

Terms of Reference

Terms of Reference for the Commonwealth Forum of National Human Rights Institutions

(As adopted at the meeting of the Commonwealth Forum of National Human Rights Forum at Kampala on 20th November 2007 and amended at the meeting in Geneva on 21st April 2016)

1. Mandate and scope of the Forum

The Commonwealth Forum of NHRIs is intended to be an informal and inclusive body of Commonwealth NHRIs and other national accountability mechanisms having a human rights mandate, to support the broad objectives of promoting networking, sharing of information, experiences and best practices, encouraging countries to establish [Paris Principles](#) - compliant NHRIs, and assisting national institutions to fulfil their mandated activities. The Forum is intended to complement and support, and not to duplicate, the activities of ICC, OHCHR, and other existing regional coordinating or accreditation bodies.

2. Principles of the Forum

The Forum will operate within the context of the following general principles, which inform its objectives:

- “Inclusiveness”: The Forum is intended to be an ‘inclusive’ body of Commonwealth NHRIs and other national accountability mechanisms with a human rights mandate.
- “Complementarity and non-duplication”: The Forum is based on the principle of offering complementarity and support to existing national, regional and international bodies, systems and processes and intends to carry out its activities on the principle of non-duplication.
- “Strategic”: The Forum will be strategic and focused in its approach and will seek to identify its comparative advantages (in keeping with the above principle of complementarity). In terms of sharing expertise, information and best practice, the Forum will facilitate and maintain a ‘two way’ mutually supportive relationship with and between the Commonwealth Secretariat and Commonwealth NHRIs, as well as

member governments for the promotion and protection of human rights in the Commonwealth.

It is envisaged that the Forum will progressively evolve in furthering its objectives.

3. Objectives of the Forum

- To be an inclusive forum for networking and sharing of experiences, information, knowledge and 'best practices' among C-NHRIs;
- To promote and facilitate strategic partnership and linkages between C-NHRIs themselves and between C-NHRIs and other regional and international bodies dealing with NHRIs;
- To support the development and promotion of compliance with the Paris Principles taking into account the ICC accreditation process, including through encouraging and supporting the process towards establishment of Paris Principles compliant NHRIs in Commonwealth member countries;
- To coordinate and allow for collective (consensus-based) expressions of support, encouragement or concern, in relation to particular events and developments affecting C-NHRIs individually or collectively, for the better defence and promotion of human rights;
- To promote increased interaction with Commonwealth Heads of Government, principally through the CHOGM process;
- To complement and support the work of HRU in promoting human rights in the Commonwealth.

4. Membership

In keeping with the general principle of 'inclusiveness', while also recognizing the Paris Principles and the Commonwealth Best Practices for NHRIs, membership of the Forum will be as follows:¹

- Members: Commonwealth NHRIs with ICC category 'A' status;
- Associate Members: Other C-NHRIs, including those under ICC category 'B' and 'C' and other national accountability mechanisms with a human

¹ In determining its membership, the Forum recognizes the ICC accreditation and membership status.

rights mandate (such as Offices of the Ombudsman, Public Defender's Office, etc.).

International and regional coordinating bodies, including ICC and OHCHR, as well as interested civil society organizations may be invited to attend Forum meetings as an 'Observer'. Only Accredited Commonwealth Organisations may apply to the CFNHRI for Permanent Observer Status.

Observer means an organisation granted permission to participate in CFNHRI meetings or other open meetings or workshops without voting rights. The right to speak by an Observer in CFNHRI meetings or other open meetings or workshops will be at the discretion of the chair of the meeting or workshop.

5. Organisational Structure

The Human Rights Unit of the Commonwealth Secretariat will function as the 'Coordinator' of the Forum, and there will be no standing Secretariat as such. The host country NHRI (hosting the CHOGM) will act as the 'Chair' of the Forum from the time of that CHOGM or, if the Forum does not plan to meet at the time of that CHOGM, from the commencement of the last meeting of the Forum planned to be held ahead of that CHOGM and will carry out that responsibility until the next host country NHRI is due to act as Chair. The Chair must be a Member of the Forum, i.e. an NHRI which enjoys category 'A' status under ICC accreditation.

A Chair-designate, i.e. the NHRI of the country which will host the next CHOGM, will be identified at each CHOGM. In the event the next host country does not have an NHRI or an NHRI which is ICC category 'A' compliant, an eligible NHRI from that region will be designated as the next Chair.

A host country NHRI which does not qualify as the Chair, shall co-host meetings of the Forum with the alternatively designated Chair. If for any reason an NHRI cannot undertake the responsibility of the Chair (e.g. because all Commissioner positions at the NHRI are unfilled) the Chair-designate will assume the role of Vice Chair and act as Chair until such time as the first NHRI is able to undertake the responsibility of Chair.

HRU in consultation with the Chair will coordinate the activities of the Forum including in planning and arranging its meetings. The Forum may

periodically meet at any convenient time including, as appropriate, in the wings of other gatherings such as the Human Rights Council, ICC, etc.

In order for HRU to effectively carry out its responsibility of 'Coordinator' of the Forum, it is important to strengthen its capacity and resources. The Forum will lobby collectively as well as with respective member governments to increase support and resources to HRU." [1] In determining its membership, the Forum recognizes the ICC accreditation and membership status.