



LOGO

**ASSOCIATION OF NATIONAL HUMAN RIGHTS INSTITUTIONS OF
EAC PARTNER STATES**

**CONSTITUTION OF THE ASSOCIATION OF NATIONAL
HUMAN RIGHTS INSTITUTIONS IN EAST AFRICAN
COMMUNITY PARTNER STATES**

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PREAMBLE

The Association of National Human Rights Institutions of EAC Partner States,

NOTING Resolution n° 1/2009 of the First Meeting of National Human Rights Institutions of the EAC Partner States, namely Commission for Human Rights and Good Governance of the United Republic of Tanzania, Government Commission on Human Rights of Burundi, Kenya National Commission on Human Rights, National Commission for Human Rights of Rwanda and Uganda Human Rights Commission, at Kigali, Rwanda, on 28th October 2009, establishing an Association of National Human Rights Institutions of EAC Partner States;

RECOGNISING the pledge made by the Partner States in Articles 6 (d) and 7 (2) of the Treaty for the Establishment of the East African Community, to achieve the promotion of respect for and observance of human rights and fundamental freedoms;

CONSIDERING the Resolution of the Council of Ministers (EAC/CM15/DC 33, 34 and 36) of 18th March, 2008, on a Three Year Plan of Action for Human Rights;

DESIROUS to bring together National Human Rights Institutions in the East African Community in conformity with the Paris Principles approved by the United Nations General Assembly Resolution A 48/134 on 20th December 1993;

CONVINCED of the significant role that National Human Rights Institutions in the East African Community play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing a common understanding of these rights and freedoms;

AGREE AS FOLLOWS:

A. INTERPRETATIONS, NAME AND OBJECTIVES

Article One: Interpretations

For purposes of this Constitution, unless the context otherwise requires,

“**Assembly**” means the Assembly of National Human Rights Institutions of the East African Community established by Article 14 of the present Constitution.

“**Association**” means the Association of National Human Rights Institutions of East African Community Partner States.

“**Full Member**” means the institutions listed in Article 4 of this Constitution.

“**Observer Member**” means a member admitted to the Association under Article 5 of this Constitution.

Article 2: Name of the Association

The name of the association shall be the “Association of National Human Rights Institutions of East African Community Partner States.

Article 3: Objectives of the Association

The objectives of the Association are, among others:

- a) Facilitate the coordination, strengthening and effectiveness of National Human Rights Institutions in the East African Community through coordinating and arranging conferences, meetings and other activities;
- b) Ensure that National Human Rights Institutions of the East African Community Partner States are in compliance with the Paris Principles;
- c) Regularly share experiences of the work of National Human Rights Institutions and devise strategies in dealing with various human rights and governance issues;
- d) Mobilize resources for the promotion and protection of Human Rights in the East African Community Partner States;
- e) Encourage National Human Rights Institutions in collaboration with their Governments to develop National Action Plans on Human Rights;
- f) Strengthen cooperation among National Human Rights Institutions, intergovernmental and governmental and non governmental institutions in the promotion and protection of human rights;
- g) Regularly monitor, document and give views on pertinent human rights issues in the region;
- h) Perform such other functions as may be necessary for the achievement of the Association’s objectives.

B. MEMBERSHIP

Article 4: Full and Observer members

- (1) Full Members of the Association are Commission for Human Rights and Good Governance of the United Republic of Tanzania, Government Commission on Human Rights of Burundi, Kenya National Commission on Human Rights, National Commission for Human Rights of Rwanda, Uganda Human Rights Commission and any other National Human Rights Institution from any other country granted membership under Article 3 of the Treaty for the establishment of the East African Community.
- (2) Organisations, institutions or individuals working towards the promotion and protection of human rights, may be admitted as Observer members.

Article 5: Requirements for admission as Observer member

- (1) A full Member may recommend the admission of an organisation, institution or individual as an observer member;
- (2) This recommendation shall be in writing and addressed to the Chairperson justifying that the organization, institution or individual in question meets the requirements for observer status.
- (3) The Assembly shall analyze the requests for membership, which shall be accompanied by the required information and documentation, and shall consequently make one of the following decisions:
 - a. Admit as observer member,
 - b. Reject the request for admission.
- (4) The Assembly shall determine the nature of information and documentation needed to accompany the request for admission. The decision of the Assembly shall be final.

C. RIGHTS AND OBLIGATIONS OF MEMBERS

Article 6: Right to vote and taking part in Assembly sessions

- (1) Full Members have the right to vote at the Ordinary and Extra-ordinary sessions of the Assembly and seek elective offices of the Association.
- (2) Observer Members may take part in the Assembly sessions but shall not vote or seek elective positions.

Article 7: Exercise of rights

All members may;

- (1) Seek assistance from the Association in its area of competence;
- (2) Exercise all the rights conferred on them by this Constitution.

Article 8: Obligations of Members

Members of the Association shall:

- (1) Respect the provisions of this Constitution as well as the rules ensuing therefrom;
- (2) Collaborate towards the realization of the Association's goals and objectives in conformity with the provisions of this Constitution;
- (3) Conform to the decisions and resolutions regularly adopted by the Association;
- (4) Promptly pay the membership fees and annual subscriptions due to the Association;
- (5) Circulate their annual reports to members.

D. WITHDRAWAL AND SUSPENSION OF MEMBERSHIP

Article 9: Conditions for withdrawal of a Full Member from the Association

- (1) A Full Member may withdraw from the Association provided it gives to the Chairperson twelve month's written notice of its intention to withdraw unless that Member cancels the notice before the expiry of the twelve months.
- (2) The withdrawal shall take effect upon the expiry of the twelve month's notice referred in paragraph one of this Article.
- (3) A Member wishing to withdraw from the Association shall, during the period of twelve months, referred to in paragraph one of this Article, continue to be liable to discharge its obligations under this Constitution.

Article 10: Conditions for suspension of a Full Member from the Association

- (1) The Assembly may suspend a Full Member from the Association if that Member consistently fails to observe and fulfil the objectives of the Association and its obligations under this Constitution after giving such Member twelve month's written notice.
- (2) The suspension shall take effect upon a decision by 3/5 of the members of the Assembly.

Article 11: Rules governing withdrawal, suspension and expulsion of

Observer Member

The Assembly shall make rules governing withdrawal, suspension and expulsion of Observer Member.

E. ORGANS AND POWERS OF THE ASSOCIATION

Article 12: Organs of the Association

The organs of the Association are:

- a. The Assembly
- b. The Bureau
- c. The Secretariat.

Article 13: Composition of the Association

- (1) The Assembly is the highest organ of the Association.
- (2) The Assembly shall comprise of Heads of National Human Rights Institutions of East African Community Partner States or their representatives.
- (3) The Assembly shall be headed by the Chairperson.

Article 14: Powers of the Assembly

The powers of the Assembly are, among others to:

- a. Define the general orientations of the Association especially those program activities that shall lead to the realization of the objectives of the Association mentioned under Article 3;
- b. Consider and act on the applications for observer status;
- c. Make decisions on suspension of members mentioned in Articles 10;
- d. Amend this Constitution;
- e. Establish committees and ad hoc committees;
- f. General control and management of the Secretariat;
- g. Appointment of the Executive Director and other Senior Staff of the Secretariat on the recommendation of the Bureau;
- h. Set the amount of membership fees, annual subscriptions and contributions to be paid by members;
- i. Adopt the plan of action and the budget of the Association;
- j. Receive and note the audited financial statements of the Association;
- k. Receive and approve reports of the Executive Director;
- l. Impose relevant sanctions against a member for violation of provisions of this Constitution.

Article 15: Sessions of the Assembly

The Assembly of the Association shall meet annually in ordinary session. It may hold extraordinary sessions upon request by a Full Member.

Article 16: Mode of convening Assembly meetings

- (1) The Chairperson shall call for an annual meeting, at the date to be determined in consultation with the Secretariat giving at least sixty days written notice.
- (2) The notice referred to in paragraph one of this Article shall be accompanied by the necessary documentation.
- (3) The extraordinary sessions shall be convened by the Chairperson in consultation with the Bureau and the Secretariat and upon giving at least fourteen days notice of the meeting.

Article 17: Persons who can preside over the Assembly

The Chairperson of the Association shall preside over the Assembly. In the absence of the Chairperson, the Assembly shall be presided over by the Vice Chairperson of the Association. In the absence of both, a Member of the Assembly shall be elected to preside over the meeting.

Article 18: Quorum of the Assembly

The quorum of the Assembly shall consist of at least two thirds (2/3) of the members.

Article 19: Mode of taking decisions

- (1) Decisions at meetings of the Assembly shall 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 two thirds (2/3) of the members present.
- (2) Where the votes on a proposed resolution are equal, the Chairperson of the meeting has a second vote.

Article 20: Those who can be allowed to attend and take part in activities and general meetings of the Assembly without voting rights

The Assembly may allow other national institutions, international, intergovernmental and any other governmental and non-governmental organizations or any person upon invitation to attend and take part in its activities and general meetings without voting rights.

Article 21: Chairperson of the Association

The Association's Chairperson shall be the Chairperson of the National Human Rights Institution of the Partner State holding the Presidency of the East African Community Summit, provided that the Interim Chairperson shall hold office until such time as the presidency of the East African Community shall be handed over to the next Partner State.

Article 22: Duties of the Association's Chairperson

- (1) The Chairperson shall be the *de facto* authority of the Association.
- (2) The Chairperson shall:
 - a. Execute the functions assigned by this Constitution;
 - b. Represent the Association in all relevant fora;
 - c. Exercise supervisory authority over the Secretariat;
 - d. Act as the spokesperson of the association;
 - e. Execute such other functions as may be assigned by the Assembly.

Article 23: Duties of the Association's Vice Chairperson

- (1) The Vice Chairperson shall be the Head of the National Human Rights Institution of the Partner State next in line for the presidency of the East African Community Summit.
- (2) The Vice Chairperson shall assist the Chairperson in the execution of the functions under this Constitution.
- (3) The Vice Chairperson shall act in the absence of the Chairperson.

Article 24: Location of the Headquarters of the Association

- (1) The headquarters of the Association shall be in Kigali, Rwanda.
- (2) The National Commission for Human Rights of Rwanda shall facilitate the establishment of the Secretariat of the Association.

Article 25: Composition and functions of the Association's Bureau

- (1) The Bureau shall comprise of the Chairperson and the Vice Chairperson of the Association.
- (2) The functions of the Bureau shall be:

- a. To consider applications for Observer members and make recommendations to the Assembly;
- b. To take decisions on urgent matters of the Association. Such decisions shall be ratified by the next sitting of the Assembly.

Article 26: Secretariat and its independence

- (1) The Secretariat is the operational organ of the Association.
- (2) The Secretariat shall be independent of the National Human Rights Institution of the country in which it is hosted.

Article 27: Roles of the Secretariat

The roles of the Secretariat shall be to:

- a) Co-ordinate activities of the Association;
- b) Prepare and organize meetings of the Association, including ordinary and extraordinary sessions;
- c) Conceptualize, fundraise for and implement the activities of the Association;
- d) Take and keep records of minutes of all meetings of the Association;
- e) Maintain the archives of the Association;
- f) Ensure close co-operation with regional and international bodies working on human rights;
- g) Take custody of all assets of the Association;
- h) Hire, dismiss or suspend any employee, agent or contractor in consultation with the Bureau;
- i) Establish, in consultation with the Bureau, mechanisms governing internal management of the Association including finance, procurement, human resources, among others;
- j) Perform any other tasks as may be assigned by the Assembly.

Article 28: Duties and appointment of the Executive Director

- (1) The Secretariat shall be headed by an Executive Director who shall be appointed by the Assembly on such terms and conditions as it may determine.
- (2) The Executive Director shall be appointed for a term of three years renewable upon evaluation.
- (3) The Executive Director shall be responsible for the day to day running of the Secretariat under the general direction of the Chairperson.

- (4) The Executive Director shall act as Secretary in all meetings of the Association and its Committees without a right to vote.

Article 29: Appointment of other staff members of the Secretariat

The Bureau shall appoint other staff members of the Secretariat on such terms and conditions as may be determined by the Assembly.

Article 30: Establishment of rules of organs' rules of procedure

All organs of the Association shall establish their own rules of procedure.

F. FUNDS AND THEIR APPLICATIONS

Article 31: Funds of the Association

- (1) The funds of the Association shall be made up of annual subscriptions, donors' contributions, grants and donations among others.
- (2) The Assembly shall determine the amount of annual subscription fees to be paid by the members of the Association.
- (3) The funds of the Association shall be managed through bank accounts opened by the Secretariat in such banks as it shall decide, and operated in accordance with such rules as it shall provide under the responsibility of the Chairperson.

Article 32: Financial year of the Association

The financial year of the Association shall be the period of twelve months commencing on 1 July and ending on 30 June.

Article 33: Reports submitted to the Chairperson

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

Article 34: Books of accounts

The Executive Director shall be responsible for ensuring that proper books of accounts are maintained.

Article 35: Appointment and duties of Qualified Independent Auditors

Qualified independent auditors appointed by the Assembly, on the recommendation of the Bureau, shall audit the books of accounts of the Association annually.

Article 36: Presentation of audited financial statements

- (1) The audited financial statements shall be presented to the Association during the meeting of the Assembly by the Auditors within ninety days from the end of the preceding financial year.
- (2) The audited financial statements of the Association shall be available to members for inspection.

Article 37: Application of funds and assets of the Association

- (1) The funds and assets of the Association shall be applied solely towards the promotion of the objectives of the Association as set forth in this Constitution.
- (2) No portion thereof shall be paid or transferred directly, or indirectly by way of dividend, gift, bonus or otherwise to the members of the Association.

G. AMENDMENT OF THE CONSTITUTION

Article 38: Amendment of the Constitution

- (1) This Constitution may be amended at any time by resolution passed by three quarters ($\frac{3}{4}$) of the Full Members of the Association.
- (2) Any Full Member may submit to the Assembly a proposal for the amendment of this Constitution.

H. SANCTIONS

Article 39: Sanctions

Any Member who defaults in meeting its financial and other obligations under this Constitution shall be subject to such sanctions as the Assembly may determine.

I. DISPUTE RESOLUTION

Article 40: Dispute resolution

- (1) Members shall endeavour as far as possible to resolve disputes in a cordial manner.
- (2) In the event that the disputing parties do not come to a cordial resolution the matter shall be referred to the Chairperson who shall constitute a panel of arbitrators agreed upon by the disputing parties.

J. WINDING UP OR DISSOLUTION

Article 41: Winding or dissolution

- (1) The Association shall not be dissolved or wound up except by a resolution passed by three quarters ($\frac{3}{4}$) of all members of the Association.
- (2) Upon dissolution of the Association its remaining assets shall be taken over in accordance with Article 41 of this Constitution.

Article 42: Transfer of remaining assets upon winding up or dissolution

Upon winding up or dissolution of the Association and after liquidation of all debts and liabilities, the remaining assets shall be given as grant to some other institution or institutions having objectives similar to those of the Association.

K. ENTRY INTO FORCE

Article 43: Entry into force

This Constitution shall enter into force upon signature by at least two thirds ($\frac{2}{3}$) of the members of the Association.

Article 44: Notification

The Chairperson of the Association shall notify all members of the Association, the Secretariat of the East African Community, the Network of African National Human Rights Institutions (NANHRI), Partner Institutions, the International Coordinating Committee (ICC) and the Office of the High Commissioner of Human Rights (OHCHR) of the entry into force of this Constitution.

Adopted in KIGALI, RWANDA, on 22nd April 2010