

Human Rights Commission of Sri Lanka

Performance Report - 04th Quarter, 2017 (October to December 2017)

Introduction

The Human Rights Commission of Sri Lanka (HRC) was established in 1996 by the Human Rights Commission of Sri Lanka Act No. 21 of 1996. The Act sets out the legal basis and operational principles of the HRC. The HRC is referred to in the Constitution of Sri Lanka but it is not formally established by the Constitution. The Chairperson and Members of the Commission are appointed under Constitutional provisions.

The Act defines the HRCSL's jurisdiction in terms of fundamental rights and human rights. Fundamental rights are certain civil and political rights as well as economic, social and cultural rights guaranteed in Chapter III of the Constitution of the Democratic Socialist Republic of Sri Lanka. Human rights are defined in international law.

The statutory functions of the Commission are:

- to inquire into, and investigate, complaints relating to procedures, or infringements or imminent infringements of fundamental rights to ensure compliance with the provisions of Constitution and to provide for resolution through conciliation and mediation
- to advise and assist the government in formulating legislation and administrative directives and procedures to promote and protect fundamental rights
- to make recommendations to the Government to ensure that national laws and administrative practices are in accordance with international human rights norms and standards
- to make recommendations to Government on the subscribing or acceding to treaties and other international human rights instruments
- to promote awareness of, and provide education in relation to, human rights.
(Section.10 of Act No. 21 of 1996)

The Commission functions with 154 staff members. The Commission consists of Inquiries & Investigations, Education & Special Programmes, Research & Monitoring and Administration & Finance Division and 10 regional offices (Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee and Vavuniya) to carry out its functions. Each Division is headed by a Director and each Regional Office is headed by a Regional Coordinator. The Chairperson and/ or a Commissioner/ Commissioners supervise each Division and Regional Offices.

Special Activities During the Quarter

- Technical Training Program and Advocacy Training Program on Access Rights of Disabled persons was conducted in collaboration with the Australian Human Rights Commission for selected government officials, civil society representatives, and HRCSL staff from 14th to 17th November 2017 at Colombo.
- The Commission introduced a new general email address to HRCSL (sechrcsl@gmail.com)

- The Chairperson of HRCSL advocated on the revision of abortion laws in the country and stressed that the public policy on health matters should not be formulated solely on the basis of religious views.
- The Commission called applications for the recruitment of Directors and Translators of HRCSL.
- The Commission issued a press statement on negative publicity on HRCSL's intervention regarding expulsion of a school girl from a public school in Madatugama, misleading and discouraging the public from making complaints to HRCSL. Further, the Commission expressed concern on responsibility of media in providing correct information and providing assistance to build a human rights culture.
- Chairperson of HRCSL released a statement to mark International Human Rights Day - 2017. The HRCSL in collaboration with Sri Lanka Arts Council organized an exhibition under the theme 'The First Human Rights Art Festival - 2017'. Regional Offices conducted celebrations on the theme for Human Rights Day 2017.

Recommendations to the Government

- The Commission submitted its observations and recommendation to His Excellency the President on the International Convention for the protection of All Persons from Enforced Disappearances Bill by letter dated 28.09.2017 and posted it on HRCSL website on 06.10.2017.
- Pursuant to *suo-motu* action to protect the right to education of a school girl expelled from a public school in Kekirawa in the North Central Province an inquiry was conducted on 20.10.2017. The Commission subsequently issued a detailed recommendation to public education authorities on the need to take disciplinary action in schools in compliance with rights of the child.



Human Rights Commission of Sri Lanka
Received Complaints Details by Regions & Head Office
October - December 2017

Types of Complaints	Regions											Regional Office	Head Office	Grand Total
	Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna	Killinochchi Sub Office	Kalmunai	Kandy	Matara	Trincomalee	Vavuniya			
Personal Liberty	2	30	4	20	13	5	5	29	32	9	10	159	228	387
Torture (physical and mental)	--	10	--	--	2	--	--	15	4	1	4	36	76	112
Harassments	--	1	--	6		--	--	7	--	1	1	16	115	131
General Harassments	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Sexual Harassments	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Threats	--	3	--	--	3	2		--	10		3	21	--	21
Degrading treatments	--	1	3	--	8	3	5	--	7	6	2	34	--	34
Arbitrary Arrests/Detention	2	14		11	--	--	--	7	11	1		46	36	82
Detention conditions	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Death in custody	--	1	1	--	--	--	--	--	--	--	--	2	1	3
Enforced or Involuntary Disappearances	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Abductions	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Extra-judicial Killings	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Encounter Deaths	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Prisoner's Rights	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Missing Persons ¹	--	--	--	3	--	--	--	--	--	--	--	3	--	3
Disappearances	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Other Civil and Political Rights	--	1	--	1	--	--	--	--	--	--	--	2	1	3
Freedom of Expression	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Freedom of Assembly	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Freedom of Association	--	1	--	1	--	--	--	--	--	--	--	2	--	2
Freedom of Religion	--	--	--	--	--	--	--	--	--	--	--	--	1	1
Freedom of Movement	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Right to Information	--	--	--	--	--	--	--	--	--	--	--	--	--	--

¹The given cases initially accepted under this category were later concluded to be not within the mandate of the HRCSL as either the alleged victims were found, voluntarily disappeared or there was no involvement of any state authorities.

Employment	10	36	4	12	11	1	16	26	19	7	5	147	145	292
Education	1	2	5	2	2	3	8	28	10	1	1	63	57	120
State Welfare Services	1	6	--	1	3	1	--	4	--	--	1	17	1	18
Infrastructure Utilities	1	1	3	--	--	--	2	3	2	--	--	12	10	22
Complaints Relating to Vote Registration	--	--	--	1	--	--	--	--	--	--	--	1	5	6
Complains about Inactions of Gov. Entities	8	39	8	32	14	0	26	29	18	13	17	204	75	279
Police	1	20	2	25	11		16	18	8	2	8	111	38	149
Other Gov. Authorities	7	19	6	7	3		10	11	10	11	9	93	37	130
Child's Rights	--	--	--	--	1	--	--	--	2	--	--	3	1	4
Rights of Differently-abled	--	--	1	--	--	--	--	--	3			4	--	4
Language Rights	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Migrant Worker's Rights	--	--	--	1	--	--	2	--	--	--	2	5	5	10
LGBT (Lesbian, Gay, Bi-sexual & Transgender)	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Health	--	--	--	--	--	--	--	1	1	--	--	2	--	2
Land & Property Rights	9	19	2	5	2	5	10	10	4	2	16	84	4	88
IDP/ Returning Refugees	--	--	--	--	--	--	--	--	--	--	--	0	--	--
Environmental	--	--	--	--	--	--	2	1	4	--	--	7	--	7
Administrative matters	2	4	4	14	20	6	--	12	15	5	1	83	28	111
Permits/license	--	4	--	--	1	--	--	--	--	--	1	6	2	8
Rights of Women	--	--	--	--	--	--	--	--	5	--	--	--	--	5
Elder Rights	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Other Categories	--	--	--	--	--	--	--	--	9	--	--	9	--	9
Not Accepted/ Can, Cannot Proceed	--	20	13	2	--	--	--	68	--	--	--	103	496	599
Complaints pending for more information	--	--	--	--	--	--	--	--	--	--	--	--	138	138
Total	34	162	44	91	67	21	71	211	124	37	54	916	1196	2112

Source: HRCSL Database 2017 & Regional Level Monthly Reports of HRCSL 2017

Nihal Chandrasiri
Acting Director - Inquiries & Investigations
Human Rights Commission of Sri Lanka

Summary of Visits to places of Detention (01.10.2017 to 31.12.2017)

Head Office	Police Stations	Prisons
	778	07

Regional Offices	Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna	Kalmunai	Kandy	Matara	Trincomalee	Vavuniya
Place										
Police Stations	07	92	13	22	34	13	36	49	26	58
Prisons	01	01	-	06	01	-	02	01	-	-
TID Visits	-	-	-	-	-	-	-	-	-	01
Child Care Homes Visits	02	13	-	03	02	-	-	-	03	-
Gazetted Places of Detention	-	-	-	-	-	-	-	-	-	-
Rehabilitation Cent.	-	-	-	-	-	-	-	-	-	-
Elders Home	02	01	-	-	-	-	01	-	01	-
Women's Home	-	-	-	-	-	-	-	-	-	-
Resettled Area	-	-	-	-	-	-	-	-	-	-

Participation in Meetings/Discussions/Programs (selected) Organized by External Stakeholders

02.10.2017	Meeting with government institutions on Myanmar - Rohingya Refugees in Sri Lanka
03.10.2017	Participated in a Special Sitting of Parliament to mark the 70 th Anniversary of establishment of Parliament Democracy
04.10.2017	Chairperson participated as a Chief Guest of prize giving of Gothami Balika Vidyalaya Colombo
04.10.2017	Meeting with Director of Asia Division of Human Rights Watch
06.10.2017	Meeting with UNHCR and related NGOs on Myanmar - Rohingya Refugees
07.10.2017	Chairperson Participated as a resource person in a dialogue on 'Our Rights Our Constitution - Let's Talk About it' organized by Bar Association of Sri Lanka Polonnaruwa Branch in collaboration with Democracy Reporting International Sri Lanka
17.10.2017	Meeting with UN Special Rapporteur on the Promotion of Truth, Justice Reparation and Guarantees of Non - Recurrence
23.10.2017	Meeting with Prof. Yashi Ghai Professor of Public Law, University of Hong Kong
23.10.2017	Meeting with Deputy Country Director, UNDP
26.10.2017	Participated in round table dialogue on 'Barriers Experienced by Women with Disabilities to Participation and Inclusion in Post - War Development Programs and Reconciliation Process' organized by International Centre for Ethnic Studies.

30.10.2017	Participated in National Convention on the Activist of Coexistence Societies and National Civil Society Federation organized by Ministry of National Coexistence, Dialogue and Official Languages
01.11.2017	Participated in the launching of National Human Rights Action Plan and Inter-Ministerial Committee on Human Rights
06.11.2017	Courtesy call by and meeting with Commander of Sri Lanka Army
07.11.2017	Meeting with Dr. Richard Adams, Superintendent Scotland Police on the request of Asia Foundation
08.11.2017	Meeting with Westminster Foundation on Democracy
10.11.2017	Meeting with a delegation from Canadian Branch of the Commonwealth Parliamentarians
14.11.2017	Participated in launching of Report on 'A Legal and Institutional Assessment of Sri Lanka's Justice System for Children' organized by Ministry of Justice in collaboration with UNICEF
14.11.2017	Meeting with Secretary of Ministry of Law and Order and officials of Police
14.11.2017	Participated in a discussion on the protection of Rohingya Refugees in Sri Lanka organized by Department of Immigration
15.11.2017	Participated in Body Mapping event organized by Institute of Social Development
17.11.2017	Participated in the Parliament (Committee Stage) Budget Debate
21.11.2017	Participated in 25 th Anniversary of Free Media Movement and the National Summit on Free Media Culture with Social Responsibility
22.11.2017	Participated in a forum on 'Accompanying Sri Lanka's transition to Democracy - Reigniting GSP + Human Rights Commitments' organized by European Chamber of Commerce Sri Lanka
25.11.2017	Participated in a Workshop on the Role of the Independent Commissions organized by the Institute for Constitutional Studies
01.12.2017	Participated in celebration of 46 th National Day of UAE
04.12.2017	Participated in the UNESCO Regional Conference on 'End impunity for Crimes Against Journalists' organized by Ministry of Finance and Media
14.12.2017	Participated in exhibition organized by Seth Sarana Caritas Colombo to mark International Migration Day
05.12..2017	Participated in the Committee on Public Petitions
05.12.2017	Participated in roundtable discussion on 'Disability Inclusive Election in Sri Lanka' organized by the International Foundation for Election system and Centre for Monitoring Election Violence
06.12.2017	Participated in a rally to mark the International Human Rights Day and International Day of Persons with Disabilities organized by Disability Organization Joint Front
06.12.2017	Participated in Panel Discussion on 'Rights of War Affected Women'
07.12.2017	Participated in Celebration of 2017 a reception organized by SWRD Bandaranayaka Memorial Foundation and Bandaranayaka Center for International Studies
08.12.2017	Meeting with Hon. Speaker/Chairperson Constitutional Council
10.12.2017	Participated in Peace, Reconciliation and Human Rights walk organized by Ministry of National Integration and Reconciliation
11.12.2017	Participated in commemoration of Human Rights Day organized by Right to Life Human Rights Centre
12.12.2017	Participated in the inauguration session of the Asian Federation Against Involuntary and Enforced Disappearances
12.12.2017	Meeting with UN Working Group on Arbitrary Detention
13.12.2017	Participated in launching of report on 'Rights of War Affected Women' organized by FOCUS WOMEN

13.12.2017	Participated in National workshop on ‘Sharing Experiences of South African model scored based Barometer Survey’ organized by Ministry of National Integration and Reconciliation in collaboration with Sri Lanka Evaluation Association
20.12.2017	Participated in discussion on healthcare workers’ involvement in Female Genital Mutilation
20.12.2017	Meeting with Representatives of Swiss Embassy
20.12.2017	Meeting with Community Development Services (Civil Society Organization)

Meetings (Internal)

Meetings	October	November	December
Board Meetings	16	20	18
Commissioners’ Meetings	9	13	11
Senior Managers Meetings	20	24	21
Regional Coordinators Meeting	--	--	22

Assistance to Mobile Series Programme of Ministry of National Co-Existence, Dialogue and Official Languages

The Ministry of National Co-Existence, Dialogue and Official Languages organized mobile services for marginalized groups in urban areas in Colombo district. The HRCSL provided resources for mobile services.

Date	Place
01.10.2017	Palmadulla, Ratnapura
14.10.2017	SaraswathiMahaVidyalayam,Pussellawa

Foreign Trainings/Conferences

Programme	Participated by
Asia Pacific Forum Blended learning course on Monitoring and Reporting from 09 - 11 October 2017 in Bangkok, Thailand	Ms. Sulari Liyanagama, Acting Deputy Director (Inquiries & Investigation)
Annual General Meeting of Asia Pacific Forum from 29 th -30 th November 2017 in Bangkok, Thailand	Dr. Deepika Udagama, Chairperson/HRCSL
Asia Pacific Forum -Facilitators Training Blended Learning Course from 12 - 16 December 2017 in Indonesia	Mr. A.L Issadeen, Acting Regional Coordinator, Kalmunai
Asia Pacific Forum Communication - Network Workshop from 20 th - 24 th November 2017 in Dhaka, Bangladesh	Mr. Nihal Chandrasiri, Acting Director, (Research and Monitoring)
Training on International Refugee Protection from 12 th - 16 th December 2017 in San Remo, Italy	Mr. Nihal Chandrasiri, Acting Director, (Research and Monitoring)

Staff Capacity Building Programs

Date	Programme	Resource Person/s
17.11.2017	Disability Access Advocacy Training	Matt Hall, Disability and Advocacy Expert in Australia and Padma Raman Executive Director of Australian Human Rights Commission.
13.12.2017	Special Lecture on ‘The Right to Information Act’	Jagath Liyanaarachchi, Attorney-at-Law, Director, National Media Centre
20.12.2017	New CIGAS package for year 2018	Department of State Accounts
20.12.2017	Legal protection and Rights of LGBTIQ persons	Mr. Roshan de Silva, Mr. Thenu Ranketh, Ms. Bhoomi Harendra, Dr. Shermal Wijewardena and Mr.Thushara Manoj (LGBTIQ Sub-Committee Members) Ms. Lakmali Kothalawala, (Equal Grounds) Mr. Michel Mendis (HRCSL Backlog Project)

Monitoring Activities

Date	Activity
19.10.2017	A special visit to ‘Sahan Piyasa’ at Katunayaka Airport (Migrant Workers issues)

Suo-Motu Action (Under Section 14 of Human Rights Commission of Sri Lanka Act No. 21 of 1996)

- Instituted action to protect the rights to education of a school girl in Kekirawa, North Central Province in October, 2017.

Thematic Subcommittee Meetings

Date	Sub Committee
09.11.2017	Sub-Committee meeting on Plantation workers
10.10.2017	Sub-Committee meeting on Education Policy & Human Rights

Media Programmes

Date	Radio Programme	HRCSL Participation
17.10.2017	SLBC-City FM	Dr. Deepika Udagama, Chairperson
31.10.2017	SLBC	Mr. A S Nilantha, Investigating Officer
16.12.2017	SLBC - Ruhunu Sevaya	Mr. Dissanayake, Regional Coordinator, Matara
18.12.2017	SLBC - Rajarata Sevaya	Ms. W K S Priyanga (Cover-up) Regional Coordinator, Anuradhapura Mr. M R Priyadarshana, Regional Coordinator, Vavuniya

Education & Special Programme Activities

- **Human Rights Snippets Campaign**

Human Rights snippet campaign broadcast via Commercial Service and all regional services of the Sri Lanka Broad Casting Corporation.

- **Human Rights Quiz Competition in Schools**

Phase I of the District level completion progressed through the Regional Offices. The Head office completed district competitions of Gampaha, Kaluthara and Colombo.

- **Accessibility Rights of persons with disabilities.**

Report on regional level activities on ‘Accessibility Rights of persons’ with disability was finalized.

Regional Coordinating Committee and Civil Society Meetings (01.10.2017 to 31.12.2017)

Ampara	-
Anuradhapura	03
Badulla	02
Batticaloa	08
Jaffna	09
Kandy	01
Kalmunai	06
Matara	02
Trincomalee	01
Vavuniya	10

Number of Human Rights Awareness Programs conducted and lecture assistances provided by Regional Offices from 01.10.2017 - 31.12.2017

Regional Office	Number of Programs
Ampara	10
Anuradapura	03
Badulla	05
Batticaloa	12
Jaffna	01
Kandy	08
Kalmunai	08
Matara	10
Trincomalee	01
Vavuniya	03

FINANCIAL STATEMENT

Opening Balance	
2,862,841.17	
<u>Imprest Received from the Treasury</u>	
Recurrent	43,885,000.00
Capital	1,450,000.00
Other Revenue	115,513.04
Deposit Account Receipt	27,000.00
Total Receipts	48,340,354.21
<u>Expenditure</u>	
Personnel emoluments	23,964,788.31
Traveling expenses	363,908.50
Supplies	1,467,579.24
Maintenance expenditure	844,253.23
Services	15,925,489.17
Transfers	-
Rehab. & Impove. of capital assets	3,943,153.56
Acquisition of capital assets	1,659,112.00
Capacity building	172,070.00
Total expenditure	

	48,340,354.21
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