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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Press Notice No: HRC/P/i/E/13/05/26

Press Notice

Updates and Proposals on the Implementation of the Recommendations of the GANHRI Sub-Committee on Accreditation

The Human Rights Commission of Sri Lanka (HRCSL) wrote to His Excellency the President with reference to its continued maintenance of ‘A’ Status by the Global Alliance of National Human Rights Institutions (GANHRI). The HRCSL recalled that, following a detailed evaluation, the GANHRI Sub-Committee on Accreditation (SCA) informed the HRCSL on 9 May 2024 that the HRCSL will be reaccredited with ‘A’ status. This reaccreditation recognized that the HRCSL’s current mandate, appointment process, and work adequately meet the standards reflected in the Paris Principles on the Status of National Human Rights Institutions. In its report, the SCA also made eight recommendations with respect to enhancing the effectiveness and independence of the HRCSL.

In its letter to His Excellency, the HRCSL provided updates on the steps taken by the HRCSL with respect to implementing the SCA’s recommendations and presented proposals to the Government of Sri Lanka on strengthening the HRCSL Act, No. 21 of 1996 in order to fully implement these recommendations.

The HRCSL provided updates on steps taken with respect to conducting unannounced visits to places of deprivation of liberty, interaction with the international human rights system, cooperation with other human rights bodies and civil society organizations, financial autonomy, pluralism and diversity of staff, term of office, selection and appointment, and addressing human rights violations including matters concerning violence, discrimination, custodial deaths, torture, and enforced disappearance.

The key proposals to the Government of Sri Lanka were as follows:

1. To further strengthen and clarify that the HRCSL is mandated to engage the international human rights system, it was recommended that section 10 of the HRCSL Act be amended to include the following new clause:

10. The functions of the Commission shall be—
to constructively engage international human rights institutions, including the United Nations Human Rights Council, international human rights treaty bodies, and United Nations special procedures mandate holders (emphasis added).

2. To further strengthen and clarify the HRCSL’s financial autonomy, it was recommended that section 29(1) of the HRCSL Act be amended to include the following provisions:

29(1). The state shall provide the Commission with adequate funds **through a separate item in the Consolidated Budget** to enable the Commission to discharge the functions assigned to it by this Act. **Subject to subsections (2), (3), and (4), the Commission shall exercise absolute management and control with respect to the**

utilization of such funds for its programmes and for acquiring necessary human and physical resources (emphasis added).

3. To further strengthen and clarify the pluralism and diversity of HRCSL staff, it was recommended that section 22(2) of the HRCSL Act be amended to include the following provision:

22(2). There may be appointed such officers and servants as may be necessary to assist the Commission in the discharge of its functions under this Act. **The Commission shall endeavour to ensure that such appointments reflect the pluralistic character of Sri Lankan society, including gender** (emphasis added).

4. In view of fully implementing the SCA's recommendation on the term limit of commissioners, it was recommended that section 5 of the HRCSL Act be amended to include the following provision:

5. Any member who vacates his office, otherwise than by removal under section 4, shall be eligible for re-appointment **for no more than one further term** (emphasis added).

5. In view of fully implementing the SCA's recommendation on the process through which commissioners are appointed, it was recommended that section 3(3) of the HRCSL Act be amended as follows:

3(3). In making recommendations, under subsection (2), the Constitutional Council and the Prime Minister shall:

- a) **publish vacancies to the Commission in the Gazette and at least in three daily Newspapers in Sinhala, Tamil and English languages widely circulating in Sri Lanka, and shall call for applications from interested persons;**
- b) **have regard to the integrity and reputation, ethical conduct, the experience, qualifications and competency, and the conflicting interests of such interested persons which may affect the discharge by such persons of any duty or function as the Chairman or any member of the Commission;**
- c) **have regard to the necessity for the pluralistic character of Sri Lankan society, including ethnic and linguistic minorities and gender being represented on the Commission; and**
- d) **consider nominations from, and adequately consult, public and professional institutions and civil society organizations working in the field of human rights in the application, screening, selection, and appointment process** (emphasis added).

6. In view of fully implementing the SCA's recommendation on addressing human rights violations, it was recommended that section 21(3) of the HRCSL Act be further strengthened to ensure that the recommendations of the HRCSL are fully implemented and failure to comply with such recommendations constitutes a punishable offence of contempt against, or in disrespect of, the authority of the HRCSL. It was, therefore, recommended that section 21(3) of the Act be amended to include the following provision within the scope of the offence of contempt:

21(3). If any person—
[...]

- a) **fails to comply with a recommendation or decision of the Commission,**

Such person shall be guilty of the offence of contempt against, or in disrespect of, the authority of the Commission (emphasis added).

The HRCSL also noted that the above proposal is identical to the equivalent provisions in section 30(3)(e) of the Women Empowerment Act, No. 37 of 2024, and has, therefore, already been subject to constitutional scrutiny.

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