

Practice Note 4

NHRIs in Transition

The purpose of this note is to provide guidance to accredited NHRIs in transition, for example those that are undergoing a merger or substantial changes to their enabling legislation. In such circumstances, questions may arise as to whether the NHRI should be considered a new institution or a continuing institution for the purposes of accreditation.

NHRIs in transition are advised to seek assistance and advice from OHCHR and their Regional Networks throughout the process.

The SCA will consider as soon as practicable whether the institution will be considered new or continuing for the purposes of accreditation. It will advise the NHRI accordingly.

In making this determination, the SCA will first and foremost consider the wording of the new enabling legislation, including whether it:

- changes the name of the existing institution;
- dissolves the previously-existing institution;
- provides that the newly-created institution is a continuation of the previously-existing institution; and
- contains appropriate continuation provisions.

The SCA will further consider whether the newly-created institution:

- maintains or expands its previous mandate; and
- maintains equivalent or strengthened protections in relation to its structure and functioning.

Where the SCA determines that a newly-created institution will be considered a new institution for the purposes of accreditation, it immediately ceases to hold status and cannot rely on the status of its predecessor institution.

General Observation 1.11 on 'Annual reports of NHRIs' requires that new institutions must be in operation for one (1) year prior to submitting their application for accreditation. It further requires that they submit a published annual report to the SCA. In relevant and exceptional circumstances, the SCA may consider accepting an alternate unpublished report from a new institution for the purposes of accreditation.