

NOTE

As of 23 April 2025, the SCA recommendations contained in this report are considered final with exception of those related to the National Human Rights Commission of India, which in accordance with Article 12.1(ii) of GANHRI statute challenged the recommendation.

GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI)

**Report and Recommendations of the 45th Session
of the Sub-Committee on Accreditation (SCA)**

Geneva, 13-21 March 2025

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SUMMARY OF RECOMMENDATIONS

1. Re-Accreditation (Art. 15 of the GANHRI Statute)
<p>1.1 <u>Estonia: The Chancellor of Justice (CoJ)</u> Recommendation: The SCA recommends that the CoJ be re-accredited with “A” status.</p>
<p>1.2 <u>Finland: The Finnish National Human Rights Institution (FNHRI)</u> Recommendation: The SCA recommends that the FNHRI be re-accredited with “A” status</p>
<p>1.3 <u>Ghana: The Commission on Human Rights and Administrative Justice (CHRAJ)</u> Recommendation: The SCA recommends that the CHRAJ be re-accredited with “A” status</p>
<p>1.4 <u>India: National Human Rights Commission (NHRC)</u> Recommendation: The SCA recommends that the NHRC be downgraded to “B” status</p>
<p>1.5 <u>Nepal: National Human Rights Commission of Nepal (NHRCN)</u> Recommendation: The SCA recommends that the NHRCN be re-accredited with “A” status.</p>
<p>1.6 <u>Togo: The Commission Nationale des Droits de l’Homme (CNDH)</u> Recommendation: The SCA recommends that the CNDH be re-accredited with “A” status.</p>
2. Decision (Art. 14.1 of the GANHRI Statute)
<p>2.1 <u>France: Commission Nationale Consultative des Droits de l’Homme (CNCDH)</u> Decision: The SCA decides to defer the review of the CNDH for 18 months to its 48th session in 2026.</p>
<p>2.2 <u>Uganda: Uganda Human Rights Commission (UHRC)</u> Decision: The SCA decides to defer the review of the UHRC for 24 months to its 49th session in 2027.</p>
3. Review (Art. 16.2 of the GANHRI Statute)
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4. Special Review (Art. 16.2 of the GANHRI Statute)
<p>4.1 <u>Korea: National Human Rights Commission (NHRCK)</u> Decision: The SCA decides to initiate a special review of NHRCK at its 46th session in 2025.</p>
<p>4.2 <u>Venezuela: Defensoría del Pueblo de la República Bolivariana de Venezuela</u> Decision: The SCA decides to initiate a special review of DPV at its 46th session in 2025.</p>

**Report, Recommendations, and Decision of the 45th Session of the SCA,
13-21 March 2025**

BACKGROUND

- 1.1** In accordance with the Statute¹ of the Global Alliance of National Human Rights Institutions (GANHRI), the Sub-Committee on Accreditation (SCA) has the mandate to consider and review applications for accreditation, re-accreditation 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 Principles². The SCA assesses compliance with the Paris Principles in law and in practice.
- 1.2** In accordance with the RoP, the SCA is composed of one NHRI representative from each region. The current SCA members are Honduras for the Americas (Chair), New-Zealand for Asia-Pacific, Kenya for Africa, and Croatia for Europe.
- 1.3** In accordance with section 3.1 of the SCA's RoP, the NHRI of Norway, as the alternate member for Europe, participated to learn about the procedures in practice, in advance of serving on the SCA for the upcoming review of the NHRI of Croatia.
- 1.4** The Human Rights Council at its 57th session adopted resolution [A/HRC/RES/57/23](#) *requesting the Secretary-General and the High Commissioner to provide the Office of the High Commissioner with the financial and human resources necessary for the servicing of the sessions of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, relating to the participation of members, interpretation in the official languages of the Global Alliance, the processing of applications and the translation of documents.*
- 1.5** At its March 2025 meeting, the GANHRI Bureau adopted amendments to the SCA Rules of Procedure (RoP) with consideration of resolution A/HRC/RES/57/23.
- 1.6** The SCA, therefore, convened from 13-21 March 2025 for its 45th session and conducted interviews with NHRIs in person. The Secretariat, OHCHR-NIRMS, participated in its capacity as GANHRI and SCA Secretariat. In accordance with the 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), Network of African National Human Rights Institutions (NANHRI) and *La Red de*

¹ Available at https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/EN_GANHRI_Statute_adopted_15032023.pdf

² Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/116/24/PDF/N9411624.pdf?OpenElement>

Instituciones Nacionales de Derechos Humanos (RINDHCA). In accordance with the RoP, the SCA also welcomed the participation of the GANHRI Head Office.

- 1.7** In implementing the resolution, OHCHR-NIRMS facilitated the participation of NHRIs involved in the accreditation.
- 1.8** Pursuant to article 14.1 of the Statute, the SCA took a decision regarding the NHRIs of France and Uganda.
- 1.9** Pursuant to article 15 of the Statute, the SCA considered applications for re-accreditation from the NHRIs of Estonia, Finland, France, Ghana, India, Nepal and Togo.
- 1.10** Pursuant to article 16.2 of the Statute, the SCA reviewed certain issues regarding the NHRI of Burundi.
- 1.11** Pursuant to article 16.2 of the Statute, the SCA reviewed information regarding potential change in circumstances relative to the compliance of the NHRIs of Republic of Korea and The Bolivarian Republic of Venezuela with the Paris Principles and decided to initiate a review of the NHRIs.
- 1.12** In accordance with the Paris Principles and the SCA RoP, the classifications for accreditation used by the SCA are:
- A:** Fully compliant with the Paris Principles;
 - B:** Partially compliant with the Paris Principles.
- 1.13** 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.
- 1.14** 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, nor 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.

- 1.15** 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.
- 1.16** 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 an NHRI is no longer operating in compliance with the Paris Principles.
- 1.17** The SCA encourages all NHRI to actively engage with OHCHR, GANHRI, relevant regional networks, other NHRIs, as well as other relevant stakeholders at international, regional and national levels, in order to continue to strengthen their institutional framework and working methods as mentioned in the [UN Secretary General's Report on the accreditation process](#).
- 1.18** 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.

1.19 Pursuant to Article 18.2 of the Statute, any decision that would serve to downgrade or remove accreditation status from an NHRI can only be taken after the NHRI 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. Upon failure of the NHRI to do so, its status will be downgraded or removed, where applicable.

1.20 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.

1.21 Pursuant to Article 16.4 of the Statute, any review of the accreditation classification of a NHRI must be finalized within 18 months.

1.22 The SCA acknowledges the high degree of support and professionalism of the GANHRI Secretariat (OHCHR-NIRMS).

1.23 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.

1.24 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>).

1.25 The SCA considered information received from civil society. The SCA shared that information with the concerned NHRIs and considered their responses.

1.26 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. RE-ACCREDITATION (Art. 15 of the GANHRI Statute)

1.1 Estonia: The Chancellor of Justice (CoJ)

Recommendation: The SCA recommends that the CoJ 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 in line with the Paris Principles and to implement the recommendations made by the SCA during this review.

The SCA notes:

1. Encouraging ratification or accession to international human rights instruments

The Chancellor of Justice Act does not explicitly mandate the CoJ to encourage ratification of, or accession to international human rights instruments. The SCA acknowledges that, in practice, the CoJ interprets its mandate broadly, considering this function an integral part of its human rights mandate, and carries out activities in this regard.

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, are key functions of an NHRI. Therefore, the SCA encourages the CoJ to continue to interpret its mandate broadly and to advocate for an appropriate legislative amendment to make explicit its mandate to encourage ratification of, or accession to international human rights instruments.

The SCA refers to Paris Principles A3(b) and (c) and to its General Observation 1.3 on ‘Encouraging ratification or accession to international human rights instruments’.

2. Interaction with the international human rights system and implementation of international standards

The Chancellor of Justice Act specifies that the NHRI exercises supervision of the compliance of national legislation with international agreements. The SCA notes that in practice, the NHRI has carried out activities to raise awareness of the international human rights system.

The SCA notes that the Committee on the Elimination of Discrimination against Women (CEDAW)³ expressed concern regarding the lack of institutional coordination and collaboration between the Office of the Chancellor of Justice and other relevant entities working on the rights of women.

It also notes that the Committee on the Elimination of Racial Discrimination (CERD)⁴ expressed a number of concerns regarding the language policies in Estonia, in particular regarding their impact on enjoyment of rights of minorities.

³ CEDAW/C/EST/CO/7

⁴ CERD/C/EST/CO/12-13

The Paris Principles recognise that monitoring developments in and engaging with the international human rights system, in particular the Human Rights Council and its mechanisms 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 highlights that effective engagement with the international human rights system may include monitoring and promoting the implementation of relevant recommendations originating from the human rights system.

The SCA encourages the CoJ to monitor the implementation of recommendations addressed to the State of Estonia by Treaty Bodies. The SCA also recommends that the CoJ takes measures to continue to implement the recommendations from Treaty Bodies addressed to the NHRI, including in relation to cooperation with other national human rights bodies.

The SCA refers to Paris Principles A3(b)(c) and C(f)(g), and to its General Observation 1.4 on 'Interaction with the international human rights system' and to its General Observations 1.5 on 'Cooperation with other human rights bodies'.

3. Selection and appointment

Paragraph 5 of the Chancellor of Justice Act and Paragraph 40 of the Constitution establish that the Chancellor of Justice shall be appointed by the Parliament on the proposal of the President of the Republic.

The CoJ reported that in practice, the President of the Republic consults with all political parties within Parliament and civil society organisations (CSOs) before proposing a candidate for election by Parliament. In addition, civil society can and have presented related proposals, opinions and requests for information under the Response to Memoranda and Requests for Explanations and Submission of Collective Proposals Act.

The SCA continues to be of the view that the process currently enshrined in the Act is not sufficiently broad and transparent. In particular, the Act 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, in particular of CSOs.

The SCA also notes that the CoJ is currently considering means to ensure a formalized selection process, inclusive of CSOs.

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 encourages the CoJ 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;

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’.

4. Adequate funding

The SCA is of the view that to function effectively, an NHRI must be provided with an adequate and sufficient level of funding to guarantee its independence and its ability to freely determine its priorities and activities.

In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the NHRI’s operations and the fulfilment of its mandate. The NHRI must be empowered to allocate funding from its budget according to its priorities.

Considering states have the duty to protect and promote human rights, including of the most vulnerable members of society, who are often the victims of human rights violations, the SCA recommends that the CoJ advocate that it continues to receive an adequate and sufficient level of funding to enable it to effectively fulfil its mandate.

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

5. Term of Office

Chapter XII, Paragraph 140 of the Constitution stipulates that the CoJ is appointed for a term of seven years. The Constitution and the Act are silent on the number of times the Chancellor of Justice can be re-appointed, which leaves open the possibility of unlimited tenure. The SCA notes that the current Chancellor has been reappointed.

The SCA notes that a reappointment for a new term requires the Chancellor of Justice to undergo the same selection process as any other candidate. Further, the NHRI reported that in practice, reappointment of the Chancellor of Justice has only happened once.

In order to promote institutional independence, the SCA recommends a term of office to be limited to one (1) re-appointment.

The SCA encourages the Chancellor of Justice to advocate for the relevant amendments to provide for such limits 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’.

1.2 Finland: The Finnish National Human Rights Institution (FNHRI)

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

The SCA notes the particular structure of the Finnish National Human Rights Institution as an umbrella organization composed of the Parliamentary Ombudsman (Ombudsman), the Human Rights Centre (HRC) and the Human Rights Delegation (HRD). The SCA encourages the FNHRI to continue to advocate for legislative amendments that clearly stipulate the existence of the FNHRI as one NHRI in compliance with the Paris Principles with three distinct structures, noting that such amendment has not yet passed.

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

The SCA notes:

1. Pluralism and diversity

The SCA notes that information on language or ethnic minority status of staff of the FNHRI cannot be provided due to legal reasons. It also notes the information that the FNHRI hires staff through open and transparent competitions based on competence criteria and with due respect to the acts on equality and non-discrimination.

The SCA welcomes that the Ombudsman's Office has in place a plan on non-discrimination and equality which encourages persons of different gender and from different minorities to apply for positions at the Ombudsman's Office.

The SCA is of the view that diverse staffing facilitates the NHRI's appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates and promotes the accessibility of the NHRI for all citizens. Pluralism refers to broader representation of national society and consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status.

The SCA recommends that the FNHRI continue to take measures to ensure the broad representation of national society, including in the context of gender, ethnicity or minority status in its staffing.

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

2. Selection and appointment

Section 38 of the Constitution provides that the Parliament appoints the Ombudsman for a term of four years. According to Section 11 of the Rules of Procedure of the Parliament, a vacancy for the position of Ombudsman shall be announced in the manner decided by the Speaker's Council. The Constitutional Law Committee evaluates the candidates and if there are several candidates, an election of the Ombudsman shall be held.

While recognizing that in practice the selection process is transparent, the SCA notes that the relevant provisions in the Parliamentary Ombudsman Act are not sufficiently broad. In particular, they do not explicitly:

- require the advertisement of vacancies; or
- specify the process for achieving broad consultation and/or participation in the application, screening, selection and appointment process, in particular of NGOs and civil society.

Section 19 c (1) of the Parliamentary Ombudsman Act provides that having received the Constitutional Law Committee's opinion on the matter, the Ombudsman shall appoint the Director of the Human Rights Centre for a four-year term.

Section 7 of the Act on Parliament's Civil Servants requires that the vacant post for Director is widely advertised publicly. Further, in practice, applicants' merits are assessed, and the leading candidates are shortlisted and interviewed by the Ombudsman and Secretary-General, who further request the opinion of the Constitutional Law Committee on their proposal for the appointment. In practice, so far, the Ombudsman has made an appointment decision on the basis of the Parliamentary Committee's opinion. However, the SCA notes that the selection process, as provided for in the Act, is not sufficiently participatory. It does not specify the process for achieving broad consultation and/or participation in the application, screening, selection and appointment process, in particular of civil society.

The SCA recommends that the FNHRI advocate for changes in its enabling legislation to ensure that the selection and appointment of the position of Ombudsman includes the requirement to widely publicise the vacancy and to ensure that both the position of the Ombudsman and that of Director of the HRC involves broad consultation and/or participation in the application, screening, selection and appointment process, including NGOs and civil society.

The SCA notes that Section 19 e of the of the Parliamentary Ombudsman Act provides that the HRC shall have a Human Rights Delegation, which the Ombudsman, having heard the view of the Director, shall appoint for a four-year term. In practice, the Delegation is appointed following a public call for nominations, in accordance with the criteria set out in law and the Government Bill. The tasks of the HRD include to approve annually the HRC's operational plan and the HRC's annual report.

The SCA notes that a process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence, at all levels of the NHRI.

The SCA encourages the FNHRI to advocate for the formalization and application of a selection process for the HRD that includes requirements to:

- a) Publicize vacancies broadly;
- b) 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'.

3. Conflict of interest

Sections 13 and 17 of the Parliamentary Ombudsman Act contain provisions to avoid conflicts of interest for the Ombudsman and the Deputy-Ombudsmen. Section 17 (2) of the Parliamentary Ombudsman Act and Section 13 of the Act on Parliament's Civil Servants contain provisions to avoid conflicts of interest for the Director of the HRC.

The FNHRI indicates that to ensure that conflicts of interest do not compromise the work of the NHRI, generally applicable rules of impartiality, as laid down in the Administrative Procedure Act (434/2003), are applied rigorously.

The enabling legislation of the NHRI states that members of the HRD are appointed in a personal capacity. However, there are no express provisions on preventing conflicts of interest specifically with regards to members of the HRD in the enabling law.

The SCA is of the view that avoidance of conflict of interest protects the reputation, and the real and perceived independence of NHRIs.

The SCA encourages the FNHRI to advocate for provisions to avoid conflict of interest among members of the HRD to be included in legislation, and to develop guidance with respect to what constitutes a conflict of interest for members of the HRD and the process by which a determination would be made about the existence of such a conflict.

The SCA refers to Paris Principle B.2 and to its General Observation 1.9 on 'Political representatives on NHRIs'.

4. Adequate funding

The SCA is of the view that to function effectively, an NHRI must be provided with an appropriate level of funding to guarantee its independence and its ability to freely determine its priorities and activities.

States have the duty to protect the most vulnerable members of society, who are often the victims of human rights violations, even in times of severe resource constraints.

The NHRI must be empowered to allocate funding from its budget according to its priorities. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the NHRI's operations and the fulfilment of its mandate.

The SCA recommends that the FNHRI advocate that it continues to receive an appropriate level of funding, and for its financial autonomy to be enshrined in the enabling law of the NHRI.

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

5. Annual report

In accordance with Section 12 of the Parliamentary Ombudsman Act, the annual report of the Ombudsman is tabled in Parliament and is discussed in the presence of the Ombudsman. The report of the HRC is presented to the Constitutional Law Committee, to other Committees depending upon the content of the report. However, it is neither tabled nor discussed in Plenary.

The SCA reiterates that it is of the view that, as a result of this difference in procedure, Parliament is not provided with a complete account of the work of the FNHRI.

The SCA considers it preferable for the HRC to also have the ability to table its reports in Parliament for discussion. It encourages the FNHRI to continue to advocate for this competence.

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

6. Term of office

In accordance with Section 38 of the Constitution of Finland, the Ombudsman is appointed for a four-year term by the Parliament. The Law is silent on the number of times an Ombudsman can be re-appointed, which leaves open the possibility of unlimited tenure.

In accordance with Section 19 c (1) of the Parliamentary Ombudsman Act, the Director of the HRC is appointed for a four-year term by the Ombudsman. The Law is silent on the number of times the Director of the HRC can be re-appointed, which leaves open the possibility of unlimited tenure.

In order to promote institutional independence, the SCA is of the view that it would be preferable for both the term of office of the Ombudsman and the term of the Director of the HRC to be limited to one (1) re-appointment.

The SCA encourages the FNHRI to advocate for amendments to its enabling law to provide for such limits on the terms of office.

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

1.3 Ghana: The Commission on Human Rights and Administrative Justice (CHRAJ)

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

The SCA encourages the CHRAJ to continue efforts to promote and protect human rights, including by continuing to advocate for amendments to its enabling law. The SCA notes that the Government elected in 2024 has begun reviewing the recommendations made by the Constitution Review Committee of 2010 for implementation, and the CHRAJ has prepared a bill for consideration by the Parliament.

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 implement the recommendations made by the SCA during each review.

The SCA notes:

1. Human rights mandate

The SCA notes that while Section 23 of the enabling law empowers CHRAJ to enter any premises occupied by a department, an authority or a person at any time to carry out investigation, it is not mandated to conduct unannounced visits. The CHRAJ informs that since 2021, it has been designated as the NPM and has conducted several visits. However, the CHRAJ notes that this NPM mandate has not been formally included in its enabling law and it has therefore introduced amendments to be tabled before Parliament for the explicit vesting of this mandate to the Commission.

The SCA is of the view that an NHRI mandate should be interpreted in a broad 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 include the mandate to authorize unannounced and free access to inspect and examine any public premises, documents, equipment, and assets without prior written notice.

The SCA therefore reiterates its previous recommendations of 2014 and 2019 and recommends that the CHRAJ continues to advocate for appropriate amendments to its law to provide it with an explicit mandate to conduct unannounced visit to places of deprivation of liberty and the express mandate to execute its powers.

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

2. Pluralism and diversity

In March 2014 and March 2019, the SCA was concerned that eligibility for appointment as Commissioner or Deputy Commissioner is restricted to lawyers, which may unduly restrict the pluralism of the CHRAJ. Further, the SCA noted the gender imbalance in the staff complement of the CHRAJ.

The SCA acknowledges the response of the CHRAJ that it has always had a gender balance in its composition and taken steps to improve the pluralistic composition of its decision-making body and staff complement.

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

The SCA encourages the CHRAJ to continue efforts to ensure gender balance in the composition of its staff at all levels.

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

3. Selection and appointment

In March 2014 and March 2019, the SCA noted that the Commissioner and Deputy Commissioners of the CHRAJ are appointed by the President of the country, in consultation with the Council of State through a process that is not clearly stipulated in the law. In practice, the selection and appointment of CHRAJ members follows a process that is open and involve background investigation.

The CHRAJ reports that a Constitutional Review Committee from 2010 recommended the amendment of the Constitution to provide for a participatory selection and appointment process. The recommendations, according to the CHRAJ, are being reviewed by the current Government for consideration.

In this regard, the CHRAJ is advocating for an amendment to its enabling law to include a merit-based selection process for Commission members based on transparent advertisement and broad selection process, as recommended by the Constitution Review Committee (CRC).

The SCA reiterates its previous recommendation encouraging the CHRAJ to continue to advocate for the inclusion in its enabling law of 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;
- 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 National Human Rights Institutions’.

4. Adequate funding and financial autonomy

The Law does not establish a process for the allocation of the CHRAJ budget but indicates that administrative expenses, including salaries, allowances, and pensions payable to staff, are charged to the State’s Consolidated Fund.

CHRAJ notes that, in practice, it prepares its budget based on the budget ceiling prepared by the Ministry of Finance and following consultation, the budget is presented to Parliament by the Ministry. The CHRAJ reports that, it is however advocating for a process that will no longer require the submission of its budget to the Parliament through the Ministry of Finance for vetting as recommended by the CRC.

The SCA encourages the CHRAJ to continue to advocate for a process that will ensure its financial autonomy, including the implementation of the CRC recommendations regarding the establishment of an Independent Constitutional Fund to be able to submit the budget directly to Parliament and include this process in relevant legislation.

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

1.4 India: National Human Rights Commission (NHRC)

Decision: 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 47th session slated for 2026. This allows an opportunity for the NHRC to provide the documentary evidence necessary to establish its continued conformity with the Paris Principles.

During the review of the reaccreditation application of the NHRC in March 2023, the SCA welcomed the amendment of the Protection of Human Rights Act of 1993 (PHRA) while noting that the amendments did not adequately address its recommendations from the November 2017 accreditation review. The SCA deferred the review of the NHRC to March 2024 and

recommended that the NHRC advocate for amendments to the PHRA to remove the capacity for government to second police officers to act as investigative staff, remove the capacity for the Government to make a senior civil servant available for the position of Secretary General, ensure that the NHRC can independently appoint suitably qualified staff, ensure a pluralistic balance in its composition and staff, and provide for a formalized, transparent, participatory and open selection and appointment process. The SCA, taking note of third-party information, the response of the NHRC and other information before it, also recommended that the NHRC takes additional steps to ensure constructive engagement and cooperation with civil society and HRDs, and address systemic violations of human rights while ensuring effective follow-up with the State and making its positions publicly available.

While reviewing the NHRC reaccreditation during its first session of 2024, the SCA decided to further defer consideration of the NHRC on grounds that the majority of its previous recommendations remain unaddressed and noted that the inability of the NHRC to show the steps it has taken to address previous concerns, raised and repeated, could be interpreted as an indication of non-compliance with the Paris Principles. The SCA therefore again reiterated its concerns and called on the NHRC to, within the deferral period, provide information on steps taken to address the following issues:

- Involvement of police officers in investigation
- Appointment of the Secretary General
- Composition and pluralism
- Selection and appointment
- Addressing human rights violations
- Cooperation with civil society

The SCA noted that the secondment of police officers to act as investigative staff may impact on the NHRC ability to conduct impartial investigations as well as the ability of victims to access human rights justice and recommended that the capacity of government to second police officers to acts as investigative staff should be removed from the PHRA through the NHRC advocacy. The SCA expressed similar concerns and recommendations with regards to the appointment of Secretary General.

The SCA also noted that the NHRC composition and staff complement was not gender representative and pluralistic and called on the NHRC to advocate for amendments to the PHRA to ensure a pluralistic balance in its composition. The selection and appointment process was also a concern for the SCA and the NHRC was encouraged to advocate for a process that sufficiently promotes broad consultation and participation in the selection process and maximize the number of candidates from a wide range of groups as well as the involvement of civil society in the process.

The NHRC was encouraged to take proactive steps in addressing all human rights violations as well as pressing human rights issues facing human rights defenders while making its positions publicly available. The NHRC was encouraged to actively collaborate with civil society on a regular basis including with those outside of the Core/Expert Groups.

During the 45th session, March 2025, the SCA conducted an interview with the NHRC and asked the institution to provide responses in relation to the following issues:

- Implementation of the SCA recommendations from previous reviews including 2017 and 2023

- Involvement of police officers in investigation vis-à-vis the independence of the NHRC and victims' access to justice
- Appointment of Secretary General noting the recruitment process and the practice of secondment for such official
- Legislative changes to the PHRA
- Composition of the NHRC members and staff and how it guarantees pluralism
- The selection and appointment process in practice
- Addressing human rights violations including the protection of human rights defenders, rights of religious minorities, number of public statements, and recommendations issued
- Cooperation with civil society organizations

The SCA acknowledges that the NHRC has recently taken steps to address previous concerns of the SCA and has provided some information in relation to the above-mentioned issues, in both its interview and written submission. The SCA considers these steps and responses either insufficient or not yet implemented. Therefore, these measures do not yet address the substance of the SCA concerns, particularly the involvement of police officers in investigations, the secondment of senior officials, its independence and ability to address all human rights issues and make their positions public.

The SCA also notes attempts by the Indian national authorities to engage members of the SCA relative to the accreditation process of the NCHR, including the involvement of various foreign missions. The SCA emphasizes that the GANHRI accreditation system is a peer-review mechanism which requires NHRIs to maintain their independence.

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. Involvement of police officers in investigation

The SCA, in its previous sessions including the first session of 2024, noted that Section 11 of the Protection of Human Rights Act (PHRA) requires the Central Government to make available to the NHRC a police officer of the rank of Director General of Police or above, and such officers as necessary for the efficient performance of the NHRC. The NHRC indicated that only officers who have showcased exemplary and outstanding performance with an exceptional performance record are posted to the NHRC, and that the rich and varied experience of the officers helped the NHRC to analyse the human rights situations in the cases, analyse the forensic evidence with ease and provide for better analysis on issues having a direct bearing on human rights.

The SCA also noted that the involvement of police officers in the investigation of human rights violations cases poses a concern about the perceived or real conflict of interest in having police officers seconded from government engaged in investigations of human rights violations including those committed by police. The SCA also noted that the secondment of police officers to act as investigative staff may impact on the NHRC ability to conduct impartial

investigations as well as the ability of victims to access human rights justice. The NHRC indicated that the conclusion of the SCA was misplaced and the concern that such officers may fail to conduct impartial investigation was not only unfounded and unjustified but also far from reality.

At its 45th session in 2025, the SCA provided the NHRC with an opportunity to provide additional information on efforts taken to address the concern of involving police officers in investigation.

The SCA notes the responses of the NHRC that this has never been an issue however the following steps have been taken:

- Regulation 47 has been drafted to provide the NHRC with the opportunity to select other individuals who are not police officers to form part of investigations.
- A Rule has been proposed to the government to allow the NHRC to select individuals other than police officers for investigative functions and that 'in principle' approval has been given by government
- Regulation 47 and the proposed Rule are expected to receive legislative approval
- Police officers and other officials from government are requested and approved by the NHRC and they are not seconded without NHRC approval

The SCA notes information provided by the NHRC in writing and during the interview indicating efforts being undertaken to address the concern of having police officers involved in investigation, including engagements with the government, sharing of proposals for amendment to the PHRA for consideration and approval by Parliament and the formulation of regulations by NHRC which has received 'in principle' Government agreement.

The SCA acknowledges the steps taken by the NHRC and the responses provided but is of the view that these measures do not address the primary concern of having police officers conduct human rights investigations which may impact on the institution's ability to conduct impartial investigations as well as the ability of victims to access human rights justice.

The SCA notes that while the mentioned regulations and Proposed Rules were not considered as part of the review process as they were submitted beyond the deadline, the PHRA remains unamended with Section 11 requiring Central Government to make available to the NHRC a police officer of the rank of Director General of Police or above, and such officers as necessary for the efficient performance of the NHRC.

The SCA, noting the establishment of Regulation 47 and the Proposed Rule and reflecting on its continued concern of perceived or real conflict of interest in having police officers seconded from government engaged in investigations of human rights violations including those committed by police, reiterates its previous recommendations and calls on the NHRC to advocate for amendments to section 11 of the PHRA and to amend its investigative structure to remove the capacity of government to second police officers to act as investigative staff.

The SCA refers to Paris Principles B1, B.2 and B.3 and to its General Observation 2.4 on 'Recruitment and retention of NHRI staff'.

2. Appointment of the Secretary General

The SCA, in previous sessions called upon the NHRC to advocate for amendments to the PHRA to remove the capacity for the Government to make a senior civil servant available for the position of Secretary General, and to empower the NHRC to independently recruit candidates for the position. The SCA also acknowledged that the current Secretary General who was appointed in June 2023 was a retired civil servant and not a civil servant in post. The SCA acknowledged the responses of the NHRC indicating that the arrangements provided the necessary expertise and that the Secretary General works under the full control of the NHRC.

At the SCA 45th session in March 2025, the NHRC reiterated in writing and interview that the requirement to have the Secretary General as a high-ranking official is necessary to ensure the effective functioning of the complaints function of the NHRC as the NHRC call for reports from both state and central governments thereby necessitating the presence of a senior officer of the rank of Secretary to the Government.

The SCA, noting the responses provided by the NHRC and the actions taken thus far, including advocating for amendments to its enabling law, further notes that the PHRA remains unamended providing for Central Government to make available a senior official for appointment as Secretary General.

The SCA reemphasizes that a fundamental requirement of the Paris Principles is that an NHRI is, and is perceived to be, able to operate independent of government interference. Where an NHRI members are seconded from the public service, and where this includes those at the highest level in the NHRI, it raises question about its capacity to function fully independently’.

The SCA, restating its previous concerns that the provisions of Section 11 of the PHRA have a real impact on the perceived independence of the NHRI, recommends the NHRC to continue advocating for amendments to the PHRA to remove the capacity for the Government to make a senior civil servant available for the position of Secretary General, and to empower the NHRC to independently recruit candidates for the position.

The SCA refers to Paris Principle B.2 and to its General Observation 2.4 on ‘Recruitment and retention of NHRI staff.’

3. Composition and Pluralism

The SCA in its 2024 recommendations recommended that the NHRC continue to advocate for the completion of the appointment process to fill remaining vacancies in its leadership body, and for further amendments to the PHRA, to ensure a pluralistic balance in its composition and staff, by ensuring that diversity of Indian society is represented including, but not limited to, religious or ethnic minorities and the equitable representation of women on the NHRC’s decision-making body.

The SCA was concerned that the composition of the membership of the NHRC with only one woman and the composition of the staff was not sufficient to meet the pluralism requirements of the Paris Principles. It was noted that, as of March 2025, the NHRC was not fully constituted with two out of the six standing commissioners’ positions being vacant. The SCA highlighted

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

During the SCA 45th session in March 2025, the NHRC reported that it was committed to upholding pluralism in accordance with the Paris Principles and noted that the current selection and appointment process outlined in the PHRA, enables the appointment of persons including those from civil society, NGOs, and stakeholders that have experience in human rights. The NHRC further indicated that while the PHRA does not bar the appointment of a person of any other gender as chairperson/member, the observations of the SCA to appoint more women in its membership was brought to the attention of the government and that the selection committee on appointments has been engaged to consider pluralism and diversity in the selection and appointment process of its members.

The NHRC further reported that out of 339 staff, 246 are men and 93 are women. The NHRC further reported that of the last 43 recruitments, 31 have been women. Out of the six standing commissioners as provided for in Section 3(2) of the PHRA, currently one of them is a woman. The NHRC noted that in total, including the Chairpersons of the National Commissions, there are 11 commissioners out of whom 3 are women.

The SCA acknowledges the steps taken by the NHRC to address pluralism within its membership and staff composition. However, the SCA notes that the NHRC composition continues to be incomplete and that only one woman is present as a standing commissioner. The SCA further notes that the composition of the staff with 246 men out of 339 was not gender representative. It was also unclear to the SCA the percentage of women within the NHRC senior leadership.

The SCA restates its view for a diverse decision-making and staff body and recommends the NHRC to continue to advocate for the completion of the appointment process to fill remaining vacancies in its leadership body, and for further amendments to the PHRA, to ensure a pluralistic balance in its composition, by ensuring diversity and the equitable representation of women on the NHRC's decision-making body. In terms of staff, the SCA recommends that the NHRC continue to take active measures to ensure an equitable gender representation.

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

4. Selection and appointment

The SCA in its previous sessions, noting the NHRC position that the members of the selection committee are elected officials accountable to the people of India and include voices from diverse political perspectives, highlighted that:

In accordance with Section 4 of the Act, the Chairperson and other members of the NHRC are appointed by the President of India based on the recommendation of a committee consisting of the Prime Minister, the Speaker of the House of the People, the Minister in-charge of the Ministry of Human Affairs in the government of India, the Leader of the Opposition in the House

of the People, the Leader of the Opposition in the Council of States, and the Deputy Chairperson of the Council of States.

The SCA expressed concerns that the process and provisions of the PHRA was not sufficient, and it did not promote broad consultation or participation in the selection process, nor maximize the number of candidates from a wide range of groups.

The SCA notes the responses provided both in writing and in the interview that:

- the current selection and appointment process outlined in its enabling law is *clear, transparent, and participatory*
- the selection process is all inclusive and that any person can send a nomination to the Government
- the requirement for advertisement *will deny NHRC the services of men and women of high repute as they are not seeking jobs rather are performing higher duties*
- SCA observations on selection and appointment have been presented to the Government to initiate suitable changes in its enabling law for consideration by Parliament
- A selection process was conducted in December 2024 and that the current Chairperson is a product of that process

The SCA acknowledges the appointment of the Chairperson and the proposal for amendments to the PHRA. However, the SCA remains concerned that the process enshrined in the PHRA and by which the Chairperson was recently appointed 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 further indicated that *it is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI 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 restates its previous recommendation and encourages the NHRC to continue advocating for the formalization and application of a process that includes requirements to:

- Publicize vacancies broadly; and
- 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’

5. Addressing human rights violations

The SCA, in receipt of third-party information during its previous sessions, was concerned that the NHRC was not demonstrating adequate efforts to address human rights violations at a systemic level, nor has the institution spoken out on these issues in a manner that promotes and protects all human rights.

The SCA noted that *while the NHRC has reported that it has taken cognizance of cases of human rights violations against human rights defenders and journalists and reconstituted its core working group on civil society, the SCA is concerned the NHRC has not provided adequate information about how they are addressing the shrinking civic space and increased instances of targeting human rights defenders, journalists, and perceived critics. The SCA is also concerned that the NHRC has not publicly communicated its positions on these issues in a way that promotes the credibility of the institution and addresses the systemic nature of these violations.*

The SCA recommended that the NHRC should address all violations of human rights and ensure effective follow-up for the clear protection of human rights. The SCA further recommended that the NHRC should ensure that its positions on these issues are made publicly available.

While addressing the SCA previous concerns and recommendations, the NHRC during the SCA 45th session indicated that it addresses cases regarding violence, discrimination, and hate speech against minorities in line with its mandate. The NHRC notes that its actions are publicized through media and via its website. The NHRC also informs that it has taken up cases of human rights violations against human rights defenders, journalists and critics in coordination with the 27 national human rights states commissions. The NHRC further reports that HRDs are considered an integral part of its activities and investigation into *suo moto* cases has increased. The NHRC further reports that its recommendations are binding, and that there is a formalised Parliamentary process if the State does not implement its recommendations.

The NHRC indicates that while it did not investigate the human rights violations from Manipur due to the establishment of a 'Commission of Inquiry' by the Indian Supreme Court, it has been complementing by monitoring the implementation of recommendations, including relief and compensation.

Whilst acknowledging the steps taken by the NHRC to address human rights violations and speak up publicly, the SCA notes that these interventions have not been sufficient to address the systemic human rights violations including:

- protection of human rights defenders,
- rights of religious minorities
- complaints against police officers
- deaths in judicial and police custody and
- follow-up actions on the implementation of its recommendations

The SCA considered information from civil society alleging the failure of the NHRC to provide meaningful follow-up in significant human rights cases and the lack of use of its intervention powers or visitation to ascertain the condition of HRDs detained under the Unlawful Activities (Prevention Act). The third-party information also alleges that the NHRC has not done enough to address declining press freedom despite several complaints.

The NHRC notes that it has addressed several cases involving HRDs and arrests under the Prevention Act. The NHRC further reports that it has taken appropriate actions on cases mentioned in third-party submissions.

The SCA acknowledges the efforts made by the NHRC to address individual cases of human rights violations, however, the SCA notes that the information provided by the NHRC does not demonstrate adequate efforts to address human rights violations at a systemic level, nor has the institution spoken out in a manner that promotes and protects all human rights and systemic issues. The SCA further notes that 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.

Therefore, the SCA restates its previous recommendations calling on the NHRC to address systemic violations of human rights and to ensure effective follow-up so that the State makes the necessary changes to ensure that human rights are clearly protected. The SCA requests the NHRC to continuously make its positions on these issues publicly available, as this will contribute to the strengthening of the credibility and accessibility of the institution.

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

The SCA notes:

6. Cooperation with civil society

The SCA, in previous sessions, encouraged the NHRC *to take additional steps to ensure that it engages in ongoing, constructive dialogue and cooperation with civil society and human rights defenders and that this should include regular and ongoing modes of collaboration outside of the Core/Expert Groups and address pressing human rights issues facing human rights defenders.*

The SCA, at its 45th session considered several submissions from civil society actors alleging lack of cooperation from the NHRC. The NHRC informed the SCA that it has constructive engagement and cooperation with civil society and human rights defenders and that the lack of adequate engagement with civil society and lack of engagement on pressing human rights issues is based on the input of very few NGOs as India has over 3.3 million registered NGOs.

The SCA highlighting its previous concerns and noting the information before it continues to be of the view that the extensive information from various civil society organizations indicate that the relationship between the NHRC and civil society is not effective or constructive, particularly with respect to ongoing dialogue and follow-up on issues raised.

The SCA therefore reiterates that regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates.

The SCA, restating its previous recommendation, encourages the NHRC to take additional steps to ensure that it engages in ongoing, constructive dialogue and cooperation with civil society and human rights defenders and that this should include regular and ongoing modes of collaboration outside of the Core/Expert Groups and address pressing human rights issues facing human rights defenders.

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

1.5 Nepal: National Human Rights Commission of Nepal (NHRCN)

Recommendations: The SCA recommends that the NHRCN be re-accredited with **A** status.

The SCA commends the efforts of the NHRCN in promoting and protecting human rights in Nepal and encourages the institution to continue these efforts. The SCA also acknowledges the efforts of the NHRCN in advocating for the amendment of its Law and encourages the relevant authorities for its prompt enactment in order to improve and enhance the NHRCN effectiveness and independence, in line with the Paris Principles.

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 implement the recommendations made by the SCA during each review.

The SCA notes:

1. Establishment

The SCA in 2023 and 2019 had encouraged the NHRCN to advocate for amendments of its Law to ensure the following:

- *A selection and appointment process that complies with the Paris Principles being broad, transparent and participatory*
- *Prevention of conflict of interest*
- *Financial autonomy to avoid the NHRCN requiring approval from the Ministry of Finance before accepting donor funding*
- *Tabling of reports directly before parliament rather than through the President*

During its review in March 2025, the NHRCN reported that it continues to lead an amendment process that will address the above-mentioned issues within the Law. The NHRCN reported that following several consultations, an extensive draft has been submitted, in 2024, to the government for consideration and onward submission to the Parliament for enactment.

The NHRCN notes that the Law, when passed, will address the concerns of the SCA and ensure that the NHRCN is operating in a manner that complies with the Constitution creating a Federal State. According to the NHRCN, the amended Law will ensure a pluralistic composition with at least two women, include an explicit provision against conflict of interest and ensure that the selection and appointment process of commissioners are done in a broad, transparent and participatory manner.

The SCA notes the efforts being undertaken by the NHRCN to amend its Law to address the previous recommendations that will ensure it operates in compliance with the Paris Principles. The SCA therefore reiterates its previous concerns and urges the NHRCN to continue advocating for the amendment of its Law and engaging national authorities for enactment of a Law that guarantees the NHRCN compliance with the Paris Principles.

The SCA refers to Paris Principle A.2 and to its General Observations 1.1 on 'The establishment of NHRIs'.

2. Recommendations by NHRIs

Section 17 of the Law provides for the implementation of recommendations issued by the NHRCN. The NHRCN reports that it serves as an observer to a special task force established by the Government for the implementation of its recommendations.

The SCA notes that the NHRCN has issued several recommendations aimed at addressing human rights violations as well as has called on the Government to ensure the implementation of recommendations issued by various international human rights mechanisms. The SCA commends the efforts of the NHRCN in advocating for the implementation of its recommendations and those of international human rights mechanisms.

The SCA is of the view that in fulfilling its protection mandate, NHRIs should 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 encourages the NHRCN to continue strengthening the follow up and implementation of its recommendations, including through the full implementation of Article 17 of its Law.

The SCA refers to Paris Principles A.1, A.2, A.3 and to its General Observation 1.6 'Recommendation by NHRIs'.

3. Pluralism

Article 248(1) of the Constitution states that the NHRCN shall consist of a Chairperson and four other members who shall be involved in the field of the protection and promotion of human rights or have rendered outstanding contribution to various fields of national life.

The SCA notes that NHRCN currently has two former Justices of the Supreme Court, two Senior Advocates and one leader of NGO as its members with only one of them being a female. The SCA further notes the inclusion of a provision in the NHRCN draft Law to ensure the presence of at least two women within the five-member body.

In practice, the SCA sees the current composition of the membership of the NHRCN with only one woman Commissioner and 33% of staff being women is not sufficient to meet the pluralism requirements of the Paris Principles. The SCA is of the view that a diverse decision-making and staff body facilitates the NHRI appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates and promotes the accessibility of the NHRI to all citizens.

The SCA recommends that the NHRC continues to advocate for the amendments to its Law, to ensure a pluralistic balance in its composition and take further actions towards the equitable representation of women within its staff complement.

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

4. Adequate funding

The budget of the NHRCN as provided by the State has experienced fluctuation for the last three years. The NHRCN reports that while it has received funding from government for its core budget, the funding appropriation needs to be increased for the full implementation of the breadth of its mandate in line with the Paris Principles.

The SCA is of the view that adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the NHRI’s operations and fulfilment of its mandate. The SCA recommends that the NHRCN continue to advocate for a progressive increase in funding to ensure it is enabled to carry out the full breadth of its mandate, engage with marginalised groups and communities, including in regional and remote areas, and to address all complaints.

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

5. Dismissal

Article 248(5) of the Constitution stipulates that the Chairperson or member shall be removed from office by the President of the Republic on recommendation of the Constitutional Council on grounds of inability to hold office and discharge the functions due to physical or mental illness or impeached.

According to Article 101 of the Constitution, dismissal by impeachment is carried out based on recommendation resulting from investigations by Parliamentary Committee into the allegation of serious violation of the Constitution and law, incompetence or misconduct or failure to discharge the duties of the office honestly or serious violation of the code of conduct.

The NHRCN notes that in practice, incompetence is based on physical or mental disability as contained in a report of a certified medical practitioner and allegations of corruption constitute grounds of misconduct. However, the SCA is of the view that the procedure of dismissal as laid down in the Constitution, the Law or Parliamentary Procedure does not provide a clear definition for incompetence, misconduct or discharging duties honestly as referenced by the Constitution.

The SCA recommends that the NHRCN advocate for the dismissal process to be in accordance with clear grounds including the scope of “incompetence”, “misconduct”, and “failure to discharge duties of the office honestly” and that is included within the working procedures to guarantee a transparent process for dismissals.

The SCA refers to General Observation 2.1 on ‘Guarantee of tenure for members of the NHRI decision-making body’.

1.6 Togo : The Commission Nationale des Droits de l'Homme (CNDH)

Recommendation: The SCA recommends that the CNDH 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 notes:

1. Recommendations by NHRIs and addressing human rights violations

The CNDH indicated that it has produced thematic reports including on monitoring of human rights during elections, on children and women’s rights. Such reports are shared with the concerned public authorities prior to publication. The SCA notes that the thematic reports of the CNDH are not publicly available on its website.

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.

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 recommendations.

While the CNDH indicated that it has issued public statements on individual cases of victims of child-marriage, gender-based violence or detention of journalists, the SCA is of the view that it is of crucial importance for an NHRI to address systemic human rights violations. The SCA acknowledges that the CNDH conducts follow up activities to monitor the extent to which their recommendations have been implemented. It encourages the CNDH to continue to do so.

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

2. Selection and appointment

Pursuant to Article 7 of the Law, application for the positions of commissioners is open to all qualified candidates. While the CNDH highlights that some of its members are from civil society organisations, the SCA notes that the current selection process does not provide for the formalisation of the role and participation of civil society.

A participatory selection process is fundamental in ensuring the independence and effectiveness of, and public confidence in, the NHRI. For this reason, the SCA deems important that the selection process be characterized by openness and transparency. The process should include 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 recommends that the CNDH advocates for the amendment of its enabling law to ensure the formal participation of civil society organizations in the selection 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’.

3. Staffing

Article 14 paragraph 3 of the Law empowers the CNDH to hire its own staff. The current staff complement of the CNDH contains 16,66 % secondees, including four senior positions. The CNDH further notes that two secondees will retire soon and will not be replaced by other secondees.

A fundamental requirement of the Paris Principles is that an NHRI is, and is perceived to be, able to operate independent of government interference. Where an NHRI's members are seconded from the public service, and in particular where this includes those at the highest level in the NHRI, it raises question about its perceived capacity to function independently.

The SCA recommends that the CNDH advocates for the full exercise of its power to directly hire its own staff including for senior positions. The SCA recommends that the CNDH be given resources in such a manner as to permit the employment and retention of staff with the requisite qualifications and experience to fulfil the NHRI's mandate. Additionally, such resources should allow for salary levels, terms and conditions of employment applicable to the staff of the NHRI to be equivalent to those of similarly independent State agencies and members of the public service undertaking similar work and with similar qualifications and responsibilities.

The SCA refers to Paris Principle B.2 and to its General Observation 2.4 on ‘Recruitment and retention of NHRI staff’.

4. Annual report

According to Articles 18.1 and 18.4 of the Law, the CNDH shall send its annual report to the President of the Republic and to the Human Rights Commission of the National Assembly. The CNDH notes that while the most recent annual report has been submitted to Parliament, a debate on the report is yet to be scheduled before the Human Rights Commission of Parliament.

The SCA notes that the Law does not provide for the CNDH to submit its annual report directly to the plenary of the National Assembly nor establish processes whereby the plenary must consider and debate it. The SCA considers it important that the enabling law of an NHRI establish a process whereby its reports are required to be discussed and considered by the Parliament, to ensure that relevant public authorities properly consider its recommendations. It is preferable for the NHRI to have an explicit power to table reports directly to the plenary of Parliament, in so doing, to promote action on them.

The SCA encourages the CNDH to advocate for the appropriate amendment to its enabling Law to provide for the direct tabling of its reports to the plenary of the National Assembly in a process whereby the legislature discusses and considers them.

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

5. Adequate funding

The CNDH has received an incremental budget allocation since 2019 when the institution has been designated as the National Preventive Mechanism under OPCAT. The CNDH further

notes an increment of 103,000,000 XAF in its budget allocation for the year 2025 in comparison with the 2024 budget.

While noting the budget increase, 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. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of the improvement of the NHRI's operation and the fulfilment of its mandate.

Provision of adequate funding by the State should, at a minimum, include the allocation of a sufficient resources for mandated activities. Where an 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 recommends that the CNDH advocates for the funding necessary to ensure that it can effectively carry out the full breadth of its mandate.

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

2. DECISION (Art. 14.1 of the GANHRI Statute)

2.1 France : Commission Nationale Consultative des Droits de l'Homme (CNCDH)

Decision: The SCA decides to **defer** the review of the CNCDH to its 48th session in 2026.

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

The SCA takes note of the information provided by the CNCDH, both in writing and during the interview, including the efforts made by the CNCDH to fulfil its mandate in a context of shrinking of civic space.

During the interview, the SCA asked the CNCDH to respond to questions on the establishment of the institution, on the instruments by which its thematic mandates have been vested to the institution, on means to prevent conflict of interest and protection for civil and legal liability, on independence, on the selection and appointment process, on tenure and dismissal process, on the working methods, on the NHRI work in addressing human rights issues and on reporting.

While noting the responses provided by the CNCDH in the summary and during the interview, the SCA is of the view that further information is required.

Therefore, the SCA has decided to defer the consideration of the reaccreditation of the CNCDH on the following grounds. Accordingly, the SCA encourages the CNCDH to take the necessary actions to address these issues and to provide further information and documentation, as required.

1. Selection and appointment

The 2007 enabling law of the CNCDH sets out the composition of the Commission, which is further clarified in Article 4 of Decree 2007-1137. Article 5 of Decree 2007-1137 indicates that members of the Commission are appointed by the Prime Minister following a consultation with the Independent Advisory Committee composed of the three highest magistrates of the country (*Conseil d'Etat, Cour de cassation, Cour des comptes*).

The CNCDH reported that, in practice, the selection process is initiated by the CNCDH, through an open call for nomination published six months before the end of tenure of the Commission. Further, it reported that the call for nominations clarifies the criteria, process outlined in law, and role of the Independent Advisory Committee to guarantee the pluralism and independence of the NHRI.

The SCA considers that the selection and appointment process currently formalised in the Decree does not include requirements to:

- a) Publicize vacancies broadly;
- b) Assess applicants on the basis of pre-determined, objective and publicly available criteria;

The SCA notes the information provided by the Institution that it has advocated for amendments to the Decree to formalise the open call for applications. The SCA recommends that the CNCDH continue to advocate for 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 is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI. The SCA encourages the CNCDH to consider policy and/or administrative options which would formalise the guidance to nominating entities on the selection process and the requirements of the Paris Principles.

Further, the SCA encourages the CNCDH to advocate for the clarification of the overall role of the Advisory Committee in the enabling legislation.

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. Full-time membership

Article 58 of the internal rules of procedure of the Commission clarify the role of the Secretary General, including contributing to the strategic direction of the institution, management of the Secretariat and its work, as well as preparation and participation in meetings of the Commission, without voting rights. The SCA notes that the decision-making body of the CNCDH does not include full-time members.

The CNCDH indicated that the part-time engagement of members of the Commission is a deliberate choice which allows for the institution to rely on the experience and expertise of each member, and it has not prioritised advocacy to ensure full-time membership.

The SCA considers that the enabling legislation of the NHRI should provide that members of its decision-making body include full-time members. This assists in ensuring a stable tenure

for the members, freedom of the NHRI from actual or perceived conflict of interests and the effective fulfilment of the NHRI's functions.

The SCA encourages the CNCDH to advocate for an amendment to ensure that its decision-making body includes full-time members with voting rights

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

3. Tenure

Articles 6 and 13 of Decree 2007-1137 state that members are appointed for a period of three years and their tenure is renewable, except for the case of the President and the two Deputies, whose terms can only be renewed once. These provisions leave open the possibility of unlimited tenure of members of the Commission. The CNCDH reported that the Independent Advisory Committee has issued an opinion that the renewal of mandates of Commission members should be limited to four terms, and that in practice, members hold the position for an average of two and half mandates (6-8 years).

The SCA is of the view that it would be preferable for the term of office to be limited to a specific reasonable number of re-appointment. As a proven practice, the SCA encourages a term of between 3- and 7-years renewable once.

The SCA recommends that the CNCDH advocates for amendments to its enabling legislation to provide for limits in the term of office and possibility of reappointments.

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

The SCA notes the following additional recommendations, which were not grounds for deferral but are considered relevant to reaccreditation.

4. Human Rights Mandate

The CNCDH's enabling law mandates it with powers to advise Government and Parliament on the protection and promotion of human rights. In practice, with its consent, the CNCDH has been mandated with additional thematic responsibilities.

In 2019, the SCA noted that while these new mandates include responsibilities related to protection, these are of thematic nature and do not provide an explicit broad protection mandate. The SCA reiterates that all NHRIs should be legislatively mandated with specific functions to both promote and protect human rights. The SCA encouraged the CNCDH to continue to broaden its activities in relation to its protection mandate and to advocate for amendments to its enabling law to make its broad protection mandate explicit.

The SCA notes that, in practice, the NHRI has carried out protection work, including through monitoring visits to relevant areas.

The SCA emphasizes that, to function effectively, all NHRIs should be legislatively mandate with specific functions to both promote and protect human rights.

The SCA encourages the CNCDH to continue to broaden its protection work, to advocate for amendments to its law to make this mandate explicit as well as to ensure all additional responsibilities are legislatively mandated to the institution.

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

5. Accessibility and addressing human rights violations

The CNCDH indicates that it reaches out to French overseas territories through its members representing trade unions and NGOs present in these territories. For instance, the CNCDH highlights that it has been seized by the Kanak Senate of human rights issues. However, the SCA notes that the absence of CNCDH territorial presence may hamper the accessibility of the CNCDH services for the population from these territories.

The SCA highlights that ensuring the accessibility of the NHRI is particularly important for the most vulnerable individuals or groups, who would otherwise have difficulty bringing attention to any violation of their human rights.

The SCA encourages the CNCDH to continue to seek the best remedy for accessibility, including by advocating for the additional funds necessary to ensure that its services are accessible across all regions.

The SCA refers to Paris Principles A.1, A.2, A.3, B.2 and D(d), its General Observations 1.2 on ‘Human rights mandate’ and 1.10 on ‘Adequate funding of NHRIs’.

6. Adequate funding

The CNCDH reported that it had recently been subject to a 12% cut in its budget, which has adversely impacted on its capacity to implement the full extent of its mandates.

Further, the SCA notes that the NHRI has limited human resources (14 staff), which seems insufficient to fulfil the breadth of its mandate throughout France and the overseas territories.

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

The SCA recommends that the CNCDH continue to advocate for an appropriate level of funding to carry out the full breadth of its mandate and to ensure it has sufficient human resources to do so. An appropriate level of funding should ensure sufficient and sustainable resources to engage with communities nationally, including in regional and remote areas.

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

7. Annual report

Article 2 of Decree 2007-1137 indicates that all CNCDH opinions, statements and reports are made public. Further the NHRI regularly appears before Parliament to present and discuss its opinions and reports.

In practice, the CNCDH also issues an annual report on its activities and opinions on human rights, as well as a report on the fight against racism. In addition, the CNCDH issues a periodic report on the state of human rights in the country with the most recent report covering the period of 2017 to 2021.

However, the SCA notes that the enabling legislation does not explicitly require the preparation, publication and wide distribution of a report on the human rights situation on a yearly basis. The SCA further notes that the enabling legislation does not provide for the CNCDH annual and state of human rights reports to be debated by Parliament.

The SCA considers it important that the enabling law of an NHRI establish a process whereby the institution's reports, including a general report on the human rights situation, are required to be widely circulated, discussed and considered by the legislature.

The SCA encourages the CNCDH to advocate for changes to its enabling legislation to explicitly include the requirement to submit an annual report to Parliament as well as to make explicit the procedure by which these reports will be discussed and considered.

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

8. Protection from criminal and civil liability for official actions and decisions undertaken in good faith

The CNCDH indicated that only constitutional bodies enjoy functional immunity in the French legal tradition. It reiterates that the absence of functional immunity has not affected public confidence in the institution, hindered the institution's ability to implement its mandate or to take positions on key human rights issues independently. The CNCDH indicated that functional protection is provided through a system of protection for public servants, including laws on freedom of expression.

The SCA acknowledges that such protection may also exist by virtue of the specific legal context in which the NHRI operates. However, the SCA considers it preferable for these protections to be explicitly entrenched in NHRI legislation and encourages the CNCDH to advocate for legal protections for its members and staff from legal liability for actions taken in their official capacity.

The SCA refers to Paris Principle B.3 and to its General Observation 2.3 on 'Protection from criminal and civil liability for official actions and decisions undertaken in good faith'.

2.2 Uganda: Uganda Human Rights Commission (UHRC)

Decision: The SCA decides that further consideration of the re-accreditation application of the UHRC will be deferred to its 49th session of 2027.

The UHRC informed the SCA that the amendments to its legal framework that will lead to a merger with the Equal Opportunities Commission, which were initially scheduled for June 2024, are ongoing.

The SCA takes note of the information provided by the UHRC, both in writing and during the interview, including the efforts made by the UHRC to fulfil its mandate in a difficult context. In particular, the SCA notes the efforts made by the UHRC to address individual cases of human rights violations against LGBTIQ+ persons and to address the backlog of cases before its Human Rights Tribunal.

However, the SCA is of the view that additional information from the UHRC about specific issues is required.

During the interview, the SCA asked the UHRC to respond to the following issues:

- The status of the merger with the Equal Opportunities Commission, the key changes, and how it will strengthen the new institution compliance with Paris principles
- How the UHRC has addressed systemic cases of torture and ill-treatment with respect to the significant number of complaints related to torture, personal liberty, and the right to life.

While the SCA notes the information provided by the UHRC to the above-mentioned issues, it considers the responses insufficient.

The SCA decided to defer the consideration of the UHRC on the following grounds.

The SCA encourages the UHRC to take necessary actions to address these issues and to provide further information and evidence, as required:

1. The merger of the UHRC with the Equal Opportunities Commission

The UHRC states that the pending merger with the Equal Opportunities Commission, planned for June 2024, is yet to be enacted. The UHRC reported that it engaged with the Public Service Commission which oversees the merger to ensure that the UHRC structure, mandate and power are not altered but rather strengthened. The UHRC also stated that it made proposals on the establishment of a new directorate to exclusively handle the additional mandate and proposed 13 new positions.

However, the SCA notes that the Final Report on the Merger of the UHRC and the Equal Opportunities Commission, shared by the UHRC, proposes a new structure of the new institution with a reduction of 74 positions (25%) from the two institutions.

The SCA considers that the merger may result in significant changes to the structure of the UHRC, including a reduction of its staffing, as well as key components of its enabling law. The SCA is concerned that these changes may adversely affect the ability of the UHRC to carry out its mandate in an effective and timely manner, particularly in addressing the backlog of cases before the Human Rights Tribunal and addressing systematic human rights violations.

The SCA recommends the UHRC to continue to advocate for the preservation of the powers, functions and structure of the UHRC for the new institution to allow for the implementation of the full breadth of the mandate. The SCA also recommends that the UHRC take steps to ensure that the new enabling law will strengthen the compliance of the new institution with the Paris principles. Reference is made to the SCA Practice Note 4 on “NHRIs in transition” which highlights the importance of maintaining or expanding of previous mandate; and maintaining equivalent or strengthened protections in relation to structure and functioning of an NHRI.

The SCA refers to Paris Principles A.2 and its General Observation 1.1 on ‘The establishment of NHRIs’.

2. Addressing systemic human rights violations

The UHRC reported that it continues to address individual cases of torture and ill-treatment, and that the Human Rights Tribunal is able to settle cases of torture by awarding

compensation to victims for individual cases. The UHRC in its annual report also states that the most reported violations and the highest number of complaints from 2018 to 2023 relate to torture and the right to liberty.

The UHRC further reported that it conducts unannounced visits to places of detention. It also has engaged with different stakeholders including police, prosecutors, prison, and other law enforcement actors to promote an understanding of human rights obligations and accountability. Various advocacy activities have been undertaken including capacity building programmes and advocating for the ratification of OPCAT. The UHRC also reported that in order to reduce the backlog, it has referred cases of land ownership and of negligence to other relevant authorities.

While the SCA acknowledges the positive measures taken by the UHRC to address issues of torture and ill-treatment, the SCA is concerned that significant delays in processing of complaints and hearings in the Human Rights Tribunal persist. Despite the high number of complaints on torture and ill treatment, the UHRC has reported only a few instances where cases were concluded, and the tribunal awarded compensation.

The UHRC annual and thematic reports do not provide substantial information on patterns of systemic violations. Considering the persistent reports of torture and violations of the right to liberty, the SCA is concerned with the information provided by the UHRC on its ability to address systemic human rights violations including torture.

The SCA recommends that the UHRC take steps to implement the full breadth of its mandate in an effective and independent manner including addressing systemic issues of torture and ill-treatment and the resolution of complaints in a timely and efficient manner.

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

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

3. Adequate funding

The SCA notes the information provided by the UHRC that it has two sources of funding, namely the government and development partners. It stated that its budget amounted to 19.572 billion Uganda shillings (5,332,759.35 USD) for 2023/24 and 20.522 billion Uganda shillings (5,591,604.71 USD) for 2024/25. The UHRC will also receive an additional funding of 2,829,686 USD from the State for 2025.

The UHRC asserts that it has advocated for increased funding and the funding has been steadily increasing allowing for effective resolution of complaints before the Human Rights Tribunal.

Despite the increase in funding, the SCA notes that funding is one of the factors contributing to the backlog of cases before the Human Rights Tribunal according to the statement by UHRC. Considering persistent delays in its performance to address human rights violations and all the information provided, the SCA is concerned on whether the UHRC receives adequate funding released in a timely manner to be able to effectively implement the full breadth of its mandate.

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. In particular, adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the NHRI's operations and the fulfilment of its mandate.

The SCA recommends that the UHRC advocate for adequate funding necessary to ensure that it can effectively carry out its mandate including the effective resolution of complaints.

The SCA refers to Paris Principles A.1, A.2, A.3 and B.2., and to its General Observation 1.10 on 'Adequate funding of NHRIs'.

4. Selection and appointment

Section 3(1) of the UHRC Act provides that the Chairperson and members of the UHRC are appointed by the President with the approval of Parliament. The UHRC reports that the Minister of Justice receives applications and with the approval of Cabinet sends a shortlist of candidates to the President for appointment. Further, appointed candidates are publicly interviewed and vetted by Parliament.

The SCA notes that the selection and appointment process is not sufficiently transparent and participatory, as it does not:

- Require the publicising of vacancies;
- Promote broad consultation and participation of civil society; and
- Provide merit-based criteria for the appointment of members of the UHRC.

UHRC indicated that it had started the process of amending the Act, which was pending with the Ministry of Justice. However, this process was halted as new amendments will be adopted in the merger bill with the Equal Opportunities Commission.

The SCA encourages the UHRC to continue to advocate for the formalization and application of a clear, transparent, and participatory selection and appointment process that includes the requirements to publicize vacancies, promote broad consultation and / or participation in the application, screening, selection, and appointment process and provide merit-based criteria for appointment of members of the UHRC.

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. REVIEW (Art. 16.2 of the GANHRI Statute)

3.1 Burundi : Commission Nationale Indépendante des Droits de l'Homme (CNIDH)

Recommendation: The SCA recommends that the CNIDH maintains its **A** status.

At its 43rd session of 2024, in accordance with Article 16.2 of the GANHRI Statute, the SCA decided to undertake a special review of the accreditation status of the CNIDH, based on information received from two NGOs. The submissions raised concerns about: the lack of independence of the CNIDH; alleged interference in the 2023 selection and appointment

process of the Board of commissioners; unwillingness to monitor cases of arbitrary detention of human rights defenders and political opponents; the absence of cases of torture in the institution's annual report; and unwillingness to cooperate with the international human rights mechanisms including the UN special rapporteur on the human rights situation in Burundi and other human rights defenders. The Special Rapporteur, in its report dated October 2023 (A/HRC/54/56), echoed these concerns.

In May 2024, the SCA recommended that the CNIDH be downgraded to B status.

At its 45th session in March 2025, the SCA is satisfied that the information provided by the CNIDH demonstrates compliance with the Paris Principles.

The SCA commends the efforts demonstrated by the CNIDH in performing its promotion and protection mandate, including monitoring cases of alleged violations of human rights, advocacy with national authorities on conditions of detention facilities, cases of arbitrary detention and enforced disappearances.

The SCA notes:

1. Selection and appointment

The CNIDH reported that it has engaged with the President of the National Assembly regarding the selection and appointment of the members and the need to strictly follow the process described in the CNDH enabling law.

The SCA recommends that the CNDH continue to advocate for upholding the provision of the law regarding selection and appointment process in order to ensure that the process is free from political interference. Such process promotes the independence of, and public confidence in, the senior leadership 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 NHRIs'.

2. Addressing human rights violations

Considering the difficult context within which the CNIDH operates, it has issued a number of public statements, has shared recommendations on alleged cases of human rights violations with the national authorities, including cases of detention of political opponents or journalists.

The SCA encourages the CNIDH to conduct follow-up activities to monitor the extent to which its recommendations have been implemented and its reports taken into consideration. The SCA further recommends that the CNIDH makes publicly available its positions on key human rights issues.

The SCA refers to Paris Principles A.1, A.2 and A.3, to its General Observation 1.2 'Human Rights mandate', 1.6 'Recommendation by NHRIs' and 1.11 'Annual Reports of NHRIs'.

3. Cooperation with civil society organizations

The CNIDH indicated that it has established an early warning mechanism composed of 39 civil society organizations in and outside the country.

Based on information provided by the CNIDH, the SCA is of the view that, the CNIDH has demonstrated positive efforts in working with civil society including on the monitoring of alleged cases of human rights violations.

The SCA encourages the CNIDH to continue engaging and cooperating with all civil society organizations.

The SCA refers to Paris Principles C (f) and (g) and to its General Observations 1.2 on 'Human Rights Mandate' and 1.5 on 'Cooperation with other human rights bodies.'

4. Annual report

The 2024 annual report of the CNIDH has been published and debated by Parliament in January 2025. The CNIDH indicated that the annual report raising human rights issues was published in an independent manner.

The SCA acknowledges that the 2024 report of the institution is publicly available on its website.

The SCA reiterates that annual, special and thematic reports serve to highlight key developments in the human rights situation in a country and provide a public account, and therefore public scrutiny, of the effectiveness of an NHRI. The reports also provide a means by which an NHRI can make recommendations to government and monitor respect for human rights by government.

The SCA encourages the CNIDH to continue to publish its report in a timely manner, and to continue to raise the authorities' and other stakeholder's awareness on the independent nature of this report.

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

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

4.1 Korea: National Human Rights Commission (NHRCK)

Decision: The SCA decides to initiate a **special review** of **NHRCK** at its 46th session (second session of 2025).

In October 2024, the SCA Secretariat received information from the Joint Action to Correct NHRCK (a coalition of 36 South Korean NGOs) and the South Korean Coalition for Anti-discrimination Legislation (a coalition of 168 South Korean NGOs). The submissions alleged

that the NHRCK has targeted human rights defenders and staff members, through filing of lawsuits against complainants and the harassment of staff, particularly when it filed lawsuits against the bereaved families of victims of military human rights abuses and activists who protested the delay of their cases. It is also alleged that the NHRCK is not fulfilling its role in protecting individuals from discrimination against vulnerable groups, especially LGBTIQ+ people. In addition, it was alleged that the methods of operation of the NHRCK have been adversely affected with its plenary and standing committees did not meet due to a lack of a quorum resulting from public disagreement between Commissioners.

On 14 February 2025, the SCA received additional information from the BISANG Action for Yoon Out & Social Reform (a coalition of 1,731 civil society organizations in South Korea).

The submission alleged that the NHRCK is not fulfilling its role during the state of emergency, and it has failed to respond to the declaration of martial law in a timely and an independent manner. Furthermore, the submission states that the NHRCK position on the impeachment trials has undermined the credibility and independence of the institution.

On 22 October 2024 and 16 January 2025, the NHRCK in its response indicated that it has worked closely with civil society organisations and that the allegations are based on inaccurate information, in particular the accusations of discriminatory comments and remarks against vulnerable groups. Furthermore, the NHRCK released the chairperson statement of 11 December 2024 in response to the declaration of martial law of 3 December 2024 and continued monitoring and investigating human rights violations during the state of emergency.

Whilst the SCA acknowledges the response provided by the NHRCK, the SCA is of the view that third-party submissions raise concerns about the continued compliance of the NHRCK with the Paris Principles, its ability to conduct its mandate independently, to take positions in line with international standards, and its cooperation with civil society.

In view of the information before it, the SCA decides to initiate a Special Review in accordance with Article 16.2 of the GANHRI Statute in order to determine the NHRCK ongoing compliance with the Paris Principles.

4.2 Venezuela: Defensoría del Pueblo de la República Bolivariana de Venezuela (DPV)

Decision: The SCA decides to **initiate a special review** of the accreditation status of **DPV** at its 46th session of 2025 (second session of 2025).

On 25 November 2024, the SCA Secretariat received a document entitled “*Updated report on the Ombudsman’s Office of the Bolivarian Republic of Venezuela*”, submitted by 10 NGOs from Venezuelan civil society⁵.

The Third-party submissions made allegations regarding the selection and appointment process of the current Defensor noting that the Constitution does not provide for re-election, the overall performance or lack of the DPV since 2016, including the absence of presentation of annual reports between 2017 to 2019 and alleged that there are no records of publications of reports since 2021; the alleged lack of independence of the DPV’s interaction with the

⁵ Acceso a la Justicia, Acción Ciudadana contra el SIDA, Alerta Venezuela, Centro de Derechos Humanos de la Universidad Católica Andrés Bello, Centro para los Defensores y la Justicia, Civilis Derechos Humanos, Espacio Público, Prepara Familia, Programa de Promoción de Derechos Indígenas “Wayamoutheri”, y Unión Afirmativa.

international human rights system; the alleged lack of actions of the DPV on the rights of vulnerable groups such as indigenous peoples, LGBTIQ+, human rights defenders, migrants and refugees.

Third-party information also addressed the alleged lack of action of the DPV on the human rights situation in the country, mainly freedom of expression, protection of civic space and on the situations that took place following the Presidential election in July 2024.

The SCA acknowledges the response provided by the DPV on 6 January 2025 which did not address all the issues raised by the third-party information. The SCA is of the view that third-party submissions and publicly available information raise concerns about the partial compliance of the DPV with the Paris Principles, including its ability to conduct its mandate in an efficient manner and its perceived credibility in tackling systemic human rights violations.

In view of the information before it, the SCA decides to initiate a Special Review of the accreditation status of the DPV in accordance with Article 16.2 of the GANHRI Statute in order to determine the DPV partial compliance with the Paris Principles.