

# The Commonwealth Forum of National Human Rights Institutions

## Terms of Reference

### 1. Scope of the Forum

- 1.1 The Commonwealth Forum of NHRIs (CFNHRI) is an unincorporated global network of National Human Rights Institutions working to ensure that international human rights standards are respected across the Commonwealth.
- 1.2 The CFNHRI promotes, protects and improves human rights in the Commonwealth through influencing the progression of human rights within the processes of the Commonwealth Heads of Government Meeting (CHOGM); providing a united voice on human rights priorities; and ensuring members and other stakeholders can learn from the insight, experiences and expertise contained within the Forum.
- 1.3 The CFNHRI will debate and create policy and publish “Formal Declarations” and or “Statements” with the aim of creating documents that all members feel able to support.
- 1.4 Member organisations retain all rights for deciding their own policies and priorities. The CFNHRI will not have the power to make decisions that bind member organisations.

### 2. Meetings of the CFNHRI

- 2.1 The CFNHRI will hold an Annual Meeting (usually in February or March). This will usually be held in person and take place at the same time and place as the GANHRI General Assembly. To ensure maximum participation, consideration will also be given to holding the annual meeting in a hybrid format, which would allow some members to join remotely. The business of the Annual Meeting may include the appointment of Chair, confirmation of member representatives and alternates and amendments (if any) to this

document. Other business may include agenda items proposed and seconded by members and received by the Chair's Office seven days prior to the meeting.

- 2.2 Additional to the Annual Meeting the CFNHRI will meet at the Biennial Conference; this conference will usually take place every two years at the same time and location as the Commonwealth Heads of Government meeting (CHOGM). However, if CHOGM is postponed the Biennial Conference will also be postponed. The business of the Biennial Conference will include the development and approval of "Formal Declarations" and or "Statements" to be published by the CFNHRI.
- 2.3 Wherever possible technology will be used to support members to engage with meetings of the CFNHRI.

### **3. Membership**

- 3.1 Membership of the CFNHRI is open to any National Human Rights Institution or other national accountability mechanism with a human rights mandate (such as public defenders or ombuds organisations) within the Commonwealth. This includes Human Rights Institutions or other accountability mechanisms operating within a Commonwealth nation's Overseas Territory. Whilst membership is not restricted to only UN-accredited NHRIs, if a nation or territory has an NHRI(s) or an organisation seeking UN accreditation, it is only those organisations which are eligible for CFNHRI membership. All new members will be formally agreed by the existing membership.
- 3.2 For continuity, all members will nominate an individual representative and an alternate to represent them at meetings of the CFNHRI for the duration of each Chair's term. The individual and alternate will be the main point of contact between CFNHRI and the member organisation and will represent their organisation at CFNHRI meetings.
- 3.3 The individual representative and the alternate may both attend the same meeting. All members shall be entitled to attend, speak and vote at meetings of the CFNHRI except where a member has both an individual representative and an alternate in attendance at the meeting; in this case

the individual representative will cast the vote on behalf of the organisation.

- 3.4 Only A Status members of the CFNHRI may be nominated for the position of Chair.
- 3.5 To ensure openness and transparency the CFNHRI may by consensus invite any relevant organisation or body to observe any of its meetings. Observers will not be entitled to vote at meetings but may speak at the meeting with the discretion of the Chair. External speakers may be invited at the discretion of the Chair.
- 3.6 The CFNHRI recognises that individual members are bound by responsibilities to their own organisations and shall respect the needs of all members. Members attending meetings will support and assist each other in reaching effective agreements and seeking the best possible solutions to issues being discussed.
- 3.7 The CFNHRI expects all members to strive towards and support each other to achieve full compliance with Paris Principles in the protection and promotion of human rights.
- 3.8 No member or their representatives should gain any inappropriate benefit from their association with the CFNHRI and should try to avoid situations which might create a real or perceived conflict of interest between their personal interests and their membership of the CFNHRI.
- 3.9 CFNHRI members and their representatives must declare any interest they may have in an agenda item at the earliest opportunity. They may be allowed to participate in the discussion, asked not to participate, or asked to leave the room, at the discretion of the Chair.

#### **4. The Chair & Chair's Office**

- 4.1 The NHRI in the position of Chair must be an A Status NHRI.
- 4.2 The Chair with the support of the Chair's Office will develop agendas for all meetings and present notes of previous meetings to be approved at

subsequent meetings. The Chair will manage effective meetings of the CFNHRI ensuring as far as possible the meeting starts at the allocated time and concludes at the agreed time. The Chair will ensure the smooth running of the meeting allowing all members to participate in any debates in a fair and respectful way to all members. With the support of the Chair's Office, the Chair will maintain the Forum's website and facilitate communication between members. With the support of the Chair's Office and with input from the membership, the Chair will develop priorities of the Forum.

- 4.3 The Chair's Office will support the co-ordination of the CFNHRI. This will entail working with the Chair to organise effective meetings of the Forum, including; the preparation of meeting notes, agendas and any agreed papers; overseeing any voting and election processes; and keeping an up to date list and contact details of individual representatives and the alternates. Where required the Chair's Office will support effective communication between members of the CFNHRI.

## **5. Appointment of Chair**

### Process

- 5.1. The Chair of the CFNHRI must be an A Status institution and is appointed on a rotating basis at the biennial conference. It is assumed that the role will be taken up by the NHRI located in the host country of CHOGM.
- 5.2. If for any reason the NHRI located in the host country is unable to take up this role, or there is no A Status NHRI located in the host country, the closest A Status member geographically will be asked to take on the role of Chair and if they are unable to take up this role the next closest A Status member will be asked and so on until a Chair is appointed. If there are several A Status members nearby who are willing to Chair the Forum, the members will select one of these to take on the role.
- 5.3. The confirmation of Chair must take place at the Annual Meeting preceding the next Biennial Conference. The position of Chair is held for

the period of time between CHOGMs, which is expected to be approximately two years.

- 5.4. The member organisation will be asked to confirm that they are happy for their individual representative and alternate to represent them in the nominal position of Chair for the period.
- 5.5. If the Biennial Conference does not take place or is significantly delayed, the existing Chair may remain in place longer than the expected two year term with agreement from the membership. If the Biennial Conference is significantly delayed and the existing Chair is not able to continue its Chairship, nominations will be sought from A status CFNHRI members to act as interim Chair until the Biennial Conference can be held.
- 5.6. Any Chair remaining in post for more than three years must be formally agreed to by the membership.

#### Removal of Chair

- 5.7. Any Chair may be removed from office by a vote of no confidence. A vote of no confidence can be called by at least 10% of members making the request to the Human Rights Unit of the Commonwealth Secretariat. The Human Rights Unit will then organise a secret ballot for the next Annual Meeting, a vote of no confidence will require agreement from at least three quarters (75%) of members attending the meeting.
- 5.8. If a Chair is removed from office via a vote of no confidence then the Human Rights Unit of the Commonwealth Secretariat will write to the member to inform them of the result of the no confidence vote and inform them that they are no longer Chair. The normal process of identifying a new Chair will be resumed with the next nearest NHRI geographically to the previous CHOGM being asked to take up the role.

## **6. Votes & Quorum**

- 6.1 The CFNHRI will generally work in a collaborative way to reach consensus around decision making. Where consensus cannot be agreed the Chair, or

10% of members of the CFNHRI, may call for a vote to take place. Formal voting will generally only be used to formally approve a “Declaration” or to amend this document.

6.2 A quorum of 10% will be needed for all meetings of the CFNHRI.

## 7. Amendments

7.1. Any member of the CFNHRI can request an amendment to this document. Suggested amendments must be proposed and seconded and submitted in writing to the Chair who will agenda the item for discussion at the next Annual Meeting of the Forum. The amendment will need to be agreed by at least three quarters (75%) of members attending a meeting of the Forum.

## 8. Interpretation

The Commonwealth Forum of NHRIs (CFNHRI)	This means the Commonwealth Forum of National Human Rights Institutions, to be referred to as “the Forum”.
NHRI	National Human Rights Institution.
CHOGM	Commonwealth Heads of Government Meeting – this is where the leaders from all the Commonwealth Countries come together to reaffirm common values and address shared global values. This meeting usually takes place biannually in different host countries in the Commonwealth.
Formal Declaration	A formal document passed at Biennial Conference representing a collective view on a priority topic for the Forum.
Statement	An informal response of the CFNHRI to human rights issues occurring in the Commonwealth. It is expected for statements to generally be used to show collective support for a member NHRI.
Chair’s Office	Administrative and organisational support provided to the CFNHRI Chair. Depending on which member has taken on the role of Chair, the Chair’s office may take the form of either: members of staff within the member

	NHRI OR staff members from the Human Rights Unit of the Commonwealth Secretariat (where agreed prior to taking up the role of Chair).
Host Nation	Is the Commonwealth Country that will host the Commonwealth Heads of Government Meeting.
GANHRI	Global Alliance of National Human Rights Institutions
OHCHR	The Office of the United Nations High Commissioner for Human Rights – The organisation has a mandate from the international community to promote and protect all human rights.
GANHRI 'A' Status	In full compliance with the Paris Principles.
GANHRI 'B' Status	Not fully in compliance with the Paris Principles.
GANHRI 'C' Status	Non-compliant with the Paris Principles (this status is no longer used by GANHRI but is maintained for institutions which were accredited as 'C' status before October 2007).
The Human Rights Unit of the Commonwealth Secretariat	The Commonwealth Secretariat supports Commonwealth member countries to achieve development, democracy and peace. The Human Rights Unit will provide support in the preparations for and delivery of the Biennial Conference and may provide support for the functioning of the Chair's Office where agreed.