

GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI)

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)

Geneva, 03 - 07 October 2022

SUMMARY OF RECOMMENDATIONS

<p><u>1. Accreditation (Art. 10 of the GANHRI Statute)</u></p>
<p><u>1.1 Türkiye: The Human Rights and Equality Institution of Türkiye (HREIT)</u> Recommendation: The SCA recommends that the HREIT be accredited with “B” status.</p>
<p><u>2. Re-Accreditation (Art. 15 of the GANHRI Statute)</u></p>
<p><u>2.1 Colombia: The Defensoría del Pueblo of Colombia (DPC)</u> Recommendation: The SCA recommends that the DPC be re-accredited with “A” status.</p>
<p><u>2.2 Cyprus: Office of the Commissioner for Administration and Human Rights (CAHR)</u> Recommendation: The SCA recommends that the CAHR be re-accredited with “A” status.</p>
<p><u>2.3 El Salvador: The Procuraduría para la Defensa de los Derechos Humanos de la República de El Salvador (PDDH)</u> Recommendation: The SCA recommends that the PDDH be re-accredited with “A” status.</p>
<p><u>2.4 Great Britain: The Equality and Human Rights Commission of Great Britain (EHRC)</u> Recommendation: The SCA recommends that the EHRC be re-accredited with “A” status.</p>
<p><u>2.5 Indonesia: The National Commission on Human Rights of Indonesia (Komnas HAM)</u> Recommendation: The SCA recommends that Komnas HAM be re-accredited with “A” status.</p>
<p><u>2.6 Niger: The Commission Nationale des Droits Humains of Niger (CNDH)</u> Recommendation: The SCA recommends that the CNDH be re-accredited with “A” status.</p>
<p><u>2.7 Norway: The Norwegian National Human Rights Institution (NNHRI)</u> Recommendation: The SCA recommends that the NNHRI be re-accredited with “A” status.</p>
<p><u>2.8 Peru: The Defensoría del Pueblo de Perú (DPP)</u> Recommendation: The SCA recommends that the DPP be re-accredited with “A” status.</p>
<p><u>2.9 Sierra Leone : The Human Rights Commission of Sierra Leone (HRCSL)</u> Recommendation: The SCA recommends that the HRCSL be re-accredited with “A” status.</p>
<p><u>3. Decision (Art. 14.1 of the GANHRI Statute)</u></p>
<p><u>3.1 Decision:</u> The SCA decides to defer the review of the <u>Independent National Commission on Human Rights (INCHR) of Liberia</u> for 12 months (or two sessions)</p>
<p><u>3.2 Decision:</u> The SCA decides to defer the review of the <u>Northern Ireland Human Rights Commission (NIHRC)</u> for 6 months (or at its next session)</p>

4. Review (Art. 16.1 of the GANHRI Statute)

4.1 Madagascar: Commission Nationale Indépendante des Droits de l’Homme (CNIDH)

Recommendation: The SCA recommends that the accreditation status of the CNIDH be maintained.

4.2 Nepal: The National Human Rights Commission of Nepal (NHRCN)

Recommendation: The SCA recommends that the NHRCN be downgraded to “B” status.

5. Special Review (Art. 16.2 of the GANHRI Statute)

5.1 Decision: The SCA decides to initiate a **Special Review** of the **Jordan National Centre for Human Rights (JNCHR)** at its first session of 2023

6. Alteration of accreditation classification (Article 18.1 of the GANHRI Statute)

6.1 Sri Lanka: The Human Rights Commission of Sri Lanka (HRCSL)

Recommendation: The SCA recommends that the HRCSL be downgraded to “B” status

Report, Recommendations, and Decision of the Session of the SCA,
3-7 October 2022

1. BACKGROUND

1.1 In accordance with the Statute (Annex I) of the Global Alliance of National Human Rights Institutions (GANHRI), the SCA has the mandate to consider and review applications for accreditation, reaccreditation and special or other reviews received by the National Institutions and Regional Mechanisms Section (NIRMS) of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as the GANHRI Secretariat, and to make recommendations to the GANHRI Bureau with regard to the compliance of applicant institutions with the Paris Principles (Annex II). The SCA assesses compliance with the Paris Principles in law and in practice.

At its June/July 2020 session, the GANHRI Bureau adopted amendments to the SCA Rules of Procedure (RoP) and the General Observations.

At its March 2019 session, the GANHRI General Assembly adopted amendments to the GANHRI Statute.

1.2 In accordance with the RoP, the SCA is composed of one NHRI representative from each region. The current SCA members are Palestine for Asia-Pacific (Chair), South Africa for Africa and Great Britain for Europe, while the representation for the Americas was pending at the start of this session. In accordance with Section 4.7 of the SCA's RoP, the NHRI of Greece, as alternate member for Europe, participated in the session as the NHRI of Great Britain was scheduled for review during the session. In accordance with 4.4 of the SCA's RoP, the SCA convened with a quorum of three members as the Americas was going through the process of electing a new member pursuant to section 3.1 of the SCA's RoP.

1.3 The SCA convened from 3-7 October 2022. OHCHR participated as a permanent observer in its capacity as GANHRI Secretariat. In accordance with RoP, regional networks of NHRIs were invited to attend as observers. The SCA welcomed the participation of representatives from the Secretariats of the Asia-Pacific Forum (APF), European Network of National Human Rights Institutions (ENNHRI) and Network of African National Human Rights Institutions (NANHRI). In accordance with the RoP, the SCA also welcomed the participation of the GANHRI Head Office.

1.4 Pursuant to article 10 of the Statute, the SCA considered applications for accreditation from the NHRI of Türkiye.

1.5 Pursuant to article 14.1 of the Statute, the SCA took a decision regarding the re-accreditation of the NHRIs of Liberia and Northern Ireland.

1.6 Pursuant to article 15 of the Statute, the SCA considered applications for re-accreditation from the NHRIs of Colombia, Cyprus, El Salvador, Great Britain, Indonesia, Liberia, Niger, Norway, Northern Ireland, Peru and Sierra Leone.

1.7 Pursuant to article 16.1 of the Statute, the SCA reviewed certain issues regarding the NHRI of Madagascar and Nepal.

1.8 Pursuant to article 16.2 of the Statute, the SCA decided to initiate a special review for the NHRI of Jordan.

1.9 Pursuant to article 18.1 of the Statute, the SCA reviewed the NHRI of Sri Lanka.

1.10 In accordance with the Paris Principles and the SCA RoP, the classifications for accreditation used by the SCA are:

A: Compliance with the Paris Principles;

B: Not fully in compliance with the Paris Principles or insufficient information provided to make a determination.

1.11 In the interests of clarity and as a good practice, where the SCA has recommended that an NHRI be accredited with other than A status, it has divided its recommendations between those that it “notes with concern” and those that it “notes”. The issues that have been noted “with concern” constitute the primary reasons for which the NHRI has not been accredited with A status.

1.12 The General Observations, as interpretative tools of the Paris Principles, may be used to:

- a) Instruct institutions when they are developing their own processes and mechanisms, to ensure Paris Principles compliance;
- b) Persuade domestic governments to address or remedy issues relating to an institution’s compliance with the standards articulated in the General Observations;
- c) Guide the SCA in its determination of new accreditation applications, re-accreditation applications or other review:
 - i) If an institution falls substantially short of the standards articulated in the General Observations, it will be open for the SCA to find that it was not Paris Principle compliant.
 - ii) If the SCA has noted concern about an institution’s compliance with any of the General Observations, it may consider what steps, if any, have been taken by an institution to address those concerns in future applications. If the SCA is not provided with proof of efforts to address the General Observations previously made, or is offered no reasonable explanation why no efforts had been made, it would be open to the SCA to interpret such lack of progress as non-compliance with the Paris Principles.

1.13 The SCA notes that when specific issues are raised in its report in relation to accreditation, re-accreditation, or special reviews, NHRIs are required to address these issues in any subsequent application or other review.

1.14 The SCA wishes to highlight its expectations that all NHRIs will take the necessary steps to pursue continuous efforts at improvement and to enhance effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA. Failure to do so may result in a finding that a NHRI is no longer operating in compliance with the Paris Principles.

1.15 Pursuant to Article 12.1 of the Statute, where the SCA comes to an accreditation recommendation, it shall be deemed accepted by the GANHRI Bureau unless it is successfully challenged by the applicant NHRI in accordance with the following process:

- i) The recommendation of the SCA shall, as soon as practicable, be forwarded to the applicant NHRI;
- ii) The applicant NHRI can challenge a recommendation of the SCA by submitting a letter addressed to the GANHRI Chairperson and copied to the GANHRI Secretariat within twenty-eight (28) days of the date of communication of the recommendation;
- iii) At the end of this twenty-eight (28) day period, the GANHRI Secretariat will forward to Bureau members, as soon as practicable, the recommendations of the SCA. If the applicant NHRI has not challenged the recommendation, it shall be deemed accepted by the Bureau;
- iv) If an applicant NHRI submits a challenge within these twenty-eight (28) days, the GANHRI Secretariat will forward to the Bureau, as soon as practicable, all relevant materials related to the challenge. GANHRI Bureau members will be provided with twenty (20) days in which to determine whether or not to support this challenge;
- v) Any member of the GANHRI Bureau that supports the challenge of the applicant NHRI shall, within twenty (20) days, notify the Chair of the SCA and the GANHRI Secretariat of this support. If the challenge does not receive the support of at least one (1) Bureau member within twenty (20) days, the recommendation of the SCA will be deemed accepted by the Bureau;
- vi) If at least one (1) member of the GANHRI Bureau supports the challenge of the applicant NHRI within these twenty (20) days, the GANHRI Secretariat will notify members of the Bureau as soon as practicable of this support and will provide any additional relevant information;
- vii) Once provided with this notification and any additional relevant material, any member of the GANHRI Bureau that supports the challenge of the applicant NHRI shall, within twenty (20) days, notify the GANHRI Chairperson and GANHRI Secretariat of this support. If the challenge does not receive the support of at least four (4) Bureau members in total coming from not less than two (2) regions within the twenty (20) days, the recommendation of the SCA will be deemed accepted by the Bureau;
- viii) If the challenge receives the support of at least four (4) Bureau members in total coming from not less than two (2) regions, the recommendation of the SCA shall be referred to the following GANHRI Bureau meeting for a decision.

1.16 At each session the SCA conducts a teleconference with every NHRI. It may also consult with and seek further information from NHRIs where necessary.

1.17 Pursuant to Article 18.1 of the Statute, any decision that would serve to remove accredited "A" status from an applicant can only be taken after the applicant is informed of this intention and is given the opportunity to provide in writing, within one (1) year of receipt of such notice,

the written evidence deemed necessary to establish its continued conformity to the Paris Principles.

- 1.18** At any time, the SCA may receive information that raises concern that the circumstances of a NHRI have changed in a way that affects its compliance with the Paris Principles, and the SCA may then initiate a Special Review of that NHRI's accreditation status.
- 1.19** Pursuant to Article 16.4 of the Statute, any review of the accreditation classification of a NHRI must be finalized within 18 months.
- 1.20** The SCA acknowledges the high degree of support and professionalism of the GANHRI Secretariat (OHCHR-NIRMS).
- 1.21** The SCA shared the summaries prepared by the Secretariat with the concerned NHRIs before the consideration of their applications and gave one (1) week to provide any comments on them. The summaries are only prepared in English, due to financial constraints.
- 1.22** Once the recommendations of the SCA are adopted by the GANHRI Bureau, the report of the SCA is placed on the SCA website (<https://www.ohchr.org/EN/Countries/NHRI/Pages/SCA-Reports.aspx>).
- 1.23** The SCA considered information received from civil society. The SCA shared that information with the concerned NHRIs and considered their responses.
- 1.24 Notes:** The GANHRI Statute, the Paris Principles, the General Observations and the Practice Notes referred to above can be downloaded in Arabic, English, French and Spanish from the SCA website at <https://www.ohchr.org/EN/Countries/NHRI/Pages/SCA-Rules-of-Procedures.aspx>

SPECIFIC RECOMMENDATIONS

1. ACCREDITATION (Art. 10 of the GANHRI Statute)

1.1 Türkiye : The Human Rights and Equality Institution of Türkiye (HREIT)

Recommendation: The SCA recommends that the HREIT be accredited with **B** status.

The SCA welcomes the establishment of the HREIT and the efforts it has made to promote and protect human rights.

The HREIT is encouraged to actively engage with OHCHR, GANHRI, ENNHRI, other NHRIs, as well as other relevant stakeholders at international, regional and national levels, in order to continue to strengthen its institutional framework and working methods.

The SCA notes with concern:

1. Independence

Article 8(1) of the enabling law states that the HREIT is affiliated to the Minister nominated by the President of the Republic of Türkiye, and that the President may exercise powers regarding the administration of the institution through the Minister when deemed necessary. The HREIT reports that this provision has never been invoked in practice and that the formal affiliation to the relevant Ministry does not constitute a hierarchical relation with the Executive.

The SCA emphasizes that an NHRI must be established in a constitutional or legislative text with sufficient detail to ensure the NHRI has a clear mandate and independence. The SCA is particularly concerned with the possibility of political interference in the administration of the institution.

The SCA further emphasises that the Paris Principles require an NHRI to be independent from government and parliament in its structure, composition, decision-making, and method of operation. It must be constituted and empowered to consider and determine the strategic priorities and activities of the NHRI based solely on its determination of the human rights priorities in the country, free from political interference.

The SCA recommends that the HREIT advocates for the necessary changes in its legislation to ensure the institution is independent from the Executive.

The SCA refers to Paris Principle B.3 and to its General Observation 1.9 on 'Political representatives on NHRIs'.

2. Addressing human rights violations

The SCA acknowledges that the HREIT provided some information in relation to its activities and efforts to address human rights violations relating to human rights defenders, freedom of expression, anti-terrorism legislation and gender-based violence. The SCA recommends that the HREIT strengthens its efforts to address all human rights violations and to conduct follow-up activities to ensure that the State upholds its protection obligations. The SCA further recommends the HREIT to ensure that its positions on these issues are made publicly available, as this will assist in promoting

and protecting human rights, while also strengthening the credibility and accessibility of the institution for all people in Turkey.

An NHRI's mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional, and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles and the strengthening of the rule of law in all circumstances, and without exception.

The SCA refers to Paris Principles A.1, A.2, and A.3 and to its General Observation 1.2 'Human rights mandate'.

3. Encouraging ratification or accession to international human rights instruments

The HREIT reports that it prepares reports and raises awareness about international human rights instruments. However, the HREIT is not explicitly mandated to encourage ratification of, and accession to, regional and international human rights instruments.

The SCA notes that encouraging ratification of, or accession to international human rights instruments, and the effective implementation of international human rights instruments to which the State is a party, is a key function of an NHRI. The SCA considers it important that these duties form an integral part of the enabling legislation of an NHRI.

The SCA recommends that the HREIT advocates for appropriate amendments to its enabling legislation to include an explicit mandate to encourage ratification of and accession to international human rights instruments.

The SCA refers to Paris Principle A.3(c) and to its General Observation 1.3 on 'Encouraging ratification of, or accession to international human rights instruments'.

4. Interaction with the international human rights system

The SCA emphasizes that monitoring and engaging with regional and international human rights systems, in particular the Human Rights Council and its mechanisms (Special Procedures and Universal Periodic Review) and the United Nations Human Rights Treaty Bodies, can be an effective tool for NHRIs in the promotion and protection of human rights domestically.

The SCA recommends that the HREIT engages effectively and independently with the international human rights system.

The SCA refers to Paris Principles A.3 (d) and (e) and to its General Observation 1.4 on 'Interaction with the international human rights system'.

5. Cooperation with civil society

The SCA notes that Article 9(1)(n) of the enabling law provides for the HREIT to cooperate with public institutions and agencies, NGOs, professional organizations and universities working on human rights. The SCA acknowledges that the HREIT provided information regarding its engagement with civil society organizations in practice. It recommends that the HREIT continues to enhance and formalize its working relationships and cooperation with civil society organizations and human rights defenders,

including those working on the rights of vulnerable groups and minorities in a timely and responsive manner.

The SCA emphasizes that regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates, and contribute to the accessibility of the institution for all, including those who are geographically, politically, or socially remote. NHRIs should develop, formalize, and maintain working relationships as appropriate with other domestic institutions, as well as civil society and non-governmental organizations.

Broad engagement with all stakeholders improves the effectiveness of an NHRI in implementing its mandate to promote and protect human rights by providing a better understanding of the breadth of human rights issues across the state; the different impact of such issues based on social, cultural, geographic, and other factors; gaps; priorities; and implementation strategies.

The SCA refers to Paris Principles C(f) and (g), and to its General Observation 1.5 on 'Cooperation with other human rights bodies'.

6. Recommendations by NHRIs

The SCA acknowledges that the HREIT has issued reports and statements, and has made recommendations to relevant authorities.

Annual, special, and thematic reports of NHRIs serve to highlight key national human rights concerns and provide the means by which these bodies can make recommendations to, and monitor respect for human rights by, public authorities.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, publish, and report on the human rights situation in the country, it should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and for the protection of those whose rights were found to be violated.

Public authorities are encouraged to respond to recommendations from NHRIs in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.

The SCA recommends that the HREIT continues to conduct follow-up activities to encourage that its recommendations are implemented by the relevant authorities.

The SCA refers to Paris Principles A.3(a), C(c), and D(d) and to its General Observation 1.6 on 'Recommendations by NHRIs'.

7. Pluralism and diversity

The enabling law is silent with regard to the pluralism and diversity of members and staff of the HREIT. The SCA notes that, at present, out of the eleven members of the HREIT Board, only two are women and one, a person with disabilities. It also notes that out of 180 staff members, 79 are women and six are persons with disabilities.

The SCA emphasizes that pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity, geographic, and minority status.

This includes, for example, ensuring the equitable participation of women in the NHRI. This facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI.

The SCA recommends that the HREIT advocates for the inclusion in its enabling law of a requirement that the members of the HREIT Board be reflective of the principles of pluralism and diversity, including gender representation. The SCA further recommends that the HREIT take steps to ensure that these principles are implemented in practice.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on 'Ensuring pluralism of the NHRI'.

8. Selection and appointment

Article 10(2) of the enabling law provides that Board members shall be selected by the President of Türkiye. The SCA considers that the selection and appointment process currently enshrined in the law does not provide for broad consultation and participation of civil society.

The SCA is of the view that the selection process should be characterized by openness and transparency. That is, it should be under the control of an independent and credible body and involve open and fair consultation with NGOs and civil society. Not only is this a means of developing a good relationship with these bodies, but consideration of the expertise and experience of NGOs and civil society is likely to result in an NHRI with greater public legitimacy.

The SCA further notes that the enabling law does not establish pre-determined, objective and publicly-available criteria to assess applicants.

It is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations, or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends that the HREIT advocates for the formalization and application of a process that includes requirements to:

- a) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- b) Promote broad consultation and/or participation in the application, screening, selection and appointment process; and
- c) Assess applicants on the basis of pre-determined, objective and publicly-available criteria.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

9. Annual Report

The SCA notes that the HREIT enabling law is silent on whether annual and special reports are discussed at the Grand National Assembly.

The SCA considers it important that the enabling laws of an NHRI establish a process whereby its reports are required to be discussed and considered by the legislature, to ensure that relevant public authorities properly consider its recommendations.

The SCA recommends that the HREIT advocates for the appropriate amendment to its enabling law to ensure that the Grand National Assembly discusses and considers its annual, special, and thematic reports.

The SCA refers to Paris Principles A.3 and D.d, and to its General Observation 1.11 on 'Annual reports of NHRIs'.

10. Term of Office

The enabling law and other relevant regulations are silent about whether the members of the HREIT Board can be re-elected, which leaves open the possibility of unlimited tenure. The SCA notes that the HREIT informed that, in practice, four of the current members of the Board were reappointed for a second term. In order to promote institutional independence, the SCA encourages the term of office to be limited to one re-appointment.

The SCA recommends that the HREIT advocates for amendments to its enabling law to provide for such a limit on the term of office.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI'.

2. REACCREDITATION (Art. 15 of the GANHRI Statute)

2.1 Colombia: The Defensoría del Pueblo of Colombia (DPC)

Recommendation: The SCA recommends that the DPC be re-accredited with **A** status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The DPC is encouraged to continue to actively engage with the OHCHR, GANHRI, RINDHCA, other NHRIs, as well as relevant stakeholders at international, regional and national levels, in particular, in order to continue strengthening their institutional framework and working methods.

The SCA notes:

1. Selection and appointment

The SCA notes that in accordance with Article 281 of the Constitution and Article 2 of the Law, the Ombudsperson is elected by the Chamber of Representatives based on a list of three candidates prepared by the President. The SCA further notes that the selection and appointment process of the Ombudsperson is established in Law No. 201 of 1995 'on the legal nature of the Attorney-General of the Nation.'

However, the SCA is of the view that the process as enshrined in the law is not sufficiently broad and participatory. In particular, it does not specify the process for achieving broad consultation and / or participation of civil society during the screening and short-listing phase.

It is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based and participatory selection, and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends that the DPC advocate for the formalization and application of a procedure that includes requirements to promote broad consultation and / or participation in the application, screening, selection and appointment process.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

2. Adequate funding

The SCA acknowledges that the DPC budget has increased since the last review and that this has allowed it to increase both the salaries of staff and the operations on the ground. The SCA notes that in addition to its 42 regional offices, the DPC is planning to establish 1,032 offices at the municipal level in order to improve its geographic coverage.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its independence and its ability to freely determine its priorities and activities. It must also have the power to allocate funding according to its priorities.

In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the Institution's operations and the fulfilment of its mandate. Provision of adequate funding by the State should, as a minimum, include the following:

- a) the allocation of funds for premises which are accessible to the wider community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with other government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) salaries and benefits awarded to its staff comparable to those of civil servants performing similar tasks in other independent Institutions of the State;
- c) remuneration of members of its decision-making body (where appropriate);
- d) the establishment of well-functioning communications systems including telephone and internet; and
- e) the allocation of a sufficient amount of resources for mandated activities. Where the National Institution has been designated with additional responsibilities by the State, additional financial resources should be provided to enable it to assume the responsibilities of discharging these functions.

The SCA recommends that the DPC continue to advocate for an appropriate level of funding to carry out its mandate, including plans to enhance their field presence.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on ‘Adequate funding of NHRIs’.

2.2 Cyprus: The Office of the Commissioner for Administration and Human Rights (CAHR)

Recommendation: The SCA recommends that CAHR be re-accredited with **A** status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages CAHR to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Adequate funding

The CAHR has management and control over its allocated budget and has effectively undertaken activities within its existing budget. The SCA notes that the CAHR requires additional funding, including to allow recruitment of staff at senior level, in view of its expanded mandates of National Preventive Mechanism under OPCAT and National Monitoring Mechanism under CRPD.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI’s operations and the fulfilment of its mandate. Provision of adequate funding by the State should, at a minimum, include the following:

- a) Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- b) Remuneration of members of the decision-making body (where appropriate);

The SCA highlights that NHRIs must be provided with sufficient resources to permit employment and retention of staff with the requisite qualifications and experience to fulfil the NHRI’s mandate.

The SCA recommends that the CAHR continues to advocate for an increase of its budget allocation and an appropriate level of funding to carry out its mandate. Such resources should allow for salary levels, and terms and conditions of employment, equivalent to those of other independent State agencies.

The SCA refers to Paris Principle B.2 and to its General Observations 2.4 on “Recruitment and retention of NHRI staff” and 1.10 on ‘Adequate funding of NHRIs’.

2. Cooperation with Civil Society

The CAHR informed the SCA about the establishment of a Human Rights Advisory Committee to promote formal cooperation with civil society and to enhance the visibility of the CAHR. The CAHR

reports that they are in the process of appointing members of the Human Rights Advisory Committee, which will include civil society organizations working on the promotion and protection of the rights of the LGBTI community, persons with disabilities, women, and other groups.

The SCA emphasizes that regular and constructive engagement of all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates, and contribute to the accessibility of the institution for all, including those who are geographically, politically or socially remote. NHRIs should develop, formalize and maintain working relationships as appropriate with other domestic institutions, as well as civil society and non-governmental organizations.

Broad engagement with all stakeholders improves the effectiveness of an NHRI in implementing its mandate to promote and protect human rights by providing a better understanding of the breadth of human rights issues across the state; the different impact of such issues based on social, cultural, geographic and other factors; gaps; priorities; and implementation strategies.

The SCA therefore recommends the CAHR to ensure that the Human Rights Advisory Committee is functional and urges the CAHR to continue to enhance and formalize its working relationships and cooperation with a wide range of civil society organizations and human rights defenders, including those working on the rights of vulnerable groups.

The SCA refers to Paris Principles C(f) and (g) and to its General Observation 1.5 on “Cooperation with other human rights bodies.”

2.3 El Salvador: The Procuraduría para la Defensa de los Derechos Humanos de la República de El Salvador (PDDH)

Recommendation: The SCA recommends that the PDDH be reaccredited with **A** status.

The SCA commends the efforts undertaken by the PDDH to promote and protect human rights in the challenging and volatile context in which it operates.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The PDDH is encouraged to continue to actively engage with the OHCHR, GANHRI, RINDHCA, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Cooperation with civil society

The SCA acknowledges that the PDDH has formalized cooperation agreements with civil society organizations.

Regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates, and contribute to the accessibility of the institution for all, including those who are geographically, politically, or socially remote. NHRIs should develop, formalize, and

maintain working relationships as appropriate with other domestic institutions, as well as civil society and non-governmental organizations.

Broad engagement with all stakeholders improves the effectiveness of an NHRI in implementing its mandate to promote and protect human rights by providing a better understanding of the breadth of human rights issues across the state; the different impact of such issues based on social, cultural, geographic, and other factors; gaps; priorities; and implementation strategies.

The SCA therefore recommends that the PDDH continue to enhance and formalize its working relationships and cooperation with civil society organizations and human rights defenders, including those working on the rights of vulnerable groups.

The SCA refers to Paris Principles C(f) and (g), and to its General Observation 1.5 on 'Cooperation with other human rights bodies'.

2. Selection and appointment

The SCA notes that the term of the current Procurador will expire at the end of October 2022. The selection procedure for a new Procurador is ongoing, with the interviews of the candidates by the Legislative Assembly being broadcast.

The SCA reiterates that it is critically important to ensure the formalisation of a clear, transparent and participatory selection and appointment process of the NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI. Such a process should include requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups;
- c) Promote broad consultation and/or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly available criteria; and
- e) Select members to serve in their own individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

3. Adequate funding

The PDDH reports that it has not been allocated sufficient funding to implement new programs or strengthen existing ones. The PDDH also reports that the limitation of the budget has been exacerbated by the significant proportion of the budget that is allocated to salaries and essential utilities.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) The allocation of funds for premises that are accessible to the wider community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b) Salaries and benefits awarded to staff should be comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) Remuneration of members of the decision-making body (where appropriate);
- d) The establishment of a well-functioning communications system including telephone and internet; and
- e) The allocation of a sufficient amount of resources for mandated activities.

The SCA reiterates its previous recommendation encouraging the PDDH to advocate for the funding necessary to ensure that it can effectively carry out its mandate.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding'.

4. Annual report

Articles 131(36) of the Constitution and 49 of the enabling law state that the PDDH shall submit annual reports on its activities to the Parliament. However, the enabling law is silent on whether annual and special reports are discussed in the Parliament.

The SCA considers it important that the enabling law establish a process whereby the NHRI's reports are required to be publicly circulated, tabled, discussed and considered by the legislature.

The SCA reiterates its previous recommendation encouraging the PDDH to advocate for the appropriate amendment to its enabling law to ensure that the Parliament discusses and considers its annual, special, and thematic reports.

The SCA refers to Paris Principle A.3 and to its General Observation 1.11 on 'Annual reports of NHRIs'.

5. Term of office

According to Articles 192 of the Constitution and 4 of enabling law, the Procurador shall be appointed for a three-year renewable term. However, the Constitution and the enabling law are silent on the number of times the Procurador can be reappointed, which leaves open the possibility of unlimited reappointment.

In order to promote institutional independence, the SCA is of the view that it would be preferable for the term of office to be limited to one reappointment.

The SCA notes that the PDDH submitted a proposal to the Parliament for amendments to its law to provide for such limits on the term of office. The SCA recommends the PDDH to continue to advocate for the passage of such amendments.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI'.

6. Monitoring places of deprivation of liberty

The PDDH reports that it has conducted or contributed to monitoring places of deprivation of liberty. The PDDH further reports that all visits to these places were announced for security reasons. The SCA notes that the PDDH advised that its recommendations resulted in detainees' access to safe drinking water, natural light, fresh air, food and medicines.

While the SCA acknowledges that, in some circumstances, it may be necessary to provide notice for reasons such as security, it is of the view that an NHRI should conduct unannounced visits to all places of deprivation of liberty within its jurisdiction as these limit opportunities for detaining authorities to hide or obscure human rights violations and facilitate greater scrutiny.

The SCA recommends that the PDDH conduct unannounced visits to all places of deprivation of liberty in a timely, regular, and/or ad-hoc manner in order to effectively monitor, investigate, and report on the human rights situation in these places. It further recommends the PDDH to undertake systematic follow-up activities and advocate for the consideration and implementation of its findings and recommendations by the State authorities to ensure the protection of persons deprived of liberty.

The SCA refers to Paris Principles A.2, A.3, and D.d, and to its General Observations 1.2 on 'Human rights mandate' and 1.6 on 'Recommendations by NHRIs'.

7. Quasi-judicial function

The PDDH reports that it has received a significant number of complaints since the beginning of the State of Emergency. However, the SCA notes that the PDDH follows up on complaints by issuing public statements.

Where an NHRI has been provided with a mandate to receive and consider complaints alleging violations of human rights, an NHRI should ensure that complaints are dealt with fairly, transparently, efficiently, expeditiously, and with consistency. In order to do so, an NHRI should:

- ensure that its facilities, staff, and its practices and procedures, facilitate access by those who allege their rights have been violated and their representatives; and
- ensure that its complaint-handling procedures are contained in written guidelines and that these are publicly available.

In fulfilling its complaint-handling mandate, it should be provided with the necessary functions, resources, and powers to adequately fulfil this mandate. This may include the ability to seek an amicable and confidential settlement of the complaint through an alternative redress process.

The SCA recommends that PDDH ensures its complaints are handled fairly, speedily and effectively through processes that are readily accessible to the public.

The SCA refers to Paris Principle D and to its General Observation 2.9 on 'The quasi-judicial competence of NHRIs (complaints handling)'.

2.4 Great Britain: The Equality and Human Rights Commission of Great Britain (EHRC)

Recommendation: The SCA recommends that the EHRC be reaccredited with **A** status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the EHRC to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Human rights mandate

The EHRC informed the SCA that Section 28(8) of the Equality Act, providing for legal assistance to persons with disabilities, is yet to be fully implemented. The SCA acknowledges the efforts of the EHRC to advocate for the implementation of Section 28(8) of the Equality Act.

An NHRI's mandate should be interpreted in a broad, liberal and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional and domestic instruments, including economic, social and cultural rights.

The SCA recommends that the EHRC continue to advocate for the strengthening of its protection mandate, specifically through the implementation of Section 28(8) of the Equality Act.

The SCA refers to Paris Principles A.1, A.2, and A.3 and to its General Observation 1.2 'Human rights mandate'.

2. Addressing human rights issues

The SCA acknowledges the concerns raised by several civil society organizations and in public records on the will of the EHRC to effectively and independently address human rights issues, including the rights of LGBTI people, migrants and asylum seekers. The SCA acknowledges that the EHRC provided information concerning its activities and efforts to address human rights issues.

The SCA is of the view that it is vitally important that all the findings and recommendations of the NHRI be publicly available as this increases the transparency and public accountability of the NHRI.

The SCA emphasizes that an NHRI's mandate should promote a progressive definition of human rights, which includes all rights set out in international, regional, and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles and the strengthening of the rule of law in all circumstances, and without exception.

The SCA recommends that the EHRC address key human rights issues in an independent, effective, public and transparent manner, in particular in relations to the promotion and protection of the rights of LGBTI people, migrants and asylum seekers, persons with disabilities, as well as issues related to racial discrimination, in line with international human rights standards.

The SCA refers to Paris Principles A.1, A.2, and A.3 and to its General Observation 1.2 'Human rights mandate'.

3. Cooperation with civil society organizations

The EHRC provided examples of its cooperation with civil society organisations, including in the development of its strategic plan and its responses to proposed legislation that could impact on the promotion and protection of human rights.

The SCA is of the view that regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandate. Broad engagement with all stakeholders improves the effectiveness of an NHRI in implementing its mandate to promote and protect human rights by providing a better understanding of: the breadth of human rights issues across the state; the different impacts of such issues based on social, cultural, geographic, and other factors; gaps; priorities; and implementation strategies. NHRIs should develop, formalize, and maintain working relationships with other domestic institutions established for the promotion and protection of human rights, including civil society organizations.

The SCA recommends that the EHRC take visible and clear steps to strengthen its working relationship with civil society organizations, including organizations that work to promote and protect the human rights of LGBTI people, migrants and asylum seekers, persons with disabilities and organizations working on racial discrimination.

The SCA refers to Paris Principles C(f) and (g) and to its General Observation 1.5 on ‘Cooperation with other human rights bodies’.

4. Pluralism & Diversity

The SCA notes that the EHRC enabling legislation does not adequately and explicitly address the requirements of pluralism and diversity of its Commissioners. The EHRC informed the SCA that its Commissioners are appointed in accordance with the principles of Ministerial responsibility, Selflessness, Integrity, Merit, Openness, Diversity, Assurance and Fairness, in accordance with the UK system for appointments to public boards. The SCA notes that the EHRC reported that its current Board of Commissioners are representative of the society and that the EHRC has advocated for amendments to the enabling law requiring explicit provisions on pluralism as a requirement for selection and appointment.

Pluralism and diversity in the membership and staff of an NHRI facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. Pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity, or minority status.

The SCA recommends that the EHRC continue to take steps, including advocating for amendments to its enabling law, to ensure pluralism in its membership.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on ‘Ensuring pluralism of the NHRI’.

5. Selection and appointment process

Schedule 1, Paragraph 1(1) of the Act provides that the Secretary of State appoints the Chairperson and members of the Commission. Schedule 1, Paragraph (2)(1) states that the criteria for appointment is experience or knowledge on discrimination and/or human rights, or “for some other special reason”. The EHRC reports that the selection and appointment is conducted in a manner that is comparable with all independent institutions within the State. The SCA notes that, in practice, the appointment process is subject to detailed guidance from the Office of the Commissioner for Public Appointments.

The Commissioner for Public Appointments regulates the processes by which Ministers make appointments on merit to the boards of national and regional public bodies.

The SCA is of the view that the process currently enshrined in the Law is not sufficiently broad and transparent. In particular, it does not:

- require the advertisement of vacancies;
- establish clear and uniform criteria upon which the merit of eligible applicants is assessed; or
- promote broad consultation and / or participation in the application, screening, selection and appointment process.

The SCA acknowledges that the EHRC has taken steps to ensure clear and participatory selection and appointment process, including ensuring that representation of relevant skills and expertise is taken into account during the appointment process through an amendment to the Framework Document and advocating for the formalization and application of a clear, transparent and participatory selection and appointment process.

It is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA therefore recommends the EHRC to continue advocating for the formalization of the selection and appointment process in relevant by laws, regulations, or binding administrative instruments.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

6. Dismissal

The Act provides that the Secretary of State may dismiss a Commissioner who in their opinion is unable, unfit or unwilling to perform their functions. The SCA is concerned that this ground, without further qualification of this discretion, may impact adversely on the security of tenure of Commissioners.

The SCA acknowledges that the EHRC reported that, while no Commissioners have ever been dismissed in the history of the EHRC, they have engaged the Government to seek changes to the Framework Document in order to provide for further safeguards against possible unfair dismissals of Commissioners.

The SCA emphasizes that in order to address the requirement for a stable mandate, which is important in reinforcing independence, the enabling law of an NHRI must contain an independent and objective dismissal process.

The grounds for dismissal must be clearly defined and appropriately confined to those actions that impact adversely on the capacity of the member to fulfil its mandate. Where appropriate, the legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction. The dismissal must be made in strict conformity with all the substantive and procedural requirements as prescribed by law. It should not be allowed to be based solely on the discretion of the appointing authorities.

The SCA is of the view that such requirements ensure the security of tenure of members of the governing body and are essential to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends the EHRC to continue advocating for appropriate amendments to ensure an independent and objective dismissal process of its members.

The SCA refers to Paris Principle B.3 and to its General Observation 2.1 on 'Guarantee of tenure for members of the NHRI decision-making body'.

7. Financial Autonomy

The EHRC informed the SCA that it has secured unchanged budget allocation for the 2022-2023 financial year. In addition, the EHRC informs that a separate ring-fenced budget line would enhance its financial autonomy.

The SCA is of the view that government funding should be allocated to a separate budget line applicable only to the NHRI. Such funding should be regularly released and in a manner that does not adversely affect its functions, day-to-day management and retention of staff.

The SCA recommends that the EHRC continues its efforts to advocate for a separate ring-fenced budget line to enhance its financial autonomy.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding'.

2.5 Indonesia : The National Commission on Human Rights of Indonesia (Komnas HAM)

Recommendation: The SCA recommends that Komnas HAM be re-accredited with **A** status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages Komnas HAM to continue to actively engage with the OHCHR, GANHRI, APF, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Selection and appointment

The process of selection and appointment of the members of Komnas HAM continues to be governed by Regulation 3/2016 issued by Komnas HAM under Article 86 of Law 39 of 1999 on Human Rights (enabling law). However, the SCA notes that this process was initially applicable only to the 2017-2022 selection process and has now been made applicable to the 2022-2027 selection process.

The SCA notes that this Regulation has not yet been formalized or made a permanent addition to Komnas HAM's regulatory framework. The SCA is concerned that the enabling law of Komnas HAM has not been amended to formalize a clear, transparent and participatory selection and appointment process, as recommended by the SCA in its previous report.

According to Article 83 of the enabling law, Komnas HAM comprises of 35 members. Currently, Komnas HAM comprises of 7 members whose term expires in November 2022 and will be reportedly replaced by a new board comprising 9 members. The Komnas HAM previously had 13, 11, and 23 members appointed to previous boards. The Komnas HAM informed the SCA that a Constitutional Court judgement dated 20 June 2022 interpreted the enabling law to mean that 35 is the maximum number of members that can be appointed. While the SCA notes this interpretation, it is concerned that there has not been consistency in the number of members that have been appointed and that this framework does not establish a minimum number of members. The SCA is further of the view that the decision-making body of NHRIs should have a reasonably consistent number of members in its composition in order to effectively discharge its mandate to fully promote and protect human rights in a consistent manner.

The SCA also emphasizes that a consistent, clear, transparent and participatory selection and appointment process for the selection of members must be included in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends Komnas HAM to advocate for the formalization and application of a consistent and permanent process for the selection and appointment of its members. Such process must include provisions to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Promote broad consultation and / or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and
- e) Select members to serve in their individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on ‘Selection and appointment of the decision-making body of NHRIs’.

2. Pluralism

The founding law is silent on pluralistic representation and gender balance within the Board of Commissioners of Komnas HAM. The current board comprises of seven members with only one being a woman. Komnas HAM reports that a new board, comprising of nine members of which three are women, has been selected and awaiting presidential validation. In the previous review of Komnas HAM, the SCA expressed concern about the lack of pluralism in the governing body and, in particular, the low representation of women.

The SCA emphasizes that a diverse decision-making body facilitates the NHRI’s appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates, and promotes accessibility of the NHRI for all its citizens.

Pluralism refers to broader representation of national society. Consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status. This includes ensuring the equitable

participation of women in the NHRI. The SCA recommends Komnas HAM to take steps to ensure pluralism in its membership composition, including through the selection and appointment process.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on 'Ensuring pluralism in the NHRI.'

3. Quasi-judicial functions

Article 18 of Law 26 of 2000 concerning human rights courts, states that inquiries into cases of gross violation of human rights shall be conducted by Komnas HAM. According to Articles 21 and 23 of this law, the investigation and the prosecution of cases of gross violations of human rights shall be undertaken by the Attorney General and heard by a Human Rights Court.

Komnas HAM reports that so far they have conducted inquiries in 12 cases of gross violations of human rights, and submitted the files to the Attorney General. However, efforts to address cases of gross human rights violations have stagnated. According to Komnas HAM's submission to the United Nations Human Rights Committee, "the lengthy resolution based on Law No. 26 of 2000 has resulted in the lack of guarantee in the fulfilment of justice [and] the death toll ... is increasing."

The SCA notes that when an NHRI is provided with a mandate to receive, consider and/or resolve complaints alleging violations of human rights, it should be provided with the necessary functions and powers to adequately fulfil this mandate. The SCA is of the view that the NHRIs are expected to handle complaints fairly, speedily and effectively through processes which are readily accessible to the public.

NHRIs may be empowered to carry out investigations into complaints and refer their findings to an appropriate authority. NHRIs should have the authority to deal with bodies against which complaints are made and may be authorized to seek compliance with its decisions through the judiciary.

The SCA encourages Komnas HAM to advocate for changes to the enabling law to mandate it with explicit power to effectively handle complaints of gross violations of human rights in accordance with the Paris Principles.

The SCA refers to the Paris Principles' 'Additional principles concerning the status of commissions with quasi-judicial competence' and to its General Observation 2.9 on 'The quasi-judicial competence of NHRIs (complaints handling)'.

2.6 Niger: The Commission Nationale des Droits Humains (CNDH)

Recommendation: The SCA recommends that the CNDH be re-accredited with **A** status.

The SCA commends the efforts made by the CNDH to promote and protect human rights in the challenging context in which it operates.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the CNDH to continue to actively engage with the OHCHR, GANHRI, NANHRI, other NHRIs, as well as relevant stakeholders at international, regional and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Recommendations by NHRIs

Annual, special, and thematic reports of NHRIs serve to highlight key national human rights concerns and provide the means by which these bodies can make recommendations to, and monitor respect for human rights by, public authorities.

The SCA acknowledges that the CNDH has produced such reports and press releases, which include recommendations to relevant authorities.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate, publish, and report on the human rights situation in the country, it should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and for the protection of those whose rights were found to be violated.

The SCA recommends the CNDH to conduct follow-up activities to monitor the extent to which its recommendations have been implemented, including migration and slavery issues.

The SCA refers to Paris Principles A.3(a), C(c), and D(d) and to its General Observation 1.6 on 'Recommendations by NHRIs'.

2. Pluralism and representation of women

While the CNDH reported that its composition reflects ethnic and linguistic diversity, the SCA notes that of the nine commissioners only two are women, and only 34% of the staff are women. The SCA further notes that the CNDH is embarking on an organizational reform to enhance gender balance in all phases of the selection process of its board and staffing.

Pluralism and diversity in the membership and staff of an NHRI facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI for all people in Niger.

The SCA reiterates that it encourages the CNDH to continue to take steps to ensure pluralism, including appropriate gender balance, in its composition.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on 'Ensuring pluralism of the NHRI'.

2.7 Norway: The Norwegian National Human Rights Institution (NNHRI)

Recommendation: the SCA recommends that the NNHRI be re-accredited with **A** Status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the NNHRI to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Selection and appointment

Section 5 of the Act of 22 May 2015 establishing the NNHRI (the Act provides that members of the NNHRI Board and the Director are elected by Parliament. Section 2 of the NNHRI Regulation (Regulation) stipulates that the Parliament shall actively inform the public about the possibility to nominate candidates. In addition, Section 7 of the Act provides that the Director is appointed by Parliament through an external announcement and based on the recommendation of the Parliament's Presidency.

The SCA acknowledges information received from the NNHRI that civil society groups have been active in the process of selection and appointment of members of the Board and the Director. However, the SCA notes that the current law is not explicit on the process of selection and appointment, including the requirements to publicize vacancies and civil society participation. The SCA notes that the NNHRI is advocating for amendments to the enabling law to explicitly provide for civil society participation.

The SCA emphasizes that it is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process for an NHRI's decision making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends the NNHRI to continue to advocate for the formalization and application of a process that includes promote broad consultation and/or participation in the application, screening, selection and appointment process.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRI's'.

2. Dismissal

Section 7 of the enabling law of the NNHRI provides that the Parliament's Presidency may dismiss the Director if he or she is guilty of a gross dereliction of duty or other breach of the employment contract that is incompatible with the trust required to serve as Director of the NNHRI. The SCA is of the view that the current dismissal process does not guarantee sufficient security of tenure and a stable mandate as it could be subject to the discretion of the appointment authority.

The SCA notes information from the NNHRI that, as the Parliament is the appointing authority, Board members can be dismissed on a majority decision by Parliament. The SCA notes that the law is silent on the grounds and procedure for dismissal of Board members. However, the SCA acknowledges efforts made by the NNHRI to advocate for amendments to its enabling law to explicitly provide for a dismissal process of Board members.

The SCA reiterates its view that, in order to address the Paris Principles requirement for a stable mandate, which is important in reinforcing independence, the enabling legislation of an NHRI must contain an independent and objective dismissal process. The dismissal must be made in conformity with all the substantive and procedural requirements prescribed by law. The grounds for dismissal must be clearly defined and appropriately confined to those actions that impact adversely on the

capacity of the member to fulfil his or her mandate. Where appropriate, the legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction. The dismissal should not be allowed solely on the discretion of the appointing authorities. It must be made in strict conformity with all the substantive and procedural requirements as prescribed by law. Such requirements ensure the security of tenure of the members of the governing body and are essential to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA reiterates its previous recommendation that the NNHRI continue its efforts to advocate for appropriate amendments to its law to provide for an independent and objective dismissal process for the Director and Board members, where appropriate supported by the decision of an independent body with appropriate jurisdiction.

The SCA refers to Paris Principle B.3 and to its General Observation 2.1 on ‘Guarantee of tenure for members of the NHRI decision-making body’.

3. Encouraging ratification or accession to international human rights instruments

The enabling law of the NNHRI is silent on the ratification or accession to international human rights instruments. The SCA acknowledges that the NNHRI is interpreting its mandate broadly and that it undertakes this role in practice.

The SCA emphasizes that encouraging the ratification of, or accession to international human rights instruments, and the effective implementation of international human rights instruments to which the state is a party, is a key function of an NHRI. The Paris Principles further prescribe that NHRIs should promote and encourage the harmonization of national legislation, regulations and practices with these instruments. The SCA considers it important that these duties form an integral part of the enabling legislation of an NHRI. In fulfilling this function, the NHRI is encouraged to undertake activities which may include the following:

- a) Monitoring developments in international human rights law;
- b) Promoting State participation in advocacy for and the drafting of international human rights instruments;
- c) Conducting assessments of domestic compliance with and reporting on international human rights obligations, for example, through annual and special reports and participation in the Universal Periodic Review process.

The SCA reiterates its previous recommendation that the NNHRI advocate for amendments to its enabling legislation to provide the NNHRI with an explicit mandate to encourage ratification or accession to international human rights instruments.

The SCA refers to Paris Principles A.3 (b) and A.3 (c) and to its General Observation 1.3 on ‘Encouraging the ratification or accession to international human rights instruments’.

2.8 Peru: The Defensoría del Pueblo de Perú (DPP)

Recommendation: The SCA recommends that the DPP be re-accredited with **A** status.

The SCA recognizes the challenging circumstances in which the DPP operates and commends the DPP’s efforts to promote and protect human rights in the Republic of Peru.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The DPP is encouraged to continue to actively engage with OHCHR, GANHRI, RINDHCA, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening their institutional framework and working methods.

The SCA notes:

1. Selection and appointment

The SCA acknowledges that the DPP is currently headed by the Acting Defensora del Pueblo while the selection and appointment of the new Defensor is ongoing. It notes that the appointment process of the new Defensor has been challenged by the Union of the Defensoria before the Constitutional Tribunal on the ground of lack of transparency. The SCA was informed by the DPP that the process before the Constitutional Tribunal may take between 9 to 12 months to conclude. The SCA was also informed that, twice in the past, there have been delays in the appointment of a Defensor for a period of approximately five years.

The SCA recommends that the DPP advocate for a timely selection and appointment that ensures continuity in the leadership in line with the minimum standards of independence, effectiveness and continuity of an NHRI. Such selection and appointment process shall include a clear, transparent and participatory process that promotes merit based selection and ensures pluralism. The SCA is of the view that there is a need to maintain the permanency and institutional independence of an NHRI.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on “Selection and appointment of the decision-making body of National Human Rights Institutions”.

2. Adequate Funding

The DPP’s budget has suffered a cut amounting to approximately 1,000,000USD over the last four years. The SCA appreciates the efforts made by the DPP as it carries out the mandates of National Preventive Mechanisms under OPCAT, and Independent National Monitoring Mechanisms under CRPD, despite the decrease in its budget.

The DPP informed the SCA that it had to make adjustments to its administrative operation in order to carry out its expanded mandate in an effective and sustainable manner within its existing resources.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and effectively fulfil its mandate.

Provision of adequate funding by the State should, as a minimum, include the allocation of a sufficient amount of resources for mandated activities. Where the NHRI has been designated with additional responsibilities by the State, additional financial resources should be provided to enable it to assume the responsibilities of discharging these functions.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 ‘Adequate funding of National Human Rights Institutions’.

2.9 Sierra Leone: The Human Rights Commission of Sierra Leone (HRCSL)

Recommendation: The SCA recommends that the HRCSL be re-accredited with **A** Status.

The SCA highlights that NHRIs that have been accredited ‘A’ Status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the HRCSL to continue to actively engage with the OHCHR, GANHRI, NANHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

The SCA notes:

1. Human rights mandate

Section 16(b) of the Human Rights Commission of Sierra Leone Act (the Law) excludes the HRCSL from investigating any matter involving human rights violations that occurred before the coming into operation of the Law. The SCA acknowledges the response by the HRCSL that in principle it can intervene in cases of alleged human rights violations that are continuous in nature. However, the SCA notes that this provision limits its mandate to investigate human rights violations.

The SCA acknowledges efforts of the HRCSL to ensure that it is able to access places of detention without prior notice. However, it notes reports that the HRCSL has been denied access to places of detention which has impacted on its ability to fully monitor, investigate, and report on the human rights situation of persons deprived of liberty.

Section 7(2)(a) of the Law empowers the HRCSL to investigate or inquire into any allegations of human rights violations and to report in writing. Section 1 of the Law provides a restrictive definition of human rights violations as ‘contravention, negation, and neglect or negligence by a public officer in the prevention of violations’. The SCA notes that this definition limits the ability of the HRCSL to address acts and omissions of private entities. The SCA acknowledges that in practice, the HRCSL has been addressing allegations of human rights abuse by non-state actors. The SCA also acknowledges that the HRCSL has been advocating for amendment to its enabling Law to address this issue.

An NHRI’s mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional, and domestic instruments, including economic social and cultural rights specifically, the mandate should:

- extend to the acts or omissions of both public and private actors;
- vest the NHRI with the competence to freely address public opinion;
- raise public awareness on human rights issues;
- carry out education and training programs;
- provide the authority to address recommendations to public authorities to analyse human rights situation in the country and to obtain statements or documents in order to assess situations raising human rights issues;
- authorize unannounced and free access to inspect and examine any public premises, documents, equipment, and assets without prior written notice; and

- authorize the full investigation into alleged human rights violations, including the military, police, and security officers.

The SCA recommends that the HRCSL continue to interpret its mandate broadly to address all human rights violations including ongoing violations that arise from events that occurred before the coming into force of the Law. The SCA also recommends the HRCSL to continue its efforts to secure unfettered access to all places of deprivation of liberty.

The SCA also recommends that the HRCSL continue to advocate for amendments to the Law to include the ability to address human rights violations resulting from the acts and omissions of private individuals and entities.

The SCA refers to Paris Principles A.1 and A.2, and to its General Observation 1.2 on 'Human rights mandate.'

2. Encouraging ratification of or accession to international human rights instruments

The SCA notes that Section 7 (2) (c) of the Law, provides for the HRCSL to review existing legislation and advise the Government concerning compliance of such legislation with the obligations of Sierra Leone under international treaties or agreements. The SCA acknowledges that the HRCSL interprets its mandate broadly and carries out activities in this regard in practice. However, the SCA notes that the Law does not explicitly mandate the HRCSL to encourage ratification of or accession to international human rights instruments.

The SCA is of the view that encouraging ratification of or accession to, international human rights instruments, and the effective implementation of those instruments to which the State is a party to, are key functions of an NHRI. The Paris Principles further prescribe that NHRIs should encourage the harmonization of national legislation, regulation, and practices with these instruments. The SCA therefore considers it important that these duties form part of the enabling law of an NHRI.

The SCA reiterates its previous recommendation urging the HRCSL to advocate for appropriate amendment to make this mandate explicit.

The SCA refers to Paris Principles A.3 (c) and to its General Observation 1.3 on 'Encouraging ratification or accession to international human rights instruments'.

3. Adequate funding

The HRCSL reports the need to expand its programmatic interventions and informs that since 2016, there has been an increase in government funding allocated to the HRCSL.

The SCA notes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRIs operations and the fulfilment of its mandate.

The SCA recommends that the HRCSL continue to advocate for an adequate level of funding to allow it to effectively carry out the full breadth of its mandate.

The SCA refers to Paris Principles B.2 and to its General Observations 1.10 on 'Adequate funding of NHRIs'.

4. Dismissal

Section 4(3) of the Law provides that a vacancy in the membership of the HRCSL shall occur if a member:

- becomes bankrupt or insolvent;
- wilfully fails or refuses to participate in the work of the HRCSL without due cause; or
- becomes a member of a political party.

The SCA notes that the Law is not explicit on the procedure for removal of a member in these instances.

The SCA emphasizes that, in order to address the requirement for a stable mandate, which is important in reinforcing independence, the enabling law of an NHRI must contain an independent and objective dismissal process.

The grounds for dismissal must be clearly defined and appropriately confined to those actions that impact adversely on the capacity of the member to fulfil its mandate. Where appropriate, the legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction. The dismissal must be made in strict conformity with all the substantive and procedural requirements as prescribed by law. It should not be allowed based solely on the discretion of appointing authorities.

The SCA recommends that the HRCSL advocate for appropriate amendments to its enabling law to ensure an independent and objective dismissal process of its members including through a relevant independent mechanism.

The SCA refers to Paris Principle B.3 and to its General Observations 2.1 on 'Guarantee of tenure for members of the NHRI decision-making body'.

3. DECISION (Art 14.1 of the GANHRI Statute)

3.1 Liberia: The Independent National Commission on Human Rights (INCHR)

Decision: The SCA decided that further consideration of the re-accreditation application of the INCHR will be **deferred** for 12 months (or two sessions).

The SCA encourages the INCHR to continue its efforts to promote and protect all human rights, and to continue to strengthen its institutional framework and effectiveness in line with the recommendations below.

The INCHR is encouraged to continue to actively engage the OHCHR, GANHRI, NANHRI, and other NHRIs as well as relevant stakeholders at international, regional, and national levels in order to continue strengthening their institutional framework and working methods.

The SCA decided to defer the consideration of the INCHR on the following grounds. The SCA encourages the INCHR to take the actions necessary to address these issues and to provide further information and evidence, as required:

1. Ability to function and to address human rights violations

Publicly available information indicates that there is ongoing conflict amongst the members of the INCHR, which may have affected the INCHR's ability to conduct its mandate and its perceived credibility. The SCA acknowledges the response of the INCHR that the situation has not affected its operations and that it is currently working to finalise its quarterly report and outstanding public inquiry report. However, the SCA remains concerned that the INCHR has not finalised its new strategic plan since the appointment of the current board of Commissioners.

In addition, the SCA notes information from the INCHR that conflict within the Board of Commissioners has previously occurred and civil society organizations have assisted in mediating the conflict. The SCA is of the view that the INCHR has not provided sufficient information on how the internal conflict has been resolved in a way that does not affect the institution's effectiveness and credibility.

The SCA recommends that the INCHR resolve the prevailing situation in a way that strengthens the credibility of the INCHR and its ability to carry out its mandate.

2. Selection and appointment

Article 9 (2) of the INCHR Act 2005, (INCHR Law) provides that members of the INCHR are appointed by the President with the consent of the Senate. As per Article 9(3) of the INCHR Law, the President only considers for appointment such persons who have been shortlisted by the Independent Committee of Experts formed by the Chief Justice of the Republic of Liberia in consultation with civil society organizations. In accordance with article 9(4), the Chairperson shall be a senior lawyer who has demonstrated excellence and a commitment to human rights and the rule of law.

The SCA acknowledges that the INCHR reports that vacancies are advertised and that the names proposed for shortlisting are publicised for public scrutiny. Additionally, the SCA acknowledges information from the INCHR that the Independent Committee of Experts develops its own rules of procedure and is composed of civil society organizations, professional bodies, and academia.

However, the SCA notes that the absence of a selection and appointment process in the INCHR Law that is sufficiently broad, transparent, and participatory was noted as an issue by the SCA during its 2017 review of the INCHR. In particular, the law does not:

- Set out the membership of the Independent Committee of Experts;
- Require for the publication and advertisement of vacancies;
- Promote broad consultation and/or participation in the screening and selection process; and
- Provide for the merit criteria for the selection and appointment of Commissioners.

The SCA reiterates its previous recommendation encouraging the INCHR to advocate for the formalization and application of a process that includes requirements to:

- a. Publicize vacancies broadly;
- b. Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c. Promote broad consultation and / or participation in the application, screening, selection and appointment process;
- d. Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and
- e. Select members to serve in their individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on ‘Selection and appointment of the decision-making body of NHRIs’.

The SCA notes the following additional issues, which were not grounds for deferral, but were considered relevant to accreditation.

1. Adequate funding

The SCA notes reports that the INCHR has been subject to budget cuts and that its funding does not cover programmatic work. The SCA has received information that the budget cuts have resulted in the reduction of the number of monitors and outstanding bills on utilities especially rent for its premises. The SCA acknowledges that the INCHR has engaged with both the Executive and the Parliament, and that there are current budget proposals being considered in Parliament which would increase the budgetary allocation to the INCHR.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI’s operations and the fulfilment of its mandate. Provision of adequate funding by the State should, at a minimum, include the following:

- a. The allocation of funds for premises that are accessible to the wider community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with government agencies. Where possible, accessibility should be further enhanced by establishing a permanent regional presence;
- b. Salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c. Remuneration of members of the decision-making body (where appropriate);
- d. The establishment of a well-functioning communications system including telephone and internet; and
- e. The allocation of a sufficient amount of resources for mandated activities.

The SCA reiterates its previous recommendation encouraging the INCHR to advocate for the funding necessary to ensure that it can effectively carry out its mandate.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on ‘Adequate funding’.

2. Annual Report

Article 4 (16) of the INCHR Law requires the INCHR to prepare and submit annual reports to the heads of the three branches of Government. However, the law is silent on whether annual and thematic reports are discussed in the Parliament.

The SCA considers it important that the enabling law establish a process whereby the NHRI’s reports are required to be publicly circulated, tabled, discussed and considered by the legislature. The SCA recommends that the INCHR advocate for the appropriate amendment to its enabling law to ensure that the Parliament discusses and considers its annual, special, and thematic reports.

The SCA refers to Paris Principle A.3 and to its General Observation 1.11 on ‘Annual reports of NHRIs’.

3. Dismissal

In accordance with article 14(2) of the INCHR Law, the President may dismiss a member of the INCHR upon impeachment and conviction by the legislature based on proven gross misconduct in a court of law for treason, bribery, misapplication of entrusted property or other felonies. Additionally, article 43 of the Constitution of Liberia provides that the legislature shall prescribe a procedure for impeachment.

The SCA notes that Parliament is yet to prescribe the procedure for impeachment which would apply to the dismissal of INCHR members. The SCA acknowledges information received from the INCHR that there are efforts at national level through the Law Reform Commission to draft a procedure for impeachment.

In accordance with Article 14 (1) of the INCHR Law, a member of the INCHR can be removed from office on the ground of incapacity or inability to perform the duties of his/her office. The SCA notes that there is no requirement that the ground of such incapacity be determined by relevant existing independent mechanisms. In addition, there is no specificity within the law about the procedure to be employed in coming to a resolution for the dismissal of a member on the basis of inability to perform duties of the Commission.

The SCA is of the view that in order to address the requirements for a stable mandate under the Paris Principles, which is important in reinforcing independence, the enabling legislation of an NHRI must contain an independent and objective dismissal process, similar to that accorded to members of other independent State agencies.

The grounds for dismissal must be clearly defined and appropriately confined to only those actions which impact adversely on the capacity of the member to fulfil their mandate. Where appropriate, the legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction. The dismissal must be made in strict conformity with all the substantive and procedural requirements as prescribed by law. It should not be allowed based solely on the discretion of appointing authorities. The SCA is of the view that such requirements ensure the security of tenure of the members of the governing body and are essential to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends that the INCHR continue to advocate for the enactment of law that prescribes for the impeachment process of members of the Commission. In addition, the SCA recommends that the INCHR advocate for amendments to its law that outline an independent and objective procedure for the removal of members of the Commission on the ground of incapacity and inability to fulfil duties of the Commission.

The SCA refers to Paris Principle B.3 and to its General Observation 2.1 on 'Guarantee of tenure for members of the NHRI decision-making body.'

4. Term of office

According to Article 15 (1) of the INCHR Law, the Chairperson and Commissioners shall hold office for a period of six years and five years, respectively. The INCHR Law is silent on the number of times the Chairperson and the Commissioner can be re-appointed, which leaves open the possibility of unlimited tenure. The SCA acknowledges information from the INCHR that in practice the Chairperson and the Commissioners of the INCHR can be appointed twice.

The SCA notes that an appropriate minimum term of appointment is crucial in promoting the independence of the membership of the NHRI, and to ensure the continuity of its programs and

services. As a proven practice, the SCA encourages that a term of between three (3) and seven (7) years with the option to renew once be provided for in the NHRI's enabling law.

The SCA recommends that the INCHR advocate for amendments to its enabling law to provide for term limits for the Chairperson and Commissioners.

The SCA refers to Paris Principle B.3 and to its General Observation 2.2 on 'Full-time members of an NHRI.'

3.2 Northern Ireland Human Rights Commission (NIHRC)

Recommendation: The SCA decides that further consideration of the re-accreditation application of the NIHRC will be **deferred** to its first session of 2023.

During the review, the SCA was informed of the independent review of the NIHRC. The outcome of this review, as reported by the NIHRC, is expected to consider issues raised by the SCA in October 2021. The SCA recognises that, in the interest of procedural fairness, the NIHRC should be given an opportunity to provide further information regarding the outcome of the independent review and its possible impact on its ability to implement its mandate in an independent and effective manner.

In particular, the SCA encourages the NIHRC to provide information on the outcome of the review in relation to the following issues of concern for which the SCA decided to defer the consideration of the NIHRC:

The SCA notes with concern:

1. Adequate funding

The SCA reiterates its acknowledgement of the challenging financial situation in which the NIHRC operates. The SCA notes the report of the NIHRC that the Government has also indicated the need to plan a further 5% contingency to meet any unexpected costs that may arise during the current three-year fiscal cycle.

At its October 2021 Session, the SCA noted that "*The NIHRC reports that it is operating within a progressively restricted funding environment that has already required it to suspend, limit, or prioritize operations and cease planned recruitment, leaving them 20% below what they considered minimum capacity. In addition, the institution is imminently facing a further proposed annual 5% budget cut until 2025. This will impact its ability to fulfil its core mandate under the Paris Principles.*"

The SCA therefore reiterates that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its ability to freely determine its priorities and activities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of improvement in the NHRI's operations and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the following:

- a) the allocation of funds for premises that are accessible to the wider community, including for persons with disabilities. In certain circumstances, in order to promote independence and accessibility, this may require that offices are not co-located with other government agencies.

Where possible, accessibility should be further enhanced by establishing a permanent regional presence;

- b) salaries and benefits awarded to staff comparable to those of civil servants performing similar tasks in other independent institutions of the State;
- c) remuneration of members of its decision-making body (where appropriate);
- d) the establishment of a well-functioning communications system including telephone and internet; and
- e) the allocation of a sufficient amount of resources for mandated activities.

The SCA further reiterates that both the current and prospective funding position as described by the NIHRC is very serious and time sensitive, and strongly recommends that an improved and sustainable position is reached within this deferral period.

The SCA notes the report of the NIHRC that the outcome of the Independent Review will constitute a basis for a sustainable funding position to enable it to fulfil its mandate with certainty into the future. The SCA recommends that the NIHRC advocate for the inclusion in the outcome of the independent review, a recommendation to ensure an appropriate and adequate level of funding to effectively carry out its mandate. The SCA recommends the open engagement between the NHRI and the State to ensure all budgetary issues are resolved quickly, appropriately, and in a sustainable manner.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding of NHRIs'.

2. Financial autonomy

The SCA reiterates its previous concern that the budget allocation to the NIHRC is subject to the United Kingdom Government expenditure priorities, and that this has the potential to impact the NIHRC's effectiveness and functional independence.

In accordance with Schedule 7(6) of the Northern Ireland Act (the Act), the Secretary of State may make grants to the NIHRC from the budget provided by the United Kingdom Parliament.

The SCA further notes that the classification of an NHRI as an independent State agency has important implications for the regulation of certain practices, including reporting, recruitment, funding and accounting. Where a State has developed uniform rules of regulations to ensure State agencies are properly accountable for the use of public funds, the application of such rules or regulations on an NHRI is not considered inappropriate provided they do not compromise the NHRI's ability to perform its role independently and effectively.

The SCA therefore reiterates its previous recommendation that the NIHRC advocate for appropriate modifications to applicable administrative procedures to ensure that its functional independence and financial autonomy is guaranteed.

The SCA refers to Paris Principle B.2 and to its General Observations 1.10 on 'Adequate funding of NHRIs' and 2.7 on 'Administrative regulation of NHRIs'.

3. Diversity and pluralism

Section 68(3) of the Act requires that “[i]n making appointments under this section, the Secretary of State shall as far as practicable secure that the Commissioners, as a group, are representative of the community in Northern Ireland”.

The NIHRC reports that its current member and staff composition reflects improvement in its diversity, particularly regarding minorities and ethnic groups. The SCA notes that the NIHRC reports that it is taking steps toward improving gender balance.

The SCA reiterates that pluralism and diversity in the membership and staff of an NHRI facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI.

The SCA recommends that the NIHRC continue advocating for pluralism, including gender balance and minority representation, in its composition and staffing.

The SCA refers to Paris Principle B.1 and to its General Observation 1.7 on ‘Ensuring pluralism of the NHRI’.

4. Visiting places of deprivation of liberty

The SCA reiterates its October 2021 recommendation:

“In accordance with Section 69(C)(1) of the Act for the purposes of an investigation, a person authorized in writing by the NIHRC may enter a specified place of detention in Northern Ireland on one or more occasions during a specified period.

While the SCA notes that the NIHRC can enter only for the purposes of a specific, time-limited formal investigation - for which the terms of reference must be published and open to legal challenge - it encourages the NIHRC to continue to advocate for being able to conduct ‘unannounced’ visits as this limits opportunities for detaining authorities to hide or obscure human rights violations and facilitates greater scrutiny.

Reiterating its previous concern from 2011 and 2016, the SCA encourages the NIHRC to continue to access all places of deprivation of liberty, including without prior notice. It further encourages the NIHRC to effectively monitor, investigate, and report on the human rights situation in a timely manner, and to undertake systematic follow-up activities and advocate for the consideration and implementation of its findings and recommendations in order to ensure the protection of those detained.”

The SCA refers to Paris Principles A.3 and D(d) and to its General Observation 1.6 on ‘Recommendations by NHRIs’.

4. REVIEW (Art. 16.1 of the GANHRI Statute)

4.1 Madagascar: Commission Nationale Indépendante des Droits de l’Homme (CNIDH)

Recommendation: Following the Special Review initiated in accordance with Article 16.2 of the Statute, the SCA recommends that the accreditation status of the CNIDH be maintained as **A** status.

In its March 2022 session, the SCA decided to undertake a special review of the CNIDH based on information received from a group of civil society organisations regarding the delay in the issuance of the decree appointing two out of the seven civil society representatives, and related concerns with respect of the relationship between the CNIDH and the civil society organisations.

In light of the information provided by the CNIDH, the SCA considers that no further review of the Institution is required at this time. Furthermore, the SCA recommends that the CNIDH continues to advocate for the appointment of the two remaining members in order to ensure a full composition of the Board of commissioners.

4.2 Nepal: The National Human Rights Commission of Nepal (NHRCN)

Recommendation: The SCA recommends that the NHRC be downgraded to **B** status.

In accordance with Article 18.1 of the GANHRI Statute, a recommendation to downgrade does not take effect for a period of one year. The SCA notes that the NHRC maintains “A” status until the SCA’s second session of 2023. This allows an opportunity for the NHRC to provide the documentary evidence necessary to establish its continued conformity with the Paris Principles.

In June 2021, the SCA decided to initiate a special review of the NHRC based on information received from a group of civil society organizations alleging that the February 2021 appointment process of the NHRC members had failed to implement national guidelines enshrined in domestic law and the essential requirements of the Paris Principles including the need for an open, transparent, and participatory process with broad consultations.

During its October 2021 session, the SCA decided to defer the special review of the NHRC by 12 months, to its October 2022 session.

In October 2022 session, the SCA conducted an interview with the NHRC and requested responses to the following issues:

- The status of the Supreme court case challenging the appointment of NHRC members
- The ability of the NHRC to protect and promote human rights in Nepal;
- The credibility of the appointment process of the NHRC members, the mandate and visibility of the NHRC; and
- Recent examples of concrete actions taken by the NHRC to demonstrate its independence in fulfilling its promotion and protection mandate.

The SCA acknowledges that the NHRC reported that the selection and appointment process was conducted according to articles 248 and 292 of the Constitution of Nepal and in line with the amendment in the Constitutional Act through an Ordinance issued by the President on December 15, 2020. The SCA further acknowledges that the aforementioned Ordinance was later repealed after a change in administration.

However, the SCA remains concerned that the appointment process of the current NHRC members did not meet the requirements of the Paris Principles and could adversely impact the actual and perceived institutional independence of the NHRC, as well as threaten the stability and credibility of the institution.

While the SCA acknowledges that the NHRC has provided some information in relation to the above-mentioned issues, in both its interview and written submission, it considers the responses insufficient to address the substance of its concerns.

In view of the information before it, the SCA is concerned that the institution's independence and effectiveness has not been sufficiently maintained in line with the requirements of the Paris Principles.

The SCA notes with concern:

1. Selection and Appointment

The SCA received information that the selection and appointment process for members of NHRC has been conducted in such a manner that could compromise its independence.

The selection of various independent statutory and judicial appointments, including members of the NHRC, are made by a Constitutional Council established by the Constitutional Council Act. Under the original Constitutional Council Act, five out of six members of the Council must be present to make recommendations/nominations for appointments. By Ordinance, the quorum of the Council was reduced to three, with a simple majority required to make recommendations for the appointment of office-holders. The Ordinance has been challenged in the Supreme Court as unconstitutional. The Court has not delivered a final verdict on the legality of the Ordinance.

The SCA also notes third-party submissions by a group of CSOs indicating that the recent selection and appointment process of December 2020, had not been publicly advertised, nor did it detail the criteria for the assessment of the candidates. This resulted in appointments made in a manner that was not perceived as transparent by civil society.

The NHRC was requested to respond to these concerns. The NHRC reported that its members were appointed by the Constitutional Council, which is the country's highest ranked entity, and comprises of the Chief Justice, Opposition Leader, Speaker and Deputy Speaker of the House, Chairperson of the Upper House, and chaired by the Prime minister.

The Ordinance reduced this initial quorum of the majority to a quorum of three to select and appoint the members. The Constitutional Council secretariat prepares the list of nominees for the Constitutional Council for selection and appointment, and is thereafter sent to the Parliament for approval during the Parliamentary hearing. If the Parliamentary Hearing Committee is unable to conduct a hearing within 45 days, the nominees are automatically appointed to the designated positions. However, the NHRC reports that although the President of Nepal has dissolved the Parliament, its members were appointed in accordance with the Ordinance and continues to perform their mandate independently and effectively.

In view of the available information before it, the SCA is of the view that the process currently enshrined in law is not sufficiently participatory and transparent. In particular, it does not:

- Require the advertisement of vacancies; and

- Specify the process for achieving broad consultation and/or participation in the application, screening, selection, and appointment process.

The SCA is also of the view that the selection and appointment process undertaken in 2020 was not characterized by openness and transparency and did not provide sufficient opportunities for consultation with/or participation of civil society.

It is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process of the NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends that the NHRC advocate for amendments in the Constitution and in its enabling law to ensure full compliance with the Paris Principles and provide for a process that includes requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups;
- c) Promote broad consultation and/or participation in the application, screening, selection and appointment process; and
- d) Assess applicants on the basis of pre-determined, objective and publicly available criteria.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

2. Addressing human rights violations

Regarding the ability of the NHRC to protect and promote human rights, and demonstrate its independence in fulfilling its promotion and protection mandate, the SCA acknowledges the response of the NHRC, including the following:

- The NHRC has completed drafting and translating its five-year Action Plan and has shared it with all government institutions, CSOs, and stakeholders, as well as at the provincial level;
- The NHRC has also assisted the Prime minister's office in drafting the Human Rights Action Plan of Nepal, and has assisted other thematic commissions, such as Dalit Commission, and the Indigenous People Commission in drafting their Action Plans;
- The NHRC has been closely and effectively working with CSO groups in different thematic areas;
- The NHRC has conducted seven provincial conferences and a National Conference on Human Rights Defenders and the NHRC has prepared amendments in the draft legislation in the favour of Human Rights Defenders which will be submitted to Parliament after completion;
- The NHRC has closely worked with government and provincial government and victim groups and have prepared comments on the draft amendment of the Transitional Justice Law;
- The NHRC monitored the election process during the last local election and the NHRC along with other CSOs are preparing for monitoring the upcoming election in November as well; and
- The NHRC prepared its Annual report and submitted to the President on the occasion of Human Rights Day on 10 December and also discussed the report with the Parliament.

While the SCA acknowledges the NHRC response and notes that the Parliament has been dissolved since December 2020, the SCA is of the view that the information provided by the NHRC does not

demonstrate adequate efforts in addressing in a timely manner human rights issues such as discrimination against women, caste, indigenous, LGBTQ and minorities, nor has it spoken out in a manner that promotes and protects all human rights in line with the Paris Principles.

An NHRI's mandate should be interpreted in a broad, liberal and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles and the strengthening of the rule of law in all circumstances, and without exception.

Further, the SCA highlights that regular and constructive engagement with human rights defenders and civil society organizations are essential for NHRIs to fulfil their mandates effectively.

The SCA recommends that the NHRC strengthen its efforts to address all human rights issues in a manner that demonstrates its ability to protect and promote human rights. The SCA further recommends that the NHRC ensure that its positions on these issues are made publicly available, as this will contribute to strengthening the credibility and accessibility of the institution for all people in Nepal.

The SCA refers to Paris Principles A.1, A.2, A.3, C(f) and (g) and to its General Observation 1.5 on 'Cooperation with other human rights bodies.'

5. SPECIAL REVIEW (Art. 16.2 of the GANHRI Statute)

5.1 Jordan National Centre for Human Rights (JNCHR)

Decision: The SCA decides to initiate a **Special Review** of the JNCHR at its first session of 2023.

In May 2022, the SCA became aware, through publicly available information, that the Chair of the JNCHR Board of Trustees is a member and Secretary General of a political party.

On 14 August 2022, the Centre provided information to the SCA that the Jordanian Parliament on 3 August 2022 had approved amendments to the JNCHR Law which requires the Chairperson of the Board of Trustees and the Commissioner General for Human Rights not be affiliated to a political party. The JNCHR also submitted to the SCA Secretariat a copy of the amendment to the law as published in the official gazette on 13 September 2022. The JNCHR further reported that, due to the amendments, the Chairperson of the Board of Trustee resigned on 22 August 2022.

In addition, the SCA was made aware of publicly available information concerning the prosecution and subsequent suspension of several staff. The SCA is particularly concerned about reports that such developments have taken place without due process of law. The SCA is also concerned that this has put the JNCHR capacity to carry out its mandate, including its ability to address human rights violations, monitoring activities and issuance of reports, in doubt.

Civil society organizations have made public statements which perceive the prosecution and suspension of the staff of the JNCHR as a campaign meant to undermine the independence of the institution and to silence the JNCHR for its critique of government action.

The SCA is of the view that publicly available information raises serious concerns about the continued compliance of the JNCHR with the Paris Principles, including its independence and ability to fulfil its mandate.

In view of the information before it, the SCA decides to initiate a Special Review in accordance with Article 16.1 of the GANHRI Statute in order to determine the JNCHR's ongoing compliance with the Paris Principles.

6. ALTERATION OF ACCREDITATION CLASSIFICATION (Art. 18.1 of the GANHRI Statute)

6.1 Sri Lanka: The Human Rights Commission of Sri Lanka (HRCSL)

Recommendation: The SCA recommends that the HRCSL be downgraded to **B** status.

Following submissions by civil society organizations and a response by the HRCSL, in June, 2021 the SCA decided to undertake a Special Review of the accreditation status of the HRCSL at its October 2021 session. The SCA had received correspondence from civil society organizations regarding the appointment process of the HRCSL, and related concerns with respect to the lack of pluralism in the HRCSL's membership and staff, as well as its effectiveness in discharging its human rights mandate.

At the Special Review of HRCSL in its October 2021 session, the SCA expressed concern that the institution's independence and effectiveness had not been sufficiently maintained in line with the requirements of the Paris Principles and recommended that the HRCSL be downgraded to B status. In accordance with Article 18.1 of the GANHRI Statute, the SCA gave the HRCSL the opportunity to provide, within one year, written evidence deemed necessary to establish its continued compliance with the Paris Principles.

At its October 2022 session, the SCA considered the additional documentation and material provided by the HRCSL, and conducted an interview giving the HRCSL an opportunity to provide its views on various matters, including:

- the latest development in the country and how it has affected the functioning of the HRCSL;
- an update on the proposed amendments to the Constitution and the founding law focusing on the SCA recommendations of October 2021 on the selection and appointment process and pluralism; and
- how the HRCSL addresses human rights violations, particularly, death in custody and torture.

The SCA acknowledges the efforts undertaken by the HRCSL to promote and protect human rights in the challenging and volatile context in which it operates. However, in view of the all the material provided and the interview, the SCA is not satisfied the HRCSL has adequately addressed its concerns.

The SCA notes with concern:

1. Selection and appointment

At its October 2021 session, the SCA noted the following concerns with respect to the selection and appointment process of members of the HRCSL:

“The SCA notes the information received regarding the adoption of the 20th Amendment in 2020, which significantly changed the selection and appointment process for members of HRCSL in such a manner that could compromise its independence. The 20th Amendment abolished the Constitutional Council, a 10-member body with three seats reserved for civil society representatives tasked to recommend candidates for appointment as HRCSL Commissioners. In its place, the 20th Amendment reinstated the Parliamentary Council, composed exclusively of members of parliament, with the power to make observations only to the President of the Republic with respect to the appointment of HRCSL Commissioners.

The SCA also notes the information received in third-party submissions that in the recent selection and appointment process in December 2020, the Government did not advertise the vacancies, nor did it detail the criteria for the assessment of the candidates. This resulted in appointments made in a manner that was not wholly transparent to civil society.

The HRCSL was asked to respond to these concerns. The HRCSL reported that as the Parliamentary Council is composed of parliamentarians who represent the public and different groups in society, direct involvement of civil society in the process was not required. The HRCSL also confirmed that the publication of vacancies is not a legal requirement.

In view of the available information before it, the SCA is of the view that the process currently enshrined in law is not sufficiently participatory and transparent. In particular, it does not:

- Require the advertisement of vacancies; and*
- Specify the process for achieving broad consultation and/or participation in the application, screening, selection, and appointment process.*

The SCA is also of the view that the selection and appointment process undertaken in 2020 was not characterized by openness and transparency and did not provide sufficient opportunities for consultation with or participation of civil society”.

The SCA provided the HRCSL with the opportunity to respond to these concerns. The HRCSL reported of proposed amendments to the Constitution and the founding law to provide for civil society participation in the selection and appointment process. SCA acknowledges that the amendments will ensure consultation with or participation of civil society organizations in the selection and appointment process. The SCA further acknowledges efforts made by the HRCSL to advocate for adoption of these amendments. However, the SCA notes that there is no clear information concerning the status of the proposed amendments. The SCA reiterates its view that the selection and appointment process currently enshrined in law is not sufficiently participatory and transparent.

In addition, the SCA notes that the HRCSL has proposed amendments to its Law to provide for publication of the shortlisted nominees and the selection criteria. The SCA, however, notes that the amendment does not require publication of vacancies to maximize the potential number of candidates, thereby promoting pluralism.

It is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process of the NHRI’s decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends that the HRCSL advocate for amendments in the Constitution and in its founding law to provide for a process that includes requirements to:

- e) Publicize vacancies broadly;
- f) Maximize the number of potential candidates from a wide range of societal groups;
- g) Promote broad consultation and/or participation in the application, screening, selection and appointment process; and
- h) Assess applicants on the basis of pre-determined, objective and publicly available criteria.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

2. Addressing human rights violations

In October 2021, the SCA noted the following concerns with regard to the capacity of the HRCSL to address all human rights violations:

As noted above, the SCA provided an opportunity for the HRCSL to respond to specific issues of concern raised in third-party submissions on the independent and effective exercise of its human rights mandate. It acknowledges that the HRCSL did provide some information including as follows:

- *The HRCSL conducted meetings and sent letters to duty-bearers about the rights and welfare of prisoners amid the COVID-19 pandemic and other issues including allegations of torture, deaths in custody, riot control measures, communication systems between detainees and their family, as well as the establishment of a focal point to expedite communication between HRCSL and the Prison Department. The HRCSL also conducted unannounced visits to police stations, prisons, and other places of deprivation of liberty.*
- *The HRCSL intervened in a case of a teachers' union activist who was arrested for staging a protest and sent to quarantine with the Sri Lanka Air Force.*
- *The HRCSL intervened in cases involving the use of quarantine rules by police to harass and arrest people.*

Based on the HRCSL written and oral response to the issues above, the SCA is of the view that the HRCSL has not effectively engaged on and publicly addressed all human rights issues including allegations of deaths in custody and torture, nor has it spoken out in a manner that promotes and protects all human rights.

An NHRI's mandate should be interpreted in a broad, liberal, and purposive manner to promote a progressive definition of human rights which includes all rights set out in international, regional and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles and the strengthening of the rule of law in all circumstances, and without exception. Where serious violations of human rights are imminent, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence.

Further, the SCA highlights that regular and constructive engagement with human rights defenders and civil society organizations is essential for NHRIs to fulfil their mandates effectively.

The SCA also notes that the HRCSL did not submit a parallel report to the United Nations Human Rights Committee.

The Paris Principles recognise that monitoring and engaging with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures and Universal Periodic Review) and the United Nations human rights treaty bodies, can be an effective tool for NHRIs in the promotion and protection of human rights domestically.

Depending on existing domestic priorities and resources, effective engagement with the international human rights system may include:

- *submitting parallel or shadow reports to the Universal Periodic Review, Special Procedure mechanisms and treaty bodies;*
- *making statements during debates before review bodies and the Human Rights Council;*
- *assisting, facilitating, and participating in country visits by United Nations experts, including Special Procedures mandate holders, treaty bodies, fact finding missions and commissions of inquiry; and*
- *monitoring and promoting the implementation of relevant recommendations originating from the human rights system.*

The SCA encourages the HRCSL to strengthen its efforts to address all human rights issues, including those noted above. The SCA further encourages the HRCSL to ensure that its positions on these issues are made publicly available, as this will contribute to strengthening the credibility and accessibility of the institution for all people in Sri Lanka.

The SCA refers to Paris Principles A.1, A.2, A.3, C(f), and (g) and to its General Observation 1.5 on 'Cooperation with other human rights bodies'.

As noted above, the SCA provided the HRCSL an opportunity to respond to the specific concerns raised in its October 2021 session. The SCA acknowledges that the HRCSL has provided the following information on how they have addressed human rights violations:

- Prepared and submitted an advisory calling for amendments to the Prevention of Terrorism Act to address the broad definition of terrorism;
- Engaged with Law Enforcement machinery on public order management;
- Press release addressing unreasonable restrictions of movement in designated high security zones;
- Investigations into alleged violations of human rights such as excessive use of force against the demonstrators and journalists, by security forces;
- Submitted information to the UN Committee of Migrant Workers for the periodic review of Sri Lanka;
- Engaged with human rights defenders on the human rights of female detainees, reconciliation related issues and viable approaches of working with civil society organisations during Covid-19 pandemic;
- Engaged the Inspector General of Police regarding rights and welfare of detainees and have concluded a study on prisons and called for high profile meeting on the implementation of the recommendations in the said study; and
- Investigated an incident involving harassment of detainees under the Prevention of Terrorism Act, by a state minister.

Based on the written and oral responses, the SCA is of the view that the information provided by the HRCSL does not demonstrate adequate efforts in addressing in a timely manner, the breadth of human rights issues arising during the state of emergency, such as visiting places of detention and detainees under the Prevention of Terrorism Act. The SCA notes that, in situations of coup d'état or a

state of emergency, it is expected that an NHRI will conduct itself with a heightened level of vigilance and independence, and in strict accordance with its mandate.

The SCA, therefore, reiterates its previous recommendations urging the HRCSL to strengthen its efforts to address all human rights issues including addressing the situation of detainees under the Prevention of Terrorism Act. The SCA encourages that the HRCSL ensure that its positions on these issues are made publicly available.

The SCA refers to Paris Principles A.3, C(c) and to its General Observation 2.5 'NHRIs during the situation of a *coup d'état* or a state of emergency.'