

[Press Release] Government must take serious steps to ensure independence and effectiveness of the Human Rights Commission of Sri Lanka

- According to the 2023 ANNI Report on the Performance of National Human Rights Institutions (NHRIs), the Human Rights Commission of Sri Lanka (HRCSL) performed “averagely” as compared to other NHRIs in Asian countries.
- The HRCSL received an overall score of 21/44 for its performance across the following categories: independence, mandate, pluralism, protection, and promotion activities.
- Its key challenges are related to: 1) independence in the selection and appointment process of commissioners and staff; 2) budget cuts; 3) long-pending releases of reports; 4) lack of authority in ensuring implementation of recommendations; 5) prioritisation of cases; and 5) the need for more promotional activities and meaningful engagement with civil society.



COLOMBO, Sri Lanka – 7 June 2024 – Although the Human Rights Commission of Sri Lanka (HRCSL) performed the strongest in terms of “independence,” it is yet to resolve challenges affecting its performance as a human rights institution (NHRI).

These findings are based on the [2023 ANNI Report on the Performance of NHRIs in Asia](#). NHRIs are independent bodies—created by a country’s law or constitution—mandated to promote and protect human rights.

During this period, a major challenge to the Commission’s independence was its appointment process, particularly the role of the Constitutional Council in recommending candidates to the President. Additionally, despite having autonomy to conduct investigations without state interference, the Commission’s budgetary control by the state remains a significant issue.

Like other state organisations, the HRCSL also underwent budget cuts, preventing it from effectively carrying out awareness programmes. Due to the state’s bankruptcy, the government could no longer support the Commission’s education programmes in 2021 and 2022.

Furthermore, the Commission was unable to access funds from external donors due to complex bureaucratic processes.

Other challenges impacting the HRCSL’s performance were its delays in releasing reports; lack of authority in ensuring the implementation of its own recommendations; poor prioritisation of cases; and lack of promotional activities and meaningful engagement with civil society.

The Commission’s accreditation status was downgraded from “A” to “B” by the Global Alliance of NHRIs Sub-Committee on Accreditation (GANHRI-SCA) in 2021, owing to changes in the selection and appointment process of the Commission in the wake of the 20th Amendment to the Constitution.

The findings in the report show that the HRCSL performed the poorest in the “promotion” category. This was exacerbated by the Commission’s lack of international engagement with human rights bodies and networks as well as its delays in releasing its Annual Reports.

On the upside, the HRCSL fared well in terms of operational autonomy and its provisions on appointment and dismissal, under the “Independence” and “Mandate” categories, owing to its broad powers as enshrined in Sri Lanka’s Human Rights Commission (HRC) Act 1996.

Measuring the performance of NHRIs

The biennial report is published by the Asian Forum for Human Rights and Development (FORUM-ASIA) as the Secretariat of the Asian NGOs Network on National Human Rights Institutions (ANNI). Through a civil society assessment, the report reviewed the performance of 13 NHRIs in Asia from 2021 to 2022. The report assesses NHRIs’ compliance with the Paris Principles, the international minimum standards for effective, legitimate, and credible NHRIs.

The chapter on HRCSL was authored by LST, ANNI's member organisation in Sri Lanka. It assessed the performance of the HRCSL in the backdrop of the COVID-19 pandemic and the subsequent economic crisis. The chapter launch occurred in Colombo on 30 May 2024, bringing together civil society and HRCSL representatives to discuss the country's human rights situation.

"In Sri Lanka, many people are looking to the HRCSL to investigate arbitrary detentions and custodial deaths, torture and discrimination, and there are many appeals to the HRCSL on these issues. The HRCSL has expressed an openness to working with civil society, and we welcome that," said Sakuntala Kadirgamar, Executive Director of the Law and Society Trust (LST).

"The HRCSL acknowledges the need for further changes and is implementing GANHRI's recommendations while appreciating civil society's role in these efforts. The Commission looks forward to continued engagement with civil society through its newly re-launched thematic subcommittee process, providing a forum for constructive dialogue," said Commissioner Farzana Haniffa.

In South Asia, the NHRIs from India, Bangladesh, and Sri Lanka scored on the lower half of the spectrum, whereas Nepal and Pakistan fared better.

While most NHRIs assessed in the report scored more than 50 per cent in the "Independence" and "Mandate" categories, this did not necessarily translate into action or effective human rights protection. NHRIs should actively realise their mandates and collaborate with civil society as well as a diverse range of stakeholders to promote and protect human rights.

"Many NHRIs in Asia still lack independence in implementing their mandates, especially under increasingly authoritarian governments, increasing budget restrictions, and opaque appointment processes. While there are notable initiatives undertaken by some NHRIs, there is a long way to go in making these institutions truly robust and democratic. FORUM-ASIA will continue monitoring NHRIs' performance, and advocating for their independence and compliance with the Paris Principles," said Mary Aileen Diez-Bacalso, Executive Director of FORUM-ASIA.

Call to action

While the GANHRI-SCA has recently reinstated the HRCSL's "A" status accreditation, the independence of the Constitutional Council and Commission must be vigilantly protected.

Although the Council's powers were initially undermined under the 20th Amendment to the Constitution, they were restored by a subsequent amendment. However, the Council's composition still requires further formalisation to ensure greater independence and transparency.

FORUM-ASIA urges the Government of Sri Lanka to ensure the HRCSL's independence and formalise the participation of civil society in the selection and appointment process of Commissioners.

We urge the government to enable the HRCSL to take disciplinary actions against state officials who do not comply with the Commission's recommendations. Likewise, we call on the government to either expedite approvals for the HRCSL to hire staff or to amend the HRC Act to allow the Commission to hire staff. We encourage the government to ensure that the Treasury promptly releases funds for the HRCSL.

As for the HRCSL, FORUM-ASIA and ANNI are making the following recommendations:

- Broadly publicise vacancies—ensuring pluralism and civil society involvement in the recruitment process—and establish objective hiring criteria.
- Increase staff recruitments at its offices.
- Prioritise urgent complaints regardless of whether they are high-profile cases or not.
- Publish reports, statistics, and recommendations on time.
- Regularly follow-up complaints.
- Ensure the safety of victims of human rights violations
- Better public and state engagement.

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 85 member organisations across 23 countries, mainly in Asia. FORUM-ASIA strengthens movements for human rights and sustainable development through research, advocacy, capacity development, and solidarity actions. It has a consultative status with the UN Economic and Social Council and a consultative relationship with the ASEAN Intergovernmental Commission on Human Rights.

The Asian NGOs Network on National Human Rights Institutions (ANNI) is a network of Asian non-governmental organisations and human rights defenders working on issues related to National Human Rights Institutions (NHRIs). ANNI currently has 33 member organisations from 21 countries or territories. ANNI members strengthen the work of Asian NHRIs in promoting human rights and advocating for better compliance with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation of the Global Alliance of NHRIs. FORUM-ASIA has been serving as the ANNI Secretariat since its establishment in 2006.

The Law & Society Trust (LST) is a not-for-profit organisation engaged in legal research, advocacy, and human rights documentation in Sri Lanka. LST uses rights-based strategies to promote and protect human rights, enhance public accountability, and strengthen respect for the rule of law.

For media inquiries, kindly contact communication@forum-asia.org.
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