and the office of Head of the Supreme Council of Justice. The report shall be published in the Official Gazette, and it may be discussed by the Parliament. The report shall not mention any personal information or details that could reveal the identity of victims or witnesses without their consent.

## **NHRC Standing Committees**

Under the provisions of Article 12 of Law No. 62/2016, the NHRC-CPT established four standing committees:

### **International Humanitarian Law Commission**

The International Humanitarian Law Commission (ILC) ensures the respect of all relevant international humanitarian law conventions, protocols, and customary rules to which Lebanon is party, whether by ratification or accession.

### **The Grievance Committee for Child Victims of Child Rights Violations**

The Grievance Committee for Child Victims of Child Rights Violations represents the National Grievance Mechanism for Child Victims of Child Rights Violations. The Committee bases its work on the principle of the child's best interest, respects the child's rights and views, and gives these views due importance according to the child's age and maturity.

### **Committee for the Protection of the Rights of Persons with Disabilities**

The Committee for the Protection of the Rights of Persons with Disabilities is considered the national mechanism for protecting persons with disabilities, taking into account the competence of relevant authorities.

## **Committee to Combat Trafficking in Persons**

The Committee is mandated with combating trafficking in persons and ensuring the protection of victims and witnesses, taking into account the competence of relevant authorities.

### **‘A Status’ GANHRI accreditation**

To be effective and recognized by the international community, NHRIs must adhere to the standards set out in the Paris Principles, endorsed by the UN General Assembly in 1993. Therefore, in collaboration with the UN Human Rights Council, the Global Alliance of National Human Rights Institutions (GANHRI) grants membership and two levels of status based on the criteria set out in the Paris Principles.

NHRC-CPT is preparing the related documents for the unique peer-review-based accreditation process. GANHRI shall ensure Lebanon's NHRC compliance with internationally recognized standards - the Paris Principles - and grant it 'A Status' accreditation.

### **Membership in Regional and International organizations**

NHRC-CPT started preparing the related documents to join international and regional organizations and bodies, regional and Arab human rights mechanisms, economic and development institutions, regional and international networks, and groups to protect and promote human rights, in particular:

- The Global Alliance of National Human Rights Institutions
- Asia Pacific Forum of National Human Rights Institutions
- The Francophone Network of Human Rights Institutions
- The Arab Network of National Human Rights Institutions





**Law No. 62 /2016**

## **Law No. 62 /2016**

*Establishment of the National Human Rights Commission,  
including the Committee for the Prevention of Torture, dated  
27/10/2016, and its amendments*

### **Part I: Establishment and Regulation of the NHRC and CPT**

#### **Article 1: Establishment of the National Human Rights Commission, including the Committee for the Prevention of Torture**

- a. Under the present law, an independent body is established under the name of «The National Human Rights Commission» (hereafter referred to as «NHRC»), which shall serve in its legal capacity and enjoy financial and administrative independence.
- b. The NHRC includes a permanent committee under the name of the «Committee for the Prevention of Torture» (hereafter referred to as «CPT»).
- c. All members of NHRC and CPT and their employees and related staff shall carry out their functions with complete independence from any other authority in the framework of the present law's provisions. The CPT shall also fulfill its functions and complete its reporting without interference from the NHRC.

## Part II: Regulation of the National Commission on Human Rights (NHRC)

### Article 2: NHRC Formation

- A) The NHRC consists of ten members, five of whom shall be members of the CPT. All members are appointed, by a decree based on a decision adopted by the Council of Ministers, for a non-renewable term of six years, from a list proposed by the following entities:
- 1- One member out of six former judges to be named by the Supreme Council of Justice.
  - 2- One member out of six experts in penal law, human rights law, or public law to be named equally by Beirut Bar Association and Tripoli Bar Association.
  - 3- One member out of six experts in International Humanitarian Law to be named equally by Beirut Bar Association and Tripoli Bar Association.
  - 4- Two members out of six experts, one in the Psychiatry field and the other in Forensic medicine, to be named equally by the Lebanese Order of Physicians in Beirut and the Lebanese Order of Physicians in Tripoli.
  - 5- A university professor out of three experts in Human rights or Civil Liberties to be named by the Council of Deans at the Lebanese University.
  - 6- One member out of four members to be named by the Lebanese Press Order and the Lebanese Editors' Syndicate.
  - 7- Three members out of twelve human rights activists to be named by the Parliamentary Committee for Human Rights, based on nominations by civil society organizations (CSOs) operating in the human rights fields, provided that each candidate is recommended by at least three Lebanese associations.

The aforementioned entities shall submit their first suggestions within three months from the date of the Law's publication in the Official Gazette; otherwise, the Parliamentary Committee for Human Rights shall act in their place.

Members shall serve in their individual capacity and with full independence and shall not abide by the instructions of any authority.

- B) NHRC members may pursue their functions after the end of their term until new members are appointed and sworn in.
- C) The Council of Ministers shall appoint NHRC members within three months from receiving the nominations.

### **Article 3: Membership Eligibility**

Candidates should meet the following conditions:

- 1- They should be Lebanese for more than ten years, persons of high moral character, enjoying their civil rights, having a clean criminal record, and not being convicted with any felony or misdemeanor.
- 2- 35 years old and above.
- 3- Having at least ten years of experience in their field of specialization
- 4- Appointment of members shall represent both genders.
- 5- Files of candidates shall be submitted to the Office of the General Secretariat of the Council of Ministers.

### **Article 4: Full-time Engagement and Incompatible Offices**

- A- NHRC members shall be dedicated full-time to their duties and cannot engage in any other work during their tenure.
- B- NHRC members may not hold incompatible offices such as head or member of a ministry, head or member of Parliament, head or member of a public institution's board of directors, head of a municipal council, a party leadership position, a member of syndicates' councils, or a member of the entities nominating NHRC members.

- C- NHRC members may not run as candidates in parliamentary, municipal, or mayoral elections and shall not hold any political or administrative public position before the passage of two full years after the end of their tenure.

### **Article 5: Oath of Office**

NHRC members shall take oath before the President of the Republic as follows:

«I swear by Almighty God to carry out my duties in the National Human Rights Commission with all integrity, faithfulness, and independence; act, in all that I do, in a trustworthy manner and always seek rightfulness and protect and promote human rights.»

### **Article 6: Election of NHRC President and Members**

- A- After taking the oath, NHRC members shall convene upon the call of the oldest member or the request of three members to elect by secret ballot, from the members outside the CPT, a President, a Secretary, and a treasurer, for a non-renewable term of six years.
- B- CPT members shall convene to elect a President who would act officially as the NHRC Vice-President.

### **Article 7: Bylaws and Code of Ethics**

- A- Members of the first NHRC shall establish the bylaws and lay down a fiscal system within two months from the date of taking the oath and by a two-thirds majority. The bylaws and fiscal system shall include detailed rules and norms that regulate the NHRC work mechanism and shall be approved by a decree adopted by the Council of Ministers.
- B- Pursuant to the aforementioned norms, NHRC shall set forth its code of ethics to be observed by all members, employees, staff, representatives of associations, and any person cooperating and working with NHRC.

## **Article 8: Vacancies**

If for any reason a membership position becomes vacant a year before the conclusion of the term, NHRC shall announce the vacancy, and its president shall, within a week, inform the Council of Ministers and the entity responsible for proposing the nomination. The Council of Ministers shall appoint the substitute within three months from being informed per Article 2 of the present law.

The substitute shall complete the remaining period of tenure.

## **Article 9: Immunity of Members**

- A- Except for *Flagrante Delicto* offenses, NHRC members shall not be subject to penal prosecution or legal procedures, including arrest during their tenure without NHRC authorization and after hearing the respondent member who shall not be entitled to participate in the vote.

The NHRC shall declare its decision within two weeks from the date of being informed by the competent judicial authority of the request to lift immunity, or else the authorization shall be deemed as implicitly granted.

- B- No employee or representative of NHRC shall be subject to any prosecution or legal procedures, including arrest during their work term with NHRC, for any action related to this work without NHRC authorization.

The NHRC shall declare its decision within two weeks from the date of being informed by the competent judicial authority of the request to lift immunity, or else the authorization shall be deemed as implicitly granted.

- C- NHRC offices may not be searched and may not be subject to any judicial or administrative procedure without NHRC authorization.

The executive authority shall not decide to suspend or halt NHRC's work under any circumstances, including states of emergency and war

## Article 10: Non-dismissal of Members

- A- NHRC members shall not be dismissed except in the following cases:
- 1- If their health or mental status prevents them from performing their duties
  - 2- In case a member is convicted of a felony or misdemeanor, membership shall be suspended immediately upon announcing the indictment or ruling against them for the offenses mentioned above.
- B- Dismissal decisions shall be taken by a two-thirds majority, and the concerned member shall be notified of the decision within three days from issuance
- C- Dismissal decisions may be appealed before the State's Shura Council within a two-month deadline from the decision notification date.

## Article 11: NHRC and CPT Meetings

NHRC and CPT shall meet at least once per month, or whenever deemed necessary, upon the call of NHRC President and CPT President. The meetings of each shall be legal with the attendance of at least the absolute majority of members. Decisions of each shall be adopted by a proportional majority. Any member who fails to attend three consecutive sessions shall be officially deemed a resigning member.

## Article 12: NHRC Standing Committees

In addition to the committee established under the present law, NHRC may establish standing committees out of its members to carry out permanent or specific duties, as stipulated by its bylaws.

## Article 13: Hiring and contracting

- A- NHRC shall be assisted by an administrative apparatus headed by a full-time executive director.

CPT shall be assisted by an administrative apparatus headed by an executive director.

- B- The rules of appointment and functions shall be defined in the bylaws.
- C- The administrative apparatus shall observe the bylaws' provisions.

### **Article 14: Right of Access to Information**

NHRC and CPT may contact foreign and Lebanese authorities and agencies and request to be provided with documents and information that they deem useful for the progress of their work. Relevant Lebanese authorities and agencies shall respond to this request without any delay.

## **Part III: Powers and Duties of NHRC and CPT**

### **Article 15: Definition of NHRC and CPT Duties**

- A- The NHRC protects and promotes human rights in Lebanon following the standards laid down in the Lebanese Constitution, the UDHR, and other International Human Rights Conventions and Treaties and Lebanese laws consistent with these standards. The NHRC shall carry out special functions set out in the present law and may, for this purpose, communicate independently with international and local human rights bodies.
- B- In particular, the NHRC is vested with the following duties:
  - 1- Monitor the extent of Lebanon's compliance with Human Rights and International Humanitarian Law and draft and publish special or periodic reports thereon.
  - 2- Contribute independently to drafting reports submitted by the Lebanese State.
  - 3- Offer feedback and consultation upon the request of competent authorities or on its own initiative regarding the respect and observation of human rights standards.

- 4- Receive claims and complaints of human rights violations and contribute to handling these claims through negotiations and mediation or prosecution.
  - 5- Contribute to disseminating the culture of human rights and push for the implementation and development of educational programs on human rights.
- C- The CPT works within the NHRC to protect the rights of detained and deprived of their liberties according to the provisions of the present law and Lebanon's obligations under the OPCAT.
- As defined by the OPCAT, CPT carries out the function of a national preventive mechanism aimed to protect the rights of persons who are detained and deprived of their liberties. The CPT enjoys the independent legal capacity to act in matters related to torture and prevention thereof.
- D- Both NHRC and CPT, each in its field, shall set down a unified report, including their annual program, achievements, and challenges. NHRC shall submit the unified report to the office of the President, the office of Head of Parliament, the office of the Prime Minister, and the office of Head of the Supreme Council of Justice. The report shall be published in the Official Gazette and discussed by the Parliament.

The report shall not mention any personal information or details that could reveal the identity of victims or witnesses without their consent.

## **Article 16: Monitoring, Reporting, and Assessment**

- A- The NHRC shall follow up and assess the status of human rights and international humanitarian law in Lebanon, draft and publish, as appropriate, special or periodic reports thereon.
- NHRC shall carry out the following activities, including but not limited to:

- 1- Follow and assess laws, decrees, administrative decisions, acts, and abstentions within all public authorities, centralized and decentralized, and bodies carrying out public services or public benefits, and evaluate their compliance with human rights standards.
- 2- Monitor and document violations of human rights and international humanitarian law during periods of armed conflict and follow up by all means possible to limit impunity.
- 3- Draft general reports and special reports on specific instances of violations, including recommendations.

NHRC shall work on holding debates over the reports with relevant authorities and bodies as well as citizens and media.

- B- Offer independent advice in drafting reports submitted by the Lebanese state pursuant to international and regional treaties, propose independent recommendations thereon, and follow up their implementation in cooperation with relevant authorities, institutions, and bodies. The NHRC may urge concerned administrations to submit their reports on time and in a duly manner.

## **Section 2: Special Powers and Duties on Receiving and Handling Complaints**

### **Article 17: Receiving and Handling Complaints**

NHRC shall receive claims and complaints of human rights violations in Lebanon from any natural or legal person, Lebanese or non-Lebanese, investigate the facts and evidence, and seek to address and handle these claims.

### **Article 18: Rules and Conditions for Submitting Claims and Complaints**

- A- NHRC shall set out in its bylaws the details, rules, and conditions for submitting complaints and claims and ensure the seriousness of complaints or claims, the safety of complainants or informants, and the confidentiality of correspondence when deemed necessary.

- B- Neither NHRC nor any of its members or employees are entitled to reveal the name and identity of complainants or informants without their prior written consent, even after the case is brought before the competent judicial or disciplinary authorities.

### **Article 19: Investigation**

- A- NHRC shall appoint, upon receipt of a complaint or claim, one or more of its members to act as rapporteur who shall conduct and oversee the investigation and complete the declared information using all available means.
- B- The rapporteur shall collect by themselves all information available. Competent executive, administrative, and judicial authorities and all relevant entities shall cooperate with them upon request.

If concerned authorities fail to cooperate within two weeks from the date of notification, the rapporteur may refer to competent authorities to undertake appropriate measures.

### **Article 20: Procedures Following Investigation**

In light of investigation results, NHRC shall decide to file the complaint, or attempt to resolve its cause through negotiations or mediation in all matters concerning personal rights, or refer the complaint to the Public Prosecution Office, which shall inform NHRC of the investigation progress and its results, or assist the complainant in submitting necessary inquiries before relevant authorities

NHRC shall keep investigations confidential according to the Code of Criminal Procedure.

## **Section 3: Special powers and duties to implement and develop Human Rights Education**

### **Article 21: Human Rights Education**

NHRC shall help disseminate the human rights culture and the International

Humanitarian Law and promote the implementation and development of human rights educational programs.

NHRC shall carry out the following activities, including but not limited to:

- A- Encourage and help the Ministry of Education and Higher Education and other public and private educational bodies to include theoretical and applied subjects on Human Rights and International Humanitarian Law in their educational programs and develop these subjects and related educational instruments.
- B- Participate in media and publicity campaigns and programs on the standards and means of observing Human Rights and International Humanitarian Law.
- C- Conduct studies and hold conferences, seminars, and training courses for various official and private entities in all subjects within the institution's field, mainly the Security Forces.
- D- Issue, publish and distribute books and publications on all subjects within the institution's field.

## **Section 4: Powers and Duties of the CPT**

### **Article 22: Definitions**

- A- The term «torture» in the present law means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the explicit or implicit consent of a public official or any other person acting in an official capacity for such purposes as obtaining from them or a third person information or a confession, or punishing them for an act they or a third person has committed or is suspected of having committed, or intimidating or coercing them or a third person to undertake or to refrain from undertaking a specific action; or for any reason based on discrimination of any kind when such pain or suffering is inflicted.

The above definition does not include severe pain or suffering resulting from, inherent in, or incidental to lawful sanctions.

- B- For the purposes of the present Law, «deprivation of liberty» means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative, or other public authority.

Places of deprivation of liberty include, but are not limited to, prisons, places of detention, police stations, juvenile centers, ports, airports, hospitals, and psychiatric institutions in Lebanon where persons are or may be deprived of their liberty, whether under the supervision of the Directorate General of Internal Security Forces or the General Directorate of the General Security, the General Directorate of State Security, the Customs Administration, the Ministry of National Defense or the Ministry of Justice, hereafter referred to as «places of detention.»

### **Article 23: Powers of CPT to Visit Places of Detention**

- A- The CPT or its appointed members and accompanying employees or contractors have the full authority to access and visit all places of detention and related facilities in Lebanon without exception to protect detainees against arbitrary detention, torture, and other cruel, inhuman, or degrading treatment or punishment. The CPT shall cooperate with competent authorities and negotiate to enforce and improve laws and regulations related to detainees and places of detention.
- B- The CPT or any of its appointed members may:
- 1- Carry out periodic or unannounced visits at any time to places of detention without prior notice and the need for any permission from any administrative, judicial, or other authority.
  - 2- Conduct collective or individual interviews with detainees in

private, away from any surveillance, and with the assistance of an interpreter if necessary.

- 3- Meet any other person who may have relevant information or provide assistance that it deems necessary and have unrestricted access to confidential information as required by CPT's work. The CPT may not publish or reveal any of this information without the consent of the person concerned or the source.
- 4- Receive complaints or requests for interviews, inspection, or medical examination.

### **Article 24: Cooperation with Entities and Experts**

- A- In the exercise of its functions, the CPT shall cooperate with CSOs engaged in assisting persons deprived of liberty.
- B- The CPT may resort to external experts other than its employees. When needed, those experts may accompany CPT members on their visits to places of detention, taking into account the requirements of national defense and public safety.

### **Article 25: Right of Access to Information**

- A- To fulfill its functions, the CPT may have access to all information from relevant authorities concerning:
  - 1- Number of places of detention and their locations
  - 2- Full identity of detainees, place of their detention, date, and duration of their detention, as well as the legal basis for their detention.
- B- The CPT shall look at the content and progress of complaints, allegations, or prosecutions of torture and other cruel, inhuman, or degrading treatment or punishment before disciplinary or administrative authorities. Every judicial or disciplinary decision issued in cases of torture and other cruel, inhuman, or degrading treatment or

punishment shall be reported to the CPT by the concerned party within one month from the date of issuance.

- C- The CPT is not bound to communicate any information to any party, except where the interest of detainees requires otherwise. All files and information relating to CPT shall remain confidential and shall not be disclosed except following a decision by the CPT.

## **Article 26: Observations, Recommendations, and Suggestions**

- A- The CPT shall lay down its observations, recommendations, and suggestions regarding places of detention and conditions of persons deprived of their liberty and pass them to NHRC and the relevant authorities to improve conditions and circumstances of those detainees and prevent torture and other cruel, inhuman, or degrading treatment or punishment.
- B- Concerning arbitrarily detained persons, the CPT shall report their status to competent administrative and judicial authorities, which shall take appropriate legal and judicial measures in this regard to end their unlawful detention.
- C- The CPT shall, through the NHRC, express its opinion, make observations and recommendations and initiate proposals regarding draft laws or suggested amendments to existing laws related to the treatment of persons deprived of their liberty, conditions of detention, and fair trial procedures.

## **Article 27: Cooperation of Competent Authorities**

- A- Competent legislative, executive, judicial, and administrative authorities and all parties shall cooperate with the CPT and facilitate its work to fulfill its functions effectively.
- B- The CPT may establish direct contact with the UN Subcommittee on

Prevention of Torture (SPT) and provide it with information when required. CPT and SPT shall meet periodically or whenever needed.

## **Part IV - NHRC Budget and Fiscal system**

### **Article 28:**

- A- NHRC shall enjoy financial and administrative independence and is subject to the Audit Bureau's supervision.
- B- NHRC shall have an annual budget stipulated within a special chapter in the public budget, under a special section for the independent national commissions, and it shall be sufficient to cover NHRC costs and activities.

NHRC shall prepare its annual budget, which shall be submitted to the Minister of Finance by the NHRC President within the deadline according to the principles stipulated in the Public Accounting Law.

- C- An additional appropriation shall be opened in the public budget for the first operational year of NHRC after the entry into force of this law.
- D- A private account shall be opened for NHRC at the Banque du Liban. NHRC President shall be responsible for contracting its costs as per the principles and rules stipulated in the Public Accounting Law. At the end of every fiscal year, a summary of expenditures approved by the NHRC President shall be sent to the Ministry of Finance. The provisions of the Public Accounting Law shall apply to these statements.
- E- NHRC accounts are subject to internal and external audit by independent audit firms according to the provisions of article 73 of Law 326 dated 28/6/2001 (The Budget Law of 2001).

### **Article 29: NHRC Funding**

NHRC funding consists of:

- A- Budget allocations
- B- Donations or any financial support from local or international bodies and any other resources, provided that such funding is not subject to restrictions that might affect NHRC independence and does observe the laws in force.

### **Article 30: Members Allowances and first Mandate**

- A- The President, Vice-president, and NHRC members shall receive a lump-sum monthly compensation determined by a decree issued by the Council of Ministers upon the proposal of the Minister of Justice.
- B - The mandate of the first NHRC including the Committee for Prevention of Torture starts after the issuance of all regulating decrees governing the commission.

## **Part V - Final Provisions**

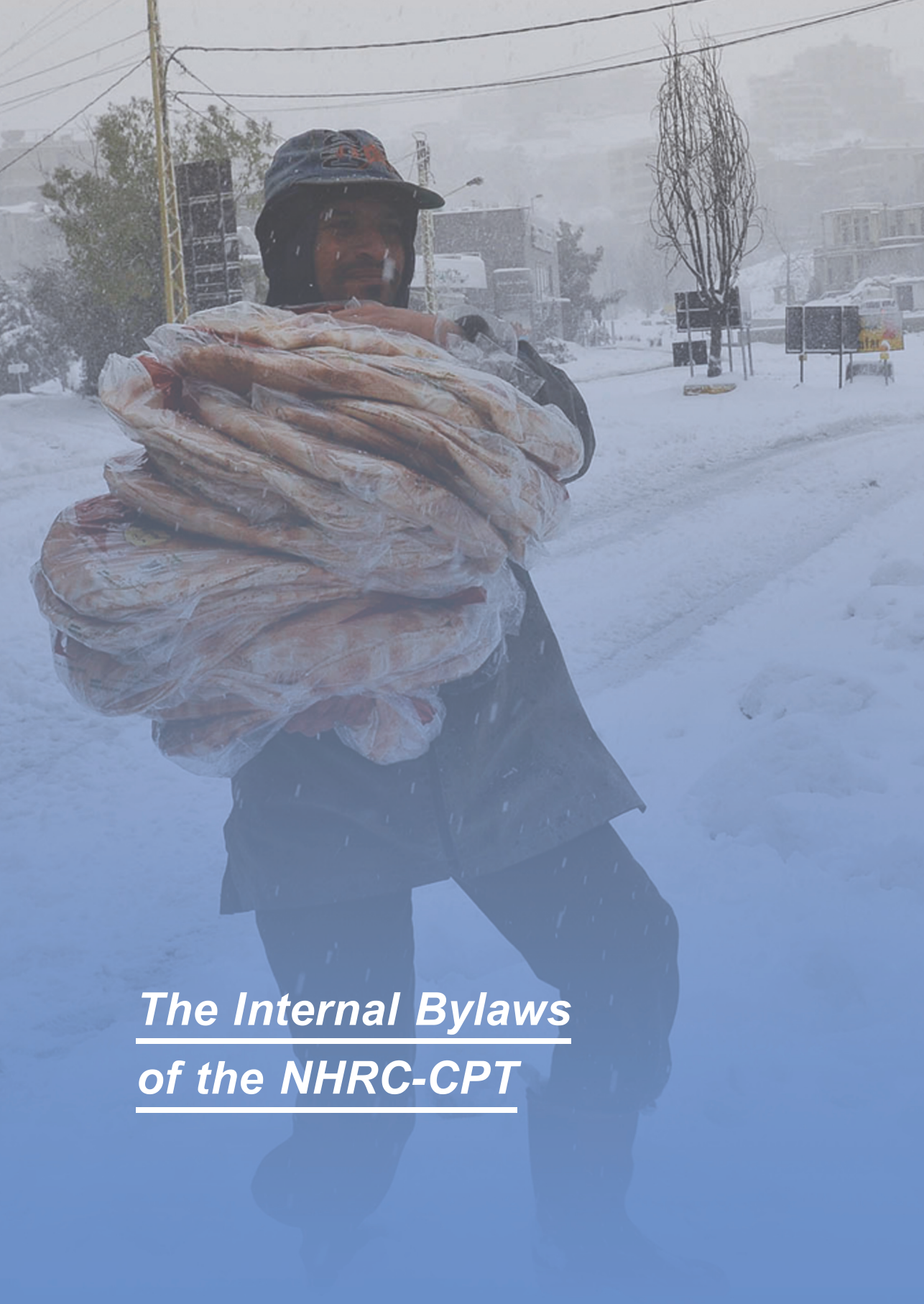
### **Article 31: Law Implementation Details**

Law implementation details shall be determined when necessary by decrees to be adopted by the Council of Ministers upon the proposal of the Minister of Justice.

### **Article 32: Final provisions**

The present law shall enter into force upon publication in the Official Gazette.





***The Internal Bylaws***  
***of the NHRC-CPT***

## ***The Internal Bylaws of the NHRC-CPT***

*(Based on the approval of the NHRC Council  
in its session held on December 20, 2021,  
and after consulting the State Council,  
consultation No. 93/2020-2021 dated 24/08/2021  
and Consultation No. 7/2021-2022 dated 23/11/2021)*

### **Section 1: General Provisions**

#### **Article 1**

Under the provisions of Act NO. 62 of 27 October 2016 and regarding the establishment of the National Human Rights Commission (NHRC), including the Committee for the Prevention of Torture (CPT), the bylaw shall be called: The bylaw of the National Human Rights Commission including the Committee for the Prevention of Torture and is regarded complementary to the provisions of its establishment law.

#### **Article 2**

Terms mentioned in the bylaw are defined as follows:

- a) Commission: The National Human Rights Commission
- b) Chairperson: The Chairperson of the NHRC, including the CPT
- c) Commission Board: Members of the NHRC, including the CPT
- d) Committee: The Committee for the Prevention of Torture
- e) Bureau of the NHRC's Commission: It consists of the Chairperson of

the Commission and members of the Bureau of the Commission such as the Deputy Chairperson, Secretary, and Treasurer.

- f) Deputy Chairperson: The Chairperson of the CPT and the Deputy Chairperson of the NHRC, including the CPT
- g) Chairperson of the Committee: The Chairperson of the CPT
- h) Special Rapporteur: A member who investigates any complaint made to the NHRC and that falls under its jurisdiction
- i) Commissioner: A member who carries out duties for the commission
- j) Standing Committees: Committees established to carry out permanent duties within the Commission.
- k) Temporary Committees: Committees established to carry out specific tasks within the Commission.
- l) Executive director of the commission: The Executive director of the NHRC
- m) Executive Director of the committee: The Executive Director of the CPT
- n) Deprivation of liberty: Any form of detention, imprisonment, or probation of persons in a public or private place of detention, in which these persons are not allowed to leave as they wish, by order of a judicial, administrative, or other official authority.
- o) Expert: A specialist in a specific field that the commission or committee may need for a specific task or that it may contract for a period of one year or more.
- p) Volunteer: Any person who works in the commission or committee without a specified wage and a description and professional or functional powers.

## **Section 2: Election and Jurisdiction**

### **Chapter 1: Election**

#### **Article 3: Election of the Chairperson, Secretary, and the Treasurer**

- a) After taking the oath, members meet at the request of the eldest member, or upon request of three members, and hold a secret ballot to elect a Chairperson, a Secretary, and a Treasurer from members (outside of the CPT) for a non-renewable period of 6 years.
- b) The quorum is deemed complete in the first session if the two-thirds majority of members are present, and the candidate who gets the absolute majority of the votes shall be declared the winner.
- c) If the quorum isn't met in the first session, a second session takes place one hour later and is deemed complete with the members who attended. The candidate who receives the relative majority of the votes among present members shall be announced the winner. In case of a tie, the elder of the two members shall be deemed elected.
- d) The election session shall be chaired by the eldest member who is not a candidate. If they are unable to attend, the oldest member of the attendees among non-candidates shall preside over the voting session.
- e) The youngest member present (among non-candidates) is responsible for taking minutes and must sign the record with the presiding officer.

#### **Article 4: Election of the CPT Chairperson**

Following the election of the NHRC Chairperson, the Secretary, and the Treasurer, and according to the quorum met in the first or second session, members of the CPT meet in a separate room to vote for its chairperson, shall be, ipso facto, the deputy Chairperson of the NHRC per the rules and conditions specified in Article 3.

## **Article 5: Nomination and Nomination Withdrawal Mechanism**

Members who wish to run for Chairperson, Deputy Chairperson, Secretary, or Treasurer shall declare their candidacy three days before the election session. Candidates may withdraw from the elections before the electoral process. Each post shall be voted on separately. Members outside the committee are not eligible to run for more than one post at the Bureau of the NHRC.

## **Chapter Two: Bureau Of The NHRC**

### **Article 6: Components**

The Bureau of the NHRC consists of the Chairperson as the head of the Bureau and the Deputy Chairperson, the Secretary, and the Treasurer as members.

### **Article 7: Jurisdiction and Meetings**

The Bureau of the NHRC shall meet once a week at the request of its Chairperson and shall be responsible for:

- a) Overseeing the proper functioning of the NHRC and the well-being of its personnel.
- b) Deliberating matters related to the NHRC and CPT, coming up with proposals, and making the necessary recommendations to the Bureau.
- c) Preparing the agenda for the NHRC Board.

## **Chapter Three: NHRC Board**

### **Article 8: Components of the NHRC Board and its Mandate**

The NHRC Board consists of all members. The council devises the policy of the NHRC, including the CPT, and directs its activity within the scope of laws, procedures in force, international conventions, and guidelines to achieve its objective and ensure its proper functioning.

The NHRC Board takes on responsibilities including, but not limited to the following:

- a) Making amendments to the internal and financial regulations.
- b) Creating and modifying the Code of Ethics and the Code of Professional Conduct.
- c) Devising NHRC's strategic action plan and its amendments.
- d) Setting and auditing the annual budget and its account statement, the annual general budget, and total annual inventory.
- e) Hiring the NHRC and CPT personnel through examinations, competitions, and interviews, according to set terms and conditions, as well as appointing members of the examining committees and their work methodology.
- f) Agree on hiring personnel, employees, contractors, and workers.
- g) Hiring experts, lawyers, and consultants on a contractual basis
- h) Forming a list of accredited experts and lawyers assigned to the NHRC and CPT.
- i) Authorizing prosecution before courts and arbitral tribunals.
- j) Accepting contributions and donations aligned with the goals and objectives of the NHRC.
- k) Agreeing on the acquisition of moveable and immoveable funds.
- l) Deciding on proposals and recommendations issued by the Bureau of NHRC.
- m) Reviewing, auditing, and approving the annual report.
- n) Announcing membership vacancies (for any reason whatsoever) a year before the end of the mandate.
- o) Assigning a Special Rapporteur (among members) to investigate any complaint made to the NHRC, which falls under its jurisdiction, according to article 1 of Law 62/2016.
- p) Forming standing or temporary Committees and dissolving them according to article 12 of Law 62/2016.

- q) Deciding on urgent matters raised by the Chairperson or Deputy Chairperson outside the agenda.
- r) Assigning a member of the NHRC or forming a committee headed by one of its members to investigate any complaint or information received to the NHRC about a functional behavioral error or inspect the NHRC-CPT departments.
- s) Expressing an opinion regarding the consultations required from the NHRC by the competent authorities or those it initiates concerning the respect of human rights standards.
- t) Expressing an opinion spontaneously in all relevant legislation, decrees, decisions, projects, and policies related directly or indirectly to the protection and promotion of human rights.

### **Article 9: Meetings of the NHRC Board**

- a) The NHRC Board meets once a week and whenever it is needed, based on an invitation from the Chairperson of the NHRC, or upon a written request from the Chairperson of the CPT or at least 3 members submitted to the Chairperson, who is obligated to hold a meeting within one day from the date of receiving the request. The meeting is deemed valid in the presence of, at least, the absolute majority of the members, and decisions are made by consensus or by relative majority. In the event of a tie, the Chairperson shall have a casting vote.
- b) The invitation of members of the Commission is sent via the official email with the agenda attached. The electronic receipt is considered a presumption of notification, 48 hours before the meeting date, except emergency meetings that are invited via phone applications, with the agenda attached also.

### **Article 10: Attending meetings**

- a) Under the provisions of Article 11 regarding the NHRC's establish-

ment law, a member who fails to attend three consecutive regular sessions without presenting what the NHRC considers as a valid excuse, and after being duly summoned, and after the absence is proven in the session minutes is deemed to have resigned, and the resignation is announced by the decision of a two-thirds majority of the members.

- b) The Chairperson sends a written letter to the member who has been absent twice in succession without a legitimate excuse to explain the reasons for absence. Members deemed to have abdicated their duties are not entitled to participate in the vote on their resignation, but they have the right to defend their point of view before the NHRC.
- c) The Chairperson informs the Council of Ministers and to the party concerned with the nomination about the vacancy so that a new member can be appointed, following the procedures stipulated in Article 8 of the law establishing the NHRC.

## **Chapter Four: Authorities of the Chairperson, the Secretary, and the Treasurer**

### **Article 11: The Chairperson**

The Chairperson of the NHRC is supposed to ensure the proper implementation of the board's decisions, take all necessary measures to ensure that operations are done smoothly, and preside over NHRC's meetings. In their absence, the chairperson gets replaced by the Deputy Chairperson. And in the absence of the latter, the most senior member takes their place and acts accordingly.

The Chairperson exercises power under the provisions of Law 62/2016 to perform actions including but not limited to the following:

- a) Represent the NHRC before national authorities and international organizations and bodies; they may delegate the Vice-President or one of the members of the NHRC when necessary.

- b) Invite members to hold regular or emergency meetings. The Chairperson is obliged to convene an emergency meeting within a day's limit upon a written request from the Chairperson of the CPT or upon a written request of 3 members.
- c) Sign the draft of the annual budget and send it to the Minister of Finance within the time limit and following the rules stipulated in the Public Accounting Act.
- d) Incur the NHRC's expenditures per the rules stipulated in the Public Accounting Law, the NHRC's financial system, and all other applicable texts.
- e) Sign decisions, employment, and consultation contracts upon the approval of the NHRC Board.
- f) Submit the consolidated annual report of the NHRC-CPT, which includes its annual program, achievements, and difficulties encountered, to the Presidency of the Republic, the Presidency of the House of Representatives, the Presidency of the Council of Ministers, and the President of the Supreme Judicial Council, and publish it in the Official Gazette, after being approved by the NHRC Board.
- g) Present a brief of the annual report to the parliament if the latter decides to discuss the report mentioned above.
- h) Invite personalities and bodies to attend or participate in NHRC's meetings and the activities it organizes after the approval of the NHRC Board.
- i) Deposit the NHRC's funds in its account according to receipts signed jointly with the Treasurer and the secretary of the financial affairs department.
- j) The chairperson may delegate some of their competencies to the vice president or an NHRC Board member.

## **Article 12: Secretary**

The Secretary exercises the competencies conferred upon them under the provisions of Law 62/2016 to perform actions including but not limited to the following:

- a) Set an attendance list and ensure a quorum at the beginning of each session.
- b) Record meeting minutes of the Bureau of the NHRC and the NHRC Board in cooperation with the Executive Director of the NHRC.
- c) Sign the minutes jointly with the Chairperson; all minutes shall be accurately numbered and dated.
- d) Save minutes of meetings and personal files belonging to members.

## **Article 13: Treasurer**

The Treasurer exercises competencies conferred upon them by the provisions of Law 62/2016 and those stipulated in the Commission's Financial System.

### **Chapter Five: Standing And Temporary Committees**

## **Article 14: Temporary Committees**

- a) Pursuant to Article 12 of Law 62/2016, the NHRC may establish temporary committees among its members to perform specified functions.
- b) The Chairperson and members of the temporary committee are appointed by the NHRC Board, as proposed by the Chairperson or upon a proposal of three of its members submitted to the NHRC's Chairperson.
- c) The tasks of this committee and the number of its members are specified in the decision of its establishment, provided that it shall not be less than three.
- d) Each committee decides on its own priorities and holds necessary meetings to fulfill its mandate from the Board. In addition, each

committee adopts a work program indicating the expected date for completing its work and considering its assigned tasks and the number of sessions to be allocated to each.

### **Article 15: Standing Committees**

- a) Pursuant to Article 12 of Law 62/2016, four standing committees, each consisting of at least three members, shall be established within the National Human Rights Commission as follows:
  - International Humanitarian Law Committee
  - The Grievance Committee for Child Victims of Child Rights Violations
  - Committee for the Protection of the Rights of Persons with Disabilities
  - Committee to Combat Trafficking in Persons
- b) Each standing committee shall be chaired by a member of the NHRC, elected by the Board of NHRC, based on a mechanism of nomination and election for the membership of the Bureau of the commission specified in this bylaw.
- c) The NHRC may establish other standing committees or dissolve an existing committee by a decision taken by the Board of NHRC upon a proposal by the Chairperson or three commission members.

### **Article 16: Common provisions of standing committees**

- a) In the performance of their functions, the standing committees shall refer to the Commissions and its Executive Directorate (established by this bylaw) and forward their recommendations and suggestions to the NHRC Board to decide on them.
- b) Within their respective competence, the standing committees, under the authority of the NHRC Board, are supposed to maintain cooperative and partnership relations with national, international, public, and private administrations, bodies, and institutions.

- c) Each Standing Committee shall prepare its annual budget draft and submit it to the NHRC Board to consider the necessary budgetary provisions of the NHRC.
- d) The standing committee shall submit a quarterly report on its work summary to the NHRC Board. At the end of each year, each standing committee shall prepare a report that includes its annual activities, in addition to its suggestions and recommendations for the coming year. It shall be submitted to the Board for approval and inclusion in its annual report.
- e) The standing committees, with the approval of the NHRC Board, shall seek the assistance of experts they deem necessary in a specific field and may request information, documents, studies, and reports from the concerned authorities that assist it in carrying out its work, considering the applicable administrative principles.

### **Article 17: International Humanitarian Law Commission**

The International Humanitarian Law Commission (ILC) ensures the respect of all relevant international humanitarian law conventions, protocols, and customary rules to which Lebanon is party, whether by ratification or accession.

This Committee, in particular, carries out functions including but not limited to the following:

- a) Monitoring and documenting violations of international humanitarian law and following them up by all available means to end impunity.
- b) Expressing an opinion on the legislative and administrative provisions to harmonize international humanitarian law and the relevant international conventions and those required for its enforcement under the Lebanese legislative texts.
- c) Developing an annual plan that addresses actions and measures it deems necessary and appropriate for disseminating international

humanitarian law and the definition of its operational mechanisms and legal requirements.

- d) Making recommendations to all authorities to properly implement the relevant legislative and administrative texts.
- e) Disseminating the culture of international humanitarian law in cooperation with ministries, public administrations, institutions, universities, colleges and schools, and CSOs.
- f) Exchanging information and experience with federations, associations, humanitarian organizations, international committees, and civil society bodies related to international humanitarian law, and strengthening relations with similar committees in the national human rights institutions within GANHRI member States.
- g) The Committee coordinates with the National Committee for International Humanitarian Law established by decree 4382 dated 2010/6/21, without infringing on the committee's independence.

### **Article 18: The Grievance Committee for Child Victims of Child Rights Violations**

The Grievance Committee for Child Victims of Child Rights Violations represents the National Grievance Mechanism for Child Victims of Child Rights Violations. The Committee bases its work on the principle of the best interest of the child, and respects the rights and views of the child, and gives these views due importance according to the child's age and maturity

The Committee performs functions including but not limited to the following:

- a) Receive complaints submitted directly by child victims of abuse, their guardians, or third parties. It must ensure that persons acting on behalf of the child do not have a negative impact on the child's rights, and it may refuse to consider any communication that does not serve the best interests of the child as defined in the Convention on the Rights of the Child (CRC) No. 260 of 1990.

- b) Conduct investigations related to complaints, study them, address them, and decide on them without delay.
- c) Organize hearings and invite parties concerned with the violation or complaint, as well as witnesses, experts, and any person whose statement is deemed useful.
- d) The committee automatically deals with any case of violation of children's rights.
- e) The Committee may, at any time after receiving the complaint and before reaching a decision, transmit, through the NHRC Board, to the competent judicial authorities, a request to urgently consider the adoption of the necessary temporary protection measures to avoid any harm to the child victim or victims of the alleged violations.
- f) In the event of an infringement or actual violation of the child's rights, the NHRC Board, based on the committee's recommendation, shall notify the competent judicial authorities of all available data, information, and documents on the situation while ensuring the Committee's capability to follow up all stages of the processing procedure.
- g) Promote the rights stipulated in the CRC and its Optional Protocols and monitor their implementation.
- h) The Committee is keen on coordinating with the various parties concerned with children's rights in a manner that does not conflict with the independence of the NHRC.

### **Article 19: Committee for the Protection of the Rights of Persons with Disabilities**

While considering the competence of the relevant authorities, the Committee for the Protection of the Rights of Persons with Disabilities is considered the national mechanism for protecting persons with disabilities.

The Committee performs functions including but not limited to the following:

- a. Receive complaints filed directly by persons with disabilities who are victims of violation, or on their behalf, or by others, when any of their rights are violated.
- b. Conduct investigations related to complaints, study them, address them, and decide on them without delay.
- c. Organize hearings and invite parties concerned with the violation or complaint, as well as witnesses, experts, and any person whose statement is deemed useful.
- d. The Committee automatically addresses any case of breach or violation of the rights of persons with disabilities brought to its attention, provided that the person concerned is notified and does not object to the Committee's intervention.
- e. In the event of a serious violation or breach of the rights of a person with a disability, the NHRC Board, based on the Committee's recommendation, must inform the competent judicial authorities of all available data, information, and documents needed while ensuring that the Committee can follow up all stages of the processing procedures.
- f. Promote the rights stipulated in the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol and monitor their implementation.
- g. The Committee ensures proper coordination and cooperation with the various parties concerned with the rights of persons with disabilities without infringing on the NHRC's independence.

## **Article 20: Committee to Combat Trafficking in Persons**

Considering the competence of the authorities concerned, this Committee is competent to combat trafficking in persons and ensure the protection of victims and witnesses.

The Committee performs functions including but not limited to the following:

- a) Receive complaints and notifications of trafficking in persons and refer them to the competent judicial authorities.
- b) Raise awareness on the guidelines to enable all concerned parties to monitor and report on trafficking in persons.
- c) Conduct investigations related to complaints, study them, address them, and decide on them without delay.
- d) Organize hearings and invite parties concerned with the violation or complaint, as well as witnesses, experts, and any person whose statement is deemed useful.
- e) Contribute to the revitalization of research, studies, and activities related to the modernization of legislation regulating areas related to combating trafficking in persons in the light of international standards.
- f) Monitor the application of the international laws and conventions related to the punishment of trafficking in persons and develop the necessary recommendations to address the shortcomings in applying relevant laws, decrees, and resolutions by the competent authorities.
- g) The Committee is keen on coordinating and cooperating with the various parties involved in combating trafficking in persons without infringing on the commission's independence.

## **Section Three: Administrative Structure Of The NHRC**

### **Chapter one: Number of Commissions and Directorates and their Establishment Mechanism**

#### **Article 21: Number of commissions and directorates**

The administrative structure of the NHRC consists of five commissions and an executive directorate as follows:

- a) Complaints Commission

- b) Studies and Monitoring Commission
- c) International Relations Commission
- d) Education and Development Commission
- e) Media and Information Commission
- f) The Executive Directorate

## **Article 22: Mechanisms for Establishing Commissions**

The NHRC may establish, merge, or abolish commissions as needed, through a decision of the NHRC Board. The Chairperson and members of the NHRC from outside the CPT assume the duties of one or more Commissions, according to a decision taken by the NHRC Board. The delegate shall be the administrative officer of NHRC's staff and is responsible for monitoring and coordinating among them.

## **Chapter Two: Complaints Commission**

### **Article 23: Objectives and tasks**

This Commission aims to create mechanisms to ensure that the rights of all citizens are fully protected. Its tasks include receiving complaints and reports of human rights violations within a mechanism specified in this bylaw and contributing to addressing them through mediation and negotiation. Every person who has been subjected to a violation of any of the human rights and freedoms guaranteed by the Constitution, the laws in force, or international agreements that Lebanon pledges to respect has the right to file a complaint to the Commission.

### **Article 24: The mechanism of filing a complaint and the conditions of its acceptance**

To be accepted, the complaint shall be submitted to the Complaints Commission in the following manner:

- a. It shall be written personally or by a legal person or representative. It

can be sent via fax, e-mail, or secure mail. If this is not possible, complainants or their representative can present the complaint verbally, in which case, the official shall write it on a printed form, record it, and deliver a copy to the concerned person.

- b. The complaint must be signed by the complainant or their legal representative.
- c. The complaint must be accompanied by evidence and supporting documents and may include images, audio, visual, and electronic recordings when available.
- d. The endeavors undertaken by the individual concerned may be determined by the competent authorities when necessary.
- e. The complainant receives, from the Commissioner or their representative, a receipt containing the following information:
  - Complaint number and date of registration.
  - The phone number and e-mail of the Commission, in addition to informing the complainant that they shall be notified of the name of the rapporteur charged with documenting, studying, and handling the complaint
- f. Submission of a complaint does not stop or suspend the time limit for procedures stipulated in the law or civil and criminal procedures.

### **Article 25: Authority to Consider Complaints**

The NHRC shall not consider complaints falling outside its jurisdiction, such as:

- a. Except in exceptional cases and cases of grave and persistent violations, if more than a year has passed since the violation and complainant's awareness thereof.
- b. If the subject of the complaint was previously presented to the NHRC and it expressed its opinion unless new information appears.

## **Article 26: Rights of the Complainant and Informant**

If a person files a complaint before the NHRC or the Committee, their employer is prohibited from:

- a. Firing or threatening the complainant with dismissal because of the complaint.
- b. Discriminating or threatening to discriminate against the complainant in their work because of the complaint.
- c. Intimidating, punishing, or subjecting the complainant to any sanctions or disciplinary or financial measures because of the complaint.

## **Article 27: Complaints and Reports of Torture or other Cruel, Inhuman, or Degrading Treatment or Punishment**

Every person deprived of liberty shall have the opportunity, on any day, to submit requests or complaints to the CPT without informing any person or official or unofficial body of the content of these requests or complaints. The right to file applications or complaints applies to lawyers of persons deprived of liberty. In cases where the person deprived of liberty or their attorney cannot exercise these rights, a family member or any other person familiar with the case may do so.

## **Article 28: Rights of the Complainant Deprived of Liberty**

- a) Every request or complaint shall be dealt with immediately and answered without delay. No prisoner or person deprived of liberty shall be exposed to any risk of reprisals, intimidation, or other negative consequences resulting from submitting a request or complaint to the Committee.
- b) Allegations of torture or other cruel, inhuman, or degrading treatment or punishment shall be dealt with immediately and lead to an immediate investigation by a rapporteur chosen by the Committee from among its members.

## Article 29

The NHRC or CPT shall assign an employee, based on an official referral from their respective chairs, according to the type of complaint and without any delay, to conduct the required investigations under the supervision of the director, rapporteur, the Chairperson of the NHRC or the Chairperson of the CPT according to the specialization, and first seeks to resolve the complaint through negotiation and mediation with the relevant authorities.

The Complaints NHRC may:

- a. Investigate and document the facts and evidence related to the complaint and contribute to their protection within the framework specified in this bylaw.
- b. Request to review any files, data, documents, or audiovisual recordings or obtain copies thereof from official departments to assist them in performing their tasks and achieving their goals.
- c. Interview and hear witnesses, including civil, military, and diplomatic state employees, after following the legal procedures stipulated in the relevant laws.
- d. Interview any person whose testimony is deemed necessary on a matter relating to an ongoing investigation.
- e. Cooperation with a CPT or the NHRC shall not be considered a reason for any authority to take disciplinary action against employees.
- f. The parties involved in the complaint must provide the NHRC or the CPT with all the documents related to the complaint and provide all kinds of assistance when necessary, taking into account their health and psychological status.

## Article 30

In case mediation fails, the president notifies one of the public prosecutors, who must inform the NHRC on the progress and the result of the investigation

it is conducting, or assist the complainant in submitting the necessary reviews before the competent authorities.

Based on the NHRC Board decisions, the NHRC is required, in particular, to:

- a. Notify complainants of their rights and available remedies and assist the complainant through legal advice from specialists to facilitate their submission of reviews before the competent Courts.
- b. Follow up on all reports and allegations submitted by the NHRC before the Courts and inform the aggrieved and the informant of all updates.
- c. The conclusions, reports, and information resulting from the complaints submitted to the NHRC are not considered a final official testimony valid for use in any legal or judicial procedures; they shall constitute a basis or advisory material thereof.

## Chapter Three: Studies And Monitoring Commission

### Article 31

This Commission prepares legal studies, monitors legislation, drafts laws, decrees, government budgets, and governmental and administrative plans and decisions to ensure their respect for human rights principles; it monitors all actual and suspected violations of these rights.

Based on decisions issued by NHRC's Board, this Commission, in particular, shall:

- a. Monitor the policies, legislations, decrees, plans, and budgets by reading and analyzing them from a human rights perspective to examine the extent to which they observe the rights of different groups and regions, especially the marginalized, and the extent to which they adhere to human rights standards based on the principle of equality and non-discrimination, and the extent to which they respect the content of the International Covenant on Economic, Social, and

Cultural Rights and other international human rights treaties and International Humanitarian Law.

- b. Provide legal studies and recommendations periodically or upon request or exceptionally to both the NHRC and CPT and provide technical and legal support to the NHRC or CPT to facilitate their role in expressing opinion and advice on laws, their amendments, and bills and proposals.
- c. Prepare legal reports on public individual rights and freedoms, whether political, civil, economic, social, or cultural.
- d. Study and express opinions on various legislations, whether draft laws, ministerial decrees, or administrative decisions, and review and analyze them from a human rights perspective to adhere to human rights principles and standards therein.

### **Article 32: Library**

A public library, paper, digital, and audiovisual, shall be established in this Commission, which includes all legal and human rights references, international conventions, and theses related to human rights. The library's mission is to disseminate the legal culture of human rights by providing various legal and rights references and resources. It shall be open to students, researchers, human rights activists, and anyone wishing to learn about human rights.

### **Article 33: Monitoring and Documentation**

The Studies and Monitoring Commission undertakes investigations, monitoring, documentation, and following up human rights violations to achieve accountability and combat impunity. It also monitors and documents all violations, abuses, and breaches of human rights by all legally authorized methods. It also prepares monthly reports whenever necessary and submits them to the NHRC Board to prosecute the perpetrators of violations and abuses referred to by the competent authorities after discussion and approval by the NHRC Board.

## Chapter Four: International Relations Commission

### Article 34

This Commission aims to prepare periodic reports and coordinate, cooperate, and consult with regional and international organizations and bodies, regional and Arab human rights mechanisms, economic and development institutions, networks, and regional and international groups to protect and promote human rights in a manner that does not conflict with the requirements of the Lebanese laws in force, regarding cooperation, communication, and coordination with foreign bodies and foreign persons.

Based on the decisions of NHRC's Board, and concerning the requirements of the Lebanese laws in force regarding cooperation, communication, and coordination with foreign bodies and foreign persons, this Commission shall, in particular:

- a. Prepare draft reports for treaty bodies, the UNHRC, and international organizations, and monitor the extent to which the recommendations of all the above bodies are implemented.
- b. Express its opinion on the governmental reports to treaty bodies, the UNHRC, and international organizations.
- c. Cooperate, communicate, and consult with international and regional alliances of national human rights institutions and their accreditation systems.
- d. Secure all the conditions and documents required by GANHRI to accredit national institutions, per the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), and submit them to obtain accreditation, especially the A status.
- e. Secure the conditions required for maintaining accreditation in the A status, inform authorities in case of breach of any of these conditions, and coordinate with the CPT, when requesting re-accreditation,

conducting a periodic evaluation of the NHRC to ensure its compliance with the Paris Principles.

- f. Under the guidance and with the approval of the NHRC Board, make an oral statement under all substantive items on the UNHRC agenda; participate through video messages in UNHRC discussions, including the UNHRC's adoption of the outcome of Lebanon's Universal Periodic Review (UPR); hold interactive dialogue after a mandate holder submits their report on a mission to Lebanon and in panels or annual discussions; submit documents, which are issued under a United Nations document symbol; and hold independent seats at all sessions.
- g. Propose to nominate candidates for the position of mandate holders under the UN Special Procedures.
- h. Work on developing external cooperation relations with various international frameworks that work with NHRIs.
- i. Strengthen cooperation with the UN system and international human rights organizations.
- j. Strengthen the relationship with the Office of the High Commissioner for Human Rights (OHCHR) in the context of its regional presence as a competent UN agency for the promotion and protection of human rights and as a Secretariat charged with supporting NHRIs to enhance their independence and role.
- k. This Commission shall hold and organize discussion sessions, workshops, and meetings with parliamentary, governmental, and other official committees and organize meetings with civil society to consult on preparing reports.
- l. Coordinate with international and regional bodies on organizing and attending human rights conferences.

## Article 35: Reporting

- a. This Commission shall assist the NHRC and the CPT in preparing periodic, non-periodic, and consolidated reports, including the annual program, achievements, and difficulties. The report shall ensure that no personal or detailed data revealing the identity of the victims or witnesses are provided without their consent.
- b. This Commission communicates with other Commissions to collect information that constitutes the report's material, especially the Studies and Monitoring Commission. Reports shall be submitted to the NHRC to be decided upon.
- c. This Commission shall hold and organize discussion sessions, workshops, and meetings with parliamentary, governmental, and other official committees and organize meetings with civil society to consult on preparing reports.

## Chapter Five: Education And Development Commission

### Article 36

The Education and Development Commission promotes and disseminates a culture of human rights and international humanitarian law and urges the implementation and development of human rights education programs.

Based on NHRC's Board decision, this commission shall:

- a. Urge the Ministry of Education and other public and private educational bodies, such as schools, universities, and institutes in all stages; cooperate with them to include theoretical and applied material on human rights and international humanitarian law in their educational programs, and develop related educational methods.
- b. Promote the protection of diversity and pluralism and disseminate information and knowledge regarding human rights to the general public and specific groups to create a national culture of human rights.

- c. Coordinate and cooperate with Departments concerned with the media to contribute to publicity and media campaigns and programs on standards and manners of respecting human rights and international humanitarian law.
- d. Communicate with the Supreme Judicial Council, the Institute of Judicial Studies, the State Shura Council, and the Bar Associations in Beirut and Tripoli to promote human rights and international humanitarian law in basic education and training material and include them in curricula as theoretical and practical teaching and training material.
- e. Prepare studies and organize conferences, seminars, and training courses for various official and private bodies, especially law enforcement agencies, on all topics related to human rights and international humanitarian law.
- f. Organize and present activities within a strategic plan set by this Commission and approved by the NHRC Board to educate citizens on their basic rights and introduce them to the role of the NHRC and the CPT and procedures required to submit complaints. Its activities also target trade unions, municipalities, public and private sector employees, journalists, civil society workers, university students and professors, and anyone it deems appropriate to promote human rights.
- g. Provide advice and recommendations on human rights issues to central and local authorities after obtaining the approval of the NHRC Board.
- h. Communicate, coordinate, and consult with active human rights CSOs, to exchange experiences and promote human rights.
- i. Advocate on issues of marginalized groups and offer them a wide space in this Commission's activities.
- j. Issue, publish, and distribute books and publications on all subjects within NHRC-CPT's jurisdiction after obtaining the approval of the NHRC Board.

## Chapter Six: Media and Information Commission

### Article 37

This commission is responsible for following up on issues related to media coverage, forging relationships with various stakeholders, and providing technical support to the NHRC and CPT.

Based on NHRC's Board decision, this commission shall:

- a. Address public opinion directly to disseminate its views, recommendations, and reports and answer questions put to the NHRC and CPT.
- b. Follow-up on all matters and issues related to media coverage, on NHRC's official website, social media, and all media outlets.
- c. Prepare and circulate media and promotional materials to cover the activities and events of the NHRC and CPT on various human rights issues.
- d. Develop and strengthen relationships with various media representatives and institutions to serve human rights issues.
- e. Monitor and document media content related to human rights in Lebanon.

### Article 38: Information System

The Media and Information Commission, in coordination with all departments of the NHRC and CPT, shall engage in the following:

- a. Develop and implement an integrated information network.
- b. Supporting NHRC-CPT departments in digitizing their operations following the priorities established by the NHRC Board.
- c. Manage and expand the information network and form a link between the members of the NHRC, CPT, and their staff.
- d. Design, update, and provide technical support to the NHRC and CPT media platforms.

- e. Prepare training projects for the NHRC and CPT staff in ICT systems and automation, and use widely encrypted and secure communication apps.
- f. Develop studies on the development of used information networks and their complements, including hardware, applications, and software.
- g. Monitor maintenance work and prepare a list of the NHRC and CPT needs regarding hardware, software, and maintenance.
- h. Take the necessary technical measures to protect the database and prevent anyone from accessing it under any circumstances except authorized personnel.
- i. Ensure the integrity of the NHRC's database.

## **Chapter Seven: Executive Directorate of the NHRC**

### **Article 39: Executive Director of the NHRC**

The Executive Director of the NHRC shall be appointed following the legal provisions in force and shall undertake the following tasks:

- a. Ensure the management of the Executive Directorate of the NHRC.
- b. Follow up and implement the NHRC Board's decisions.
- c. Take the necessary measures to plan the NHRC Board's work and prepare documents related to the NHRC's meetings, plans, and programs.
- d. Supervise the registration of referrals received from national and international human rights bodies, organizations, public and private administrations, and institutions.
- e. Supervise the maintenance of the NHRC's data, reports, files, and documents and keep them in the archives.
- f. Assist the Secretary in keeping the decisions of the Board meetings and writing and documenting the minutes of deliberations.

- g. Manage the daily work and supervise employees, trainees, and professional staff.
- h. Ensure the flow and exchange of information between commissions, Departments, and Standing Committees through periodic reports.

### **Article 40: The Executive Directorate of the NHRC**

The Executive Directorate of the NHRC consists of two sections, each headed by a staff member with the rank of Head of Department, and they work under the direction and supervision of the Executive Director of the NHRC:

- Administrative Affairs Section
- Financial Affairs Section

### **Article 41**

Following the commission's board decisions, the Administrative Affairs Section particularly handles the following:

- a) Prepare all transactions related to employees' affairs.
- b) Keep and organize the personal files of employees, contractors, and other workers.
- c) Register the commission's incoming mail and ensure its distribution.
- d) Register correspondences of both the NHRC and CPT, each in a separate register, and keep a joint register of correspondences sent and received by the NHRC and committee.
- e) Register the decisions issued by the Chairperson or the NHRC, and keep them in a separate record.
- f) Ensure maintenance, cleanliness, and security of the NHRC and CPT's buildings and assets.
- g) Prepare draft conditions books related to tenders, bids, and various purchases.
- h) Request from the Financial Affairs Section, after the approval of the

NHRC Board, to reserve the necessary funds to ensure the implementation of works, supplies, and services transactions.

**Article 42: Following the NHRC Board's decisions, the Financial Affairs Section particularly handles the following:**

- a. Monitor NHRC and CPT resources.
- b. Carry out program accounts and activities.
- c. Prepare the draft budget and its summary, and refer them to the NHRC Chairperson and the CPT Chairperson for remarks before submitting them to the board of the NHRC.
- d. Organize the payroll, remunerations, compensations, rewards, and aids, and ensure the payment of those due without any delay.
- e. Handle expenses clearing transactions.
- f. Keep the accounts of the NHRC and CPT.
- g. Examine requests for transferring, opening, and rounding credit.
- h. Handle tasks assigned by the financial system.

**Section Four: Committee for the Prevention of Torture**

**Chapter One: Tasks and Functions of the CPT**

**Article 43: Tasks and Functions of the CPT**

Upon observance of the provisions of section four of Law 62/2016, the Committee for the Prevention of Torture tasks include, but are not limited to, the following:

- a- Study, follow-up, and address the conditions of persons deprived of their liberty in detention places, as defined by the Optional Protocol and Law 62/2016, for example, but not limited to - prisons, detention centers, police stations, jails, juvenile centers and institutions, ports, airports, hospitals, and mental facilities among others in Lebanon where people are, or might be deprived of their liberty; to promote, if

necessary, their protection against torture, cruel, inhuman, or degrading treatment.

- b- Have access to all data related to persons deprived of their liberty in detention places, as defined in the OPCAT and Law 62/2016, in addition to access to locations, detainees' identities, duration of detention, and the legal basis for detention.
- c- Have access to all data related to the ways these people are treated, in addition to data on their detention conditions.
- d- Have unrestricted access to all detention places, premises, and facilities, in addition to carrying out periodic or unexpected systematic visits to inspect their conditions.
- e- Conduct collective or private interviews with persons deprived of their liberty without any restrictions or any other reason, and seek the assistance of an interpreter if necessary, as well as interviewing any other person whom it believes can provide relevant information or assistance that it deems necessary, and exercise non-restricted power to obtain confidential information as required by the work of the NHRC.
- f- Cooperate with active civil society bodies in caring for persons deprived of their liberty, and engage experts from outside the circle of its employees.
- g- Identify remarks, recommendations, and suggestions regarding places of deprivation of liberty, conditions of persons deprived of liberty, and then submit them to the NHRC Board and competent authorities to enhance the conditions of deprivation of liberty and ensure that they are not subjected to violations of their human rights or torture and other or cruel or inhuman and degrading treatment or punishment.

#### **Article 44: Duties Mentioned in the Optional Protocol**

In addition to what is stated in Articles from 22 to 27 implied in Law 62/2016, the NHRC also handles tasks mentioned in the OPCAT, ratified by Law No.

12/2008, in particular, enabling the CPT to fulfill its mandate by providing it with the following:

- a) Obtain all information regarding the number of persons deprived of their liberty in places of detention, as well as the number and location of such places.
- b) The freedom to choose the places NHRC wants to visit and the people it wants to meet.
- c) The right to contact and meet the Subcommittee on Prevention of Torture and provide it with information.
- d) Not to order any authority or official to inflict any penalty on any person or organization or to apply the penalty or allow it or condone it because that person or organization has notified the National Preventive Mechanism with any information, whether true or false; this person or organization shall not be harmed in any other way whatsoever.
- e) Confidential information collected by the CPT shall be inviolable. Personal data can not be published without the person's express consent.
- f) The competent authorities examine the recommendations issued by the CPT and enter into a dialogue with it about possible implementation measures.

### **Article 45: NHRC Members from Outside the CPT**

NHRC members from outside the CPT are experts who can help implement CPT's tasks when needed upon its request.

### **Article 46: Confidentiality of Information**

In addition to the terms of Act 62/2016, the CPT abstains from giving any information to any party unless it is in the interest of protecting the rights of persons deprived of liberty. Files and information related to the CPT are

confidential and can only be disclosed by the CPT's decision, provided that everything that contradicts with provisions of OPCAT is excluded from delivery or publication in all cases; no personal or detailed data that reveals the identity of victims or witnesses may be submitted or published without their prior consent.

## **Chapter Two: Chairperson and Members of the CPT**

### **Article 47: CPT Chairperson**

The CPT Chairperson is responsible for ensuring the proper implementation of its decisions and takes all the necessary measures for the smooth running of its work. To that end, the chairperson performs the assigned functions under Law 62/2016 and performs, in particular, the following tasks:

- a- Represents the committee before national authorities and international organizations and bodies. The Chairperson has the authority to delegate one of the CPT members.
- b- Sets an agenda of CPT meetings and a mutual agenda between the CPT and the NHRC Board and refers them to the commission's office for inclusion in the agenda of the NHRC Board.
- c- Invites CPT members to hold regular and urgent meetings. The chairperson must hold an urgent meeting upon a written request of two CPT members, and the invitation shall be attached with the agenda.
- d- Consults with the head of the NHRC in preparing the item related to the CPT within NHRC's draft budget that adequately covers all the NHRC's activities and is not less than a quarter of the NHRC's budget.
- e- Contracts, on behalf of the CPT, experts, advisors, and lawyers in all matters related to its mandate.
- f- Sets the draft of the annual report that includes CPT's program, achievements, and difficulties it faced, and refers it, after the CPT's approval, to the NHRC Chairperson, per the provisions of Article 15/d of Act 62/2016.

- g- Publishes special or periodic reports regarding Lebanon's compliance with human rights and International humanitarian law to prevent torture or other cruel, inhuman, or degrading treatment or punishment after approval of the committee.
- h- Suggests the amendment of the Bylaw, the financial system, and the code of ethics, and then submits it to the NHRC Council for endorsement after approval by the CPT.
- i- Contacts the Lebanese and foreign authorities and agencies and requests providing the CPT with documents or information that it deems useful for the proper exercise of its functions.
- j- Invites Lebanese or foreign figures and bodies to participate in CPT meetings and activities after the CPT's approval.
- k- The CPT Chair can delegate one of the CPT members to represent CPT in conferences held inside or outside Lebanon.
- l- Addresses all the constitutional authorities and all other parties about ways of cooperating with them and helping them complete their tasks according to the provisions of Article 27/a of Law 62/2016.
- m- Communicates directly with the United Nations Subcommittee Prevention of Torture and provides information when necessary.
- n- Requests information from concerned authorities, especially about determining the number and locations and places of deprivation of liberty, the full identity of all persons deprived of their liberty, their places of detention, the date and duration of their detention, their entire medical and health files, the entire judicial file, and the legal basis for detention.

### **Article 48: CPT Meetings**

CPT meets at least once every 15 days or whenever the need for a meeting arises. The meeting is held upon the request of the CPT Chair or upon a written request submitted by three members to the CPT Chair, who then becomes

obliged to call for the meeting. The rules stipulated in Article 9 of these Bylaws are applied to the invitation rules.

## **Chapter Three: CPT Administrative Structure**

### **Article 49: CPT Executive Director**

The CPT Executive director shall be appointed under the legal provisions in force and shall undertake the following tasks:

- a- Ensure the facilitation of the CPT's administration.
- b- Work on implementing and following up the CPT's decisions.
- c- Take all necessary measures to prepare and organize the committee's tasks and prepare documents and papers related to the committee's meetings, plans, and programs.
- d- Supervise the registration of referrals to the CPT, related to its mandate, from national and international human rights bodies and organizations and public and private administrations and institutions.
- e- Supervise the committee's data, reports, files, and documents and keep them in the archives.
- f- Manage the CPT's daily tasks and oversee employees, contractors, interns, and staff's work.
- g- Ensure the flow of information related to the CPT's competence and share them with other departments through periodic reports.
- h- The NHRC executive director is responsible for NHRC and CPT mutual activities and meetings. The NHRC executive director attends the meeting and manages its minutes to be attached to the committee's archive.

### **Article 50: CPT Executive Directorate**

The CPT Executive Directorate consists of the following departments; each is headed by an employee holding the position of the Head of Department, and

all these departments operate under the supervision of the CPT Executive Director. These departments are:

- a) Visits Department
- b) Administrative and Financial Department
- c) Monitoring and Complaints Department
- d) Planning and Programs Department
- e) Scientific Research, Experts, and Volunteers Department
- f) Fostering the Culture of Torture Prevention Department

### **Article 51: Department of Visits Affairs**

The tasks of the Visits Department include, but are not limited to:

- a) Keeping files of locations of liberty deprivation and drafting reports and recommendations regarding their conditions and the conditions of those inside them.
- b) Developing a plan for carrying out various types of periodic, topical, and unannounced visits and follow-up visits to places of deprivation of liberty without any delay.
- c) Keeping and studying reports and minutes organized by the CPT members, employees, or contractors after visiting the places of deprivation of liberty and their facilities, and making recommendations and suggestions, according to the methodology, to submit them to the competent authorities, for them to activate and develop rules and regulations related to detainees, and improve places of deprivation of liberty so that it conforms to international and humanitarian standards.
- d) Drafting periodic and annual reports that include the committee's achievements and challenges and submitting them to the committee.

## **Article 52: Department of Administrative and Financial Affairs**

The tasks of the Administrative and Financial Affairs Department include, but are not limited to, the following:

- a) Preparing special transactions related to employees and contractors.
- b) Keeping and organizing personal files of employees, contractors, experts, and other workers in the committee's departments.
- c) Registering committee's incoming mail and ensuring its distribution.
- d) Registering the committee's incoming and outgoing correspondences.
- e) Asking the Head of the Financial Affairs Department at NHRC, after the CPT's approval, to reserve credits related to the committee's expenditures and projects.
- f) Preparing the financial transactions of salaries, remunerations, and compensations of employees and workers in the committee and financial transactions regarding implementing programs, activities, and projects and submitting them to the NHRC Financial Affairs Department.
- g) Preparing the CPT budget item within the NHRC draft budget and supporting the CPT Chairperson ensure proper expenditure of the annual appropriations allocated to the CPT.

## **Article 53: Department of Monitoring and Complaints**

The tasks of the Monitoring and Complaints Department include, but are not limited to, the following:

- a) Monitoring cases of torture or other cruel, inhuman, or degrading treatment or punishment, and cases of arbitrary deprivation of liberty, detention, or arrest without a warrant.
- b) Reporting complaints to the Visits Department of cases of torture or other cruel, inhuman, or degrading treatment or punishment or arbitrary deprivation of liberty that requires immediate investigation.

- c) Receiving complaints or requests for meetings related to cases of torture or other cruel, inhuman, degrading treatment or punishment or arbitrary deprivation of the right to liberty and registering them in the complaints register.
- d) For complaints filed to this Department, the rules and procedures specified in Article 24 of this Bylaw regarding the Complaints Commission at the NHRC shall be applied.
- e) If the nature of the complaint calls for an expedited investigation of the victim's condition, the CPT Chair assigns one of the members or medical specialists to examine them immediately and writes a detailed report about the victim's health and psychological status, and submits it to the committee.
- f) In case the complainant got arbitrarily detained or was a victim of torture or other cruel, inhuman, or degrading treatment or punishment, the CPT Chair shall inform the competent administrative and judicial authorities to take the necessary legal and judicial measures to put an end for illegal detention and to prosecute the those responsible of torture or other cruel, inhuman, or degrading treatment or punishment.

### **Article 54: Planning and Programs Department**

The tasks of the Planning and Programs Department include, but are not limited to, the following:

- a) Conducting surveys on locations of liberty deprivation, and stating their suitability and the requirements needed to meet the international standards that are compatible with human rights, including minimum standards for dealing with prisoners (Mandela Rules) and women prisoners (Bangkok Rules).
- b) Conducting a census of persons deprived of liberty and prisoners according to age, sex, occupation, crimes accused of or committed, and

how they are distributed among their places of detention, imprisonment, or arrest.

- c) Developing a comprehensive time plan to improve the terms and conditions of deprivation of liberty and prevent torture in Lebanon.
- d) Developing plans and programs to rehabilitate prisoners and teaching them a craft, a profession, or a hobby to become economically productive during their sentences and after their release from prison.
- e) Referring these plans and programs to the CPT to approve and submit them to the competent legislative, executive, judicial, and administrative authorities, publishing them in the Official Gazette, and informing the international donor relevant organizations.

### **Article 55: Scientific Research, Experts, and Volunteers Department**

The word ‘expert’ means every specialist in a certain field whom the CPT may need for a specific task or a one-year contract or more, such as medical specialists, lawyers, and architects. Whereas the word volunteer refers to anyone working in the committee with no fixed salary, job description, and professional or job competencies.

The tasks of this department include, but are not limited to, the following:

- a) Cooperating with active civil society bodies in caring for persons deprived of their liberty or subjected to torture.
- b) Participating with these bodies in seminars and training workshops and raising public awareness on protecting the rights of persons deprived of liberty and subject to torture or cruel, inhuman, or degrading treatment or punishment.
- c) Meeting any volunteer or activist in the field caring for persons deprived of their liberty or subject to torture willing to provide useful information to the CPT. This information shall remain confidential

and unpublished by the CPT without the written consent of the relevant person.

- d) Receiving and keeping expert candidates' files to assist the committee in its tasks, including their curriculum vitae.
- e) Communicating with the Department of Forensic Medicine in the Ministry of Justice and the Lebanese scientific medical associations specialized in forensic medicine to set scientific criteria that shall be considered in selecting medical experts and benefiting from the expertise in forensic medicine.
- f) Submitting experts' candidatures and their files to the CPT Chair to place it before the committee for study and selection of the most qualified.
- g) Keeping a list of experts accredited by the NHRC and CPT with their addresses, phone numbers, and e-mails.
- h) Keeping a personal file of each expert accredited by the CPT including resumes, tasks assigned and carried out, and the CPT's observations regarding their work.
- i) In case of a lack of experience among the experts accredited by the committee, the list of experts approved by the courts may be used to benefit from their expertise and competence.

### **Article 56: Department of Fostering the Culture of Torture Prevention**

This department communicates with the Commission of Education and Development of the NHRC in everything related to the prevention of torture or other cruel, inhuman, or degrading treatment or punishment and deprivation of liberty, and coordinates with it in matters of releasing, publishing, and distributing books and publications on topics within the purview of the NHRC.

This department handles the following tasks:

- a- Provides the NHRC Commission of Education and Development and the Commission of Media and Information with material and information that are not confidential and related to the prevention of torture or other cruel, inhuman, or degrading treatment or punishment and locations of deprivation of liberty.
- b- Develops studies and organizes conferences and training seminars for different official and private bodies on all topics that lay within the committee's purview, especially law enforcement institutions, security and military institutions, and the Judicial Studies Institute.
- c- Cooperates with competent authorities and maintains a dialogue with them to activate and develop rules and regulations related to detainees and the places of deprivation of liberty.
- d- Expresses opinions and advice on laws, regulatory decrees, and draft legislations concerning the prevention of torture and respect of international and humanitarian standards related to locations of deprivation of liberty.

## **Section Five: Members' Duties and Rights**

### **Chapter One: Duties and vacancies**

#### **Article 57: Full-time Duty**

Members devote themselves to their work in the NHRC and CPT and are prohibited from practicing any other work while assuming their duties.

#### **Article 58: Ensure Work**

Members of the NHRC shall ensure work in the NHRC-CPT is done regularly. Absence due to travel shall not lead to the NHRC board members being less than seven at the same time and the CPT members being less than three at the same time.

## Article 59: Termination of Membership

Membership in the NHRC and CPT terminates in the following cases:

- Death
- Resignation: A member may resign from membership in the NHRC and CPT through a written letter submitted to the NHRC Council. A decision shall be made on this letter within a month from the date of submission. Members may withdraw their resignation in a written letter to the NHRC Council within a month to decide on the letter of resignation before issuing NHRC's decision regarding the resignation. The resignation shall be deemed legally accepted upon the expiry of the month-long period.
- If the member's health or mental condition prevents him or her from performing their duties, according to a documented medical report.
- If the member is convicted in a final ruling of a felony or heinous misdemeanor. In this case, the membership is suspended legally as soon as an indictment or an indictment decision is issued.
- If the declaration of financial disclosure and interests has not been deposited before the competent authority according to the conditions imposed within the laws in force.
- Upon termination of membership: If one of the outgoing members holds positions within the commission, the members meet within a week to elect a replacement for this position without waiting for a replacement member to be appointed by the Council of Ministers.

## Article 60: Ipso Facto Resignation

- a) Ipso Facto resigned member is:
- A member who fails to attend three successive sessions without legitimate excuse as stipulated in Article 10 of this Bylaw.
  - A member who violates the provisions of Article 4 of Law 62/2016.

- A member who commits a serious breach of the Code of Ethics and the Code of Professional Conduct.
- b) The violation that leads to a statutory resignation is proven by an investigation conducted by an investigating member appointed by the NHRC Board. The investigator writes a report of the investigation and presents the results to the NHRC Board, which must decide on the extent to which the violation is proven or not by referring to the investigation.
- c) Upon completion of the investigation, the head of the NHRC appoints a session in which the investigator presents their findings. The NHRC Board then listens to the person concerned, who has the right to appoint a lawyer. Decisions to prove or not prove the violation are taken by a majority of two-thirds of the members participating in the vote. If the Board decides that the violation is proven, the violating member's resignation is announced.
- d) The investigator or the offending member shall not participate in the vote on the decision related to this investigation. If the offending member is the NHRC President, the Vice President chairs the meeting and performs all the President's duties.

### **Article 61: Reporting Membership Vacancy**

If a membership position becomes vacant for any of the reasons stated in Law 62/2016 or these Bylaws, the NHRC Chair shall inform the vacancy to the Council of Ministers and the concerned party with the nomination proposal. The replacement shall be appointed within three months from the date of the vacancy, based on the nominal lists previously referred to the Council of Ministers by the authorities concerned with the nomination, according to the provisions of Article 2 of Law 62/2016, or within three months from the date on which the concerned authority referred new names, if it is not possible to rely on the previous nominal regulations.

## **Chapter Two: Special Provisions for Members and Staff**

### **Article 62**

NHRC members are prohibited from participating in deliberations and votes on any issue in which one of the conflict situations stipulated in Article 120 of the Civil Procedure Code appears, especially in any issue related to a natural person with whom they have a family relationship, affinity up to the fourth degree implicitly, friendship, or any other type of relationship that affects the member's position and decision, or with a legal person in which they have a personal benefit. In all cases, they must declare such a conflict of interest throughout their membership and before starting any meeting in which this conflict appears.

### **Article 63**

If the Chairperson, Deputy Chairperson, or one of the members finds themselves in one of the cases of conflict listed in Article 120 of the Code of Civil Procedure, they must step down and inform the NHRC Board and abstain from participating in deliberations, voting, and everything related to the matter. In the case of resignation, the Deputy Chairperson shall preside over the meeting. If the relinquishing member is the Chairperson of the committee, the oldest member shall preside over the meeting.

### **Article 64**

Following the provisions of Article 4 of law 62/2016, NHRC members respectively remain members of their syndicate and benefit from its services. However, members are given six months to terminate their works and suspend the exercise of their career or job, starting immediately after the election of the Chairperson and members of the NHRC Council.

### **Article 65**

Following the provisions of Article 9 of Law 62/2016, a request for waiving the immunity of any member of the NHRC or CPT, including the Chairperson

and Deputy Chairperson, is submitted to the NHRC Board and shall be registered in the joint registry. Immunity is not waived until a detailed explanation of the reasons is provided. Immunity is lifted by a decision issued by two-thirds of the members.

A request to lift employees' immunity concerning the acts committed during the exercise of their duties shall be submitted before the NHRC Board and registered in the joint registry. Immunity shall not be lifted except by a two-thirds majority of the members according to the quorum of the session.

### Article 66

Members of the Authority and all its employees are subject to the obligation to declare financial disclosure in the conditions stipulated in the laws in force.

### Article 67

Any physical or legal person who has an interest in a file represented to the commission, can renounce the interference of any member including the Chairperson and Deputy Chairperson, based on the same terms applied on judges which are stipulated in Article 120 of the Code of Civil Procedure, and by a reasoning book reported to the commission or committee (as per competence). The member whose interference is refused has the right to view the request and give his opinion.

### Article 68

The commission or committee, according to the competence, decides on the challenging request within two weeks since the date of registering the request by the majority of members based on the quorum for meeting, and the challenged member does not have the right to vote and attend the meeting. However, if the request is filed to refuse the chairperson, then the Deputy Chairperson presides over the meeting in the absence of the Chairperson; and if the request includes the chairperson of the committee, then the oldest member presides over the meeting in the absence of Deputy Chairperson.

## **Section Six: Final Provisions**

### **Article 69**

Exceptionally and for establishment purposes, the first mandate of NHRC including the Committee for Prevention of Torture starts after the issuance of decrees governing the commission.

### **Article 70**

The staffing of the commission's offices, the executive directorates of the commission and the committee, and the system of employment and contracting in the commission and the committee, are determined by a decree issued by the Council of Ministers based on the proposal of the Minister of Justice, based on the provisions of Article 31 of Law 62/2016.

### **Article 71**

Provisions of this bylaw can be amended by a decision issued by the board of the NHRC and adopted through a decree taken in the Council of Ministers, based on the proposal of the minister of justice.

### **Article 72**

The present bylaw is in force immediately after publishing in the official gazette.

A close-up photograph of a person's face, specifically their eyes and nose, peeking out from behind a thick, dense pile of large, green, wavy-edged leaves. The leaves are layered and textured, filling most of the frame. The person's skin is fair, and their eyes are light-colored. The overall lighting is soft and natural.

***The Financial Bylaw of the***  
***National Human Rights***  
***Commission***

## ***The Financial Bylaw of the National Human Rights Commission, including the Committee for the Prevention of Torture***

*(Based on the approval of the NHRC's Council in its session held on December 20, 2021, and after consulting the State Council, consultation No. 93/2020 - 2021 dated 24/08/2021 and Consultation No. 7/2021-2022 dated 23/11/2021)*

### **Section One: General Provisions**

#### **Article 1**

The financial work of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, is subject to the provisions specified of this regulation.

#### **Article 2**

The budget of the National Human Rights Commission, which includes the Committee for the Prevention of Torture, is established for a fiscal year starts on January 1 and ends December 31.

Revenues and expenditures are recorded in the account of the fiscal year in which they were actually received or paid.

Physical and placement errors can be corrected by a decision of the NHRC Chair based on a proposal of the Chief Financial Officer.

The President exercises the powers entrusted to them under the provisions of this regulation in his capacity as Head of the NHRC.

### **Article 3**

The funds accounts, in the NHRC are recorded on the basis of the double-entry method.

## **Section Two: Budget preparation, approval and ratification**

### **Chapter One: Budget Preparation**

#### **Article 4**

The Financial Affairs Division of the NHRC Executive Directorate and the Financial Affairs Division of the Committee's Executive Directorate, both, prepare the draft budget of the NHRC and CPT, including the item relating to the CPT and the account statement for the previous year within a period not exceeding the first of February of each year, accompanied by the necessary documents, statistics and clarifications to justify each of the required appropriations, in accordance with the procedures determined by the Minister of Finance, and based on the proposals of the commissions, directorates and permanent committees, and refer them to the President of the NHRC and the President of the CPT for their comments, within a week of receiving them.

After seeking opinions and finalising the preparation of the budget, the Executive Directorate of the NHRC and the Executive Directorate of the CPT send the draft budget of the NHRC and the account statement of the previous year, to the President of the NHRC for its presentation to the NHRC Board for voting within a deadline not exceeding the tenth of March of each year.

### **Chapter Two: Budget Approval**

#### **Article 5**

The NHRC Board approves the draft budget a unified draft budget for both the NHRC and CPT within one month at most from the date of its receipt and refer it to the Ministry of Finance for ratification before the end of May.

## **Chapter Three: Budget Ratification**

### **Article 6**

If the Ministry of Finance does not ratify the draft budget within one month from the date of its receipt, it is considered legally ratified after the expiry of the said month. The opinion of the Ministry of Finance is limited to the draft budget figures only.

In case the Ministry of Finance objects to the draft budget figures, the objection must be submitted to the NHRC Board before the expiry of one month from the date of receiving the draft. The NHRC Board shall consider the objection not later than ten days from the date of its receipt, and return the draft to the objecting authority. If the objecting authority insists on its position, in whole or in part, the Board may refer the matter to the Council of Ministers within a period of ten days from the date of receipt. In this case, the NHRC Board must provide the Ministry of Finance with copies of all correspondence resulting from this objection, including the letter submitted to the Council of Ministers.

Neither the Minister of Finance nor any executive authority has the right to object to how the NHRC distributes its revenues or how it determines its programmatic and operational priorities.

The Council of Ministers shall decide on the dispute between the Ministry of Finance and the NHRC Board before beginning the new fiscal year. If this period elapses without the Council of Ministers deciding on the dispute, the budget is considered ratified within the limits of the objection until the dispute is settled.

## **Section Three: Budget Formation**

### **Chapter One: Budget Content**

#### **Article 7: The budget is divided into two parts:**

Revenues section: includes revenues allocated to cover the appropriations.

Expenses section: includes open appropriations to meet the annual expenses of the NHRC and CPT.

### **Article 8: Appropriations are of two types:**

Basic: they are provided upon the ratification of the draft budget.

Additional: they are added to the basic appropriations after the budget is ratified.

### **Article 9**

The NHRC Board shall, upon the proposal of the President, draw up a budget account design to be approved by the Ministry of Finance.

### **Article 10**

Additional appropriations shall be included in the budget by a decision of the NHRC Board and are covered in accordance with the following priorities by being transferred from:

Appropriations in surplus that may be dispensed with.

- Budget reserve.
- Funds of reserves and reserves formed at the NHRC.

## **Part One: Revenues**

### **Article 11**

The NHRC's revenues are divided into two parts:

The first one contains ordinary revenues and consists of:

- a- The NHRC's own revenues, including but not limited to:
  - The proceeds of some scientific and cultural activities, specialised consultations, publications, books, magazines and other publications issued and may be issued by them.
  - Investment income of NHRC's property and assets.

- b - Appropriations allocated for the commission in the general budget.
- c - Other ordinary revenues.

The second part contains exceptional revenues and consists of:

- a- Grants, donations and bequests.
- b- Emergency aid.
- c- Money taken from reserve.
- d- Revenues from the sale of the NHRC's movable and immovable assets.
- e- Any other resources mentioned in special texts.

## **Part Two: Expenditures**

### **Article 12**

The expenditures section consists of two parts:

- The first part contains the regular expenditures of the administration and aid.
- The second part contains exceptional expenses and equipment.

### **Article 13: Regular expenses for administration and aid**

Administration and aid expenses are needed to fund the management of both the NHRC and its activities.

They include:

- a) Compensations of the President, Vice-President and members, and their annexes, as well as additional work and project management in accordance with standards and schedules determined by the NHRC Board's decisions.
- b) Salaries, wages and their annexes, and severance pay.
- c) Expenses of temporary projects.
- d) General administrative expenditures.

- e) Expenditures for maintenance repair and depreciation of equipment and facilities.
- f) Loans and other financial burdens.
- g) Aid and grants stipulated in the NHRC's regulations.
- h) Expenses of the internal auditor and the Office of Audit and Accounting accredited to audit the NHRC's accounts.
- i) Other ordinary expenditures.

#### **Article 14: Exceptional expenses and equipment**

Exceptional expenses and equipment include:

- a. Expenses required to expand the activity of the NHRC and CPT, which increase in the value of their properties, and include the expenses of new works, equipment, construction, and purchase of immovable and movable properties.
- b. Paying off loans.

#### **Article 15**

The NHRC has the right to transfer appropriations from one item to another by a decision issued by the NHRC Board.

The NHRC has the right to transfer appropriations from one paragraph to another by a decision issued by the NHRC Board.

#### **Article 16**

The NHRC's movable funds are sold, leased and invested in one of the following ways:

- a. By mutual consent, if their estimated value does not exceed / 100,000,000 LBP / (One Hundred million Lebanese pounds).
- b. By soliciting bids if their estimated value does not exceed /500,000,000 LBP / (Five hundred million Lebanese pounds).

- c. By public auction and by sealed-bid auction if their estimated value exceeds /500,000.000 LBP / (Five hundred million Lebanese pounds).

The provisions of the Public Accounting Law relating to procurement of supplies, works and services shall be applied to the sale by mutual consent, the solicitation of bids, and the public auction.

The movable property shall be evaluated by a specialized committee that shall be formed for this purpose by a decision of the NHRC's Board.

### **Article 17**

The sale of movable property is decided by:

- a. The President, if the value of the deal does not exceed fifty million Lebanese pounds.
- b. The NHRC Board if the value of the deal exceeds fifty million Lebanese pounds.

### **Article 18**

A decision of the NHRC Board accepts unconditional grants and donations and various contributions to the NHRC. And, If they have a specific spending destination, appropriations with their values are supposed to be added to the Expenditures Section. A memorandum of understanding can be signed to agree on the mechanism for disbursing the grant and the frameworks of cooperation between the donor and the recipient in a manner that does not violate the public accounting law.

## **Chapter Two:Execution of Expenses**

### **Article 19: Four stages of expenditure implementation:**

- a) Expenditure incurrence
- b) Expenditure incurrence monitoring
- c) Expenditure clearance.

- d) Expenditure disbursement.
- e) Expenditure payment.

## **Part One: Expenditure incurrence**

### **Article 20**

Expenditure incurrence is to perform an action that would result in a debt to the NHRC.

### **Article 21**

The ceiling of regular expenditures (Part I), which the President is entitled to dispose of without the approval of the NHRC, is set at fifty million Lebanese pounds. When the President rejects it or refuse to decide on it, it shall be submitted to the NHRC Board for approval.

The ceiling of expenditures related to equipment and construction (Part II) of the budget, which the President of the NHRC is entitled to dispose of without the approval of the NHRC Board, is set at fifteen million Lebanese pounds. When the president rejects it or refuse to to decide on it, it shall be submitted to the NHRC Board for approval.

### **Article 22**

The President contracts the incurred expenses in accordance with the rules stipulated in the Public Accounting Law and the laws in force.

## **Part Two: Expenditure incurrence monitoring**

### **Article 23**

The expenditure incurrence monitoring is a job handled by an employee in the NHRC from level three or above. This employee is not subject to the authority of the executive director of the commission or the executive director of the committee with regard to the expenditure incurrence monitoring responsibilities and duties.

## **Article 24**

The expenditure incurrence monitoring employee function is based on the regulation of the public accounting law and other related national laws.

## **Part Three: Expenditure Clearance**

### **Article 25**

The expenditure clearance is the proof of the debt owed by the NHRC, determines its amount and maturity, and not forfeit over time, or for any other reason.

### **Article 26**

The head of the financial affairs department or whoever is delegated to him shall undertake the expenditure clearance after the approval of the Authority's Board. The expenditure clearance takes place either spontaneously or at the request of the creditor. The creditor has the right to request from the liquidator a statement of the date of submitting his application and the details of the submitted papers. Liquidation is based on documents that will prove the debt. These documents are determined for each type of expenditure in accordance with a reasoned decision issued by the NHRC's Board. The expenditure clearance shall take place on the document containing the details of the debt. The liquidator shall complete the liquidation within a maximum period of five days from the date of receiving the supporting documents related to it.

## **Part Four: Expenditure disbursement.**

### **Article 27**

The President of the NHRC orders the disbursement of any expenditures in accordance with its approved budget for all amounts that do not exceed fifty million Lebanese pounds. As for the amounts exceeding this value, they need the approval of the NHRC Board.

## Article 28

The President of the NHRC may delegate his powers in this field to the Vice-President.

## Section five: Expenditure Disbursement

### Article 29

The NHRC's cash funds shall be deposited in the Banque du Liban, and withdrawals shall be made by cheque or upon withdrawal orders signed by the President of the NHRC and the Treasurer.

The remittance value shall be paid in cash, or by cheque signed by the President of the NHRC and the Treasurer if the value does not exceed five million Lebanese pounds.

The right to trade, retain and hold cash funds shall be restricted to the Treasurer of the NHRC or the Executive Director upon the authorisation of the Treasurer, taking into account the special provisions related to the people concerned with the advance payment.

The maximum cash balance that the Treasurer may retain is set at one hundred million Lebanese pounds.

The right to pay expenses in cash is restricted to the Treasurer.

## Section Four: Accounts

### Chapter One: NHRC's and CPT's Accounts

#### Article 30

The Head of the Financial Affairs Department is the central accountant of the NHRC. Original copies of the receipts, invoices and other accounting documents shall be deposited with the Financial Affairs Department of the NHRC's Executive Directorate, provided that they are attached to the original approvals.

## **Article 31**

The NHRC shall adopt the Lebanese pound in regulating the accounts. It may open accounts in foreign currency at the Banque du Liban in the event that gifts or grants include special conditions in this regard.

## **Chapter Two: Accounting Tables**

### **Article 32**

The provisions of the Public Accounting Law shall be applied regarding the accounting tables.

## **Chapter Three: Accounting Reports**

### **Article 33**

All the commissions and the executive directorates and permanent committees must submit their monthly and annual financial and accounting reports to the Financial Affairs Department in accordance with instructions issued by the President of the NHRC.

### **Article 34**

The Head of the Financial Affairs Department shall submit a monthly statement of accounts and an annual financial report to the NHRC Board.

### **Article 35**

The Financial Affairs Division shall organize and hold periodic accounting training courses for the NHRC's executive body of both the NHRC and CPT.

### **Article 36**

All documents related to the withdrawal of funds are kept at the Financial Affairs Department.

## **Chapter Four: Administrative Accounting**

### **Article 37**

The Head of the Financial Affairs Department or whoever assists him from

among the experienced accountants shall carry out administrative accounting for credits and revenues.

### Article 38

The accountant keeps records of operations related to budget execution according to their disaggregation and to show the status of appropriations, in proportion to the principles specified in the laws in force.

### Article 39

- a- The administrative accounts of the NHRC's budget shall be closed containing ipso facto the CPT's budget by the end of each year.
- b- During the first three months of the following year, the Head of the Financial Department prepares a report that includes the final account statement of the budget of the previous year and submits it to the President of the NHRC, who, in turn, submits it to NHRC Board within ten days from the date of receipt for approval.

### Article 40

The Head of the Financial affairs, through the NHRC's Executive Directorate, sends to the Audit Bureau an administrative account according to the rules specified in the system of sending accounts, in accordance with the principles specified in the laws in force.

### Article 41

Accounts are closed at the end of each financial year. During the first three months of the following year, the Head of the Financial Affairs Department organises:

- The budget's account statement
- Public account balance as of 31 December of the year.
- Balance sheet

The Head of the Financial Affairs Department refers to the account statements previously mentioned and includes them in his mission account.

Supplies, works and services expenditures shall be carried out as the NHRC Board may deem appropriate, either through agreements sealed by the NHRC with a third party, or directly by the NHRC, i.e., in a trust manner or jointly with others, in proportion to the principles specified in the laws in force.

#### **Article 42**

The procurement of supplies, works and services shall be concluded in accordance with the principles specified in the laws in force.

### **Section Five: Special provisions related to the Committee for the Prevention of Torture (CPT)**

#### **Article 43**

A special item for CPT shall be included in the NHRC's budget, that includes expenditures related to its activities, provided that it is not less than a quarter of the commission's general budget.

#### **Article 44**

This item is subject to the placement rule in all expenditures including allowances, salaries, wages, grants and compensations.

#### **Article 45**

The provisions of Article 14 of this regulation shall be taken into account in the distribution of expenditures and their division within the item related to the CPT.

#### **Article 46**

The President of the CPT replaces the President of the NHRC. The CPT also replaces the NHRC Board under the same conditions set forth in the body of the regulation for expenditure incurrence, monitoring, clearance, disbursement and payment for advances given to the CPT to cover its expenditures within the budget item related to the CPT, concerning the principles stipulated in this financial law and the account statement shall be included within the

whole budget of the NHRC, with the full right for the President of the NHRC to monitor and review the execution of the expenditure incurrence of the CPT personally or through the Treasurer.

### **Article 47**

The Treasurer of the NHRC exercises the same competences given to him relating the finances of the CPT.

### **Article 48**

The members of the CPT are considered part of the NHRC Board when preparing, approving and ratifying the budget as stated in Title II of this bylaw.

### **Article 49**

Movable and immovable property and the NHRC's revenues refer to a moral person that includes the NHRC and CPT. The authority given to the NHRC Board when the NHRC invests or sells such properties refers to the board, including the NHRC and CPT members.

### **Article 50**

The management accounting stipulated in Title IV includes the CPT within the full consolidated budget.

### **Article 51**

The provisions of control and audit stipulated in Title V of this bylaw cover the work of the CPT.

## **Section Six: Final and miscellaneous provisions**

### **Chapter One: Account Control**

### **Article 52**

The NHRC's funds management, budget execution, and accounting work are subject to subsequent audit by the Audit Bureau.

## Chapter Two: Account Audit

### Article 53: Pursuant to the provisions of Article 28 of Act 62/2016

The accounts of the NHRC are subject to the internal audit system and independent audit by the auditing and accounting offices in accordance with the provisions of Article 73 of Act 326 dated 28/6/2001 (Budget Law of 2001).

The work of the NHRC is subject to subsequent control by the Audit Bureau and it must be subject to an independent internal audit system by an accredited auditing and accounting office.

The Internal Auditor is appointed by a decision of the NHRC Board on a contractual basis for a renewable period of one year due to solicitation of bids made by the NHRC. The right to participate in this solicitation is limited to accounting experts who meet the standards and specifications determined by the Ministry of Finance.

The auditing and accounting office is appointed by an unanimous decision of the NHRC Board for a one-year renewable contract through the solicitation of bids. The right to participate is restricted to auditing and accounting offices that meet the standards and specifications determined by the Ministry of Finance.

The standards and specifications to be met by the Internal Auditor and the auditing and accounting office are determined by an unanimous decision of the NHRC Board. Determining these standards and specifications shall take into account in relation to:

Internal Auditor:

- 1- Academic degree.
- 2- Practical experience.

Auditing and accounting office

- 1- Number of auditors and accounting experts with their academic

degrees, duration of their experience and the offices in which they have worked, as well as the number of companies and institutions whose accounts have been previously audited by the office and their turnover.

The report of the Internal Auditor is submitted to the Minister of Finance and the President of the NHRC, and the reports of the audit and accounting office are submitted to the Minister of Finance and the President of the NHRC. Copies are sent to the Audit Bureau and the Presidency of the Parliament.

The reports of the Internal Auditor shall include observations on internal control procedures, and internal control system and the violations committed, with suggestions for corrective action to be adopted.

The NHRC bears the expenses due to each internal auditor and the audit and accounting office accredited to audit its accounts.

The internal auditor and the audit and accounting office may not be appointed for more than six consecutive years.

### **Chapter Three: Final Provisions**

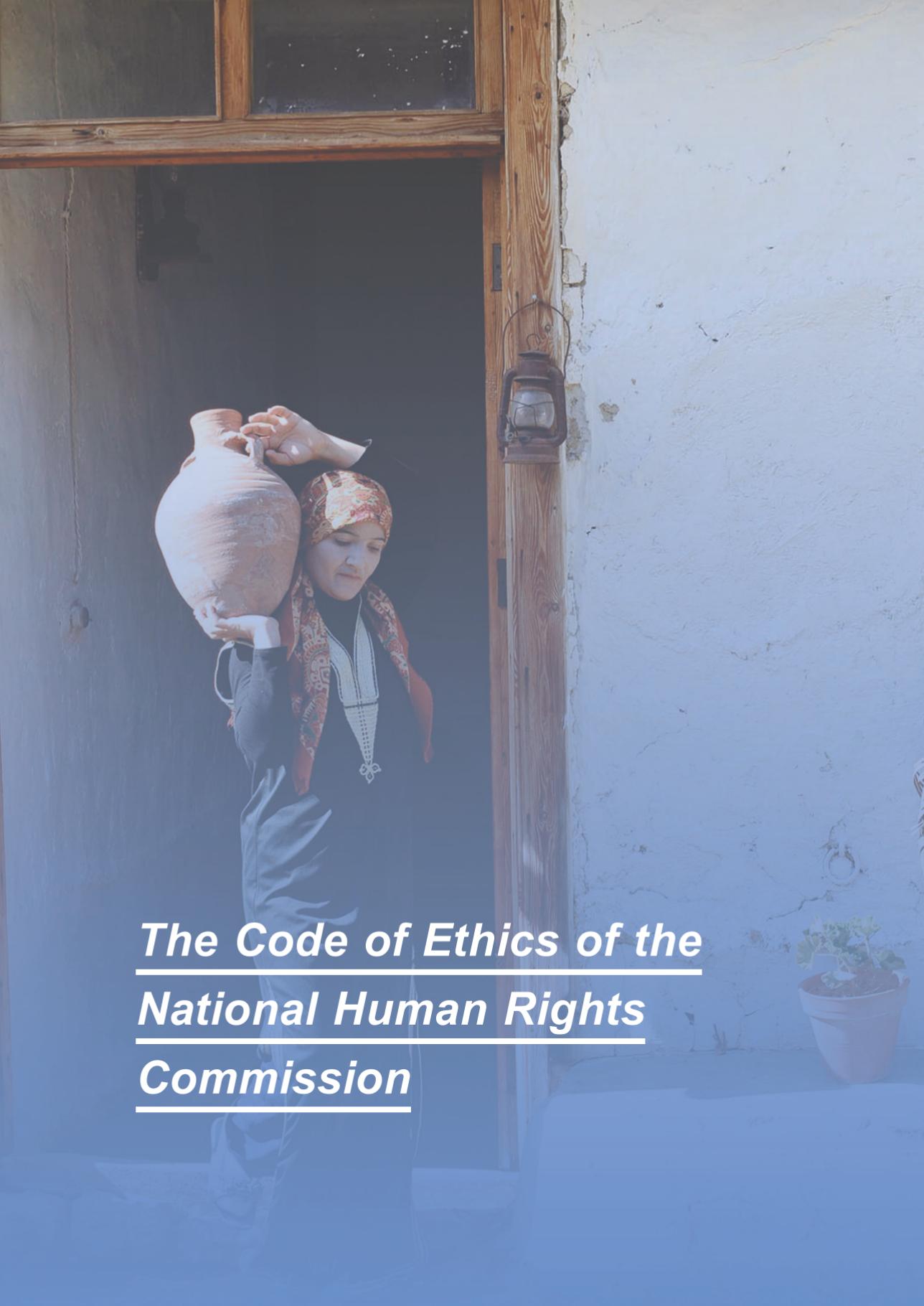
#### **Article 54**

The provisions of this bylaw are amended by a decision issued by the NHRC Board and approved by a decree issued by the Council of Ministers, based on the proposal of the minister of justice.

#### **Article 55**

This bylaw is effective immediately upon its publication in the Official Gazette.



A woman in traditional attire, including a dark dress and a patterned headscarf, is carrying a large, light-colored earthenware jar on her head. She is standing in a doorway, looking down at the jar. The background shows a wooden door frame and a white wall with a small lantern hanging on it. A potted plant is visible on the right side of the image.

*The Code of Ethics of the*  
*National Human Rights*  
*Commission*

## ***The Code of Ethics of the National Human Rights Commission including the Committee for the Prevention of Torture<sup>(1)</sup>***

### **1. Human Rights, the NHRC, and Ethics**

- (1.1) Lebanon is a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception.
- (1.2) The National Human Rights Commission of Lebanon (NHRC), which includes the Committee for the Prevention of Torture (CPT), is an independent body established by Lebanese Law Number 62 dated 27 October 2016 to protect and promote human rights in Lebanon.
- (1.3) The NHRC protects and promotes human rights in Lebanon ‘according to the standards laid down in the Lebanese Constitution and the UDHR and International Human Rights Conventions and Treaties and Lebanese laws consistent with these standards.

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(1) This Code of Ethics draws from the contents of the following instruments: The Universal Declaration of Human Rights. The International Covenant for Civil and Political Rights. The International Covenant for Economic Social and Cultural Rights. The Preamble of The Constitution of Lebanon - Paragraph B. Lebanese Law Number 62 dated 27/10/2016. The UNHCR Code of Conduct. The Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. The WHO Code of Ethics and Professional Conduct. UNSG Bulletin entitled: «Special measures for protection from sexual exploitation and sexual abuse. Non-Binding Guidelines on the Use of Social Media by Judges issued by United Nations Office on Drugs and Crime and produced by the Global Judicial Integrity Network.

- (1.4) Pursuant to Lebanese Law Number 62 (2016), the NHRC hereby sets forth its code of ethics to be observed by all members, employees, staff, representatives of associations, and any person cooperating and working with NHRC. It also includes NHRC and CPT commissioners and members of commissions and committees. All these persons shall be referred to in this code of ethics as ‘members and staff.’
- (1.5) The highest standards of conduct, competence, and performance are expected of all NHRC members and staff to reflect NHRC’s ethical principles. All members and staff have a responsibility to contribute to the goals of NHRC and ensure that their conduct is consistent with the standards of conduct outlined in this Code of Ethics.
- (1.6) Responsibility for ethical behavior and professional conduct lies with all members and staff at all levels and must be taken seriously, as it forms the basis of the reputation of the NHRC and The CPT. Therefore, it is crucial that all members and staff are familiar with and understand this Code and utilize it as a guide for their conduct.
- (1.7) This Code of Ethics does not attempt to list all the ethical challenges NHRC and CPT members and staff may encounter. It serves as a guide for the conduct of members and staff with due consideration given to the possible implications of an action or decision.
- (1.8) NHRC and CPT members and staff must inform themselves of the provisions of this Code of Ethics. In particular, members and staff are reminded that their conduct may have consequences for which they are ultimately accountable. Their responsibility is to ensure that they comply with the principles outlined in this Code.
- (1.9) NHRC and CPT members and staff shall take the time to reflect on the situation and the relevant provisions of this Code before deciding on a possible course of action.

## 2. Ethical Principles and Commitments

### 2.1 Oath of Office

The primary obligation of NHRC members is set out in the Oath of Office as follows: I swear by Almighty God to carry out my duties in the National Human Rights Commission with all integrity, faithfulness and independence and act, in all that I do, in a trustworthy manner and always seek rightfulness and protect and promote human rights.

### 2.2 Commitments of members and staff

The members and staff of the NHRC, including the CPT, shall:

- (a) Comply and abide by human rights principles outlined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights;
- (b) Consider the interests of victims and witnesses at all times in such a way that respects their human rights and preserves their dignity;
- (c) Uphold the highest standards of efficiency, competence, and integrity, meaning, in particular: probity, impartiality, equity, honesty, and good faith;
- (d) Act in an independent capacity, and exercise their functions following their mandate, through a professional, impartial assessment of facts based on internationally recognized human rights standards, and free from any extraneous influence, incitement, pressure, threat or interference, either direct or indirect, on the part of any party, whether stakeholder or not, for any reason whatsoever, the notion of independence being linked to the status of such members and staff, and to their freedom to assess the human rights questions that they are called upon to examine under NHRC's mandate;
- (e) Exercise their functions per NHRC's mandate and in compliance with Law No. 62 of 2016, and with this Code;

- (f) Focus exclusively on the implementation of NHRC's mandate, constantly keeping in mind the fundamental obligations of truthfulness, loyalty, and independence in NHRC's mandate;
- (g) Neither seek nor accept instructions from any government, individual, governmental, or non-governmental organization or pressure group whatsoever;
- (h) Be aware of the importance of their duties and responsibilities, taking the particular nature of NHRC's mandate into consideration and behaving in such a way as to maintain and reinforce trust;
- (i) Maintain the highest standards of transparency in their financial and administrative systems, decision-making mechanisms, and NHRC's finances;
- (j) Seek guidance from commissioners, managers, or supervisors; and
- (k) Report, without delay, suspected wrongdoing.

### **2.3 Commitments of managers and supervisors**

NHRC and CPT members, managers, or staff in supervisory positions play an important role in promoting a workplace culture that upholds NHRC's ethical principles and ensures a safe and healthy work environment.

They shall take seriously their obligations towards subordinate staff, including by not retaliating against staff who may have reported wrongdoing in good faith or collaborated with an authorized audit or investigation.

NHRC and CPT members, managers, and supervisors shall lead by example, and shall:

- (a) Serve as models of integrity, and act following human rights standards;
- (b) Take responsibility for their actions and ensure that their team's objectives are reached;
- (c) Promote and document fair and factual assessments of the performance of the persons under their supervision;

- (d) Make decisions based on fair and factual assessments, regardless of internal or external pressures;
- (e) Be familiar with and understand this Code of Ethics to provide guidance to and advise their staff on their rights, responsibilities, and obligations;
- (f) Encourage an ongoing dialogue surrounding ethical conduct issues and allowing members and staff to express their concerns and needs;
- (g) Encourage the reporting of instances of wrongdoing such as fraud, negligence, or disrespectful behavior, and immediately address misconduct once reported or observed;
- (h) Support staff members who raise an ethical concern and ensure that such staff receive protection against retaliation;
- (i) Foster a healthy team atmosphere and environment based on mutual trust;
- (j) Encourage staff to further their understanding of ethical and professional conduct; and
- (k) Care about the wellbeing of staff, and listen to staff effectively without prejudice.

## **2.4 Commitments of the NHRC, including the CPT**

NHRC's and CPT's good name and reputation reflect the collective efforts to maintain an ethical and professional conduct. At the organizational level, to protect its name and reputation, NHRC, including CPT, shall be committed to:

- (a) Adhering and ensuring adherence to this Code of Ethics in its entirety;
- (b) Setting an example at the most senior level through ethical behavior;
- (c) Recognizing the contribution of individual members and staff to the achievement of NHRC's and CPT's objectives;

- (d) Publishing, promoting, and updating this Code of Ethics, and supporting its members and staff in understanding its applicability, their responsibilities, commitments and rights, and how to obtain support if needed;
- (e) Making available and requiring that all existing NHRC and CPT members and staff shall undertake training courses on ethical conduct and briefing all the new NHRC and CPT members and staff during induction/orientation sessions;
- (f) Ensuring that all NHRC and CPT collaborators are made aware of this Code of Ethics and their obligations, and are provided copies of this Code of Ethics;
- (g) Providing advice and guidance to individual staff on specific issues pertaining to the mandate of the NHRC and the CPT upon their request;
- (h) Providing information to enable members and staff to understand the procedures to follow and expected conduct and response when reporting wrongdoing;
- (i) Responding promptly to alleged breaches of NHRC's ethical principles;
- (j) Maintaining impartial mechanisms to resolve disputes;
- (k) Ensuring that anyone who reports suspected wrongdoing in good faith is not subject to retaliation, and treating corroborated cases of dishonest allegations as misconduct;
- (l) Providing a fair opportunity to staff against whom an allegation is made to respond in an open and non-threatening environment; and
- (m) Taking appropriate administrative action, including disciplinary sanctions, in cases of corroborated allegations of misconduct.

## **2.5 Ethical Principles**

### **2.5.1 No disrespect**

- (1) Disrespectful behavior that lacks the minimum level of courtesy and dignity in interaction with others or amounts to inappropriate conduct, comments, or displays that insult, denigrate, disparage or humiliate someone or depreciate their value amounts to a breach of NHRC's ethical principles. Such breach may lead to disciplinary sanctions.
- (2) Disrespect may also include general statements or attitudes regarding the diversity of human beings and their worth. It also includes disrespect for people's work, NHRC as an organization, or NHRC's mandate and objectives.

### **2.5.2 No discrimination and no favoritism**

- (1) NHRC shall prohibit discrimination based on sex, gender, race, religion or belief, nationality, ethnic or social origin, age, sexual orientation, marital status, disability, or other aspects of personal status. Discrimination includes actions carried out either directly or indirectly, based on distinctions or prejudice that have the purpose or effect of treating individuals or groups unfairly or unjustly. It may include a series of events or a one-time incident.
- (2) NHRC members and staff are required to demonstrate respect for diversity. The ethical principles of NHRC prevail over their origins, beliefs, opinions, preferences, or habits at all times. Similarly, NHRC and CPT members and staff shall not favor certain groups over others based on a reflection of their personal status or inclinations, particularly in terms of recruitment or hiring of individuals to collaborate with NHRC.

### **2.5.3 No abuse of authority or power**

- (1) The abuse of authority or power is the improper use of an individual's

position of influence, power, or authority towards others. Such abuse is particularly serious when the alleged offender uses their influence, power, or authority to negatively influence the career or employment conditions (including, but not limited to, appointment, assignment, contract renewal, performance evaluation, or promotion) of other individuals.

- (2) Abuse of authority can include a one-time incident or a series of incidents. It may also consist of conduct that creates a hostile or offensive work environment, which includes, but is not limited to, the use of intimidation, threats, blackmail, or coercion.

#### **2.5.4 No harassment**

- (1) Harassment is unwanted behavior directed at another identified person, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. It interferes with the recipient's ability to carry out their functions and often creates an intimidating or hostile work environment.
- (2) Harassment may:
  - (a) Involve a single incident, or continuous, pervasive treatment;
  - (b) Occur between a group and an individual;
  - (c) Take the form of words, gestures, or other actions that alarm, threaten, abuse, demean, intimidate, belittle, or cause personal humiliation, embarrassment, or emotional distress to another person;
  - (d) Take place face to face, or through written communications, email, phone, and supervision methods; and
  - (e) Take the form of bullying, characterized by the underlying perception of an imbalance of power, and by the repeated or

habitual use of force, physical or emotional aggression, or coercion to intimidate or dominate others.

### **2.5.5 No sexual harassment, exploitation, or abuse**

- (1) Sexual harassment is a particularly severe form of harassment. Sexual harassment is understood as any unwelcome, unsolicited and unreciprocated, sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature (including pornography, sexual remarks) that has or that might reasonably be expected or be perceived to offend, humiliate or intimidate another person.
- (2) Sexual harassment frequently interferes with work. It may be made implicitly or explicitly a condition of employment or making decisions based on sexual advances being accepted or rejected. Sexual harassment can imply a series of incidents or a one-time incident. Sexual harassment may occur between persons of the other or same sex and may extend outside working hours and the workplace.
- (3) Sexual exploitation means ‘any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. The term ‘sexual abuse’ refers to the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This definition includes sexual relations with a child.
- (4) Sexual exploitation and abuse violate universally recognized international legal norms and standards, and the NHRC considers such acts as serious misconduct that may constitute grounds for disciplinary measures, including summary dismissal and criminal prosecution.
- (5) To further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing

general obligations under international and national Laws, regulations, and rules, are promulgated:

- (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal and criminal prosecution;
  - (b) Sexual activity with children (persons under 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense;
  - (c) Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior, is prohibited. It includes any exchange of assistance that is due to beneficiaries of assistance;
  - (d) Sexual relationships between NHRC and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of NHRC and are strongly discouraged;
  - (e) Where NHRC members and staff develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the NHRC system, they must report such concerns via established reporting mechanisms;
  - (f) NHRC members and staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.
- (6) The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behavior may be grounds for administrative action or disciplinary measures, including summary dismissal, under the NHRC Regulations and Rules.

- (7) NHRC Board shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on sexual exploitation and sexual abuse cases. Concerning Missions, the staff of the Mission and the local population shall be properly informed of the focal point's existence and role and how to contact them. All reports of sexual exploitation and sexual abuse shall be handled confidentially to protect the rights of all involved. However, where necessary, such reports may be used for summary dismissal and criminal prosecution actions.
- (8) When entering into cooperative arrangements with non-NHRC entities or individuals, relevant NHRC officials shall inform those entities or individuals of NHRC's code of ethics standards. They shall receive a written undertaking from those entities or individuals to accept these standards. The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, investigate allegations thereof, or take corrective action when sexual exploitation or sexual abuse has occurred shall constitute grounds for termination of any cooperative arrangement with NHRC and or CPT.

#### **2.5.6 Child protection**

- (1) According to the Convention on the Rights of the Child, a 'child' is defined as any person under eighteen years, irrespective of the actual age of majority in the country where the child is located or in their home country.
- (2) NHRC has a fundamental obligation to ensure the safety and well-being of children. In all decisions and actions concerning children, the child's best interests shall be the primary consideration. This duty of care includes protecting children from intentional and unintentional harm.

#### **2.5.7 Gender equity and equality**

- (1) NHRC is committed to gender equity and equality. Gender equity

means fairness in treating persons of all genders according to their needs. It may include equal treatment or treatment that is different but considered necessary to enable equal participation of persons of all genders in terms of rights, benefits, obligations, and professional opportunities.

- (2) Gender equality means that the different behaviors, aspirations, and needs of persons of all genders are considered, valued, and favored equally and that they are treated equally in respect of their rights, responsibilities, and opportunities.

### **2.5.8 Scientific conduct of research**

NHRC, including CPT, is committed to research integrity and promotes high-quality research that is ethical, expert-reviewed, efficient, accessible, transparent, carefully monitored, and rigorously evaluated.

## **3. Working Protocols**

### **3.1 Diligence**

The members and staff of NHRC shall:

- (1) Always seek to establish the facts, based on objective, reliable information emanating from relevant, credible sources that they have duly cross-checked to the best extent possible;
- (2) Take into account, in a comprehensive and timely manner, all information about NHRC's mandate; and
- (3) Evaluate all information in the light of internationally recognized human rights standards and international conventions to which Lebanon is a party.

### **3.2 Sources of information**

In their information-gathering activities, the members and staff of NHRC shall:

- (1) Be guided by the principles of discretion, transparency, impartiality, and even-handedness;
- (2) Preserve the confidentiality of sources of testimonies if their disclosure could cause harm to individuals involved;
- (3) Rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are called upon to formulate; and
- (4) Allow local government representatives to comment on NHRC's and CPT's assessment, respond to the allegations made against the government, and annex the government's written responses to reports.

### **3.3 Handling of complaints**

To achieve effectiveness in the handling of complaints of human rights violations, members and staff of the NHRC shall establish a clear and transparent complaints procedure and shall conform with the following criteria:

- (1) The complaint shall not be manifestly unfounded or politically motivated;
- (2) The complaint shall contain a factual description of the alleged violations of human rights;
- (3) The language in the complaint shall not be abusive; and
- (4) The complaint shall be submitted by a person or a group of persons claiming to be victim(s) of violations, or by any person or group of persons, including non-governmental organizations, acting in good faith according to human rights principles, and free from politically motivated stands, who claim to have direct or reliable knowledge of those violations substantiated by clear information.

### **3.4 Field visits**

The members and staff of NHRC's CPT shall have the full authority to access and visit all places of detention and related facilities in Lebanon without any

exception to protect detainees against arbitrary detention, torture, and other cruel, inhuman, or degrading treatment or punishment.

The NHRC's CPT members and staff shall:

- (1) Cooperate with competent authorities and negotiate with them to enforce and improve laws and regulations related to detainees and places of detention;
- (2) Carry out periodic or unannounced visits at any time to places of detention without prior notice and the need for any permission from any administrative, judicial or other authority;
- (3) Conduct collective or individual interviews with detainees in private, away from any surveillance, and with the assistance of an interpreter if necessary;
- (4) Meet any other person that might have relevant information or could provide assistance that the CPT members deem necessary, and have unrestricted access to confidential information as required by CPT's work;
- (5) Not reveal any confidential information without the consent of the person concerned or the source;
- (6) Receive complaints or requests for interviews, inspection, or medical examination;
- (7) Ensure that their visits are conducted in line with the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) standards and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT); and
- (8) Have access upon their request, in consultation with the state representatives, to official security protection during any visit, without prejudice to the privacy and confidentiality that members and staff of NHRC, including the CPT, require to fulfill their duties.

### **3.5 Recommendations and conclusions**

The members and staff of NHRC shall:

- (1) While expressing their considered views, particularly in their public statements concerning allegations of human rights violations, also fairly indicate what responses were given by the concerned government;
- (2) Ensure that their declarations on the human rights situation in Lebanon are at all times compatible with NHRC's mandate, and the integrity, independence, and impartiality that the NHRC's status requires, and which is likely to promote a constructive dialogue among stakeholders, as well as cooperation for the promotion and protection of human rights; and
- (3) Ensure that the concerned government authorities receive their conclusions and recommendations and adequate time to respond.

### **3.6 Fair and transparent procurement**

- (1) The overall guiding objective for all NHRC and CPT procurement is to obtain the best value for money, i.e., the most advantageous bid based on a combination of factors related to price, quality, timely delivery, environmental performance, compliance with social and labor norms.
- (2) To ensure that the best value for money is obtained, the process of soliciting offers and selecting a contractor shall:
  - (a) Encourage competition;
  - (b) Ensure impartial and comprehensive evaluation of proposals; and
  - (c) Ensure selection of the most reasonable offer and expected to meet NHRC's and CPT's requirements best stated in the request for proposals or invitation.

### **3.7 Use of official time and office property**

- (1) NHRC members and staff are responsible for ensuring that the

resources of NHRC, including computers, telephone equipment, and vehicles, are used for official business. Members and staff shall devote their time during working hours to the official activities of NHRC.

- (2) Any personal use of office equipment, particularly the Internet, e-mail, and telephone, shall be kept to a minimum and shall not conflict with the interests of NHRC.

### **3.8 Accuracy of records**

- (1) NHRC members and staff shall record all activities and prepare accurate and complete records following established procedures.
- (2) NHRC members and staff shall not inaccurately record time and date, provide false or intentionally misleading information, submit false or misleading claims, or falsify any official NHRC documents. Such conduct could result in disciplinary sanctions.

### **3.9 Use of information, publications, and media**

- (1) NHRC members and staff have a responsibility to protect the security of any confidential information provided to or generated by NHRC and CPT. To avoid any unauthorized disclosure, members and staff must exercise caution in handling confidential information.
- (2) NHRC members and staff must not use information known to them because of their official duties to their advantage. Members and staff who become aware of other members' and staff members' personal information due to their functions must respect their privacy and handle personal data with care and discretion.

### **3.10 Intellectual property and publications**

- (1) All rights, including title, copyright, and patent rights, in any work produced or developed by NHRC members or staff as part of their official duties shall remain the property of NHRC.
- (2) NHRC has the right to use such work in any manner it deems

appropriate, including by choosing to publish or not to publish the work, to make changes to the work, or to use the work in a different way than originally intended.

## **4. Personal Conduct**

The private lives of NHRC and CPT members and staff are their concern. However, there may be situations where their conduct and activities outside the workplace, even if unrelated to official duties, may reflect upon NHRC. NHRC members and staff shall accordingly be aware of the potential impact of their private behavior upon the image and interests of NHRC and their reputation and are urged to act in a manner that is consistent with NHRC's ethical principles.

### **4.1 Respect for national laws**

- (1) NHRC members and staff are required to observe local laws at all times and to avoid any action that could be perceived as an abuse of the privileges and immunities conferred on NHRC and CPT members and staff.
- (2) More specifically, NHRC and CPT members and staff shall:
  - (a) Meet their private legal obligations;
  - (b) Pay particular attention to and comply with relevant laws and standards governing bank accounts, currency dealings, taxes, purchase and disposal of motor vehicles, traffic violations, import/export and employment of domestic employees; and
  - (c) Cooperate with local law enforcement authorities, including the payment of traffic fines promptly.

### **4.2 Violence in the workplace and drug and alcohol use**

- (1) NHRC strives to provide a safe work environment for all its members and staff and does not tolerate any level of violence or threat of

violence in any form, whether committed on office premises or elsewhere. Any violence or threat of violence shall be cause for disciplinary action.

- (2) NHRC is a workplace that aims to be free from illegal drugs and alcohol.
- (3) NHRC members and staff are expected to exercise good judgment and not engage in any behavior that may adversely affect performance or may be harmful to them or colleagues.

### **4.3 Personal relationships in the workplace**

- (1) NHRC recognizes that a personal or intimate relationship may exist or develop between two people employed by NHRC. The fact that a relative, spouse/significant other, or close friend is working at NHRC does not automatically mean a conflict of interest.
- (2) However, personal and intimate relationships between colleagues shall not interfere with work or create an environment where other colleagues might feel uncomfortable or professionally disadvantaged because of the relationship.

### **4.4 Domestic abuse and intimate partner violence**

- (1) Domestic abuse and violence are not private concerns. They are actions contrary to the NHRC's ethical principles, adversely affect the image and interest of NHRC, and undermine its commitment to a respectful and healthy environment.
- (2) NHRC views domestic abuse and violence seriously and shall not tolerate such conduct by its members and staff.
- (3) Domestic abuse and violence occurring between family or household members or between persons involved in a significant relationship include but is not limited to:
  - (a) Statements or actions that reasonably could be perceived as

demonstrating an intent to cause physical or emotional harm to another (regardless of gender);

- (b) Any act or threat of physical or sexual aggression that causes physical harm to another person;
- (c) Sexual abuse;
- (d) Intimidation or verbal harassment, emotional and verbal abuse, or threats; and
- (e) Destroying property.

#### **4.5 Domestic workers**

- (1) When hiring private service providers, such as domestic workers, NHRC members and staff need to be aware that there may be a risk of a perception of abuse of power if they do not act with necessary caution.
- (2) NHRC members and staff are strongly encouraged to ensure that they hire all domestic workers through reputable local agencies.
- (3) NHRC members and staff must ensure that all the correct immigration paperwork is in place, that the worker is paid as per the local laws and at least the applicable minimum wage, and that all the necessary tax regulations, local and employee insurance requirements have been complied with.
- (4) NHRC members and staff must ensure that the working conditions concerning the employment of domestic workers are in line with human rights standards.
- (5) Any violence or abuse against domestic workers shall not be tolerated.

#### **4.6 Conflict of interest**

- (1) A conflict of interest occurs when private interests interfere, or appear to interfere, with the ability of an NHRC member or staff member to

act impartially, discharge their duties and functions, and regulate their conduct concerning the interests and mandate of NHRC.

- (2) A conflict of interest does not mean that the individual involved is conflicted; the perception of a conflict of interest alone may create a negative image. Promptly disclosing and managing the conflict is essential to avoiding potentially damaging consequences.
- (3) NHRC members shall be dedicated full-time to their duties and shall not engage in any other work during their tenure.
- (4) NHRC members may not hold incompatible offices such as head or member of a ministry, head or member of parliament, head or member of a public institution's board of directors, head or member of a municipal council, a party leadership position, a member of syndicates' councils, or a member of the entities nominating NHRC members.
- (5) NHRC members may not run as candidates in parliamentary, municipal, or mayoral elections and shall not hold any political or administrative public position before the passage of two full years after the end of their tenure.

#### **4.7 Relations with local government and political activity**

- (1) NHRC members and staff must not seek or obtain, under any circumstances, instructions or assistance from any government official or any other authority external to NHRC, particularly in an attempt to:
  - (a) Interfere with the internal deliberations or policy direction of the NHRC and CPT;
  - (b) Change a favorable or unfavorable action or decision; or
  - (c) Obtain a promotion, benefit, or any other type of advantage.
- (2) NHRC members and staff shall exercise caution and refrain from publicly expressing their opinions and beliefs, including religious

beliefs, or engaging in political actions that might interfere with this Code of Ethics.

- (3) NHRC members and staff shall refrain from glorifying violence, incitement of hate against specific groups of society such as ethnic, national, or religious minorities, or any segments of society at all times, including in their private capacity.

#### **4.8 Relations with nongovernmental actors**

- (1) In addition to working with governmental entities, NHRC also engages non-governmental actors, i.e., non-governmental organizations, private sector entities, philanthropic foundations, and academic institutions.
- (2) In developing relationships with such nongovernmental actors, NHRC's integrity, independence, credibility, and reputation must be ensured at all times.

#### **4.9 Right of association**

- (1) NHRC members and staff shall have the right to associate themselves together in a formal organization to develop staff activities and make proposals and representations to NHRC concerning policy and conditions of service.
- (2) NHRC members and staff shall not be active members with any political group or party locally, regionally, or internationally. If they were already part of a group or party before joining the NHRC, they shall freeze their membership during the length of their association with NHRC.

#### **4.10 Acceptance of gifts, decorations, and honors**

- (1) NHRC members and staff shall never solicit gifts or favors in connection with their official duties. Gifts that are offered shall not be accepted if such gifts would give the appearance of impropriety or

bias or would appear to question the independence and reputation of NHRC.

- (2) A symbolic gift may be accepted when it could cause embarrassment to refuse it, particularly where the gift is inexpensive and custom-made.

#### **4.11 Media relations and public statements**

- (1) NHRC members and staff shall bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their duties and base their conclusions and recommendations on objective assessments of human rights situations.
- (2) NHRC staff members speaking to the media on subjects within their area of responsibility and expertise shall remember that they speak for NHRC and not as individuals, academic, or independent experts in their field.
- (3) Before providing any information to the Media, NHRC members or staff shall seek approval from their supervisor.

#### **4.12 Post-employment and post membership obligations**

- (1) Upon separating from membership or service at NHRC, a member of staff's obligation to maintain discretion and confidentiality concerning official matters does not cease. In particular, members and staff shall not communicate to any person any information known by them because of their former position, nor shall they in any way use such information to their personal advantage.
- (2) Former members and staff who make public statements about NHRC in the media, or publish as former NHRC members and staff, need to seek prior authorization from the NHRC.

#### **4.13 Emails and social media**

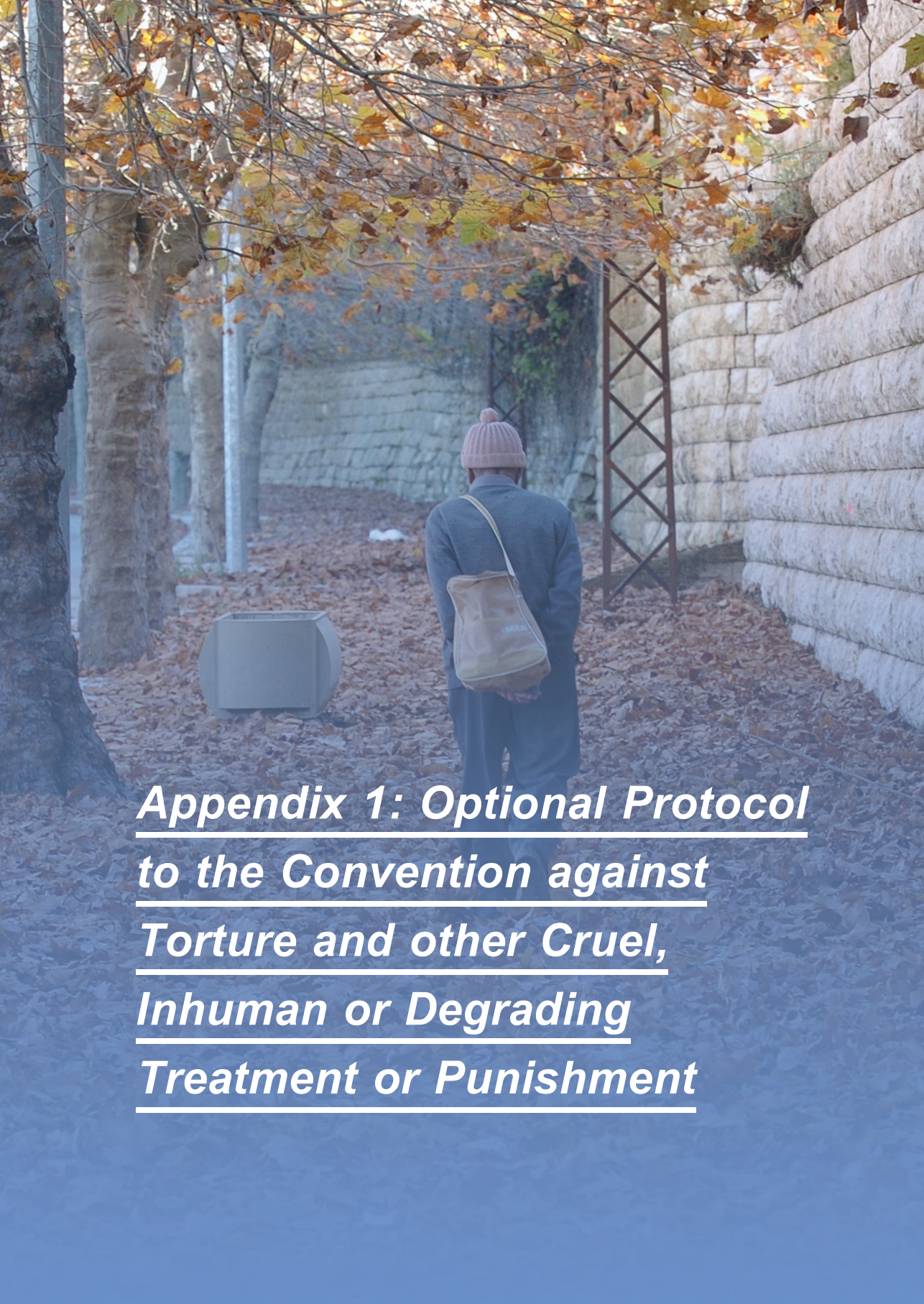
- (1) Emails and social media (including, for example, blogs and social media platforms such as Twitter, Instagram, and Facebook) shall be

used to facilitate engagement and enable interactive communication and collaboration.

- (2) Inappropriate use of emailing and social media both privately and professionally exposes NHRC to risks, including but not limited to:
  - (a) Spreading disinformation;
  - (b) Infringing on the copyrights of others; and
  - (c) Compromising NHRC's reputation, independence, and credibility.
- (3) NHRC members and staff shall:
  - (a) Use of social media by NHRC members and staff shall maintain the moral authority, integrity, decorum, and dignity of their mandate.
  - (b) NHRC members and staff shall avoid expressing views or sharing personal information online that can potentially undermine judicial independence, integrity, propriety, impartiality, the right to a fair trial, or public confidence in NHRC. The same principle applies to NHRC members and staff regardless of whether or not they disclose their real names or status on social media platforms.
  - (c) NHRC members and staff shall not engage in exchanges over social media sites or messaging services with parties, their representatives, or the general public about cases before or likely to come before them for decision.
  - (d) NHRC members and staff shall be circumspect in tone and language and be professional and prudent regarding all interactions on all social media platforms. It may be helpful to consider in respect of each item of social media content (such as posts, comments on posts, status updates, photographs) its impact on NHRC dignity and mandate if disclosed to the general public. The same caution applies when reacting to social media content uploaded by others.

- (e) NHRC members and staff shall consider whether any digital content antedating their ascension to the bench might damage public confidence in their impartiality or the impartiality of NHRC in general. NHRC members and staff shall follow the applicable rules regarding disclosing and removing such content. NHRC members and staff must consider removing the content if no rules are in place. It may be necessary to advise whether it would be correct to remove it and how to do so.
- (f) NHRC members and staff shall be aware of the risks and propriety of sharing personal information on social media. They shall be particularly aware of the privacy and security risks of revealing their location or similar information directly or indirectly through posts on social media. Additionally, NHRC members and staff shall be aware that even if they are not active social media users, privacy and security risks may arise from using social media by their family members, close friends, NHRC personnel, and others.
- (g) NHRC members and staff shall anticipate the potential impact that their emails or social media engagement could have on NHRC's objectives; Irrespective of whether they use social media or not, NHRC members and staff shall be wary of how they behave in public because photos or recordings may be taken that can be spread quickly on social media platforms.
- (h) NHRC members and staff shall refrain from causing offense or revealing confidential, unpublished, or embargoed information via email or social media; and refrain from misleading or deceiving NHRC colleagues, partners, and the wider public in any way.





**Appendix 1: Optional Protocol**  
**to the Convention against**  
**Torture and other Cruel,**  
**Inhuman or Degrading**  
**Treatment or Punishment**

## ***Appendix 1: Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment***

*Adopted on 18 December 2002 at the fifty-seventh session  
of the General Assembly of the United Nations  
by resolution A/RES/57/199  
entered into force on 22 June 2006*

### **PREAMBLE**

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing

those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention, Have agreed as follows:

## **PART I: General principles**

### **Article 1**

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

### **Article 2**

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.

2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.
3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.
4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

### Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

### Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its 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.
2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

## PART II: Subcommittee on Prevention

### Article 5

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.
2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.
3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.
4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.
5. No two members of the Subcommittee on Prevention may be nationals of the same State.
6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

### Article 6

1. Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.

2.
  - (a) The nominees shall have the nationality of a State Party to the present Protocol;
  - (b) At least one of the two candidates shall have the nationality of the nominating State Party;
  - (c) No more than two nationals of a State Party shall be nominated;
  - (d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.
3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

## Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:
  - (a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;
  - (b) The initial election shall be held no later than six months after the entry into force of the present Protocol;
  - (c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;
  - (d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be

those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:
  - (a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;
  - (b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;
  - (c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

## Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

## Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

## Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.
2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:
  - (a) Half the members plus one shall constitute a quorum;
  - (b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;
  - (c) The Subcommittee on Prevention shall meet in camera.
3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

## PART III: Mandate of the Subcommittee on Prevention

### Article 11

1. The Subcommittee on Prevention shall:
  - (a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of

their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

- (b) In regard to the national preventive mechanisms:
  - (i) Advise and assist States Parties, when necessary, in their establishment;
  - (ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;
  - (iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
  - (iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- (c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

## Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

- (a) To receive the Subcommittee on Prevention in their territory and grant

it access to the places of detention as defined in article 4 of the present Protocol;

- (b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- (c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;
- (d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

### Article 13

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.
2. After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.
3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert

in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

## Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:
  - (a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
  - (b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;
  - (c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;
  - (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;
  - (e) The liberty to choose the places it wants to visit and the persons it wants to interview.
2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

## Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

## Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.
2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.
3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.
4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

## PART IV: National preventive mechanisms

### Article 17

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.

### Article 18

1. 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 19

The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;

- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;
- (c) To submit proposals and observations concerning existing or draft legislation.

## Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

- (a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
- (b) Access to all information referring to the treatment of those persons as well as their conditions of detention;
- (c) Access to all places of detention and their installations and facilities;
- (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;
- (e) The liberty to choose the places they want to visit and the persons they want to interview;
- (f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

## Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or

false, and no such person or organization shall be otherwise prejudiced in any way.

2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

## **Article 22**

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

## **Article 23**

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

# **PART V: Declaration**

## **Article 24**

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.
2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

# **PART VI: Financial provisions**

## **Article 25**

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.

2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

## **Article 26**

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.
2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

## **PART VII: Final provisions**

### **Article 27**

1. The present Protocol is open for signature by any State that has signed the Convention.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

## Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

## Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

## Article 30

No reservations shall be made to the present Protocol.

## Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

## Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

### Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.
3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

### Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United

Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two -thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

### Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

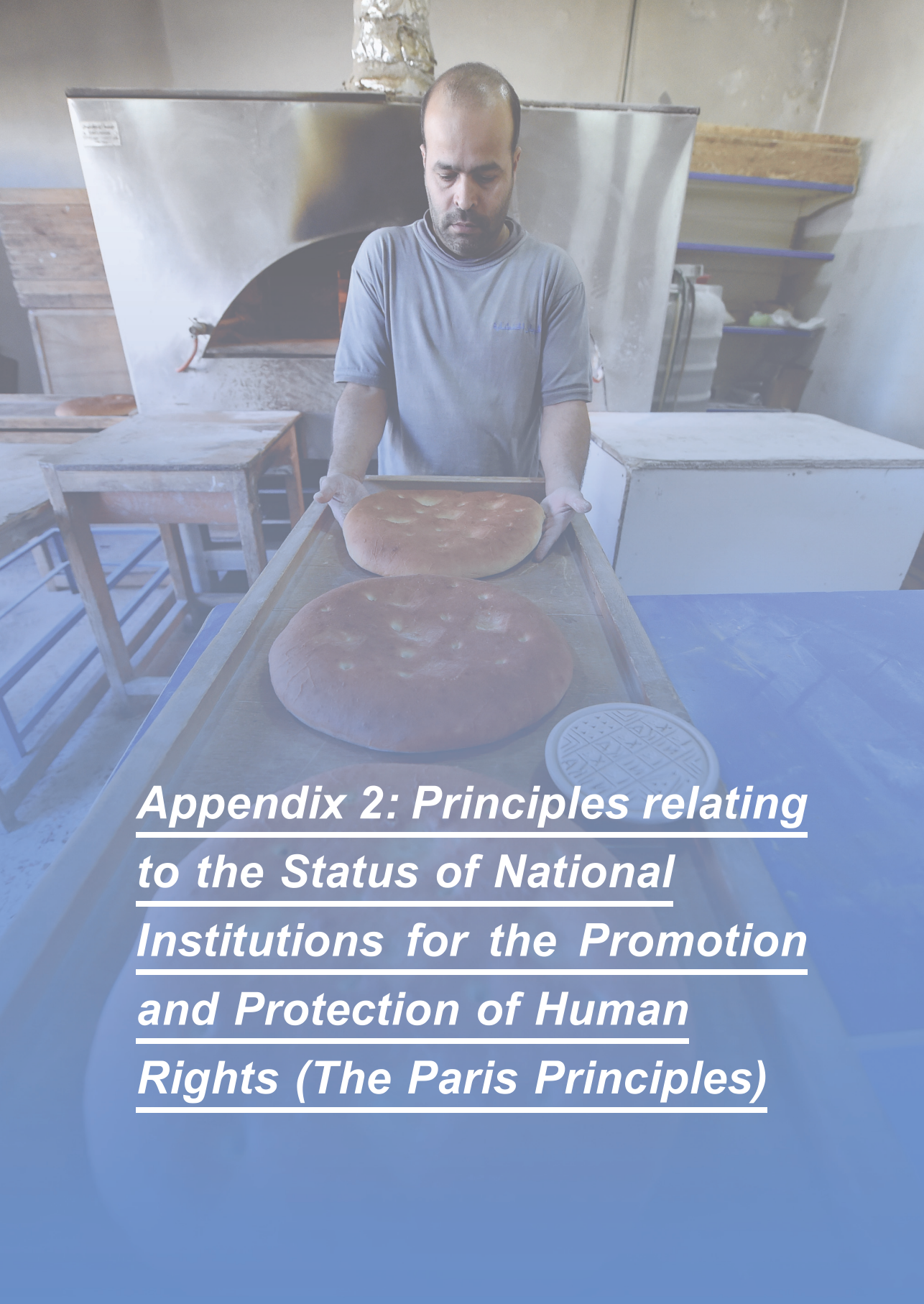
### Article 36

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

- (a) Respect the laws and regulations of the visited State;
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

### Article 37

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.



**Appendix 2: Principles relating  
to the Status of National  
Institutions for the Promotion  
and Protection of Human  
Rights (The Paris Principles)**

## ***Appendix 2: Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (The Paris Principles)***

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

### **Competence and responsibilities**

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:
  - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations,

proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

- (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
  - (ii) Any situation of violation of human rights which it decides to take up;
  - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
  - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
- (b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
  - (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

- (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
- (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;
- (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
- (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

## **Composition and guarantees of independence and pluralism**

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the 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).
2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.
  3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

## Methods of operation

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

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

- (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);
- (g) In view of the fundamental role played by the non-governmental 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.

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

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

- (a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- (c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

- (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.





**Appendix 3: Human Rights**  
**Council latest resolution**  
**on National human rights**  
**institutions No. 45/22**

## ***Appendix 3: Human Rights Council latest resolution on National human rights institutions***

### ***Resolution 45/22 Adopted by on 6 October 2020***

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant instruments,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 39/17 of 28 September 2018 and Assembly resolution 74/156 of 18 December 2019,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled «Transforming our world: the 2030 Agenda for Sustainable Development», in which the Assembly adopted the outcome document of

the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Recalling further General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

Recalling that the 2030 Agenda is guided by the purposes and principles of the Charter, grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and informed by other instruments, such as the Declaration on the Right to Development, and recognizing, inter alia, the need to build peaceful, just and inclusive societies that provide equal access to justice and are based on respect for all human rights, effective rule of law and good governance at all levels and transparent, effective and accountable institutions,

Reaffirming the Vienna Declaration and Programme of Action, and reaffirming also its statement of the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities, and their role in preventing, remedying and assisting victims to find remedies to human rights violations and abuses, in the dissemination of human rights information, and education in human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the establishment of the Global Alliance of National Human Rights Institutions,

Reaffirming the importance of, and welcoming the rapidly growing interest and progress throughout the world in, establishing and strengthening independent, pluralistic national human rights institutions in accordance with the Paris Principles,

Recalling that the existence of independent national human rights institutions

in compliance with the Paris Principles is a global indicator of progress towards achieving Sustainable Development Goal 16, and taking note of the report of the Secretary-General on progress towards the Sustainable Development Goals,<sup>1</sup> including this indicator,

Reaffirming the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Encouraging greater efforts to investigate and respond to increasing reports of cases of reprisal against national human rights institutions, their members and staff, and those who cooperate or seek to cooperate with them,

Recognizing the important role that national human rights institutions can play in preventing and addressing acts of intimidation and cases of reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms, and in this regard taking note of the Marrakech Declaration adopted at the thirteenth International Conference of National Human Rights Institutions,

Welcoming the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

Commending the important work of the Global Alliance of National Human Rights Institutions, the Office of the United Nations High Commissioner for Human Rights and regional networks of national human rights institutions, including the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights

Institutions and the European Network of National Human Rights Institutions, in support of the development and strengthening of independent and effective national human rights institutions compliant with the Paris Principles,

Welcoming efforts to strengthen United Nations system-wide coordination in support of national human rights institutions and their networks, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,<sup>2</sup> and encouraging further cooperation in this regard between United Nations mechanisms and processes and with national human rights institutions, the Global Alliance of National Human Rights Institutions and its regional networks,

Welcoming also the valuable participation and contribution of national human rights institutions and their networks, including their contribution to national mechanisms for reporting and follow-up, and with regard to follow-up to recommendations and relevant United Nations mechanisms and processes, in accordance with their respective mandates, including the Human Rights Council and its universal periodic review mechanism and the special procedures, the treaty bodies, the Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Permanent Forum on Indigenous Issues, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, and their continuing efforts in support of the 2030 Agenda, and encouraging further efforts in this regard,

Emphasizing the importance of human rights in shaping the response to the coronavirus disease (COVID-19) pandemic, for both the public health emergency and the broader impact on people's lives and livelihoods,

Recognizing the important role of national human rights institutions in highlighting the human rights implications of the COVID-19 pandemic, including offering guidance to States in ensuring a human rights-compliant

response to the pandemic, examining and monitoring the situation, raising public awareness, including the provision of accurate and timely information, working to protect groups in vulnerable situations and cooperating with civil society, rights-holders and other stakeholders, and encouraging States to cooperate with their national human rights institution and to ensure that they can effectively discharge their mandate and functions, including by ensuring the allocation of adequate resources,

Welcoming the role of the Global Alliance of National Human Rights Institutions and its regional networks in supporting national human rights institutions to fulfil their mandate with respect to COVID-19 and the support provided by the Office of the High Commissioner and the United Nations Development Programme, and taking note of the aide-memoire on national human rights institutions, human rights and COVID-19, issued by the High Commissioner to national human rights institutions on 21 April 2020, and of technical assistance and capacity-building and facilitation of the exchange of good practices,

Reaffirming that, as the 2030 Agenda recognizes, eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and interdependent,

Stressing that the effective participation of all individuals in national, political, cultural, religious, economic and social processes in their societies is crucial to their full and equal enjoyment of all human rights,

Bearing in mind that the promotion and upholding of tolerance, respect, pluralism and diversity are essential for the promotion and protection of human rights in multicultural contexts and, in particular, for combating racism, racial discrimination, xenophobia and related intolerance,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,

and recognizing that the 2030 Agenda pledges to leave no one behind and envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination,

Recognizing the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social, cultural, civil and political rights, particularly in the context of the implementation of the 2030 Agenda, which seeks to realize the human rights of all,

Welcoming the Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, noting that the implementation of the 2030 Agenda is a priority under the current Strategic Plan of the Global Alliance of National Human Rights Institutions, and acknowledging the efforts that national human rights institutions are making to connect their work, in accordance with their respective mandates, to the implementation of the 2030 Agenda,

Taking note of the Belgrade principles on the relationship between national human rights institutions and parliaments,<sup>3</sup>

1. Welcomes the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions<sup>4</sup> and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);<sup>5</sup>
2. Encourages Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. Stresses the importance of the financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;
4. Also stresses that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them and to bring perpetrators to justice;
5. Encourages national human rights institutions that are compliant with the Paris Principles and their networks to continue to participate in and contribute to, including where relevant by providing parallel reports and other information, the work of the Human Rights Council and its universal periodic review mechanism, the special procedures and the treaty bodies and all other relevant United Nations forums, and also encourages all relevant United Nations mechanisms and processes, including in the discussions on the implementation of the 2030 Agenda for Sustainable Development and the high-level political forum on sustainable development, and the review of General Assembly resolution 72/305, on the strengthening of the Economic and Social Council, to strengthen the independent participation of national

human rights institutions compliant with the Paris Principles, in accordance with their respective mandates;

6. Welcomes the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with such principles, also welcomes the continuing number of national institutions seeking accreditation status through the Global Alliance, and encourages relevant national institutions, including ombudsman institutions, to seek accreditation status;
7. Encourages the Secretary-General and all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes, working within their respective mandates, to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions, to work with Member States and national human rights institutions in the protection and promotion of human rights, and to strengthen United Nations system-wide coordination in support of national human rights institutions;
8. Recognizes the contribution that national human rights institutions have made to the promotion and protection, and prevention of violations, of human rights by exercising their mandates and functions consistent with the Paris Principles, and encourages them to continue to do so, including by:
  - (a) Independently assisting, advising and engaging with the State, and other stakeholders, in the prevention of violations and abuses of human rights;
  - (b) Encouraging the ratification, and ensuring the implementation, of international human rights treaties;

- (c) Promoting legal, policy and procedural reforms, including to promote and ensure the harmonization of national laws and practices with the international human rights instruments to which a State is a party, and their effective implementation;
  - (d) Cooperating with the United Nations system, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;
  - (e) Conducting and promoting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights and efforts to combat all forms of discrimination;
  - (f) Working with non-governmental organizations devoted to promoting and protecting human rights and economic and social development, combating racism and protecting groups subject to particular vulnerabilities, marginalization or intersecting forms of discrimination, or specialized areas;
  - (g) Preparing and publicizing reports on the national situation with regard to human rights, drawing the attention of the Government to situations in any part of the country in which human rights are violated, making proposals to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
  - (h) Supporting transparent and meaningful engagement by States in regional and international human rights forums by making contributions, in accordance with their independent mandates, to the reports that States are required to submit to United Nations bodies and committees and to regional institutions pursuant to their treaty obligations;
9. Acknowledges that, in the performance of their key functions, in

accordance with their mandates and with the Paris Principles, national human rights institutions are supporting the establishment and maintenance of inclusive societies, and in doing so are contributing to the implementation of the 2030 Agenda, including by:

- (a) Assisting States to adopt effective frameworks to promote and protect human rights, which are applied equally to protect the rights of all individuals without discrimination on any grounds, including race, colour, gender, age, disability, language, religion, political or other opinion, national or social origin, property, birth or other status;
- (b) Contributing to building the capacity of States to prevent and reduce discrimination and violence through effective national-level legislation, regulation, policies and programmes, including those that guarantee equal access, rights and opportunities for all, including equal access to justice and participatory decision-making;
- (c) Contributing to the progressive realization of economic, social and cultural rights for all;
- (d) Contributing to the elimination of all forms of discrimination against women and gender-based violence;
- (e) Contributing to the fight against racism, racial discrimination, xenophobia and other related intolerance, all forms of hate speech, and religious intolerance and its manifestations, including hate crimes and incitement to hatred, and fostering cohesive societies that respect and celebrate diversity and multiculturalism;
- (f) Contributing to addressing multiple and intersecting forms of discrimination that can increase the vulnerability to violence and discrimination of persons with disabilities, indigenous peoples, refugees and migrants, persons who are socioeconomically

disadvantaged, persons belonging to national or ethnic, religious and linguistic minorities, and other individuals in vulnerable situations or belonging to marginalized groups;

- (g) Working with businesses to fulfil their responsibility to respect human rights in accordance with human rights law, and to support initiatives aimed at protecting victims of human rights abuses, including through the dissemination and implementation of the Guiding Principles on Business and Human Rights;
10. Encourages all States and national human rights institutions to continue to take appropriate steps to maintain a legislative or policy framework compliant with the Paris Principles, and to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions, including their contribution to the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda;
  11. Invites national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;
  12. Requests the Office of the High Commissioner to continue and to strengthen its work with national human rights institutions, including through technical cooperation, capacity-building activities and advice, urges the High Commissioner to ensure that appropriate arrangements are made and budgetary resources are provided to continue and further extend activities in support of national human rights institutions, including through increased support for the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;
  13. Requests the Secretary-General to submit to the Human Rights

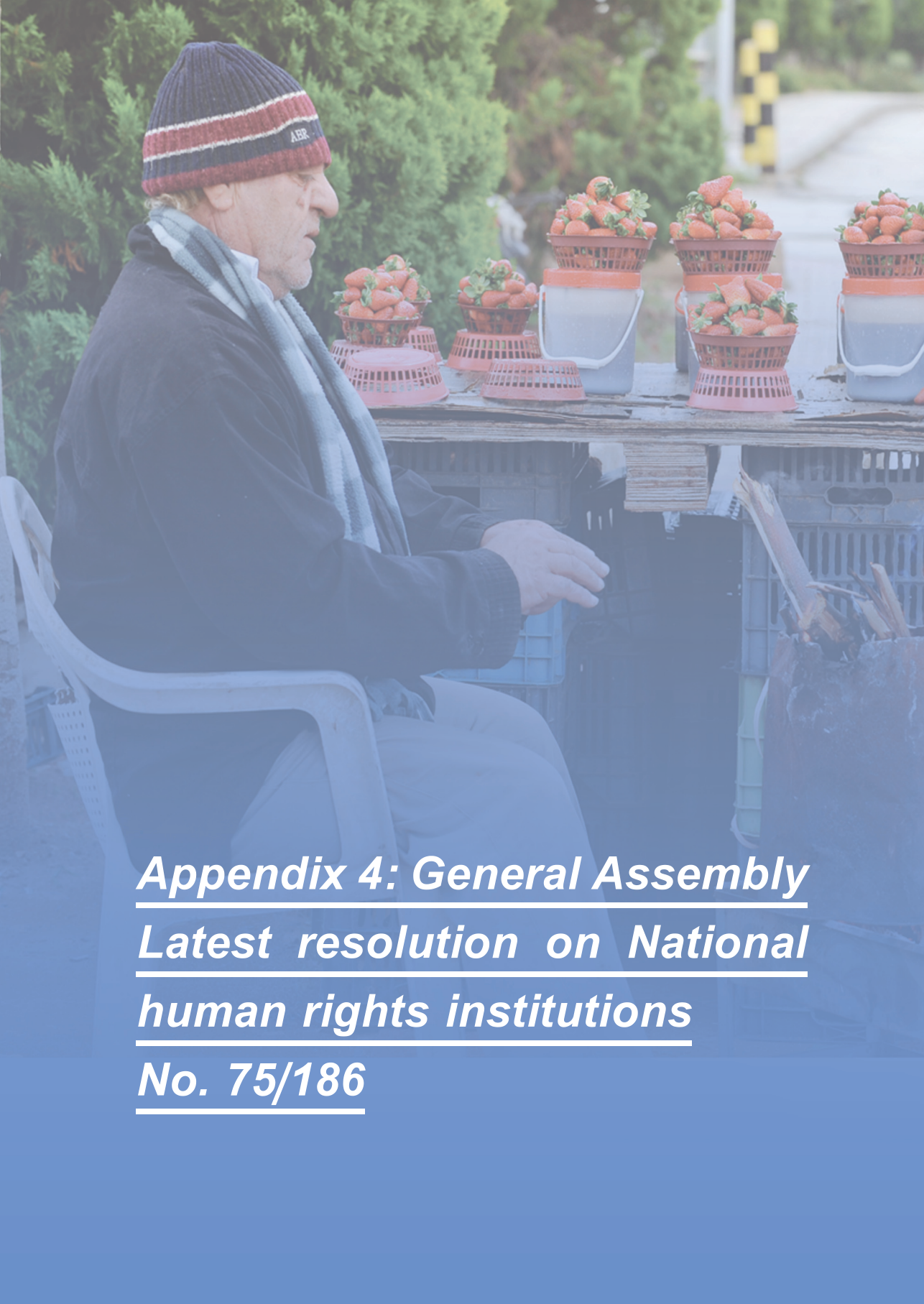
Council, at its fifty-first session, a report on the implementation of the present resolution that includes examples of best practices among national human rights institutions, prepared in consultation with States, national human rights institutions and other relevant stakeholders, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

**37th meeting**

**6 October 2020**

**[Adopted without a vote.]**





**Appendix 4: General Assembly**  
**Latest resolution on National**  
**human rights institutions**  
**No. 75/186**

## ***Appendix 4: General Assembly Latest resolution on National human rights institutions***

***Resolution 75/186  
Adopted 16 December 2020***

### **The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law**

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>1</sup>

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,<sup>2</sup> in which the Conference reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights,

Reaffirming its resolutions 65/207 of 21 December 2010, 67/163 of 20 December 2012, 69/168 of 18 December 2014, 71/200 of 19 December 2016 and 72/186 of 19 December 2017 on the role of the Ombudsman and mediator institutions in the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), welcomed by

the General Assembly in its resolution 48/134 of 20 December 1993 and annexed thereto,

Acknowledging the principles on the protection and promotion of the Ombudsman institution (the Venice Principles),

Recalling its previous resolutions on national institutions for the promotion and protection of human rights, in particular resolutions 66/169 of 19 December 2011, 68/171 of 18 December 2013, 70/163 of 17 December 2015 and 74/156 of 18 December 2019, as well as Human Rights Council resolutions 23/17 of 13 June 2013,<sup>3</sup> 27/18 of 25 September 2014,<sup>4</sup> 33/15 of 29 September 2016,<sup>5</sup> 39/17 of 28 September 2018<sup>6</sup> and 45/22 of 6 October 2020,<sup>7</sup>

Reaffirming the functional and structural differences between national human rights institutions, on the one hand, and Ombudsman and mediator institutions, on the other, and underlining in this regard that reports on the implementation of General Assembly resolutions on the role of the Ombudsman and mediator institutions by the Office of the United Nations High Commissioner for Human Rights should be stand-alone reports,

Acknowledging the long history of Ombudsman institutions and the subsequent extensive developments throughout the world in creating and strengthening Ombudsman and mediator institutions, and recognizing the important role that these institutions can play, in accordance with their mandate, in the promotion and protection of human rights and fundamental freedoms, promoting good governance and respect for the rule of law by addressing the imbalance of power between the individual and the providers of public services,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of Ombudsman and mediator institutions, and recognizing the important role that these institutions can play, in accordance with their mandate, in support of national complaint resolution,

Recognizing that the role of Ombudsman and mediator institutions, whether

they are national human rights institutions or not, is the promotion and protection of human rights and fundamental freedoms, promotion of good governance and respect for the rule of law, as a separate and additional function, but also as an integral part to all other aspects of their work,

Underlining the importance of autonomy and independence from the executive or judicial branches of Government, its agencies or political parties, of Ombudsman and mediator institutions, where they exist, in order to enable them to consider all issues related to their fields of competence, without real or perceived threat to their procedural ability or efficiency and without fear of reprisal, intimidation or recrimination in any form, whether online or offline, that may threaten their functioning or the physical safety and security of their officials,

Considering the role of Ombudsman and mediator institutions in promoting good governance in public administrations and improving their relations with citizens, in promoting respect for human rights and fundamental freedoms and in strengthening the delivery of public services, by promoting the rule of law, good governance, transparency, accountability, and fairness,

Considering also the important role of the existing Ombudsman and mediator institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

Acknowledging the importance of affording these institutions, as appropriate, the necessary mandate, including the authority to assess, monitor and, where provided for by national legislation, investigate matters on their own initiative, as well as protection to allow action to be taken independently and effectively against unfairness towards any person or group and the importance of State support for the autonomy, competence and impartiality of the Ombudsman and of the process,

Stressing the importance of the financial and administrative independence and stability of these institutions, and noting with satisfaction the efforts of those States that have provided their Ombudsman and mediator institutions with

more autonomy and independence, including by giving them an investigative role or enhancing such a role,

Stressing also that these institutions, where they exist, can play an important role in advising Governments with respect to drafting or amending existing national laws and policies, ratifying relevant international instruments and bringing national legislation and national practices into line with their States' international human rights obligations,

Stressing further the importance of international cooperation between Ombudsman offices and mediators, and recalling the role played by regional and international associations of Ombudsman and mediator institutions in promoting cooperation and sharing best practices,

Noting with satisfaction the active continuing work of the global network of Ombudsmen, the International Ombudsman Institute, and the close cooperation with the active regional Ombudsman and mediator associations and networks, namely, the Association of Mediterranean Ombudsmen, the Ibero-American Federation of Ombudsmen, the Association of Ombudsmen and Mediators of la Francophonie, the Asian Ombudsman Association, the African Ombudsman and Mediators Association, the Arab Ombudsman Network, the European Mediation Network Initiative, the Pacific Ombudsman Alliance, the Eurasian Ombudsman Alliance, and other active Ombudsman and mediator associations and networks,

1. Takes note of the report of the Secretary-General;<sup>8</sup>
2. Strongly encourages Member States:
  - (a) To consider the creation or the strengthening of independent and autonomous Ombudsman and mediator institutions at the national level and, where applicable, at the regional or local level, consistent with the principles on the protection and promotion of the Ombudsman institution (the Venice Principles), either as national human rights institutions or alongside them;

- (b) To endow Ombudsman and mediator institutions, where they exist, with the necessary constitutional and legislative framework, as well as State support and protection, adequate financial allocation for staffing and other budgetary needs, a broad mandate across all public services, the powers necessary to ensure that they have the tools they need to select issues, resolve maladministration, investigate thoroughly and communicate results, and all other appropriate means, in order to ensure the efficient and independent exercise of their mandate and to strengthen the legitimacy and credibility of their actions as mechanisms for the promotion and protection of human rights and the promotion of good governance and respect for the rule of law;
- (c) Where they exist, to take the appropriate steps to ensure that the means of appointment of the Ombudsman or mediator respect the full independence and State recognition of, as well as respect for, the Ombudsman and mediator institutions and their work;
- (d) To provide for the clear mandate of Ombudsman and mediator institutions, where they exist, to enable the prevention and appropriate resolution of any unfairness and maladministration and the promotion and protection of human rights, and to report on their activities, as may be appropriate, both generally and on specific issues;
- (e) To take the appropriate steps to ensure that adequate protection exists for Ombudsman and mediator institutions, where they exist, against coercion, reprisals, intimidation or threat, including from other authorities, and that these acts are promptly and duly investigated and the perpetrators held accountable;
- (f) To give due consideration to the principles relating to the status of national institutions for the promotion and protection of human

rights (the Paris Principles)<sup>9</sup> when assigning to the Ombudsman or the mediator institution the role of national preventive mechanisms and national monitoring mechanisms;

- (g) To develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of Ombudsman and mediator institutions;
  - (h) To share and exchange best practices on the work and functioning of their Ombudsman and mediator institutions, in collaboration with the Office of the United Nations High Commissioner for Human Rights and with the International Ombudsman Institute and other international and regional Ombudsman organizations;
3. Recognizes that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions, including those of the Ombudsman and the mediator, which is best suited to its particular needs at the national level, in order to promote human rights in accordance with international human rights instruments;
  4. Recognizes that the practical effectiveness of the chosen framework for such national institutions should be monitored and assessed, consistent with internationally accepted and recognized standards, and that this framework should neither threaten the autonomy nor the independence of the institution nor diminish its ability to carry out its mandate;
  5. Welcomes the active participation of the Office of the High Commissioner in all international and regional meetings of Ombudsman and mediator institutions, whether in person or, alternatively, by electronic means;
  6. Encourages Member States and regional and international Ombudsman and mediator institutions to regularly interact, exchange

information and share best practices with the Office of the High Commissioner on all matters of relevance;

7. Encourages the Office of the High Commissioner, through its advisory services, to develop and support activities dedicated to the existing Ombudsman and mediator institutions and to strengthen their role within national systems for human rights protection;
8. Encourages Ombudsman and mediator institutions, where they exist:
  - (a) To operate, as appropriate, in accordance with all relevant international instruments, including the Paris Principles and the Venice Principles, in order to strengthen their independence and autonomy and to enhance their capacity to assist Member States in the promotion and protection of human rights and the promotion of good governance and respect for the rule of law;
  - (b) To request, in cooperation with the Office of the High Commissioner, their accreditation by the Global Alliance of National Human Rights Institutions, where the Ombudsman or mediator institution is the national human rights institution, in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system;
  - (c) To publicly report, in the interests of accountability and transparency, to the authority that appoints the Ombudsman or the mediator of Member States on their activities at least annually;
  - (d) To cooperate with relevant State bodies and develop cooperation with civil society organizations, without compromising their autonomy or independence;
  - (e) To conduct awareness-raising activities on their roles and functions, in collaboration with all relevant stakeholders;
  - (f) To engage with the International Ombudsman Institute, the Global Alliance of National Human Rights Institutions and other

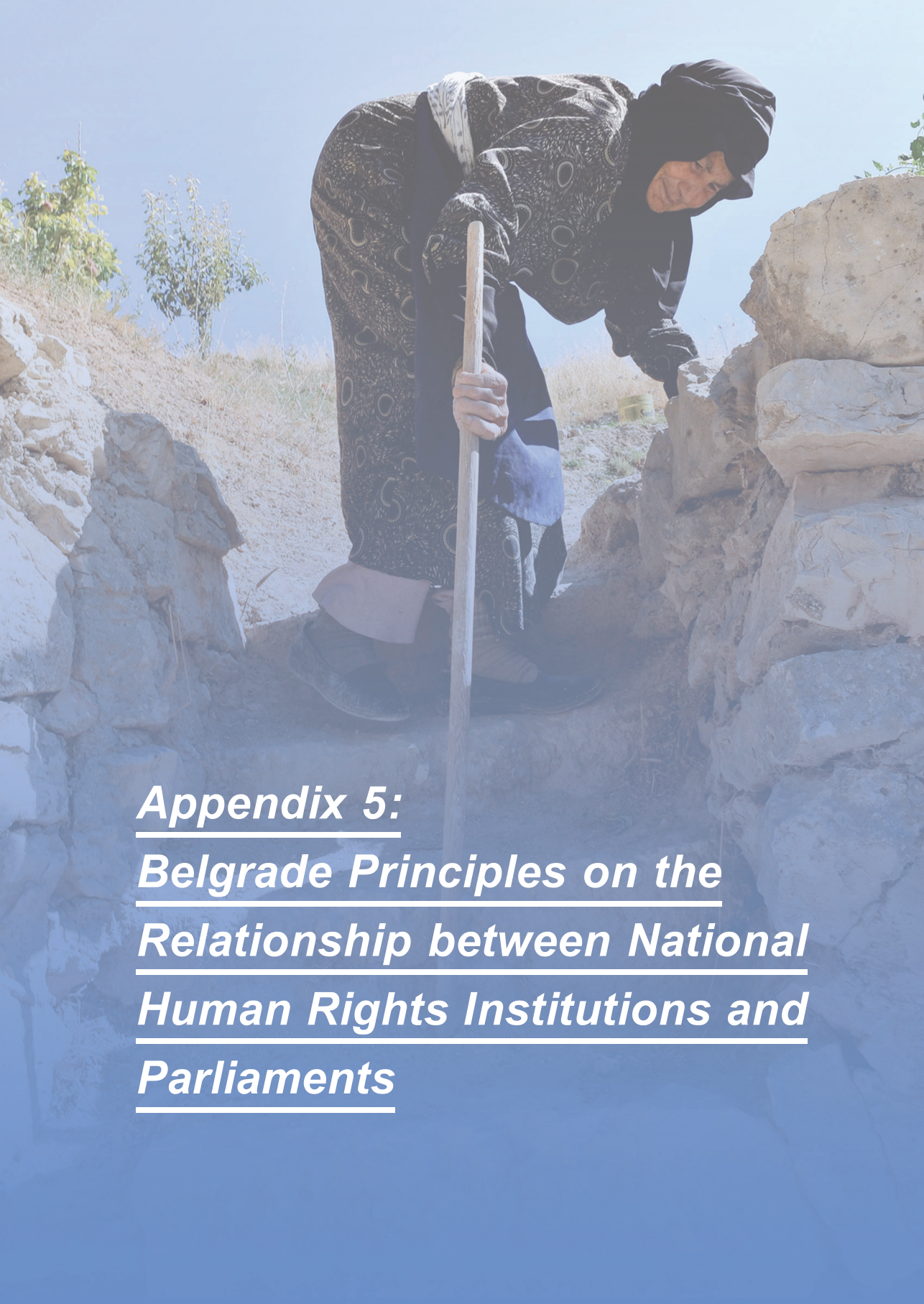
regional networks and associations, with a view to exchanging experiences, lessons learned and best practices;

9. Requests the Secretary-General to report to the General Assembly at its seventy-seventh session on the implementation of the present resolution, in particular on the obstacles encountered by Member States in this regard, as well as on best practices in the work and functioning of Ombudsman and mediator institutions.

**46th plenary meeting**

**16 December 2020**





**Appendix 5:**  
**Belgrade Principles on the**  
**Relationship between National**  
**Human Rights Institutions and**  
**Parliaments**

## ***Appendix 5: Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments Belgrade, Serbia 22-23 February 2012***

The 2012 International Seminar on the relationship between National Human Rights Institutions (NHRIs) and Parliaments<sup>1</sup>, organised by the Office of the United Nations High Commissioner for Human Rights, the International Coordinating Committee of National Institutions for the promotion and protection of human rights, the National Assembly and the Protector of Citizens of the Republic of Serbia, with the support of the United Nations Country Team in the Republic of Serbia,

In accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations General Assembly Resolutions 63/169 and 65/207 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, 63/172 and 64/161 on National Human Rights Institutions for the promotion and protection of human rights and the Human Rights Council Resolution 17/9 on National Human Rights Institutions for the promotion and protection of human rights.

Recognising that the principles relating to the status of national institutions (the Paris Principles, adopted by United Nations General Assembly Resolution 48/134) state that NHRIs shall establish an «effective cooperation» with the Parliaments,

Noting that NHRIs and Parliaments have much to gain from each other in performing their responsibilities for the promotion and protection of human rights,

And recalling the need to identify areas for strengthened interaction between NHRIs and Parliaments bearing in mind that the different institutional models of NHRIs should be respected,

Adopts the following principles aimed at providing guidance on how the interaction and cooperation between NHRIs and Parliament should be developed:

I. Parliament's role in establishing a National Human Rights Institution (NHRI) and securing its functioning, independence and accountability

A) Founding Law

- 1) Parliaments while deliberating the draft legislation for the establishment of a national human rights institution should consult widely with relevant stakeholders.
- 2) Parliaments should develop a legal framework for the NHRI which secures its independence and its direct accountability to Parliament, in compliance with the Principles related to national institutions (Paris Principles) and taking into account the General Observations of the International Coordinating Committee of national institutions for the promotion and protection of human rights (ICC) and best practices.
- 3) Parliaments should have the exclusive competence to legislate for the establishment of a NHRI and for any amendments to the founding law.
- 4) Parliaments, during the consideration and adoption of possible amendments to the founding law of a NHRI, should scrutinise such proposed amendments with a view to ensuring the independence and effective functioning of such institution,

and carry out consultation with the members of NHRIs and with other stakeholders such as civil society organisations.

- 5) Parliaments should keep the implementation of the founding law under review.

**B) Financial independence**

- 6) Parliaments should ensure the financial independence of NHRIs by including in the founding law the relevant provisions.
- 7) NHRIs should submit to Parliaments a Strategic Plan and/or an Annual Programme of activities. Parliaments should take into account the Strategic Plan and/or Annual Programme of activities submitted by the NHRI while discussing budget proposals to ensure financial independence of the institution.
- 8) Parliaments should invite the members of NHRIs to debate the Strategic Plan and/or its annual programme of activities in relation to the annual budget.
- 9) Parliaments should ensure that NHRIs have sufficient resources to perform the functions assigned to them by the founding law.

**C) Appointment and dismissal process**

- 10) Parliaments should clearly lay down in the founding law a transparent selection and appointment process, as well as for the dismissal of the members of NHRIs in case of such an eventuality, involving civil society where appropriate.
- 11) Parliaments should ensure the openness and transparency of the appointment process.
- 12) Parliaments should secure the independence of a NHRI by incorporating in the founding law a provision on immunity for actions taken in an official capacity.

- 13) Parliaments should clearly lay down in the founding law that where there is a vacancy in the composition of the membership of a NHRI, that vacancy must be filled within a reasonable time. After expiration of the tenure of office of a member of a NHRI, such member should continue in office until the successor takes office.

#### D) Reporting

- 14) NHRIs should report directly to Parliament.
- 15) NHRIs should submit to Parliament an annual report on activities, along with a summary of its accounts, and also report on the human rights situation in the country and on any other issue that is related to human rights.
- 16) Parliaments should receive, review and respond to NHRI reports and ensure that they debate the priorities of the NHRI and should seek opportunities to debate the most significant reports of the NHRI promptly.
- 17) Parliaments should develop a principled framework for debating the activities of NHRIs consistent with respect for their independence.
- 18) Parliaments should hold open discussions on the recommendations issued by NHRIs.
- 19) Parliaments should seek information from the relevant public authorities on the extent to which the relevant public authorities have considered and responded to NHRIs recommendations.

## II. Forms of co-operation between Parliaments and NHRIs

- 20) NHRIs and Parliaments should agree the basis for cooperation, including by establishing a formal framework to discuss human rights issues of common interest.

- 21) Parliaments should identify or establish an appropriate parliamentary committee which will be the NHRI's main point of contact within Parliament.
- 22) NHRIs should develop a strong working relationship with the relevant specialised Parliamentary committee including, if appropriate, through a memorandum of understanding. NHRIs and parliamentary committees should also develop formalized relationships where relevant to their work.
- 23) Members of the relevant specialised parliamentary committee and the NHRI should meet regularly and maintain a constant dialogue, in order to strengthen the interchange of information and identify areas of possible collaboration in the protection and promotion of human rights.
- 24) Parliaments should ensure participation of NHRIs and seek their expert advice in relation to human rights during meetings and proceedings of various parliamentary committees.
- 25) NHRIs should advise and/or make recommendations to Parliaments on issues related to human rights, including the State's international human rights obligations.
- 26) NHRIs may provide information and advice to Parliaments to assist in the exercise of their oversight and scrutiny functions.

### III. Cooperation between Parliaments and NHRIs in relation to legislation

- 27) NHRIs should be consulted by Parliaments on the content and applicability of a proposed new law with respect to ensuring human rights norms and principles are reflected therein.
- 28) Parliaments should involve NHRIs in the legislative processes, including by inviting them to give evidence and advice about the human rights compatibility of proposed laws and policies.

- 29) NHRIs should make proposals of amendments to legislation where necessary, in order to harmonize domestic legislation with both national and international human rights standards.
- 30) NHRIs should work with Parliaments to promote human rights by legislating to implement human rights obligations, recommendations of treaty bodies and human rights judgments of courts.
- 31) NHRIs should work with Parliaments to develop effective human rights impact assessment processes of proposed laws and policies.

#### IV. Co-operation between NHRIs and Parliaments in relation to International human rights mechanisms

- 32) Parliaments should seek to be involved in the process of ratification of international human rights treaties and should consult NHRIs in this process of ratification, and in monitoring the State's compliance with all of its international human rights obligations.
- 33) NHRIs should give opinions to Parliaments on proposed reservations or interpretative declarations, on the adequacy of the State's implementation of human rights obligations and on its compliance with those obligations.
- 34) Parliaments and NHRIs should co-operate to ensure that the international treaty bodies are provided with all relevant information about the State's compliance with those obligations and to follow up recommendations of the treaty bodies.
- 35) NHRIs should regularly inform Parliaments about the various recommendations made to the State by regional and international human rights mechanisms, including the Universal Periodic Review, the treaty bodies and the Special Procedure mandate holders.

- 36) Parliaments and NHRIs should jointly develop a strategy to follow up systematically the recommendations made by regional and international human rights mechanisms.

V. Co-operation between NHRIs and Parliaments in the education, training and awareness raising of human rights<sup>2</sup>

- 37) NHRIs and Parliaments should work together to encourage the development of a culture of respect for human rights.
- 38) NHRIs and Parliaments should work together to encourage that education and training about human rights is sufficiently incorporated in schools, universities and other relevant contexts including vocational, professional and judicial training in accordance with relevant international standards.
- 39) NHRIs and Parliaments should work together to improve their mutual capacity on human rights and parliamentary processes.
- 40) NHRIs, Parliaments and all Parliamentarians should seek to work together in public awareness, education campaigns and encourage mutual participation in conferences, events and activities organized for the promotion of human rights.

VI. Monitoring the Executive's response to Court and other judicial and administrative bodies' judgements concerning human rights

- 41) Parliaments and NHRIs as appropriate should co-operate in monitoring the Executive's response to Judgments of Courts (national and, where appropriate, regional and international) and other administrative tribunals or bodies regarding issues related to human rights.
- 42) NHRIs should monitor judgements against the state concerning human rights, by domestic, regional or international

courts, and where necessary, make recommendations to Parliament about the appropriate changes to law or policy.

- 43) Parliaments should give proper consideration to NHRIs recommendations about the response to human rights judgements.
- 44) Parliaments and NHRIs as appropriate should encourage the Executive to respond to human rights judgements expeditiously and effectively, so as to achieve full compliance with human rights standards.





**Appendix 6: Kandy Program of**  
**Action: Cooperation between**  
**National Institutions and Non-**  
**Government Organisations**

## ***Appendix 6: Kandy Program of Action: Cooperation between National Institutions and Non-Government Organisations Kandy, Sri Lanka 26-28 July 1999***

### **1. Introduction**

1.1 Members of the Asia Pacific Forum of National Human Rights Institutions and non-governmental human rights organisations met in Kandy in the presence of observers from United Nations agencies, governments and international non-governmental organisations, to further their cooperation in the promotion and protection of human rights in the region. The Workshop took place in the context of increasing activity on the strengthening of human rights institutions and on the work of NGOs. This work has included the establishment of the Forum itself, the series of United Nations-sponsored workshops on regional arrangements in the Asia Pacific Region and a range of subsidiary meetings aimed at implementing agreed technical cooperation projects. The Workshop was one of the projects identified by regional governments as part of their technical assistance program under the auspices of the United Nations High Commissioner for Human Rights. This reflects the importance of multiparty cooperation for the promotion and protection of human rights.

1.2 Organisations represented at the Workshop expressed their appre-

ciation to the Human Rights Commission of Sri Lanka for hosting the meeting and for their hospitality. The Workshop also expressed its appreciation to the Office of the High Commissioner for Human Rights for cosponsoring the Workshop with the Asia Pacific Forum of National Human Rights Institutions and the Asia Pacific NGO Human Rights Facilitating Team. The Workshop expressed its appreciation to the Office of the High Commissioner and to the Governments of New Zealand and Australia for providing financial support for the Workshop.

- 1.3 Organisations represented at the Workshop thanked presenters, facilitators and rapporteurs for their contributions.
- 1.4 Organisations represented at the Workshop expressed satisfaction that it had been organised in a co-operative manner, with full opportunity having been given for input by both national institutions and non-governmental organisations. Organisations urged that this cooperative spirit should be carried forward into work of national institutions and NGOs at the national and international levels.
- 1.5 The Workshop reaffirmed faith in the crucial importance of cooperation between national human rights institutions and NGOs and recognised they should work together on the basis of their common commitment to the universality and indivisibility of human rights as expressed in the Universal Declaration of Human Rights, international human rights instruments and the Vienna Declaration. The Workshop also recognised that national human rights institutions and NGOs have different roles in the promotion and protection of human rights and that the independence and autonomy of civil society and NGOs and of national human rights institutions must be respected and upheld.
- 1.6 Given the diversity in the nature and composition of national human rights institutions and NGOs and the common objective of

protecting and promoting human rights it was agreed that there should be mutual consultation and cooperation in human rights projects and education.

- 1.7 Participants from national institutions and organisations represented at the Workshop agreed on the following action strategies they committed themselves to implement as appropriate:

## **2. Structures and mechanisms of co-operation**

- 2.1 Recognise the importance of, and implement, better consultation processes between national human rights institutions and NGOs, which should be regular, transparent, inclusive and substantive; encourage NGOs to decide on what processes and mechanisms best suit their circumstances and relations with the national human rights institution in their country; encourage national institutions to establish focal points to facilitate relations with NGOs;
- 2.2 Hold joint training programs;
- 2.3 Consider temporary personnel attachments between national institutions and NGOs;
- 2.4 Cooperate where possible when making recommendations to governments or other national bodies;
- 2.5 Cooperate and seek advice from OHCHR in encouraging the development of national human rights action plans;
- 2.6 Hold workshops on specific issues of mutual interest, with a particular focus on ensuring a balanced approach to participation and organisation;
- 2.7 Establish mechanisms for discussion between national institutions and NGOs with a view to maximising possibilities of using information technology to keep each other informed of their activities and issues arising from monitoring of human rights questions as well as relevant recommendations;

### 3. Education

- 3.1 Recognise that effective human rights education must be based on an analysis of the human rights situation in the particular country and on the Universal Declaration of Human Rights and other international human rights instruments;
- 3.2 Adopt as the goal of human rights education the creation of an environment which enables recognition and respect for the human rights of all people and maximises individuals' and communities' awareness of their own human rights and their capacity to utilise available mechanisms for the enforcement of these rights;
- 3.3 Undertake an evaluation of existing programs at the national and regional level;
- 3.4 Use available tools for planning, e.g. the guidelines for national action plans in the field of human rights prepared within the framework of the International Decade for Human Rights Education;
- 3.5 Consult on human rights education in order to facilitate planning and implementation, to encourage governments to fulfil their obligations to provide human rights education, to identify the organisations best placed to undertake particular programs, to avoid duplication, to coordinate fund raising and to monitor the effectiveness of programs. A potentially fruitful area of cooperation would be for national institutions and NGOs to exchange materials and resources to enable them to carry out human rights education activities;
- 3.6 Consult in the development of curriculum designed for the mainstream education system, whether at the primary, secondary or tertiary levels;
- 3.7 Develop cooperative programs and facilitate joint participation in programs of training for teachers and public officials, including the military, the police and corrective services personnel;

- 3.8 Develop cooperative programs and facilitate joint participation in programs of training for human rights educators, including teachers and parents;
- 3.9 Cooperate with relevant judicial authorities in programs of training for members of the judiciary;
- 3.10 Develop memoranda of agreement with government agencies to facilitate the provision of training to government officials;
- 3.11 Develop panels of speakers from both NGOs and national institutions who would be available for human rights education presentations;
- 3.12 Cooperate in the dissemination of information on international and domestic human rights instruments, including the Paris Principles and the Declaration on Human Rights Defenders;
- 3.13 Where appropriate, promote human rights education through public or media campaigns, to be undertaken individually as well as jointly;
- 3.14 Develop relations with the media, particularly the state-owned media in some countries, to promote informed coverage of human rights issues;
- 3.15 Facilitate joint participation in public meetings, conferences and media events;
- 3.16 Establish mutual links on internet websites;
- 3.17 Develop joint or separate approaches to technical assistance and potential funding agencies, including OHCHR and UNDP, with proposals for human rights education programs;
- 3.18 Cooperate in using reports of national human rights institutions, NGOs, the United Nations human rights mechanisms and treaty monitoring bodies as tools for increasing public awareness and pursuing specific issues;

## 4. Complaints and Investigations

- 4.1 Agreed that it was vital that national institutions should have their own independent investigations capacity;
- 4.2 Arrange information sessions at which NGOs and national institutions would inform each other better about their complaints and investigations systems, to discuss trends, to improve mechanisms, to take into account international materials and to avoid duplication;
- 4.3 Facilitate public awareness of national institution complaints and investigations systems. This could include the preparation of relevant materials, such as a manual, as well as non-written materials targeted at people who are illiterate. Special attention should be given to vulnerable groups;
- 4.5 Consider joint action aimed at promoting changes to national institutions investigatory mandates where those mandates are too narrow or otherwise unsatisfactory in the investigations area;
- 4.6 Facilitate transmission of information from NGOs to national institutions and vice versa on specific cases, where appropriate;
- 4.7 Facilitate cooperation at the local level between NGOs and national institutions when inquiring into specific cases;
- 4.8 Develop transparent and inclusive mechanisms whereby NGOs could be involved in the investigation process;
- 4.9 Explore means of using information technology to facilitate exchanges of information on specific cases;
- 4.10 Arrange joint training courses aimed at strengthening the effectiveness of complaints and investigations and reporting systems;

## 5. Public Inquiries

- 5.1 Hold joint workshops aimed at promoting awareness of the concept of public inquiries, their objectives and their mechanisms and

- possible subjects; consult with national institutions and NGOs to ensure that best practice is followed;
- 5.2 Where consideration is being given to the establishment of a public inquiry, consult in the development of its terms of reference and on a strategic plan for the inquiry;
  - 5.3 Cooperate closely where a national institution is carrying out a public inquiry, particularly in the exchange of information and on-site activities;
  - 5.4 Lobby for legislation to ensure that it is incumbent on legislatures to discuss national human rights institution reports within a specific time frame and that national human rights institutions are empowered in cases of undue delay to make their reports public;
  - 5.5 Cooperate in facilitating media coverage of public inquiries; cooperate in conveying public inquiry reports to relevant UN mechanisms;
  - 5.6 Cooperate in promoting the implementations of any public inquiry's recommendations;
  - 5.7 Organisations represented also recommended that the Asia Pacific Forum should organise a regional workshop on public inquiries as part of the Forum's program of annual thematic workshops;

## **6. Relations with Legislatures**

- 6.1 Cooperate in promoting constructive relations and joint meetings with legislatures and legislators aimed at promoting and protecting human rights;
- 6.2 Consider holding workshops aimed at strengthening the capacity of national institutions and NGO personnel to lobby legislatures effectively including through campaigns aimed at promoting specific action by legislatures on human rights issues;

- 6.3 Consider jointly participating in workshops aimed at better informing legislators about human rights and the role and functions of national institutions and NGOs;
- 6.4 Encourage legislatures to establish human rights committees; where appropriate, approach the Inter-Parliamentary Union to encourage the national parliament to give greater emphasis to human rights;
- 6.5 Work jointly in order to bring the protection and promotion of human rights into political party platforms;

## 7. Legislation

- 7.1 Systematically review existing legislation and other instruments having the force of law to ensure consistency with human rights law, including relevant international humanitarian law standards, in a holistic way, to ensure compliance with the principle of indivisibility of human rights with a view to recommending appropriate changes to ensure consistency with those standards;
- 7.2 Develop mechanisms for public consultation and discussion on proposed legislation and other instruments having the force of law to ensure consistency with human rights and related standards with a view to recommending appropriate changes to ensure consistency with those standards;
- 7.3 Cooperate in encouraging governments to develop mechanisms whereby government departments seek NGO and national human rights institution inputs into new legislation, review of legislation and human rights treaty negotiations;
- 7.4 Establish mechanisms whereby national institutions seek NGO input into national institution recommendations to government about legislation;
- 7.5 Cooperate in promoting the development of domestic legislation in accordance with international human rights norms;

- 7.6 Coordinate effort for the ratification and implementation of international human rights instruments and the removal of declarations, derogations and reservations to such instruments;
- 7.7 Encourage where appropriate the establishment of forums with a broadly based membership that could specialise in the review of the human rights aspects of legislation;

## **8. Establishment of new national institutions**

- 8.1 Recommended that the Asia Pacific Forum, in consultation with NGOs, should adopt by its Annual Meeting in 2000, minimum standards for mechanisms and processes for the establishment of new national human rights institutions in the region in conformity with the Paris Principles. These guidelines should pay particular regard to the need for new institutions to have independence built into their mandates, for processes and mechanisms to be developed in partnership with NGOs, for public hearings and for public review of proposed national human rights institution legislation and for transparency in the appointment of commission members. Such institutions should have advisory, educational and investigatory functions;
- 8.2 Agreed that, in cooperation with the Office of the High Commissioner for Human Rights, national institutions and NGOs would provide information and advice to governments and NGOs of other countries, where requested, on models for the establishment of national institutions in conformity with the Paris Principles;

## **9. Asia Pacific Forum of National Human Rights Institutions**

- 9.1 Requested the Forum Secretariat, in cooperation with NGOs, to disseminate this Program of Action widely to governments, national institutions, non-governmental organisations, the United Nations and other international and regional organisations;

- 9.2 Requested the Forum Secretariat to collaborate with national institutions and NGOs of the region in the mobilisation of funds through programs of technical cooperation aimed at giving effect to activities proposed in this Program of Action;
- 9.3 Agreed that national institutions and NGOs would provide brief annual reports to the Forum on measures taken to give effect to this Program of Action;
- 9.4 Took note of the arrangements for NGO participation at the Third Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions, held in Jakarta in September 1998, and requested that the Forum attempts to ensure that NGO participation continues to improve in future Forum meetings;

## 10. International activity

- 10.1 Cooperate in monitoring and encouraging government compliance with international obligations and implementation of recommendations, views or opinions given by international human rights monitoring bodies; cooperate in reporting to treaty monitoring bodies and in disseminating treaty body reports, recommendations, views and opinions;
- 10.2 Consult and cooperate in support of the participation of national human rights institutions and NGOs in international and regional human rights meetings under the auspices of the United Nations; cooperate for the strengthening of United Nations mechanisms, including, where appropriate, through coordinated approaches to government and parliaments;
- 10.3 Conduct jointly information sessions on the United Nations protection mechanisms; work cooperatively to ensure that alleged violations of human rights are presented to appropriate United Nations or other intergovernmental mechanisms.