



# **HUMAN RIGHTS COMMISSION OF SRI LANKA**

---

*ANNUAL REPORT 2018*

This is the Annual Report of the Human Rights Commission of Sri Lanka on its activities in 2018. It is submitted in compliance with section 30 of the Human Rights Commission of Sri Lanka Act No.21 of 1996.

Human Rights Commission of Sri Lanka  
Head Office  
No.14, R A De Mel, Mawatha, Colombo 04  
T.P: (94) 0112505580, 2505581, 2505582  
Fax: (94) 0112505541  
Email:  
sechrsl@gmail.com  
Website: [www.hrcsl.lk](http://www.hrcsl.lk)

**Members of  
the  
Commission  
2018**

**Chairperson**

Prof. Nelum Deepika Udagama

**Commissioners**

Mr. H Ghazali Hussain

Mr. Saliya Peiris PC (Up to March 2018)

Ms. Ambika Satkunanathan

Dr. Upananda Vidanapathirana

## Message of the chairperson

2018 marked the 70<sup>th</sup> anniversary of the adoption of the Universal Declaration of Human Rights. Serendipitously, the year saw HRCSL marking several significant achievements. However, organized sectarian violence in the Kandy District in March pointed to the grave challenges faced by the Commission in protecting human rights of all in the face of rising ethnic and religious divisions.

The Commission was delighted to be honored with 'A' status international accreditation by the Global Alliance for National Human Rights Institutions (GANHRI) in May. Previously (in both 2007 and 2009), the Commission had been demoted to 'B' status accreditation. International accreditation is based on compliance with Paris Principles (1993) that lay down the framework of principles and international minimum standards to be followed by National Human Rights Institutions. Independence and the effectiveness in discharging the mandate are key components of the accreditation assessment. The Commission was gratified that its hard work within a span of under three years since its appointment could restore confidence in the institution. There was no doubt that the appointment process introduced by the 19<sup>th</sup> Amendment to the Constitution (2015) played a significant role in the accreditation.

Another significant achievement was the Commission securing approval for the Scheme of Recruitment (SOR) of the relevant authorities, thereby paving the way for fresh recruitment of officers and increasing the efficiency of the Commission. For over 12 years the Commission had been hampered in addressing its human resources deficiency due to the lack of an approved SOR.

The human rights situation in the country saw a continuation of the same hopeful trend as in 2016, with the rapid expansion of democratic space for free expression, assembly and association. The year also

witnessed a drop in the number of overall complaints to the Commission. There were also no complaints of extra-judicial executions or of enforced disappearances during the year. In contrast was the persistent pattern of custodial violations, including police torture, which did not see an abatement despite various interventions by the Commission.

In this backdrop the anti-Muslim riots that took place in Theldeniya and Digana in the Kandy District in March were of deep concern to the Commission. The riots followed anti-Muslim violence in Gintota and Ampara a few months previously. The growing ethnic and religious divide in the country, constantly manifesting itself in the form of hate speech and divisive political rhetoric, nearly a decade after the three decade long civil war continued to cast a pall over the promise of further improvement of the human rights situation in the country.

The Commission immediately intervened to provide protection to the survivors of the violence; communicated its concern to the President regarding the need to prevent the growing spate of hate speech and crimes; monitored action taken by the authorities, particularly by the police before, during and after the violence; and conducted a four day inquiry into the incident with the participation of survivors, relevant authorities and civil society. The Commission also prioritized the facilitation of dialogue between the Muslim and Sinhala communities in the affected areas through town hall meetings and subsequently through activities with youth groups.

Despite setbacks, the Commission forged ahead with its internal restructuring program undertaken with the objective of improving its investigations and inquiries process. The reforms paid dividends with a greater number of files being disposed of; 94 recommendations being issued (almost three times the number issued in 2015); an active appeals process commencing operation; and strengthened follow up on implementation of recommendations. The Commission also launched 31 suo motu (on its own initiative) investigations during the year on issues

ranging from prisoner rights to violations via unregulated micro credit schemes.

Similarly, the Commission sought to streamline the process of vetting of military and police nominees for UN Peace Keeping. A round table discussion was held in Colombo with all stakeholders including the UN Department of Peace Keeping Operations in attendance. By December a Standard Operating Procedure agreed on by all parties came into effect, thereby ensuring the application of a commonly agreed on threshold test.

The Commission also assisted the authorities in monitoring the implementation of the National Human Rights Action Plan in various sectors.

In regard to substantive rights, the Commission continued to prioritize work on rights of the marginalized coupled with its focus on economic and social rights. The year saw the Commission issuing a groundbreaking recommendation on educational rights of students with physical disabilities issued to higher education authorities. Work on rights of plantation workers, sexual minorities saw progress with the International Women's Day celebration (2018) focusing on women in the informal economic sector.

The major innovation during the year was the commencement of work with youth, which was hitherto a major gap in the Commission's work. The Commission had its inaugural Annual Human Rights Camp for Youth in September, bringing in youth leaders from all districts in the country for a five day residential program on the theme of 'Good Citizenship' with the objective of conscientizing youth on the value base of democracy and human rights. It is hoped that this activity will continue as an essential step in investing in future leadership in the country.

It was fitting that the 70<sup>th</sup> Anniversary of the UDHR was celebrated on December 10<sup>th</sup> on a grand scale by the Head Office and the ten Regional Offices of the Commission with the participation of youth leaders and

school children on the theme “The World Made Anew – the UDHR in Our Lives: Child and Youth Reflections”.

The Commission continues to hope and work for a better tomorrow with determination and dedication. We salute the active support and assistance of many too numerous to mention here.

Prof. Deepika Udagama  
Chairperson  
Human Rights Commission of Sri Lanka

# CONTENTS

<b>MEMBERS OF THE COMMISSION</b>	<b>2</b>
<b>MESSAGE OF THE CHAIRPERSON</b>	<b>3</b>
<b>CONTENTS</b>	<b>7</b>
<b>LIST OF ACRONYMS</b>	<b>9</b>
<b>STATE OF HUMAN RIGHTS IN SRI LANKA 2018</b>	
<b>CHAPTER 1: THE COMMISSION</b>	
1.1. Overview of the Commission	
1.1.1. Vision	
1.1.2. Mission	
1.1.3. Core values	
1.1.4. Strategic focus areas	
1.1.5. Crest of the Commission	
1.2. Nature and Scope of the mandate	
1.3. Organizational Structure	
<b>CHAPTER 2: YEAR IN REVIEW</b>	
2.1. Key achievements	
2.1.1. GANHRI Accreditation of HRCSL as an 'A' status institution	
2.1.2. Investigations and inquiries	
2.1.3. Outreach programmes	
2.1.4. Institutional development	
2.2. Recommendations to the Government	
2.3. Vetting of Sri Lankan Military personnel to be deployed as UN peacekeepers	
2.4. Challenges	
<b>CHAPTER 3: INVESTIGATIONS AND INQUIRIES</b>	
Overview	
3.1.1. Introduction of new working methods	



- 3.1.2. Statistics of complaints received
- 3.1.3. Statistics of cases concluded in 2018
- 3.1.4. Recommendations
- 3.1.5. The Backlog project
- 3.1.6. Public Consultations of the Commission
- Examples of individual complaints by category of rights
- 3.2.1. Custodial violence (Article 11 of the Constitution)
- 3.2.2. Equality and non-discrimination Article 12 of the Constitution)
- 3.2.3. Arbitrary arrest and detention Article 13 of the Constitution)
- 3.2.4. Multiple rights violations
- Suo Motu* inquiries
- Interventions by the Chairperson's Office

#### **CHAPTER 4: RESEARCH AND MONITORING**

- 4.1. Thematic sub-committees
- 4.2. National Studies conducted
- 4.3. Monitoring the non-implementation of recommendations
- 4.4. Other Monitoring activities
  - 4.4.1. Monitoring places of detention and care homes
  - 4.4.2. Other monitoring activities

#### **CHAPTER 5: EDUCATION AND OUTREACH**

- 5.1. Public awareness raising
  - 5.1.1. Celebration of International Commemorative Days
  - 5.1.2. Human Rights Training Programmes for Various Focus Groups
- 5.2. Sharing Knowledge with Other Public Institutions/Programmes
- 5.3. Reconciliation initiatives
- 5.4. Engagement with the media
  - 5.4.1. Engagement with traditional print and electronic media
  - 5.4.2. Use of online platforms
  - 5.4.3. Training for media
- 5.5. Engagement with civil society
  - 5.5.1. Regional civil society coordinating committees
  - 5.5.2. Community Task forces for Human Rights (CTF4HR)
  - 5.5.3. Civil Society representatives as members of the thematic sub-committees
  - 5.5.4. Participation at events organized by civil society organizations
  - 5.5.5. Training for civil society
- 5.6. Mentoring

## **CHAPTER 6: INTERNATIONAL COLLABORATION**

- 6.1. Promote compliance with international obligations
- 6.2. Strengthening ties with Global and regional Human Rights Alliances
- 6.3. Appointment of HRCSL as the National Preventive Mechanism under OPCAT
- 6.4. Other collaborations with international organizations and experts
  - 6.4.1. Bi-lateral meetings
  - 6.4.2. Foreign funding received

## **CHAPTER 7: HUMAN RESOURCES, ADMINISTRATION, AND FINANCE**

- 7.1. Staff development Programmes
  - 7.1.1. Local training opportunities
  - 7.1.2. International programmes
- 7.2. Employment and vacancies
- 7.3. Annual financial statements

## **APPENDICES**

- Appendix 1: Presence of HRCSL in Sri Lanka: Map
- Appendix 2: List of recommendations
- Appendix 3: List of *suo motu* inquiries undertaken
- Appendix 4: List of meetings
- Appendix 5: 'A' status international accreditation by the Global Alliance for National Human Rights Institutions (GANHRI)

## LIST OF ACRONYMS

A&F	Administration & Finance
APF	Asia Pacific Forum
BMICH	Bandaranaike Memorial International Conference Hall
CID	Criminal Investigation Department
CSE	Comprehensive Sexuality Education
CTF4HR	Community Task forces for Human Rights
ED&SP	Education & Special Programmes
ESC Rights	Economic, Social, and Cultural Rights
EU	European Union
GANHRI	Global Alliance for National Human Rights Institutions
HRCSL	Human Rights Commission of Sri Lanka
HURIN	Human Rights Information System
I & I	Inquiries & Investigations
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
IMS	International Media Support
IR	International Relations
IT	Information Technology
ITN	Independent Television network
JMOs	Judicial Medical Officers
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning
NGOs	Non-Governmental Organizations
NHRAP	National Action Plan for the Protection and Promotion of Human Rights 2017 – 2021
NHRIs	National Human Rights Institutions
NPM	National Preventive Mechanism
OHCHR	Office of the United Nations High Commissioner for Human Rights
OMP	Office of Missing Persons

OPCAT	Optional Protocol to the International Convention Against Torture
R&M	Research & Monitoring
SCRM	Secretariat for Coordinating Reconciliation Mechanisms
SLBFE	Sri Lanka Bureau of Foreign Employment
SLPI	Sri Lanka Press Institute
SoPs	Standard Operating Procedures
STF	Special Task Force
TID	Terrorist Investigation Division
TRCSL	Telecommunications Regulatory Commission of Sri Lanka
UDHR	Universal Declaration on Human Rights
UGC	University Grants Commission
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNDPO	United Nations Department of Peacekeeping Operations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees

## State of Human Rights in Sri Lanka 2018

The year 2018, which celebrated the Seventieth anniversary of the Universal Declaration of Human Rights (UDHR), witnessed a continuation of the improvement in the human rights situation in the country observed since 2015. Even though certain incidents such as the violence against the Muslim Community in Kandy during March 2018 brought into question the protection afforded to ethnic and religious minorities in the country, the furtherance of democratic ideals and the availability of democratic spaces for citizens to exercise vigil over government actions enhanced the human rights situation in Sri Lanka.

Perhaps as a result of the above, the overall number of complaints received by the Commission plunged from 7711 in 2017 to 6641 in 2018 continuing the decrease in the number of complaints received annually since 2015. While the HRCSL Head Office received fewer complaints than in the previous year, complaints received by the Regional Offices saw an increase during the year, which may be due to the extensive outreach activities conducted by the Commission, resulting in the increased visibility of the regional offices.

Amidst these positive developments, an incident that deeply troubled the Commission was the communal tensions and violence caused against the Muslim community in Kandy including propagating hate speech during March 2018. Preliminary inquiries of the Commission in to previous occurrences of violence against the Muslim community in other parts of the country, such as in Ampara and Ginthota points to the fact that the violence in Kandy is not an isolated incident but the culmination of a series of violent incidents perpetrated against the Muslim community. The Commission publicly urged authorities to strictly implement the law against persons committing hate speech, and to swiftly apprehend the perpetrators as well as persons aiding and abetting the perpetrators and deal with them according to law. At the same time, the disproportionate restrictions of access to certain social media platforms during and in the immediate aftermath of the violence

in order to stop the proliferation of hate speech on social media were an imposition on the freedom of expression and right to information of the people. While understanding the need and appreciating the swift actions on the part of the authorities to curb hate speech, the Commission was of the view that the authorities should, in the future, strike a better balance between dealing with hate speech and the fundamental rights of the people to freedom of expression and access to information. The Commission also reiterates the urgent need to take legal action against those who use social media to propagate communal hatred and incite sectarian violence.

Of the complaints received during the year, those relating to the infringement of personal liberty were the highest. Interestingly, while remaining the second and third highest number of complaints received, the year saw a considerable decrease in the number of complaints relating to the inaction of government authorities by 28% from the previous year and a dramatic decrease in Employment related complaints from 1294 to 701 (a decrease of 46%). Complaints against violations of both education related rights such as admissions to schools, and land and property rights, which usually accounts for a sizable proportion of the complaints received within the year, too have declined in numbers from 2017 (from 614 in 2017 to 455 in 2018 and from 476 in 2017 to 263 in 2018 respectively). Although it is difficult to point to precise reasons for the drop in these numbers it could be the fact that the public is aware of the Commission's policy of referring complaints that do not directly fall within its mandate to other appropriate institutions for redress.

The number of complaints in relation to the violation of other civil and political rights such as the freedoms of expression, association, and assembly dropped by almost half from 2017. This may, as observed in previous Annual Reports, be due to the continued expansion of democratic spaces for these freedoms to be exercised without restrictions.

In a positive turn of events, all 13 cases reported of missing persons were concluded to be not within the mandate of the HRCSL as either the alleged victims were found, had voluntarily disappeared, or there was no involvement of any state authority. However, continued high numbers of complaints regarding torture in custody and arbitrary arrest and detention concerns the Commission. Higher numbers of complaints were observed in both these categories from that of 2017 including complaints of torture received from detainees during the prison Study conducted by the Commission in 2018. Sensitizing law enforcement and detention authorities on the law relating to the prohibition of torture and unlawful arrest and detention and the strict enforcement of the law against errant officers including prosecuting wrongdoers are essential in order to eliminate the recurrence of these violations.

# CHAPTER 1: THE COMMISSION

---

- 1.1. Overview of the Commission
  - 1.1.1. Vision
  - 1.1.2. Mission
  - 1.1.3. Core values
  - 1.1.4. Strategic focus areas
  - 1.1.5. Crest of the Commission
- 1.2. Nature and Scope of the mandate
- 1.3. Organizational Structure



## THE COMMISSION

### 1.1 Overview of the Commission

#### 1.1.1. Vision

A society that recognises diversity and respects the human rights of all

#### 1.1.2. Mission

To provide leadership in Sri Lanka in promoting and protecting human rights, human dignity and the rule of law within a democracy based on the sovereignty of the people.

#### 1.1.3. Core Values

- Respect for human dignity
- Respect for diversity
- Equality and non-discrimination
- Peace, truth and justice
- Independence
- Accountability
- Service
- Humility
- Integrity
- Transparency

#### 1.1.4. Strategic focus areas

Strategic operational focus areas of the Commission are:

- Accessibility of the HRCSL and its services to all people, especially the poor and marginalized
- Gender mainstreaming within and through the HRCSL and its programs and services
- Recognition of and respect for diversity within the HRCSL and through its programs and services

The substantive strategic focus areas of the HRCSL are:

- Torture/custodial violence
- Rights of migrant workers
- Economic, social and cultural rights, including education, health and land rights
- Gender issues
- Minority rights
- Up-country Tamils and plantation workers
- Disaster management and recovery
- Rights of people with disabilities
- Rights of lesbian, gay, bisexual, transgender, intersex, and queer people
- Rights of the elderly
- Prisoners and detainees

### **1.1.5. Crest of the Commission**

The crest of the HRCSL conveys the responsibility of the National Human Rights Institution to protect and promote human rights at the national level. The colour blue reflects the liveliness and creativity of human beings. The two hands reflect protection and taking of action for protection. The globe reflects the universality of human rights and the protection afforded at the international level. The map of Sri Lanka reflects the necessity to take action for protection at the national level. The figures of a woman, man, and child symbolize that human rights protection should be afforded equally to all.

## 1.2 Nature and scope of the mandate

HRCSL is an independent Commission, established to promote and protect human rights in the country. The Commission is also mindful of Sri Lanka's international human rights obligations and strives to ensure the country abides by these obligations.

The Commission was established in 1996 by the Human Rights Commission of Sri Lanka Act, No. 21 of 1996 (the Act). The Act sets out the legal basis and operational principles of the HRCSL. The HRCSL is a scheduled commission under the 19<sup>th</sup> amendment to the Constitution of Sri Lanka but it is not formally established by the Constitution. The Chairperson and Members of the Commission are appointed by the President on the recommendation of the Constitutional Council. The Commission is answerable to Parliament.

Under the Act Commissioners hold office for a period of three years and are eligible for reappointment. Under Section 4 of the Act, Commissioners are guaranteed security of tenure with removal made possible only after following procedure akin to the removal of Justices of the Supreme Court and Court of Appeal.

The Act recognizes the jurisdiction in the Commission 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 the Act as "rights declared and recognised by the international convention on Civil and Political Rights and the International Conventions on Economic, Social and Cultural Rights" thus empowering the Commission to ensure national standards are in compliance with international legal obligations of Sri Lanka.

The statutory functions of the Commission (as set out in Section 10 of the Act) are:

- to inquire into, and investigate, complaints regarding procedures, with a view to ensuring compliance with the provisions of the Constitution relating to fundamental rights and to promoting respect for, and observance of, fundamental rights;
- to inquire into and investigate, complaints regarding infringements or imminent infringements of fundamental rights, and to provide for resolution by conciliation and mediation;
- to advise and assist the government in formulating legislation and administrative directives and procedures, in furtherance of, the promotion and protection of fundamental rights;
- to make recommendations to the Government regarding measures which should be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards.
- to make recommendations to the Government on the need to subscribe or accede to treaties and other international instruments in the field of human rights; and
- to promote awareness of, and provide education in relation to, human rights.

To carry out the statutory functions, the HRCSL is empowered to (as set out in Section 11 of the Act);

- investigate, any infringement or imminent infringement of fundamental rights;
- appoint such number of sub-committees at provincial level, as it considers necessary to exercise such powers of the Commission as may be delegated to them, by the Commission;
- intervene in any proceedings relating to the infringement or imminent infringement of fundamental rights, pending before any court, with the permission of such court;
- monitor the welfare of persons detained either by a judicial order or otherwise, by regular inspection of their places of detention, and to make recommendations necessary for improving their conditions of detention;

- take such steps as it may be directed to take by the Supreme Court, in respect of any matter referred to it by the Supreme Court;
- undertake research into, and promote awareness of, human rights, by conducting programs, seminars workshops and to disseminate and distribute the results of such research;
- award in its absolute discretion to an aggrieved person or a person acting on behalf of an aggrieved person, such sum of money as is sufficient to meet the expenses that may have been reasonably incurred by him in making a complaint to the Commission.
- do all such other things as are necessary or conducive to the discharge of its functions.

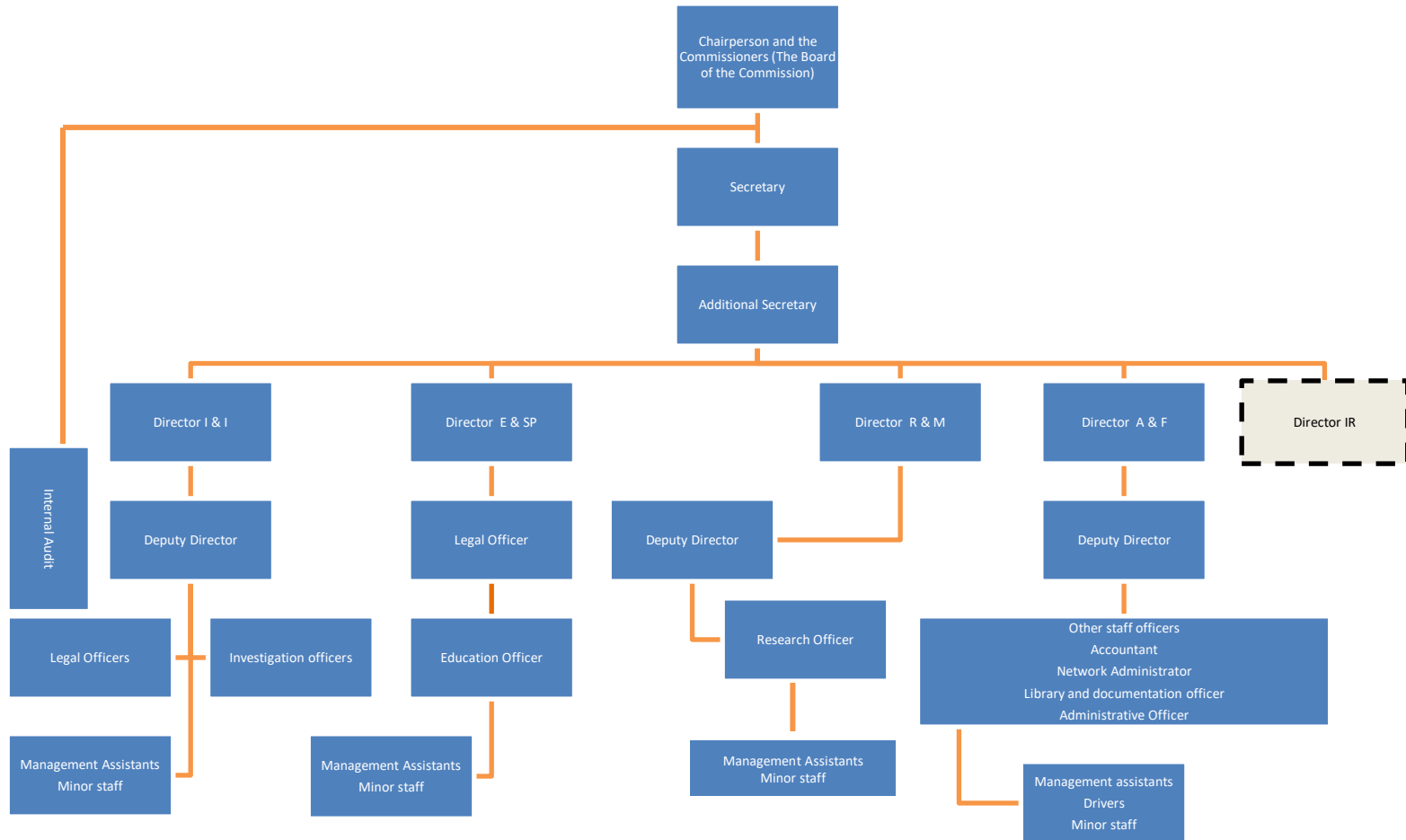
## 1.3 Organizational Structure

At the apex of the organization is the Board of the Commission, comprising the Chairperson and Commissioners. It takes policy decisions for the discharging of the statutory mandate of the Commission. Board Meetings are held each month.

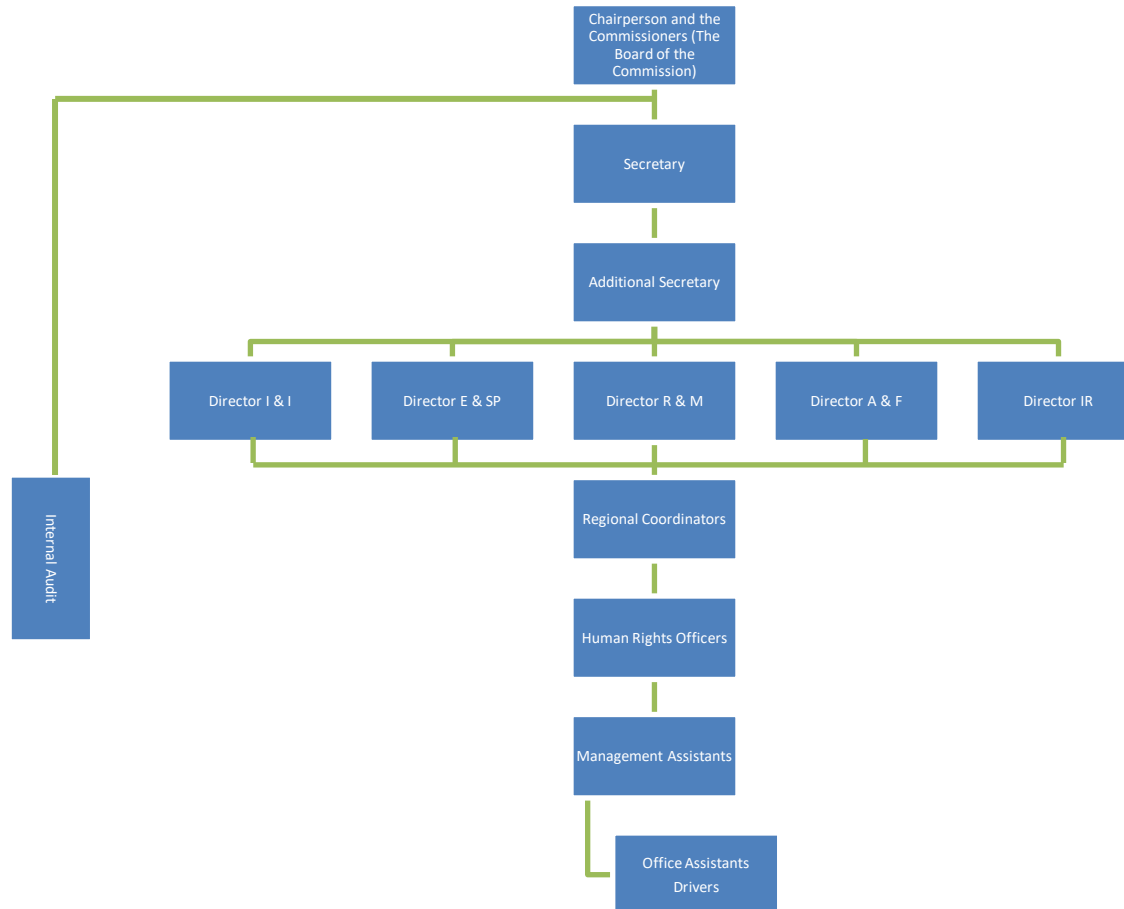
At present, the Commission functions with 153 staff members. It consists of 04 Divisions namely: Inquiries & Investigations (I&I), Education & Special Programmes (ED&SP), Research & Monitoring (R&M), and Administration & Finance (A&F) Divisions. A Division on International Relations (IR) will be operationalized as soon as the Commission is in a position to recruit requisite staff. Each Division is headed by a Director and supervised by the Chairperson and/or a Commissioner/ Commissioners.

In addition, the Commission operates through 10 Regional Offices (Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee and Vavuniya), and six sub-offices (Kilinochchi, Mannar, Mullaithivu, Nuwara Eliya, Polonnaruwa, and Puttalam,) to carry out its functions (See appendix 1). Each regional Office is headed by a Regional Coordinator and supervised by the Chairperson and/or a

Commissioner/ Commissioners. The HRCSL operates at regional level in order to increase protection of human rights and bring the work of the Commission closer to the people. The majority of the population accesses the Commission through the Regional and Sub-Offices. Regional and Sub-Offices therefore play a crucial role in the effective discharge of the Commission's mandate, going beyond that of a mere conduit between the Head Office and the people in the regions. These offices conduct a full range of activities including receiving complaints, investigating into allegations of violations, providing consultations on alleged violations of human rights, mediating in the settlement of disputes, referral of violations to the Head Office for recommendations, carrying out monitoring activities, conducting awareness raising at regional level, and collaborating and coordinating with civil society organizations.



Organogram of the HRCSL Head Office



**Organogram of HRCSL Regional Offices**



## CHAPTER 2: YEAR IN REVIEW

---

- 2.1. Key achievements
  - 2.1.1. GANHRI Accreditation of HRCSL as an 'A' status institution
  - 2.1.2. Investigations and inquiries
  - 2.1.3. Outreach programmes
  - 2.1.4. Institutional development
- 2.2. Recommendations to the Government
- 2.3. Vetting of Sri Lankan Military personnel to be deployed as UN peacekeepers
- 2.4. Challenges

## YEAR IN REVIEW

### 2.1. Key achievements

This Chapter provides a summary of some of the Commission's key achievements for the year 2018.

#### 2.1.1. GANHRI Accreditation of HRCSL as an 'A' status institution

The HRCSL was accredited as an 'A' status (fully compliant with the Paris Principles) Human Rights Institution by the Global Alliance of Human Rights Institutions (GANHRI) in May 2018. The Paris Principles are global standards that constitute a yardstick to assess the independence, credibility and effectiveness of a National Human Rights Institution. The 'A' status accreditation was a important milestone for the HRCSL which strived since 2015 to enhance the human rights situation in Sri Lanka through its mandate with a deep commitment to maintaining its independence.

The Asia-Pacific Forum for National Human Rights Institutions as well as several other international and local human rights bodies encouraged HRCSL to seek fresh accreditation, in recognition of the positive impact HRCSL has had on the human rights situation in Sri Lanka since the current Commission was appointed in October 2015.

The Commission was accredited as a Grade B (Partially compliant with the Paris Principles) institution on two previous occasions (in 2007 and 2009). GANHRI unites, promotes, and strengthens NHRIs to operate in line with the Paris Principles and provides leadership in the promotion and protection of human rights. While accreditation confers international recognition and protection of the HRCSL and its

compliance with the Paris Principles, as an A status institution, HRCSL can also participate in the work and decision-making of GANHRI, as well as the work of the Human Rights Council and other UN mechanisms.

### **2.1.2. Investigations and inquiries**

As in previous years, the Commission assisted a plethora of people through its individual complaints mechanism and *suo motu* action (see chapter 3 for more details on types of complaints). While the Commission was able to provide assistance in many cases, where the Commission felt it was not the most appropriate forum for the grievance, complainants were directed to the appropriate institution for remedies. As much as the Commission is empowered by Section 15 of its parent statute to issue recommendations directing authorities to take action to remedy violations of human rights, the Commission also attempts to facilitate settlement of disputes through mediation and conciliation by providing a forum for all parties to an issue to come together and discuss their issues and identify redress quickly and informally.

In 2018, the Commission received 6641 complaints and concluded 5687 cases (which includes complaints accepted in previous years). Out of the 5687 concluded cases the Commission was able to successfully mediate settlements in 628 cases. The Commission issued 93 recommendations in response to individual complaints made to the Commission, which is a significant increase from the previous years, i.e. 44 in 2016 and 84 in 2017. This is reflective of the organizational changes executed within the Commission in order to respond to violations efficiently and promptly and investments made in training of staff to contribute more competently.

In addition, the I&I division streamlined accepting complaints on alleged incidents of torture, and illegal arrest and detention through the Commission's 24-hour hotline in order to strengthen its interventions in these incidents. The division made many successful interventions in

such complaints. The division also visited places of detention for purposes of investigation, in addition to the monitoring visits of the Commission.

▪ **Action taken in Response to Communal Riots in the Kandy District**

The Commission was actively involved in monitoring the human rights situation relating to the anti-Muslim riots in Theldeniya and Digana in the Kandy District in March 2018. The Kandy Regional Office of the Commission, on the instructions of the Commission, played an active role in monitoring the situation and making representations to relevant authorities to provide protection to those harmed and rendered vulnerable by the violence. Subsequently, the Commission held town hall meetings bringing in representatives of all religious communities and relevant government officials in the Theldeniya/Digana area with a view to providing a forum for inter-community dialogue and reconciliation.

The Commission also conducted a 4 day inquiry from 9-12 May 2018 into the violence. Victims of the violence, civil society and community leaders including religious leaders and officials from the Police, Special Task Force (STF) and the Sri Lanka Army, Administrative Officers within the Kandy District headed by the District Secretary testified at the inquiry. The Commission is in the process of finalizing a comprehensive report on the findings of this inquiry, which contain recommendations to ensure such violence does not recur.

▪ **Disability Rights in the Education Sector**

The Commission also issued a ground breaking recommendation pertaining to equal access to higher education to students with disabilities. The Commission entertained a complaint from a female student with disabilities who had gained admission to the Institute of Indigenous Medicine, University of Colombo. The complaint was on the failure of the Institute to provide necessary facilities for her to engage in educational activities as a person with disabilities and also against the

active discouragement of her continuing her education displayed by certain members of the academic staff which resulted in the student leaving the Institute having suffered acute depression. The recommendation found violations of Articles 11 and 12(1) of the Constitution and recommended compensation to the victim while emphasizing the obligation of the state to ensure equal access to education for all without discrimination. (Please see 3.2.4 for more information on this recommendation)

- **Follow-up on recommendations of HRCSL not implemented by public authorities**

Another remarkable development in 2018 is the increasingly proactive role of the Non-implementation unit of the I&I division of the HRCSL established to monitor the compliance of public authorities comply with the recommendations issued by the Commission. Notably, as a result of this Unit following up on a recommendation issued against the Sri Lanka Army in case No. HRC/13/93/09, despite an appeal by the respondents challenging the HRCSL recommendation in the Court of Appeal, the respondents established a fresh “Court of Preliminary Inquiry” and awarded compensation to the petitioner (Please see chapter 4.3. for more information on the work of the Non-implementation unit).

- **Contributions to the monitoring mechanism on the implementation of the National Action Plan for the Protection and Promotion of Human Rights 2017 - 2021 (NHRAP)**

The HRCSL was invited as an observer for the meetings of the monitoring mechanism on the implementation of the NHRAP convened by the Prime Minister’s Office and also sectoral monitoring mechanisms convened by various line Ministries. Representatives of the Commission attended these meetings regularly and actively contributed to the discussions. During these meetings in 2018, the Commission took the initiative to propose a reporting format for Judicial Medical Officers

(JMOs) to inform the HRCSL of suspected torture cases in order to make timely interventions.

### 2.1.3. Outreach programmes

In 2018, the Commission successfully conducted a variety of outreach programmes in order to promote awareness and educate the public on human rights issues. Outreach programmes included lectures, mobile clinics, workshops, a film festival, and the first ever youth camp on human rights as well as the televised grand finale of the human rights quiz competition for school children.

#### ▪ Youth Camp on Human Rights

One of the most significant outreach programmes during the period under review was the youth camp on human rights. The Commission inaugurated its first ever annual Youth Camp on Human Rights (25-29, September 2018) underscoring its recognition of the importance to conscientize youth on human rights. The Camp was held to also coincide with the 70th Anniversary of the Universal Declaration on Human Rights (UDHR). The objective of this 5 day residential camp conducted at the MAS Thulhiriya complex, was to inculcate the values and principles of human rights and democracy among the youth through the concept of 'good citizenship'. Approximately 60 youth leaders representing various ethnicities, cultures, and religions from all the districts took part in this camp to share views, opinions, knowledge and perceptions of Human Rights. The Commission decided to make this camp an annual event. (Please see Chapter 5.1 for more information on the youth camp)



Participants at the Youth  
Camp on Human Rights 2018

## 2.1.4. Institutional Development

### ▪ Approval of a Scheme of Recruitment (SOR)

The Commission's work had been seriously hampered by the absence of a SOR for over a decade. As a result no new recruitment was possible. The current Commission prioritized the matter with the direct intervention of the Chairperson and Commissioners. As a result, in May 2018 the HRCSL obtained final approval for the SOR for all cadre positions from Department of Management Services. The Commission awaited authorization of the absorption of existing staff under the scheme, and planned on commencing new recruitments in 2019 which will go a long way to improve the efficiency of the Commission.

### ▪ Further Improvement of the I&I Procedure

Continuing the success achieved through the reorganization of the I&I division in the previous years, several novel procedures were introduced in 2018. Firstly, an appeals procedure was introduced for all disposed complaints other than complaints in which recommendations were issued. The referral system of the division was further strengthened by streamlining the 'can/cannot' process, which determines at the outset if a complaint falls within the purview of the Commission or not. Those which do not fall within the mandate are then referred to the appropriate redress mechanism such as the Office of Ombudsman, National Police Commission, National Child Protection Authority, the Official Languages Commission. (Please see Chapter 3.1 for more information on the new working methods of the I&I division)

### ▪ Work Commences on Digital Information Management System

The Commission, with assistance of UNDP commissioned a new digital information management system for the Head Office and the Regional Offices in order to streamline case-management, which will increase the efficiency of the responses of the Commission.

- **Disability Access Audit of HRCSL**

As part of the nation-wide disability access audit conducted by the Commission, an accessibility audit of the HRCSL(Head Office and Regional Offices) was also conducted during 2018. The audit identified certain improvements necessary to enhance accessibility to the premises of the HRCSL. The commission is in the process of finalizing a comprehensive report of the audit to be made available in 2019.

## **2.2. Recommendations to the Government**

During 2018, the HRCSL made recommendations to the Government on human rights issues of concern, which the Commission viewed as requiring its intervention.

- **Concerns in relation to the proposal to re-implement capital punishment**

The HRCSL conveyed its deep concern by letter dated 13 July 2018 addressed to His Excellency the President regarding the proposal to re-implement capital punishment. The President had announced that capital punishment will be re-implemented against convicted drug traffickers under sentence of death and those who continue to engage in trafficking drugs while in prison. Drawing attention to the detailed recommendation of the Commission on abolishing the death penalty forwarded to His Excellency by letter dated 01 January 2016, the Commission reiterated the cruel and inhuman nature of the punishment and the need to abolish capital punishment as it is an ineffective, extreme, and irreversible form of punishment that does not help reduce crime. The Commission agreed that drug trafficking gives rise to several social problems such as drug addiction of the younger generation. However, the Commission noted that drug trafficking can be curbed not by re-implementing capital punishment but by bringing drug dealers before the law in an effective manner and imposing other forms of commensurate punishment based on the serious nature of the crimes.



For persons engaged in drug trafficking from within prisons, the solution, it was noted was to strengthen the security of prisons and be vigilant about officers who may facilitate this conduct. Stemming from the eroded confidence in the administration of justice in Sri Lanka, the Commission also observed that a recent trend has emerged in certain sections of society questioning the strong public support of capital punishment. The Commission also drew attention to the fact that Sri Lanka voted in support of a resolution calling for a moratorium on executions adopted by the UN General Assembly in 2016. It urged the President to do away with the decision to re-implement capital punishment, as it will also affect the international recognition Sri Lanka has earned by embarking on a path of democracy. It further suggested the introduction of a series of strong and long term policies aimed at addressing serious crimes including drug trafficking.

- **Proposals to address religious intolerance in the aftermath of the anti-Muslim violence in Digana**

By letter dated 07 March 2018 addressing His Excellency the President, the Commission drew attention to the religious intolerance rapidly spreading across the country as evidenced by the violence in Digana. The Commission observed that the Digana violence was not a mere isolated incident but the culmination of a series of violent incidents perpetrated against the Muslim community during the months preceding Digana, especially in Ginthota and Ampara. HRCSL stated that its preliminary inquiries into these incidents have revealed that violence perpetrated is premeditated and usually instigated not by locals to the area but by organized outside groups over random trivial incidents. While Muslim and Sinhala communities in the affected areas have lived in harmony for many years, this organized violence has resulted in creating fear, disharmony, and hatred amongst local communities. The Commission urged authorities to strictly implement the law against persons committing hate speech, and to swiftly apprehend the perpetrators as well as persons aiding and abetting the perpetrators and deal with them according to law. The Commission specifically referred to the need to prosecute persons under Section 3 of the International

Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007 (the provision against hate speech).

▪ **Restrictions on social media to deal with hate speech**

The Commission, by letter dated 15 March 2018, addressed to the Chairman of the Telecommunication Regulatory Commission (TRCSL), positively noted that the TRCSL was in the process of activating certain social media platforms which it deactivated in the aftermath of the violence against the Muslim community in Digana, Kandy. HRCSL pointed out in the letter that any future policy regarding the regulation of social media to deal with hate speech must strike that necessary balance so that the freedom of expression and the right to information are restricted only within the legal limits permitted by the Constitution and Sri Lanka's international human rights obligations in the larger public interest. The Commission also reiterated the urgent need to take legal action against those who use social media to propagate communal hatred and incite sectarian violence.

▪ **Guidelines for police officers and directives pertaining to activities of public officers and officers of the provincial public service in connection with the Local Authority Election 2018**

Taking into consideration the right of every citizen to vote, to freely engage in political activities, and the right to free and fair elections under the Constitution of Sri Lanka, the HRCSL issued guidelines to be observed by all police officers during the run-up to the election, on the day of the election, and the period immediately following the election. The Commission monitored compliance with these guidelines issued under powers vested in the Commission under the Act of the Commission.

The Commission also issued directives to public officers in relation to the Local Authority Election to ensure that the election is conducted freely and fairly. The Directives emphasized that the non-implementation of the law and the abuse of authority including the use

of powers in a politically partial manner result in violation of fundamental rights, and that in addition to holding the state responsible, individual officers will also be held personally responsible for violations.

## **2.3. Vetting of Sri Lankan military personnel to be deployed as UN peacekeepers**

By letter dated 04 April 2018 the Commission wrote to His Excellency, the President outlining the process of vetting and difficulties faced in its smooth implementation as it was a novel activity, HRCSL being the first national human rights institution entrusted with the task by the UN anywhere in the world. In May 2018, the Commission also met with the Hon. Speaker/Chairman, Constitutional Council to discuss matters pertaining to vetting of peacekeeping missions. Pursuant to these steps, a roundtable discussion was held in June 2018 in Colombo on the vetting of military personnel with all stakeholders [United Nations Department of Peace Operations (UNDPO), police, tri-forces, HRCSL and Ministry of Foreign Affairs] in attendance. It was decided at this roundtable to halt the vetting process for six months until Standard Operating Procedures (SoPs) to be developed by UNDPO for purposes of vetting were studied and agreed on by all parties.. After finalizing the SoPs and all stakeholders reaching agreement, vetting commenced in December 2018 with the UNDPO forwarding to HRCSL a priority list of Sri Lankan military personnel for vetting.

## **2.4. Challenges**

While 2018 saw many successes for the Commission, its activities were hampered by long-standing challenges. The main challenge was the shortage of staff to carry out the activities of the Commission. While the approval of the schemes of recruitment offered hope of recruitment of new staff, the call for applications in 2018 for the five (05) positions of directors did not attract suitable candidates. This impeded the capacity of the Commission to function effectively.

Existing staff of the Commission too need further capacity development on knowledge base and skills in order to contribute to the work of the Commission efficiently and effectively.

Another major setback was administrative difficulties encountered due to archaic administrative and financial regulations in the public sector and lack of innovative administrative solutions to address these drawbacks.

Further, despite the establishment of the non-implementation unit of the I&I division which followed up on implementation of HRCSL recommendations, non-compliance by public officials of a considerable percentage of recommendations was a perennial concern. This adversely impacted the Commission in fully realizing its mandate to protect human rights. The Commission remained committed to its position that seeking an amendment to the parent Act in order to have its recommendations implemented by the courts was not the solution to non-implementation as it would burden the parties with legal fees and protracted delays. In the Commission's view seeking disciplinary action against errant officials was the best method of ensuring compliance.

## CHAPTER 3: INVESTIGATIONS AND INQUIRIES

---

### Overview

3.1.1.Introduction of new working methods

3.1.2.Statistics of complaints received

3.1.3.Statistics of cases concluded in 2018

3.1.4.Recommendations

3.1.5.The Backlog project

3.1.6.Public Consultations of the Commission

Examples of individual complaints by category of rights

3.2.1.Custodial violence (Article 11 of the Constitution)

3.2.2.Equality and non-discrimination Article 12 of the Constitution)

3.2.3.Arbitrary arrest and detention Article 13 of the Constitution)

3.2.4. Multiple rights violations

*Suo Motu* inquiries

Interventions by the Chairperson's Office

## INVESTIGATIONS AND INQUIRIES

### 3.1. Overview

The Commission receives complaints from the public, while at the same time the Commission is empowered under section 14 of its parent statute to, on its own motion, inquire into issues which reveal violations of fundamental rights.

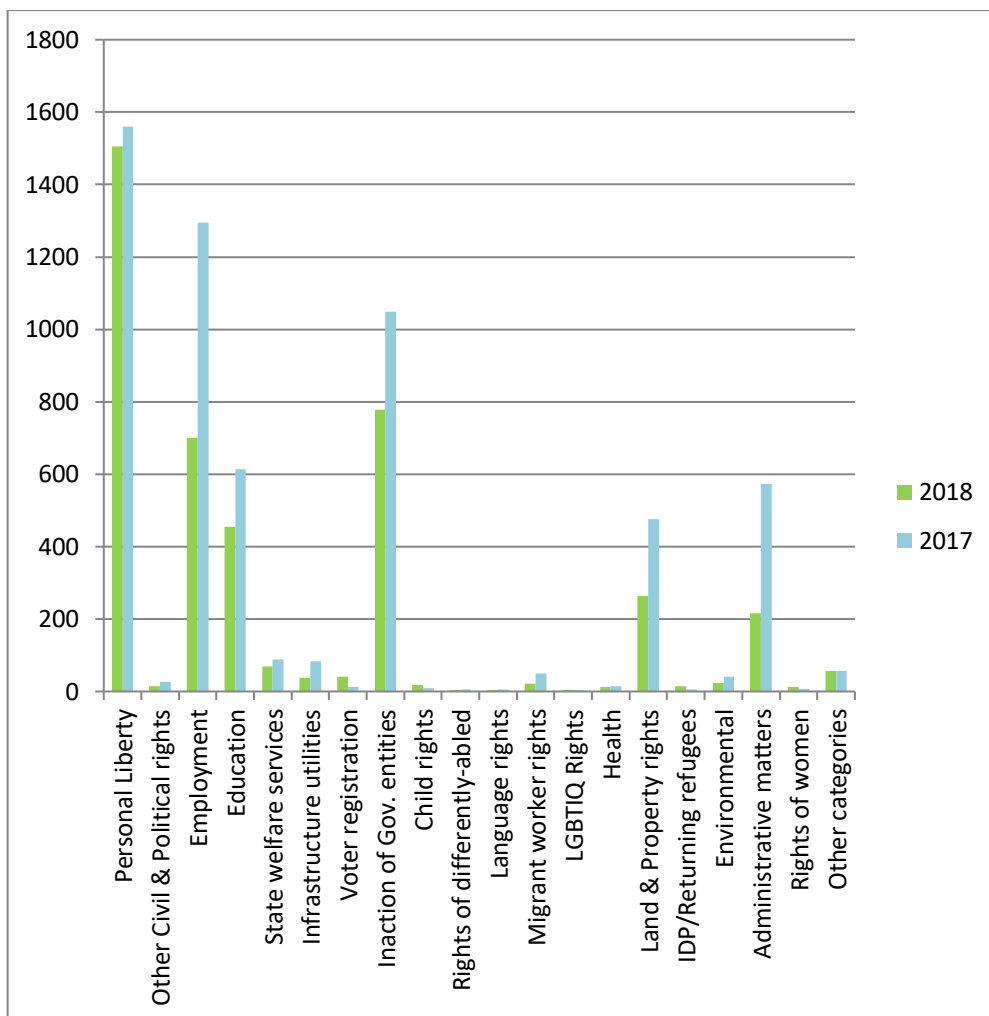
#### 3.1.1. Introduction of new working methods:

- The Commission introduced and implemented new working methods in order to increase the efficiency and responsiveness of the Inquiries and Investigations division (I&I). The HRCSL introduced an appeals mechanism for all disposed complaints other than complaints in which recommendations were issued. An officer was designated to accept these appeals and review each appeal individually in order to determine if the complaints could be re-entertained. An appeals template form was also developed in order to enable auditing and thereby increase accountability.
- Further, the referral system was further strengthened by streamlining the 'can/cannot' process, which determines at the outset if a complaint falls within the purview of the Commission or not. An officer was appointed exclusively for this purpose. The officer was successful in reviewing each complaint individually and referring complaints that cannot be entertained by the Commission to appropriate institutions for redress e.g., the Office of the Ombudsman, National Police Commission, Official Languages Commission, National Child Protection Authority.

- At the same time, the Non-implementation monitoring unit of the I&I division was established to monitor the implementation of the recommendations issued by the Commission and has been successfully active in 2018. (See chapter 4.3. for further information on this unit)

### **3.1.2. Statistics of complaints received:**

In total, the HRCSL received 6641 complaints in 2018. This is compared to 7711 complaints received in the previous year. The highest number of complaints for any individual category, amounting to 22.6% of received complaints was in relation to violations of personal liberty, including torture in custody and arbitrary arrest and detention. While, numerically slightly less than in the previous year, this category of complaints has increased proportionately. Interestingly, while remaining the second and third highest number of complaints received, the year saw a considerable decrease in the number of complaints of violations relating to the inaction of government authorities by 28% from the previous year and a dramatic decrease in employment related complaints from 1294 to 701(a decrease of 46%). Out of the 6641 complaints received, 3260 were received by the regional offices, while the remainder was received by the Head Office.



Comparison of the number of complaints received in each category in 2018 with those of 2017



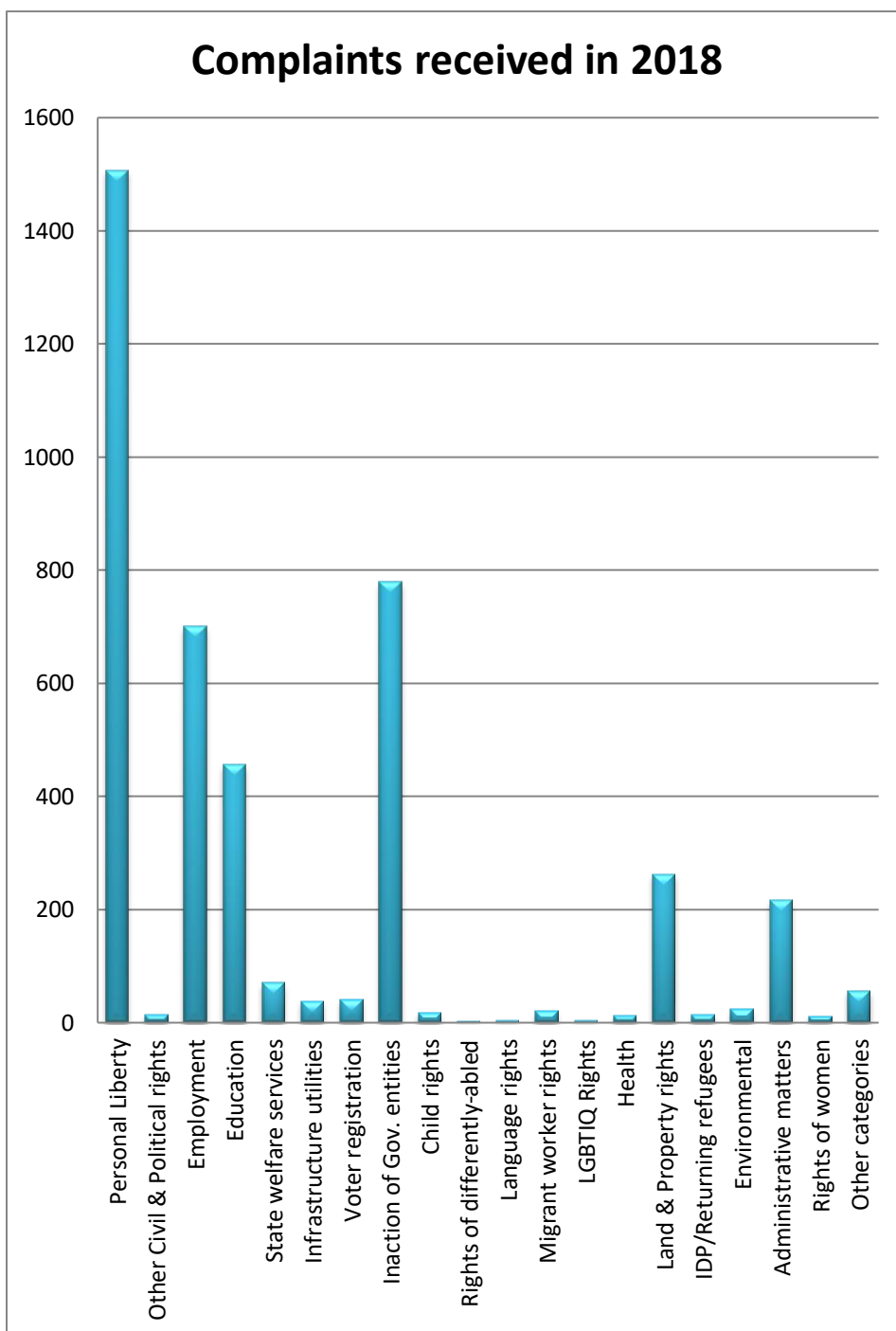
Types of Complaints	Region											Regional Offices	Head Office	Grand Total
	Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna	Killinochchi	Kalmunai	Kandy	Matara	Trincomalee	Vavuniya			
<b>Personal Liberty</b>	16	139	16	58	104	12	31	102	105	11	72	666	840	1506
(a) Torture (Physical and Mental)**	2	47	2	6	29	2	3	20	4	2	5	122	361	483
Degrading Treatment	3	2	--	1	2	--	24	--	8	--	7	47	--	47
(b) Harassment/Sexual Harassment	--	1	2	21	25	3	--	33	--	4	26	115	258	373
(c) Threats	--	14	11	7	25	3	--	1	27	--	14	102	--	102
(e) Arbitrary Arrest/Detention	11	74	1	21	15	3	1	43	56	4	18	247	215	462
(f) Death in Custody	--	--	--	--	--	--	--	2	2	--	--	4	5	9
(g) Extra-Judicial Killings	--	--	--	--	1	--	--	--	3	--	--	4	--	4
(i) Missing Persons *	--	1	--	2	1	1	3	2	--	1	2	13	1	14
(j) Prisoners Rights	--	--	--	--	6	--	--	1	5	--	--	12	--	12
<b>Other Civil &amp; Political Rights</b>	1	2	--	--	2	--	--	5	2	1	1	14	--	14
<b>Employment</b>	25	83	34	42	23	18	59	100	75	21	22	502	199	701
<b>Education</b>	9	15	28	24	11	3	18	90	74	3	5	280	175	455

<b>State Welfare Services</b>	1	16	1	6	3	2	2	7	10	2	6	56	14	70
<b>Infrastructure &amp; Utilities</b>	5	2	--	2	2	--	6	10	3	--	3	33	5	38
<b>Complaints Relating to Voter Registration</b>	--	5	--	3	--	--	3	--	1	--	1	13	27	40
<b>Complaints about Inaction of Gov. Entities</b>	27	138	19	124	64	13	66	74	33	31	54	643	136	779
(a)Police	11	51	14	90	60	12	51	39	29	17	31	405	93	498
(b)Other Gov. Authorities	16	87	5	34	4	1	15	35	4	14	23	238	43	281
<b>Child Rights</b>	--	1	--	--	2	2	10	--	--	--	1	16	2	18
<b>Rights of Differently-abled</b>	--	1	--	--	--	1	--	1	--	--	--	3	--	3
<b>Language Rights</b>	--	--	--	--	3	--	--	--	--	--	--	3	1	4
<b>Migrant Workers' Rights</b>	--	7	1	4	--	--	5	--	--	--	1	18	3	21
<b>LGBT(Lesbian,Gay,Bi-sexual,Transgender)Rights</b>	--	--	--	--	--	2	--	--	--	--	--	2	2	4
<b>Health Rights</b>	--	1	--	1	--	1	--	6	1	--	--	10	3	13
<b>Land &amp; Property Rights</b>	16	39	14	20	5	25	19	28	18	7	47	238	25	263
<b>IDP/Returning Refugees</b>	--	--	2	6	--	--	--	--	--	--	6	14	--	14
<b>Environmental Rights</b>	--	--	1	5	--	--	5	3	4	--	--	18	6	24
<b>Administrative Matters</b>	2	3	17	23	6	2	1	76	16	17	7	170	46	216
<b>Rights of Women</b>	--	1	--	4	--	--	--	4	2	--	--	11	1	12

Other Categories (including complaints not within the mandate)	30	167	39	--	--	--	5	227	75	4	3	550	1896	2446
<b>Total</b>	132	620	172	322	225	81	230	733	419	97	229	3260	3381	<b>6641</b>

\*The cases initially accepted in this category were later concluded to be not within the mandate of HRCSL as either the alleged victims were found, had voluntarily disappeared, or there was no involvement of any state authority.

\*\*133 Complaints were received during the National Study of Prisons



### 3.1.3. Statistics of cases concluded in 2018:

Categories by outcome of complaints	Ampara	Anuradhapura/Polonaruwa	Batticaloa	Badulla	Jaffna/Kilinochchi	Kandy	Kalmunai	Mathara	Trincomalee	Vauniyala	Head Office
Settlement	17	113	73	07	111	47	71	09	06	60	114
No FR Violation/ not within the mandate	24	184	34	20	95	411	05	127	60	88	743
Complainant lacks interest	27	90	36	02	32	98	60	74	24	72	1271
Withdrawn	06	15	07	02	03	14	-	36	-	09	175
Referred to other Institutions	-	02	17	02	01	97	01	27	04	-	81
Pending judicial proceedings	10	02	18	03	10	-	01	07	07	-	157
Relief Granted	18	-	99	06	11	43	152	20	27	48	230
Directives given	-	-	-	-	-	-	-	-	-	-	13
Time-barred (prescribed)	-	-	-	-	-	-	-	-	-	-	03
Recommendations issued	-	-	-	-	-	-	-	-	-	-	93
<b>Total</b>	<b>102</b>	<b>406</b>	<b>284</b>	<b>42</b>	<b>263</b>	<b>710</b>	<b>292</b>	<b>300</b>	<b>131</b>	<b>277</b>	<b>2880</b>

### 3.1.4. Recommendations:

In 2018 the Commission issued a total of 93 recommendations. This is a significant increase in the recommendations issued by the Commission. Since the appointment of the new Commission in October 2015, the number of recommendations issued each year has increased exponentially (44 in 2016 and 84 in 2017). The majority of the recommendations was on the violation of equality and non-discrimination provisions in the Constitution in the context of complaints pertaining to economic and social rights, such as the right to education. The highest number of recommendations was issued in relation to admissions to public schools which remains a perennial problem the Commission has to intervene in each year. Of the total recommendations, 25 were on complaints of torture and unlawful arrest and detention. This was also a significant increase from the previous years (for a full list of Recommendations issued in 2018 see appendix 2). All recommendations are posted on the HRCSL website for public reference.

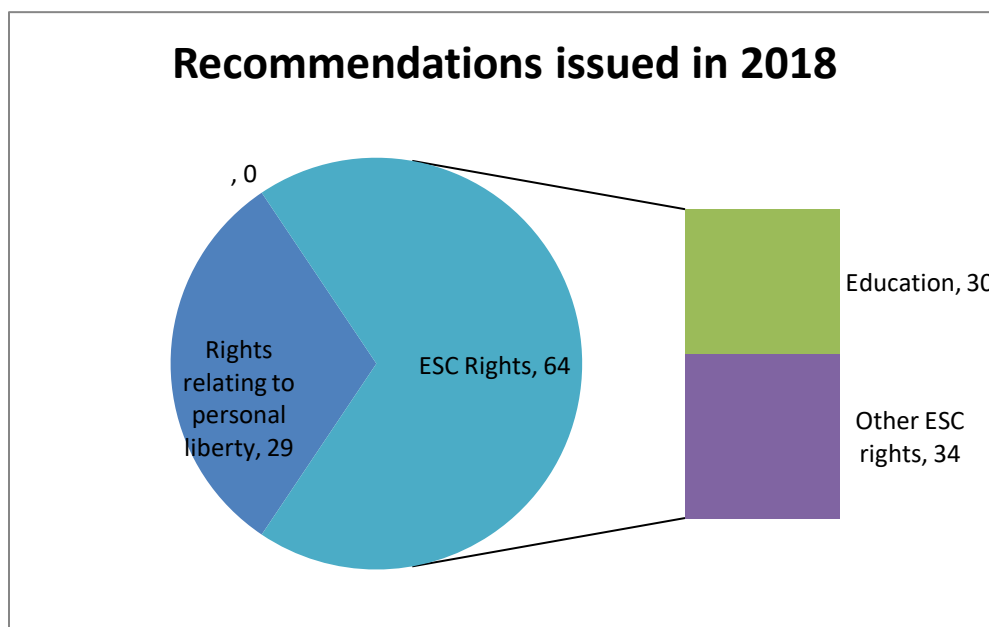
Subject/Area	No. of recommendations
<b>Economic Social &amp; Cultural Rights</b>	<b>64</b>
- Rights relating to education*	30
- Other ESC rights**	34
<b>Rights relating to Personal liberty***</b>	<b>29</b>
<b>TOTAL</b>	<b>93</b>

Source: Database of Human Rights Commission of Sri Lanka

\*These recommendations pertain to violations in school admissions, in students' disciplinary matters, in university admissions, in harassment in educational institutions, and job promotions in educational institutions.

\*\*The other recommendations pertaining to economic social & cultural rights comprise violations relating to pensions, livelihood, salary increments, transfers, recruitment, service conditions in employment, interdiction from service, terminations, compensations, and misuse of power.

\*\*\*Rights relating to personal liberty consist of violations such as illegal arrests and detention, torture, and deaths in custody.



### 3.1.5. The Backlog project:

The Backlog Unit was established by the current Commission in 2016 to expedite the completion of accumulated files relating to pending complaints received before 2015. These inquiries have been pending for a considerable period of time due to a variety of reasons, including staff shortages, and have been the subject of public disquiet which the Commission takes seriously. The officers of the unit are committed towards expediting the inquiries and concluding the cases assigned to the Unit within a reasonable period of time. The functions performed by the Unit include compiling reports and drafting recommendations to be

issued subject to the approval of the Commissioners. The Unit was able to successfully conclude 148 inquiries during 2018 while 443 cases are nearing conclusion.

<b>Total Number of cases</b>	<b>1682</b>
Cases pending	1091
Cases in the final stages of conclusion	443
Cases concluded	148

Statistics of the backlog unit 2018

### 3.1.6. Public Consultations of the Commission:

The Commission held a total of 10713 public consultations during 2018 out of which 2864 were held by the Head Office while the remaining 7849 were held by Regional Offices. During public consultations the officers of both the Head office and the regional offices assist complainants in identifying if their grievances fall within fundamental rights violations, and in the event those do not, referring the aggrieved persons to appropriate institutions for redress.

<b>Regional Office</b>	<b>Number of public consultations</b>
<b>Ampara</b>	481
<b>Anuradhapura</b>	974
<b>Badulla</b>	505
<b>Batticaloa</b>	558
<b>Jaffna</b>	1281
<b>Kalmunai</b>	432
<b>Kandy</b>	1062
<b>Matara</b>	1056
<b>Trincomalee</b>	489
<b>Vavuniya</b>	1118

Number of public consultations conducted by the HRCSL regional offices



## 3.2. Examples of individual complaints by category of rights

### 3.2.1. Custodial violence (Article 11 of the Constitution)

- **Physical assault on a victim by a police officer (Complaint No. HRC/2305/15)**

The Commission found a violation of article 11 of the Constitution and recommended compensation of Rs. 25,000 to a victim of cruel, inhuman or degrading treatment by the police. The inquiry revealed that the petitioner had been subject to physical injuries to his ear and back by the respondent police officer. The injury to the ear had also resulted in a permanent loss of hearing in that ear. The Commission was aided by the Reports of the judicial medical officer and the medical history of the victim in arriving at its conclusion. A copy of this recommendation was forwarded to the IGP for further action.

- **Torture or cruel, inhuman or degrading treatment in police custody(Complaint No. HRC/AP/291/2015)**

Relying predominantly on medical evidence, the Commission in this case found a violation of article 11 of the Constitution by the police for physically assaulting a person arrested on suspicion of producing and selling illicit liquor. The report of the Judicial Medical Officer revealed that the injuries sustained by the victim were a “contusion (fain) on left the infraorbital area and left-sided traumatic tympanic membrane (ear drum) perforation”. Although there was no eye- witness evidence to corroborate the account of the Petitioner, the information given by the victim on admission to the hospital was consistent with the medical reports and his evidence before the Commission. The Commission directed the respondent to pay Rs. 25,000 as compensation to the victim

and a copy of the recommendation was forwarded to the IGP for necessary action.

▪ **Assault by a traffic police officer (Complaint No. HRC/889/14/I-23)**

In this case, the Commission concluded that the rights of the victim under article 11 of the Constitution has been violated and directed the respondent police officer to pay Rs.20,000 as compensation to the victim. Despite the lack of evidence of eye-witnesses, the victim's account of the incident of assault by the traffic police officer in response to her refusal to produce her drivers' license to the police was consistent with the medical evidence of a ruptured ear drum. The Recommendation was forwarded to the IGP to initiate disciplinary action against the respondent.

**3.2.2. Equality and Non-discrimination (Article 12 of the Constitution)**

▪ **Unequal treatment meted out to employees of the Department of Agriculture after absorption by the Ministry of Agriculture (Complaint No. HRC/3646/16)**

The Commission directed the Respondents to award the relief sought by the petitioners i.e. payment of gratuity, correction of salary anomalies, allowance for duty-free vehicles, and implementing the scheme of promotions approved by the Director General of Establishments in 1994, the cabinet decision of 29.04.2015, and recommended by the Public Petitions Committee in relation to the petitioners who were originally recruited by the Agricultural Development Authority which was later absorbed into the Ministry of Agriculture. The Commission in this instance found a violation of Article 12(1) of the Constitution by the Ministry of Agriculture in relation to the petitioners.

▪ **Inaction of the police in not responding to a complaint of kidnap and physical assault (Complaint No. HRC/1097/11)**

The Commission recommended that the Inspector General of Police take appropriate action against the respondent, a police officer, for his failure to act on a complaint which led to a violation of article 12(1) of the Constitution. The petition was against a police officer for not acting on a complaint of an attack against the petitioner by aides of a former Chairman of a Pradeshiya Sabha. The attackers had kidnapped the petitioner and handed him over to the respondent policeman, who had not inquired into the subsequent complaint made by the petitioner on the abduction. Since the Pradeshiya Sabha had been dissolved at the time of the incident, the alleged instigator, the former chairman of the Pradeshiya Sabha, could not be named a respondent. Article 126 of the Constitution only provides relief against administrative or executive action. The Commission concluded, however, that the respondent police officer was responsible for violating the petitioner's right to equal protection of the law through inaction. He had not inquired into the complaint of the petitioner as required by sections 35 and 32 of the Code of Criminal Procedure Act. The respondent was directed to pay Rs. 10,000 as compensation to the petitioner and the recommendation was forwarded to the Inspector General of Police for necessary action.

▪ **Forcible occupation of private property by the Terrorist Investigation Division (TID) of the Police (Complaint No. HRC/KL/33/13/I)**

The Commission recommended the properties of the petitioner be restored to her which had been forcibly seized and occupied by officers of the Terrorism Investigation Division in March 2013. The petitioner was the lawful owner of the properties in question by virtue of a Swarnaboomi Deed. She requested the Commission to evict the TID which allegedly was illegally occupying her private property and restore her to possession. The premises had been seized in terms of the provisions of Regulation 7(1) of the Prevention of Terrorism (proscription on the LTTE) Regulations No: 1/2011 in Gazette Extraordinary No: 1721/02 dated 29th August 2011 on allegations of being property used by the LTTE for terrorist activities.

The Commission found that the forfeiture of the complainant's land and property by the Minister under power vested in him by Regulation 7(1) has not been made consequent to a proper inquiry into the matter. The Commission was also guided by the judgment of the Supreme Court in SCFR application No: 15/2010 in which it was held that the decision to forfeit the property was arbitrary and unreasonable and the forfeiture illegal since the Minister had not complied with the principles of natural justice nor established that the property concerned belonged to a proscribed organization. On the strength of these findings, the Commission found that the fundamental rights of the complainant as guaranteed by Article 12(1) of the Constitution have been infringed by the State. Therefore, it was recommended that the order of forfeiture be revoked and the property restored to the complainant, forthwith. The Commission also directed the payment of Rs. 300,000/- as compensation and costs to the complainant by the State.

▪ **Inaction against unauthorized constructions (Complaint No. HRC/912/14/I-23)**

The Commission concluded that the Urban Council of Kesbewa and the Urban Development Authority in Battaramulla have acted contrary to section 28(a)(3) of the Urban Development Authority Act by not acting on a complaint by the petitioner against an unauthorized construction. The inaction of the authorities was found to be a violation of the petitioner's rights under article 12(1) of the Constitution. The Commission directed the authorities to take requisite action in accordance with the Urban Development Authority Act.

▪ **Non-payment of compensation to a public servant injured in an accident while on duty (Complaint No. HRC/AP/236/2014)**

In this instance, the Commission found that the non-payment of compensation to the petitioner who was involved in an accident while on duty violated the petitioner's right to equality before the law and equal protection of the law under article 12(1) of the Constitution. The petitioner, a public servant in the health sector, had been involved in an accident while on his way to work and was subsequently declared by

court not responsible for causing the accident. Under circular R.P.V. 22/93, government servants injured while on duty are entitled to compensation. Despite the Director of Health Services of the area determining that the petitioner was entitled to compensation for the 16 days that he was hospitalized and was being treated for his injuries, the payment had been delayed by the respondents (who were they?) due to bad faith. The Commission recommended the complainant to be compensated without delay.

▪ **Procedure to be followed when transporting female arrestees (Complaint No. HRC/60/13)**

Finding a violation of article 12(1) of the Constitution, the Commission directed compensation of Rs.10,000/- to be paid to the complainant for the absence of a female police officer or warden accompanying her while she was transported by the police to the Magistrate. The Commission also directed the Inspector General of Police to disseminate an internal circular to all police stations emphasizing the requirement in the Police Regulations that all female detainees be accompanied by a female officer or female warden when being transported. The National Police Commission was also informed of the recommendation for further action.

▪ **Non-payment of compensation for a victim of the violence in the Welikada prison (Complaint No. HRC/4308/12)**

The Commission found a violation of Article 12(1) of the Constitution by the Department of prisons in not including the name of a detainee who was injured in the shooting during the violence unleashed within the Welikada prison in 2012 in the register for compensation. The failure of the prison authorities to perform their duties with diligence led to the violation of the detainee's fundamental rights. Therefore, the Commission recommended that the victim, who was seriously injured and was still suffering from those injuries, be compensated in the same manner as all other victims.

▪ **Non-issuance of a school leaving certificate (Complaint No. HRC/293/18)**

In November 2018, the Commission made a recommendation directing the Principal of a public school in the Western Province to issue a leaving certificate to the petitioner's son in order for him to be admitted to another public school. The petitioner stated that the reason for changing schools was due to the lack of resources in his current school to pursue study in the Engineering Technology stream. The principal of the current school counter argued that the leaving certificate was not issued due to the failure of the parents to produce a letter of admission from the new school or from the Director of National schools as required by circular No. 2008/17. The Commission noted that the relevant provision in this instance was Section 5 of the said circular, according to which, if a school does not possess necessary resources for students to pursue studies in a particular study stream the Zonal or Provincial Director of Education must ensure students are admitted to other schools within the area with such facilities. The HRCSL held, therefore, that the principal of the current school by withholding the leaving certificate of the student and thereby depriving the student of the opportunity to engage in studies in the requisite field within the requisite time, had violated Article 12(1) of the Constitution and directed the leaving certificate be issued to the student.

▪ **Admission to Grade 1 of a public school (Complaint No. HRC/3283/17)**

Responding to a complaint that the petitioner's child has been unfairly deprived of admission to a leading public school in Colombo, the Commission found a violation of Article 12(1) of the Constitution and directed the child be admitted to the public school. Based on the circulars No. 22/2017, 22/2017(1) and letter ED/01/12/09/04/03 issued by the Minister of Education to principals which requires applications for admission to Grade 1 not to be rejected by reason of the absence of marks i.e. '0' marks, for one of the criteria, if the basic requirement of scoring above the cutoff mark is fulfilled, the Commission found that the petitioner's application has scored 76.75 marks, well above the cutoff mark of 71. The school authorities' decision

to withhold all 76.75 marks due to the petitioner scoring '0' marks for the requirement of a registered lease was concluded to be beyond the provisions of the above circulars. As the geographically proximate school to the child was this school, it was found that there was no legitimate reason to reject the application.

### **3.2.3. Arbitrary arrest and detention (Article 13 of the Constitution)**

#### **▪ Illegal Arrest and Detention of a person (Complaint No. HRC/1494/14)**

In this case, the Commission concluded the fundamental rights of the petitioner under articles 13(1) and (2) of the Constitution were violated by the Police. Evidence was produced to prove that the police had arrested and had illegally detained the petitioner, a jewelry merchant by profession, for 3 days before being produced within 24 hours of arrest before a magistrate as required by the law. Further, while the respondents had the opportunity to obtain a search warrant prior to searching the complainant's house they had not done so, thereby contravening the provisions of the Code of Criminal Procedure Act. Moreover, the petitioner had not been given the reason for arrest, at the time of arrest as required by the law. The Commission found that the petitioner's rights under Article 13 had been violated and, recommended the respondents pay Rs.25,000/- as compensation to the complainant and Rs.10,000/- as costs.

#### **▪ Unlawful arrest (Complaint No. HRC/K/165/16)**

Responding to a complaint of the violation of article 13(1) of the Constitution, the Commission found that the arrest of the petitioner and subsequent production in the Magistrate court by the Police were unlawful as the police had not made reasonable attempts to ascertain her identity prior to the arrest. The petitioner had been arrested pursuant to a warrant issued against a person who bore the same initialed name as the petitioner in relation to proceedings filed by the Department of Co-operative Development in the District court. Despite

several attempts by the petitioner to prove that this was a matter of mistaken identity and the fact that there was no warrant in her name, the police ignored her efforts and proceeded to produce her in court. The petitioner had proved that the warrant was issued in the name of a different person, whose initialed name was the same as that of the petitioner. However, the Police had not made reasonable attempts to ascertain the veracity of the petitioner's claim such as requesting verification from the Department of Co-operative Development as to the identity of the person against who the warrant was issued. The Commission found a violation of Article 13 and recommended payment of Rs.15,000 as compensation to the complainant.

#### **3.2.4. Multiple rights violations**

- **Accessibility of persons with disability to public higher education institutions (Complaint No. HRC/3838/17)**

The complainant was a female student suffering from muscular degeneration who was admitted to the Institute of Indigenous Medicine of the University of Colombo. The complaint was against the authorities of the Institute for not providing facilities for the accommodation of students with disabilities in student hostels as well as in classes thereby depriving the students of the opportunity to engage in educational activities. The complaint also alleged that certain members of the staff actively discouraged the student from continuing her studies. As a result of this she had withdrawn from the Institute having suffered acute depression and requested the Commission to place her in an alternative course at a different university.

Finding a violation of Articles 12(1) and 11(freedom from inhuman and degrading treatment) of the Constitution, the Commission directed the respondents to pay compensation for the violation of the rights of the complainant. In this regard, HRCSL referred to Sri Lanka's international obligations under different human rights treaties including the Convention on the Rights of Persons with Disabilities (CRPD) and emphasized the necessity to comply with those obligations.



The Commission concluded that not providing the student with disability appropriate accommodation (although such accommodation was available in the Institute) coupled with the conduct of the academic staff in actively discouraging the student from pursuing her studies led to great mental distress and amounted to inhuman and degrading treatment in contravention of article 11 of the Constitution.

Countering the argument put forth by the Institute that permitting the mother of the student to reside with her in the student hostel will make it difficult for the authorities to reject similar requests from other students, the Commission drew attention to article 12(4) of the Constitution which allows special provision by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons. Therefore, the failure to make special provisions for the student in light of her disability was found to be a violation of article 12(1) of the Constitution.

Further, the lack of disability access at the Institute was found to be contrary to the Protection of the Rights of Persons with Disabilities Act, No. 28 of 1996, Regulation No. 1619/24 of 18.09.2009 amending Extraordinary gazette No.1467/15 made on 17.10.2006, and the judgment in SC(FR)221/2209 which stated that "...No person should be discriminated against on the ground of disability and their mobility restricted in a manner which precludes or impedes them from enjoying equality their inherent right for access, safety and accommodation in day-to-day life at man-made public buildings, public places and facilities provided here." The deterioration in the mental state of the student due to the lack of accessibility caused by the failure of the authorities was found to be discriminatory in violation of Article 12 (1), which in turn lead to the violation of article 11.

The Commission therefore made the following recommendations:

- Compensation totaling Rs.165,000 to be paid to the complainant by the various respondents in order to deter future discrimination of this nature and to compensate the complainant for the harm caused to her education and mental wellbeing.

- To conduct disciplinary inquiries against certain respondents by the University of Colombo.
  - The University Grants Commission (UGC) to provide guidelines for authorities to ensure better treatment of differently-abled students in the future. The guidelines are to be in line with international standards and domestic laws and policies.
  - The UGC to promote a disability inclusive education within universities.
  - Training on disability rights and inclusion for academic and non-academic staff of universities as well as for public servants.
  - To provide an alternative opportunity for the complainant to pursue a degree in Biology at the University of Ruhuna, and for the UGC to take requisite measures to ensure that required facilities for differently-abled persons are available at the said establishment.
- **Torture, cruel or inhuman and degrading treatment and illegal detention (Complaint No. HRC/MY/08/09)**

In the instant case, the investigation confirmed that the complainant had been arrested by police officers and subjected to physical assault resulting in injuries. The Medico-Legal Report revealed injuries caused by blunt force fracturing the fifth metatarsal bone on the right foot, amounting to grievous hurt as stipulated in section 311 of the Penal Code. In response to this, the respondents stated that the complainant suffers from osteoporosis and denied claims of ill-treatment while in custody, yet failed to present evidence of the state of health of the complainant at the time he was leaving the police precinct. Therefore, the Commission found a violation of Article 11 of the Constitution in this instance.

At the same time, evidence disclosed that the complainant was illegally held for more than two hours before he was transported to the police station. Therefore, the Commission also concluded that a violation of article 13(2) of the Constitution had occurred.

The Commission directed a total of Rs.115, 000 to be paid to the complainant by the Respondents as compensation. A copy of the recommendation was forwarded to the Inspector General of Police and the Attorney General to take appropriate action in accordance with the Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994 and disciplinary procedures of the Police.

### **3.3. *Suo Motu* inquiries**

The Commission intervened in several issues exercising its own initiative (*suo motu*) under Section 14 of the Act. Often, issues meriting intervention are identified through media monitoring and individuals or organizations bringing such issues to the attention of the Commission. This activity sees close collaboration between the Investigations and Inquiry Division and the Research and Monitoring Division. In total, the Commission launched 31 *suo motu* inquiries into different incidents during 2018 (for a full list of *suo motu* inquiries see appendix 4).

- **Assault on inmates of the Welikada Female Ward (HRC/Suo/Motu/20/18)**

The Human Rights Commission received information on 20 August 2018 that there has been a commotion inside Welikada Prison's Female Ward and that the inmates had been assaulted by the Prison Officers. A team of HRCSL officers visited the Welikada Female ward immediately after receiving such information to assess the situation. In the course of the visit, the Commission found out that several inmates had been transferred to other prisons immediately after the alleged assault. The initial visit was followed by a second visit to the Welikada Female Ward where the officers of the Commission obtained statement from the remaining inmates who alleged that they were assaulted by prison officers on the day of the incident. The Commission obtained a list of transferred prisoners from the prison authorities and visited the prisons

to which these inmates were transferred to and obtained statements from them. At the same time, the Commission directed several inmates to be produced before the JMO and Medico-legal Reports be obtained. The Commission also obtained a list of Prison Officers who were on duty at the Welikada Female Ward on the day of the incident. As a result, 53 Prison Officers who were on duty on the day of the incident were summoned to appear before the Commission for individual inquiries, out of which 52 inquiries have been conducted and concluded at the end of 2018.

▪ **Search of the TNL transmission station at Polgahawela by the authorities (HRC/SUO/MOTU/18/18):**

On 06 June 2018, the Commission intervened to investigate the case of TRCSL officials and CID detectives raiding the TNL transmission station at Polgahawela based on the news articles published in the press. The news item carried a statement from the TNL Chairman that even though the TRCSL justifies its actions on the basis that the raid was carried out due to the channel's failure to obtain the annual transmission license, TNL had made all necessary payments to operate a transmission station. The Commission called for reports from the TRCSL, observing closely whether any other media institution was operating without extending the annual transmission license. According to the evidence provided by the TRCSL, it had raided the transmission subsequent to the silence of TNL to the request of TRCSL to renew its license. The search of the premises had been conducted after obtaining a search warrant from the Magistrate. However, it was found that the TRCSL had withheld issuing transmission licenses to several other media corporations due to the differences of the standards of the antenna systems. Therefore, the Commission came to the conclusion that even though TNL had not renewed its transmission license, thereby violating the TRCSL Act, it had been disproportionately disadvantaged by the TRCSL in light of the fact that the TRCSL had permitted other channels to operate without renewing licenses. The Commission, through a written communication, informed the TRCSL that its failure to implement licensing powers conferred on it by the TRCSL Act in a strict yet fair manner rendered

media institutions vulnerable in that the TRCSL could arbitrarily penalize some institutions that had not obtained licenses as in the instant case. Such a situation had negative implications for media freedom.

▪ **Protection of the public from irregularities in micro finance schemes (HRC/SUO/MOTU/21/18):**

The Commission intervened to protect the public from irregularities occurring in micro finance schemes in November, 2018 based on newspaper articles published on the issue. The HRCSL began an inquiry taking into consideration factors such as accounts from rural areas of suicide as a result of indebtedness to micro finance schemes, unprofessional behavior of the micro finance credit collectors, and unrest amongst local communities due to these schemes. A statement was recorded from a customer to verify the difficulties and hardships they face in repaying the debts. Officials of the Central Bank were then summoned to the Commission to inquire into a possible protection framework to protect the customers of these schemes. The Commission continues to receive responses from aggrieved parties on this issue.

▪ **Physical assault on a school student by the police (HRC/SUO/MOTU/25/18):**

The Commission intervened in a case of a 16 year old school student who media reported was assaulted by police officers subsequent to being arrested. At the inquiry conducted by the Commission, the victim stated that he was handcuffed and assaulted which resulted in injuries to his spine and back. The Commission continues the investigation into this incident at the end of 2018.

▪ **Assault of a detainee by the police (HRC/SUO/MOTU/28/18):**

The Commission began investigations based on a complaint received during a visit to the Welikada remand prison in the course of the National Study of Prisons. The complainant, a remand prisoner, has been

assaulted by police officers and is currently receiving treatment at the Prison Hospital, Welikada. The Commission summoned the respondents and recorded statements while also obtaining copies of the Medico Legal Report of the complainant. The Commission found that the observations of grievous injuries in the Medico Legal Report are consistent with the account of the complainant. The investigations continue based on the evidence provided.

### **3.4. Interventions by the Chairperson's Office**

The Chairperson intervened, as in previous years since taking office, to provide relief to complainants who are aggrieved by delays and other issues relating to the investigation and inquiry process. Several such appeals are received by the Chairperson's office every day. As the volume of appeals kept increasing, the services of a Legal Assistant were secured during the year to expedite the appeals process.

Further, direct interventions are made by the Chairperson with relevant authorities when it is deemed appropriate. Generally, such direct interventions are made in regard to complaints received on serious violation of economic and social rights via administrative action or inaction, e.g. complaints of pensioners on non-payment of pensions as it is a critical livelihood issue for senior citizens.

## CHAPTER 4: RESEARCH AND MONITORING

---

- 4.1. Thematic sub-committees
- 4.2. National Studies conducted
- 4.3. Monitoring the non-implementation of recommendations
- 4.4. Other monitoring activities
  - 4.4.1. Monitoring places of detention and care homes
  - 4.4.2. Other monitoring activities

## RESEARCH AND MONITORING

### 4.1. Thematic sub-committees

In 2016 HRCSL appointed 9 sub-committees on specific thematic issues. The Sub-Committees were expected to review legislation, policies, and official practices pertaining to each theme in order to make recommendations to the Commission on the policy interventions to be made to the Government of Sri Lanka pursuant to its mandate under section 10 of HRCSL Act No 21 of 1996. Further, the Sub-Committees were expected to advise the Commission on required policy and practical interventions on respective issues. The sub-committees are;

1. Sub-Committee on Persons with Disabilities
2. Sub-Committee on Education Policy (from a human rights perspective)
3. Sub-Committee on the Rights of LGBTIQ Persons
4. Sub-Committee on Plantation Workers' Rights
5. Sub-Committee on Prevention of Torture and Custodial Violations
6. Sub-Committee on Gender
7. Sub-Committee on Rights of Elders
8. Sub-Committee on Economic, Social, and Cultural rights
9. Sub-Committee on Migrant Workers' Rights

The membership of the sub-committees comprises experts and civil society activists. Each Committee is chaired by one or more Commissioners while HRCSL staff members act as secretaries to each sub-committee.

During 2018, the sub-committee on persons with disabilities reviewed the draft legislation on the rights of persons with disabilities and forwarded their comments to the Ministry of Social Empowerment &



Welfare while the sub-committee on education policy further engaged in drafting the final report of the sub-committee with recommendations on the overall education policy in Sri Lanka. This Report is expected to address a range of issues which require intervention from new trends in education to a human rights and citizenship orientated national education policy.

The Sub-Committee on the Rights of LGBTIQ Persons drew the attention of the Private Health Services Regulatory Council which is mandated to monitor and regulate private medical institutions to inquire into unauthorized medical clinics which advertise and offer medical treatments to “cure” LGBTIQ persons. The sub-committee also had discussions on including Comprehensive Sexuality Education (CSE) in the school curriculum, challenges faced by those applying for gender certificates such as the requirement to undergo hormone therapy and surgical treatment which prevent those who are not able to/or do not wish to undergo such treatment from obtaining a gender certificate, and monitoring incidents of bullying of LGBTIQ persons in universities.

Further, the Sub-Committee on gender reviewed the proposed amendment to the Local Authority (Election) Act and monitored the progress of the said Bill. It also discussed the draft Bill on decriminalizing of abortion. The Sub-Committee further decided that the Chairperson of HRCSL should write to the Secretary to the Ministry of Women’s Affairs regarding the Women’s Rights Bill and the establishment of the Women’s Commission. The Commission reviewed the Bill and offered its views on improvement to the National Committee on Women, functioning within the Ministry of Women’s Affairs.

During 2018, the Sub-Committee on Migrant Workers' Rights conducted a survey of electronic media including social media through which the Commission could reach out to migrant workers. The Committee also made several important decisions such as that the HRCSL should visit the Sri Lanka Bureau of Foreign Employment (SLBFE) welfare center "Sahana Piyasa"; to submit a proposal to the Sri Lanka Broadcasting Corporation to have a dedicated weekly or bi-weekly program through

which the HRCSL can connect with the larger public; and to recommend to SLBFE that if the Family Background Report is necessary for overseas employment, then it should be mandatory for both men and women migrant workers which would not be used as a restriction to travel for work but would be used to facilitate the social system to assist family needs.

## **4.2. National Studies conducted**

In accordance with the power vested in the HRCSL to visit any place of detention to monitor the conditions of detention and make recommendations for the improvement of such conditions (Section 28(2) of the Act) the Commission commenced the first national study of prisons in Sri Lanka in February 2018. The Study intends to evaluate the treatment and conditions of prisoners and make recommendations in order to promote compliance with international human rights standards, primarily the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). The team of researchers visited 20 prisons in Sri Lanka to collect information and data for the report. This Study is conducted with the financial assistance provided by the UNDP.

## **4.3. Monitoring the non-implementation of recommendations**

In keeping with one of the identified Goals in the Strategic Plan of the Commission to “Provide prompt and effective remedies by strengthening the inquiry, investigation and monitoring mechanism of the HRC”, the non-implementation unit, which was established to monitor the implementation of the Recommendations issued by the Commission, has been successfully active in 2018. The Unit intervened through written communications in approximately 350 cases inquired into by the Commission in order to compel the parties to comply with

the recommendations. The Commission directed officials such as the Secretary to the Ministry of Education, the Inspector General of Police, and the Commissioner General of Prisons to implement the Recommendations of the Commission. The Unit has also ensured Recommendations against retired, transferred, or suspended officers were implemented notwithstanding such retirement, transfer, or suspension.

As a result of the efforts of the Non-implementation Unit, many of the institutions have taken cognizance of these directions and have responded to the Commission setting out the initiatives they have taken to implement the said recommendations.

Further, the Non-implementation Unit compiled lists of institutions failing to implement HRCSL recommendations for the years 2016- 2018. The year 2018 showed a gradual increase in the implementation of recommendations from previous years, which is a testimony to the success of the Unit.

#### **4.4. Other Monitoring activities**

Under its mandate, the Commission is empowered to visit places of detention to monitor the wellbeing of detainees and to make recommendations to improve conditions of detention with the objective of ensuring the rights of detainees are respected and protected. Exercising its powers, the Commission conducts unannounced (surprise) visits to places of detention throughout the year. These visits are carried out by the head office as well as by regional offices. Apart from regular monitoring of police stations, the Commission also visits other places of detention such as prisons, remand homes, receiving homes, rehabilitation centers, homes for children, homes for the disabled, and immigration detention centers. The Commission conducts unannounced visits throughout the week, including the weekend, and conducts investigations into allegations of torture and illegal treatment made by detainees during these visits.

#### **4.4.1. Monitoring places of detention and care homes**

In 2018, the Commission, through its head office and regional offices, made 2265 visits to police stations. The objective of these visits is to eliminate incidents of torture and other forms of custodial violations in Sri Lanka through efficient proactive and reactive measures, to initiate steps to identify officers who commit such violations, and recommend remedial action, in addition to coordinate and collaborate with other relevant government and non-governmental institutions to prevent the incidence of torture.

Certain common issues were identified during these visits, including:

- Failure to follow due process during arrest
- Ill-treatment and torture in custody
- Delay in producing before courts
- Overcrowding and lack of basic amenities in the cells

HRCSL repeatedly highlights these observations in its policy interventions to address torture, ill-treatment, and conditions of detention.

In addition, the Commission made 273 visits to other places of detention and care homes. These visits are mostly through the regional offices. The monitoring activities of the regional and sub-offices are crucial in expanding the reach of the Commission in terms of its mandate to monitor places of detention to ensure the rights of detainees.

Places of detention and care homes	Am par a	Anu rad hap ura	Bad ulla	Batti caloa	Jaff na	Kalm unai	Kan dy	Mat ara	Tri nco mal ee	Vav niya	Head Office	Total
<b>Police Stations</b>	99	224	126	112	174	90	482	330	80	209	339	2265
<b>Prisons</b>	08	11	-	27	08	-	10	13	05	04	19	105
<b>Orphanages and rehabilitation centres for children</b>	08	48	-	09	-	12	02	10	02	-	05	96
<b>Foreign national holding centre, Mirihana</b>	-	-	-	-	-	-	-	-	-	-	04	04
<b>Rehabilitation centres</b>	-	-	-	-	-	-	-	-	-	03	-	03
<b>Elders homes</b>	08	08	02	02	-	02	02	-	02	-	-	26
<b>Disability homes</b>	-	06	-	03	-	02	-	-	-	-	-	11
<b>TID/CID</b>	-	-	-	-	01	02	-	-	01	06	01	11
<b>Special/ Other</b>	-	-	-	-	-	-	-	-	06	11	-	17
<b>Total</b>	123	297	128	153	183	108	496	353	96	233	368	2538

#### **4.4.2. Other monitoring activities:**

##### **▪ Complaints receiving unit for the Local Government Elections- 2018**

A Complaint-receiving unit was established by the Human Rights Commission of Sri Lanka to receive complaint relating to Local Government Elections -2018. The Commission also received complaints relating to the elections through its 24-hour hotline.

##### **▪ Monitoring of news reports**

The Commission also continued to monitor news reports in the electronic and print media with regard to the violation of human rights falling within the purview of the Regional and sub-Offices. This activity assists the Commission in making *suo motu* interventions as well as following-up on the progress of remedial action by respondent parties.

##### **▪ Interventions requiring continuous monitoring**

A series of discussions were conducted with relevant authorities and affected parties in matters which in the opinion of the Commission required intervention and continuous monitoring. The following are selected examples:

- With regards to the reduction of ground water in Jalthara, Ranala with a local civil organization which complained to the HRCSL on this. The Commission continued to monitor the situation. Subsequently, a field visit was carried out in the catchment area in question, in the presence of the party owning the catchment area in question as well as the representatives of the private company engaged in bottling water.
- On the issue of the scarcity of water required for day to day life as the result of excessive selling of ground water in the Pannala area. The discussion was attended by officials of the Pannala

Pradeshiya Sabha, Pannala Police Station, Pannala Divisional Secretariat and Water Resources Board.

- In relation to a complaint made against raising penalties for motor traffic offences. Complainants were the Lanka Self-employed Three Wheel Drivers Association, Lanka inter-district school transport service providers' Union, Association of Hotel Owners, and All Ceylon Motor Cyclists' Union. A preliminary discussion was held with the complainants, at which it was decided to convene a discussion with the other relevant parties such as the National Road Safety Authority.

▪ **Special interventions and monitoring by regional offices**

Regional and sub-offices of the Commission also regularly monitor the human rights situations in the region and intervene in appropriate circumstances. The following is a snapshot of such interventions:

- Alerted by a newspaper headline, the Matara regional office intervened in the alleged death of a person at the hands of the police during an altercation between the police and some villagers in Katharagama. The regional office visited the place of the incident to record the statement of the wife of the deceased, the Katharagama Police Station, and the Angunukolapalassa prison to obtain statements from the two accused, one a police constable, the other belonging to the Civil Defense Force. The regional office also summoned both parties for an inquiry. The said investigation is pending as at the end of 2018.
- During the communal riots that took place in Digana and the environs the staff of the Kandy regional office made daily visits from 06 March- 09 March 2018 to the areas where the violence occurred. The officers made all efforts to speak directly to the victims of violence and shared the contact details of the Kandy Regional office and the Regional Coordinator for the victims to contact the Commission if they experienced any difficulties in dealing with

government authorities. Subsequently, complainants were asked to submit complaints to the Kandy Regional office. The Officers of the Kandy regional office also visited the Bogambara - Pallekale prison on 16 March 2018 to inspect the wellbeing and the conditions of detention of the four Muslim youths who had been remanded in connection with the murder of Heepitiye Gedara Kumarasinghe and the suspects who had been arrested in relation to the anti-Muslim attacks. The regional office also ably facilitated the conducting of the inquiry of the HRCSL into these violent incidents. (Please see chapter 2 for more information on the inquiry).

- The Jaffna regional office visited the people of Iranaithivu who were compelled to evacuate from Iranaithivu island in 1992 due to the civil war. Relocated to Iranaimatha Nagar, Poonagari Division, the residents of Iranaithivu sought to return to their original places of residence since the end of the hostilities in the North. As they did not receive a response from government authorities to their request to return, the residents returned to Iranaithivu of their own accord in April 2018. The Jaffna Regional Office carried out a visit to inquire into the social and legal issues, basic needs, and safety of the public on Iranaithivu island. Following this visit, government authorities too had visited Iranaithivu and proceeded to provide assistance for the people to return and settle safely. The HRCSL continues to monitor the situation.



## CHAPTER 5: EDUCATION AND OUTREACH

---

- 5.1. Public awareness raising
  - 5.1.1. Celebration of International Commemorative Days
  - 5.1.2. Human Rights Training Programmes for Various Focus Groups
- 5.2. Sharing Knowledge with Other Public Institutions/Programmes
- 5.3. Reconciliation initiatives
- 5.4. Engagement with the media
  - 5.4.1. Engagement with traditional print and electronic media
  - 5.4.2. Use of online platforms
  - 5.4.3. Training for media
- 5.5. Engagement with civil society
  - 5.5.1. Regional civil society coordinating committees
  - 5.5.2. Community Task forces for Human Rights (CTF4HR)
  - 5.5.3. Civil Society representatives as members of the thematic sub-committees
  - 5.5.4. Participation at events organized by civil society organizations
  - 5.5.5. Training for civil society
- 5.6. Mentoring

## EDUCATION AND OUTREACH

### 5.1. Public awareness raising

As mandated by Section 10 of the parent Act, the Commission strives to actively engage in raising public awareness and sensitivity on issues of human rights. The Commission considers the public an integral part of their work as the very purpose for its existence is to promote and protect the human rights of the citizenry. Therefore, the year 2018 is marked by many important events in realizing this objective.

#### 5.1.1. Celebration of International Commemorative Days

- **International Human Rights Day – 2018**

An event organized by the Human Rights Commission of Sri Lanka to commemorate the 70th Anniversary of the Universal Declaration on Human Rights (UDHR) was held on 10 December, 2018 at Bandaranayaka International Conference Hall. 10 December is the International Human Rights Day, which was designated in honour of the United Nations General Assembly's adoption of the UDHR on that day. The chief guest of the event was Ms. Hanaa Singer, Resident Coordinator of United Nations in Sri Lanka and the Resident Representative of the United Nations Population Fund.

The event, themed “The World Made Anew – the UDHR in Our Lives: Child and Youth Reflections” had a special focus on youth and Children. The importance of the UDHR in guaranteeing the rights for all persons irrespective of differences was successfully conveyed to the audience through a series of presentations and a variety of cultural performances.

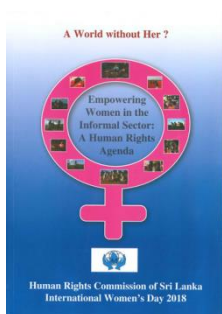
A unique feature of this program was that most presentations were made and cultural events conceptualized and performed by youth who had earlier in the year participated in the Youth Camp on Human Rights and also by school children who had taken part in an all-island human rights quiz program.

The Commission was encouraged by the Commander of the Sri Lanka Army gracing the occasion, marking the first time a commander of the tri-forces attending such an event.

While all Regional Offices too organized commemorative programmes for the International Human Rights Day, a trilingual poster and pamphlets were designed in commemoration of the UDHR, and distributed among the Regional Offices and the general public.

#### ■ International Women's Day 2018

The Commission celebrated the International Women's Day, 2018 on 8<sup>th</sup> March 2018 at the Bandaranaike Centre for International studies. This



**The Report titled  
"Empowerment of  
Women in the Informal  
Economic Sector: A  
Human Rights Agenda"**

programme was organized as an extension of the series of round-table discussions held in 2017 at the HRCSL Head Office in Colombo and 10 Regional Offices on the challenges and obstacles encountered by women in the informal economic sector. A pioneering report titled "Empowerment of Women in the Informal Economic Sector: A Human Rights Agenda" containing the outcome of the series of discussions held in 2017 was launched at the event attended by women working in the informal economic sector, government officials, civil society representatives, academics and economists. The Report contained HRCSL's recommendations to the public authorities to ensure future empowerment of women in the informal economic sector.

Similar events were held around the country organized by the Regional Offices.

### ▪ International Day in support of victims of torture 2018

A Human Rights Film Festival was held on 25-26 June 2018 to mark the International Day in support of victims of torture while a Media campaign styled “Stop Torture” was also carried out for the duration of one month from 26.06.2018 to 26.07.2018.

The film festival was held on 25-26 June, 2018 at the Tharangani Theatre of the Sri Lanka Film Corporation. Four films on torture and its implications for justice were screened- the documentary: Taxi to the Darker Side, Visaranai, Matilda, and Death & the Maiden. The films were screened with the primary objective of examining the social implications of torture including the manner in which society reacts to the horrors of torture and other forms of custodial abuse. The festival



Promotional hoardings of the film festival



The presentation of Mr. Nadeeka Guruge

was well attended by members of the Police, Security Forces, School children, civil society and the general public. The film festival concluded with a special presentation by Mr. Nadeeka Guruge, the well-known musician and social commentator, with an ensuing discussion on the portrayal of human rights through the performing and visual arts, which garnered widespread attention and enthusiasm.

The media campaign consisted of video films containing voice messages on the prevention of torture which were telecast on the Independent Television Network (ITN). Voice messages of a broad range of personalities were telecast during the campaign such as those of

journalists, performing artists, LGBTIQ activists, and other human rights activists.

Further, several programmes focused on school children, police officers, and the general public were also held in commemoration of the Intentional Day in Support of Victims of Torture.

### 5.1.2. Human Rights Training Programmes for Various Focus Groups

#### ▪ Youth Camp on Human Rights

The highlight of the educational activity calendar of the Commission for the year was the holding of the first ever annual Youth Camp on Human



Youth participants sharing their thoughts during the Youth Camp 2018

Rights. It was held from 25-29 September 2018 at the MAS Conference Facility in Thulhiriya. By all indications, particularly the feedback of participants, it was a resounding success. The 5-

day residential program saw approximately 60 youth leaders representing various ethnicities, cultures, and religions from all 25 districts in the country taking part in a variety of interactive sessions designed to promote the concept of 'good citizenship'. The participants were selected consequent to a public call for



Youth taking part in activities during the Youth Camp 2018



Food festival at the Youth Camp 2018

applications. Apart from activities and discussions to familiarize the youth leaders with concepts of democracy and human dignity, human rights-oriented leadership, how to build trust, tolerance, peaceful co-existence and harmony in a pluralistic society, and social media and human rights, a food festival, a fire camp, a forum theatre, a mini fact-finding mission and many other interactive sessions too were held.

The food festival provided an opportunity for the participants to prepare and present food from different culinary traditions underscoring the diversity and pluralism of our society, while the fire camp was designed to develop effective methods of communication among the youth leaders. Participants were asked to conduct mini fact-finding missions in groups to nearby villages and assess issues they observe from a human rights perspective. As the finale to the event, the youth participants were tasked to submit brief individual proposals to promote human rights in their respective communities before the conclusion of the camp. Out of the submitted proposals, a panel of experts chose the best 10 proposals to be presented to their peers. After several rounds of presentation 5 proposals were chosen and their proponents were named HRCSL Youth Ambassadors for Human Rights.

The Commission has resolved to hold annual youth camp recognizing the importance of investing in youth.

#### ▪ Human Rights Quiz competition

A year-long all island Human Rights Quiz Competition for school children organized to celebrate the 70th Anniversary of the UDHR concluded successfully in 2018. The Commission notes the enthusiasm among participating schools (433 schools in total), which saw schools representing all the provinces participating in the competition. Dharmashoka Vidyalaya, Ambalangoda emerged the winner in the Sinhala medium while the Samanthurai Muslim Maha Vidyalaya, emerged the winner in the Tamil medium. The provincial level and national level competitions including the grand finale were telecast on ITN. The objective of the Quiz Competition was to enhance the knowledge and understanding of human rights among school children.



From the grand finale of the quiz competition

▪ **Other awareness programmes**

The Commission also conducted many other awareness-raising programmes such as:

- On 16 February 2018 the Commission successfully conducted an awareness programme for the staff of the Ministry of Megapolis and Urban Development at the auditorium of the Ministry on the inclusion of the right to accessibility of persons with disabilities in development programmes.
- The Commission conducted another awareness- raising session on the certificate of gender for transgender persons for the benefit of the Additional District Registrars of the Western Province held at the Registrar General's Department, Sri Jayawardanepura, Kotte on 19 July 2018.

▪ **Assistance for community mobile services**

The Commission and the Regional Offices continued to provide assistance to mobile services organized by the Ministry of National Co-Existence, Dialogue and Official Languages for marginalized groups in several parts of the country. As such, the HRCSL Head Office sent its officials as resource persons for mobile services in areas such as Yatiyanthota, Negombo, Puttalam, while the respective Regional Offices provided assistance to mobile services in areas such as Deniyaya, Rathtota, Nawalapitiya, Bogawantalawa, Pudukudirippu, and Kilinochchi.

## **5.2. Sharing Knowledge with Other Public Institutions/Programmes**

The Commission, through its Head Office and the Regional Offices, also provides assistance by way of resources persons to programmes conducted by other public institutions and actively contributed to

discussions of relevance to the Commission convened by other public institutions. During 2018, HRCSL provided conducted lectures, and participated in discussions on a wide array of topics of interest. The following is a selected list of such events the HRCSL Head Office contributed to:

- a) Contributing expertise to progress monitoring meetings on the implementation of National Human Rights Action Plan (2016-2021) convened by the Prime Minister' Office. This activity included attending meetings of the Sectoral Monitoring Committee on Economic, Social and Cultural Rights convened by the Ministry of National Policies and Economic Affairs; Sectoral Committee Meeting on Prevention of torture convened by the Ministry of Law and Order and Sectoral Committee meetings to monitor the implementation of National Human Rights Action Plan convened by other line ministries, e.g., Women and Children Affairs Ministry and Labour Ministry
- b) Training on Human Rights Concepts periodically organized by the Department of Prisons at the Welikada Training Institute for the benefit of prison officers
- c) Awareness Raising lectures as part of periodic workshops organized by the Directorate of Humanitarian Law and Human Rights of the Sri Lanka Army
- d) Programme titled "Gender Equality, Sexual Harassment in Work Places and its Legal Profile: Can We Make a Change?" conducted on 09 March 2018 in commemoration of International Women's Day for the benefit of the staff of National Mental Health Institution at Angoda.
- e) Forum discussion on the National Action Plan to combat corruption in Sri Lanka convened by the Presidential Secretariat on 18 January 2018



- f) Consultation meeting on the ongoing gender assessment of the Sri Lanka Police on 30 January 2018
- g) Expert meeting on abortion law reform held under the aegis of the Ministry of Health at Presidential secretariat on 6 September 2018
- h) The 4<sup>th</sup> Consultative workshop on Inquests into sudden deaths on 21 April 2018

**No. of Human Rights awareness and training provided by the Head Office and Regional Offices of the HRCSL in 2018**

Head Office/ Regional Office	Target Groups				
	Police	Civil Defense Force	Public Officers	Students/ Youth groups	General public/ci vil societies/ religious leaders/j ournalist s/others
Head Office	-	-	2	1	3
Ampara	6	-	2	3	1
Anuradhapura	2	1	-	-	-
Badulla	-	-	-	-	1
Batticaloa	-	2	-	1	-
Jaffna	-	-	-	3	-
Kandy	-	-	1	2	1
Kalmunai	1	1	5	3	5
Matara	-	1	2	2	1
Trincomalee	-	-	-	-	3
Vavuniya	-	4	-	-	-

**No. of Human Rights resource assistance for lectures provided by the Head Office and Regional Offices of the HRCSL in 2018**

Head Office/ Regional Offices	Target Groups						
	Armed forces	Police	Prison s	Civil Defen se force	Public Office rs	Studen ts/ Youth Group s	Gener al public/ civil societi es/ religious leader s/ other s
Head Office	8	-	4	-	3	-	4
Ampara	1	6	-	-	-	-	1
Anuradhapu ra	13	4	-	2	-	-	2
Badulla	-	-	-	-	-	1	3
Batticaloa	-	-	-	-	3	1	3
Jaffna	-	1	-	-	8	-	3
Kandy	3	1	-	-	2	-	-
Kalmunai	-	-	-	-	2	2	-
Matara	2	3	1	-	1	4	2
Trincomalee	-	2	-	-	1	1	4
Vavuniya	-	-	-	1	-	-	-

### 5.3. Reconciliation initiatives

As it has direct relevance to the HRCSL's statutory mandate, the Commission strives to contribute to reconciliation initiatives in Sri Lanka, which raise human rights related issues of concern. In 2018, the HRCSL contributed to several reconciliation initiatives including sharing lessons learned at HRC with the newly established Office of Missing Persons (OMP) at a briefing organized by the Secretariat for Coordinating Reconciliation Mechanisms (SCRM) on 17 March and contributing to a workshop on archiving held at the the BMICH on 15 February. The Commission held meetings with the OMP during the year with a view to exploring ways of forging cooperation recognizing the

proximity of mandates of the two institutions. The Chairperson also delivered the keynote address at the International Day of the Disappeared commemorative event organized by the OMP on August 30<sup>th</sup> with the participation of a large number of family members of the disappeared.

## **5.4. Engagement with the media**

As part of its outreach efforts, the Commission engages with the media to keep the public informed of critical issues, as well as on the activities of the Commission. The Commission employs traditional print and electronic media well as online platforms for promotional activities.

### **5.4.1 Engagement with traditional print and electronic media**

A meeting was held at the HRCSL premises on 04 January 2018 for media to raise awareness on the activities of the HRCSL while another press briefing was conducted on 31 May 2018 on the accreditation of the HRCSL as an 'A' status institution by the GANHRI.

At the same time, the statement made by the Chairperson cautioning that legal action will be instituted against fraudulent human rights institutions claiming to be the HRCSL was published in the Lankadeepa Newspaper on 05<sup>th</sup> January 2018 while on a more positive note, on the same day, the statement made by the chairperson at another press conference on the human rights situation in Sri Lanka that a notable development and progress of human rights are evident and freedom of Speech, assembly, and association are enjoyed to the maximum possible extent was published in the Dinamina newspaper.

The Chairperson participated in the discussion in commemorating the International Day for the support of victims of torture telecast on Rupavahini on 16 June 2018. At the same time an interview with the

chairperson on the planned re-imposition of the death sentence was published in the Ravaya newspaper on 22 June 2018.

### **5.4.2 Use of online platforms**

All policy recommendations, interventions, and advocacy statements as well as the directives of the Commission are uploaded on the Commission's website and made publicly accessible. In appropriate cases, this information is also shared electronically with Civil Society Organizations, Members of the thematic sub-committees of the Human Rights Commission of Sri Lanka, Diplomatic Missions in Sri Lanka, International Human Rights Organizations, and Asia Pacific Regional National Human Rights Institutions.

The Commission also uses the Asia Pacific Forum's (APF) bulletin to disseminate its work to a wider audience in the region and globally.

### **5.5.1 Training for media**

A workshop on human rights based approaches to journalism was organized on 29 October 2018 by the Education and Special Programmes Division of the Commission in collaboration with the UNDP. Approximately 20 journalists representing all mass media institutions participated at this workshop.



The chairperson of HRCSL delivering a lecture at the workshop

## **5.5. Engagement with civil society**

The Commission, especially via the Regional Offices, engages closely with civil society. It views civil society as a great resource, which enriches the work of the Commission, while the Commission in turn contributes to the work of civil society on human rights.

### **5.5.1 Regional civil society coordinating committees**

The close cooperation fostered by the Commission through the civil society coordinating committees at regional level assists the Commission in identifying human rights violations or situations warranting the intervention of the Commission. These coordinating committees also assist the Commission in monitoring the protection of human rights in the regions. In 2018, the Commission continued to facilitate these meetings.

### **5.5.2 Community Task forces for Human Rights (CTF4HR)**

In a pioneering move, all Regional Offices of the HRCSL established Community Task forces for Human Rights to facilitate communities to protect their rights at the grass-root level and agitate against any violations of these rights. The members of the CTF4HR comprise volunteer members of the community who indicated an interest to work with the Commission. It is expected that these task forces will act as a conduit between the Commission and the communities, enabling timely interventions in situations of rights violations. During the year, the Commission conducted introductory training for all taskforce members through its Regional Offices.

### **5.5.3 Civil Society representatives as members of the thematic sub-committees**

Active members of the civil society and civil society organizations are members of the thematic sub-committees, further contributing to the work of the Commission. The sub-committees are an opportunity for the Commission to benefit from the expertise and experience of civil society members in enriching the policy level efforts of the Commission.

#### **5.5.4 Participation at events organized by civil society organizations**

The Commissioners and staff of HRCSL participated in many events organized by civil society organizations such as the chairperson attending the Conference on “Trends in Youth Radicalization in South Asia” organized by the Regional Centre for Strategic Studies as the chief Guest and Guest Speaker; the meeting entitled “Rights Now, Right to Life” organized by Rights Now in collaboration with the families of missing persons held in Negombo; ‘A Policy Dialogue for the youth and peace building’ organized by Youth Peace & Security Coalition in Sri Lanka; the Round Table discussion on ‘Promoting Freedom of expression and the rule of law by ending impunity for crimes against journalists’ organized by the Sri Lanka Press Institute (SLPI) together with UNESCO and International Media Support (IMS).

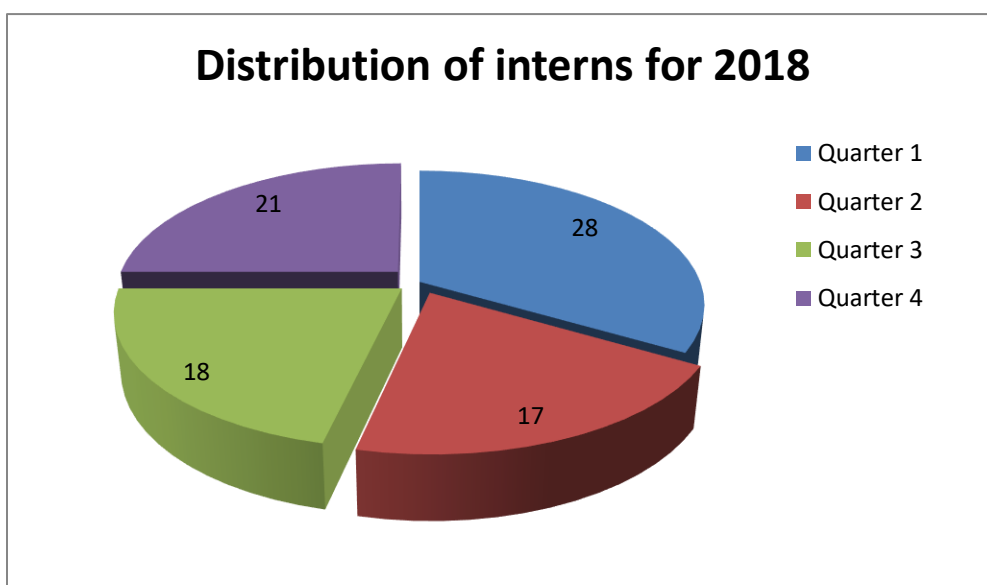
#### **5.5.5 Training for civil society**

HRCSL conducted trainings for members of civil society such as the two-day Human Right Training Programme for the voluntary workers in the Maskeliya area as proposed by the Thematic Sub-Committee on Plantation Workers’ Rights, held on 20 and 21 October, 2018 at Maskeliya.

### **5.6. Mentoring**

The Commission continued the HRCSL internship programme which was revived in 2017 due to the conviction that investing in the youth of the country, especially in the promotion and protection of human rights, is a right step forward. Applications were called from undergraduates and recent graduates of any discipline to serve on a voluntary basis throughout 2018. The objective of the programme was to give the successful candidates exposure to the role of HRCSL, promotion and protection activities of the Commission including research, and to foster

commitment to public interest activities in the youth. The internships were for a minimum period of 3 months, and the interns had the choice of undergoing training at the Head Office or at a Regional Office under the close supervision of Directors or Regional Coordinators. 84 interns served internships during 2018 throughout the country. Upon the successful completion of the program, interns are issued with an official certificate of participation.



## CHAPTER 6: INTERNATIONAL COLLABORATION

---

- 6.1. Promote compliance with international obligations
- 6.2. Strengthening ties with Global and regional Human Rights Alliances
- 6.3. Appointment of HRCSL as the National Preventive Mechanism under OPCAT
- 6.4. Other collaborations with international organizations and experts
  - 6.4.1. Bi-lateral meetings
  - 6.4.2. Foreign funding received



## INTERNATIONAL COLLABORATION

### 6.1. Promote compliance with international obligations

In 2018 the Commission continued to actively communicate and cooperate with international and regional human rights organizations and protection mechanisms in promoting compliance with international human rights obligations of Sri Lanka as required by the Commission's statutory mandate.

### 6.2. Strengthening ties with Global and Regional Human Rights Alliances

- In February the Chairperson represented the Commission at the Annual Meeting of the Global Alliance of National Human Rights Institutions (GANHRI)--the umbrella organization that brings National Human Rights Institutions around the world together--and contributed actively to discussions and network with other National Human Rights Commissions from various parts of the world.
- The Chairperson represented the Commission at the Biennial Meeting of the Commonwealth Forum of National Human Rights Institutions which took place on the 16th and 17th of April at the Royal Aeronautical Society in London. The participants also had the opportunity to attend the Commonwealth Women's Forum at the Queen Elizabeth II Conference Centre on 18th April.
- The Chairperson and Commissioner Gazali Hussein represented the HRCSL at a regional Human Rights Conference organized by

the Human Rights Commission of Nepal organized with a view to strengthening ties among Human Rights Commissions in South Asia.

- The Commission also participated in the Annual General Meeting of the Asia Pacific Forum (APF) held in Hong Kong in September. The APF is the regional umbrella organization for National Human Rights Institutions that provides technical support. HRCSL is a member of the APF and could participate in decision making at the 2018 AGM as an 'A' Status accredited Human Rights Commission.

### **6.3. Appointment of HRCSL as the National Preventive Mechanism under OPCAT**

Pursuant to Sri Lanka acceding to the Optional Protocol to the International Convention Against Torture (OPCAT) in December, 2017, HRCSL was nominated by the Government of Sri Lanka to be the National Preventive Mechanism (NPM) under the OPCAT the State is obligated to set up one or more national preventive mechanisms to attempt to prevent torture and other forms of custodial abuse through preventive visits. HRCSL is already mandated and empowered to visit places of detention without prior permission under its parent statute.

The Commission joined the UN Sub-Committee on Prevention of Torture via video link on 15 February 2018 in order to discuss HRCSL's role as the National Preventive Mechanism in Sri Lanka and methodologies to be used in preventive work. The Sub-Committee assured technical cooperation to HRCSL in that regard.

## 6.4. Other collaborations with international organizations and experts

### 6.4.1 Bi-lateral meetings:

HRCSL broadened its international collaborations through bi-lateral meetings with multiple entities:

- The Secretary General of the Commonwealth, Dame Patricia Scotland, visited the Commission on 02 August 2018 and had extensive discussions with members of the Commission on the human rights situation in the country and ways and means of extending commonwealth support to enhance activities of the Commission. She commended the Commission for receiving A status international accreditation.
- The Commission also met with several visiting European Union delegations to discuss HRCSL action in promoting and protecting human rights:
  - EU Head of Mission's meeting at Colombo 07 on 02 February 2018
  - Ms.Caroline Vinot, European External Action Service – Human Rights Commission of Sri Lanka on 09 October 2018
  - Mr.Frank Hess, Head of Co-operation, EU Delegation - Human Rights Commission of Sri Lanka on 19 December 2018
- The Commission also continued to have constructive relationship with International Committee of the Red Cross (ICRC) that has rendered valuable humanitarian protection in Sri Lanka. In November, the Head of Delegation visited the Commission for discussions.

Meetings were also held with:

- Mr. David Mckinnon, Canadian High Commissioner to Sri Lanka
- Mr. Bob Last, Deputy Head of the Political Team of the UK Mission to the United Nations in Geneva
- Mr. Knox Thames, Senior Advisor of the US Office of International Religious Freedom
- Ms. Joanna Roper, UK Special Envoy
- Ambassador of Norway and visiting delegation
- UNDP officials in Colombo
- The Asia Foundation in Colombo

#### **6.4.2 Foreign funding received**

HRCSL received a majority of its funding from the treasury to carry out core activities. However, the Commission was also able to secure financial support through collaborations fostered between the HRCSL and international development partners. As such, HRCSL acknowledges and appreciates the corporation extended by the UNDP, UNHCR, and the Swiss Confederation for programmatic work of the Commission in 2018, which enabled the Commission to carry out its mandate effectively.

The Swiss Confederation continued to support the clearing of the backlog of inquiries. The backlog of complaints contributed to the lack of public confidence in the Commission and the existing trust deficit. Through the grant, the Commission was able to garner resources to tackle the complaints backlog and provide remedies to complainants. This enabled the Commission to increase public confidence and trust in the institution, and also illustrate its ability to respond to the needs and concerns of the people of Sri Lanka, which is integral to its effectiveness.

The Swiss Confederation also provided support to increase public awareness of human rights via activities to mark the 70th anniversary of the Universal Declaration of Human Rights (UDHR). These activities included the first ever Youth Camp on human rights of the HRCSL; the semi-finals and grand finale of the human rights quiz competition; and

hiring of consultants/researchers to support the Commission's research work on issues such as transitional justice and to support the thematic sub-committees of the Commission.

UNHCR supported a project aimed at strengthening regional offices through the provision of infrastructure as well as capacity building. The objective of the project was to enable and strengthen the access that populations in Kilinochchi, Mannar, and Puttalam, particularly vulnerable and marginalised groups to the HRCSL to seek remedies for human rights issues, including violations of fundamental rights.

The UNDP extended financial cooperation for several programmatic activities such as the national Prison Study, and outreach activities including the use of mainstream and social media platforms. The project also assisted HRCSL in conducting a training needs assessment of existing staff, developing an action plan for-staff training, and rolling out priority trainings that are identified. The aim of the overall project was to convert the structural independence of the HRCSL to positive impact on improving enforcement of the equal protection of the law, protection and promotion of human rights throughout the country; and inculcating a culture of accountability and transparency.

## **CHAPTER 7: HUMAN RESOURCES, ADMINISTRATION, AND FINANCE**

---

- 7.1. Staff development programmes
  - 7.1.1. Local training opportunities
  - 7.1.2. International programmes
- 7.2. Employment and vacancies
- 7.3. Annual financial statements

## HUMAN RESOURCES, ADMINISTRATION, AND FINANCE

### 7.1. Staff development programmes

Since the tenure of the current Commission began, HRCSL has strived to develop professional excellence and capacity of the staff. The Commission understands that institutional excellence is essential to respond effectively to violations of human rights and promote human rights. Therefore, the staff of both the head office and regional offices is encouraged and required to benefit from the many training opportunities available, both locally and internationally, to improve their professionalism, efficiency, understanding of challenges, and the ability to utilize their skills to provide assistance to the communities they serve.

#### 7.1.1 Local training opportunities

- An awareness-raising session on procurement procedures was held for the benefit of the relevant staff of the HRCSL in January 2018. The Secretary General of the National Procurement Committee was a resource person, making the session a resounding success.
- A lecture titled “New Election Law and Operation thereof” was delivered by Mr.Mahinda Deshapriya, Chairman, Elections Commission of Sri Lanka on 17 January 2018 to enhance the knowledge of the staff on election laws.
- A two-day Training Programme on computer literacy for the Inquiries and Investigation staff was held on 25-26 July, 2018. The objective was to enhance the computer literacy of the relevant staff who are increasingly called upon to communicate and work using

information technology (IT) as it streamlines and increases the efficiency of the work of the Commission.

- A training on Disaster Management Relief and rehabilitation of survivors was conducted for the staff of the HRCSL by Ms. Anoja Seneviratne, Director, Disaster Management Centre on 01 August 2018. The objective of the training was to enhance the knowledge of the staff of HRCSL who are constantly called upon to intervene in the violation of fundamental rights resulting from both natural and man-made disasters.
- The Training workshop on the Human Rights Information System (HURIN) was held from 27-29 August 2018 and 13-14 September 2018 for the HRCSL staff at the Head Office.
- A two-day programme on Women's rights, sexuality based violence and reproductive health was conducted with the financial support from the United Nations Population Fund on 20 and 21 October, 2018 was held for the benefit of the staff of HRCSL Head Office and Regional Office of Matara.
- A two-day training session on human rights was held on 16 and 17 November, 2018 for the supporting staff of the Head Office and the Regional Offices with the objective of creating an active and efficient support service for the operational activities of the HRCSL.
- A series of seminars on diverse topics of human rights was held for the benefit of the staff of the Commission including Regional Coordinators, legal officers, and investigation officers throughout 2018 with the assistance of UNDP:
  - A two-day programme on Articles 11 and 13 of the Constitution at the Sri Lanka Institute of Development Administration was held on 27-28 January 2018 for the benefit of Regional Coordinators and Legal and Investigation Officers.



- A two-day session on Article 12 Fundamental Rights enshrined in the Constitution was held for Regional Coordinators and Legal and Investigation Officers at the Galle Face Hotel, Colombo on 24-25 March 2018
  - A two-day training session on nostalgia in post war/dispute societies at the Galle Face Hotel, Colombo on 05-06 May 2018
  - A two-day Residential Training for the HRCSL staff on economic, social and cultural rights at the Sri Lanka Foundation on 21 – 22 July, 2018
  - A two-day training on International Human Rights Mechanisms was conducted on 06-07 October, 2018 at Sri Lanka Institute of Development Administration.
- Other training opportunities:

Individual officers of the Commission participated at the following programmes offered by external institutions:

- A Workshop on Regional Blended Learning held on 25 June 2018 at the Galle Face Hotel
- A workshop on Discipline Management conducted by the Sri Lanka Foundation Institute from 15-17 May 2018
- A workshop on Procurement planning & preparing of Bid Documents conducted by the Skills Development Fund from 30-31 July 2018
- A workshop on Stores Management and Procurement systems conducted by the Skills Development Fund from 18-19 October 2018
- A training on the Establishment Code – Vol. I and II in Sri Lanka Foundation Institute on 27-28 November 2018

### **7.1.2 International programmes**

- The Deputy Director of the I & I division attended the training in the “Role and Importance of archives in sharing experiences related to transitional justice and reconciliation” held in Germany from 15-19 January 2018.

- The Education officer of the E & SP Division of the HRCSL attended the International Workshop on Gender Orientation, Gender Identity and Inter-sexual Social status in Hong Kong from 09-11 May 2018.
- Director of the I & I division attended a training on Human Rights Policy Management held in South Korea from 23 August-13 September 2018
- Director, Administration and Finance attended the training Programme on Public Administration and Development held in India from 24-28 September 2018
- The Regional Coordinator for Kalmunai attended the regional meeting of National Human Rights Institutions on blended learning on human rights and environment within the framework of Sustainable Development Goals held in Thailand on 20-21 November 2018
- Selected staff of the Commission also attended several training programmes organized by the APF especially tailored for staff of national human rights institutions.
  - Workshop on Asia Pacific Forum Facilitation Network held in Thailand from 24-26 September 2018.
  - Economic, Social and Cultural Rights with Monitoring of Fitness certifying institutions on Specialist Registration held in Nepal from 12-15 November 2018.

## 7.2. Employment and vacancies

The entire schemes of recruitment (SOR) received final approval from Department of Management Services in May. Approval was obtained for the last remaining 18 posts by the Department of Management Services on 17.05.2018 after many years of discussions with the

Department and the Salaries and cadre Commission. As a result, the HRCSL intends to call for applications from suitable candidates for existing vacancies and new positions in the year 2019.

In addition, the Commission called for applications for the vacancies of five (05) directors. Unfortunately, this call did not attract suitable candidates for the positions, requiring the Commission to revisit the requisite qualifications for the positions.

### 7.3. Annual financial statements

The Commission received a majority of its funding from the treasury to carry out core activities. The Commission also acknowledges and appreciates the corporation extended by the UNDP, UNHCR, and Swiss Confederation for programmatic work of the Commission in 2018. (Please see 6.4.2 for more information on financial support extended by external donors)

The financial support extended by external donors is as follows:

Funding Agency	Amount (Rs.)
UNDP	9,072,000.00
Swiss Confederation	8,125,000.00
UNHCR	1,860,000.00
<b>Total</b>	<b>19,057,000.00</b>

The total financial provisions for each quarter of 2018 are as follows:

▪ **Financial Provision from 01.01.2018 to 31.03.2018:**

<b>Opening Balance</b>	
<b>0.00</b>	
<b><u>Imprest Received from the Treasury</u></b>	
Recurrent	48,900,000.00
Capital	6,440,000.00
Other Revenue	386,531.50
<b>Total</b>	<b>55,726,531.50</b>
<b><u>Expenditure</u></b>	
Personnel emoluments	24,863,926.81
Traveling expenses	976,495.95
Supplies	1,442,744.94
Maintenance expenditure	694,883.71
Services	18,222,378.91
Transfers	-
Human Rights Programmes	722,305.07
Rehab. & Improve. of capital assets	-
Acquisition of capital assets	12,200.00
Capacity building	8,577.00
Catalytic support for peace-building in Sri Lanka (UNDP)	673,516.56
Provision of opportunity to returnees to the Island to enjoy their rights (UNHCR)	120,000.00
Strengthening capacity of HRCSL (SWISS)	-
<b>Total expenditure</b>	<b>47,737,028.95</b>

▪ **Financial Provision from 01.04.2018 to 30.06.2018:**

<b>Opening Balance</b>	
7,989,502.55	
<b>Imprest Received from the Treasury</b>	
Recurrent	43,014,000.00
Capital	510,000.00
Other Revenue	31,487.78
<b>Total</b>	<b>51,544,990.33</b>
<b><u>Expenditure</u></b>	
Personnel emoluments	26,023,284.99
Traveling expenses	185,981.00
Supplies	1,330,790.85
Maintenance expenditure	1,101,749.71
Services	12,504,828.39
Transfers	-
Human Rights Programmes	1,142,408.16
Rehab. & Improve. of capital assets	-
Acquisition of capital assets	494,470.00
Capacity building	9,000.00
Catalytic support for peace-building in Sri Lanka (UNDP)	1,321,864.17
Provision of opportunity to returnees to the Island to enjoy their rights (UNHCR)	378,715.93
Strengthening capacity of HRCSL (SWISS)	-
<b>Total expenditure</b>	<b>44,493,093.20</b>

▪ **Financial Provision from 01.07.2018 to 30.09.2018:**

<b>Opening Balance</b>	
<b>7,051,897.13</b>	
<b><u>Imprest Received from the Treasury</u></b>	
Recurrent	46,200,000.00
Capital	3,825,000.00
Other Revenue	408,541.88
<b>Total</b>	<b>57,485,439.01</b>
<b><u>Expenditure</u></b>	
Personnel emoluments	26,525,315.77
Traveling expenses	210,286.00
Supplies	1,508,267.17
Maintenance expenditure	1,127,883.96
Services	12,926,088.57
Transfers	1,368,313.19
Human Rights Programmes	3,294,075.65
Rehab. & Improve. of capital assets	-
Acquisition of capital assets	25,378.15
Capacity building	428,948.20
Catalytic support for peace-building in Sri Lanka (UNDP)	1,096,359.13
Provision of opportunity to returnees to the Island to enjoy their rights (UNHCR)	271,061.61
Strengthening capacity of HRC SL (SWISS)	1,164,375.00
<b>Total expenditure</b>	<b>49,946,352.40</b>

- **Financial Provision from 01.10.2018 to 31.12.2018:**

<b>Opening Balance</b>	
<b>7,539,086.61</b>	
<b><u>Imprest Received from the Treasury</u></b>	
Recurrent	62,645,000.00
Capital	14,292,000.00
Other Revenue	193,217.52
<b>Total</b>	<b>84,669,304.13</b>
<b><u>Expenditure</u></b>	
Personnel emoluments	37,497,422.52
Traveling expenses	332,885.75
Supplies	2,219,526.49
Maintenance expenditure	1,141,413.35
Services	14,587,797.20
Transfers	-
Human Rights Programmes	12,530,811.66
Rehab. & Impove.. of capital assets	2,122,505.00
Acquisition of capital assets	1,227,125.00
Capacity building	1,070,843.3 3
Catalytic support for peace-building in Sri Lanka (UNDP)	4,698,919.31
Provision of opportunity to returnees to the Island to enjoy their rights (UNHCR)	568,747.77
Strengthening capacity of HRC SL (SWISS)	6,671,306.75
<b>Total expenditure</b>	<b>84,669,304.13</b>

- **Total Annual financial provisions:**

<b><u>Domestic Funds</u></b>	
<b>Recurrent</b>	200,759,000.00
<b>Capital</b>	6,010,000.00
<b>Foreign Grants</b>	19,057,000.00
<b>Other Receipts</b>	1,019,778.68
<b>Total Receipts</b>	<b>226,845,778.68</b>
<b><u>Expenditure</u></b>	
<b>PERSONNEL EMOLUMENTS</b>	114,909,950.09
<b>TRAVELING EXPENSES</b>	1,705,648.70
<b>SUPPLIES</b>	6,501,329.45
<b>MAINTENANCE EXPENDITURE</b>	4,065,930.73
<b>SERVICES</b>	58,241,093.07
<b>TRANSFERS</b>	1,368,313.19
<b>HUMAN RIGHTS PROGRAMS</b>	17,689,600.54
<b>REHAB. &amp; IMPR. OF CAPITAL ASSETS</b>	2,122,505.00
<b>ACQUISITION OF CAPITAL ASSETS</b>	1,759,173.15
<b>CAPACITY BUILDING</b>	1,517,368.53
<b>Catalytic Support to Peace Building in S.L (UNDP)</b>	7,790,659.17
<b>Enabling Returnees to access their rights (UNHCR)</b>	1,338,525.31
<b>Strengthening the Capacity of HRC (SWISS)</b>	7,835,681.75
<b>TOTAL EXPENDITURE</b>	<b>226,845,778.68</b>



## APPENDICES

---

## Presence of HRCSL in Sri Lanka: Map



**List of recommendations:**

	<b>Case No:</b>	<b>Issued date</b>	<b>Type of complaint</b>	<b>Constitutional Articles violated</b>	<b>Respondent</b>
<b>1</b>	HRC/660/13	12/1/2018	Inaction	Article 12(1) & (2)	Embilipitiya Police
<b>2</b>	HRC/4613/14	12/1/2018	Inaction	Article 12(1)	Ja -ela U.C
<b>3</b>	HRC/2242/13	6/1/2018	Interdiction	Article 12(1)	Pradeshiya Sabha, Kotikawatta-Mulleriyawa
<b>4</b>	HRC/K/148/11/A /I HRC/K/165/11	2/1/2018	Torture	Article 11	Rangala Police
<b>5</b>	HR/293/13	1/2/2018	Conditions of employment	Article 12(1)	Ceylon Fishery Harbours Corporation
<b>6</b>	HRC/1849/13	2/1/2018	Torture	Article 11	Dehiwala Police
<b>7</b>	HRC/3353/13	12/1/2018	Torture	Article 11	Moratuwa Police
<b>8</b>	HRC/2864/14	12/1/2018	Torture	Article 11	Aluthgama Police
<b>9</b>	HRC/3479/13	12/1/2018	Harassment	Article 14(1)(e)	Kalutara Police
<b>10</b>	HRC/K/75/17	22/1/2018	Transfer	Article 12(1)	Department of Agriculture
<b>11</b>	HRC/1016/16	22/1/2018	Admission to schools	Article 12(1)	Royal College, Colombo 07
<b>12</b>	HRC/AM/10/13	22/1/2018	Torture	Article 11	Jaffna Police
<b>13</b>	HRC/AM/63/13	22/1/2018	Misuse/abuse of power	Article 12(1)&(2)	Pradeshiya Sabha, Uhana
<b>14</b>	HRC/3960/12	29/1/2018	Torture	Article 11	Police Narcotic Bureau
<b>15</b>	HRC/2629/09	8/2/2018	Torture	Article 11	Dodamgoda Police
<b>16</b>	HRC/3120/14	8/2/2018	Recruitment	Article 12(1)	National Aquatic Resource

					research & Development Agency (NARA)
17	HRC/372/13	29/1/2018	Conditions of employment	Article 12(1)	Zonal Director of education -Minuwangoda
18	HRC/5026/13	12/2/2018	Torture	Article 11	Gokarella Police
19	HRC/K/327/03	8/2/2018	Interdiction	Article 12(1)	Inspector General of Police
20	HRC/4500/14	8/2/2018	Harassment	Article 13(1)&(2)	Mt. Lavinia Police
21	HRC/425/12	8/2/2018	Interdiction	Article 12(1)	Inspector General of Police
22	HRC/2058/11	5/2/2018	recruitment	Article 12(1)	Department of Technical Education & Training
23	HRC/4026/14 HRC/4156/14 HRC/4157/14	8/2/2018	Admission to schools	Article 12(1)	Ministry of Education
24	HRC/2305/12	21/2/2018	Torture	Article 11	Uragasman Handiya Police
25	HRC/AP/460/14	19/2/2018	Issue related to employment promotion	Article 12(1)	Ceylon Petroleum Corporation
26	HRC/4071/13	21/2/2018	Conditions of employment	Article 12(1)	Ministry of Education
27	HRC/KL/33/13	22/2/2018	Illegal occupation of land	Article 12(1)	T.I.D Provincial Land Department /Ministry of Law & Order & Southern Development
28	HRC/3047/16	22/2/2018	Pension related issue of a widow	Article 12(1)	Department of Pensions
29	HRC/2102/14	19/2/2018	Arrest/detention of a	Article 13(1)&(2)	Kurunegala Police

			child of 13 years		
30	HRC/1973/14	21/2/2018	Recruitment	Article 12(1)	Ministry of Education
31	HRC/3118/13	22/2/2018	Pension related issue	Article 12(1)	Department of Agriculture
32	HRC/4596/15	26/2/2018	Pension related issue	Article 12(1)	Department of Pensions
33	HRC/MT/151/17	27/2/2018	Admission to schools	Article 12(1)	Richmond College,Galle
34	HRC/912/14	27/2/2018	Property matter	Article 12(1)	Urban Council, Kesbewa
35	HRC/3646/16	5/3/2018	Issue related to employment promotion	Article 12(1)&(2)	Ministry of Agrriculture
36	HRC/2802/14	28/2/2018	Pension related issue	Article 12(1)	Inspector General of Police
37	HRC/2174/14	28/2/2018	Arrest/Detention	Article 13(1)&(2)	Assistant Superintendent of Police -Dompe /Dompe Police
38	HRC/4036/13	28/2/2018	Electricity related issue	Article 12(1)	Ceylon Electricity Board /Divisional Secretary – warakapola
39	HRC/4040/13	28/2/2018	Recruitment	Article 12(1)	Urban Council Kalutara /Department of Local Government
40	HRC/2734/13	28/2/2018	Termination	Article 12(1)	Inspector General of Police
41	HRC/2682/14	28/2/2018	Torture	Article 11	Panadura Police
42	HRC/AM/03/12/S /TO	28/2/2018	Torture	Article 11	Maha oya Police
43	HRC/889/14	27/2/2018	Torture	Article 11	Kurunegala Police
44	HRC/1097/11	27/2/2018	Inaction	Article 12(1)&(2)	Seeduwa Police

45	HRC/K/165/16	27/2/2018	Arrest/Detention	Article 13(1)	Mawanella Police
46	HRC/1153/15	15/3/2018	Land related issue	Article 12(1)	District Secretary, Sooriyawewa / Commissioner General of Land
47	HRC/656/16 HRC/2325/16	16/3/2018	Admission to schools	Article 12(1)	Maliyadewa Balika Vidyalaya, Kurunegala/ Secretary, Ministry of Education
48	HRC/3950/11	1/3/2018	Transfers	Article 12(1)	National Water Supply and Drainage Board
49	HRC/MT/232/15	23/3/2018	Arrest/detention	Articles 12(1) & 13(1)	Gandara Police
50	HRC/K/191/17	1/3/2018	Issue relating to a permit	Article 12(1)	Municipal Council, Kandy
51	HRC/2868/17	27/3/2018	Admission to schools	Article 12(1)	Royal College, Colombo 07
52	HRC/K/08/16	27/3/2018	Arrest/detention	Article 12(2)	Kandy Police
53	HRC/K/235/16	28/3/2018	Arrest/Detention	Article 13(1)	Yatawatta Police
54	HRC/MT/08/09	28/3/2018	Torture	Articles 11 & 13(2)	Hakmana Police
55	HRC/398/14	28/3/2018	Conditions of employment	Article 12(1)	Ministry of Education
56	HRC/1144/12	28/3/2018	Arrest/Detention	Article 13(1)	Rathnapura Police
57	HRC/60/13	28/2/2018	Arrest/Detention	Article 12(1)	Wellampitiya Police/ Welikada Police/ Padukka Police
58	HRC/2736/12	28/2/2018	Torture	Article 13(1)&(2)	Mahawa Police

59	HRC/K/45/17	1/5/2018	Admission to schools	Article 12(1)	Girl's High School, Kandy
60	HRC/75/18	2/5/2018	Admission to schools	Article 12(1)	Royal College, Colombo 07
61	HRC/2645/16	2/5/2018	Transfer	Article 12(1)	Ministry of Education
62	HRC/AP/291/15(W)	2/5/2018	Torture	Article 11	Polonnaruwa Police
63	HRC/403/17	2/5/2018	Admission to schools	Article 12(1)	Royal college, Colombo 07
64	HRC/198/18	18/5/2018	Admission to schools	Article 12(1) Article 12(1)	Royal College, Colombo 07
65	HRC/196/17	19/6/2018	Admission to schools	Article 12(1)	Ananda College, Colombo 10
66	HRC/197/18	19/6/2018	Admission to schools	Article 12(1)	Royal College, Colombo 07
67	HRC/1682/17	19/6/2018	Admission to schools	Article 12(1)	Royal College, Colombo 07
68	HRC/290/18	5/7/2018	Admission to schools	Article 12(1)	Royal College, Colombo 07
69	HRC/AP/236/14	3/7/2018	Compensation	Article 12(1)	Provincial Department of Health, North Central Province
70	HRC/151/18	5/7/2018	Admission to schools	Article 12(1)	Ananda College, Colombo 10
71	HRC/265/18	4/7/2018	Admission to schools	Article 12(1)	Ananda College, Colombo 10
72	HRC/K/237/16	8/8/2018	Torture	Article 11	Nikaweratiya Police
73	HRC/1494/14	8/8/2018	Torture	Article 13(1)&(2)	Alawathugoda Police
74	HRC/K/313/14	8/8/2018	Recruitment	Article 12(1)	Central Provincial Ministry of Education
75	HRC/K/722/17	4/10/2018	Admission to schools	Article 12(1)	Mahamaya Balika

					Vidyalaya, Kandy
<b>76</b>	HRC/MT/83/17/ N	4/10/2018	Admission to schools	Article 12(1)	Richmond College, Galle
<b>77</b>	HRC/K/719/17	15/10/2018	Admission to schools	Article 12(1)	Mahamaya Balika Vidyalaya, Kandy
<b>78</b>	HRC/K/711/17/ W	15/10/2018	Admission to schools	Article 12(1)	Mahamaya Balika Vidyalaya, Kandy
<b>79</b>	HRC/K/714/17/ W	15/10/2018	Admission to schools	Article 12(1)	Mahamaya Balika Vidyalaya/ Dharmaraja College, Kandy
<b>80</b>	HRC/K/06/18	15/10/2018	Admission to schools	Article 12(1)	Mahamaya Balika Vidyalaya, Kandy
<b>81</b>	HRC/72/18	15/10/2018	Admission to schools	Article 12(1)	Ananda College, Colombo 10
<b>82</b>	HRC/4308/12	29/10/2018	Compensation for violence at the Welikada Prison	Article 12(1)	Department of Prisons
<b>83</b>	HRC/3838/17	31/10/2018	Disability Rights - University Admission	Article 12(1)	U.G.C /Institute of Indigenous Medicine
<b>84</b>	HRC/2863/17	15/11/2018	Admission to schools	Article 12(1)	Ananda College, Colombo 10
<b>85</b>	HRC/149/18	26/11/2018	Admission to schools	Article 12(1)	Nalanda vidyalaya, Colombo 10
<b>86</b>	HRC/293/18	27/11/2018	Admission to schools	Article 12(1)	St. John Vidyalaya - Nugegoda
<b>87</b>	HRC/189/18	27/11/2018	Admission to schools	Article 12(1)	Ananda College, Colombo 10



<b>88</b>	HRC/182/18	30/11/2018	Admission to schools	Article 12(1)	Royal College, Colombo 07
<b>89</b>	HRC/205/18	12/12/2018	Admission to schools	Article 12(1)	D.S. Senanayaka Vidyalaya, Colombo 07
<b>90</b>	HRC/61/18	13/12/2018	Admission to schools	Article 12(1)	Ananda College, Colombo 10
<b>91</b>	HRC/1019/16	14/12/2018	Inaction	Article 12(1)	District Secretary, Hambanthota
<b>92</b>	HRC/3283/17	14/12/2018	Admission to schools	Article 12(1)	Ananda College, Colombo 10
<b>93</b>	HRC/BCO/138/17	25/10/2018	Conditions of employment	Article 12(1)	Department of Irrigation

**List of *suo motu* inquiries undertaken (The interventions of the Commission exercising its own initiative under Section 14 of the Act):**

	<b>Case No.</b>	<b>Date</b>	<b>Subject matter</b>	<b>Respondent</b>
<b>1</b>	HRC/SUO/MOTU/01/18	2/1/2018	Torture	Kuruwita Prison
<b>2</b>	HRC/SUO/MOTU/02/18 HRC/285/18	11/1/2018	Death in custody	Pettah Police
<b>3</b>	HRC/SUO/MOTU/03/18	15/1/2018	Inaction	Kalubowila Teaching hospital
<b>4</b>	HRC/SUO/MOTU/04/18	15/1/2018	Inaction	Pindeniya Police
<b>5</b>	HRC/SUO/MOTU/05/18	15/1/2018	Inaction	Karapitiya Hospital
<b>6</b>	HRC/SUO/MOTU/06/18	18/1/2018	Sexual harassment	Anuradhapura Prison
<b>7</b>	HRC/SUO/MOTU/07/18	18/1/2018	Inaction	Wellawaya Police
<b>8</b>	HRC/SUO/MOTU/08/18	22/1/2018	Torture	Department of Excise, Madampe
<b>9</b>	HRC/SUO/MOTU/09/18 HRC/BD/06/18	22/1/2018	Harassment	Provincial Council, Uva Province
<b>10</b>	HRC/SUO/MOTU/10/18	22/1/2018	Death by shooting	Katharagama Police
<b>11</b>	HRC/SUO/MOTU/11/18	29/1/2018	Torture	Borella Police
<b>12</b>	HRC/SUO/MOTU/12/18	9/2/2018	Election related complaints -Arrest/detention	Galewela Police
<b>13</b>	HRC/SUO/MOTU/13/18		Election related complaints -Arrest/detention	Gampola Police
<b>14</b>	HRC/SUO/MOTU/14/18	20/2/2018	Encounter death	Kahathuduwa Police
<b>15</b>	HRC/SUO/MOTU/15/18	1/5/2018	Torture	Eppawala Police
<b>16</b>	HRC/SUO/MOTU/16/18		Arrest/detention	Mannar Police

17	HRC/SUO/MOTU/17/18	14/5/2018	Death in custody	Kegalle Police
18	HRC/SUO/MOTU/18/18	6/6/2018	Search of the TNL transmission station at Polgahawela	Telecommunications Regulatory Commission /CID /Polgahawela Police
19	HRC/1447/18/SUO/MOTU	21/6/2018	Disruption in education due to a lack of teachers	Vivekananda Vidyalaya, Belihul Oya
20	HRC/1569/18/SUO/MOTU	11/7/2018	Natural disaster	District Secretary, Chilaw & District Irrigation Office, Puttalam
21	HRC/SUO/MOTU/19/18 HRC/1865/18	9/8/2018	Death in custody	Kalutara Prison
22	HRC/SUO/MOTU/20/18	3/9/2018	Violence at the Welikada Female Ward	Welikada Prison
23	HRC/SUO/MOTU/21/18	11/9/2018	Women adversely affected by micro-finance schemes	Central Bank
24	HRC/2342/18/SUO/MOTU	1/10/2018	Postal Delay	Postal Department of Sri Lanka
25	HRC/SUO/MOTU/22/18	9/10/2018	Death in custody	Peliyagoda Special Investigations Unit of the Police
26	HRC/SUO/MOTU/23/18	22/10/2018	Inaction of police	Puttalam Police
27	HRC/SUO/MOTU/24/18	31/10/2018	Suicide of a student	Ginigathhena Central College
28	HRC/SUO/MOTU/25/18	9/11/2018	Torture	Thelikada Police
29	HRC/SUO/MOTU/26/18	13/11/2018	Torture	Wennappuwa Police
30	HRC/SUO/MOTU/27/18	23/11/2018	Missing	Welikada Police
31	HRC/SUO/MOTU/28/18	26/12/2018	Torture	Homagama Police

**List of Meetings and other events attended by the Chairperson and Commissioners of the Human Rights Commission of Sri Lanka- 2018:**

Date	Objective of the Meeting/Event
<b>Official Meetings/ Programs</b>	
04/01/2018	Meeting chaired by Hon. Sagala Ratnayaka, Chief of Staff for Hon. Prime Minister and Minister of Law and Order in order to discuss the proposed Monitoring Mechanism for the National Human Rights Action Plan
09/01/2018	Attended the meeting of the Officials' Committee to Monitor the Progress of the Implementation of the National Human Rights Action Plan chaired by the Secretary to the Hon. Prime Minister
16/01/2018	Attended the meeting of the Sectoral Committee for Economic Social and Cultural Rights to Monitor the Progress of the implementation of the National Human Rights Action Plan led by the Ministry of National Policies and Economic Affairs
18/01/2018	Forum Discussion on Preparing a National Action Plan to Combat Corruption in Sri Lanka organized by the Committee for the Investigation of Allegations of Bribery and Corruption (CIABOC)
19/01/2018	Attended the meeting of the Sectoral Committee for Prevention of Torture on the Implementation of the National Human Rights Action Plan led by the Ministry of Public Administration, Management and Law and Order
14/02/2018	Attended the meeting of the Officials' Committee to Monitor the Progress of the Implementation of the National Human Rights Action Plan chaired by Hon. Sagala Ratnayake, Chief of Staff for Hon. Prime Minister and the Minister for Law and Order
15/02/2018	Meeting with the Hon. Chairman of the Constitutional Council
16/02/2018	Meeting with the Ministry of Foreign Affairs regarding the reports of the International Truth and Justice Project (ITJP) on

	Sri Lanka held within the Ministry of Law and Order premises
27/02/2018	Attended the meeting of the Sectoral Committee for Economic Social and Cultural Rights to Monitor the Progress of the implementation of the National Human Rights Action Plan led by the Ministry of National Policies and Economic Affairs
02/03/2018	Special Meeting on Economic, Social and Cultural Rights organized by the Ministry of Labor and Trade Union Relations in light of the National Human Rights Action Plan
17/03/2018	Residential program for Commissioners of the Office of the Missing Persons (OMP) organized by the Secretariat for Coordinating Reconciliatory Mechanism (SCRM)
26/03/2018	Attended the meeting of the Sectoral Committee for Civil and Political Rights to Monitor the implementation of the National Human Rights Action Plan led by the Ministry of Justice.
03/04/2018	Attended the meeting of the Officials' Committee to Monitor the Progress of the Implementation of the National Human Rights Action Plan chaired by Hon. Sagala Ratnayake, Chief of Staff for Hon. Prime Minister
10/04/2018	Attended the meeting of the Sectoral Committee for Economic Social and Cultural Rights to Monitor the Progress of the implementation of the National Human Rights Action Plan led by the Ministry of National Policies and Economic Affairs
26/04/2018	Attended the meeting of the Sectoral Committee on Women's Rights and Child Rights to Monitor the Progress of the implementation of the National Human Rights Action Plan led by the Ministry of Women and Child Affairs
02/05/2018	Meeting with the Hon. Minister of Finance and Media
15/05/2018	Meeting organized by the Secretary, Foreign Affairs to discuss matters pertaining to the vetting of Sri Lankan Army troops for United Nations Peace Keeping Missions
17/05/2018	Meeting with Prof. G.T.F. de Silva, Head of the Research Project on University Student Welfare and Discipline led by the National Education Committee

18/05/2018	Attended the meeting of the Sectoral Committee for Civil and Political Rights to monitor the progress of the implementation of the National Human Rights Action Plan led by the Ministry of Justice
04/06/2018	Presentation on the 'Prospects and Challenges in Protecting Human Rights in Sri Lanka: Role of the Human Rights Commission of Sri Lanka' to the new entrants to the Sri Lanka Foreign Service at the Bandaranaike International Diplomacy Training Institute
05/07/2018	Meeting with the National Women's Committee to discuss the observations and recommendations of the Human Rights Commission of Sri Lanka on the Draft Women's Commission Bill
13/07/2018	Attended the meeting of the Sectoral Committee for Prevention of Torture on the Implementation of the National Human Rights Action Plan led by the Ministry of Public Administration, Management and Law and Order
22/07/2018	The Residential Workshop organized by the Secretariat for Coordinating Reconciliation Mechanism (SCRM) on 'Dialogue and Knowledge Sharing on Transitional Justice and Reconciliation Mechanism' for members of the Attorney General's Department
30/07/2018	Meeting with the Hon. Chairman of the Constitutional Council
27/08/2018	Inauguration of the 4 <sup>th</sup> Asian Electoral Stakeholder Forum organized by the Election Commission of Sri Lanka and the Asian Network for Free Elections (ANFREL)
30/08/2018	The Keynote address at the International Day against Enforced Disappearances organized by the Office on Missing Persons (OMP)
06/09/2018	Special discussion on the Legal Aspects of Abortion in Sri Lanka at the Presidential Secretariat
26/09/2018	Meeting with the Sri Lanka Press Complaints Commission to discuss its role with the Human Rights Commission of Sri Lanka

04/12/2018	Sri Lanka Army Women's Symposium organized by the Sri Lanka Army Women's Corps
10/12/2018	Discussion on Bills related to Narcotic and Crime Control at the Presidential Secretariat
12 – 13/12/2018	First Inter-Agency Meeting on the Implementation of Victim Assistance Obligations organized by the Ministry of Resettlement, Rehabilitation and Northern Development and Hindu Religious Affairs
<b>Foreign States/ International Organizations</b>	
04/01/2018	Luncheon with the High Commissioner of Canada in honor of the visit of Mr. Gary Anandasangaree, MP, Parliament of Canada
16/01/2018	Meeting with the Deputy Head of Political, Human Rights and Press from the UK Mission in UN, Geneva
25/01/2018	Reception to celebrate the Australia Day organized by the Australian High Commission
02/02/2018	The consultation meeting on the ongoing gender assessment of the Sri Lanka Police with the Gender Committee of the National Police Commission and members of the Scotland Police Department.
07/02/2018	The Discussion on 'Independent Child Rights Monitoring: Perspectives and Options' organized by the Human Rights Commission of Sri Lanka and UNICEF
15/02/2018	Videoconference meeting with the Regional Head of the Sub-Committee on Prevention of Torture established pursuant to the Optional Protocol to the United Nations Convention against Torture
19/02/2018	Meeting with the UK special Envoy for Gender Equality hosted by the British High Commission
16/03/2018	Lunch Meeting with the Senior Advisor in the Office of International Religious Freedom of United States of America.
23/03/2018	Meeting with members of the Bureau of International

	Narcotics and Law Enforcement of United States of America
09 – 11/04/2018	International Conference on ‘Identifying Challenges, Assessing Progress, Moving Forward: Realizing Human Rights in South Asia’ organized by the Human Rights Commission of Nepal
16 – 17/04/2018	Biennial Meeting of the Commonwealth Forum of National Human Rights Institutions
21/04/2018	4 <sup>th</sup> Consultative Workshop on Inquests into Deaths organized by the International Committee of the Red Cross (ICRC)
25/04/2018	Meeting with the High Commissioner of Canada
08/05/2018	Reception on the occasion of Europe Day
09 – 10/05/2018	Workshop on Establishing a National Mechanism for Reporting and Follow-up organized by the United Nations Office of the High Commissioner for Human Rights (OHCHR)
17/05/2018	Institutional Network meeting organized by the United Nations High Commission for Refugees (UNHCR) on ensuring protection of refugees
04/06/2018	Italian National Day commemoration
11/07/2018	Meeting with the Head of Delegation ad interim of the International Committee of the Red Cross (ICRC)
17/07/2018	Meeting with the UNICEF Regional Director for South Asia
01/08/2018	Swiss National Day commemoration
02/08/2018	Visit of the 6 <sup>th</sup> Commonwealth Secretary-General
05/09/2018	Meeting with the United Nations Independent Expert on Foreign Debt and Human Rights
18 – 19/09/2018	Annual General Meeting of the Asia Pacific Forum (APF) – Hong Kong
09/10/2018	Meeting with Ms. Caroline Vinot Head of Division – Regional Affairs and South Asia, European External Action Service (EEAS)



13/10/2018	Meeting with the Head of Delegation of the International Committee of the Red Cross (ICRC)
20/10/2018	Workshop on Women's Rights, Sexual and Gender Based Violence and Reproductive Health organized by the United Nations Population Fund (UNFPA)
19/12/2018	Meeting with Head of Cooperation of the European Union Delegation
<b>International Civil Society Organizations/ Professional Bodies</b>	
25/04/2018	Meeting with young professionals from Asia chosen by the Asia Foundation for its Professional Development Program
17/05/2018	EQUAL GROUND'S commemoration of the International Day Against Homophobia, Transphobia and Biphobia
12/06/2018	Meeting with Police officers from Scotland organized by the Asia Foundation in light of the Sri Lanka Police Reform Plan
29 – 30/07/2018	National Meeting on Migrant Labor organized by 'Solidarity Center'
05- 09/12/ 2018	South Asian Human Rights Festival organized by 'Amnesty International'
<b>Civil Society Organizations/ Professional Bodies</b>	
08/02/2018	Meeting with the Director Advocacy of the Family Planning Association Sri Lanka (FPASL) to discuss advocacy issues related to women and children
17/03/2018	Workshop on the Role of Independent Commissions organized by the Institute for Constitutional Studies
21/03/2018	Discussion on strengthening the relations between the Human Rights Commission of Sri Lanka and the Civil Society Organizations for the protection of rights of women, the disappeared and the tortured organized by the 'Rights Now- Collective for Democracy'

07/06/2018	Conference on “ Trends in Youth Radicalization in South Asia “ organized by the Regional Centre for Strategic Studies
16/07/2018	Discussion on Hate Speech with the Sri Lanka Editors’ Guild
20 - 22/07/2018	Seminar on ‘The Role of Legal Profession in the Process Towards Accountability and Justice’ organized by the Center for Human Rights and Development (CHRD)
01/08/2018	Lecture on the role of the Human Rights Commission of Sri Lanka delivered to the participants of the Diploma on Diplomacy and Global Affairs at the Bandaranaike International Diplomatic Training Institute
22/08/2018	Participated as the Chief Guest at the Diploma Convocation of the Sri Lanka College of Journalism
01/10/2018	Roundtable discussion on ‘Promoting Freedom of Expression and the Rule of Law by Ending Impunity for Crimes against Journalists’ organized by the Sri Lanka Press Institute
29/12/2018	Keynote address at the Annual Session of the Women’s Development Society – Hambantota
<b>Miscellaneous Programmes</b>	
11/02/2018	Attended the Law and Order Program on Channel Eye to discuss Women’s Rights
16/06/2018	Launch of the Law and Society Trust and Western Sydney University’s collaborative Report on War Affected Women with Disabilities in Sri Lanka

**‘A’ status international accreditation by the Global Alliance for National Human Rights Institutions (GANHRI):**