

On the Performance of

National Human Rights Institutions in Asia

ANNI REPORT 2025





Resilience in Bloom: Human Rights and Hope Across Asia

This design brings together vivid colors and national symbols to reflect both the realities and aspirations of human rights in Asia. The blooming flower represents unity and resilience, while each petal draws inspiration from distinct cultural icons — from Bangladesh's Nouka to Timor-Leste's Guiding Star. Together, these symbols honor the identity and spirit of nations that continue to rise amid struggle. The colors flow like stories of struggle and renewal, revealing that even against the weight of injustice, hope finds its way to bloom. Through this visual, the report affirms a shared belief among Asian peoples: that **progress is possible**, and that **collective action can help human rights bloom across the region**.



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Foreword

The Asian NGO Network on National Human Rights Institutions (ANNI) is the one and only network of NGOs in the world that advocates for independent, effective, credible, and accountable national human rights institutions (NHRIs), in line with the “Paris Principles,” which were established in 1991 and adopted by the United Nations in 1993.

Against the backdrop of an ever-shrinking civic space and the consequent human rights violations across Asia, NHRIs are potential sources of positive change, and at their best, of solidarity with victims, survivors, and their families.

ANNI’s latest report on the Performance and Establishment of Asian NHRIs covers the period of January 2023 to December 2024. It has been two years since the last ANNI Report was published to coincide with FORUM-ASIA’s 10th Asian Human Rights Defenders Forum. This 2025 Report is a testament to ANNI’s continued commitment to its mandate of assisting and encouraging NHRIs to closely collaborate with civil society amidst a challenging human rights landscape marked by dwindling resources.

While critical of NHRIs’ shortcomings vis-à-vis international standards, the report also recognizes their strengths and highlights best practices that could, hopefully, inspire other NHRIs to follow suit. Replicating best practices can help bring victims of human rights violations closer to their unyielding search for truth, justice, reparation, and guarantees of non-repetition.

“When NHRIs are truly victim-centered and respond to the needs of the very people for whom they exist, only then can they confidently say that they have given meaning to their establishment.

The 2025 ANNI Report chronicles the diverse situations of NHRIs in Asia: the strengths and limitations of their mandates; their achievements within their respective situations; their challenges, successes, and shortcomings in complying with international standards; and their varying degrees of success in engaging with civil society organizations (CSOs) in promoting and protecting human rights for all.

The report strives to objectively conduct both qualitative and quantitative assessments of the performance of NHRIs. True to its constructive approach, this report outlines doable recommendations. These recommendations can be transformed into advocacy efforts and eventual victories worthy of replication among neighboring Asian countries and beyond.

Each country chapter is written by an expert, highlighting relevant historical backgrounds, political contexts, and mandates to elucidate how NHRIs function, giving a baseline for their successes, failures, and ways forward.

The Timor-Leste chapter, for example, highlights the Provedoria dos Direitos Humanos e Justiça’s active engagements with CSOs as well as its lack of response to the human rights violations endured by the LGBTQIA+ community and persons with disability. The report objectively portrays the paragon that PDHJ is in one aspect, while also capturing its inadequacies in addressing equally important rights of marginalized sectors. It highlights both the institution’s strengths and weaknesses, with the goal of helping NHRIs reach their fullest potential through actionable recommendations.

In the Sri Lanka chapter, we see how its Human Rights Commission took a decisive role in safeguarding fundamental rights during the country’s economic collapse and political upheaval. Notwithstanding its ineffectiveness rooted in structural and operational weaknesses, its initiatives in reactivating its sub-committees, monitoring detention facilities, launching outreach programs for vulnerable communities, and proactively using suo motu powers in critical situations have made the Commission worthy of its upgrade from a “B” to “A” status by the Global Alliance of National Human Rights Institutions (GANHRI). As CSOs have rightly put it, the Commission is well-intentioned, albeit under-resourced and overstretched.

Conspicuously, NHRIs in Central Asia are few. Most of them are either unaccredited or ranked with a “B” status. In a sub-region confronted with repressive laws, judicial harassment, gender-based discrimination, and climate change impacts, the establishment of Paris Principles-compliant NHRIs proves to be challenging. ANNI, together with FORUM-ASIA member organizations in the subregion, has the opportunity to lay the groundwork to help establish independent, credible, and effective NHRIs across Central Asia.

“The report also showcases victories won through the collective efforts of ANNI members alongside other civil society actors.

These advances include the removal of the Myanmar National Human Rights Commission from the GANHRI and the Asia Pacific Forum on National Human Rights Institutions. It also captures GANHRI’s Sub-Committee on Accreditation’s recommendation to downgrade the Human Rights Commission of India from an “A” to “B” status.

We would like to express our sincerest gratitude to all country chapter authors and ANNI members who lent their expertise and invaluable insights for this report. Their practical experiences working with the NHRIs in their respective countries enabled the objective qualitative and quantitative assessments of NHRIs’ performance. Profound thanks equally go to the NHRIs we evaluated, whose cooperation made this report possible.

The ANNI 2025 Report on the Performance and Establishment of Asian NHRIs brings to mind my previous work with the Commission on Human Rights in the Philippines (CHRP). With the late Chairperson Jose Luis Gascon as my supervisor and having worked closely with the Policy Department, I witnessed the CHRP’s efforts to ensure that legislation responds to concrete situations and aligns with human rights tenets. In the context of the “war on drugs,” the then incumbent head of state attacked the CHRP’s leadership and stripped the institution of resources (infamously giving it the derisory annual budget of Php1,000 or USD 20), which made it extremely difficult for the CHRP to concretize its mandate. Attacked by the executive branch of government amidst every form of violation exacerbated during the pandemic, the CHRP transcended obstacles with resilience and determination—with “head bloody but unbowed.”

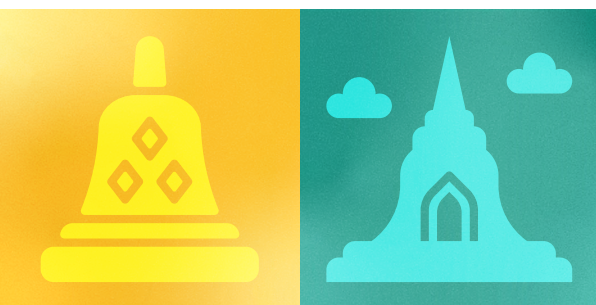
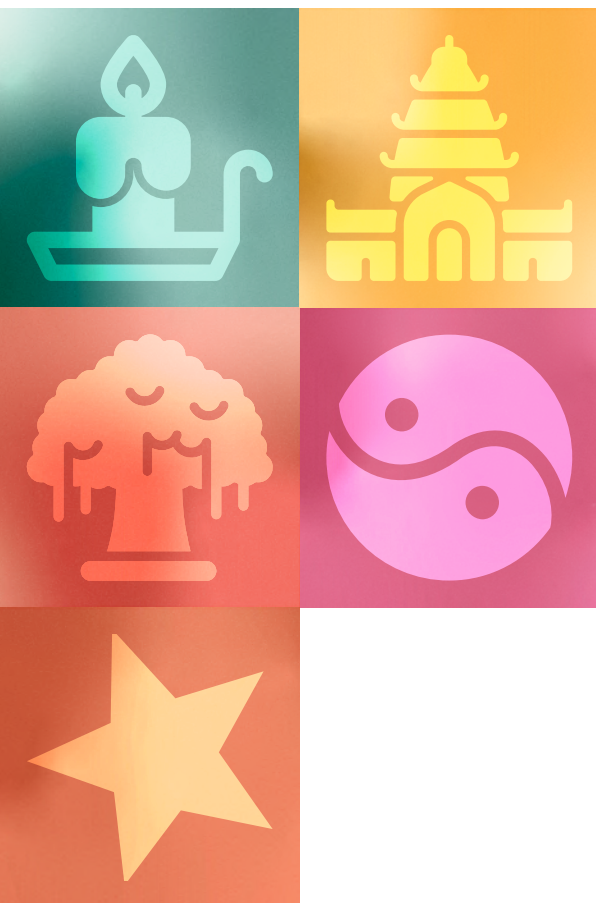
“May all NHRIs across Asia link arms with CSOs and strive to do their best to transform themselves into truly effective, independent, credible, and accountable institutions that promote and protect the universality, indivisibility, and interdependence of human rights.


Mary Aileen Diez-Bacalso
Executive Director of Asian Forum for Human Rights and Development (FORUM-ASIA)



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Introduction

What is the ANNI report?

Since the establishment of the Asian ANGO Network on National Human Rights Institutions (ANNI) in 2006, the network has consistently published the Report on the Performance of National Human Rights Institutions in Asia, commonly referred to as the ANNI Report. Initially published annually from 2006 to 2019, the report adopted a biennial format from 2021 onwards.

The ANNI Report serves as a key tool for civil society organizations (CSOs) dedicated to strengthening national human rights institutions (NHRIs) across Asia. It provides an opportunity to critically assess the performance of NHRIs against the Paris Principles while highlighting both achievements and areas for improvement.¹

“The report documents successes—both large and small—to promote mutual learning, capacity building, and the sharing of best practices among NHRIs and stakeholders.

¹ “Principles relating to the Status of National Institutions (The Paris Principles). GA 48/134,” United Nations Human Rights Office of the High Commissioner, December 20, 1993, <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relatingstatus-national-institutions-paris>.

The 2025 ANNI Report evaluates 13 NHRIs across the region, including both established and to-be-established institutions, covering the period from 1 January 2023 to 31 December 2024.² In certain instances where developments in 2025 are particularly significant, brief commentary and analysis have been included to ensure a comprehensive assessment.

Country chapters are authored by CSOs with extensive experience in NHRI advocacy, offering insights into institutional functioning and prevailing human rights challenges.

“Beyond assessment, the ANNI Report functions as an advocacy tool, enabling CSOs to work constructively with NHRIs to strengthen the promotion and protection of human rights. It identifies gaps in effectiveness and provides recommendations to enhance NHRI compliance with the Paris Principles from a civil society perspective.

² All ANNI members contributing country chapters undertook the scoring exercise, except in Myanmar and Cambodia. In Myanmar, our members Progressive Voice and the CSO Working Group on Independent National Human Rights Institution (Burma/Myanmar) have long called for the withdrawal of recognition of the Myanmar National Human Rights Commission (MNHRC) due to its allegiance to the military junta following the 2021 coup. Reflecting these concerns, Global Alliance Of National Human Rights Institutions (GANHRI) removed the MNHRC's accreditation in December 2024 and revoked its membership in March 2025. In Cambodia, an NHRI has yet to be established, though initial steps have been taken. Further details are provided in the respective country chapters.

Background on the NHRI Index

How it was developed

The NHRI Scoring Index was first developed by the ANNI Secretariat in 2019 and 2020 with the support of an external researcher, advisors, and representatives from ANNI member organizations.³ This followed extensive consultations and workshops with key stakeholders in order to refine the survey and to promote an inclusive and participatory process.

An early draft of the Index contained 90 questions. ANNI members initially piloted it for the 2020 report to test applicability and relevance. While the data could not be included in the report, it guided refinements to the methodology, resulting in the current version of 44 questions/indicators.⁴

The development of the NHRI Scoring Index draws upon multiple sources to ensure both rigor and relevance. Primarily, the Index is grounded in the Paris Principles and the General Observations of the GANHRI Sub-Committee on Accreditation (SCA).⁵ The Paris Principles, as the minimum international standards for independent, effective, and credible NHRIs, are central to the Index's development.

³ Aaron Myers was the external researcher who carried out initial research and developed the first iteration of the Index with support from the Fulbright program.

⁴ The ANNI Secretariat gathered feedback and inputs from 15 member organisations to refine the Index and overall methodology. This process involved one-on-one consultations as well as two joint workshops in 2022 and 2023. The proposed revisions were discussed, reviewed, and formally approved during the 16th ANNI Regional Consultation in February 2023.

⁵ “General Observations of GANHRI-SCA, 2018,” GANHRI, 2018, <https://ganhri.org/accreditation/general-observations/>.

These universally accepted standards guided the formulation of the Index questions, which are organized into five parent categories: 1) independence, 2) mandate, 3) pluralism, 4) promotion, and 5) protection of human rights. This categorization ensures a comprehensive and in-depth assessment framework.

By aligning the Index with the Paris Principles, the methodology remains anchored in internationally recognized standards while enabling meaningful comparisons across diverse national contexts.

This foundation is supplemented by academic studies and reports on NHRI effectiveness, including works by Carver (2014),⁶ Murray (2007),⁷ and Linos and Pegram (2017).⁸

In addition, the Index builds on reports and manuals produced by international agencies such as the United Nations Human Rights Council, GANHRI, the Office of the UN High Commissioner for Human Rights, the Asia Pacific Forum of National Human Rights Institutions (APF), and the International Commission of Jurists (ICJ).⁹ The methodology was further refined through consultations with NHRIs, civil society organizations, and individual practitioners and experts in the field.

Goals of the Index

The Index is designed as an iterative tool and will continue to evolve through its implementation in subsequent years, drawing on feedback from our members and partners.

The Index primarily assesses the effectiveness of the various functions and structures of NHRIs through a categorization of questions that represent different aspects of the Paris Principles. It also enables comparisons across Asia based on their performance and compliance with these international standards.

“By highlighting both strengths and areas for improvement, the Index provides civil society with a constructive platform to engage with NHRIs, promote accountability, and support their continued strengthening.”

6 Richard Carver, *Measuring the Impact and Development Effectiveness of National Human Rights Institutions: A Proposed Framework for Evaluation* (Bratislava: United Nations Development Programme, 2014), https://www.academia.edu/27945167/Measuring_the_impact_and_development_effectiveness_of_national_human_rights_institutions_a_proposed_framework_for_evaluation.

7 Rachel Murray, “National Human Rights Institutions: Criteria and Factors for Assessing Their Effectiveness,” *Netherlands Quarterly of Human Rights* (June 2007), <https://journals.sagepub.com/doi/abs/10.1177/016934410702500203>.

8 Katerina Linos and Tom Pegram, “What works in Human Rights Institutions?” *American Journal of International Law*, November 7, 2017, <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/what-works-in-human-rights-institutions/C24517FEA634993D5AB4488B19E42746>.

9 *Assessing the Effectiveness of National Human Rights Institutions*, Geneva: Office of the High Commissioner for Human Rights, 2005, <https://www.ohchr.org/sites/default/files/Documents/Publications/NHRIen.pdf>.

Beyond ranking, the Index complements the narrative country chapters by providing a structured framework for data collection. Its comprehensive set of questions enables researchers to gather both qualitative insights and quantitative data on NHRI functioning, enriching the overall analysis and assessment of their effectiveness.

In recognition of some of the Index's limitations, such as its inability to fully capture drastic changes in an NHRI's political context within the reporting period, the narrative chapters provide space for contextual information and explanations, thereby reinforcing and complementing the Index's findings.

Categories of the Index and the Paris Principles

The Index evaluates NHRIs across five parent categories, each aligned with the core requirements of the Paris Principles.



Independence assesses the structural, financial, and functional autonomy of NHRIs from government influence.



Mandate examines the breadth of an NHRI's human rights mandate, including its coverage of civil, political, economic, social, and cultural rights.



Pluralism evaluates the extent to which civil society and minority groups are represented within the composition and operations of NHRIs.



Promotion focuses on the reach, effectiveness, and breadth of activities undertaken to advance human rights awareness, education, and public engagement.



Protection considers the mechanisms available for receiving complaints, monitoring violations, ensuring accountability, and providing emergency assistance to HRDs.

Each category is divided into subcategories containing specific questions, thereby enabling a systematic and detailed assessment. This structure facilitates comparative analysis, enhances analytical rigour, and strengthens the link between NHRI performance and compliance with the Paris Principles.

Parent Category		Sub-category	No. of Questions/ Indicators
	Independence	Legal basis	3
		Appointment and dismissal	3
		Budget autonomy	1
		Operational autonomy	3
	Mandate	Breadth of mandate	4
		Broad powers	6
	Pluralism	Accessibility	3
		Civil society	2
		Diversity	3
	Promotion	Advice on legislation and policy	2
		Annual Reports	1
		Education and training	1
		international engagement	2
	Protection	Complaints	5
		Investigation and monitoring	3
		Stakeholder protection	2
Total indicators			44

Scoring process

Question format, scale descriptor, and justifications

The Index uses two types of scales for its questions, which were standardized through an adjusted scoring system to ensure comparability across indicators.

Each question is accompanied by a set of scale descriptors that explain what each score represents. While the descriptors are general in nature, they provide important guidance on the aspects and elements to consider when answering each indicator of the survey.

Type of Question	Kind of Scale	Format of Scores	What Scores Represent
Easily defined objective criteria	Three-point scale	(0, 1, 2)	0 = Least or no compliance 2 = Maximum or full compliance
More subjective indicators	Five-point scale	(0, 1, 2, 3, 4)	0 = Least or no compliance 4 = Maximum or full compliance

In responding to the questions, ANNI members are required to provide comprehensive and in-depth justifications for their responses. These justifications must include contextual information, factual developments, examples, case studies, and explanations.

The purpose of this process is not only to explain why a particular score was assigned to an NHRI but also to demonstrate why a higher or lower score was not given.

Ensuring credibility and transparency

To ensure credibility and rigor, members undertake extensive desk research that draws on a wide range of sources, including legislation, government documents, publications by NHRIs and their networks, UN records, news articles, and reports produced by International Non-Governmental Organizations (INGOs) and CSOs.

In addition to desk research, members conduct both formal and informal consultations with human rights defenders and civil society actors to gather insights and experiences regarding engagement with their respective NHRIs.

Transparency and fairness are further reinforced through consultations with the NHRIs themselves. This engagement takes place through written requests for input, interviews, and fact-checking exercises, both formal and informal. The diverse sources of information collected through research and consultations form the foundation for strong and comprehensive justifications to support each score.¹⁰

¹⁰ Access to NHRIs varies across countries, with some members able to engage directly while others face limitations. Regardless of access, all members consult publicly available NHRI documents, such as reports, statements, press releases, and other publications, to ensure the accuracy and reliability of the information used in the assessment.

Finally, the assigned scores and justifications are subjected to scrutiny by the ANNI Secretariat in a detailed feedback cycle. This review process ensures that each response aligns with the reporting guidelines and corresponds appropriately with the scale descriptors, thereby strengthening the overall validity and consistency of the Index.

Conversions to adjusted scores and normalized scores

Adjusted scores

Once the feedback cycle is complete and the responses for each question are finalized, the assigned scores are converted into adjusted scores to ensure that all 44 questions carry equal weight, regardless of the two types of scales used. This adjustment standardizes the data for uniformity across all indicators.

The conversion from assigned scores to adjusted scores is done by dividing the assigned score by the maximum possible score for that question, depending on its scale. Each question is therefore rescaled to a value between 0 and 1, so that every question contributes equally to the overall score, with a total maximum of 44 (corresponding to the 44 questions). For example:

- ♦ If an NHRI receives an assigned score of 2 on a 4-point scale, dividing 2 (assigned score) by 4 (maximum score) yields an adjusted score of 0.5.
- ♦ Similarly, if the assigned score is 1 on a 2-point scale, dividing 1 by 2 also gives an adjusted score of 0.5.

Adjusted scores allow for meaningful comparison between questions and subcategories by ensuring equal weighting across all indicators. To address differences in scoring scales, the Index applies an adjusted scoring method that ensures every question contributes equally to the overall score. The adjusted scores within each parent category are then summed to produce the total adjusted score for that category.

Normalized Scores

However, since the five parent categories contain different numbers of questions (Independence, Mandate, and Protection each have 10 questions, while Pluralism has 8 and Promotion has 6), the maximum possible adjusted scores for each category vary (6, 8, or 10).

To enable meaningful comparisons between parent categories, the total adjusted scores for each category are converted into normalized scores so that each category carries equal weight. Normalization places all parent categories on a uniform scale of 0 to 10, making it possible to identify an NHRI's strongest and weakest areas of performance.

This is done by dividing the total adjusted score of each parent category by its maximum possible score and multiplying the result by 10. For example:

- ♦ If an NHRI achieves a total adjusted score of 7 out of 8 in Pluralism, the normalized score is calculated as $(7 \div 8) \times 10 = 8.75$.
- ♦ If the NHRI scores 5 out of 6 in Promotion, the normalized score is $(5 \div 6) \times 10 = 8.33$.

This normalization ensures that all categories are evaluated on a consistent scale of 10, allowing fair and balanced cross-category comparisons. With the normalization of Pluralism and Promotion scores to align with the other three parent categories, the total of all five parent categories equals a maximum normalized score of 50. Accordingly, each NHRI's total normalized score is presented out of 50.

When to use adjusted and normalized scores?

Normalized scores are used for comparing parent categories both between countries and within individual NHRIs. For instance, normalized scores are applied in the Regional Overview Chapter to compare overall NHRI performance across countries and across each of the five parent categories. Within country chapters, normalized scores are used to assess an NHRI's relative strengths and weaknesses across its parent categories.

Adjusted scores, on the other hand, are used to convert assigned scores into normalized scores. They are also employed for intra-category analysis—that is, to compare an NHRI's performance across subcategories within a single parent category. Adjusted scores are particularly useful for this purpose because they reflect the number of questions per subcategory, allowing for detailed and proportional analysis.

In summary, adjusted scores ensure that each question carries equal weight and are primarily used for subcategory-level comparisons, while normalized scores ensure that each parent category carries equal weight and are used for both intra-country and cross-country comparisons.

“When interpreted alongside the qualitative narratives presented in the country chapters, these scores together provide a comprehensive picture of each NHRI's performance within its national and regional context.”

Key limitations of the Index

The limitations identified in the 2025 Report are similar to the ones explained in the 2023 Report.¹¹ Below is a summary of the limitations, with some additional ones identified during this cycle of reporting:

While the Index was developed through substantial reflection and revisions, **applying a uniform methodology across diverse country contexts** remains challenging. For example, certain indicators, such as NHRIs facilitating complaints to UN Special Rapporteurs, were deemed “not applicable” in Taiwan due to its disputed sovereignty and exclusion from the UN system. Although such nuances are captured in the respective country chapters, the Index scores cannot always fully reflect these complexities.

Similarly, despite efforts to ensure objectivity, the scoring process inevitably involves **some degree of subjectivity**, shaped by the advocacy approaches, working styles, and contextual positions of ANNI member organizations. However, the ANNI Secretariat reviews all Index score sheets and country chapters to maintain consistency and uphold common standards in assessing NHRIs. Ultimately, the assessment is grounded in and guided by the Paris Principles, ensuring fairness, credibility, and accountability.

Another limitation lies in language, as the **ANNI Report is published only in English, with translations only in a few local languages**. While some members translated the Index into local languages, many lacked the resources to do so, resulting in occasional loss of nuance in justifications and explanations.

Additionally, **some country chapters are absent from this report** due to political changes, concerns for the safety of ANNI members, and, more recently, with the shrinking funding for the human rights and humanitarian sector, a lack of resources.

One limitation of the Index is that its scores are **unable to fully capture drastic or sudden changes in the functioning of NHRIs** within the reporting period, such as shifts in political context, emerging crises, or rapid institutional developments. As a numerical tool, the Index reflects performance against set indicators but cannot always account for the nuance and complexity of such changes.

To address this gap, the accompanying narrative country chapters play a vital role by providing context, explanations, and concrete examples. These narratives complement the scores, ensuring that the analysis remains both accurate and reflective of on-the-ground realities.

These constraints, though significant, highlight the importance of combining the Index with narrative chapters to provide a fuller and more balanced picture of NHRI performance across Asia.

Reflections from 2023 Index use

The 2023 reporting cycle marked the first time the ANNI Index was fully applied across all assessed NHRIs, representing a significant milestone in advancing the monitoring and assessment of these key institutions. Feedback from members and partners has been encouraging, particularly regarding the robustness of the assessment process. The Index offered a clear and structured framework for evaluating NHRIs, strengthening both the credibility and consistency of the findings across diverse national contexts.

One of the strongest features highlighted by members was the **Index's comprehensive coverage of all aspects of the Paris Principles**. By systematically breaking down these principles into measurable categories and subcategories, the Index facilitated assessments across all key elements required for a strong and independent NHRI in line with international minimum standards. This holistic approach not only enabled an in-depth analysis of the effectiveness of NHRIs but also helped identify regional patterns, strengths, and areas requiring improvement.

The inclusion of **data visualisations further enhanced the value of the Index**. Visual tools such as comparative charts and category-level breakdowns provided accessible ways to interpret the findings, making it easier to identify trends and conduct cross-country comparisons. Members emphasized that this strengthened both internal advocacy strategies and external engagement with stakeholders, as the results could be communicated more effectively and persuasively.

At the same time, reflections also acknowledged the **demanding nature of the process**. The scoring, justification, and review cycle proved time-intensive, requiring significant effort from member organisations. However, this **rigor was also recognized as a strength**, as it ensured that the final assessments were not only reliable but also detailed, supported by contextual explanations and diverse sources of evidence.

Ultimately, the first full use of the Index during the 2023 ANNI Report demonstrated its potential as both a robust monitoring tool and a constructive platform for engagement, reinforcing its value for strengthening NHRIs across Asia.

¹¹ Asian Forum for Human Rights and Development (FORUM-ASIA), The ANNI Report 2023: On the Performance of National Human Rights Institutions in Asia, (FORUM-ASIA, 2023), https://forum-asia.org/wp-content/uploads/2023/10/Anni_report_2023-10-27-0100-1.pdf.



Legend

13 NHRIs featured in this report

- | | | |
|----|--|-----------------|
| 1 | | Bangladesh |
| 2 | | Cambodia |
| 3 | | India |
| 4 | | Indonesia |
| 5 | | Malaysia |
| 6 | | Myanmar |
| 7 | | Nepal |
| 8 | | The Philippines |
| 9 | | South Korea |
| 10 | | Sri Lanka |
| 11 | | Taiwan |
| 12 | | Thailand |
| 13 | | Timor-Leste |



Introduction

Since its establishment in 2006, the Asian NGO Network on National Human Rights Institutions (ANNI) has published the Report on the Performance of National Human Rights Institutions in Asia (ANNI Report), a cornerstone resource for civil society engagement with National Human Rights Institutions (NHRIs).

The report is a vital tool for civil society organizations (CSOs) to assess whether the institutions in their respective countries abide by the Paris Principles, which set the minimum international standards for effective, credible, and independent NHRIs.

“ For nearly two decades, our network has used the ANNI Report to document the achievements of NHRIs, identify gaps, and foster accountability and mutual learning.

The 2025 ANNI Report reviews the performance and development of NHRIs in 13 Asian countries from 1 January 2023 to 31 December 2024, with selective commentary on significant developments in 2025 where relevant.

The assessment covers both established institutions and those in the process of being set up, such as in Cambodia and Myanmar.¹ Each chapter has been authored by national CSOs with extensive experience in NHRI advocacy.

¹ As the Myanmar National Human Rights Commission's (MNHRC) GANHRI accreditation and membership were officially revoked in 2024 and 2025, ANNI and its members have prioritized efforts to advocate for the establishment of a new Paris Principles-compliance Unity NHRI to replace the MNHRC.

Through the use of the ANNI Index and the complementary narrative chapters, our member organizations provide independent and grounded perspectives on institutional functioning and prevailing human rights challenges.

The status of NHRIs

The 2025 report examines 12 NHRIs with varying Global Alliance of National Human Rights Institutions (GANHRI) accreditation statuses.² The report also looks at the process of establishing two new NHRIs in Cambodia and Myanmar, respectively.

Eight NHRIs currently hold an “A” status accreditation from the GANHRI Sub-Accreditation Committee (SCA) and have undergone a reaccreditation process, including:

- National Commission of Human Rights in Nepal (NHRCN), which was reaccredited following a special review in 2023.
- National Commission of Human Rights in India (NHRCI), whose re-accreditation was deferred for a second time in 2024 and now faces a downgrade recommendation in 2025.
- National Commission of Human Rights in South Korea (NHRCK), which is undergoing a special review in 2025.

Other “A” status institutions include the National Human Rights Commission of Malaysia (SUHAKAM), Commission on Human Rights of the Philippines (CHRP), Human Rights Commission of Sri Lanka (HRCSL), National Human Rights Commission of Thailand (NHRCT), and Office of the Provedor for Human Rights and Justice of Timor-Leste (PDHJ).

The report also assesses the performance of the National Human Rights Commission in Bangladesh (NHRCB), which retained its “B” status. Meanwhile, in Myanmar, the junta-controlled Myanmar National Human Rights Commission (MNHRC) lost its “B” accreditation at the end of 2024. Due to geopolitical reasons, the National Human Rights Commission of Taiwan (NHRC Taiwan) is not accredited by GANHRI but is nonetheless assessed by civil society in the ANNI Report.

The ANNI Report also serves as an advocacy tool. By highlighting shortcomings and offering concrete recommendations, it strengthens civil society efforts to promote the independence, credibility, and effectiveness of NHRIs in advancing human rights across Asia.

² NHRIs with “A” status are accredited as fully compliant with the Paris Principles, signifying independence, effectiveness, and broad human rights mandates. Those with “B” status are deemed only partially compliant, reflecting significant gaps that limit their ability to function as effective national human rights institutions.



Defining Moments in 2023 and 2024

Removal of MNHRC's accreditation

“ In December 2024, GANHRI-SCA revoked the accreditation of the MNHRC, a milestone achievement for civil society after years of advocacy.

ANNI and the CSO Working Group had previously engaged the MNHRC to advocate for reforms before the 2021 coup, but ceased all contact once it became clear that the Commission was complicit in junta-led abuses. Since 2021, ANNI and the Working Group have consistently advocated for the removal of the MNHRC's accreditation and membership in international and regional NHRI networks. After four years of sustained advocacy, GANHRI's decision marked a landmark step, paving the way for its removal from GANHRI membership in March 2025, Asia Pacific Forum (APF) of NHRIs membership in May 2025, and potentially Southeast Asian NHRI Forum (SEANF) membership thereafter.

The revocation was crucial in preventing further international recognition of a junta-controlled body. Following the decision, Myanmar's National Unity Government announced the dissolution of the MNHRC and signaled its intention to establish a new Paris Principles-compliant Unity NHRI.

People's revolution in Bangladesh

In July 2024, a mass uprising over a controversial job quota system forced Prime Minister Sheikh Hasina to resign, leading to an interim government under Nobel laureate Muhammad Yunus. These events ushered in a critical phase of democratic transition in Bangladesh.

Amid this shift, the NHRCB faced a leadership vacuum following the resignation of all members on 7 November 2024. Long criticized for weak independence and mandate, the Commission is now without leadership at a time when transitional justice and accountability for longstanding human rights violations are urgently needed.

The interim government has pledged to reform the NHRCB, with efforts already underway in 2025. Restoring its credibility, independence, and compliance with the Paris Principles will be essential to strengthening human rights protections and rebuilding public trust, particularly given its long record of complicity and inaction.

“ Civil society looks to both the interim government and the international community to ensure that the reform process is inclusive, participatory, and grounded in full consultations with civil society.

South Korea's martial law declaration

On 3 December 2024, President Yoon Seok-yeol declared emergency martial law, banning political activity, restricting media, prohibiting protests and strikes, and permitting warrantless arrests. Network outages followed immediately. Within hours, the National Assembly voted unanimously to revoke the decree, and Yoon rescinded it within six hours amid protests and military resistance. After a failed attempt on 7 December, lawmakers passed an

impeachment motion on 14 December, suspending Yoon's powers. On 4 April 2025, the Constitutional Court unanimously removed Yoon from office.

The NHRCK's failure to respond promptly and justly drew strong public criticism. It merely issued a brief non-committal statement on 11 December, dismissed citizen complaints, and repeatedly rejected calls for investigation. Civil society condemned the NHRCK's inaction, yet its leadership appeared to have prioritized defending President Yoon rather than committing to its mandate.

“ In response to growing concerns raised by civil society, GANHRI-SCA launched a special review of the NHRCK, scheduled for October 2025.

NHRC India's two successive deferrals of its accreditation

In March 2023, GANHRI-SCA deferred the NHRCI's "A" status, citing a lack of compliance with the Paris Principles, including non-pluralistic appointments, government interference, failure to conduct independent investigations, and weak cooperation with civil society. In March 2024, the SCA again deferred accreditation (an unprecedented second consecutive deferral). Meanwhile, the United Nations Human Rights Committee reiterated similar concerns in July 2024.

At its 2025 review, the SCA recommended downgrading the NHRCI to "B" status. It also noted how Indian authorities made improper attempts to influence the process.

“ This marks a significant step toward holding the NHRCI accountable for long-standing failures.

The NHRCI has appealed the recommendation, receiving support from the NHRIs of Jordan, Ghana, Rwanda, and Zimbabwe.

Troubling human rights record of Indonesia's new president

In the 2024 Indonesian general elections, former general Prabowo Subianto won the presidency by a landslide. His victory came despite a deeply troubling human rights record, particularly from his time as a senior commander under former president Suharto during the New Order Era. Prabowo was implicated in enforced disappearances, torture, and other abuses against student activists and civilians in the 1990s. These allegations led to his discharge from the military and a two-decade US entry ban. Prabowo even admitted in 2014 to ordering kidnappings, claiming they were "legal" and carried out under orders.³

“ Prabowo's election reflects the normalization of impunity in Indonesian politics, with human rights groups warning that his presidency risks entrenching authoritarianism and weakening accountability.⁴

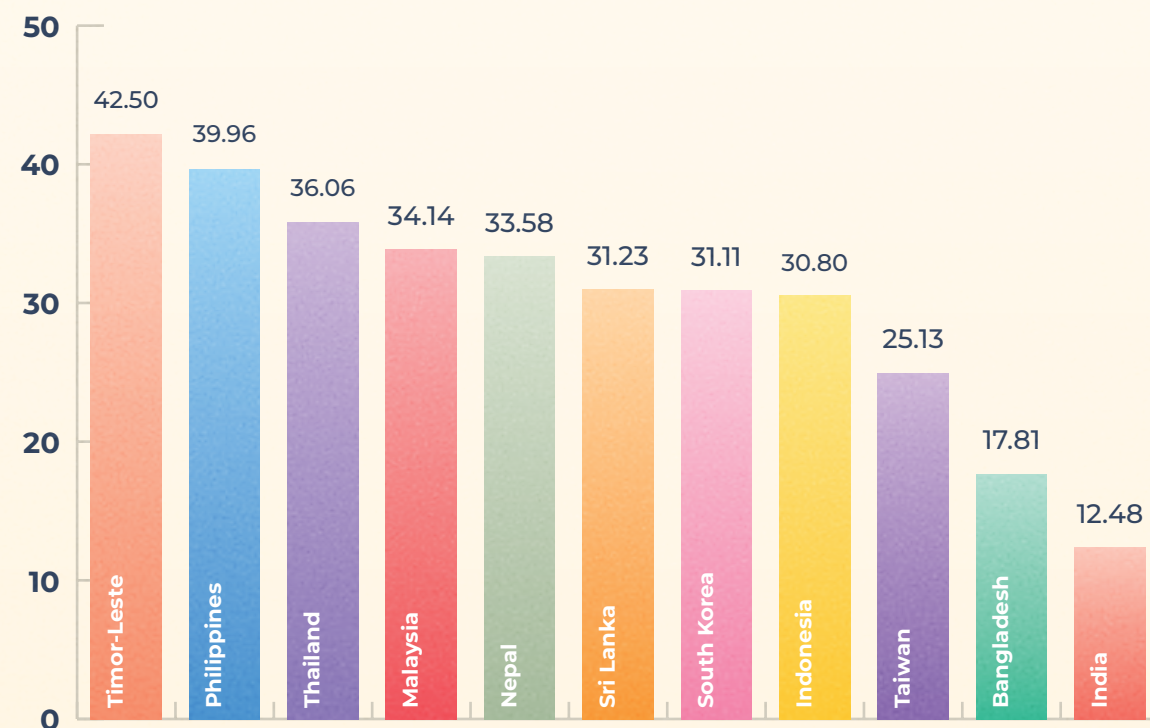
He has since consolidated power with Indonesia's largest cabinet since the 1960s, including the creation of a Ministry of Human Rights, which many fear will either duplicate or undermine the National Human Rights Commission of Indonesia (Komnas HAM). The Commission's silence on Prabowo's troubling human rights record has reinforced concerns about its eroding independence and reluctance to demand accountability.

3 "Indonesia Candidate Admits Role in Abductions," Al Jazeera, July 18, 2014, <https://www.aljazeera.com/news/2014/7/18/indonesia-candidate-admits-role-in-abductions>

4 "Indonesia: 100 Days of Prabowo-Gibran Administration Marked by Growing Human Rights Concerns," FORUM-ASIA, January 31, 2025, <https://forum-asia.org/id-100days/>



Cross-country comparisons by total normalized scores* (out of 50)



*The ANNI Index is not used in the cases of Cambodia and Myanmar. Cambodia is considering the establishment of an NHRI, while in Myanmar, talks are underway to establish a new Unity NHRI to replace the discredited MNHRC.

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Regional trends 2023-2024



Independence

The independence of NHRIs rests on their legal basis, financial autonomy, operational capacity, and the integrity of selection and dismissal processes. While many institutions in the region are grounded in constitutions or dedicated statutes, their ability to function independently remains constrained by political interference, opaque appointment practices, financial pressures, and overlapping mandates.

Selection and appointment

“Despite formal legal guarantees, appointment processes across the region are rarely fully transparent or participatory. Civil society is often excluded, undermining legitimacy and creating avenues for political influence.”

For the best-performing NHRIs in this category, efforts have been made to promote civil society inclusion, transparency, and a merit-based focus in the process, though limitations remain. In Timor-Leste, parliamentary procedures include a public call for applications and some opportunity for public comment, yet structured engagement with civil society remains absent, thereby limiting inclusivity.

The presence of legal provisions promoting participation, transparency, and inclusivity often faces gaps in implementation. In South Korea, while legislation mandates multi-stakeholder involvement, in practice, the President retains decisive influence, undermining the intended balance.

Concerningly, the selection process for some NHRIs often remains closed, narrow, and non-accessible, with no opportunity for applications from the public. In India, the process is exclusive and non-participatory due to the absence of vacancy advertisements, consultation, or clear criteria. All of which have had direct international consequences, including repeated deferrals of its A-status accreditation. Even in strong NHRIs, such as the Commission of Human Rights of the Philippines (CHRP), legal provisions in this area remain archaic and exclusionary, with the selection process completely controlled by the executive and no participation from Congress, the legislature, or the public, leaving the Commission highly vulnerable to political capture.

Financial and operational interference

“The use of financial control as a tool of political pressure is an increasingly visible trend.”

In the Philippines, the CHRP's reliance on the legislature for funding has left it vulnerable to direct threats of defunding. In September 2023, senators publicly warned that the Commission risked a “zero budget” unless it retracted perceived support for abortion. These threats, echoed by senior parliamentary leaders, forced the CHRP to issue defensive clarifications, undermining its independence.

In Indonesia and Taiwan, severe budget cuts were imposed in early 2025. Komnas HAM's budget was reduced by nearly half, while NHRC Taiwan's budget was cut by an unprecedented 90 percent. Such drastic reductions critically impair the institutions' ability to carry out their mandates and address urgent human rights challenges.

Operational independence

Overlapping institutional mandates also threaten the independence of NHRIs by blurring lines of authority and weakening accountability.

NHRC Taiwan is embedded within the Control Yuan, with Commissioners simultaneously serving as Ombudspersons. This dual role creates both institutional and functional ambiguity. Commissioners frequently prioritize their Ombudsperson powers, exercised individually and with punitive authority, over their collective responsibilities as NHRCT members. This dilutes the Commission’s institutional identity and independence.

In Indonesia, the establishment of a Ministry of Human Rights under President Prabowo has raised concerns over mandate encroachment on Komnas HAM, particularly with regard to independent investigations. These developments occur alongside substantial salary increases for Komnas HAM Commissioners and staff in 2024, prompting fears that the government is attempting to co-opt the institution.

Positive developments in strengthening NHRI independence

While progress remains uneven, several NHRIs in the region have taken proactive steps to reinforce their institutional independence, demonstrating that reform is both possible and necessary despite political challenges.

In Malaysia, between 2020 and 2023, the National Human Rights Commission of Malaysia (SUHAKAM) conducted over 14 formal consultations with a broad range of

stakeholders on amendments to Act 597. The reforms, which came into force in July 2024, included a new safeguard under Section 5(3B) prohibiting individuals actively involved in politics or registered with political parties from serving as Commissioners.

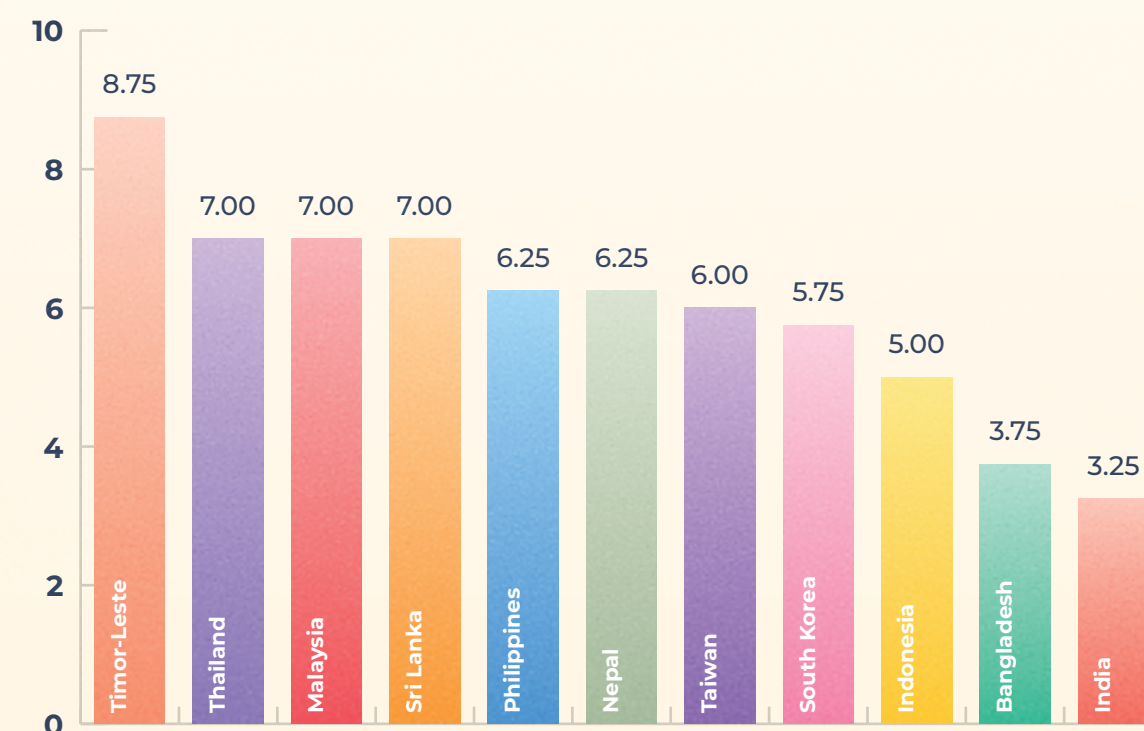
In 2022, GANHRI SCA recommended that NHRC Thailand amend Section 26(4) of the Organic Act 2017 and repeal Section 247(4) of the Constitution, which currently compels NHRC Thailand to defend or clarify government actions when human rights violations are alleged. This undermines independence and contradicts the Paris Principles. Although NHRC Thailand has not applied this provision in practice over the past two years, the risk remains. In line with the SCA recommendations, NHRC Thailand submitted a draft amendment to repeal Section 26(4) to the Cabinet in October 2024 (SM0904/71). However, no official government response has been issued, reflecting limited political will.

In the Philippines, the CHRP has strongly advocated for the passage of the proposed CHRP Charter Act. If enacted, the law would grant fiscal autonomy, establish a more pluralistic and transparent member selection process, and strengthen accountability through mandatory reporting to Congress and the President. The Charter would also clarify the CHRP’s mandate as a watchdog, monitor, educator, and advocate in line with the Paris Principles.

These initiatives highlight both the opportunities and obstacles to securing NHRI independence. They show that where NHRIs mobilize reform efforts, they can set important precedents, but success ultimately depends on sustained government commitment.



Independence: Cross-country comparisons by total normalized scores* (out of 10)



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Mandate

Scope and implementation of mandate

Across the region, stronger NHRIs have demonstrated effectiveness by operationalizing the full scope of their mandates and adopting broad interpretations even where founding laws are limited. For example, despite the absence of explicit provisions on economic, social, and cultural rights in the enabling laws of their respective NHRIs, both Sri Lanka and the Philippines Commissions have proactively expanded their work to encompass these areas, thus ensuring more comprehensive human rights protection.

In contrast, weaker-performing institutions often display reluctance to engage the full breadth of their mandates, particularly on sensitive civil and political rights. In Bangladesh and India, NHRIs have routinely sidestepped serious violations such as enforced disappearances, persecution of human rights defenders (HRDs), and police violence. Instead, they have focused on economic and social rights, which are perceived as less politically contentious.

“ This selective engagement reflects a broader trend of avoiding confrontation with state authorities, undermining the credibility and impact of NHRIs in addressing systemic human rights concerns.

Ignored recommendations

A persistent trend across the region is the weak implementation of NHRI recommendations, which undermines their credibility and effectiveness. Even where NHRIs are legally empowered to monitor, investigate, and recommend action, governments frequently disregard their findings. The problem is not only the absence of binding enforcement powers but also the lack of political will and accountability mechanisms to compel state compliance.

Implementation rates remain low regardless of legal frameworks. In countries without statutory obligations, such as Thailand, recommendations are routinely sidelined, particularly those requiring legislative or policy reform. Meanwhile, in countries with explicit legal provisions, such as Nepal and India, outcomes are not significantly better. Nepal has implemented only a fraction of its recommendations since 2000. As for India, despite a one-month statutory response requirement and judicial affirmation of their binding nature, most NHRCI orders are delayed, ignored, or contested in court.

“ These examples illustrate a broader regional pattern: without strong political commitment and sanctions for non-compliance, legal mandates alone are insufficient to secure meaningful implementation of NHRI recommendations.

Best practices

In Malaysia, the 2024 amendments to the SUHAKAM Act significantly strengthened the Commission's mandate on children's rights. The reforms institutionalized the Chief Children's Commissioner and Children's Commissioners, while empowering SUHAKAM to receive and act on complaints from children, directly or through representatives, and to establish mechanisms to promote children's participation in matters affecting them.

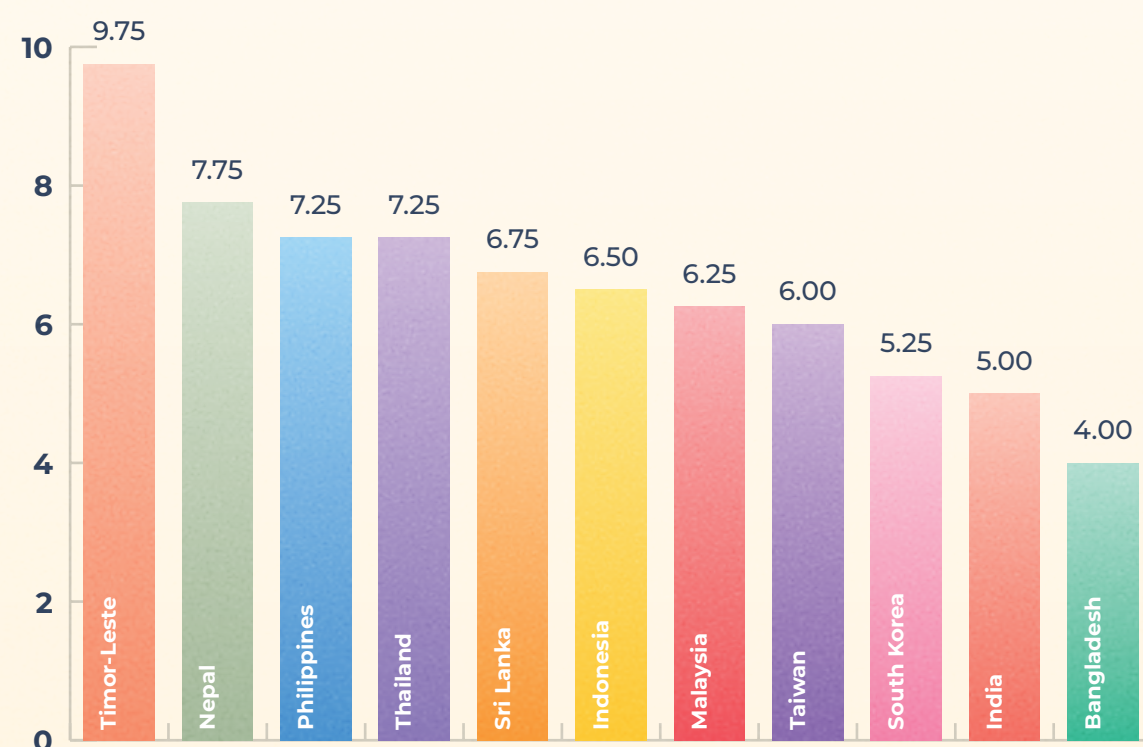
In Nepal, the NHRCN is mandated with strong constitutional and statutory powers to conduct unannounced detention visits, launch suo moto investigations, and summon evidence or witnesses. These powers have enabled the Commission to actively pursue sensitive cases, such as over 55 allegations of torture and deaths in custody in 2024. These actions underscore how a robust legal mandate can translate into meaningful scrutiny of state actors.

The current set of Commissioners at the Human Rights Commission of Sri Lanka (HRCSL) has taken the necessary steps to broaden the interpretation of its mandate despite legal limits emphasizing civil and political rights. Through new thematic subcommittees, it has extended its work to economic, social, and cultural rights as well as LGBTQIA+ and minority issues. Its investigations have spanned police violence against student protestors, detention conditions of Rohingya refugees, prisoners' voting rights, delays in school construction, and labor rights cases such as the dismissal of a union leader at a state-owned enterprise.



Mandate

Cross-country comparisons
by total normalized scores* (out of 10)



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Pluralism

Accessibility

Across the region, NHRIs would benefit from a stronger nationwide presence to improve community access. While most maintain regional offices, civil society notes gaps in coverage and staffing, leading to heavy workloads, delays, and communication challenges.

In the Philippines, the CHRP's 14 regional offices enhance accessibility, yet geographic dispersion still limits reach. Timor-Leste, Nepal, and Malaysia face similar challenges where their respective regional presences and limited staff count remain a challenge in adequately accessing all communities. Creative measures include Timor-Leste's Office of the Provedor for Human Rights and Justice (PDHJ) complaints registry and nationwide monitoring network, as well as community visits by the CHRP and the NHRCN to extend outreach.

Representation

Effortstopromotediversityandrepresentation are evident in some NHRIs. The CHRP and NHRC Thailand show strong women's representation among Commissioners and senior staff. Meanwhile, Malaysia's SUHAKAM has amended its regulations to include a Commissioner for disability and a minimum of 30 percent women's representation.

However, gaps remain across the region. In Sri Lanka, limited Tamil representation restricts access for Tamil-speaking communities. In Bangladesh and India, women remain underrepresented in leadership and secretariat roles despite repeated GANHRI-SCA recommendations. In South Korea, the

NHRCK lacks formal rules and data on staff diversity, raising concerns about institutional inclusivity.

Civil society engagement

Structured engagement with civil society is widely recognized as a key measure of NHRI effectiveness. In Sri Lanka, Thematic Sub-Committees (TSCs) allow civil society members and HRDs to report violations and collaborate with Commissioners. In Timor-Leste, the PDHJ consults a civil society advisory body on strategic planning and selection processes. In the Philippines, under the UN Joint Programme for Human Rights (which ended July 2024), the CHRP participated in six technical working groups with government, civil society, and UN representatives, including co-chairing efforts to strengthen civic space.

However, challenges remain in ensuring these engagements are consistently meaningful. In Sri Lanka, some TSCs are irregularly convened, and discussions do not always lead to action. In Indonesia, Komnas HAM engages marginalized groups systematically, but follow-throughs are limited in high-stakes or politicized cases (such as Papua or the Ahmadiyah community), and transparency around outcomes is often insufficient.

“Alarmingly, in South Korea, reports of NHRCK Commissioners taking retaliatory actions against victims' families, civil society organizations, and even staff in response to protests against controversial Commission decisions have eroded public trust in the NHRCK. These incidents, coupled with anti-LGBTQIA+ positions expressed by some Commissioners, have drawn strong condemnation from civil society.

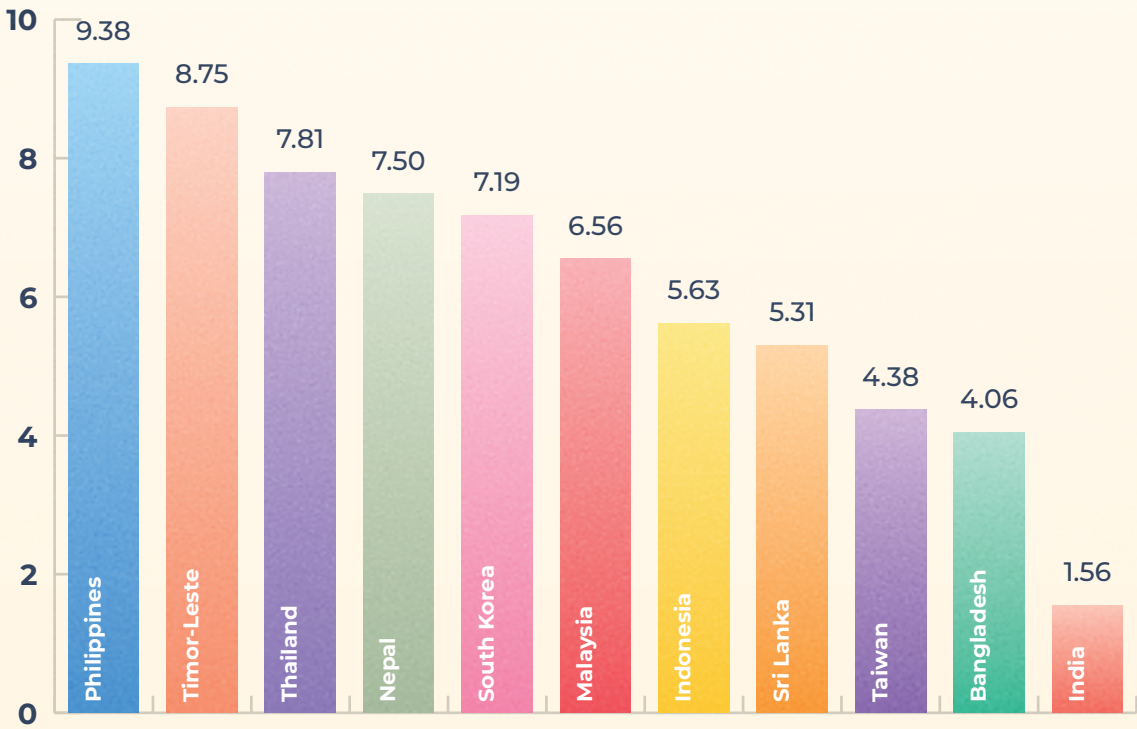
Best practices

In the Philippines, the CHRP has brought its human rights advocacy closer to communities through initiatives such as the “Lakbay Karapatan Tungo sa Kamalayan” education caravan (also known as Lakaran) and plans to expand Barangay Human Rights Action Centers for greater accessibility. Notably, the CHR created a safe space for civil society by conducting parallel consultations to develop recommendations for the National Plan of Action on Human Rights, addressing concerns about participating in government-led consultations.

Komnas HAM has developed comprehensive standards, norms, and regulations on non-discrimination covering 18 vulnerable groups, including persons with disabilities, indigenous peoples, and migrants. It also held a public consultation to ensure civil society input. It has also issued targeted policy recommendations protecting groups such as persons with disabilities, domestic workers, and older adults, while continuing advocacy through forums and partnerships with the UN.



Pluralism
Cross-country comparisons
by total normalized scores* (out of 10)



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Promotion

Promotion is the best performing parent category (average score of 6.74 out of 10) and the highest scoring category for many NHRIs assessed, owing to active efforts to forge partnerships in human rights education and efforts to review legislation.

Human rights education

Across the region, NHRIs have strengthened human rights education through partnerships with schools, universities, government bodies, and civil society. NHRC Thailand, for example, engages with the United Nations Children's Fund and educational institutions to promote outreach to students. It also runs a Human Rights Certificate Course for executives in the private sector. It has utilized some creative initiatives to broaden its outreach, including grassroots outreach via radio programs and regular press updates to the public.

NHRIs in Timor-Leste, the Philippines, and Malaysia also train law enforcement agencies, often formalizing cooperation through memorandums of understanding to ensure sustained impact.

Despite these efforts, challenges persist in making education initiatives impactful. Civil society notes that many programs remain generic and “one-size-fits-all,” limiting their ability to engage diverse communities. Short-term efforts, such as the NHRCI's two-week online internships, have been criticized as superficial and ineffective in building youth capacity. While some NHRIs are experimenting with digital tools, including Komnas HAM in Indonesia, amidst a shrinking budget, online initiatives often face limitations such as poor connectivity in remote areas, impersonal delivery, and reduced audience engagement compared to in-person activities.

Legislative review

Across NHRIs that have scored well in this area, civil society welcomed their proactive efforts in reviewing legislation and advocating compliance with international human rights.

“In Malaysia, the July 2024 appointment of the new SUHAKAM Chairperson was welcomed for his strong calls for the government to ratify key international frameworks, including the International Convention on the Elimination of All Forms of Racial Discrimination, the 1951 Refugee Convention, and the Rome Statute.

Meanwhile, NHRC Taiwan advanced gender and disability rights by addressing airline dress code discrimination and issuing guidelines aligned with the UN Convention on the Rights of Persons with Disabilities. It also investigated the suspension of disability stipends for prisoners, leading to a 2024 policy change providing material support and a modest monthly allowance.

“Nevertheless, civil society notes persistent challenges, including uneven legislative engagement and reluctance to address politically sensitive laws.

In Bangladesh, the NHRCB has failed to provide substantive recommendations on key laws such as the Anti-Terrorism (Amendment) Act, ICT Act, Civil Service Act, and Digital Security Act, intervening only informally and belatedly.

Similar patterns of cautious engagement are observed in India, Indonesia, and at times, Taiwan, raising concerns about institutional independence and the ability of NHRIs to safeguard civil and political rights.

Best practices

NHRC Thailand organizes the annual Human Rights Idol award, which recognizes individuals or organizations making exceptional contributions to human rights. The award focuses on “ordinary individuals” who demonstrate strong commitment despite limited resources. The award also aims to encourage the expansion of human rights work at the community level. Civil society has also welcomed NHRC Thailand's commitment to evaluating its human rights promotion initiatives, helping ensure future efforts are more effective and impactful.

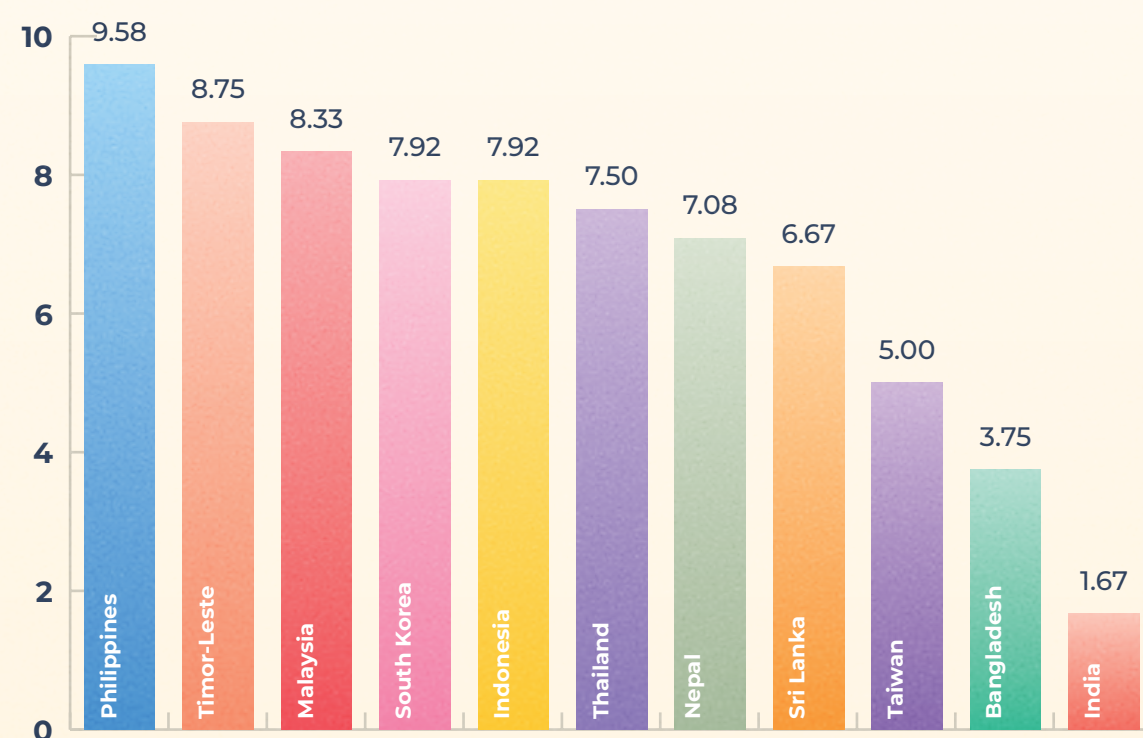
In the Philippines, the CHRP has leveraged its regional network to promote Human Rights Cities, a best-practice initiative that integrates human rights into local governance. Working with local stakeholders, including civil society organizations, the CHRP supports municipalities in developing localized human rights ordinances and operationalizing Human Rights Action Centers (HRACs). By 2023, 90 HRACs were established across barangays, serving as community hubs to receive complaints, safeguard evidence, and refer cases to regional offices. This approach demonstrates how NHRIs can strengthen accessibility, foster local ownership of human rights, and embed human rights principles into everyday governance.

In 2024, Timor-Leste's PDHJ and Centro Nacional Chega (CNC) co-hosted a public hearing on Myanmar, highlighting ongoing human rights violations. PDHJ leveraged its SEANF chairmanship to raise regional awareness and advocate for accountability in Myanmar, while CNC emphasized the broader impact on democracy. This initiative showcases how NHRIs can lead on transboundary issues, fostering regional solidarity and promoting action on gross human rights violations.



Promotion

Cross-country comparisons
by total normalized scores* (out of 10)



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Protection

The parent category with the lowest average score (4.98/10) reflects challenges in investigations, limitations in protecting victims and witnesses, and gaps in policies supporting HRDs. Shortcomings in other areas, particularly independence and mandate, further hinder NHRIs' ability to carry out their protective and investigative functions.

Investigations

Many NHRIs lack resources to properly address the growing number of human rights complaints. Regional offices, which often receive higher complaint volumes, are particularly under-resourced, leading to investigation delays, slow communication with complainants, and a growing backlog of cases.

Persistent delays in investigations of emblematic or historical cases of human rights have eroded public trust in institutions. In Indonesia, Komnas HAM's persistent inaction in emblematic cases such as the assassination of the Indonesian HRD, Munir Said Thalib, the shootings in Semanggi and Trisakti, and ongoing violence in Papua has drawn strong criticisms.

“External interference further undermines investigations where legal guarantees of independence are weak.

In India, the NHRCI's enabling law allows the government to appoint senior police officers to oversee or act as investigative staff for NHRCI cases, raising concerns about impartiality. In Bangladesh, Sections 18 and 17(3)(b) of the NHRCB Act prevent the Commission from directly investigating law enforcement violations or intervening in ongoing court cases, severely limiting accountability and effectiveness. In countries where NHRI independence is weak, Commissions have avoided investigations into politically sensitive issues, especially those related to civil and political rights.

In South Korea, the NHRCK's handling of human rights cases highlights how politicized appointments threaten the Commission's independence and impartiality. In 2023, Commissioner Kim Yong-won breached procedural rules by dismissing a protest-related complaint, which the Seoul Administrative Court later ruled illegal, reaffirming the need for unanimous subcommittee approval. Six Commissioners appointed by former President Yoon initially boycotted, leaving 218 complaints unprocessed. The Commissioners only returned after Chairperson Ahn Chang-ho was appointed in September 2024.

Stakeholder protection

“Most NHRIs have frameworks to ensure confidentiality, handle complaints, and provide legal advice, but none possess full protection powers such as independent witness protection programs.

Many rely on referral systems with state actors or civil society partners to provide safe houses, training, and other security support.

Nepal illustrates this common pattern, wherein the NHRCN can recommend protective measures (such as suspending officials under investigation) but lacks direct control over formal witness protection programs. Its role is largely advisory, reflecting the broader trend among NHRIs of limited direct authority to implement comprehensive protections for complainants and witnesses.

On a positive note, some NHRIs have made commendable efforts to proactively assess and investigate key human rights themes or systemic violations. Despite a lack of formal protocol for national inquiries, NHRC Taiwan conducted a systemic investigation into cases of child sexual abuse among schools and placement institutions from 2022 to 2024. In January 2025, NHRC Taiwan published a report detailing key findings and recommendations.

Civil society has also welcomed advocacy efforts by NHRIs on the protection of HRDs. Thailand, Nepal, and the Philippines NHRIs continue to support the passage of proposed legislation specifically designed to extend broad protections to HRDs. In Sri Lanka, the HRCSL released the Draft General Guidelines and Recommendations on the Protection of Human Rights Defenders in December 2023 and invited public input on the proposed document until December 2024.

Best practices

In the Philippines, the CHRP launched a nationwide public inquiry in 2024 on red-tagging, the practice of labeling individuals or organizations as communists or terrorists. The consultative process engaged civil society, media workers, HRDs, government actors, and the UN. Beyond advocating for national legislation to protect HRDs, the CHRP’s collaboration with local government units has also led to them adopting local ordinances safeguarding defenders.⁵

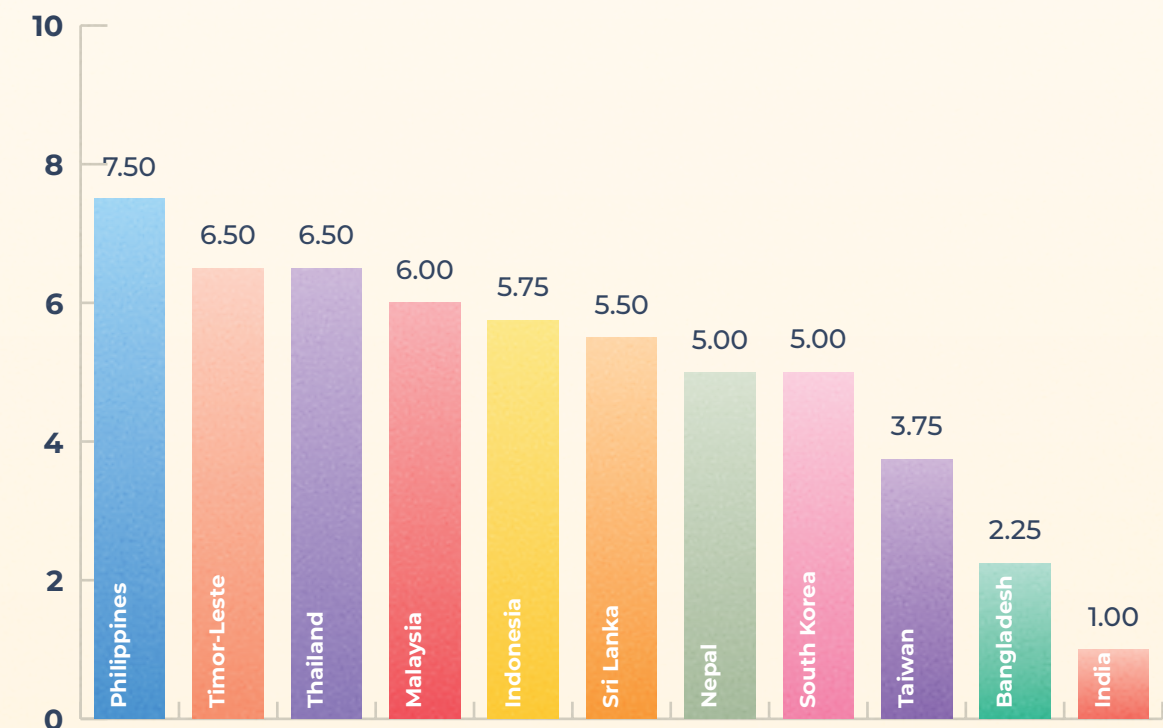
NHRC Taiwan has responded positively to civil society calls to establish a regional human rights defender protection mechanism, initiating internal research to explore options. While a formal policy has yet to be adopted, this collaboration represents a constructive step toward enhancing protections for HRDs and reinforcing Taiwan’s role in regional human rights leadership.

NHRC Thailand advocated for an amnesty law to protect political protesters, released a report condemning state inaction on transnational repression of activists, and called for a transparent investigation into HRD Boong Netiporn Sanesangkhom’s death in police custody. Civil society also welcomed NHRC Thailand’s reforms to its complaints-handling process, which now classifies cases as small, medium, or large to allocate resources and procedures according to complexity. However, challenges remain, including inaction by other government actors in cooperating with and responding to NHRC Thailand.

⁵ A number of local government units in the Philippines have passed local ordinances to protect HRDs including Isabela City (Basilan), Baguio City, Quezon City, Balanga (Bataan), Digos City, Puerto Princessa, and Basilan Province.



Protection
Cross-country comparisons
by total normalized scores* (out of 10)



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The establishment of new NHRIs in Cambodia and Myanmar

“Both Cambodia and Myanmar illustrate that the effectiveness of NHRIs heavily depends on political contexts and enabling conditions.

In Cambodia, ongoing political repression, lack of judicial independence, and a shrinking civic space hinder the establishment of a credible and independent NHRI. Meanwhile, in Myanmar, decades of military control have prevented the establishment of a functioning and independent institution. After decades of military abuses and eroded rule of law, Myanmar urgently needs a strong and independent NHRI. The Union Human Rights Commission Bill, aligned with the Paris Principles, provides a path toward protecting rights and building a peaceful and inclusive federal democracy.

Civil society is crucial in promoting NHRI independence and accountability, as exemplified by the successful civil society advocacy to hold the MNHRC accountable and to push for the removal of its GANHRI accreditation. In Cambodia, the shrinking civic space poses a significant risk that any NHRI established under such repressive conditions would be unable to effectively engage with civil society or conduct meaningful investigations into human rights violations.

In both cases, compliance with the Paris Principles and foundational reforms, such as media freedom, judicial independence, and democratic governance, is a crucial prerequisite.

Conclusion

The experiences of NHRIs in 2023–2024 show that full compliance with the Paris Principles remains challenging, even for the strongest institutions. Weaknesses in independence, mandate, resources, or pluralism directly undermine an NHRI’s ability to promote, protect, investigate, advise, and educate on human rights. If left unaddressed, these gaps risk eroding public trust and diminishing the institution’s effectiveness in safeguarding human rights.

Despite the many challenges observed across NHRIs in the region, many have made notable progress. Documenting and recognizing these positive steps and best practices can encourage more NHRIs to follow suit. All these can also help foster mutual learning and constructive dialogue between civil society and NHRIs.

Moving forward, governments must strengthen legal mandates, ensure transparent and pluralistic appointments, and provide adequate funding. Meanwhile, NHRIs should continue proactive investigations, community outreach, and defender protection. Civil society and international actors must remain vigilant and supportive to safeguard NHRI independence and effectiveness. Only through these combined efforts can NHRIs fully uphold human rights and promote accountability across the region.

We sincerely thank our members and the authors of the ANNI Report country chapters for their invaluable support and dedication in making this report a success:

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CHAPTER ONE

Bangladesh

NHRCB at a Critical Crossroads: Toward Meaningful Reform and Renewal

by By Zannatul Anjum Arpi, Ain o Salish Kendra (ASK)*

* Zannatul Anjum Arpi is a former staff at Ain o Salish Kendra (ASK)

Ain o Salish Kendra (ASK) is a national legal aid and human rights organization in Bangladesh that provides legal and social support to marginalized groups, particularly women, workers, and children. Its work is guided by the vision of a society rooted in equality, justice, and the rule of law.



Overview of the human rights situation in Bangladesh

Between January 2023 and December 2024, Bangladesh witnessed a complex human rights landscape. In the lead-up to the 2024 national elections, political tensions intensified as civic space continued to shrink. There were several reports of arbitrary arrests, enforced disappearances, custodial torture, and crackdowns on dissent. Freedom of expression remained under threat, with journalists, human rights defenders (HRDs), and dissenting voices facing increasing surveillance, legal harassment, and intimidation.¹

Despite commitments to international human rights obligations, implementation of these commitments at the national level remained inconsistent. Marginalized communities, including women, religious and ethnic minorities, and members of the LGBTQI+ community, continued to face systemic discrimination and limited access to justice. Socioeconomic rights, including access to education, healthcare, and safe working conditions, were further strained by economic instability and policy gaps.

In 2023, Bangladesh's legal and policy landscape reflected a mix of reform efforts and repressive measures, particularly in the context of the approaching national elections.² While some legislative initiatives aimed to strengthen governance and digital regulation, several laws and policies continued to raise serious human rights concerns due to their restrictive nature and selective application.³

In 2023, the government continued using the Digital Security Act (DSA) to suppress dissent and target journalists, activists, and students, with over 189 cases filed and dozens arrested for social media posts, prompting international outcry for repeal or reform.⁴ While the Cyber Security Act (CSA) was introduced in September to replace the DSA, it retained many of the same repressive clauses.⁵ Enforced disappearances and custodial abuses also remained a serious concern, with human rights organizations like Odhikar reporting at least 16 disappearances in the first half of the year, primarily targeting opposition voices.⁶

² United Nations Office of the High Commissioner for Human Rights (OHCHR), "Bangladesh: UN Experts Alarmed at Human Rights Defenders' Prosecutions," press release, July 2023, <https://www.ohchr.org/en/press-releases/2023/07/bangladesh-un-experts-alarmed-human-rights-defenders-prosecutions>.

³ "Bangladesh," in Freedom in the World 2023, <https://freedomhouse.org/country/bangladesh/freedom-world/2023>.

⁴ Human Rights Watch, "Bangladesh: End Crackdown on Journalists and Critics," May 3, 2023, <https://www.hrw.org/news/2023/05/03/bangladesh-end-crackdown-against-journalists-and-critics>.

⁵ ARTICLE 19, Free Press Unlimited, Voices for Interactive Choice and Empowerment (VOICE), et al., "Defending Free Expression and Electoral Integrity in the Digital Age," joint statement, June 18, 2025, <https://www.article19.org/resources/bangladesh-defending-free-expression-and-electoral-integrity-in-the-digital-age>.

⁶ Asian Federation Against Involuntary Disappearances, "Bangladesh: Government Must Cease Enforced Disappearances," August 2023, <https://disappeared-asia.org/>.

¹ Amnesty International, "Bangladesh: 2024," in Amnesty International Report 2024/2025, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/bangladesh/report-bangladesh/>.

The crackdown extended to civil society, with increased surveillance, smear campaigns, and raids on independent media houses such as CplusTV and C Vision.⁷ Labor unrest peaked in October 2023 as garment workers held mass protests to demand wage hikes. Since the protests, many workers have faced mass arbitrary arrests, harassment, and threats.⁸ Judicial inaction in politically sensitive cases and continued impunity for security forces underscored the weakening of legal safeguards.⁹ These violations contributed to a shrinking civic space, the erosion of free expression, and the deterioration of democratic accountability.

2024: Resignation of Sheikh Hasina and political transition

The January 2024 Bangladesh general election was held in a tense and repressive climate marked by opposition boycotts, security crackdowns, and widespread abuses that undermined its credibility.¹⁰

On 5 June, Bangladesh's High Court reinstated a controversial quota system previously scrapped in 2018. The system would reserve 30% of top government jobs for descendants of 1971 freedom fighters, sparking nationwide student protests that condemned the policy as discriminatory and politically biased toward the then-ruling party, Awami League. Demonstrators called for a merit-based system while maintaining quotas for ethnic minorities and persons with disabilities.¹¹

By July, peaceful student-led protests over the civil service quota system escalated into nationwide unrest. Following weeks of unrest, the Supreme Court on 21 July 2024 scrapped most quotas, ruling that 93% of government jobs should be filled on merit.¹²

“However, the government responded to the growing unrest with excessive force, weaponizing live ammunition, mass arrests, internet shutdowns, and curfews that left hundreds dead and thousands injured.”¹³

¹¹ "What's behind Bangladesh's Violent Quota Protests?," Al Jazeera, July 16, 2024, <https://www.aljazeera.com/news/2024/7/16/whats-behind-bangladeshs-violent-quota-protests>.

¹² Sam Jahan and Sudipto Ganguly, "Bangladesh Court Scraps Most Job Quotas That Sparked Deadly Protests," Reuters, July 21, 2024, <https://www.reuters.com/world/asia-pacific/bangladesh-extends-curfew-ahead-court-hearing-controversial-job-quotas-2024-07-21/>.

¹³ "Bangladesh Protests Update: Supreme Court Stuns Sheikh Hasina Govt as Deadly Unrest Kills over 130," Hindustan Times, July 21, 2024, <https://www.hindustantimes.com/videos/bangladesh-protests-update-supreme-court-stuns-sheikh-hasina-govt-as-deadly-unrest-kills-over-130-101721553193350.html>; Saumitra Shuvra, Tarekuz-zaman Shimul, and Marium Sultana, "Drenched in Blood: How Bangladesh Protests Turned Deadly," BBC Bangla (Dhaka), July 24, 2024, <https://www.bbc.com/news/articles/c4ng5v03gd4o>.

⁷ CIVICUS Monitor, "Bangladesh: Government Ramps Up Persecution," June 2023, <https://monitor.civicus.org/explore/bangladesh-government-ramps-up-persecution-smear-campaign-against-activists-while-attacks-on-the-opposition-persist>.

⁸ Md Shahnawaz Khan Chandan, "Bangladesh: Garment Workers Report Mass Arrests, Threats of Violence & Deteriorating Working Conditions since Minimum Wage Protests," Business and Human Rights Resource Center, December 11, 2023, <https://www.business-human-rights.org/en/latest-news/bangladesh-garment-workers-report-mass-arrests-threats-of-violence-deteriorating-working-conditions-since-minimum-wage-protests/>.

⁹ US Department of State, "2023 Country Reports on Human Rights Practices: Bangladesh," <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/bangladesh/>.

¹⁰ Human Rights Watch, "Bangladesh: Repression, Security Force Abuses Discredit Elections," news release, January 11, 2024, <https://www.hrw.org/news/2024/01/11/bangladesh-repression-security-force-abuses-discredit-elections>.

As the unrest grew and allegations of extrajudicial killings mounted, Prime Minister Sheikh Hasina resigned and fled the country. This prompted global calls for accountability and independent investigations into the state's abuses.

The Prime Minister's departure ushered in an interim government led by Nobel laureate Muhammad Yunus, marking a pivotal moment of political transition amid demands for justice and democratic reform. During this critical period, the National Human Rights Commission of Bangladesh (NHRCB) fell into institutional paralysis following the mass resignation of its members on 7 November 2024.¹⁴ Long criticized for its weak independence and ineffective mandate, the Commission's collapse came when credible oversight and accountability mechanisms were most needed.

The interim government has since pledged to restructure and revitalize the NHRCB, with reform efforts underway in 2025.¹⁵

“Restoring the Commission's autonomy, compliance with the Paris Principles, and public legitimacy will be central to rebuilding Bangladesh's human rights framework.”

¹⁴ Piyush Shukhla, "Bangladesh Human Rights Commission Members Resign amid Crisis," Current Affairs Adda247, November 8, 2024, <https://currentaffairs.adda247.com/bangladesh-human-rights-commission-members-resign-amid-crisis/>.

¹⁵ UNDP Bangladesh, "Call for Reforming NHRC to Safeguard Citizens' Rights," press release, August 24, 2025, <https://www.undp.org/bangladesh/press-releases/call-reforming-nhrc-safeguard-citizens-rights>.

Civil society has repeatedly urged the interim government to ensure that the reform process remains transparent, participatory, and firmly grounded in broad consultations to ensure genuine institutional renewal rather than cosmetic change.

Mandate and institutional independence

The NHRCB was established in 2009 under the National Human Rights Commission Act (2009). It serves as a statutory independent body mandated to protect and promote human rights. Section 3(2) of the Act affirms its legal independence, granting it perpetual succession and authority to acquire, manage, and dispose of property, as well as to sue and be sued in its own name. The Act also secures the tenure of Commission members.¹⁶

Despite these statutory guarantees, the NHRCB's institutional independence remains limited in practice. The Commission reports to the Parliament through the Ministry of Law, Justice, and Parliamentary Affairs. The statute, rather than the Constitution, establishes its powers and functions. Unlike constitutional bodies, such as the Election Commission, the NHRCB lacks constitutional protection, making it vulnerable to government influence through legislative amendment or repeal. Critics have noted that this framework results in restricted functional autonomy and perceptions of political bias.

¹⁶ National Human Rights Commission Act, Act No. 53 of 2009 (Bangladesh), https://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/law/de62d323_fe91_45f0_9513_a0d36ab77fd/NHRC%20Act%202009_1_.pdf.

In March 2015, the GANHRI Sub-Committee on Accreditation (SCA) reaccredited the NHRCB with “B” status. This meant that it only partially complied with the Paris Principles. While the SCA recognized the Commission’s attempts to strengthen its operations amid challenging conditions, it identified significant structural and functional weaknesses undermining the NHRCB’s effectiveness. The SCA was mainly concerned about the NHRCB’s inability to directly investigate human rights violations involving the disciplined forces, a government-dominated and non-transparent selection process for Commissioners, and the Commission’s limited control over staffing and finances.

While acknowledging potential national security considerations, the SCA concluded that these limitations compromise the Commission’s autonomy, credibility, and alignment with international standards.¹⁷

Despite repeated calls from the international community and domestic civil society, the NHRCB has failed to remedy its structural and operational deficiencies. Its continued lack of independence and credibility has profoundly undermined public confidence in the institution.

Independence

The independence and effectiveness of the NHRCB remained under close scrutiny throughout 2023 and 2024. Despite its formal mandate under the National Human Rights Commission Act, 2009, the Commission continued to face structural and functional constraints that severely undermined its autonomy and credibility.

Opaque, closed, and exclusive selection process for Commissioners

Civil society organizations criticized the NHRCB’s appointment process for lacking transparency, inclusivity, and independence.

Under Sections 6 and 7 of the NHRC Act, 2009, the President appoints the members based on nominations from a selection committee dominated by government representatives. There are no provisions for public calls for nominations or civil society participation. At the same time, dismissal procedures are vague and subject to executive discretion. Such a structure has allowed successive governments to influence appointments and shape the Commission’s leadership in alignment with their own political interests.¹⁸

¹⁸ Rehab Mahmood, “Bangladesh: National Human Rights Commission Must Not Be Forgotten amid Reform Agenda,” Amnesty International, May 27, 2025, <https://www.amnesty.org/en/latest/news/2025/05/bangladesh-legal-and-institutional-reforms/>.

¹⁷ UN Office of the High Commissioner for Human Rights, “Compilation of NHRI Reports – Bangladesh (2023),” UPR Working Group, November 6, 2023, <https://upr-info.org/en/review/bangladesh>.

The Act also does not require Commissioners to possess specific human rights expertise. Without clearly defining relevant qualifications, Section 6(2) broadly states that members should have “outstanding contributions” in law, education, social service, or human development.¹⁹ As a result, the Commission has consistently been led by retired bureaucrats rather than experienced human rights professionals. In 2023–2024, this pattern continued under the leadership of Kamal Uddin Ahmed, a retired government secretary with no documented background in human rights advocacy. He succeeded another career civil servant, Nasima Begum.²⁰ Most other full-time members were also former senior officials, with limited engagement in human rights work.

“Civil society groups argued that such appointments perpetuate a bureaucratic culture prioritizing administrative compliance over human rights protection.”²¹

¹⁹ Jeba Mobashwira, “Bangladesh’s National Human Rights Commission: A Watchdog without Teeth?,” Oxford Human Rights Hub, July 7, 2025, <https://ohrh.law.ox.ac.uk/bangladeshs-national-human-rights-commission-a-watchdog-without-teeth/>.

²⁰ “Dr. Kamal Uddin Ahmed,” National Human Rights Commission (Bangladesh), tenure December 8, 2022–November 7, 2024, last updated December 8, 2024, <https://nhrc.portal.gov.bd/site/biography/74136e36-5c70-4894-bf26-0d939207d928>; “Nasima Begum, NDC,” National Human Rights Commission (Bangladesh), tenure September 22, 2019–September 23, 2022, <https://nhrc.portal.gov.bd/site/biography/be43f490-9336-4d9f-a8cb-0311e6f8a365>.

²¹ Reconstitute NHRC with Qualified People,” The Daily Star, September 29, 2024, <https://www.thedailystar.net/news/bangladesh/news/reconstitute-nhrc-qualified-people-3714756>.

Lack of financial and administrative independence

The NHRCB’s financial and administrative dependence further limited its operational effectiveness. Although the NHRC Act establishes a Human Rights Commission Fund, in practice, the Commission cannot mobilize, allocate, or retain funds independently. All financial transactions require government approval, causing delays in investigations and outreach activities. Such financial dependence on the government has undermined the NHRCB’s capacity to make independent budgetary decisions, leaving it vulnerable to political influence.

In 2011 and 2015, GANHRI-SCA repeatedly raised concerns over the significant number of secondees in the NHRCB, particularly those occupying senior roles. However, staffing autonomy remains constrained. Despite legal provisions permitting independent recruitment, key positions, including the Secretary and the Director of Complaints and Inquiry, remain filled by civil servants on deputation, thereby hindering institutional continuity and the development of specialized human rights expertise.

The Paris Principles require NHRIs to be free from government interference. When NHRI staff, particularly those in senior positions, are seconded from public service, it raises serious concerns over the institution’s ability to operate independently.²²

²² <https://ganhri.org/wp-content/uploads/2019/11/SCA-MARCH-2015-FINAL-REPORT-ENGLISH.pdf>

Political pressure and influence on the NHRCB

“*The lack of financial and staffing autonomy, combined with a largely loyalist leadership, has translated into a pattern of institutional caution and selective engagement. While the NHRCB has been active on issues such as women’s and children’s rights, it has largely remained silent on politically sensitive violations involving state authorities.*”

International organizations, including Amnesty International and Human Rights Watch, criticized the NHRCB for failing to act as an independent check on state abuses.²³

In July 2024, police fatally shot student activist Abu Sayed during the quota reform protests in Rangpur. Despite widespread public outrage and clear video evidence, the NHRCB failed to initiate any inquiry or suo motu investigation. UN reports later suggested that the crackdown involved potential crimes against humanity, including summary executions, torture, and enforced disappearances.²⁴ The Commission’s inaction reflected both its legal inability to directly investigate security forces and its political reluctance to confront the government, leaving serious abuses unaddressed.

The Commission’s inaction stemmed from both statutory constraints and political hesitation to challenge the executive. Section 18 of the NHRCB Act restricts the Commission from directly investigating alleged human rights violations by members of the disciplined forces, requiring it instead to seek reports from the government.²⁵

In late 2023 and early 2024, more than 20,000 opposition figures were arrested under repressive public order measures ahead of the national elections, with reports of torture in detention and at least 10 custodial deaths alleged by the opposition Bangladesh Nationalist Party and civil society groups.²⁶ Despite these grave and systematic violations of civil and political rights, the NHRCB remained silent, failing to exercise its authority to intervene or file petitions on behalf of victims.

23 Amnesty International, “Bangladesh: Any new Interim Government must prioritize human rights and not repeat mistakes of the past,” August 2024, <https://www.amnesty.org/en/latest/news/2024/08/bangladesh-any-new-interim-government-must-prioritize-human-rights-and-not-repeat-mistakes-of-the-past/>; Human Rights Watch, After the Monsoon Revolution: A Roadmap to Lasting Security Sector Reform in Bangladesh, January 2025, <https://www.hrw.org/report/2025/01/27/after-monsoon-revolution/roadmap-lasting-security-sector-reform-bangladesh>.

24 Office of the United Nations High Commissioner for Human Rights (OHCHR), Fact-Finding Report: Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh, February 12, 2025, <https://www.ohchr.org/sites/default/files/documents/countries/bangladesh/ohchr-ffb-hr-violations-bd.pdf>.

25 International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC / GANHRI), Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), Geneva, 16-20 March 2015, March 2015, <https://ganhri.org/wp-content/uploads/2019/11/SCA-MARCH-2015-FINAL-REPORT-ENGLISH.pdf>.

26 “Bangladesh: Crackdown on the Opposition and Critical Journalists Escalates as Elections Loom,” CIVICUS Monitor, June 14, 2023, <https://monitor.civicus.org/explore/bangladesh-crackdown-on-the-opposition-and-critical-journalists-escalates-as-elections-loom/>.

Flawed accountability mechanisms

The NHRCB’s accountability framework remains weak and largely symbolic.²⁷ Under Section 21 of the NHRC Act, the Commission submits its annual report to the President, who may (but is not obliged to) table it before the Parliament.²⁸ This arrangement limits parliamentary oversight and curtails the NHRCB’s influence on policy or legislative reform.

In practice, annual reports have been delayed, minimally debated, or ignored altogether. In 2023–2024, Parliament held no substantive discussions on the Commission’s findings or on broader human rights concerns. Meanwhile, the ruling party’s dominance ensured that oversight remained procedural rather than substantive.

27 Human Rights Watch, After the Monsoon Revolution: A Roadmap to Lasting Security Sector Reform in Bangladesh, January 27, 2025, <https://www.hrw.org/report/2025/01/27/after-monsoon-revolution/roadmap-lasting-security-sector-reform-bangladesh>.

28 Act No. 53 of 2009: An Act to Establish the National Human Rights Commission of Bangladesh, 2009, https://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/law/de62d323_fe91_45f0_9513_a0d36ab77fdf/NHRC%20Act%202009_1_.pdf.

Civil society organizations, HRDs, and independent media monitored the NHRCB’s independence and effectiveness. Groups such as Odhikar, Ain o Salish Kendra (ASK), and ANNI consistently criticized the Commission for failing to respond to serious human rights abuses, including extrajudicial killings, enforced disappearances, mass arrests, and attacks on minorities during the 2023 election crisis and 2024 quota protests.²⁹

“*Executive control over finances, staffing, and appointments further constrained the Commission’s independence, leaving it unwilling or unable to act against state actors. Following the country’s political transition in August 2024, the interim government also failed to prioritize reform of the NHRCB’s accountability mechanisms.³⁰ Consequently, the Commission’s credibility and relevance remained severely diminished despite decades-long calls for reform and strengthening.³¹*”

29 Odhikar, Annual Human Rights Report 2023, January 4 2024, <https://www.omct.org/en/resources/reports/odhikar-annual-human-rights-report-2023>; Asian NGOs Network on National Human Rights Institutions (ANNI) and The Asian Forum for Human Rights and Development (FORUM-ASIA), ANNI Report 2023: On the Performance of National Human Rights Institutions in Asia, November 2023, https://forum-asia.org/wp-content/uploads/2023/10/Anni_report_2023-10-27-0100-1.pdf.

30 Emranul Azim Chowdhury, “NHRC Remains Defunct for 8 Months,” Views Bangladesh, July 26, 2025, <https://viewsbangladesh.com/nhrc-remains-defunct-for-8-months/>.

31 “Over 300 Human Rights Cases Pending, No Probe Due to Inactive Commission,” Bonik Barta, July 7, 2025, <https://en.bonikbarta.com/bangladesh/KMCC67u6RcOd-SEO>.

Mandate

The NHRCB's mandate formally encompasses the protection and promotion of both civil and political rights as well as economic, social, and cultural rights, consistent with Bangladesh's obligations under international human rights treaties. Despite this legal framework, the Commission's performance in 2023–2024 demonstrated its failure to exercise its mandate with independence, authority, or effectiveness. The NHRCB has operated within a narrow administrative capacity, constrained by legal, structural, and political dependencies that have severely undermined its credibility as a national human rights institution.

Weak mandate over independent investigations

A key structural limitation of the National Human Rights Commission Act, 2009 lies in Section 18, which prevents the Commission from directly investigating allegations against “disciplined forces,” including the police, military, and Rapid Action Battalion (RAB).³²

The law obliges the Commission to request a report from the government on such complaints, effectively placing its investigative authority under the control of the very institutions accused of committing violations. This dependency has rendered the NHRCB's oversight largely ineffective and merely symbolic. Government responses to such requests are frequently delayed, vague, or incomplete, resulting in prolonged inaction and further eroding public confidence in the Commission's capacity to ensure accountability.

The Commission has also refrained from exercising its statutory powers under Sections 19(6) and 21(b) of the NHRC Act, which authorize it to intervene in judicial proceedings or file writ petitions before the courts in cases involving human rights violations. Its consistent unwillingness to act in politically sensitive situations reflects a pattern of institutional caution and avoidance that fundamentally undermines its mandate.³³

This weakness was particularly evident during the political and social unrest of 2023 and 2024. During the July–August 2024 protests, numerous students and civilians were killed or arbitrarily detained. In response, the NHRCB only issued a general statement of concern, failing to initiate any independent investigation or suo motu action.

Similar inaction marked earlier episodes of mass arrests, custodial deaths, and alleged enforced disappearances involving security forces. On 15 March 2023, police assaulted at least 10 journalists covering the Supreme Court Bar Association elections.³⁴ From July to September 2024, peaceful quota reform protests were met with live ammunition, rubber bullets, and tear gas, resulting in more than 94 custodial deaths and at least 52 enforced disappearances.³⁵

33 Debdutta Chakraborty, “‘Ineffective’ Bangladesh Rights Body in Focus after Mass Exit: Activist Arrested under Hasina May Head It,” *The Print*, November 13, 2024, <https://theprint.in/world/ineffective-bangladesh-rights-body-in-focus-after-mass-exit-activist-arrested-under-hasina-may-head-it/2352347/>.

34 “Police Assault at Least 9 Bangladeshi Journalists Covering Supreme Court Bar Association Elections,” *Committee to Protect Journalists (CPJ)*, March 29, 2023, <https://cpj.org/2023/03/police-assault-at-least-9-bangladeshi-journalists-covering-supreme-court-bar-association-elections/>.

35 European Union Agency for Asylum (EUAA). Country of Origin Information: Bangladesh – Country Focus. August 2025, https://euaa.europa.eu/sites/default/files/publications/2025-08/2025_08_COL_Report_Bangladesh_Country_Focus_EN.pdf.

32 “NHRC Seeks Authority to Directly Probe Allegations Against Law Enforcers,” *The Business Standard*, November 12, 2024, <https://www.tbsnews.net/bangladesh/nhrc-seeks-authority-directly-probe-allegations-against-law-enforcers-991186>.

Despite the gravity of these violations, the NHRCB made no immediate or meaningful intervention.

Selective implementation of its mandate

While the NHRCB has maintained a visible presence in areas such as women's and children's rights—and to some extent, minority rights—its engagement has remained selective and largely confined to non-politically sensitive issues.³⁶ In contrast, serious violations involving the right to life, freedom of expression, and protection from arbitrary detention have not been addressed with any sense of urgency.³⁷

“ This pattern of selective advocacy shows the NHRCB's tendency to avoid challenging the government, and highlights its failure to act impartially and to implement the full breadth of its mandate.

On 5 August 2024, during the “Long March” in Dhaka, police and battalion forces opened fire on demonstrators, killing at least seven people—including a teenage student—and injuring many others.³⁸ The NHRCB failed to intervene or initiate any inquiry into the

incident. Following Prime Minister Hasina's resignation later that month, widespread mob violence erupted against Hindu and other minority communities, resulting in the deaths of 23 Hindus and 152 incidents of violent attacks against Hindu temples.³⁹ Despite formal appeals from human rights organizations for an investigation, the NHRCB once again remained inactive.

The Commission's continued hesitation to use its legal powers, especially in cases involving state authorities, has deepened the perception that it merely serves the government rather than the people of Bangladesh.

“ Ongoing structural problems, including government control over appointments, a limited mandate, and a lack of real staffing and financial independence, have left the NHRCB both unable and unwilling to address human rights violations fairly.

36 Human Rights for All Everywhere Equally: 3rd Five-Year Strategic Plan 2022–2027. Dhaka: National Human Rights Commission, 2022, https://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/page/535c363f_91a8_40b6_b58a_714954c85b4e/2022-10-18-04-28-ec218ec406fc-02be70e9f982e4b2af89.pdf; “NHRCB, World Vision to End Violence against Children,” *The Daily Observer (Bangladesh)*, June 2, 2023, https://www.observerbd.com/news/422042#google_vignette.

37 Sultana Kamal, “The National Human Rights Commission Has Fundamental Flaws,” *The Daily Star*, December 10, 2023, <https://www.thedailystar.net/opinion/views/news/the-national-human-rights-commission-has-fundamental-flaws-3490231>.

38 Amnesty International, “Bangladesh: Any New Interim Government Must Prioritize Human Rights and Not Repeat Mistakes of the Past,” August 6, 2024, <https://www.amnesty.org/en/latest/news/2024/08/bangladesh-any-new-interim-government-must-prioritize-human-rights-and-not-repeat-mistakes-of-the-past/>.

39 “Since Aug, Reports Cite Deaths of 23 Hindus, 152 Attacks on Temples in Bangladesh: Govt.” *The Indian Express*, February 8, 2025, <https://indianexpress.com/article/india/bangladesh-hindus-deaths-temples-attacks-india-yunus-government-9823880/>; Amnesty International, “Bangladesh: Interim Government Must Take Immediate Actions to Protect Hindu and Other Minority Communities,” August 14, 2024, <https://www.amnesty.org/en/latest/news/2024/08/bangladesh-interim-government-must-take-immediate-actions-to-protect-hindu-and-other-minority-communities/>; “Two Hindu Men Killed, Temples Vandalised in Bangladesh Violence.” *Al Jazeera*, October 18, 2021, <https://www.aljazeera.com/news/2021/10/18/bangladesh-hindus-men-killed-temples-vandalised-religious-violence>.

Pluralism

Limited regional presence and accessibility

The NHRCB maintains its head office in Dhaka alongside regional offices in Khulna, Rangamati, Cox's Bazar, and Gopalganj, with additional centers established in Rangpur and Chattogram. Despite having some regional presence, the functionality, accessibility, and visibility of these offices remain limited. Their presence in vulnerable or conflict-prone areas, particularly the Chittagong Hill Tracts (CHT), remains limited and has not translated into consistent protection or engagement. The regional centers are poorly resourced and inaccessible for many, especially among marginalized and rural populations.

In recent years, the NHRCB has modestly increased its outreach beyond Dhaka through public dialogues, awareness campaigns, and district-level visits.⁴⁰ These initiatives have included seminars, hearings, and advocacy programs on issues such as gender-based violence and child protection, often coinciding with international observance days.

However, indigenous communities and local activists continue to regard the NHRCB as a Dhaka-centric institution that is out of touch with regional issues and lacks cultural understanding or consistent engagement. Although the Commission has occasionally issued statements or undertaken short field visits to these regions, such actions are reactive and largely symbolic, overshadowed by the more active involvement of international and humanitarian agencies.

For its public communication, the Commission operates a hotline (16108), an online complaint system, a website, and social media platforms. However, the NHRCB's communication infrastructure lacks inclusivity and accessibility as its digital platforms are only partially functional, with limited content in Bangla and no comprehensive features for persons with disabilities.

Lack of meaningful engagement with civil society

“The NHRCB's engagement with CSOs and development partners continues to be uneven and largely procedural.”

It conducts periodic consultative workshops and stakeholder meetings and maintains 16 thematic committees, covering areas such as child rights, disability, business and human rights, and migration.⁴¹ These thematic committees include representatives from civil society, academia, and international agencies.

⁴¹ “Thematic Committees,” National Human Rights Commission (Bangladesh), last updated May 17, 2023, <https://nhrc.org.bd/site/page/268e8e39-86a9-4cd3-b32b-4e8135b576c3/>.

⁴⁰ “An Exchange Dialogue Was Held with the Members of the District Human Rights Violation and Prevention and Protection Committee in the Conference Room of the District Commissioner of Faridpur District,” National Human Rights Commission (Bangladesh), press release, February 21, 2023, <https://nhrc.org.bd/site/news/14aa1af1-346d-4da2-99fd-6eb3a573218e/An-exchange-dialogue-was-held-with-the-members-of-the-District-Human-Rights-Violation-and-Prevention-and-Protection-Committee-in-the-conference-room-of-the-District-Commissioner-of-Faridpur-District>.

Lack of diversity in the Commission

Institutional diversity within the NHRCB also remains insufficient. Before the mass resignation of Commissioners, the composition of its leadership and secretariat reflected minimal compliance with statutory diversity provisions under Section 5(3) of the NHRC Act, 2009, which require the inclusion of at least one woman and one member of an ethnic minority.

The NHRCB also lacks a gender framework and an inclusion policy. The representation of women, persons with disabilities, and LGBTQI+ individuals in leadership or staff roles remains limited. As of 2024, only seven of the 30 staff positions were held by women. There is also no gender focal point or institutional mechanism to ensure intersectional representation or gender-sensitive policymaking within the Commission.

Although the NHRCB has made some efforts to work with civil society, these actions have been inconsistent and have had little real impact. Its presence outside Dhaka is mostly symbolic, and its engagement with marginalized communities is irregular and limited. The NHRCB functions more like a government office rather than an independent and proactive body.

“Despite these institutionalized channels for civil society engagement, collaboration remains inconsistent and event-driven, with limited evidence of systematic follow-up or policy integration.”

Civil society participation in the NHRCB's work is often confined to formal consultations around initiatives such as the Universal Periodic Review or donor-funded projects. Although the Commission occasionally facilitates dialogue between CSOs and government ministries, particularly on issues such as refugee rights, child rights, and gender equality, such mediation is sporadic and lacks institutional continuity.⁴²

The NHRCB's thematic committees on marginalized and minority groups have similarly failed to demonstrate sustained engagement. The Committee on Religious Minorities and Protection of Rights of Marginalized Groups last convened in 2023, with no record of systematic activity in 2024. Fact-finding missions to the CHT or Rohingya camps have been limited and largely reactive to international attention rather than domestic advocacy. This sporadic engagement has weakened the Commission's credibility among marginalized communities and undermined its adherence to the Paris Principles' requirement of pluralism and inclusivity.

⁴² “Thematic Committee Meeting on ‘Rights of Dalits, Hijras and Other Communities Those Left Behind,’” National Human Rights Commission (Bangladesh), October 25, 2023, <https://nhrc.org.bd/site/news/c1549096-1c25-489b-86fd-1d175a5609da/Thematic-Committee-meeting-on-Rights-of-Dalits-Hijras-and-Other-Communities-those-left-behind>.

Promotion

The NHRCB is legally empowered to review existing and draft legislation, assess their conformity with international human rights standards, and recommend amendments to the government.

“However, the selective implementation of its mandate and unwillingness to publicly disagree with the government have led to a persistent trend of neglecting its advisory role, especially in cases of controversial legislation that threaten civil and political rights.

Weak legislative advisory role

Section 12(1) of the NHRC Act 2009 mandates the Commission to examine laws and proposed bills to ensure consistency with constitutional safeguards and international instruments.⁴³ Despite this clear statutory authority, the NHRCB has shown little evidence of exercising these powers meaningfully or systematically. During the reporting period, no significant legal reviews, formal recommendations, or structured engagements with legislative processes were recorded.

While the Commission has occasionally expressed informal concern about restrictive legislation, such as the Digital Security Act and its implications for freedom of expression, its interventions have been cautious, delayed, and largely rhetorical. It did not issue formal opinions, initiate legal challenges, or propose amendments to the government. Similarly, the NHRCB has failed to review or comment on

several major laws with serious human rights implications, including the Anti-Terrorism (Amendment) Act 2013, the Information and Communication Technology (Amendment) Act 2013, the draft Bangladesh Liberation War History Distortion Crime Act, and the Civil Service Act 2018, despite clear concerns over their impact on civil and political rights.

Follow-up on recommendations, decisions, and reports is among the weakest aspects of the NHRCB's performance. Although it occasionally issues recommendations after investigations or reports, it does not systematically monitor their implementation. Since most recommendations are non-binding, compliance depends entirely on government cooperation, which is often lacking.⁴⁴

Following the violent suppression of student protests in July-August 2024, which reportedly resulted in over 1,400 deaths, the NHRCB merely described the events as “unfortunate” without issuing any formal recommendations or demanding accountability.⁴⁵ Such inaction during grave human rights crises underscores the Commission's institutional weakness and lack of independence.

44 Jeba Mobashwira, “Bangladesh's National Human Rights Commission: A Watchdog without Teeth?,” Oxford Human Rights Hub, July 7, 2025, <https://ohrh.law.ox.ac.uk/bangladeshs-national-human-rights-commission-a-watchdog-without-teeth/>.

45 Rehab Mahmood, “Bangladesh: National Human Rights Commission Must Not Be Forgotten amid Reform Agenda,” Amnesty International, May 27, 2025, <https://www.amnesty.org/en/latest/news/2025/05/bangladesh-legal-and-institutional-reforms/>.

43 National Human Rights Commission Act, 2009 (Act No. 53 of 2009). Dhaka: Government of the People's Republic of Bangladesh, https://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/law/de62d323_fe91_45f0_9513_a0d36ab777df/NHRC%20Act%202009_1_.pdf.

Superficial engagement with international human rights mechanisms

Although the NHRCB formally participates in international reporting processes such as the Universal Periodic Review (UPR) and treaty body consultations at the United Nations, this engagement remains procedural and lacking strategic follow-up.

In 2023, the NHRCB submitted a stakeholder report under the fourth UPR cycle for Bangladesh, but did so without meaningfully consulting CSOs or affected groups. The Commission neither attended the review session nor issued any public commentary on the government's responses or progress. The NHRCB did not follow up on the implementation of accepted recommendations or take action to address overdue state reports under other treaty mechanisms.

“The NHRCB lacks a structured mechanism to identify and monitor gaps between domestic legislation and Bangladesh's international human rights obligations, representing a significant institutional shortcoming. Its recommendations remain purely advisory, with no formal process to compel government action or response, and the Commission's inability to challenge laws before the courts further constrains its capacity to influence legal and policy reforms.

Poor promotional efforts

The Commission's reporting and public outreach functions are similarly underdeveloped. Although annual and thematic reports are published, they are infrequent and delayed. They generally lack analytical rigor, disaggregated data, and systematic follow-up on previous recommendations. Public dissemination and engagement around these reports are minimal, with limited visibility or policy impact.

In the area of human rights education and awareness, the NHRCB's activities remain sporadic and largely ceremonial. While its 2023 annual report referenced district-level workshops and meetings on various human rights themes, these initiatives were not directed toward or integrated within the education sector, nor were they part of any coherent national human rights education strategy.⁴⁶ Training for public officials, law enforcement, and the judiciary is rare. The absence of a sustained public education framework further undermines the Commission's preventive and promotional mandate.

46 “NHRC Submits Annual Report to President,” Bangladesh Sangbad Sangstha (BSS), March 31, 2024, <https://www.bssnews.net/news/181635>.

Protection

Complaint handling and case management

The NHRCB processes several complaints within its mandate but lacks a systematic, transparent, and timely mechanism for doing so. Case handling is often slow, inconsistent, and opaque, with many determinations delayed or left unresolved. The Commission's powers are strictly recommendatory, and there is no enforcement mechanism to ensure compliance with its findings. Complaint outcomes are rarely published, reducing transparency and public accountability.

Cases involving state actors or politically sensitive matters tend to stall or receive cursory attention, while minor issues progress more readily.⁴⁷ Structural limitations, poor follow-up, and institutional lapses, such as the seven-month leadership vacuum from 2024 to 2025 that left more than 300 cases unresolved, have further eroded public trust in the Commission's credibility and effectiveness.⁴⁸

Communication with complainants throughout the complaints process is irregular and insufficient. The Commission often fails to acknowledge complaints promptly or provide updates, forcing complainants to follow up repeatedly to obtain basic information. This lack of transparency has diminished public confidence in the NHRCB's accessibility and responsiveness.

Investigations and inquiry processes

The NHRCB's investigative work is marked by inconsistency and delay. While it occasionally conducts inquiries and field visits, these efforts are rarely timely or comprehensive, especially in cases implicating powerful state institutions. In such cases, the Commission typically defers to the Ministry of Home Affairs, requesting internal reports instead of conducting its own investigations. This reliance on government cooperation severely limits its autonomy and effectiveness.

According to its 2023 Annual Report, the NHRCB received 572 complaints, processed 367, and initiated 23 formal investigations. However, most inquiries resulted only in recommendations without evidence of meaningful implementation. As the Commission is legally prohibited from directly investigating law enforcement agencies under Section 18 of the NHRCB Act, it must depend on ministries for information or action. These are requests often go unanswered.⁴⁹

49 Tithi, "NHRC Can't Directly Investigate Cases," <https://www.thedailystar.net/opinion/views/interviews/news/nhrc-cant-directly-investigate-cases-involving-law-enforcers-3406261>.

47 Naznin Tithi, "NHRC Can't Directly Investigate Cases Involving Law Enforcers," *The Daily Star*, August 30, 2023, <https://www.thedailystar.net/opinion/views/interviews/news/nhrc-cant-directly-investigate-cases-involving-law-enforcers-3406261>.

48 "Over 300 Human Rights Cases Pending, No Probe Due to Inactive Commission," *Bonik Barta* (English Edition), July 7, 2025, <https://en.bonikbarta.com/bangladesh/KMCC67u6RcOdSEOn>.

Weak remedial and protection measures

The NHRCB's remedial and protection functions remain largely symbolic. Although empowered under the NHRC Act 2009 to investigate complaints and recommend remedies, the Commission lacks the authority to enforce its decisions or ensure compliance. Moreover, its recommendations are frequently ignored, especially in politically sensitive cases. No records of mediation or referrals were reported in 2023 or 2024, underscoring its limited role in delivering redress.

The NHRCB has failed to establish an effective system to protect complainants, witnesses, and human rights defenders.

“The NHRC Act provides no safeguards for confidentiality or protection from reprisals, and the Commission has not created any rapid-response or follow-up mechanism for defenders facing threats.⁵⁰ As a result, survivors of serious violations often avoid approaching the NHRCB due to fear and lack of trust.

Between 2023 and 2024, FORUM-ASIA documented 121 attacks against HRDs in Bangladesh, including incidents targeting protesters, journalists, and labour rights activists. HRDs continued to face escalating repression amid a prevailing culture of impunity, and the NHRCB was widely viewed as ineffective in holding authorities accountable.

50 National Human Rights Commission Act, 2009 (Act No. 53 of 2009). Dhaka: Government of the People's Republic of Bangladesh, https://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/law/de62d323_fe91_45f0_9513_a0d36ab77fdf/NHRC%20Act%202009_1_.pdf.

On 25 June 2023, union leader Shahidul Islam was fatally attacked outside the Prince Jacquard Sweaters factory in Gazipur while mediating a worker payment dispute. This highlights the grave risks those advocating for garment workers' rights face and the ongoing vulnerability of those who challenge exploitation in the garment industry.⁵¹ Despite widespread local and international condemnation and mounting calls for accountability, the investigation remained stalled and faced significant delays as of July 2024.⁵²

Similarly, on 27 July 2024, men claiming to be from the Detective Branch and Criminal Investigation Department abducted student HRD Arif Sohel, a coordinator of the Students Against Discrimination Movement, from his home near Jahangirnagar University. He was held incommunicado for 36 hours, and later placed on remand over what student groups describe as fabricated charges. Front Line Defenders condemned this act as part of broader repression against peaceful student protests.⁵³

51 "Bangladesh: Labour Rights Defender Murdered," Asian Human Rights Defenders Platform, June 25, 2023, <https://asianhrds.forum-asia.org/en/entity/buyqlbc3vec>

52 "Fashion Brands Continue to Skirt Responsibility One Year after Murder of Shahidul Islam," Worker Rights Consortium (WRC), June 25, 2024, <https://wsr-network.org/fashion-brands-continue-to-skirt-responsibility-one-year-after-murder-of-shahidul-islam/#:~:text=Shahidul%20Islam%20was%20a%20union,must%20be%20brought%20to%20justice>.

53 "Labour Rights Defender Murdered," June 25, 2023, <https://asianhrds.forum-asia.org/en/entity/8vevhcn5h85>; "Arif Sohel," Front Line Defenders, <https://www.frontlinedefenders.org/en/profile/arif-sohel>.

During its fact-finding mission following the revolution, the UN Office of the High Commissioner for Human Rights found that the NHRCB had failed to fulfil its oversight role, citing its lack of independence, politicized appointments, and inability to conduct impartial investigations.⁵⁴ The NHRCB's persistent ineffectiveness in ensuring accountability, particularly in politically sensitive cases, has eroded public confidence, leaving the Commission widely viewed as toothless, politicized, and unwilling to speak out against rights abuses.⁵⁵

Conclusion

While the NHRC continued its mandate in 2023 and 2024, structural and political challenges hindered its effectiveness. Implementing reforms to strengthen independence, funding, and authority is crucial to protect human rights in Bangladesh. Its initiatives, ranging from investigating arbitrary detentions, custodial abuses, and discrimination to conducting awareness campaigns, underscore its commitment to promoting human rights and providing redress for violations.

By documenting abuses, issuing recommendations, and engaging with victims and civil society, the NHRCB has contributed to establishing a framework of accountability within the country. Nevertheless, the effectiveness of these initiatives has been uneven, often limited by

the degree of cooperation from government institutions and law enforcement agencies. Despite these constraints, NHRCB's persistent efforts remain central to maintaining public attention on human rights issues and advocating systemic reforms.

To ensure its long-term effectiveness, the NHRCB's independence and accountability need to be significantly enhanced. Political influence in appointments, financial dependence on government funding, and limited statutory authority have undermined its impartiality and capacity to act decisively. Strengthening the Commission through transparent, inclusive appointment processes, secure and dedicated funding, and an expanded mandate to investigate violations by public officials and law enforcement agencies is essential.

Moving forward, the NHRCB must focus on institutional capacity-building, proactive monitoring, and enhanced collaboration with civil society actors to ensure the implementation of its recommendations. By addressing these structural and operational challenges, the NHRCB can evolve into a more independent, accountable, and effective institution, thereby playing a transformative role in safeguarding human rights and promoting justice in Bangladesh.

⁵⁴ Fact-Finding Report: Human Rights Violations and Abuses Related to the Protests of July and August 2024 in Bangladesh. Geneva: Office of the United Nations High Commissioner for Human Rights (OHCHR), 2024. <https://www.ohchr.org/sites/default/files/documents/countries/bangladesh/ohchr-fftb-hr-violations-bd.pdf>.

⁵⁵ "No More Toothless Human Rights Commission: CPD," The Daily New Nation, September 28, 2025. <https://dailynewnation.com/no-more-toothless-human-rights-commission-cpd/>.

Recommendations for strengthening the NHRC:

To the Interim Government of Bangladesh:

- ✓ Reform the appointment process: Amend the NHRCB Act (2009) to establish a transparent, merit-based, and depoliticized selection process for Commissioners who demonstrate human rights expertise.
- ✓ Strengthen investigative authority: Amend Section 18 of the NHRCB Act to empower the Commission to directly investigate allegations of human rights violations by law enforcement and security agencies, rather than relying solely on government reports. This reform is essential to ensure genuine accountability and independence.
- ✓ Ensure inclusive reform process: Guarantee that the reform process is participatory, inclusive, and transparent. The process should engage a wide range of stakeholders, including civil society organizations, HRDs, victim groups, academics, and thematic experts, to ensure that the new legal framework reflects diverse perspectives and meets international standards.
- ✓ Guarantee financial autonomy and adequate funding: Ensure that government funding for the NHRCB is provided through a dedicated, separate budget line, exclusively for the Commission's use. The annual allocation should be sufficient to enable the NHRCB to fully implement its mandate, safeguarding its operational independence from political influence.

- ✓ Protect staffing and recruitment independence: Empower the NHRCB to establish its own staffing structure, define the necessary skills for its mandate, set selection criteria, and make appointments independently, ensuring that senior positions are not filled by secondees.
- ✓ Promote pluralism and diversity: Ensure the appointment of a diverse group of Commissioners with gender balance and representation from minority communities. Recruit staff inclusively, considering linguistic diversity, minority backgrounds, persons with disabilities, and LGBTQI+ representation.

To the NHRCB:

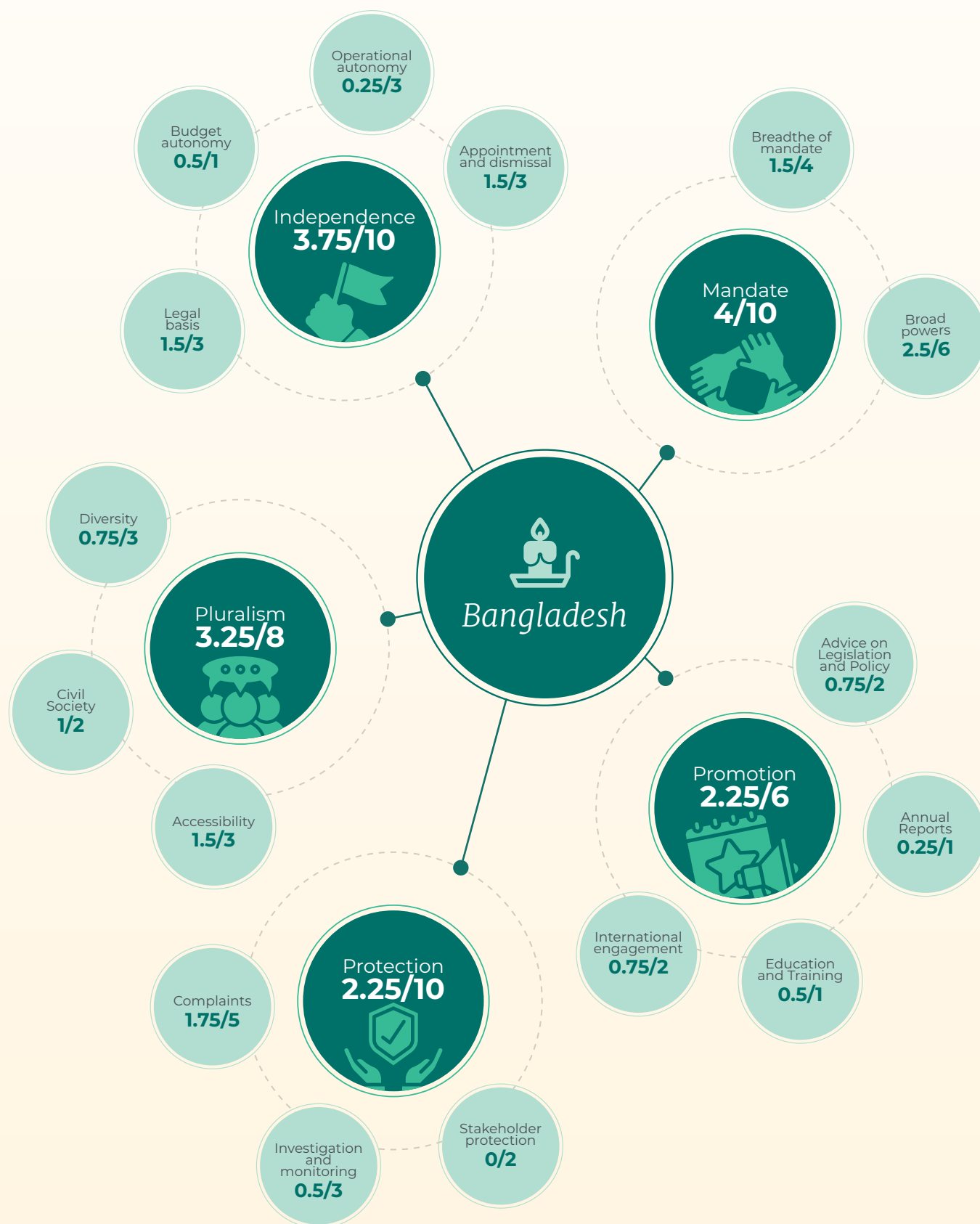
- ✓ Independent investigations and redress for victims: Impartially investigate all past human rights violations, including cases related to civil and political rights, and actively advocate for justice and redress for victims.
- ✓ Review all relevant human rights legislation to ensure compliance with international standards.
- ✓ Follow-up mechanism for recommendations: Establish a structured system to monitor and track government responses to NHRCB recommendations, ensuring timely follow-up and improving the implementation rate.

To the international community (UN, GANHRI, Asia Pacific Forum of NHRIs):

- ✓ Support for NHRCB reform: Assist the interim government to ensure that the NHRCB reform process is participatory, inclusive, and transparent.
- ✓ Legislative reform guidance: Provide expert advice and support to the interim government and NHRCB to draft and implement legislative reforms that align with the Paris Principles.

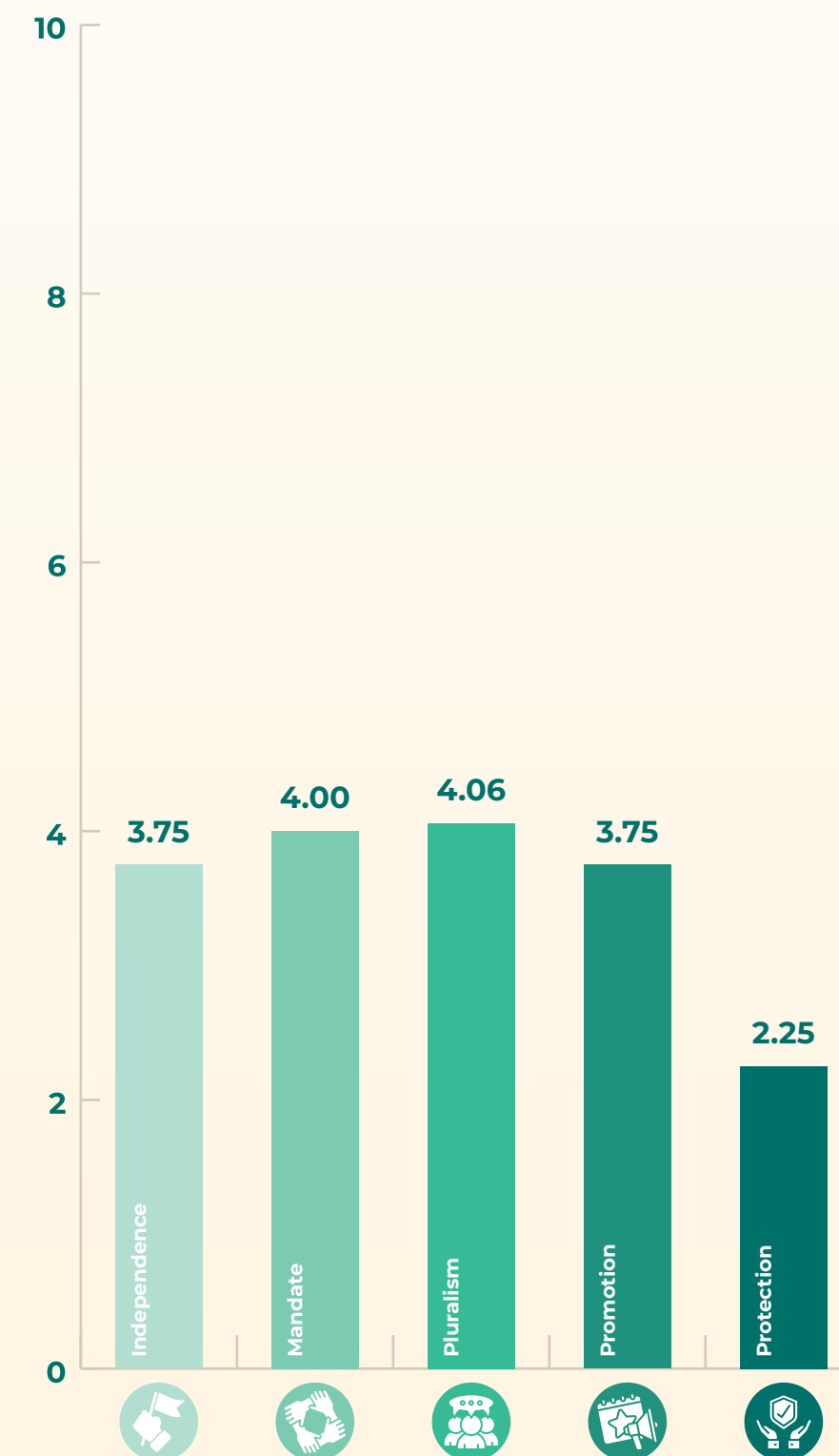
Bangladesh: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



Bangladesh: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.





CHAPTER TWO

Cambodia

Preconditions for Legitimacy: Cambodian CSOs urged for Human Rights Restoration before NHRI Formation

by Phin Savey, Cambodian Human Rights and Development Association (ADHOC)*

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ADHOC is an independent, non-partisan, and non-profit NGO, and also Cambodia's oldest human rights organisation. It monitors and investigates human rights violations; provides free legal assistance and support to victims, survivors, and their families; empowers individuals and communities to enable themselves to defend their rights; and engages in advocacy work through its central office in Phnom Penh, Cambodia, and 17 provincial offices.



Overview of the human rights situation in Cambodia

A National Human Rights Institution (NHRI) does not yet exist in the Kingdom of Cambodia, but efforts to establish one have been ongoing since 2019.

In 2021, the Royal Government of Cambodia (RGC), in consultation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), drafted a law entitled Draft Law on the Organization and Functioning of the National Human Rights Commission of Cambodia, consisting of eight chapters and 32 articles. The draft law aimed to establish an NHRI in Cambodia.¹

Although proposals to establish an NHRI in Cambodia date back to 1997, concrete action only began in 2019, following growing domestic and international pressure to address Cambodia's deteriorating human rights situation.² This was driven by a coalition of actors—including the OHCHR, the Asia Pacific Forum (APF), UN bodies, and Cambodian civil society organizations (CSOs)—who called for a Paris Principles-compliant institution to monitor, protect, and promote human rights.

1 “Bridging the Gap: A National Human Rights Institution Is Closer to Being Enshrined in Cambodian Law After 20 Years of Discussion | OHCHR,” n.d., <https://cambodia.ohchr.org/en/news/bridging-gap-national-human-rights-institution-closer-being-enshrined-cambodian-law-after-20-0>.

2 Sarath Sorn, “Rights Groups and Unions Raise Concerns Over Proposed National Human Rights Body,” *CamboJA News*, August 25, 2021, <https://cambojanews.com/rights-groups-and-unions-raise-concerns-over-proposed-national-human-rights-body/>.

The RGC led the drafting process with technical support from OHCHR and APF. CSOs actively participated by submitting recommendations, raising awareness, and advocating for transparency.³ However, 60 CSOs, along with human rights defenders, trade unions, and international non-governmental organizations (NGOs), criticized the process for lacking transparency and meaningful public consultation. These CSOs included prominent groups like the Cambodian Human Rights and Development Association (ADHOC), the Committee for Free and Fair Election in Cambodia (COMFREL), the Cambodian League for the Promotion and Defence of Human Rights (Licadho), and the Cambodian Centre for Human Rights (CCHR).⁴ They also demanded genuine reform from the government, noting the need to restore civic space and fundamental freedoms as a necessary prerequisite for the effective implementation of an NHRI.⁵

“While the government envisages the draft law to establish an independent NHRI aligned with the Paris Principles, civil society fears it is merely a political move to improve Cambodia’s international image.”⁶

3 Asia Pacific Forum, “Supporting the Establishment of a Cambodian NHRI,” November 30, 2021, <https://www.asiapacificforum.net/news/supporting-the-establishment-of-a-cambodian-nhri>.

4 Business & Human Rights Resource Centre. “Cambodia: 60 CSOs express concerns over worsening human rights situation and urge govt. to restore human rights & open civic space before consulting draft law on NHRI - Business & Human Rights Resource Centre,” August 24, 2021. <https://www.business-humanrights.org/en/ultime-notizie/cambodia-60-csos-express-concerns-over-worsening-human-rights-situation-and-urge-govt-to-restore-human-rights-open-civic-space-before-consulting-draft-law-on-nhri/>.

5 LICADHO. “Statement: Redress Cambodia’s Human Rights Situation Before Establishing an NHRI,” August 24, 2021. <https://www.licadho-cambodia.org/pressrelease.php?perm=482>.

6 LICADHO. “Statement: Redress Cambodia’s Human Rights Situation Before Establishing an NHRI.”

These concerns stem from the involvement of senior government and political officials associated with serious human rights violations, such as human trafficking, land grabbing, and political repression.⁷

Currently, the human rights situation in Cambodia is bleak. Political prosecutions are frequent, repressive laws violate international norms, and a politicized judiciary leads to unfair trials.⁸ Freedoms of expression,⁹ assembly,¹⁰ and association are severely restricted, creating an atmosphere of fear that undermines the viability of an effective and independent NHRI.¹¹

“Human rights defenders, as well as international actors like the United States of America and the European Union,¹² believe that the RGC should first create an enabling environment before attempting to establish an NHRI. The government must first release political prisoners, guarantee people’s genuine freedoms, build trust, and establish accountability mechanisms that can help NHRIs operate independently.

Despite being a constitutional liberal democracy since the 1991 Paris Peace Accords, Cambodia has increasingly deviated from democratic norms.

Despite decades of international calls for reforms, reports by NGOs and the UN Special Rapporteur (UNSR) highlight the persistent violation of fundamental rights and freedoms. These include violations of civil and political rights, lack of electoral integrity (Sustainable Development Goal 16), women’s rights abuses (SDGs 5 and 10), land grabbing (SDG 15 and 1), arbitrary detention, child exploitation (SDG 4 and 8), and the suppression of independent media.

In 2023 and 2024, Cambodia witnessed a series of crackdowns on dissent, marked by heightened surveillance of activists, the criminalization of peaceful protests, and the systemic silencing of dissent both online and offline.

In July 2023, Cambodia held its general elections to select all 125 members of the National Assembly.

The ruling Cambodian People’s Party (CPP) has held uninterrupted power for over four decades. It won 120 of the 125 seats in a vote widely criticized for lacking fairness.¹³ The banning of the opposition Candlelight Party over a minor administrative issue, described by authorities as a “bureaucratic glitch,” underscored the country’s repressive political landscape.^{14,15} The arrest of activists, who were

calling for a public boycott of the elections due to a lack of democratic norms, further illustrates the erosion of political pluralism in Cambodia.¹⁶ In June 2023, a controversial amendment to the Law on Elections of Members of the National Assembly (LEMNA), perceived as a move to silence dissent, barred boycotters from future candidacies.¹⁷

Cambodia’s undemocratic elections faced international scrutiny. UN High Commissioner Volker Türk denounced the elections as “severely restricted,”¹⁸ reinforcing civil society’s view that Cambodia’s current repressive climate is incompatible with the creation of a truly independent NHRI.

The political transition to Prime Minister Hun Manet after the July 2023 elections initially raised hope for the possibility of democratic reforms.¹⁹ However, there have been few signs of political liberalization since he took office. The current government is merely maintaining the previous administration’s ideology, thereby perpetuating the repression of fundamental freedoms.²⁰

Attack on Media and Freedom of Expression

For years, the Cambodian Government has systematically dismantled independent media.

Voice of Democracy (VOD) served as the country’s last remaining independent media organization before it was shut down by the government in February 2023. VOD’s closure marked the end of independent broadcast journalism in Cambodia.²¹

Since 1994, at least 15 journalists have been killed in Cambodia. They faced trumped-up charges such as “incitement” and “forgery.”²²

Cambodia ranks 161 out of 180 in the 2025 World Press Freedom Index by Reporters Without Borders (RSF), reflecting a highly repressive media environment.²³

Following the 2023 elections, over 60 activists, citizen journalists, and opposition figures were arrested for social media activity. Authorities continued to arrest and prosecute former members of the Cambodia National Rescue Party (CNRP), an opposition party, en masse for their online activities.

7 LICADHO. “Statement: Redress Cambodia’s Human Rights Situation Before Establishing an NHRI.”

8 Human Rights Watch. World Report 2024: Events of 2023. Human Rights Watch, 2024. https://www.hrw.org/sites/default/files/media_2024/01/World%20Report%202024%20LOWRES%20WEBSPREADS_0.pdf.

9 Vitit Muntarbhorn. “Situation of Human Rights in Cambodia.” United Nations. United Nations Human Rights Council, August 5, 2024. <https://cambodia.un.org/sites/default/files/2024-08/SR%20report.pdf>.

10 Muntarbhorn, “Situation of Human Rights in Cambodia.”

11 Muntarbhorn, “Situation of Human Rights in Cambodia.”

12 EEAS. “HRC53 - EU Statement - Interactive Dialogue on High Commissioner’s Annual Report,” June 20, 2023. https://www.eeas.europa.eu/delegations/un-geneva/hrc53-eu-statement-interactive-dialogue-high-commissioner%E2%80%99s-annual-report_en?

13 Muntarbhorn, “Situation of Human Rights in Cambodia.”

14 Mao, Frances. “Cambodia: Opposition Candlelight Party Barred From July Vote,” May 15, 2023. <https://www.bbc.com/news/world-asia-65478798>.

15 The Candlelight Party was accused of an alleged administrative error involving missing registration documents. Readers and International organizations think that this is the PPC’s move to eliminate competition which undermines democratic processes.

16 Human Rights Watch, World Report 2024: Events of 2023.

17 Strangio, Sebastian. “Cambodia Amends Election Law, Disqualifying Non-Voting Candidates.” The Diplomat, June 26, 2023. <https://thediplomat.com/2023/06/cambodia-amends-election-law-disqualifying-non-voting-candidates/>.

18 UN News. “Cambodia: UN Rights Chief Regrets ‘Severely Restricted’ Poll and Opposition Clampdown,” July 26, 2023. <https://news.un.org/en/story/2023/07/1139107>.

19 Asia Maior - an Italian Think Tank on Asia. “Asia Maior - an Italian Think Tank on Asia,” n.d. <https://www.asiamaior.org/>.

20 The election is regarded as unfair. Although Cambodia has a new Prime Minister, this represents a false transition, as power remains in the hands of the Hun family and their close allies. This dynastic system continues to undermine democracy by preventing any opposition or new political voices from developing.

21 Amnesty International. “Cambodia: Shuttering ‘Voice of Democracy’ Outlet Is Attempt to Slam Door on Independent Media,” February 20, 2023. <https://www.amnesty.org/en/latest/news/2023/02/cambodia-shuts-down-voice-democracy-media/>.

22 Sopheak, Sim. “JOINT STATEMENT: END IMPUNITY FOR CRIMES AGAINST JOURNALISTS IN CAMBODIA – ADHOC Cambodia,” November 1, 2024. <https://www.adhoccambodia.org/joint-statement-end-impunity-for-crimes-against-journalists-in-cambodia/>.

23 Reporters Without Borders. “Index,” n.d. https://rsf.org/en/index/score-pol?utm_

They faced prison sentences of five to seven years for their activism, including for criticism of the government on social media, as mass trials continued ahead of the July 2023 elections.^{24, 25}

On 21 January 2025, journalists Duong Akhara and Lay Socheat were arrested for sharing a video about alleged torture happening inside a cyberscam center. Following their arrest and detention, both were permitted to issue public apologies to government officials and the court, a practice widely viewed as a coerced confession in exchange for bail. Despite issuing public apologies, the duo was accused of spreading false information and incitement.²⁶

“*The collapse of independent journalism in Cambodia has fostered widespread self-censorship, limited public awareness, and reduced scrutiny of corruption and abuse. This vacuum undermines democratic discourse, prevents credible reporting, erodes trust in public institutions, and violates press freedom and people’s right to access information.*”²⁷

Political repression and judicial harassment

The decades-long political suppression in Cambodia has resulted in a homogenous National Assembly with a near-absence of opposition voices, especially following the banning of the Candlelight Party.²⁸

Over 60 activists were arrested around the 2023 elections. As of May 2025, more than 50 political prisoners remain in jail. Judicial harassment only reinforces the CPP’s dominance.²⁹

The near-total control of the legislative branch has enabled the ruling authorities to weaponize laws against dissent and opposition. The Law on Associations and NGOs (LANGO) is one of the most repressive laws in Cambodia because it allows authorities to dissolve organizations arbitrarily.^{30 31} Meanwhile, Penal Code Articles 495 ("incitement") and 453 ("plotting against the government") are frequently used against

human rights defenders and journalists.^{32, 33} The July 2023 Cybercrime Law expanded repression to online speech, criminalizing vaguely defined threats to "national security."³⁴

In May 2023, labor rights defender Chhim Sithar, a trade union leader and president of the Labor Rights Supported Union of Khmer Employees at NagaWorld (LRSU), was sentenced to two years in prison for "incitement to commit a felony" under Article 495 of the Penal Code after leading a peaceful strike. Her arrest drew strong condemnation from the UN and international labor organizations, highlighting the government’s use of legal tools to suppress labor and civil rights.³⁵

Lack of accountability for human rights violations

Despite these official figures, the number of victims remains alarming, indicating that government efforts to prevent trafficking have been largely ineffective. This record suggests shortcomings in the National Committee for Counter Trafficking (NCCT), Cambodia’s main coordinating body that brings together ministries, institutions, national and international NGOs, the private sector, and other stakeholders to combat human trafficking.

In recent years, there has been a disturbing shift in trafficking models and patterns. Cases reported near the Chinese borders rose. In addition, an increasing number of women and children are reportedly being trafficked for sexual exploitation through online platforms and illegal entertainment establishments.³⁶ Corruption plays a central role in this trend, wherein traffickers and illegal corporations operate with impunity as officials protect them. Likewise, they are benefiting from Cambodia’s weak law enforcement and ineffective judiciary system.

In Cambodia, human trafficking is indirectly facilitated by unscrupulous illegal corporations, which are also involved in land grabbing. Displacement from land grabbing leads to increased vulnerability, resulting in economic deprivation, which then increases people’s susceptibility to human trafficking and sexual exploitation.

28 Human Rights Watch. "Cambodia: UN Review Should Assail Loss of Freedoms," May 6, 2024. <https://www.hrw.org/news/2024/05/05/cambodia-un-review-should-assail-loss-freedoms>.

29 Human Rights Watch. "Cambodia: UN Review Should Assail Loss of Freedoms," May 6, 2024. <https://www.hrw.org/news/2024/05/05/cambodia-un-review-should-assail-loss-freedoms>.

30 Human Rights Watch. "Cambodia Should Scrap Rights-Abusing National Internet Gateway," June 28, 2022. <https://www.hrw.org/news/2022/05/16/cambodia-should-scrap-rights-abusing-national-internet-gateway>.

31 Observatory for the Protection of Human Rights Defenders. "Press Release: Adoption of Law on Associations and NGOs a Severe Attack on Civil Society." OMCT, July 14, 2015. <https://www.omct.org/en/resources/statements/press-release-adoption-of-law-on-associations-and-ngos-a-severe-attack-on-civil-society?>

32 American Bar Association and ABA Center for Human Rights, "Cambodia V. Ros Sokhet," Clooney Foundation for Justice, February 2021, https://cfj.org/wp-content/uploads/2023/07/fair_trial_report_cambodia_ros_sokhet.pdf.

33 Amnesty International. "Cambodia: Conviction of Youth Activists a Further Blow," July 3, 2024. <https://www.amnistia.org/en/news/2024/07/26868/cambodia-conviction-of-youth-activists-a-further-blow>.

34 Open Development Cambodia. "Draft Law on Cybercrime - Draft Law on Cybercrime (Khmer) - OD Mekong Datahub," 2017. https://data.opendevdevelopmentcambodia.net/laws_record/draft-cybercrime-law/resource/ef0154d3-7998-494f-9817-dca2d14d2d03.

35 Amnesty International. "Cambodia: Casino Union Leader Chhim Sithar and Strikers Convicted," May 25, 2023. <https://www.amnesty.org/en/latest/news/2023/05/cambodia-casino-union-leader-chhim-sithar-and-strikers-convicted/>.

24 Freedom House. "Cambodia." Freedom House, n.d. <https://freedomhouse.org/country/cambodia/freedom-net/2023>.

25 US Mission Cambodia. "2024 Trafficking in Persons Report: Cambodia." US Embassy in Cambodia, July 11, 2024. <https://kh.usembassy.gov/2024-trafficking-in-persons-report-cambodia/>.

26 Committee to Protect Journalists. "2 Cambodian Journalists Detained Over Cyberscam Torture Video," February 3, 2025. <https://cpj.org/2025/02/2-cambodian-journalists-detained-over-cyberscam-torture-video/>.

27 Civicus Monitor. "Cambodia: Hun Manet Government Escalates Its Criminalisation of Activists and Critics to Stifle Dissent - Civicus Monitor," January 17, 2025. <https://monitor.civicus.org/explore/cambodia-hun-manet-government-escalates-its-criminalisation-of-activists-and-critics-to-stifle-dissent/>.

36 ADHOC Cambodia. "Summary Report Human Rights Situation 2022," May 17, 2023. <https://www.adhocombodia.org/summary-report-human-rights-situation-2022/>.

In early 2024, for example, over 300 families were forcibly displaced in Koh Kong province due to a land-grabbing case involving a large agricultural company. Left without land and livelihood, many fell prey to trafficking networks. Instead of protecting victims and holding perpetrators accountable, the authorities persecuted 12 land activists for speaking out on the issue.

“All these highlight how the ongoing human rights abuses are sustained by a persistent lack of accountability measures and widespread corruption.

Trafficking is also prevalent in the form of forced labor across different unregulated sectors such as construction, manufacturing, and agriculture. The 2024 US Trafficking in Persons Report criticized the government's failure to act on the matter.³⁷ Corruption, combined with a lack of accountability, enables traffickers to get away with their crimes. Meanwhile, victims face criminalization, neglect, or both.

In 2023, the Cambodian League for the Promotion and Defence of Human Rights (LICADHO) submitted a list of 69 individuals who were charged with political crimes, faced unfair trials, and were subjected to arbitrary detention.³⁸

Political reforms needed to establish an NHRI

In response to the decade-long deterioration of the country's human rights situation, the international community, including the OHCHR and UNSR in Cambodia, called for the establishment of an NHRI in 2021 as a robust mechanism to protect and promote fundamental freedoms. UNSR has expressed concern that the planned NHRI risks being a public relations exercise rather than an independent and effective body. The UNSR urges the Cambodian government to:³⁹

- Restore fundamental freedoms, including freedom of expression, association, and assembly.
- Release political prisoners and human rights defenders.
- Repeal or amend restrictive laws to align with international human rights standards.
- Foster an open, free, and competitive political space.
- Engage in meaningful consultations with civil society and other stakeholders during the NHRI's development.
- Ensure the establishment of a truly independent judiciary.]

A Paris Principles-compliant NHRI was expected to steer the government toward fulfilling its international human rights obligations. While an NHRI could be a step

37 US Mission in Cambodia. “2024 Trafficking in Persons Report: Cambodia.” US Embassy in Cambodia, July 11, 2024. <https://kh.usembassy.gov/2024-trafficking-in-persons-report-cambodia/>.

38 LICADHO. “Cambodia's Prisoners of Interest | LICADHO,” n.d. https://www.licadho-cambodia.org/prisoners_of_interest/.

39 UN-OHCHR & UNDP. “UNDP-OHCHR Toolkit,” n.d. https://w02.unssc.org/free_resources/UNDP-OHCHRToolkit/chapter9/9-7-1.html#:~:text=To%20ensure%20that%20NHRIs%20can%20comment%20on,drafts%20of%20legislation%2C%20regulations%2C%20policy%20and%20procedures.

forward, serious doubts remain about its ability to maintain independence under the country's current repressive political landscape, wherein power is concentrated in the hands of the ruling elite.

In 2022, with support from the APF and OHCHR, the government announced the conclusion of its consultation on the draft law on the Establishment and Functioning of the National Human Rights Institution of Cambodia.⁴⁰ Due to its online format, however, CSOs argued that the consultation process was superficial and greatly lacked genuine inclusivity, transparency, and engagement.⁴¹

The Cambodian Human Rights Committee (CHRC) plays a central role in the establishment of a National Human Rights Institution (NHRI) in Cambodia. It is a government body responsible for promoting and protecting human rights in Cambodia, under the direction of the executive branch. The CHRC is actively involved in drafting the legislation for the NHRI, consulting with various stakeholders, and ensuring the NHRI will comply with the Paris Principles. They also facilitate discussions and provide policy advice, working closely with organizations like the Asia Pacific Forum (APF) and the Office of the United Nations High Commissioner for Human Rights.⁴²

40 Asia Pacific Forum. “Cambodia Moves Closer to Establishing NHRI,” July 28, 2022. <https://www.asiapacificforum.net/news/cambodia-moves-closer-to-establishing-nhri>.

41 Civicus, “Civil Society Organizations Call for the Draft Law on Public Order to Be Immediately Discarded,” August 13, 2020, <https://www.civicus.org/index.php/media-resources/news/4563-civil-society-organizations-call-for-the-draft-law-on-public-order-to-be-immediately-discarded>.

42 Moeun Chamrong Ridhisidh. “CHRC Announces Acceptance of Civil Society Entities on Draft Law to Establish NHRI.” EAC News, March 28, 2022. <https://eacnews.asia/home/details/10859#:~:text=Since%20July%202021%20the%20CHRC,the%20world's%20internationally%20recognized%20NHRIs.>

The draft law was finalized in December 2022⁴³ CSOs have criticized the law's incompatibility with the Paris Principles, stressing its lack of financial independence from government control, non-transparent appointment process, and lack of enforcement powers.

“Within a repressive political context, these flaws risk creating an institution incapable of effectively addressing human rights abuses.”⁴⁴

Lack of political pluralism

Civil society has criticized the draft legislation to establish an NHRI as lacking the safeguards necessary for independence and political pluralism.

The near-total control of the CPP over Cambodia's executive branch, parliament, and judiciary has created a de facto one-party state.⁴⁵

“Such concentration of power undermines the independence of watchdog institutions like the NHRI, especially since the draft law entrusts NHRI appointments to the National Assembly without detailing any transparent process.

43 SokEng, Sao. “Draft Law on the Establishment of the CHRAC Receives Additional Inputs.” EAC News, October 11, 2022. <https://eacnews.asia/home/details/15937>.

44 Business & Human Rights Resource Centre. “Cambodia: 60 CSOs Express Concerns Over Worsening Human Rights Situation and Urge Govt. To Restore Human Rights & Open Civic Space Before Consulting Draft Law on NHRI - Business & Human Rights Resource Centre,” August 24, 2021. <https://www.business-humanrights.org/en/latest-news/cambodia-60-csos-express-concerns-over-worsening-human-rights-situation-and-urge-govt-to-restore-human-rights-open-civic-space-before-consulting-draft-law-on-nhri/>.

45 Vitit Muntarbhorn. “Situation of Human Rights in Cambodia.” United Nations. United Nations Human Rights Council, August 5, 2024. <https://cambodia.un.org/sites/default/files/2024-08/SR%20report.pdf>.

Given the CPP's control over the parliament, this process risks compromising the NHRI's independence, mirroring patterns seen in other Cambodian institutions. The absence of civil society involvement in the selection process for the NHRI's leadership, paired with the lack of transparency regarding the appointment criteria and procedures, further undermines the credibility of an NHRI established amid a repressive political landscape.⁴⁶

The compromised nature of Cambodia's electoral watchdog, the National Election Committee (NEC), offers insights into the possible fate of an NHRI established under a repressive political climate. The NEC was established in 1997 to ensure the transparency, credibility, and fairness of elections. However, it has long suffered from biased appointments, selective rule enforcement, and the suppression of opposition parties since its establishment.⁴⁷

Evidence of the NEC Commissioners' close ties to the CPP raises doubts about the Committee's impartiality as well as its ability to prevent electoral manipulation and ensure free and fair elections. Just like NHRIs, the NEC was meant to serve as an accountability mechanism. The NEC's politicization, however, threatens its very purpose.⁴⁸

“Without a leadership selection process that is truly fair, inclusive, and consultative—ensuring the participation of civil society and opposition parties—the NHRI risks becoming just another government tool.”⁴⁹

As set out in the Paris Principles, the selection and appointment process of an NHRI's leadership must be transparent, open, merit-based, inclusive, consultative, fair, and participatory.⁵⁰ If the Cambodian Government retains full control over the appointment of NHRI members, the institution would merely serve as a political tool rather than an independent watchdog.

48 Narim, Khoun. “NEC Should Be Impartial and Independent, Say Political Parties, Election Observers.” *Cambodia News*, February 25, 2025. <https://cambojanews.com/nec-should-be-impartial-and-independent-say-political-parties-election-observers/>.

49 Access Now. “Raising the Alarm Over the Genuineness of Cambodia's Elections - Access Now,” July 21, 2023. <https://www.accessnow.org/press-release/joint-state-ment-cambodia-elections/>.

50 United Nations Office of the High Commissioner for Human Rights. “Principles Relating to the Status of National Institutions (the Paris Principles).” Office of the High Commissioner for Human Rights, December 20, 1993. <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>.

46 SokEng, Sao. “Draft Law on the Establishment of the CHRAAC Receives Additional Inputs.” *EAC News*, October 11, 2022. <https://eacnews.asia/home/details/15937>.

47 “Cambodian National Election Committee - The Cyber Security Incident Database (CSIDB),” n.d. <https://www.csidb.net/csdb/organisations/6bf-c6f36-0458-40e1-8c5b-f9b17fac9179/>.

Absence of financial autonomy

Cambodia's lack of democratic norms also undermines the financial independence of its watchdogs.

Through the Ministry of Economy and Finance and its dominance at the National Assembly, the CPP tightly controls the institutional budgets of all governmental bodies, thereby limiting the autonomy of bodies like the NEC.

“In the absence of genuine financial autonomy, an NHRI would likely lack the powers to hold authorities accountable for human rights violations.”

The Anti-Corruption Unit (ACU) combats corruption and serves as a state watchdog. The ACU's lack of independence illustrates how the absence of financial autonomy could lead to an institution's failure to fulfill its mission as well as its complete subordination to government influence.⁵¹ The ACU's leadership is appointed by royal decree at the request of the Prime Minister. Since its budget is allocated by the CPP-controlled Ministry of Economy and Finance, this set-up completely compromises the ACU's autonomy.⁵² The weakened nature of the ACU has resulted in decades of unfair elections and the persistent concentration of power within the CPP.

51 UNCAC Coalition. “New Civil Society Report on Cambodia: Stronger Enforcement Efforts, More Transparency and De-politicisation of Key Institutions Needed to Advance Anti-corruption Efforts,” November 24, 2021. <https://uncaccoalition.org/new-civil-society-report-on-cambodia-stronger-enforcement-efforts-more-transparency-and-de-politicisation-of-key-institutions-needed-to-advance-anti-corruption-efforts/>.

52 Anti-Corruption Unit. “Background on the Establishment of ACU,” n.d. https://www.acu.gov.kh/en_index.php?4a8a08f09d37b73795649038408b5f33=home&03c7c0ace395d80182db07ae2c30f034=2.

The NHRI draft law lacks independent budgetary safeguards. Without mechanisms ensuring financial autonomy and cooperation with oversight institutions, an NHRI would be vulnerable to political interference. The draft law on the establishment of Cambodia's first NHRI fails to detail mechanisms for independent budget approval and safeguards against governmental interference in funding. This omission raises concerns over the NHRI's ability to effectively cooperate with other financial authorities.⁵³

“To ensure an independent NHRI, reforms must guarantee full financial autonomy, including a legal framework for transparent multi-stakeholder budget allocation.”

Current state watchdogs such as the NEC, CHRC, and ACU, are either inactive or government-aligned, underscoring the urgency of reform. To ensure the establishment of a credible, independent, and effective NHRI, the Cambodian Government must grant and guarantee the institution's full financial autonomy, free of any political pressure and influence.⁵⁴

53 Rosenzweig, Thibaut. “Modernizing Cambodia's PFM Legal Framework.” *Public Financial Management - International Monetary Fund*, March 10, 2025. <https://blog-pfm.imf.org/en/pfmblog/2025/03/modernizing-cambodia-pfm-legal-framework>.

54 United Nations Office of the High Commissioner for Human Rights. “Principles Relating to the Status of National Institutions (the Paris Principles).” Office of the High Commissioner for Human Rights, December 20, 1993. <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>.

Significant reforms are needed to grant and protect the independence of state watchdogs, which are now either inactive or under State control.⁵⁵ To prevent any political influence, the government must establish a legal framework that guarantees independent financial allocation through a transparent and multi-stakeholder budgetary process.

Independence in monitoring and investigating human rights violations

The lack of judicial independence and media freedom further impedes an NHRI's ability to monitor and investigate human rights violations. Cambodian courts are widely seen as politicized, with judicial appointments made based on one's loyalty to the CPP. As a result of this arrangement, judges cannot confidently challenge the government.⁵⁶

In Cambodia, the judiciary is regularly used as a tool to silence government critics. In 2024, Soeng Senkaruna of ADHOC said in an interview that "the ruling party always uses the court as a shield and to put pressure on its political rivals."^{57,58} Senkaruna was later sued for defamation. The ruling party expressed dissatisfaction and instructed its legal team to file a lawsuit in court, seeking USD 500,000 in compensation.⁵⁹

In 2024, the Phnom Penh Capital Court sentenced 10 environmental activists from the group Mother Nature Cambodia to prison sentences ranging from six to eight years, illustrating yet another case of judicial harassment against human rights defenders. For simply documenting river pollution, the activists were charged with "plotting" against the government and "insulting the King." The trial was marked by irregularities and arrests outside the courtroom, showing how the judiciary is able to suppress activism.⁶⁰

"To ensure that an NHRI's investigation outcomes and recommendations translate into justice, effective and fair accountability mechanisms should be in place. Without a fair judiciary, the NHRI risks losing public trust and deterring victims from reporting human rights violations."

57 Chandara, Samban. "CPP sue rights group ADHOC spokesman." The Phnom Penh Post, February 7, 2024. <https://www.phnompenhpost.com/national/cpp-sue-rights-group-adhoc-spokesman>.

58 Center for Alliance of Labor and Human Rights. "Immediately End Legal Threats Against ADHOC Staffer Soeng Senkaruna," February 14, 2024. <https://central-cambodia.org/archives/6912>.

59 Civicus. "Cambodia: Dismiss Defamation Suit Against Soeng Senkaruna of ADHOC," February 19, 2024. <https://www.civicus.org/index.php/media-resources/news/6851-cambodia-dismiss-defamation-suit-against-soeng-senkaruna-of-adhoc>.

60 The Observatory for the Protection of Human Rights Defenders. "Cambodia: Convictions and Prison Sentences for Ten Members of Mother Nature Cambodia," n.d. <https://preview.mailerlite.com/o4t3g4x0c4/2521312412410319895/r91l/>.

55 Cambodian Journalists Alliance Association. "JOINT STATEMENT: Redress Cambodia's Human Rights Situation Before Establishing an NHRI," August 24, 2021. <https://www.camboja.net/advocacy/joint-statements/joint-statement-redress-cambodias-human-rights-situation-before-establishing-an-nhri/>.

56 "2023 Country Reports on Human Rights Practices: Cambodia." US Department of State. US Department of State, n.d. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/cambodia/>.

Engagements with civil society

The shrinking of Cambodian civic space results from the persistent persecution and surveillance of human rights defenders, increasing attacks on people's freedoms of expression and assembly, and the suppression of human rights organizations.

"Under the Paris Principles, NHRIs must engage with civil society, consult NGOs, and support victims and survivors of human rights violations.⁶¹ In Cambodia, however, such cooperation remains to be seen."

Under Cambodia's current political climate, CSOs view state watchdogs as politically aligned with the Government, rather than operating independently as mechanisms for checks and balances. Through LANGO, the Ministry of Interior suspended Equitable Cambodia, an NGO known for its advocacy to protect housing, land, and natural resource rights amidst a rise in cases of land-grabbing.⁶²

In 2017, Equitable Cambodia was suspended by the Ministry of Interior for alleged violations of its internal bylaws and the LANGO. The suspension order also cited complaints from villagers who accused the NGO of misleading local communities.⁶³ However, the move came shortly after Equitable Cambodia had provided support to communities involved in a land dispute with a company owned by a sitting government senator, raising concerns about the political motivations behind the suspension⁶⁴. Its operations resumed in 2018, following significant international pressure and advocacy from human rights organizations and development partners.⁶⁵

Since the enforcement of the LANGO in 2015, NGOs like ADHOC have been facing significant challenges in investigating human rights violations and publishing their findings.⁶⁶

The steady erosion of Cambodian civic space contributes to a repressive environment wherein NGOs and human rights defenders cannot safely and freely operate.

63 Chheng, Niem, and Leonie Kijewski. "Equitable Cambodia Allowed to Reopen." The Phnom Penh Post, February 26, 2018. <https://www.phnompenhpost.com/national/equitable-cambodia-allowed-reopen>.

64 Chheng and Kijewski, "Equitable Cambodia Allowed to Reopen."

65 Chheng and Kijewski, "Equitable Cambodia Allowed to Reopen."

66 OMCT World Organization Against Torture. "Closing Civic Space for Human Rights Defenders," January 5, 2021. <https://www.omct.org/en/resources/statements/closing-civic-space-for-human-rights-defenders>.

61 United Nations Office of the High Commissioner for Human Rights. "Principles Relating to the Status of National Institutions (the Paris Principles)." Office of the High Commissioner for Human Rights, December 20, 1993. <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>.

62 Equitable Cambodia. "About EC," n.d. <https://equitablecambodia.org/website/about-us/2-2.html>.

Conclusion

While establishing an NHRI could mark an important step toward enhancing human rights protection, Cambodia's current political conditions—characterized by ongoing political repression, a deteriorating human rights situation, and the absence of judicial independence—make the institution's effectiveness and independence nearly impossible.

Driven by repressive political developments, the country's shrinking civic space, underscores the urgent need for the establishment of an NHRI that fully complies with the Paris Principles.

Genuine institutional progress requires political will. Key reforms are crucial for creating an enabling environment. Such reforms must include the restoration of media freedom and judicial independence. Likewise, the government must strive to end all forms of political repression. These foundational issues must be addressed first before the Cambodian Government can successfully establish a truly independent, credible, and effective NHRI.

Recommendations:

To civil society:

- ✓ Develop a joint advocacy coalition among CSOs to engage the government and international actors in providing legal expertise and policy recommendations regarding an NHRI's structure and mandate.
- ✓ Leverage media campaigns to highlight the need for an independent NHRI that is compliant with the Paris Principles.
- ✓ Highlight the need for structural and democratic changes to create an enabling environment wherein an NHRI can operate effectively and independently.

To international stakeholders such as the UN and other multilateral institutions:

- ✓ Despite the AICHR's limitation, there should be a push for establishing an NHRI in Cambodia through existing ASEAN human rights mechanisms.⁶⁷ Use regional NHRI networks, including the SEANF and APF, to share best practices and to advocate for the establishment of an NHRI that meets international accreditation standards.
- ✓ Link advocacy efforts to Cambodia's Universal Periodic Review process and recommendations from the UNSR on Cambodia.
- ✓ Include the push for the establishment of an NHRI in the technical cooperation agreements between Cambodia and OHCHR.
- ✓ Urge UN treaty bodies to include in their reports the recommendation to establish a Paris Principles-compliant NHRI.

To the Royal Government of Cambodia:

- ✓ A Paris Principles-compliant NHRI requires institutional and legal reforms across key state agencies:
 - ✓ National Election Committee (NEC): Ensure free and fair elections by allowing independent observation as well as by preventing election-related human rights violations.

Ministry of Interior and Ministry of Justice:

- ✓ Establish legal reforms that guarantee an NHRI's independence, investigative powers, and financial autonomy.
- ✓ Amend restrictive laws to allow civil society participation.
- ✓ Ministry of Information: Ensure media freedom by repealing restrictive policies and protecting journalists from persecution.
- ✓ Law Enforcement and Judiciary: End all forms of political imprisonment and judicial harassment against opposition members, activists, and human rights defenders.
- ✓ Ministry of Foreign Affairs: To effectively meet international NHRI accreditation standards, it must closely engage with GANHRI, APF, and UN bodies.

To the Cambodian Human Rights Committee:

- ✓ As part of the establishment of an NHRI, implement human rights education for all relevant stakeholders.

⁶⁷ ASEAN plays an active role in promoting them, but its effectiveness can be limited. The ASEAN Intergovernmental Commission on Human Rights (AICHR), established in 2009, aims to promote and protect human rights. ASEAN's human rights framework consists of two main key: the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Human Rights Declaration (AHRD).

CHAPTER THREE

India

Can the New Chairperson serve as an artificial tooth to the toothless tiger?

by Henri Tiphagne, along with Researchers and
The All India Network of NGOs and Individuals Working
with National and State Human Rights Institutions (AiNNI)*

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The All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI) is a forum initiated by People's Watch, Madurai, along with many activists and organisations from across the country. The objective of the forum is to monitor human rights institutions like the National Human Rights Commission of India [NHRC], the National Commission for Women [NCW], National Commission for Minorities [NCM], National Commission for Protection of Child Rights [NCPCR], National Commission for Scheduled Castes [NCSC], National Commission for Scheduled Tribes [NCST], Central Information Commission [CIC], Chief Commissioner for Persons with Disabilities [CC-PWDs], National Commission for Safai Karamcharis [NCSK], and their state counterparts to ensure they comply with the Paris Principles and their founding law and to activate them.



Overview of the human rights situation in India

In April 2023, the United Nations Population Fund (UNFPA) confirmed that India had surpassed China to become the world's most populous country.¹ Despite this demographic milestone, human rights experts have raised the alarm over increasing reports of attacks against minorities, media, and civil society in India.²

As of January 2025, the CIVICUS Monitor classified India's civic space as "Repressed".³ Meanwhile, Reporters Without Borders (RSF) ranked India 159th out of 180 countries in its Press Freedom Index.⁴ The freedom of expression remains heavily curtailed by the state, with journalists frequently facing targeted harassment, intimidation, and violence, often in connection with their reporting on sensitive issues or criticism of the government.

In India, observers noted how laws are weaponized to silence dissent. The government, for example, has been reportedly misusing the Unlawful Activities (Prevention) Act (UAPA), 1967, a draconian detention law penalizing any form of criticism against the government. The UAPA has been frequently used to target human rights defenders (HRDs).

Likewise, the government has also been using the Foreign Contribution (Regulation) Act (FCRA), 2010, to block non-governmental organizations (NGOs) from accessing foreign funding.⁵

Since 2023, 200 people have been killed and 60,000 have been displaced due to ethnic violence between the majority 'Meitei' and minority 'Kuki-Zo' communities in the state of Manipur.

In the state of Chhattisgarh, the government has escalated counterinsurgency operations, leading to hundreds of extrajudicial killings⁶ and punitive demolitions of properties.

Meanwhile, the state of Jammu and Kashmir endured 16 blanket internet restrictions in 2023 and 2024.^{7,8}

1 United Nations Department of Economic and Social Affairs, Sara Hertog, Patrick Gerland, and John Wilmoth. "India Overtakes China as the World's Most Populous Country." UN-DESA Policy Brief, June 15, 2023. <https://doi.org/10.18356/27081990-153>.

2 United Nations Office of the High Commissioner for Human Rights. "India: UN Experts Urge Corrective Action to Protect Human Rights and End Attacks Against Minorities in Lead up to Elections," March 7, 2024. Accessed April 3, 2025. <https://www.ohchr.org/en/press-releases/2024/03/india-un-experts-urge-corrective-action-protect-human-rights-and-end-attacks>.

3 Civicus Monitor. "India: Indigenous Movement Banned, Protests Stifled While Activists and Journalists Targeted." March 1, 2025. Accessed April 3, 2025. <https://monitor.civicus.org/explore/india-indigenous-movement-banned-protests-stifled-while-activists-and-journalists-targeted/>.

4 "India's Press Freedom Has Rapidly Declined in Recent Years | Data - The Hindu." May 15, 2024. Accessed April 3, 2025. <https://www.thehindu.com/data/india-press-freedom-has-rapidly-declined-in-recent-years-data/article68160411.ece>.

5 Front Line Defenders. "Global Analysis 2023/24," May 22, 2024. <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-202324>.

6 Amnesty International. "Human Rights in India." Accessed April 3, 2025. <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>.

7 Human Rights Watch. "India: Events of 2024." In World Report 2025, 2025. <https://www.hrw.org/world-report/2025/country-chapters/india>.

8 Software Freedom Law Center India. "https://internetshutdowns.in/static-page/jammu-kashmir/" Internet Shutdowns, n.d. <https://internetshutdowns.in/static-page/jammu-kashmir/>.

“As a National Human Rights Institution (NHRI), the National Human Rights Commission of India (NHRCI) has failed to exercise its mandate proactively.

The NHRCI failed to initiate suo motu action in cases of gross human rights violations in Chhattisgarh. Likewise, it did not intervene before the Supreme Court regarding the Manipur conflict. The NHRCI did not visit detained HRDs, nor did it inspect the state of detention centers. It also failed to review the implementation and impact of draconian laws such as the UAPA and the FCRA.

Due to its failure to address human rights violations, the Global Alliance of National Human Rights Institutions' (GANHRI) Sub-Committee on Accreditation (SCA) consecutively deferred the NHRCI's "A" status in 2023 and 2024. The SCA recommends 'A' status to NHRI that are fully compliant with the Paris Principles, and 'B' status to NHRI's that are only partially compliant. The Paris Principles set the minimum international standards for effective and independent NHRIs.

The SCA has observed that the NHRCI has failed to adhere to the minimum standards and recommended that NHRCI address the following:

1. Police involvement in its investigation division;
2. Selection and appointment of its members;
3. Lack of Pluralism;
4. Appointment of Secretary General;
5. Addressing human rights violations; and
6. Cooperation with Civil Society.

In July 2024, India underwent a review before the Human Rights Committee for the International Covenant on Civil and Political Rights. United Nations experts urged Indian authorities to implement GANHRI's recommendations and investigate human rights violations allegedly committed by the Indian Armed Forces. GANHRI and UN experts have consistently voiced concerns regarding India's human rights violations and NHRCI's institutional shortcomings.

In 2024, the European Parliament passed a resolution urging the Indian Government to develop a strategic plan of action to address its growing human rights issues.⁹ In September of 2023, the NHRCI decided to host the 28th Biannual Conference of the Asia Pacific Forum (APF). Civil society criticized the NHRCI's decision, viewing it as a mere publicity stunt by the NHRCI in an attempt to show it had the support of international bodies like the APF and the other NHRIs in the region. Indian civil society, as led by the All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI), boycotted the conference, arguing that the APF conference has been politicized by the NHRCI.¹⁰

9 "Texts Adopted - EU-India Relations - Wednesday, 17 January 2024." Accessed April 3, 2025. https://www.europarl.europa.eu/doceo/document/TA-9-2024-0033_EN.html.

10 People's Union For Civil Liberties. "Civil Society Condemn National Human Rights Commission for Hosting the 28th Biannual APF Conference on 20-21 September 2023." Accessed April 3, 2025. <https://pucl.org/manage-writings/civil-society-condemn-national-human-rights-commission-for-hosting-the-28th-biannual-apf-conference-on-20-21-september-2023/>.

In November 2024¹¹ and March 2025, just before its critical third review before the SCA,¹² the NHRCI organized two executive capacity-building programs for NHRIs in the global south. Civil society criticized this move as the NHRCI's desperate attempt to portray itself as a credible, independent, and effective NHRI.

In 2025, the SCA recommended downgrading the NHRCI to "B" status, highlighting concerns over its unwillingness to address the earlier recommendations of SCA in 2011, 2016, 2017, 2023, and 2024 regarding its lack of pluralism, independence, and engagements with civil society.¹³ The downgrade indicates that the NHRCI is only partially compliant with the Paris Principles. If this recommended downgrade is implemented, the NHRCI would lose several key privileges, including speaking rights at the UN Human Rights Council (UNHRC) and the ability to vote or hold leadership positions within GANHRI.

11 NHRCI six-day Indian Technical and Economic Co-operation Executive Capacity Building Programme on Human Rights for NHRIs of Global South in Collaboration with the Ministry of External Affairs at New Delhi from 11th– 16th November, 2024 "NHRC, India's Six-Day ITEC Executive Capacity Building Programme on Human Rights for NHRIs of Global South in Collaboration with the MEA at New Delhi from 11th– 16th November, 2024 | National Human Rights Commission India." Accessed April 3, 2025. <https://nhrc.nic.in/media/press-release/nhrc-india%E2%80%99s-six-day-itec-executive-capacity-building-programme-human-rights>.

12 National Human Rights Commission India. "NHRC, India's ITEC Executive Capacity-Building Programme on Human Rights in Partnership with the MEA for Senior Functionaries of NHRIs of Global South Begins in New Delhi." March 3, 2025. Accessed April 3, 2025. <https://nhrc.nic.in/media/press-release/nhrc-india%E2%80%99s-itec-executive-capacity-building-programme-human-rights-partnership>.

13 Global Alliance of National Human Rights Institutions. "Report and Recommendations of the 45th Session of the Sub-Committee on Accreditation (SCA)." Global Alliance of National Human Rights Institutions, March 2025. https://ganhri.org/wp-content/uploads/2025/04/SCA-Report-march-2025-session_23042025_EN.pdf.

NHRI Mandate to Protect and Promote Human Rights

The NHRCI is an independent body established by the Protection of Human Rights Act (PHRA), 1993, which came into force on 8 January 1994.

The PHRA was amended twice, in 2006 and 2019, in response to the SCA's recommendations to address concerns over the NHRCI's lack of pluralism in its appointment and selection process.

“Despite the amendments, however, many of the SCA's and civil society's concerns remain unaddressed, casting persistent doubts on the independence and effectiveness of the NHRCI.

Some of the most pressing concerns include the involvement of police officers in NHRCI investigations, the lack of transparency in the appointment of the Commission's Secretary General, and its leadership's opaque selection and appointment process.

Persistent lack of independence

During the reporting period, the NHRCI continued to suffer from a persistent lack of independence due to its narrow selection process for its leadership, the inclusion of police officers in investigations into human rights violations, and the secondment of civil servants in high-level positions within the Commission.

These factors have affected the NHRCI's ability to resist political influence, cementing civil society and victims' lack of trust in the institution.

Problematic selection process

According to the PHRA, the Chairperson and Members of the NHRCI are to be appointed by the President based on the recommendation of the Appointment Committee.¹⁴ The SCA has repeatedly stressed that the NHRCI leadership selection process must be broad and transparent. Despite the SCA's repeated recommendations, the NHRCI did not advertise vacancies. It also did not outline procedures to ensure broad consultation and participation in the screening, selection, and appointment of its leadership.

“In 2023 and 2024, a significant portion of the Commission's leadership was chronically vacant, including a lengthy period where the NHRCI operated with just one Commissioner out of a five-member board.

In December 2023, Vijaybaharathi was appointed as a member of the NHRCI. From June to October 2024, Vijaybaharathi remained the Commission's sole member. At the time of her appointment, civil society did not raise objections, opting instead to quietly observe the process.

The NHRCI had to submit its report for a third review by the Sub-Committee on Accreditation (SCA) by 31 December 2024. This strict deadline led to a hurried appointment process in October, during which a Chairperson and several other members were selected. Priyank Kanoongo, who served two terms as Chairperson of the National Commission for Protection of Child Rights, became a permanent invitee to the NHRCI by virtue of that role. The appointment process failed to follow the SCA's repeated recommendations regarding transparency, consultation, and broad participation.

The credibility of the appointment process was further undermined by public awareness paired with strong dissent from opposition leaders in the Lok Sabha and Rajya Sabha, two Houses of the Parliament, who served as members of the Appointment Committee.¹⁵ As of December 2024, two vacancies remain unfilled.

Despite the two consecutive deferrals of NHRCI's accreditation in March 2023 and March 2024, the Appointment Committee has shown little sensitivity to these warnings, failing to prioritize transparency and compliance with GANHRI's recommendations.

“This reflects a concerning disregard for international standards and the principles of independence and pluralism in the functioning of the NHRCI.

¹⁵ SabrangIndia. “INC President Kharge, LOP Rahul Gandhi's Strong Dissent Note on Appointment of NHRC Chairperson.” SabrangIndia (blog), December 24, 2024. <https://sabrangindia.in/inc-president-kharge-lop-rahul-gandhis-strong-dissent-note-on-appointment-of-nhrc-chairperson/>.

¹⁴ Section 3 of Protection of Human Rights Act, 1993

Government influence on NHRI staffing

Perceived political influence is also observed at the staffing level of the NHRCI, with a number of positions held by government seconded officers, including the high-ranking position of the Secretary General.¹⁶

“Despite the SCA's repeated recommendations, the Indian authorities continue to defend the hiring of government secondees or individuals with a civil service background.

They argue that since the NHRCI often requires reports from both state and central governments, the recruitment of an experienced civil servant is necessary to ensure the effective functioning of its complaints mechanism.

Most notably, the current Secretary General is a retired Indian Forest Service officer who has worked closely with Prime Minister Modi. He was appointed in June 2023¹⁷ and his term was extended for one more year until June 2025.¹⁸

Civil society has expressed concerns that appointing a former high-level civil servant known to be a close ally of the Prime Minister is a political move aimed at ensuring that the NHRCI remains favorable to the government. While his background as a retired civil servant and his collaborations with the Ministry of External Affairs and the Indian Permanent Mission in Geneva are often highlighted as qualifications, critics stress how these connections raise questions about the Commission's independence. The government's decision to extend his tenure has further deepened these apprehensions.

At the working level, seconded officials hold positions that implement key functions of the NHRI, including the Investigation Division, Law Division, and the National Focal Point on the HRDs. All of the Commission's Special Rapporteurs were also former senior government officials. As of December 2024, the vacancy announcements for a number of positions¹⁹ included the major eligibility requirement of having served in central, state, union territory, or autonomous statutory organizations.

¹⁶ Section 11 of Protection of Human Rights Act, 1993

¹⁷ National Human Rights Commission India. “Bio Data of Secretary General.” Accessed April 3, 2025. <https://nhrc.nic.in/biodata/bio-data-secretary-general>.

¹⁸ The Hindu Bureau. “Ex-IFS Officer Bharat Lal Gets Extension as NHRC Secretary-General.” The Hindu, June 24, 2024, sec. India. <https://www.thehindu.com/news/national/ex-ifs-officer-bharat-lal-gets-extension-as-nhrc-secretary-general/article68329005.ece>.

¹⁹ Late as on 23-12-2024 in a call for applications for Joint Registrar, Deputy Register, Joint Director Research, Assistant Registry, Principal Secretary, Senior Research Officer, Research Officer, Deputy Superintendent Of Police, Private Secretary, Assistant Accounts Officer, Inspector, Senior Research Assistant, Program Assistant, Accountant, Junior Accountant, Assistant Librarian, Steno Grade D and Constable.

Police involvement in investigations

“Most alarmingly, the NHRCI’s investigation division is staffed with a small team of police officials. The SCA repeatedly raised concerns over the conflict of interest in this set-up, questioning the ability of staff to conduct impartial and credible investigations, which could then significantly compromise the victim’s right to access human rights justice.

In India, HRDs are often targeted and detained under UAPA, which is exclusively handled by the National Investigation Agency (NIA). Various civil society groups have filed petitions on behalf of HRDs before NHRCI. The NHRCI, however, does not conduct its own investigations. Instead, it routinely accepts reports from the NIA or the Central Bureau of Investigation without independent verification.

Lack of diversity and pluralism

In 2023 and 2024, the SCA recommended that the NHRCI advocate for a pluralistic balance in its composition and staff. To promote accessibility and sensitivity towards a wide range of human rights issues. The SCA emphasized the importance of ensuring diversity within the Commission’s leadership. To ensure the Commission’s effective functioning, the SCA recommended that the NHRCI fill its leadership vacancies without further delay. As of December 2024, the NHRCI still has two member positions vacant.²⁰

20 National Human Rights Commission India. “Constitution of NHRC.” n.d. <https://nhrc.nic.in/about-us/organization-structures/constitution-of-nhrc#:~:text=The%20Commission%20consists%20of%20a,and%20Members%20of%20the%20Commission.>

Since its establishment in 1993, the NHRCI has largely remained male-dominated. There have only been four women appointed as NHRCI Commissioners, namely Justice Fathima Beevi (1993-1997), Justice M.S. Sujata V Manohar (2000-2004), Jyotika Kalra (2017-2022), and Smt Vijaya Bharathi Sayani (2023 to present).²¹ The SCA’s 2023 and 2024 reports repeatedly highlighted the lack of pluralism in the NHRCI’s leadership and staff composition.²²

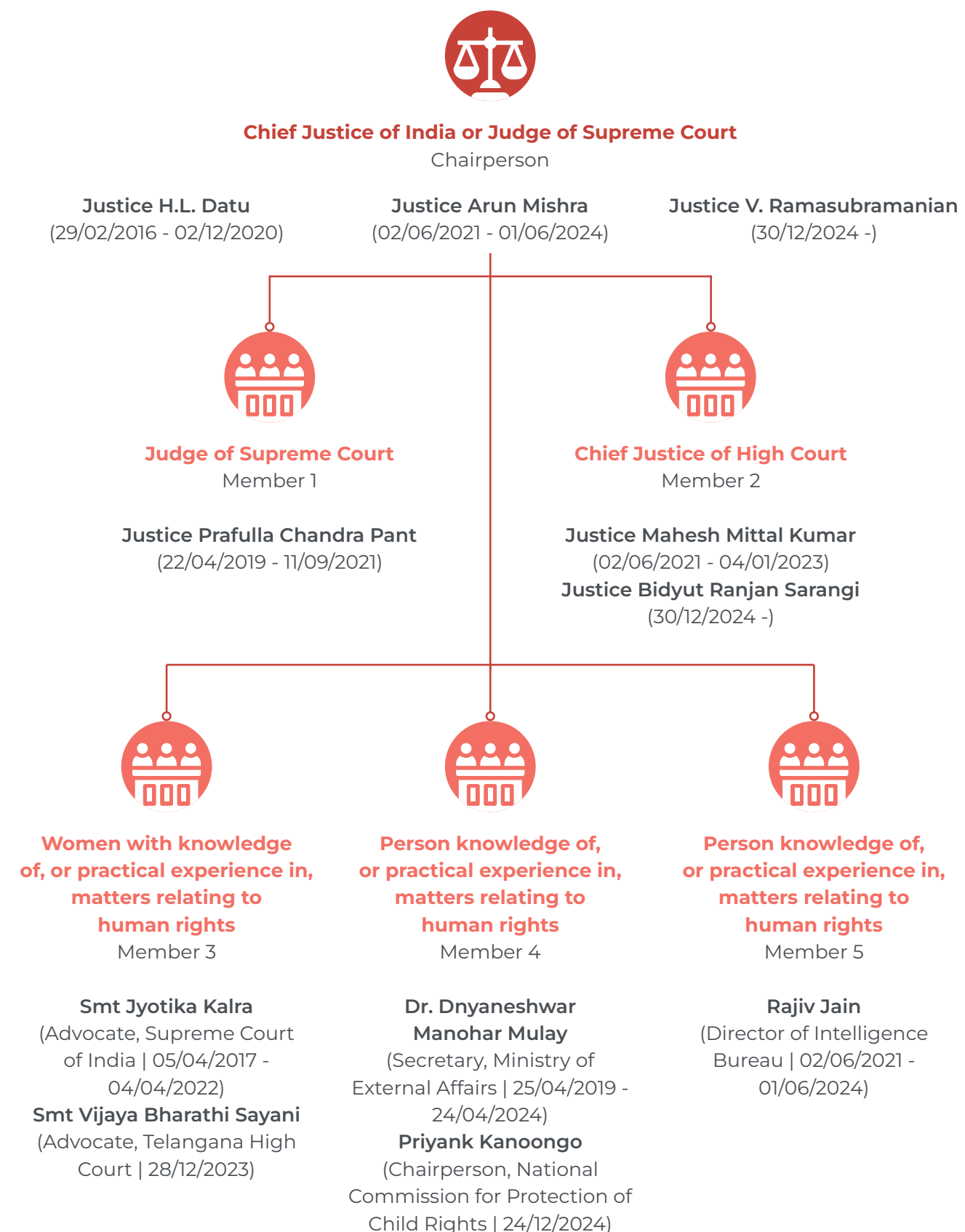
In fact, the SCA attributed such structural deficiency as one of the six key reasons for the two consecutive deferrals and eventual downgrading of the NHRCI’s accreditation.

“Representation from other sections of society in a country as diverse as India is conspicuously missing in the NHRCI. The NHRC currently lacks representation from Dalits, indigenous communities, religious minorities, the LGBTIQ+ community, and persons with disabilities. In addition, HRDs, activists, journalists, academics, and human rights lawyers are rarely considered for NHRCI positions. The lack of representation from diverse social, regional, and minority groups raises serious concerns over the Commission’s credibility, inclusiveness, and alignment with the Paris Principles.

21 National Human Rights Commission India. “Former Chairpersons and Members.” n.d. https://nhrc.nic.in/about-us/composition_prev.

22 Sub Commission of Accreditation of GANHRI report March 2023 and May 2024.

Figure 1. List of NHRCI Vacancies from 2019 to 2024 since the enactment of the Protection of Human Rights (Amendment) Act, 2019.



Disposal of complaints

Indian civil society has continuously expressed its disappointment with the NHRCI's inability and ineffectiveness to address and resolve human rights violations.

Despite its clear mandate to investigate cases suo moto, the NHRCI has routinely avoided addressing the most sensitive cases of human rights violations, including ethnic violence in Manipur and attacks against HRDs and minority groups. While the PHRA prescribes the NHRCI with a broad mandate, the Commission routinely avoids addressing violations related to civil and political rights. Instead, the NHRCI tends to focus on less controversial issues, such as those related to economic, social, and cultural rights.

Empirical data indicate that the NHRCI disposes of nearly all complaints it receives, with only a small proportion proceeding to formal investigation. While the NHRCI registered 65,973 complaints from 1 December 2023 to 30 November 2024, it disposed of 66,378.²³ From 2020 to 2025, the NHRCI registered 417,005 complaints and disposed of 418,727 complaints, reflecting a disposal rate of 100.41%.

Most of these cases are disposed of at the earlier stages of filing. These are classified as complaints dismissed in limine.

In response, civil society has raised the alarm over the NHRCI's high rate of complaint disposal, signalling the Commission's blatant lack of consideration for serious human rights violations.

S.No.	Particulars	No.	Percentage
1	No of Complaints registered by NHRCI	4,17,005	100%
2	No of Complaints disposed by NHRCI	4,18,727	100.41%
3	No of cases under consideration (pending before NHRCI	7,590	1.82%
4	No of cases NHRCI took up Suo moto	316	0.07%
5	No of HRDs cases before NHRCI	168	0.04%
6	No of Spot enquiries conducted by NHRCI	157	0.037%
7	No of cases NHRCI recommended compensation	1454	0.34%

Table 2. Complaint handling of NHRCI from 01.04.2020 to 13.01.2025

During this reporting period, the NHRCI registered 302 custodial deaths, 4,220 deaths in judicial custody, and 203 deaths in police encounters. Meanwhile, it disposed of 201 cases of custodial deaths, 4,839 cases of deaths in judicial custody, and 120 cases of deaths during police encounters. These figures raise concerns over the depth and rigor of the NHRCI's process of handling cases.

Concerningly, only an alarmingly small number of cases receive some form of resolution. In 2023 and 2024, the NHRCI recommended compensation in only:

- 60 custodial death cases (19.8%)
- 267 judicial custody death cases (6.3%)
- 2 police encounter death cases (0.98%)

This data underscores the persistent concerns raised by civil society about the NHRCI's effectiveness in addressing gross human rights violations. The Commission's limited use of its investigative and remedial powers reflects serious shortcomings in its ability and willingness to hold perpetrators of human rights violations accountable, particularly in cases involving law enforcers.

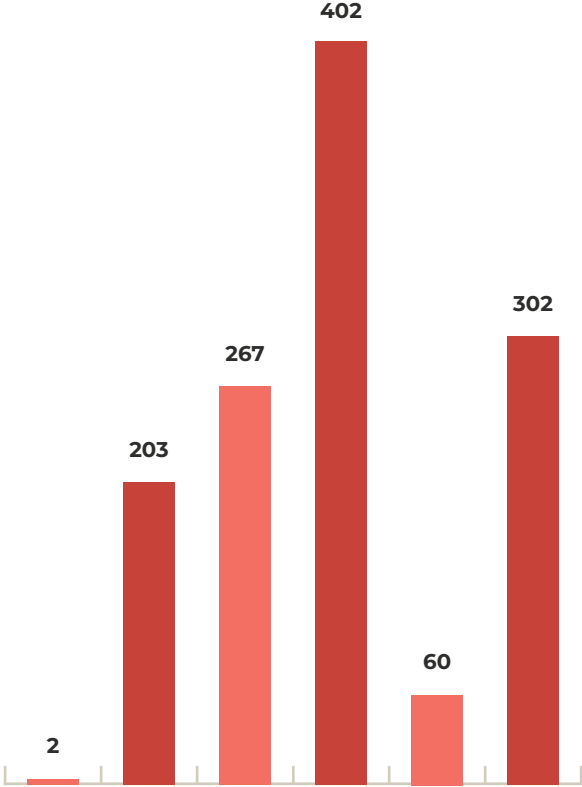


Figure 2. AiNNI analysis of the NHRCI's efficiency in dealing with gross human rights violations (This data is obtained from AiNNI analysis of NHRC monthly newsletters from 2023 and 2024).

23 "The President of India, Smt Droupadi Murmu to Be the Chief Guest on Human Rights Day Celebrated at Vigyan Bhavan on 10th December 2024." Accessed May 25, 2025. <https://www.pib.gov.in/www.pib.gov.in/Pressreleaseshare.aspx?PRID=2082238>

NHRI's inaction in the Manipur crisis

In May 2023, ethnic violence erupted in the North-East Indian state of Manipur between the Meitei people and the Kuki-Zo people. As of 3 May 2024, the incident has killed 221 people, displaced 60,000, injured 1,000, burned 4,786 houses, and vandalized 386 religious structures, according to government figures.²⁴

“The ethnic violence in Manipur has since drawn international attention, yet the NHRCI failed to initiate immediate action.

After nearly two months of delay, the NHRCI began an inquiry into the situation. On 19 July 2023, the Chief Justice of India and the Supreme Court took up the matter and constituted a commission of enquiry.²⁵

In September 2023, 12 UN experts raised the alarm on a humanitarian and human rights crisis in Manipur—including acts of sexual violence, extrajudicial killings, destruction of houses, forced displacement, torture, and ill-treatment—stressing the “inadequacy” of humanitarian response.²⁶ According to information collected by AiNNI through its Right to Information (RTI) application, the NHRCI took up over 130 cases from Manipur. However, notices were issued in only 15 of these cases²⁷ and the Commission merely sought Action Taken Reports (ATRs) from the state government. This inadequate response raised concerns over the NHRCI's limited scope and lack of urgency in addressing one of India's most serious human rights crises in recent years.

The NHRCI received the Action Taken Report (ATR) in 18 cases related to incidents of violence, in which the state government outlined the various steps it took. These included reinforcing law and order, setting up relief camps, establishing a peace committee, relaxing curfew, restoring internet and banking services, providing ex gratia for the families of the deceased, distributing compensation packages for the injured, and rebuilding damaged houses.²⁸

26 United Nations Office of the High Commissioner on Human Rights. “India: UN Experts Alarmed by Continuing Abuses in Manipur.” Accessed March 2, 2025. <https://www.ohchr.org/en/press-releases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur>.

27 National Human Rights Commission India. “NHRC Asks Manipur Government to Stop Violence and Human Rights Violations Inform on the Relief and Rehabilitation of the Victims of Violence Expedite ATRs Awaited in Specific Complaints.” Accessed March 2, 2025. <https://nhrc.nic.in/media/press-release/nhrc-asks-manipur-government-stop-violence-and-human-rights-violations-inform>.

28 National Human Rights Commission India. “NHRC Receives ATRs in Many Cases from the Manipur Government.” Accessed March 2, 2025. <https://nhrc.nic.in/media/press-release/nhrc-receives-atrs-many-cases-manipur-government>.

24 Amnesty International. “India: Authorities ‘Missing-in-action’ Amid Ongoing Violence and Impunity in Manipur State – New Testimonies,” July 17, 2024. <https://www.amnesty.org/en/latest/news/2024/07/india-authorities-missing-in-action-amid-ongoing-violence-and-impunity-in-manipur-state-new-testimonies/>.

25 The Times of India. “Nat'l Panels Failed to Act on Manipur.” August 1, 2023. <https://timesofindia.indiatimes.com/city/madurai/natl-panels-failed-to-act-onmanipur/articleshow/102295628.cms?from=mdr>.

The NHRCI organized a camp sitting at Guwahati, Assam, on 16 and 17 November 2023,²⁹ during which it disposed of 25 cases from Manipur.³⁰ According to information obtained through the RTI, the NHRCI only took up five cases of custodial deaths, a minority of the total cases it receives. Meanwhile, it dismissed 47 custodial death cases and disposed of 25 cases by giving directions to take action without intervention.

The NHRCI transferred seven cases to the State Human Rights Commission (SHRC), Manipur. In the end, only 14 cases were investigated, 15 were issued notices, and only 6 were recommended for compensation. This data reflects the NHRCI's limited and selective engagement with the widespread and grave human rights violations in Manipur.

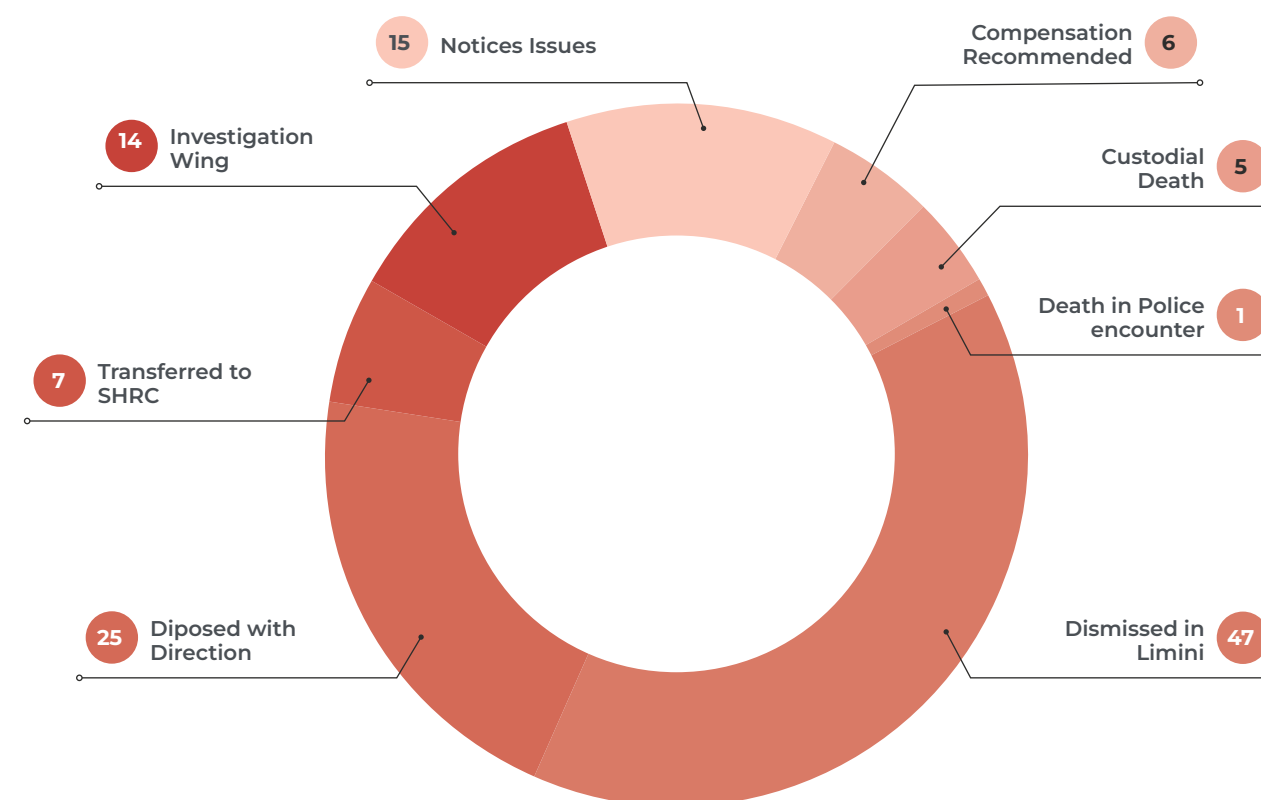


Figure 3. Analysis of complaints taken up by NHRCI from the State of Manipur in 2023 and 2024 (data is obtained through Right to Information Application submitted to NHRCI).

29 National Human Rights Commission India. “National Human Rights Commission to Be in Guwahati on 16–17 November, 2023; Holding ‘Camp Sitting’ to Hear Cases of Human Rights Violations in NE States.” Accessed March 2, 2025. <https://nhrc.nic.in/media/press-release/national-human-rights-commission-be-guwahati-16%E2%80%9317-november-2023-holding-%E2%80%98camp>.

30 National Human Rights Commission India. “NHRC Camp Sitting at Guwahati Concludes; 56 Cases of Human Rights Violations in NE States Heard.” Accessed March 2, 2025. <https://nhrc.nic.in/media/press-release/nhrc-camp-sitting-guwahati-concludes-56-cases-human-rights-violations-ne-states>, “National Human Rights Commission in Partnership with University of Manipur Organized a 2-Day ‘Training Programme on Human Rights in India.’” Accessed March 2, 2025. <https://pib.gov.in/Pressreleaseshare.aspx?PRID=2050416>.

Human rights violations in conflict-afflicted Chhattisgarh

In the State of Chhattisgarh, the government escalated counterinsurgency operations against Maoists, leading to 282 extrajudicial killings, including a six-month-old infant, in 2024.^{31, 32}

Civil society has been highly concerned over the NHRCI's inability and unwillingness to address alleged human rights violations in conflict-affected regions, as seen in Chhattisgarh.



Approximately 60-70% of complaints

originating from Chhattisgarh were either dismissed in limine, disposed of with routine directions, or transferred to the SHRC Chhattisgarh, according to NHRCI sources (see Figure 3).

Approximately 60-70% of complaints Between 2023 and 2024, the NHRCI took up 1,251 cases. The NHRCI initiated two suo motu actions, including investigations into 134 custodial deaths and 72 deaths during police encounters.

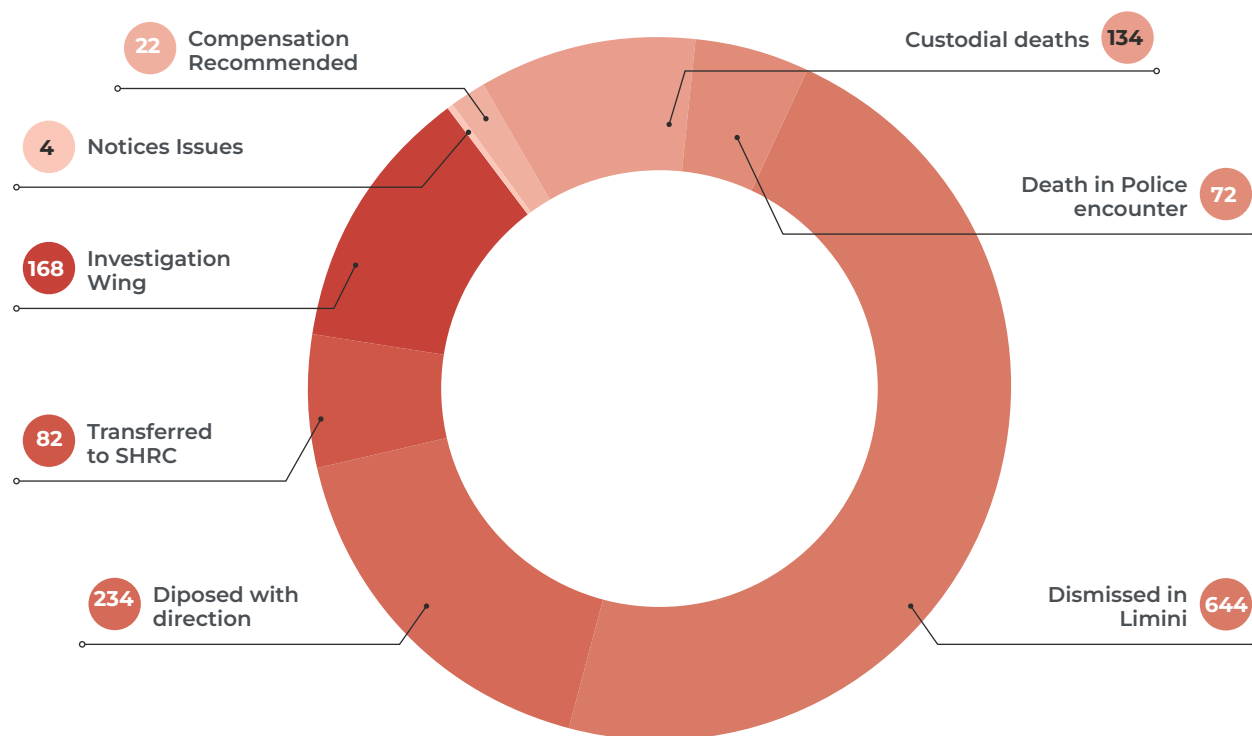


Figure 4. Analysis of complaints received by the NHRCI from the State of Chhattisgarh in 2023 and 2024 (data is obtained through Right to Information Application submitted to NHRCI).

31 Sikdar, Shubhomoy. "31 Maoists, Two Security Personnel Killed in Encounter in Chhattisgarh's Bijapur." The Hindu, February 9, 2025, sec. Chhattisgarh. <https://www.thehindu.com/news/national/chhattisgarh/bijapur-chhattisgarh-maoist-killed-in-encounter-updates/article69198622.ece>.

32 ANI News. "Chhattisgarh: Six-Month-Old Child Killed, 43 Others Injured in Road Mishap in Mahasamund." Accessed April 3, 2025. <https://www.aninews.in/news/national/general-news/chhattisgarh-six-month-old-child-killed-43-others-injured-in-road-mishap-in-mahasamund20250124213449/>.

Lack of action and support to HRDs in Jammu and Kashmir

In 2023, UN experts called on the Indian Government to immediately end the ongoing crackdown on HRDs in Jammu and Kashmir, sounding the alarm over the use of UAPA against defenders. They also called for the immediate release of Kashmiri HRD Khurram Parvez, who has been in detention under the UAPA since November 2021.³³

Despite having authority under Section 12(c) of its founding law, the NHRCI has failed to visit or extend support to Parvez. Civil society has long criticized the Commission for its inaction and lack of support in cases involving reprisals against HRDs.

Furthermore, the NHRCI failed to intervene before the Supreme Court to challenge the abrogation of Article 370 of the Indian Constitution concerning the special status of Jammu and Kashmir.³⁴ This inaction is significant, given that the Jammu and Kashmir State Human Rights Commissions were dissolved as a result of the decision, leaving 1,164 pending cases which were expected to be transferred to NHRCI.³⁵

33 United Nations Office of the High Commissioner for Human Rights. "India: UN Expert Demands Immediate End to Crackdown on Kashmiri Human Rights Defenders." Accessed April 3, 2025. <https://www.ohchr.org/en/press-releases/2023/03/india-un-expert-demands-immediate-end-crackdown-kashmiri-human-rights>.

34 "Union Home Minister and Minister of Cooperation Shri Amit Shah Welcomes the Hon'ble Supreme Court's Ruling to Uphold the Decision to Abolish Article 370 from Jammu and Kashmir." Accessed April 3, 2025. <https://pib.gov.in/pib.gov.in/Pressreleaseshare.aspx?PRID=1984951>.

35 The Global Kashmir. "1164 Cases of J&K Registered with NHRC Post Reorganization of Erstwhile State: Centre." March 14, 2023. <https://globalkashmir.net/1164-cases-of-jk-registered-with-nhrc-post-reorganization-of-erstwhile-state-centre/>.

According to the RTI information sought and received by AiNNI, only 714 cases were transferred to the NHRCI, of which only four cases were actually investigated. The status of the remaining 710 cases remains unknown since the NHRCI never published any newsletters regarding such cases.

Targeting of HRDs

The NHRCI's lack of willingness to protect and promote the rights of HRDs, including environmental human rights defenders (EHRDs), is happening against the backdrop of India's shrinking civic space and growing attacks against activists and civil society organizations.

In 2023 alone, seven HRDs were killed in India, as documented by Front Line Defenders.³⁶ Meanwhile, 241 instances of violations against HRDs in 2023 were reported by the Asian Pacific Forum Working Group on HRDs.³⁷

In 2024, UN Special Procedure Mandate holders shared six Joint Communications to the Government of India on cases related to HRDs. Human Rights Defenders' Alert-India has raised 53 urgent appeals regarding reprisals against HRDs in 2023 and 35 in 2024.³⁸ However, the NHRCI categorized only nine cases as HRD-related, eight of which were later dismissed.³⁹

36 Front Line Defenders. "Global Analysis 2023/24," May 22, 2024. <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-202324>.

37 Asia Pacific Forum. "Apf Human Rights Defenders Working Group Annual Report 2023," March 19, 2024. <https://asiapacificforum.net/resources/apf-human-rights-defenders-working-group-annual-report-2023>.

38 "HRDA." Accessed April 3, 2025. <https://hrdaindia.org/category/urgent-appeal>.

39 "Welcome to Human Rights Commissions Network." Accessed April 3, 2025. <https://hrcnet.nic.in/HRCNet/public/NHRCStatisticsList.aspx?Statistics=HRD>.

List of HRD cases taken up by the NHRCI in 2023 and 2024

 Rajeev Yadav and Vinod Yadav File number: 532/24/6/2023	 Date of filing: 13/01/2023  Status: Disposed	 Date of Disposal: 20/01/2023  Direction NHRC: Disposed with directions
 Subhendu Giri File number: 583/25/9/2023	 Date of filing: 06/03/2023  Status: Disposed	 Date of Disposal: 20/03/2023  Direction NHRC: Disposed with directions
 Harish Halli File number: 529/10/9/2023-AD	 Date of filing: 31/05/2023  Status: Disposed	 Date of Disposal: 11/07/2023  Direction NHRC: Concluded, no further action required
 Anil Hansda File number: 857/34/1/2023	 Date of filing: 03/07/2023  Status: Disposed	 Date of Disposal: 15/07/2023  Direction NHRC: Disposed with directions
 Badan Singh File number: 30132/24/1/2023	 Date of filing: 24/11/2023  Status: Disposed	 Date of Disposal: 28/11/2023  Direction NHRC: Dismissed in Limini

 Suneeta Pottam File number: 268/33/14/2024	 Date of filing: 10/06/2024  Status: Pending	 Date of Disposal: 03/01/2025  Direction NHRC: Pending
 XXXXXXXXXX File number: 15151/24/72/2024	 Date of filing: 28/07/2024  Status: Disposed	 Date of Disposal: 06/08/2024  Direction NHRC: Disposed with directions
 Bijendra Korram File number: 360/33/18/2024	 Date of filing: 29/07/2024  Status: Disposed	 Date of Disposal: 05/08/2024  Direction NHRC: Disposed with directions
 Rameshchandra Singh File number: 36/14/14/2024	 Date of filing: 11/09/2024  Status: Disposed	 Date of Disposal: 12/09/2024  Direction NHRC: Disposed with directions

Compensation failures

Among the few cases that reached a resolution, the NHRCI's order for compensation often faces significant delays, reflecting a lack of urgency and accountability. This affects the Commission's ability to effectively deliver remedies.

In 2024, the NHRCI reported that it had recommended compensation in 308 cases, totalling Rs 120,564,794 (USD 13,81,000), with an average of Rs 400,000 (USD 4,581) per case. For the said 308 cases, the average delay from the date of the incident to the order of compensation is 813 days.

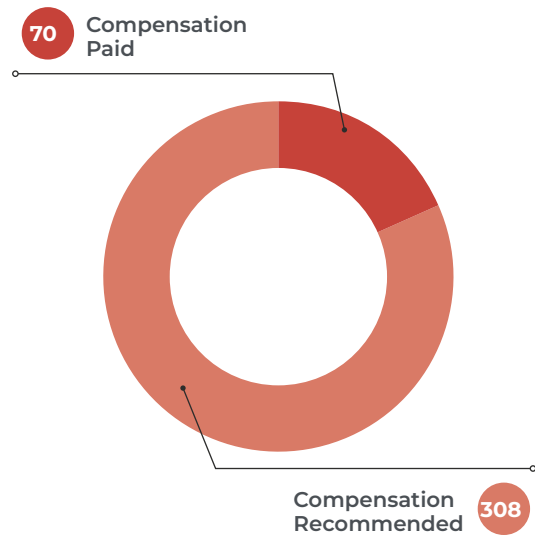


Figure 5. AiNNI analysis of the NHRCI's recommended list in 2024

In 2024, the NHRCI reported releasing compensation for 265 cases, amounting to Rs 133,648,000 (USD 1,530,861).

AiNNI analyzed each of these cases, as published on the NHRCI's online portal, and found that a total of Rs 87,648,000 (USD 1,003,957) worth of compensation has been paid for 145 cases, with an average delay of 259 days from the date of recommendation to the date of awarding of compensation. AiNNI's findings contradict the NHRCI's reported data.

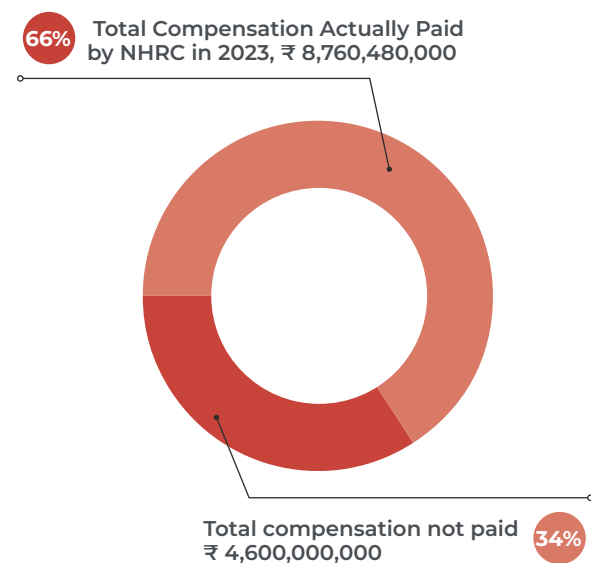


Figure 6. AiNNI's Analysis of the NHRCI's List of Paid Compensation in 2024

Conclusion

The NHRCI's new Chairperson, Justice V. Ramasubramanian, was appointed on 30 December 2024, following a six-month vacancy after the dismissal of Justice Arun Misha.

For more than six months in 2024, the NHRCI functioned without a Chairperson and with only four members instead of five. This contributed to a noticeable decline in its functioning.

The number of complaints handled by the NHRCI had significantly dropped from 113,329 complaints in 2022 to 79,364 in 2023. By 2024, the Commission only handled 65,108 complaints.

During this period, the NHRCI failed to effectively exercise its mandate outlined in Sections 12 (b), (c), and (d) of PHRA. This included not intervening in human rights violation cases, failing to inspect detention centers, and being unable to advise the government regarding its existing legal and constitutional protections for human rights.

In recognition of the NHRCI's persistent failure to heed long-standing recommendations, the SCA recommended to 'downgrade' the Commission's accreditation status to "B." This means that the NHRCI was only partially compliant with the Paris Principles.

The SCA drew attention to the Indian authorities' efforts to exert diplomatic pressure during the accreditation process.⁴⁰

Despite the many setbacks, Indian civil society maintains cautious optimism. They hope the newly appointed NHRCI Chairperson will take meaningful steps to restore the beleaguered Commission's credibility, independence, and effectiveness.

⁴⁰ Sub Commission of Accreditation of GANHRI report April 2025.

Recommendations

To the Government of India:

- ✓ Amend the Protection of Human Rights Act to include a stronger diversity requirement for the NHRCI's composition, following all of GANHRI-SCA's recommendations.
- ✓ Place the SCA's recommendations from 2023, 2024, and 2025 before both houses of parliament.⁴¹
- ✓ Ensure that the two remaining vacancies for NHRCI members are immediately filled; candidates must have demonstrated human rights expertise.

To the NHRCI:

- ✓ Publicly urge the Indian Government to implement GANHRI-SCA's recommendations.⁴²
- ✓ Include non-police personnel within the NHRCI's human rights investigation team. Such personnel should have expertise in forensic science, medicine, prosecution, criminology, and psychology
- ✓ Regularly and constructively cooperate and engage with HRDs and HRD platforms across India.
- ✓ Propose to amend the NHRC (Procedure) Amendment Regulations, 1997, to incorporate the SCA's recommendations.

⁴¹ Recommendations of GANHRI-SCA from 2011, 2016, 2017, 2023, and 2024.

⁴² Recommendations of GANHRI-SCA from 2011, 2016, 2017, 2023, and 2024.

- ✓ Ensure that the NHRCI's strategic plan⁴³ would strictly comply with the Marrakesh Declaration,⁴⁴ the Regional Action Plan on HRDs,⁴⁵ and the Global Action Plan to Support the Protection and Promotion of Human Rights Defenders and Civic Space.⁴⁶ The NHRCI should publicly declare its adherence to the action plan's recommendations.

To the APF and GANHRI:

- ✓ Carefully review the SCA's 2025 report on the NHRCI and initiate appropriate actions towards ensuring the Commission's compliance with the Paris Principles and the SCA's recommendations from 2011, 2016, 2017, 2023, and 2024.

⁴³ National Human Rights Commission India. "Strategic Plan 2022-2025 of NHRC." Accessed April 3, 2025. https://nhrc.nic.in/sites/default/files/Strategic%20Plan%202022-2025_NHRC.pdf.

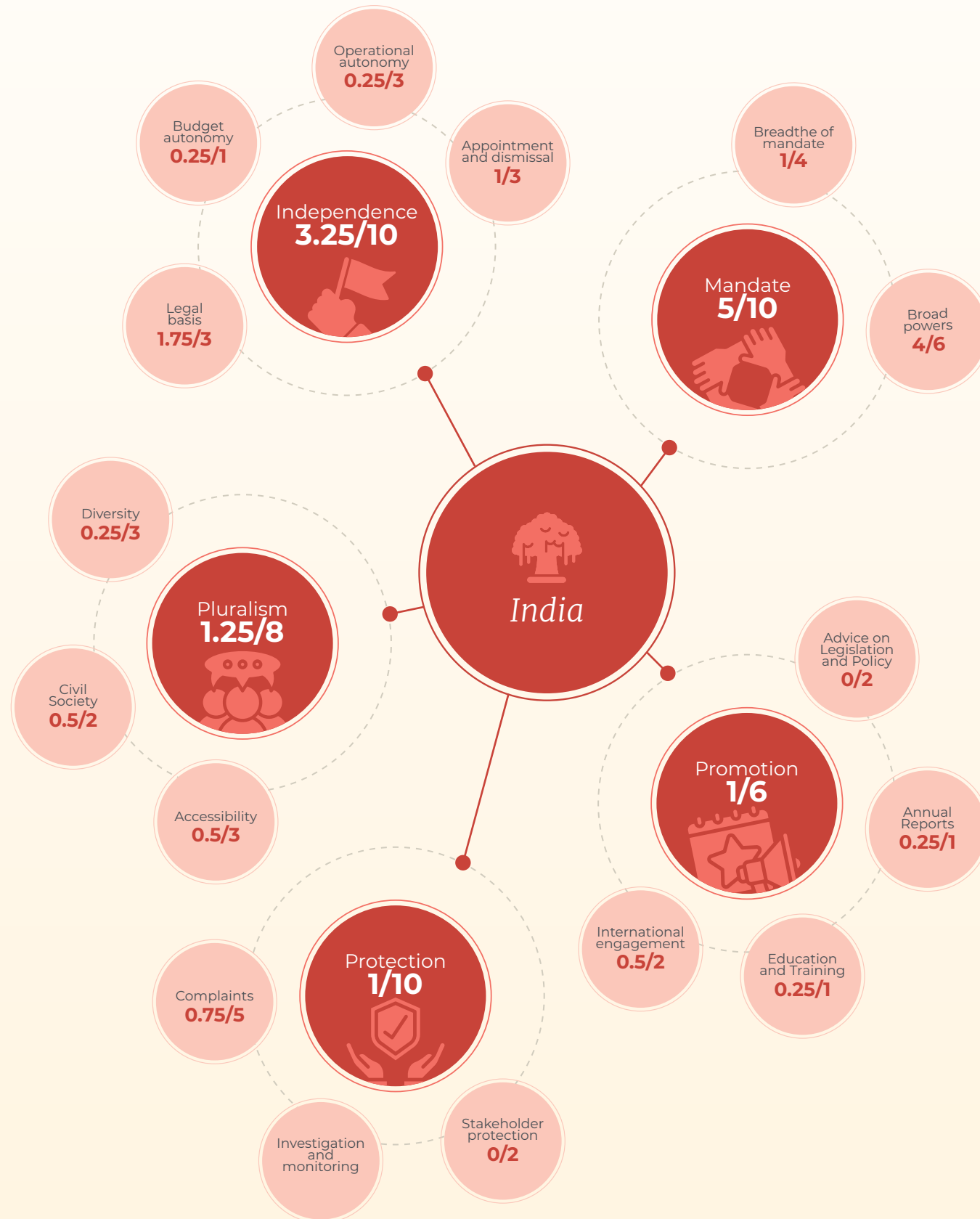
⁴⁴ Global Alliance of National Human Rights Institutions. "2018 Marrakech International Conference - GANHRI." Accessed April 3, 2025. <https://ganhri.org/13th-international-conference/>.

⁴⁵ Asia Pacific Forum. "Regional Action Plan Human Rights Defenders," February 22, 2021. <https://asiapacificforum.net/resources/regional-action-plan-human-rights-defenders>.

⁴⁶ DiffusionDigital. "Global Action Plan to Support the Protection and Promotion of Human Rights Defenders and Civic Space." GANHRI. Accessed April 3, 2025. <https://ganhri.org/global-action-plan-on-hrds-and-civic-space/>.

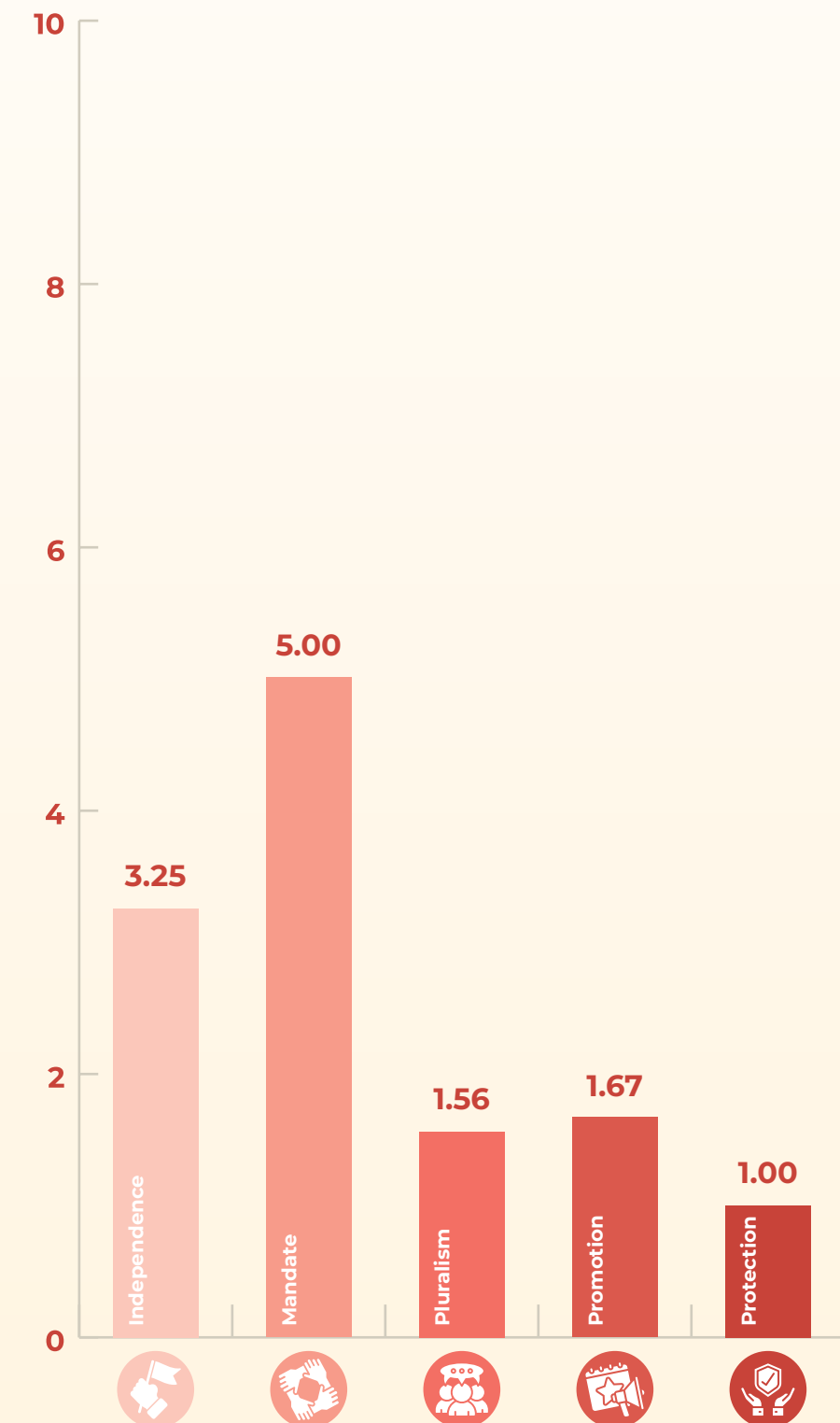
India: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



India: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



CHAPTER FOUR

Indonesia

A Watchdog in Retreat:
Komnas HAM and the Future of
Human Rights in Indonesia

by Annisa Yudha, IMPARSIAL
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Imparsial is an Indonesian human rights organization established in June 2002 by 18 activists, including the late Munir and Ade Rostina Sitompul, in response to increasing state repression. Its name, derived from impartiality, reflects a commitment to equal justice for all, with particular attention to vulnerable groups. Imparsial focuses on security sector reform, human rights in Papua and Aceh, abolition of the death penalty, and freedom of religion and belief. It conducts research, monitors violations, and provides policy recommendations to strengthen human rights protection in Indonesia.

Overview of the Human
Rights Situation in
Indonesia

Indonesia's human rights landscape between 2023 and 2024 was marked by a deteriorating commitment from state institutions to uphold civil liberties, strengthen democratic institutions, and protect vulnerable populations. While the country continued to claim adherence to international human rights standards, several developments over the past two years indicate a widening gap between rhetoric and reality.

Human rights violations
(2023-2024)

A range of human rights abuses persisted and, in some cases, worsened.

Incidents of excessive use of force by security apparatus, particularly in Papua, continued to spark national and international concern. Arbitrary arrests, restrictions on freedom of expression and peaceful assembly, and intimidation of human rights defenders (HRDs) were widely reported.¹

¹ Amnesty International, "Indonesia 2024: Annual Report - The State of the World's Human Rights," 2025, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/indonesia/report-in-indonesia/>. See also: CIVICUS Monitor, "Indonesia: Civil society forum disrupted, protests stifled and repression in Papua continues despite UN review," July 12, 2024, <https://monitor.civicus.org/explore/indonesia-civil-society-forum-disrupted-protests-stifled-and-repression-in-papua-continues-despite-un-review/>; and Human Rights Watch, "Indonesia: Events of 2024," in World Report 2025 (New York: Human Rights Watch, 2025), <https://www.hrw.org/world-report/2025/country-chapters/indonesia>.

In several provinces, especially Papua, reports of extrajudicial killings, enforced disappearances, and torture remained largely uninvestigated. Several civil societies monitoring recorded ongoing unlawful killings and impunity, alongside cases of disappearances and torture in the highlands.² The United Nations Human Rights Committee's 2024 concluding observations also flagged continuing concerns about violations against Indigenous Papuans and undue restrictions on civic freedoms.³

Institutional failures in protecting
religious minorities

Religious minorities, particularly Ahmadiyya and Shi'a communities, continue to face structural discrimination and violence from both state and non-state actors. Under a repressive 2008 joint ministerial decree, Ahmadiyya followers are barred from proselytizing. They are also often subject to forced mosque closures and denial of identity cards and marriage licenses. Mob violence led by groups like Islamic Defenders Front (FPI) has resulted in killings and property destruction while police stand by.⁴

² Human Rights Monitor, Annual Report 2024: Human Rights and Conflict in West Papua, February 20, 2025, <https://humanrightsmonitor.org/reports/annual-report-2024-human-rights-and-conflict-in-west-papua/>. See also: Imparsial, "Indonesia's Human Rights Record: Minimal Fulfillment, Maximum Image-Building," press release, December 9, 2024, <https://imparsial.org/dalam-rangka-memperingati-hari-ham-internasional-catatan-ham-di-indonesia-pemenuhan-ham-seperlu-nya-citra-penguasa-seutuhnya/>.

³ UN Human Rights Committee, Concluding Observations on the Second Periodic Report of Indonesia, CCPR/C/IDN/CO/2, adopted 26, March 2024, published May 3, 2024. <https://docs.un.org/en/CCPR/C/IDN/CO/2>.

⁴ Imparsial, Civil Society Report on the Condition of Freedom of Religion or Belief in Indonesia for the Period 2017-2021 in the Fourth Cycle of Universal Periodic Review (UPR) of Indonesia, 2022, <https://imparsial.org/laporan-masyarakat-sipil-tentang-kondisi-kebebasan-beragama-berkeyakinan-diindonesia-periode-2017-2021-dalam-universal-periodic-review-upr-indonesia-2022>.

Shi'a communities continue to face attacks, forced displacement, and blasphemy prosecutions, with authorities rarely pursuing accountability. In July 2024, the Shi'a group Ahlul Bait Bandung Raya (KABAR) sought to hold a private Ashura commemoration at Kopo Square, their first in five years. However, the event was shut down following pressure from intolerant mass organizations, including groups tied to conservative Islamic networks like the Indonesian Islamic Propagation Council (DDII) West Java. These groups branded the Ashura ritual "deviant" and urged authorities to disband the gathering in defense of "religious harmony." Rather than protecting the community's constitutional right to worship, local authorities complied and canceled the event.¹ This case underscores how intolerant groups influence state responses and perpetuate impunity for violations of freedom of religion or belief by framing minority religious practices as public order threats.⁵

An emblematic case was the prohibition of the Jalsah Salanah, the annual national gathering of Ahmadiyya, by the Acting Regent of Kuningan via an official letter on 4 December 2024.⁶ Authorities argued that the ban was necessary to "maintain

public order" despite the fact that peaceful religious assemblies are constitutionally protected under Articles 28E(1), 28E(3), and 29(2). Imparsial, the Indonesian Human Rights Monitor, condemned the ban as a "blatant violation of law and human rights," highlighting how local governments have bowed to intolerant groups such as FPI and Persada 212, rather than protecting constitutional rights. This illustrates how state actors can become perpetrators of religious intolerance, undermining pluralism and tolerance.⁷

Throughout 2024, the SETARA Institute reported a sharp rise in violations of freedom of religion and belief. The Institute recorded 260 incidents and 402 violations, an increase from 217 incidents and 329 actions in 2023. State actors were responsible for 159 of these actions, suggesting that the threat to religious minorities often stems from government authorities.⁸

"The combination of institutional complicity and escalating incidents of oppression underscores the urgent need for legal accountability and stronger institutional protections for minority communities."

5 INFID, Surviving a Wave of Intolerance: Listening to the Stories of Shia Congregation in Greater Bandung. December 13, 2024, <https://infid.org/en/bertahan-dalam-ge-lombang-intoleran-mendengarkan-cerita-jemaat-sy-iah-di-bandung-raya/>. See also Awla Rajul, "Insiden Penolakan Perayaan Asyura Di Kopo Menegaskan Pentingnya Ruang Dialog Dua Kelompok Agama," Bandung Bergerak, July 23, 2024, <https://bandungbergerak.id/article/detail/1597678/ins-iden-penolakan-perayaan-asyura-di-kopo-menegas-kan-pentingnya-ruang-dialog-dua-kelompok-agama>.

6 Imparsial, "Concrete Violations of Law and Human Rights: Threats to Tolerance and Freedom of Religion or Belief," Press Release on Responding to the Ban on the Jalsah Salanah of the Ahmadiyah Community in Kuningan Regency, West Java, 5 December, 2024, <https://imparsial.org/merespon-pelarangan-kegiatan-jalsah-salanah-je-maat-ahmadiyah-indonesia-oleh-pemerintah-kabupat-en-kuningan-jawa-barat-pelanggaran-nyata-terhadap-h-ukum-dan-ham-ancaman-toleransi-dan-kebebasan/>.

7 "Rights Watchdog Says Violations of Religious Freedom Have Declined Over the Last Three Years," translated by James Balowski, originally published as "Imparsial Sebut Pelanggaran Kebebasan Beragama Turun 3 Tahun Terakhir," Asia Pacific Solidarity Network, December 12, 2024, https://www.asia-pacific-solidarity.net/news/2024-12-12/rights-watchdog-says-violations-of-religious-freedom-have-declined-over-last-3-years.html?utm_source=chatgpt.com.

8 "Setara Institute Records Spike in Violations Against Religious Freedom in 2024," (SETARA Catat 402 Tindakan Pelanggaran Kebebasan Beragama di 2024), trans. James Balowski, Indoleft, May 26, 2025, <https://www.indoleft.org/news/2025-05-26/setara-institute-records-spike-in-violations-against-religious-freedom-in-2024.html>.

Elections marred by irregularities and abuses

The 2024 Indonesian general and presidential elections, which brought Prabowo Subianto to power, were marred by irregularities, intimidation, and restrictions on civic freedoms.

Civil society groups documented incidents of vote-buying, misuse of state resources, and coercion of local officials in favor of pro-government candidates.⁹ Election observers noted a lack of neutrality among security forces, with police and military personnel accused of interfering in campaign activities and intimidating opposition supporters.¹⁰

The NGO Coalition for Electoral Justice (Koalisi NGO untuk Keadilan Pemilu/SINGKAP), of which Imparsial is a member, found 121 violations of neutrality and professionalism by state officials as well as 31 categories of misconduct during the 2024 elections. These cases of violations are evidence of systematic abuse of power and grave assault on democratic integrity and people's right to genuine free and fair elections.¹¹

9 Arie Firdaus and Pizaro Gozali Idrus, "Fraud, meddling and favoritism taint Indonesia's 2024 polls: Watchdog groups," Benar News, February 26, 2024, <https://www.benarnews.org/english/news/indonesian/2024-worst-elec-toral-fraud-02262024134349.html>.

See also "Tainted elections," The Jakarta Post, December 20, 2023, <https://www.thejakartapost.com/opinion/2023/12/20/tainted-elections.html>.

10 Singgih Wiryo, "Catatan Pemilu 2024 Dari Komnas Ham, Netralitas Aparat Negara Banyak Dipertanyakan," Kompas.com, March 22, 2024, <https://nasional.kompas.com/read/2024/03/22/16115611/catatan-pemilu-2024-dari-komnas-ham-netralitas-aparat-negara-banyak>.

11 "Darurat Kejahatan Pemilu: Ringkasan Eksekutif Laporan Pemantauan Penyimpangan Aparat Negara dalam Pemilu 2024," Imparsial, February 13, 2024, <https://imparsial.org/darurat-kejahatan-pemilu-ringkasan-ekse-kutif-laporan-pemantauan-penyimpangan-aparat-nega-ra-dalam-pemilu-2024/>.

Amnesty International also warned that Indonesia's shrinking civic space, exemplified by the arbitrary arrests of protesters and the criminalization of dissent, casts doubt on the fairness of the electoral process.¹²

"Concerns surrounding Prabowo's presidency were amplified by his controversial human rights record and the incoming administration's reticence on accountability."

As a former Kopassus (Indonesia's Special Forces) and Kostrad (The Army Strategic Reserve Command) commander, Prabowo has long been associated with serious human rights violations. In 1997 and 1998, he admitted responsibility for the abductions and enforced disappearances of pro-democracy activists. This led to Prabowo's military dismissal; however, he remained unpunished.¹³

Human Rights Watch and Indonesian non-governmental organizations (NGOs) like KontraS (Commission for the Disappeared and Victims of Violence) and Imparsial have criticized Prabowo's rise to the presidency as a signal of how impunity, rather than justice, persists in Indonesia.¹⁴

12 Amnesty International Indonesia, "Pemilu Indonesia Diwarnai Oleh Tingginya Pembatasan," February 23, 2024, <https://www.amnesty.id/kabar-terbaru/siaran-pers/pemilu-indonesia-diwarnai-oleh-tingginya-pem-batasan/02/2024/>.

13 Frances Mao, "Prabowo Subianto: The Tainted Ex-Military Chief Who Will Be Indonesia's New Leader," BBC News, February 15, 2024, <https://www.bbc.com/news/world-asia-68237141>.

14 Human Rights Watch, "Indonesia Events of 2023," in World Report 2024 (New York: Human Rights Watch, 2024), <https://www.hrw.org/world-report/2024/coun-try-chapters/indonesia>.

In October 2024, Amnesty International Indonesia stressed that Prabowo's incoming government must ensure accountability for human rights violations. Amnesty highlighted how systemic abuses, including repression of dissent, marginalization of Indigenous groups, environmental neglect, conflict in Papua, and a culture of impunity, continued unabated under the previous administration of Joko Widodo.¹⁵ Amnesty warned that such patterns represent a "flagrant breach" of Indonesia's international human rights obligations, urging Prabowo's administration to launch transparent and impartial investigations as well as to prioritize human rights protections. Without such measures, there is a real risk of democratic regression deepening and institutional impunity being further entrenched in Indonesia.¹⁶

Silencing dissent

Between 2023 and 2024, Indonesian authorities violently cracked down on protests, particularly demonstrations criticizing proposed amendments to election laws and the perceived erosion of democratic norms.

The arrest of at least 344 individuals across multiple cities and the injuring of 152 protesters underscore the government's reliance on coercive policing rather than dialogue to respond to dissent. Among those detained were children and students, illustrating the indiscriminate nature of such operations. The authorities' use of tear gas, short-term enforced disappearances, and incommunicado detention violates international human rights standards, particularly the rights to freedom of expression, peaceful assembly, and personal security.¹⁷

In Jakarta, the intimidation of at least 11 journalists, as well as the documentation of 288 digital threats against activists and media workers, reveal how state repression applies to both physical spaces and the digital sphere.¹⁸ By targeting journalists and HRDs, authorities not only silenced direct criticism but also created a chilling effect that discourages broader participation in public discourse. This reflects a deliberate pattern of criminalizing dissent and controlling

¹⁷ Amnesty International Indonesia, "Indonesia: Police must be held accountable for repeated unlawful use of force against peaceful protesters," December 12, 2024, <https://www.amnesty.id/kabar-terbaru/siaran-pers/indonesia-police-must-be-held-accountable-for-repeated-unlawful-use-of-force-against-peaceful-protesters/12/2024/>.

¹⁸ Niniek Karmini, "Amnesty says Indonesia suppresses free speech with crackdowns on public protests," AP News, April 16, 2025, <https://apnews.com/article/indonesia-amnesty-international-human-rights-report-d604e050110bb-42614642245d7e4ccc8>.

¹⁵ Amnesty International Indonesia, "Indonesia: New Government Must Ensure Accountability for Human Rights Violations," October 18, 2024, <https://www.amnesty.id/kabar-terbaru/siaran-pers/indonesia-new-president-must-ensure-accountability-for-human-rights-violations/10/2024/>.

¹⁶ Ibid.

narratives around sensitive political issues, such as election law reform and democratic governance.

Despite these widespread and well-documented violations, authorities took no meaningful steps to investigate or hold perpetrators accountable.¹⁹ The lack of accountability reinforces a climate of impunity, further emboldening security forces to use unlawful force without fear of consequences.

“In the long run, the failure to uphold accountability mechanisms would undermine public trust in democratic institutions and could potentially signal the erosion of Indonesia's commitments under international human rights treaties.”

The continuation of unlawful killings and impunity in Papua, justified as "anti-separatist" operations, is emblematic of this entrenched disregard for accountability, demonstrating that such patterns of abuse are not merely episodic but already systemic.

¹⁹ Amnesty International Indonesia, "Indonesia: Unlawful Use of Force During #Emergencywarning Protests a 'Blatant Disregard' of the Right to Protest," August 23, 2024, <https://www.amnesty.id/kabar-terbaru/siaran-pers/indonesia-unlawful-use-of-force-during-emergency-warning-protests-a-blatant-disregard-of-the-right-to-protest/08/2024/>.

Growing digital repression

Indonesia's digital space became increasingly repressive during 2023-2024. Civil society groups, journalists, academics, and other civil society actors faced increasing levels of surveillance, doxing, harassment, and physical threats.²⁰

Digital repression expanded as authorities increasingly invoked the Electronic Information and Transactions (ITE) Law to criminalize dissent and silence critics, including those speaking out on corruption, environmental damage, and political misconduct. In 2024, Human Rights Watch noted that the ITE Law remained a primary legal weapon against dissent. Activists and journalists were charged under vague provisions such as "defamation" or "spreading false information."²¹

Despite the passage of the Personal Data Protection Law in 2022, enforcement lagged significantly, with no independent authority established and widespread data breaches left unaddressed.²²

²⁰ Amnesty International, Indonesia 2024: The State of the World's Human Rights, 2025, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/indonesia/report-indonesia/>.

²¹ Human Rights Watch, "Indonesia Events of 2023," in World Report 2024 (New York: Human Rights Watch, 2024), <https://www.hrw.org/world-report/2024/country-chapters/indonesia>.

²² "Privacy Law a Paper Tiger," The Jakarta Post, October 23, 2024, <https://www.thejakartapost.com/opinion/2024/10/23/privacy-law-a-paper-tiger.html>.

Meanwhile, government agencies continued to use spyware tools, such as Pegasus, to target pro-democracy activists and civil society leaders, according to investigations by The IndonesiaLeaks consortium (whose members include Tempo, an independent Indonesian news magazine and media group) together with the global journalism network, Forbidden Stories, and the Organised Crime and Corruption Reporting Project.

At least 50,000 phone numbers had been targeted for Pegasus surveillance, according to forensic testing by Amnesty International and CitizenLab, a Canadian online community. They found that 37 mobile phones belonging to human rights activists, businesspeople, and journalists had been infiltrated by Pegasus.²³ Such surveillance occurred without any transparency, oversight, or judicial review, despite the enactment of the Personal Data Protection Law prohibiting such unlawful intrusion into privacy.

In 2023 alone, Aliansi Jurnalis Independen (Independent Journalists Alliance/AJI) recorded at least 89 violations of press freedom, many of which involved violence, digital attacks, and arbitrary arrests.²⁴

“Despite growing threats against HRDs both online and offline, such as doxing, online smear campaigns, and death threats, authorities have provided little protection.

Some environmental and indigenous rights activists reported surveillance and physical intimidation, especially in conflict-prone and resource-rich regions like Papua and North Kalimantan. The state has consistently failed to investigate threats and to uphold human rights for all, contributing to a climate of self-censorship and fear across the entire country.

Worsening human rights situation in Papua

From 2023 to 2024, the Papua conflict remained one of Indonesia's gravest and most entrenched human rights concerns.

Reports by KontraS, YLBHI (The Indonesian Legal Aid Foundation), and Human Rights Monitor documented ongoing patterns of extrajudicial killings, torture and cruel treatment, arbitrary detentions, and enforced disappearances

The Human Rights Monitor on Papua reported that in 2024 dozens of civilians were killed in military operations and security raids, with little to no follow-up investigations. Meanwhile, local access for journalists, humanitarian workers, and independent observers was heavily restricted, impeding transparency and accountability.²⁵

Government responses prioritized militarized security approaches while neglecting calls for dialogue and human rights protection. Indigenous Papuans continued to be disproportionately affected, including children and women living in conflict zones.

²⁵ Human Rights Monitor, Annual Report 2024: Human Rights and Conflict in West Papua, 2025, <https://humanrightsmonitor.org/reports/annual-report-2024-human-rights-and-conflict-in-west-papua/>.

²³ Tempo.co, "Fakta-Fakta Pegasus, Spyware Canggih Yang Disebut Masuk Indonesia," June 20, 2023, <https://www.tempo.co/politik/fakta-fakta-pegasus-spyware-canggih-yang-disebut-masuk-indonesia-175195>. See also: "Penyalahgunaan Alat Sadap Dinilai Merusak Demokrasi," VOA Indonesia, June 26, 2023, <https://www.voaindonesia.com/a/penyalahgunaan-alat-sadap-dinilai-merusak-demokrasi-/7146252.html> and "Alat Sadap 'Pegasus' Buatan Israel Diduga Digunakan Polisi Indonesia, Icw Desak Polri Buka Data - Mengapa Aktivis Khawatir?" BBC News Indonesia, October 10, 2023, <https://www.bbc.com/indonesia/articles/ce9lzn5p4v7o>.

²⁴ Aliansi Jurnalis Independen, Catatan Tahun 2024: Keluar Dari Mulut Harimau, Masuk Ke Mulut Buaya, January 30, 2025, <https://aji.or.id/data/catatan-tahunan-aji-indonesia-2024>.

The Human Rights Monitor Papua Report found that at least 34 civilians, including women and children, were unlawfully killed in military operations across Yahukimo, Intan Jaya, and Puncak.²⁶ In September 2023, members of local church communities, alongside five teenage boys aged 15 to 18, were shot dead near Dekai, Yahukimo. Authorities labeled them TPNPB (Tentara Pembebasan Nasional Papua Barat/West Papua National Liberation Army) combatants despite strong rebuttals from their families.²⁷

In Nduga, security raids, with helicopter operations and school occupation, triggered waves of internal displacement, devastating healthcare and livelihoods.²⁸ A 17-year-old boy was also reportedly tortured and burned to death by soldiers in a Kuyawage village in Nduga, according to media reports. The incident occurred amid widespread house burnings and alleged torture of Indonesian youths suspected of rebel links.²⁹

²⁶ Ibid.

²⁷ Human Rights Monitor, "Five Papuans Found Dead After Armed Clashes in Yahukimo," September 21, 2023, <https://humanrightsmonitor.org/case/five-papuans-found-dead-after-armed-clashes-in-yahukimo/>. See also "Different Claims Regarding Five Residents Killed in Yahukimo, Komnas Ham Verifies," Kompas.id, September 17, 2023, <https://www.kompas.id/artikel/en-beda-klaim-terkait-lima-warga-tewas-di-yahukimo-komnas-ham-lakukan-verifikasi>.

²⁸ Human Rights Monitor, "IDP Update December 2024: Security Raids Trigger New Displacements in Nduga, Intan Jaya, Tambrau and Pegunungan Bintang," December 13, 2024, <https://humanrightsmonitor.org/news/idp-update-december-2024-security-raids-trigger-new-displacements-in-tambrau-and-pegunungan-bintang/>. See also "West Papua Military Occupation: Destruction and Displacement in Nduga," Europe Solidaire Sans Frontières, April 12, 2019, <https://2024.europe-solidaire.org/spip.php?article48418>.

²⁹ Marni Cordell, "The Kids Had All Been Tortured": Indonesian Military Accused of Targeting Children in West Papua," The Guardian, September 25, 2023, <https://www.theguardian.com/world/2023/sep/26/indonesian-military-accused-of-targeting-children-west-papua>.

A restrained national human rights institution: Komnas HAM

Throughout 2023 and 2024, the National Commission on Human Rights of Indonesia (Komisi Nasional Hak Asasi Manusia, Komnas HAM) remained largely restrained in its response to the country's worsening human rights situation.

While Komnas HAM issued occasional public statements, such as calls for investigations into incidents of violence in Papua and for authorities to guarantee freedom of peaceful assembly during protests, these interventions were sporadic, cautious, and rarely followed by any concrete investigative outcomes.

Civil society groups criticized Komnas HAM for being reactive rather than proactive, often waiting until abuses were widely reported before responding. In high-profile cases, such as the extrajudicial killings in Papua and the crackdown on student-led demonstrations, the Commission's role was limited to fact-finding visits or public appeals, with little evidence of substantive follow-ups that could actually push accountability forward.³⁰

“Komnas HAM's restrained approach reflects a broader institutional weakness shaped by political pressures, internal fragmentation, and lack of enforcement power. Despite its constitutional mandate to promote and protect human rights, Komnas HAM frequently avoided taking strong stances in cases of alleged human rights violations against powerful state actors such as the police, military, and intelligence agencies.

In its 2023 annual report, Komnas HAM

³⁰ Amnesty International, Indonesia 2024: The State of the World's Human Rights, 2025, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/indonesia/report-indonesia/>.

identified Papua's human rights violations as one of its top nine priorities. It noted at least 114 cases of abuses and recommended a balanced approach, combining security operations with strengthened law enforcement, welfare, and cultural initiatives to prevent conflict escalation.³¹ Despite these formal observations, Komnas HAM's public engagement was largely restricted to issuing statements or calls for inquiry. It did not exercise its full pro justitia mandate to launch independent investigations, name perpetrators, demand accountability for military commanders, or press the government to open access for independent observers.³²

The scale and gravity of violations in Papua from 2023 to 2024 underscore the conflict's entrenched nature and the state's reliance on militarized responses.³³ Instead of addressing the situation's root causes through open dialogue and reconciliation, Indonesian authorities continued to prioritize security operations that disproportionately harmed civilians.

On 4 December 2024, a sudden military operation in Oksop District (Pegunungan Bintang) forced 3,318 villagers, including children and women, to flee into the forest, deprived of access to basic needs like food and water, Imparsial reported.³⁴

“*Rather than issuing urgent condemnations or launching formal investigations into serious humanitarian crises, Komnas HAM remained mute. Such a pattern suggests a prioritization of public order and alignment with governmental narratives over robust protection of fundamental rights. This undermines the Commission's effectiveness as an independent national human rights institution.*

LGBTIQ rights in Indonesia saw particularly troubling suppression in 2023. A salient example is the backlash against ASEAN Queer Advocacy Week, co-organized by ASEAN SOGIE Caucus, Arus Pelangi, and FORUM-ASIA. The event, initially scheduled for 17-21 July 2023 in Jakarta, was relocated outside Indonesia after severe threats from Islamic organizations and conservative mass groups, condemnation by the Majelis Ulama Indonesia (MUI) and anti-LGBTIQ rhetoric amplified by several media outlets.³⁵ Media

reporting of the event was shown to be discriminatory, focusing largely on religious authorities' condemnation and minimizing the perspectives of LGBTIQ individuals themselves, thereby contributing to further stigmatization and risk of violence against LGBTIQ people.³⁶

Komnas HAM has made general statements affirming non-discrimination and statements by Commissioner Anis Hidayah in early 2023 reiterate that rights protections under the constitution apply to all, including LGBT individuals.³⁷ However, there is no known record of Komnas HAM directly condemning the threats and forced relocation of the ASEAN Queer Advocacy Week 2023. The Commission has participated in conferences on gender inclusion and signed agreements to protect human rights defenders,³⁸ but these actions did not translate into visible support for the organizers or participants of the event in the face of backlash.

Conflicting mandates between Komnas HAM and the Ministry of Human Rights

With the inauguration of President Prabowo on 20 October 2024, the new cabinet restructured the former Ministry of Law and Human Rights into three separate bodies: the Ministry of Law, the Ministry of Human Rights, and the Ministry of Immigration and Corrections. This has been one of the most controversial institutional changes affecting Indonesia's human rights architecture.

While the new Ministry of Human Rights was introduced as a vehicle to strengthen human rights governance, its actual role and impact have sparked significant concern among civil society organizations, academics, and victims' groups.

31 "Komnas HAM Still Prioritizing Human Rights Issue in Papua in 2024," Antara News, June 10, 2024, <https://en.antaranews.com/news/315675/komnas-ham-still-prioritizing-human-rights-issue-in-papua-in-2024>.

32 "Pemerintah Tolak Seruan Pakar PBB Untuk Selidiki Dugaan Pelanggaran Di Papua," VOA Indonesia, March 2, 2022, <https://www.voaindonesia.com/a/pemerintah-tolak-seruan-pakar-pbb-untuk-selidiki-dugaan-pelanggaran-di-papua-/6466550.html>. See also Suara Papua. id, "Intervensi Internasional Di Papua Menjadi Sorotan Dunia 2025," YouTube video, November 25, 2024 date <https://www.youtube.com/watch?v=MShSKtKTmmM>.

33 Jubi, "Papua Pasca Pemilu 2024, Direktur Imparsial: Pendekatan Militer Potensial Berlanjut," April 26, 2024, <https://jubi.id/polhukam/2024/papua-pasca-pemilu-2024-direktur-imparsial-pendekatan-militer-potensial-berlanjut/>.

34 Jubi, "Imparsial Sebut Operasi Militer Di Tanah Papua Sebabkan Pengungsian Massal," December 18, 2024, <https://jubi.id/rilis-pers/2024/imparsial-sebut-operasi-militer-di-tanah-papua-sebabkan-pengungsian-massal/>. See also: See also Imparsial, "Merespon Operasi Militer Yang Berdampak Pada Ribuan Warga Oksop Mengungsi Di Pegunungan Bintang: Operasi Militer Di Papua Hanya Melahirkan Korban Warga Sipil Dan Mengakibatkan Pengungsian Massal," <https://imparsial.org/merespon-operasi-militer-yang-berdampak-pada-ribuan-warga-oksop-mengungsi-di-pegunungan-bintang-operasi-militer-di-papua-hanya-melahirkan-korban-warga-sipil-dan-mengakibatkan-pengungsian-mass/>.

35 Human Rights Watch, "Harassment, Threats Prompt Cancellation of LGBT Conference in Indonesia," July 19, 2023, <https://www.hrw.org/news/2023/07/19/harassment-threats-prompt-cancellation-lgbt-conference-in-indonesia>.

36 Aliansi Jurnalis Independen, "Discriminatory Media Reports on ASEAN Queer Advocacy Week," July 15, 2023, <https://aji.or.id/informasi/media-massa-diskriminatif-beritakan-asean-queer-advocacy-week>.

37 "Regarding the LGBT Ban Discourse, Komnas HAM: There Must Be No Discrimination," Republika, January 22, 2023, <https://news.republika.co.id/berita/rovz8436/soal-wacana-larangan-lgbt-komnas-ham-tak-boleh-ada-diskriminasi>.

38 Komnas HAM, "Attending an International Conference, Komnas HAM Reveals Facts About Gender Issues in Indonesia," September 13, 2024, <https://www.komnasham.go.id/n/2561>.

Led by Natalius Pigai, who previously served as a Komnas HAM commissioner from 2012 to 2017, the Ministry of Human Rights has drawn significant criticism from lawmakers for offering virtually no visible actions in its first 100 days. On 21 January 2025, the Center for Economic and Law Studies, or Celios, an independent research institution, also ranked the Ministry among the lowest-performing in their study, “100 Days of Prabowo-Gibran”. The report noted how it failed to deliver policy breakthroughs. This raises serious concerns over accountability and the effective representation of human rights issues.³⁹

The emergence of the Ministry of Human Rights has also complicated Komnas HAM’s role given their overlapping mandate and functions. In 2022, the Ministry of Law and Human Rights coordinated the preparation of Indonesia’s State Report for the UN Human Rights Council’s fourth cycle of the Universal Periodic Review (UPR). They also conducted public campaigns on the state’s “commitment” to human rights. However, these initiatives rarely engaged with Komnas HAM’s monitoring data, particularly on past atrocities and police violence during the 2024 elections. Such omission and lack of engagement effectively relegated the Commission’s role as a national human rights institution and authority in matters related to human rights. In the next UPR cycle, the newly established Ministry of Human Rights (separated from the Ministry of Law) will

likely serve as one of the coordinating bodies for preparing Indonesia’s official report, raising concerns of further mandate overlap and diminished space for Komnas HAM’s independent oversight.

“By framing human rights as a bureaucratic exercise in compliance rather than accountability, the Ministry further marginalized Komnas HAM’s oversight role. Civil society organisations warned that this dynamic blurred the distinction between state-managed reporting and independent monitoring.

These overlapping functions were exacerbated by Komnas HAM’s weakening institutional capacity. Its funding was cut by nearly half, from IDR 112.8 billion (USD 6.8 million)⁴⁰ in 2024 to IDR 71.6 billion (USD 436.627) in 2025. This forced reductions in investigations, public outreach, and follow-up actions on over 5,000 annual complaints.⁴¹

40 Currency rates dated 15 September 2025. Applicable for IDR to USD conversion in the next section.

41 Nikolaus Harbowo and Machradin Wahyudi Ritonga, “Komnas Ham Budget Cut, Human Rights Enforcement Potentially Stalled,” Kompas, February 13, 2025, <https://www.kompas.id/artikel/en-anggaran-komnas-ham-di-pangkas-penegakan-ham-berpotensi-mandek>.

39 The Jakarta Post, “House Slams Human Rights Minister for 100 Days Of Poor Performance,” February 7, 2025, <https://www.thejakartapost.com/indonesia/2025/02/07/house-slams-human-rights-minister-for-100-days-of-poor-performance.html>. See also: Salsabilla Azzahra Octavia, “Celios Gives Low Score for Human Rights Minister’s Performance,” Tempo.co, January 30, 2025, <https://en.tempo.co/read/1969639/celios-gives-low-score-for-human-rights-ministers-performance>; and Adrial Akbar, “Disebut Hasil Kerjanya Tak Terlihat: Ini Respons Menteri Ham Pigai,” Detik.com, February 6, 2025, <https://news.detik.com/berita/d-7765272/disebut-hasil-kerjanya-tak-terlihat-ini-respons-menteri-ham-pigai>.

Meanwhile, the newly created Ministry of Human Rights announced high-profile and costly initiatives such as an IDR 20 trillion (USD 1.2 billion) “Human Rights University,” while avoiding substantive engagement with victims’ groups.⁴² Rather than reinforcing human rights protection, this bureaucratic expansion deepened institutional confusion, eroded public trust, and diluted the role of Komnas HAM as an independent human rights watchdog.

Komnas HAM’s mandate and role in protecting and promoting human rights

Komnas HAM was founded under Law No. 39/1999 as Indonesia’s national human rights institution (NHRI), which is tasked with promoting and protecting human rights in accordance with the Paris Principles. The latter sets the international minimum standards for independent, effective, and credible NHRIs.

In 2022, Komnas HAM retained its “A” status from the Global Alliance of National Human Rights Institutions (GANHRI), marking its full compliance with the Paris Principles. But GANHRI also identified Komnas HAM’s shortcomings, including low pluralism, limited transparency in the selection and

dismissal processes for Commissioners, and a lack of implementation and government follow-through in cases of gross human rights violations.

Since GANHRI’s 2022 review, however, a growing number of concerns over Komnas HAM’s credibility and effectiveness have emerged.

Independence

Komnas HAM scored only 5 out of 10 on institutional independence in the 2025 Index. The low score could be attributed to how Komnas HAM’s Commissioner selection process was deeply compromised by political interference in late 2022 and early 2023.

Irregularities in leadership selection

In 2022 and 2023, Komnas HAM’s leadership selection process significantly diverged from established norms, raising concerns about political interference and institutional weakening.

Traditionally, the Komnas HAM Chairperson is internally elected by fellow Commissioners. This is in accordance with its collegial and independent governance model, which ensures that leadership reflects internal consensus without external pressure.⁴³

42 “Menteri Ham Natalius Pigai Akan Bangun Universitas Bertaraf Internasional Terpadu Dengan Pusat Studi HAM,” Monitor Indonesia, October 23, 2024, <https://monitorindonesia.com/nasional/read/2024/10/597217/menteri-ham-natalius-pigai-akan-bangun-universitas-bertaraf-internasional-terpadu-dengan-pusat-studi-ham>. See also “Butuh anggaran Rp 20 T, Natalius Pigai: Saya Mau Bangun Universitas HAM,” Kompas, October 23, 2024, <https://nasional.kompas.com/read/2024/10/23/19550171/butuh-anggaran-rp-20-t-natalius-pigai-saya-mau-bangun-universitas-ham>.

43 Indonesia, Law No. 39 of 1999 on Human Rights, art. 83, para. 3. English translation available at <https://www.flevin.com/id/Igso/translations/Laws/Law%20No.%2039%20of%201999%20on%20Human%20Rights.pdf>.

The selection process for the 2022–2027 term, however, broke from this tradition. Instead of an internal vote, the House of Representatives' Commission III (DPR RI) intervened in October 2022, thereby unprecedentedly taking over the role of selecting and appointing the Chair.⁴⁴ This deviation undermined Komnas HAM's internal autonomy and signaled political influence over what should be an independent institution.⁴⁵

Although a subsequent re-election attempt was made in November 2024, the process was supposed to be carried out internally through a plenary session of Komnas HAM. The focus was on deliberating the decision of the House of Representatives, including the position of the Chair and other Commissioner roles.⁴⁶ This process, however, failed to comply with Komnas HAM's internal regulations and bypassed its principles of collegial decision-making.⁴⁷ In effect, the political oversight compromised both the legitimacy of the appointed Chair and the commission's broader independence.

These procedural irregularities have been compounded by government efforts to influence Komnas HAM's institutional behavior through financial incentives.

In January 2024, President Joko Widodo issued Perpres No. 13/2024, which doubled the monthly honorarium for the Chair, Deputy Chairs, and Commissioners from approximately IDR 24.9 million (USD 1.520) to IDR 47.18 million (USD 2.876). In addition, the President also increased their travel allowances and social increased.⁴⁸

In September 2024, the financial incentives for Komnas HAM personnel were further raised through Presidential Regulations No. 94/2024, which increased performance-based allowances for Komnas HAM Secretariat staff. With this, top-tier employees received up to IDR 29 million (USD 1.767) per month compared to IDR 24.9 million (USD 1.519), which was previously regulated in Presidential Regulation No. 51/2019.⁴⁹ While presented as part of bureaucratic reforms, these generous increases were interpreted by the public as attempts to “tame” the Commission, creating financial dependencies that may dampen critical engagement with the government.

44 “DPR Sahkan 9 Komisioner Baru Komnas HAM,” VOA Indonesia, October 5, 2022, <https://www.voaindonesia.com/a/dpr-sahkan-9-komisioner-baru-komnas-ham/6774959.html>.

45 “Pemilihan Ketua Komnas HAM Oleh DPR Dinilai Langgar Aturan,” Tempo, October 5, 2022, <https://www.tempo.co/hukum/pemilihan-ketua-komnas-ham-oleh-dpr-dinilai-langgar-aturan-278658>. See also “Jelang Demisioner, Ketua Komnas HAM Ingatkan Pentingnya Kemerdekaan,” Hukumonline, <https://www.hukumonline.com/berita/a/jelang-demisioner--ketua-komnas-ham-ingatkan-pentingnya-kemerdekaan-lt6343a-2958a102/?page=all>.

46 “Rapat internal Bakal Digelar, Atni ke Nova Sigi: Kan Saya Gak Bisa Nyuruh DPR, Inisiatif Mereka,” Detik.com, November 11, 2022, <https://news.detik.com/berita/d-6400922/rapat-internal-bakal-digelar-atni-ke-nova-sigi-kan-saya-gak-bisa-nyuruh-dpr-inisiatif-mereka?page=all>.

47 “Dikritik Ketua Komnas HAM pilihan DPR, Atni ke Nova Sigi: Kan Saya Gak Bisa Nyuruh DPR, Inisiatif Mereka,” Suara.com, November 11, 2022, <https://www.suara.com/news/2022/11/11/184044/dikritik-ketua-komnas-ham-pilihan-dpr-atni-ke-nova-sigi-kan-saya-gak-bisa-nyuruh-dpr-inisiatif-mereka?page=all>.

48 “Jokowi Naikkan Besaran Tukin Pegawai Setjen Komnas Ham, Berikut Rinciannya,” Kompas.com, September 2, 2024, <https://nasional.kompas.com/read/2024/09/02/16364961/jokowi-naikkan-besaran-tukin-pegawai-setjen-komnas-ham-berikut-rinciannya?page=all>.

49 “Presiden Naikkan Tunjangan Kinerja Pegawai Komnas Ham,” Antara News, September 2, 2024, <https://www.antaranews.com/berita/4302759/presiden-naikkan-tunjangan-kinerja-pegawai-komnas-ham>.

“A combination of these unusual leadership and financial developments has eroded Komnas HAM's institutional credibility. The politicized selection process signaled a breach in procedural integrity, while the substantial remuneration packages created perceptions of vulnerability to influence. The combined effect has eroded public trust, raising doubts over Komnas HAM's ability to hold state actors accountable, especially in cases involving military and police violations.

These developments exposed a troubling contradiction: that despite a major salary hike for Komnas HAM's leadership and staff, systemic human rights violations in Indonesia persist, often without any meaningful institutional response.

The enhanced remuneration has not translated into stronger action and greater accountability. Instead, Komnas HAM remained silent in the face of egregious state abuses, such as unresolved cases in Papua, the violent mishandling of protests, and misleading public narratives from government bodies. This suggests that financial incentives have failed to reinforce the Commission's core mandate. Rather than empowering Komnas HAM, the increased benefits merely served as a tool for co-optation, thereby silencing dissent and weakening the institution's independence at a time when it is most urgently needed.

Komnas HAM's silence and alarming budget cuts

Komnas HAM's weak stance on human rights issues, such as state violence in Papua and mass arrests during protests in 2023 and 2024, also signals its lack of autonomy.

During this period, Komnas HAM issued general statements calling for restraint but avoided naming state perpetrators and demanding accountability. The Commission's silence on cases of human rights violations was criticized by civil society, labelling it as a form of political timidity.⁵⁰ Komnas HAM's reluctance to challenge state narratives has prompted questions over its effectiveness, independence, and credibility.

In Papua, despite well-documented cases of mass displacement resulting from joint military-police operations, Komnas HAM did not demand any investigation into alleged war crimes.⁵¹ Civil society organizations, including Imparsial and KontraS, publicly called for pro justitia inquiries following severe incidents, like the Oksop military operation, which uprooted thousands of civilians and led to humanitarian crisis.⁵² However, Komnas HAM's response remained limited to facilitating dialogue between local communities and government representatives. The

50 “NGOs in West Papua Criticise Komnas HAM for Lack of Responsiveness,” Human Rights Monitor, September 12, 2023, <https://humanrightsmonitor.org/news/ngos-in-west-papua-criticise-komnas-ham-for-lack-of-responsiveness>.

51 Timoteus Marten, “Imparsial Sebut Operasi Militer di Tanah Papua Sebabkan Pengungsian Massal,” Jubi, December 18, 2024, <https://jubi.id/rilis-pers/2024/imparsial-sebut-operasi-militer-di-tanah-papua-sebabkan-pengungsian-massal/>.

52 “Military Operations in Papua Cause Mass Displacement,” Imparsial, December 18, 2024, <https://imparsial.org/merespon-operasi-militer-yang-berdampak-pada-ribuan-warga-oksop-mengungsi-di-pegunungan-bintang-operasi-militer-di-papua-hanya-melahirkan-korban-warga-sipil-dan-mengakibatkan-pengungsian-massal/>.

Commission called for an end to the violence; however, it did not take any concrete action to assist victims displaced by the conflict. Civil society criticized the Commission's actions, or lack thereof, and for being insufficient in the face of grave human rights violations.⁵³

Civil society also raised concerns over Komnas HAM's independence in the aftermath of Prabowo's presidential win in 2024. Despite Prabowo's documented involvement in past human rights abuses, Komnas HAM avoided public commentary on the issue and dismissed calls for accountability.⁵⁴

“Komnas HAM's repeated silence reinforced perceptions that the Commission had been politically co-opted and was unwilling to confront people in power regarding high-profile cases.

In 2025, President Prabowo announced sweeping budget cuts to ministries and independent bodies, including Komnas HAM, highlighting a severe gap in the Commission's financial autonomy. The 2025 budget was cut by 46 percent through Presidential Instruction No. 1/2025, severely limiting operational and investigative activities.⁵⁵ The Commission has no control over its regional secretariats, which each received only IDR 97–100 million (USD 5.912–6.000), leaving them practically non-functional.

These constraints curtail Komnas HAM's ability to thoroughly investigate human rights violations and perform outreach beyond Jakarta. The budget previously earmarked for human rights enforcement and technical support, including complaint handling, monitoring, investigation, and mediation, was cut by more than 90 percent, from IDR 11.7 billion (USD 713.250) in 2024 to just IDR 1.2 billion (USD 73.147) in 2025.⁵⁶ Similarly, funding allocated to public outreach and human rights promotion was drastically reduced from around IDR 1.8 billion (USD 109.717) for Komnas HAM and its provincial secretariats to just IDR 582 million (USD 35.477), marking a 67 percent decrease.⁵⁷

53 “Komnas HAM Imbau Semua Pihak Hentikan Kekerasan di Papua,” Komnas HAM, December 19, 2024, <https://www.komnasham.go.id/komnas-ham-imbau-semua-pihak-hentikan-kekerasan-di-papua>.

54 “In Indonesia, Prabowo's Dark Past Casts a Pall Over His Presidency,” Amnesty International USA, November 7, 2024, <https://www.amnestyusa.org/blog/in-indonesia-prabowos-dark-past-casts-a-pall-over-his-presidency/>. See also: “Indonesia: Prabowo Presidency Raises Rights Concerns,” Human Rights Watch, January 16, 2025, <https://www.hrw.org/news/2025/01/16/indonesia-prabowo-presidency-raises-rights-concerns>.

55 “Komnas HAM Budget Cut, Human Rights Enforcement Potentially Stalled,” Kompas.com, February 13, 2025, <https://www.kompas.id/artikel/en-anggaran-komnas-ham-dipangkas-penegakan-ham-berpotensi-mandek>.

56 Ibid.

57 Tria Sutrisna and Novianti Setuningsih, “Anggaran Dipangkas Rp 41 Miliar, Komnas HAM Kesulitan Lakukan Penegakan dan Investigasi,” Kompas.com, February 13, 2025, <https://nasional.kompas.com/read/2025/02/13/14185841/anggaran-dipangkas-rp-41-miliar-komnas-ham-kesulitan-lakukan-penegakan-dan>.

“Komnas HAM officials have consistently warned that such budget cuts undermine the Commission's legal mandate and restrict its ability to provide essential services.

Commissioner Anis Hidayah emphasized how the remaining budget could only cover employee salaries and daily operations, leaving virtually no resources for investigatory functions and outreach programs.⁵⁸ As a result, the Commission has a very limited capacity to effectively manage approximately 5300 public complaints per year. Many complaints, especially those from remote areas, go unaddressed since field visits and in-person verifications are no longer feasible.⁵⁹

Mandate

Komnas HAM's legal mandate appears comprehensive; however, its execution is inconsistent and often merely symbolic.

Komnas HAM only scored 6.5 out of 10 on mandate fulfillment, according to the 2025 Index. This poor result emphasizes that while Komnas HAM has the authority to investigate violations and issue recommendations, it lacks enforcement mechanisms, such as subpoena powers, and the ability to compel cooperation from state agencies.

58 Shela Octavia and Ardito Ramadhan, “Anggaran Terbatas, Komnas HAM Sulit Tindak Lanjuti Aduan Pelanggaran HAM,” Kompas.com, February 22, 2025, <https://nasional.kompas.com/read/2025/02/22/22133181/anggaran-terbatas-komnas-ham-sulit-tindak-lanjuti-aduan-pelanggaran-ham?page=all>. See also: “Kontras Khawatir Pemangkasan Anggaran Komnas HAM Berpotensi Hentikan Penyelidikan Kasus Munir,” Tempo.co, <https://www.tempo.co/politik/kontras-khawatir-pemangkasan-anggaran-komnas-ham-berpotensi-hentikan-penyelidikan-kasus-munir-1208353>.

59 Denty Piawai Nastitie, “Impact of Budget Efficiency, Komnas HAM Struggles to Follow Up on 5,300 Public Complaints,” Kompas.com, February 5, 2025, <https://www.kompas.id/artikel/en-imbac-efisiensi-anggaran-komnas-ham-kesulitan-tindak-lanjuti-5300-aduan-masyarakat>.

Mandate without power: Investigative challenges and state non-cooperation

Investigations into human rights abuses, especially those involving the military or police, are frequently delayed, dismissed, or stalled. The Commission has no legal authority to access classified documents, secure protection for witnesses, or demand responses from ministries and state institutions. Even recommendations issued by Komnas HAM are often disregarded. Moreover, state institutions are not legally required to respond to or act on its findings.

These structural weaknesses lead to recurring failures in resolving major cases such as the Rempang incident, violence in Papua, and the Deli Serdang attack.

The forced eviction of Rempang residents

In September 2023, the Rempang conflict erupted when police clashed with local residents protesting land seizures for an industrial project. The police used tear gas, excessive force, and intimidation against civilians.⁶⁰ In response, Komnas HAM sent a monitoring team. By October 2023, the Commission issued eight recommendations to the government, urging authorities to stop intimidation, ensure fair compensation, prevent excessive use of force, and respect the Rempang residents' rights to housing and livelihood.⁶¹ However, the Commission stopped short of declaring the eviction as a

60 “Awal Mula Penyebab Konflik Proyek Rempang dan Janji Pemerintah,” Tempo.co, September 29, 2023, <https://www.tempo.co/ekonomi/awal-mula-penyebab-konflik-proyek-rempang-dan-janji-pemerintah-138194>.

61 Dio Suhenda, “Komnas HAM Finds Indications of Rights Violations in Rempang,” The Jakarta Post, September 24, 2023, <https://www.thejakartapost.com/indonesia/2023/09/24/komnas-ham-finds-indications-of-rights-violations-in-rempang.html>.

human rights violation. It did not summon the police or any government officials for questioning. Ultimately, Komnas HAM failed to pursue any follow-up investigations.

Civil society organizations, including those that joined the Solidaritas Nasional untuk REMPANG/National Solidarity for REMPANG such as WALHI, YLBHI, and KontraS), criticized Komnas HAM's approach as merely "procedural" and "toothless."⁶² Although Komnas HAM's recommendations were welcomed symbolically, they carried no legal weight and the government proceeded with its original relocation plans.

Alarmingly, Rempang residents reported continued cases of intimidation and that no accountability mechanisms were used against security forces accused of using violence.⁶³ Komnas HAM did not call for prosecution, parliamentary hearings, or an independent inquiry.

Violent attacks in Deli Serdang

On 8 November 2024, Tentara Nasional Indonesia (TNI), the military troops, brutally attacked civilians in Deli Serdang, North Sumatra over a land dispute.⁶⁴ The incident was caught on video and widely circulated online, showing soldiers beating residents and firing shots into the air.⁶⁵

Although the violence sparked public outrage, Komnas HAM's intervention was limited to a closed-door meeting with the local military command. The Commission did not release any public investigation report, issue binding recommendations, nor push for accountability before civilian courts.⁶⁶ This muted response illustrated Komnas HAM's weakness when facing military perpetrators.

“The Commission seems to retreat into closed-door dialogues rather than fully exercising its investigatory mandate.

62 WALHI, Keadilan Timpang di Pulau Rempang, September 18, 2023, <https://www.walhi.or.id/keadilan-timpang-di-pulau-rempang>. See also: "Pulau Rempang Belum Selesai: Berikut Tanggapan Kritis WALHI – Ombudsman – KontraS – NCW dan Komnas HAM," Tempo.co, October 1, 2023, <https://www.tempo.co/politik/pulau-rempang-belum-selesai-berikut-tanggapan-kritis-walhi-ombudsman-kontras-ncw-dan-komnas-ham-137762>; and WALHI, Verifikasi Lapangan Komnas HAM atas Konflik Agraria di Pulau Rempang, October 11, 2024, <https://www.walhi.or.id/verifikasi-lapangan-komnas-ham-atas-konflik-agraria-di-pulau-rempang>.

63 "Rempang Residents Opposing Eviction to Make Way for Eco City Project Terrorised," Indoleft, September 1, 2024, <https://www.indoleft.org/news/2024-09-01/rem-pang-residents-opposing-eviction-to-make-way-for-eco-city-project-terrorised.html>. See also: "Amnesty Calls for End to Attacks on Rempang Residents Resisting Eco City Project," Asia Pacific Solidarity Network, September 18, 2024, <https://www.asia-pacific-solidarity.net/news/2024-09-18/amnesty-calls-end-attacks-rempang-residents-resisting-eco-city-project.html>.

64 "Kronologi Serangan 'Brutal' TNI Terhadap Penduduk Desa di Deli Serdang – Warga Mengaku 'Diseret, Dihajar, Hingga Ditodong Pistol,'" BBC Indonesia, November 12, 2024, <https://www.bbc.com/indonesia/articles/cvgwv5l15l8o>.

65 "Buntut Cekcok, Puluhan Anggota TNI Serang Warga di Deli Serdang," Metro TV, November 8, 2024, video, <https://www.youtube.com/watch?v=subv5keTzrc>. See also: "Duduk Perkara Puluhan Prajurit TNI Serang Warga di Deli Serdang," Kompas.com, YouTube video, November 11, 2024, <https://www.youtube.com/watch?v=RMSCPMbAa-A>; and "Kronologi Penyerangan Brutal Puluhan Prajurit TNI Terhadap Warga Desa Deli," Kompas.com, November 11, 2024, <https://medan.kompas.com/read/2024/11/11/051500778/kronologi-penyerangan-brutal-puluhan-prajurit-tni-terhadap-warga-desa-deli?page=all>.

66 "Komnas HAM Dalam Peristiwa Penyerangan oleh Prajurit TNI di Deli Serdang," Tempo.co, November 12, 2024, <https://www.tempo.co/hukum/komnas-ham-dalam-peristiwa-penyerangan-oleh-prajurit-tni-di-deli-serdang-1167330>.

Military assaulting civilians in North Sumatra

In November 2024, Komnas HAM was slow to respond to reports of military personnel assaulting civilians in North Sumatra. Instead of launching an immediate investigation or sending a rapid-response team, the Commission only issued a generic statement to say that it would "monitor the situation."⁶⁷ As of September 2025, Komnas HAM is yet to release any public findings and recommendations on the matter. Victims have also complained that their testimonies were never formally recorded.

Although Komnas HAM has occasionally intervened in high-profile cases, its response has been inconsistent. Civil society organizations and victims report delays in the Commission's follow-up, noting the lack of clarity regarding legal outcomes. When powerful actors such as the military are involved, the Commission tends to avoid taking urgent action, citing jurisdictional limits or a lack of funding.

Missed role in legal scrutiny

Komnas HAM's role in reviewing laws and policies remains underutilized. Its silence on two pieces of legislation that could dramatically expand the authority of security institutions is especially concerning. These include the controversial Revision Law on the Amendment to Law No. 34 Year 2004 on the Indonesian Military (RUU TNI) and Revision Law on the Amendment to Law No. 2 Year 2002 on the Indonesian National Police (RUU Polri).

67 Ibid.

Debated in 2024 and 2025, these draft laws propose to expand the scope of military operations beyond defense, thereby allowing active-duty military personnel to hold civilian posts while also strengthening police authority in intelligence and digital surveillance.⁶⁸ Civil society expressed concern over potential abuse of such laws which may then contribute to the further shrinking of Indonesian civic space.

Since 2024, civil society groups, including Imparsial and KontraS, publicly warned how the said draft laws could undermine democratic oversight and entrench militarism in civilian affairs.⁶⁹ However, Komnas HAM remained silent during parliamentary deliberations. The Commission chose not to organize any public hearings or release any formal opinions despite its mandate to ensure alignment between domestic laws and international human rights principles.

“Komnas HAM's lack of a proactive approach to legal oversight diminishes its relevance in safeguarding democracy.

68 "Komnas HAM Dorong Kaji Ulang Rencana Perluasan Kewenangan TNI-Polri," Komnas HAM, March 14, 2025, <https://www.komnasham.go.id/komnas-ham-dorong-kaji-ulang-rencana-perluasan-kewenangan-tni-polri>.

69 "Imparsial Minta DPR Hentikan Pembahasan RUU TNI dan Polri," Tempo.co, July 11, 2024, <https://www.tempo.co/hukum/imparsial-minta-dpr-hentikan-pembahasan-ruu-tni-dan-polri-41031>. See also: "Revisi UU TNI, UU Polri, dan UU Kejaksaan Akan Persempit Ruang Gerak Masyarakat," Imparsial, February 19, 2025, <https://imparsial.org/revisi-uu-tni-uu-polri-dan-uu-kejaksaan-akan-persempit-ruang-gerak-masyarakat/>; and Rakhmad Hidayatulloh Permana, "Imparsial Kritik RUU TNI, Polri dan Kejaksaan: Ruang Gerak Rakyat Terdampak," Imparsial, February 18, 2025, <https://news.detik.com/berita/d-7784300/imparsial-kritik-ruu-tni-polri-dan-kejaksaan-ruang-gerak-rakyat-terdampak>.

Pluralism

Komnas HAM's institutional credibility is tied to its ability to represent and respond to Indonesia's diverse population. Pluralism within Komnas HAM scored 5.63 out of 10⁷⁰, with concerns over diversity, transparency, and community representation.

Persistent institutional gap in pluralism and representation

The standing cohort of Commissioners lacks representation from key marginalized groups, such as Indigenous Papuans, religious minorities, and persons with disabilities. This underrepresentation limits the Komnas HAM's cultural competency and weakens public legitimacy in regions historically affected by systemic violence or discrimination.⁷¹

In its October 2022 review, GANHRI's Sub-Committee on Accreditation (SCA) criticized Komnas HAM for lacking pluralism and gender balance, noting that within the previous set of commissioners, only one of seven Commissioners was a woman.⁷² The SCA recommended for Komnas HAM to take concrete steps to ensure broader representation, particularly of women, ethnic groups, and minorities, through its selection and appointment process.

While the SCA's recommendation was made for the previous leadership, the call for greater diversity and representation remains relevant. In the 2022–2027 cohort, only three out of nine Commissioners are women, and none come from Indigenous Papuan or disability rights backgrounds.⁷³ Although this composition reflects some modest improvement, it still fails to embody Indonesia's pluralistic society.

⁷⁰ Normalized scores used to allow inter-parent categorical comparisons.

⁷¹ Asia Justice and Rights (AJAR), Submission on Indonesia's Second Periodic Report under the International Covenant on Civil and Political Rights (ICCPR): Specific Theme on Impunity and Gross Human Rights Violations in Indonesia, February 2024, <https://asia-ajar.org/wp-content/uploads/2024/03/ICCPR-AJAR-Submission-2024-Impunity-and-Gross-HRV.pdf>

⁷² Global Alliance of National Human Rights Institutions (GANHRI), Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), October 2022, <https://ganhri.org/snippets/sca-recommendation-for-indonesia-copy-copy-2/>. See also: SCA Adopted Report – October 2022, <https://ganhri.org/wp-content/uploads/2022/11/SCA-Adopted-Report-October-2022-EN.pdf>.

⁷³ Komnas HAM, "Profile of Leaders and Members," n.d., <https://www.komnasham.go.id/n/4496>.

Opaque selection and its consequences for public trust

The index also highlights the lack of transparency and inclusivity in the selection process for Commissioners, including the 2022 selection for the current set of commissioners. Civil society organisations, including KontraS and Jakarta Legal Aid Institute (LBH Jakarta), criticized the limited opportunity for public input and the absence of clear merit-based criteria relating to human rights or community-based advocacy.⁷⁴ The selection was largely conducted behind closed doors, with civil society calling it an elite-driven process that sidelined grassroots voices.

Although some Commissioners have academic or legal advocacy backgrounds, the lack of diversity risks restricting the Commission's capacity to recognize intersectional human rights violations. This is particularly evident in Papua, where communities have long demanded for Komnas HAM to appoint Commissioners with Indigenous Papuan representation to ensure that the perspectives, rights, and concerns of Indigenous peoples are meaningfully incorporated into decision-making, investigations, and human rights protections.

⁷⁴ "7 Catatan KontraS untuk Komisioner Komnas HAM yang Baru Terpilih," Kompas.com, October 7, 2022, from <https://nasional.kompas.com/read/2022/10/07/11040271/7-catatan-kontras-untuk-komisioner-komnas-ham-yang-baru-terpilih>.

During the 2023 escalation of violence in the highlands of Nduga and Yahukimo, local groups criticized Komnas HAM's field visits as "detached" and "Jakarta-centric." They argued that the absence of Papuan Commissioners meant a lack of cultural sensitivity and weak victim engagement, thereby weakening Komnas HAM's legitimacy in addressing human rights violations in Papua.

In 2023, at least 531 Papuans were arrested for political activism, reflecting deep grievances around discrimination and state violence.⁷⁵ Komnas HAM has failed to establish permanent offices and the long-promised human rights courts in Papua, which were mandated under the region's Special Autonomy Law.⁷⁶ As a result, communities found Komnas HAM to be ineffective in providing justice. Webb-Gannon, Westaway, Swift, Wright, and Adams also noted that Komnas HAM's limited resources and lack of cultural representation contributed to the government's dismissal of the Commission's findings in emblematic cases such as the ones in Paniai, a region in Papua's Central Highlands, where Indonesian military operations have been linked to mass civilian killings and other grave human rights violations.⁷⁷

“ *The lack of pluralism impacts Komnas HAM's institutional credibility. Indigenous peoples, LGBTQIA+ individuals, and victims of land conflicts have deemed Komnas HAM to be “disconnected” from the reality of their struggles.*

⁷⁵ Papuans Behind Bars and TAPOL, Annual Overview 2023, September 2024, https://papuansbehindbars.org/wp-content/uploads/2024/09/PBB-2023_EN_final-R.pdf.

⁷⁶ Amnesty International, Freedom, Justice, Equality: Human Rights Agenda for the Elected Government Officials, 2023, <https://www.amnesty.org/en/wp-content/uploads/2023/12/ASA2174072023ENGLISH.pdf>.

⁷⁷ Camellia Webb-Gannon et al., "What Can Australia Do To Prevent Human Rights Abuses in West Papua?," The Asia-Pacific Journal 19, no. 10 (2021), <https://apjif.org/wp-content/uploads/2023/10/article-543.pdf>.

Promotion

Komnas HAM continues to play a key role in awareness raising on human rights through its publication of annual thematic reports and observance of Human Rights Day. In terms of promotion, Komnas HAM scored 7.92 out of 10⁷⁸ in the 2025 Index, noting some success in this area but there is a need to expand and refine its capacity for educational outreach.

Constrained engagement, limited impact

“Civil society observes that Komnas HAM’s outreach is severely constrained by budget limitations.

Government-wide cuts to travel and outreach funding have restricted the Commission’s public services.⁷⁹ As a result, the Commission has heavily relied on webinars and social media content. Such online outreach, however, remains limited in scope and lacks the depth of in-person engagement with vulnerable communities, the United Nations Development Program found.⁸⁰

In December 2023, Komnas HAM participated in a Human Rights Day talk show organized by KEMITRAAN, an independent institution that facilitates collaborative governance reform in Indonesia. The discussions during the show focused on indigenous women’s land rights. While the theme "Harmony in Diversity – #DifferentYetUnited" was powerful, the event was held in Jakarta and mostly featured NGO professionals and academics, highlighting the lack of actual representation of actual indigenous women coming from non-urban parts of Indonesia.⁸¹

The Commission’s public campaigns are typically conducted in formal top-down formats with very limited grassroots engagement. In June 2023, Komnas HAM co-signed a “Human Rights-Friendly Elections Declaration,” emphasizing the need for inclusive elections, especially for marginalized and vulnerable groups. However, the campaign mostly involved government and election officials, leaving out youth and community groups.⁸²

Civil society also observed that the Commission’s outreach materials are generic. Such materials rarely address concerns over digital rights and environmental justice, further limiting their relevance to communities grappling with these issues.

⁷⁸ Normalized score to allow intercategory comparisons.

⁷⁹ Mimin Dwi Hartono, "Budget Savings Important but Should Not Hurt Public Services," The Jakarta Post, February 4, 2025, <https://www.thejakartapost.com/opinion/2025/02/04/budget-savings-important-but-should-not-hurt-public-services.html>.

⁸⁰ UNDP, Independent Country Programme Evaluation: Indonesia, March 2025, https://www.undp.org/sites/g/files/zskgke326/files/2025-07/icpe-indonesia-main-report-final_0.pdf.

⁸¹ "Human Rights Day 2023 Talk Show: Empowering Indigenous Women for Harmony in Diversity," INKLUSI, December 9, 2023, <https://inklusi.or.id/news-stories/news/human-rights-day-2023-talk-show-empowering-indigenous-women-for-harmony-in-diversity>.

⁸² Rahmad Nasution, "Komnas HAM Declares Commitment to Human Rights-Friendly Elections," Antara News, June 11, 2023, <https://en.antaranews.com/news/284775/komnas-ham-declares-commitment-to-human-rights-friendly-elections>.

Gaps in outreach and youth engagement

Komnas HAM only has a few partnerships with schools, local governments, or community organizations.

In 2024, the Commission significantly reduced its field-based outreach and focused instead on webinars and social media content. They cited budget constraints and difficulties in organizing large in-person events post-pandemic as key reasons for the shift.⁸³ For example, Komnas HAM’s webinars on “Human Rights in the Digital Age” were streamed via YouTube but attracted minimal participation beyond online users living in urban areas.

Youth engagement efforts, such as campus seminars and online campaigns, are irregularly conducted and lack long-term strategic plans. For example, social media posts during Human Rights Day and International Women’s Day in 2024 were primarily one-off infographics, with no real-life follow-ups with student networks.⁸⁴

“For Komnas HAM to enhance its visibility and impact among the younger generation, it must build stronger partnerships with schools, cultural institutions, and youth organizations.

⁸³ Hartono, "Budget Savings Important" The Jakarta Post, February 4, 2025, <https://www.thejakartapost.com/opinion/2025/02/04/budget-savings-important-but-should-not-hurt-public-services.html>.

⁸⁴ Komnas HAM, Instagram post, December 10, 2024, <https://www.instagram.com/p/DDJBATmP5pX/>.

Protection

Komnas HAM’s role in protecting human rights includes having to intervene in active cases of violations as well having to provide support to victims and survivors. Its capacity to fulfill this role, however, has been substantially weakened due to structural and financial constraints. In terms of protection, Komnas HAM scored only 5.75 out of 10, reflecting its failure to provide meaningful support to victims and survivors of human rights violations.

Need for stronger protection and complaints system

Komnas HAM lacks critical tools like an emergency response unit, a dedicated mechanism for victim assistance and protection funds, and formal coordination with legal aid and psychosocial services. These deficits severely limit the Commission’s capacity for real-time intervention in urgent and life-threatening situations.

In 2023, Komnas HAM received a total of 2,753 complaints, of which 625 (22.7 percent) were monitored; 248 (nine percent) were mediated; and 1,423 (51.7 percent) were handled through advisory services.⁸⁵

⁸⁵ Rahmad Nasution, "Komnas HAM Still Prioritizing Human Rights Issues in Papua in 2024," Antara News, June 10, 2024, <https://en.antaranews.com/news/315675/komnas-ham-still-prioritizing-human-rights-issue-in-papua-in-2024>.

Meanwhile in 2024, the number of complaints decreased to 2,305. Out of these, 2,050 (88.9 percent) cases were submitted to the Jakarta office and 255 (11.1 percent) to regional offices. Among these, Komnas HAM monitored 709 cases, mediated 213, provided advisory services for 682, and forwarded 701 cases to other institutions as copies.⁸⁶

While some victims have expressed satisfaction with mediation and advisory outcomes, many civil society organizations have raised concerns over the Commission's limited investigations, the absence of prosecutions, and Komnas HAM's tendency to classify numerous violations as less than "serious" when measured against international human rights standards. These criticisms are compounded by persistent budgetary constraints, which hinder Komnas HAM's capacity to effectively pursue complex or politically sensitive cases.⁸⁷

At present, Komnas HAM mainly serves as a referral body, which identifies human rights violation cases and refers them to the Witness and Victim Protection Agency (LPSK). When victims or HRDs endure threats, Komnas HAM forwards their cases to LPSK, which then provides legal, physical,

and psychosocial protections.⁸⁸ However, this system remains largely reactive because Komnas HAM lacks its own rapid response or protection mechanism to immediately intervene during ongoing violations. The referral process requires formal complaints, internal verification, and inter-agency coordination before protection is activated. These delays often expose victims and HRDs to continued intimidation or violence.

According to the LPSK Annual Report 2023, the institution received 7,645 protection requests and delivered 10,021 protective measures to 8,162 individuals. These figures reflect LPSK's broader mandate and indicate that many interventions go beyond formal referrals, suggesting a proactive approach in providing protection. However, the number of cases that Komnas HAM specifically referred to LPSK is not publicly available, which makes it difficult to assess the extent of institutional coordination in quantitative terms.

Despite this data gap, the following examples illustrate how Komnas HAM and LPSK have coordinated responses in practice, either through formal referrals or joint action, particularly in situations involving serious risks or threats to victims and witnesses. The following cases on the next page illustrate how victims and witnesses were referred to LPSK or where Komnas HAM and LPSK coordinated responses amid serious risks and threats.

88 Norbertus Arya Dwiangga Martiar, "Komnas HAM and LPSK Urge Police to Thoroughly Investigate Perpetrators of Terror Against Tempo Journalists," Kompas.id, March 27, 2025, <https://www.kompas.id/artikel/en-komnas-ham-dan-lpsk-desak-polisi-usut-tuntas-pelaku-teror-terhadap-jurnalis-tempo?>

86 "Komnas HAM Handles 2,305 Cases of Alleged Human Rights Violations Throughout 2024," VOI, December 10, 2024, <https://voi.id/en/news/441488>.

87 "Perumusan dan Pemotongan Anggaran Pemerintahan Prabowo: Cacat Konstitusi, Membunuh Lembaga-Lembaga HAM dan Demokrasi, Mengganggu Layanan Keadilan, serta Membahayakan Hak Dasar Rakyat," YLBHI, February 11, 2025, <https://ylbhi.or.id/informasi/siaran-pers/perumusan-dan-pemotongan-anggaran-pemerintahan-prabowo-cacat-konstitusi-membunuh-lembaga-lembaga-ham-dan-demokrasi-mengganggu-layanan-keadilan-serta-membahayakan-hak-dasar-rakyat/>.

1. **The Wadas conflict in Central Java (2022–2023):** Villagers opposing the andesite mining project faced police intimidation, arbitrary arrests, and violent dispersals. Komnas HAM conducted monitoring and urged dialogue, but failed to deploy immediate protection or prevent escalation.
2. **The Rempang eviction in Batam (September 2023):** Thousands of residents were forcibly displaced in a government-backed industrial development project. Security forces used tear gas and force against demonstrators, injuring civilians, including children. Komnas HAM issued a statement and opened a complaint channel, but did not provide emergency protection to residents at risk.

Legal frameworks like Law No. 31 of 2014 concerning Amendments and Law No. 13 of 2006 concerning the Protection of Witnesses and Victims (as supported by a Memorandum of Understanding with LPSK) formalize Komnas HAM's referral role in handling gross human rights violations. However, there remains no confidentiality guarantee or legal defense provision for those undergoing trials.⁸⁹

“Despite these efforts, Komnas HAM’s reliance on referral mechanisms underscores its limited preventive capacity. It can react to violations but rarely anticipate or deter them in real time. Without its own emergency protection framework, Komnas HAM’s protection role remains partial and dependent on other state agencies.”

89 W. A. Hidayat, "The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong," Law and Justice 8, no. 2 (2023), <https://doi.org/10.23917/laj.v8i2.2363>.

Komnas HAM has established policies and procedures to support the protection of HRDs. Although the regulation was issued nearly a decade ago, the provisions of Perkomnas RI No. 5 of 2015 remain relevant for HRD protection.⁹⁰

However, challenges persist in how the protection mechanisms are actually implemented. To strengthen this framework, Komnas HAM launched the Norms and Standards (SNP) on Human Rights Defenders, which sets guidelines to enforce human rights norms and standards to protect HRDs in Indonesia.⁹¹ Nevertheless, delays and gaps in its operationalization have constrained the effectiveness of the SNP, which is likely linked to Komnas HAM's limited institutional resources.

The SNP has been progressively implemented through programs on policy advocacy, education and outreach, monitoring and evaluation, and multi-stakeholder collaboration.⁹² Such efforts are also seen in the Commission's partnerships with civil society organizations such as ELSAM, which included a memorandum of understanding to reinforce commitments on the implementation of the Business and Human Rights SNP.

90 Komnas HAM, National Human Rights Commission Regulation Number 5 of 2015 Concerning Procedures for the Protection of Human Rights Defenders, 2015, <https://jdih.komnasham.go.id/index.php/dokumen/view?id=39>.

91 Komnas HAM, The Norms and Standards (SNP) Number 6 on Human Rights Defenders, 2021, <https://www.komnasham.go.id/files/1635987255-standar-norma-dan-pengaturan-nomor-5O5FFZ.pdf>.

92 "Signing of the Memorandum of Understanding between ELSAM and the Indonesian National Commission on Human Rights: A Form of Collaboration and Commitment in Implementing the SNP on Business and Human Rights," ELSAM, October 24, 2024, <https://www.elsam.or.id/bisnis-dan-ham/penandatanganan-nota-kesepahaman-antara-elsam-dan-komnas-ham-ri-bentuk-kolaborasi-dan-komitmen-dalam-implementasi-snp-bisnis-dan-ham>.

Such efforts also include human rights training conducted at the local government level.⁹³

From 2023 to 2024, Komnas HAM supported HRDs by submitting emergency intervention and protection requests to the LPSK on behalf of criminalised environmental activists protesting against nickel-related disasters. This was done without waiting for formal police reports.⁹⁴ Komnas HAM has also established a rapid response mechanism in collaboration with institutions, such as the Commission on Women and LPSK, to strengthen inclusive protection for HRDs. These efforts are complemented by public awareness and norm-building initiatives, underscoring Komnas HAM's strategic role in advancing protection guarantees and access to justice.

Inaction in emblematic cases undermines public trust

“Komnas HAM's inaction in emblematic cases — such as the assassination of Indonesian human rights defender Munir Said Thalib, the shootings in Semanggi and Trisakti, and ongoing violence in Papua — has reinforced perceptions of institutional failure.

Komnas HAM is mandated to protect victims of human rights violations and hold perpetrators accountable, but its lack of decisive intervention reflects structural weakness.

When Munir was assassinated in 2004, Komnas HAM initially classified the case as a gross human rights violation. However, the Commission failed to establish an ad hoc human rights court despite repeated calls from civil society and recommendations from a government fact-finding team in 2005. Munir's case remains unresolved for over two decades, thereby denying justice and reinforcing a culture.⁹⁵

In the cases of the Semanggi I (1998) and Semanggi II (1999) shootings, Komnas HAM's pro-justicia investigations concluded that gross human rights violations had occurred. However, the Attorney General's Office has consistently rejected Komnas HAM's findings. Ultimately, the Commission has not pursued stronger accountability measures.⁹⁶

Komnas HAM has also failed to decisively respond to incidents of military and police violence, forced evictions, and attacks on HRDs. The Wadas conflict in Central Java is illustrative of this. In February 2022, police carried out a heavy-handed crackdown on villagers opposing andesite mining for the Yogyakarta–Bawen toll road project, resulting in dozens of arbitrary arrests and

95 Yaphi, "Pro-Justitia Investigation of Serious Human Rights Violation Continues: Wrap-Up Munir Murder Case in Transparent and Accountable Manner!," *Suara Keadilan*, March 24, 2024, <https://www.suarakeadilan.org/en/publication/suara-keadilan/news/427-pro-justitia-investigation-of-serious-human-rights-violation-continues-wrap-up-munir-murder-case-in-transparent-and-accountable-manner>.

96 "26 Tahun Tragedi Semanggi I: Negara Wajib Usut Tuntas Pelanggaran HAM Berat," *Amnesty International Indonesia*, November 13, 2024, <https://www.amnesty.id/kabar-terbaru/siaran-pers/26-tahun-tragedi-semanggi-i-negara-wajib-usut-tuntas-pelanggaran-ham-berat/11/2024/>. See also: "26 Years Semanggi I Tragedy: Amnesty Urges State Resolve Rights Abuses," *Asia Pacific Solidarity Network*, November 14, 2024, <https://www.asia-pacific-solidarity.net/news/2024-11-14/26-years-semanggi-i-tragedy-amnesty-urges-state-resolve-rights-abuses.html>.

93 Komnas HAM, "Implementasi SNP melalui Pelatihan HAM di Pemkot Semarang," August 22, 2022, <https://www.komnasham.go.id/n/2214>.

94 Christ Belseran, "Protes Bencana Nikel Berujung Kriminalisasi Aktivis Lingkungan, Koalisi Ngadu ke Komnas HAM dan Komnas Perempuan," *Mongabay*, September 12, 2024, <https://mongabay.co.id/2024/09/18/protes-bencana-nikel-berujung-kriminalisasi-aktivis-lingkungan-koalisi-ngadu-ke-komnas-ham-dan-komnas-perempuan/>.

intimidation.⁹⁷ Civil society demanded Komnas HAM's intervention, but the Commission only issued a delayed public statement and failed to promptly deploy a rapid investigation team to the site. Its failure to provide immediate protection to the community highlighted the gap between its mandate and practical capacity.⁹⁸

Similar inaction has been noted in cases of harassment against Indigenous environmental defenders in Kalimantan,⁹⁹ where Komnas HAM has often cited limited jurisdiction or lack of field access as reasons for its non-intervention.¹⁰⁰

In many cases, Komnas HAM cited limited jurisdiction and lack of access to the field to justify its inaction. Without concrete reforms to strengthen its protective mechanisms, Komnas HAM risks losing its legitimacy and independence in the eyes of the public and international observers.

97 Hans Nicholas Jong, "Crackdown on Villagers Highlights Heavy Hand of Indonesia's 'Strategic' Projects," *Mongabay*, February 14, 2022, <https://news.mongabay.com/2022/02/crackdown-on-villagers-highlights-heavy-hand-of-indonesias-strategic-projects/>. See also: Ari Surida, "Kasus di Wadas dan Keseriusan Komnas HAM," *Mongabay*, November 2, 2021, <https://mongabay.co.id/2021/11/02/kasus-di-wadas-dan-keseriusan-komnas-ham/>; and "Kekerasan di Wadas Dilakukan Aparat 'Berbaju Sipil,' Kata Komnas HAM, 'Aparat Ribuan Bukan Ratusan,'" *BBC Indonesia*, February 25, 2022, <https://www.bbc.com/indonesia/indonesia-60509211>.

98 A. Asnawi, "Tambang Wadas Jalan Terus, Pakar Hukum: Bukti Kegagalan Negara Lindungi Warga," *Mongabay*, September 12, 2023, <https://mongabay.co.id/2023/09/12/tambang-wadas-jalan-terus-pakar-hukum-bukti-kegagalan-negara-lindungi-warga/>.

99 Oleh Saiduani Nyuk, "Koalisi Masyarakat Sipil Kalimantan Timur: Usut Tuntas Pembunuhan Masyarakat Adat di Paser," *AMAN*, November 21, 2024, <https://www.aman.or.id/news/read/1968>.

100 Komnas HAM, "Pemantauan Komnas HAM terkait Pembangunan Ibu Kota Negara: Mendorong Dialog dan Dekriminalisasi," April 5, 2024, [https://www.komnasham.go.id/files/20240405-keterangan-pers-nomor-20-hm-00-\\$E7JMC.pdf](https://www.komnasham.go.id/files/20240405-keterangan-pers-nomor-20-hm-00-$E7JMC.pdf).

Fears of further delays in key investigations

Budgetary constraints have further deepened Komnas HAM's shortcomings. In 2025, Komnas HAM's operational budget was drastically reduced, raising fears of further delays in key investigations. The Coalition for Justice and Truth (KKPK) warned that survivors of past gross violations, including the 1965 mass atrocities, the Tanjung Priok massacre, and enforced disappearances after 1998, are facing extended delays of six months or more in securing official recognition (Certificate of Gross Human Rights Violation Victim Status or SKKPHAM) and access to medical or psychosocial assistance. Budget cuts have also disrupted Komnas HAM's collaboration with LPSK and local truth-seeking mechanisms, leaving victims further marginalized.¹⁰¹

101 AJAR, "Efisiensi Anggaran ala Rezim Prabowo-Gibran, Korban Pelanggaran Berat HAM Dikorbankan?," February 17, 2025, <https://asia-ajar.org/id/press-release/efisiensi-anggaran-ala-rezim-prabowo-gibran-korban-pelanggaran-berat-ham-dikorbankan/>. See also: "LPSK dan Komnas HAM Soal Dampak Efisiensi Anggaran ke Penegakan Hukum," *KOMPASTV*, YouTube video, February 13, 2025, <https://www.youtube.com/watch?v=Qh12VYB13y8>.

The budget cuts disproportionately targeted Komnas HAM's enforcement and technical support functions. Funding allocated to complaint handling, monitoring, investigation, and mediation plummeted by more than 90 percent, from IDR 11.7 billion (USD 731,000) in 2024 to just IDR 1.2 billion (USD 73,096) in 2025.¹⁰² Similarly, the budget for public outreach and promotion was reduced from IDR 1.8 billion (USD 109,644) to just IDR 582 million (USD 35,455), marking a 67 percent decrease.¹⁰³

“The impact of such budget cuts has been especially severe at the provincial level, sidelining provincial offices from meaningful work and curtailing outreach in regions most vulnerable to human rights abuses such as Papua, Aceh, and Central Sulawesi. Without alternative funding sources (non-state budget),¹⁰⁴ Komnas HAM's scope of enforcement has been severely limited, leaving many victims unprotected.

Case examples on how investigations were halted by budget constraints:

1. Shootings in Dogiyai, Papua (2023):

Two shooting incidents occurred in Dogiyai Regency on 21 January 2023 and 13 July 2023, respectively, resulting in multiple deaths and displacement.¹⁰⁵ Komnas HAM initially announced its intent to investigate the matter; however, progress stalled due to a lack of witness questioning, forensic data, and visible field presence. Local groups attributed the failure to Komnas HAM's insufficient investigative resources. Critics warned that without a timely investigation, tensions would escalate among indigenous communities. Komnas HAM Commissioner, Anis Hidayah, and civil society groups, such as KontraS, identified budget constraints following the 2025 national spending cuts as the main reason behind the Commission's stalled investigations into human rights violations from 2023–2024.¹⁰⁶

¹⁰⁵ Human Rights Monitor, "NGOs in West Papua Criticise Komnas HAM for Lack of Responsiveness," September 12, 2023, <https://humanrightsmonitor.org/news/ngos-in-west-papua-criticise-komnas-ham-for-lack-of-responsiveness>.

¹⁰⁶ Sutrisna and Setuningsih, "Anggaran Dipangkas Rp 41 Miliar, Komnas HAM Kesulitan Lakukan Penegakan dan Investigasi," Kompas.com, February 13, 2025, <https://nasional.kompas.com/read/2025/02/13/14185841/anggaran-dipangkas-rp-41-miliar-komnas-ham-kesulitan-lakukan-penegakan-dan>. See also: "Kontras: Pangkas Anggaran LPSK, Komnas HAM, Komnas Perempuan Cerminan Negara Anti-HAM," Tempo.co, February 15, 2025, <https://www.tempo.co/hukum/kontras-pangkas-anggaran-lpsk-komnas-ham-komnas-perempuan-cerminan-negara-anti-ham-1207385>.

¹⁰² Sutrisna and Setuningsih, "Anggaran Dipangkas Rp 41 Miliar, Komnas HAM Kesulitan Lakukan Penegakan dan Investigasi," Kompas.com, February 13, 2025, <https://nasional.kompas.com/read/2025/02/13/14185841/anggaran-dipangkas-rp-41-miliar-komnas-ham-kesulitan-lakukan-penegakan-dan>.

¹⁰³ Dian Dewi Purnamasari, "Anggaran Komnas HAM Dipotong hingga 67 Persen, DPR Akan Kembalikan ke Pagu Awal," Kompas.id, March 12, 2025, <https://www.kompas.id/artikel/anggaran-komnas-ham-dipotong-hingga-67-persen-dpr-akan-kembalikan-ke-pagu-awal>.

¹⁰⁴ "Komnas HAM Curhat Anggaran Penegakan HAM Hanya Rp1,2 Miliar," CNN Indonesia, February 14, 2025, <https://www.cnnindonesia.com/nasional/20250214064814-12-1198126/komnas-ham-curhat-anggaran-penegakan-ham-hanya-rp12-miliar>.

2. **Delayed victim verification for gross violations:** KKKP documented multiple cases of gross human rights violations (including those of survivors of the May 1998 riots, the Tanjung Priok massacre, and enforced disappearances) where victims from Yogyakarta, Central Java, Aceh, and Central Sulawesi regions faced delays of more than six months awaiting SKKPHAM. In Pidie (Aceh), the field verification budget was entirely eliminated, thereby obstructing coordination with local truth commission processes. Similarly, in Central Sulawesi, budget cuts prevented the issuance of verifying documentation, which is essential for accessing state reparation and healthcare support.¹⁰⁷

According to Commissioner Anis Hidayah, the Komnas HAM is only capable of pursuing five to six investigations per year. This is significantly lower compared to how the Commission fared before budget cuts when it was still capable of pursuing approximately 50 cases per year.¹⁰⁸ With its field operations largely suspended, Komnas HAM is forced to rely on online consultations, written correspondence, and remote follow-up methods.¹⁰⁹ This shift undermines its ability to

¹⁰⁷ AJAR, "Twice a Victim, Survivors of Human Rights Abuses Severely Impacted by Prabowo-Gibran Administration's Budgetary Decisions," press release, February 17, 2025, <https://asia-ajar.org/press-release/twice-a-victim-survivors-of-human-rights-abuses-severely-impacted-by-budgetary-decisions>.

¹⁰⁸ Nastitie, "Impact of Budget Efficiency," February 5, 2025, Kompas, <https://www.kompas.id/artikel/en-imbas-efisiensi-anggaran-komnas-ham-kesulitan-tindak-lanjuti-5300-aduan-masyarakat>.

¹⁰⁹ Shela Octavia and Ardito Ramadhan, "Limited Budget Makes It Difficult for Komnas HAM to Follow Up on Complaints of Human Rights Violations," Nasional Kompas, February 22, 2025, <https://nasional.kompas.com/read/2025/02/22/22133181/anggaran-terbatas-komnas-ham-sulit-tindak-lanjuti-aduan-pelanggaran-ham>.

collect on-the-ground evidence, especially in remote and conflict-prone areas like Papua, where physical presence is often essential for verifying testimonies and engaging with affected communities.¹¹⁰

Civil society organisations continue to express deep concerns over delays in Komnas HAM's investigations into gross human rights violations.

“While beyond the reporting period of this ANNI Report, civil society feels compelled to raise immediate alarms over the 2025 budget cuts to Komnas HAM, with many expressing concerns that the significant funding reductions could further constrain the Commission's already limited ability to implement its mandate. Ultimately, the budget cuts could result in more delays to justice and accountability in the coming years.”¹¹¹

Collectively, these constraints run the risk of turning Komnas HAM from an active human rights watchdog into a largely symbolic institution, stripped of the resources needed to monitor human rights violations, support victims and survivors, and push for accountability.

¹¹⁰ Yohanes Palen, "Komnas HAM Papua Minta Hal Ini ke Presiden Prabowo," CeposOnline.com, February 13, 2025, <https://www.ceposonline.com/papua/1995640747/komnas-ham-papua-minta-hal-ini-ke-presiden-prabowo>. See also: Nastitie, "Impact of Budget Efficiency," February 5, 2025, Kompas, <https://www.kompas.id/artikel/imbas-efisiensi-anggaran-komnas-ham-kesulitan-tindak-lanjuti-5300-aduan-masyarakat>.

¹¹¹ YLBHI, "Perumusan dan Pemotongan Anggaran Pemerintahan Prabowo: Cacat Konstitusi, Membunuh Lembaga-Lembaga HAM dan Demokrasi, Mengganggu Layanan Keadilan, serta Membahayakan Hak Dasar Rakyat," February 11, 2025, <https://ylbhi.or.id/informasi/siaran-pers/perumusan-dan-pemotongan-anggaran-pemerintahan-prabowo-cacat-konstitusi-membunuh-lembaga-lembaga-ham-dan-demokrasi-mengganggu-layanan-keadilan-serta-membahayakan-hak-dasar-rakyat/>.

Conclusion

In 2023 and 2024, Indonesia witnessed a critical juncture for the future of human rights protection. Civic space narrowed significantly, while restrictions on freedom of expression, assembly, and digital rights dramatically increased. Security force abuses, particularly in Papua, continued with impunity. Meanwhile, religious minorities, journalists, and HRDs consistently faced harassment and violence.

While Indonesia maintains its formal commitments to human rights through Komnas HAM, recent developments have undermined the Commission's credibility, autonomy, and operational capacity. Despite retaining its formal "A" status as a national human rights institution, signalling its supposed full compliance with the Paris Principles, Komnas HAM has struggled to uphold its mandate in practice. Political interference in leadership selection, limited diversity among Commissioners, and the absence of robust enforcement powers have eroded Komnas HAM's credibility.

Severe budget cuts in 2025 have crippled the Commission's ability to conduct investigations, monitor human rights violations, and provide meaningful protection and outreach, leaving thousands of victims and survivors without any meaningful recourse.

Despite its broad legal mandate, the Commission failed to decisively intervene in emblematic cases such as the Wadas land conflict, the Dogiyai shootings in Papua, and the continuing impunity for the Munir and Semanggi cases. Investigations were often delayed or inconclusive, with Komnas HAM citing limited jurisdiction or resource constraints as reasons for such delays. The Commission's promotional and protection activities were similarly constrained and confined to urban-centric and top-down

events, which are largely dependent on referrals to other institutions such as LPSK, leaving gaps in grassroots engagement and victim protection.

These failures reflect a broader pattern of institutional weakness. While Komnas HAM remains visible in public discourse, its ability to function as an effective and independent watchdog has been steadily eroded.

The developments in early 2025 (budget cuts and the establishment of KemenHAM) exacerbate this trajectory. But the roots of Komnas HAM's declining relevance lie squarely in its muted response to human rights violations from 2023 to 2024. Unless decisive reforms are introduced to strengthen its independence, pluralism, and enforcement capacity, Komnas HAM risks further marginalization at a time when Indonesia's human rights protections are already under severe strain.

These trends collectively point to a deeper crisis of political will. Rather than reinforcing democratic oversight and human rights accountability, the Indonesian Government appears to be centralizing and instrumentalizing human rights discourse for bureaucratic or reputational purposes.

Without urgent reforms to restore Komnas HAM's independence, resources, and mandate integrity, Indonesia risks backsliding further into a model of performative human rights governance, one in which institutions exist in name but lack the authority, public trust, and tools to effectively deliver justice.

Recommendation

To the Government of Indonesia:

- ✓ Restore and increase Komnas HAM's operational budget, particularly for investigation, protection, and outreach functions, to ensure that its funding is consistent with its constitutional mandate and reflective of institutional needs.
- ✓ Refrain from political interference in the Commission's leadership selection and internal affairs.
- ✓ Respect Komnas HAM's independence as an A-status national human rights institution.
- ✓ Review and revoke Presidential Instruction No. 1/2025 as it pertains to Komnas HAM. Ensure that fiscal efficiency measures do not undermine human rights protection.
- ✓ Ensure accountability and transparency in the operations of the Ministry of Human Rights (KemenHAM), including public reporting mechanisms, independent evaluation, and coordination with Komnas HAM, without replacing or duplicating the Commission's mandate.
- ✓ Develop a clear and time-bound roadmap to address past gross human rights violations, incorporating recommendations from Komnas HAM, civil society groups, and victim groups.

To the House of Representatives (DPR RI):

- ✓ Cease direct involvement in the election of Komnas HAM leadership and reaffirm support for a collegial and internal selection process in line with Law No. 39 of 1999.
- ✓ Amend existing legal frameworks to strengthen the institutional autonomy of Komnas HAM over staffing, procurement, and internal governance.

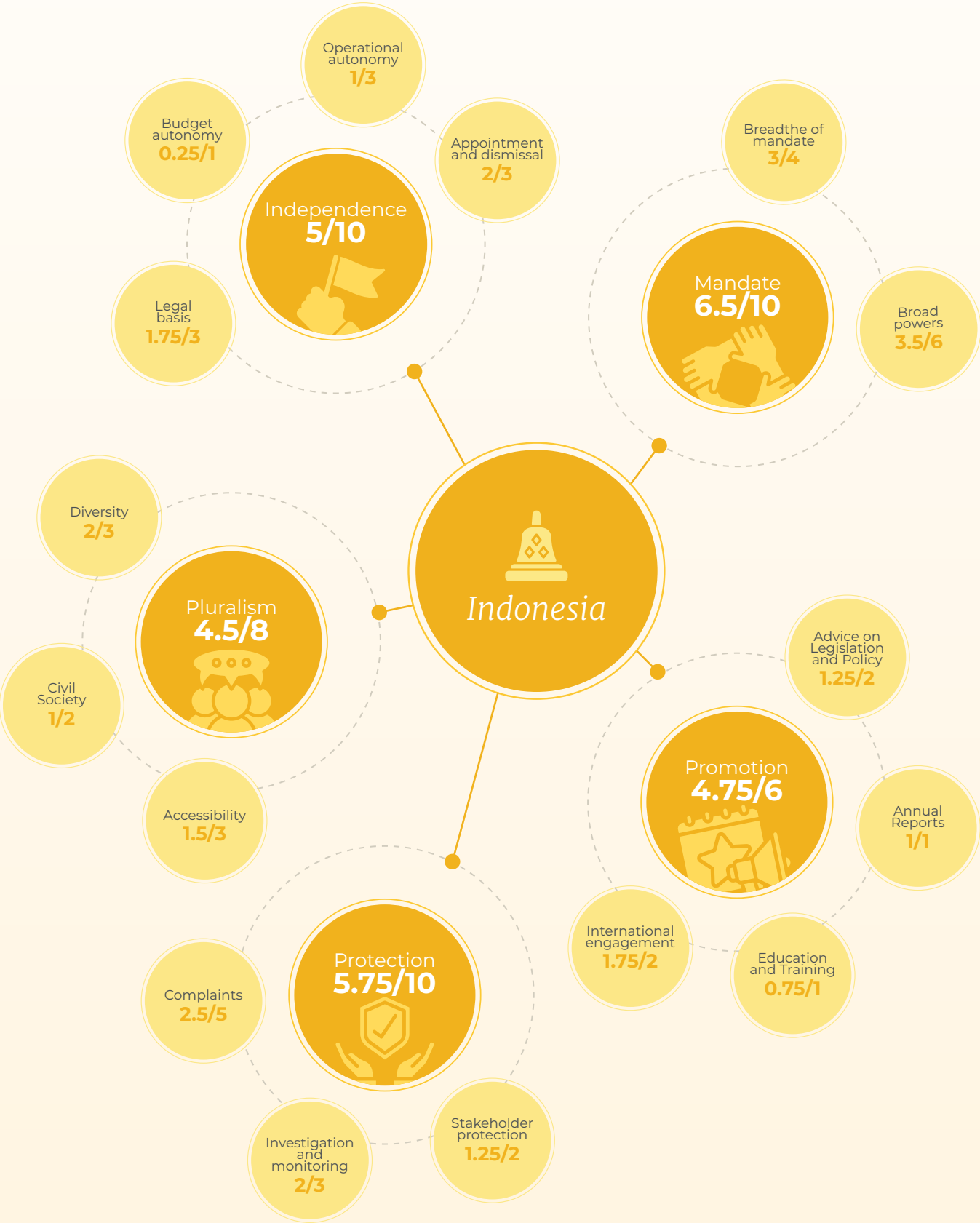
- ✓ Conduct parliamentary oversight of KemenHAM, ensuring it does not weaken the role of Komnas HAM nor promote misleading narratives regarding human rights.

To Komnas HAM:

- ✓ Uphold and defend its institutional independence by publicly responding to misinformation and political pressure that may compromise its mandate.
- ✓ Prioritize transparent communication with the public, especially in addressing delays or limitations in case handling resulting from budget constraints.
- ✓ Increase pluralism and inclusivity within the Commission's leadership and staff, ensuring representation from historically marginalized groups.
- ✓ To International Communities, including GANHRI, Asia Pacific Forum (APF), and The Office of the High Commissioner for Human Rights (OHCHR):
- ✓ Offer targeted support for Komnas HAM's operational needs, including field investigations, provincial outreach, and capacity-building for complaint handling.
- ✓ Monitor developments related to Komnas HAM's independence and engage diplomatically with the Indonesian Government in order to uphold its commitments under the Paris Principles.
- ✓ Support Indonesian civil society organizations, particularly those working with victims and survivors of human rights violations, to complement the work of national institutions.

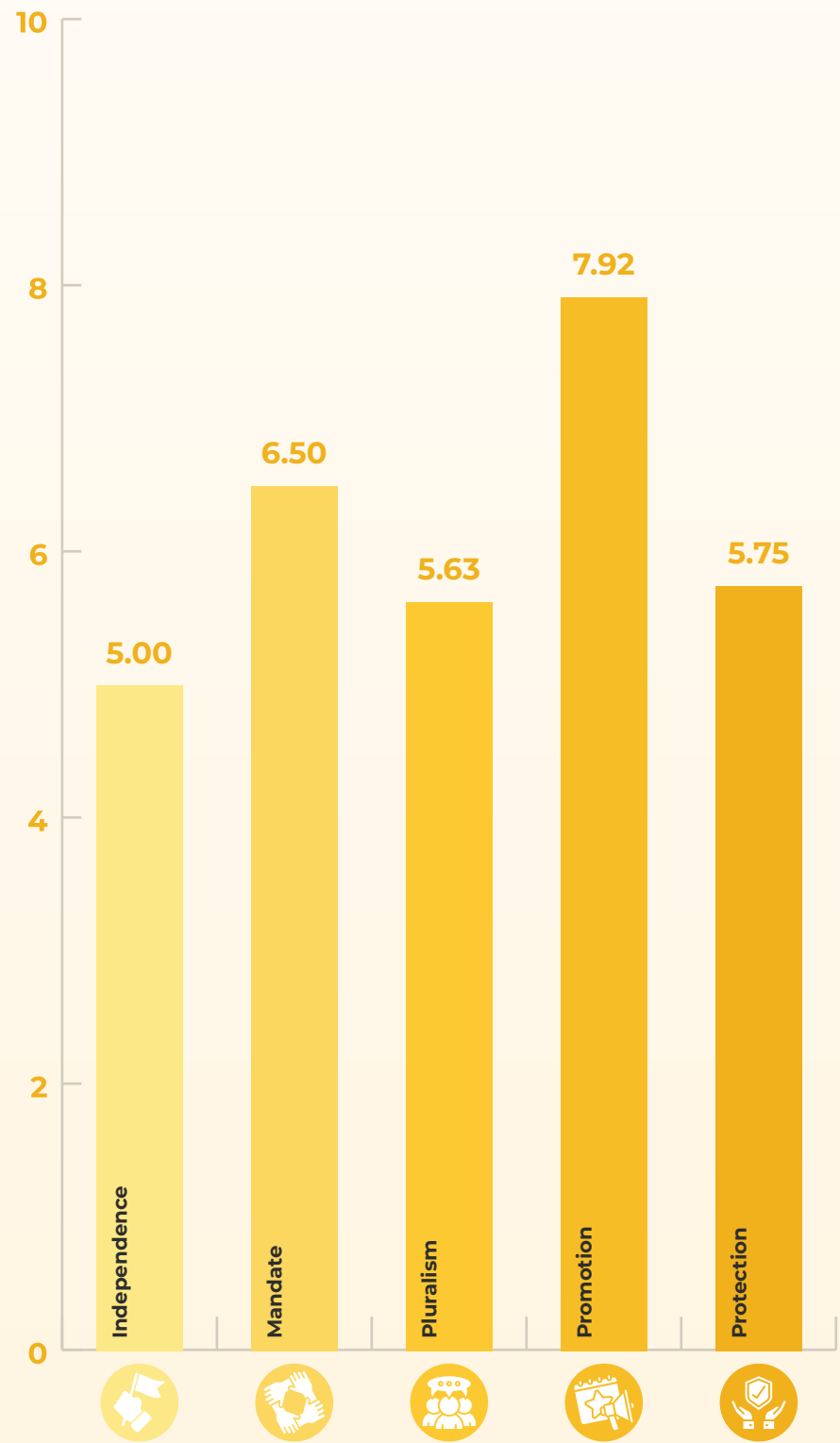
Indonesia: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



Indonesia: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



CHAPTER FIVE

Malaysia

Malaysia's National Human Rights Commission: Persistent Structural and Mandate Gaps Amidst Partial Reforms

By Jernell Tan, Suara Rakyat Malaysia (SUARAM)*

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SUARAM is a Malaysian human rights NGO that was formed in 1989 following the mass detention of human rights activists under the Internal Security Act 1960 in 1987. Since its founding, via advocacy, case management and public education efforts, SUARAM has been working on a range of human rights issues, namely detention without trial, deaths in custody, and torture by authorities in detention facilities, as well as upholding of fundamental freedoms, specifically freedom of expression and freedom of assembly



Overview of the Human Rights Situation in Malaysia

In 2023 and 2024, Malaysia's human rights trajectory remained mixed, showing some positive signs of increased government commitment to strengthening human rights, although contextual challenges and resistance from vested interest groups persisted.

Promising commitments to strengthen human rights

The unity government led by Prime Minister Anwar Ibrahim articulated reform-oriented ambitions under the Malaysia MADANI policy framework, demonstrating increased openness to engagement with civil society and a willingness to undertake legislative reviews.

Compared to other government ministries, the Legal Affairs Division of the Prime Minister's Department (BHEUU) undertook a more inclusive approach when consulting civil society, as evidenced in the multisectoral work committees set up to study the feasibility of Trustees (Incorporation) Amendment Act and the Ombudsman Bill, as well as to draft the Freedom of Information Bill.¹

1 EU System for an Enabling Environment for Civil Society (EU SEE), Enabling Environment Snapshot Malaysia (EU SEE, June 2025), <https://eusee.hivos.org/sets/2025/06/Malaysia-EE-BaselineSnapshot.pdf>.

Malaysia received international commendation—during its fourth Universal Periodic Review²—for the abolishment of the mandatory death penalty in April 2023.³ The reform applies across 12 capital offenses, including drug trafficking, murder, treason, and terrorism. Following the enactment of the Revision of Sentence of Death and Imprisonment for Natural Life Act in September 2023, the Federal Court also reviewed sentences of eligible death row prisoners.⁴ As of January 2025, this resentencing exercise led to an 89 percent reduction in the death row prisoner population.⁵

However, progress on critical institutional reforms stalled.

The separation of powers between the Attorney General and Public Prosecutor saw limited progress. The government cited complexity, implementation challenges, and the need for more time to conduct an empirical study on the matter.⁶ Meanwhile,

2 Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM), "SUHAKAM Urges Government to Positively Assess All Recommendations Received from Malaysia's 4th UPR," press statement, SUHAKAM, January 26, 2024, <https://suhakam.org.my/wp-content/uploads/2024/01/Press-Statement-No.2-2024-SUHAKAM-Urges-Government-to-Positively-Assess-All-Recommendations-Received-from-Malaysia-4th-UPR.pdf>.

3 Malaysia, Abolition of Mandatory Death Penalty Act, 2023, Act 846, https://lom.agc.gov.my/ilims/upload/portal/akta/outputakta/1826840_BI/Akta%20846%20BI.pdf.

4 Bar Council Malaysia, "Enforcement of the Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of the Federal Court) Act 2023 [Act 847]," circular no. 2023-3 (Malaysian Bar, 2023), https://www.malaysianbar.org.my/cms/upload_files/document/Circular%20No%20003-2023LW.pdf.

5 Syed J. Zahiid, "Two Years After Abolishing the Mandatory Death Penalty, Data Shows Malaysia may be Moving On for Good," Malay Mail, April 5, 2025, <https://www.malaymail.com/news/malaysia/2025/04/05/two-years-after-abolishing-the-mandatory-death-penalty-data-shows-malaysia-may-be-moving-on-for-good/170026>.

6 Bernama, "Separation of AG-public Prosecutor Roles Will Take Some Time—Azalina," Bernama, October 23, 2024, <https://www.bernama.com/en/news.php?id=2355347>.

court rulings in high-profile corruption cases — including those involving former Prime Minister Najib Razak⁷ and Deputy Prime Minister Ahmad Zahid Hamidi⁸ — on acquittal and discharge not amounting to an acquittal have drawn significant public attention. The continued fusion of the two roles of Attorney General and Public Prosecutor enables real or perceived executive influence over prosecutions, thereby undermining public confidence in the rule of law.

The government also deferred the reintroduction of the Parliamentary Services Act to 2025. While no reasons were given in the Prime Minister's announcement in November 2024, Subang Member of Parliament Wong Chen pointed to civil servant pay structure adjustments as a possible reason for the delay.⁹ As long as Parliament remains reliant on executive-controlled budget and staffing, its scrutiny of government bills and policies is vulnerable to executive interference, weakening effective checks and balances.

Pushbacks on fundamental freedoms

Critically, the architecture of restrictions largely persisted during this period.

“*A persistent tension between the universality of human rights, as framed by the Universal Declaration of Human Rights (UDHR) and appeals to local context continued to shape the government's responses to external scrutiny.*

In March 2024, Home Minister Saifuddin Nasution questioned the credibility of Human Rights Watch's (HRW) report¹⁰ on deaths in immigration detention, calling it “hearsay”¹¹ and lacking a verifiable methodology. However, he later expressed openness to engage with HRW.¹²

Malaysia's 34-place drop in the World Press Freedom Index in 2024 was similarly downplayed.¹³ At the National Journalists' Day 2024 celebration, Prime Minister Anwar Ibrahim asserted that preserving national unity was more important than securing “high marks for international recognition,”¹⁴ and argued that the index “should not be regarded as the golden standard” given Malaysia's unique context.¹⁵ Such messaging risks further normalizing state-imposed restrictions on media freedom.

Within this locally framed context, discourse on race, religion and royalty (the “3R” issues) emerged as visible flashpoints. Incidents perceived as religious insults were especially inflammatory. Examples include having “Allah” printed on socks sold at a local convenience store¹⁶ and a local shoe brand's logo that was interpreted as resembling the term “Allah.”¹⁷ These incidents triggered boycotts and, in some instances, property

vandalism.¹⁸ Political leaders, including Prime Minister Anwar,¹⁹ repeatedly warned against rhetoric seen as threatening unity and public order. He then signaled the government's intention to impose stricter controls on 3R-related content.

The narrowing tolerance for debate, satire, and criticism concerning 3R issues—and ironically the government's anti-corruption policies—continued to shape restrictions on freedoms of expression and peaceful assembly.

Despite calls for reform, the government has signaled no intention²⁰ to repeal the Sedition Act²¹ and continued to invoke it to suppress dissent. Targets include human rights defenders and journalists. 2024 recorded the highest number of Sedition Act charges in 5 years since 2020.²² Among the high-profile charges were those against a politician²³ and

7 Noor Azlida Alimin, “Pinda Laporan Audit 1MDB: Najib, Arul Kanda Bebas Sepenuhnya,” Sinar Harian, September 12, 2023, <https://www.sinarharian.com.my/article/278509/berita/semasa/pinda-laporan-audit-1mdb-najib-arul-bebas-sepenuhnya>.

8 Tarrence Tan, “We Never ‘Withdrew’ Case Against Zahid, DNAA Followed Due Process, Says AGC,” The Star, September 8, 2023, <https://www.thestar.com.my/news/nation/2023/09/08/we-never-039withdrew039-case-against-zahid-dnaa-followed-due-process-says-agc>.

9 Pan E. Joe, “Parliamentary Services Act Postponed to Next Year, says Wong Chen,” Free Malaysia Today, November 22, 2024, <https://www.freemalaysiatoday.com/category/nation/2024/11/22/parliamentary-services-act-postponed-to-next-year-says-wong-chen>.

10 Human Rights Watch (HRW), “We Can't See the Sun” Malaysia's Arbitrary Detention of Migrants and Refugees (HRW, March 5, 2024), <https://www.hrw.org/report/2024/03/05/we-cant-see-sun/malaysias-arbitrary-detention-migrants-and-refugees>.

11 Zarrah Morden, “Saifuddin Claims HRW Couldn't Furnish Evidence of Immigration Abuse,” Malaysiakini, March 11, 2024, <https://www.malaysiakini.com/read4free/698985/xmxa7ekBL#saifuddin-claims-hrw-couldnt-furnish-evidence-of-immigration-abuse>.

12 Mohamad Fadli, “HRW Not Prepared to Meet Me Over Report, says Saifuddin,” Free Malaysia Today, April 4, 2024, <https://www.freemalaysiatoday.com/category/nation/2024/04/04/hrw-not-prepared-to-meet-me-over-report-says-saifuddin>.

13 FMT Reporters, “Malaysia Drops 34 places to 107th in Press Freedom Index,” Free Malaysia Today, May 3, 2024, <https://www.freemalaysiatoday.com/category/nation/2024/05/03/malaysia-drops-34-places-to-107th-in-press-freedom-index>.

14 Bernama, “PM Anwar shrugs off Malaysia's 34-place Drop in World Press Freedom Index 2024,” Malay Mail, May 27, 2024, <https://www.malaymail.com/news/malaysia/2024/05/27/pm-anwar-shrugs-off-malaysias-34-place-drop-in-world-press-freedom-index-2024/136751>.

15 Hee E. Qi, “World Press Freedom Index Not the Golden Standard, says Fahmi as Malaysia's Ranking Drops,” Edge Malaysia, October 10, 2025, <https://theedgemaalaysia.com/node/710428>.

16 Hadi Azmi, “Malaysian Supermarket Chain and Supplier to Be Charged Over ‘Allah’ Socks for Wounding Religious Feelings,” South China Morning Post, March 25, 2024, <https://www.scmp.com/week-asia/politics/article/3256647/malaysian-supermarket-chain-and-supplier-be-charged-over-allah-socks-wounding-religious-feelings>.

17 Bernama, “Vern's Founder Gives Statements to Jakim Over Logo Resembling Word ‘Allah’ on Shoes,” Sinar Daily, April 8, 2024, <https://www.sindaily.my/article/217054/focus/national/verns-founder-gives-statements-to-jakim-over-logo-resembling-word-allah-on-shoes>.

18 News Agencies, “Malaysia Store Attacked Over ‘Allah’ socks,” Al Jazeera, March 30, 2024, <https://www.aljazeera.com/news/2024/3/30/malaysia-store-attacked-over-allah-socks>.

19 Luqman Hakim, “Anwar Gives Final Warning to Those Playing Up 3R Issues [NSTTV],” New Straits Times, July 12, 2023, <https://www.nst.com.my/news/nation/2023/07/930021/anwar-gives-final-warning-those-playing-3r-issues-nsttv>.

20 Ilyia M. Iskandar, “Govt Has No Plans to Amend or Repeal Sedition Act,” New Straits Times, November 14, 2024, <https://www.nst.com.my/news/nation/2024/11/1134289/govt-has-no-plans-amend-or-repeal-sedition-act>.

21 Sedition Act, 1948 (Act 15), <https://lom.agc.gov.my/act-detail.php?act=15&lang=BI&date=01-01-2006#time-line>.

22 Suara Rakyat Malaysia (SUARAM), SUARAM Malaysian Human Rights Report 2024 Civil and Political Rights (SUARAM, 2025), https://www.suaram.net/_files/ugd/359d16_c382852b395d4321be440e97325bfcbl.pdf.

23 FMT Reporters, “Chegubard Charged With Sedition Over Forest City Casino Post,” Free Malaysia Today, April 10, 2024, <https://www.freemalaysiatoday.com/category/nation/2024/04/30/chegubard-charged-with-sedition-over-forest-city-casino-post/>.

a civilian²⁴ in April 2024, who were respectively accused of publishing and commenting on Bloomberg’s news report through a social media platform.²⁵ The said comments were about the alleged discussions between Anwar and a business tycoon about opening a casino in Johor. Civil society denounced the arrests and charges as emblematic of authoritarian policing,²⁶ warning that wielding the Sedition Act against critics mirrors the repressive tactics of prior administrations that the government once criticized before taking power.²⁷

Meanwhile, the government expanded its regulatory reach through a series of new and amended laws and policies framed as necessary to address online harms such as disinformation, hate speech, scams, and child sexual exploitation. However, these legislative changes collectively enable a more encompassing system of state control over online expression. These measures included amendments to the Communications and

Multimedia Act,²⁸ which included imposition of highly disproportionate penalties for “grossly offensive” content. These also touched on the social media licensing framework²⁹ and the Online Safety Act³⁰ that incentivize content over-moderation by social media platforms in order to avoid liability.

Authorities also maintained a restrictive approach to the exercise of freedom of assembly. Police investigations into peaceful assemblies rose by nearly 30 percent, while arrests increased by over 60 percent in 2024 compared to 2023.³¹ Law enforcement frequently cited the absence of “venue owner permission” to delegitimize gatherings, creating a chilling effect on participation in public protests.

In July 2024, the police reportedly manhandled peaceful protestors participating in the “Walk for Justice.”³² In June 2024, a teacher and eight stateless youths were arrested under the Immigration Act for participating in a protest, and charges were filed under Sections 55B and 6(1)(c) of the Immigration Act 1959/63.³³ In 2023, an activist

sustained an eye injury due to excessive force used by an enforcement officer during a peaceful demonstration.³⁴ The said activist was also charged under Section 186 of the Penal Code for obstructing a public servant in discharging his duty.³⁵

Marginalized communities remain vulnerable

“Protections for marginalized groups remained uneven and were frequently framed through a security lens.

In September 2024, Malaysia received international criticism for deporting a migrant domestic worker at the request of the Cambodian Government for allegedly criticizing its former Prime Minister.³⁶ It was the first such deportation since 2021, when Bangladeshi migrant worker Mohamad Rayhan Kabir was deported for criticizing the authorities’ treatment of undocumented migrants during the COVID-19 pandemic.³⁷

In June 2024, the state government of Sabah forcefully evicted the Bajau Laut community,³⁸ dismantling at least 138 homes and displacing roughly 500 people. The state government justified the operations by framing the settlements as illegal, linking them to criminal activity and the encroachment of state-protected conservation areas.³⁹ Rooted in long-standing anti-migrant narratives that conflate the Indigenous Bajau Laut with stateless migrants and cast them as ‘security threats,’⁴⁰ the evictions reflect deep-seated prejudices. The evictions also unfolded alongside state development/resettlement drives—including a RM478 million Semporna township announced a week after the forced evictions⁴¹ and the broader ‘Operation Squatter Colony’ targeting nearly 300 settlements.⁴² This securitized framing was accompanied by reprisals against human rights defenders who documented and exposed the demolitions.

24 Audrey Dermawan, “Farmer Claims Trial to Publishing Seditious Remark Against King”, New Straits Times, April 30, 2024, <https://www.nst.com.my/news/crime-courts/2024/04/1044488/farmer-claims-trial-publishing-seditious-remark-against-king>.

25 Bloomberg, “Malaysia in Talks with Tycoons on Casino to Revive \$100 Billion Forest City”, Bloomberg, April 24, 2024, <https://www.bloomberg.com/news/articles/2024-04-24/malaysia-weighs-opening-casino-in-forest-city-in-potential-boon-for-king-ibrahim>.

26 SUARAM, “SUARAM:Stop this Witchhunt, Uphold Duty to Protect Freedom of Expression,” press statement, SUARAM, April 28, 2024, <https://www.suaram.net/post/suaram-stop-this-witch-hunt-uphold-duty-to-protect-freedom-of-expression>.

27 Lawyers for Liberty (LFL), “Chegubard’s Arrest for Sedition is a Blatant Abuse of Power, Public Have a Right to Ask Questions on Casino Allegation Involving PM Anwar Ibrahim and the Government,” press statement, LFL, April 29, 2024, <https://www.lawyersforliberty.org/2024/04/29/lfl-chegubards-arrest-for-sedition-is-a-blatant-abuse-of-power-public-have-a-right-to-ask-questions-on-casino-allegation-involving-pm-anwar-ibrahim-and-the-government/>.

28 Communications and Multimedia (Amendment) Bill 2024 (D.R.51/2024, 2024), <https://parlimen.gov.my/bills-de-wan-rakyat.html?uweb=dr&lang=en&arkib=yes>.

29 Article 19 and Centre for Independent Journalism (CIJ), Social Media Licensing in Malaysia: What Do You Need to Know? (Article 19, 2024), <https://www.article19.org/wp-content/uploads/2024/10/Article-19-Social-Media-Regulation-v1.7.pdf>.

30 Online Safety Act, 2025 (Act 866), https://lom.agc.gov.my/ilims/upload/portal/akta/outputaktap/2867049_BI/Act%20866-Online%20Safety%20Act%202025.pdf.

31 SUARAM, SUARAM Malaysian Human Rights Report 2024 Civil and Political Rights, (SUARAM, 2025), https://www.suaram.net/_files/ugd/359d16_c382852b395d-4321be440e97325bfcb1.pdf.

32 “Beng Hock Support Group Condemns Police Violence,” Vibes, July 15, 2024, <https://www.thevibes.com/articles/news/102777/beng-hock-support-group-condemns-police-violence>.

33 “Police to Call UMS Water Protest Organisers for Probe,” Borneo Post, June 16, 2024, <https://www.theborneopost.com/2024/06/16/police-to-call-ums-water-protest-organisers-for-probe/>.

34 FMT Reporters, “PSM Activist Sues Perak Land and Mines Officers for Protest Injuries,” Free Malaysia Today, August 20, 2024, <https://www.freemalaysiatoday.com/category/nation/2024/08/20/psm-activist-sues-perak-land-and-mines-officers-for-protest-injuries>.

35 FMT Reporters, “PSM Member Faces Charges Over Eviction of Farmers near Ipoh,” Free Malaysia Today, December 22, 2023, <https://www.freemalaysiatoday.com/category/nation/2023/12/22/psm-member-faces-charges-over-eviction-of-farmers-near-ipoh>.

36 RFA Khmer, “Malaysia Depots Cambodian Worker for Calling Hun Sen ‘Despicable’,” Benar News, October 2, 2024, <https://www.benarnews.org/english/news/malaysian/worker-deported-10022024133723.html>.

37 SUARAM, “Malaysia To Prioritise Addressing Transnational Repression During ASEAN Chairmanship In 2025,” media statement, SUARAM, October 4, 2024, <https://www.suaram.net/post/malaysia-to-prioritise-addressing-transnational-repression-during-asean-chairmanship-in-2025>.

38 Siti N. Shahirah, “Bajau Laut in Semporna Allegedly Evicted, Homes Demolished,” Malaysiakini, June 6, 2024, <https://www.malaysiakini.com/news/707830>.

39 SUARAM, SUARAM Malaysian Human Rights Report 2024 Civil and Political Rights, (SUARAM, 2025), https://www.suaram.net/_files/ugd/359d16_c382852b395d-4321be440e97325bfcb1.pdf.

40 Benjamin YH Loh, Sarah Ali, and Vilashini Somiah. 2024. “2024/84 ‘Bajau Laut Evictions and Home Demolitions in Sabah, Malaysia: Polarised Streams of Online Opinion’ by Benjamin YH Loh, Sarah Ali and Vilashini Somiah.” Iseas.edu.sg 2024 (No. 84), <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2024-84-bajau-laut-evictions-and-home-demolitions-in-sabah-malaysia-polarised-streams-of-online-opinion-by-benjamin-yh-loh-sarah-ali-and-vilashini-somiah/>.

41 Mariah Doksil, “RM478 mln Township to Be Built in Semporna,” The Borneo Post, June 13, 2024, <https://www.theborneopost.com/2024/06/13/rm478-mln-township-to-be-built-in-semporna/>.

42 S Vinothaa, “Sabah’s Bajau Laut Hang By A Thread After Mass Evictions,” Malaysiakini, July 18, 2024, <https://www.malaysiakini.com/news/712307>.

In October 2024, Parliament's House of Representatives, the Dewan Rakyat, passed the Constitution (Amendment) Bill.⁴³ Whilst the Act finally grants automatic citizenship to foreign-born children to Malaysian mothers and foreign fathers, it also introduces regressive changes affecting the stateless community, including the Bajau Laut. One such change is reducing the age limit to apply for citizenship from 21 to 18, making it more difficult for stateless children to apply for citizenship amidst an application process that is discretionary and protracted.⁴⁴ Children born in Malaysia to permanent residents also no longer get automatic citizenship, which risks exacerbating intergenerational statelessness. As a result, these changes deepen socioeconomic insecurity by delaying or denying access to healthcare, education, and other basic services.

The LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual/Ally, and others) community have also continuously experienced heightened surveillance, publication bans under the Printing Presses and Publications Act, and state-sanctioned “conversion” practices reframed as “voluntary spiritual guidance.”⁴⁵

These trends undermine freedoms of association and expression as well as the right to privacy. All these actions are a form of gender-based discrimination, which heightens the stigma and safety risks for LGBTQIA+ persons living in Malaysia.

While the Human Rights Commission of Malaysia (SUHAKAM, Suruhanjaya Hak Asasi Manusia Malaysia) reacted swiftly to the Bajau Laut evictions and engaged systematically on the citizenship amendments, it did not demonstrate timely and sustained public positions on systemic harms or emerging developments facing certain marginalized groups—especially the LGBTQIA+ community—leaving visible gaps in protection and consistency.

SUHAKAM's Mandate to Protect and Promote Human Rights

SUHAKAM was founded under the SUHAKAM Act 1999.⁴⁶ In June 2021, it retained its “A” status upon reaccreditation by the Global Alliance of National Human Rights Institutions' Sub-Committee on Accreditation (GANHRI-SCA). GANHRI-SCA's recommendations, however, remain unaddressed, particularly on the issue of institutional independence.

46 Human Rights Commission of Malaysia Act, 1999 (Act 597), <https://lom.agc.gov.my/act-detail.php?act=597&lang=BI>.

43 Constitution (Amendment) Bill 2024, (D.R.13/2024, 2024), <https://parlimen.gov.my/bills-dewan-rakyat.htm?uweb=dr&lang=en>.

44 Global Movement Against Statelessness, Institute on Statelessness and Inclusion, Nationality For All and Statelessness and Dignified Citizenship Coalition – Asia Pacific, “One Step Forward, One Step Back: Malaysian Law Reform Addresses Gender Discrimination in its Citizenship Law, While Undermining Nationality Rights for Vulnerable Groups – Where Does This Leave the Struggle Against Statelessness?,” Institute on Statelessness and Inclusion, press statement, October 24, 2024, <https://www.institute-si.org/resources/joint-statement-to-respond-to-the-malaysian-law-reform>.

45 Justice 4 Sisters (@justice4sisters), “Justice for Sisters Highlights Six Key Trends of LGBTQ+ Rights in Malaysia. From Challenges to Resilience, These Trends Shape the Future of Equality and Justice. Stay informed. Stay empowered. The fight for rights continues!” Instagram photo, December 31, 2024, https://www.instagram.com/p/DE-PRI_-N4IL/?hl=en&img_index=2.

the absence of a transparent process. In addition, the Prime Minister is not legally bound to recommend candidates from an independent shortlist produced by the Selection Committee.

As captured in the 2023 ANNI report,⁴⁸ the 2022-2025 Commissioner cohort revealed the aforementioned structural gaps in the appointment process. The selected Commissioners included individuals with documented histories of opposing the accession of key international treaties and taking exclusionary positions toward marginalized groups. Alarming, the selection process appointed two active politicians, raising further concerns about the Commission's independence and credibility. In August 2023, one of these politicians, Commissioner Hasnal Rezua Merican Habib Merican, was named as a candidate for the Kuang seat in the Selangor state elections. In response, civil society strongly urged the Commissioner to resign due to potential negative implications on SUHAKAM's independence.⁴⁹ Commissioner Hasnal, however, insisted that resignation was unnecessary and that he would step down only if elected, citing his professional background and asserting that he was “not a full-time politician.”⁵⁰

48 Asian NGO Network on National Human Rights Institutions (ANNI), ANNI REPORT 2023 on the Performance of National Human Rights Institutions in Asia, (ANNI, 2023), https://forum-asia.org/wp-content/uploads/2023/10/Anni_report_2023-10-27-0100-1.pdf.

49 “Suhakam Commissioner Must Quit After Becoming BN State Poll Candidate” The Vibes, July 25, 2023, <https://www.thevibes.com/articles/news/96826/suhakam-commissioner-must-quit-after-becoming-bn-state-poll-candidate>.

50 Nora Mahpar, “Hasnal Unfazed by Calls to Resign as Suhakam Commissioner,” Free Malaysia Today, July 28, 2023, <https://www.freemalaysiatoday.com/category/nation/2023/07/28/hasnal-unfazed-by-calls-to-resign-as-suhakam-commissioner>.

The Dewan Rakyat passed amendments to the SUHAKAM Act in November 2023, which came into force in July 2024. The amendments sought to strengthen SUHAKAM's independence and powers in order to effectively address human rights issues in Malaysia.

“While the amendments address several longstanding concerns about SUHAKAM's independence and pluralism, they still fall short of fully empowering the institution in line with the Paris Principles.”

Independence

Commissioner appointment and selection

Under Section 5(2) of the SUHAKAM Act, Commissioners are appointed by the King, Yang di-Pertuan Agong, on the Prime Minister's recommendation and as supported by a Selection Committee under Section 11A. The Selection Committee comprises the Chief Secretary to the government, the SUHAKAM Chairperson, and three members of civil society appointed by the Prime Minister.

However, the Commissioner selection and appointment process remains insufficiently broad and transparent, as GANHRI-SCA's longstanding recommendations⁴⁷ of publishing a clear Commissioner selection criteria and conducting broad consultations across all phases of the appointment process are still unmet. The potential for executive interference persists since the Prime Minister still has discretion to appoint civil society members to the Selection Committee in

47 Global Alliance Of National Human Rights Institutions (GANHRI), Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA) (GANHRI, 14-24 June 2021), <https://ganhri.org/wp-content/uploads/2021/08/EN-SCA-Report-June-2021.pdf>.

Commissioner Hasnal further dismissed civil society's critique as preference-based gatekeeping, arguing that qualified individuals should not be excluded simply because "SUHAKAM should function in the way you think it should."⁵¹ He also openly challenged civil society to produce evidence that "human rights (have) been compromised" as a result of his political position as Chief of the Selayang branch of United Malays National Organization (UMNO).

Since Commissioners directly influence SUHAKAM's priorities and activities, any active political role or candidacy—whether full-time or not—creates real or perceived conflicts that can undermine SUHAKAM's independence and legitimacy.

“To address concerns of potential politicization of Commissioners, a series of amendments to the SUHAKAM Act⁵² were introduced. The said amendments prevented individuals with political affiliations from being appointed as Commissioners.

A new Section 5(3B) was also introduced to prohibit appointments of persons who are "actively involved in politics and registered with any political party." Meanwhile, the term "political" was removed from Section 5(3) on Commissioner pluralism. These provisions were implemented when appointing the 2025-2028 cohort of Commissioners, during which extensions were not granted to Hasnal and Nazira Abdul Rahim, the Chief of the UMNO Women's section in Kulim.⁵³

Although Section 5(3) of the SUHAKAM Act requires Commissioners to "have knowledge of, or practical experience, in human rights matters," gaps in human rights expertise between the 2019-2022 and 2022-2025 Commissioner cohorts are apparent. These skills and expertise gaps can be attributed to the absence of published and specific selection criteria during open calls for applications. This weakens direction-setting and forces SUHAKAM staff to invest time and resources into capacitating newly appointed Commissioners on human rights literacy, such as preparing primers and talking points.⁵⁴ While important, this inadvertently slows down decision-making processes and blurs divisional priorities.

To operationalize clearer human rights expertise requirements, the government and SUHAKAM should publish a competency matrix which covers all areas of human rights, including civil and political rights as well as economic, social, and cultural rights. The selection process should also explicitly require specialized expertise in areas like children's rights, Indigenous peoples' rights, business and human rights. It should also prioritize demonstrated experience in engagements with UN treaty bodies and various human rights mechanisms.

Implementation of the outstanding GANHRI-SCA recommendation on the Commissioner appointment and selection process is critical to strengthening SUHAKAM's independence. The government and SUHAKAM should consider civil society's longstanding proposal to vest oversight body appointments in a permanent Parliamentary Select Committee. This would shift appointments from executive control to parliamentary oversight, enhancing independence, continuity across political cycles, and public confidence through transparent and merit-based selection grounded in cross-party scrutiny.

Full-time vs part-time Commissioners

SUHAKAM Commissioners constitute a mix of full and part-time members. Under Section 8 of the SUHAKAM Act, the Chairperson is fully remunerated, with the 2023 amendments extending this to the Chief Children's Commissioner and two Children's Commissioners. The other Commissioners, on the other hand, remain part-time and receive allowances.

Transitioning to a completely full-time commission would strengthen institutional independence, ensure continuity, and enhance the timeliness and consistency of decision-making. This would also reduce exposure to conflicts of interest.

However, civil society is cognizant of the practical challenges that come with such a drastic transition. Beyond budgetary constraints, this transition faces practical challenges related to the sustainability of full-time service—particularly for prospective Commissioners from civil society backgrounds, who may face income loss or difficulties in vacating key leadership roles.

To overcome budgetary constraints, this transition to 100% full-time Commissioners may be possible by reducing the statutory cap from 20 to just seven full-time Commissioners. This should be accompanied by stronger incentives for full-time service and requirements ensuring demonstrated expertise across core human rights domains. The 2023 SUHAKAM Act amendments set a minimum floor of seven but retained the overly high ceiling of 20 Commissioners. Regional practice shows a leaner board can work. For example, the Philippines' Commission on Human Rights operates effectively with five commissioners for a population more than three times Malaysia's.

To address concerns with the continuity of work during leadership transitions, the appointment of Commissioners are now staggered. After former Chairperson Rahmat Mohamed's resignation in August 2023,⁵⁵ Mohd Hishamudin Md Yunus was appointed in July 2024. Together with Children's Commissioner Farah Nini Dusuki—who was appointed in March 2023⁵⁶—they will remain in post while the other Commissioners' terms conclude in mid-2025, smoothing the handover to the next cohort.

51 Ibid.

52 Human Rights Commission of Malaysia Act, 1999 (Act 597), <https://lom.agc.gov.my/act-detail.php?act=597&lang=Bl>.

53 FMT Reporters, "New Suhakam Commissioners Appointed, No extension for Umno duo," Free Malaysia Today, September 26, 2025, <https://www.freemalaysiatoday.com/category/nation/2025/09/26/new-suhakam-commissioners-appointed-no-extension-for-umno-duo>.

54 SUHAKAM staff, in interview by author, May 2025, SUHAKAM Kuala Lumpur office.

55 Alyaa Alhadjri, "Suhakam Chair Resigns Voluntarily, Effective Aug 31," Malaysiakini, August 28, 2023, <https://www.malaysiakini.com/news/677252>.

56 Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM), "SUHAKAM Welcomes The Appointment of New Commissioners And Designations of Children Commissioners," media statement, SUHAKAM, August 2, 2025, <https://suhakam.org.my/ms/2025/08/media-statement-no-33-2025-suhakam-welcomes-the-appointment-of-new-commissioners-and-designations-of-children-commissioners/>.

Commissioner dismissal

Section 10(d) of the SUHAKAM Act allowed the removal of Commissioners by the Yang di-Pertuan Agong—on the Prime Minister's advice—on groundsthatincludemisbehaviour that “bring(s) disrepute to the Commission and action that contravene the SUHAKAM Act And “in conflict with” Commissioner duties.

“ *GANHRI-SCA has long flagged the risk of political interference in this process since some of these grounds are discretionary and the Prime Minister retains decisive influence over both recommendation and process.*

In April 2023, former Chairperson Rahmat filed a civil defamation suit against then Deputy Secretary Shahizad Sulaiman. The latter lodged complaints via the Complaints and Monitoring division, alleging racial discrimination in project staffing and abuse of power.⁵⁷ After this case went public in June 2023, SUHAKAM referred these complaints to its parent ministry, BHEUU, for “advice and direction.”⁵⁸ SUHAKAM announced that an internal investigation will be carried out “by an independent body, ensuring a meticulous, impartial, and fair process in accordance with best practices.”

However, despite civil society's calls, former Chairperson Rahmat was not suspended pending the inquiry outcome.⁵⁹ There were also no timely updates on the inquiry's progress nor any disclosure of the identity and credentials of the external body tasked to investigate. Further scrutiny came when former Chairperson Rahmat “voluntarily resigned” after two months of investigation. He was then subsequently appointed as the Chair of the Asian International Arbitration Centre (AIAC) Advisory Board for the 2023-2025 term.⁶⁰ It must be noted that the BHEUU plays a role in AIAC Advisory Board appointments.

Responding in part to longstanding concerns—and underscored by episodes like the above—the 2023 amendments partly narrowed executive discretion in Commissioner dismissals. Section 10(d)(ii) now ties the removal for misconduct to a “breach of a code of conduct,” replacing the vague “bring disrepute to the Commission” clause previously used to describe the nature of alleged misconduct.

Newly added Sections 10A-10B propose to establish a discipline architecture in two ways. The first is through the Code of Conduct established by the Minister in the Prime Minister's Department (Law and Institutional Reform), which is waiting to be gazetted. The second is through a three-member investigation tribunal appointed by the Prime Minister, with suspension powers pending findings.

While these are steps toward specificity, key independence safeguards remain weak.

57 Alyaa Alhadjri, “Suhakam Chair Says ‘Nothing to Hide’ as Fresh Allegations Surface,” Malaysiakini, June 28, 2023, <https://www.malaysiakini.com/news/670250>.

58 SUHAKAM, “Allegations Made Against the Chairman and Concerns Raised by Various NGOs Regarding the Internal Activities of SUHAKAM,” press statement, SUHAKAM, June 24, 2023, https://suhakam.org.my/2023/06/press-statement-no-20-allegations-made-against-the-chairman-and-concerns-raised-by-various-ngos-regarding-the-internal-activities-of-suhakam-kenyataan-media-no-20_dakwaan-terhadap-pengerusi-serta/.

59 “Suaram Urges Suhakam Chair Take Garden Leave Amid Probe,” Malaysiakini, June 20, 2023, <https://www.malaysiakini.com/news/669338>.

60 Alhadjri, “Suhakam Chair Resigns.”

Firstly, placing both the Code's authorship and the tribunal's procedure-setting with the Minister—and tribunal appointments with the Prime Minister—concentrates control within the executive. Secondly, no transparent selection criteria or plural composition—such as a retired judge nominated by the judiciary or an NHRI/Bar Council nominee—is required for the tribunal.

As of 2025, the Code has yet to be gazetted,⁶¹ prolonging uncertainty and leaving the disciplinary framework in limbo. There is also no indication as to whether the Code will be made publicly available.

“ *To safeguard independence, drafting of the Code should be opened to public consultation, with due weight given to SUHAKAM's institutional views given its mandate.*

The tribunal procedures should also entrench basic safeguards to ensure fairness in process, such as advance notice, clear timelines, written reasons, and publication of outcomes.

61 SUHAKAM staff, in multi-sectoral consultation in conjunction with the 2025 SUHAKAM Day Celebration: Strengthening of SUHAKAM through the 2026 Re-Accreditation Process, with author, September 9, 2024, IDEAS Kuala Lumpur.

Budget autonomy

SUHAKAM receives an annual allocation from the Ministry of Finance, as provided for in Section 19(1) of the SUHAKAM Act. It retains complete autonomy over internal spending and execution. Nevertheless, funding adequacy remains a constraint.

In 2023, SUHAKAM received RM14.39 million (USD 3.4 million)—the highest in five years (2020-2024).⁶² However, it only spent RM15.58 million (USD 3.68 million), leaving a shortfall of RM1.19 million (USD 280,000).⁶³

Unless its budget is significantly increased, SUHAKAM will face even more constraints, which would then necessitate trade-offs in coverage, continuity, and follow-through. The problem becomes even more worrying as Malaysia experiences inflation and rising operation costs alongside growing demands for SUHAKAM to engage with a wider range of emerging human rights issues.

62 Ibid.

63 SUHAKAM, Laporan Tahunan 2023, pg 309-311, <https://suhakam.org.my/wp-content/uploads/2025/07/Laporan-Tahunan-2023-SUHAKAM.pdf>.

Mandate

Confined mandate

Section 2 of the SUHAKAM Act confines human rights to the fundamental liberties in Part II of the Federal Constitution.⁶⁴ This definition leaves notable substantive gaps that restrict SUHAKAM's mandate.

For example, Article 8(2) of the FC defines its non-discrimination clause—which only applies to the public sector—with an exhaustive list of grounds related to religion, race, descent, place of birth, and gender. However, this narrow formulation omits other critical categories such as disability, sexual orientation, gender identity, and language.

Moreover, socio-economic and emerging rights—such as the right to work and right to clean air—are not explicitly enshrined in SUHAKAM's enabling law. For example, torture is not expressly prohibited under Part II of the Constitution. Freedom of religion or belief (FoRB) under Article 11 also diverges from International Covenant on Civil and Political Rights

(ICCPR) aligned standards, given ongoing restrictions on proselytization and religious conversion for Muslims.

Section 4(4) of the SUHAKAM Act partly mitigates these constraints by allowing SUHAKAM to have regard to the Universal Declaration of Human Rights when exercising its functions, provided such reference is not inconsistent with the Federal Constitution. SUHAKAM has made active use of this provision in practice. For example, on the right to work, SUHAKAM centred the experiences of workers from marginalized groups—such as gig workers and domestic workers—by convening multi-stakeholder engagements and channeling targeted recommendations.

“On rights not explicitly recognized under Part II of the Federal Constitution, SUHAKAM has also relied on sustained civil society partnerships to broaden public understanding and sustain policy engagement.”

As part of the #ACT4CAT (Act for the Convention against Torture) Coalition since 2015⁶⁵—together with CSOs and the Malaysian Bar—SUHAKAM continued co-organizing public awareness-raising activities to advocate for Malaysia's accession to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

⁶⁴ Malaysia, Federal Constitution: Incorporating all amendments up to 11th September 2015 (Kuala Lumpur: Government Printer, 1987), <https://lom.agc.gov.my/federal-constitution.php>.

⁶⁵ SUHAKAM, “Torture III Treatment, Death in Custody,” SUHAKAM, <https://suhakam.org.my/portfolio/treatment-of-detainees/#:~:text=Torture%20and%20III%2Dtreatment,both%20local%20and%20international%20levels>.

In 2024, ACT4CAT organized the Safe in Custody festival⁶⁶ to change public perceptions towards torture and ill-treatment in custody. The event comprised of creative ways to raise awareness on detainee's rights, including theatre performances exploring coercive versus rapport-based interviewing in police investigations, music performances raising awareness of torture in police custody, panel discussions on torture prevention and interactive booths by CSOs.

In the area of environmental rights, SUHAKAM continued collaborations with Greenpeace to co-host a right-to-clean-air forum in March 2023 during the Rainbow Warrior ship's stop at Port Klang. This served as a follow-up on roundtable discussions on haze pollution it organized in 2022.⁶⁷ SUHAKAM also launched a report⁶⁸ based on the latter discussions.

*“Beyond programming, SUHAKAM has been a vocal advocate of environmental rights, with its consistent calls to amend the FC to include the fundamental right to a clean and safe environment.”*⁶⁹

⁶⁶ Association for the Prevention of Torture (APT), “Malaysia: Creativity and conversations at #SafeInCustody Festival,” APT, <https://www.apr.ch/news/malaysia-creativity-and-conversations-safeincustody-festival#:~:text=The%20Safe%20In%20Custody%20projects%20shares%20a%20positive%20narrative%20to%20the%20community&text=The%20%23SafeInCustody%20Festival%20was%20supported%20by%20the%20APT%2C%20SUHAKAM>.

⁶⁷ SUHAKAM, Laporan Tahunan 2023, 161.

⁶⁸ SUHAKAM, Silent Enemy: Report on Haze Pollution & the Right to Clean Air (SUHAKAM, 2024), <https://suhakam.org.my/wp-content/uploads/2024/09/SUHAKAM-Report-on-Haze-Pollution-Right-to-Clean-Air.pdf>.

⁶⁹ Samantha Ho, “Malaysians are Pushing for the Right to a Clean Environment. What Could This Mean?” Eco-Business, February 12, 2025, <https://www.eco-business.com/news/malaysians-are-pushing-for-the-right-to-a-clean-environment-what-could-this-mean/>.

Its development of the Strategic Framework in 2015⁷⁰ and involvement in the national baseline assessment exercise formed the instrumental basis for the 2025-2030 National Action Plan for Business and Human Rights that was scheduled to be launched in 2025.⁷¹

Despite these commendable education and engagement efforts, tangible reforms remain contingent on political will. Namely, the government's continued resistance to UNCAT, citing the need to retain corporal punishment⁷² in civil and Syariah systems. Another issue is the absence of recognition in the Federal Constitution of the right to a clean, safe, healthy, and sustainable environment as well as legislations to address transboundary haze.⁷³

⁷⁰ SUHAKAM, Strategic Framework on a National Action Plan on Business and Human Rights for Malaysia, <https://toolsfortransformation.net/wp-content/uploads/2017/03/SUHAKAM-Strategic-Framework-on-National-Action-Plan-on-Business-and-Human-Rights-Malaysia.pdf>.

⁷¹ Bernama, “National Action Plan on Business, Human Rights to Be Launched in 2025,” New Straits Times, December 10, 2024, <https://www.nst.com.my/news/nation/2024/12/1146313/national-action-plan-business-human-rights-be-launched-2025>.

⁷² Soo W. Jun, “Saifuddin Nasution: Malaysia Can't Ratify Anti-torture Convention Due to Country's Caning Laws,” Malay Mail, June 1, 2024, <https://www.malaymail.com/news/malaysia/2024/07/01/saifuddin-nasution-malaysia-cant-ratify-anti-torture-convention-due-to-country-caning-laws/142403>.

⁷³ SUHAKAM, Silent Enemy.

Challenges with the implementation of SUHAKAM's recommendations

In June 2024, the Bajau Laut evictions in Semporna similarly exposed limitations in SUHAKAM's mandate that hinder its ability to drive tangible reforms—particularly the absence of enforcement powers and mandatory requirement for the government to consult and accept recommendations from the Commission.

After the 4-5 June forced evictions of Bajau Laut in Sabah in 2024,⁷⁴ SUHAKAM called for immediate assistance such as temporary housing, medical care, and schooling for affected communities.⁷⁵ In July 2024, SUHAKAM conducted a two-day fact-finding mission. Publicly recognizing the Bajau Laut as Indigenous, the Commission found the eviction and relocation processes inhumane and non-consultative. SUHAKAM called for alignment with the United Nations Declaration on the Rights of Indigenous Peoples, an immediate suspension of operations, and a multi-stakeholder committee with community representation and SUHAKAM's participation to develop a long-term solution.⁷⁶

Despite these recommendations, the government did not take corrective action as smaller-scale evictions resumed across June,⁷⁷ August,⁷⁸ and December⁷⁹ 2024. Federal assistance measures that followed were premised on transitioning the Bajau Laut away from their traditional seafaring livelihoods, reflecting a paternalistic policy approach.⁸⁰ Persistent use of terms like “Pala’u”—often viewed as pejorative—also underlined the government's refusal to formally recognize the community's identity and way of life.

Uneven efforts on anti-discrimination

“*SUHAKAM's statements in response to discrimination were uneven—decisive in some but muted on other key grounds of discrimination—blurring the Commission's stance on equal promotion and protection of human rights for all.*”

In May 2024, an e-hailing driver with disabilities, Ong Ing Keong, was allegedly assaulted by a police officer. The response to the incident was lackluster: the Inspector General of Police's (IGP) delivered an update in June announcing that statements had been taken but no public updates were given beyond this. In response, SUHAKAM issued strong calls in August and September 2024

for decisive action. In August, following the IGP's vague announcement that “disciplinary action” had been taken, SUHAKAM pressed for the disclosure of the type of action taken against the officer and urged the Attorney-General's Chambers to expedite criminal proceedings in what it characterized as a “straightforward case of assault.”⁸¹ A month later, SUHAKAM condemned the Attorney General's “deafening silence” on whether prosecution would proceed, arguing that he has a “constitutional and moral duty” to address the matter.⁸²

However, momentum was not sustained. SUHAKAM did not issue any public statement on the 4 November 2024 court outcome when the officer pleaded guilty for voluntarily causing hurt and was fined RM1000 (USD 237).⁸³ The victim was reportedly not notified in advance of the charge. By remaining silent at the outcome stage, SUHAKAM missed the opportunity to call out lapses in victim notification, to question the proportionality of sanctions given the officer's action against a person with disabilities and the case's protracted timeline, and to address risks to public confidence when misconduct law enforcement appears trivialized in the eyes of the law.

In contrast to its relatively proactive response in the previous case, SUHAKAM remained silent on issues related to grounds of discrimination that are highly sensitive in Malaysia given the sociocultural context. These include racial discrimination, freedom of religion or belief, and LGBTQIA+ issues. In June 2024, Members of Parliament flagged SUHAKAM's silence on the first two issues.⁸⁴

“*Whilst advocacy on these issues is challenging given constitutional and sociocultural constraints, SUHAKAM's silence entrenches a de facto hierarchy of rights.*”

This framing was echoed in remarks by then-Chairperson Rahmat Mohamed just days after his July 2022 appointment, when he said that SUHAKAM would uphold human rights deemed appropriate for and aligned with the “local context (“acuan tempatan”)⁸⁵ as provided for in the SUHAKAM Act, even as he maintained that “human rights is human rights.”⁸⁶

Such silence can weaken SUHAKAM's credibility as an NHRI, especially when it is expected to apply Universal Declaration of Human Rights as its normative framework as well as to discharge its functions impartially and without fear or favor, notwithstanding the statutory limitations of its mandate.

74 Shahirah, “Bajau Laut in Semporna.”

75 SUHAKAM, “SUHAKAM Monitors Sabah Government Actions Affecting the Bajau Laut Community in Semporna,” press statement, SUHAKAM, June 9, 2024, https://suhakam.org.my/2024/06/press-statement-no-7-2024_suhakam-monitors-sabah-government-actions-affecting-the-bajau-laut-community-in-semporna/.

76 SUHAKAM, “SUHAKAM Calls for Immediate Suspension of Evictions and for Humane Solutions in Semporna,” press statement, SUHAKAM, August 14, 2024, https://suhakam.org.my/2024/08/press-statement-no-17-2024_suhakam-calls-for-immediate-suspension-of-evictions-and-for-humane-solutions-in-semporna/.

77 Ili Aqilah, “Fire During Eviction: NGO Disputes ‘Short Circuit’ Claim,” Malaysiakini, June 10, 2024, <https://www.malaysiakini.com/news/708351>.

78 Ili Aqilah, “Eight Houses Demolished in Sudden Semporna Raid,” Malaysiakini, August 12, 2024, <https://www.malaysiakini.com/news/715317>.

79 Borneo Komrad (@BorneoKomrad), “Sekarang Pihak Penguatkuasa Tetap Mahu Merobohkan Rumah Mereka. Beliau Diherdik Dan Dipaksa Mengosongkan Rumah Mereka. Sekarang Juga Tanaman Mangga Mereka Yang,” X, December 18, 2024, 9:35am, <https://x.com/BorneoKomrad/status/1869194851528683804>.

80 “M'sians Make up 22.1pct of Bajau Laut community, says Saifuddin,” Malaysiakini, July 26, 2024, <https://www.malaysiakini.com/news/713262>.

81 SUHAKAM, “SUHAKAM Calls for Greater Transparency in Assault Case Involving Police Escort,” press statement, SUHAKAM, August 16, 2024, https://suhakam.org.my/2024/08/press-statement-no-18-2024_suhakam-calls-for-greater-transparency-in-assault-case-involving-police-escort/.

82 SUHAKAM, “SUHAKAM Demands Urgent Action on Human Rights Violations Affecting Vulnerable Communities,” press statement, SUHAKAM, September 21, 2024, https://suhakam.org.my/2024/09/press-statement-no-22-2024_suhakam-demands-urgent-action-on-human-rights-violations-affecting-vulnerable-communities/.

83 Hidir R. A. Rashid, “Cop Who Escorted TMJ Pleads Guilty to Assaulting Deaf Driver, Fined RM1k,” Malaysiakini, November 4, 2024, <https://www.malaysiakini.com/news/724736>.

84 Isabelle Leong et al., “Where is Suhakam, Why the Silence, MPs ask,” Malaysiakini, June 27, 2022, <https://www.malaysiakini.com/news/710085>.

85 Kasthuri Patto, “MP SPEAKS | M'sia Needs a Gutsy, Independent Suhakam,” Malaysiakini, July 10, 2022, <https://www.malaysiakini.com/columns/627818>.

86 Alyaa Alhadjri, “Suhakam Chief: ‘Local context’ Human Rights in line with Consultation,” Malaysiakini, July 1, 2023, <https://www.malaysiakini.com/news/670482>.

In the case of racial discrimination, the gap is especially stark, given SUHAKAM's 5-year strategic objective⁸⁷ to combat racism, racial discrimination, and xenophobia. To enhance responsiveness and credibility, SUHAKAM should establish a rapid response mechanism to prioritize and address high-salience incidents of discrimination related to the 3Rs and other sensitive grounds through issuing timely public statements.

Civil society further urges SUHAKAM to institutionalize an annual assessment of its performance against the objective's outputs and indicators, so delivery is visible and trackable. The results should then inform planning for the following year, by identifying gaps, clarifying priorities, allocating resources, and resetting milestones.

Missed opportunity for standalone Children's Commission

The 2023 SUHAKAM Act amendments introduced Section 6A, creating a Chief Children's Commissioner and two Children's Commissioners, with their functions "in addition to and not in derogation of" their roles as SUHAKAM Commissioners. This formalizes the Office of the Children's Commissioner (OCC), which has been operating within SUHAKAM since 2019.⁸⁸ Increasing the number of Children's Commissioners from one to three also signals recognition by the Government that dedicated expertise is required to address the plethora of child rights issues.

However, this approach diverges from announcements by the Minister in the Prime Minister's Department (Law and Institutional Reform), Azalina Othman Said, that an independent Children's Commission⁸⁹ would be established, with its bill expected alongside amendments to the SUHAKAM Act by the end of 2023.⁹⁰ SUHAKAM⁹¹ and civil society⁹² publicly supported the standalone model, citing the OCC's current capacity limits and calling for expanded mandate and powers to ensure more effective protection and promotion of child rights.

Embedding three Children's Commissioners within SUHAKAM that covers all human rights risks diluting the NHRI's mandate by drawing finite Commissioner expertise and secretariat resources away from other rights areas whose demand is rising.⁹³ Specialized child-protection work may also remain under-powered if OCC staffing and related

89 Hana N. Harun and Qistina Sallehuddin, "Azalina: Children's Commission to Be Separated from Suhakam with Its Own Law," New Straits Times, March 16, 2023, <https://www.nst.com.my/news/nation/2023/03/889777/azalina-childrens-commission-be-separated-suhakam-its-own-law>.

90 Jassmine Shadiqe, "Children's Commission Bill to Coincide with Human Rights Commission Act Amendments in Parliament - Azalina," New Straits Times, October 7, 2023, <https://www.nst.com.my/news/nation/2023/10/964089/childrens-commission-bill-coincide-human-rights-commission-act-amendments>.

91 SUHAKAM, "SUHAKAM Supports the Government's Move in Developing the Children's Commission Bill," press statement, SUHAKAM, September 2, 2023, https://suhakam.org.my/wp-content/uploads/2023/09/Press-Statement-No.-30-2023_SUHAKAM-Supports-the-Governments-Move-in-Developing-the-Childrens-Commission-Bill-1.pdf.

92 Dr. Amar-Singh HSS et al, "Malaysian Children Need An Independent Children's Commission — 12 Child Rights Advocates & CSOs," CodeBlue, September 1, 2023, <https://codeblue.galencentre.org/2023/09/malaysian-children-need-an-independent-childrens-commission-12-child-rights-advocates-csos/>.

93 Amirul Aiman, "NGO Laments Missed Opportunity for Standalone Child Commission," Free Malaysia Today, December 4, 2023, <https://www.freemalaysiatoday.com/category/nation/2023/12/04/ngo-denounces-missed-opportunity-to-have-standalone-child-commission>.

87 SUHAKAM, 2021-2025 Strategic Plan, (SUHAKAM, 2021), https://suhakam.org.my/wp-content/uploads/2021/02/Strategic-Plan-e-Booklet_V5.pdf.

88 "Office of the Children's Commissioner (OCC)," accessed October 10, 2025, <https://suhakam.org.my/occ/>.

resources do not expand commensurately. This risks continued gaps for children from marginalized communities, including Indigenous, stateless, refugee, and asylum-seeking children.

Pluralism

Public engagement

SUHAKAM's public engagement is broadening—reaching campuses, interest groups, and faith audiences—signifying sustained efforts to reach audiences that do not traditionally self-identify with human rights discourse.

Within the reporting period, SUHAKAM received 14 study visits from local and international universities, international NGOs and foundations, and other interest groups.⁹⁴ These visits helped improve their understanding of SUHAKAM's mandate. It also created a two-way dialogue on contemporary human rights issues.

Since 2017, SUHAKAM has submitted draft Friday-sermon texts to state Islamic religious departments to weave basic human rights principles into familiar religious teaching as well as to reach audiences beyond typical human rights circles. In 2023 and 2024, SUHAKAM focused on climate change, older persons' rights, and violence against women.⁹⁵ Uptake remains uneven and largely contingent on each state's readiness. Sabah and Sarawak adopted texts in 2023. Meanwhile, Penang, Negeri Sembilan, Kedah, Perak, and Selangor did so in 2024.

94 SUHAKAM, Laporan Tahunan 2023, 47; SUHAKAM's Media and Promotion Division, interview by author, May 2025, SUHAKAM, Kuala Lumpur office.

95 SUHAKAM, Laporan Tahunan 2023, 35; SUHAKAM's Media and Promotion Division, interview.

To broaden public access, SUHAKAM published a compilation of 19 Friday sermons submitted to state religious departments—including those partially or fully read in mosques—covering 2017–2020, on SUHAKAM Day in 2024. A second edition for subsequent years is in progress.⁹⁶

Building on this faith-based outreach, SUHAKAM met the Department of Islamic Development Malaysia (JAKIM), a federal government agency that oversees Islamic affairs including religious guidance and policies, in August 2023 to develop the '40 Hadith on Human Rights' book. The project is currently in progress.

“Taken together, these activities signal a systematic effort to inculcate awareness of universal human rights in mainstream Islamic teaching and to nudge gradual norm change.”

Turning reach into results depends on consistent state-level uptake as well as simple monitoring of dissemination and audience response to steer advocacy.

“Engagement with marginalized communities has become increasingly systematic, with clearer mechanisms to ensure follow-up.”

SUHAKAM focused its indigenous outreach and monitoring on priorities set by communities, particularly in the area of land rights, laying groundwork for inclusive engagement and more relevant follow-through on complaints. During the dialogue with refugee leaders in 2023,⁹⁷ SUHAKAM explained their role in areas such as complaint

96 SUHAKAM's Media and Promotion Division, interview.

97 SUHAKAM, Laporan Tahunan 2023, 226.

investigations and mapped the daily barriers faced by the refugee community. These initiatives can improve human rights literacy among community leaders as well as the quality of subsequent complaints received.

Regional offices are adapting their methods to local contexts. For example, Sarawak's smaller and targeted community engagement sessions, "SUHAKAM Bersama Masyarakat," prioritize depth over breadth by conducting in-person activities in villages involving smaller participant groups. Such small but focused group sizes are appropriate where logistics, mistrust towards SUHAKAM, and misconceptions about the Commission's role are binding constraints.⁹⁸

“*These adaptations reflect SUHAKAM's commitment to improving the effectiveness of its outreach and engagement through enhanced problem diagnosis rather than increased activity volume.*”

Children's participation is partially institutionalized but execution lags. The Children's Consultative Council (CCC) has 18 child members, including those from Sabah and Sarawak. It serves as a platform for providing inputs on priorities and informing policymaking processes.⁹⁹

In 2023, members reviewed OCC's five-year strategy, provided inputs on parameters for the draft Malaysian Children's Commission Bill, and joined four online discussions on issues such as child marriage and school development. However, the absence of a dedicated focal officer led to uneven programming. Meetings were clustered in the first half of the year, and members only participated in two in-person events and consultations.

As an interim step, OCC planned to run smaller thematic consultations with CCC members. The OCC also aimed to collaborate with existing child councils—such as the Children's Representative Council, and Petaling Jaya Children's Council—having commenced discussions with the Department of Children's Development's Child Protection Division in 2023.¹⁰⁰

To translate that intent into impact, partnerships should be formalized via Memorandums Of Understanding (MoU) that set roles, timelines, and feedback loops (i.e., how CCC inputs move into decisions). Over time, resourcing a permanent secretariat function and publishing an annual CCC workplan would make child participation in policymaking routine and consequential.

⁹⁸ Representative of Sarawak SUHAKAM office, interview by author, May 2025, online.

⁹⁹ SUHAKAM, Laporan Tahunan 2023, 235-237.

¹⁰⁰ Ibid., 237.

Gender and disability quotas

The newly added Section 5(3)(3A) in the passed SUHAKAM Act amendments introduced quotas for women and persons with disabilities among Commissioners. It required at least 30 percent of women's representation and one Commissioner with disability. While the disability quota is expected to take effect with the 2025-2028 cohort, women representation among the 2022-2025 Commissioners already exceeds the gender floor at 40 percent.

Women's representation in managerial leadership in the SUHAKAM headquarters hovers around 30 percent, with women consisting of 33.3 percent of Deputy Secretaries and 28.6 percent among division heads.¹⁰¹ Continuity at the apex also matters as the Secretary appointed in 2023 is a woman, succeeding a woman predecessor, and SUHAKAM's Sabah Office is likewise led by a woman. SUHAKAM should build on this progress by taking deliberate steps towards achieving gender parity in managerial leadership, whilst ensuring intersectional and diverse representation—including women with disabilities—across decision-making roles.

¹⁰¹ Representative of SUHAKAM's Corporate Services Division, interview by author, May, online.

Alleged Commissioner abuse of power, discrimination and reprisal against staff

In 2023, a number of complaints were filed against former SUHAKAM chairperson Rahmat, alleging racial discrimination in the recruitment of project staff and abuse of power that risked compromising the Commission's integrity.

The first allegation involved Rahmat's preference for a female candidate over another applicant recommended by a selection committee that included senior management for a project officer post under a RM2.5 million (USD 591,576) EU grant,¹⁰² thereby raising concerns over racial discrimination. Rahmat alleged that the matter was no longer a concern, as commissioners agreed to conduct a fresh round of candidate interviews for the position.

The second allegation concerned Rahmat's appointment of a special officer despite senior management objections linked to the individual's appraisal for another role within the Commission.¹⁰³ The position was reportedly not provided for in SUHAKAM's organizational chart and previous chairpersons worked with a personal assistant alongside the senior management instead. Rahmat claimed that the appointment was discussed and agreed by commissioners before being communicated to management. However, it was uncertain whether senior management was involved in the discussion.

¹⁰² Alhadjri, "Suhakam Chair."

¹⁰³ Ibid.

Even if disputed, perceptions that a commissioner-level preference outweighs panel views—or that objections from senior management carry limited effect—can dampen confidence in process fairness. This can in turn suppress participation and narrow internal pluralism. Externally, these perceptions undercut SUHAKAM's standing to press others on the same norms, particularly given its 2021–2025 commitment to combat racism and racial discrimination.¹⁰⁴

Rahmat pursued the defamation suit against the complainant after the latter filed these allegations via SUHAKAM's public-facing complaints mechanism. However, Rahmat discontinued the suit shortly after the case went public and received outcry from civil society. The use of the Commission's public-facing complaints mechanism raises questions about the presence and adequacy of a dedicated, confidential, and fair staff channel for integrity complaints, including those involving commissioners.

As Section 12(2) of the SUHAKAM Act mandates the Commission to cease investigating inquiries once a matter is before or has been determined by the courts, Rahmat's action also de facto short-circuits internal investigations on these complaints. This dynamic was underscored by the High Court, which held that the discontinuance of the suit to be an abuse of process. It then ordered withdrawal without liberty to re-file.¹⁰⁵ Civil society groups likened Rahmat's move to a Strategic Lawsuit Against Public Participation (SLAPP) and warned of a potential chilling effect on whistleblowing.¹⁰⁶

Beyond formal disclosures, such episodes can reduce psychological safety and suppress staff voice through routine channels for input, narrowing the range of viewpoints that inform decisions and constricting internal pluralism. To enhance the effectiveness of the new Code of Conduct and investigation tribunal, SUHAKAM needs an accessible and confidential reporting channel with explicit anti-retaliation guarantees, alongside clear and published procedures on how their complaints will be handled.

Promotion

Advice on legislation and policy

SUHAKAM demonstrated proactive policy advocacy efforts in at least three policy areas, namely labor rights, statelessness, and disability rights. These efforts were sustained, participatory, and centred on marginalized groups.

“SUHAKAM actively collaborated with civil society and other sectoral stakeholders to identify real-life challenges and to bring them to the attention of government bodies.

In its work on gig employment, SUHAKAM used an intersectional approach—looking at the experiences of persons with disabilities, older workers and pregnant workers—to highlight accessibility gaps and to guide future recommendations.

Within the reporting period, SUHAKAM ran four in-person biannual multi-stakeholder consultations to obtain insights on issues of forced labor and gig work.¹⁰⁷ The forced labor consultations had wide geographic reach and great stakeholder diversity. They were held in Johor, Sabah, Penang, and Sarawak, with representatives from government ministries and agencies, labor unions, CSOs, universities, and employers.

These efforts yielded concrete outcomes, including recommendations to the Department of Labor and the Ministry of Human Resources as well as a meeting between the Embassy of the Philippines and SUHAKAM's Complaints and Monitoring Division regarding domestic worker issues.¹⁰⁸

On gig work, SUHAKAM convened roundtables with e- and parcel-hailing workers and associations from Kuala Lumpur/Selangor, Perak and Penang, and two platform providers. It also held a cross-government consultation with 60 officials from 40 agencies.

On statelessness, SUHAKAM paired research with legislative advocacy. Its 2023 research report “Human Rights and Statelessness in Peninsular Malaysia”¹⁰⁹ not only analyzed constitutional nationality provisions and implementation but also documented the micro-level, intersectional realities of stateless people. This included the social, political, legal, and economic harms endured by stateless people. Such topics are systematically underexplored. The report also recognizes regional differences in the

causes and lived experiences of statelessness. SUHAKAM's nuanced findings highlight that Sabah's cross-border history and proximity to Indonesia and the Philippines shape statelessness differently from Peninsular contexts, such as among Indigenous communities in Perak. This understanding supports the need for tailored and context-specific measures rather than one-size-fits-all approaches.

The report pairs recommendations with a targeted action plan. Its strongest calls are concrete and near-term, grounded in lived experience and child-centred practice. For example, it required the National Registration Department to give written reasons for citizenship refusals and to ensure school access through zero-reject policies with proactive outreach to orphanages.¹¹⁰

However, implementation has been challenging. The recommendations are insufficiently structured, thereby limiting accountability. Calls to action lack timelines and are not grouped into short- versus long-term. Some high-impact items are also vague, for example, there is no explicit duty to give reasons with an appeal window for Part III refusals nor any defined standard operating procedures changes under the Births and Deaths Registration Act.

¹⁰⁴ SUHAKAM, 2021–2025 Strategic Plan.

¹⁰⁵ Rahmat v. Shahizad, High Court (Malaysia), 2024.

¹⁰⁶ SUARAM, “SUHAKAM Chairperson's Defamation Suit Against Staff Places Institution's Human Rights Mandate In Jeopardy,” press statement, SUARAM, June 16, 2023, <https://www.suaram.net/post/suhakam-chairperson-s-defamation-suit-against-staff-places-institution-s-human-rights-mandate-and-in>.

¹⁰⁷ Representative of SUHAKAM's Policy Division, interview by author, May 2025, SUHAKAM Kuala Lumpur office.

¹⁰⁸ Ibid.

¹⁰⁹ Nungsari, M., and Fong, N, Human Rights and Statelessness in Peninsular Malaysia (SUHAKAM, 2023), https://suhakam.org.my/wp-content/uploads/2023/09/SUHAKAM_Statelessness.pdf.

¹¹⁰ SUHAKAM, Laporan Tahunan 2023, 277–291.

Building on the report, the OCC engaged the government with specific recommendations. In its submission to the Technical Committee studying the amendments to the FC chaired by the Home Ministry (KDN), SUHAKAM set out comprehensive calls to action across key problems areas:

- ♦ ensuring children born in Malaysia—who would otherwise be stateless—acquire nationality; removing penalties tied to illegitimacy;
- ♦ recognizing adoptive parents through amendments to the Adoption Act and the FC's Second Schedule;
- ♦ establishing standard operating procedures for foundlings;
- ♦ and making citizenship application decisions under Article 15A fairer with transparent criteria and shorter timelines.¹¹¹

In December 2023, the OCC escalated advocacy to the Conference of Rulers¹¹² through a memorandum.¹¹³ It narrowed its push to opposing proposed amendments that will deprive foundlings and abandoned children of automatic citizenship. This targeted push appears to have helped, as these regressive proposals were excluded in the citizenship amendments passed in October 2024. Most of SUHAKAM's proposals submitted to the Technical Committee, however, were not incorporated.

SUHAKAM also systematically engages on disability and ageing policies.

On disability, SUHAKAM ran a survey on electoral accessibility, however, data collection was limited to its social media channels. It also reviewed the 2019-2030 National Transport Policy for gaps in public transport accessibility. Likewise, it contributed to AICHR's consultation on the ASEAN Enabling Masterplan 2025 to ensure alignment with the Convention on Rights of Persons with Disabilities and related regional frameworks.¹¹⁴

On the rights of older persons, SUHAKAM organized forums, care-home visits, and state-agency roundtables in Sarawak in 2023 and in Penang in 2024, generating policy-based recommendations.¹¹⁵

¹¹² A council comprising rulers of nine states (Negeri Sembilan, Selangor, Perlis, Terengganu, Kedah, Kelantan, Pahang, Johor, and Perak) and governors of four states (Penang, Melaka, Sabah and Sarawak). Under the Federal Constitution, the Conference of Rulers has the right to deliberate over national policies, including those related to Islam and Malay privileges. It also has veto power over amendments to the Federal Constitution on Part III regarding citizenship, aside from relevant articles concerning the privileges of rulers, the national language and Malay privileges.

¹¹³ SUHAKAM, Laporan Tahunan 2023, 270.

¹¹⁴ Ibid., 153.

¹¹⁵ SUHAKAM Policy Division representative, interview.

¹¹¹ Ibid., 77-81.

“Structural constraints—including the lack of cooperation from other state actors—have limited the Commission’s impact.

Under the SUHAKAM Act, government agencies are not legally required to include SUHAKAM in the drafting of laws and policies. They are also not legally required to respond to corresponding recommendations. For instance, the Labor and the Ministry of Human Resources excluded SUHAKAM from consultations on the draft gig workers bill despite the Commission’s sustained advocacy.¹¹⁶

The exclusion of SUHAKAM from legislative processes contributes to challenges with the implementation of the Commission’s human rights recommendations. More than a decade after SUHAKAM’s 2013 National Inquiry into the Land Rights of Indigenous Peoples, government action has stalled.¹¹⁷ In 2024, SUHAKAM reconvened Indigenous communities, NGOs, and agencies to revisit pending recommendations.¹¹⁸

Internally, SUHAKAM lacks a consolidated mechanism to track its recommendations on laws, policies, and treaty actions as well as their acceptance and implementation status.¹¹⁹ This gap weakens follow-up with the government on human rights reforms, making it more challenging for the Commission to effectively plan and phase advocacy.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ SUHAKAM, “A Decade After National Inquiry - Striding Towards Respect and Recognition for the Orang Asal & Orang Asli,” press statement, SUHAKAM, November 17, 2023, <https://suhakam.org.my/2023/11/press-statement-no-44-2023-a-decade-after-national-inquiry-striding-towards-respect-and-recognition-for-the-orang-asal-orang-asli/>.

¹¹⁹ Representatives of SUHAKAM’s Policy and International Coordination Divisions, interview by author, May 2025, SUHAKAM Kuala Lumpur office.

Education and training

Between 2023 and 2024, SUHAKAM broadened its engagement on human rights education and training. The Commission significantly expanded its public outreach efforts, with the number of exhibitions increasing from 13 in 2022¹²⁰ to 23 in 2023.¹²¹ The 76.9 percent increase was marked by a stronger presence at university-hosted events.

SUHAKAM’s advocacy efforts extended human rights literacy into public and campus libraries. In 2023, it set up 10 new “human-rights corners” which carry human rights primers, SUHAKAM materials, and QR codes to online learning resources. This is the highest annual rollout since the initiative began in 2019.

“The formalization of long-term collaborations with law enforcement agencies has enabled progress to be more sustainable and encouraged greater ownership from partners.

Police training centres (PULAPOLs) and SUHAKAM co-developed a human rights module specific to policing. PULAPOLs then invited SUHAKAM to deliver training-of-trainers workshops in 2023, reaching more than 600 trainers and trainees.¹²²

¹²⁰ SUHAKAM, Laporan Tahunan 2022, pg 64, https://suhakam.org.my/wp-content/uploads/2025/02/2022_Laporan-Tahunan.pdf.

¹²¹ SUHAKAM, Laporan Tahunan 2023, 17.

¹²² Representative of SUHAKAM’s Education and Outreach Division, interview by author, May 2025, SUHAKAM Kuala Lumpur office.

In 2024, SUHAKAM independently observed live classes in three PULAPOLs to monitor progress and to ensure the human rights module’s effective implementation. This enabled tailored feedback to each center. A monitoring and evaluation feedback system was also introduced, gathering trainer feedback and setting a three-to-four-year review cycle beginning in 2025.¹²³

In the same year, SUHAKAM also extended its institutionalization of human rights education into the education sector by launching a dedicated training module for teachers’ training institutes, following six pilot workshops conducted between 2023 and 2024.¹²⁴

“However, challenges in securing full government support continue to limit SUHAKAM’s promotional impact, as evident in the limited uptake of the Human Rights Best Practices in Schools (ATHAM) program.

In 2023, SUHAKAM developed an activity guidebook for schools. And in 2024, it submitted a concept note on the ATHAM 2.0 program based on a 10-year effectiveness study and consultations with the Ministry of Education. The Ministry, however, has yet to approve these initiatives.¹²⁵ The government only encourages—but does not mandate—ATHAM uptake in schools. The Ministry has also not taken part in joint monitoring and evaluation, hindering scale-up and outcome tracking.

123 Ibid.

124 Ibid.

125 Ibid.

International engagement

SUHAKAM remained active in international human rights processes, particularly with the UPR and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee. It submitted stakeholder reports for both review processes in 2023 and attended Malaysia’s reviews in 2024,¹²⁶ during which a SUHAKAM Commissioner delivered a five-minute intervention before the CEDAW Committee hearing.¹²⁷

Civil society, however, criticized SUHAKAM for its weak recommendations¹²⁸ during the CEDAW review process. The Commission had omitted longstanding calls to legislate a definition of discrimination, align national legislation with CEDAW, and withdraw reservations to Article 9 (equal nationality rights). SUHAKAM also misstated the legal status of marital rape and failed to explicitly address the issue of female genital mutilation.

In 2023 and 2024, SUHAKAM maintained close engagement with peer NHRIs and UN actors. It renewed a five-year MoU on long-term solutions to statelessness in Sabah (2023–2028) with Komnas HAM (Indonesia)

126 SUHAKAM, “Recommendations Received from Malaysia’s 4th UPR,” press statement, SUHAKAM, January 27, 2024, https://suhakam.org.my/wp-content/uploads/2024/01/Press-Statement-No.2-2024_SUHAKAM-Urges-Government-to-Positively-Assess-All-Recommendations-Received-from-Malaysias-4th-UPR.pdf.

127 SUHAKAM, “Malaysia Commits to Enhancing Gender Rights and Equality Under CEDAW,” press statement, SUHAKAM, May 31, 2024, https://suhakam.org.my/2024/05/press-statement-no-6-2024_malaysia-commits-to-enhancing-gender-rights-and-equality-under-cedaw/.

128 SUHAKAM, Written Submission To The Committee On The Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW) State Party: Malaysia (SUHAKAM, 2023), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNHS%2FMYS%2F58389&Lang=en.

and CHRP (Philippines),¹²⁹ strengthening regional collaboration on a key transnational human rights issue.

In 2024, SUHAKAM engaged UN High Commissioner Volker Türk and the Independent Expert on the enjoyment of all human rights by older persons during their respective country visits.¹³⁰ It also constructively engaged with the Special Rapporteur on Violence Against Women in Geneva through a bilateral meeting during Malaysia’s CEDAW review, focusing on child marriage and forced conversions to feed into the mandate’s future communications and follow-up.

Annual report

SUHAKAM continued to face delays in tabling annual reports in Parliament. The annual reports covering 2020 to 2022 were only tabled in 2023 and 2024. Meanwhile, those covering 2023 and 2024 are expected in 2025.

These delays undermine transparency and weaken accountability, as the reporting on the implementation of SUHAKAM’s mandate and functions is consistently late. Despite this, civil society welcomed the decision by MPs to debate the annual reports for 2020 to 2023 despite no legal requirement to do so. During the debate, the MPs followed up with relevant line ministers or their deputies on the content of the SUHAKAM reports. Most commendably, the MPs provided space for CSOs to collaborate with them during the preparation of parliamentary questions, widening civic space and promoting a participatory process.

129 Representative of SUHAKAM’s International Coordination Division, interview by author, May 2025, SUHAKAM Kuala Lumpur office.

130 Ibid.

The quality and accessibility of the annual reports tabled during the reporting period varied. While the 2020¹³¹ and 2021¹³² annual reports were bilingual, the 2022 report was available only in Malay.

While all reports included the documentation of its activities, recommendations, and critiques of the government’s human rights performance, the chapter quality fluctuated across the years. The chapters on work by the Policy and Law and International Treaties divisions were most assertive in 2020, directly advocating for the stronger compliance of domestic laws with international standards but lacking key information on the monitoring of government progress in this aspect. SUHAKAM’s analysis on the government’s human rights performance softened in its 2021 and 2022 annual reports, although recommendations were stronger in the 2022 edition.

While the OCC consistently named duty-bearers and urged action in the Commission’s annual reports, depth of analysis, recommendations, and impact evaluation fluctuated across the years. Regional chapters were also uneven; for example, the 2022 report’s chapter on Sabah was substantive, while Sarawak’s remained largely descriptive with limited recommendations and inconsistent complaint analysis.

“Uneven analytic depth across chapters weakens the Annual Report as an accountability and learning tool.

131 SUHAKAM, Annual Report 2020, <https://suhakam.org.my/wp-content/uploads/2023/05/SUHAKAM-ANNUAL-REPORT-2020.pdf>.

132 SUHAKAM, Annual Report 2021, https://suhakam.org.my/wp-content/uploads/2024/07/2021_ANNUAL-REPORT.pdf.

Without consistent critique, impact evaluation and specific recommendations, SUHAKAM's capacity to rigorously assess progress and to hold the government to account is reduced. CSOs and Members of Parliaments likewise lose a reliable evidence base for targeted advocacy and monitoring.

SUHAKAM should adopt a bilingual and standardized template with objectives, findings—covering government performance—outcomes with indicators, and a recommendation tracker naming the responsible ministry, due date and status. This should be applied across all divisions and offices.

Protection

Complaints

SUHAKAM accepts complaints from victims and representatives, including NGOs. Despite a systematic complaint-handling process, timeliness and responsiveness can be affected by human resource constraints, geographic barriers, and a lack of full cooperation from government agencies. Protection remains referral-dependent, with no dedicated HRD focal point or rapid-response protocol to mitigate reprisals.

Impact of amendments to the SUHAKAM Act to the Commission's complaint-handling functions is mixed. The newly added Section 4(2)(ea) strengthens access to complaints, by empowering the OCC to receive complaint-related communications directly from children. The mandate to directly communicate with children at risk can reduce reliance on adult intermediaries and lower reporting barriers. It also aligns practice with the Convention on the Rights of the Child participation standards, while enabling earlier and more child-sensitive triage and safeguarding.

Separately, the amended Section 4(2)(d) expands SUHAKAM's power to visit places of detention and institutions by adding "other place." However, access remains contingent on "procedures," with sources now expanded to include guidelines aside from the existing "written laws." SUHAKAM has tried to leverage the opening by drafting guideline proposals—including for unannounced entry—and engaging the detention authorities on their adoption.¹³³ To date, authorities have not agreed to adopt SUHAKAM's proposal, leaving the Commission's access to detention facilities at risk of delays and selective gatekeeping. All these could undermine timely investigations, especially in cases of deaths and torture in custody.

SUHAKAM's complaint intake system is methodical, with standard operating procedures in place to acknowledge complaints received as well as to assess admissibility and triage urgency against set timelines.

The Sabah office, for instance, conducts a preliminary screen and verifies missing information before assessing admissibility.¹³⁴ Admissible complaints are then classified for investigation, mediation/intervention, or monitoring and referral.

The Sarawak office, on the other hand, uses a three-tier triage to classify admissible complaints: 1) urgent, 2) important but not urgent, 3) assistance for issues that are not clear human rights violations.¹³⁵ These processes enable proportionate handling of complaints and focus limited staff time on priority cases.

¹³³ Representative of Complaints and Monitoring Division from SUHAKAM Kuala Lumpur Office, interview by author, October 2025, SUHAKAM Kuala Lumpur office.

¹³⁴ Representative of Sabah SUHAKAM office, interview by author, written responses.

¹³⁵ Representative of Sarawak SUHAKAM office, interview by author, May 2025, online.

In 2023, the proportion of complaints that proceeded to investigation rose to 80.6 percent, compared to 75 percent in 2021 and 71.4 percent in 2022. The uptick may be at least partially attributed to a more targeted outreach that brought more in-jurisdiction complaints into the system. The Sarawak office conducted the SUHAKAM Bersama Masyarakat community program in a more targeted manner, involving smaller groups of Indigenous community members.¹³⁶ The office also had a new head of office and another officer who speaks the Iban language appointed within the reporting period, which helped ease communications and case handling.

By contrast, the proportion investigated by the Sabah office dropped by nearly 59 percent in 2023 compared to 2022. This change likely reflects a short-term capacity constraint as newly appointed officers were establishing internal workflows while simultaneously handling investigations, public education, and stakeholder engagement.¹³⁷

Timeliness targets remain ambitious. For example, the Complaints and Monitoring Division (CMD) aims to resolve straightforward cases within one to two weeks, while complex cases require at least one to three months.¹³⁸ However, resource constraints pose challenges. A small team of eight officers—including the head—manages approximately 350 to 500 cases annually, indicating a heavy caseload per officer.

¹³⁶ Ibid.

¹³⁷ Sabah SUHAKAM office representative, interview, written.

¹³⁸ Representative of Complaints and Monitoring Division from SUHAKAM Kuala Lumpur Office, interview by author, May 2025, SUHAKAM Kuala Lumpur office and online.

Follow-up practices also reveal uneven capacity. For forced labor cases, the CMD usually conducts follow-up visits within one to two weeks after the previous visit in which recommendations were communicated to the employer,¹³⁹ reflecting a timely response to labor rights concerns. By contrast, follow-ups in detention facilities occur less frequently due to challenges linked to staff shortage.

Recurring hurdless low down SUHAKAM's case investigations. Limited human rights literacy and uncertainty about the Commission's mandate among agency officers¹⁴⁰ can slow down evidence gathering. Access to documents to facilitate investigations can be held up until SUHAKAM officers explain the Commission's mandate, underscoring the need for systematic capacity-building on SUHAKAM's functions and powers for public officials.

Information bottlenecks also delay case work. For custodial death cases, for instance, CMD officers may need to wait at least three months to receive the toxicology findings due to laboratory backlogs, stretching timelines for investigations, and delaying recommendation-giving.¹⁴¹

In Sabah and Sarawak, investigations are further constrained by geographic and logistical barriers to reaching remote areas.¹⁴²

“With only two small regional offices covering vast territories, SUHAKAM faces capacity challenges in effectively addressing human rights concerns that are particularly prevalent in these regions.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Representatives of Sabah and Sarawak SUHAKAM offices, interview by author, May 2025, written responses and online respectively.

These include issues of statelessness, Indigenous peoples' rights, and land disputes. This structural limitation reduces the ability of these regional offices to provide timely and consistent protection in areas where human rights vulnerabilities are often most acute.

“While there have been promising steps taken to improve communications with authorities and complainants, challenges in fully engaging government agencies remain.

Notably, the addition of a new section 13(2) in the SUHAKAM Act requires authorities to inform SUHAKAM of action taken in relation to a complaint. While CMD reports improved cooperation, with eight out of 10 agencies now providing feedback to SUHAKAM,¹⁴³ Sabah and Sarawak offices continue to face slow or absent responses.¹⁴⁴ In some instances, alleged detainee abuse cases have taken one to two years to elicit replies. Meanwhile, citizenship files may remain pending for three to five years without response from KDN in Putrajaya.¹⁴⁵

Internally, officers aim to keep complainants regularly updated in line with internal timelines. However, the high caseload means that CSOs representing victims often need to follow up proactively.

In 2023, Complaint resolution rates across all intake points improved significantly compared to previous years. In 2023, CMD and the Sabah and Sarawak offices resolved 53.3 percent of its cases i, a sharp increase from

19.4 percent in 2021 and 26 percent in 2022.¹⁴⁶ The OCC similarly closed 64.7 percent of accepted cases, compared with 34.8 percent in 2022 and 31.4 percent in 2021.

In 2023, after a dialogue with NGO Stateless Malaysians Citizenship Movement (SMCM), the OCC compiled 50 children's citizenship cases and submitted them to KDN.¹⁴⁷ By year-end, KDN approved the applications of four children born out of wedlock to Malaysian fathers and non-citizen mothers.

However, resolution rate is contingent on case type. Forced labor complaints can be concluded quickly when employers cooperate. By contrast, cases related to refugees and asylum-seekers remain protracted due to Malaysia's non-accession to the 1951 Refugee Convention and a national policy that denies legal recognition to these marginalized groups.¹⁴⁸ In such cases, SUHAKAM's role is limited to raising concerns to the National Security Council and KDN and monitoring case by case responses.

“This reflects the broader challenge of addressing rights violations rooted in policy gaps beyond SUHAKAM's direct authority. Commendably, the Chairperson of SUHAKAM has actively called on the Government to advocate for Malaysia's ratification of the 1951 Refugee Convention.¹⁴⁹ Such a step was welcomed by civil society.

¹⁴⁶ Comparison of the 2021-2023 Human Rights Commission of Malaysia (SUHAKAM) Annual Reports.

¹⁴⁷ SUHAKAM, Laporan Tahunan 2023, 246.

¹⁴⁸ SUHAKAM Complaints and Monitoring Division representative, interview (in person and online).

¹⁴⁹ Jason Thomas, “New Suhakam Chief Targets ICERD, Refugee Convention Ratification,” Free Malaysia Today, August 8, 2024, <https://www.freemalaysiatoday.com/category/nation/2024/08/08/new-suhakam-chief-targets-icerd-refugee-convention-ratification>.

¹⁴³ SUHAKAM Complaints and Monitoring Division representative, interview (in person and online).

¹⁴⁴ SUHAKAM representatives, Sabah and Sarawak offices, interview (written and online).

¹⁴⁵ Representative of Sarawak SUHAKAM office, interview by author, May 2025, online.

SUHAKAM has not facilitated individual complaints to international bodies. On violations relating to CEDAW, CRC and the Convention on the Rights of Persons with Disabilities (CRPD), Malaysia's non-accession to the respective Optional Protocols leaves SUHAKAM without a treaty-based channel to facilitate such complaints.

SUHAKAM did not conduct national inquiries during the reporting period. Nevertheless, several case investigations had features of systemic investigations, such as extensive evidence gathering, multi-agency engagement support, and provision of recommendations that focus on structural or systemic change.

In 2023, the OCC's investigation into child rights violations at registered childcare centres—prompted by a rise in abuse complaints (336 cases) in 2021 and 2022—drew on complainant testimonies and agency interviews to map gaps in law enforcement, regulation and accountability.¹⁵⁰ It engaged the Welfare Department and the police's Sexual, Women, and Child Investigation Division on stronger oversight. It also flagged legislative and procedural gaps that leave centre owners unaccountable in fatality cases.

Additionally, the CMD's probe into an unregistered rehabilitation centre—covering violations including denial of healthcare and ill-treatment—produced structural recommendations, including the establishment of an interagency committee to monitor all private rehabilitation centers nationwide regardless of registration status.¹⁵¹

¹⁵⁰ SUHAKAM, Laporan Tahunan 2023, 247-249.

¹⁵¹ Ibid., 215-216.

Stakeholder protection

SUHAKAM applies basic safeguards when handling complainants and witnesses. Case officers uphold confidentiality—including for complaints received from detention facilities—with the complainants' consent explicitly obtained before proceeding to share personal information with authorities.¹⁵² To facilitate informed decision-making, complainants are briefed on the risks involved as well as the limitations to SUHAKAM's mandate early on.

Nevertheless, SUHAKAM still plays a referral role when it comes to access to witness protection schemes and key support services such as safe housing and shelters. As a result, protection becomes dependent on third-party capacity, especially for adult complainants who face fragmented but bureaucratic services and may be denied assistance due to eligibility mismatches.

“HRD protection remains under-institutionalized. SUHAKAM currently lacks a designated HRD focal point, a rapid response protocol, and dedicated HRD referral pathways.

Moreover, it has not consistently used its existing mandate for informal protection through timely public advocacy. For example, the Commission did not criticize the Immigration Department's order issued on 24 January 2024 to deport UNHCR refugee M.A Quayum.¹⁵³ This contravened the 18 January Kuala Lumpur High Court ruling of stay of deportation on Quayum pending

¹⁵² Representatives of SUHAKAM, Sabah and Sarawak offices, and the Complaints and Monitoring Division, Kuala Lumpur office, interview by author, May 2025 (written responses, online, and in person, respectively).

¹⁵³ S Vinothaa, “Immigration to Deport Bangladeshi Politician in Spite of Court Order,” Malaysiakini, January 30, 2024, <https://www.malaysiakini.com/news/694812>.

disposal of his habeas corpus application.¹⁵⁴ Quayum's lawyer then successfully obtained an undertaking from the Immigration Department not to act on the deportation order.¹⁵⁵ In August 2024, Quayum and his family voluntarily returned to Bangladesh, following the establishment of the interim government. This decision came three months after a consent judgment¹⁵⁶ withdrawing the deportation order and providing for third country resettlement.¹⁵⁷

Conclusion

The 2023 SUHAKAM Act amendments brought positive changes that strengthened aspects of SUHAKAM's independence and diversity. These included prohibiting the appointment of commissioners actively involved in politics, introducing gender and disability quotas, formalizing the positions of Children's Commissioners, and empowering the Children's Commissioners to receive complaints directly from children. Nevertheless, longstanding gaps highlighted by the GANHRI-SCA during the Commission's 2021 reaccreditation—particularly concerning the transparency of SUHAKAM's commissioner selection process, the lack of full-time tenure, and budget adequacy—remain unaddressed.

The defamation suit filed by former SUHAKAM Chairperson Rahmat Mohamed against former Deputy Secretary Shahizad Sulaiman also exposed not only structural weaknesses arising from executive discretion in commissioner dismissal, but also the risk of compromised internal plurality through a chilling effect on whistleblowing. Although the investigation tribunal and Code of Conduct newly provided for in the 2023 amendments partially mitigate these concerns, both remain Minister-led initiatives. Meaningful participation by SUHAKAM and external experts in drafting these frameworks is necessary to ensure that the resulting mechanisms are fair, objective, transparent, and accountable.

SUHAKAM has also taken commendable measures, including sustained civil society partnerships to engage on rights areas not explicitly provided for in the Federal Constitution, such as torture prevention. However, its efforts remain critically lacking in addressing Malaysia's most sensitive human rights issues, namely racial discrimination, freedom of religion or belief, and the rights of LGBTQIA+ persons. SUHAKAM's human rights training initiatives with the police and teacher training institutes are highly commendable for their sustainability and systematic integration of monitoring and evaluation mechanisms to improve impact over time. A more structured and iterative approach is also evident in its engagement with marginalized groups on policy issues and complaints handling.

However, the scale and impact of such efforts remain constrained by staff shortages, resource limitations, and uneven cooperation from government agencies. Protection of complainants, witnesses, and defenders at risk of reprisal continues to rely on external actors, with no dedicated HRD focal point or rapid-response protocol to ensure timely and effective response.

Recommendations

To SUHAKAM

- ✓ Develop a commissioner competency matrix to guide the appointment process.
- ✓ Institutionalize a rapid response protocol to triage and publicly respond within 72 hours to high-salience incidents of discrimination based on race, religion or belief, sexual orientation, and gender identity.
- ✓ Establish an independent and confidential integrity reporting channel for staff—including complaints against Commissioners—and adopt a zero-retaliation policy that is aligned with the Code of Conduct and investigation tribunal framework.
- ✓ Develop a consolidated recommendation database or dashboard to track recommendation status end-to-end, with scoring on key criteria—feasibility, priority and strategic value—to drive SUHAKAM's advocacy planning.
- ✓ Starting with the 2025 cycle, publish a bilingual, standardized annual report that evaluates delivery against the 5-year Strategic Plan objectives and enforces consistent chapter quality across all divisions and offices.
- ✓ Conclude MoUs with core support service providers—for safe shelters, psychosocial care, legal aid—in the Peninsular, Sabah, and Sarawak that include service-level targets and data-sharing terms.
- ✓ Appoint an HRD focal point and adopt a protocol that acknowledges alerts within 48 hours, conducts basic risk assessments, maps referral pathways, sets criteria for public statements within 72 hours where safe, and maintains a confidential case register to document reprisals.

To the OCC

- ✓ By 2026, establish a CCC secretariat and annual workplan that schedules a designated number of engagements both within and outside Klang Valley, sets and tracks key performance indicators.

To the Malaysian Government

- ✓ Amend Sections 5 and 11A of the SUHAKAM Act before the Commission's 2026 reaccreditation review in order to fully align with GANHRI-SCA's recommendations.
- ✓ Legislate to phase SUHAKAM to a fully full-time Commission by the 2028-2031 cohort. This includes reducing the statutory cap to seven to nine commissioners.
- ✓ Ensure that the investigation tribunal framework embeds plural membership alongside a transparent selection process and enforceable due process guarantees.
- ✓ Ensure that SUHAKAM has adequate funding to fulfill its mandate to promote and protect human rights for all.
- ✓ By 2030, establish an independent and Paris Principles-aligned Children's Commission with expanded powers and mandate, including unrestricted access to shelters and detention facilities and routine data access from government agencies.

¹⁵⁴ Raveena Nagotra, "High Court Grants Bangladeshi Politician Stay of Deportation," *Malaysiakini*, January 18, 2024, <https://www.malaysiakini.com/news/693536>.

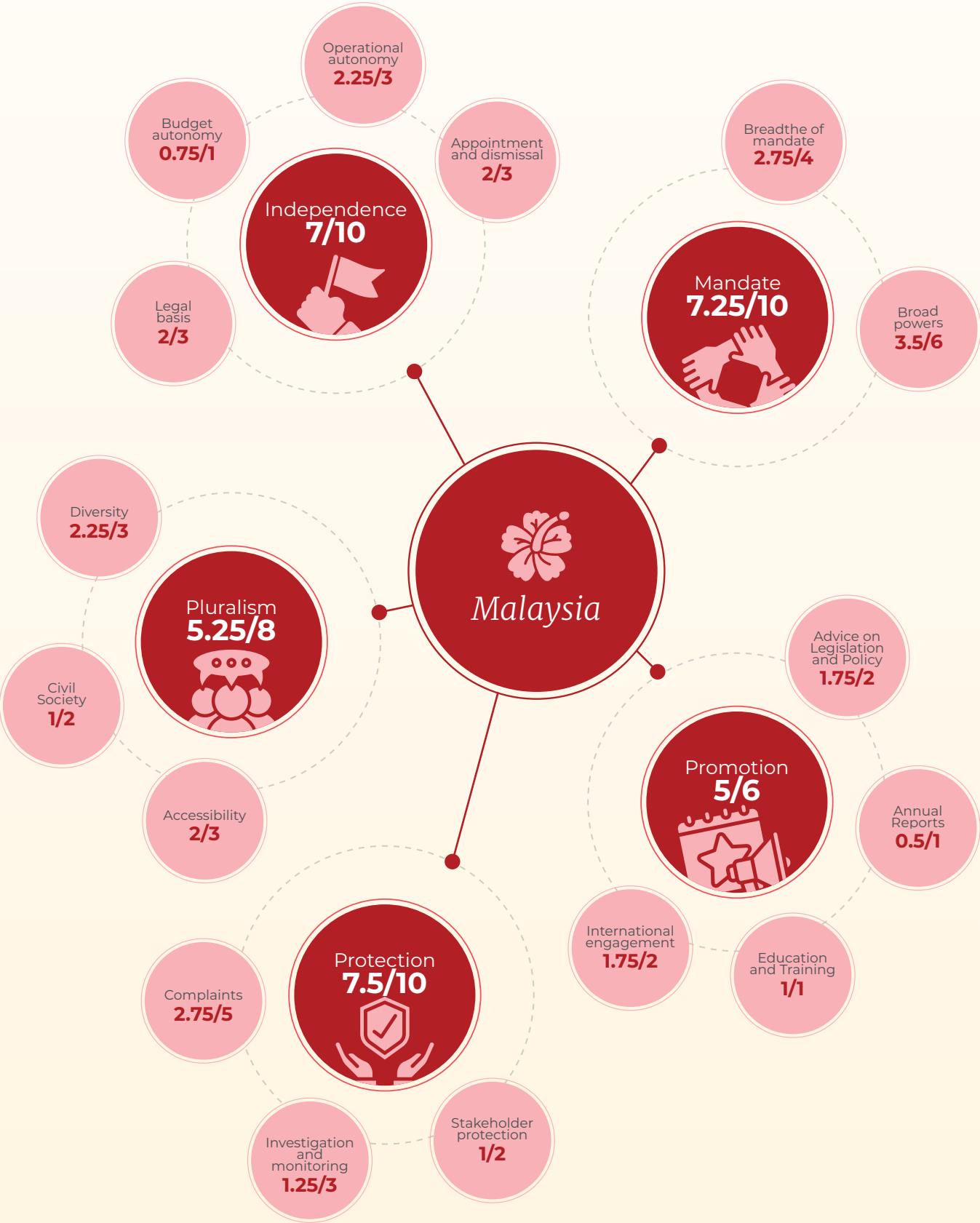
¹⁵⁵ Hidir R. A. Rashid, "Immigration Agrees in Court to Not Deport Bangladeshi Politician," *Malaysiakini*, January 31, 2024, <https://www.malaysiakini.com/news/694884>.

¹⁵⁶ M.A. Quayum v. Ketua Polis Negara, High Court (Malaysia), 2024, <https://www.amerbon.com/wp-content/uploads/2024-M-A-Quayum-v.-PP-HCT.pdf>.

¹⁵⁷ Edmund Bon, Kee S. Min, Lee Y. Woei, "Media Statement on M. A. Quayum's Case," media statement, Amer-BON Advocates, May 29, 2024, <https://www.amerbon.com/blawg/media-statement-on-m-a-quayums-case>.

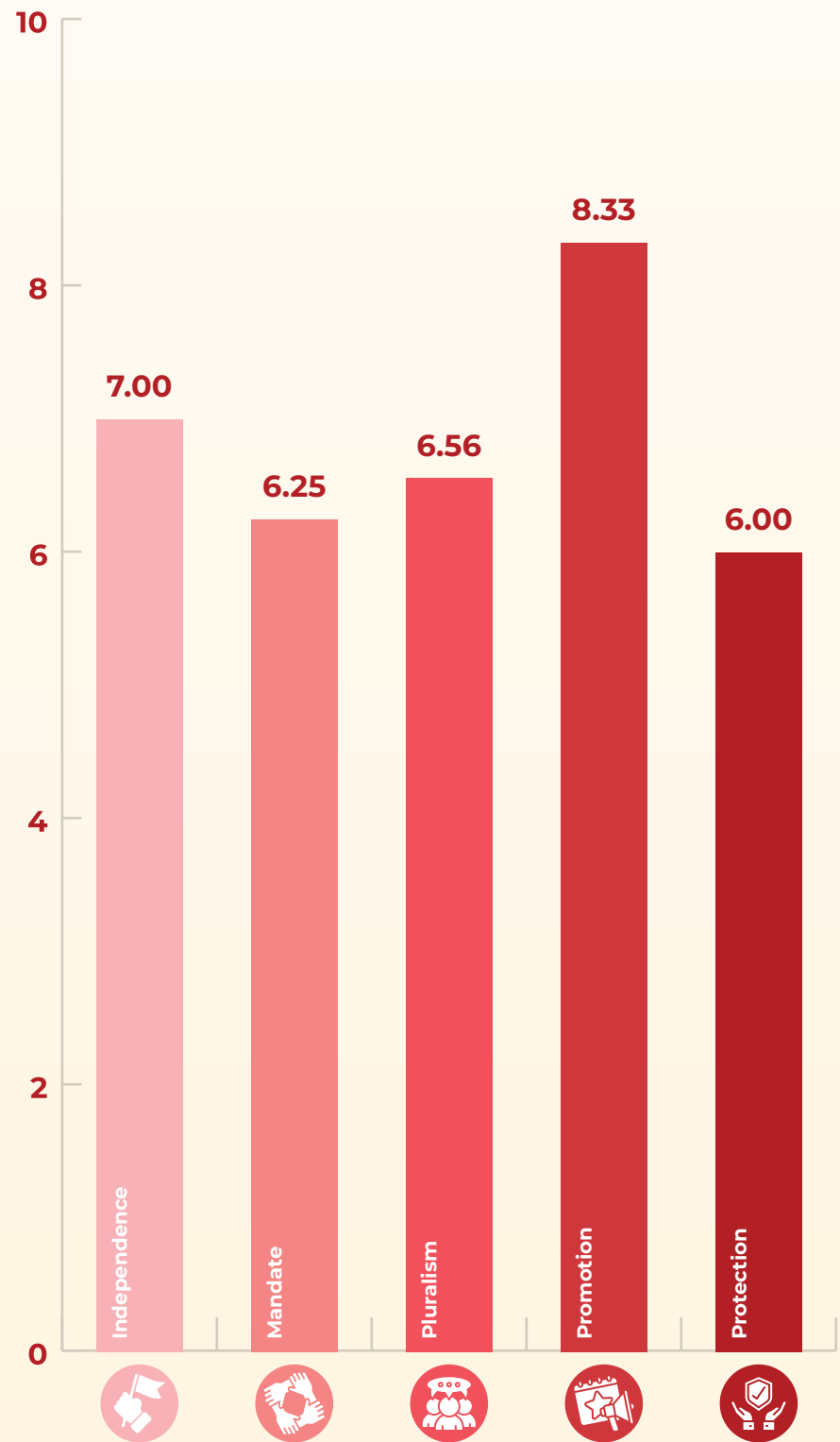
Malaysia: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



Malaysia: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.





CHAPTER SIX

Myanmar

Beyond the Myanmar National Human Rights Commission: A New Vision for Accountability

Compiled by Progressive Voice on behalf of the CSO Working Group on Independent National Human Rights Institution (Burma/Myanmar)*

* The CSO Working Group on Independent National Human Rights Institution (Burma/Myanmar) advocates for the establishment of a new National Human Rights Institution (tentatively named the Union Human Rights Commission) to replace the illegitimate Myanmar National Human Rights Commission (MNHRC), which has aligned itself with the illegal military junta. The Working Group was previously known as 'CSO Working Group on MNHRC Reform'. Currently, it consists of 20 Myanmar civil society organisations. From its founding in 2019 until the attempted coup in February 2021, the Working Group has consistently advocated for an effective MNHRC that demonstrates a commitment to the international standards set forth in the Paris Principles.



Overview of the human rights situation in Myanmar

On 31 December 2024, in a triumphant moment for institutional accountability, the Global Alliance for National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA) confirmed the removal of accreditation status of the Myanmar National Human Rights Commission (MNHRC). The GANHRI General Assembly further voted to adopt a resolution officially rescinding MNHRC's membership in March 2025.¹

“ This landmark decision is the result of years of sustained advocacy by Myanmar civil society organizations (CSOs), which collectively urged global and regional human rights networks to recognize the MNHRC's complicity in the Myanmar military junta's widespread and systematic human rights violations.

The MNHRC's lack of independence and complete failure to uphold the Paris Principles ultimately led to its inability to protect and promote human rights, prompting the necessary removal of its accreditation and membership status.²

Parallel to its advocacy to discredit the MNHRC, the CSO Working Group on Independent National Human Rights Institution (Burma/Myanmar) (Working Group) proposed a bill for the establishment of a new national human rights institution (NHRI) in line with the Paris Principles: the Union Human Rights Commission (UHRC).³ The bill was submitted to the National Unity Consultative Council (NUCC), the Committee Representing Pyidaungsu Hluttaw (CRPH), and the National Unity Government (NUG) of Myanmar for adoption on 6 December 2021.

² The CSO Working Group on Independent National Human Rights Institution (Burma/Myanmar) and ANNI, 'Accessory to the Junta's Crimes: Analysis of the Myanmar National Human Rights Commission's Complicity with the Military Junta Since the Failed Coup D'état of 1 February 2021', February 2023, <https://progressivevoicemyanmar.org/2023/02/27/accessory-to-the-juntas-crimes-analysis-of-the-myanmar-national-human-rights-commissions-complicity-with-the-military-junta-since-the-failed-coup-detat-of-1-february-2021/>; The Paris Principles: Principles Relating to the Status of National Human Rights Institutions, United Nations General Assembly Resolution 48/134 of 20 December 1993, <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>

³ CSO Working Group on NHRI Burma-Myanmar. "Myanmar civil society proposes new Union Human Rights Commission Law amid ongoing campaign of terror by the Myanmar military junta, urges its swift adoption." December 15, 2021. <https://www.facebook.com/WGonNHRIBurma/posts/pfbid05Ez2JGeszGvGnsdoUdLXHxHvJ9Lr8ugogqvz6bcaxNXkmhaQJwvuH3TCJQ14sttKl>.

¹ Global Alliance of National Human Rights Institutions (GANHRI), 'Chart of the Status of National Human Rights Institutions', 31 December 2024, https://ganhri.org/wp-content/uploads/2025/01/Status-Accreditation-Chart-NHRIs_Dec2024.pdf

As of 2025, advocacy to garner support for the proposed legislation continues.⁴

In 2021, Myanmar was plunged into a humanitarian and human rights crisis following the military junta's attempted coup. Since then, the military junta has been committing atrocious crimes with impunity, including airstrikes, artillery shelling, arson, arbitrary arrests, sexual and gender-based violence, and countless other gross human rights violations.⁵

As of 5 August 2025, the junta has killed over 7,030 people—including 863 children—primarily by airstrikes and artillery shelling. At least 3,463 people were killed from January 2023 to December 2024 alone.⁶

Since late 2023, resistance forces have made significant territorial advances, inflicting mounting losses on the military.⁷ In response, the military has resorted to widespread forced conscription to fill its infantry—compelling civilians to fight on its front lines against their will, even against their own communities—and regularly conducts retaliatory attacks against civilians.⁸

“*In the face of the junta's war crimes and crimes against humanity, the MNHRC has remained silent and even echoed the junta's false narratives. The MNHRC has been acting as an accessory to the junta's crimes.*”⁹

4 CSO Working Group on Independent National Human Rights Institution (Burma/Myanmar), formerly known as the CSO Working Group on MNHRC Reform. The Working Group consists of 20 civil society organizations from diverse backgrounds to reflect the new mission of establishing a new NHRI that is in line with the Paris Principles – the international standards for NHRIs. For more information, <https://www.facebook.com/WGonNHRIBurma>; CSO Working Group, “Myanmar civil society proposes new Union Human Rights Commission Law amid ongoing campaign of terror by the Myanmar military junta, urges its swift adoption.”

5 United Nations Human Rights Council. Report of the Independent Investigative Mechanism for Myanmar (IIMM) (A/HRC/57/18), August 13, 2024, <https://reliefweb.int/report/myanmar/report-independent-investigative-mechanism-myanmar-ahrc5718-enarmyruzh>

6 Assistance Association for Political Prisoners (Burma). “Daily Briefing in Relation to the Military Coup.” June 30, 2025. <https://aappb.org/?p=33146>.

7 Nayt Thit, ‘How Operation 1027 Transformed War Against Myanmar Junta’, The Irrawaddy. October 26, 2024, <https://www.irrawaddy.com/news/war-against-the-junta/how-operation-1027-transformed-war-against-myanmar-junta.html>

8 Ministry of Human Rights, National Unity Government, ‘Forced to Fight: The Reality of Military Conscription in Myanmar’, April 28 2025, https://mohr.nugmyanmar.org/wp-content/uploads/2025/04/Forced_to_Fight-Report_English-Version.pdf

9 CSO Working Group and ANNI, ‘Accessory to the Junta's Crimes’, February 2023

On 28 March 2025, a catastrophic 7.7-magnitude earthquake killed at least 4,461 people, injured more than 11,366, and destroyed countless homes, buildings, and infrastructure across the country, especially in central Myanmar.¹⁰ Despite announcing a putative ceasefire, the junta continued airstrikes and heavy weapons attacks against civilians, even across quake-affected disaster zones.¹¹ Following the earthquake, the junta sought to gain false legitimacy on the international stage by requesting international aid, while simultaneously weaponizing, blocking, and squandering local and international humanitarian assistance.¹²

The inhumane actions by the Myanmar military junta are responsible for Myanmar's human rights and humanitarian catastrophe resulted from the Myanmar military junta's inhumane actions.

“*The situation urgently necessitates the establishment of a new, independent, and competent NHRI capable of documenting human rights violations and holding perpetrators accountable. The MNHRC has proven itself obsolete, defective, and collusive in the face of unending gross human rights violations.*”

10 DVB Multimedia Group. 2025. “Earthquake death toll” DVB. Accessed: April 6, 2025. <https://english.dvb.no/live-burma-earthquake/>

11 Sommerville, Quentin. “Myanmar: BBC Reporter Witnesses Junta Violating a Ceasefire.” BBC. April 27, 2025. <https://www.bbc.com/news/articles/cj9e89knm9lo>.

12 National Unity Government of Myanmar. “Aid Under Attack: How Myanmar's Military Junta is Weaponizing Humanitarian Relief.” April 2, 2025, <https://mofa.nugmyanmar.org/aid-under-attack-how-myanmars-military-junta-is-weaponizing-humanitarian-relief/>

Myanmar civil society takes action against military-controlled MNHRC

The MNHRC was established by the military-backed president's decree in 2011. Just a year later, it was welcomed into GANHRI, the Asia Pacific Forum (APF), and the Southeast Asia National Human Rights Institution Forum (SEANF).¹³ Its legal foundation was formalized in 2014, through the enactment of Myanmar National Human Rights Commission Law.¹⁴

Throughout Myanmar's failed peace processes of the 2010s, several international organizations—including the Office of the High Commissioner for Human Rights and the APF—provided technical and financial assistance for the establishment of the MNHRC.¹⁵ Since its establishment, however, the MNHRC has failed to protect and promote human rights.

Due to the MNHRC's persistent non-compliance with the Paris Principles, GANHRI's Sub-Committee on Accreditation (GANHRI-SCA) gave the Commission a “B” status in 2015. In the same review, the GANHRI-SCA published seven areas of concern within

13 South East Asia National Human Rights Institutions Forum (SEANF). “Rules of Procedures, provisionally approved Nov. 10, 2017 at the 14th annual SEANF conference.” n.d. Ombudsman for Human Rights and Justice - Timor Leste. <https://pdhj.tl/wp-content/uploads/2014/06/Rules-of-Procedure-SEANF.pdf>

14 President Thein Sein. “Formation of Myanmar National Human Rights Commission.” September 5, 2011. <http://www.burmapartnership.org/2011/09/formation-of-myanmar-national-human-rights-commission/>; “The Myanmar National Human Rights Commission Law,” March 28, 2014, https://www.burmalibrary.org/docs23/2014-03-28-Myanmar_Human_Rights_Commission_Law-21-en.pdf

15 CSO Working Group and ANNI, “Accessory to the Junta's Crimes.” Forum-Asia. February 28, 2023, p.6. <https://forum-asia.org/analysis-report-accessory-to-the-juntas-crimes/>

the MNHRC: a) its selection and appointment of unsuitable Commissioners; b) its lacking responses in situations of civil unrest or armed conflict; c) its lack of pluralism; d) its absence of financial independence; e) its ineffective monitoring places of deprivation of liberty; f) its lack of independent interaction with the international human rights system; and g) its annual reports only tabled through the executive, without any provisions for wider circulation.¹⁶

The MNHRC never addressed these concerns.¹⁷

Almost all past and current MNHRC Commissioners were former civil servants with military affiliations or retired military personnel who lacked adequate human rights experience, competence, and commitment.¹⁸ For instance, current Commissioner Tin Aung, who has been in office since 2020, is a former Brigadier General and held a high-ranking military position during the military-orchestrated Rohingya genocide in 2017. Moreover, the composition of the MNHRC Commissioners and staff did not reflect the diversity of the Myanmar population. The vast underrepresentation of traditionally marginalized communities, including women, LGBTIQ+, and ethnic or religious minority groups, fundamentally compromised the MNHRC's capacity to impartially hold the Myanmar military accountable for its decades-long human rights violations.

The MNHRC's lack of independence from the military junta was exemplified by its inability to conduct impartial investigations into human rights violations in prisons. According to United Nations standards, effective and impartial prison monitoring should be conducted through unannounced visits to accurately assess actual conditions and prevent the destruction or concealment of evidence of misconduct.¹⁹ However, MNHRC-led prison inspections required permission and were carried out with prior notice and under the oversight of prison personnel.^{20, 21} As a result, findings lacked accuracy and impartiality. These pseudo-investigations fueled the junta's false claims of transparency, thereby allowing it to obfuscate systematic rights violations in prisons.

19 Office of the United Nations High Commissioner for Human Rights. "Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment." Office of the United Nations High Commissioner for Human Rights. December 18, 2002. <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>.

20 Myanmar National Human Rights Commission. "Press release on complaints submitted to the Commission and inspection of Prisons and detention centres." Press release, February 8, 2022. <https://mnhrc.org.mm/statements/en/print/16>.

21 Myanmar National Human Rights Commission. "The Statement of the Myanmar National Human Rights Commission (MNHRC) on the dismissal and release of prisoners prosecuted under Section 505-A of the Penal Code." Press release, July 5, 2021. <https://mnhrc.org.mm/statements/en/print/27>.

Following an MNHRC inspection in January 2025, prison personnel repeatedly tortured a journalist from Myanmar Now, an independent news organization persecuted by the military since the attempted coup in 2021. Along with two other political prisoners, the journalist was tortured for allegedly sharing details of human rights violations inside the junta-run Insein Prison in the Yangon Region during the MNHRC inspection.²²

Since the 2021 attempted coup, 29,492 political prisoners have been arbitrarily arrested. Meanwhile, 22,257 remain in detention while at least 370 have died in junta-run detention centers. Widespread reports of ill-treatment and torture necessitate the urgent need for independent monitoring of places of deprivation of liberty.²³

22 Myanmar Now is an independent news organization persecuted by the military since the coup in 2021; Maung Shwe Wah. "Myanmar Now Photographer, Other Prisoners Subjected to Retaliatory Torture in Yangon Prison." Myanmar Now. February 23, 2025. <https://myanmar-now.org/en/news/myanmar-now-photographer-other-prisoners-subjected-to-retaliatory-torture-in-yangon-prison/>.

23 Assistance Association for Political Prisoners (Burma), Daily Briefing Since the Coup, Accessed: 5 August 2025 <https://coup.aappb.org/data-explorer>

“The MNHRC’s failure to condemn the junta’s atrocities amid a sharp escalation of grave human rights violations demands a replacement of the defunct and compromised institution.”²⁴

The MNHRC has repeatedly ignored calls to condemn the junta's rights violations and crimes, as well as recommendations from Myanmar and regional civil society organizations.²⁵ In February 2021, the Working Group and the Asian NGO Network for National Human Rights Institutions (ANNI) called on the MNHRC to denounce the coup attempt. The MNHRC completely ignored this call.²⁶

24 CSO Working Group and ANNI. "Accessory to the Junta's Crimes."

25 CSO Working Group on NHRI Burma-Myanmar. "Myanmar National Human Rights Commission (MNHRC) Must Denounce the Military Coup and Uphold Fundamental Rights of Peoples." Press release, February 19, 2021. https://web.facebook.com/WGonNHRIBurma/posts/pfbid02A8iCnpCJJEwoFchdNPwjhEhTxbBvNCiBVNd-QuanbDnIub2xAgXg5iaPfpUt2mEQHl?_rdc=1&_rdr#.

26 CSO Working Group on MNHRC Reform. "Myanmar National Human Rights Commission: Denounce the Coup, Stand With the People of Myanmar - Progressive Voice." February 11, 2021. <https://progressivevoicemyanmar.org/2021/02/11/myanmar-national-human-rights-commission-denounce-the-coup-stand-with-the-people-of-myanmar/>.

16 Global Alliance of National Human Rights Institutions. "Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)." November 2015, <https://ganhri.org/wp-content/uploads/2019/11/SCA-FINAL-REPORT-NOVEMBER-2015-English.pdf>

17 CSO Working Group and ANNI. "Accessory to the Junta's Crimes."

18 Nyein Nyein. "Reform of Myanmar Human Rights Commission Lacks Transparency, Critics Say." The Irrawaddy. January 15, 2020. <https://www.irrawaddy.com/news/burma/reform-myanmar-human-rights-commission-lacks-transparency-critics-say.html>

In light of MNHRC's complicity with the military junta, civil society has repeatedly called on international and regional NHRI bodies to suspend or remove it from their networks.²⁷ Through sustained advocacy by the Working Group, ANNI, and our partners, some international actors gradually recognized the failures and irreversible state of the MNHRC. In March 2023, the UN High Commissioner for Human Rights highlighted in a report to the Human Rights Council that the MNHRC "ha[s] effectively been subsumed under military control, thus eliminating any element of independence and credibility."²⁸ Despite overwhelming evidence of the MNHRC's complicity in the junta's crimes, GANHRI, APF, and SEANF continued to engage with the MNHRC. In fact, the MNHRC was even invited to APF's annual meeting in September 2024.²⁹

Following strong calls from the Working Group and wider regional civil society groups, GANHRI eventually amended its statute in March 2023 to allow the special reviews of "B" status NHRIs. This long overdue amendment was crucial in addressing a gap in GANHRI's regulations to hold "B" status NHRIs—such as the MNHRC—accountable.³⁰

In October 2023, GANHRI opened a special review into the MNHRC and recommended to remove the Commission's accreditation status pending a one-year appeal period.³¹ The SCA then concluded that the MNHRC had made no efforts to address its recommendations. In October 2024, the SCA affirmed its recommendation to remove the MNHRC's accreditation. On 31 December 2024, the decision was finalized, following the MNHRC's failed appeal. In March 2025, GANHRI officially removed the MNHRC's membership.³²

27 CSO Working Group, Joint Submission, "International Partners Must End All Cooperation with MNHRC." March 11, 2021, <https://www.facebook.com/photo/?fbid=267865108338519&set=pb.100066610114922.-2207520000>; CSO Working Group and ANNI, Open Letter to APF. May 20, 2021, <https://www.facebook.com/photo/?fbid=313592167099146&set=pb.100066610114922.-2207520000>; CSO Working Group and ANNI, Open Letter: SEANF Must Suspend MNHRC Until NUG Reconstitutes a New Human Rights Commission. May 5, 2021, <https://www.facebook.com/WGonNHRIBurma/posts/pfbid0RXg7HMRSwHaC-QYAoI9wqF14kcDSBjmy7ZeZSVBR7Q8JtDsn5bXQRC-trMhuTvs9aQl>; CSO Working Group and ANNI. Open Letter to GANHRI. February 23, 2023, <https://progressivevoicemyanmar.org/2023/02/23/open-letter-to-global-alliance-of-national-human-rights-institutions-ganhri/>

28 United Nations Office of the High Commissioner for Human Rights. "Situation of human rights in Myanmar since 1 February 2022." <https://docs.un.org/en/A/HRC/52/21>

29 Global New Light of Myanmar. "MNHRC Chairman attends 29th APF annual meeting." September 28, 2024, <https://www.gnlnm.com.mm/mnhrc-chairman-attends-29th-apf-annual-meeting/>.

30 Global Alliance of National Human Rights Institutions. Statute (version adopted at the General Assembly 15 March 2023), https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/EN_GANHRI_Statute_adopted_15032023.pdf

31 CSO Working Group and ANNI. "Civil Society Makes a Joint Submission to the GANHRI-SCA Ahead of the Special Review of the MNHRC in October 2023 - Progressive Voice," June 1, 2023. <https://progressivevoicemyanmar.org/2023/06/01/civil-society-makes-a-joint-submission-to-the-ganhri-sca-ahead-of-the-special-review-of-the-mnhrc-in-october-2023/>.

32 Global Alliance of National Human Rights Institutions. "Global Alliance of National Human Rights Institutions Convenes Annual Meeting Amidst Pressures on International Law and the Multi-lateral System - GANHRI." March 10, 2025. <https://ganhri.org/global-ganhri-convenes-annual-meeting-amidst-pressures-on-international-law-and-the-multi-lateral-system/>.

“ GANHRI's landmark decision strips the MNHRC of any international legitimacy, setting a precedent for the APF and SEANF to follow suit in expelling the Commission. A further milestone was achieved when APF removed the membership of MNHRC following internal discussions amongst its members from March to May 2025.

In February 2025, the NUG officially announced the abolishment of the MNHRC and called on the international community to cease all engagement with the beleaguered institution.³³ This announcement sets the stage for the establishment of a new independent NHRI that is truly compliant with the Paris Principles.

33 National Unity Government of Myanmar, Ministry of Foreign Affairs, "Statement on the Non-Recognition and Dissolution of the Military Council's National Human Rights Commission of Myanmar." February 14, 2025 <https://nugmyanmar.org/announcement/statement-on-the-non-recognition-and-dissolution-of-the-military-councils-national-human-rights-commission-of-myanmar/>

Toward an independent and impartial National Human Rights Commission

Following the 2021 coup attempt, Myanmar civil society recognized the MNHRC's irredeemable failure and the need for a credible NHRI capable of genuinely promoting human rights, justice, and accountability. As such, the Working Group set forth to establish a new independent NHRI: the Union Human Rights Commission (UHRC).

The UHRC aims to strictly adhere to the Paris Principles in genuinely protecting and promoting human rights.³⁴

Through continuous engagement with the NUG's Ministry of Justice and Ministry of Human Rights (MoHR) as well as technical support from legal experts, the Working Group drafted the Union Human Rights Commission Bill (UHRC Bill). The Bill is up for adoption by the NUG, the legitimate interim government of Myanmar. On 6 December 2021, the Working Group submitted the Bill to

34 CSO Working Group and 32 Myanmar Civil Society Organizations. "Time for the Emergence of a New National Human Rights Commission Representing the People of Myanmar." August 7, 2022, <https://progressivevoice-myanmar.org/2022/08/07/time-for-the-emergence-of-a-new-national-human-rights-commission-representing-the-people-of-myanmar/>

the NUG, NUCC, and CRPH.³⁵ Thereafter, the Working Group and its civil society partners held a press conference publicizing the Bill. They also engaged with the NUG, NUCC, and CRPH, closely collaborating with the NUG's MoHR to encourage the Bill's finalization and transition into law.³⁶

Promoting pluralism and inclusivity

To ensure the UHRC's participatory and consultative development, the MoHR collaborated with the Working Group and held a CSO consultation on 11 December 2023 to discuss the details of the Bill. Approximately 50 organizations joined, reflecting the pluralism of Myanmar society. Participants included groups advocating for the rights of people with disabilities, youth, women, LGBTIQ+ people, religious minorities, and other marginalized groups.

“The Bill prioritizes strict adherence to the Paris Principles, enshrining pluralism, independent powers of investigation, as well as the competence and independence of Commissioners.

It decrees that two-thirds of UHRC members “are represented by women, ethnic nationalities, LGBTIQ+ persons, disabled persons, and religious minorities.”³⁷ The proposed UHRC opposes how militant Burmanization—the military's ethno-nationalist tactic underpinning repressive laws—has been used for decades to target ethnic minorities, normalize cultural oppression and religious discrimination, and deny ethnic communities of their right to self-determination.

To promote gender equality and inclusivity, the Bill requires the UHRC to ensure gender mainstreaming across all activities, emphasizing the need to “acknowledge the differing experiences of women within Myanmar society, especially minoritized ethnic women, and women who experience

35 CSO Working Group on NHRI Burma/Myanmar. “Myanmar Civil Society Proposes New Union Human Rights Commission Law Amid Ongoing Campaign of Terror by the Myanmar Military Junta, Urges Its Swift Adoption.” December 15, 2021, <https://www.facebook.com/WGonNHRIBurma/posts/pfbid028utrZazCeErhjpZ9J6fm-6WRtZSMrEj8acvUS9uhkJVJtqhXMAeIVUgPnMuRYVw-WI>; The National Unity Consultative Council (NUCC) is an inclusive and overarching entity that directs the policy and strategic direction of the NUG. It includes representation from EROs, political parties, general strike committees, and civil society organizations, including youth organizations and women's organizations, among other groups; The National Unity Government is the only legitimate government of Myanmar. It is functioning as an interim government that is working with ethnic councils and Ethnic Resistance Organizations to establish a genuine federal democracy in Myanmar. It was formed after the military coup attempt in 2021 by the Committee Representing Pyidaungsu Hluttaw (CRPH) “with the authority bestowed by the People's mandate of all parties' democratic election held in 2020 in discussion with National Unity Consultative Council.” For more information, see <https://nugmyanmar.org/about/>; The CSO Working Group, UHRC Bill, <https://wp.progressivevoicemyanmar.org/wp-content/uploads/2021/12/FINAL-VERSION-Union-Human-Rights-Commission-Law-CLEAN-2.pdf>

36 The CSO Working Group. “Press Conference: Supporting War Criminals: How the largest global human rights network is legitimizing the illegal military junta in Myanmar.” February 27, 2023, <https://progressivevoicemyanmar.org/2023/02/22/media-advisory-supporting-war-criminals-how-the-largest-global-human-rights-network-is-legitimizing-the-myanmar-military-junta/>

37 Union Human Rights Commission Draft Law, 2021, Section 3 (8) (1) and (2)

gender discrimination, domestic violence or sexual and gender-based violence.”³⁸ In contrast to the MNHRC, the UHRC Bill guarantees the representation of Myanmar's diverse society in its composition and activities. The Bill ensures that the UHRC's human rights work embodies the non-discrimination principle. For example, all its educational materials must be made available in ethnic languages, making them accessible to ethnic communities.³⁹

Safeguards for independence and effectiveness

The UHRC Bill contains strong provisions to protect the UHRC's independence in areas of investigation, financial autonomy, and the composition of its staff and leadership. The Bill prescribes the UHRC with the authority to investigate human rights violations in any arena, as well as the power to independently monitor prisons and places of deprivation of liberty. This mandate, as detailed in Section 5 (32), aims to advance accountability for abuses long endured by those who have suffered in military-controlled prisons for decades.

The Bill also contains specific language in Section 6 (45) and (46) to protect the UHRC's financial independence by allowing only “non-binding financial support” that does not compromise its ability to independently protect and promote human rights.⁴⁰

38 Union Human Rights Commission Draft Law 2021, Section 2 (3) (l)

39 Union Human Rights Commission Draft Law, 2021, Section 5 (23) (i), (j), and (k)

40 Union Human Rights Commission Draft Law, 2021, Section 6 (45) and (46)

The Bill explicitly requires its staff and leadership to carry out the mandate and functions of the UHRC with impartiality and independence. Enshrining competence as a basic requirement for staff appointment, the Bill declares that “staff members shall be hired on the basis of experience and competence,” coupled with pluralism requirements of “gender equality, ethnic and minority representation, and experience in human rights.”⁴¹ Section 3 (6)(e) also explicitly prevents individuals with connections to human rights violators from being appointed, further ensuring that the UHRC could effectively promote accountability and justice.⁴²

“The Working Group continues to engage with the NUG, NUCC, and CRPH on the Bill, advocating for its adoption into law, which would allow the Commission to be established and ensure its adherence to the Paris Principles.

Simultaneously, throughout 2024 and 2025, the Working Group has been continuing to raise public awareness among the Myanmar people, informing them of why GANHRI removed the MNHRC's membership and how the UHRC can fulfill its obligation as an NHRI to protect the human rights of all people and all communities in Myanmar.

Given the severity of the ongoing human rights violations in Myanmar, paired with the opportunity presented by GANHRI's removal of the MNHRC, it is necessary for the international community to support the efforts of the Myanmar people in establishing the UHRC in order to protect and promote the human rights of all communities in Myanmar.

41 Union Human Rights Commission Draft Law, 2021, Section 6 (43)

42 Union Human Rights Commission Draft Law, 2021, Section 3 (6)(e) and (12)

Conclusion

GANHRI's removal of the MNHRC's accreditation status is an immensely significant achievement for civil society and the people of Myanmar. It represents a step towards dismantling the military's false claims of legitimacy, which have been advanced through the misappropriation of a supposed human rights institution.

The successful and collaborative civil society action to hold the MNHRC accountable established a powerful precedent, subsequently contributing to the removal of Russia's NHRI from GANHRI after its statute amendment. Ultimately, it serves as inspiration for other countries with NHRIs that are persistently non-compliant with the Paris Principles.

After decades of military-orchestrated human rights abuses and a systematic erosion of the rule of law, Myanmar urgently needs a strong, competent, and truly independent NHRI to acknowledge and safeguard the rights and diversity of its peoples. The UHRC Bill—drafted with a vision to ensure a Paris Principles-compliant institution—embodies this mandate and offers a pathway to a rights-respecting future for Myanmar.

As the people's revolution advances with territorial victories and the expansion of ethnic federal governance and administrations, the establishment of the UHRC is essential to building a peaceful, just, and inclusive federal democratic Myanmar free from military tyranny.

Recommendations

To international and regional NHRI Bodies (GANHRI, APF, and SEANF):

- ✓ Fully disengage from the military junta, including the junta-controlled MNHRC, and end all activities that lend false legitimacy to the junta and/or its proxies.
- ✓ SEANF must remove the MNHRC's membership from its network following GANHRI's decision and in accordance with its Rule of Procedures, which specifies that members must comply with the Paris Principles.
- ✓ Once SEANF and APF remove the MNHRC's membership, they should publicize such action.
- ✓ Actively engage with the NUG's Ministry of Human Rights, the Working Group, and Myanmar civil society to support the establishment of a new independent NHRI.
- ✓ Support the Myanmar people in their pursuit of a federal democratic Myanmar, wherein human rights are respected and enjoyed.

To the United Nations, Association of Southeast Asian Nations (ASEAN), and other international stakeholders and donors:

- ✓ Fully disengage from the military junta, including the junta-controlled MNHRC, and end all activities that lend false legitimacy to the junta and/or its proxies.
- ✓ Immediately cease funding and technical support for MNHRC activities, either directly or made through international, regional, or local organizations.
- ✓ Urge the APF and SEANF to immediately remove the MNHRC from their networks.
- ✓ Effectively support the Myanmar civil society and the NUG through financial and technical assistance in establishing a new independent NHRI.
- ✓ Support the Myanmar people in their pursuit of a federal democratic Myanmar in which human rights are recognized, respected, and guaranteed.

To the NUG, NUCC, and CRPH:

- ✓ Swiftly adopt the UHRC Bill into law and ensure its strict adherence to the Paris Principles.
- ✓ Actively engage with the Working Group and Myanmar civil society on the UHRC Bill and the establishment of the UHRC as an effective, credible, and independent NHRI.
- ✓ Actively engage with ASEAN member states, including their NHRIs, and seek support for the establishment of a new independent NHRI in Myanmar.
- ✓ Actively seek support from UN bodies as well as other international and regional entities, including GANHRI and donors, to support the establishment of a new independent NHRI.



CHAPTER SEVEN

Nepal

Safeguarding rights and ending impunity: Challenges for the NHRC in retaining “A” status

by Bijay Raj Gautam, the Informal Sector Service Centre (INSEC), Nepal*

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INSEC has been an integral member of Nepal's civil society movement since 1989. It advocates for improving the status of protection, promotion, and fulfilment of human rights. It has been documenting and disseminating human rights violations and the situation of human rights in Nepal since its inception. INSEC collaborates with the people, national institutions, human rights-friendly agencies, international communities, resource organisations and victims of human rights violations for social justice, human rights-friendly governance, rule of law and democratic freedom. Furthermore, it monitors the state's accountability towards its human rights commitment and performance.



Overview of the human rights situation in Nepal

In 2024, the Informal Sector Service Centre (INSEC) published the Nepal Human Rights Year Book, which documented widespread human rights violations and abuses affecting more than 10,734 individuals across Nepal.¹

The report documented over 60 reported incidents of deaths in custody, raising grave concerns about the conditions of detention facilities and possible custodial abuse or neglect. Nepal's prison system continues to face systemic challenges, including violence among inmates, suicides, and health-related issues that have led to custodial deaths. Overcrowding further exacerbates unsafe and unhealthy living conditions. Despite numerous recommendations from civil society and the media, accountability measures remain largely absent.² Without strong political will and independent oversight, such incidents are likely to persist in the future.

Gender-based violence also remained a persistent threat, with 5,676³ women facing domestic violence following incidents of rape. This highlights the systemic gaps in protection and justice in the area of violence against women. Furthermore, 664 incidents of sexual violence were recorded, with rape being one of the most frequently reported crimes against women.⁴

Meanwhile, while people were protesting the government and exercising the right to peaceful assembly, 166 individuals were subjected to human rights violations amid incidents of violence. Of these, 156⁵ were directly affected by state actions, including protesters who faced arrest and detention, and those who sustained injuries due to police violence, curtailing their right to peaceful protest as well as broader civil and political freedoms.

In August 2024, an accidental explosion of an unexploded bomb from the Maoist conflict killed two people and injured two in Panchthar district.⁶ This incident highlights the ongoing risks posed by remnants of war and reflects broader gaps in ensuring the safety and protection of human rights in conflict-affected areas.

1 Paudel, Madan, ed. "Nepal Human Rights Year Book 2025." Informal Sector Service Centre. Informal Sector Service Centre. 2025. https://www.insec.org.np/wp-content/uploads/2025/02/Nepal-Human-Rights-Year-Book-2025_EnglishR.pdf.

2 The Kathmandu Post. "Government dragging feet on torture perpetrators: NHRC". June 27, 2024. <https://kathmandupost.com/national/2024/06/27/government-dragging-feet-on-torture-perpetrators-nhrc>

3 Paudel, ed. "Nepal Human Rights Year Book 2025."

4 Paudel, ed. "Nepal Human Rights Year Book 2025."

5 Paudel, ed. "Nepal Human Rights Year Book 2025."

6 Paudel, ed. "Nepal Human Rights Year Book 2025."

Despite the gravity and extent of these violations, the Government of Nepal and the Nepal Police have not publicly disclosed any concrete actions taken to investigate or address these cases. The lack of transparency and accountability further fuels the culture of impunity and erodes public trust in state institutions. INSEC, therefore, called on the government to take urgent and meaningful steps to ensure justice for victims and uphold the rule of law.

Nepali civil society, including INSEC, has strongly urged the government to end impunity as well as to eliminate the criminalization of politics to safeguard the human rights of all.⁷

In Nepal, the criminalization of politics includes the appointment of individuals to key political positions despite allegations of serious human rights violations. This also includes the withdrawal of criminal cases under political pressure and using political influence to shield perpetrators from prosecution. The simultaneous withdrawal of the murder conviction against political cadre Yograj Dhakal⁸ and the appointment of Dipak Manange as a Minister, while his own criminal case remains sub judice, strongly suggests political interference and the erosion of accountability in the justice system.⁹

The role of national human rights institutions (NHRIs) is increasingly critical in protecting and promoting human rights.

“*In this context, the National Human Rights Commission of Nepal (NHRCN) has faced criticism for its limited public engagement and insufficient follow-through in response to such cases.*”

The Commission issued press statements and conducted general monitoring; however, it fell short of conducting robust and independent investigations and exerting sustained pressure on the government to ensure accountability.

Reversal in transitional justice

Notably, Nepal's long-awaited Transitional Justice Act, adopted by the Parliament in August 2024, incorporates provisions aimed at advancing truth-seeking, justice, and reparations for the widespread human rights violations committed during the 1996–2006 conflict between government forces and Maoist rebels. However, some of its elements risk undermining accountability for serious crimes.¹⁰

The NHRCN initially took a principled stance by refusing to participate in the selection of commissioners for the Truth and Reconciliation Commission (TRC) and the Commission on the Investigation of Enforced Disappeared Persons (CIEDP) in May 2024.¹¹

NHRCN initially refused to participate in the selection process of the TRC and CIEDP because it asserted that, while the legal provisions to establish transitional justice institutions aligned with internationally recognized standards, they still lack provisions for victim representation. The laws also fail to address the issue of child soldiers, while also authorizing the Attorney General to solely decide on prosecution based on the recommendations of transitional justice institutions.

In recognition of the NHRCN's principled stance, civil society welcomed the Commission's victim-centric approach to transitional justice. The NHRCN consulted and heeded the recommendations of civil society organizations (CSOs) and victim groups.¹²

However, in May 2025, the NHRCN reversed its position and nominated a member to make recommendations for TRC and CIEDP officials.¹³ Subsequently, the government appointed officials to both Commissions without addressing longstanding concerns, drawing sharp criticisms from victim groups. Civil society and victim groups condemned the process, expressing that the appointments committee had “failed to consult them even once,” resulting in “a process controlled by the perpetrators' side.”¹⁴

This concern was echoed by Amnesty International, Human Rights Watch, and

the International Commission of Jurists, which jointly urged the Nepali Government to ensure a transparent and credible appointment process for transitional justice commissioners. They emphasized that the success of the transitional justice process hinges on the appointment of highly qualified and independent commissioners through an open and consultative process.¹⁵

Securing independence and constitutional authority

The NHRCN was established on 5 June 2000 as an independent and autonomous institution in accordance with the Human Rights Commission Act of 1997.¹⁶ Nepali civil society and human rights activists continuously advocated, campaigned, and engaged with both the government and the legislature to strengthen the NHRCN while also mobilizing the support of the international community.

The NHRCN was then elevated from a statutory body to a constitutional body under Article 131 of the Interim Constitution of Nepal, 2007. This constitutional recognition strengthened its independence, authority, and mandate to promote and protect human rights in the country.¹⁷ The Commission operates under the Constitution of Nepal 2015 and the Human Rights Commission Act 2012.

7 Paudel, ed. “Nepal Human Rights Year Book 2025.”

8 Neupane, Sunita. “Nepal's Reckoning With Presidential Pardons.” *Global Press Journal*. August 15, 2024. <https://globalpressjournal.com/asia/nepal/nepals-president-let-husbands-killer-go-free-widow-took-stand/>.

9 The Kathmandu Post. “Supreme Court Convicts Deepak Manange for Attempted Murder.” November 5, 2024. <https://kathmandupost.com/gandaki-province/2024/11/05/supreme-court-convicts-deepak-manange-for-attempted-murder>.

10 Paudel, ed. “Nepal Human Rights Year Book 2025.”

11 The Kathmandu Post. “NHRCN to stay away from office bearer nomination panel.” May 2, 2024. <https://kathmandupost.com/national/2024/05/02/NHRCN-to-stay-away-from-office-bearer-nomination-panel>.

12 The Kathmandu Post. “NHRCN to stay away from office bearer nomination panel.”

13 My Republica. “Recommendation committee proposes leadership for TRC and CIEDP despite victims' objections.” May 13, 2025. <https://myrepublica.nagariknetwork.com/news/recommendation-committee-proposes-leadership-for-trc-and-ciedp-despite-vict-53-35.html>

14 Human Rights Watch. “Nepal: Ensure Credible Transitional Justice Appointments.” Press release, May 12, 2025. <https://reliefweb.int/report/nepal/nepal-ensure-credible-transitional-justice-appointments>.

15 Human Rights Watch. “Nepal: Ensure Credible Transitional Justice Appointments.” May 12, 2025. <https://www.hrw.org/news/2025/05/12/nepal-ensure-credible-transitional-justice-appointments>.

16 Asia Pacific Forum. “Nepal.” Accessed October 15, 2025. <https://www.asiapacificforum.net/members/nepal>.

17 National Human Rights Commission Nepal. “About Us.” Accessed October 15, 2025. <https://www.nhrc-nepal.org/aboutus>

Persistent concerns with the appointment process of the NHRCN

In October 2021, the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI) initiated a special review of the NHRCN in response to civil society concerns over the appointment process of NHRCN commissioners.¹⁸ Civil society raised concerns about the appointment process of the NHRCN Chairperson and members, questioning its compliance with constitutional and legal norms. While the SCA initially considered downgrading the NHRCN from an “A” to “B” status in October 2022, it decided to retain the Commission’s “A” status in October 2023, pending the outcome of a case before the Supreme Court of Nepal.

“While the NHRCN’s retention of its “A” status was a positive outcome, the SCA issued a series of recommendations vital to strengthening the Commission’s capacity to address human rights challenges, uphold public trust, and maintain its international standing.

In particular, the SCA continued to urge the NHRCN to engage the government to amend the NHRC Act to address persistent concerns over its appointment process. The amendments of the bill sought to mandate the public advertisement of vacancies and to institutionalize a selection committee to promote transparency and independence. The SCA emphasized the need for a participatory and inclusive selection process that consults civil society. It further urged the NHRCN to take steps towards promoting pluralism and diversity in the selection of its leadership, while also ensuring that the process remains merit-based.

Supreme Court upholds contested NHRCN appointments despite constitutional concerns

In December 2020, several activist lawyers filed a writ petition at the Supreme Court, arguing that several constitutional bodies, including NHRCN’s opaque and exclusive appointment process, contradicted the spirit of the Constitution. They claimed that the Constitutional Council—a high-level body responsible for recommending appointments to key constitutional positions, including members and the Chairperson of the NHRCN—had failed to meet constitutional standards, arguing that an ordinance cannot override constitutional provisions. The Constitutional Council is.

The Constitutional Council bypassed the quorum requirement by issuing a sudden ordinance that allowed decisions to be made without the adequate number of members present. This move directly contradicted Article 284 of the Constitution, which mandates broad consultation and representation in appointments. The ordinance significantly weakened checks and balances, undermining both transparency and accountability in the process. As a result, the appointments to the NHRCN and other constitutional bodies were widely criticized as politically motivated and unconstitutional.¹⁹ Human Rights Watch, International Commission of Jurists, and Amnesty International have demanded that the government withdraw the ordinance amending law to make appointments to constitutional bodies.²⁰

The case had been pending for four years. On 2 July 2025, the Supreme Court’s Constitutional Bench dismissed the petition challenging the appointments of 52 officials to various constitutional bodies, including the NHRCN, thereby upholding the appointments.²¹

¹⁹ United Nations. “Nepal: New Appointments ‘Undermine Independence’ of Rights Oversight Body, UN Experts Warn.” UN News. April 29, 2021. <https://news.un.org/en/story/2021/04/1090692>.

²⁰ Republica. “International rights bodies demand withdrawal of ordinance.” Press release, March 1, 2021. <https://myrepublica.nagariknetwork.com/news/international-rights-bodies-demand-withdrawal-of-ordinance>.

²¹ The Kathmandu Post. “Top Court Upholds Oli’s Four-year-old Constitutional Appointments,” July 3, 2025. <https://kathmandupost.com/national/2025/07/03/top-court-upholds-oli-s-four-year-old-constitutional-appointments>.

Scrutiny over the Secretary appointment dispute

In 2024, during a capacity assessment of the NHRCN by the Asia Pacific Forum of NHRIs, the Commission once again drew public scrutiny due to an internal dispute over the appointment and promotion of an acting secretary.

The NHRCN recommended promoting a Joint Secretary to the position of Secretary. However, two other Joint Secretaries opposed the decision and raised concerns over the transparency of the Recruitment Committee, which an NHRCN member headed. During the meeting, another member questioned the committee’s decision, citing the awarding of equal marks to two candidates as an unlikely outcome and alleging irregularities in the selection of the candidate who was ultimately promoted. The dispute over secretary selection continues to affect the NHRCN’s administrative performance and public credibility.²²

²² The Kathmandu Post. “Dispute Over Secretary Appointment Divides Human Rights Commission.” March 10, 2024. <https://kathmandupost.com/national/2024/03/10/dispute-over-secretary-appointment-divides-human-rights-commission>.

¹⁸ Global Alliance of National Human Rights Institutions. “Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA).” October 7, 2022. <https://ganhri.org/wp-content/uploads/2022/11/SCA-Adopted-Report-October-2022-EN.pdf>.

Lack of progress with the passage of the NHRCN Act amendments

During its regular review in October 2023, the GANHRI-SCA re-accredited the NHRCN with an “A” status. This decision came a year after its recommendation to downgrade the Commission to a “B” status. This recognized the Commission’s efforts to advocate for amendments to the NHRCN Act, which aimed to strengthen its independence and transparency, as well as the pending Supreme Court case on the selection of its commissioners.

In March 2025, NHRCN once again successfully retained its “A” status during a regular review by the GANHRI-SCA. However, it reiterated its recommendations to advocate for swift legal amendments to ensure a transparent selection process and pluralistic composition in its leadership. It also urged the NHRCN to strengthen its engagement with marginalized communities and to enhance the equitable representation of women within the Commission and its staff.

“However, the National Human Rights Commission (Amendment) Bill—which aims to revise and strengthen the NHRCN Act of 2012 to address challenges and gaps—has been pending in Parliament since 2019 and has yet to be enacted.

NHRCN must actively advocate for the bill’s timely passage to reinforce the Commission’s independence, effectiveness, and adherence to international obligations and the Paris Principles.

The Government has drafted the proposed amendment bill without any prior consultation with the NHRCN and concerned stakeholders, including civil society. As a result, some proposed provisions fall short of ensuring a free, fair, inclusive, and transparent process for appointment and composition. CSOs and the NHRCN have raised concerns about the provision granting the Attorney General sole authority to decide on prosecution based on the Commission’s recommendation. This includes the power to reject recommendations and to request further evidence, thereby undermining the NHRCN’s independence and failing to guarantee the protection and safety of victims.

Under the proposed Amendment Bill, the NHRCN would require consent from the Finance Ministry to accept additional financial resources for it to carry out human rights-related activities. Such a requirement may pose a threat to the independence of the Commission. CSOs have urged the Commission to build trust and engage stakeholders in sustained advocacy for amendments to the NHRCN Act 2012, stressing the need for functional and financial independence. To maintain its accreditation and credibility, the NHRCN must take concrete steps to implement the SCA’s recommendations and ensure its governing law fully complies with the Paris Principles and other international human rights standards, as consistently called for by United Nations mechanisms and treaty bodies.

Poor implementation of recommendations

During the 2023 and 2025 reviews, the SCA reiterated concerns long raised by civil society regarding the limited implementation of the NHRCN recommendations. As the country’s NHRI, the NHRCN plays a critical advisory role by issuing recommendations to state and non-state actors to address human rights concerns and align domestic laws with international human rights standards.

However, implementation rates remain alarmingly low. Since its establishment in 2000, only 15.3 % of the NHRCN’s 1,573 recommendations have been fully implemented, while 39.2 % are partially implemented, and 45.5% remain completely unaddressed.²³

“Despite legal provisions in the NHRCN Act requiring government agencies to act on the Commission’s recommendations, none of the 444 recommendations issued over the past four years have been implemented.”²⁴

Several key NHRCN recommendations remain unaddressed, including the criminal prosecution and disciplinary action against security and government officials involved in human rights violations. While most victims have received interim relief, they have yet to obtain full compensation. The Commission’s calls to disclose the whereabouts of those who disappeared during the armed conflict have gone unanswered.

23 The Kathmandu Post. “Implementation of Rights Body’s Recommendations Hits Historic Low,” March 17, 2025. <https://kathmandupost.com/national/2025/03/17/implementation-of-rights-body-s-recommendations-hits-historic-low>.

24 The Kathmandu Post. “Nepal Human Rights Body Set to Retain Its ‘A’ Global Ranking,” March 27, 2025. <https://kathmandupost.com/national/2025/03/27/nepal-human-rights-body-set-to-retain-its-a-global-ranking>.

The NHRCN recommended amending its own enabling Act to align with constitutional and international standards; however, all these have largely been ignored. The NHRCN’s proposed amendments aim to strengthen its operational autonomy and ensure merit-based appointments and independent budget control. The government’s persistent lack of consultation with the NHRCN and civil society in the drafting of the proposed Amendment Bill contributes to continued impunity, thereby undermining efforts toward transitional justice.

Enforcing compliance with NHRCN recommendations

“To effectively promote and protect human rights, the government must fully comply with Article 17 of the NHRCN Act, ensuring timely and substantive responses to NHRCN recommendations.

According to the enabling law, authorities are legally required to respond to the recommendations made by the NHRCN in writing within three months regarding actions taken or reasons for non-compliance. However, in practice, this legal obligation is often disregarded, with many government agencies either delaying or failing to respond altogether.

Article 249(1)(h) of the Constitution of Nepal (2015) explicitly mandates the NHRCN to publish—according to the law—the names of officials, individuals, or institutions that fail to comply with its recommendations or directives concerning human rights violations.²⁵ The provision also empowers the NHRCN to officially record such entities as human rights violators.

25 The Constitution of Nepal 2015 Article 249 (1) (h)

“It is crucial for the NHRCN to urgently and proactively exercise this constitutional authority. Utilizing Article 249(1)(h) can serve as a powerful tool to increase the rate of implementation of its recommendations. Doing so is essential to securing justice for victims, strengthening human rights protection in Nepal, and challenging the prevailing culture of impunity.

The NHRCN must proactively improve its internal follow-up mechanisms—including enhanced public communication, closer parliamentary engagement, and stronger collaboration with civil society—to better monitor progress and build momentum for the effective enforcement of its recommendations.

Status of engagement on concerns of HRDs and safeguarding areas

The Commission has continued to review laws and provide necessary advice to the government of Nepal on human rights issues. In this regard, provisions related to the rights and protections of human rights defenders (HRDs) are being incorporated into the NHRCN draft bill.²⁶

However, according to the list of amendment bills published by the House of Representatives of Nepal, no such provision has been included in the draft bill to date.²⁷ Civil society, led by INSEC, have also advocated for the adoption of a separate HRD Bill. They emphasized that, rather than merely including an additional provision on HRDs in the NHRCN Bill, a dedicated and comprehensive bill would provide stronger safeguards for the protection and promotion of HRDs.

The draft bill omitted meaningful provisions on HRDs, as the NHRCN's input was limited to general suggestions to add a provision related to HRDs rather than constitutional recommendation standards. This means that the NHRCN only provided non-binding comments or advice rather than official recommendations made under its constitutional authority, which carry more weight and require formal government response.

INSEC also noted that the proposed draft bill concerning HRDs and the NHRCN Amendment Bill is insufficient to counterbalance broader governance and policy shortcomings. These legislative efforts lacked the strength to ensure comprehensive human rights protection, accountability, and effective implementation due to persistent gaps in political will, fragmented policies, and insufficient safeguards for victims and HRDs.²⁸

²⁷ See list of amendment bill at <https://hr.parliament.gov.np/uploads/attachments/896n4o6cio3iyjej.pdf>

²⁸ Paudel, Madan, ed. “Nepal Human Rights Year Book 2025.” Informal Sector Service Centre. Informal Sector Service Centre. 2025. https://www.insec.org.np/wp-content/uploads/2025/02/Nepal-Human-Rights-Year-Book-2025_EnglishR.pdf.

²⁶ National Human Rights Commission. “National Human Rights Commission Annual Report (Synopsis) (F.Y. 2080/2081) (2023-24).” 2024. https://www.NHRCN-nepal.org/uploads/publication/Annual_Report_Synopsis_2080-81.pdf

Enhance the consistency of consultations with HRDs and CSOs

The NHRCN contributed to drafting the HRDs Bill and promoted inclusive dialogue on the need for a human rights defenders law. It also worked closely with the government and victim groups as part of its process to submit comments on the draft.

“However, the NHRCN must intensify its coordination efforts for joint advocacy with CSOs and speak out more assertively to push for the timely enactment of the HRD Act.

In 2022, the NHRCN organized a provincial conference on HRDs to identify concerns and build consensus on protecting and promoting the rights of defenders. However, efforts to organize such platforms for discussions have since dwindled, with no similar conferences being organized in the past three years. Although a declaration was made after the 2022 event, there has been no visible follow-up or implementation of the agreed-upon points.

Significant challenges remain in implementing policies and guidelines for the protection of HRDs at the local level. At the provincial level, environmental rights activists and advocates of good governance continue to face threats and intimidation, pressuring them to quit their profession. In particular, there is a need for the NHRCN to strengthen efforts with local CSOs to educate, build capacity, and ensure the safety of community-based defenders.

Coordination between the government and HRDs also remains weak. As HRDs' voices are unheard, and they have limited knowledge of their rights. Due to this, they failed to coordinate with the government

for their safety and freedom-related issues. This gap affects human rights work in areas like minority rights, disaster management, environmental protection, governance, and anti-corruption. A stronger, rights-based partnership among all stakeholders is needed for effective action. All activists and HRDs from diverse sectors need to unite under a common platform to amplify their collective voice and strengthen their advocacy efforts.

Gaps in the monitoring and investigation of HRD violations

The NHRCN's efforts to monitor, document, and investigate violations against HRDs remain insufficient. Despite the NHRCN's 2023-2024 Annual Report noting that no complaints related to the violation and abuses against HRDs were filed during this period, this absence contrasts sharply with concerns raised by UN experts over continued retaliations against defenders. They have urged the government to ensure strengthened protection and accountability for violations against HRDs.²⁹

The NHRCN operates through its central office, seven provincial offices, and two sub-provincial offices, staffed by 254 personnel, including senior officials.³⁰ However, its recent performance does not reflect its institutional reach.

²⁹ United Nations Office of the High Commissioner for Human Rights. “Nepal: Retaliations Against Human Rights Defenders Over Business Complex ‘Deplorable’, Say UN Experts.” Press release, May 14, 2024. <https://www.ohchr.org/en/press-releases/2024/05/nepal-retaliations-against-human-rights-defenders-over-business-complex>.

³⁰ National Human Rights Commission. “National Human Rights Commission Annual Report (Synopsis) (F.Y. 2080/2081) (2023-24).” 2024. https://www.NHRCN-nepal.org/uploads/publication/Annual_Report_Synopsis_2080-81.pdf

In 2023 and 2024, the NHRCN submitted only five policy recommendations,³¹ issued six compensation decisions,³² and received 120 complaints nationwide. Alarming, some provincial offices, such as Biratnagar, did not register any complaints at all.³³ Most of the NHRCN's offices received fewer than 10 complaints each, with the central office registering the highest number at just 55 complaints for the entire year.

The lack of complaints should not be misinterpreted as an indication of Nepal's improved human rights situation. On the contrary, INSEC documented 10,734³⁴ cases of human rights violations and abuses, including 5,876 cases of domestic violence.³⁵ INSEC recorded 174 violations against HRDs, including 10 killings, as well as cases of arbitrary arrest, assault, degrading treatment, injuries, caste-based discrimination, violations of assembly rights, and threats.³⁶

“This clear gap between the widespread reports of violations received by INSEC and the limited number of formal complaints reaching the NHRCN indicates a deeper issue. This raises critical questions about the victims' reluctance to engage with the NHRCN, possibly due to distrust, fear of retaliation, lack of awareness, or barriers in accessing the Commission.

In 2024, the NHRCN launched the Defenders Situation Survey (2024/2081) via its web-based platform. Its impact, however, remains to be seen. The survey aims to collect factual and statistical data on HRDs' knowledge, skills, and the status of human rights initiatives to assess the human rights situation in Nepal.³⁷ Following the survey, the NHRCN will publish a comprehensive report to promote the long-term protection and promotion of HRDs. Civil society is optimistic that, following the survey, the NHRCN would develop a comprehensive policy to ensure the safety and security of HRDs, promote their independent professional careers, and align national laws with international standards protecting HRDs.

A growing backlog of cases affecting accountability for transitional justice

Equally concerning is the NHRCN's backlog of 276 pending complaints in 2024, many of which remain unresolved, signaling delays or inaction.³⁸ Notably, a large portion of these “on hold” complaints are related to transitional justice cases, which were filed during the conflict period before the establishment of the TRC and CIEDP. Civil society stresses that these cases should remain under the NHRCN's responsibility and should not be indefinitely delayed.

The recent appointment of officials to the TRC and CIEDP marks a long-overdue effort to revive Nepal's transitional justice process. As a constitutional human rights body, the NHRCN must engage constructively with these commissions, sharing evidence and case files to ensure credible and victim-centered investigations.

While the NHRCN has cited constitutional autonomy to withhold sensitive information, it must also recognize the shared mandate of all three institutions to deliver truth, justice, and reparations. Rather than remaining isolated, the NHRCN should proactively support transitional justice mechanisms through dialogue and cooperation, which are essential for accountability and restoring victims' rights.

“The NHRCN should prioritize building and restoring public trust, ensuring that victims feel safe and confident to approach the Commission.

It must also guarantee that all citizens have free, fair, and accessible channels to submit complaints and to seek redress. This will require stronger outreach, effective communication, partnerships with civil society and media, and reforms to make the NHRCN more responsive and victim-friendly. Only then can the NHRCN truly fulfill its constitutional mandate to protect and promote human rights for all across Nepal.

Conclusion

While the NHRCN has retained its “A” status and made notable efforts to uphold human rights in Nepal, persistent structural, procedural, and operational challenges continue to limit its effectiveness and credibility.

Delays in amending the NHRCN Act, the Commission's opaque appointment processes, weak implementation of recommendations, inadequate protection of HRDs, and gaps in transitional justice accountability prove the urgent need for reforms.

Moving forward, the NHRCN must take swift and decisive action in cases involving threats, harassment, or violations against HRDs. In addition, the NHRCN should advocate for a dedicated annual budget for HRD protection, push for the timely enactment of a specific HRD law, and seek necessary amendments to the NHRCN Act. Such efforts must include the promotion of provincial-level HRD legislation in order to enhance the Commission's capacity to protect and empower defenders.

For the NHRCN to fulfill its constitutional and international mandate, it must strengthen its transparency, merit-based leadership, financial and functional independence, and proactive engagement with civil society and victims. Only through sustained institutional reforms, inclusive participation, and rigorous enforcement of its recommendations can the NHRCN restore public trust, enhance human rights protection, and advance justice for all.

31 National Human Rights Commission. “National Human Rights Commission Annual Report (Synopsis) (F.Y. 2080/2081) (2023-24).”

32 National Human Rights Commission. “National Human Rights Commission Annual Report (Synopsis) (F.Y. 2080/2081) (2023-24).”

33 National Human Rights Commission. “National Human Rights Commission Annual Report (Synopsis) (F.Y. 2080/2081) (2023-24).”

34 Paudel, ed. “Nepal Human Rights Year Book 2025.”

35 Paudel, ed. “Nepal Human Rights Year Book 2025.”

36 Paudel, ed. “Nepal Human Rights Year Book 2025.”

37 Find Details at : <https://docs.google.com/forms/d/e/1FAIpQLSfRhTYx9vcH6WiloAJqSX-ORxV-aBQhd-vHtGsayBE6ceKjAZA/viewform>

38 National Human Rights Commission. “National Human Rights Commission Annual Report (Synopsis) (F.Y. 2080/2081) (2023-24).”

Recommendations

Recommendations for CSOs

- ✓ Promote public awareness on how to file complaints with the NHRCN in order to increase reporting of violations.
- ✓ Engage with NHRCN leadership to push for reforms needed to retain its “A” status and to implement SCA recommendations.
- ✓ Push for transparent and merit-based NHRCN appointments, emphasizing the need for civil society involvement, per GANHRI-SCA concerns.
- ✓ Design issue-based advocacy on transitional justice, custodial deaths, Gender Equality and Social Inclusion (GESI), socio-economic rights, and minority rights.
- ✓ Advocate for effective accountability mechanisms to investigate and prosecute human rights violations and end impunity.
- ✓ Strengthen efforts to mainstream GESI in all human rights monitoring, reporting, and protection frameworks.
- ✓ Lobby for comprehensive laws and protective mechanisms to ensure the safety, freedom, and dignity of HRDs, particularly women and marginalized activists.

Recommendations for the Government and Legislature

- ✓ Reform the Appointment Process to legally require the publicly advertisement of NHRCN vacancies that clearly define objective selection criteria.
- ✓ Promote a transparent, participatory, and inclusive selection process that consults CSO inputs and ensures pluralism. Encourage diversity among applicants.
- ✓ Ensure the implementation of NHRCN recommendations by establishing mechanisms for prompt action on recommendations and enforcing laws requiring the government’s responsive action.
- ✓ Guarantee institutional independence and resources by ensuring the NHRCN’s budget autonomy and protecting it from political interference.
- ✓ Promote parliamentary cooperation by encouraging the Parliament’s Law, Justice, and Human Rights Committee to consult the NHRCN during legislative processes.
- ✓ Revise the NHRCN Bill and remove provisions granting the Attorney General control over prosecution decisions based on NHRCN recommendations.
- ✓ Ensure that laws recognize, protect, and empower HRDs, thereby fostering an enabling civic space.
- ✓ Strengthen accountability to end impunity and integrate GESI principles across all government agencies.

Recommendations for the Judiciary

- ✓ Ensure the timely adjudication of pending writ petitions related to human rights violations and demonstrate judicial activism to deliver prompt justice to victims.
- ✓ Monitor and ensure the effective implementation of its judgments and directives related to human rights, holding accountable those authorities who fail to comply.
- ✓ Invest in continuous training and capacity-building programs for judges and court staff on international human rights standards.
- ✓ Strengthen human rights-based jurisprudence.

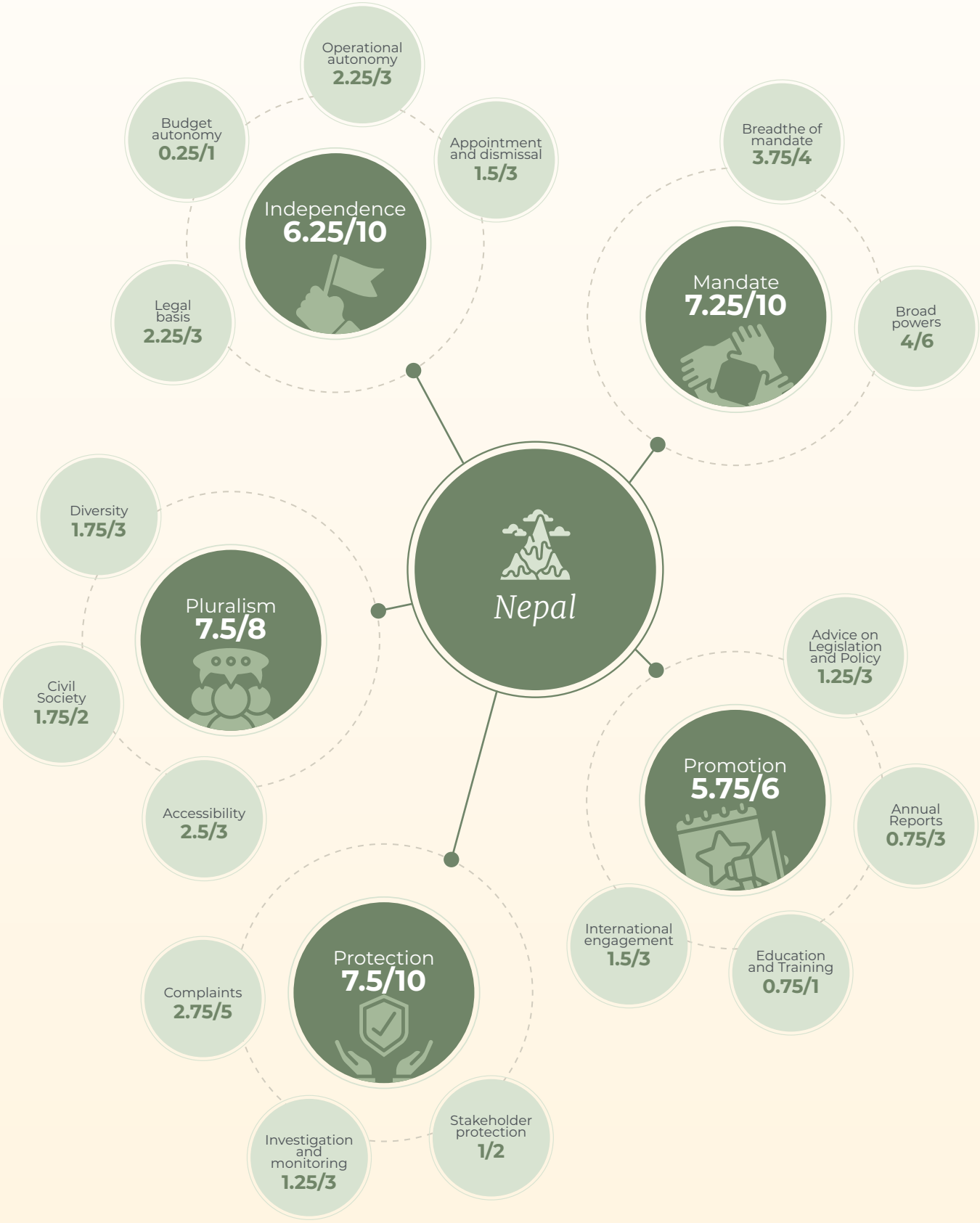
Recommendations for the NHRCN

- ✓ Initiate public outreach campaigns, including human rights education and community dialogue, to rebuild public confidence and trust in its work and independence.
- ✓ Current NHRCN members should place institutional credibility and public accountability above personal or political interests.
- ✓ Complaints and recommendations should not be kept in indefinite ‘hold’ status or subjected to prolonged delays; timely decisions are essential to ensure justice for victims.
- ✓ Proactively exercise its constitutional authority to hold government institutions accountable when they fail to implement recommendations.

- ✓ Regularly track and assess the implementation status of recommendations made by international human rights mechanisms, such as the Human Rights Council’s Universal Periodic Review and various UN treaty bodies.
- ✓ Develop a clear action plan to maintain its “A” status in the future. This should include advocacy with the government, particularly the parliament and judiciary, for legislative amendments to fully align with the Paris Principles and GANHRI-SCA recommendations.
- ✓ Launch targeted strategies to protect the rights of marginalized communities, including women, children, people with disabilities, Dalits, indigenous peoples, and LGBT QIA+ individuals.
- ✓ Update and maintain its website, publications, and social media channels to ensure the public can easily file complaints.
- ✓ Prioritize structured engagement with civil society and create an enabling environment for HRDs, the media, and other stakeholders.
- ✓ Carry out GESI audits on government institutions and issue concrete recommendations for necessary changes to advance equality and inclusion throughout the public sector.

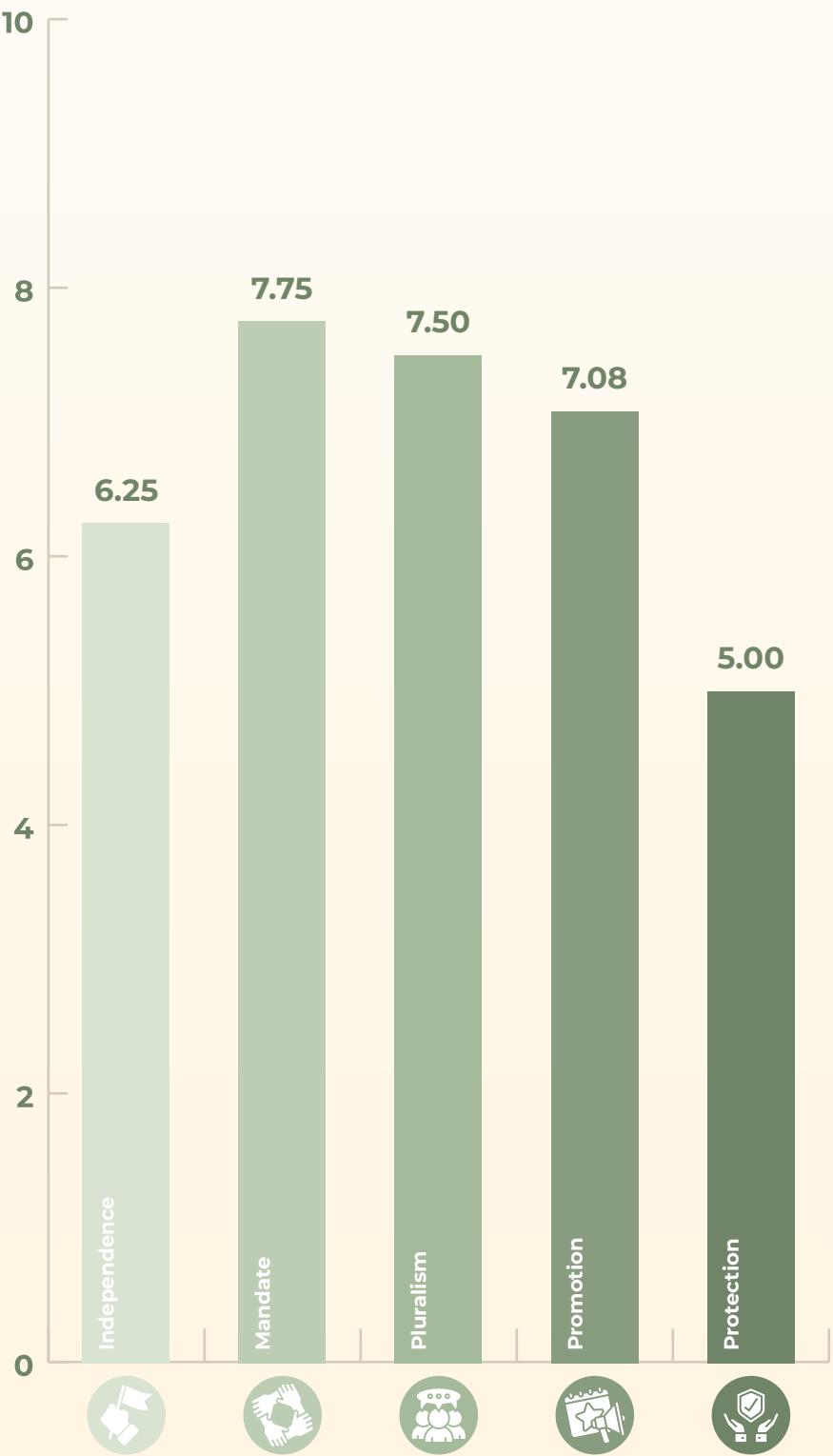
Nepal: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



Nepal: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



CHAPTER EIGHT

The Philippines

Human Rights Watchdog on leash: Institutionalizing the CHR's Independence

by Samantha Basa David,
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Balay Alternative Legal Advocates for Development in Mindanaw (Balaod Mindanaw), or popularly known as "Balaod", is a legal resource non-government organization who believes in the legal empowerment of marginalized groups and communities as a way of advancing their access to justice.



Overview of the human rights situation in the Philippines

Since assuming office in June 2022, President Ferdinand "Bongbong" Marcos Jr. has attempted to position himself as a pro-human rights leader, marking a shift from the outwardly hostile rhetoric of former President Rodrigo Duterte. He has publicly declared support for a "bloodless" approach to the country's anti-drug campaign, established a special committee on enhancing human rights coordination, and has shown renewed engagement with international bodies such as the United Nations. This change in tone appears aimed, in part, at rehabilitating the Marcos family's legacy, long marred by the human rights abuses committed by the President's father, the former dictator Marcos Sr., under Martial Law.

“While there are some apparent signs of improvement in the country's human rights situation, these appear to be politically motivated and lack meaningful structural reforms to address deeply entrenched accountability failures.

Serious human rights violations persist, civic space continues to shrink under repressive laws like the Anti-Terrorism Act, and key rights-based legislation remains stalled. Past cases of human rights violations have also remained unresolved.

Philippine authorities continue to weaponize the Anti-Terrorism Act against civil society groups. The law grants broad powers to label individuals and organizations as terrorists, conduct warrantless arrests, extend detention without charges, and freeze assets based on suspicion—provisions criticized for their vague definitions and high potential

for abuse against activists, dissenters, and humanitarian workers.

In 2023, the military accused the Central Visayas Farmers Development Center (CERNET), a nonprofit organization, of terrorist financing for allegedly channeling funds to the New People's Army. CERNET has firmly denied the allegation.¹ Meanwhile, cases of enforced disappearance continue, with at least 30 incidents documented by the Families of Victims of Involuntary Disappearance from 2022 to May 2024.²

Persistent impunity in anti-drug operations

During the first year of the Marcos administration in 2022, drug-related violence surged, with 471 people killed and most cases left uninvestigated.³ This exceeded the number in Duterte's final year. This pattern of impunity persisted into 2024. In March 2024, for example, Davao City Mayor Sebastian "Baste" Duterte, the son of the former president, publicly revived the war on drugs. Within 24 hours, police operations reportedly left at least seven people dead in Davao City.⁴

1 Hassan, Tirana. "World Report 2024: Philippines." Human Rights Watch. January 2024. <https://www.hrw.org/world-report/2024/country-chapters/philippines>.

2 "Victim Families of Enforced Disappearance Demand Concrete Actions from Government." Human Rights Online Philippines. May 30, 2024, <https://hronlineph.com/2024/05/30/statement-international-week-of-the-disappeared-2024-victim-families-of-enforced-disappearance-demand-concrete-actions-from-government/>.

3 Hassan. "World Report 2024: Philippines."

4 Tocmo, Hernel. "7 Dead after Mayor 'Baste' Declares War on Drugs in Davao City." ABS-CBN News. March 26, 2024. <https://www.abs-cbn.com/regions/2024/3/26/5-dead-after-mayor-baste-declares-war-on-drugs-in-davao-city-1022>.

In 2024, a coalition of Philippine Congress House committees, often referred to as the “Quad Committee,” conducted a series of hearings into the thousands of extrajudicial killings linked to the Duterte administration. The four House Committees tasked with the inquiry comprised the Committees on Justice, Human Rights, Public Order and Safety, and Good Government and Public Accountability.

Under the Duterte administration, the president encouraged police personnel and civilians to unlawfully target individuals suspected of drug use with impunity. Human rights groups estimate that Duterte’s war on drugs killed more than 30,000 people. At the same time, the Philippine National Police (PNP) has only acknowledged responsibility for about 7,000 of those deaths in what it describes as legitimate anti-drug operations. Both the Duterte and Marcos administrations claim that domestic accountability mechanisms are functioning. However, out of the estimated 30,000 drug war-related killings, only four police officers have been convicted to date.⁵

These hearings concluded with recommendations to file charges of crimes against international humanitarian law against former President Duterte and his allies.⁶ The findings aligned with previous reports by human rights groups and the United Nations, confirming patterns of systematic and widespread human rights violations.

However, no substantial domestic accountability efforts have followed despite the strong recommendations issued by the Quad Committee in December 2024. While the International Criminal Court (ICC) has reopened its investigation into the Duterte administration’s deadly war on drugs, President Marcos Jr. has refused to rejoin the ICC and initially refused to cooperate.⁷

Amid the deterioration of the Marcos-Duterte political alliance, however, the Marcos administration facilitated the execution of the ICC-issued warrant—via the Interpol—to arrest Duterte on 11 March 2025. As of August 2025, Duterte is now in detention at the Hague pending trial. Although the Philippines withdrew from the ICC in 2019, President Marcos Jr. clarified that the country would still honor its obligations to the Interpol if the ICC sought enforcement.

CHR’s endurance for independence

Throughout the Duterte administration, the Commission on Human Rights (CHR) investigated extrajudicial killings, documented human rights abuses, and consistently called for accountability and due process.

“The CHR did all these despite threats from the Duterte administration and the lack of cooperation from the police during fact-finding missions.

5 Bolledo, Jairo. “Caloocan Court Convicts Cops of Homicide in Killing of Father and Son.” Rappler. June 11, 2024. <https://www.rappler.com/philippines/metro-manila/calooan-court-convicts-cops-homicide-killing-father-son-luis-gabriel-bonifacio/>.

6 Cervantes, Filane Mikee. “Quadcom endorses crimes vs. humanity case against Duterte, 2 senators,” Philippine News Agency. December 18, 2024. <https://www.pna.gov.ph/articles/1240240>.

7 “No PH Cooperation with ICC Unless PRRD Wants It: PBBM.” Presidential Communications Office, March 30, 2023. https://pco.gov.ph/news_releases/no-ph-cooperation-with-icc-unless-prrd-wants-it-pbbm/.

Filipino civil society lauded the CHR for its steadfast determination to maintain its independence and to resist growing political pressures from the Duterte administration, including attempts by the Senate to dramatically reduce the CHR budget to Php 1,000 (USD 20) in 2018.⁸

In March 2023, the Global Alliance of National Human Rights Institutions (GANHRI)-Sub-Committee on Accreditation (SCA) reaccredited the CHR with an “A” status, reaffirming its full compliance with the Paris Principles. However, the SCA noted that the CHR continues to lack an enabling Charter Law. The SCA also reiterated its support for the passage of the proposed CHR Charter Law, which aims to strengthen the Commission’s mandate and powers. Without this foundational legislation, the CHR’s independence, mandate, and financial autonomy remain vulnerable to political pressure.

To further protect the CHR’s independence, the SCA urged the Philippine government to establish a transparent appointment process for commissioners, secure stable funding, and expand the CHR’s mandate to strengthen its role.

As civil, political, and socio-economic rights continue to face increasing threats, the CHR’s role in protecting rights and promoting accountability is more vital than ever.

“Strengthening the CHR requires meaningful state support and legislative action. Without these, the Commission would not be able to meaningfully fulfil its mandate and drive lasting reforms.

8 Gavilan, Jodesz. “Commission on Human Rights Leadership That Stood up to Duterte Ends Term.” Rappler. May 5, 2022. <https://www.rappler.com/newsbreak/in-depth/commission-human-rights-leadership-stood-up-to-duterte-ends-term/>.

The CHR under Marcos Jr.: Watchdog on a leash?

The CHR appointment process under Executive Order (EO) 163⁹ grants the President sole authority to appoint its Chairperson and Commissioners, without the need for any transparency or public consultation. Under the current legislation, all five Commissioners, including the Chairperson, are appointed by the President. This appointment process lacks institutional checks and balances, given the lack of participation from Congress, civil society, and independent bodies. The lack of transparency and the absence of a broader consultation raise serious concerns over the politicization of the CHR, thereby undermining the Commission’s independence, pluralism, and public trust.

The formation of the sixth Commission en banc further raised concerns since the appointees lack a strong human rights background and were selected solely by the president. Notably, the CHR was originally established in response to the grave human rights violations committed during Marcos Sr.’s dictatorship.

“The appointment of commissioners without robust human rights credentials has therefore fueled initial doubts about the CHR’s independence and effectiveness under the Marcos Jr. presidency, particularly since these commissioners were directly chosen by him.

9 Executive Order No. 163, s. 1987: Declaring the Commission on Human Rights Attached to the Office of the President and Defining Its Powers and Functions, February 5, 1987. https://lawphil.net/executive/execord/eo1987/eo_163_1987.html.

Under EO 163, commissioners are not required to have any human rights expertise. While the current en banc members' diverse legal expertise is beneficial, they are not necessarily human rights experts or advocates. CSOs have criticized the composition of the sixth en banc for lacking substantial background and experience in human rights work. This opaque and closed selection process undermines the Commission's independence and its founding mandate to prevent human rights abuses.

The appointment of the sixth Commission en banc took over two years to complete, leaving the CHR with an incomplete leadership for much of 2022 to 2024. While three of the five-member commission, including the Chairperson, were appointed in 2022, the remaining two members assumed office only in March 2023 and November 2024, respectively. During this period, the standing commissioners acknowledged the strain of an understaffed Commission but still pledged their commitment to fulfill their duties.¹⁰

The leadership gap limited the CHR's institutional effectiveness, especially in its decision-making and engagement with civil society to address urgent human rights concerns.

As former Commissioner Karen Gomez-Dumpit emphasized, a full five-member en banc is vital for both institutional plurality and credibility.¹¹ Human rights advocates noted that the prolonged delay reflects the Marcos Jr. administration's lack of genuine commitment to human rights despite its repeated public assertions to uphold them.

“*The en banc was only completed in November 2024, highlighting a structural gap: without an enabling CHR Charter, the appointment process lacks transparency, clear criteria, and safeguards against political interference. Though constitutionally independent, the CHR remains vulnerable to practical and political constraints that hinder its full effectiveness as a human rights watchdog.*”

Constitutional constraints as a structural weakness

According to Global Witness, the Philippines remains the deadliest country in Asia for land and environmental defenders, with mining tied to a third of all documented killings since 2012.¹² In 2023, 196 defenders were reportedly killed or disappeared globally, with 17 documented cases in the Philippines, marking the highest toll in Asia.

¹¹ Gavilan, Jodesz. “The CHR leadership is still incomplete – here’s why it matters.” Rappler. February 15, 2024. <https://www.rappler.com/newsbreak/in-depth/incomplete-commission-human-rights-en-banc-matters-marcos-jr-administration/>.

¹² Mbuthuma, Nonhle. “Missing Voices: The violent erasure of land and environmental defenders.” Global Witness. September 10, 2024. <https://globalwitness.org/en/campaigns/land-and-environmental-defenders/missing-voices/>.

Amid the global push for renewable energy, President Marcos Jr. has attempted to position the Philippines as a key source of “transition minerals,” or critical raw materials such as lithium, cobalt, nickel, and copper. These are essential to shifting away from the use of fossil fuels and toward clean energy systems.¹³ While it has been alleged that such a transition could help address the climate crisis, investigations by Global Witness and Kalikasan People's Network for the Environment revealed that this renewed mining push is actually harming indigenous communities as well as biodiversity hotspots.¹⁴

The expansion of harmful extractive operations in the name of the “green transition,” often done without meaningful involvement and consultation with impacted communities, risks the loss of lives and livelihoods, the displacement of Indigenous Peoples from ancestral lands, the erosion of cultural heritage, environmental degradation, and heightened vulnerability to climate-related disasters. Environmental defenders and community-based defenders who raise these legitimate concerns around harmful business activities and lack of due process, exercising their right to freedom of expression, are faced with persistent threats, reprisals, and harassment.

¹³ United Nations Environment Programme. “Critical Energy Transition Minerals.” United Nations Environment Programme. <https://www.unep.org/topics/energy/renewable-energy/critical-energy-transition-minerals>.

¹⁴ Global Witness. “How the Militarization of Mining Threatens Indigenous Defenders in the Philippines.” Global Witness. May 16, 2024. <https://globalwitness.org/en/campaigns/land-and-environmental-defenders/how-the-militarisation-of-mining-threatens-indigenous-defenders-in-the-philippines/>.

Lack of a full ESCR mandate

Under EO 163, the CHR's mandate is primarily limited to civil and political rights (CPR). While it can monitor economic, social, and cultural rights (ESCR), the CHR lacks formal jurisdiction to investigate or enforce them. Despite this legal limitation, the CHR is credited for interpreting its mandate broadly and continues to process cases of ESCR violations. Given the increasing incidence of ESCR violations and their interconnectedness with CPR, expanding the CHR's mandate to include investigations into ESCR is becoming increasingly necessary.

In response, the CHR began monitoring, advocating, and reporting on ESCR-related issues in alignment with international human rights standards. The current en banc has pledged to prioritize ESCR, consistent with recommendations from the Universal Periodic Review (UPR).

In 2023, the CHR launched investigations after receiving reports of harassment against anti-mining advocates and violent dispersals of residents barricading against the operations of Altai Philippines Mining Corporation in Sibuyan Island, Romblon. The CHR highlighted the need to determine accountability for human rights violations and abuses committed during the incident. It also emphasized that “the pursuit of development must not be done to the substantial and irreversible detriment of the environment and Filipinos' human rights.”¹⁵

¹⁵ Cabico, Gaea Katreena. “CHR investigating alleged rights violations linked to mining ops in Sibuyan,” Philippine Star, February 15, 2023. <https://www.philstar.com/headlines/climate-and-environment/2023/02/15/2245140/chr-investigating-alleged-rights-violations-linked-mining-ops-sibuyan>.

¹⁰ Commission on Human Rights of the Philippines. “Statement of Chair Richard Palpal-latoc on the Recent CHR Commission En Banc Appointments.” Commission on Human Rights. October 6, 2022. <https://chr.gov.ph/2022/statements/press-statement/statement-of-chair-richard-palpal-latoc-on-the-recent-chr-commission-en-banc-appointments/>.

The CHR continues to engage civil society in the area of ESCR, incorporating inputs from CSOs into policy advisories, public statements, and reports to international mechanisms like the UPR and UN treaty bodies. In November 2024, the CHR hosted a capacity-building workshop to prepare CSOs for the 77th session of the Committee on Economic, Social, and Cultural Rights, where the Philippines will be under periodic review. The workshop equipped CSOs with tools for treaty reporting, including the preparation of alternative reports to highlight local case studies and ESCR violations often underreported or excluded from official state submissions.

“While the CHR’s proactive efforts to respond to ESCR concerns are commendable, it must be legally empowered to ensure complete coverage of all rights.

The proposed CHR Charter, as advocated by the Commission, seeks to address the CHR’s gap in its ESCR mandate. If enacted, this could decisively expand and affirm the Commission’s mandate to cover all human rights, including the right to a clean, healthy, and sustainable environment, which is recognised as a human right by the UN General Assembly Resolution (A/76/L.75) in 2022. Section 14 of the proposed CHR Charter highlights the powers and functions of the Commission, including the investigation of ESCR-related cases. In addition, Section 19 states that the CHR’s monitoring functions shall also include ESCR violations by non-state actors.¹⁶

Lack of enforcement powers

“Despite the CHR’s steadfast initiatives in addressing human rights issues, its efforts often fail to yield concrete government action due to its lack of prosecutorial and enforcement powers.

Under EO 163, the CHR is prescribed with investigative and advisory powers, but without powers to compel full cooperation from concerned parties, including state actors. This limitation has led to challenges in ensuring the government’s meaningful implementation of the CHR’s recommendations and full cooperation during independent investigations.

This gap is evident in the implementation of the Anti-Enforced Disappearance Act of 2012, where no convictions have ever been made despite repeated calls from human rights advocates and the CHR for stronger enforcement. The CHR continues to work with civil society groups such as the Families of Victims of Involuntary Disappearance to push for proper implementation, including initiating dialogues with government agencies such as the Department of Justice, Presidential Human Rights Committee, Philippine National Police, and the Administrative Order 35 Task Force. The latter was established as an inter-agency committee on extra-judicial killings, enforced disappearances, torture, and other grave violations.

Implementation, however, remains weak due to a lack of political will to prosecute cases under the law, inadequate reparation mechanisms, and fragmented inter-agency coordination.

The CHR has also consistently advocated for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) despite the government’s claim that its domestic laws are sufficient. The CHR maintains that ratification would not replace the domestic law and instead strengthen it by filling legal gaps, reinforcing state obligations, and providing a stronger framework for accountability and implementation.

“Likewise, the CHR’s support for the long-delayed Human Rights Defenders Protection Bill (HRD Bill) and its recommendations on red-tagging have seen little follow-through from the government.

Meanwhile, cooperation from state actors has been inconsistent.

Over the past years, the CHR has regularly issued public statements and collaborated with CSOs in forums and dialogues with government agencies. It has also consistently included the HRD Bill in its policy recommendations, particularly in investigations involving red-tagging. However, government agencies, such as the Presidential Human Rights Committee (PHRC), continue to dismiss the bill as a non-priority. Such a dismissal happened during one of the legislative briefings organized under the UN Joint Programme (UNJP) in 2023.

During the 7th UN Committee on Economic, Social and Cultural Rights (CESCR) Review of the Philippines in February 2025, PHRC claimed to have consulted over 400 “legitimate” CSOs. According to PHRC, the CSOs expressed “feeling safe” and reportedly did not experience any harassment. This contradicts the documentation gathered by

various human rights organizations, which highlight the different types of harassment and abuse experienced by HRDs at risk. The stark contrast between PHRC’s claim and the reality documented on the ground further reflects the government’s attempts to downplay the HRD Bill’s urgency.

Meanwhile, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) has strongly opposed the HRD Bill, branding it a so-called “threat to democracy” and alleging that it could be misused by criminals as a form of sanctuary. Central to its objection is the proposed Human Rights Defenders Protection Committee, which would include civil society representatives from KARAPATAN, the Free Legal Assistance Group (FLAG), the Philippine Alliance of Human Rights Advocates (PAHRA), and the National Union of People’s Lawyers (NUPL)—all of which have been repeatedly red-tagged by NTF-ELCAC, baselessly labelled as affiliates or sympathizers of communist terrorist groups.¹⁷

“Red-tagging has been used to delegitimize the broader push for the HRD Bill by framing human rights advocacy as a subversive activity.

Red-tagging helps the government justify its continued inaction and resistance to passing the HRD Bill. Instead of putting an end to red-tagging, the government continues to deflect its obligation to heed public calls for accountability and stronger human rights safeguards.

As the UNJP for Human Rights in the Philippines drew to its conclusion in July 2024, the CHR backed CSO calls for the

¹⁶ House of Representatives. House Bill No. 9790, An Act Strengthening the Commission on Human Rights, and Appropriating Funds Therefor, 19th Cong., 3rd reg. sess. (2024), https://docs.congress.hrep.online/legisdocs/basic_19/HB09790.pdf.

¹⁷ Nepomuceno, Priam. “NTF-ELCAC: HR Defenders Bill a Threat to Democracy.” Philippine News Agency. March 13, 2023. <https://www.pna.gov.ph/articles/1197215>.

extension of the Programme in hopes of sustaining progress and strengthening accountability mechanisms.¹⁸ While the UNJP faced criticisms for its soft approach, civil society acknowledged its value in providing a multistakeholder platform for dialogue between the government and civil society on sensitive topics, with the CHR and the UN serving as a bridge.

Instead of heeding the recommendations from the CHR and CSOs, the government created a Special Committee on Human Rights Coordination under Administrative Order No. 22 to replace the UNJP.¹⁹ This government-led body aims to emulate the multilateralism of the UNJP while completely excluding CSOs. Civil society argued that the newly established body lacks the inclusive and participatory approach of the UNJP, raising concerns about its effectiveness and the government's sincerity in engaging with civil society.

In addition, the CHR's lack of enforcement powers creates challenges in its investigative and monitoring work. During its investigations into extrajudicial killings committed in relation to Duterte's war on drugs, for example, the CHR faced significant challenges in acquiring full cooperation from the PNP. Even when CHR investigators followed official PNP protocols, they were often denied access to critical documents.

In response to these foundational weaknesses, the CHR—with the endorsement of the SCA—has long advocated for the passage of a CHR Charter that would empower the Commission with stronger powers to compel state actors to cooperate with its independent investigations and to enforce its recommendations.

Fiscal dependence undermining CHR autonomy

Unlike other constitutional commissions, such as the Civil Service Commission (CSC), Commission on Elections (COMELEC), and Commission on Audit (COA), the CHR lacks full fiscal autonomy and legal authority. As a constitutional body without the same safeguards, it remains vulnerable to political interference.

“*This vulnerability has had concrete implications. Under the Duterte administration, the CHR was repeatedly threatened with budget cuts. Such threats are in retaliation for the CHR's condemnation of extrajudicial killings.*”

In November 2023, Senator Jinggoy Estrada threatened the CHR with a “zero budget” over the Commission's support for the decriminalization of abortion. This CHR position was first expressed in 2022 by then Director Atty. Jacqueline Ann de Guia, in line with recommendations by the UN Convention on the Elimination of All Forms of Discrimination Against Women, to reduce unsafe abortions in the Philippines.²⁰

20 Abad, Michelle. “CHR: Against Abortion, Except in Extreme Cases.” Rappler. March 4, 2024. <https://www.rappler.com/philippines/commission-human-rights-against-abortion-except-extreme-circumstances/>.

Senator Estrada's threats against the CHR over its stance on abortion were supported by four other male senators who cited religious objections. The Commission subsequently issued a clarifying statement that, as an institution, it does not support abortion except in extreme cases (i.e., termination of pregnancy for medical reasons).

Such incidents underscore how the lack of fiscal autonomy compromises the CHR's independence and effectiveness in carrying out its mandate to protect and promote human rights, including sexual and reproductive health and rights.

The CHR Charter aims to address this institutional weakness. Likewise, it aims to provide guarantees of financial independence in order to protect the Commission from external pressures. In affirming the Commission's independence, Section 4 of the Charter grants the CHR full fiscal autonomy, ensuring that its budget cannot be reduced and must be automatically and regularly released.²¹

“*When legislators can manipulate funding allocations in order to punish or silence an independent institution, its capacity to uphold human rights is severely undermined.*”

21 House of Representatives, An Act Strengthening the Functional and Structural Organization of the Commission on Human Rights, Repealing for the Purpose Executive Order No. 163, Series of 1987, and Appropriating Funds Therefore, House Bill No. 9172, 19th Congress (2023). https://www.congress.gov.ph/legisdocs/basic_19/HB09172.pdf.

It is difficult to expect the CHR to serve as an effective watchdog when its mandate is deliberately limited and subjected to coercion by the very actors it is meant to hold accountable. The passage of the CHR Charter is necessary to strengthen the Commission's independence and to ensure its resistance against political pressures.

Localizing human rights for all

Despite recent institutional reforms to improve internal systems under the current CHR en banc, the Commission continues to face systemic challenges in investigating and resolving human rights cases.

Staffing shortages, particularly of trained investigators, lawyers, and social workers, have led to case backlogs dating back to 2019. CSOs report prolonged delays in case processing, insufficient support in evidence gathering, and poor communication with complainants by the CHR, particularly in backlog cases of extrajudicial killings linked to Duterte's war on drugs. Due to the nature of such cases, investigations were further hindered by law enforcement agencies—especially the police and military—which withheld key reports and documents.

18 Commission on Human Rights of the Philippines. “Statement of the Commission on Human Rights Recommending for the Continuation of the UN Joint Programme Noting Its Valuable Impacts to the Human Rights Situation in the Philippines.” Commission on Human Rights. March 21, 2024. <https://chr.gov.ph/2024/statements/press-statement/statement-of-the-commission-on-human-rights-recommending-for-the-continuation-of-the-un-joint-programme-noting-its-valuable-impacts-to-the-human-rights-situation-in-the-philippines/>.

19 Administrative Order No. 22, s. 2011: Creating an Inter-Agency Committee for the Formulation of the National Human Rights Action Plan, October 11, 2011, https://law-phil.net/executive/ao/ao2011/ao_22_2011.html.

In response, the CHR has sought to improve access to justice by localizing its services and reinforcing its identity as an inclusive institution. In 2022, the CHR announced its new mantra: “*CHR ng Lahat. Naglilingkod, maging sino kaman*” (CHR for All. Serving you, whoever you are), reflecting its commitment to universal human rights protection regardless of identity, background, or status. The CHR has also expanded its digitization efforts to streamline internal systems and improve case management, as noted in its 2022 Annual Report.²²

Institutional reform for enhanced access to justice

To prevent further backlogs and improve efficiency, the CHR restructured its internal systems in 2023 to improve data management, resolving 3,055 out of 6,544 pending cases.²³ It also enhanced digital access through platforms such as the Management Information System Monitoring Outlet (MISMO), an online complaint and request portal. The CHR also came up with e-lawyering tools to facilitate remote legal consultations and documentation.²⁴

In 2024, the CHR launched the Alisto! Alert Mechanism, a rapid response tool that allows media workers and journalists to quickly report threats, harassment, or attacks via a dedicated hotline and online platform.²⁵ These mechanisms facilitate immediate coordination with regional CHR offices to initiate protective actions and support services.

“*These recent initiatives reflect a positive shift toward a more inclusive, responsive, and tech-enabled human rights protection.*”

However, their effectiveness remains to be seen as these mechanisms are still in the early stages of implementation. Uneven digital access and the limited capacity, resourcing, and training of regional offices are persistent structural challenges that might continue to hinder access to justice, especially in rural and marginalized areas. Ensuring the effectiveness of these tools will require sustained investment, stronger institutional support, and deliberate efforts to localize and bridge accessibility gaps.

Localization of human rights protection

Due to persistent delays and challenges in the passage of national legislation for the protection of HRDs, CSOs and the CHR turned to local mechanisms to safeguard rights.

25 “Statement of the Commission on Human Rights: Launching the ALISTO Alert Mechanism to Support the Philippine Plan of Action on the Safety of Journalists as Part of the National Press Week Celebration.” Commission on Human Rights. May 2024. <https://chr.gov.ph/2024/statements/press-statement/statement-of-the-commission-on-human-rights-launching-the-alisto-alert-mechanism-to-support-the-philippine-plan-of-action-on-the-safety-of-journalists-as-part-of-the-national-press-week-celebration/>.

“*These efforts not only reflect adaptive strategies in the face of national policy gaps but also underscore the growing role of local governments in advancing the human rights agenda.*”

As part of this localized approach, the CHR, in partnership with the UNJP, piloted the establishment of three Human Rights Cities in San Fernando, Pampanga; Baguio, Benguet; and Balanga, Bataan.²⁶

A number of cities, including Baguio City, Isabela City, Basilan, and Puerto Princesa, Palawan, have also passed local ordinances to protect human rights defenders, hoping to inspire other cities to follow suit. These cities serve as models for integrating human rights standards into local governance frameworks, offering institutional pathways for protection, participation, and accountability at the community level.

In 2023, the CHR launched the “Lakbay Karapatan Tungo sa Kamalayan” (LAKARAN), a nationwide human rights education caravan designed to reach grassroots communities and areas beyond bigger cities. Through this initiative, the CHR also strengthened its engagement with local government units (LGUs) by providing technical support and model ordinances on HRD Protection as well as on Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics (SOGIESC).

26 “Top-Level Policy Dialogue on Human Rights Cities and the Rights-Based Approach to Governance.” Hanns Seidel Foundation Southeast Asia. May 21, 2024. <https://southeastasia.hss.de/news/detail/top-level-policy-dialogue-on-human-rights-cities-and-the-rights-based-approach-to-governance-news11885/>.

In the same year, the CHR established 90 Barangay Human Rights Action Centers (BHRACs) to serve as community-based entry points for complaints, evidence preservation, and case referrals. These efforts were reinforced through the LAKARAN campaign, during which the CHR conducted 64 advocacy engagements, including training for BHRAC officers and paralegal capacity-building workshops for CSOs.

In parallel, the CHR sought to deepen the institutionalization of human rights education by formalizing partnerships with 31 higher education institutions to establish Centers for Human Rights Education. These centers aim to embed a culture of rights awareness and advocacy among students and educators to advance the long-term goal of mainstreaming human rights at all levels of governance.²⁷

While the passage of such ordinances marks an important step, their real impact depends on sustained implementation, monitoring, and community engagement. Beyond formal adoption, the CHR must work with LGUs to strengthen communication strategies that make human rights principles tangible, accessible, and relevant—shaping local perceptions so rights are understood as a lived reality, not an abstract concept.

27 Commission on Human Rights of the Philippines. 2023 Annual Accomplishment Report (Quezon City: CHR, 2024). <https://chr2bucket.storage.googleapis.com/wp-content/uploads/2024/08/06100614/CHR-2023-Annual-Accomplishment-Report.pdf>.

22 Commission on Human Rights of the Philippines. 2023 Annual Accomplishment Report (Quezon City: CHR, 2024). <https://chr2bucket.storage.googleapis.com/wp-content/uploads/2024/08/06100614/CHR-2023-Annual-Accomplishment-Report.pdf>.

23 Commission on Human Rights of the Philippines. 2023 Annual Accomplishment Report (Quezon City: CHR, 2024). <https://chr2bucket.storage.googleapis.com/wp-content/uploads/2024/08/06100614/CHR-2023-Annual-Accomplishment-Report.pdf>.

24 Commission on Human Rights. “CHR Launches MISMO: The New Online Complaint and Request Portal for Filipinos.” Commission on Human Rights. March 2024. <https://chr.gov.ph/2024/statements/press-statement/chr-launches-mismo-the-new-online-complaint-and-request-portal-for-filipinos/>.

Building trust through presence and inclusive advocacy

The CHR is fulfilling its mandate to promote human rights through thematic advocacy and sustained civil society engagement.

“*In particular, civil society commends the CHR’s proactive efforts in promoting diversity, inclusion, and anti-discrimination by engaging with traditionally marginalized communities and advocating for equal rights and opportunities.*”

The Commission, for example, leads campaigns for the passage of the SOGIESC Equality Bill; co-organizes Pride Month events; and operates the Gender and Women’s Human Rights Center, which offers gender-based violence training to LGUs, law enforcement officers, government agencies, and CSOs. The CHR also monitors state compliance with international obligations through observatories on climate justice, gender, disability, indigenous peoples, and migrant workers.

CSOs generally view the CHR as a trusted and transparent partner. Regular civil society consultations, briefings, and collaborative policymaking reinforce this credibility.

From 2023 to 2024, consultations for the Philippine Human Rights Action Plan were led by the Presidential Human Rights Committee (PHRC) across different provinces. However, CSOs raised concerns over their participation given the PHRC’s history of red-tagging.

In response, the CHR, alongside the Ateneo Human Rights Center, organized parallel consultations to offer an alternate platform for CSOs to engage with the consultative process. The CHR then compiled the CSOs’ observations and recommendations for submission to the PHRC for the government’s consideration. In this case, the CHR definitely fulfilled its role as an NHRI by facilitating civil society access to the government.

Civil society also commends the CHR’s responsiveness to feedback, recognizing the Commission’s efforts to create safe, inclusive, and participatory spaces for CSO engagements, in line with the Paris Principles.

However, trust in the CHR remains uneven across civil society actors. This is shaped not only by institutional performance but also by individual encounters with CHR staff. During the height of drug-related extrajudicial killings under the Duterte administration, a CHR staff member deprioritized a case of enforced disappearance filed by a CSO. When the CSO later requested updates on the case, the CHR staff refused to provide details, citing data privacy concerns as justification, even though much of the case information had been supplied by the CSO itself.²⁸ While this single incident does not reflect the CHR’s performance as a whole, such experiences—especially during periods of widespread state-perpetrated violence—undermine trust in the CHR’s ability to act as an accessible and transparent institution.

Although the Commission has demonstrated responsiveness in recent years, particularly in acknowledging initial reports at both national and regional offices, CSOs continue to encounter significant gaps in follow-through.

²⁸ An experience shared by the Families of Victims of Involuntary Disappearance (FIND) in the Philippines, a local CSO.

Many report that while the CHR is quick to respond to reports, often through offering guidance or acknowledging complaints, it lacks sustained engagement throughout the case resolution process. In one case of illegal arrest and detention reported to a CHR regional office in Mindanao, the CHR responded and provided advice, but the burden to follow-up documentation and casework fell entirely on the reporting CSO. The CHR’s limited engagement was attributed to staffing shortages and budget constraints, which continue to limit the CHR’s operational effectiveness.

“*These patterns of partial engagement reflect deeper structural challenges within the CHR, such as inadequate funding, staffing limitations, and inconsistencies in regional offices. Moreover, the CHR’s performance is shaped by the prevailing political climate.*”

For instance, its operational capacity was weakened by budget threats under the Duterte administration, which presented an openly hostile stance toward human rights. In contrast, the CHR faces more subtle pressures under the Marcos Jr. administration as it operates within a political environment where the current president attempts to project a human rights-supportive image but without actually making substantive systemic reforms.

These institutional limitations mirror the broader Philippine context, where centralized governance, fragmented local power, and uneven resource distribution lead to inconsistent public service delivery and hinder the overall protection of human rights. While many of these limitations extend beyond the CHR’s control, the Commission can play a critical role by developing a nationally coordinated framework that embeds equity-driven approaches and strengthens local partnerships to ensure inclusive and effective engagement nationwide.

Bangsamoro Human Rights Commission: Promising mandate, pressing gaps

In 2019, the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) was established through the ratification of the Bangsamoro Organic Law,²⁹ following decades of armed struggle rooted in the historical and systemic denial of the Bangsamoro’s legitimate right to self-determination. This conflict, prolonged and fueled by political marginalization, economic underdevelopment, and militarization, has entrenched patterns of violence and state neglect. The creation of BARMM marked a political milestone and is intended to pave the way for peace, justice, and inclusive governance in the region.³⁰

As part of the transition towards autonomy for the region, in 2020, the Bangsamoro Human Rights Commission (BHRC) was formally constituted to serve as the BARMM’s independent regional human rights commission. Its creation was intended as a step forward in localizing accountability mechanisms tailored to the context of the Bangsamoro.³¹

²⁹ Republic of the Philippines. Republic Act No. 11054: An Act Providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao. July 26, 2018. http://web.senate.gov.ph/republic_acts/ra%2011054.pdf.

³⁰ Gonzales, Jhpie. “Interview: The Struggle for Peace in Mindanao, Philippines.” GPPAC. March 8, 2023. <https://gppac.net/news/interview-struggle-peace-mindanao-philippines>.

³¹ Bangsamoro Parliament. Bangsamoro Administrative Code, Act No. 4. Official Gazette. February 2022. <https://officialgazette.bangsamoro.gov.ph/wp-content/uploads/2022/02/BA-Act-No.-4.pdf>.

“While efforts to foster collaboration between the BHRC and CHR have been initiated, these have yet to translate into sustained coordination.

In 2023, BHRC and CHR signed a Memorandum of Agreement to strengthen human rights promotion and protection in the Bangsamoro region.³² In 2024, the CHR launched an investigation into a series of violent attacks targeting BARMM officials and expressed its commitment to support the region's accountability efforts, thus reinforcing its complementary role to the BHRC.³³

In practice, however, the BHRC's engagement with CSOs and affected communities has been deeply lacking.

“Local CSOs deem the BHRC unresponsive and inaccessible, thus limiting its effectiveness and eroding trust among rights holders.

This disconnect is especially pronounced for Non-Moro Indigenous Peoples (NMIPs), who have been facing escalating violence, displacement, and deepening marginalization with the establishment of BARMM. While BARMM was created to address the Bangsamoro's right to self-determination, it has inadvertently compounded the exclusion of NMIPs, who are not part of the Moro majority within BARMM. NMIPs endure killings, harassment, and systemic human rights violations, alongside deepening social and cultural exclusion.³⁴

The Bangsamoro Autonomy Act No. 64, or the Bangsamoro Indigenous Peoples' Act, is recognized as the state's commitment to inclusivity and peace.³⁵ Yet NMIPs contend that instead of safeguarding their rights, the law only weakens their ancestral land claims and undermines recognition of their distinct identity. For instance, the Teduray-Lambangian, two groups of NMIPs, assert ownership of over 208,000 hectares across Maguindanao and Sultan Kudarat, but their struggle has been met with systematic violence, including at least 83 leaders who have been killed in the past decade for defending their ancestral domain.³⁶

³⁴ Gozum, Iya. “Killings of Non-Moro Indigenous People in Bangsamoro, 2014–2024.” Rappler. June 27, 2024. <https://www.rappler.com/philippines/mindanao/killings-non-moro-indigenous-people-bangsamoro-2014-2024/>.

³⁵ Bangsamoro Parliament. Bangsamoro Indigenous Peoples Act of 2024, BAA-64 (Cotabato City: Bangsamoro Transition Authority, 2024). <https://parliament.bangsamoro.gov.ph/wp-content/uploads/2025/01/BAA-64-%E2%80%93-Bangsamoro-Indigenous-Peoples-Act-of-2024.pdf>

³⁶ Buan, Lian. “‘Landmark’ Bangsamoro IP Code Has Not Benefited Non-Moro IPs – Group.” Rappler. June 16, 2025. <https://www.rappler.com/philippines/landmark-bangsamoro-indigenous-peoples-code-no-benefit-non-moro>

³² Bangsamoro Information Office. “CHR, BHRC Pledge to Work Hand in Hand for Human Rights Promotion, Education.” Bangsamoro Government. August 30, 2023. <https://bangsamoro.gov.ph/news/latest-news/chr-bhrc-pledge-to-work-hand-in-hand-for-human-rights-promotion-education/>.

³³ Sampang, Dianne. “CHR Probes Violent Attacks against BARMM Officials.” Inquirer.net. April 24, 2024. <https://newsinfo.inquirer.net/2009345/chr-probes-violent-attacks-against-barmm-officials>.

Conclusion

While the CHR was initially established as an advisory and investigative body, persistent human rights violations show that strengthening its mandate is essential to ensure accountability and address the prevailing culture of impunity.

Structural limitations, such as weak fiscal autonomy and a constrained legal mandate, undermine its independence and capacity to act decisively, particularly on politically or culturally sensitive issues. Passing the CHR Charter is a crucial step towards institutionalizing the Commission's independence to expand its powers and enable it to function as an effective national human rights institution in line with international standards that are responsive to people's needs.

The CHR has demonstrated strength in maintaining constructive and sustained engagement with civil society, facilitating dialogue with government agencies, and promoting the localization of human rights, an approach that is relevant to the Philippines' political landscape. Digitization efforts have also improved case processing. However, persistent case backlogs and gaps in victim communication contribute to weakened public trust. Overreliance on digital tools also risks excluding communities with limited access and underscores the need for more inclusive and grassroots-centered approaches.

Exclusion exacerbates existing vulnerabilities and entrenches systemic discrimination. The BHRC's unresponsiveness, paired with a lack of clarity and coordination between the BHRC and CHR, further compounds this exclusion, weakening accountability mechanisms and heightening the risk of impunity and escalating violence in the region.

Repeated attempts by civil society—including members of the Asian NGO Network on National Human Rights Institutions (ANNI)—to engage the BHRC in the ANNI reporting process to request information on its work received delayed responses, which raises serious concerns about its transparency and accountability to rights holders.

Without sustained dialogue and cooperation with civil society and the CHR, the BHRC risks serious consequences due to the ongoing lack of coordination among human rights institutions. These risks include further isolating marginalized communities, weakening accountability, and contributing to impunity and escalating violence in the region.

Moreover, the CHR must collaborate more actively with the BHRC to ensure coherent and rights-based governance across jurisdictions. The BHRC plays a vital role in a politically distinct region; thus, strengthening coordination between the two institutions is essential to reinforce human rights protections and support a thorough human rights infrastructure.

Addressing these gaps requires targeted reforms to enhance both state accountability and the CHR's institutional effectiveness.

Recommendations

To the government:

- ✓ Pass the CHR Charter to strengthen the commission's autonomy, mandate, and powers.
- ✓ Ratify key international instruments, such as the ICPPED and the Optional Protocol to the International Convention on Economic, Social, and Cultural Rights, to align domestic policies with global human rights standards and reinforce legal protections.
- ✓ Enhance cooperation among all government agencies with the CHR during its independent investigations, particularly in cases of enforced disappearances and extrajudicial killings, including providing all necessary documents and information to support evidence gathering and fact-finding.
- ✓ Strengthen the CHR's role in human rights reforms rather than installing overlapping mechanisms (i.e., Special Committee on Human Rights Coordination), which often create redundancy and hinder effective action,
- ✓ Prioritize the passage of key legislative measures supportive of human rights protection, such as the Human Rights Defenders Protection Bill, Mandatory Autopsy Law, National Preventive Mechanism, and the creation of a National Forensic Institute, to strengthen institutional safeguards, improve accountability mechanisms, and enhance the state's capacity for effective prevention and response to human rights violations.

- ✓ Establish interagency mechanisms to facilitate regular coordination among the National Commission on Indigenous Peoples (NCIP), the BHRC, and the CHR to ensure inclusive and culturally appropriate human rights protection for non-Moro Indigenous Peoples in BARMM.

To the CHR:

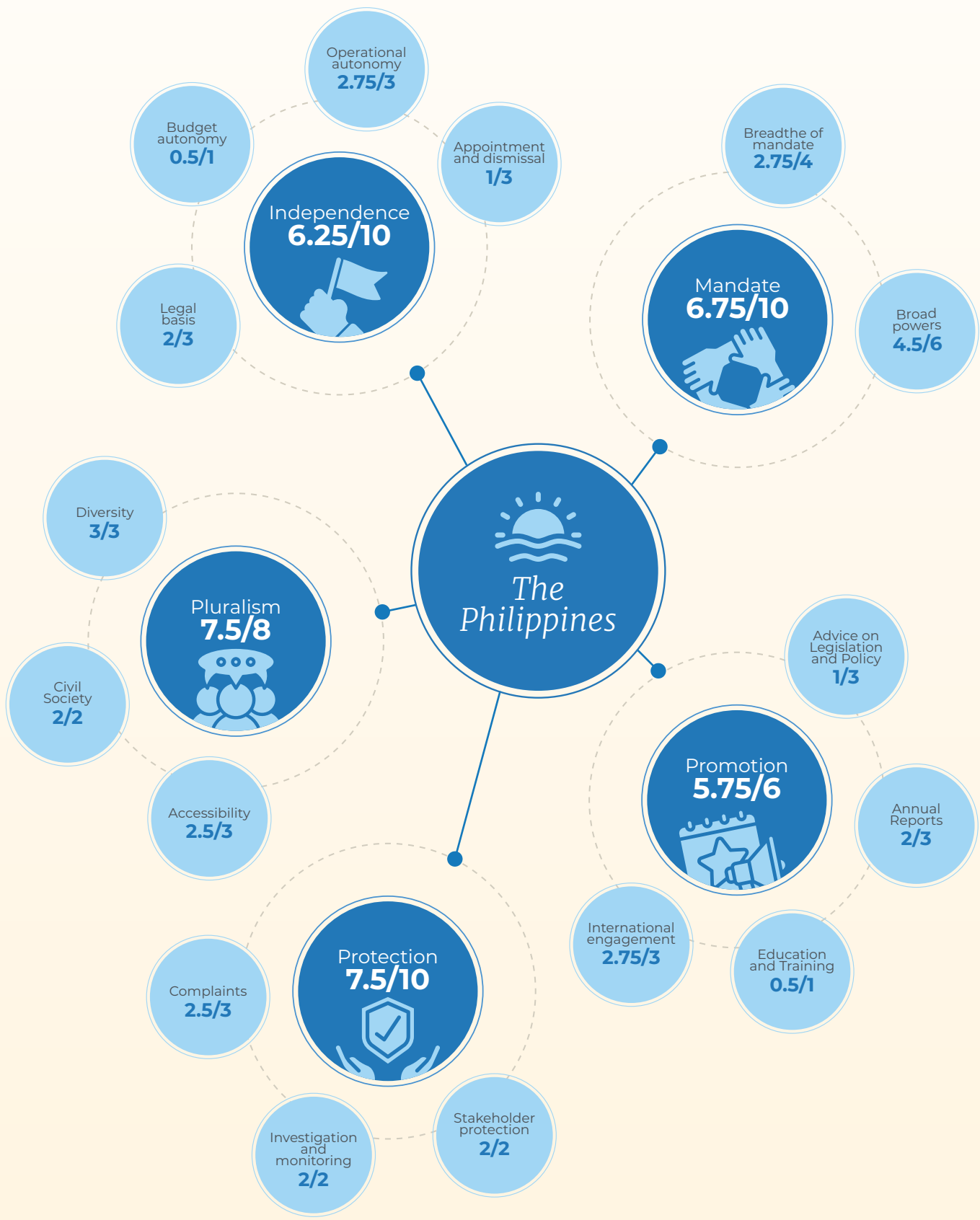
- ✓ Strengthen collaboration with CSOs to leverage technical expertise, improve investigative capacity, and ensure a coordinated, multi-stakeholder response to human rights violations.
- ✓ Enhance the capacity of regional offices through sustained training, resource allocation, and institutional support to ensure consistent, timely, and locally accessible human rights protection.
- ✓ Expand access to information and services by addressing digital disparities through the use of alternative communication platforms, especially in marginalized and geographically isolated communities.
- ✓ Sustain and scale community-based human rights programs, such as LAKARAN and Human Rights Cities, to promote grassroots awareness, participation, and institutionalization of human rights principles in local governance.
- ✓ Enhance coordination with the BHRC to ensure the protection of non-Moro Indigenous Peoples, including monitoring compliance with human rights standards and facilitating dialogue through intergovernmental mechanisms.
- ✓ Expedite the resolution of long-pending cases, especially those filed before 2023.

To the CSOs:

- ✓ Advocate for the passage of the CHR Charter to secure the Commission's independence and expand its mandate.
- ✓ Sustain strategic engagement with the CHR to support investigations, monitor human rights conditions, and co-develop community-based programs.
- ✓ Mobilize public support for pending human rights legislation, including the Human Rights Defenders Protection Bill, to reinforce institutional safeguards and accountability mechanisms.
- ✓ Coordinate advocacy for the ratification of key international instruments such as the ICPPED and the OP-ICESCR to reinforce the Philippines' commitment to global human rights standards.

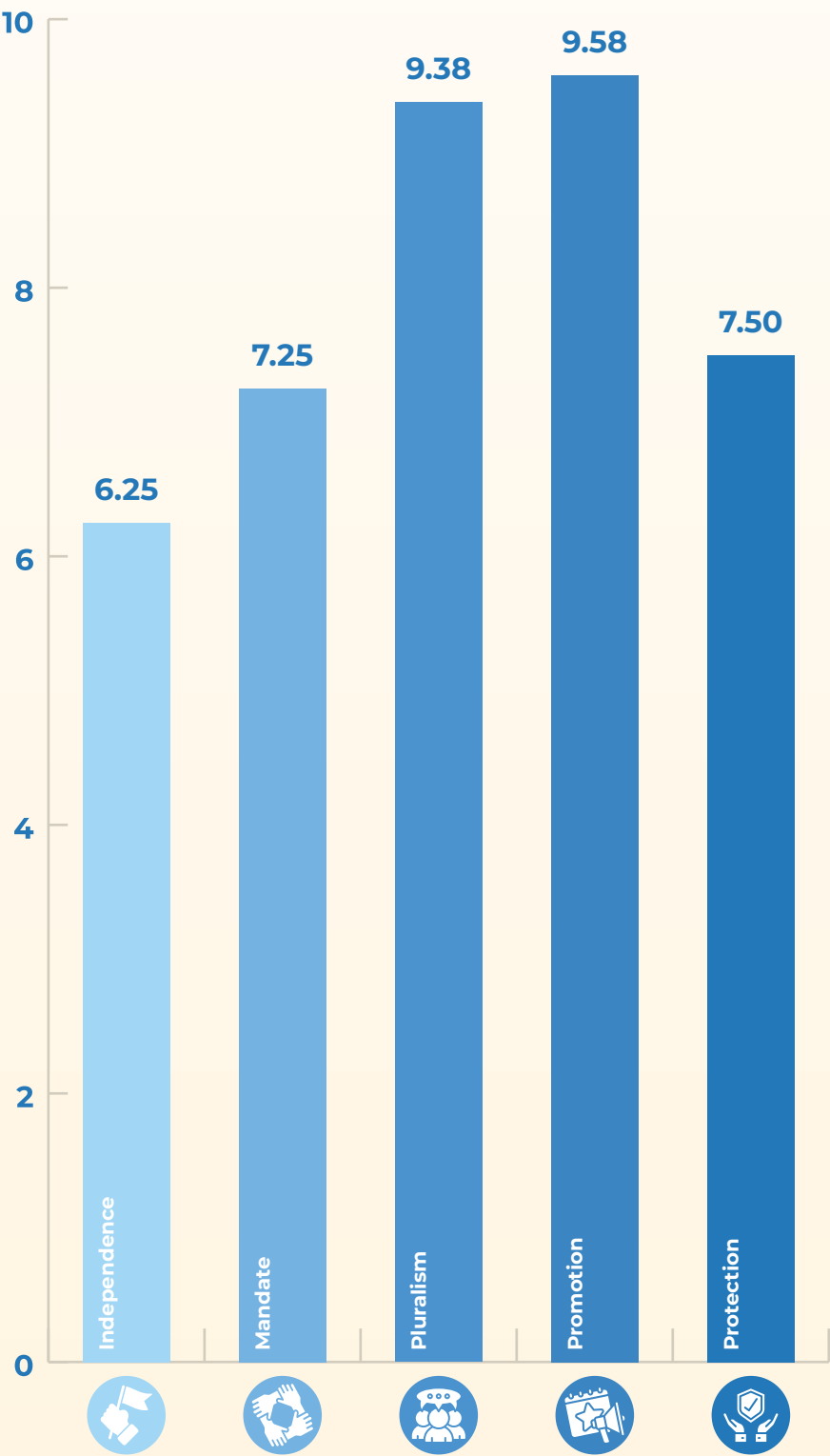
The Philippines: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



The Philippines: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



CHAPTER NINE

South Korea

National Human Rights Commission of the Republic of Korea in the face of martial law

by Na Hyun-Phil, Korean House for International Solidarity (KHIS), South Korea*

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Overview of the human rights situation in the Republic of Korea

Since taking office in May 2022, the Yoon Suk Yeol administration has been embroiled in a series of controversies.

At the beginning of his term, President Yoon drew sharp public criticisms for his administration's failure to hold any individual, such as the Minister of Public Administration and Safety, politically accountable for the Itaewon disaster that took place on 29 October 2022.¹ The tragedy resulted in 159 deaths, including 26 foreign nationals. The majority of victims were young people who had gathered to participate in Halloween celebrations. The disaster was widely viewed as preventable, raising serious concerns over the government's disaster preparedness and emergency response protocols.

The relatives of the Itaewon disaster victims sought accountability from the government. In doing so, they were branded as anti-government forces.² President Yoon notably failed to attend the memorial service marking the tragedy's first anniversary, transforming what should have been a moment of national mourning and reflection into a source of political division.

1 Jean Mackenzie, "Itaewon Crush: Survivors Are Still Tormented a Year On," BBC, 26 October, 2023, <https://www.bbc.com/news/67203564>.

2 Lee Yu Jin, "The Forgotten Battle of the Bereaved Families of the disaster...a Society That Has Neglected Hate," Kyunghang, November 1, 2023, <https://www.khan.co.kr/article/202311011347011>.

Threats to freedom of expression

“Rather than engaging constructively with opposition parties and civil society organizations, the Yoon administration has taken an increasingly hostile approach toward them, ultimately curtailing people's freedom of expression.

For civil society, this suppression is symbolized by the term YipTeulMak, which roughly translates to “hand-blocking the mouth of the speaker” in English. This phrase has come to represent the Yoon administration's efforts to silence dissent through intimidation and force.

Several high-profile incidents have illustrated this pattern of suppression.

On 18 January 2024, at an inauguration ceremony launching the North Jeolla Province as a special self-governing province, presidential security officials physically restrained Representative Kang Sung-hee when he attempted to voice criticisms against certain government policies and asked President Yoon to “change the policy of state administration.” Presidential security officials forcibly removed Kang, covering his mouth and lifting his lim 裄bs. The incident raised concerns over the authorities' use of excessive force to suppress dissent.³

3 Park So Hee, “Lawmaker Ousted for Talking to President... ‘Things Even Dictators Can't Do,’” ohmynews, January 18, 2024, https://www.ohmynews.com/NWS_Web/View/at_pg.aspx?CNTN_CD=A0002994568&CMPT_CD=P0010&utm_source=naver&utm_medium=newsearch&utm_campaign=naver_news.

On 1 February 2024, the chairperson of the Pediatric Association, Lim Hyun-taek, attempted to join a medical reform debate—chaired by President Yoon—to discuss the government's medical policies.⁴ Presidential security personnel then restrained the chairperson and covered his mouth. Later, Lim was arrested and interrogated by the police under the charge of “refusal to leave.”

On 16 February 2024, during the graduation ceremony of the Korea Advanced Institute of Science and Technology (KAIST), a graduate named Shin Min-gi criticized the government's drastic cuts to research and development funding. Presidential bodyguards—reportedly disguised in graduation caps and gowns—covered Shin's mouth and dragged him away by his limbs.⁵

These three consecutive incidents of YipTeulMak committed by the presidential security service drew widespread criticism, symbolically reflecting the Yoon administration's hostile approach towards dissenting voices.

“Despite mounting public concern, the Presidential Office continued to justify such excessive use of force as legitimate security measures.”⁶

Turning point: General elections 2024

Public dissatisfaction with the Yoon administration culminated in the April 2024 general election, where Korean citizens delivered a decisive landslide victory to the opposition.⁷ The opposition party won 192 of the 300 seats in the National Assembly, effectively neutralizing the president's veto power. Should the now-majority opposition party secure just eight additional votes, it would reach the crucial 200 votes needed to override a presidential veto.⁸ However, rather than acknowledging and reflecting on the election results as a public call for political change, President Yoon intensified his confrontational approach to dissent by publicly labeling the opposition party alongside civil society as “anti-state forces.”⁹

In December 2023, the opposition—newly empowered with a majority in the National Assembly—introduced Special Prosecutor Law bills to address ongoing scandals involving President Yoon's wife, Kim Keon Hee, who faced allegations of corruption and bribery.

The bills were prompted by an earlier Prosecutors' Office investigation into Deutsche Motors' stock price manipulation, in which the First Lady was allegedly involved—a probe widely criticized as inadequate. Further suspicions later emerged, including allegations that she accepted a luxury handbag as a bribe and intervened in the election through a political broker, Myung Tae-kyun.

In response, the opposition pushed through a Special Prosecutor bill targeting the First Lady, expanding its scope to cover these emerging allegations. President Yoon, however, consistently rejected the measure.¹⁰ By January 2024, he exercised his veto power to block the proposed bills, effectively halting efforts to launch an independent investigation into his wife's alleged misconduct.¹¹

As the National Assembly prepared to reconsider the proposed bills regarding Kim Keon Hee in early December 2024, prospects for overriding the presidential veto appeared increasingly likely with reports suggesting that some members of the ruling party might support the Special Prosecutor Law.¹²

Martial law declaration

On 3 December 2024, President Yoon declared martial law. He justified this extraordinary measure by claiming that the previous general election had been rigged, arguing that martial law was necessary to save the country from “anti-state opposition.”¹³

Within a few hours, however, the martial law declaration was ultimately lifted due to the strong resistance of lawmakers and their aides, the citizens' mass protests, and the military's reluctance to enforce the decree.¹⁴

Despite the swift reversal of the declaration, President Yoon insisted that the martial law decree was justified. This position, combined with support from many ruling party lawmakers who opposed impeachment proceedings, initially protected Yoon from consequences. As a result, the first impeachment vote in the National Assembly failed on 7 December 2024 despite widespread public demonstrations demanding Yoon's resignation and impeachment.

4 Doctors and medical students went on strike due to a policy of rapidly expanding the number of medical schools. Therefore, if the doctors who participated in the strike did not return, the emergency martial law included the content that they would be ruthlessly punished.

5 Lee Hae-rin, “KAIST Alums Sue Presidential Security Service for Assaulting Student,” Korean Times, February 20, 2024, <https://www.koreatimes.co.kr/southkorea/society/20240220/kaist-alums-sue-presidential-security-service-for-assaulting-student>.

6 Moon Gwang-ho, “The Presidential Security Service Arrested Doctor as ‘YipTeulMak’ ... ‘At This Point, It’s an Assault Service,’” Kyunghang, February 22, 2024, <https://www.khan.co.kr/article/202402220820001>.

7 Christy Cooney and Jean Mackenzie, “South Korean Opposition Wins Parliamentary Vote in Landslide,” BBC, April 11, 2024, <https://www.bbc.com/news/world-asia-68785969>.

8 Impeachment of the President and Constitutional Amendment can be made from 200 seats.

9 Seong Han Young, “Why Does President Yoon Like the Word ‘Anti-State Forces’ So Much?,” The Hankyoreh, August 26, 2024, https://www.hani.co.kr/arti/politics/politics_general/1155146.html.

10 Son Ji-hyoung, “Yoon Vetoes Bill to Investigate His Wife,” The Korea Herald, January 5, 2024, <https://www.koreaherald.com/article/3296638>.

11 The Associated Press, “Wife and Ally of Ousted South Korean President Indicted by Special Prosecutors,” NBC News, August 29, 2025, <https://www.nbcnews.com/world/asia/wife-ally-ousted-south-korean-president-indicted-special-prosecutors-rcna227938>.

12 Jiyoung Sohn and Timothy W. Martin, “South Korea's First Lady Looms Over Her Husband's Embattled Presidency,” Wall Street Journal, December 6, 2024, <https://www.wsj.com/world/asia/who-is-kim-kun-hee-south-korea-first-lady-cfe35090?msocid=0dbf6e84a92c-626f111460e6a8676387>.

13 Han Young-Hye and Kim Han-na, “Yoon Declares Martial Law Overnight, Vowing to Eradicate All Pro-North Korean, Anti-State Forces,” The JoongAng, December 3, 2024, <https://www.joongAng.co.kr/article/25296973>.

14 Ko Narin, “[Video] Over 1,000 Citizens Protest in Front of the National Assembly, Demanding Martial Law Be Lifted... And Blocking the Entry of Martial Law Troops,” The Hankyoreh, December 4, 2024, https://www.hani.co.kr/arti/society/society_general/1170615.html.

However, mounting public pressure and growing economic uncertainty eventually shifted the political landscape. On 14 December, the impeachment motion against Yoon was passed after several ruling party lawmakers withdrew their support for Yoon¹⁵. Yoon's presidential duties were subsequently suspended pending the Constitutional Court's review.

“The martial law declaration clearly demonstrates the human rights setback South Korea has endured since the beginning of the Yoon administration.

An ineffective national human rights institution

Shin Min-gi, the victim of the YipTeulMak incident at KAIST, filed a complaint with the National Human Rights Commission of Korea (NHRCK). Shin accused both the Presidential Security Service guards and President Yoon—who was responsible for commanding their actions—of violating his freedom of expression and right to liberty by suppressing his protest during the graduation ceremony. The NHRCK, however, rejected Shin's complaint. The NHRCK declined to investigate the complaint, claiming that the case was already being handled by both the police and the Constitutional Court.¹⁶

The NHRCK has faced accusations of political bias toward President Yoon.

“Following the martial law declaration that traumatized many citizens, the NHRCK passed an agenda defending President Yoon's rights during the impeachment proceedings.

The agenda outlined several provisions: ensuring President Yoon's defense rights during impeachment investigations; maintaining full commitment to truth and proper application of law during legal proceedings; and regarding the martial law investigation specifically, upholding the presumption of innocence while preventing the overuse of arrest powers or warrants.¹⁷

“Meanwhile, citizen-filed human rights violation complaints related to the martial law declaration were rejected by the NHRCK.

The Commission claimed that such cases were already under investigation by other authorities and pending in court, therefore did not require the NHRCK's involvement. Two other separate complaints regarding human rights violations associated with the martial law declaration were submitted, but both were dismissed using identical reasoning.

When questioned about the apparent double standard—why an agenda protecting President Yoon's rights was approved while citizen complaints were rejected—NHRCK officials explained that policy agendas and individual complaint cases follow different procedural frameworks.¹⁸

15 Ji Da-gyum, “Yoon Impeached: Why He Staked Presidency on Martial Law Gamble,” Korea Herald, December 16, 2024, <https://www.koreaherald.com/article/10017160>.

16 Park Inn, “Human Rights Violations Filed by KAIST's ‘Yipteulmak’ party...NHRCK, Rejected,” Nocutnews, April 30, 2024, https://www.nocutnews.co.kr/news/6138248?utm_source=naver&utm_medium=article&utm_campaign=20240430064224.

17 Ko Na-rin, “Human Rights Watchdog Draws Criticism for Recommending Guarantees for Yoon's Right to Defense,” The Hankyoreh, Feb 11, 2025, https://english.hani.co.kr/arti/english_edition/e_national/1181901.html.

18 Jeong Yoon-joo, “NHRCK the ‘Yoon ‘Right to Defend’ Controversy, Complaints of Human Rights Violations in Martial Law Are a Month Into the Investigation,” Yonhapnews, January 28, 2025, <https://www.yna.co.kr/view/AKR20250124183700004?input=1195m>.

However, the NHRCK's decision—widely perceived as an attempt to shield the President—was criticized for procedural irregularities. Observers noted that the NHRCK deviated from its established rules of procedure by bypassing the standing committee and submitting the agenda to defend the President directly to the plenary session, thereby circumventing the institution's normal deliberative process. Such deviations undermine the principles of transparency, accountability, and due process that are essential to the legitimacy of democratic institutions.

“The NHRCK's quick defense of President Yoon in the aftermath of his martial law declaration and its reluctance to support civil society and human rights defenders are representative of the eroding independence, credibility, and effectiveness of the Commission as a human rights watchdog.

NHRCK's mandate to protect and promote human rights

The NHRCK was established on 25 November 2001, following the passage of the National Human Rights Commission Act. Its establishment fulfilled former President Kim Dae-jung's election pledge to create an independent human rights body.¹⁹ The Act defines the Commission's mandate to safeguard human dignity and democratic order by promoting and protecting people's fundamental rights and freedoms under both the Constitution and international human rights standards.²⁰

19 Lee Sung-hoon, “Human Rights Advanced Country Korea's fall...we Need to Pick the Head of the Human Rights Commission,” The Hankyoreh, July 15, 2025, <https://www.hani.co.kr/arti/opinion/because/1149212.html>.

20 Republic of Korea, National Human Rights Commission of Korea Act (Act No. 6481, as amended), arts. 1–2, <https://www.humanrights.go.kr/eng/contents/view?contentsNo=137&menuLevel=3&menuNo=132>.

First granted in 2004, the NHRCK holds an “A-status” accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), signalling its compliance with the Paris Principles, the international minimum standard for credible, effective, and independent national human rights institutions.

The NHRCK retained “A” status during its most recent re-accreditation under GANHRI's Sub-Committee on Accreditation (SCA) in October 2021. The SCA, however, recommended that the Commission establish a single independent selection committee to ensure a transparent, fair, and participatory appointment process for its commissioners. Likewise, the SCA recommended that the NHRCK advocate for the legislative strengthening of its financial autonomy.²¹

“In March 2025, after growing concerns raised by civil society regarding the NHRCK's flailing independence and effectiveness, the GANHRI-SCA initiated a special review to assess the Commission's compliance with the Paris Principles.

The special review session will take place in October 2025, ahead of its regular review session originally slated for 2026.²²

21 Global Alliance of National Human Rights Institutions (GANHRI), “GANHRI Sub-Committee on Accreditation Report – October 2021,” n.d., https://ganhri.org/wp-content/uploads/2021/12/SCA-Report-October-2021_EN.pdf.

22 GANHRI-SCA, Upcoming Accreditation Sessions: 46th SCA Session: 20-31 October 2025, Special Review: Republic of Korea, March 2025, <https://ganhri.org/upcoming-sessions/>.

Crisis of leadership: The appointment of controversial figures with anti-human rights sentiments

The NHRCK Act guarantees the Commission's independence from government interference. The Act also ensures accountability by requiring the NHRCK to undergo annual reporting to the National Assembly as well as oversight under the National Assembly's steering committee.

In recent years, the NHRCK Chairperson and some commissioners have been criticized for their anti-LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, and Asexual/Aromantic/Agender, and others) sentiments. This incident exposed the limitations within the Assembly's ability to enforce accountability, given the strict dismissal conditions under Article 9 of the NHRCK Act. The enabling law outlines the circumstances under which commissioners may be disqualified from their positions; however, the conditions are limited to the loss of citizenship, party membership, or falling under disqualifications in the State Public Officials Act. This makes it extremely difficult to dismiss commissioners for misconduct, abuse of office, or failure to perform their duties.

According to Article 5.4(4) of the NHRCK Act, when selecting or nominating commissioners, the National Assembly, the President, or the Chief Justice of the Supreme Court are required to receive recommendations or hear opinions from various social groups to ensure that commissioners truly represent diverse sectors of society related to human rights protection and promotion.

However, in practice, even though there is public participation from civil society, only the President currently operates a candidate recommendation committee. It consists of seven candidates: three nominated by the presidential office, three civil society figures recommended by the NHRCK, and one nominated by the Korean Bar Association.

“While civil society participation exists, the committee ultimately recommends only three final candidates, allowing the President significant influence in selecting the nominees. This set-up has prioritized nominees handpicked by the President, including controversial figures such as Lee Chung-sang, Kim Yong-won, and Ahn Chang-ho.

The appointment of Commissioner Lee Chung-sang

On 21 October 2022, Lee Chung-sang was appointed as a standing commissioner of the NHRCK, following his nomination by the ruling People Power Party. His appointment drew immediate criticism from civil society due to his prominent role in President Yoon's election campaign, raising concerns over the appointment of political allies to the leadership of NHRCK.²³

Commissioner Lee had consistently made anti-human rights statements, including hate speech against the LGBTQIA+ community and disparaging remarks about labor rights. In May 2023, in the context of a draft decision addressing human rights improvements within military recruit training centers, Lee included controversial statements about hair length regulations. In the draft, he employed

23 Woo Chul-hee, “Human Rights Organization, Lee Chung-Sang, Non-Conformity with Standing Commissioner of the NHRCK... We Need to Withdraw the Nomination,” YTN, September 1, 2022, https://www.ytn.co.kr/Ln/0103_202209011806478411.

an inappropriate and homophobic analogy, referencing 'gay men wearing diapers due to anal disruption,' in an apparent attempt to trivialize and delegitimize human rights concerns raised in the context of recruit training centers.

Additionally, in December 2022, Lee criticized the Yellow Envelope Act, which broadens workers' rights. Heavily misinformed, Lee described the Act as “a law that encourages illegality” and “protects the offender.” ANNI (Asian NGOs Network on National Human Rights Institutions) issued a statement expressing alarm over his remarks.²⁴

The appointment of Chairperson Ahn Chang-ho

“In September 2024, when Ahn Chang-ho was nominated by President Yoon to replace Song Doo-hwan as NHRCK Chairperson, civil society expressed deep concern over his anti-human rights record, particularly his history of issuing anti-LGBTQIA+ statements.

Ahn has publicly opposed the proposed Anti-Discrimination Act, falsely claiming that if passed into law, the Act “can be used as a tool to move toward a Communist revolution.” In a column, he further stated that “if the bill comes into effect, primary, middle, and high school authorities cannot refuse to hire homosexuals as teachers.” In addition, Ahn stoked unfounded fears linking the LGBTQIA+ community with the potential spread of AIDS, anal cancer, and hepatitis A.²⁵

Ahn has never apologized for his offensive remarks, drawing strong criticism from civil society and human rights groups. Despite domestic and international expectations for the NHRCK's leadership to promote gender equality, diversity, and inclusion, President Yoon proceeded with Ahn's appointment as NHRCK Chairperson in September 2024.²⁶

On his inauguration day, a coalition of civil society organizations—known as the Joint Action to Correct NHRCK—filed a complaint with the NHRCK regarding Ahn's hate speech against LGBTQIA+ people. As a result, the first case filed under Ahn's leadership was one that directly implicated him.²⁷

25 HankookIlbo, “[Editorial] Chairperson Who Hate Minority Is Worried About the Future of The NHRCK,” HankookIlbo, September 7, 2024, <https://www.hankookilbo.com/News/Read/A2024090614420005112?did=NA>.

26 Jo Soo-jung, “President Yoon, Chairman of the National Human Rights Commission Ahn Chang-Ho, Etc., Are Awarded Letters of Appointment and Appointment,” Newsis, September 12, 2024, https://www.newsis.com/view/NIS20240912_0020521306.

27 Yoon Joon-ho, “The New Human Rights Commission Chair's No. 1 Petition ...A Civic Group That Filed a Complaint with NHRCK About Ahn Chang-Ho's Discriminatory Remarks,” Segye, September 9, 2024, <https://www.segye.com/newsView/20240909514497?OutUrl>.

24 ANNI, “[Open Letter] The Anti-Human Rights Behaviour of Lee Choong-sang, a Standing Commissioner of the National Human Rights Commission of Korea,” FORUM-ASIA, July 3, 2023, <https://forum-asia.org/open-letter-the-anti-human-rights-behaviour-of-lee-choong-sang-a-standing-commissioner-of-the-national-human-rights-commission-of-korea/?nhri=1>.

Crisis of Independence: Political interference in NHRCK investigation

In January 2023, President Yoon nominated Kim Yong-won as NHRCK Commissioner. Kim was concurrently serving as a military human rights protection officer.²⁸ His dual role became problematic following a controversy involving the mishandling of an investigation into the death of a military personnel, raising concerns over alleged collusion and cover-up.

On 19 July 2023, Marine Corps Sergeant Chae Su-geun tragically died in an accident while on a flood relief mission.²⁹ When the lead investigator, Marine Colonel Park Jeong-hoon, identified Major General Lim Seong-geun of the First Marine Division as a suspect, he sought approval from the Secretary of Defense to refer the case to the police.

However, suspicions arose when President Yoon personally intervened by calling the Secretary of Defense, who subsequently ordered the military to halt the police transfer.³⁰ When Colonel Park questioned the decision, he was dismissed and investigated for insubordination.

On 9 August, the NHRCK, led by Kim Yong-won, a standing commissioner and military human rights protection officer, issued a statement in defence of Colonel Park's human rights. The statement called for the suspension of Colonel Park's dismissal and insubordination investigation.

On 14 August, the Center for Military Human Rights,³¹—a civil society organization working on the intersections between human rights and the military—asked the NHRCK for emergency relief for Colonel Park. Standing Commissioner Kim Yong-won responded passively, contradicting his initial support that he had promised to the bereaved family. NHRCK's support would have been critical as Colonel Park faced charges of disobedience to military police stemming from his thorough investigation into the Sergeant Chae incident. Instead of protecting Colonel Park's ability to conduct proper investigations, these charges have undermined his work and weakened victims' trust in the government's accountability.

“The NHRCK's refusal to provide emergency relief perpetuates a culture of impunity and a system where military personnel conducting legitimate investigations face retaliation, ultimately damaging the credibility of military justice and victim protection processes.

28 Song Jeong-eun, “President Yoon appointed Kim Yong-won as a standing Commissioner of the NHRCK,” Yonhap, 23 Feb. 2023, <https://www.yna.co.kr/view/AKR20230203098851001?input=1195m>

29 Shin Ha-young, “Rescuers Recover Body of Missing Marine Who Helped Heavy Rain Recovery Efforts,” ArirangNews, July 20, 2023, <https://www.arirang.com/news/view?id=256714&lang=en>.

30 Chae Yun-hwan, “Yoon Declines to Respond to Query on Alleged Remarks over Marine's Death,” Yonhap, September 25, 2024, <https://en.yna.co.kr/view/AEN20240925007800315?input=2106m>.

31 Center for Military Human Rights Korea, “About Us,” Accessed October 27, 2025, <https://www.mhrk.org/>.

Notably, Commissioner Kim failed to attend the crucial NHRCK Standing Committee meeting on 18 August that addressed the matter, despite being the lead commissioner tasked to address the issue. On 30 August, the NHRCK rejected the emergency relief request, arguing that protection was unnecessary since Colonel Park had already filed a petition to invalidate his assignment release and had received a reprimand as disciplinary action.³²

Suspicion of possible collusion arose when it was revealed that Kim Yong-won had spoken with the Secretary of Defense by telephone on 14 August, the same day the relief request was submitted to the NHRCK.³³ This raised concerns that his initial support for Colonel Park on 9 August had changed after his call with the Secretary of Defense, conveying a personal appeal from the President.

In September 2023, Kim Yong-won filed a defamation lawsuit against the Center for Military Human Rights after the latter suggested that Kim's change of position resulted from external pressure by the Ministry of National Defense and the Presidential Office.³⁴

32 Han Ye-seop, “Park Jung-Hoon Turned a Blind Eye and Asked for a Damage... a Flood of Calls for the Resignation of Military Rights Protection Officers,” Pressian, September 5, 2023, https://www.pressian.com/pages/articles/2023090517435532470?utm_source=naver&utm_medium.

33 Park Hayan, “Kim Yong-Won, Standing Member of the Human Rights Commission, Said, ‘I Spoke to Lee Jong-Seop Before Colonel Park Jung-Hoon Was Dismissed,’” Kyunghang, June 21, 2024, <https://www.khan.co.kr/article/202406211751001>.

34 Jeon Ji-hyun and Kim Na-yeon, “[Exclusive] Looking at the Ruling of Kim Yong-won's ‘Loss’... ‘Intention to Skip the Meeting about Colonel Park Jung-hoon's Emergency Relief Is Suspicious,’” Kyunghang, October 14, 2024, <https://www.khan.co.kr/article/202410141625001>.

Reprisals against complainants

“Commissioner Kim's retaliation against the Center for Military Human Rights in the case of Colonel Park was not an isolated incident of reprisal against critics. Upon taking office as a military human rights protection officer, Commissioner Kim Yong-won was also actively investigating the death of the late Private Yoon Seung-joo.

In April 2014, 23-year-old Private Yoon died after a fatal beating by six military men while eating, which subsequently led to asphyxiation as a piece of food became lodged in his airway. Prior to his death, Private Yoon became the target of bullying in the camp. He was repeatedly beaten and denied food and sleep. The military court ultimately sentenced four soldiers to prison terms, ranging from 25 to 45 years, for their involvement in Yoon's death.³⁵

In April 2023, Private Yoon's family submitted a petition calling for an investigation into the military's attempts to cover up the case. Although a parliamentary audit uncovered evidence of a cover-up, the military officials involved were cleared of all charges. The bereaved family filed a complaint with the NHRCK, requesting a review of the case.³⁶

As the lead commissioner overseeing Private Yoon's case, Commissioner Kim was responsible for the review process, including conducting interviews with the bereaved family and requesting data.

35 Koh Kyoung-tae, “Family That Exposed Military Cover-up of Loved One's Death Reflect on Marine's Death,” The Hankyoreh, May 8 2024, https://english.hani.co.kr/english_edition/e_national/1139717.html.

36 Yoon Min-sik, “Rights Watchdog to Review Cover-up Behind 2014 Bullying Death of Soldier,” The Korea Herald, March 23, 2025, <https://www.koreaherald.com/article/10447785>.

However, after Private Yoon's family protested against the NHRCK's failure to pursue emergency relief for Colonel Park Jeong-hoon, Standing Commissioner Kim dismissed Private Yoon's case on 10 October 2023. The dismissal raised fears that the decision was only made in retaliation against Private Yoon's family as well as the Center for Military Human Rights for their criticisms of Commission Kim's mishandling of Colonel Park's case.

On 18 October, Private Yoon's family visited the NHRCK, requesting a meeting with the Chairperson. They also held a protest in the NHRCK. On 3 November, Commissioners Lee Chung-sang and Kim Yong-won filed a police report against the bereaved family alongside activists from the Center for Military Human Rights, accusing them of illegal trespassing, unlawful detention, and obstruction of official duties.³⁷ The two commissioners also filed a defamation lawsuit against the Military Human Rights Centre for KRW 100 million in damages (about USD 71,000).

“The very fact that Human Rights Commissioners filed criminal complaints against the grieving families of human rights abuse victims was beyond shocking, particularly since the unlawful detention claim of the Commissioners appeared arbitrary, as Commissioner Lee had left during the visit of the grieving families to have lunch.

In October 2024, a court ruled against Standing Commissioner Kim Yong-won in the first trial of his defamation lawsuit against the Center for Military Human Rights. The judge stated that there was a reasonable basis for the Center's allegations and ruled that Commissioner Kim's dismissal of Private Yoon's case could be characterized as retaliatory against the bereaved families without constituting defamation. In addition, the court also found the imprisonment claims against the bereaved families unfounded.³⁸

Diminishing function of NHRCK

The NHRCK's problematic set of commissioners has led to significant delays and interruptions in the Commission's ability to implement its mandate and functions.

Hostile behavior leading to delays

Between 2023 and 2024, Commissioners Lee Chung-sang and Kim Yong-won repeatedly targeted former NHRCK Chairperson Song Doo-hwan and Secretary-General Park Jin. The two commissioners accused Song and Park of being ideologically biased in their management of the NHRCK. During meetings, the two commissioners verbally attacked Song and Park, leading to work delays and a hostile working environment.

Such aggressive behavior in the workplace was also reportedly observed among other commissioners, who allegedly shouted and struck desks in the presence of commissioners who opposed them.³⁹

38 Jeon Ji-hyun and Kim Na-yeon, “[Exclusive] Looking at the Ruling of Kim Yong-won's ‘Loss’... ‘Intention to Skip the Meeting about Colonel Park Jung-hoon's Emergency Relief Is Suspicious,’” *Kyunghang*, October 14, 2024, <https://www.khan.co.kr/article/202410141625001>.

39 Suh Ear-ri, “The Surprising Reality of the Unfamiliar ‘Anti-Human Rights Commissioners,’ Why Live Broadcasting Is Necessary for the Human Rights Commission,” *Pressian*, June 12, 2024, https://www.pressian.com/pages/articles/2024061201130309129?utm_source=naver&utm_medium=search.

37 Lee Seung-yeop, “Private Yoon's Bereaved Family Imprisoned Us... Standing Commissioners of the NHRCK Who Asked the Police to Investigate,” *Hankookilbo*, November 3, 2023, <https://www.hankookilbo.com/News/Read/A2023110317300002166?did=NA>.

The two commissioners' hostility towards Song and Park prompted NHRCK staff members to formally protest in March 2024, stating that the commissioners' remarks were off-topic and intended solely to blame and demean colleagues.⁴⁰

Commissioner Lee also publicly attacked a staff member who authored a report on the Yellow Paper Act. Lee called the report “biased” and “false.” He also labelled the staff member as a “criminal.” When the incident became public, Lee filed a lawsuit against the staff member for allegedly providing a “false document.” In addition, Lee sent intimidating messages to staff members, resulting in the resignation of some employees.

“In August 2024, the Joint Action to Correct NHRCK,⁴¹ a temporary network created to respond to the independence crisis of NHRCK, filed complaints with relevant law enforcement agencies regarding the misbehavior and alleged dereliction of duty of some commissioners.⁴²

Violation of defined work processes

As defined by the NHRCK Act, the NHRCK must function independently. Its decisions must be collectively made by all of its Commissioners, four standing (full-time) and seven non-standing (part-time) members.

40 Koh Kyoung-tae, “Kim Yong-Won Said to the Chair of the Human Rights Commission, ‘I’m a Senior Lawyer,’” *The Hankyoreh*, March 27, 2024, [tps://www.hani.co.kr/arti/society/society_general/1131353.html](https://www.hani.co.kr/arti/society/society_general/1131353.html).

41 “Joint Action to Correct NHRCK” consists of 36 NGOs in South Korea. It was created in December 2023, and is a temporary network created to respond to the independence crisis of NHRCK. KHIS is acting as the network's secretariat.

42 Jun Yong-mo, “Press Conference on the Accusation of Standing Commissioner of the NHRCK Kim Yong-Won and Lee Chung-Sang, Human Rights and Civil Society Organizations,” *Lawissue*, August 28, 2024, https://www.lawissue.co.kr/view.php?ud=2024082812143697479a8c8bf58f_12.

The Commission handles complaints through subcommittees consisting of one standing commissioner (serving as chair) and two non-standing commissioners.

In accordance with Article 13, Paragraph 2 of the NHRCK Act, complainants' rights are protected through re-examination by the Plenary Committee, with all 11 commissioners participating, when a subcommittee fails to reach a unanimous decision. However, civil society is alarmed by some commissioners' attempts to challenge the defined decision-making process and its potential implications on access to justice for victims and their families.

In January 2022, the Korean Council for Justice and Remembrance for the Issues of Military Sexual Slavery by Japan (hereinafter Justice Council)⁴³ filed a complaint with the NHRCK after far-right actors interfered with their Wednesday rallies by mocking and insulting the event.⁴⁴ However, on 1 August 2023, the First Subcommittee on Infringement Relief, chaired by Kim Yong-won, rejected the Justice Council's complaint. The subcommittee consisted of three members; one member issued an opinion in favor of citing the complaint, while Kim Yong-won and another member voted to dismiss it.

Despite the lack of a unanimous decision at the subcommittee level, Commissioner Kim Yong-won pushed ahead with the decision to dismiss the complaint filed by the Justice

43 The group was formed in 2018 as Korean women's organizations succeeded in responding to the Japanese military's sexual slavery since 1990. They have been protesting in front of the Japanese embassy every Wednesday since January 1992. The “Wednesday protest” has been the target of far-right forces in Korea as they continue to deal with Japan's World War II-era war crime.

44 Esther Chung, “‘Comfort Women’ Activists Try to Stop Far-Right Counter-Rallies,” *Korea JoongAng Daily*, January 5, 2022, <https://koreajoongangdaily.joins.com/2022/01/05/national/socialAffairs/korea-comfort-women-japan/20220105175937747.html>.

Committee, contrary to the procedure outlined in the NHRCK Act.⁴⁵

In defense against sharp criticisms by civil society, Commissioners Lee Chung-sang and Kim Yong-won insisted that the NHRCK had long been misinterpreting the NHRCK Act, claiming that the law's provisions requiring unanimous decision-making are only applicable to approvals, and that any opposing vote would automatically lead to dismissal of a complaint. Kim Yong-won and Lee Chung-sang, along with six other commissioners—mostly recommended by President Yoon and the ruling party—also asked former Chair Song Doo-hwan to present the agenda to the Plenary Committee, insisting that complaint cases should be handled according to their interpretation.

“According to civil society, if the complaint handling procedures were changed according to the new interpretation, most complaints would be rejected, thereby paralyzing the NHRCK's functions.”⁴⁶

Former Chair Song Doo-hwan and the Commissioners who opposed this problematic interpretation insisted on careful discussion, as six out of 11 Commissioners demanded a vote at the Plenary Committee.

On 26 June 2024, in an attempt to officially enforce the problematic interpretation, the six commissioners declared that they would boycott proceedings unless the issue was put to a joint vote.⁴⁷

On 26 July 2024, the Seoul Administrative Court sided with the Justice Council in a lawsuit filed against the NHRCK for the dismissal of their complaint. The court ruled that the dismissal was illegal without the approval of all three subcommittee members. The judge ruled that, “For more than 20 years, the NHRCK has rejected complaints only when all three committee members unanimously agreed, in order to protect the rights of the complainants.”⁴⁸

“The verdict decisively declared that any attempts to overturn the previous interpretation without publicizing and collecting opinions violated the principle of equality and trust protection.”

Commissioners' boycott and the NHRCK's politicization

On 7 August 2024, the NHRCK announced that it would not appeal the ruling. However, the six commissioners said that they would continue to boycott their work despite the first trial's ruling.⁴⁹

Respecting the court's ruling, the NHRCK's Secretariat ignored Commissioner Kim's decision to dismiss the complaint by the Justice Council, as it determined that there was no legal basis for the Commissioner to dismiss

the petition case related to the Wednesday protests. Responding in retaliation against this decision, Commissioner Kim Yong-won has not convened the First Subcommittee for Infringement Relief since 1 August 2024. As of 2 November 2024, 218 pending complaints have remained unprocessed.⁵⁰

In September 2024, Ahn Chang-ho assumed office as the new Chairperson following President Yoon's nomination, succeeding former Chairperson Song, whose term had expired the same month. Upon the appointment of the new Chairperson, the Commissioners who had previously boycotted work due to the complaint dismissal issue returned to work.

On 28 October 2024, the agenda to amend the interpretation of the NHRCK Act was put to a vote despite the court's ruling that such hasty institutional change violated the principle of equality and trust protection. The plenary committee ultimately decided to reorganize the subcommittee to include four members, with decisions requiring the approval of at least three members.

Martial law and Ahn Chang-ho leadership

Defending President Yoon's unlawful martial law declaration

Chairperson Ahn's leadership was further tested by President Yoon's martial law declaration of 3 December 2024, which posed a grave threat to citizens' rights. The declaration has been widely characterized as a clear abuse of power. Multiple senior political and security officials testified that

they had been instructed to arrest the President's political opponents, including sitting politicians, a presiding judge who had previously ruled against Yoon's interests, and a former Constitutional Court chief justice. Testimony also revealed that police and military units were ordered to occupy newsrooms and the offices of the National Election Commission.⁵¹

Despite the clear violation of democratic norms, Chairperson Ahn did not make any public statement in the immediate aftermath of the emergency martial law, including in the lead-up to the 10 December Human Rights Day ceremony.

The lack of an immediate response from the NHRCK was evident, as the Plenary Committee meeting on 9 December discussed launching an ex officio investigation and issuing a statement on the emergency martial law, but failed to reach a resolution. In response, the Joint Action to Correct NHRCK staged a protest, blocking the entrance to the NHRCK's Human Rights Day ceremony and denouncing Chairperson Ahn.⁵²

Following protests by civil society, the NHRCK Chairperson only issued a delayed statement on 11 December despite the gravity of President Yoon's Martial Law declaration.⁵³

45 Jang Su-hyeon, “‘Human Rights Commission Neglecting Hate Speech’ Condemns Rejection of ‘Protecting Wednesday Protests,’” *Hankookilbo*, October 25, 2023, <https://www.hankookilbo.com/News/Read/A2023102511170000042?did=NA>.

46 Koh Kyoung-tae, “Will Reports of Human Rights Violations Be Lost... Controversy over the Addition of the Human Rights Commission's ‘Veto Rights’ Rule,” *The Hankyoreh*, October 31, 2023, https://www.hani.co.kr/arti/society/society_general/1114277.html.

47 Shin Hyun-woog, “Some Members of the National Human Rights Commission Have Declared a Boycott of the Meeting, Saying, ‘The So-Called Voting Method Must Be Changed,’” *KBS*, June 26, 2024, <https://news.kbs.co.kr/news/pc/view/view.do?ncd=7996955&ref=A>.

48 Jun Ji-hyun, “NHRCK Accepts Ruling That ‘Dismissal of Way of Kim Yong-Won Is Illegal,’” *Kyunghang*, August 8, 2024, <https://www.khan.co.kr/article/202408082130045>.

49 Ibid.

50 Lee Eun-ki, “[Exclusive] The Reason Why the NHRCK's Civil Service Union Conducted an Emergency Survey,” *Sisain*, November 8, 2024, <https://www.sisain.co.kr/news/articleView.html?idxno=51551>.

51 Lee Haye-ah, “(LEAD) Army Colonel Says Was Told No More than ‘150 People’ Could Be Inside Nat'l Assembly During Martial Law Operation,” *Yonhap News*, February 6, 2025, <https://en.yna.co.kr/view/AEN20250206001151315>.

52 Jeong Yeon-woo, “Human Rights Organization Protest Ahn Chang-Ho, Chair of Human Rights Commission, for ‘Response to the Martial Law Incident’...Just Look at the Government,” *KBS*, December 10, 2024, <https://news.kbs.co.kr/news/pc/view/view.do?ncd=8126802&ref=A>.

53 NHRCK, “[Statement] Statement by the Chairperson of the National Human Rights Commission of Korea on the Declaration of Martial Law (December 3),” December 12, 2024, <https://www.humanrights.go.kr/eng/board/read?board-ManagementNo=7003&boardNo=7610760&searchCategory=&page=5&searchType=&searchWord=&menu-Level=2&menuNo=114>.

“This delay was deeply concerning, and the statement itself failed to either condemn or oppose the declaration, while neglecting to address the associated human rights violations. To date, the Commission has remained silent on the issue.

At the Plenary Committee meeting on 23 December 2024, the agenda for an ex officio investigation into emergency martial law was once again rejected. In particular, this agenda item was initially scheduled as an open session but was later converted into a closed session, reflecting Chairperson Ahn Chang-ho's reluctance to address the matter transparently.⁵⁴ As a result, the NHRCK remained inactive on the matter for 20 days following the emergency martial law declaration.

Although beyond the official reporting period of this report, the NHRCK's independence was further undermined by Chairperson Ahn and some commissioners' decision to continue defending President Yoon in 2025. In a letter to the United Nations Office of the High Commissioner for Human Rights, Chairperson Ahn criticized the Constitutional Court's handling of President Yoon's impeachment trial, echoing arguments previously presented by the President's defense team. Chairperson Ahn questioned the Court's authority to rule on the President and contended that the trial should follow the procedures outlined in the Criminal Procedure Act.⁵⁵

On 5 February 2025, Commissioner Kim Yong-won posted on Facebook, “If the Constitutional Court impeaches the President against the will of the people, the people should beat the Constitutional Court to destroy it without leaving a trace.”

“Such statements by the NHRCK leadership raise serious concerns, especially since they incite violence and undermine the Commission's independence, credibility, and integrity as a national human rights institution.⁵⁶

Intensifying calls for a GANHRI-SCA special review

In October 2024, Korean civil society provided a third-party submission to the GANHRI-SCA, requesting a special review of the NHRCK.⁵⁷ Although this request for special review was based on concerns predating Chairperson Ahn Chang-ho's tenure, further submissions by civil society were made in 2025, highlighting alarming concerns regarding his conduct in office.

“In response to the mounting concerns raised by civil society, GANHRI-SCA initiated a special review of the NHRCK, highlighting the gravity of the Commission's independence and effectiveness at stake. Chairperson Ahn's handling of the martial law crisis is expected to weigh heavily in GANHRI's assessment of the institution during the review.

Conclusion and recommendations

Some commissioners appointed by the Yoon Suk Yeol government and the ruling party—including Chairperson Ahn Chang-ho, Lee Chung-sang, and Kim Yong-won—have placed the NHRCK into an unprecedented crisis of independence and credibility. They have distorted and arbitrarily interpreted human rights values that the NHRCK has upheld since its establishment in 2001, creating extreme internal conflict.

As a result, cooperation between civil society and the NHRCK has become increasingly difficult. Public trust in the Commission has been eroding. An institution that once stood in support of minority groups and marginalized communities, including LGBTQIA+ communities and labor unions, the NHRCK now appears to merely amplify the voices of oppressors.

The NHRI has remained silent in the face of former-President Yoon's undemocratic and unconstitutional martial law declaration. The NHRCK's blatant reluctance to hold Yoon accountable for his abuse of power undermines the Commission's independence and runs contrary to the Paris principle. Therefore, GANHRI must conduct a special review of the NHRCK.

There is a need to restore the Commission's independence, credibility, and effectiveness. Not doing so would be detrimental to the protection of human rights across South Korean society.

To the Government:

- ✓ Conduct a reform and review of the NHRCK to ensure its independence and operability in accordance with the Paris Principle
- ✓ Revise the NHRCK Act to establish a single independent selection committee that ensures civil society's participation.
- ✓ Revise the NHRCK Act and related laws to expand its financial autonomy.
- ✓ Take all measures to ensure that only those who comply with international human rights standards and Paris principles can be selected as NHRCK Commissioners.

To the NHRCK:

- ✓ Strictly comply with the Paris Principles and the NHRCK Act, especially during human rights crises, including emergency declarations of martial law.
- ✓ Urge the National Assembly to amend the NHRCK Act and related laws in accordance with GANHRI-SCA's recommendations in 2021.
- ✓ Protect the rights of NHRCK employees and restore the Commission's cooperation with civil society.

54 Lee Yong-kyung, “Is Emergency Martial Law a Human Rights Violation? Human Rights Commission Has Even Abandoned Its Investigation,” Herald Economy, December 25, 2024, <https://biz.heraldcorp.com/article/10022743?ref=naver>.

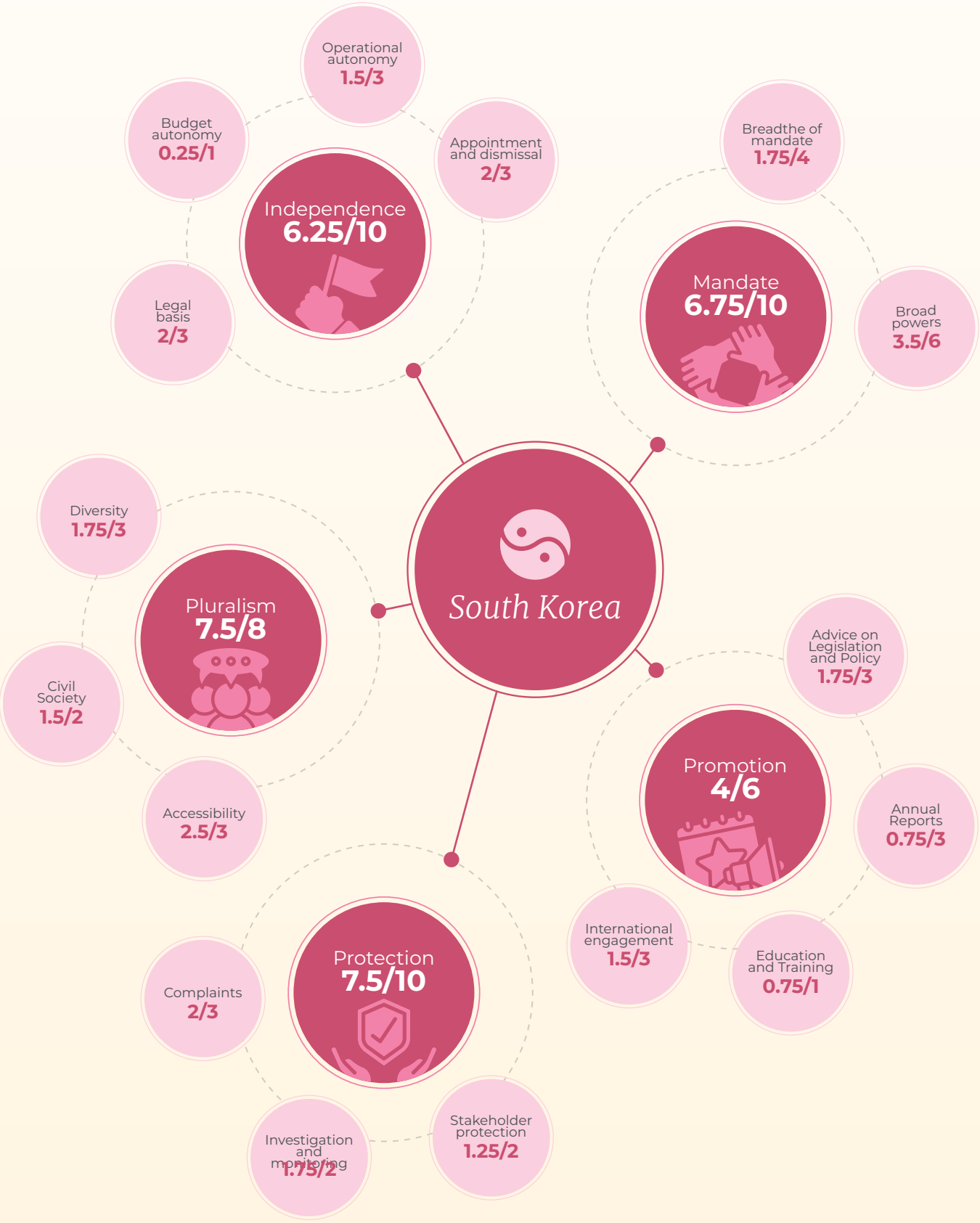
55 Anna J. Park, “Rights Commission Chief Attacks Constitutional Court in Letter to UN,” The Korea Times, March 4, 2025, <https://www.koreatimes.co.kr/southkorea/society/20250304/rights-commission-chief-criticizes-constitutional-courts-impeachment-trial-in-letter-to-un>.

56 Yoon Inha, “Kim Yong-Won, a Standing Member of the Human Rights Commission Who Volunteered to Plead for Free..When the 尹 Is Impeached, the Constitutional Court Should Be Destroyed,” Maeil Business Newspaper, February 6, 2025, <https://www.mk.co.kr/en/politics/11234142>.

57 Koh Kyoung-tae, “‘GANHRI Should Do a Special Review Of NHRCK’...204 civic Groups Appeal,” Hankyroeh, November 4, 2024, https://www.hani.co.kr/arti/society/society_general/1160772.html.

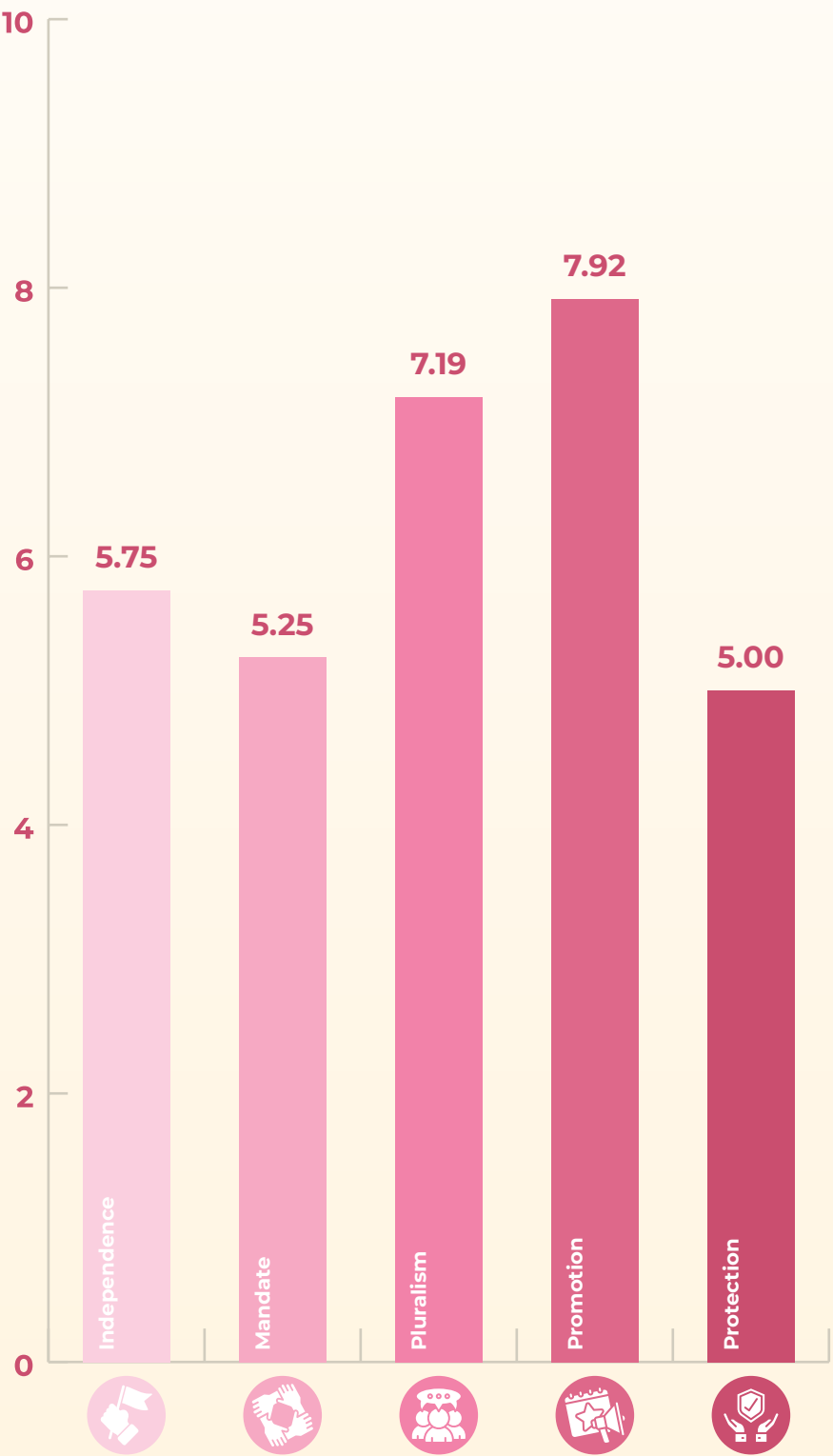
South Korea: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



South Korea: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



CHAPTER TEN

Sri Lanka

In the Aftermath of a Financial Crisis and Political Upheaval

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Overview of the Human Rights situation in Sri Lanka

Three years since Sri Lanka defaulted on its foreign debt, the island nation continues to grapple with the effects of an unprecedented economic and political crisis. In July 2022, hyperinflation¹ and mass protests² culminated in the ousting of President Gotabaya Rajapaksa. In response, the Parliament appointed then-Prime Minister Ranil Wickremesinghe as President, who took office from 20 July 2022 to 23 September 2024. During his tenure, Wickremesinghe oversaw intensified crackdowns on dissent, implementing sweeping emergency laws and accepting a widely criticised agreement with the International Monetary Fund (IMF)^{3,4,5}

1 Weerasinghe, P. Nandalal. "Inflation—Public Enemy Number One." Keynote address delivered at the Annual Research Symposium 2023 of the University of Colombo, 2023, <https://www.cbsl.gov.lk/>

2 Pathirana, Saroj. "'Supreme power of people': Sri Lanka marks 100 days of protests," July 18, 2022, <https://www.aljazeera.com/news/2022/7/18/supreme-power-of-people-sri-lanka-marks-100-days-of-protests>

3 "Sri Lankan trade unions to the IMF: Stop forcing the poor to pay the debt of the rich," Progressive International, August 31, 2023. <https://progressive.international/wire/2023-08-31-to-the-ifm-domestic-debt-restructuring-in-sri-lanka-forcing-the-poor-to-pay-the-debt-of-the-rich/en>

4 Gunadasa, Saman. "Sri Lankan government agrees with IMF to implement savage austerity measures," November 25, 2024. <https://www.wsws.org/en/articles/2024/11/26/canw-n26.html>

5 Sri Lanka's 17th IMF loan.

By the end of 2024, public dissatisfaction in Sri Lanka had reached a critical point. At the presidential election in September, left-leaning candidate Anura Kumara Dissanayake secured a landslide victory, campaigning on a platform of renegotiating the IMF agreement⁶ and ridding Sri Lanka of corruption.⁷

Financial crisis and its socio-economic consequences

“In early 2023, Sri Lanka secured a USD 3 billion bailout from the IMF, a small fraction of the country's USD 76.8 billion outstanding external debt.⁸ While the bailout aimed to stabilize the economy, the IMF program came with stringent austerity measures, including tax hikes, fuel subsidy cuts, increased electricity tariffs, the doubling of Value-Added Tax (VAT), and a push for privatizing state-owned enterprises. These measures deepened socioeconomic distress.

6 "Sri Lanka's NPP manifesto reveals IMF renegotiation proposals," EconomyNext, August 26, 2024. <https://economynext.com/sri-lankas-npp-manifesto-reveals-imf-renegotiation-proposals-178061/#modal-one>

7 Jathika Jana Balawgaya (National People Power Sri Lanka), "A Thriving Nation, a Beautiful Life," 2024. <https://www.akd.lk/policy/>

8 "Public Debt Summary - As at End 2022," February 2023. Ministry of Finance, Economic Stabilization and National Policies and Central Bank of Sri Lanka

Human Rights Watch raised concerns about the human rights implications of the IMF package, noting that over 17% of the population became moderately or severely food insecure, while 31% of children under five suffered from malnutrition.⁹ Overall poverty levels surged to a staggering 24.5%.¹⁰

While the Sri Lankan population contended with the rising cost of living and acute poverty, the government introduced some controversial programs and pieces of legislation. One significant development was the launch of Operation Yukthiya¹¹ in December 2023, a nationwide anti-narcotics campaign.

Executed by the police Special Task Force and military, Operation Yukthiya led to the detention of nearly 130,000 individuals suspected of drug abuse within just six months¹². Both the United Nations Human Rights Council¹³ and the Human Rights Commission of Sri Lanka¹⁴ (HRCSL) raised

serious concerns over reports of human rights violations, including arbitrary detention and abuse. The HRCSL is currently investigating complaints of torture; cruel, inhuman, and degrading treatment; and arbitrary arrests and detention¹⁵ of those arrested under Operation Yukthiya.

“ Just a month prior to the launch of the operation, then-President Wickremesinghe had appointed Deshabandu Tennakoon as acting Inspector General of Police (IGP), who then led Operation Yukthiya. The appointment was controversial, given that at the time there was an ongoing Supreme Court case against Tennakoon for police torture. Tennakoon was found guilty by the Supreme Court in December 2023, but he was nevertheless appointed permanent IGP in February 2024. He was suspended five months later.¹⁶

Weaponization of the law

In 2023, freedom of expression deteriorated further, as authorities increasingly weaponized legal provisions against the public. In January 2023, authorities invoked the International Covenant on Civil and Political Rights (ICCPR) Act to arrest social media commentator Sepal Amarasinghe.¹⁷ In May, stand-up comedian Natasha Edirisooriya,¹⁸ was also arrested under the same law for allegedly making offensive remarks about Buddhism. The HRCSL launched an investigation into the arrest of Edirisooriya, and on 26 September 2024, issued a recommendation that included instructions for the police to pay her compensation.

In March 2023, efforts to replace the controversial Prevention of Terrorism Act (PTA) with a new Anti-Terrorism Bill (ATB) were met with criticism over concerns that the proposed law retained many repressive elements, including threats to citizens’

freedom of assembly and expression^{19, 20, 21}. The HRCSL issued a list of recommended revisions to the ATB, which it urged be incorporated before the Bill was placed on the Order Paper of Parliament.²²

Additionally, the Online Safety Act (OSA), passed in January 2024 to regulate online content, drew condemnation from the International Commission of Jurists (ICJ) and other rights groups. Critics warned that the Act’s vague language could be used to criminalize²³ legitimate expression and stifle

9 Hassan, Tirana. “Sri Lanka Events 2023,” Human Rights Watch, January 2024. <https://www.hrw.org/world-report/2024/country-chapters/sri-lanka>

10 World Bank Group. 2025. “Sri Lanka’s Economy Outpaces Growth Projections, More Efforts Needed to Reduce Poverty, Boost Medium-term Growth.” World Bank, April 23, 2025. <https://www.worldbank.org/en/news/press-release/2025/04/23/sri-lanka-s-economy-outpaces-growth-projections-more-efforts-needed-to-reduce-poverty-boost-medium-term-growth#:~:text=%22While%20Sri%20Lanka's%20economy%20is,%2C%20Nepal%2C%20and%20Sri%20Lanka.>

11 Yukthiya is a Sinhala word that translates to ‘justice’

12 Kenolee Perera, “Operation ‘Yukthiya’: Nearly 130,000 suspects detained,” The Morning, June 02, 2024. <https://www.themorning.lk/articles/J969gQQU9ZtAzdUMv9sZ>

13 United Nations Office of the High Commissioner for Human Rights. “UN experts call on Sri Lanka to immediately suspend and review ‘Yukthiya’ anti-drug operation,” United Nations Office of the High Commissioner for Human Rights, January 22, 2024. <https://www.ohchr.org/en/press-releases/2024/01/un-experts-call-sri-lanka-immediately-suspend-and-review-yukthiya-anti-drug>

14 The ‘Yukthiya’ Operation, Human Rights Commission of Sri Lanka press notice, January 9, 2024. <https://www.hrcsl.lk/the-yukthiya-operation-press-notice-no-hrc-p-i-e-08-01-24/>

15 “The ‘Yukthiya’ Operation, Human Rights Commission of Sri Lanka press notice”

16 Srinivasan, Meera. ‘Sri Lanka’s Fugitive Police Chief Deshabandu Tennakoon Surrenders After Two Weeks in Hiding’, The Hindu. March 20, 2025. <https://www.thehindu.com/news/international/sri-lankas-police-chief-surrenders-after-weeks-of-evading-arrest/article69348527.ece#:~:text=In%20July%202024%2C%20the%20top,continued%20in%20the%20post%20regardless.>

17 Gunathileke, Gehan. “How a human rights law became a tool of repression in Sri Lanka,” Himal South Asian, February 07, 2023. <https://www.himalmag.com/politics/iccpr-human-rights-law-repression-blasphemy-sri-anka>

18 Centre for Policy Alternatives. “Statement on Recent Arrests under the ICCPR Act & Shrinking Space for Dissent,” Centre for Policy Alternatives, May 31, 2023. <https://www.cpalanka.org/statement-on-recent-arrests-under-the-iccpr-act-shrinking-space-for-dissent/>

19 Root, Rebecca. “Freedom of expression: Sri Lanka’s ‘overbroad’ draft terrorism law threatens human rights,” International Bar Association, June 2, 2023. <https://www.ibanet.org/Sri-Lanka-overbroad-draft-terrorism-law-threatens-human-rights>

20 Centre for Policy Alternatives. “Written Submissions filed by CPA against the Anti Terrorism Bill in Supreme Court,” Centre for Policy Alternatives, February 27, 2024. <https://www.cpalanka.org/written-submissions-by-cpa-against-the-anti-terrorism-bill-in-supreme-court/>

21 Human Rights Commission of Sri Lanka. “Observations and Recommendations on the Anti-Terrorism Bill published in the Official Gazette on 17 March 2023,” Human Rights Commission of Sri Lanka. 2023. <https://www.hrcsl.lk/wp-content/uploads/2023/09/Letter-to-President-on-12th-Sep-2023-about-Anti-Terrorism-Bill.pdf>.

22 Human Rights Commission of Sri Lanka. “Press Notice No: HRC/P/I/E/27/10/23 – HRCSL.” Human Rights Commission of Sri Lanka. October 27, 2023. <https://www.hrcsl.lk/press-notice-no-hrc-p-i-e-27-10-23/#:~:text=The%20Human%20Rights%20Commission%20of,fundamental%20rights%20of%20the%20people.>

23 United Nations General Assembly, “Situation of Human Rights in Sri Lanka,” August 27, 2024. <https://docs.un.org/en/A/HRC/57/19#:~:text=14,>

dissent.^{24, 25, 26} The HRCSL also issued a letter noting that many of the Supreme Court's recommended amendments and sanctioned clauses had not been implemented in the final version of the Act²⁷. Amid these significant developments, the government continued to suppress public dissent throughout 2023 and 2024, with crackdowns on peaceful protests^{28, 29} involving trade unions, student groups, and civil society actors.

One potential step forward occurred in March 2024, when the Supreme Court ruled that a private member's bill to decriminalize consensual same-sex relations by amending

the Penal Code was constitutional.³⁰ Despite this landmark ruling, the bill has yet to gain broad political support for passage. The HRCSL subsequently wrote to the Minister of Justice, recommending that the ministry formally adopt the bill.

Background and mandate of the Human Rights Commission of Sri Lanka

Established in 1996 by the Human Rights Commission of Sri Lanka Act, No. 21 of 1996, the HRCSL is composed of five commissioners and is mandated to promote and safeguard the fundamental rights guaranteed by the Constitution of Sri Lanka.

“All five incumbent commissioners assumed office in July 2023 and have taken meaningful steps to improve the HRCSL's performance.”

These improvements are reflected in both quantitative and qualitative indicators during the reporting period, when compared to data from the previous ANNI report. It is also evident in the HRCSL's successful reaccreditation with “A” status by GANHRI in May 2024, following its downgrade to “B” status in 2021.

30 Dantanarayana, Ruwani. “A ray of hope: proposed decriminalisation of LGBTQI+ rights in Sri Lanka,” International Bar Association, August 28, 2023. [https://www.ibanet.org/sri-lanka-proposed-decriminalisation-lgbtqi-rights#:~:text=The%202023%20Bill%20to%20decriminalise%20same%2Dsex%20relationships&text=The%20International%20Commission%20of%20Jurists,"](https://www.ibanet.org/sri-lanka-proposed-decriminalisation-lgbtqi-rights#:~:text=The%202023%20Bill%20to%20decriminalise%20same%2Dsex%20relationships&text=The%20International%20Commission%20of%20Jurists,)

Contributing to this progress is the re-establishment of the Thematic Sub-Committees (TSCs).

“These sub-committees provide a platform for civil society members and human rights defenders to engage directly with the commissioners, report rights violations, and collaboratively explore solutions.”

For example, during the period under review, the TSC on socio-economic rights produced a research report on human rights issues faced by laborers.

In addition to the TSCs, the HRCSL has made other notable efforts to advance rights protection and promotion. In 2023, the Commission issued guidelines to police officers on protecting transgender individuals³¹ and drafted recommendations to the Sri Lanka Police on preventing custodial and encounter deaths.³² In 2024, the HRCSL also released general guidelines and recommendations focused on the protection of human rights defenders.³³

Despite these commendable efforts, several challenges persist. Some TSC members reported that certain sub-committees do not meet regularly and have yet to deliver

31 “The Guideline for police officers to protect transgender persons.” Human Rights Commission of Sri Lanka. n.d. https://www.hrcsl.lk/wp-content/uploads/2023/03/HRCSL-Guideline-for-police-officers-to-protect-transgender-persons_-English.docx.pdf.

32 “[Draft] General Guidelines and Recommendations to Sri Lanka Police on Preventing Custodial and Encounter Deaths.” 2023. Human Rights Commission of Sri Lanka. <https://www.hrcsl.lk/wp-content/uploads/2023/12/Draft-General-Guidelines-and-Recommendations-of-2023.pdf>.

33 “General Guidelines and Recommendations No. 1 of 2024 on the Protection of Human Rights Defenders.” 2024. Human Rights Commission of Sri Lanka. https://www.hrcsl.lk/wp-content/uploads/2024/12/HRDs_General-Guidelines-and-Recommendations_draft_FINAL_-English.pdf.

tangible outcomes. Additionally, a few human rights defenders expressed frustration about difficulties in accessing the Commission. For instance, although the HRCSL has established a hotline for lodging complaints, it is reportedly often busy, hindering timely access to support.

The HRCSL has scored poorly on pluralism in this assessment. Firstly, on a positive note, the appointment of the commissioners complies with the HRCSL Act, which necessitates minority representation.³⁴ The commissioners represent religious and ethnic minorities, including the Christian, Muslim, and Tamil communities.

However, a key concern is the limited gender representation on the Commission's board. Currently, only one of the five commissioners is a woman. While gender parity has been achieved among the broader HRCSL staff with 48 percent being women,³⁵ there is a lack of publicly available data regarding the inclusion of other marginalized groups, such as ethnic minorities, LGBTQI+ individuals, and persons with disabilities.

In May 2024, the GANHRI Sub-Committee on Accreditation (SCA) recommended that the HRCSL institutionalize measures to systematically promote pluralism, as a diverse team can help an NHRI better understand and address all human rights issues within its society. This diversity also makes the NHRI more accessible to all citizens.

Additionally, the HRCSL faces a shortage of

34 HRCSL Act, Section 3.3.

35 “SCA Recommendation for Human Rights Commission of Sri Lanka (HRCSL) - May 2024 - GANHRI.” 2024. Global Alliance of National Human Rights Institutions. June 13, 2024. <https://ganhri.org/snippets/sca-recommendation-for-human-rights-commission-of-sri-lanka-hrcsl-october-2021-copy-copy-copy-copy-copy-copy-copy-copy-copy-copy/>.

human resources, which hampers its day-to-day operations. As discussed later in this report, delays in issuing recommendations are common, with some cases taking over a year—or even longer—to resolve. Such delays can discourage complainants from pursuing their cases to completion. However, given the commission's limited budget, expanding its staff remains a significant challenge.

Finally, while the HRCSL has consistently received high scores for its independence and mandate, there remains room for improvement. Notably, the HRCSL Act does not grant the Commission full control over its budget. Financial autonomy is essential to ensure the HRCSL does not experience political interference. The process for appointing commissioners could also be more transparent and inclusive to safeguard the Commission's perceived and practical independence. For example, vacancies should be publicly advertised, and CSOs should have a formal role in the selection process.

Independence

The HRCSL received its highest score for independence, which evaluates the commission's legal foundation, appointment and dismissal processes, budgetary autonomy, and operational independence.

“While the HRCSL has shown independence in handling sensitive cases, its appointment process for commissioners and budgetary autonomy must be improved.

Independence in holding states accountable

A notable example highlighting the HRCSL's operational independence is its handling of public access to Iranaitivu Island in northwestern Sri Lanka.^{36,37} Since 1992, Iranaitivu has hosted a Sri Lankan Navy base and played a significant role during the civil war. In 2021, two journalists who were also activists traveling to the island to join a protest organized by residents were stopped and turned back by the Navy.

Following an investigation, the HRCSL concluded in December 2023 that the Navy had violated the journalists' right to freedom of movement. The Commission issued formal recommendations instructing the Navy to cease restricting public access to the island, including the requirement for prior approval.

It also directed the Navy Commander to issue a circular to officers in the North Central Naval area to implement these instructions. These directives were accepted and implemented without resistance, demonstrating the HRCSL's ability to act independently in certain cases.

However, the Commission's dilatory action in the Iranaitivu case raises concern as it took nearly two years to complete the investigation and issue recommendations.

36 HRCSL, Violations of Article 14(1)(h) of the Constitution - Freedom of Movement, <https://www.hrcsl.lk/case-recommendations/>

37 Fernando, Ruki. “Freedom of Movement in Sri Lanka and Human Rights Commission - Groundviews.” Groundviews - Journalism for Citizens (blog). December 14, 2023. <https://groundviews.org/2023/12/15/freedom-of-movement-in-sri-lanka-and-human-rights-commission/>.

Strengthening independence through transparent appointments

The appointment and tenure of commissioners are crucial to safeguarding the independence and credibility of HRCSL. However, gaps in transparency, public participation, and limitations on reappointment under the current HRCSL Act risk undermining these principles.

Under the current law, “the members of the Commission shall be appointed by the President on the recommendation of the Constitutional Council.”³⁸ This Council comprises ten members, including parliamentarians from both the government and opposition, as well as a few representatives from civil society.

While this arrangement appears balanced on paper, it falls short of the transparency standards set by the Paris Principles, which emphasize open, participatory, and merit-based selection processes.

Ideally, commissioner vacancies should be publicly advertised, and civil society organizations (CSOs) should be given meaningful opportunities to engage in the nomination and vetting processes.

38 HRCSL Act, Part I, 3 (2) pg. 1, <https://www.hrcsl.lk/about/hrcsl-act/>

The HRCSL Act also contains a gap concerning the reappointment of commissioners. Currently, the Act provides for a three-year term³⁹ with the possibility of reappointment, unless the Commissioner is removed from office.⁴⁰ However, it does not specify any limit on the number of terms a commissioner may serve.

Since the HRCSL was established in 1997, only three commissioners have served a second term, and none has served beyond that.

“Still, the absence of a defined limit opens the door to indefinite reappointments. This ambiguity could expose the Commission to political influence and undermine its independence, particularly if future governments attempt to install or retain sympathetic commissioners.

Safeguarding financial independence to prevent undue influence

Although the HRCSL Act guarantees state funding, the Commission's lack of full financial autonomy leaves it vulnerable to potential government interference that could undermine its independence and effectiveness. The Act states, “The state shall provide the commission with adequate funds to enable the commission to discharge the functions assigned to it by this Act.” This provision underscores that the HRCSL does not have complete control over its financial resources. In order to access these funds, the Commission is required to make a written request to the Treasury.

39 HRCSL Act, Part I, 3 (5) pg. 2, <https://www.hrcsl.lk/about/hrcsl-act/>

40 HRCSL Act, Part I, 3 (5) pg. 3, <https://www.hrcsl.lk/about/hrcsl-act/>

It is important to note, however, that this limitation is not unique to the HRCSL; it applies to all state institutions in Sri Lanka. Interviews conducted with HRCSL directors confirmed that in both 2023 and 2024, the Commission did not experience any interference or denial of funds.

Nonetheless, the current system leaves room for potential government manipulation by withholding funds. The absence of guaranteed financial independence means that future administrations could restrict or delay funding to exert influence or curtail the Commission's operations.

During the April 2024 review, the SCA noted that while the HRCSL has a separate budget line and reports financial autonomy in practice, its legal framework does not guarantee sufficient financial independence. The SCA recommends that HRCSL push for legal reforms to ensure full control over its budget, in line with the Paris Principles.

Protection

Gaps in human rights investigations

Many civil society members and human rights defenders (HRDs) we interviewed expressed concern about the HRCSL's capacity to effectively investigate complaints. One respondent observed that the commission does not issue recommendations for every complaint, and in some cases, investigations are dropped midway. A key reason cited for this is the significant backlog of complaints, some dating as far back as 2011, which severely hampers the HRCSL's ability to address new cases in a timely manner.

Delays in resolving complaints can have serious consequences. An HRD we interviewed stressed that such delays can be especially harmful in sensitive cases such as torture, where victims may lose faith

in the justice system. In some cases, the opposing party is aware of these delays and exploits them by pressuring complainants to withdraw their cases.

On a positive note, the HRCSL has taken steps to address the backlog by training university students to assist in processing old complaints and drafting recommendations. This initiative demonstrates a willingness to strengthen institutional capacity, even amid limited resources.

Strengthening the HRCSL's monitoring and investigative powers

The HRCSL has been proactive in terms of monitoring, particularly in its oversight of detention facilities. According to data provided by the Commission, it conducted 739 detention visits in 2023 and 2,604 in 2024, most of which were unannounced.

“While the practice of unannounced visits is commendable and critical for transparency, the HRCSL Act does not explicitly grant the commission the authority to carry out such visits. To institutionalize and safeguard this vital function, the Act should be amended to clearly affirm the Commission's legal power to conduct unannounced visits.”

Encouragingly, the HRCSL reported initiating 36 suo motu investigations between 2023 and 2024. These included high-profile incidents, such as the police disruption of an event commemorating civilians who were killed during the final stages of the civil war, and the subsequent arrest of four participants^[41]

41 Human Rights Watch. “Sri Lanka: Crackdown Over Civil War Anniversary,” May 23, 2024. <https://www.hrw.org/news/2024/05/23/sri-lanka-crackdown-over-civil-war-anniversary#:~:text=In%20Trincomalee%2C%20they%20detained%20four,block%20people%20from%20reaching%20them.>

[42]. These actions reflect a more assertive and responsive Commission, although further structural support is needed to sustain and strengthen this progress.

Barriers to accessing the HRCSL

“Despite its vital role in human rights protection, the HRCSL remains difficult to access for many individuals, especially those seeking urgent assistance or lacking legal knowledge.”

One persistent challenge is the HRCSL's hotline, which is frequently busy, with operators reportedly failing to log complaints. The commission attributed it to budget limitations in response to the challenge raised.

However, an HRD emphasized the monumental importance of documenting hotline complaints, stating that often, when someone is arrested, the police do not officially record it for a day or two. If the person is tortured or killed in custody, there is no official record of their detention. If the HRCSL could log hotline complaints immediately, the date would be on record and could later be used as court evidence.

Due to the at times limited accessibility of the hotline, individuals are often forced to visit the commission in person, a requirement that can be intimidating or physically challenging, particularly for persons with disabilities. Another HRD noted that the complaint process also requires a certain degree of technical knowledge; without legal assistance or prior experience, many individuals simply do not know how to file a complaint. This highlights the need for the HRCSL to provide clear guidance and support to complainants.

Another concern raised is that the HRCSL's complaint form only recognizes two genders, male and female, excluding non-binary and transgender individuals, and thereby marginalizing members of the LGBTQ+ community.

Even when a complaint is successfully filed, issues continue at the inquiry stage. HRDs reported that it is common for the accused party to be absent, which results in repeated delays and further victimization of the complainant. Ideally, if a respondent fails to appear two or three times, the commission should issue a warrant or summons to prevent continued obstruction of the process.

42 Srinivasan, Meera. “Sri Lanka's Tamils Face Arrest as They Remember the Dead.” The Hindu. May 14, 2024. <https://www.thehindu.com/news/international/sri-lankas-tamils-face-arrest-as-they-remember-the-dead/article68175085.ece#:~:text=Every%20May%20Tamils%20commemorate%20the,%2C%E2%80%9D%20he%20told%20The%20Hindu.>

Pluralism and Promotion

Addressing gaps in gender, ethnic, and identity representation at HRCSL

While the Commission has made notable progress in gender representation, where women currently make up 48%⁴³ of its staff, there is no documented inclusion of LGBTIQ+ individuals or persons with disabilities. Improving representation across gender, sexual orientation, disability, ethnicity, and other identity markers is essential to ensure that the HRCSL can respond to complaints with greater sensitivity and cultural awareness. In response to this gap, the HRCSL is in the process of developing a gender inclusion policy aimed at promoting broader diversity across its workforce.

In May 2024, the SCA noted that while it has made commendable efforts in promoting gender balance in this staff composition, the Commission's enabling law does not address the need for ethnic, linguistic, or other forms of diversity in staffing. This legal and institutional gap could limit the Commission's ability to engage meaningfully with all communities in Sri Lanka.

“Ethnic diversity remains a concern, with the HRCSL's staff predominantly Sinhalese; 77% of its employees belong to this group.⁴⁴ This imbalance can pose accessibility challenges, particularly for Tamil-speaking complainants.

One HRD shared a personal experience stating that a Tamil-speaking officer she approached was uncivil and unhelpful. She filed a complaint against the officer, and the commissioners responded to it. While the current commission is open to addressing such issues, language remains a significant barrier. Tamil speakers face additional obstacles just to file a complaint.

Despite ongoing internal challenges, the HRCSL has made commendable efforts to promote pluralism and human rights through its outreach initiatives. Since August 2024, the commission has rolled out its “Mobile Service” initiative, a targeted effort to engage with and address the rights-related concerns of vulnerable and marginalized communities. In one example from a northern coastal village, the initiative helped resolve practical but urgent issues affecting local livelihoods. These included difficulties registering fishing boats, damage to nets caused by illegal trawling, and broader community challenges such as long-standing school principal vacancies, teacher absenteeism, and the absence of night-time medical personnel at local clinics. By bringing services and rights awareness directly to communities, this initiative represents a concrete step toward a more accessible and responsive institution.⁴⁵

⁴⁵ “The Human Rights Commission of Sri Lanka Hosts a Mobile Service on Analaitivu Island. – HRCSL.” Human Rights Commission of Sri Lanka. September 10, 2024. <https://www.hrcsl.lk/activities/the-human-rights-commission-of-sri-lanka-hosts-a-mobile-service-on-analaitivu-island/>.

⁴³ “SCA Recommendation.” 2024.

⁴⁴ “SCA Recommendation.” 2024.

Revival and challenges of Thematic Subcommittees at HRCSL

The HRCSL has also demonstrated a commitment to expanding its mandate beyond what is explicitly outlined in its founding legislation.

One significant initiative has been the revival of Thematic Sub-Committees (TSCs), initially introduced in 2016 to strengthen collaboration with civil society and address a wider array of human rights issues. These committees became inactive in 2020 due to disruptions caused by the COVID-19 pandemic and the ongoing economic crisis, which restricted in-person meetings and resource mobilization.

Notably, in 2024, the TSCs were revived and expanded to include new focus areas. There are currently eight active subcommittees: Personal Liberty; Gender and SOGI (Sexual Orientation and Gender Identity); Child Rights; Freedom of Expression; Socio-Economic Rights; Rights of Persons with Disabilities; the Malaiyaha Tamil Community; and Business and Human Rights.

“These subcommittees provide a platform for sustained dialogue with experts and civil society actors and are a promising step toward more participatory and representative policymaking within the Commission.

Mixed results and the need for reform

Despite the revival and expansion of the TSCs, civil society feedback on their effectiveness remains mixed. Interviews with civil society representatives involved in the subcommittees revealed a spectrum of experiences. At the same time, some described the TSCs as valuable and action-oriented, while others expressed concern about limited transparency and follow-through.

For instance, a member of the Personal Liberties subcommittee noted that the group meets regularly and addresses issues such as delays in legal proceedings and the police commission's inaction in disciplinary matters. According to this member, the HRCSL takes whatever action it can to address the injustices faced by victims.

In contrast, a member of the Socio-Economic Rights subcommittee criticized the TSC for the lack of broader public engagement and follow-through. They noted that meetings are not open to the public, and outcomes are not publicly shared. Although the subcommittee produced a report on the labor force, nearly a year later, there was no tangible action based on its findings.

Each TSC is chaired by one of the five HRCSL commissioners, and it is evident that the leadership, functioning, and effectiveness of these committees vary significantly. To ensure that all subcommittees fulfill their intended role in advancing human rights, the HRCSL must commit to consistent practices across all TSCs. This includes widening access beyond a small circle of civil society actors and strengthening public engagement and accountability mechanisms.

Progress in human rights promotion amid reporting delays

On a positive note, in terms of human rights promotion, the HRCSL has made strides in its human rights promotion effort since the previous assessment by the Asian NGO Network on National Human Rights Institutions (ANNI) in 2023.

One of the most notable developments is the creation of a Child Rights Unit within the state's Education Division, established with the support of UNICEF.⁴⁶ This unit has spearheaded human rights awareness programmes, including one for curriculum developers at the National Institute of Education, conducted in both Sinhala and Tamil, ensuring inclusive language accessibility.

Beyond education, the Commission has organized awareness-raising sessions for various stakeholders, including military personnel, healthcare workers, and the general public.

However, this progress is undermined by continued delays in fulfilling a core function—reporting. The most recent annual report available is from 2022. According to Section IV, Article 30 of the HRCSL Act, the commission is legally mandated to submit an annual report to Parliament in a timely manner. This report must outline the commission's activities, cases addressed, actions taken, and recommendations issued. These delays hinder transparency, reduce public accountability, and weaken the potential for policy reform and institutional improvement.

Conclusion

In the aftermath of Sri Lanka's economic collapse and political upheaval, HRCSL has played a vital, if uneven, role in safeguarding fundamental rights.

The Commission has shown commendable initiative by reactivating Thematic Sub-Committees, monitoring detention facilities, and launching outreach programs such as the mobile service initiatives for vulnerable communities. Additionally, the Commission's proactive use of suo motu powers in critical matters further underscores its effectiveness as an NHRI. Its upgrade to "A" status from "B" status by GANHRI in 2024 affirms its commitment to serving the people of Sri Lanka and upholding human rights in the country.

However, persistent structural and operational weaknesses continue to undermine the HRCSL's effectiveness. The lack of transparency in commissioner appointments, limited financial autonomy, and continued delays in complaint resolution remain serious concerns. The commission's internal composition also reveals a lack of diversity, with a staff that is predominantly Sinhalese and little to no representation of LGBTQ+ persons or persons with disabilities. These limitations create further barriers for marginalized communities seeking justice.

Feedback from civil society paints a picture of a commission that is often well-intentioned but constrained, under-resourced, overstretched, and inconsistent in its investigations and follow-up. To fulfil its mandate more effectively, the HRCSL must prioritize internal reforms, enhance its diversity and accessibility, improve its responsiveness to complaints, and be empowered with greater financial and political independence.

Recommendations

To the HRCSL

To strengthen its role as an independent and effective national human rights institution, the HRCSL should:

- ✓ Enhance accessibility by improving the functionality of the complaint hotline, ensuring all calls are logged and archived for accountability.
- ✓ Improve linguistic representation by hiring and training more Tamil-speaking officers to support equitable access to justice.
- ✓ Foster diversity and inclusion by recruiting ethnically diverse staff and developing an intersectional diversity policy that includes LGBTQ+ persons and persons with disabilities.
- ✓ Ensure procedural accountability by introducing consequences for the repeated absence of accused parties during investigations.
- ✓ Strengthen investigative capacity by broadening the scope of inquiries, including initiating suo motu investigations and addressing systemic abuses by state and non-state actors.
- ✓ Promote transparency and accountability by ensuring the timely publication of annual reports, as mandated under the HRCSL Act.

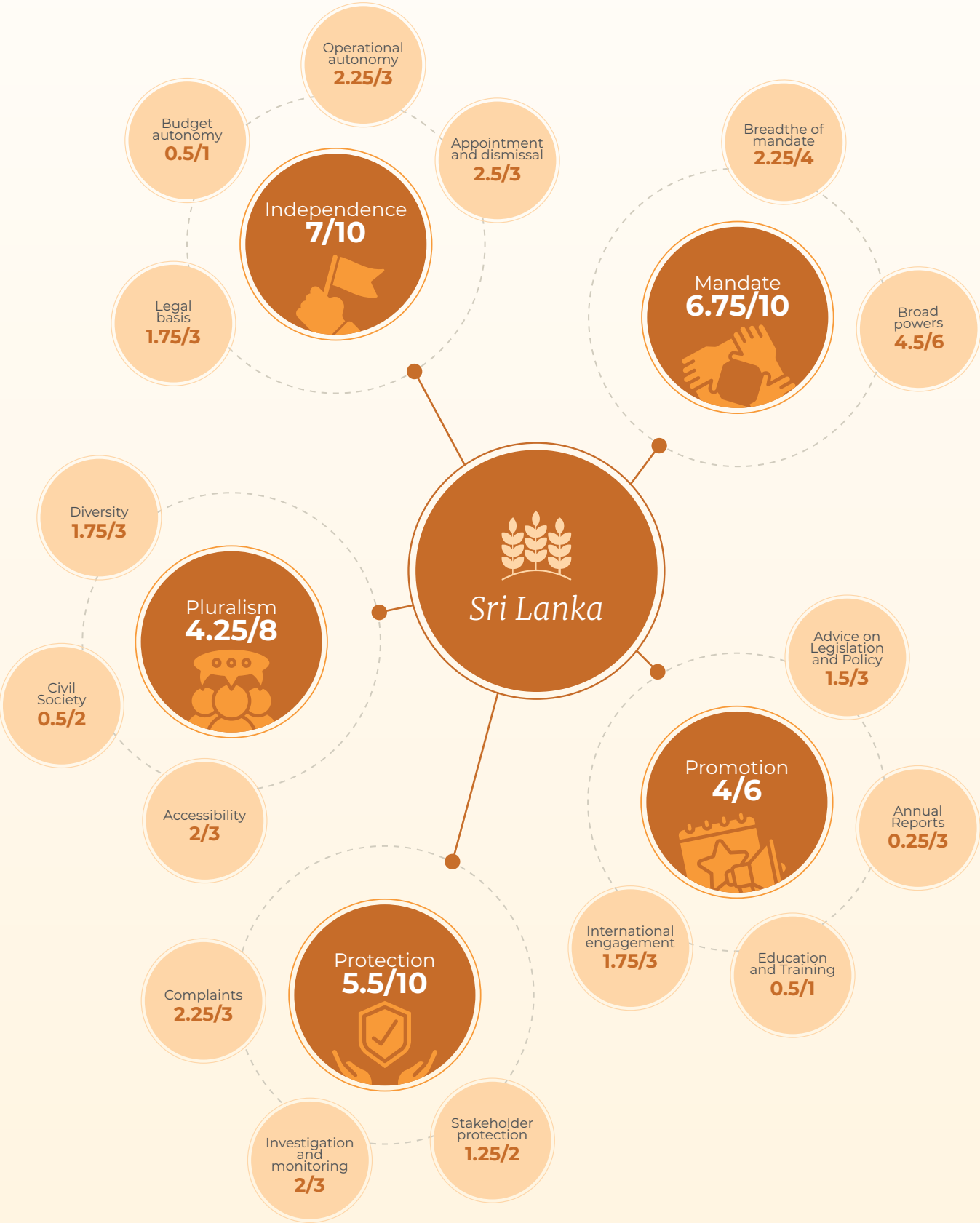
To the Government of Sri Lanka

- ✓ Amend the HRCSL Act to require transparent advertising of vacancies and public consultation in the selection process.
- ✓ Amend the HRCSL Act to allow the Commission to investigate human rights violations within the private sector.
- ✓ Include civil society representation formally in the screening and appointment process of commissioners.
- ✓ Limit commissioner reappointment to a single renewal, with terms set between three (3) and seven (7) years to enhance independence.
- ✓ Amend Section 29 of the HRCSL Act to allow the commission full control over its operational budget.
- ✓ Ensure the HRCSL annual report is reviewed in a timely manner in parliament, and that responses by parliament are recorded.
- ✓ Repeal or substantially revise repressive legislation like the Prevention of Terrorism Act and the Online Safety Act, aligning them with international human rights standards.
- ✓ Support and pass the bill to decriminalize same-sex relations, in line with the Supreme Court's 2024 ruling.

⁴⁶ "The Child Rights Unit of the Human Rights Commission of Sri Lanka Focuses on Inclusion of Human Rights and Child Rights Into the School Curricula – HRCSL." Human Rights Commission of Sri Lanka. June 7, 2024. <https://www.hrcsl.lk/activities/the-child-rights-unit-of-the-human-rights-commission-of-sri-lanka-focuses-on-inclusion-of-human-rights-and-child-rights-into-the-school-curricula/>.

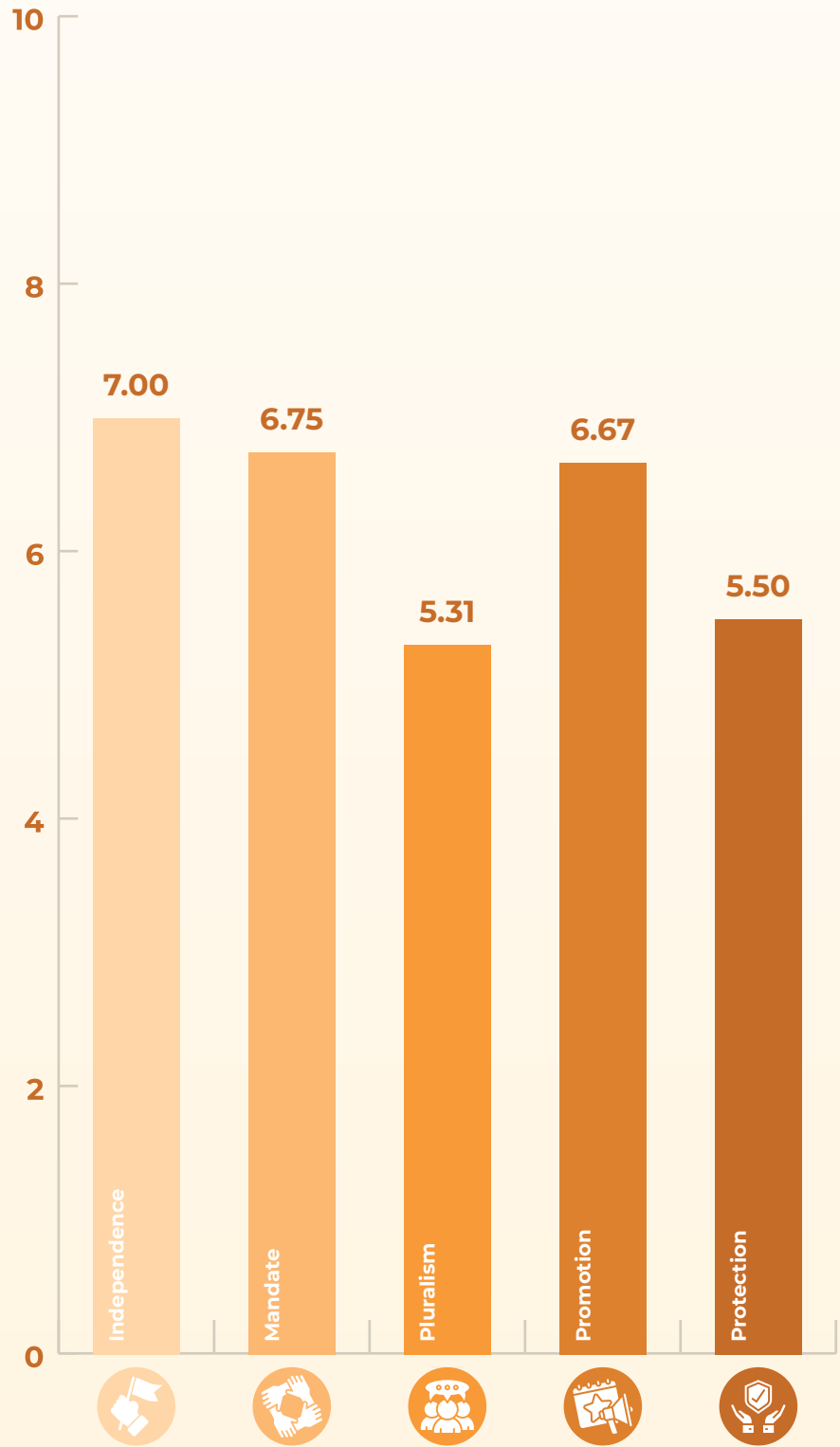
Sri Lanka: Intra-parent category comparisons

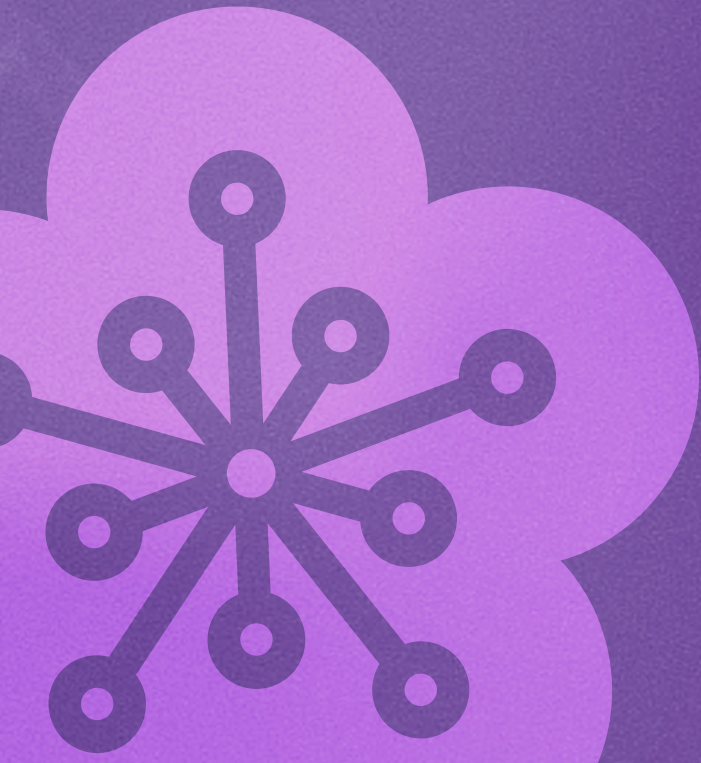
* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



Sri Lanka: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.





CHAPTER ELEVEN

Taiwan

NHRC Taiwan: Gaining momentum, yet governance challenges persist

by Song-Lih Huang, Covenants Watch, Taiwan*

* Song-Lih Huang is the Convener of Covenants Watch.

Covenants Watch is an NGO based in Taipei, Taiwan. It is committed to promoting human rights and equality for all people. A coalition of human rights NGOs, lawyers, academics, and activists. It established the NGO on 10 December 2009 (International Human Rights Day).



Overview of the human rights situation in Taiwan

Taiwan has continued to be recognized as a vibrant democracy with strong protections for civil liberties during the reporting period from January 2023 to December 2024. While there was no evidence of unlawful government surveillance of online communications, several persistent issues remain.

Human rights challenges affecting vulnerable groups such as detainees, migrant workers, persons with disabilities, and indigenous peoples have remained problematic for decades, with slow and scattered improvements.¹

¹ For example, see “Review of the Third Reports of the Government of Taiwan on the Implementation of the International Human Rights Covenants -- Concluding Observations and Recommendations adopted by the International Review Committee, Taipei, 13 May 2022. (available at <https://www.humanrights.moj.gov.tw/17725/17733/17735/17740/37227/37228/37234/post>), Concluding Observations of the second report of the Republic of China (Taiwan) on the Convention on the Rights of Persons with Disabilities (CRPD) adopted by the International Review Committee (IRC) on 6 August 2022, (available at https://crpd.sfaa.gov.tw/BulletinCtrl?func=getBulletin&p=b_2&c=D&bulletinId=1710), and Review of the Initial Report of the Government of Taiwan on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, Concluding Observations and Recommendations adopted by the International Review Committee, Taipei, 24 April 2024. (available at https://www.immigration.gov.tw/5385/7445/250283/303561/394718/353361/353372/368117/cp_news)

Legislative and policy developments

Several notable legal and policy developments related to human rights occurred in Taiwan during the reporting period, contributing to the strengthening of protection for vulnerable groups against human rights violations.

In the area of gender rights, the momentum of the decade-long #MeToo movement—sparked by prominent cases in May 2013—led to the strengthening of sexual harassment law in August 2023. In July 2023, the Act of Gender Equality in Employment (AGEE) underwent historic amendments. These amendments expanded protections against sexual harassment, strengthened reporting mechanisms, and imposed greater accountability on institutions.

The Mining Act has been criticized for overprotecting the mining industry, but the government did not previously prioritize revising it. The mining issue gained public attention following the release of an aerial documentary “Seeing Taiwan” in 2013, which showed deforested mountains as well as photos of the Xincheng Mountain mine. These images were captured by the film’s director, Chi Po-lin, before his fatal accident in 2017. That same year, the Bureau of Mining extended a cement mining permit for 20 more years, sparking a public petition calling for amendments to the Mining Act.

In June 2023, the Mining Act was amended to require mining companies to strengthen environmental protection measures and to obtain the free, prior, and informed consent of indigenous communities before conducting mining operations on or near indigenous lands. This amendment represents a significant step toward aligning Taiwan’s legislation with international standards on

indigenous rights.² Similarly, the National Human Rights Commission of Taiwan (NHRCT) was not an important player in this process.

In May 2024, the Executive Yuan introduced the draft “Anti-Discrimination Law,” aimed at addressing discrimination based on gender, age, disability, sexual orientation, and other characteristics. The bill was generally welcomed by civil society for clearly defining forms of discrimination, specifying protected characteristics, extending protections to public transactions, and providing civil proceedings for damages.³

However, exemptions allowing religious groups to make hiring decisions or provide services raised concerns about potential setbacks for gender equality. Conversely, conservative groups were concerned about potential implications for cultural and religious norms, especially their freedom to express views on marriage equality and transgender identity.⁴

In August 2024, the Fisheries Agency under the Ministry of Agriculture announced the “notice for public comments” on the “Act to Implement the International Labor Organization’s Work in Fishing Convention (C188).” C188 regulates the living and working conditions on fishing vessels. This convention is important because distant water fishery workers are not protected by Taiwan’s labor laws. The passage of the Act by the legislature will mark a step toward aligning

national regulations with international labor standards in the fishing industry.⁵

“ *The NHRCT’s contributions to significant human rights legislation and policy developments have so far been limited. While commissioners have pursued investigations into some individual complaints, the institution as a whole has yet to establish a consistent role in engaging with parliament and government on broader systemic reforms.*

The quest for reforms in the death penalty

In April 2024, the Constitutional Court accepted a petition challenging the constitutionality of the death penalty. The petition was filed by NGOs and lawyers representing the 37 prisoners on death row. Given the strong public support for the death penalty and calls from many legislators to carry out executions, civil society views the Constitutional Court as the only viable option to abolish the death penalty in Taiwan.

In September 2024, the Court ruled that the death penalty was constitutional for sentences on the most serious crimes, having undergone stringent court proceedings. While affirming the legality of the death penalty, the Court narrowed its scope and introduced new procedural safeguards, including the requirement of unanimous judicial decisions both at trial and on appeal.⁶

Although the ruling fell short of abolishing capital punishment, it reflected incremental progress toward aligning Taiwan’s practices with international human rights standards. Notably, the Court acknowledged that aspects of the current implementation could be inconsistent with due process rights under Taiwan’s Constitution and international law, setting the stage for future legal and legislative reforms. The Court specifically permitted petitions for extraordinary appeals for previous cases whose proceedings might not have met the criteria laid out in the Constitutional Court’s ruling.

However, on 16 January 2025, the sudden execution of Huang Lin-kai (黃麟凱) sparked widespread shock and condemnation. Huang was reportedly given less than four hours’ notice before his execution despite a pending appeal. His legal team had attempted to file an extraordinary appeal to stop the execution, raising serious concerns about the arbitrary and unlawful issuance of the execution warrant. Huang was executed without the opportunity for a final family visit, raising further questions about the state’s commitment to due process and judicial integrity.⁷

On the evening of the execution, the NHRCT quietly issued a brief statement on its website expressing concern over the Ministry of Justice’s actions and the decision to proceed with the death penalty. The NHRCT noted that the issues raised in Constitutional Court Judgment No. 8 of 113 required clarification and emphasized that it is inappropriate to carry out an execution when compliance with the Court’s norms is uncertain.

The NHRCT’s mandate to protect and promote human rights

Established in August 2020, the NHRCT’s first set of commissioners has served approximately two-thirds of their six-year term. The relatively stable political climate during the reporting period provided a favorable environment for the Commission to gradually strengthen its institutional capacity and build public credibility.

“ *Despite this progress, the NHRCT has yet to establish itself as a prominent authority in promoting or protecting human rights.*

Several structural and operational challenges remain. The Commission needs to make greater efforts to clarify its identity and functions vis-à-vis the Control Yuan, improve governance rules and practices, develop robust working methodologies, and adopt a more proactive and visible approach to public advocacy.

2 Citizen of the Earth (Taiwan). “Mining Law passes third reading, reversing a century of mining dominance.” May 26, 2023. <https://www.cet-taiwan.org/node/4311>

3 “「反歧視法」草案預告及對外公開徵詢意見.” 行政院人權資訊網. February 16, 2000. <https://www.ey.gov.tw/hrtj/83E5FBBD47B54AE4/5beaf7a2-0aa7-486f-827b-a50dd596628a>.

4 Lai, Jun-tsao. “Minutes of the First Meeting of the Draft Anti-Discrimination Law.” Executive Yuan. May 9, 2014. <https://www.ey.gov.tw/File/4068B6A848BC0FD0?A=C>.

5 “預告訂定「漁撈工作公約施行法」(農業部漁業署).” n.d. <https://www.fa.gov.tw/view.php?theme=Advancenoticeofdraftregulationsandorders&subtheme=&id=76>.

6 See summary of the judgement in English at: Constitutional Court R.O.C. (Taiwan). “Summary of TCC Judgment 113-Hsien-Pan-8 (2024) [the Constitutionality of the Death Penalty Case].” September 20, 2024. <https://cons.judicial.gov.tw/en/docdata.aspx?fid=5535&id=355776>.

7 Wood, Rebecca Olschner. “PRESS RELEASE: The Death Penalty Project Condemns Taiwan’s Unlawful Execution of Huang Lin-kai (黃麟凱) | the Death Penalty Project.” The Death Penalty Project. January 17, 2025. <https://deathpenaltyproject.org/press-release-the-death-penalty-project-condemns-taiwans-unlawful-execution-of-huang-lin-kai-%E9%BB%83%E9%BA%9F%E5%87%B1/>.

Blurring lines between the NHRCT and the Control Yuan

The NHRCT was established within the Control Yuan⁸ under the Organic Act of the Control Yuan National Human Rights Commission in 2020. All commissioners currently hold the status of “members of the Control Yuan,” with Ombudsperson powers.⁹

The dual role of commissioners presents two main challenges. Firstly, when a commissioner visits a government agency, it is often unclear in which capacity they are representing—NHRCT or Control Yuan. Secondly, the responsibilities of the two roles compete for the commissioner’s limited time and energy. While this dual role does not necessarily lead to institutional ambiguity between the two institutions, it places a significant burden on the NHRCT to clearly define and assert its distinct mandates, powers, and functions separate from those of the Control Yuan.

However, in practice, NHRCT commissioners have tended to prioritize their role and responsibilities as Control Yuan Ombudspersons and often present themselves publicly in that capacity. For example, while the NHRCT released four reports in 2023 and seven reports (including investigation and complaint reports) in 2024, the seven designated NHRCT commissioners produced, on average, 42 ombudsperson investigation reports (ranging from six to 63) in this period. These numbers indicate that the NHRCT’s most important resource—the

commissioners’ time—is primarily allocated to Ombudsperson work, which slows the Commission’s capacity-building efforts.¹⁰

“Some NHRCT commissioners’ preference for identifying as the Ombudsperson likely stems from a combination of practical and institutional factors, further suggesting inherent flaws in the current structure and relationship between NHRCT and the Control Yuan.”

Several commissioners perceive that the Ombudsperson’s role offers greater leverage in influencing government agencies, particularly because it allows the imposition of punitive measures on state agencies and officials. Each Ombudsperson also retains the ability to exercise their power independently. In contrast, exercising NHRCT functions requires collective discussion and deliberation during formal Commission meetings, where outcomes are not always guaranteed.¹¹ This procedural flexibility makes the Ombudsperson role more appealing in practice.

10 The number of investigation reports by each commissioner was calculated from searching the “investigation reports” website of the Control Yuan (<https://www.cy.gov.tw/CyBsBox.aspx?CSN=1>). Some of the reports are signed by more than one commissioners or other ombudsman. or

11 Personal communication with multiple commissioners (by the primary author SL Huang).

8 Control Yuan is the the highest ombudsman in the Taiwan, exercising the powers of impeachment, censure, and audit.

9 Article 3 and Article 3-1 of the “Organic Law of the Control Yuan”. Article 3 of “Organic Act of the Control Yuan National Human Rights Commission”.

Lack of institutional clarity on work procedures

Furthermore, the NHRCT has yet to establish robust working methods for carrying out its core functions, such as conducting a national inquiry or systematically monitoring the human rights situations of vulnerable populations. Although the NHRCT has repeatedly cited a lack of resources as the main reason for delaying the conduct of a national inquiry, this claim appears to lack a serious evidence-based assessment.

Some commissioners have attributed the lack of clearly defined commissioner functions to the legislature’s failure to pass a dedicated operational act for the NHRCT, in addition to the existing Organic Act. The operational act would specify the Commission’s functions and provide a clear legal basis for its powers. Without this defining legislation, the commissioners must rely on the Control Act, which does not explicitly authorize functions such as collecting data for monitoring human rights situations, conducting national inquiries, or engaging in human rights education.¹²

While these functions could be pursued through a more liberal interpretation of the Control Act in accordance with the Organic Act, the NHRCT’s mandate and authority would still benefit from legislative clarification.

12 “Control Act - Article Content - Laws & Regulations Database of the Republic of China (Taiwan),” n.d. <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030199>.

“Crucially, the Commission must first establish a distinct institutional identity and demonstrate its effectiveness to earn broader recognition and support from the legislators.”

Budget at risk

In January 2025, the NHRCT’s operational budget for fiscal year 2025 was cut by approximately 90% because of conflicts among political parties in the Legislative Yuan.

The conflicts stemmed from the ideological divide between pro-China and pro-independence political parties. This rivalry evolved into opposition parties sabotaging the ruling party by slashing government budgets and obstructing the functioning of the Constitutional Court.

While the NHRCT’s personnel budget was unscathed, the budget cuts will significantly weaken the Commission’s ability to carry out its core mandate, including its capacity to deliver human rights education, monitor human rights issues, and investigate complaints of rights violations.¹³

“Such severe funding reductions jeopardize the NHRCT’s financial autonomy and long-term stability and threaten its compliance with the Paris Principles, which require NHRIs to be adequately resourced and financially independent.”

13 國家人權委員會。 “國家人權委員會預算被大幅刪減聲明。” January 22, 2025. https://nhrc.cy.gov.tw/News_Content.aspx?n=8498&s=7357.

Improved complaint-handling mechanism

“One positive development during the reporting period is the introduction of an independent complaint-handling mechanism.

After two years of pilot testing, the NHRCT formally adopted the “Operational Directions of the NHRCT in Handling Human Rights Complaints” in June 2024 and launched a designated website for public submission of complaints.¹⁴

According to the NHRCT’s 2024 Annual Report, the number of complaints it received has steadily increased, with 54 cases between August 2020 and December 2022, 101 in 2023, and 189 in 2024, indicating a growing level of public engagement with the institution. In 2024, only three of these complaints led to a complete investigation with full reports and recommendations. Whether the complaint handling mechanism will become more effective in the coming years is uncertain.

Internal governance and decision-making challenges

The monthly NHRCT meeting serves as the primary forum for communication and decision-making among the commissioners regarding the execution of the Commission’s mandate and functions.¹⁵ However, several commissioners noted how they are often excluded from the agenda-setting process and that reaching formal resolutions could be challenging.

Commissioners are often informed of the agenda only on the day of the meeting, leaving them without the opportunity to influence what issues will be discussed. Furthermore, some activities, such as public exhibitions, seem to have been decided and carried out by an administrative group led by the chairperson without prior consultation or notification of other commissioners.¹⁶

While the NHRCT Organic Act requires resolutions to be approved by a majority vote, the chairperson’s preference for a consensus-based decision-making has reportedly led to delays in reaching decisions. Limited communication before and during the monthly meetings among commissioners further contributed to the commissioners’ preference for the Ombudsperson role, where they can exercise their powers independently. This dynamic has further hindered the NHRCT’s capacity and institutional development as an independent NHRI.¹⁷

Composition and rotation of commissioners

In terms of composition, the NHRCT comprises seven full-time human rights commissioners appointed by the President. In addition, two Control Yuan members rotate into the NHRCT on an annual basis.¹⁸ These two rotating members return to their original ombudsperson roles and duties after one year as NHRCT human rights commissioners. While the original rationale for this rotation arrangement was to allow some Control Yuan members to participate in the State’s endeavor in human rights protection, a one-year term may not be enough for the rotating members to fully adapt to the human rights-focused mandate and functions of the NHRCT or to meaningfully contribute to its institutional growth.

Furthermore, the rules on the role of Control Yuan officials in the monthly NHRCT meeting have not been made clear, raising questions about the independence and internal governance of the Commission. The Vice President and Secretary General of the Control Yuan have routinely attended NHRCT meetings—and on occasion, other Control Yuan members as well—with their roles remaining undefined.¹⁹

“The absence of clear rules governing their participation risks perceptions of undue influence from the Control Yuan and underscores the need for formal procedural safeguards explicitly defining the roles of the two institutions.

Vice chairperson appointment practices

The NHRCT vice chairperson plays a key leadership role. Ideally, the vice chairperson should be elected among commissioners with careful consideration.²⁰ However, the NHRCT established that the vice chairperson should serve for only one year.

Two of the five vice chairpersons in the past five years were rotating Control Yuan members, raising concerns about the consistency of leadership and the extent of the chairperson’s influence in internal appointments.²¹

¹⁴ https://NHRCT.cy.gov.tw/Feedback_Process.aspx?n=9919&sms=0 The current Operational Directions was based on a “test version” adopted by the Commission meeting in June 2022. According to Article 5 of the Operational Directions, complaints are to be handled by the staff and submitted to a review board, then reported to NHRCT’s monthly meeting. The review board is composed of the vice chairman and two NHRCT members, on a rotating basis.

¹⁵ Article 5 of the Organic Act of the NHRCT: “The NHRCT shall convene once a month, and if necessary, a meeting may be convened upon the proposal of three or more members.” “Meeting resolutions shall be made with the approval of the majority.” “The NHRCT may hold sub-committee meetings upon the passage of a resolution.”

¹⁶ Personal communication with multiple commissioners (by the primary author SL Huang).

¹⁷ Personal communication with multiple commissioners (by the primary author SL Huang).

¹⁸ Paragraphs 2 and 3, Article 3 of the Organic Act of the NHRCT: “Two members of the Control Yuan other than the ex-officio members of the NHRCT may also be members of this Commission upon appointment by the president of the Control Yuan.” “Members of the NHRCT other than the ex-officio members of the preceding paragraph shall be assigned annually and shall not be reassigned.”

¹⁹ The participants in the monthly meetings can be found in the minutes of these meetings, available at: <https://NHRCT.cy.gov.tw/News.aspx?n=9846&sms=13536>.

²⁰ Paragraph 1, Article 3 of the Organic Act of the NHRCT: “The NHRCT shall be chaired by the president of the Control Yuan, who is appointed by the President at the time of nomination, and the vice chairperson shall be elected from among the NHRCT members”.

²¹ For Aug 2021 – July 2022 and Aug 2023 – July 2024, the vice chairperson was one of the rotating members.

Such practices may negatively impact the NHRCT's leadership and management, undermining its stability, autonomy, and strategic direction.

When mandate and power become a paradox in practice

One of the NHRI's fundamental functions is to provide independent advice and recommendations to the government and the legislature.

Article 2, paragraph 1 of the Organic Act lists the review of existing law as part of the NHRCT's mandate and function. However, the NHRCT has not publicly outlined whether there is a systematic approach to reviewing draft or existing laws, nor has it provided any information on its engagement with legislators or government agencies to follow up on the adoption and implementation of its recommendations.

Discussions during an NHRCT meeting with NGOs in December 2024 revealed internal disagreements among commissioners about whether the NHRCT's advice to the government on policies and legislation should be made public.²²

“ This preferred approach of delivering recommendations confidentially to the government appears to reflect NHRCT's reluctance to be seen as confrontational or in disagreement with the government, limiting public awareness and civil society engagement.

²² The meeting was titled "How to urge the government to implement the UN conventions, and establish effective monitoring mechanism" (2 December 2024), which Covenants Watch participated.

For example, the NHRCT's opinions on the anti-discrimination law—delivered in 2024 but not released publicly until April 2025—included valuable inputs such as including discriminatory speech in the bill and modifying articles of religious exemptions.²³ If these recommendations had been made public in a timely manner, they could have supported civil society advocacy and informed the Executive Yuan's deliberations more effectively.

The disconnect in complaint handling

In 2024, the NHRCT formally established an independent complaint-handling mechanism through the adoption of the “Operational Directions of the NHRCT in Handling Human Rights Complaints.” However, only three complaints were dealt with by the NHRCT through this mechanism.²⁴

Within the same year, the NHRCT addressed a case involving gender-based uniform policies at an airline company that required female flight attendants to wear skirts as part of its dress code. Following the Commission's investigation, the airline amended its dress code, and the Ministry of Labor introduced new regulations in line with gender equality in response.

Another case involved a reservist who refused to participate in military refresher training, which is required several years after completing the mandatory military service.

²³ National Human Rights Commission. “The NHRC's opinions and suggestions on the draft of the 'Anti-Discrimination Law' announced by the Executive Yuan on May 2, 2024.” April 18, 2025. https://nhrc.cy.gov.tw/News_Content.aspx?n=8498&s=7402

²⁴ National Human Rights Commission. The 2024 Annual Report. June 3, 2025. https://nhrc.cy.gov.tw/News_Content.aspx?n=8523&s=7403

The reservist regarded the refresher training as an “educational conscription,” citing religious beliefs. The individual was then subsequently punished for violating military orders. The NHRCT recommended that the government develop appropriate alternative service arrangements for individuals whose beliefs prevent them from fulfilling conscription requirements.²⁵

The third case focused on the denial of tuition-waving by a high school based on nationality. The teenager was the daughter of two Taiwan nationals and held the status of a permanent resident, but not a Taiwan citizen. The NHRCT regarded this differential treatment as a violation of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. Further, it recommended that the government revise its regulations to ensure equal treatment for non-nationals who have duly paid taxes.²⁶

²⁵ National Human Rights Commission. “Investigation report on the case of reservists sentenced to criminal punishment for refusing to be called for education conscription due to religious beliefs.” February 20, 2025. https://nhrc.cy.gov.tw/News_Content.aspx?n=7459&s=7370

²⁶ National Human Rights Commission. “Investigation Report on the Case of Differential Treatment in Tuition Subsidies for Permanent Residents and Their Children in Senior High Schools and Above.” Spiel 19, 2024. https://nhrc.cy.gov.tw/News_Content.aspx?n=7459&s=7100

While these outcomes demonstrate the NHRCT's potential to shape policy and institutional reform, the limited number of resolved complaints highlights concerns about the mechanism's accessibility, the level of public awareness, and the Commission's overall operational capacity in addressing human rights violations.

From the establishment of the NHRCT in August 2020 to 30 April 2025, the Commission has handled 451 complaints. Of these, 409 (90.7%) have been processed, and 42 (9.3%) are still pending.

Of all the cases handled by the NHRCT, only three cases (0.7%) proceeded to formal investigation, while in 208 instances (46.1%), petitioners were replied to after the Commission studied and determined that there were no serious human rights violations. A further 113 cases (25.1%) have been transferred to the competent authorities, while 85 cases (18.8%) were archived due to insufficient substantive content or repetition of previously submitted complaints.²⁷

²⁷ From NHRCT's response to the Concluding Observations and Recommendations (2022) of the third review on ICCPR and ICESCR.

System-wide investigations and the absence of a national inquiry framework

“ *The NHRCT has not yet developed a formal protocol for conducting national inquiries, a gap that limits its ability to address systemic human rights violations in a comprehensive and transparent manner.* ”

Nevertheless, the Commission conducted a system-wide investigation into sexual assaults of children in schools and placement institutions between 2022 and 2024 based on a decision made during an NHRCT meeting in February 2021.

The recruitment for participants started in July 2022. Data collection was completed in November 2023, with 128 individuals interviewed.

In 2025, the NHRCT published its report “Your Voice is the Seed for Change,” based on an analysis of 74 cases. The report found that sexual assault incidents predominantly occur at the primary school level, with male teachers comprising the majority of perpetrators. The duration of abuse ranges from a single occurrence to several months or even years, and incidents primarily take place within school premises. The report further noted that teacher perpetrators frequently exploit their authority and position of power.²⁸

The report received limited media coverage, but one of its recommendations may have contributed to progress in legislative reform. Under the current Criminal Code, the statute of limitations for sexual offenses, which ranged from five to 20 years depending on the severity of the crime, has prevented many survivors of childhood sexual assault and abuse from seeking justice once they reach adulthood.

In August 2025, the Ministry of Justice announced its intention to amend the law by excluding the years prior to adulthood from the calculation of the limitation period. The proposed revision, which remains pending, would represent a significant step toward improving access to justice for survivors of child sexual abuse.²⁹

29 Ministry of Justice. Announcement of the Ministry: Pre-announces the amendment of Article 80 of the 'Criminal Code of the Republic of China' and Article 8-1 of the 'Enforcement Act of the Criminal Code of the Republic of China'. August 12, 2025. <https://www.moj.gov.tw/2204/2795/2799/252022/post>

28 The report can be found at <https://NHRCT-yourvoice.com.tw/>.

Engagement with human rights defenders

The NHRCT currently lacks an institutionalized process for protecting and promoting the rights of human rights defenders. While there are general regulations on ensuring confidentiality during complaint handling, the NHRCT lacks specific policies and procedures related to supporting HRD at risk.

Several NGOs, both local (Taiwan Association for Human Rights, Asian Citizen Future Association, and Covenants Watch) and international (Asian Forum for Human Rights and Development and International Federation for Human Rights), have engaged with the NHRCT to advocate for the establishment of a protection mechanism for human rights defenders in the region.³⁰

The NHRCT has responded positively to these calls and initiated internal research to explore possibilities.

“ *While a formal policy is yet to be adopted, this ongoing collaboration reflects a positive step towards developing a framework that could enhance the protection of human rights defenders and strengthen Taiwan’s role in regional human rights leadership.* ”

30 National Human Rights Commission. “Press release: Gathering international and local partner forces in the face of severe resource constraints, the International Federation for Human Rights (FIDH) and its member groups in Taiwan visit the Human Rights Association.” February 21, 2025. https://nhrc.cy.gov.tw/News_Content.aspx?n=7479&s=7373

In recent years, the NHRCT has engaged extensively with CSOs, particularly in preparing independent reports for submission to independent committees reviewing the State’s human rights obligations. For example, its 2024 Annual Report recorded 275 interactions with CSOs across 37 events.

However, while the NHRCT has gathered the opinions and grievances of CSOs, it has not taken proactive steps to facilitate dialogue between civil society actors and responsible government agencies or legislators. Furthermore, the NHRCT has declined to respond to CSO’s recommendations that raise concerns about its own institutional capacity and identity.

NHRCT engagement on gender and diversity

The NHRCT has undertaken several initiatives addressing gender equality and the rights of persons with disabilities. One notable example was its involvement in a gender-based discrimination case concerning the dress code for flight attendants, which led to significant policy changes by the airline company and regulatory action by the Ministry of Labor.³¹

The NHRCT released a guideline on Reasonable Accommodation, in line with the principles established by the Convention on the Rights of Persons with Disabilities (CRPD).³²

31 National Human Rights Commission. “Press Release: The NHRC releases an investigation report, recommending that the government actively improve the dress restrictions on female flight attendants and eliminate gender discrimination in the workplace.” August 2, 2024. https://nhrc.cy.gov.tw/News_Content.aspx?n=7479&s=7050

32 National Human Rights Commission. Guidelines for reasonable adjustments for individuals with disabilities. June 2023. The guideline is available online at <https://nhrc.cy.gov.tw/cp.aspx?n=9889>.

According to some commissioners, the NHRCT seemed to have adopted the role of the “Independent Monitoring Mechanism” as stipulated in Article 33 of the CRPD.³³ However, this was not publicly announced. As a result, other government agencies were unaware of the adoption of this mechanism, including the Ministry of Health and Welfare, which is responsible for implementing the CRPD.³⁴

Between December 2022 and November 2023, the NHRCT investigated the situation of prisoners with disabilities, revealing the suspension of disability benefits, including their monthly stipend. The monthly stipend they receive ranged from USD 135 to USD 300 per month, depending on the severity of disability and place of residence, and constitutes a significant part of their income. Those who are unable to work in prison due to disability were left without any income and financial support, pushing them into extreme poverty, particularly because the monthly expenses for necessities ranged from USD 50 to USD 100.³⁵

33 Paragraph 2, Article 33, CRPD: States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

34 This lack of clarity was reflected in the draft of state report on the CRPD, prepared by the Ministry of Health and Welfare, where the relevant paragraph was left blank.

35 National Human Rights Commission. “Report on the Rights of Prisoners with Disabilities.” November 2023. https://nhrc.cy.gov.tw/News_Content.aspx?n=7459&s=6685

Following the NHRCT’s findings, the Agency of Correction, Ministry of Justice, adopted a policy change to provide increased material support and a modest monthly allowance of approximately USD 10 for eligible detainees with disabilities in December 2024.³⁶

Conclusion

The NHRCT’s efforts are reflected in several initiatives, including a system-wide investigation into sexual assaults in children, the formal development of an independent complaint mechanism, the public release of recommendations on anti-discrimination legislation, and a few reports that led to policy changes in cases of gender discrimination and prisoners with disabilities.

The NHRCT, however, continues to be plagued by long-standing challenges dating back to its inception. Key issues include questions surrounding its functional independence from the Control Yuan, the tendency of some commissioners to prefer their roles as Control Yuan members, the lack of clear governance rules, and the tardiness in adopting/developing methodologies in inquiries and monitoring.

These structural and functional problems have constrained the NHRCT’s capacity to effectively address human rights issues, hindering its ability to gain broad public recognition and support.

36 Information on budget allocation: [https://www.ly.gov.tw/Pages/Detail.aspx?nstrengthening the NHRCT’s governance framework by developing clear guidelines on the separation of duties as Commissioners and Control Yuan members. With just one year left in their six-year term, this is perhaps their most significant contribution to the NHRCT’s future functioning](https://www.ly.gov.tw/Pages/Detail.aspx?nstrengthening%20the%20NHRCT's%20governance%20framework%20by%20developing%20clear%20guidelines%20on%20the%20separation%20of%20duties%20as%20Commissioners%20and%20Control%20Yuan%20members%20With%20just%20one%20year%20left%20in%20their%20six-year%20term%20this%20is%20perhaps%20their%20most%20significant%20contribution%20to%20the%20NHRCT's%20future%20functioning)codeid=55752&pid=245205

Recommendations

To the NHRCT:

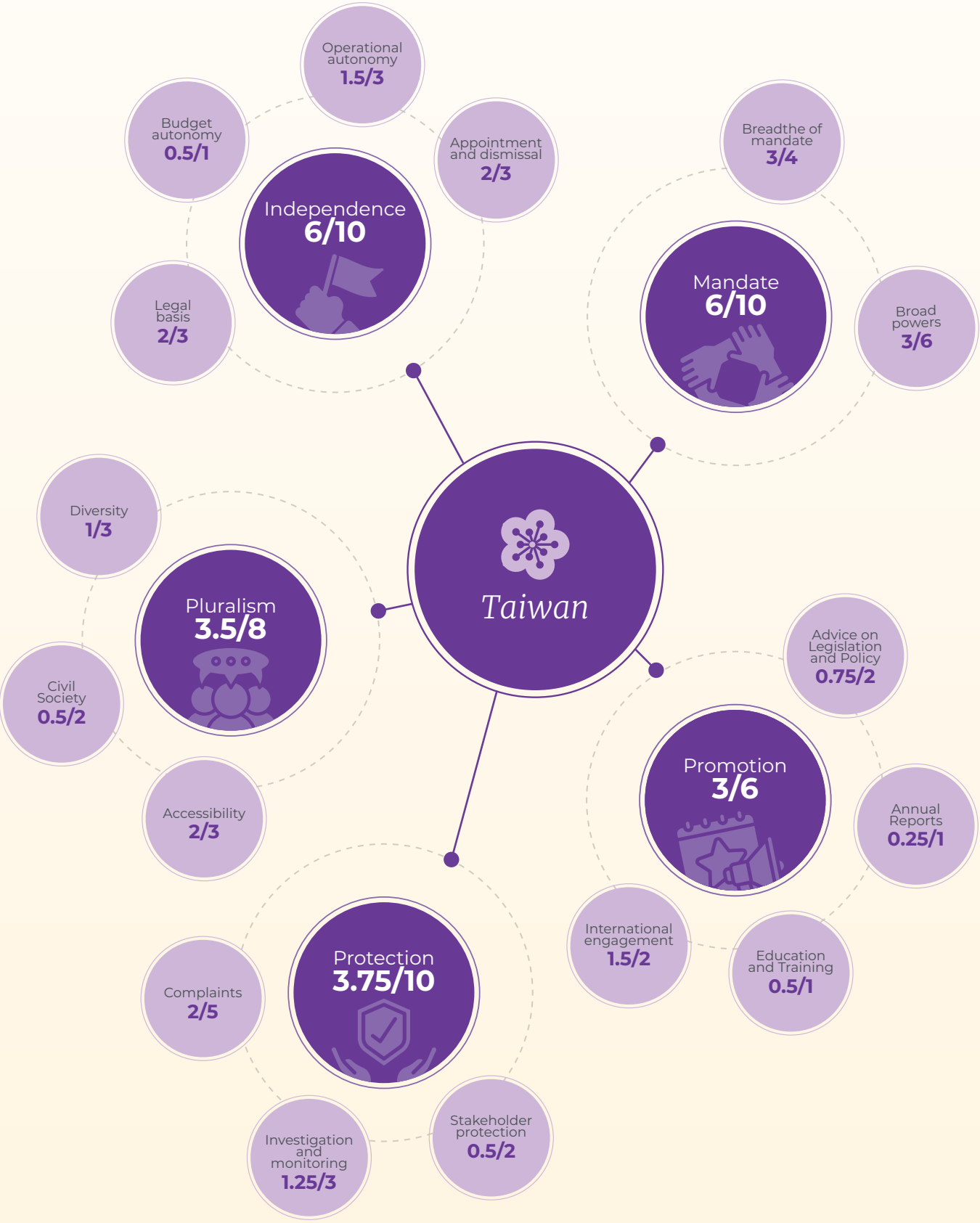
- ✓ Commissioners should reduce their time acting as Control Yuan members and devote themselves fully to their roles as NHRCT Commissioners.
- ✓ Commissioners must prioritize strengthening the NHRCT’s governance framework by developing clear guidelines on the separation of duties as Commissioners and Control Yuan members. With just one year left in their six-year term, this is perhaps their most significant contribution to the future functioning of the NHRCT.
- ✓ Use the 2025 budget constraints as an opportunity to assess shortcomings in its capacities against international standards and commit to stepwise capacity building.
- ✓ Strengthen the functional effectiveness of the NHRCT by developing methodologies in monitoring the human rights situations, protocols in inspecting places of detention, and work plans to pilot small-scale national inquiries.
- ✓ Publicize NHRCT’s interactions with and recommendations to the parliament and government agencies.

To the parliament:

- ✓ Restore the NHRCT’s budget to ensure that it has the capacity and resources necessary to effectively carry out its mandate and functions.
- ✓ Introduce legislative amendments to the NHRCT Act to strengthen the Commission’s independence and to clarify its delineation with the Control Yuan.

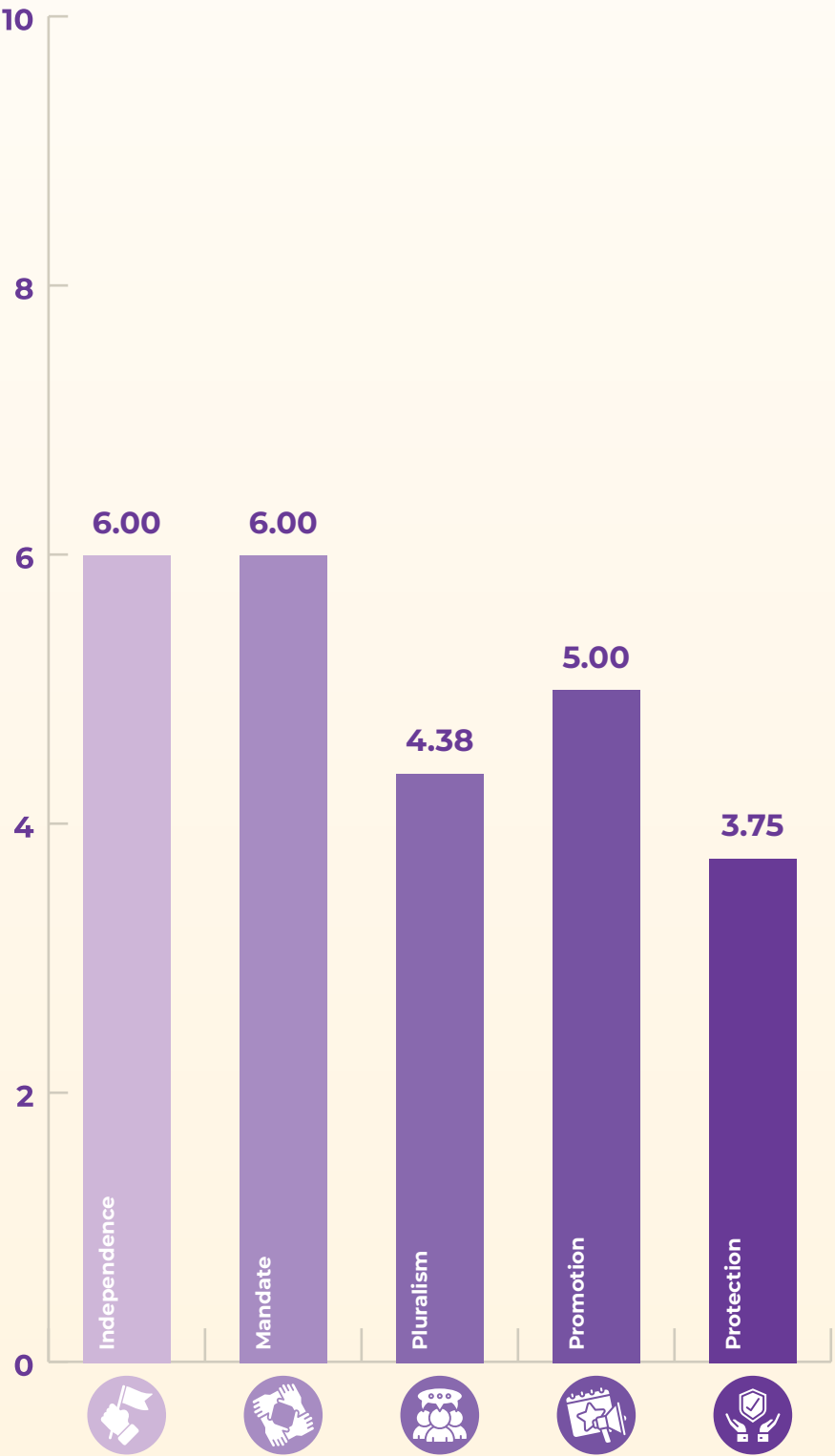
Taiwan: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



Taiwan: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



CHAPTER TWELVE

Thailand

Caught in the middle:
The NHRC's struggle between
State and civil society expectations

by People's Empowerment Foundation (PEF)*

* The People Empowerment Foundation (PEF) is an independent NGO established in 2008 in Thailand. With a bottom-up and gender-sensitive approach, they address the needs of grassroots civil society networks in their efforts to advance human rights and democracy. They create sustainable tools for community organizations, grassroots coalitions, and civil society movements, and connect them so that these groups can work effectively together for peace, social justice, human rights, and democracy.



Overview of the human rights situation in Thailand

Similar to other countries in the Southeast Asia region, Thailand's human rights situation is deteriorating. This downward trend is driven by political repression, restrictions on civil liberties, and systemic challenges affecting vulnerable populations. Freedom House, an international non-governmental organization promoting democracy, currently classifies Thailand as "Not Free," assigning a score of 34 from 100 on freedom and civil liberties. This low rating reflects the country's ongoing democratic backsliding, highlighting serious concerns over freedom of expression, assembly, and the rule of law.

Thailand has witnessed a steady erosion of democratic norms over the past decade, particularly since the 2014 military coup. Between 2014 and 2023, the military consolidated power and reshaped the political system, curtailing democratic processes and civic freedoms.

After nearly a decade of military rule, a full general election was held in May 2023 for all 500 seats in the House of Representatives. However, in the span of two years between 2023 and 2024, Thailand saw two changes in prime ministers, underscoring the fragility of its political system. The formation of a government, following the 2023 elections, took months, with Srettha Thavisin assuming the premiership in August 2023, only to be succeeded by Paetongtarn Shinawatra in August 2024.¹

Outflow of political activists

Political repression remained severe during this period. Courts expedited several political trials linked to the mass pro-democracy movement of 2020 to 2023, signaling an effort to silence dissent.

The recent human rights movement in Thailand has been largely youth-led, with activists demanding institutional reform to promote stronger democratic norms. However, the strong calls for democratic reforms have been met by systematic repression. Many young political activists and human rights defenders now face criminal charges, often under laws and practices that fall short of international principles of freedom of expression and peaceful assembly.

¹ Aljazeera. "Who is Paetongtarn Shinawatra, Thailand's new, youngest prime minister?" 16 August, 2024. <https://www.aljazeera.com/news/2024/8/16/who-is-paetongtarn-shinawatra-thailands-new-youngest-prime-minister>

According to the report by Thai Lawyers for Human Rights (TLHR), at least 1,977 persons have been charged in 1,330 cases² related to political expression and protests between 18 July 2020 and 30 June 2025. A growing number of these individuals, particularly youth activists, face lengthy prison sentences, prompting a wave of self-imposed exile, often quietly and without public disclosure, to escape prosecution.

In 2024, the National Human Rights Commission of Thailand (NHRCT) called for the enactment of an amnesty law to cover cases related to political protests. The Commission is preparing to submit recommendations to the parliament for consideration in hopes that the law, if passed, would extend greater protections for the right to freedom of expression, association, and assembly.³ That same year, the NHRCT also expanded its work through the release of an investigation report number 22/2567 (2024),⁴ addressing transnational repression of disappeared political activists in neighboring countries. The report concluded that the failure of relevant state agencies to investigate and follow up adequately constitutes a neglect of duty and a violation of human rights.

“*Beyond legislative advocacy, the NHRCT also sought to promote civil and political rights through active calls for accountability in cases of alleged police misconduct.*”

On 14 May 2024, Boong Netiporn Sanesangkhom, a young activist known for her campaign demanding the reform of royal defamation laws, died by cardiac arrest in police custody while awaiting trial.⁵ In response, the NHRCT issued a public statement in response to her sudden death, calling for a thorough and transparent investigation into the circumstances surrounding her death, and to ensure accountability and justice.⁶

No safe space for refugees, unclear humanitarian stance

Since the 2021 military coup in Myanmar, Thailand has seen the steady influx of refugees and growing humanitarian needs along the Thai-Myanmar border. Thailand's location and relative stability have made it a destination for those fleeing armed conflict and persecution in Myanmar and China.

However, Thailand lacks domestic refugee protection laws, and the government's reluctance to ratify the 1951 Refugee Convention has left asylum seekers and migrants vulnerable to human rights violations. The absence of a rights-based refugee policy exposes the groups to exploitation, including bribery, extortion,

and arbitrary detention. Furthermore, the government's inconsistent and cautious stance on the humanitarian crisis has created uncertainty. Combined with weak regional coordination, these gaps have hindered humanitarian aid efforts, with bureaucratic and political barriers restricting effective cross-border support.

Since 2021, NHRCT has conducted field visits, particularly along the Thai-Myanmar border, to monitor the human rights situation of displaced persons and at-risk communities. In 2023 and 2024, the Commission issued press statements grounded in humanitarian principles, urging the Thai government to provide humanitarian cross-border assistance to communities affected by the Myanmar crisis. The NHRCT also called on the state to uphold the ‘non-refoulement’ principle⁷ by ensuring protection for political activists in their home countries.⁸

The most notorious incident emerged on 27 February 2025, when the 40 detained Uyghurs in the Immigration Detention Center (IDC) were forcibly deported back to China without prior public consultation.⁹ The Security Council of Thailand reported publicly that they were only informed by the Chinese government that those deported Uyghurs would be well-treated. However, to date, none of the human rights defenders or independent monitors have been able to contact or verify the safety of those deported individuals.

For over a decade, the NHRCT, in coordination with CSOs, has been monitoring the situation of Uyghur refugees held in immigration detention. The Commission has periodically conducted detention center visits to assess conditions and the treatment of detainees. In 2023, NHRCT issued a press release urging the government to have a robust solution for Uyghur refugees.¹⁰

“*While civil society acknowledges the NHRCT's ongoing efforts, many advocate for the NHRCT to take a stronger and more decisive stance to address the worsening human rights violations against Uyghur refugees.*”

² June 2025: The court dismissed three cases related to the Emergency Decree stemming from the 2020–2021 protests, while other cases that may impact the ‘principle of open trial’ are still under consideration. “มีกฎหมาย 2568: ศาลยกฟ้อง 3 คดี พ.ร.ก.ฉุกเฉินฯ เหตุชุมนุมปี 63-64 ขณะที่ศาลยังคงพิจารณาคดีกระทบ.” ศูนย์ทนายความเพื่อสิทธิมนุษยชน. July 23, 2025. <https://tlhr2014.com/archives/76537>.

³ กสม. แถลงข่าวเด่นประจำสัปดาห์ ครั้งที่ 6/2567 กสม. หนุนออกกฎหมายนิรโทษกรรมคดีชุมนุมทางการเมือง เตรียมชงข้อเสนอแนะให้ กมธ.วิสามัญ พิจารณา - สันนิษฐานรัฐบาลไทยจัดตั้งระเบียบมนุษยธรรมแก่ประชาชนเมียนมาและผู้หนีภัยชายแดนไทย - เมียนมา. NHRCT. Feb 15, 2024; <https://www.nhrc.or.th/th/NHRC-News-and-Important-Events/9549>

⁴ กสม. มีมติกรณี 9 ผู้ลี้ภัยทางการเมือง น่าเชื่อว่าเป็นการบังคับสูญหายโดยรัฐ หน่วยงานรัฐไม่ดำเนินการติดตามเพียงพอ เป็นการละเลยการละเมิดสิทธิฯ, NHRCT, June 10, 2024 <https://tlhr2014.com/archives/67809>

⁵ Quinley, Caleb. “Hunger Striking Royal Reform Activist Dies in Custody in Thailand.” Al Jazeera. May 15, 2024. <https://www.aljazeera.com/news/2024/5/15/hunger-striking-democracy-and-royal-reform-activist-dies-in-thai-prison>.

⁶ กสม. แสดงความเสียใจต่อการเสียชีวิตของ “มั่ง ทะลวง” ย้ำผู้ต้องขังต้องได้รับสิทธิในการประกันตัว. NHRCT. May 15, 2024 <https://www.nhrc.or.th/index.php/th/NHRC-News-and-Important-Events/10903>

⁷ แถลงการณ์คณะกรรมการสิทธิมนุษยชนแห่งชาติ(กสม.) ห่วงใยกรณีผู้หนีภัยความไม่สงบชาวเมียนมาในประเทศไทย. NHRCT. April 12, 2023, [https://www2.nhrc.or.th/getattachment/e90d2a23-f2c7-49a0-9772-aa8eb450d796/12-04-66-%E0%B9%81%E0%B8%96%E0%B8%A5%E0%B8%87%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B8%93%E0%B9%8C-%E0%B8%81%E0%B8%AA%E0%B8%A1%E0%B8%9C%E0%B8%B9%E0%B9%89%E0%B8%AB%E0%B8%99%E0%B8%B5%E0%B8%A0%E0%B8%B1%E0%B8%A2%E0%B9%80%E0%B8%A1%E0%B8%B5%E0%B8%A2%E0%B8%99%E0%B8%A1%E0%B8%B2\(1\).pdf.aspx](https://www2.nhrc.or.th/getattachment/e90d2a23-f2c7-49a0-9772-aa8eb450d796/12-04-66-%E0%B9%81%E0%B8%96%E0%B8%A5%E0%B8%87%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B8%93%E0%B9%8C-%E0%B8%81%E0%B8%AA%E0%B8%A1%E0%B8%9C%E0%B8%B9%E0%B9%89%E0%B8%AB%E0%B8%99%E0%B8%B5%E0%B8%A0%E0%B8%B1%E0%B8%A2%E0%B9%80%E0%B8%A1%E0%B8%B5%E0%B8%A2%E0%B8%99%E0%B8%A1%E0%B8%B2(1).pdf.aspx)

⁸ กสม. แถลงข่าวเด่นประจำสัปดาห์ ครั้งที่ 6/2567 กสม. หนุนออกกฎหมายนิรโทษกรรมคดีชุมนุมทางการเมือง เตรียมชงข้อเสนอแนะให้ กมธ.วิสามัญ พิจารณา - สันนิษฐานรัฐบาลไทยจัดตั้งระเบียบมนุษยธรรมแก่ประชาชนเมียนมาและผู้หนีภัยชายแดนไทย - เมียนมา. NHRCT. February 15, 2024 <https://www.nhrc.or.th/th/NHRC-News-and-Important-Events/9549>

⁹ United Nations Office of the High Commissioner for Human Rights, “UN Human Rights Chief Deeply Troubled by Thailand's Deportation of Uyghurs to China,” Press release, February 27, 2025, <https://www.ohchr.org/en/press-releases/2025/02/un-human-rights-chief-deeply-troubled-thailands-deportation-uyghurs-china>.

¹⁰ กสม. แถลงข่าวเด่นประจำสัปดาห์ ครั้งที่ 39/2566 กสม. ชี้ กรณีผู้ต้องขังชาวอุยกูร์ถูกควบคุมตัวไว้โดยไม่มีการกำหนด กระทั่งเจ็บป่วยเสียชีวิต เป็นการละเมิดสิทธิฯ เน้นหน่วยงานที่เกี่ยวข้องเร่งแก้ไข - ตรวจสอบการก่อสร้างอาคารศูนย์บริการสุขภาพฯ คณะแพทยศาสตร์ มช. ส่งผลกระทบต่อชุมชน เน้นเยียวยาความเสียหายและกำกับดูแลการดำเนินงานอย่างเคร่งครัด. NHRCT. August 26, 2023 <https://www.nhrc.or.th/index.php/th/NHRC-News-and-Important-Events/10375>

State impunity and transnational repression

In 2024, the statute of limitations for the 2004 Tak-Bai Massacre officially expired, marking 20 years since the incident without any accountability. Authorities cited the failure of the seven defendants to appear before the court within the prescribed timeframe as the reason for the case's dismissal. Notably, one of the defendants, a Member of Parliament from the ruling party, Pheu Thai Party MP, resigned in October 2024, just before the case deadline on 25 October 2024.¹¹

Two days before the case ended, the NHRCT published a statement regarding the absence of defendants and urgently addressed and remedied the victims in the Tak Bai incidents.¹² However, the response has been widely criticized as belated and insufficient, especially given the 20-year timeline of the case. The NHRCT could have played a more active and sustained role in pursuing accountability and justice throughout the investigation period.

Meanwhile, in a concerning instance of transnational repression, Cambodian opposition figure Lim Kinya was fatally shot by a former Thai navy officer on 7 January 2025, raising serious regional human rights and accountability concerns.¹³ Neither the government nor the NHRCT has offered an appropriate response.

Same sex marriage, legal approval of the equality of love

In a landmark human rights milestone, Thailand passed the Same-Sex Marriage Equality Law in January 2025, becoming the first country in Southeast Asia to recognize marriage equality for LGBTIQ+ individuals. Throughout the long campaign, the NHRCT worked attentively with civil organizations to promote this law through some public seminars and engagement with LGBTIQ+ pride events.¹⁴ This progressive legislation marks a significant step forward in advancing equal rights and combating discrimination based on sexual orientation and gender identity.

¹¹ Ngamkham, Wassayos. "Court Declares End of Tak Bai Massacre Case After Defendants' No-show." Bangkok Post. October 28, 2024. <https://www.bangkokpost.com/thailand/general/2891616/court-declares-end-of-tak-bai-massacre-case-after-defendants-no-show>.

¹² แถลงการณ์คณะกรรมการสิทธิมนุษยชนแห่งชาติ (กสม.) เรื่อง ขอให้รัฐบาลเร่งแก้ไขเยียวยาการละเมิดสิทธิมนุษยชนอย่างร้ายแรงกรณีการสลายการชุมนุมที่ตากใบ. NHRCT. Oct 23, 2024 <https://www.nhrc.or.th/th/NHRC-News-and-Important-Events/13671>

¹³ Head, Jonathan. "Lim Kimya: Why Was a Cambodian Opposition Politician Killed in Bangkok?" BBC. January 8, 2025. <https://www.bbc.com/news/articles/cdr0rx307p3o>.

¹⁴ กสม. ร่วมกิจกรรม "Ayutthaya Pride 2024" และเสวนาหัวข้อ "สมรสเท่าเทียมและเมืองที่เปลี่ยนแปลง หลังกฎหมายได้รับการรับรอง." NHRCT. June 24, 2024

NHRI's mandate to protect and promote human rights

“Throughout 2023 and 2024, civil society’s overall assessment of the NHRCT indicates that the Commission has consistently sought to exercise its mandate under the Organic Act of the NHRCT, demonstrating commitment to fulfilling its statutory responsibilities. However, the NHRCT has faced criticisms for lacking robust and effective advocacy strategies aimed at influencing legislators and relevant government bodies for systemic legal and policy reforms. Too often, its role has been limited to merely issuing recommendations to clarify human rights norms rather than pushing concrete structural change.”

Structurally, the NHRCT continues to resemble a traditional bureaucratic institution, resulting in slow and rigid procedures for monitoring and investigating human rights violations. Many CSOs note that while NHRCT's documentation of violations can be valuable for reference in judicial processes, it has not proven to be an effective mechanism for long-term advocacy or reform. Moreover, the Commission often struggles to secure meaningful cooperation from government agencies and other stakeholders during investigation processes, which further undermines its impact.

Civil society also highlights that engaging with NHRCT is still at times challenging, as the level of commitment amongst individual commissioners varies. According to CSO assessments, while some members have shown strong dedication to protecting human rights, others are perceived as more aligned with government narratives than with the needs of local communities, CSOs, and human rights defenders.

Civil society believes there remains room for the NHRCT to further strengthen its performance, particularly in addressing human rights violations in a timely and effective manner. While civil society acknowledges that expectations sometimes go beyond the NHRCT's current mandate, they highlight the importance of the NHRCT maximizing its existing authority to ensure meaningful impact. Given that the institution's primary power lies in providing recommendations to the government and relevant agencies, CSOs encourage the NHRCT to adopt more proactive strategies in follow-up and engagement, thereby enhancing both the visibility and effectiveness of its work.

Finally, while the NHRCT benefits from a relatively strong fiscal budget and staffing resources, stakeholders observe that internal procedures remain slow and cumbersome, limiting the institution's overall effectiveness. This gap highlights an opportunity for the NHRCT to maximize its existing capacity by streamlining internal processes, enhancing responsiveness, and ensuring that its resources are translated into timely and tangible results for affected communities.

Legal reforms critical to reinforce NHRCT's independence

The NHRCT is established under the 2017 Thai Constitution and the Organic Act on the National Human Rights Commission B.E. 2560 (2017). It currently holds “A” status accreditation from the Global Alliance of National Human Rights Institutions (GANHRI). While the NHRCT is considered independent in terms of its mandate and functions, as legally prescribed in Section 26 of the Organic Act,¹⁵ concerns about its structural autonomy remain.

In 2022, the GANHRI Sub-Committee of Accreditation (SCA) recommended that Thailand amend Section 26(4) of the Organic Act 2017¹⁶ and repeal Section 247(4) of the Thai

Constitution 2017¹⁷ to strengthen the NHRCT's institutional independence. Under the current provisions, the NHRCT is compelled to defend or clarify the government's actions when reports of human rights violations are made against the Thai government.

Such a mandate compromises the Commission's independence and is inconsistent with the Paris Principles, which require national human rights institutions to operate free from political interference. These legal clauses risk positioning the NHRCT as a defensive actor for the state, undermining its watchdog function. Nonetheless, it is important to note that in the past two years, there have been no documented cases in which the NHRCT has actively defended government actions in this manner. This indicates both a risk inherent in the legal framework and a space for the Commission to safeguard its impartiality through practice.

“Affirming the independence of NHRCT means that it should not be the role of NHRCT to defend, clarify or explain any government acts related to human rights violations; this role should be under relevant ministries or cabinets.

In response to these concerns, the NHRCT submitted a draft amendment to repeal section 26(4) following the recommendation of the SCA to the Prime Minister and the Cabinet. Amid the ongoing political instability and tension, the cabinet responded to the first review, and the NHRCT resubmitted the proposal on 21 October 2024 (document code SM 0904/71). No official government response has been recorded, signaling the

¹⁵ Section 26. The Commission shall have the duties and powers as follows:

(1) to examine and report correct facts in all cases of human rights violation without delay and recommend appropriate measures or guidelines for the prevention or redress of human rights violation, including the provision of remedy to the person affected by the violation of human rights, to related state or private agencies;

(2) to prepare a report on assessment of the human rights situation of the country for submission to the National Assembly and Council of Ministers, and for dissemination to the Public;

(3) to recommend measures or guidelines for the promotion and protection of human rights to the National Assembly, Council of Ministers and related agencies, including amendment and improvement of laws, rules, regulations or orders so that they conform with human rights Principles;

(4) to explain and report correct facts without delay in case where there is an incorrect or unfair report on the human rights situation in Thailand;

(5) to raise awareness of all sectors of society on the importance of human rights.

¹⁶ Section 26 (4) to explain and report correct facts without delay in case where there is an incorrect or unfair report on the human rights situation in Thailand; The Organic Act on the National Human Rights Commission, B.E. 2560 (2017)

¹⁷ Section 247. The National Human Rights Commission shall have the duties and powers as follows: (4)) to explain and report the correct facts without delay when there is a report on human rights situation in Thailand which is incorrect or unfair; the Constitution of the Kingdom of Thailand 2017

lack of priority given to the strengthening of NHRCT's independence.

Strong mandate, weak enforcement

Despite legal mandates to monitor, investigate, and issue recommendations on human rights violations, the NHRCT's impact remains limited.

“A major challenge lies in persuading legislative and executive bodies to heed the NHRCT's recommendations and amend laws and policies to advance human rights.

Following the escalation of alleged political persecution of human rights defenders, youth activists, and protestors, the NHRCT submitted recommendations to the parliament regarding an amnesty bill for human rights defenders.¹⁸ However, no feedback from parliament was received while the bill was discussed among politicians. Similarly, government agencies have shown limited cooperation with the NHRCT. For example, the NHRCT's recommendation to adopt legislation granting labor rights to food-delivery riders has not received a constructive response.¹⁹

¹⁸ กสม. แถลงข่าวเด่นประจำสัปดาห์ ครั้งที่ 6/2567 กสม. หนุนออกกฎหมายนิรโทษกรรมคดีชุมนุมทางการเมือง เตรียมขงข้อเสนอแนะให้ กมธ.วิสามัญ พิจารณา - สันติสุขนัฐบาลไทยจัดตั้งระเบียบมนุษยธรรมแก่ประชาชนเมียนมาและผู้หนีภัยชายแดนไทย - เมียนมา. NHRCT. 15 Feb 2024 <https://www.nhrc.or.th/th/NHRC-News-and-Important-Events/9549>

¹⁹ รายงานผลการตรวจสอบ ที่ 81/2567 สิทธิแรงงาน กรณีร้องเรียนว่า ผู้ประกอบการแพลตฟอร์มดิจิทัลเปิดรับสมัครไรเดอร์เข้าทำงานโดยไม่ถือว่าเป็นพนักงานหรือลูกจ้างตามกฎหมายว่าด้วยการคุ้มครองแรงงานและกฎหมายอื่นที่เกี่ยวข้อง ส่งผลให้ไรเดอร์ไม่ได้รับสิทธิและสวัสดิการด้านแรงงาน. NHRCT. 19 Mar 2024 <https://www.nhrc.or.th/th/Examination-reports/14141>

Likewise, the Office of the Narcotics Control Board under the Ministry of Justice rejected NHRCT's recommendation to revise a law permitting law enforcement to restrain individuals suspected of drug addiction, a provision that contravenes the principle of the presumption of innocence.²⁰

Furthermore, interviews with CSOs suggest that NHRCT does not fully exercise its broad mandate and power to protect human rights. At least two CSOs reported submitting complaints during the review period concerning the treatment of persons in custody. Both received similar responses from the NHRCT, stating that the cases showed no apparent signs of human rights violations and therefore did not warrant further investigation.

“CSOs have expressed concern that the NHRCT appears reluctant to pursue investigations when cases involve sensitive issues related to state authorities or high-level institutions.

For instance, the Commission has been criticized for delayed and vague responses to cases involving freedom of expression, peaceful assembly, and state violence, such as in the Tak Bai incident. NHRCT issued a statement only two days before the statute of limitations expired, and only after heavy pressure from civil society and the public.

²⁰ ข้อเสนอแนะ ที่ 212 - 213/2567 ข้อเสนอแนะ ในการแก้ไขปรับปรุงกฎหมาย กรณีกฎกระทรวงการดำเนินการเพื่อบำบัดรักษาผู้ติดยาเสพติด พ.ศ. 2565 ประกาศสำนักงานคณะกรรมการป้องกันและปราบปรามยาเสพติด และแนวทางปฏิบัติในการดำเนินงานของเจ้าพนักงานปป.ส. พนักงานฝ่ายปกครองหรือตำรวจ เพื่อนำผู้เสพยาเสพติดเข้ารับการบำบัดรักษา. NHRCT. 17 July 2024 <https://www.nhrc.or.th/th/Examination-reports/14565>

General human rights campaigns across the country, with vague measurement

The NHRCT has played a visible role in promoting human rights through public awareness initiatives and various annual activities. In both 2023 and 2024, it implemented nearly identical year-long human rights promotion programs. These included the Human Rights Executive Program for senior officials and an e-learning Human Rights Promotion Project for the general public, intended to provide a basic introduction to human rights.

To extend outreach to local communities, the NHRCT launched a radio program aimed at promoting human rights education at the grassroots level. The program includes broadcasts targeting local communities

and features regular segments on the parliamentary radio channel. NHRCT's provincial outreach levels also include training with local educational sectors, religious leaders, security, and other institutions organized by its regional offices. Additionally, weekly press releases are issued to provide the public with updates on the human rights developments and highlight various activities promoting specific human rights issues.

Another notable initiative is the annual Human Rights Idol award, which recognizes individuals or organizations that have made outstanding contributions to human rights promotion. The awards specifically target “ordinary individuals” who, despite limited resources, demonstrate a strong commitment to promoting and upholding human rights. Another key objective of the awards is to encourage the expansion of human rights work at the community level. During the year 2023-2024, there were nine recipients as detailed in the list below:

Human Rights Idol award recipients from 2023 to 2024



Eakachai Itsarata

Secretary-General of the Khao Kuha Human Rights Protection Association

A dedicated human rights activist working on civil and political rights, particularly the freedom of expression, to protect communities and natural resource bases. He has played a key role in the movement opposing the rock quarry concession at Khao Kuha, a struggle that has affected local residents and communities for over 20 years. Their efforts contributed to a landmark ruling by the Supreme Administrative Court, which ultimately revoked Khao Kuha's designation as an industrial rock mining site.



Mrs. Pattaya Rueankaew

President of the Network of Thais Overseas Association, Germany (NTO)

An academic and independent researcher dedicated to providing legal assistance and protecting the rights of Thai nationals in Germany—particularly women and transgender women who have been victims of deception. Her work includes offering legal counseling on family matters to Thai women married to German citizens, as well as advocating for stateless Thai children, ensuring they receive appropriate fundamental rights and welfare, and are able to live in Germany with dignity.



Mr. Somboon Khamhaeng

Chairperson of the National Committee for Coordination of Non-Governmental Development Organizations (NGOCOD)

A development practitioner working with NGOs, driving efforts in community rights, small-scale fisheries, and the conservation and management of marine and coastal resources. He founded a civic network to monitor provincial development plans, as well as large-scale policies and development projects that impact local livelihoods and the environment. Their work involves public campaigns, social movement activities, and organizing public forums to gather community input and submit recommendations to relevant agencies—efforts that have led to the cancellation of major development projects, such as the Songkhla-Satun Land Bridge project.



Mr. Nitithorn Thongtheerakul

Senior Specialist, Content Development Department, Thai PBS; Artist for Human Rights

A dedicated cultural communicator who weaves human rights issues and stories into songs to foster understanding and raise awareness about human rights. Since 2005, he has created music as a singer, songwriter, and producer, collaborating with government agencies, civil society organizations, and prominent artists to bring human rights messages to the public.



Network of Wild Berry Pickers in Sweden and Finland

A labor network formed by individuals who have fallen victim to transnational labor trafficking, standing up to defend labor rights by demanding compensation, fair wages, benefits, and legal protections under labor laws. The network also assists Thai workers in distress by coordinating with international organizations for repatriation to Thailand and legal action against those responsible in Finland. In Thailand, the network has actively raised awareness about labor rights, prompting relevant agencies to take urgent measures to prevent and address such issues.



Ms. Nuchanart Boonkong

Manager of Baan Kru Nam Foundation

A dedicated humanitarian worker committed to human rights principles, focusing on supporting and promoting education for homeless, undocumented, and stateless children's rights, which are recognized as fundamental under the Convention on the Rights of the Child. She carries out her work under challenging circumstances, facing numerous constraints and societal prejudice, particularly in protecting the rights of children without Thai nationality. This work involves significant legal risks and ongoing struggles against prosecution.



**Chan Subdistrict Administrative Organization,
Kanthararom District, Sisaket Province**
Local Government Agency

Emphasizes the development and improvement of the quality of life for people with disabilities, the elderly, and disadvantaged groups, ensuring they receive appropriate fundamental rights and welfare to live with dignity. This includes establishing a budget to support operations, organizing diverse activities, and setting up subdistrict service centers that provide healthcare and vocational training to generate income for vulnerable community members.



Mirror Foundation

An NGO working on social development and human rights for diverse target groups such as homeless people, missing persons, patients, individuals with chronic mental illness, the elderly, street children, urban poor communities, and disaster victims. The organization operates systematically to provide sustainable assistance and improve the quality of life for these groups. For example, the “Hiring Project” helps transform the status of homeless individuals into stable income earners, enhances their quality of life, and shifts public perception from viewing the homeless as a social burden to recognizing them as capable individuals.



Mr. Montri Udompong
Acting News Editor, 3 Miti

An investigative journalist who has played a critical role in supporting victims of human rights violations within the criminal justice system. Through extensive fieldwork, he has gathered crucial evidence that has led to the exoneration and compensation of wrongfully accused individuals. His investigative efforts have uncovered facts that have resulted in the arrest and prosecution of influential offenders, ensuring they face justice under the law.

The NHRCT also regularly participates in international and regional networks, such as GANHRI, the Asia Pacific Forum of NHRIs, the Southeast Asian Forum of NHRIs, and the Association of Southeast Asian Nations. However, CSOs note that the outcomes of these engagements are rarely shared with the public, limiting their practical impact.

Despite these efforts, CSOs have assessed that such activities have a limited impact in effectively raising public awareness. Interviews with groups previously engaged in NHRCT initiatives highlighted that the processes and methods often feel overly bureaucratic. They have called for more

creative and accessible approaches to engage with the general public.

Furthermore, the absence of clear indicators or methodologies to assess impact has raised concerns that such initiatives risk remaining symbolic rather than contributing to long-term structural improvements in human rights awareness and protection. The lack of a formal evaluation mechanism leaves the effectiveness of NHRCT’s promotional work uncertain. To ensure meaningful and sustainable progress, establishing robust indicators and evaluation tools is essential. In a positive step, the NHRCT has acknowledged this gap and is exploring ways to strengthen its assessment mechanisms.

A surge in complaints overwhelms the NHRCT

According to the NHRCT’s 2023 annual report (covering the period from 1 October 2022 to 30 September 2023), a total of 940 human rights complaints were received. Of these, 610 cases (64.98%) were accepted for investigation, while 330 cases (35.11%) were dismissed as falling outside of the NHRCT’s mandate. By the end of the reporting period, the NHRCT had completed investigations in only 194 cases.

The 2024 Annual Report, covering the period from 1 October 2023 to 30 September 2024, indicates a similar trend. During this period, a total of 980 human rights complaints were submitted to the NHRCT, of which 685 cases (69.90%) were accepted for further action. However, only 136 cases were completed within the same timeframe.

Table 1. Summary of complaints received by the NHRCT

	1 Oct 2022 - 30 Sep 2023	1 Oct 2023 - 30 Sep 2024
Complaints received	940	980
Complaints accepted	610	685
Complaints dismissed, transferred	330	295
Investigations of complaints completed	194	136

An analysis of these figures reveals a persistently slow and inefficient investigation process. The percentage of completed cases relative to accepted cases stands at approximately 20% in 2023 and 13% in 2024, well below the acceptable threshold of 25% each year. This backlog suggests systemic delays and a growing workload for the Commission.

Feedback from civil society organizations and complaints highlights serious concerns regarding the timeliness and effectiveness of the NHRCT’s investigation function. In one instance, a complainant who reported a sexual harassment case in a private setting noted that the NHRCT took over four years to conclude the investigation. Although the NHRCT eventually issued a human rights violation report to the perpetrator’s employer, the same individual later again committed

similar sexual harassment offenses against other victims. When the original complainant submitted a follow-up complaint, the NHRCT instructed them to restart the complaint process from the beginning. According to the complainant, this rigid, bureaucratic system, which disallows reference to previously adjudicated cases, renders the protection mechanism ineffective.

“ Civil society urges the NHRCT to strengthen its victim-centric investigation process, ensuring that the rights and well-being of victims and complainants remain the central focus throughout investigations.

To ensure effective follow-ups during investigations, the NHRCT should be able to reference prior relevant cases to expedite new investigations or issue warnings based on established patterns of behavior. The

current practice of restarting every case from the beginning contributes only to inflated case statistics, without producing positive improvements in the protection of human rights. The need for complainants to restart investigations from scratch also runs the risk of retraumatization.

“More critically, the widening gap between accepted, dismissed, and completed cases highlights a systemic inefficiency. At the current pace, an estimated 200–300 cases will remain pending each year, contributing to a steadily compounding backlog that undermines the credibility of the NHRCT’s protection function.

The NHRCT acknowledges several challenges in its investigation process. The foremost challenge remains the lack of cooperation from government agencies, many of which either ignore NHRCT’s requests or respond only after significant delays. Additionally, relevant government information is often disorganized and fragmented across disconnected ministries. Some human rights complaints involve multiple accused parties, requiring coordination with various agencies, which significantly prolongs the investigation. The NHRCT now classifies investigation cases into three levels—S (small), M (medium), and L (large)—in order to allocate procedures and resources according to the complexity of each case.

To address the growing backlog and inefficiency, a strategic and systemic reform of the investigation function is urgently needed. This requires:

- ♦ Comprehensive analysis of complaint data to identify recurring issues, trends, and procedural bottlenecks.
- ♦ Redesigning investigation procedures to enable continuity across similar cases, avoiding the inefficiency of starting from scratch.

- ♦ Strengthening follow-up mechanisms to ensure state agencies respond promptly and comply with recommendations.
- ♦ Institutional safeguards for victims, including trauma-informed practices to prevent retraumatization during repeated investigations.

Conclusion

Following the 2023 to 2024 period, the NHRCT’s efforts reflect a comprehensive attempt to advance and develop its role within the mandate and framework of the Organic Act. However, one of the persistent challenges in Thailand’s broader human rights landscape is the lack of mutual understanding and coordination among stakeholders, particularly between the NHRCT, government agencies, and CSOs.

While CSOs hold high expectations for progress and transformative change in human rights, the NHRCT’s primary role remains in providing recommendations to relevant authorities. From the perspective of CSOs, the promotional activities during 2023–2024 appear less effective compared to previous years. From the perspective of CSOs, the promotional activities carried out during 2023–2024 appeared less effective and, in some cases, redundant compared to previous years.

Additionally, in terms of protection, observations indicate that the NHRCT continues to struggle with a growing backlog of cases. The ratio of accepted to completed cases remains inconsistent and unbalanced. Therefore, urgent and effective reform of the investigation process is needed.

Recommendations

To the NHRCT:

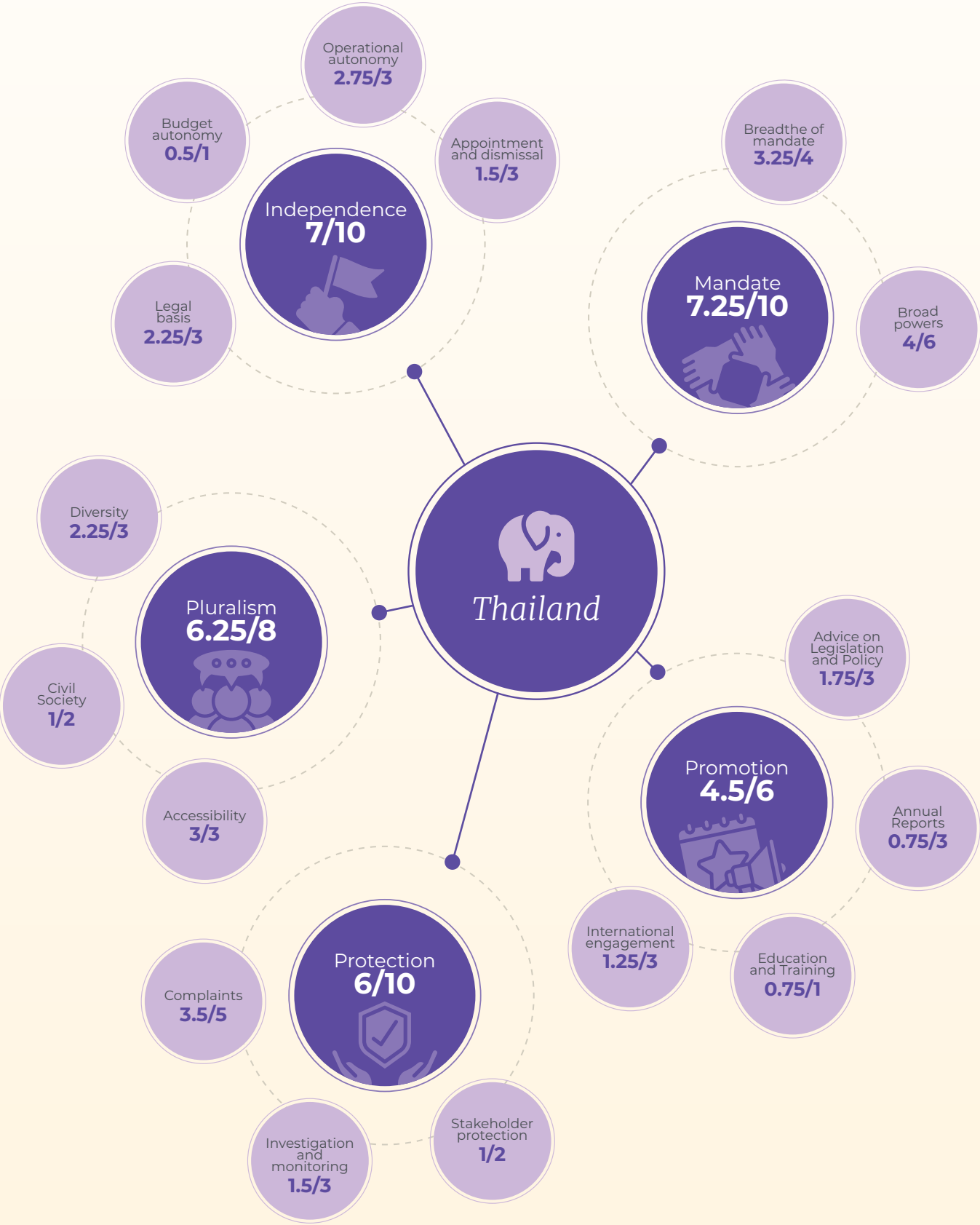
- ✓ Conduct awareness and information campaigns to strengthen public knowledge and understanding of the NHRCT’s mandate, functions, and powers.
- ✓ Organize consultative meetings with CSOs to discuss amendments to the Organic Act, ensuring a more effective, creative, and inclusive process.
- ✓ Establish reform and amendment campaigns that actively engage a wider range of CSOs in shaping the evolution of the Organic Act.
- ✓ Allocate funding to CSOs for creative activities that promote human rights.
- ✓ Increase fiscal resources to support local NGOs, including both programmatic initiatives and core administrative needs.
- ✓ Strengthen the role of the NHRCT in empowering local NGOs and CSOs to build long-term sustainability.
- ✓ Refer to previous relevant human rights violation cases when addressing similar cases in the future, ensuring consistency and institutional memory in the protection function.
- ✓ Create a clear evaluation mechanism for the effectiveness of the promotion mandate.

To the Government:

- ✓ Direct all government bodies to meaningfully engage and cooperate with the NHRCT to implement recommendations, conduct human rights investigations, and facilitate inter-agency collaborations.
- ✓ Repeal Section 247(4) of the Thai Constitution 2017 to strengthen the institutional independence of the NHRCT.

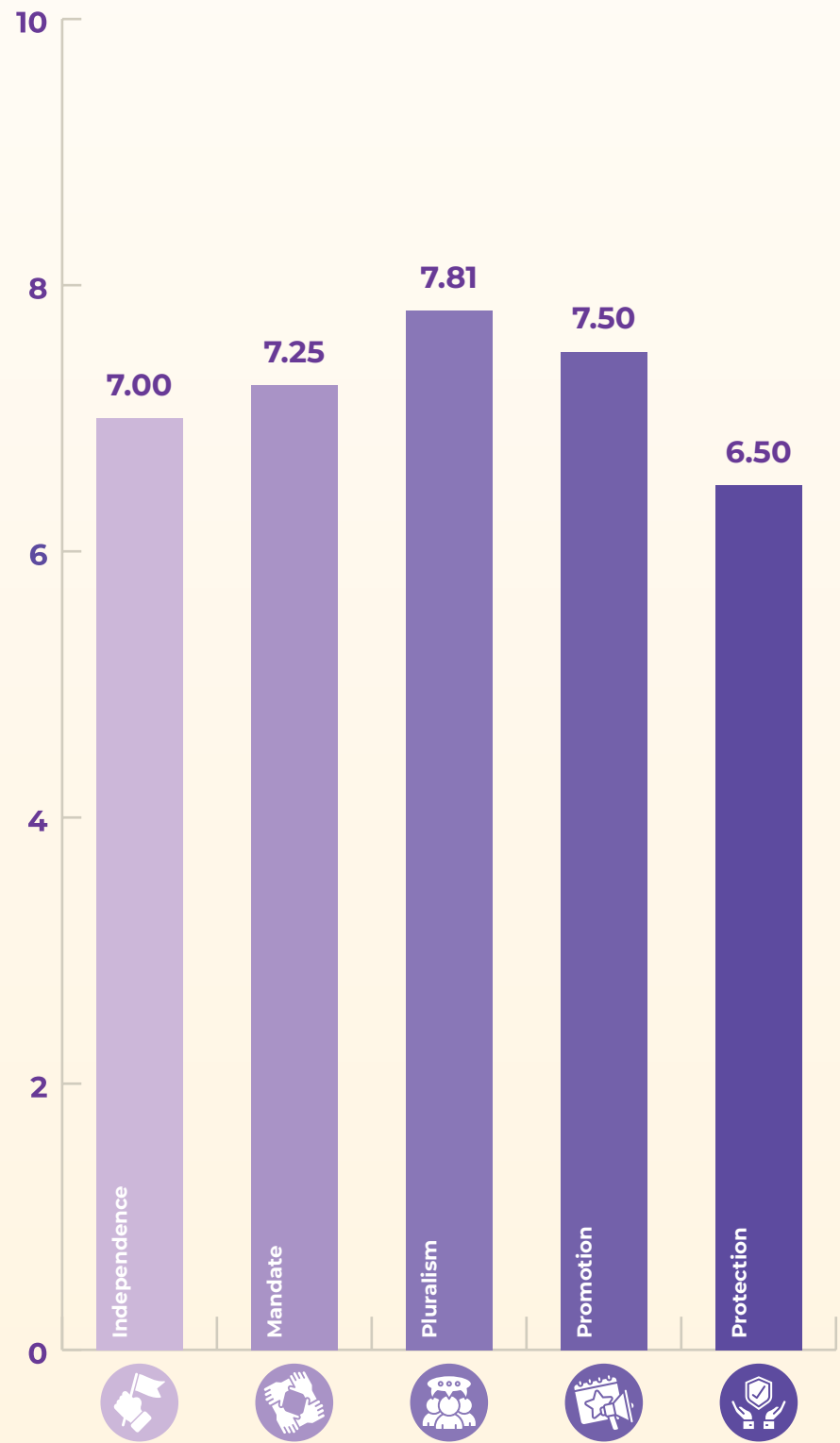
Thailand: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



Thailand: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



CHAPTER THIRTEEN

Timor Leste

From mandate to impact: PDHJ must enhance its protection and promotion of the rights of the vulnerable and marginalized communities

by Jose Pereira, the Judicial System Monitoring Programme (JSMP)*

*Jose Pereira is the Coordinator of Parliament Watch Program Unit of the Judicial System Monitoring Programme (JSMP) who has been contributing for most of the ANNI reports.

JSMP is one of the local Timorese NGOs that was established in 2001 to monitor the judicial process of Ad Hoc Court in Jakarta, Indonesia for those who committed crimes against humanity during the 1999 crisis in Timor-Leste and also to monitor the International Hybrid Court in Timor-Leste for serious crimes committed in 1999. JSMP after that extended its programs to monitor all courts in Timor-Leste and the National Parliament, including providing legal assistance to victims of women and children, doing legal analysis and advocacy on human rights and justice and providing capacity building to relevant state institutions, students and communities.



Overview of the human rights situation in Timor-Leste

After centuries of Portuguese colonial rule and a subsequent 24-year occupation by Indonesia, Timor-Leste gained formal independence in 2002, making it one of the youngest countries in the world. As a post-conflict state, Timor-Leste has made significant strides in nation-building, democratic governance, and institutional development.

Since its independence in 2002, Timor-Leste has ratified most core international human rights conventions, reflecting its commitment to upholding international human rights standards despite ongoing challenges related to governance, justice, and socioeconomic development. In 2022, it made further progress with the ratification of the Convention on the Rights of People with Disabilities, making the country's commitment to eight out of nine core human rights treaties.

Timor-Leste's commitment to human rights is also reflected in its domestic legal frameworks. The Constitution of Timor-Leste guarantees a comprehensive set of fundamental rights and freedoms, and obliges the State to ensure their realization.

Despite this robust legal and normative framework, human rights violations and challenges in implementation continue to be reported during the review period, highlighting the need for more effective enforcement and institutional capacity.

Human rights violations and institutional response

The human rights violations reported during the 2023 to 2024 reporting period were primarily related to the right to personal integrity and dignity.

In 2023 and 2024, the Office of the Ombudsman for Human Rights and Justice (PDHJ) investigated 78 cases. Of these, approximately 67 percent to 85 percent were related to violations of the right to personal integrity and security, predominantly committed by members of the National Police of Timor-Leste (PNTL).

These cases of human rights violations included instances of the use of excessive force by the PNTL during field operations. This included both physical aggression towards victims as well as the use of weapons, including situations where victims were shot in the legs after failing to comply with police orders, even after warning shots were fired.¹

To promote accountability, the PDHJ, or the Office of the Provedor for Human Rights and Justice (PDHJ), submitted recommendations to the PNTL to take disciplinary measures against personnel involved in such violations. Cases constituting criminal offences were referred to the Public Prosecution Office for investigation, which aligns with the PDHJ's mandate to investigate and make recommendations in cases of human rights violations.

¹ See PDHJ annual report 2023, P. 32-35. Electronic version: <https://www.pdhj.tl/wp-content/uploads/2024/07/Relatoriu-PDHJ-2023.pdf>

In 2023, through its recommendation follow-up mechanism, the PDHJ assessed the extent of compliance by relevant state institutions. The assessment indicated that 62% of recommendations were fully implemented, while 32% were partially implemented and 8% remain in the process of implementation.²

Civic space under strained freedom of expression and assembly

Human rights in Timor-Leste, particularly the right to freedom of expression and information, freedom of the press and social media communication, and freedom of assembly and manifestation, are legally recognized but remain subject to restrictions.³

To legally enshrine and enable the full exercise of these fundamental rights, the Government enacted the Law on Freedom of Assembly and Manifestation in 2006,⁴ and the Law on Media⁵ in 2014. However, both laws impose significant limitations in the name of safeguarding national interests and protecting other fundamental rights.

Under the Law on Freedom of Assembly and Manifestation, meetings and demonstrations are prohibited in public places located less than 100 meters from the headquarters of sovereign bodies, the official residences of the heads of sovereign bodies, military and militarized installations, prisons, diplomatic

and consular offices, and political party headquarters. These restrictions also apply to ports, airports, telecommunications facilities, power plants, water tanks, and storage facilities, fuel, and flammable materials.⁶

In practice, these restrictions severely limit the public's ability to publicly exercise the right to freedom of assembly and manifestation, given that key government buildings such as the National Parliament and the Palace of Government are situated only a few meters from public roads, with other important institutions located directly across those same roads.

The Law on Media further narrows press freedom by prioritizing the protection of the right to "honor, good name, reputation, privacy and presumption of innocence, judicial secrecy and state secrecy."⁷ While important, these provisions risk curtailing the ability of journalists to investigate and expose corruption, particularly when it involves public officials or political figures. Such restrictions undermine not only media freedom, but also broader anti-corruption efforts in the country.

“*To safeguard the full exercise of fundamental rights, particularly freedom of expression, assembly, and manifestation, the PDHJ could have exercised its constitutional competencies to request the Supreme Court to conduct an abstract review of the constitutionality of these laws. In parallel, PDHJ could undertake independent research and legal analysis to provide formal opinions and submissions to the Government and National Parliament, advocating for their revision and amendment.*”

² See PDHJ annual report 2023, P.65.

³ See the Article 40, 41 and 42 of the Constitution: https://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf

⁴ See Law No. 1/2006: <https://www.mj.gov.tl/journal/?q=node/894>

⁵ See Law No. 5/2014: <https://www.mj.gov.tl/journal/?q=node/6488>

⁶ See Article 5 of Law No. 1/006.

⁷ See the Article 11 of the Law No. 5/2014 and also Article 36 of the Constitution.

A steady path to political freedom

According to the Democracy Report 2025 by V-Dem Institute, Timor-Leste is classified as an electoral democracy, compared with other regime types such as liberal democracies, electoral autocracies, or closed autocracies.

Competitive elections characterize electoral democracies, but some countries lack certain institutional safeguards and liberal features. As a result, such countries may experience some levels of democratic backsliding, preventing them from being classified as a full liberal democracy with robust accountability mechanisms and democratic norms. This indicates that Timor-Leste continues to strengthen its institutions and democracy to progress toward liberal democracy.

Importantly, Timor-Leste is also listed among countries with improving democratic performance, reflecting its status as a “democratizing” state.⁸

As a democracy, political freedom is guaranteed by the Constitution, which upholds citizens' rights to freely participate in political life, establish political parties, and affiliate with parties of their choice.⁹

⁸ Nord, Marina; Altman, David; Angiolillo, Fabio; Fernandes, Tiago; Good God, Ana; and Lindberg, Staffan I. :Democracy Report 2025: 25 Years of Autocratization – Democracy Trumped?” University of Gothenburg: V-Dem Institute. 2025. https://www.v-dem.net/documents/54/v-dem_dr_2025_lowres_v1.pdf

⁹ See Article 46 of the Constitution. Electronic version of the Constitution https://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf

To ensure these rights are realized, the Government has enacted the Law on Political Parties,¹⁰ numerous election laws,¹¹ the Law on Political Campaign, and other relevant legislation to regulate and facilitate electoral processes.¹²

“*Since the restoration of independence in 2002, Timor-Leste has consistently demonstrated political freedom through regular elections.*”

Five parliamentary elections have been held, including the 2023 national election conducted during this reporting period. The 2023 elections took place in a competitive yet peaceful environment. According to the Final Report of the EU Election Expert Mission to Timor-Leste, the process was credible and transparent overall, and successfully concluded.¹³

¹⁰ See Law No.3/2004 amended by Law No. 2/016. The electronic version here: <https://www.laohamutuk.org/Justice/2023/ParlElec/Law%203-2004%20on%20Political%20Parties%20including%20amendmentsEn.pdf>

¹¹ See Law No. 6/2006 amended by Law No. 9/2017 on the election of National Parliament. See the electronic version here: <https://mj.gov.tl/journal/lawsTL/RDTL-Law/RDTL-Laws/Law-2006-06.pdf>, Government Decree No. 18/2017 on election campaign: <https://www.laohamutuk.org/Justice/2017/EIPar/Government%20Decree%2018-2017en.pdf> and Government Decree No. 19/2017 on out-of-country voting: <https://www.laohamutuk.org/Justice/2017/EIPar/Government%20Decree%2019-2017en.pdf>

¹² Government Decree No. 12/006 on voter registration, Government Decree No. 16/2017 on submission of the list of candidates, Government Decree Law No. 17/2017 on oversight, observation, and media coverage of the election and Government Decree Law No. 21/2017 on organization and operations of polling centers and voting, vote counting, and tabulation of results.

¹³ European Union. “Election Expert Mission: Timor Leste 2023.” Election Observation and Democracy Support. EU Election Expert Missions, 2023. <https://www.eods.eu/library/EU%20EEM%20TLS%202023%20FR%20en.pdf>.

Beyond political freedom and electoral participation, freedom of expression and press freedom in the country remain strong, both in general and during election periods. The Constitution and media law guarantee press freedom, safeguard the independence of media institutions, and prohibit censorship.

Affected communities of forced eviction

Serious human rights violations were reported during forced evictions carried out by the State Secretariat for Toponymy and Urban Organization (SEATO) in the capital, Dili. From 2023 until 2025, the government, through military and police forces, forcibly removed residents from their homes without adhering to the procedures outlined in Law No. 8/2017 on Expropriation for Public Utility.

The evictions were conducted without prior consultation, adequate notice, or provision of alternative housing for the affected individuals. In addition, no compensation was provided to those displaced before the eviction occurred, in direct violation of legal and human rights standards concerning the right to adequate housing and protection from forced displacement.

In its Annual Report 2024, the PDHJ detailed a joint press conference held by PDHJ together with the affected communities in Aitarak Laran, Dili. Numerous evictions took place in 2024 and 2025, prompting concerns from several members of Parliament that the procedures set out in the law were not being followed.

“Despite this, civil society actors believe that the PDHJ could have taken a more proactive role in advocating for the rights of the affected communities. In particular, the PDHJ did not appear to actively amplify the voices of those displaced or ensure the protection of their rights to dignity, fair compensation, and adequate housing.

Passive approach toward marginalized communities

In Timor-Leste, marginalized groups include persons with disabilities and individuals identifying as Lesbian, Gay, Bisexual, Transgender, Intersex, and Questioning (LGBTIQ+). Among these, the LGBTIQ+ community is particularly the most vulnerable.

The government has consistently overlooked the community in its policies, while both the Catholic and Protestant Churches regard LGBTIQ+ identities as contrary to religious teachings. Similarly, many in the broader Timorese society view LGBTIQ+ identities as inconsistent with social norms and values. Broader Timorese society also often perceives LGBTIQ+ identities as inconsistent with social norms and cultural values. As a result, the community faces widespread stigma and discrimination, despite ongoing efforts to self-organize, raise awareness, and advocate for recognition and protection of their rights.¹⁴

¹⁴ See the related information here: <https://dialogosuntl.com/index.php/revista/article/download/87/196/309>

“The PDHJ appears to have taken a very passive approach toward advocating for and protecting the rights of the LGBTIQ+ community.

Annual reports, including those for 2023 and 2024, contain no information regarding measures taken to support this community, provide capacity-building on rights, or promote strategies for effective advocacy.¹⁵

Establishment and mandate of PDHJ

The PDHJ was granted constitutional status in March 2002 under Article 27 of the Constitution of the Democratic Republic of Timor-Leste. It was formally established in 2004 through the enactment of Law No. 7/2004 on the Statute of the PDHJ, which created the institution as an independent national human rights body.¹⁶ According to this law, the PDHJ shall not be subject to the direction, control, or influence of any person or authority, thereby ensuring its autonomy in the promotion and protection of human rights and good governance.

¹⁵ See information related to LGBTIQ+ rights in Timor-Leste: “LGBT Rights in Timor-Leste | Equaldex,” n.d. <https://www.equaldex.com/region/east-timor>.

¹⁶ See English version here: <https://pdhj.tl/wp-content/uploads/2013/11/Law-2004-7-PDHJ-Statutee.pdf> and Portuguese version here: https://www.mj.gov.tl/jornal/public/docs/2002_2005/leis_parlamento_nacional/7_2004.pdf

In 2024, the PDHJ was again reaccredited with A Status by the Sub-Committee of Accreditation of the Global Alliance for National Human Rights Institutions (GANHRI-SCA), receiving international recognition for its compliance with the Paris Principles.¹⁷

In line with the Paris Principles, the enabling law of the PDHJ, Law No. 7/2004, provides for a broad and robust mandate. Under Article 24, the PDHJ is entrusted with extensive powers to promote and protect human rights and good governance in Timor-Leste.

More can be done to support vulnerable groups

The PDHJ has attempted to exercise and implement its mandate to promote and protect human rights. However, its coverage has not extended to all aspects of human rights. In particular, the rights of vulnerable groups remain insufficiently addressed. This includes the LGBTIQ+ community, as previously discussed, as well as persons with disabilities, especially regarding their rights to education, health, public facilities, and employment. Both groups continue to face discrimination and violations of their fundamental rights.

¹⁷ See complete information at official website of PDHJ: <https://www.pdhj.tl/en/pdhj-receives-a-status-accreditation-from-ganhri-strengthening-commitment-to-human-rights/> and also GANHRI-SCA: https://ganhri.org/wp-content/uploads/2024/11/SCA-Report-2nd-Session-2024_EN.pdf

Some examples of cases of discrimination include:¹⁸

- ♦ Lesbian students were prohibited from expressing their identities, including restrictions on wearing school uniforms aligned with their gender identity or orientation.
- ♦ Students with disabilities were denied admission to the Faculty of Medicine at the National University of Timor-Leste (Universidade Nasionál Timor Lorosa'e (UNTL).
- ♦ Reports of persons with disabilities facing discriminatory treatment at the national hospital, including denial of adequate medical attention (further details should be verified/documented).
- ♦ An LGBTIQ+ individual was humiliated and discriminated against at the Public Prosecution Office while seeking services.
- ♦ A highly competent LGBTIQ+ candidate was excluded from consideration for a government post solely based on sexual orientation.

These cases illustrate how vulnerable groups continue to encounter barriers that prevent them from enjoying equal rights and opportunities.

“The lack of a strong response from the PDHJ suggests gaps in its advocacy and monitoring role, especially in addressing systemic discrimination and ensuring accountability for violations.

The PDHJ has appeared not to have publicly addressed these cases. Since some of these cases were publicly disclosed, civil society encourages PDHJ to strengthen its proactive role in initiating investigations on its own accord, rather than relying on formal complaints.

Exercising constitutional veto powers

Under Article 24 of Law No. 7/2004, the PDHJ is mandated to monitor and advise the Government and its agencies, conduct inquiries into systematic or widespread human rights violations, and submit recommendations and reports on human rights matters to the Government or Parliament. The PDHJ is further empowered to review draft legislation, promote compliance with international standards of domestic laws, and recommend the adoption of new legislation or any amendment of existing legislation and other regulations.

The Constitution additionally empowers the PDHJ to request the Supreme Court of Justice to declare any legislative measure unconstitutional. Notably, it prescribes the PDHJ with the power to seek a judicial review of ‘unconstitutionality by omission,’ referring to the failure to adopt any legislation necessary for the full implementation of the provisions of the Constitution.¹⁹

Within its constitutional and legal mandate, during the reporting period, in 2023 and 2024, the PDHJ submitted 11 requests to the Supreme Court of Justice (temporarily exercised by the Court of Appeal). These included both abstract reviews of

constitutionality as provided under Article 150 of the Constitution, and verifications of unconstitutionality by omission under Article 151.

“This demonstrates that the PDHJ has actively engaged with its constitutional powers, particularly ensuring that national legislation is consistent with human rights standards and constitutional guarantees.

The PDHJ has been invited to provide opinions on draft bills initiated by the Parliament and Government, as well as to participate in public consultations organised by CSOs. Notably, on 15 April 2025, the PDHJ took part in a public consultation on the draft Cybercrime and Cybersecurity Law, organized by Fundasaun Hadomi Timor (FHT) at the Timor-Leste NGO Forum (FONGTIL), alongside other state institutions and civil society representatives.

20

Appointment of PDHJ's leadership

While the appointments of the Ombudsman and Deputy Ombudsperson are outlined in the Statute of the PDHJ, the process has drawn criticism due to the limited level of consultation with civil society. While the selection of Deputy Ombudsmen has, in the past, involved civil society participation through the adoption of a Normative Order, the appointment of the Ombudsman lacks such provisions, offering little opportunity for public input or transparency.

By law, the National Parliament is responsible for the selection of the Ombudsperson. This includes announcing a public call for applications within one month of the position becoming vacant. All candidates are deliberated and voted upon in a plenary session of the National Parliament, and the Ombudsman for Human Rights and Justice is then appointed by an absolute majority of votes.

While there have been efforts by the National Parliament to solicit public input through calls for written submissions from stakeholders, the appointment process remains largely exclusive and lacks meaningful civil society engagement. Although vacancies are publicly announced and candidates are deliberated in Parliament, the absence of a structured mechanism for civil society participation during the nomination and screening phases undermines the transparency and inclusiveness of the selection process.

In contrast, while the law grants the Ombudsman full discretion to appoint Deputy Ombudsmen, previous leadership has demonstrated good practices by involving civil society in the selection process through inclusive panels.

In 2023, however, the current Ombudsman limited the consultation to the Advisory Council of PDHJ, without extending the process to civil society actors (PDHJ Annual Report 2023, p.71). The rationale provided was the absence of any legal provision requiring the Ombudsman to consult civil society on the appointment of the Deputy Ombudsmen. Under Article 16(1) of the Statute of the PDHJ, the appointment of the Deputy Ombudsmen is at the full discretion of the Ombudsmen.

18 See detail information here (P.175): <https://dialogosuntl.com/index.php/revista/article/download/87/196/309>

19 See Article 150 and 151 of the Constitution.

20 See the news on public consultation in Tetun at the public media Tatoli: Marques, Osoria. “Fundasaun Hadomi Timor Realiza Diskusaun Ba Esbozu Lei Krime Sibernetika.” TATOLI Agência Noticiosa De Timor-Leste. April 15, 2025. <https://tatoli.tl/2025/04/15/fundasaun-hadomi-timor-realiza-diskusaun-ba-esbozu-lei-krime-sibernetika/>.

To ensure a minimum degree of transparency, the Ombudsman conducted limited consultation with the Advisory Council, which included representatives from civil society, such as the JSMP, as well as the Public Defender's Office. The Executive Director of JSMP, Mrs. Ana Paula Marçal, who participated in the Council, expressed disagreement with the consultation mechanism and advocated instead for the establishment of a selection panel, a practice adopted by previous Ombudsmen despite not being mandated by law.

Civil society calls on the National Parliament to institutionalize a participatory selection mechanism to enhance the merit, credibility, and independence of PDHJ's leadership. This could involve establishing an independent selection panel with representation from civil society and relevant stakeholders. Such a reform would require amending the Statute of the PDHJ, ensuring that the selection process is consistent with international best practices and the Paris Principles.

“The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of: (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists, and eminent scientists;” (Paris Principles on composition and guarantees of independence and pluralism).

During the PDHJ's accreditation review in 2024, the GANHRI-SCA noted the lack of institutionalized CSO participation in the selection of the Ombudsperson. Although the PDHJ was re-accredited with “A” status, the SCA reiterated the need for legislative reforms to ensure equal CSO participation in the selection processes of both the Provedor and the Deputy Provedor.

“The SCA has raised concerns that the current process for the selection and appointment of the Provedor is neither sufficiently broad nor transparent. In particular, it lacks formal mechanisms to ensure consultation and participation by civil society organizations (CSOs) and other diverse groups.

To address this, the SCA recommends that the PDHJ advocate for a formalized process that promotes broad consultation, such as soliciting nominations from CSOs or enabling their direct involvement in the evaluation process. Such measures would help strengthen inclusivity, transparency, and public confidence in the appointment of the Provedor.^{21,22}

21 See the details at the official website of the United Nations Human Rights Commission: <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>

22 GANHRI Sub-Committee on Accreditation Report – Second Session SCA 2024: <https://ganhri.org/wp-content/uploads/2025/01/SCA-Report-2nd-See-Session-2024-dec-EN.pdf>

Ensuring a seat at the table for all marginalized groups

Under the current legislative framework, the Statute of the PDHJ establishes a strong legal requirement for pluralism and diversity among its staff, in line with the Paris Principles. The law mandates that staff appointments be based on qualifications, while also taking into consideration the gender balance, ethnic, and religious representation.

The PDHJ has made notable progress in promoting gender equality across its staffing structure. The institution now comprises two men and one woman at the leadership level, reflecting an improvement from its earlier single-member governing body. At the Director level, women occupy four of six posts (67%), while at the managerial level (17 positions), women hold seven roles (41%).²³

A relative gender balance between men and women is also observed at the working level. The PDHJ employs 148 staff members, comprising 62 women (42%) and 86 men (58%). Staff are categorized as permanent, non-permanent staff, and secondment personnel. Further details are as follows:

Of the 94 permanent staff, 44 are women (47%) and 50 are men (53%). Among the 17 non-permanent or contracted staff, 7 are women (41%) and 10 are men (59%). Finally, of the 37 secondment staff from the Public Administration, 11 are women (30%) and 26 men (70%).

While the overall gender balance is relatively positive—with women comprising 42% of total staff—the inclusion of other vulnerable

23 See t PDHJ Annual Report 2024, pp. 99–100

and marginalized groups remains limited. The PDHJ lacks staff representation from people with disabilities, the LGBTIQ+ community, and minority religious groups.

These figures indicate progress toward achieving gender parity, particularly in leadership and permanent staffing, while highlighting the need for further efforts to address gaps among secondment personnel.

Furthermore, the PDHJ's staffing reports do not disaggregate data by gender identity beyond male/female, religious affiliation, or disability status. The lack of detailed demographic data makes it difficult to assess the institution's inclusiveness in terms of representation and equal opportunity. Moving forward, it would benefit the PDHJ to include this information in future annual reports to enhance transparency and track progress toward inclusive representation.

“Diversity across all levels of leadership and staff within the PDHJ is essential to strengthening its ability to understand and respond to the full spectrum of human rights issues in society. A pluralistic composition enhances both the accessibility and representativeness of the institution, particularly for marginalized and traditionally underrepresented groups.

To this end, efforts to promote diversity should explicitly account for gender identity, ethnic background, disability, and minority status.

PDHJ's commendable international solidarity efforts

In 2024, PDHJ and Centro Nacional Chega (CNC),²⁴ which implements the recommendations of the Commission of Reception, Truth, and Reconciliation, co-hosted a public hearing on Myanmar to highlight the ongoing human rights crisis. PDHJ, led by chief ombudsman Virgilio da Silva Guterres, emphasized Timor-Leste's responsibility to defend human rights and pledged to raise the issue within the Southeast Asian National Human Rights Institution Forum (SEANF) and communicate concerns to Myanmar's human rights commission.

CNC, represented by executive director Hugo Fernandes, stressed that Myanmar's crisis undermines democracy across the region, framing the inquiry as both a gesture of solidarity and a call for regional accountability. The public hearing, led by the PDHJ as the Chair of SEANF back then, set a good precedent on how NHRI could take an active role in strengthening and championing regional solidarity on transboundary issues in the ASEAN region, especially when gross human rights violations are involved, such as in Myanmar.

In July 2024, the PDHJ was invited to attend the ASEAN Intergovernmental Commission on Human Rights (AICHR) Special Meeting as an observer in Vientiane, Lao PDR. This invitation marked a significant step in Timor-Leste's engagement with regional human rights mechanisms, ahead of the country's anticipated full membership in ASEAN in 2026. PDHJ's participation highlights Timor-

Leste's commitment to regional human rights cooperation and the promotion of human rights standards within ASEAN.

Scope and power to conduct investigations and inquiries

The Statute of the PDHJ clearly defines its mandate and investigation powers with regard to human rights violations. Under the previous Statute, the Law No. 7/2004, effective from 2004 to 2009, the PDHJ's scope of actions covered issues such as nepotism, collusion, influence peddling, and corruption. However, in 2009, with the adoption of Law No. 8/2009, these powers were transferred to the Commission of Anti-Corruption.²⁵

At present, the PDHJ's mandate is limited to human rights violations, fundamental freedoms and guarantees, abuse of power, maladministration, illegality, manifest injustice, and lack of due process, as well as instances of nepotism, collusion, and influence peddling as provided in Article 23 and Article 3(3) of its Statute.

“ 1. *The Ombudsman for Human Rights and Justice shall exercise his or her functions within the scope of action of public entities, notably the Government, the PNTL, the Prison Service, and the F-FDTL.* 2. *The action of the Ombudsman for Human Rights and Justice may also focus on the activities of public or private entities and agencies that, regardless of their origin, fulfil public functions and services or manage public funds or assets.* 3. *The Office shall, subject to Article 37.3, investigate all*

complaints relating, but not limited to acts or omissions which: (a) are contrary to the law or regulation; (b) are unreasonable, unfair, oppressive or discriminatory; (c) are inconsistent with the general course of a public entity or agency's functions; (d) proceed from mistake of law or an arbitrary, erroneous or mistaken ascertainment of facts; (e) are otherwise irregular and devoid of justification.”²⁶

Article 28 of the PDHJ Statute grants the institution extensive powers to fulfill its mandate. These include receiving and dismissing complaints, initiating investigations, summoning individuals, accessing documents and premises, and visiting places of detention for inspection and confidential interviews. The PDHJ may also refer cases to competent authorities, act as a mediator, propose remedies and reparations, and issue recommendations to improve respect for human rights and good governance. Furthermore, it is empowered to report its findings and recommendations directly to the National Parliament.

PDHJ's investigations are managed under the Directorate of Protection Services, with all registered complaints first reviewed by the Complaint Management Commission (CMC). The CMC determines whether a complaint falls within the mandate of PDHJ, whether it should proceed to investigation, or whether it should be referred to other relevant and competent state institutions.

In 2023, the PDHJ received 187 complaints, of which 175 were submitted to the CMC for evaluation. The CMC decided to investigate 112 of these complaints, resulting in findings of 39 cases of human rights violations. Final Investigation Reports were finalized and

published in 2023, including several pending cases from the previous year.²⁷

In 2024, the PDHJ received 192 complaints, and CMC authorized investigations into 115 of them. Of these, 39 cases of human rights violations were found. The Final Investigation Reports were also finalized and published in 2024²⁸. During the same year, the PDHJ issued 168 notifications to the complainants on the status of their cases.²⁹

Regarding mediation and conciliation, the PDHJ registered five cases in 2023, four cases concerning violations of good governance and one concerning a human rights violation. Of these, three cases were successfully resolved, including one human rights violation case and two good governance cases.³⁰ In 2024, the PDHJ initiated mediation and conciliation in 11 cases, of which four cases were successfully resolved.³¹ To enhance its effectiveness, the PDHJ should strengthen its capacity to resolve a greater proportion of such cases, with a target of achieving at least an 80% resolution rate.

²⁴ See official website of CNC: <https://centrochega.gov.tl/>

²⁵ See the electronic version the law at the official website of the PDHJ: <https://pdhj.tl/wp-content/uploads/2013/11/Law-8-2009-CAC-Law-amended-PDHJ-Statute-e.pdf>

²⁶ Article 3 of the Statute of PDHJ on Scope of Action

²⁷ See PDHJ annual report 2023 (Tetun Version), P. 59 & 62: <https://www.pdhj.tl/wp-content/uploads/2024/07/Relatoriu-PDHJ-2023.pdf>

²⁸ See PDHJ annual report 2024, P.17-23

²⁹ See PDHJ annual report 2024, P.18

³⁰ See PDHJ annual report 2023, P.64.

³¹ See PDHJ annual report 2023, P.19.

Accessibility of the PDHJ

In evaluating the PDHJ's effectiveness in addressing human rights violations, accessibility remains a key factor. The PDHJ has established several mechanisms to receive reports of human rights violations. Civil society recognizes PDHJ's efforts in promoting accessibility, particularly in mitigating challenges rural communities face in reaching the institution. PDHJ has also demonstrated sustained engagement with government bodies to ensure the implementation of its recommendations.

Central and branch offices

To bring its services closer to the communities, PDHJ has established a central office and four branch offices. The central office is responsible for complaints from Dili and Liquisa municipalities; the Baucau branch office is responsible for complaints from Baucau, Lautem, Viqueque, and Manatuto municipalities; the Maliana branch office is responsible for complaints from Bobonaro, Covalima, and Ermera Municipalities. There is also a branch office for the autonomy region of Oecusse.

According to the PDHJ, the Civil Service Commission is trying to recruit focal points to be deployed in municipalities where no representation of PDHJ currently exists. These focal points will report directly to the heads of local offices. Mechanisms for partnership and engagement with local stakeholders and communities are also in place. In addition, PDHJ staff regularly deliver training activities for municipal-level civil servants and community leaders at the Suco (village) level.

Temporary focal points or human rights monitoring network³²

PDHJ also established temporary focal points in each district to support its monitoring and reporting of cases of human rights violations and to support members of the community who want to lodge complaints.³³

Complaint box

Complaint boxes are available across all public offices, particularly the sub-district and district or municipality offices. These complaint boxes are one of the mechanisms used by PDHJ to get closer to the people, especially for those without the means to reach its regional or central offices.³⁴

Free landline and online complaints

The PDHJ provides a toll-free landline for the public to file complaints.³⁵ In cases where complainants do not have access to the official number, they often contact the personal numbers of PDHJ staff, including the Ombudsman and Deputy Ombudsmen. The PDHJ ensures that such calls are returned.

Online complaints can also be made through PDHJ's official website.³⁶ However, due to technical issues, the website still lacks key information or lags behind on updates, such as annual and thematic reports, and details on the institutional structure.

³² PDHJ, Strategic plan 2011-2020, p. 7, available at: <http://pdhj.tl/wp-content/uploads/2013/11/SP-PDHJ-2011-2020-e.pdf>.

³³ Interview with Dr. Horacio de Almeida, Deputy Ombudsman for Human Rights and Justice, 14 July 2016. See: <http://pdhj.tl/about/meet-the-ombudsman-and-deputies/?lang=en>

³⁴ Law No. 7/2004, Article 28.

³⁵ The number for the Central Office in Dili is (+670) 3331184.

³⁶ See <http://pdhj.tl/case-handling/make-a-complaint-online/?lang=en>

Direct monitoring

The PDHJ also conducted direct field monitoring, such as during military and police joint operations, public demonstrations, evictions, and national elections. The PDHJ also regularly visits prisons and detention centers.

Follow-up recommendations mechanism

PDHJ organizes high-level meetings with officials from relevant ministries and state institutions to follow up on its recommendations, particularly when responses are not received within the prescribed sixty-day period.³⁷ These meetings serve both to obtain information and to ensure that the respective state institutions implement the recommendations.

To ensure the implementation of its recommendations by the relevant state institutions, the PDHJ also established a department for follow-up of recommendations.

“ This mechanism, included in its strategic plan³⁸ reflects the implementation of recommendations made in several ANNI annual reports in the past.³⁹

³⁷ Law No. 7/2004, Article 47(3) which states that the organ to which a recommendation is addressed must, within sixty days, inform the Ombudsman for Human Rights and Justice of the extent to which the recommendation has been acted upon or implemented.

³⁸ PDHJ, Strategic plan for 2011-2020, p. 10.

³⁹ See point 6 of ANNI recommendation to PDHJ in 2013 ANNI Report, available at: <http://jsmp.tl/wp-content/uploads/2014/10/ANNI-annual-report-2013.pdf>; see point 5 of ANNI recommendation to PDHJ in 2014 ANNI Report, available at: <http://jsmp.tl/wp-content/uploads/2014/10/ANNI-Annual-Report-20141.pdf>; and see point 6 of ANNI recommendation to PDHJ in 2015 ANNI Report

PDHJ's competence to request the review of the constitutionality of laws

Under Article 150 of the Constitution, the PDHJ is authorized to request the Supreme Court of Justice (SCJ) to conduct an abstract review of the constitutionality of legislative measures. Furthermore, Article 151 empowers the PDHJ to request a review of unconstitutionality by omission in cases where the absence of legislation prevents the full implementation of constitutional rights.

In 2023, the PDHJ submitted a request for abstract review of constitutionality to the SCJ (temporarily exercised by the Court of Appeal) concerning Article 128 of Decree-Law No. 69/2022, on the professional statute of staff in the National Police of Timor-Leste (PNTL). The PDHJ raised concerns that the provision establishing a mandatory retirement age of 60 could constitute discrimination and an undue restriction on the right to work and fair labor conditions.⁴⁰

In 2024, the PDHJ demonstrated a notable increase in constitutional litigation, filing nine requests for abstract review of constitutionality and four requests for unconstitutionality by omission. These covered a broad range of civil, political, economic, and social rights.

- ♦ Omissions included the lack of legislation on civil registration for marriage recognition, minimum wage protections for domestic workers, indigenous land rights, and personal data protection.

⁴⁰ PDHJ Annual Report 2023, p.68

- ♦ Abstract reviews challenged laws and policies on the pardon and commutation process for prisoners, the national family planning policy, discriminatory provisions in the Civil Code on marriage recognition for non-Catholic communities, transportation subsidies, and the management of state movable property. These cases raised critical concerns about equality, transparency, and compliance with human rights standards.⁴¹
- ♦ The PDHJ exercises its constitutional review powers both on its own initiative and based on submissions from civil society and the general public. According to Article 118(3) of the Constitution, decisions of the Court on constitutionality are final and binding, superseding all other authorities. Consequently, the Government and relevant stakeholders are legally obliged to comply with any ruling that declares a law unconstitutional.

Conclusion

In previous ANNI reports, JSMP consistently recommended that the PDHJ more actively exercise its constitutional competences to ensure that government and parliamentary policies and laws comply with human rights standards and the Constitution. For the first time in 2023 and 2024, the PDHJ made full use of these constitutional powers, marking an important step forward.

The PDHJ continues to fulfil its mandate to protect and promote human rights and justice in line with the Constitution, Paris Principles, and its enabling legislation. Since its establishment, it has consistently maintained its “A” status accreditation, reflecting its compliance with international standards and its demonstrated willingness

to address recommendations aimed at strengthening its independence, mandate, and effectiveness.

However, critical challenges remain. The PDHJ must adopt a more proactive and visible role in defending individuals and communities at risk of rights violations. In particular, it should take stronger action in monitoring and investigating state-led development projects that result in forced evictions, and in protecting vulnerable and marginalized groups, including persons with disabilities and LGBTIQ+ individuals.

The PDHJ should also take concrete measures to improve diversity within its staffing structure, ensuring greater representation of vulnerable and minority groups. Greater representation of vulnerable and minority communities within the institution would enhance its legitimacy and effectiveness.

Finally, the leadership selection process must be reformed to guarantee transparency, meritocracy, and accountability. Establishing a participatory and inclusive mechanism with meaningful civil society involvement would enhance the credibility and independence of the PDHJ, bringing it further in line with international best practices.

Recommendations

- ✓ Based on the concerns raised in this report, JSMP would like to recommend the following:

To the National Parliament:

- ✓ Review Law No. 7/2004 on the Statute of PDHJ to include the participation of civil society in the selection process of the candidate for the position of Ombudsman and also the Deputy Ombudsmen.

To PDHJ:

- ✓ Investigate cases of evictions in suo motu, make public statements through press conference, press release, and publication on social media on the acts of the Government that violate the proceedings provided in the Law of Expropriation to ensure proper eviction and fair compensation of those who are evicted.
- ✓ Ensure gender balance and social inclusion in the recruitment of staff, particularly the representation of people with disabilities, LGBTIQ+, and religious confessions.
- ✓ Ensure the protection and promotion of the Rights of people with disabilities, the LGBTIQ+, and the non-Catholic religious confessions.
- ✓ Include disaggregated data on gender, disability status, and religious affiliation in both the descriptive narrative and the staff listing tables in its annual report.
- ✓ Establish and implement an effective follow-up system with the Government to ensure the adoption and implementation of its recommendations.

- ✓ Advocate for the amendment of the Law on Freedom of Assembly and Manifestation, particularly the provision on the distance of 100m to reduce its distance to reflect the reality and context to ensure the full and effective exercise of the rights of people to freedom of assembly and manifestation.

To the Government:

- ✓ Carefully consider and implement without delay the recommendations of the PDHJ to ensure the compliance of its legislation with international human rights standards.

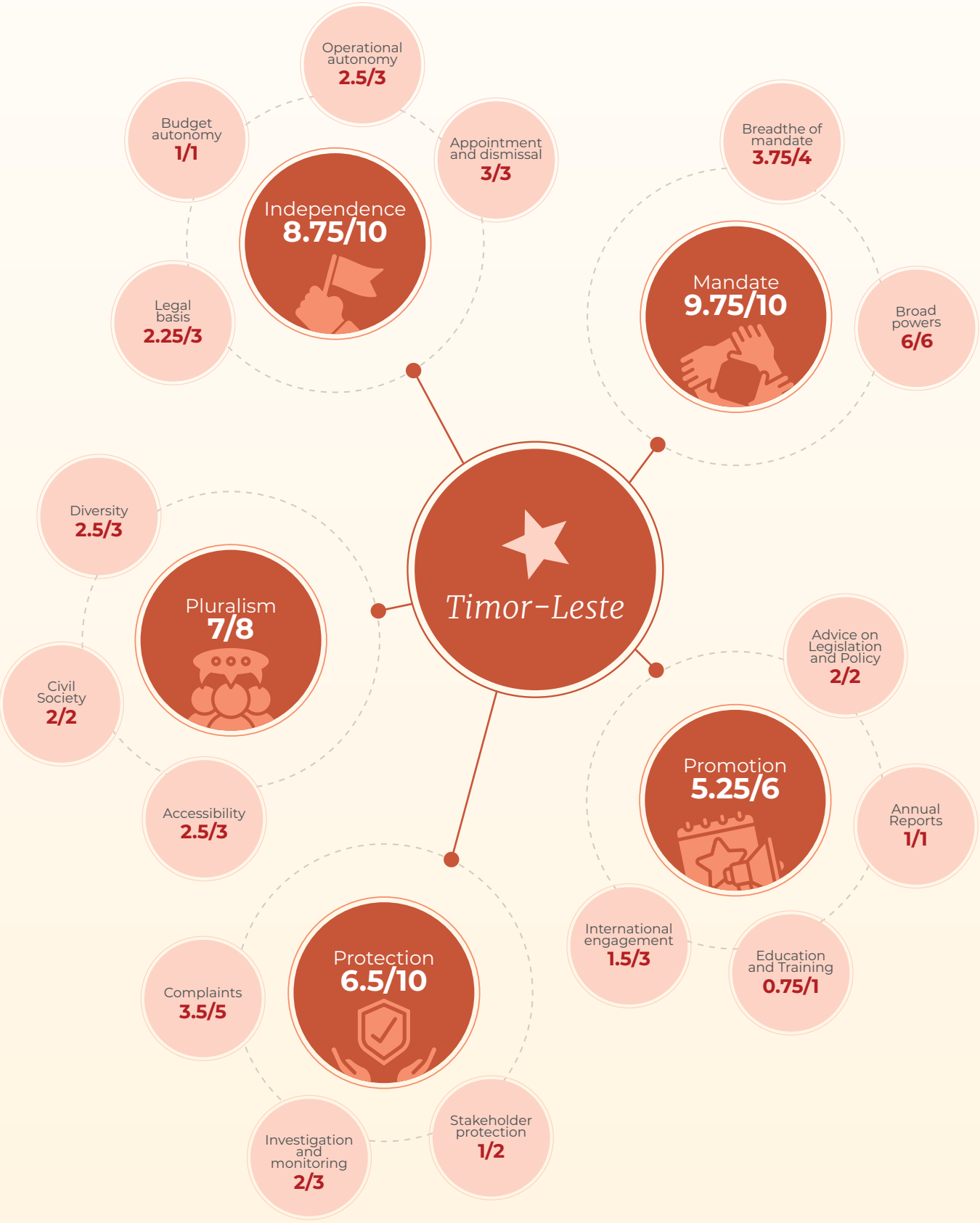
To Timor-Leste National Police (PNTL):

- ✓ Strengthen internal capacity on human rights within the PNTL, drawing on information provided by the PDHJ on human rights promotion and protection, to reduce annual violations.
- ✓ Ensure full implementation of PDHJ recommendations concerning human rights violations committed by PNTL members.

41 PDHJ Annual Report 2024, p. 83–84

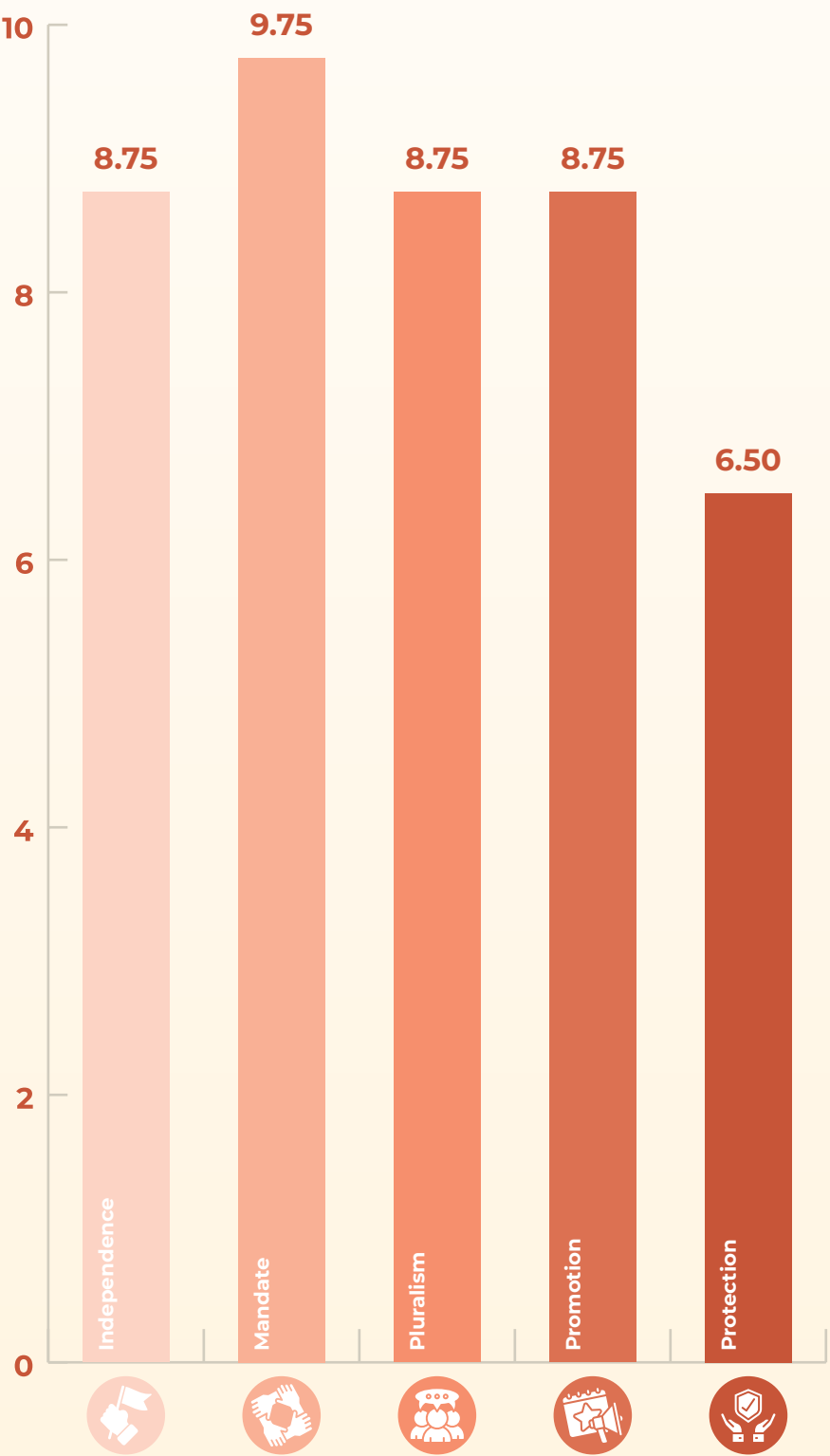
Timor Leste: Intra-parent category comparisons*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.



Timor-Leste: Inter-parent category comparisons by Normalized Scores*

* Adjusted Scores are used for intra-parent category comparisons; while Normalized Scores are used for inter-parent category comparisons. For more details, please refer to the Methodology chapter.





ADHOC	Cambodian Human Rights and Development Association
AiNNI	All India Network of NGOs and Individuals working with National and State Human Rights Institutions
AFP	Armed Forces of the Philippines
AICHR	ASEAN Intergovernmental Commission on Human Rights
ANNI	Asian NGO Network on National Human Rights Institutions
APF	Asia Pacific Forum of National Human Rights Institutions
ASEAN	The Association of Southeast Asian Nations
ASK	Ain o Salish Kendra
BALAOB	Balay Alternative Legal Advocates for Development of Mindanaw
BHRC	Bangsamoro Human Rights Commission
CED	International Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women

CIEDP	Commission on Investigation of Enforced Disappeared Persons
CHRC	Cambodian Human Rights Committee
CHRP	Commission on Human Rights of the Philippines
CHT	Chittagong Hill Tracts
CMHRK	Center for Military Human Rights Korea
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organisation(s)
CW	Covenants Watch
DPR RI	Dewan Perwakilan Rakyat Republik Indonesia (House of Representatives of Indonesia)
EU	European Union
FORUM-ASIA	Asian Forum for Human Rights and Development
GANHRI	Global Alliance on National Human Rights Institutions
GESI	Gender Equality and Social Inclusion
HRCSL	Human Rights Commission of Sri Lanka
HRD(s)	Human rights defender(s)
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
Imparsial	Indonesian Human Rights Monitor
INSEC	Informal Sector Service Centre
Justice Council	Korean Council for Justice and Remembrance for the Issues of Military Sexual Slavery by Japan
JSMP	Judicial System Monitoring Programme (Timor-Leste)

KAIST	Korea Advanced Institute of Science and Technology
KemenHAM / Ministry of Human Rights	Kementerian Hak Asasi Manusia
KHIS	Korean House for International Solidarity
Komnas HAM	National Commission of Human Rights, Indonesia (Indonesian: Komisi Nasional Hak Asasi Manusia)
LGBTIQIA+	Lesbian, gay, bisexual, transgender, intersex, questioning/queer identities
LPSK	Lembaga Perlindungan Saksi dan Korban (Witness and Victim Protection Agency)
LST	Law and Society Trust
MOU	Memorandum of Understanding
MNHRC	Myanmar National Human Rights Commission
NGO	Non-governmental organisation
NHRCB	National Human Rights Commission, Bangladesh
NHRCI	National Human Rights Commission, India
NHRCK	National Human Rights Commission of Korea
NHRCN	National Human Rights Commission, Nepal
NHRC Thailand	National Human Rights Commission of Thailand
NHRC Taiwan	National Human Rights Commission of Taiwan
NHRIs	National Human Rights Institutions
NUG	National Unity Government of the Republic of the Union of Myanmar
OHCHR	Office of the United Nations High Commissioner for Human Rights
PDHJ	Provedoria dos Direitos Humanos e Justiça (Timor-Leste NHRI)
PHRA	Protection of Human Rights Act (PHRA), 1993 (India)

SCA	Sub-Committee on Accreditation of GANHRI
SEANF	South East Asia National Human Rights Institutions Forum
SHRC	State Human Rights Commission
SUARAM	Suara Rakyat Malaysia
SUHAKAM	National Human Rights Commission of Malaysia (Malay: Suruhanjaya Hak Asasi Manusia Malaysia)
SNP	Standar Norma dan Pengaturan (Norms and Standards)
TNI	Tentara Nasional Indonesia
UAPA	Unlawful Activities Prevention (Amendment) Act, 2019
UNICEF	United Nations Children's Fund
UNSR	United Nations Special Rapporteur
UDHR	Universal Declaration of Human Rights
UN	United Nations
UPR	Universal Periodic Review



Scoring Index Codebook

This Index Codebook is a one-stop repository of the indicators/questions along with the indicator justification and description of why and how these indicators are crucial for NHRI performance and effectiveness. The justification also tries to establish why these indicators are important to assess the performance of NHRIs vis-à-vis the promotion and protection of human rights in a country. The codebook starts with an overview of the categories and sub-categories of the indicators (see table I). The indicators/questions are then presented under the five parent categories. All the studies and reports from which this codebook adapts or borrows insights have been cited/referenced in the footnotes. It is hoped that this codebook will help the members in the scoring process as well in developing evidence-based country chapters.

Table I: Category Overview of the Indicators of the Scoring Index

Parent Category	Subcategory	Number of Questions/Indicators
Independence	Legal Basis	3
	Appointment and Dismissal	3
	Budget Autonomy	1
	Operational Autonomy	3
Mandate	Breadth of Mandate	4
	Broad Powers	6
Pluralism	Accessibility	3
	Civil Society	2
	Diversity	3
Promotion	Advice on Legislation and policy	2
	Annual report	1
	Education and training	1
	International engagement	2
Protection	Complaints	5
	Investigation and Monitoring	3
	Stakeholder Protection	2
Total Indicators		44



Independence (10)

Legal Basis

1. What is the legal basis for the NHRI's establishment?

0	Executive decree (or no formal basis)
1	Statute (passed by legislature)
2	Constitution

Indicator Description and Justification

Constitutionally-enshrined NHRIs are theoretically more difficult to alter or abolish than NHRIs established via legislation or by executive decree. Similarly, NHRIs with a statutory basis should be more resistant to meddling from the executive.¹ The GANHRI SCA notes that the “establishment of an NHRI by other means, such as an instrument of the Executive, does not provide sufficient protection to ensure permanency and independence

2. Is the NHRI clearly operationalised in its founding text and/or accompanying enabling legislation? (NOTE: does not include the NHRI's own administrative regulations)

0	No founding text/enabling legislation
1	Founding text/enabling legislation is vague and does not clearly outline most roles, functions, and powers; considerable ambiguity with regards to overlap or conflict with other state bodies/entities exists
2	Founding text/enabling legislation sufficiently outlines some roles, functions, and powers, while others are vague or in conflict with other state bodies/institutions
3	Founding text/enabling legislation clearly establishes the NHRI's roles, functions, and powers, including vis-a-vis other state bodies/institutions, with a few exceptions or areas of ambiguity
4	Founding text/enabling legislation clearly establishes the NHRI's roles, functions, and powers, including vis-a-vis other state bodies/institutions, with no notable exceptions

1 Linos and Pegram, “What Works in Human Rights Institutions?”

Indicator Description and Justification
Some NHRIs have vague or general founding texts (particularly constitutionally-established NHRIs) that are then accompanied by separate enabling legislation that enumerates “the NHRI’s role, functions, powers, funding and lines of accountability, as well as the appointment mechanism for, and terms of office of, its members.” Other NHRIs may include this operational language in its founding text alone, be it constitutional, statute, or executive decree. Regardless of its origin, this operational language is strongest when it is clear, including establishing the NHRI’s role vis-à-vis other institutions and bodies. While in some cases vague language could be an opportunity to interpret the NHRI’s mandate broadly, in general, vague language introduces opportunities to weaken the NHRI’s mandate and independence, even if some of the NHRI’s core functions, powers, and other areas are determined by the NHRI’s own administrative regulations. ² Some scholarship shows that vague language is much more likely to be ignored, particularly by more authoritarian states ³ —a view that is backed by many civil society organisations in the region.

3. Outside of founding/enabling legislation, do other rules and regulations (e.g. NHRI's administrative regulations, state financial compliance rules, civil service code, or other applicable laws/regulations) allow the NHRI to fulfill its mandate without infringement on its independence/ autonomy?

0	Regulations of the NHRI are more onerous than other independent State agencies AND/OR require substantial prior approvals from the government with relation to the NHRI’s mandate and/or create other opportunities for interference
1	Regulations are no more onerous than other State agencies, yet require some prior government approvals related to select areas of the NHRI's mandate and/or create other opportunities for interference
2	Regulations are no more onerous than other State agencies and do not require prior government approvals for any aspects of the NHRI's mandate and/or create other opportunities for interference

Indicator Description and Justification
The SCA states that “the administrative requirements imposed on an NHRI must be clearly defined and should be no more onerous than those applicable to other independent of State agencies” and should not require “an NHRI to seek government approval prior to carrying out its legislatively mandated activities, since this may compromise its independence and autonomy.” ⁴ It is important to note that some regulations with regard to accountability are appropriate, but must not require prior approval or create opportunities to interfere in the NHRI. Potential examples might include onerous financial reporting/approval regulations, civil service codes that compromise the independence of staff members, or even the NHRI's own administrative regulations that introduce room for outside interference

Appointment and Dismissal

4. Does law/regulation ensure an independent, open, transparent, and clearly defined appointment process (throughout nomination, screening, and selection phases) of NHRI members as well criteria for their dismissal?

0	By law/regulation, NHRI members are appointed by the executive without genuine public consultation (i.e. consultation has no meaningful impact on the outcome of the process); OR executive can interfere in/heavily influence selection process in the legislature. No dismissal criteria exists
1	By law/regulation, NHRI members are appointed by the legislature (or other independent body, including the NHRI itself); OR by the executive with genuine public consultation/nomination. Dismissal criteria exist but unclear
2	By law/regulation, NHRI members are appointed by the legislature (or other independent body, including the NHRI itself) with genuine public consultation. Clear criteria exist that only allow dismissal in cases of serious misconduct, malfeasance, incompetence, or incapacitation

2 GANHRI, “General Observations of the Sub-Committee on Accreditation.”
3 Linos and Pegram, “The Language of Compromise in International Agreements.”

4

Indicator Description and Justification	
The laws/regulations that establish appointment processes for NHRI members (i.e. commissioners, ombudsmen) are among the most important for ensuring the independence of an NHRI. When NHRI members are selected by the executive—or by the legislature in processes heavily influenced by the executive—it does not necessarily mean that independent-minded members will not be selected, yet it does open the door to abuse. Appointment by the legislature or other independent body (such as an advisory board or commission or even the NHRI itself) or by the executive after genuine public nomination or consultation established by law can increase independence safeguards. Genuine consultation/nomination means that these processes have clear avenues to impact who is selected and considered. However, it is also important to recognise that legislatures and independent bodies can have their own biases and motivations in the selection of members, which can be reduced by requirements for genuine public nomination and consultation. ⁵	

5. Does law/regulation establish clear skill requirements and/or human rights expertise as criteria for NHRI membership?

0	No criteria in law or regulations that stipulate skill requirements (legal qualification, investigation skills, etc.) or human rights expertise for members
1	Criteria specify general skill requirements (legal qualification, investigation skills, etc.) but does not require human rights expertise
2	Criteria requires human rights expertise (which may or may not be in conjunction with legal qualification or other skills)

Indicator Description and Justification	
NHRI members should be experts in the field of human rights. Other skills or qualifications relevant to their duties can be important—particularly when balanced with the capacities of other members and staff—yet are not a sufficient substitute for human rights expertise. ⁶	

6. Do NHRI members have established term limits?

0	No set term or term of less than 3 years
1	Three to seven years, no option to renew
2	Three to seven years, option to renew

5 Linos and Pegram, “What Works in Human Rights Institutions?”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions”; Carver, “Assessing the Effectiveness of National Human Rights Institutions.”

6 Carver.

Indicator Description and Justification	
The SCA recommends terms from between three to seven years, with an option to renew once. Clearly defined terms of sufficient length promote independence and lend stability to an NHRI’s mandate by ensuring the “continuity of its programs and services.” ⁷ Shorter terms risk a constant state of churn at the NHRI and could potentially increase opportunities for interference by the government of the day.	

Budget

7. Does NHRI have control over its own budget?

0	Budget allocated under and controlled by line ministry or other entity (e.g. Ministry of Justice and/or Ministry of Finance)
1	Budget allocated separately but spending must be authorised by the executive or supervisory body OR budget allocated under line ministry or other entity, but spending/execution does not require separate authorisation
2	Budget allocated separately with complete autonomy of spending/execution for the NHRI (aside from financial accountability requirements)
3	Budget allocated separately with complete autonomy of spending/execution for the NHRI (aside from financial accountability requirements); NHRI is allowed to raise funds externally, but with a corresponding reduction in public funds or other limitations
4	Budget allocated separately with complete autonomy of spending/execution for the NHRI (aside from financial accountability requirements); NHRI is allowed to raise funds externally without any limitations or corresponding reduction

Indicator Description and Justification	
As the SCA states, “government funding should be allocated to a separate budget line item applicable only to the NHRI. Such funding should be regularly released and in a manner that does not impact adversely on its functions, day-to-day management and retention of staff.” Budgets allocated or controlled by other entities impinge on the independence of the NHRI, particularly when prior approval or vetoes of programming can occur. It is important to note that the NHRI should still be “obliged to comply with the financial accountability requirements applicable to other independent agencies of the State.” ⁸ the ability to seek funding from other sources can enable NHRIs that otherwise would not have an adequate budget to fulfill their mandate. As the SCA notes, the funds should only be accepted if they match the “predetermined priorities of the NHRI.” ⁹	

7 GANHRI, “General Observations of the Sub-Committee on Accreditation.”

8 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Carver, “Assessing the Effectiveness of National Human Rights Institutions”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

9 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

Operational Autonomy

8. What best describes the NHRI's ability to resist outside direction/intervention?

0	NHRI has no functional independence and operates as a fully-controlled mouthpiece of the government.
1	NHRI has some nominal independence in limited areas, such as on noncontroversial issues, yet government largely dictates the agenda and decision-making of the NHRI (including through cooption, pressure, and/or threats and other forms of coercion).
2	NHRI acts without instruction or direction from the government on most issues, but pressure/coercion targeting staff and members and/or the institution itself (such as through administrative or budgetary harassment) constrains issue selection, influences content on reporting on findings, and/or impacts the resolution of complaints in some instances.
3	NHRI largely withstands direction, although politicisation of some rights issues may impact some agenda setting and issue selection.
4	Law clearly prohibits instruction from government and establishes processes and/or penalties for noncompliance. NHRI successfully resists all attempts to direct/intervene in the form, content, or any other aspect of the NHRI's work.

Indicator Description and Justification

While independence safeguards are critically important, they are not necessarily determinative of the NHRI's ability (or willingness) to withstand outside direction/intervention. Enterprising members often creatively maintain independence even in situations where safeguards are limited and/or outside pressure is intense. Similarly, there are also many examples in ANNI reports of NHRIs with relatively strong legal safeguards that nonetheless act at the beck and call of the State. Interference can take many forms, from directly influencing the content or findings of investigations, to more general and difficult to detect effects on agenda setting and issue selection.

9. Are independent lines of accountability established for the NHRI?

0	NHRI is accountable to the executive or includes considerable executive involvement and there is interference in decision making as well.
1	NHRI is accountable to the legislature or other nonexecutive body, except with regards to certain administrative issues.
2	NHRI is fully accountable to the legislature or other entity independent of the executive but not allowed to participate in decision making.

Indicator Description and Justification

NHRIs that are accountable to legislatures are theoretically more resistant to interference than those that report to the executive. While this may not always play out in practice, accountability to the legislature at least increases the likelihood that reports and publications will be considered and discussed in committees and that decision-making with regard to NHRI accountability will occur in public.¹⁰

10. Does law/regulation enable the NHRI to determine its staffing structure and hire staff?

0	Significant percentage of staff are seconded civil servants; key senior staff roles are required to be seconded civil servants; AND/OR other elements of staff hiring are outside of the control of the NHRI
1	Secondment of civil servants required for some administrative roles only
2	NHRI has complete autonomy in staffing and hiring

Indicator Description and Justification

An NHRI's ability to determine who works for the institution and in what capacity is a critical component of its independence. NHRIs that require seconded civil servants from other government agencies insert a level of executive influence into the commission. While there may be instances where the NHRI deems it useful or necessary to second a civil servant, such as to fill a specific skill gap, this should be left entirely to the NHRI's discretion¹¹

10 Murray, "National Human Rights Institutions. Criteria and Factors for Assessing Their Effectiveness"; Carver, "Assessing the Effectiveness of National Human Rights Institutions"; Asia Pacific Forum, "A Manual on National Human Rights Institutions," n.d.

11 GANHRI, "General Observations of the Sub-Committee on Accreditation"; Murray, "National Human Rights Institutions. Criteria and Factors for Assessing Their Effectiveness"; Carver, "Measuring the Impact and Development Effectiveness of National Human Rights Institutions."



Mandate (10)

Breadth of Mandate

11. Does the NHRI's mandate cover civil and political rights (CP) as well as economic, social, and cultural rights (ESC) (as defined in ICCPR, ICESCR and other international law)?

0	Rights mandate does not include CP & ESC rights OR interpretation of these rights is functionally meaningless
1	Rights mandate includes both CP & ESC rights, albeit with some deviations and omissions from international standards, including potential areas of conflict/inconsistency between national law /statutory language and international standards
2	Rights mandate includes both CP & ESC rights as defined by international law without exception

Indicator Description and Justification

A broad rights mandate is a key precept of the Paris Principles. Founding or enabling laws that do not make reference to international standards or otherwise define rights in ways that conflict or are inconsistent with human rights standards weakens this mandate. In some cases, the restrictive interpretations of rights, such as ill-defined but superseding local frameworks, can go so far as to render reference to specific rights or international standards effectively meaningless. Economic, social, and cultural rights are more often excluded from NHRI mandates.¹²

12 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Linos and Pegram, “What Works in Human Rights Institutions?”; Carver, “Assessing the Effectiveness of National Human Rights Institutions”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

12. Regardless of law/regulation and recognising the limitations of NHRIs to address every rights issue, what best describes the NHRI's coverage of rights issues?

0	NHRI focuses on a narrow subset of rights issues that excludes most pressing rights challenges.
1	NHRI addresses rights within a single rights domain (CP or ESC rights), albeit with notable exceptions, such as socially or politically sensitive rights issues.
2	NHRI addresses rights across domains (CP and ESC rights), albeit with notable exceptions; OR within a single domain without notable exceptions.
3	NHRI addresses rights across domains with some minor exceptions mostly related to capacity or the need to overcome limiting national definitions of human rights issues.
4	NHRI addresses rights issues across domains without exception.

Indicator Description and Justification

Regardless of the rights mandate established by law, NHRI members and staff can have a profound impact on how this mandate is interpreted in practice. NHRIs with enough independence to select issues on their own initiative can ensure that major rights are not being ignored, regardless of “order or hierarchy.”¹³ Likewise, even NHRIs with the broadest possible rights mandate can end up focusing on a narrow set of rights or be blind to some particularly important rights issues.

13. Does the NHRI's mandate cover all public bodies and entities, (including police, security, and intelligence agencies) as well as acts and omissions of the private sector and non-state actors?

0	Some or all security forces (or other public bodies) are either explicitly or functionally excluded from the NHRI’s mandate. Likewise Private sector and other non-state actors not included in the NHRI’s mandate
1	Security forces (or other public bodies), private sector and other non-state actors are not explicitly excluded, yet the NHRI's ability to investigate abuses is limited by other laws, policies, or regulations AND/OR requires special procedures with regard to abuse by security forces
2	Security forces (or other public bodies) as well as private sector, and other non-state actors are included in the mandate and NHRI has sufficient authority to investigate

13 Carver, “Assessing the Effectiveness of National Human Rights Institutions”; GANHRI, “General Observations of the Sub-Committee on Accreditation.”

Indicator Description and Justification

NHRI jurisdictions should cover all public bodies without exception, including and especially security forces. While a significant portion of human rights committed by governments are perpetrated by security forces, including police, military, and intelligence agencies, these bodies are often excluded, either de jure or de facto, from the NHRI’s mandate. This could include explicit exclusion in the law, special procedures or prior approvals required, or functional limitations on the NHRI’s ability to investigate or compel participation from these actors. While security forces are most likely to be excluded, no public body should be similarly exempt from jurisdiction.¹⁴

The SCA states that NHRI mandates should “extend to the acts and omissions of both the public and private sectors.” In particular, businesses or violent non-state actors are often complicit in significant human rights violations, and NHRI mandates must be sufficient to investigate these abuses.¹⁵

14. Do violations or issues investigated by the NHRI have a statute of limitations in any law or regulation?

0	A statute of limitations of any duration exists
1	No statute of limitation exists but there are thresholds and limitations in practice
2	No statute of limitations exists

Indicator Description and Justification

While NHRIs may end up having practical thresholds for triaging complaints, NHRIs should not have statues of limitations for human rights violations—including abuses that occurred prior to the founding of the NHRI. As Carver notes, “fear, psychological trauma or difficulty in gathering supporting evidence may delay the lodging of such complaints. . . .Passage of time should not allow those responsible to escape accountability or those affected to lose the right to obtain redress.”¹⁶

14 Carver, “Assessing the Effectiveness of National Human Rights Institutions”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions”; GANHRI, “General Observations of the Sub-Committee on Accreditation.”

15 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Carver, “Assessing the Effectiveness of National Human Rights Institutions.”

16 Carver.

Broad Powers

15. Does the NHRI have the power to compel the production of evidence including testimony/ attendance of witnesses?

0	No power
1	Yes, with no penalty for non- compliance or process to enforce compliance
2	Yes, with penalty for non- compliance or process to enforce compliance

Indicator Description and Justification

NHRIs require the formal power to compel the production of evidence in their investigations of complaints and/or systemic rights abuses. However, when these powers are not combined with clear processes to enforce compliance or issue significant penalties, these powers may be difficult to enforce. Without these powers, NHRIs have few tools that set them apart from civil society organisations.¹⁷ NHRIs similarly require the formal power to compel the testimony and/or the attendance of witnesses in their investigations of complaints and/or systemic rights abuses.

16. Does the NHRI have authority to be party to court action?

0	No authority
1	Authority to be party to action, dependent on the issue in question or the leave of the court
2	Unlimited authority to join or initiate action

Indicator Description and Justification

NHRIs can protect and promote human rights through court actions in a variety of ways, including filling amicus curiae briefs, serving as expert witnesses, or even initiating appeals or suits on behalf of individuals or groups of victims of human rights. In many cases, the NHRI must ask leave of the court to become involved in a case, which has the potential of functionally shutting out the NHRI from on-going miscarriages of justice.¹⁸

17 Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions”; Linos and Pegram, “What Works in Human Rights Institutions?”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

18 Asia Pacific Forum, “A Manual on National Human Rights Institutions,” n.d.

17. Does the NHRI have the power to search/access/examine public premises, documents, and resources and to visit all places of deprivation of liberty?

0	No power OR significant places of deprivation of liberty left outside of mandate
1	Yes, but with prior notification or other constraints
2	Yes, without prior notification or other constraints

Indicator Description and Justification

The SCA notes that as part of NHRIs' investigatory role, they should have “unannounced and free access to inspect and examine any public premises, documents, equipment and assets without prior written notice.”¹⁹ These powers are frequently weakened by required special procedures or prior approvals for accessing some premises. Similarly NHRIs should have the ability to access all places of detention or deprivation of liberty.

18. Does the NHRI have the power to investigate rights abuses on its own initiative (suo moto)?

0	NHRI lacks any suo moto powers
1	Yes, but with some limitations (such as limitations on some issues or jurisdictions or limits on cases taken up by other entities such as courts or state commissions)
2	Full powers to investigate suo moto

Indicator Description and Justification

NHRIs must be able to proactively investigate human rights abuses on their own initiative (suo motu) “in contrast to [the] reactive role of the judiciary.”²⁰ Suo motu investigation powers contribute to an NHRI's independence, as well as their capacity to identify and address the most serious rights abuses of the day. This initiative should include the power to take up individual complaints, “collective issues,” and systemic human rights violations with waiting for a complaint or other process to trigger an investigation.²¹

Civil society in some countries have noted that it is particularly important that NHRIs are able to take up rights abuses regardless if they have been or are being considered by other entities. For instance, some NHRI laws place restrictions on issues that have been considered by the courts. While this may seem appropriate at first glance, such provisions can be abused by the government to remove sensitive cases from the scrutiny of the NHRI. This is particularly problematic in more authoritarian countries and/or countries that have weak judicial independence.²²

19. Does the NHRI employ the full range of powers granted by law and regulation?

0	No, the NHRI does not employ many of the powers granted by law
1	Yes, with a few notable exceptions
2	Yes, with no exceptions

Indicator Description and Justification

Just because an NHRI has been granted powers by law or regulation does not mean that an NHRI will use these powers. Some NHRIs have powers that have never been used or tested within the legal framework of the country, leading to considerable ambiguity about their mandate. While using the powers it is given will clearly impact the performance of an NHRI, it can also impact the NHRI's ability to seek additional powers or a broader mandate.²³

19 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

20 Linos and Pegram, “What Works in Human Rights Institutions?”

21 Carver, “Assessing the Effectiveness of National Human Rights Institutions”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions”; GANHRI, “General Observations of the Sub-Committee on Accreditation.”

22 Amnesty International, “Amnesty International's Recommendations on Effective Protection and Promotion of Human Rights.”

23 Murray, “National Human Rights Institutions. Criteria and Factors for Assessing Their Effectiveness.”

20. By law/regulation, are authorities required to formally consider and respond to NHRI recommendations/ decisions/ advice?

0	Response to recommendations/ advise/decisions not required
1	Authorities are required to respond, but without processes for compliance (including deadlines and penalties for non- compliance)
2	Authorities are required to respond, with clear processes for compliance (including deadlines and penalties for non- compliance)

Indicator Description and Justification

Carver notes that “government should be required to respond to advice and requests from national institutions, and to indicate, within a given time, how they have complied with national institutions’ recommendations.”²⁴ In contexts where a requirement for response exists, NHRIs should monitor compliance and with this requirement, including processes to compel a response. This reporting should be include “detailed information on practical and systematic follow-up action.”²⁵ Civil society in the region has frequently cited the ability of the state to ignore NHRIs as one of the biggest hurdles to their effectiveness and their legitimacy.

24 Carver, “Assessing the Effectiveness of National Human Rights Institutions.”

25 GANHRI, “General Observations of the Sub-Committee on Accreditation.”



Pluralism (8)

Accessibility

21. Does the NHRI have local offices or representation throughout the country and partnership/engagement with local stakeholders and communities?

0	No local offices and partnership with local stakeholders
1	Local offices / staff / stakeholder partnership in some areas (regional) but in other areas engagement is noticeably lacking
2	Local offices / staff/ stakeholder/community engagement throughout the country (provincial or lower)

Indicator Description and Justification

NHRIs have a responsibility to reach the entire national territory. Without local offices or representation, NHRIs are not accessible to those living outside of capitals or large cities, particularly those living in remote areas. NHRIs (and some would argue human rights movements more broadly) are often at risk of begin perceived as “urban-based” and “elitist-oriented.”²⁶ Local representation can help overcome these biases, support promotion efforts, and facilitate access to marginalised groups.²⁷ It should be noted that geography matters; a small country like the Maldives or Timor-Leste may be able to adequately cover the national territory from a HQ or with a small number of branch offices. A larger, more spread out country like Indonesia requires a broader reach to cover the national territory.

22. Does the NHRI routinely engage with the general public openly, regularly, and transparently (i.e. beyond civil society, interest groups, and/or stakeholders)?

0	NHRI does not meaningfully engage with the public on a regular basis
1	Yes, but only at the national/headquarters level
2	Yes, at all levels including specific effort to engage citizens in remote areas

26 Murray, “National Human Rights Institutions. Criteria and Factors for Assessing Their Effectiveness.”

27 Carver, “Assessing the Effectiveness of National Human Rights Institutions”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

Indicator Description and Justification

Engagement with civil society, interest groups, and other stakeholders is an important part of representing a plurality of interests that reflects the diversity of the country. However, NHRIs must also ensure that they meaningfully engage with the general public. Addressing public opinion and raising awareness of human rights issues are key components of an NHRI's education mandate. Public engagement can take a wide variety of forms, but it is important that it occurs at the local level, with a specific effort to engage citizens in remote areas.²⁸ Doing so transparently can increase an NHRI's credibility and legitimacy.²⁹

23. Is the NHRI enabled with sufficient communication infrastructure and are the premises accessible by people with a wide variety of needs and concerns (including staff)?

0	NHRI comes with severe telecommunications limitations (e.g., phone, internet/website, staff capacity to respond) as well as significant accessibility concerns (disabled access, child-friendly, multilingual, etc)
1	NHRI lacks sufficient communications infrastructure and premises are accessible with some limitations or fully accessible but not at all locations
2	NHRI has sufficient communications infrastructure and staff capacity (time and language abilities) and the premises are fully accessible as well

Indicator Description and Justification

The accessibility of NHRI premises impacts who is able to directly engage with the NHRI (or feels comfortable doing so). NHRIs by their nature should be making a special effort to reach marginalised groups to address their rights concerns, and should therefore meet a wide variety of needs, including accommodating multiple languages, children, and various forms of disability. Accessibility of premises also ensures the NHRI can employ a diverse staff representative of the population served by the institution. NHRIs should not be co-located with other government offices, which undermines perceptions of independence and could seem threatening to the “most vulnerable in society, or those most likely to be hostile or wary of its work.”³⁰

28 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions”; Murray, “National Human Rights Institutions. Criteria and Factors for Assessing Their Effectiveness.”

29 Carver, “Assessing the Effectiveness of National Human Rights Institutions.”

30 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Murray, “National Human Rights Institutions. Criteria and Factors for Assessing Their Effectiveness”; Carver, “Assessing the Effectiveness of National Human Rights Institutions”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

Civil Society

24. Does the NHRI formally consult with civil society (stakeholder meetings, regular consultations, strategic planning, consultative councils, or advisory boards, etc.), partner in joint activities and solicit inputs from them?

0	No formal consultation/ partnering mechanisms exist with civil society, and no inputs are solicited from them
1	Some formal consultation/irregular joint activities with civil society occur on a case-by-case basis and a limited outreach for soliciting inputs from them exists
2	NHRI regularly consults with civil society with frequent joint activities on a formal basis, including routine opportunities/structures for interchange and routinely solicits input from a wide range of civil society

Indicator Description and Justification

The SCA recognises that civil society is often an important bridge to “engage with vulnerable groups” who are “geographically, politically or socially remote.” CSOs are often in the best position to provide on-the- ground information and facilitation connections to the communities they serve and represent. Formal consultations with civil society such as routine consultations, co-planning, or even consultative councils or advisory bodies composed of civil society helps to maintain “regular, constructive working relationships and is key to increasing transparency of the NHRI’s work.”³¹

25. Does the NHRI facilitate meetings with or access to government on behalf of civil society?

0	NHRI does not facilitate access to government
1	NHRI occasionally facilitates access to government (arranging meetings, holding dialogues, securing invites to stakeholder meetings, etc.)
2	NHRI routinely facilitates access to government (arranging meetings, holding dialogues, securing invites to stakeholder meetings, etc.) AND/OR government is fully open and an NHRI role is not needed

31 GANHRI.

Indicator Description and Justification
Murray notes that NHRIs should be assessed in part by “how they negotiate space between civil society and government.” ³² This view is shared by many CSOs who have pointed to this facilitation role as one of the key ways in which NHRIs can amplify their work. Facilitating access could be in the form of invites to official meetings, convening spaces for dialogue, or even connecting or accompanying CSOs to opaque branches of government or those unused to interaction with civil society. It should be noted that if government is operating and fully open and transparent manner, this facilitation role may be less important.

Diversity

26. What best describes the NHRI's engagement with marginalised groups, including systematic engagement efforts (i.e. policies and/or procedures for engagement, focal points, special desks, advisory committees, network engagement, consultations, public forums, etc.)?

0	NHRI does not engage with most marginalised groups
1	NHRI engages with some marginalised groups with many notable exceptions; systematic engagement efforts are sparse, non-existent, or problematic
2	NHRI engages with many marginalised groups routinely, with some notable exceptions; systematic engagement efforts occur but are not comprehensive and/or have significant deficiencies
3	NHRI engages with marginalised groups routinely with exceptions related mainly due to capacity; systematic engagement is generally strong but has some room for improvement in terms of reach (such as reaching specific groups) or effectiveness
4	NHRI engages with marginalised groups routinely without exception; systematic engagement is comprehensive and strong

Indicator Description and Justification
NHRIs have a responsibility to address the human rights of all, yet doing so often requires special effort to reach those that are marginalised and vulnerable. In some cases, those most in need are often those most likely to distrust government and/or view the NHRI with deep skepticism or even suspicion. ³³ Because of this, the SCA notes that NHRIs require “procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums” and other concerted outreach efforts. Covering the needs of the marginalised and vulnerable can often require specific capacity within an NHRI as well, such as staff with thematic knowledge and/or organisational structures like special desks to ensure the needs of all are represented. ³⁴

27. Does the NHRI have gender balance in its leadership (includes NHRI members, top staff position, and/or other leadership positions) as well as its managerial and professional staff positions? NOTE: In Ombudsman models, include the Ombudsman, deputies, and other relevant staff position(s)

0	0% to <25% women in leadership as well as managerial and staff positions
1	>=25% to <40% women in leadership as well managerial and staff positions
2	>=40% women in leadership as well as managerial and staff positions

Indicator Description and Justification
While leaders of any gender can display a strong commitment to gender equality and rights issues impacted by gender, gender diversity in the NHRI's leadership is a crucial safeguard to ensuring a diversity of perspectives within the institution across the rights spectrum. ³⁵ The Paris Principles requires that NHRIs represent different segments of society, and while criteria with regard to diversity should not “unduly narrow and restrict” this diversity, gender equality in leadership can ensure the NHRI has the “capacity to understand and address gender and women’s human rights issues both in its strategies and programs for the promotion and protection of human rights and in its own internal policies, procedures and staff management.” ³⁶

28. What best describes the diversity of staff and membership of the NHRI?

0	NHRI lacks diversity (or fails to reflect society's diversity) in all of the following: age, religion, culture/ethnicity, sexual orientation, socioeconomic class, physical ability, and professional background
1	NHRI has diversity (or reflects society's diversity) in a few of the following categories: age, religion, culture/ethnicity, sexual orientation, socioeconomic class, physical ability, and professional background
2	NHRI has diversity (or reflects society's diversity) in many of the following categories: age, religion, culture/ethnicity, sexual orientation, socioeconomic class, physical ability, and professional background. These diversity requirements are also established and backed by law.

32 Murray, “National Human Rights Institutions. Criteria and Factors for Assessing Their Effectiveness.”
33 Murray, “National Human Rights Institutions. Criteria and Factors for Assessing Their Effectiveness.”
34 Asia Pacific Forum of National Human Rights Institutions and United Nations Development Programme Asia-Pacific Regional Centre, Capacity Assessment Manual for National Human Rights Institutions.

35 Eliadis; Fitzpatrick, “NHRI Guidelines for Mainstreaming the Human Rights of Women and Girls into Our Everyday Work.”
36 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Asia Pacific Forum of National Human Rights Institutions and United Nations Development Programme Asia-Pacific Regional Centre, Capacity Assessment Manual for National Human Rights Institutions.

Indicator Description and Justification

The success of laws/regulations intended to protect and promote diversity within NHRIs should be reflected in the ultimate composition of NHRI staff and members.³⁷ Diversity should be considered broadly and in the context of the country. For instance, in smaller and/or particularly homogenous countries there may be an overwhelming majority of staff/members from the same culture/ethnicity or religion—ideally no more than the same proportion of society as a whole. Even in these cases, staff/members from small minorities can provide a valuable perspective on rights abuses, particularly as these communities are often more likely to be vulnerable. Many elements of diversity cut across even the most homogenous societies, including age, sexual orientation, socioeconomic class, physical ability, and professional background (gender is captured in Q55 and Q56). Experience and skill requirements for some positions within the NHRI can result in limited diversity in some areas such as age and professional background; special care should therefore be taken these areas are not neglected within the NHRI as a whole.

37 GANHRI.



Promotion (6)

Advice on legislation and policy

29. Is NHRI able to review both existing and draft legislation/policies for compliance with human rights standards or propose new legislation or amendments to legislation or refer policies to court --either formally or informally-- to address systematic human rights abuses or gaps in the protection of human rights?

0	NHRI has never reviewed existing legislation nor proposed new ones or even amendments. It has no such power
1	Yes, but with some notable exceptions or this happens upon request for consultation.
2	Yes, consistently and without exception to any particular rights issues.

Indicator Description and Justification

Reviewing existing and draft legislation and policies for their compliance with human rights principles is a core responsibility of all NHRIs. Strong NHRIs have the power to review both draft and existing policies/legislation on their own initiative. This power is sometimes limited in some aspect, such as requiring consultations for a formal review, or limiting the scope of the NHRI's review to existing or draft legislation/policies.³⁸

30. What best describes the NHRI's review and recommendations of legislation and policies and efforts to harmonise international human rights standards throughout the country?

0	NHRI does not review or make recommendations on laws/policies or any effort to harmonise international human rights standards at any level.
1	NHRI reviews relevant laws/policies, with some notable exceptions; recommendations/proposed amendments are either non-existent or are not made public and ineffectual/limited attempts.
2	NHRI reviews relevant laws/policies, and limited attempts with some notable exceptions; recommendations vary in quality, occasionally proposing specific language or formal amendments to bring law/policy into compliance with international human rights standards.

38 Carver, "Assessing the Effectiveness of National Human Rights Institutions."

3	NHRI reviews relevant laws/policies, and significant attempts to harmonise international human rights standards with some notable exceptions; recommendations are uniformly strong, including routinely incorporating specific language or formal amendments to bring laws/policies into compliance with international human rights standards; OR NHRI reviews all relevant laws/policies, but recommendations vary in quality, occasionally proposing specific language or formal amendments to bring law/policy into compliance with international human rights standards.
4	NHRI reviews all relevant laws/policies and significant attempts to harmonise international human rights standards at both national and local level, with no notable exceptions. Recommendations are uniformly strong and include specific language or formal amendments to bring law/policies into compliance with international human rights standards.

Indicator Description and Justification

NHRIs are tasked with harmonising local and national laws/policies with international human rights standards. Examples of harmonisation efforts could include pushing for the ratification of international human rights instruments (without reservations), examining laws and policies that do not meet international human rights standards, conducting advocacy/awareness raising on practices that fall short of international standards or avenues for meeting standards, and highlighting discrepancies between local and national laws with regard to human rights. These efforts should be regular, systematic, and reach down to the local level.³⁹

Annual reports and other reporting

31. What best describes the content as well as promotion of the NHRI's annual report and other products of monitoring and investigations?

0	NHRI does not produce an annual report or equivalent regular report that cover any of the following aspects: activities (and results) of the NHRI taken during the reporting period; recommendations and proposals to address human rights concerns; and performance of the government on human rights issues, including responses to recommendations from the NHRI
1	The NHRI produces an annual report, but does not cover most of the aspects (mentioned under column 0) or does so with critical deficiencies. The reports are not widely disseminated and promoted; may include significant accessibility concerns such as language or format of publication
2	The NHRI produces an annual report, but only some of these aspects (mentioned under column 0) are covered thoroughly. There are some limited efforts to disseminate, publicise, and promote the reports; some accessibility concerns may exist in select instances

3	The NHRI produces an annual report that covers most of these aspects (mentioned under column 0) thoroughly, with a few notable exceptions. NHRI posts and publishes all of its reports in an accessible fashion accompanied by at least some attempt to disseminate, publicise, and promote the reports widely, including via social media, traditional media outreach, public hearings, report launches, stakeholder dialogues, etc.; some efforts to promote efforts are insufficient or ineffective
4	The NHRI's annual report comprehensively covers all of these aspects with no exception. NHRI posts and publishes all of its reports in an accessible fashion; reports are routinely accompanied by effective, broad-based dissemination, publicity, and promotion, including via social media, traditional media outreach, public hearings, report launches, stakeholder dialogues, etc.

Indicator Description and Justification

The SCA notes 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.” However, if these reports are not accessible and promoted publicly, their impact will be minimal. There are a wide variety of methods an NHRI can take to disseminate, publicise, and promote reports, including social media, traditional media outreach, public hearings, report launches, stakeholder dialogues, and more. NHRIs should strive to ensure all reports receive at least some promotion. Likewise, all reports should be accessible online and in other formats as relevant. Reports should also be published in all national languages and other languages of important strategic languages.⁴⁰

Education and Training

32. Does the NHRI organise public awareness on human rights issues, collaborate with educational authorities (schools and universities), and train officials on human rights?

0	NHRI does not organise any of the above activities for the promotion of human rights.
1	NHRI might organise an activity once in a while but not all of the activities.
2	NHRI organises some of these activities with an irregular pattern and not so frequently.
3	NHRI organises and conducts most of these activities with somewhat regular pattern but not in a routine or systematic fashion or regularly trains public officials with notable exceptions (such as elements of the security establishment).
4	NHRI regularly organises public awareness activities, routinely and systematically collaborates with educational authorities and trains public officials in human rights in a widespread and regular manner without exceptions.

39 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Linos and Pegram, “What Works in Human Rights Institutions?”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

40 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Carver, “Assessing the Effectiveness of National Human Rights Institutions”; Carver, “Measuring the Impact and Development Effectiveness of National Human Rights Institutions.”

Indicator Description and Justification

According to the Paris Principles and the SCA, NHRIs should be empowered to promote education on human rights as part of their promotional mandate.⁴¹ Given resource constraints and the special skills needed to work with schools and universities, this mandate is often only partially addressed. However, NHRIs that manage to routinely and systematically engage with the education sector could potentially have a powerful, if diffuse long-term impact on respect for human rights in the country. Many in civil society have noted that low public awareness of human rights is often a major obstacle in their work and the work of NHRIs.

International Engagement

33. What best describes the NHRI's monitoring and reporting on compliance with international human rights obligations, such as treaty bodies, UPR, and Special Procedure mechanisms?

0	The NHRI does not monitor compliance with international human rights obligations. No advocacy with the state to play an active role in international and regional human rights bodies
1	The NHRI monitors compliance with human rights obligations, with some notable exceptions; results are not submitted independently to international bodies
2	The NHRI monitors compliance with human rights obligations, with some notable exceptions; results are sometimes submitted independently to international bodies (shadow reports or independent participation in reviews), in other cases findings may formally constitute some or all of the state's official reporting obligations. The NHRI occasionally calls on the state to play an active and positive role in international and regional human rights bodies
3	The NHRI monitors human rights obligations comprehensively, with a few exceptions; the NHRI always reports independently from the state (although some findings may be used in the state's own reporting) OR NHRI monitors human rights obligations comprehensively, with no exceptions; the NHRI submits results independently from the state with a few exceptions (although some findings may be used in the state's own reporting)
4	The NHRI monitors human rights obligations comprehensively, with no exceptions; the NHRI always reports independently (although some findings may be used in the state's own reporting). The NHRI routinely calls on the state to play an active and positive role in international and regional human rights bodies

41 GANHRI, "General Observations of the Sub-Committee on Accreditation."

Indicator Description and Justification

Chris Sidoti notes that the international human rights system relies on "independent, objective information about human rights situations" and that NHRIs are some of the few actors "able to speak authoritatively" on these matters while applying local experience to identify international gaps and needs.⁴² The SCA identifies a number of ways in which NHRIs can formally engage with the international human rights system, including through "submitting parallel or shadow reports to the Universal Periodic Review, Special Procedure mechanisms and Treaty Bodies Committees; making statements during debates before review bodies and the Human Rights Council; assisting, facilitating and participating in country visits by United Nations experts, including special procedures mandate holders, treaty bodies, fact finding missions and commissions of inquiry." When doing so, however, NHRIs must maintain their independence from state delegations and official state reports, even it may be appropriate for the state to consult with the NHRI to prepare reporting on human rights in the country.⁴³

34. Does the NHRI engage with other NHRIs or other international human rights actors including participation in regional NHRI networks and/or GANHRI to address transnational human rights issues?

0	The NHRI does not engage with other NHRIs or other international human rights actors to address transnational human rights
1	The NHRI occasionally engages with other NHRIs or other international human rights actors to address transnational human rights, including some notable exceptions. It participates passively in regional NHRI networks and/or GANHRI
2	The NHRI routinely engages with other NHRIs or other international human rights actors without notable exceptions. The NHRI is also a regular active participant in regional NHRI networks and/or GANHRI

Indicator Description and Justification

Actively participating in regional and international NHRI networks (such as APF and GANHRI) is an important avenue for spreading best practices and developing training opportunities for NHRI members and staff. Even for NHRIs that may have participation limited by accreditation status, such as in GANHRI, active engagement is still an important avenue for developing the norms and strategies to bring an NHRI into Paris Principles compliance (and beyond).⁴⁴ Sidoti notes that international engagement can identify "human rights issues of common concern across regions and develop strategies to address them" while also building "international and regional alliances around particular rights issues."⁴⁵

42 Sidoti
43 GANHRI, "General Observations of the Sub-Committee on Accreditation"; Carver, "Assessing the Effectiveness of National Human Rights Institutions."
44 Carver, "Assessing the Effectiveness of National Human Rights Institutions"; Carver, "Measuring the Impact and Development Effectiveness of National Human Rights Institutions."
45 Sidoti, "National Human Rights Institutions and the International Human Rights System."



Protection (10)

Complaints

35. What best describes the NHRI's determinations of complaints that fall within the mandate of the NHRI?

0	The NHRI does not consider complaints or often dismisses/disqualifies valid cases.
1	The NHRI is open to complaints but the procedures are difficult or not easily accessible and many valid cases do not make it to the Institution.
2	The NHRI generally makes appropriate determinations of qualifying cases related to its mandate, with some notable exceptions OR valid cases are occasionally turned down due to lack of capacity; NHRI does not receive complaints on behalf of victims.
3	The NHRI makes appropriate determination of cases but takes cases selectively despite easy and accessible procedures in place.
4	The NHRI accepts and considers all valid complaints. The NHRI also receives complaints on behalf of victims/by those not directly affected (if consent is given).

Indicator Description and Justification

The first step of the complaints handling process is determining if a case fits within the NHRI's mandate. Ideally, an NHRI will accept and consider all complaints covered by the institution's mandate. As such, it is important that procedures and criteria are clearly elaborated and made public for applicants.⁴⁶ The reality is that many NHRIs triage cases due to lack of capacity or otherwise turn away valid complaints, by policy or in practice.⁴⁷ NHRIs that arbitrarily fail to consider valid complaints risk undermining faith in the complaints mechanism as well as the NHRI as a whole.

36. What best describes the NHRI's investigations of complaints (including their timeliness) that qualify within the NHRI's mandate?

0	The NHRI does not investigate complaints / not applicable OR all investigations are pro forma/ineffective
1	Investigations in almost all cases are pro forma, consisting of only exchanges of documents, or are otherwise not investigated effectively. No meaningful procedures or policies for timeliness
2	Investigations in the majority of cases are pro forma/ineffective (> ~50%), but some cases are thoroughly investigated (collection of evidence, witness testimony, expert opinion, etc.). NHRI has procedures or policies for timeliness that are sometimes followed, but procedures are not met in the majority of cases (> ~50%)
3	Some investigations are pro forma/ineffective, but the majority (> ~50%) of cases are thoroughly investigated (collection of evidence, witness testimony, expert opinion, etc.). NHRI has procedures or policies for timeliness that are followed in the majority of cases (> ~50%)
4	The vast majority (> ~90%) of qualifying cases are investigated thoroughly (collection of evidence, witness testimony, expert opinion, etc.). NHRI has procedures or policies for timeliness that are almost always met (> ~90%)

Indicator Description and Justification

Once an NHRI determines that a complaint qualifies for consideration, the next step is to commence an investigation. The quality of an investigation obviously has an important bearing on the efficacy of the complaints mechanism, but it is equally important for establishing the NHRI as a credible actor for all involved parties. Without belief that their cases will be thoroughly investigated, victims of human rights violations will be reluctant to engage the NHRI, as civil society has observed in many cases. Thorough investigation should include rigorous collection of evidence, witness testimony, expert opinion (as needed), or other actions. Given resource constraints and the sheer number of complaints, NHRIs can often fall into a trap of pursuing investigations in a pro forma or otherwise ineffective manner, such as depending solely on submitted documents from complainants.⁴⁸

46 GANHRI, "General Observations of the Sub-Committee on Accreditation"; Asia Pacific Forum, A Manual on National Human Rights Institutions, 2018.

47 UNDP and OHCHR, "UNDP-OHCHR Toolkit for Collaboration with National Human Rights Institutions."

48 GANHRI, "General Observations of the Sub-Committee on Accreditation"; Carver, "Measuring the Impact and Development Effectiveness of National Human Rights Institutions"; Carver, "Assessing the Effectiveness of National Human Rights Institutions."

37. What best describes the responsiveness and communication of the NHRI during the complaints process?

0	No communication with complainants/parties in many cases OR not applicable.
1	Communication with complainants/parties is limited to requests for official documentation and/or final determinations; requests for updates on process and status usually go unanswered.
2	Communication with complainants/parties includes responses to requests for updates on process and status, albeit with some delays, inconsistencies, and/or exceptions.
3	Communication with complainants/parties is almost always responsive to requests for updates on process and status; in some cases, communication is also proactive and concerned with the ongoing well-being of the complainant.
4	Communication with complainants/parties is almost always responsive AND proactive and concerned with the ongoing well-being of the complainant.

Indicator Description and Justification

One of the more frequently cited concerns of civil society in engaging on cases relates to the responsiveness of NHRIs throughout the process. When done well, NHRIs are communicative and responsive to inquiries, including surrounding the status of the case and on-going concerns. While perhaps not possible in every case, NHRIs should also proactively reach out to particularly vulnerable/at-risk complainants with regard to their well-being and new developments, as situations can often change quickly and contact with an NHRI can provide a measure of protection. Responsive communication can also help to manage expectations of complainants and assure them that their case has not been forgotten.

38. Does the NHRI facilitate/support individual complaints to regional or international human rights bodies, including Special Rapporteurs?

0	Never / not applicable
1	Occasionally
2	Yes, as a regular part of the institution's work

Indicator Description and Justification

Referring cases of human rights violations to regional or international bodies can help resolve rights crises, particularly when local political will or the mandate of the NHRI prevent adequate resolution. Active participation in these mechanisms can also support the growth and legitimacy of these mechanisms and contribute to building international human rights norms (as noted in International Engagement subcategory above)--even if there is no capacity to resolve the individual issue.⁴⁹

39. What best describes the NHRI's ability to resolve or remedy complaints?

0	No power / not applicable
1	Power to recommend remediation/restitution/reparations AND/OR arrive at settlements through non-binding alternative dispute resolution (ADR). NHRI has power to refer cases for prosecution
2	Power to issue binding determinations and power to prosecute cases directly or otherwise initiate a prosecutorial process

Indicator Description and Justification

Many NHRIs are equipped to resolve the complaints they receive through an “amicable and confidential settlement of the complaint through an alternative dispute resolution process” or through binding determinations and enforcement of decisions through the courts.⁵⁰ While ADR or recommendations may be adequate in many cases, a strong NHRI will also have the power to ensure enforcement when applicable—even if this power is limited by mutual agreement to a binding decision by the involved parties. As with Q81, some power to compel follow-through on decisions is particularly important in countries where the judicial system is compromised or otherwise unlikely to give fair hearing to those suffering from human rights abuses.

Investigation and Monitoring

40. Does the NHRI monitor detention/prison facilities?

0	Never
1	Yes, but irregularly or infrequently
2	Yes, regularly and systematically

Indicator Description and Justification

NHRIs should have the power to monitor all places of deprivation of liberty—especially prisons, detention centers, or even medical facilities. This power should encompass all facilities (and all areas of facilities) and should require little or no notice. However, having power to monitor detention/prison facilities does not necessarily mean the NHRI does so in a regular, systematic, and effective manner. While it is likely unrealistic for an NHRI to visit all such facilities, the NHRI should have a process for identifying those prone to abuse. Carver notes that visits should be repeated so that “inspectors can evaluate progress over time.”⁵¹

49 Sidoti, “National Human Rights Institutions and the International Human Rights System.”

50 GANHRI, “General Observations of the Sub-Committee on Accreditation.”

51 Carver, “Assessing the Effectiveness of National Human Rights Institutions.”

41. What best describes the NHRI's follow-up on recommendations, decisions, and reports?

0	NHRI does not conduct follow-up on/monitor the implementation of recommendations, decisions, and reports.
1	NHRI conducts limited follow-up on some recommendations, decisions, and reports, but is not rigorous or systematic.
2	NHRI has some systems for ensuring follow-up on recommendations, decisions, and reports, but follow-up is variable in consistency and rigor.
3	NHRI has systems for ensuring follow-up on recommendations, decisions, and reports; most follow-up is consistent and sufficiently rigorous, with some exceptions mostly related to capacity.
4	NHRI has strong systems and ensures rigorous follow-up on recommendations, decisions, and reports without exceptions.

Indicator Description and Justification

While NHRIs do not always have the ability to compel a response to their recommendations (Q86), follow-up on recommendations, including public reporting on “the measures taken or not taken by public authorities in implementing specific recommendations or decisions” can place pressure on the State to take action.⁵² In doing so, monitoring and follow-up of recommendations should be systematically tracked by the NHRI to ensure this follow-up is consistent and rigorous. Civil society has noted that without follow-up, momentum surrounding the launch of reports or findings is often lost and there is little accountability for those that ignore the NHRI.

42. Does the NHRI investigate systemic human rights abuses and conduct large scale national inquiries into particular widespread violations?

0	The NHRI does not investigate systemic human rights abuses nor conducts national inquiries
1	The NHRI occasionally investigates systemic abuses, with some notable exceptions. It conducts national inquiries, but inquiries include only some of the following components: 1. extensive participation from victims, witnesses, stakeholders, and experts; 2. extensive evidence gathering (complaints, testimony, documentation, etc.); 3. public hearings and fora; 4. dialogue with stakeholders and authorities; 5. final reports on findings, including policy recommendations for resolving the issue
2	The NHRI regularly investigates systemic abuses as a core function. It conducts national inquiries, but inquiries include all the following components: 1. extensive participation from victims, witnesses, stakeholders, and experts; 2. extensive evidence gathering (complaints, testimony, documentation, etc.); 3. public hearings and fora; 4. dialogue with stakeholders and authorities; 5. final reports on findings, including policy recommendations for resolving the issue

52 GANHRI, “General Observations of the Sub-Committee on Accreditation.”

Indicator Description and Justification

Some scholars have noted that NHRIs that focus too greatly on complaints risk missing out on opportunities to address systemic human rights violations.⁵³ While ANNI members (and the APF) view complaints handling as a necessary function for NHRIs, this point is still important to consider when assessing the performance of NHRIs, as the volume of individual complaints can threaten to overwhelm other priorities. It is therefore important the NHRI address systematic human rights violations as a core function, including through promotional aspects and monitoring and reporting. Actions could range from investigating groups of complainants, to thematic reports, to full-scale national inquiries.

43. What best describes the NHRI's efforts/powers to protect complainants and witnesses?

0	No power to protect complainants/witnesses
1	Some modest protection powers, such as confidentiality measures and recommending suspension from duty of officials under investigation OR the NHRI has stronger powers, such as securing access to witness/complainant protection programs that are unevenly or ineffectively applied
2	Robust powers, including securing access to witness/complainant protection programs

Indicator Description and Justification

An NHRI must be able to offer protection to those that come forward either as victims of or witnesses to human rights abuses.⁵⁴ All NHRIs should have confidentiality measures to keep information shared in confidence, yet stronger powers such as securing access to witness protection programs can keep stakeholders safe from retaliation and encourage engagement with the institution.⁵⁵

53 Carver, “Performance & Legitimacy.”

54 Asia Pacific Forum, A Manual on National Human Rights Institutions, 2018.

55 GANHRI, “General Observations of the Sub-Committee on Accreditation”; Carver, “Assessing the Effectiveness of National Human Rights Institutions.”

Stakeholder Protection

44. What best describes the NHRI's policies and procedures related to supporting threatened human rights defenders (HRDs)?

0	No policies or procedures related to threatened HRDs.
1	The NHRI has an HRD policy, but little to no action is taken on HRD issues.
2	The NHRI has no formal HRD policies or procedures, but does support threatened HRDs informally (i.e. publicly commenting on cases, opening or referring cases as part of complaints mandate, supporting HRDs to access emergency assistance from local or international actors, etc.).
3	The NHRI has formal HRD policies or procedures that are routinely followed and compel the NHRI to provide some forms of support (i.e. publicly commenting on attacks, opening or referring cases as part of a complaints handling mandate, supporting HRDs to access emergency assistance from local or international actors, etc.).
4	The NHRI has formal HRD policies or procedures that are routinely followed and compel the NHRI to provide a range of support (i.e. publicly commenting on attacks, opening or referring cases as part of a complaints handling mandate, supporting HRDs to access emergency assistance from local or international actors, etc.), including mechanisms to directly provide protection measures (resettlement, provision of safe housing, legal aid, security details, etc.). Comment: This may be too far for some.

Indicator Description and Justification

GANHRI's 2018 Marrakech Declaration affirmed the importance of human rights defenders and NHRIs' roles in protecting and supporting HRDs and broader civic space issues. NHRIs should have concrete policies and procedures for supporting at-risk HRDs, such as focal points, special desks, and rapid response mechanisms to pursue urgent actions for those threatened.⁵⁶ Actions could range from publicly commenting on attacks, to referring cases to protection systems, or, in its strongest form, directly providing some form of protection assistance such as resettlement, safe houses, legal aid, security, or other assistance to help mitigate threats. Some civil society have noted that many HRDs would not feel comfortable trusting such assistance to an NHRI, particularly when the threat is coming from the State itself. These direct measures may be more appropriate in cases where threats to HRDs originate with non-state or local actors, and the effectiveness of direct protection would hinge heavily on the NHRI's independence and legitimacy.

56 GANHRI, "The Marrakech Declaration."



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