

### **Practice Note 3**

#### **Assessing the Performance of NHRIs**

The SCA assesses compliance with the Paris Principles in both law and practice. When assessing applications for accreditation, re-accreditation and special or other reviews, it will consider:

- Whether the organizational structure of the NHRI – including its staff complement and budget – lends itself to effective functioning.
- Whether the provisions of the enabling law are sufficient to allow the institution to function effectively and independently.
- Whether the NHRI is able to carry out its mandate effectively and without interference.
- Whether the NHRI demonstrates independence in practice and a willingness to address the pressing human rights issues.

The SCA will consider all information provided by the NHRI under review. This may include:

- the Statement of Compliance prepared by the NHRI;
- the NHRI's enabling law;
- any other relevant laws, rules or regulations;
- the practices and procedures of the NHRI;
- the NHRI's organizational structure, including staffing complement and budget;
- annual and other reports of the NHRI; and
- statements issued by the NHRI.

The SCA may also consider information about the NHRI that is provided by credible third parties. This may include:

- observations and recommendations emanating from the international human rights system, including from the UPR, the Treaty Bodies, and Special Procedures mandate holders;
- reports provided by OHCHR;
- observations and recommendations of a regional human rights mechanism;
- media reports; and
- submissions and public reports made by civil society and other organizations.

The weight given to third-party information is determined on a case-by-case basis by the members of the SCA.

The SCA notes that even an effective NHRI may be criticized by a variety of stakeholders for the way it undertakes its mandate, and that the SCA must independently assess whether those criticisms are, or are not, well-founded.

Should the SCA wish to rely on information provided by a third party, the SCA will ensure that the NHRI under review is provided with that information and will provide an opportunity for the NHRI to respond to it.