



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 928 9214 • FAX: +41 22 928 9018 • E-MAIL: sisi.shahidzadeh@un.org

Genève, le 29 mars 2022

Monsieur le Président,

En ma qualité de secrétariat de l'Alliance Globale des Institutions Nationales des Droits de l'Homme (GANHRI), j'ai l'honneur de porter à votre connaissance les recommandations que le Sous-comité d'accréditation (SCA) a formulées concernant la ré-accréditation de votre institution au cours de sa session tenue en ligne du 14 au 25 mars 2022.

Conformément à l'article 12.1 des Statuts de la GANHRI, vous avez la possibilité de contester les résultats de l'examen d'accréditation, par une lettre adressée au Président de la GANHRI par le biais de la Section des Institutions Nationales et des Mécanismes Régionaux du Haut-Commissariat des Nations Unies aux Droits de l'Homme (HCDH) dans les vingt-huit (28) jours, à compter de la date de la présente lettre.

Les recommandations seront ensuite transmises aux membres du Bureau de la GANHRI pour adoption. En cas de contestation par votre institution, tous les documents y afférents seront transmis aux membres du Bureau de la GANHRI. La décision du Bureau de la GANHRI est définitive. Le rapport du SCA sera rendu public dès son adoption par le Bureau de la GANHRI.

Veuillez adresser toute correspondance relative aux recommandations à sisi.shahidzadeh@un.org, johnny.white@un.org et leselle.lugon@un.org.

Je vous prie d'agréer, Monsieur le Président, l'expression de ma considération distinguée.

Afarin Shahidzadeh

Secrétaire du Sous-comité d'accréditation de la GANHRI
Chef-adjoint de la Section des Institutions Nationales et des Mécanismes Régionaux

Mr. Gilbert Pregno

Président
Commission consultative des Droits de l'Homme du
Grand-Duché de Luxembourg
71-73, rue Adolphe Fischer, L-1520
Luxembourg

cc: Mr. Gabriel Almeida, ENNHRI

2.4 Luxembourg: Commission consultative des Droits de l'Homme (CCDH)

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

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

The SCA encourages the CCDH to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Term of office

In accordance with Article 4(1) of the CCDH Law (the Law), members of the CCDH are appointed by the Government for renewable terms of five years. The SCA notes that the Law is silent on the number of times that members may be reappointed and the President may be re-elected, which leaves open the possibility of unlimited tenure.

The SCA encourages the CCDH to advocate for amendments to the Law to provide for limits on the number of times that members may be reappointed and the President may be re-elected.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI'.

2. Full-time members

The CCDH does not have full-time remunerated members on its decision-making body.

The SCA acknowledges that the CCDH reports that the Secretary General, who acts in a full-time and remunerated capacity, is also involved in the strategic planning and execution of the activities. However, the SCA reiterates that the enabling law of an NHRI should provide that members of its decision-making body include full-time remunerated members. This assists in ensuring:

- a) the independence of the NHRI from actual or perceived conflicts of interest;
- b) a stable tenure for members;
- c) regular and appropriate direction for staff; and
- d) the ongoing and effective fulfillment of the NHRI's functions.

The SCA encourages the CCDH to advocate for changes to its enabling law to provide for remunerated full-time members in its decision-making body.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of a NHRI'.

3. Recommendations by NHRIs

The SCA acknowledges that the CCDH has produced reports, statements, and recommendations to relevant authorities.

Annual, special, and thematic reports of NHRIs serve to highlight key national human rights concerns and provide the means by which these bodies can make recommendations to, and monitor respect for human rights by, public authorities.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, publish, and report on the human rights situation in the country, it should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and for the protection of those whose rights were found to be violated.

Public authorities are encouraged to respond to recommendations from NHRIs in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.

The SCA encourages the CCDH to continue to conduct follow-up activities to ensure that its recommendations are implemented by the relevant authorities.

The SCA refers to Paris Principles A.3(a), C(c), and D(d), and to its General Observation 1.6 on 'Recommendations by NHRIs'.

4. Annual report

In accordance with Article 1(2) of the Law, the annual report of the CCDH is transmitted to Prime Minister who then transmits it to Parliament. The SCA acknowledges that the CCDH reports that its report is discussed by parliamentary committees. The CCDH also reported it is increasingly consulted by and engages with the Parliament on a variety of human rights issues.

The SCA reiterates it is important that the enabling laws of a NHRI establish a process whereby the institution's reports are required to be widely circulated, discussed, and considered by the legislature. It is preferable for a NHRI to have explicit power to table reports directly in the legislature, rather than through the Executive, and in doing so to promote action on them.

The SCA encourages the CCDH to advocate for changes to its enabling law to provide the explicit power to table all reports directly in the legislature, rather than through the Executive. The SCA further encourages the CCDH to advocate for its reports to be discussed by Parliament.

The SCA refers to Paris Principle A.3 and to its General Observation 1.11 on 'Annual reports of NHRIs'.

5. Adequate funding

While acknowledging that the CCDH has received increases in its budget during the past years, the SCA encourages the CCDH to continue to advocate for an appropriate level of funding to carry out its mandate effectively and independently.

The SCA reiterates that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises, which are accessible to the wide community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities. Where an NHRI has been mandated with additional responsibilities by the State, it must be provided with additional financial resources to enable it to assume the responsibilities of discharging these functions.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding of NHRIs'.