



National Human Rights Commission/ Committee for the Prevention of Torture Policy Paper

| **Challenges and Responsibilities**

2024

Prepared by CLDH (Beirut)

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LIST OF ABBREVIATIONS

NHRC	National Human rights commission
CPT	Committee for the prevention of Torture
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CSO	Civil society organizations
SPT	Subcommittee on Prevention of Torture
NGO	Non-Governmental organizations
NHRI	National Human Rights Institutions
GANHRI	Global Alliance of National Human Rights Institutions

Executive summary:

The NHRC/CPT was established in 2016 with the publishing of law 62/2016. The commissioners took their oath on July 19, 2019.

Consequently, as more than half of the commission's mandate has passed, this report aims to highlight the work of the NHRC/CPT, its challenges and cooperation with CSOs as well as to present a model NHRI in order to emulate it for better results.

The report was drafted based on a desk review of relevant national and international texts as well as interviews with key stakeholders.

CLDH background:

The Lebanese Center for Human Rights (CLDH) is a local, non-profit, non-political Lebanese organization established in Beirut in 2006. It is a branch of the French-Lebanese association SOLIDA (Support for Arbitrarily Detained Lebanese), and has been active since 1996 in the field of opposing arbitrary detention, enforced disappearance and impunity and grave violations of human rights. It is a founding member of the EU-Mediterranean Union Against Enforced Disappearances (FEMED), a member of the Euro-Mediterranean Human Rights Network (EMHRN), a member of the SOS Torture Network of the World Organization Against Torture (OMCT) and the International Federation for Human Rights (FIDH).

The Center also publishes research on various topics, aimed at improving the human rights situation in our society.

Research Background:

In 2018, CLDH launched a report¹ preparing the commission to practice its mission by discussing the history and significance of NHRCs and the Human rights issues that the NHRC could address in Lebanon.

After approximately three years of its establishment, and in the scope of Reviv 1 which aims to protect and defend the access to rights for vulnerable people in Lebanon (including refugees and migrant workers) through legal assistance; investigation and advocacy on arbitrary detention and torture; support for victims of torture, CLDH is drafting a policy paper to discuss the action and projects and/or absence of projects implemented by the NHRC/CPT in the scope of its work in Lebanon, the work of CLDH and other human rights organizations. This will be in addition to identifying the challenges hindering the achievement of its mission in order to practice both accountability and support where needed.

Research objectives:

- Identifying the framework of the distribution of tasks and responsibilities between the NHRC and the CPT.
- Investigating the tasks and functions that were completed by NHRC/CPT and the ones that should have been completed.
- Determining and analyzing the challenges and obstacles that faced NHRC/CPT in the implementation of their role and responsibilities.
- Analyzing the work of CLDH and other civil society members in supporting and enforcing the mission of the NHRC/CPT.
- Providing recommendations on how to improve the work of the NHRC/CPT.

I- Comparative overview: Law and Practice:

In accordance with the Paris Principles that sponsor the mechanisms for the establishment and work of national human rights institutions, and after receiving many recommendations to the Lebanese state from the United Nations Human Rights Council and international treaty bodies, Law No. 62 was approved on October 27, 2016 amended by Law 273/2022 (Establishment of the National Commission for Human Rights including the Committee for the Prevention of Torture).

Lebanon acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under Law No. 12 issued on September 5, 2008, and in implementation of Article 17 of it, the State committed itself to creating an independent national mechanism to prevent torture through the establishment of the National Human Rights Commission, which includes the Committee for the Prevention of Torture.

The commission works to protect and promote human rights in Lebanon in accordance with the standards set forth in the Lebanese Constitution, the Universal Declaration of Human Rights, international conventions and treaties relating to human rights, and Lebanese laws.

The National Human Rights Commission, including the Committee for the Prevention of Torture, was formed by Decree No. 3267 of June 19, 2018 and Decree No. 5147 of July 5, 2019.

In implementation of the provisions of Article five of Law No. 62/2016, the members of the Commission took an oath on July 16, 2019 and on August 14, 2019 before the President of the Republic.

The creation of the NHRC/CPT marked a milestone for Lebanon, as many CSOs working in torture prevention were hoping for its establishment, this policy paper is going to identify the framework of the distribution of tasks and responsibilities between the NHRC and the CPT, their implementation and obstacles while providing recommendations to improve the work of the NHRC and CPT.

Section 1: The members of the NHRC/CPT

Law no 62/2016 established in article 2, 3 and 4 the composition of the NHRC and CPT and the eligibility requirements for its members in detail.

The commission is composed of ten members, five of whom are members of the National Committee for the Prevention of Torture. The members will be appointed by decree based on a decision taken in the Council of Ministers for a period of six years, non-renewable, from a list proposed by the following bodies:

- One out of six former judges nominated by the Supreme Judicial Council.
- One out of six experts in criminal law, human rights law or common law, to be named equally by the Beirut and Tripoli Bar Associations.
- One out of six experts in international humanitarian law, nominated equally by the Beirut and Tripoli Bar Associations.
- One out of six specialists, one in psychiatry and the other in forensic medicine, named equally by the Beirut and Tripoli Medical Syndicates.
- One university professor out of three specialists in human rights or public liberties nominated by the Deans Council at the Lebanese University,
- One out of four members nominated by the Syndicates of Press and Editors.
- Three members out of twelve human rights activists nominated by the Parliamentary Committee for Human Rights, based on nominations submitted by civil society organizations working in the field of human rights, provided that each candidate is recommended by at least three Lebanese associations.

The bodies specified above must submit the proposal for the first time within a period of three months from the date of the issuance of this law in the Official Gazette, otherwise the Parliamentary Committee for Human Rights will replace them in the nominations.

Members exercise their duties in their personal capacity and in complete independence and are not bound by the directions of any authority.

The members of the Commission shall continue to exercise their duties even after the expiry of their mandate until new members take the oath.

Furthermore, the candidates must meet specific conditions:

- To be Lebanese for at least ten years, enjoying his/her civil rights, not convicted of a felony or a heinous misdemeanor, and of high moral conduct.
- To be at least thirty-five years old.
- Shall have at least ten years of experience in his/her field of specialization.
- The representation of both sexes shall be taken into consideration.
- The files of the candidates shall be deposited with the General Secretariat of the Presidency of the Council of Ministers.

Based on the provisions of article 4 of the Law no 62/2016 the members shall devote themselves to their work in the committee, and they are prohibited from practicing any other work while assuming their duties.

It is not permissible to combine the membership of the Commission with the presidency or membership of the Ministry or the House of Representatives, the presidency or membership of the board of directors of a public institution, the presidency of a municipal council, or a leadership position of a party, or membership of union councils or the bodies proposed to members.

A member shall not, before the expiration of two full years from the end of his membership, run for parliamentary, municipal or elective elections or assume any political or administrative public position.

As aforementioned, the National Human Rights Commission, including the Committee for the Prevention of Torture, was formed by Decree No. 3267 of June 19, 2018 and Decree No. 5147 of July 5, 2019. This appointment came about a year and a half after the approval of Law 62 on October 19, 2016.

The appointed 10 members were the following:

- Khalil Abu Rjaili, as a former judge.
- Lawyers Rana El-Gamal and Raymond Medlej, from the category of lawyers.
- Dr. Bilal Sablough, from the forensic doctor's category.
- Dr. Josephine Madi Skaf, from the category of Doctors for Psychologists.
- Fadel Daher, from the category of university professors specialized in human rights or public liberties.
- Ali Youssef, from the category of journalists.
- Bassam Kentar, Reda Azar, Fadi Gerges from civil society organizations.

The appointment of the members was a step towards the implementation of a mechanism to help in the protection and implementation of Human Rights.

1- The appointment of the members:

Based on the provisions of Law 62/2016, the appointment of the members happens in two stages:

- The institutions should name the potential members of the NHRC/CPT within 3 months of the publishing of the law in the official gazette.
- The Government should choose from the list of names within three months from the date the names were sent to them.

However, the announcement of the names of the appointed members was accompanied by many observations and questions, from CSOs, related to the criteria for appointing these members, as well as the content of the decree.

The main reservations were:

- The late appointment of the members who were appointed one and a half year after the publishing of the law in official gazette;
- The lack of transparency in the appointment;
- The appointment of the members of the NHRC and CPT in two separate decrees;

According to CLDH's president Wadih Al Asmar, the issue is not in the law itself but rather in its implementation; "the appointment happened after one year, some suggest commissioners were active members of political parties and the appointment was based on a sectarian quota which resulted in a nonfunctional commission."

The members of the working group on torture prevention stated in an interview with CLDH that the appointment was not transparent or based on a clear criterion; they also expressed their concerns over the lack of knowledge in international standards for conducting visits to detention centers, stating that after meeting the members it became clear that they do not fill the needed qualifications for the role.

Rida Azar, a member of the CPT who put her membership on hold as a statement to oppose the modality of the visits and the members manner of work affirmed that "The members do not have the knowledge required to conduct visits, when you visit a detention center first it needs to be without prior notice, second there are certain modalities that need to be respected, they need to meet with the prisoners alone and to have them checked by a doctor if they allege torture, in addition to several other procedures that need to be respected".

The lack of transparency or qualifications in the appointments was not shocking for Bassam Kentar, a commissioner in the NHRC/CPT, when asked about his opinion on the matter he affirmed that there is in fact a lack of transparency in the appointment of the members and expressed his dissatisfaction with the current commissioners stating that he suggested resignation to the members who are not qualified to work. He also insisted that the problem lies in the first stage of the appointment and not the second, "the institutions were not clear about the criteria they used to name the potential members, as for the second stage we cannot oblige the government to choose someone, the list presented to the governments should contain qualified experts from each institution regardless who the government chooses later", "the problem lies in the short listing process so the institutions are the ones who need transparency and not the government, the criteria should be clear and precise because the term Human rights activist is very foggy", based on his opinion it is true that some members do not have the sufficient knowledge to operate in the NHRC/CPT but they are attending trainings and learning, "the NHRC/CPT did not start fully operating yet, and with time they will learn" adding that if the state wants to appoint experts with certain qualifications, it should offer them an equal level of incentives which is not the case presently.

2- The amendment of Law no 62/2016:

On March 10, 2022, the law 273 was published amending Law number 62/2016. The amendment garnered the attention of Human rights organizations due to the stipulations of the amended article 30 (b), stating that the first mandate of the NHRC starts after the issuance of the organizational decrees.

The amendment received a lot of attention from the CSOs especially those working on torture prevention; the working group for torture prevention (CLDH, Restart, ALEF, Proud, Ajem and Caritas) issued several statements² expressing their position from the amendment and demanding a clear response from the NHRC/CPT.

According to Fadel Fakih, Executive Director of the Lebanese Center for Human rights “We did not receive any legal explanation about their position from the amendment”, during a workshop organized by the NHRC/CPT the members expressed their satisfaction with the new amendments, although the promulgated law is different from the one they submitted, the members made it clear that the negative response from the CSOs is not well directed, Kentar remarks “they are focusing the mandate but did not say anything in the things that mattered, like the budget of the NHRC/CPT”.

After the amendment the space between the NHRC/CPT and the CSOs became even wider, hindering any chance of cooperation. In Kentar’s words:” in all countries the NHRC/CPT and CSOs are in a competition and it’s normal”.

From the CSOs point of view the amendment is harmful to the members themselves as it strips away the NHRC/CPT from any official legal status that they had since the oath. It also renews their mandate until further notice which is a clear contradiction to the provisions of article 2 of law 62/2016; adding to that the NHRC/CPT took an ambiguous position from the provisions of article 30 (b), they neither implemented the amendment and stopped conducting visits until the organizational decrees are passed nor refused to implement it and considered their mandate started since 2019, they are tailoring the implementation of the amendment law to what suits them. The CSOs reached out to the NHRC/CPT to have a workshop to tackle the issue of the amended law and change its provisions, however the efforts were not reciprocated by the NHRC/CPT.

Based on Bassam Kentar’s words, the provisions of the amendment are “an exception, in any other country this is wrong but in Lebanon this is the only way. A controversial exception for sure but it is a real mirroring of the ministerial abuse and violations of the law implementation that we suffer from in Lebanon”. The NHRC/CPT members are well aware of the illegality of their current practices and the discrepancy in the legal text of the law and practice but they are using it as a pressure tool against the ministry, “it is our way to tell them that if you want to keep refusing to pass the organizational decrees our mandate will now start and therefore we are staying too” Kentar states.

On the other hand, Reda Azar a commissioner with the NHRC/CPT explains that although the members intentions are understandable but she does not agree with them because it renders their term of office open ended and does not solve the issue. Furthermore, she adds that the amendment, in her opinion, could not be considered as an extension since in practice the members did not start working and did not get paid, she views the amendment as a necessity that could have been avoided by the issuance of the organizational decrees.

The issue of the start of the mandate was present since the publishing of law 62/2016, based on Reda Azar, the members had questioned it constantly. Is it from the date of the oath, or from the issuance of the organizational decrees? The amended law closed this debate.

Section 2: The division of responsibilities between the NHRC/CPT

1- The responsibilities of the NHRI/NPM: in theory and in practice:

Law 62/2016³ defines the role and duties of NHRC and the CPT as follows:

NHRC duties and responsibilities⁴:

NHRC protects and promotes human rights in Lebanon following the standards in the Lebanese constitution, the Universal Declaration of Human Rights (UDHR), International Human Rights Conventions and Treaties, and Lebanese laws consistent with these standards. In addition, the NHRC shall carry out special functions set out in the present law and may, for this purpose, communicate independently with international and local human rights bodies.

The NHRC is entrusted with the following duties:

1. Monitor the extent of Lebanon's compliance with Human Rights and International Humanitarian Law and draft and publish special or periodic reports thereon.
2. Contribute independently to draft reports that shall be submitted by the Lebanese State.
3. Offer feedback and consultation upon the request of competent authorities or under its initiative regarding the respect and observation of Human rights standards.
4. Receive claims and complaints of human rights violations and contribute to handling these claims through negotiations and mediation or prosecution.
5. Contribute to disseminating the culture of human rights and push for the implementation and development of human rights education programs.

The CPT role and responsibilities⁵:

The CPT works within the NHRC to protect the rights of persons who are detained and deprived of their liberties, under the provisions of the present law and following Lebanon's obligations under the OPCAT.

The CPT, its appointed members, its accompanying employees, the contractors have the full authority to access and visit all places of detention and related facilities in Lebanon without any exception to protect detainees against arbitrary detention, torture, and other cruel, inhuman, or degrading treatment or punishment. Furthermore, the CPT shall cooperate and negotiate with competent authorities to enforce and improve laws and regulations related to detainees and places of detention.

The CPT or any of its appointed members may:

1. Carry out periodic or unannounced visits at any time to places of detention without prior notice or the need for any permission from any administrative, judicial , or other authority.
2. Conduct collective or individual interviews with detainees in private, away from any surveillance, and with the assistance of an interpreter if necessary.
3. Meet any other person who may have relevant information or provide assistance that it deems necessary and have unrestricted access to confidential information as required by CPT's work. The CPT may not publish or reveal any of this information without the consent of the person concerned or the source.
4. Receive complaints or requests for interviews, inspection, or medical examination.
5. Shall cooperate and negotiate with competent authorities to enforce and improve laws and regulations related to detainees and places of detention.

Article 27/b of Law 62/2016 allowed CPT to establish direct contact with the UN SPT and provide it with information when required. CPT and SPT shall meet periodically or whenever needed.

NHRC and CPT, each in its field, shall provide a unified report including their annual program, achievements, and challenges. NHRC shall submit the unified report to the office of the President, the office of Head of Parliament, the office of the Prime Minister, and the office of Head of the Supreme Council of Justice. The report shall be published in the Official Gazette, and it may be discussed by the Parliament. The report shall not mention any personal information or details that could reveal the identity of victims or witnesses without their consent.

In practice, since 2019 the NHRC/CPT covered the following responsibilities:

- Attended Conferences and trainings with national and international organizations.
- Worked with Restart on their Bylaws.
- Seven visits to detention centers since 2020.
- Published a reference guide and complaints guide in 2022.
- Submitted a report to the SPT.
- They underwent training for prison visits.
- They gave an opinion on Three laws (laws on disabilities, torture prevention law, the draft law on the amendment of some articles in the penal code).
- Based on their reference guide published in 2022 the NHRC- CPT started preparing the related documents to join international and regional organizations and bodies such as: The Global Alliance of National Human Rights Institutions- Asia Pacific Forum of National Human Rights Institutions -The Francophone Network of Human Rights Institutions - The Arab Network of National Human Rights Institutions.

The NHRC/CPT tried to work on acquiring the GANHRI accreditation A, and attended the meetings as observatory members and visited Qatar, they attended the human rights council as observatory members and liaised with the council of Europe who was supposed to provide a big budget to the committee but it was not followed up same case for other funding.

The members followed up non-stop on the organizational decrees, the remuneration and the budget, a big part of their focus was on this topic to secure funding but nothing was achieved due to the absence of a political will. The NHRC/CPT's problem is already bigger than it seems as Reda Azar states the issue is that there is no money in the country and no political will to actually establish the NHRC/CPT.

The focus of the NHRC/CPT since their oath was on the organizational decrees.

The head of the human rights department in state security shared in an interview with CLDH that the only visit conducted by the CPT was before the visit of the SPT to Lebanon in May 2022, he added "we need members that are eager to work without needing to be pushed".

Bassam Kentar told CLDH in an interview that evaluating the work of the NHRC/CPT is not possible at the moment since in order to tackle their productivity we should go back to the monetary compensation accorded to the members, the commissioner in the NHRC/CPT should be fully employed not work as volunteers so to make any statement regarding the accomplishment of their role and responsibilities the government should first ratify the decree that will define and be very precise about the salary for the members on a monthly basis.

He continued that since 2019 four ministers of justice failed to reach any final result for the decree on the monetary compensation of the NHRC/CPT members, Salim Jreissati presented a draft for the decree and asked for the opinion of the Shurah Council on it but it was blocked for political reasons by the ministry of finance, the minister of justice Albert Serhal ex judge proposed that the commissioners should be paid like school teachers which proves that "ex judges who are current ministers are living in the past with no introspection about human rights in Lebanon and are far beyond any understanding of what a human rights commissioner is" in Kentar's words, for that reason the NHRC/CPT members refused the proposal of Albert Serhal, Marie Claud Najem a previous minister of justice suggested a "fair decree" as Kentar affirms but the decree did not reach the Shurah council or the ministry of finance.

According to Kentar the commissioners are well aware that they are not fulfilling their responsibilities, but they are working as volunteers without monetary compensation. They are aware as well that the law cannot be implemented in its current form; they are waiting until the new government is elected.

According to the working group on torture prevention, the members should resign if they are unable to fulfill their duties.

In conclusion, there is a general agreement that the NHRC/CPT are not active, a fact that is also acknowledged by some of the commissioners.

2- The issue of the separation of jurisdiction between the NHRC/CPT

There are no unified models for the NHRI's (national human rights institutions) based on the Paris principles; there is a set of conditions of how the NHRIs (national human rights institutions) should be established. States are entitled "to choose the framework which is best suited to its particular needs at the national level"⁶.

Lebanon adopted the commission model, formed of 10 commissioners 5 of them as CPT members, although the law has clearly established the roles and responsibilities of the NHRC and CPT, but in practice the division is a facade since it is clear that the NHRC and CPT are working as one body, the visits that they conducted, were done by one member of the NHRC and one member of the CPT although based on the content of the Law the visits are in the jurisdiction of the CPT.

Bassam Kentar explains that the roles and responsibilities are very clear in the text of the establishment of the NHRC including the CPT, the decision to embed the CPT into the NHRC was taken by the parliament and a number of stakeholders for two main reasons : firstly, this option is cost effective Lebanon cannot pay for more than one commission; secondly, it helps with the coordination between the two especially with the exchange of information about torture or detention center visits.

As stated by Wadih Al Asmar president of the CLDH the NHRC commissioners should not represent or speak on behalf of the CPT because the latter is independent, on the contrary the CPT can do so because they are part of the NHRC, yet the fact that members of the CPT are accepting to be represented by NHRC commissioners proves that even they don't consider themselves independent.

Nevertheless, there is a consensus between the CSOs and the members of the NHRC/CPT, that the law contains gaps that hinders the role of the NHRC/CPT such as the lack of the financial independence which is crucial for its accreditation based on the GANHRI standards .

As aforementioned the CPT is embedded in the NHRC, but each one of them has a precise and clear mandate as detailed in the previous paragraph (The responsibilities of the NHRC/CPT: in theory and in practice) but in some instances the line of separation is not clear for example the CPT works independent in matters of prevention of torture, however it cannot submit a draft law, the draft law needs to be submitted by the NHRC Bassam Kentar finds it unreasonable to deny this ability to the CPT especially if the draft law is related to torture prevention. In addition, the CPT has to attend all of the NHRC meetings and vote on decisions; it also has the right to object to the decisions. Kentar adds that the issue of separation is one of the gaps that the law did not make clear, "currently it is up to each member's way of work" and since in its current situation it is not fully operating the separation is not the focus.

The visits:

One of the most important responsibilities of the CPT is to conduct visits to detention centers including non-official centers, mental health facilities and orphanages. The visits that were conducted since 2019 included members of the NHRC which does not fall under their mandate according to law 62/2016, nevertheless according to article 45 of the NHRC bylaws “ NHRC members from outside the CPT are experts who can help implement CPT’s tasks when needed upon its request”, which is why the visits were being conducted by the NHRC members in some cases so in Bassam Kentar’s words “the separation is meaningless, you want to implement the provisions of the OPCAT, in Lebanon you cannot do that especially with this kind of law (62) not to mention the administrative and monetary issues. In practice, if we have an operating CPT with an army of staff we can do that, but with the current capacities, the total number of CPT members is 5 with only three of them working and at least 1200 official and unofficial detention centers; the help of the NHRC members is needed.”

Worth noting that although a total of seven visits were conducted by the NHRC/CPT, these visits were not compatible with the international standards, based on Reda Azar’s opinion the members do not have the knowledge required to conduct visits “when visiting a detention center: first it needs to be without prior notice, second there are certain modalities that need to be respected, they need to meet with the prisoners alone and to have them checked by a doctor if they allege torture, as well as several other procedures that need to be respected”, at the end of each visit an official and detailed report needs to be drafted, and published, the NHRC/CPT published brief reports on their Facebook account.

Approximately, two years ago a decision was issued by major-general Imad Ossman to all security forces to support the CPT’s visits to detention centers but based on the opinion of the head of the Human Rights department in the state security although the law gave the NHRC/CPT the jurisdiction to conduct non disclosed visits to detention centers, they should at least inform them by the phone before visiting “as a public institution we have our mechanism that needs to be respected”.

3- The obstacles for the implementation of the NHRC/CPT activities:

The responsibility of the failure of the NHRC/CPT does not fall on the members themselves, since 2019 they faced a number of obstacles that obstructed their work. According to Wadih Al Asmar president of the CLDH the wrong implementation of the provisions of the law and its amendments which was followed by the abstention of the government to issue the budget and the organizational decrees lead to a non-operating NHRC/CPT.

The most prominent issue for the NHRC/CPT is the lack of political will to pass the Organizational decrees.

Based on the provisions of the law 62/2016, the decrees are one of the prominent obstacles hindering the work of the NHRC/CPT, it is needed to acquire the monetary independence, the official status, the premises and the ability to recruit staff members and operate at full capacity, after the amendment the organizational decrees became the starting point of the NHRC/CPT’s mandate.

The NHRC/CPT worked non-stop on the issuance of the organizational decrees but their efforts were met with disappointment and political barriers. Reda Azar argues that the political class created the NHRC/CPT but does not want it to actually operate, and if the organizational decrees were not issued in 2019 when the country was relatively in a good economic condition, they will for sure never be issued with Lebanon's current situation.

Section 3: Coordination between NHRC/CPT and the CSOs including The Lebanese Center for Human Rights.

The Paris Principles and Global Alliance on NHRIs Sub-Committee on Accreditation (GANHRI-SCA)'s General Observations as well as the Kandy Program of action: Cooperation between National Institutions and Non-Government Organizations⁷ have emphasized the importance of coordination between the CSOs and the NHRIs, this importance was highlighted in law 62/2016.

There is a broad accordance between civil society and the commissioners that law 62/2016 stipulates clearly that the NHRC/CPT should coordinate with the CSOs in their work, when the CAT came to Lebanon their only recommendation was for the NHRC/CPT to coordinate with the CSOs based on Dalal Khawaja's words (chief operational officer at Restart center) this recommendation was not well received by the commissioners.

Accordingly, CLDH tried reaching out to the NHRC/CPT on several occasions offering workshops, experts even covering transportation for the visits, but their attempts were not reciprocated. Their lack of will to coordinate with the NGOs seemed to increase after the amendment of the law 62/2016, the position of the NGOs was not well received from the NHRC/CPT members.

Based on the responses from the members of the working group for torture prevention which includes CLDH, Restart, ALEF: act for human rights, Proud Lebanon Caritas and Ajem, the adoption of law 62 was the fruit of years of work and they wanted to help in its implementation and help the members to actually work since the CSOs work is complementary to the NHRC/CPT "we offered all of our resources from A to Z but they did not reciprocate" Restart.

Based on the opinion of Fadel Fakhri executive director of the Lebanese Center for Human Rights "the position of the CSOs was a bit uncomfortable because we really wanted the members to succeed in their work that's why we offered our support but when we witnessed the lack of expertise or will to work, we were not able to become false witnesses and support them because this might give them credibility and assurance to stay without working so we decided to shift our focus and highlight their underperformance. Cause at the end it's the cause that's important not the people".

The CSOs and the NHRC are always in a competitive relationship as stated by Bassam Kantar, a commissioner in the NHRC and a member of the CPT. Based on his standards, a good NHRI should be coordinating with civil society, who in return "should name and shame" every party who is blocking the work of the NHRC, he continues that in Lebanon there are three kinds of CSOs the pioneers who believe in the cause the business oriented and the government oriented, he considers that a lot of CSOs are stuck in projects and do not have the capacities to function outside of one, therefore if the NHRC has power it can support civil society.

At the start of its mandate the NHRC/CPT attended some workshops with NGOs and had meetings with them, they even worked on their Bylaws with Restart, however with time they became less responsive, CLDH sent a letter to the NPM in February 2022 about violations happening at an NGO's protection center based on statements from victims, the head of the CPT responded to the letter in May 2022 and the visit was conducted in June 2022, no official report was published about the visit, the CLDH was informed in a phone call that no violation was detected.

Reda Azar, a commissioner in the NHRC/CPT stated that she tried to get the CPT to work with civil society but she was blamed for her effort: "In my opinion if the CPT/NHRC wants to work they could take advantage of the CSOs' resources, the CSOs would not refuse to support the NHRC/CPT but it never happened. I tried to make it happen but there was not a will. CSOs role is very important in the NHRC/CPT's work. A lot would have been done based on the CSO's expertise, and a lot of them offered (ex CLDH, Restart...) in their opinion they are more important than that. CSOs did more than enough. They reached out to the members a lot and asked for meetings with them. They really tried a lot but their effort was not reciprocated and now they don't want to anymore."

In fact, a number of foreign NHRI's benefited from the expertise of the CSOs in their countries to widen their reach such as:

MALAYSIA-HUMAN RIGHTS COMMISSION OF MALAYSIA⁸:

SUHAKAM has been working with civil society organizations on a nation-wide campaign advocating for Malaysia's accession on the United Nations Convention against Torture, Degrading or inhuman Treatment (UN CAT). This is seen through the joint campaign by SUHAKAM with Malaysian Bar, Lawyers for Liberty, Amnesty International Malaysia, SUARAM and other civil society organizations. In order to promote greater public awareness of the campaign, they have created a dedicated Facebook Page entitled 'ACT4CATMALAYSIA', as well as two hashtags: #ACT4CAT (Act for the Convention Against Torture) and #HENTISEKSA ('Stop torture' in Malay). On top of the benefits derived from collaboration and sharing of expertise. Civil societies were granted opportunities to understand the inner working situation of SUHAKAM and had the space for direct engagement with SUHAKAM's secretariat.

SRI LANKA- HUMAN RIGHTS COMMISSION OF SRI LANKA (HRCSL)⁹:

In 2016, the HRCSL established proper channels of engagement and discussion with CSOs. The HRCSL has established nine thematic sub-committees for the purposes of facilitating public discourse on specific human rights issues. The themes of the nine sub-committees are: Rights of Migrant Workers; Rights of the Differently-abled Persons; Education Policy; Rights of Elders; Gender Issues; Custodial Violations; Rights of Plantation Workers; Economic, Social and Cultural Rights; and Rights of Lesbian, Gay, Bi-sexual, Transgender, Intersex and Questioning (LGBTIQ) Persons. The membership of the sub-committee includes representatives of CSOs. Additionally, the Regional Offices of the HRCSL have set up civil society networks. The sub-committees and civil society networks meet on a monthly basis with the Government Coordination Committee, therefore creating a public forum for the expression of different views, concerns and recommendations by CSOs and the HRCSL.

MONGOLIA-NATIONAL HUMAN RIGHTS COMMISSION OF MONGOLIA (NHRCM)¹⁰:

The NHRCM held its biannual partnership meeting with CSOs on 4 December 2017, as part of events to celebrate International Human Rights Day and the upcoming 70th anniversary of the Universal Declaration of Human Rights (UDHR). The meeting was attended by the Commission's Ex-Officio Board, made up of civil society representatives, to develop a joint program for 2018.

At the meeting, the Ex-Officio Board¹¹ presented the newly appointed Board members that included 19 representatives from NGOs, academia, trade unions, international organizations and media.

II-Foreign NHRC/NPM:

The Paris Principles set out basic standards that should be followed by NHRI's in order to be accredited, it required them to be independent in law, membership, operations, policy and resources, in addition to having a broad mandate, cooperative methods and to communicate with international bodies.

GANHRI is responsible for accrediting NHRIs through the Sub-Committee on Accreditation (SCA). It is a peer-based process, undertaken by representatives of NHRIs from each of the four regions: Africa, Americas, Asia Pacific and Europe.

A national human rights institution is reviewed by the SCA when:

- it applies for initial accreditation.
- it applies for re-accreditation every five years.
- the circumstances of the NHRI change in any way that may affect its compliance with the Paris Principles.

As of April 2022, GANHRI is composed of 120 members: 90 "A" status accredited NHRIs and 30 "B" status accredited NHRIs.

The classifications for accreditation used by GANHRI are the following:

- **A:** Fully compliant with the Paris Principles;
- **B:** Partially compliant with the Paris Principles.
- **C:** This category (non-member & non-compliant with the Paris Principles) was granted where the Institution was deemed to not be in compliance with the Paris Principles; it is no longer in use by GANHRI. It is maintained only for institutions that were accredited with this status before October 2007.

Lebanon is not yet compliant with the Paris Principles therefore not accredited. In an Interview with Bassam Kentar a commissioner in the NHRC/CPT, he mentioned the NHRI of the Kingdom of Morocco as an exemplary NHRI.

The National Human Rights Council is a national institution for the protection and promotion of human rights in Morocco, it was established in 1990, its founding law was amended in 2001 to be in conformity with the Paris Principles, and again in 2011, giving the institution more powers, more autonomy and broad prerogatives to protect and promote human rights in Morocco and also to promote the principles and values of democracy. A new law was passed in 2018, giving the institution even more powers and a broader mandate (Law #15.76). The Council was thus designated as a national preventive mechanism against torture, as a national disability rights mechanism and a national child redress mechanism.

During its first general assembly in September 2019, the Council unveiled a new strategy (for the prevention of violations, Protection of human rights, and Promotion of the culture of human rights).

The National Human Rights Council of Morocco is accredited as an “A” status NHRI by the Global Alliance of National Human Rights Institutions (GANHRI).

The national human rights council has 39 members, 17 of them are women. It cooperates with 39 national and international partners (universities, ministries and CSOs...).

Its main Programs include:

- Election Observation:

CNDH also contributes to strengthening democracy building in Morocco. It helps promote pluralistic societal dialogue and provide appropriate means and mechanisms to this effect, including through the observation of elections. The former Advisory Council on Human Rights had observed the 2007 parliamentary elections and 2009 municipal elections. After its creation in March 2011, CNDH observed the constitutional referendum of July 2011 and the parliamentary elections of November 2011.

- 2007 Legislative Elections.
- Communal Elections of June 12, 2009.
- Constitutional referendum observation¹².
- Observation of the 2011 Parliamentary elections¹³.
- National plan of action on democracy and Human Rights (PANDDH)¹⁴
- Citizenship Platform for the promotion of Human Rights culture¹⁵
- Human Rights Protection¹⁶: a special guide for visiting detention centers was drafted to facilitate the visits of the Council to detention centers.

- The Promotion of the culture of Human Rights: by signing a number of partnerships with national and international Universities.

- **Activities and events**

The Council organizes national, regional and international meetings and forums on human rights to enrich and stimulate dialogue and debate on human rights, their evolution and their perspectives. It also contributes to creating communication and dialogue networks among national and foreign similar institutions.

- **National Human Rights Award**

To encourage all kinds of initiatives aiming to promote human rights and contribute to the efforts made in this regard, be it at the national, regional or international level, the Council may award a National Human Rights Award to any deserving person or body. The decision to award this prize is motivated by the distinctiveness, depth, creativity and sense of commitment of the competing works, studies, scientific researches or development initiatives, or the candidates' distinguished positions in favor of the protection and promotion of human rights.

The Award is given, in accordance with the terms and conditions laid down in the Council's Rules of Procedure, to national or foreign dignitaries or institutions during the Council's human rights forums.

- It drafted annual reports on the situation of human rights and thematic or issue specific reports, it also handled human rights violations complaints and investigated human rights violations.

The Council has 12 regional human rights commissions, established with the aim to closely monitor the situation of human rights in the different regions of Morocco.

Although not perfect, the NHRC of the kingdom of Morocco managed to implement its duties and work with local authorities and civil society members while acquiring and maintaining its GANHRI "A" accreditation which could be a perfect role model for the Lebanese NHRC to follow.

III-Recommendations:

- **To the NHRC/CPT:**
 - To resign and nominate new experienced commissioners based on qualifications and not confession.
- **To the government and parliament:**
 - Amend the current law, and separate the jurisdiction of the NHRC/CPT into two independent bodies with mutual coordination.
 - Increase the number of commissioners.
 - Establish a mechanism to provide independent financing to the NHRC/CPT.
 - Publish the SPT report.
 - Issue the organizational decrees if the current law is not amended, however if amended exclude any inclusion of the government or organizational decrees in the NHRC/CPT's work.
- **To civil society:**
 - Consultations between international agencies and the CSOs that are heavily active in the torture / human rights sector to provide adequate support to the NHRC/CPT.



National Human Rights Commission/ Committee for the Prevention of Torture Policy Paper

| Challenges and Responsibilities

2024