

Practice Note 5 – Sources of information to assess the performance of NHRIs

[adopted by the SCA on the 18th May 2018, in accordance with articles 14 of the SCA Rules of procedure and 11.2 of the GANHRI Statute]

In accordance with article 6.7 of the SCA Rules of Procedure, the SCA receives information from multiple sources, which contribute to the assessment of performance of the NHRI and its compliance with the Paris Principles. The purpose of this practice note is to describe the types of information that the SCA receives, and the applicable timelines and procedures that apply to each type of information.

Relevant information about NHRIs can be submitted by various stakeholders. The involvement of these stakeholders in the accreditation process enables the SCA to better evaluate the functioning of the NHRI in question and strengthens the credibility of the accreditation process itself.

Some sources of information are publicly available, and the NHRI under review is expected to be aware of that information. This includes:

- Observations and recommendations of the international human rights system, including the Universal Periodic Review, Treaty Bodies and Special Procedures mandate holders, available online;
- Observations and recommendations of regional human rights mechanisms
- Press releases and other documents issued by the NHRI itself.

Information contained in these documents may be the subject of questions during the phone interview with the NHRI at the relevant SCA session.

Other sources of information are also publicly available, but may not be known to the NHRI under review. This includes:

- Media reports;
- Public reports from civil society or other published sources;

Where information contained in these documents give rise to concerns, the SCA will ensure that it is provided to the NHRI as soon as practicable, and in any event prior to the interview conducted by the SCA. The NHRI under review is not required to formally respond to this information, as it will be given a chance to do so during the interview.

Another category of information is not in the public domain and must, in order to ensure procedural fairness, be sent to the NHRI concerned prior to the SCA session in order to provide an opportunity to respond to issues identified. This includes the following:

- Contributions addressed to the SCA or GANHRI bodies by civil society organizations or individuals are considered third-party information. In accordance with article 6.7 of the SCA Rules of Procedure, these contributions shall be sent to the SCA Secretariat at least 4 months before the beginning of the relevant SCA session and shall be forwarded to the NHRI concerned for comment and reply;
- Official, non-public notes from special procedures mandate holders are not considered to be third-party information, as special procedures mandate holders are part of the international human rights system. As such, they are admissible and are

not subjected to the time limits set by article 6.7 of the SCA Rules of Procedure. However, to ensure procedural fairness, they must be sent to the concerned NHRI prior to the interview conducted by the SCA to enable the NHRI to prepare its reply.

In any event, the interview conducted by the SCA provides the concerned NHRI the opportunity to respond to any questions or concerns that may have arisen during the review of its application, its statement of compliance with the Paris Principles, documents transmitted or the reports made by the Office of the United Nations High Commissioner for Human Rights.

The importance given to information received from various sources is determined on a case-by-case basis by SCA members. In practice, if information provided by various sources are convergent, detailed and in-depth, and refer to verifiable facts, SCA members are more likely to give importance to them.

Geneva 18th May 2018