



# **NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS**

## **CONSTITUTION**

( As amended on 27 November 2013)



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## **A. NAME AND OBJECTIVES**

### **Article 1**

The name of the organization shall be the Network of African National Human Rights Institutions. In the present constitution, the Network of African National Human Rights Institutions shall be referred to as the Network.

The Network shall be deemed to have replaced the Coordinating Committee of African National Human Rights Institutions.

## **OBJECTIVES OF THE NETWORK**

### **General objectives**

#### **Article 2**

The general objectives of the network are:

- a. Encourage the establishment of National Human Rights Institutions in conformity with the Paris Principles
- b. Facilitate the coordination, strengthening and effectiveness of National Human Rights Institutions in Africa
- c. Encourage cooperation among National Human Rights Institutions and with intergovernmental and governmental institutions.

### **Specific objectives**

#### **Article 3**

The specific objectives of the Network are:

- a. Coordinate and arrange conferences, meetings, standing committees and commissions and other Networks
- b. Raise funds, invite and receive donations and grants from any person
- c. Take any steps that the Network considers expedient to procure contributions to the Network's funds, by way of donations, grants, sponsorships or otherwise.
- d. Enter into any arrangements with any government or authority that seems conducive to the Network's objectives, obtain from any government or authority any right, privilege or concession that the Network thinks it desirable to obtain, carry out, exercise and comply with any of those arrangements, rights, privileges and concessions;

- e. Do all other things that are incidental or conducive to attaining the Network's objectives.

## **B. MEMBERSHIP**

### **2.1 Regional Groupings**

#### **Article 4**

The African Region is hereby divided into the following sub-regional groupings: they are Central Africa, East Africa, North Africa, Southern Africa and West Africa in conformity with the generally accepted principles.

### **2.2 Membership Criteria**

#### **Article 5**

Members of the Network shall be national human rights institutions in the African Region that meet the requirements for membership and subscribe to the present constitution.

### **2.3 Membership Categories**

#### **Article 6**

The Network has 3 categories of members: Full members, Associate members and Observers.

#### **Article 7**

National Commissions that are in full compliance with the Paris Principles may be admitted to the Network as Full Members.

#### **Article 8**

National Commissions which strive to comply with the Paris Principles within a period of not more than two years may be admitted to the Network as Associate Members.

#### **Article 9**

The Office of the United Nations High Commissioner for Human Rights, the International Coordinating Committee of National Human Rights Institutions, as well as African Networks working towards the protection and promotion of human rights may be admitted to the Network as Observer Members.

A National Commission, which has presented a request for admission to the Network, may be admitted as an observer member even if the request is still under consideration.

## **2.4 Request for membership**

### **Article 10**

Any National Commission wishing to become a member of the Network shall present a request for admission to the Steering Committee.

This request shall clearly indicate whether the National Commission was established in conformity with the Paris Principles and should be justified and accompanied by the necessary documentation.

The National Commission should equally ensure that its enabling legislation is in conformity with the present constitution of the Network.

### **Article 11**

A National Commission that is seeking membership as an Associate member of the Network shall clearly indicate this in the request for admission. It should also demonstrate that its interests and activities correspond to the present constitution of the Network and outline what measures it intends to take to ensure compliance with the Paris Principles within a period of not more than two years.

### **Article 12**

A Full Member may recommend the admission of another organization as an observer member provided that this proposal is in writing and addressed to the Steering Committee justifying that the national organization in question meets the requirements for observer status.

## **2.5 Admission Procedure**

### **Article 13**

The Accreditation Committee shall analyze the requests for membership, which should be accompanied by the required information and documentation, and shall consequently make its recommendations to the Steering Committee.

### **Article 14**

The Steering Committee shall make one of the following decisions

- admission as a full members, associate members or observers.
- reject the request for admission

### **Article 15**

In case where the applicant is not satisfied with the decision taken by the Steering Committee, an appeal can be presented to the General Assembly.

## **C. RIGHTS AND OBLIGATIONS OF MEMBERS**

### **3.1 Rights of members**

#### **Article 16**

The Full Members have the right to vote at the ordinary and extra-ordinary sessions of the General Assembly and seek elective office of the Network.

They exercise administrative and decision making authority over the Network.

Associate Members and observers can take part in the General Assembly session but they cannot vote or seek elective positions.

#### **Article 17**

All the members can

- a. seek assistance from the Network in its area of competence
- b. collaborate towards the realization of the Network's goals and objectives in conformity with the provisions of the constitution
- c. exercise all the rights conferred on them by the present constitution
- d. Appeal to the Network in cases where there are disputes arising out of the exercise of these rights

### **3.2 Obligations of members**

#### **Article 18**

Members of the Network shall

- a. respect the provisions of the constitution as well as the rules ensuing from their application
- b. conform to the decisions and resolutions regularly adopted by the Network
- c. promptly pay the membership fees and annual subscriptions owed to the Network
- d. any full member who failed to pay the membership fees and annual subscriptions of the previous membership year shall be considered as a member not in good standing and shall be ineligible to vote and be elected at a meeting.
- e. the Steering Committee shall have the right at any time to cancel any member's membership for persistent and prolonged non-payment of fees which the member is liable.
- f. if the Steering Committee is satisfied that insurmountable financial difficulties prevent a new or existing member from paying all or part of its annual membership fees, it may for a period of one year, grant the member an interim exemption, total or in part of those fees. This exemption may be extended by the Steering Committee upon renewed proof of continuing financial hardship subject to any general guidelines or policies laid down by the General Assembly.

## **D. CESSATION OF MEMBERSHIP**

### **4.1 Resignation**

#### **Article 19**

A National Commission that is a Full Member, Associate Member or Observer can withdraw its membership at anytime through written notification to the Steering Committee.

The withdrawal shall take effect as soon as the written notification is received by the Steering Committee.

### **4.2 Demotion**

#### **Article 20**

The Steering Committee can recommend to the General Assembly the downgrading of a national commission's membership from a Full Member to an Associate Member or Observer. This is done following changes at the concerned national commission putting into question its compliance with the Paris Principles or its capacity to comply with this constitution.

### **4.3 Expulsion**

#### **Article 21**

A National Commission having the status of full member may be expelled from the Network following non compliance with the present constitution.

The decision for expulsion shall be taken by the General Assembly on the recommendation of the Steering Committee.

#### **Article 22**

A National Commission that is an Associate Member or an Observer may lose their status if it ceases to conform to the established criteria.

The decision to expel the Associate Members or Observers shall be taken by the General Assembly following recommendations of the Steering Committee.

#### **Article 23**

Expulsion shall only be used as a last resort. The Steering Committee shall offer the concerned member an opportunity to defend itself before making the final decision.

## **E. NETWORK ORGANS**

#### **Article 24**

The decision making organs of the Network are the General Assembly, the Steering Committee, the Accreditation Committee and the Network's office.



The operational body of the Network is the Secretariat.

## **5.1 The General Assembly**

### **Article 25**

The General Assembly is the highest organ of the Network.

### **Article 26**

It is comprised of all the Network members represented by their agents.

### **Article 27**

The powers of the General Assembly are:

- a. Define the general orientations of the Network especially those program activities that shall lead to the realization of the general objectives of the Network mentioned in Articles 2 and 3.
- b. Admit new members; and in cases of appeal, rule on the complaints tabled by a National Commission contesting the decision made by the Steering Committee as regards their request for membership.
- c. Make decisions on expulsions mentioned in Articles 21 and 23 following the recommendations by the Steering Committee.
- d. Amend the constitution
- e. Identify the location of the permanent secretariat
- f. Establishment of committees and ad hoc bodies
- g. Set the amount of membership fees, annual subscriptions and contributions to be paid by members following recommendations of the Steering Committee.
- h. Elect the President and the Vice President of the Network
- i. Approve the budget and the financial statements of the Network
- j. Receive and approve reports of the Steering Committee and other Network organs
- k. Approve the reports of the Chairperson, the Steering committee and other organs

### **Article 28**

The General Assembly of the Network shall be held once every two years in ordinary session during the biennial conference of the Network. It may for a good reason be held for an extraordinary session.

### **Article 29**

The Chairperson of the Network shall call for General Assembly at a date and venue to be determined by the Steering Committee.

This convocation is done through writing at least sixty days before the meeting and it should be accompanied by the necessary documentation to facilitate the participation of the members.

### **Article 30**

The Chairperson of the Network shall preside over the General Assembly. In the absence of the Chairperson, the General Assembly shall be presided over by the Vice Chairperson of the Network. In the absence of the aforementioned, a Full Member shall be elected to preside over the meeting.

### **Article 31**

A quorum of the General Assembly shall consist of at least one third of the full members of the Network.

### **Article 32**

Decisions at meetings of the General Assembly shall, as far as possible, be arrived at by consensus. A resolution put to the vote of a general meeting shall be decided on a show of hands but a secret vote may be demanded by the Chairperson of the meeting or at least 5 full members present.

Where the votes on a proposed resolution are equal, the Chairperson of the meeting has a second vote.

### **Article 33**

The Network may allow other national institutions, intergovernmental and any other governmental and non-governmental organizations or any person to attend and take part in its activities and general meetings.

## **5.2 The Steering Committee**

### **Article 34**

The Steering Committee is responsible for:

- a. General control and management of the Secretariat
- b. Appointment and supervision of the Executive Director and other Senior Staff of the Secretariat
- c. Functions assigned to the Committee in the present constitution
- d. Functions assigned to the Committee by the General Assembly.

### **Article 35**

The Steering Committee shall comprise of nine members, being four ex-officio members and five elected from amongst the Full Members of the Network.

The Steering Committee members shall be appointed as follows

- a. One from the Region of North Africa
- b. One from the Region of West Africa
- c. One from the Region of Central Africa
- d. One from the Region of Eastern Africa
- e. One from the Region of Southern Africa
- f. The Chairperson of the Network shall be an automatic member

- g. The Vice Chairperson of the Network, who shall be the next host of the general meeting, shall be an automatic member
- h. The immediate former chair of the Network, who shall be an automatic member
- i. The country hosting the secretariat shall be an automatic member.

### **Article 36**

The members of the Steering Committee shall serve for a period of two years and are eligible for re-election.

### **Article 37**

The Steering Committee may appoint any individual National Institution as a member of the Steering Committee, either to fill a vacancy or as an addition to the existing Steering committee members, but the total number of Steering Committee members shall not at any time exceed the maximum number allowed under this Constitution.

Where a vacancy occurs in the Steering Committee, the replacement shall come from the same region in which the vacancy occurs.

### **Article 38**

Members shall serve the Steering Committee not in their personal capacity but as representatives of their national institutions and regions.

### **Article 39**

The Chairperson of the Network shall be the chair of the Steering Committee.

The Steering Committee shall meet at least once a year and whenever the need arises.

The meetings of the Steering Committees are called upon and presided over by the Chairperson of the Committee.

### **Article 40**

A quorum shall consist of at least one third of the members of the Steering Committee.

### **Article 41**

Decisions of the Steering Committee should, as far as possible, be arrived at by consensus. A resolution put to the vote of a general meeting shall be decided on a show of hands but a secret vote may be demanded by the Chairperson of the meeting or at least three full members present.

Where the votes on a proposed resolution are equal, the Chairperson of the meeting has a second vote.

### **Article 42**

The Steering Committee shall establish its own rules of procedure.

### **5.3 The Accreditation Committee**

#### **Article 43**

The Accreditation committee has the following responsibilities

- a. Reviewing and making recommendations to the Steering Committee on applications for membership to the Network, based on the rules of the International Coordinating Committee and its Sub-Committee on Accreditation
- b. Such other functions as are provided for under this Constitution
- c. Such other functions as are assigned by the General Assembly.

#### **Article 44**

There shall be five members of the Accreditation Committee, who shall be nominated by each of the five regions of the Network at each General Assembly.

#### **Article 45**

Members of the Accreditation Committee shall serve for a period of two years and are eligible for re-election.

#### **Article 46**

The Steering Committee shall develop detailed rules to govern accreditation. Such rules shall as far as possible be similar to those of the International Coordinating Committee.

### **5.4 The Office Bearers**

#### **Article 47**

The Network's office is comprised of the Network's Chairperson, the Vice Chairperson and the Treasurer. This office shall be assisted by the Secretariat.

#### **Article 48**

The Network's Chairperson shall be elected by the General Assembly and shall come from the National Institution that shall host the General Assembly.

The Chairperson shall be the highest ranking officer of the National Commission. The Chairperson shall be the *de facto* authority of the Network.

The Chairperson shall serve for a two year term.

The Chairperson shall:

- a. Execute the functions assigned to the Chairperson by the present constitution of the Network

- b. Execute the functions assigned to the Chairperson by the General Assembly or the Steering Committee.

The Treasurer shall serve for a two year term.

- c. The Treasurer shall:
  - a. have the responsibility for the management and disposition of the corporate funds and securities in conjunction with the Executive Director and as directed by the Steering Committee.
  - b. He/she shall also have other duties as may be imposed by the Steering Committee upon him/her from time to time.

#### **Article 49**

The Vice Chairperson of the Network shall be elected by the General Assembly from amongst the Full Members.

The Vice Chairperson shall come from the national institution nominated to host the next General Assembly and biennial conference. The Vice Chairperson shall be the highest-ranking official of the National Institution.

The Vice-Chairperson shall act in the absence of the Chairperson.

The Vice-Chairperson shall serve a term of two years.

#### **Article 50**

The Chair of the Accreditation Committee shall be elected from amongst members of the Steering Committee.

The chairperson of the Accreditation committee shall be the highest ranking official of the National Institution.

The chairperson of the Accreditation committee shall preside over the meetings of this committee.

The chairperson shall serve for a two year term.

### **5.5 The permanent secretariat of the Network**

#### **Article 51**

A permanent secretariat of the Network shall be established in Nairobi, Kenya.

The General Assembly may approve the opening of sub-regional offices of the Network.

#### **Article 52**

The permanent secretariat and the regional offices of the secretariat shall each be independent of the national institution in the country where they are located.

### **Article 53**

The roles of the secretariat shall include:

- a. To facilitate the co-ordination of activities of members of the Network;
- b. To prepare and organize meetings of the committees, the General Assembly, the biennial conference;
- c. To prepare projects of the Network;
- d. To facilitate the establishment of national human rights institutions in conformity with the Paris Principles;
- e. To take and keep records of minutes, reports for committee meetings, the General Assembly and the Biennial Conference;
- f. To maintain the archives of the Network
- g. To ensure close co-operation with regional and international bodies working on human rights
- h. To draw up work plans of the Network
- i. To maintain the website of the Network
- j. To maintain a database of the members
- k. To inform members of the activities and programmes of the Network;
- l. To hire, dismiss or suspend any employee, agent, contracting, contracted or professional in consultation with the Steering Committee.
- m. To perform any other tasks as may be assigned by the Steering Committee

### **Article 54**

The Network secretariat shall be headed by an Executive Director

The Steering Committee shall appoint an Executive Director on such terms and conditions determined by the General Assembly.

The Executive Director shall be responsible for the day to day running of the secretariat under the general direction of the Steering Committee.

The Executive Director shall participate in all the meetings of the Network and its committees without a right to vote.

### **Article 55**

The Steering Committee members shall appoint other members of staff on such terms and conditions as it may decide.

## **F. THE BIENNIAL CONFERENCE**

### **Article 56**

The Network shall convene a conference every two years immediately, before or after the General Assembly of that year.

The conference shall address such issues as the Steering Committee shall decide in consultation with the members and partners of the network.

The location of the meeting shall be rotated amongst the different regions of Africa.

## **G. FUNDS AND THEIR APPLICATIONS**

### **Article 57**

The funds of the Network shall be made up of membership subscriptions, annual subscriptions, donors' contributions, special contributions, special funds, grants and donations among others.

### **Application of funds**

### **Article 58**

Surplus funds of the Network may be invested in Government guaranteed securities including Treasury Bills or Treasury Bonds as directed by the Steering Committee.

### **Financial year**

### **Article 59**

The financial year of the Network and the Secretariat shall be the period of twelve months commencing on 1 January and ending on 31 December.

### **Financial reports**

### **Article 60**

The Executive Director shall prepare and submit to the Steering Committee quarterly and annual financial reports.

### **Bank accounts**

### **Article 61**

The funds of the Network shall be managed through bank accounts opened by the Steering Committee in such banks as it shall decide, and operated in accordance with such rules as it shall provide under the responsibility of the Chairperson.

### **Books of accounts**

### **Article 62**

The Steering Committee through the Executive Director is responsible for ensuring that proper books of account are maintained.

The audited financial statements of the Network shall be available to members for inspection.

## **Auditors and Auditing funds**

### **Article 63**

Qualified independent auditors appointed by the General Assembly shall audit the books of account of the Network annually.

### **Article 64**

The audited financial statements shall be presented to the Network during the General Assembly by the Executive Director.

### **Article 65**

The remuneration of the auditors shall be fixed by the Steering Committee.

### **Article 66**

The auditors shall have a right to see all relevant vouchers, and shall be entitled to access at all times to the books and accounts they require.

### **Article 67**

The auditors shall make a report to the members of the accounts examined by them and on every balance sheet laid before the Network at its General Assembly during their tenure in office, and the report shall state:

- a) Whether or not they have obtained all the information and explanations they have required
- b) Whether in their opinion the balance sheet referred to in the report is properly drawn up as to exhibit a true and correct view of the state of the Network's affairs.

### **Article 68**

The Steering Committee through the Executive Director shall present for auditing its financial statements within four months of the end of the financial year.

### **Article 69**

The funds and assets of the Network shall be applied solely towards the promotion of the objects of the Network as set forth in this Constitution.

No portion thereof shall be paid or transferred directly, or indirectly by way of dividend, gift, bonus or otherwise by way of profit to the members of the Network.

### **Article 70**



Every member or officer of the Network is entitled to reasonable and proper remuneration in return for any services rendered to the Network

There should be no payment of interest at a rate exceeding current bank rates on money lent and reasonable and proper rent should be charged for premises let by any member to the Network.

### **Article 71**

Non-executive member of the Steering Committee of the Network shall not be appointed to any salaried office of the Network or any office of the Network paid by fees.

No remuneration or other benefit in money or money's worth shall be given by the Network to any such Steering Committee member except repayment of out of pocket expenses and interest at the rate aforesaid in Article 70 para.2, on money lent or reasonable and proper rent for premises or let to the Network.

### **Article 72**

Every member of the Steering Committee and other officers or servants of the Network shall be indemnified against all costs, losses and expenses which such person may incur or become liable to pay for by reason of any contract entered into, or act or thing done by him or her in good faith in the capacity aforesaid, in any way in the discharge of his or her duties.

The Steering Committee may give to any officer or employee of the Network who has incurred or may be about to incur any liability at the request or for the benefit of the Committee, such security by way of indemnity as it may think proper.

### **Disclosure of Interest in Contracts and other matters**

#### **Article 73**

A member of the Steering Committee who is in anyway directly or indirectly, interested in a contract or proposed contract with the Network shall disclose the nature of his interest at a meeting of the Steering Committee at which the question of entering into the contract is taken into consideration.

A member of the Steering Committee shall not vote in respect of any contract or arrangement in which he or she is interested and if he or she shall do so, the vote shall not be counted.

This rule shall apply also in proceedings of the Accreditation Committee and other organs of the Network as modified by their circumstances.

### **Article 74**

#### **Disposal of Residual assets on Winding up or Dissolution**

Upon the winding up or dissolution of the Network, after the liquidation of all debts and liabilities; its remaining assets shall not be paid nor distributed to the Network members.

These assets shall be given by grant or transferred to some other institution or institutions having objectives similar to those of the Network.

When the institution or institutions is or are not determined at or before the time of dissolution, by the members of the Network or by a judge of the High Court of Kenya, the assets are then granted to some other charitable objects.

## **H. WINDING UP**

### **Article 75**

The Network shall not be dissolved or wound up except by a resolution passed at a General Assembly of the members by vote of two thirds of the members present.

Upon dissolution of the Network its remaining assets shall be taken over in accordance with Article 74 of this Constitution.

## **I. TRANSITIONAL MATTERS**

### **Membership**

#### **Article 76**

National institutions in the African region that have been fully accredited by the International Coordinating Committee, that is to say that have a Category 'A' status at the date of entry into force of this Constitution shall automatically become full members of the Network upon their endorsement in writing of this Constitution.

#### **Article 77**

National institutions in the African region that have been accredited with reserve by the International Coordinating Committee, that is to say, that have a Category 'A(R)' status, at the date of entry into force of this Constitution shall automatically become Associate members of the Network upon endorsement in writing of this Constitution.

#### **Article 78**

National institutions in the African region that have been granted Observer status by the International Coordinating Committee, that is to say, that have a Category 'B' status, at the date of entry into force of this Constitution shall automatically become observer members of the Network upon endorsement in writing of this Constitution.

### **The Steering Committee**

#### **Article 79**

Members of the Steering Committee of the Coordinating Committee of African National Human Rights Institutions at the date of entry into force of this Constitution shall become members of the Steering Committee until the next General Assembly.

### **The Accreditation Committee**

#### **Article 80**

Members of the Steering Committee of the Coordinating Committee of African National Human Rights Institutions at the date of entry into force of this Constitution shall become members of the Accreditation Committee until the next General Assembly.

### **The Chairperson**

#### **Article 81**

The Chairperson of the Coordinating Committee of African National Institutions for the Promotion and Protection of Human Rights at the date of entry into force of this Constitution shall automatically become the Chairperson of the Network until the next General Assembly.

### **The Vice-Chairperson**

#### **Article 82**

The Vice Chairperson of the Coordinating Committee of African National for the promotion and protection of human rights that is the next designated host of the General Assembly and biennial conference of the Coordinating Committee of African National Institutions at the date of entry into force of this Constitution shall automatically become the Vice Chairperson of the Network until the next General Assembly.

### **Assets and Liabilities**

#### **Article 83**

The Network shall automatically assume all the assets and liabilities of the Coordinating Committee of African National Institutions for the Promotion and Protection of Human Rights at the date of entry into force of this Constitution.

## **J. ENTRY INTO FORCE**

#### **Article 84**

This Constitution shall enter into force once it has been signed by at least ten members of the Coordinating Committee of African National Human Rights Institutions that have been fully accredited by the International Coordinating Committee with Category 'A' status.

## **Article 85**

The Chairperson of the Network shall notify all African National Human Rights Institutions, other national human rights institutions, partner institutions, the International Coordinating Committee, the Office of the High Commissioner of Human Rights of the entry into force of this Constitution.

The Constitution may be amended only by vote of two thirds of the Members of the Network at a General Assembly duly and properly convened for that purpose by notice to the members.

### **Definition of Terms**

#### **In this Constitution:**

**Paris Principles** means the Principles Relating to the Status of National Institutions adopted by the United Nations Commission on Human Rights in resolution 1992/54 of 3 March 1992 and endorsed by the United Nations General Assembly in resolution 48/134 of 20 December 1993.

**Accreditation Committee** means the committee established under Article 44 as the authority analysing requests for membership and making recommendations to the Steering Committee.

**Steering Committee** means the committee of management established under Article 33.

**Days** means calendar days and not working days.

**Observer member** means an institutions or person granted permission to participate in the Network meetings or other open meetings or workshop without voting rights and without the right to speak unless invited to do so by the Chairperson of the meeting or workshop.

**Highest ranking officer of the National Commission** means the Chairperson of the National Commission or the Ombudsman/mediator of the Institution.

**International Coordinating Committee** means the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) which is an international association of national human rights institutions which promotes and strengthens national human rights institutions to be in accordance with the Paris Principles.

**National Institution or National Commission** means the National Human Rights Institution or Ombudsman/Mediator of a country.

