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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

ANNUAL REPORT 2022

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ANNUAL REPORT 2022

This is the Annual Report of the Human Rights Commission of Sri Lanka on its activities in 2022. It is submitted in compliance with section 30 of the Human Rights Commission of Sri Lanka Act No.21 of 1996.

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Message of the Chairperson

In the year 2022, Sri Lanka faced a series of challenges, most of which emanated from the economic and political instability in the country. Economically, the country saw the worst ever contraction since independence. Politically, the government was struggling to take effective decisions to address the mounting challenges faced by the people on a daily basis. Amidst this backdrop, the Commission resiliently embarked on its steadfast mission in promoting and protecting the rights of the people to its best capacity. Having led the Commission as the Chairperson of the Human Rights Commission of Sri Lanka, during this challenging year, I am humbled to pen my message to its Annual Report which concisely documents the collective efforts of the Commission through its Head Office and the Regional Offices.

Much of the year being characterized with country wide civilian protests by the people to express their distress over the shortage of essential items and malpractices in governance, and in response the government taking measures to stifle the freedom of expression of the people, warranted forthwith interventions by the HRCSL under its mandate to uphold the rule of law. Few notable interventions made under the Commissions Suo Motu powers include; the inquiries and investigations conducted on the incidents that took place on 19th April 2022 in Rambukkana, 9th May and 22nd July 2022 in and around Galle Face Green.

A Committee of Experts (COE) was appointed by the Commission to investigate into the incidents that took place on 19th April 2022 in Rambukkana. Following a series of inquiries and a retrospective scene visit, the COE submitted their report to the Commission stating that the death of the civilian and injuries of the civilian protestors caused by the Sri Lanka Police personnel amounts to excessive use of force by the officers and is a violation of the fundamental rights of the civilians. Consequently, the Commission forwarded the observations and findings of the COE, along with the recommendations of the Commission to the Attorney General and Inspector General of Police for their reference and necessary action.

Similarly, the Commission appointed a team of special rapporteurs to investigate if the law enforcement authorities took necessary steps to uphold the rule of law and prevent the violence that erupted on 9th May 2022 opposite Temple Trees Residence, Galle Face Green and several other locations across the country which caused injuries to people and damage to property. Upon receiving the observations of the rapporteurs, the Commission recommended to the President to appoint a committee to identify the perpetrators that caused and aided and abetted the violence and adequately compensate the victims who suffered injuries as a result of the breach of duty by law enforcement officials.

The Commission also condemned the attack on peaceful protestors in the vicinity of Galle Face by the Military on 22nd July 2022 and advised the government to identify the perpetrators and take necessary actions against them. Moreover, a directive was issued by the Commission to the IGP,

directing him to refrain from penalizing any person peacefully exercising their constitutionally guaranteed rights in the vicinity of Galle Face under emergency laws as it undermines the general law.

In addition to the above, the Commission via press release dated 08th July 2022, issued observations on the illegality of the police curfew arbitrarily imposed by the IGP and recommended to the government by way of press release dated 22nd July 2022 to immediately withdraw the declaration of emergency as it unduly curtails the fundamental rights of the people. The Commission expressing its concern over reported arrests, detentions, and interrogation of protestors under the Prevention of Terrorism Act (PTA) also recommended with emphasis to abstain from arresting and detaining peaceful protestors under the PTA.

Cognizant of the continuous attempts to stifle the freedom of expression of the people and the State's obligation to uphold the fundamental rights and the international human rights obligations undertaken by the State, the Commission proactively sought to formulate a comprehensive list of recommended guidelines to the State and law enforcement officials on dealing with civilian protests.

Identifying the many challenges encountered by the HRCSL in executing its mandated duties, several measures were taken to enhance the institutional capacity of the Commission. To that end, a proposal enumerating amendments to the Human Rights Commission of Sri Lanka Act No 21 of 1996 was submitted to His Excellency, the President, and the Minister of Justice, Prison Affairs and Constitutional Reforms for their perusal and action.

Furthermore, several specialized units were established within the HRCSL Head Office; namely the National Preventive Mechanism (NPM), the Child Rights Unit, and Disability Rights Unit. The NPM was established pursuant to Sri Lanka's accession to the Optional Protocol to the Convention against Torture. The primary objective of the unit is to prevent torture, cruel, inhuman, and degrading treatment or punishment at detention centers through continuous monitoring. The Child Rights Unit was established under the JURE project facilitated by the United Nations Children's Fund (UNICEF) and funded by the European Union (EU). Its primary task is to handle cases pertaining to child rights and promote child rights through advocacy. Further, keeping in line with the year's strategic focus of increasing accessibility to the HRCSL, a regional office was also inaugurated in Nuwara Eliya, to efficiently address the human rights issues of the people in the Nuwara Eliya district.

Under the Commission's mandate of promoting human rights, the Commission commemorated few key international days. On 08th March 2022, International Women's Day was celebrated at the Nuwara Eliya Regional Office under the theme 'Gender equality today for a sustainable tomorrow', in particular focusing on the rights of the women in the plantation sector and the contribution made by them towards the economy of the country. On 25th June 2022 International Day in Support of Victims of Torture was commemorated under the theme 'Stop Torture' in

collaboration with the Department of Prisons. On 12th December 2022, International Human Rights Day was celebrated by the Head Office and all Regional Offices under the banner ‘I have a Voice – Dignity, Freedom, and Justice for All’ focusing on the challenges faced by vulnerable and marginalized groups. The series of events created a platform for the victimized people to voice their concerns and also raised awareness amongst relevant stakeholders regarding the issues faced by the vulnerable and marginalized groups of people. It also encouraged the stakeholders present to take effective measures to address such issues without undue delay.

Throughout the year, the Commission took active measures to strengthen its relationship with the international and regional human rights organizations and protection mechanisms through discussion and mandated work. The Commission in particular appreciates the cooperation and support extended by the UNDP, UNICEF, and European Union for their meaningful support to enhance the institutional capacity of the Commission to execute its statutory functions optimally.

Overall, the Commission in the year 2022 was able to proactively and consistently promote and protect the human rights of the people, despite the limited financial and human resources vested in the Commission. It is my firm belief that it is the commitment and perseverance of the entire staff of the Commission, and the cooperation of the Government of Sri Lanka, Non-Governmental Organizations, Civil Society Organizations, UN agencies, foreign missions and consultants of the Commission that made the impossible possible in the year 2022. As I conclude, while expressing the Commission's gratitude to all who worked towards securing the human rights of people in Sri Lanka under such trying situations, I affirm the continuous commitment of the Commission to promote and protect the human rights of people in Sri Lanka in the years to come.

Justice Rohini Marasinghe
Chairperson
Human Rights Commission of Sri Lanka

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LIST OF ACRONYMS

A&F	Administration & Finance
APF	Asia Pacific Forum
CBSL	Central Bank of Sri Lanka
CCD	Colombo Crimes Division
CFNHRI	Commonwealth Forum of National Human Rights Institutions
CID	Criminal Investigation Department
CTF4HR	Community Task forces for Human Rights
DJOF	Disability Organizations Joint Front Sri Lanka
ED&SP	Education & Special Programmes
EU	European Union
GANHRI	Global Alliance for National Human Rights Institutions
HRCSL	Human Rights Commission of Sri Lanka
I & I	Inquiries & Investigations
IGP	Inspector General of Police
IR	International Relations
JICA	Japan International Cooperation Agency
JMO	Judicial Medical Officer
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning
NDI	National Democratic Institute
NPM	National Preventive Mechanism
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Officer-in-charge
OPCAT	Optional Protocol to the International Convention Against Torture
PTA	Prevention of Terrorism Act
R&M	Research & Monitoring
SoR	Scheme of Recruitment
STF	Special Task Force
TID	Terrorist Investigation Division
TOT	Training of Trainers
UNCRC	Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNDPKO	United Nations Department of Peacekeeping Operations
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review

State of Human Rights in Sri Lanka 2022

The trajectory of the state of human rights in Sri Lanka in the year 2022 was defined by economic, social, and political turmoil, which rapidly spiraled into the worst economic crisis the country had encountered in its history. The culmination of a variety of factors such as the Covid-19 pandemic, policy decisions taken by successive governments, and ripple effects of a global recession contributed to precipitate the economic crisis. The resultant scarcity of essential goods and fuel coupled with extended power outages, led to widespread public protests across the country demanding relief against rapidly escalating inflation and scarcity of essential goods, and a change in decision-makers in government. This public uprising prompted the former President to resign and led to the formation of the current government led by President Ranil Wickramasinghe. Inevitably, the economic and governance crisis had an adverse impact on the human rights of the people in 2022. The economic crisis led to the violation of many economic, social, and cultural rights such as the right to food, healthcare, social security, and education. The public protests presented a dichotomy: on the one hand, it could be viewed as an expansion of the democratic space which allowed the public to exercise their freedom of expression and assembly, and express their discontent. On the other hand, the tools employed by the state to quell public protests resulted in breaches of personal liberty, which could be viewed as a serious challenge to democratic space. In any event, violent confrontations between the state authorities and the protestors led to numerous complaints concerning the infringement of the people's right to peaceful protest and assembly, right to information, and freedom from arbitrary arrest. The conduct of law enforcement and the military called to maintain public order also raised questions with respect to the precise limits on the use of force. In the circumstances, the Commission regularly intervened to ensure rights of the protesting public were not violated through a combination of monitoring visits, public statements, investigations, and issuing of guidelines and recommendations.

Against this backdrop, the HRCSL received a total of 9,219 complaints in 2022, a significant increase (46%) in comparison to the 6,322 complaints received the previous year. Similar to the years prior, the highest number of complaints for any individual category (at 2,228), amounting to

24% of received complaints, was in relation to violations of personal liberty. Complaints concerning arbitrary arrests and detention amounted to 919 and those of harassment and torture, including torture in custody amounted to 588 and 560 respectively. Overall, the increase in the numbers of complaints related to personal liberty, i.e., up to 2,228 from the previous number of 1,616 (an increase of 38%), is noteworthy and is reflective of the human rights challenges that emerged from the governance and economic crisis of 2022. Similar to the previous year, the second highest source of complaints in 2022, at 1,863 complaints, related to inaction of government entities. This combined number includes 1,267 complaints against the police, in contrast to 592 in 2021, and 596 complaints against other government authorities. Moreover, the number of employment related complaints rose from 811 in 2021 to 1,730 in 2022 (an increase of 113%). This increase could be attributed to the ripple effects of the economic crisis. Out of a grand total of 9,219 complaints, 3,813 (41%) were received by Regional Offices, whereas the remaining 5,406 (59%) were received directly by the Head Office.

As in the previous years, HRCSL reiterates the importance of sensitizing law enforcement and detention authorities on the law relating to the prohibition of torture and unlawful arrest and detention and strictly enforcing the law against errant officers, including prosecuting wrongdoers, in order to eliminate the recurrence of these violations. In light of the economic crisis prevailing in the country, the Commission urges authorities to ensure the economic, social, and cultural rights of the people are protected and fulfilled primarily by ensuring access to food, health, and education.

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 Human Rights Commission of Sri Lanka (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 signify protection and taking of action for protection. The globe stands for 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 19th 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.

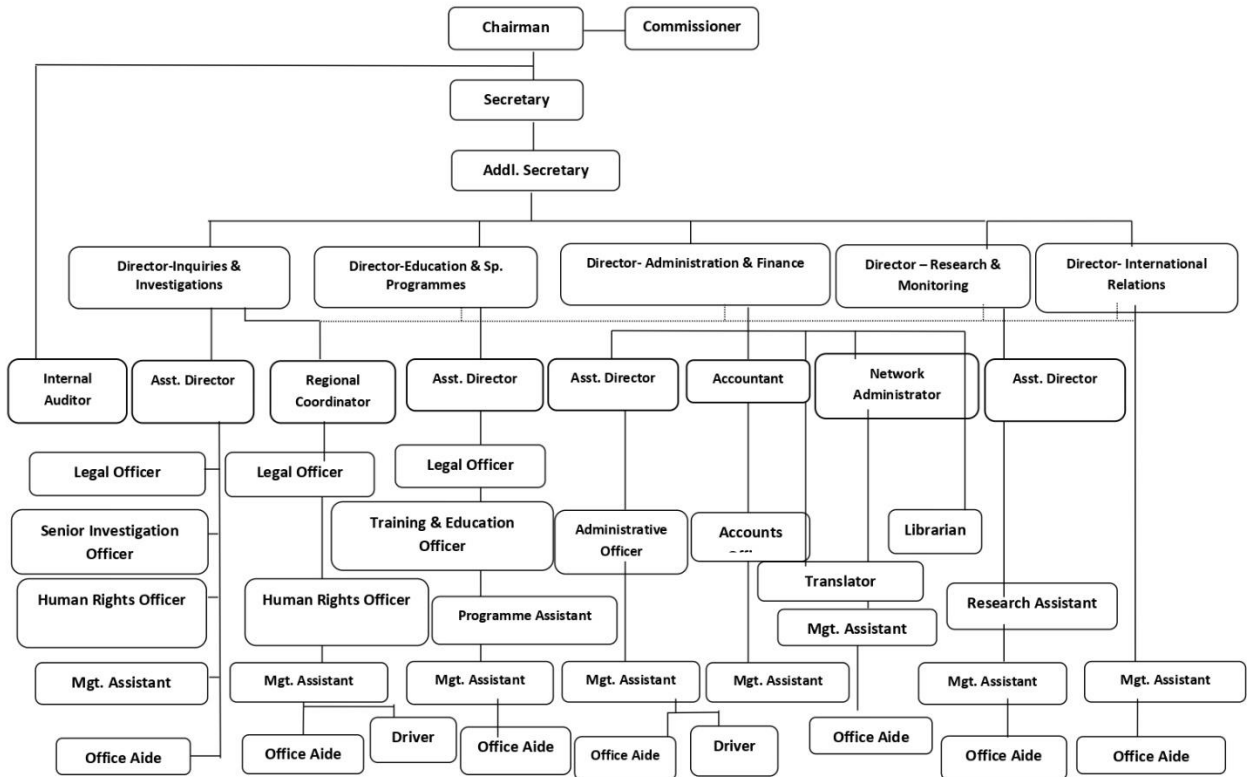
1.3 Organizational Structure

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 148 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 able 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. In 2022, the HRCSL established and inaugurated a new regional office in Nuwara Eliya, bringing the total number of regional offices to 11. 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. Most 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 Human Rights Commission of Sri Lanka



CHAPTER 2: YEAR IN REVIEW

- 2.1. Key achievements
 - 2.1.1. Investigations and inquiries
 - 2.1.2. Outreach Programmes
 - 2.1.3. Institutional development
- 2.2. Recommendations to the Government
- 2.3. Other advocacy for reform
- 2.4. Vetting of Sri Lankan Military personnel to be deployed as UN peacekeepers
- 2.5. Challenges

YEAR IN REVIEW

2.1. Key achievements

This Chapter provides a summary of some of the Commission's key achievements in the year 2022.

2.1.1. Investigations and inquiries

Similar to previous years, the Commission assisted an array 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. Even though 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 2022, the head office and regional offices of the Commission collectively received a total of 9513 complaints, out of which 5406 were received by the Head office and 4107 by regional offices. This is noteworthy as the Commission only received 6322 complaints in 2021, of which the head office only received 3094 complaints. The significant increase in the complaints received this year maybe reflective of the fiscal and governance crises the country faced during the year. The Commission also disposed of 6009 cases (including complaints accepted in previous years) during the year. While 4133 cases out of the 5406 complaints received by the Head office were found to be within the mandate of the of the Commission, 745 complaints were found to be 'not within the mandate of the Commission'(an official classification adopted by the I&I division for complaints received by the Commission). In addition, the Commission also conducted 25 *suo motu* investigations in 2022 and issued 89 recommendations in response to complaints made to the Commission, a similar number to the previous year which stood at 88.

The Commission also played an active and significant role during the public protests against the economic and political situation of the country, which characterized much of 2022. Through a series of interventions such as inquiries, recommendations to the government and its institutions, and even media statements, the Commission ensured citizens were able to exercise their rights, while also maintaining public order.

- **Investigation on the Events that transpired in Rambukkana on the 19 April, 2022**

In April 2022, the Commission launched an immediate investigation into the Police shooting incident which took place in Rambukkana on 19th April 2022 resulting in the death of one civilian, injuries to thirteen civilians and fifteen Police officers, and damage to property. The HRCSL appointed a Committee of Experts to investigate into the incident to determine whether the order to shoot was justifiable given the circumstances. Consequently, an independent inquiry was initiated on the incident on 05 May 2022. Resulting from the investigation, the Commission published an interim report on its findings on 28 June 2022. In the report, the Committee of Experts noted the violations of departmental standing orders of the Police regarding shooting protocols during the incident. The Committee further emphasized that no grounds were evident to justify the shooting of the deceased and affirmed that the Police Officers had not followed due process. Additionally, the civilian death was caused by excessive force beyond what could be deemed necessary for efficient crowd dispersal. The interim report concluded that the police's actions during the Rambukkana incident were unjustifiable and constituted a violation of human rights, specifically the right to life. The report called for further investigation and appropriate measures to prevent the recurrence of such incidents in the future.

- **Special Visit to Watareka Prison**

An incident concerning an attack on some inmates being transported to the Watareka Open Prison was reported on 09 May 2022. The attack had been carried out by civilians, on the assumption that prison inmates had been used to attack the civilian protesters at Galle Face in the morning of 09 May. The Research & Monitoring Division of the HRCSL made special visits to the Open Prison Camp following the incident, in collaboration with the Educations and Special Programmes Division to monitor the situation and conduct an investigation. The investigation revealed that, even though the inmates had been in the vicinity of Galle Face at the said time, they had been employed in work outside the prison with private companies as is permitted for inmates of open prison camps.

- **Fact-finding Mission to Trincomalee regarding the violations of human rights of people due to unregulated micro-finance schemes and issues faced by coastal indigenous people**

A fact-finding mission was conducted from 10-12 July 2022 to Trincomalee regarding Micro Finance issues within the Divisional Secretariat Division of Kandalai. The catalyst for the mission was several complaints made by citizens to the HRCSL, particularly on the issues and challenges people face due to unregulated microfinance activities operating within the district. During the mission, the Commission observed many operations of unregulated microfinance activities implemented by various entities. The HRCSL directed the district and divisional administrations of Trincomalee to pay more attention to the lives and livelihoods of their communities and take necessary action to ensure the wellbeing of citizens within the area (See 2.2 below for more information on the recommendations).

During this mission, the officers of the Commission also investigated complaints received related to the issues faced by the families of coastal indigenous people. The mission found that over 200 families of coastal indigenous people, specifically the *Adivasis/Muhudu Veddhas* community in Muttur and Verugar in the Eastern Province of Sri Lanka faced issues of discrimination, potentially leading to the deprivation of their right to life. The *Adivasi* community faces threats to their lands and livelihoods, with observed instances of forced displacement and forced acquisition of their lands by other groups. Discrimination affects the right of *Adivasi* communities to engage in professions of their choice and their access to education, religion, and healthcare. (See 2.2 below for more information).

2.1.2. Outreach Programmes

The Commission regularly conducts outreach programmes in order to promote human rights awareness and educate the public on human rights issues. Similar to other years, this year too, the HRCSL successfully conducted several outreach programmes. The Commission however had to scale down its outreach activities during the year, due to financial constraints stemming from the economic crisis.

- **The Training of Trainers (TOT) Programme for Police in-service instructors on the Right to Liberty and Security of Persons.**

A successful ToT programme was conducted for Police in-service instructors on the Right to Liberty and Security of Person. This training programme was a 5-day programme held from 21-25 November 2022 at the Police In-service Training Centre in Mirihana, Sri Lanka. It was aimed at enhancing the understanding of international human rights standards among police instructors. The training sessions were conducted by experts in the fields of law, human rights, psychiatry, sociology etc.

2.1.3. Institutional Development

- **Establishment of a Unit for the National Preventive Mechanism**

A separate unit for the National Preventive Mechanism (NPM) was established within the HRCSL on 15 February 2022. This unit is empowered to visit all places of detention within the country in order to ensure that such institutions comply with international standards and to prevent torture and other ill-treatment within these institutions. The primary objective of establishing this unit was to create a monitoring system through which regular visits can be made to places of detention, in order to prevent the occurrence of torture and other cruel, inhuman or degrading treatment or punishment (See Sections 4.4.2 and 6.3 for further information).

- **Establishment of a Disability Unit within the HRCSL**

A disability unit was established within the HRCSL to focus particularly on safeguarding disability rights. The HRCSL worked in collaboration with the National Democratic Institute (NDI), Disability Organizations Joint Front Sri Lanka (DJOF) and other stakeholders to establish this unit. The newly established unit is closely following the progress of the Disability Rights Bill and the Sign Language Bill.

- **Establishing a Child Rights Unit within the HRCSL**

The HRCSL established a Child Rights Unit on 01 October 2022 in honour of the World Children's Day and to give effect to the recommendation of the Committee on the Rights of the child in its Concluding observations on the combined fifth and sixth periodic reports of Sri Lanka to establish a specific mechanism for monitoring children's rights. The Unit functions under the supervision of Justice Rohini Marasinghe, Chairperson of the HRCSL and Dr. Vijitha Nanayakkara, Commissioner of the HRCSL. United Nations Children's Fund (UNICEF) Sri Lanka facilitated the establishment of this Unit. The newly established Unit will ensure the rights contained in the Convention on the Rights of the Child (UNCRC) are reprioritized in Sri Lanka.

- **Changes in Staff**

In 2022 the Commission had multiple vacancies. However, due to the government's policy decision to limit new appointments given the financial limitations posed by the prevailing economic crisis, recruitment was halted. The Commission however, recruited retired government officers to fill the posts of Secretary and Director of International Relations. Furthermore, the Department of Management Services approved the post of Assistant Director/Deputy Director for the Research and Monitoring Division of the Commission. Additionally, the Department of Multipurpose Development provided the Head Office and Regional Offices with two Drivers and two Office Aides.

2.2. Recommendations to the Government

During 2022 HRCSL made recommendations to the Government on human rights issues of concern, which the Commission viewed as requiring its intervention. Incidentally, the HRCSL intervened in many instances and issued recommendations concerning circumstances pertaining to the economic and social turmoil the country was in, which comprises a majority of the recommendations made in 2022.

- **Recommendation to the Inspector General of Police (IGP) on the detainees detained under the Prevention of Terrorism Act (PTA)**

The Commission through letter dated 04 January 2022, directed the IGP to provide information on those detained under the PTA. The IGP was directed to inform the HRCSL within 48 hours of arresting a person, of the fact of such arrest, the place of detention, and the time of arrest. It also required the IGP to inform the HRCSL if the detainees are released or transferred to other places of detention. Subsequent to such recommendation, the IGP issued a circular on the above matter.

- **Recommendation to implement the recommendations provided by the Auditor General on the Sugar Tax**

The Commission forwarded a recommendation to the Government on 18 April 04 2022 by way of a letter directing the government to implement the recommendations presented by the Auditor General in his report on the potential sugar tax related fraud. The Commission iterated that it is important for the said recommendations to be implemented in order to prevent the violation of economic, social and cultural rights of the Sri Lankan citizenry.

- **Recommendation to provide economic relief to the citizens**

The HRCSL through a media statement on 20 April 2022 drew the Government's attention to the many issues plaguing the people due to the economic crisis prevailing in the country. It recommended the Government to take immediate action in this regard by providing relief to the people. The Commission especially called upon the government to ensure that the public has means to purchase or access essential consumables, the prices of which were increasing exponentially amidst the economic crisis.

- **Recommendations to amend the Human Rights Commission Act**

In 2022, the Commission handed over the proposed recommendations to the Human Rights Commission Act to His Excellency, the President. The recommendations invited the government to take necessary action to make such amendments to the Act to ensure that the HRCSL is capable of fulfilling its full potential in the execution of its mandate of protecting and promoting human rights. As a follow up to the above, on 10 November 2022, the HRCSL forwarded a draft of the revised recommendations proposed by the Commission to the principal enactment of the Act to the Minister of Justice, Prison Affairs, and Constitutional reforms.

- **Recommended Guidelines to the Police and Armed Forces on Crowd Controlling**

Being fully cognizant of the social unrest spreading throughout the country and ensuing public protests, the Commission, upon discussion with the IGP, proactively sought to formulate general guidelines for crowd controlling for the Police and Armed Forces. Accordingly, the HRCSL appointed a Panel of Experts and intellectuals to formulate such guidelines. The panel of experts prepared draft guidelines which will be launched in 2023. The Guidelines are based on national law and Sri Lanka's international human rights obligations, to which the State is responsible for giving effect.

- **Recommendations to the relevant authorities to ensure financial protection and safety of the inhabitants of Trincomalee District against unregulated micro-finance schemes**

In response to the many complaints received by the Commission on the above, a special fact-finding mission was conducted by the HRCSL to the Trincomalee District, to make observations on the situation pertaining to such unregulated micro-financing activities. Based on [the observations during the mission, the Commission made recommendations to the Government on the following: for the district administration to work in collaboration with the Statistics Division of the District Secretariat, Regional Office of the Central Bank, and respective Divisional Secretariats to assess and gather evidence on individuals facing challenges with microcredit loans; to assign district level and divisional level focal points to assign the responsibility of monitoring and advising marginalized communities to protect them from potential fraud; and collaborative actions by District and Divisional administrations to address injustices faced by women in rural and marginalized communities, especially those self-employed in entrepreneurship, micro, and small-scale businesses.

- **Recommendation for the removal of the illegal police curfew imposed**

Through a press release dated 08 July 2022, the Commission informed the government of the illegal nature of the police curfew arbitrarily imposed by the IGP. The Commission was of the view that the order violates the basic human rights of the people as it unlawfully restricts their right to movement.

- **Recommendation to withdraw the declaration of emergency**

As the Commission was of the view that the declaration of emergency was contrary to the rule of law and the constitution, and thus inappropriate, it issued a recommendation to the government by way of press release dated 22 July 2022 directing the immediate withdrawal of the declaration of emergency. The Commission viewed the declaration as an attempt to control or suppress the fundamental rights of the people.

- **Recommendation to provide immediate solutions to the coastal Indigenous communities**

Based on a fact-finding mission carried out by the HRCSL in Trincomalee in response to several complaints received pertaining to issues faced by the Coastal aboriginal community, on 12 July 2023, the HRCSL issued recommendations to the Eastern Province Provincial Council highlighting the urgent need to address the marginalization of the coastal *Adivasi* communities. The HRCSL proposed interventions to resolve such issues such as conducting fair hearings on land rights, initiating comprehensive investigations into alleged rights violations, and calls for the provision of public services, educational rights for children, and solutions for the survival and development of the coastal indigenous communities.

- **Call to take action against the perpetrators of the attack on peaceful protestors at Galle-Face**

The Commission condemned the brutal and despicable attack made on the peaceful protestors in the vicinity of Galle-Face by the Military on 22 July 2022. The HRCSL declared it an absolute violation of the fundamental rights of the people by the actions of the Executive. Furthermore, the Commission advised the government to identify the perpetrators and take appropriate action against them. It also called upon the government to ensure that such actions by the Military or any other persons/institutes within the control of the State aimed at violating the fundamental rights of the people will not occur in the future.

- **Directive to the IGP to refrain from using emergency laws when producing suspects arrested at the Galle-Face arrests**

On the same day as above i.e. 22 July 2022, the Commission issued a directive to the IGP, directing him to refrain from charging persons peacefully exercising their fundamental rights in the vicinity of Galle-Face under emergency law as it undermines the general law. The Commission was of the view that no justification existed for arresting citizens under the emergency law when the general law in the country is enforceable. The IGP was therefore directed to produce such arrested persons under the General Law.

- **Recommendations to the government to investigate the actions of the IGP and others on the 09 May 2022 incident at Galle Face Green**

The HRCSL invited a panel of experts to investigate the protection given to peaceful protestors near Temple Trees and Galle Face Green on 09 May 2022. The inquiry examined the actions of law enforcement officials on the said day, calling upon various officials including the IGP, Senior Police Officers, Commander of the Sri Lanka Army, and officers of the State Intelligence Unit to give evidence before the panel. Based on the investigation, on the 23rd of August 2022 the Commission made further recommendations to the President to; appoint a committee to identify the perpetrators within Law Enforcement who were responsible for the breach of the law; to direct the perpetrators to pay compensation to the victims who had suffered injuries due to such breach; and, to direct the said committee to review Law enforcement procedures and make recommendations to amend procedures to allow punishment of errant officers.

- **Recommendation to terminate the sudden usage of the PTA to arrest and detain protestors**

On 22 August 2022, the Commission expressed concern over reported arrests, detentions, and questioning of protestors under the PTA. It directed the IGP to provide information on how the police deals with suspects not falling within the ambit of the PTA. The Commission questioned whether there was reasonable cause to believe that the groups advocating force and criminal conduct would in actuality endanger public order by resorting to acts of terrorism. Further, the Commission requested information on the alleged acts of terrorism by the police throughout the country since January 2022 and asserted that the IGP must inform the Commission about the status, identity, name, and place of detention of those arrested under the PTA. It emphasized that suspects exercising fundamental rights should not be treated as terrorists without adequate evidence. The Commission directed the IGP to justify suddenly resorting to the PTA to arrest and detain protestors and directed the IGP to order all arresting officers to immediately disclose information of the suspects and produce them before a Magistrate.

- **Recommendations on the safety concerns of former president Gotabaya Rajapakse**

The Commission received complaints alleging that former President Gotabaya Rajapaksa was compelled to resign under threat and coercion, and that the government failed to provide adequate security to him during this period. Further, the complaint alleged the inability of the former president and his family to return to Sri Lanka due to such threats. The Commission acknowledged by way of recommendation dated 22 August 2022 that the inability to return violates their constitutional right to equal protection of the law and right return that the ex-president was entitled to certain privileges. The Commission directed the Government of Sri Lanka to assess the threat situation and provide security for his safe return. The Commission further recommended that the government extends adequate protection for the safe return of Gotabaya Rajapaksa's family.

- **Directive to retract Gazette No. 2298/53 dated 23rd September 2022**

Through a press release dated 26 September 2022, the HRCSL expressed strong opposition to the declaration of High-Security Zones under the Official Secrets Act. Deeming it baseless and lacking justification, the Commission raised concerns about the actions of the government, emphasizing that such a declaration grossly violates the fundamental rights of the citizens. The Commission therefore advised the government to retract Gazette No. 2298/53 dated 23rd September 2022, urging the need for adherence to international and national human rights norms and standards.

- **Direction to the IGP to ensure the safety of Wasantha Mudalige**

The Commission issued a recommendation on 04 October 2022 to the IGP that the Police should act responsibly and take all necessary steps for the protection and safety of Wasantha Mudalige, Convenor of the Inter-University Students Federation who in detention. Further, following up on this recommendation, on 26 October 2022 the Commission issued another recommendation based on an investigation done by the Commission on the above matter. The subsequent recommendation directed the government not to extend the detention order issued against Wasantha Mudalige and Ven. Galwewa Siridhamma, as any further investigations that the police may need to conduct can be carried out expeditiously without the continued detention of the suspects. The above contents were reiterated in a letter addressed to the President of SL by the HRCSL on the same day.

- **Directives on the application of the Police Ordinance**

The Commission, through letter dated 28 October 2022, made recommendations to the Minister of Public Security to reform the Police Ordinance No. 16 of 1865, citing several weaknesses and discrepancies of the way in which the provisions of the Police Ordinance are interpreted and applied in relation to fundamental freedoms as enshrined in the Constitution of Sri Lanka. This was followed by another recommendation on 01 November 2022, in which the Commission directed the Police not to use the provisions in the Police Ordinance in such a manner which encroaches on the fundamental rights guaranteed by the constitution of Sri Lanka.

2.3. Other advocacy for reform

- **Recommendation to banking institutions in ensuring the rights of Persons with Disabilities**

The HRCSL brought much necessary attention to the issues faced by persons with disabilities when conducting regular banking with banking institutions through a meeting convened at the HRCSL on the 20 December 2022. The meeting was chaired by Justice Rohini Marasinghe, Chairperson, HRCSL and was attended by several officials of the Central Bank of Sri Lanka (CBSL) and other public and private Banks. The meeting highlighted several issues faced by persons with disabilities when visiting banks in-person, and emphasize the need to ensure the protection of their rights during such visits. The Commission drew the attention of the officials to the new Customer Charter issued by the CBSL in July 2022 based on recommendations made by the HRCSL in 2021. The Charter provides guidelines for Banks to assist their customers during banking transactions. Bank Officials confirmed that such guidelines are in the process of being implemented, and undertook to take necessary action without undue delay. Representatives of the banking institutions suggested improving and raising awareness of digital banking facilities (Online Banking) as a means of ensuring convenience to all when banking, including those with disabilities.

2.4. Vetting of Sri Lankan military personnel to be deployed as UN peacekeepers

The HRCSL began the human rights vetting of military personnel to be deployed for United Nations peacekeeping operations in February 2017 at the invitation of the Government of Sri Lanka. This process ensures that individuals to be deployed meet the highest standards of integrity, including respect for and commitment to human rights. In 2022, the Commission vetted and confirmed 574 military personnel for deployment in the reporting year i.e. 431 Sri Lanka Army personnel, 142 Sri Lanka Air Force personnel, and 01 Sri Lanka Navy personnel.

2.5. Challenges

Despite the challenging economic and political environment of the country, the Commission achieved many successes. However, the Commission was also hampered by many challenges, some even more acute than in previous years.

The main challenge for the Commission was the lack of adequate funding to continue its interventions. The economic crisis had a direct affect upon most governmental institutions with the HRCSL being no exception. As a means to reduce expenses, the Government adopted a new policy decision to limit new recruitments and appointments to state-sector institutions. Therefore, the Commission was short of sufficient numbers of staff and was compelled to function with a substantial number of vacancies. This resulted in many administrative challenges within the Commission.

Further, fuel shortages and the dearth of foreign funding, which the Commission relies on to supplement its budgetary allocations, restricted the capacity of the Commission to make routine interventions such as regular visits to places of detention and monitoring missions, as well as urgent interventions. However, through the prudent management of available funds and innovative approaches, the Commission did not fail in discharging its mandate and managed to respond to all urgent calls for intervention without exception. Financial restrictions however, limited the outreach activities of the Commission. The Commission had to reduce the number of events, workshops and other activities, due to financial constraints.

The non-compliance of recommendations by public officials continues to be a perennial challenge for the Commission. Though the Commission strives to ensure compliance, the lack of support and cooperation by most public entities was a continuous challenge. This is a significant factor in the Commission requiring amendments to its principal enactment, which includes empowering the Commission to seek disciplinary action against officials who fail to implement the recommendations of the Commission.

CHAPTER 3: INVESTIGATIONS AND INQUIRIES

3.1 Overview

- 3.1.1. Statistics of complaints received
- 3.1.2. Statistics of cases concluded in 2022
- 3.1.3. Recommendations

3.2 Examples of individual complaints by category of rights

- 3.2.1. Custodial violence (Article 11 of the Constitution)
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3.3 *Suo Motu* inquiries

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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 (*suo motu*), inquire into issues which reveal violations of fundamental rights. Regional Offices of the HRCSL conduct preliminary investigations or inquiries in to the complaints referred by the Head office or complaints directly received by them, the reports of which are subsequently forwarded to the Head Office.

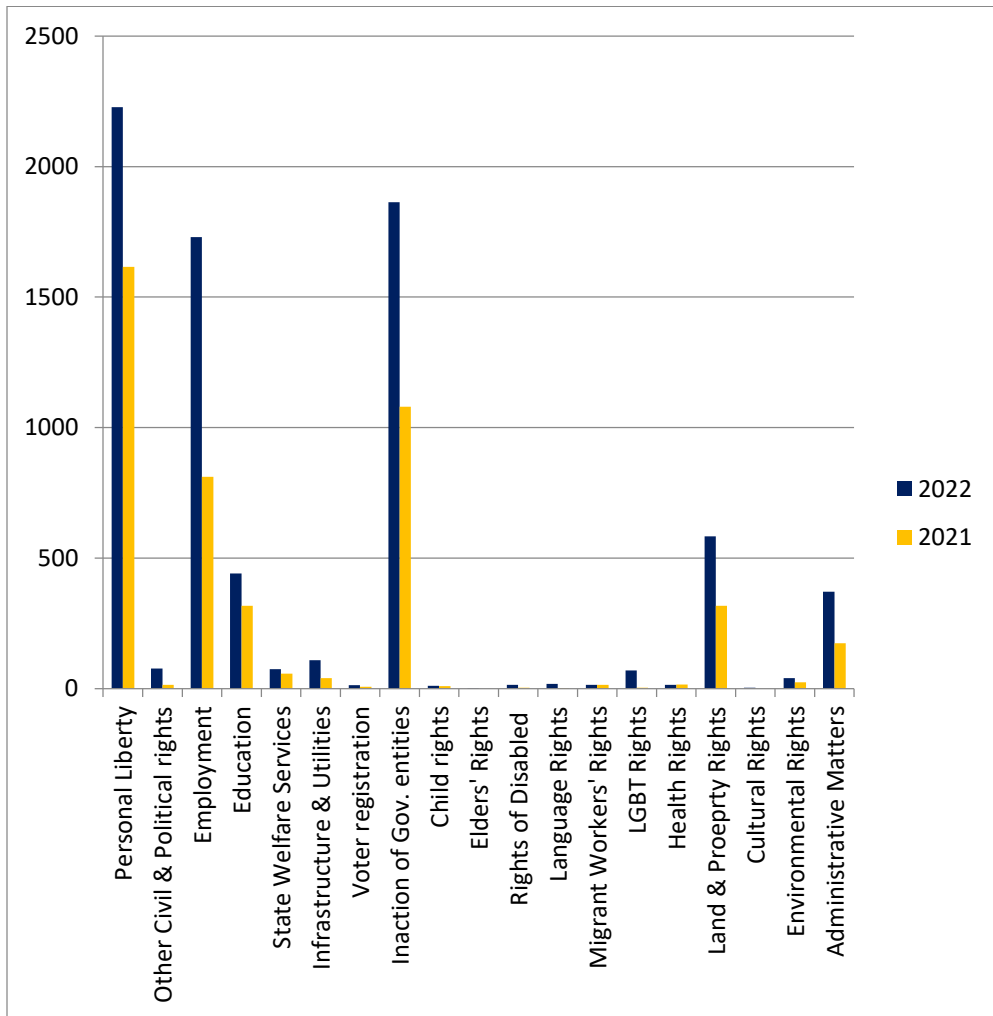
3.1.1. Statistics of complaints received:

In total, the HRCSL received 9513 complaints in 2022. This is in comparison to the 6322 complaints received in 2021, which indicates an increase of 46% from the previous year. These complaints were received by the head office and regional offices collectively. Similar to the previous years, the highest number of complaints for any individual category (at 2228), amounting to 24% of received complaints, was in relation to violations of personal liberty. This category includes complaints concerning arbitrary arrests and detention amounting to 919 complaints, in relation to harassment at 588 complaints, and torture including torture in custody, amounting to 560 complaints. Overall, a significant increase (of 38%) in the numbers of complaints related to personal liberty was observed from the previous year, which was at 1616. The majority of these complaints were in relation to arrests during public protests against the economic crisis, which defined much of 2022.

Similar to the previous year, the second highest source of complaints in 2022 were in relation to the inaction of Government Entities, at 2157. This includes 1362 complaints against the Police, in contrast to less than half that number (592) in 2021, and 795 complaints against other Government Authorities. Moreover, the number of Employment related complaints rose from 811 in 2021 to 1730 in 2022 (an increase of 113%). This substantial increase can once

again be attributed to the ripple effects of the economic crisis, with which the country grappled.

41% of the total complaints, i.e. 4107 were received by Regional Offices, whereas the remaining 59%, i.e. 5406 were received directly by the Head Office. A slight increase in numbers is noted in relation to complaints received by the head office, which stood at 3094 in 2021.



Comparison of the number of complaints received in each category in 2022 with those of 2021

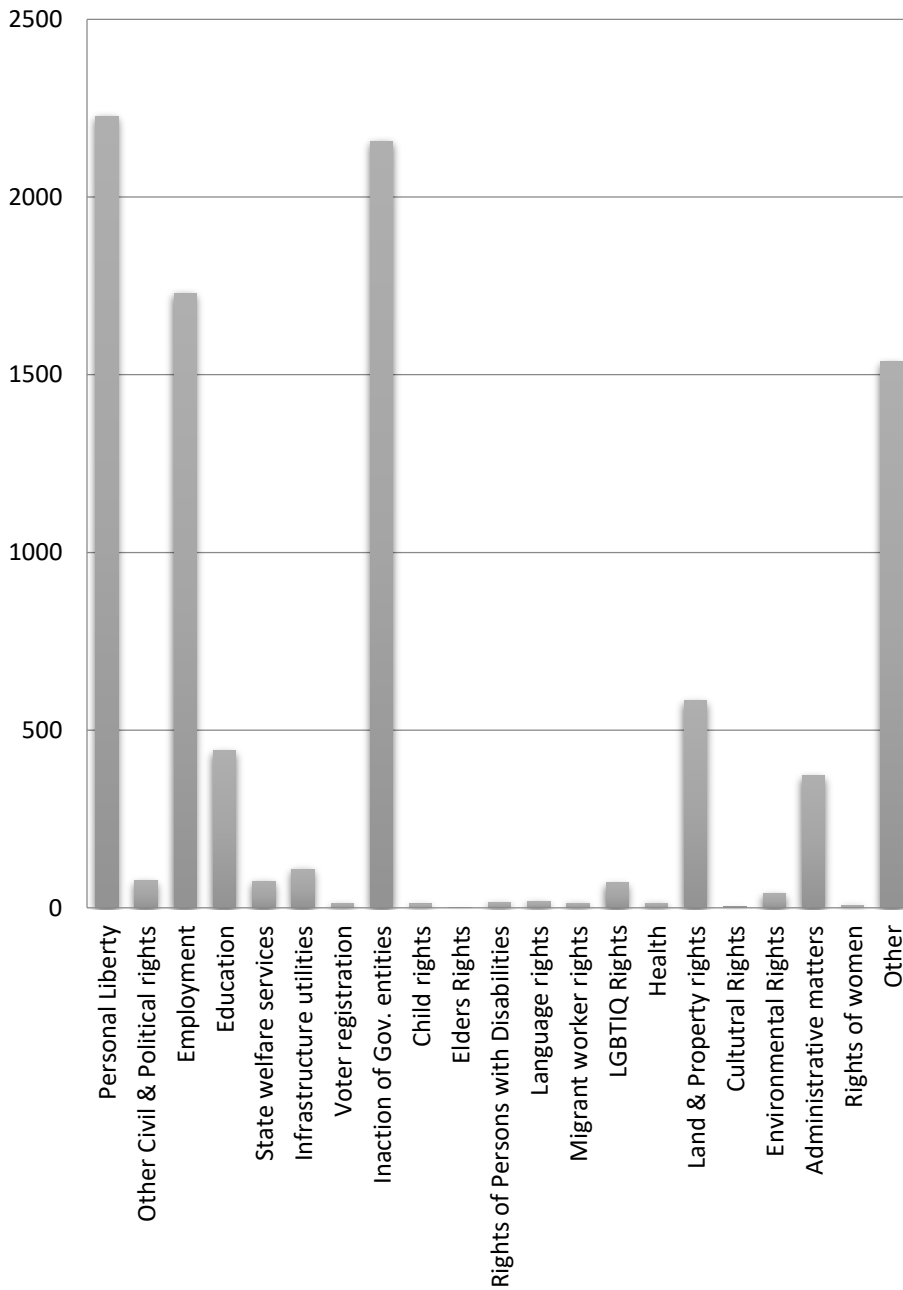
**Human Rights Commission of Sri Lanka –
Types of complaints received in 2022**

Types of Complaints	Regional Centers												Regional Office	Head Office	Grand Total	
	Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna	Killinochchi	Kalmunai	Kandy	Matara	Trincomalee	Vavuniya	Mannar				Puttalam
Personal Liberty	42	128	23	31	94	19	31	120	185	34	30	15	53	805	1423	2228
(a) Torture (Physical and Mental)	5	41	1	1	24	3	1	19	15	1	16	6	8	141	419	560
(b) Degrading Treatment				1	3	2	1		8					15	1	16
(c) Harassment		4	11	6	27	6	10	45		26	7	6	1	149	439	588
(d) Sexual Harassment															8	8
(e) Threats	2	7		2	15	2	3	6	35					72		72
(f) Arbitrary Arrest/Detention	35	76	10	21	22	6	16	43	111	7	7	3	44	401	518	919
(g) Death in Custody			1					2	2					5	8	13
(h) Extra-Judicial Killings									4					4	20	24
(i) Missing Persons*					1			1	1					3	2	5
(j) Prisoners' Rights					2			4	9					15	8	23
Other Civil & Political Rights		1		36		1	6	6	1	2				53	24	77
Employment	26	80	92	52	43	3	45	173	120	26	16	9	38	723	1007	1730
Education	4	6	12	15	13	6	57	53	59	7	2		3	237	204	441
State Welfare Services	1	9	1	3	8	2	5	12	13	4	4	2		64	11	75
Infrastructure & Utilities	2		6		5	2	3	10	8		1			37	72	109
Complaints Relating to Voter Registration/Election (describe)							1	3					2	6	7	13

Complaints about Inaction of Gov. Entities																	
(a) Police	16	95	41	185	62	17	48	82	49	31	29	4	20	679	683	1362	
(b) Other Gov. Authorities	42	199	11	105	22	2	20	138	40	14	18	4	17	632	163	795	
Child Rights				1	4		2		1	1	1			10	1	11	
Elders Rights															2	2	
Rights of Persons with Disabilities							1	1	1					3	12	15	
Language Rights						1		2		2	1	1	1	8	10	18	
Migrant Workers' Rights		2	2	4						3				11	3	14	
LGBT (Lesbian, Gay, Bi-sexual, Transgender)Rights				1	1			3	3					8	62	70	
Health Rights					3		1	1						5	9	14	
Land & Property Rights	23	65	45	9	7	11	16	42	31	16	18	10	23	316	267	583	
Cultural Rights															3	3	
Environmental Rights		5				1	3	5	9	1		1		25	15	40	
Administrative Matters			21		4			99	48	7	1		11	191	180	371	
Rights of Women							1	1	2					4	2	6	
Other Categories (including the complaints not within the mandate) and referrals		38	32	11	5	4	1	61	123	8	6	1		290	1246	1536	
Total	156	628	286	453	271	69	241	812	693	156	127	47	168	4107	5406	9513	

* The complaint was initially lodged as an enforced or involuntary disappearance but was later found to be a voluntary disappearance

Complaints received in 2022



3.1.2. Statistics of cases concluded in 2022

Categories by outcome of complaints	Ampara	Anuradhapura	Badulla	Batticola	Jaffna & Killinochchi	Kandy	Kalmunai	Matara	Trincomalee	Mannar	Vavuniya	Puttalam	Head Office	TOTAL
Settlement	12	05	38	16	12 6	17	38	06	22	15	59	19	41	414
No FR violation	26	98	11 7	99	11 7	19 9	14	18 3	20	35	90	07	288	1293
Withdrawn	06	12	07	52	07	16	04	22	04	02	06	23	161	322
Complainant lacks interest	41	14 5	49	60	58	14 6	15	13 5	58	12	55	16	582	1372
Not within the mandate	-	-	29	11	06	70	-	13 3	11	02	05	33 2	146	745
Relief Granted	10	21 4	42	15 7	18	70	11 4	97	27	04	25	31	114	923
Pending judicial proceedings	07	51	14	23	40	60	39	25	14	06	26	04	268	577
Directives given	-	-	-	-	13	31	-	-	-	-	-	-	01	45
Time barred (Prescribed)	-	-	-	-	06	3	-	34	-	-	-	-	04	47
Recommendations issued	-	-	-	-	-	-	-	-	-	-	-	-	89	89
Referred to other institutions		02	19	41	14	69	-	12	-	02	06	-	17	182
Total	102	527	315	459	405	681	224	647	156	78	272	432	1711	6009

3.1.3. Recommendations:

A total of 89 recommendations were issued by the HRCSL in the year 2022, out of which, 65 recommendations were made regarding Economic, Social and Cultural Rights and 24 on Rights relating to Personal Liberty. 23 of the recommendations made under the former category of rights pertained to rights related to Education. The above figures show a noticeable increase in the recommendations issued on Economic, Social and Cultural Rights in contrast to the 76 recommendations issued in 2021, out of which only 12 were Education related. However, compared to the previous year, a substantial reduction is noted in relation to the number of recommendations issued on rights relating to personal liberty. Whereas, a total of 44 recommendations were issued on rights related to personal liberty in 2021, amounting to 50% of the total number of recommendations for that year, in 2022 the above dwindled to 24, which corresponds to only 27% of the total recommendations. Out of the 24 recommendations issued relating to personal liberty, 15 related to torture while 07 were on arbitrary arrest or detention (For a full list of Recommendations issued in 2022 see appendix 2). All recommendations are posted on the HRCSL website for public reference.

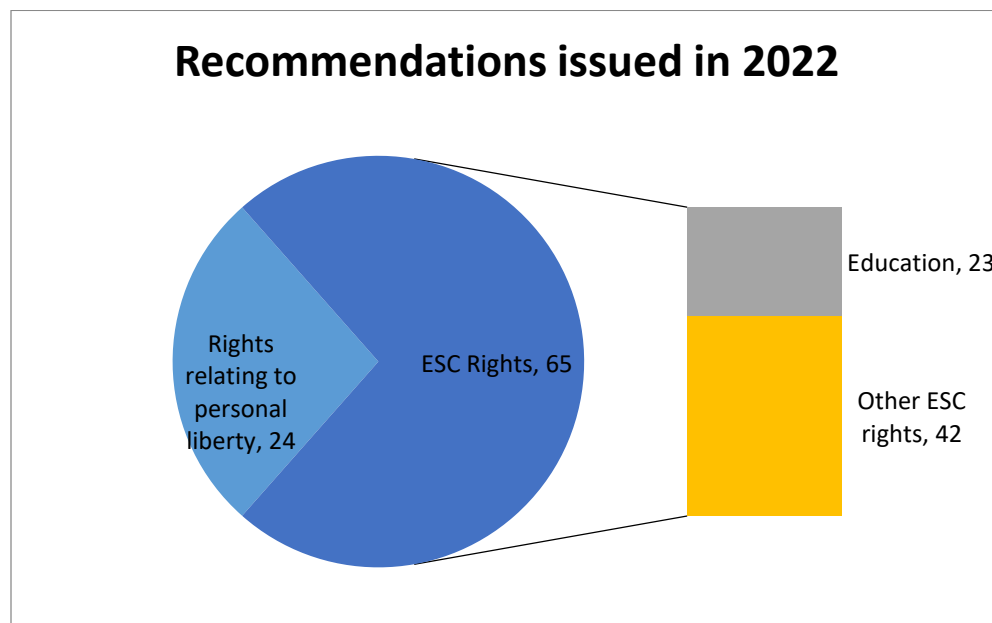
Subject/Area	No. of recommendations
Economic Social & Cultural Rights	65
- Rights relating to education*	
- Other ESC rights**	23
	42
Rights relating to Personal liberty***	24
TOTAL	89

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, and 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.



3.2. Examples of individual complaints by category of rights

3.2.1. Custodial violence (Article 11 of the Constitution)

- **Physical punishment meted out to a school student (Complaint No: HRC/K/152/16-A)**

The HRCSL found a violation of Article 11 of the Constitution by the Principal of a public school in Minipe for meting out physical punishment on a student for disciplinary purposes. The respondent was accused of beating the student due to his shirt being in disarray, resulting in his earlobe being ruptured, a deterioration of his hearing, and in the victim consequently being hospitalized. Moreover, while the beating had resulted in the victim suffering from symptoms of anxiety, it had also led him to refuse to go back to his school, resulting in his parents being compelled to find another school for the child. Despite the Principal stating in a Report on the incident addressed to the Human Rights Commission that such a beating did not take place and that the student's disciplinary issue was dealt in a sympathetic manner by the respondent, upon inspection of the Judicial Medical Reports released on the incident it was revealed that such a beating did take place. It was also found that the rupture of the earlobe, the temporary auditory impairment, and symptoms of anxiety suffered by the student were a direct result of such beating.

During the investigation, the principal recanted his earlier account of the incident and admitted that the student was subjected to a few minor blows as punishment for a breach of discipline by the student, during which a blow fell on the left ear of the child as he changed position. Drawing attention to circular No. 12/2016 issued by the Ministry of Education, the Commission reminded that the said circular prohibits corporal punishment within schools and require principals and their staff to ensure the safety of their students. The Commission found the principal was in violation of the right to freedom from torture and inhuman or degrading treatment or punishment as ensured by Article 11 of the Constitution of Sri Lanka. Accordingly, it directed the Secretary to the Ministry of Education to take necessary disciplinary action against the respondent.

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

▪ Admission to Grade 1 of a public school (Complaint No: HRC/169/19)

The complainant lodged a complaint with the Commission on the basis that her daughter was denied admission to Grade 1 for the year 2019 to a Girls' Primary School in the Chilaw area, despite submitting an application under the resident category and scoring 71.5 points at the interview. The school allegedly refused admission on the basis that the complainant and her daughter, although belonging to a Catholic family, were not members of the Roman Catholic Church. Relying on Circular 24/2018 of the Ministry of Education, the school administration denied the violation of rights asserting that the family of the complainant associates with a fundamentalist Christian church and therefore cannot be considered members of the Roman Catholic Church. Upon investigation, the HRCSL found a violation of the fundamental rights of the complainant and her daughter under Article 12(1) of the Constitution and recommended the child be admitted to the school, to a grade appropriate for her age in 2021. The Commission observed that the Principal of the School and officers from the Divisional and Regional Education Offices have improperly influenced the admission process. The complainant was required to inform the Commission of the status of implementation of the recommendation within a week of the recommendation being issued.

▪ Admission to Grade 1 of a public school (Complaint No: HRC/KND/172/22)

The Commission found a violation of article 12(1) in this complaint against a Principal of a leading National School in the Kandy district in relation to the refusal to admit the child of the complainant to Grade 1 of said school. The complainant had applied to the school for admission on the basis of 'residence'. The deed of rectification produced in support of proof of residence had been rejected by the board of admission on the basis that the said document was forged, which had resulted in the complainant losing marks allocated for proof of residence. The appeal of the complainant made against the said decision had also been refused. The Commission was of the view that the rejection of the document was arbitrary, without affording the complainant the opportunity to

submit a justification or proof of the authenticity of the document. The complainant alleged that the failure of the board of admissions led to him losing the opportunity to admit his child to this particular school which is located 500m from his residence. During the inquiry, the respondent stated that such decision was taken due to the failure of the complainant to submit the relevant documents on time, i.e. before 30.07.2021, the deadline set by Education Circular No. 13/2021. However, Commission found that the said circular had been overridden by letter ED/09/12/11/02/01/ (1) dated 26. 07. 2021 issued by the Educational secretariat which had extended the aforementioned deadline to 07.08.2021 given the Covid-19 pandemic situation in the country. The commission further stated that the respondent had failed to follow the procedure provided in the alternative, when issues of authenticity of documentation arise, i.e. to conduct a physical inspection of the place of residence as per 6.1. (a) Of the Circular pertaining to Grade 1 Admissions of children. If an applicant is to be refused marks, it must be done only on grounds of having forged a document or having failed to prove place of residence in a physical inspection as per section 9.1 in Circular No. 13/2021. Accordingly, the respondent was directed to conduct a physical inspection of the residence of the complainant, which the respondent did not carry out. Therefore, the Commission concluded that the deed of rectification submitted by the complainant must be accepted as genuine and original as it is a rectification of the original deed pertaining to ownership. The Commission found that the refusal to accept the said deed had deprived the complainant of fairness of procedure and that the refusal of the respondent to conduct a physical inspection had violated the rule of law. The Commission consequently directed the respondent, through the Secretary to the Ministry of Education, to make necessary arrangements for the child of the complainant to be admitted to Grade 1 of the school.

- **Racial Discrimination against a school student and parent by school authorities (Complaint No: HRC/1288/19)**

The HRCSL found a violation of fundamental rights during an investigation into a complaint pertaining to racial discrimination against a school student and her mother by the school authorities following the Easter Sunday Attack in 2019. According to the said complainant parent, upon entering the school to attend a meeting, several parents who had been at the entrance of the school together with a few teachers had baselessly accused her of being connected to the ISIS terrorist organization and had threatened to remove her *abaya* and hijab, causing both the complainant and her daughter immense distress. This was despite there being no rules or regulations imposed by the government or the Ministry of Education concerning the attire of Muslim women or head/face covers in the country. The respondent had claimed that the alleged conduct was not intended to be malicious nor racially discriminating, but an attempt to ensure the security and safety of the school by subjecting every person entering the school premises to an inspection, regardless of their race or religion. The respondent had further asserted that the complainant's aggressive and non-cooperative conduct upon being subject to such safety measures led to a tense situation. Consequent to this incident, the child of the complainant had refused to go back to school, prompting the parents to remove the child from said school and admit him to an international

school. Upon further investigation, the Commission found that such conduct of the Principal and the administration of the school was in excess of the scope of their powers and duties, resulting in the discriminatory treatment of the complainant. The Commission further found that such treatment amounts to a breach of fundamental rights of the Complainant, as it is in violation of Article 12(1) and Article 12(2) of the Constitution. The Commission directed the secretary to the Ministry of Education of the Western province and to the Zonal Director of Education in Kelaniya to take necessary and suitable disciplinary action against the Principal and staff. It further directed the education authorities to conduct awareness programmes for teachers on how to deal with similar situation with sensitivity.

▪ **Denial of Promotion (Complaint No: HRC/943/19)**

The complainant, a lecturer attached to the University of Kelaniya since March 2003, made a complaint to the HRCSL against the process of appointment of the head of the Department of International Studies. The complainant argued that, despite being the most senior and experienced academic, and the only lecturer with administrative experience in the department, the appointment of another for the position of head of the department was arbitrary and unfair to the complainant. Citing sub-section 51.1 of the University Act No. 16 of 1978, the Respondent University claimed that the appointments of department heads are made in accordance with the recommendations of the Vice-Chancellor and the University Council. The respondent further asserted that the process of appointment adopted in the situation under investigation was in compliance with the University Act and emphasized the importance of appointing a person with expertise in the specialization offered by the said academic department. The Commission found that the complainant had been teaching in the field of political science and international relations since 2012 and had all requisite qualifications for the appointment. Therefore, the Commission concluded that the appointment process lacked transparency and violated the legitimate expectations of the complainant based on the relevant university regulations. Accordingly, the Commission declared the appointment of the head of the Department of International Studies was arbitrary and illegal and in violation of Article 12(1) of the Constitution. It recommended the appointment of the complainant and urged institutions to establish transparent systems for the appointment of department heads.

3.2.3. Multiple rights violations

▪ **Physical punishment meted out to a school student (Complaint No: HRC/1239/16/I-23)**

Responding to a complaint against a school watchman in Warakagoda, the Commission found a violation of Article 11 as well as Article 12(1) of the Constitution. The complainant alleged that the watchman of a national school in Warakagoda had stricken a group of Grade 9 students including the son of the complainant upon suspicions of them having stolen a camera device which belonged to the School. The school watchman had assaulted the group of students using a baton in the presence of a Teacher and the Head Prefect of the school who had been in charge of searching

the bags. After the camera was found in the bag of another student, the watchman had assaulted the child of the complainant a second time before producing the group of students to the principal. The principal had handed over the school Watchman to the Thembuwana Police pursuant to a complaint lodged against him on the day of the incident. The assaulted child was hospitalized at Horana General Hospital due to the gravity of the injuries he had sustained from the assault which had been of an “inhumane” nature. The Commission observed that, as per the Judicial Medical Report, that the victim had suffered several bruises and scratches as a result of a beating by a blunt weapon, which corroborates the account of the assaulted child. The Commission further observed that the watchman had acted beyond his scope of duties and responsibilities in a manner which cannot be deemed an appropriate response to the situation. It had been further observed that the Principal of the school, despite the presence of the relevant responsible teachers, had assigned such responsibility to the watchman instead, which speaks to the fact that the Principal had evaded his own responsibilities. Accordingly, the Commission found a breach of the right to freedom from torture and inhuman or degrading treatment or punishment as ensured by Article 11 of the Constitution and a breach of Article 12 (1). The first respondent was directed to pay Rs.10,000 to the victim. Furthermore, the Director of Provincial Education was directed to take disciplinary action against the first respondent and to conduct an awareness programme for Principals and Teachers on circulars No. 12/2016 and 2012/37.

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 25 *suo motu* inquiries into different incidents during 2022 (for a full list of *suo motu* inquiries see appendix 3).

- **Inquiry into the series of gas explosions across the country (HRC/RM/SUO-MOTU/01/2021)**

The Commission initiated a *suo motu* inquiry in April 2022 based on electronic media reports of domestic gas explosions causing loss of life and property damage in numerous places around the country. These gas explosions disrupted the daily lives of people causing wide-spread panic, and forcing people to turn to alternative sources of energy such as firewood. The country also faced a severe shortage of domestic gas cylinders, which saw long queues of people waiting to purchase domestic gas in the midst of suffering from the consequences of an economic crisis and in the immediate aftermath of the Pandemic. The Commission obtained statements from various authorities, including the Industrial Institute of Technology; State Ministry of Cooperative

Services, Marketing Development and Consumer Protection; Sri Lanka Standards Institution; and the Ceylon Petroleum Corporation. The Intertech laboratory facilitated the investigation by conducting necessary laboratory tests. Sri Lanka Police informed the Commission that it is in the process of investigating individual instances of gas explosions and undertook to submit the report of such investigations to the Commission once the investigations are concluded.

The gas providers denied responsibility, instead attributing the explosions to the use of non-standard gas ovens and accessories, consumers not utilizing proper safety measures, and on social media misinformation. However, the investigation revealed that Gas providers were primarily responsible for the explosions of gas cylinders as these companies were non-compliant with prescribed standards of the Consumer Affairs Authority in relation to domestic gas. It also found instances of dereliction of duties by public officials. The HRCSL further observed the need for suitable laboratory facilities to test the composition of gas, regulation of gas composition in cylinders, approval processes for introducing new gas cylinders, and legal provisions to regulate substandard gas-related devices. Accordingly, the Commission found that the conduct of the gas companies and the public officials involved in the regulatory process violated the fundamental rights of the people protected by Article 12(1) of the Constitution of Sri Lanka. The Commission recommended *inter alia* the removal of faulty gas cylinders from the market, legal interventions to determine the safety of gas cylinders before distributing to the consumers, regulating the gas weight composition, and other interventions to ensure public safety.

- **Series of attacks against peaceful protestors by an organized group (HRC/SUO/MOTU/07/22)**

On 9 and 10 May 2022, the Commission was made aware of a series of alleged fundamental rights violations which commenced following an attack on the peaceful protestors at the protest site next to the Prime Minister's Residence (Temple Trees Residence) by an organized group. Members of this group had been persons attending a public meeting organized by several cabinet ministers, state ministers, and parliamentarians supporting the incumbent government. Thereafter, the violence had extended to the Galle Face Green Protest Site in the vicinity of the Presidential Secretariat and several other places in different parts of the country. Having observed the loss of two lives, a significant number of injuries, severe damage to property, and arson attacks against public and private property, the Commission initiated a *suo motu* investigation. The primary objective of the investigation was to ascertain whether the law enforcement authorities provided adequate protection to uphold the rule of law and protect the fundamental rights of the people on 9 May 2022. A series of inquiries and investigations were conducted by a Committee of Inquirers (COI) appointed by the Human Rights Commission of Sri Lanka. Upon the conclusion of investigations, the Commission concluded that the police were in breach of their obligations and had not taken adequate measures to protect from harm the peaceful protestors at Temple Trees and Galle Face Green. The HRCSL also observed the adverse impact of political interference which

hindered the duties of police. The investigations pertaining to the damage of property of several politicians are still underway.

- **Assault of Media Personnel committed by the STF and Police (HRC/SUO/MOTU/12/22)**

Simultaneous to the preceding investigation, the HRCSL commenced another investigation into the alleged assault of media personnel by the STF and police officers on 09 May 2022. The media personnel had been providing live coverage of the protest which took place in front of the private residence of the then Prime Minister at Colombo 05. Subsequently, the Commission also received a complaint in this regard from the assaulted media personnel and their media station. Upon the conclusion of the investigation the Commission found that the STF Officers and Police Officers on crowd control duties at the said location violated the constitutionally guaranteed rights to be free from torture, cruel, inhuman and degrading treatment, freedom of speech and expression, freedom to engage in any lawful occupation, and the right to equality of the media personnel, who were also bearing visible identification which ought to have protected them against such attacks. Accordingly, the Commission directed the IGP, Public Service Commission, and the Police Commission to, take disciplinary action against the most senior officers who were present at the location of the protest for failing to take precautions to prevent the assault of media personnel; take disciplinary action against the other officers who perpetrated the assault; to pay compensation to the victims; to provide adequate training to the Police Officers on crowd control operations; and to direct all STF and Police Officers deployed for crowd control operations to bear clear identification while on duty.

- **Operation launched by the Tri-Forces against Civil Protestors (HRC/SUO/MOTU/13/22)**

On 22 July 2022, it was reported to the Commission that the tri-forces had launched an operation to evict all the protestors in front of the Presidential Secretariat in Colombo. This operation was launched hours after midnight, despite the promise of the protestors to vacate the premises the following day. As part of this operation, the tri-forces blocked public access to the Galle Face Green. They brutally assaulted and arrested persons who attempted to enter the vicinity. Such persons included peaceful protestors, journalists, and lawyers. The Commission initiated a *suo motu* investigation in to these attacks which is currently withheld, as a fundamental rights application in this regard is proceeding in the Supreme Court of Sri Lanka under Application Number SC/FR/266/2022.

- **Assault against a civilian by a military officer (HRC/SUO/MOTU/14/22)**

The HRCSL commenced a *suo motu* inquiry into the incident of a military officer assaulting a civilian on 03 July 2022. The alleged incident reported in the media has occurred at the Yakgahapitiya, Southern Fuel Station. A military officer on duty at the fuel station to prevent

violence erupting at fuel stations due to the scarcity of fuel had physically assaulted a civilian who had been in queue to purchase fuel. The inquiry revealed that the conduct of military officer is a violation of the fundamental right of the victim to be free from torture, cruel, inhuman and degrading treatment as guaranteed by Article 11 of the Constitution of Sri Lanka. Thus, the Commission directed the Commander of the Army to take disciplinary action against the said military officer and the other Army Personnel who had participated in the assault and report to the Commission on or before 16 September 2022, the steps taken against such persons. By letter dated 17 March 2023, Director Legal of the Sri Lanka Army informed the Commission that a Court of Inquiry was initiated against the perpetrators and the Commander of the Army had issued a recommendation on the matter on 14 March 2023. The correspondence assured that the execution of future duties by the Sri Lankan Army will be in line with said recommendation.

▪ **Arson attack on former Prime Ministers Residence (HRC/SUO/MOTU/15/22)**

On 09 July 2022, the former Prime Minister's (incumbent President) private residence was set on fire by a group of persons. A *suo motu* inquiry was initiated to ascertain whether the law enforcement authorities took necessary action within their capacity to prevent the arson attacks on the former Prime Minister Residence. The conclusion of the investigation revealed that the Sri Lanka Police and the Tri-Forces failed in their duty to provide adequate protection to the residence by effectively controlling the crowd. It was recommended that disciplinary action be taken against all law enforcement officers who failed to duly perform their duties during the incidents on 09th July 2022. In addition, the Commission was assured by the Air Vice Marshal that steps will be taken to prevent the eruption of violent attacks of this nature in future.

▪ **Arrest and subsequent assault of peaceful protestors by the Police (HRC/SUO/MOTU/20/22)**

On 09 October 2022, a peaceful gathering was held at the Galle Face Green to commemorate all those who lost their lives or were injured during the mass public protests also known as the Aragalaya. Media reported that the Police had surrounded the site of the peaceful commemoration in large numbers and had requested the protestors to disperse. Moments later, the police had arbitrarily arrested several people including a child, with the media further reporting that the persons arrested were assaulted and subject to cruel, inhuman and degrading treatment. The Commission also received several complaints in this regard from members of the public. Pursuant to media reports, the Commission launched a *suo motu* inquiry, which is currently in progress.

▪ **Arbitrary arrest of two women. (HRC/SUO/MOTU/23/22)**

Exercising the *suo motu* mandate of the HRCSL, on 12 November 2022, the Commission launched an investigation into the alleged manhandling, harassment, and arrest by the police of two women who were engaged in a peaceful protest demanding the release of two detainees detained under the

PTA. Media further reported that the Officer-in-Charge of the Panadura South police station used physical force against a Woman Police Constable (WPC) on duty, demanding that she arrests the two women engaged in the said protest. This investigation is on-going.

- **Promotions of Police Officers based on political considerations (HRC/SUO/MOTU/08/22)**

A *suo motu* inquiry was conducted by the Commission in to the promotion of 184 police officers to the post of OIC between 01 January to 03 November 2021, after the attention of the Commission was drawn to the fact that an entirety of 182 appointments were made upon political discretion without the recommendation of the IGP. The Commission also received a complaint regarding the promotion of 126 OICs without any interviews upon which the Commission investigated whether a breach of fundamental rights of the petitioner at the hands of the respondent had occurred. The matter was later referred to the National Police Commission through the referral mechanism.

- **Escape of a prisoner from custody (HRC/SUO/MOTU/16/22)**

A *suo motu* inquiry was launched by the Commission into the escape of a prisoner from the premises of the Welikada prison. A prisoner, initially charged for the possession of 5g of Marijuana, who had been imprisoned for one month for defaulting on his fine had escaped from custody through a boundary wall of the prison premises. He was later captured and brought back to Welikada. The prison authorities, by way of a report submitted to the Commission, denied the incident. However, the preliminary investigation of the Commission revealed that the prisoner had escaped consequent to the negligence of the prison guards who had been on duty, against whom disciplinary action has been taken. Further to the preliminary report submitted by prison headquarters, the Commission has requested a detailed report on the current status of the inquiry. This inquiry is on-going.

- **Denial of freedom of speech and peaceful assembly of protestors (HRC/SUO/MOTU/17/22)**

An inquiry was conducted in to the conduct of the officers attached to the Maradana police station, upon the arrest of 84 people who participated at a protest organized by the Frontline Socialist Party in Colombo on 24 September 2022. The Commission found that section 77 (2) (3) of the Police Ordinance No.16 of 1865 as amended by Act No. 41 of 1984, had been interpreted erroneously and that the power conferred by the above section is strictly subordinate to the constitution and thus should only be exercised accordingly. Accordingly, the preliminary findings of the Commission indicated that the respondents have deliberately interpreted law incorrectly in order to suppress the fundamental freedoms of speech and expression of the people. Furthermore, the Commission observed that the right to Peaceful Assembly of civilian protesters enshrined in

Article 14(1) (a) and (b) of the constitution had been infringed by the respondents' action. Therefore, the commission recommended the Minister of Public Security to direct the IGP to take cognizance of this matter. The inquiry into this incident continues.

- **Killing of members of an organized criminal group (HRC/SUO/MOTU/24/22)**

The Human Rights Commission called an immediate report from the Special Task Force (STF) in relation to an incident in which Two members of an organized criminal group were killed in a shootout between the STF and the group in Japalawatta area of Minuwangoda. The inquiry into this incident is on-going.

3.4. Interventions by the Chairperson's Office

As was customary in the previous years since taking office, the Chairperson intervened to provide relief to complainants who are aggrieved by delays and other issues relating to the investigation and inquiry 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 Study on Prisons- Progress of the outcomes
- 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. National Preventive Mechanism (NPM)
 - 4.4.3. Other monitoring activities

RESEARCH AND MONITORING

4.1. Thematic sub-committees

In 2016 the HRCSL appointed 09 sub-committees on specific thematic issues. These 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

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

During 2022, the members of the sub-committees could not meet to discuss thematic issues due to fuel shortages and public unrest resulting from the economic crisis. However, the Commission conducted an internal review of the composition of the sub-committees and the thematic areas in order to increase diversity of representation in the committees, in accordance with the Paris Principles. The Commission will determine if it is necessary to revisit

the composition and modalities of the working of the sub-committees prior to reviving those in the coming year.

4.2. National Study on Prisons- Progress of the outcome

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 2018. The Study was published in 2020. The findings and recommendations of this Study address the gap that exists in the understanding of prisons, penal and correctional system as well as the broader criminal justice system in Sri Lanka and increase the general understanding of the prison system, while also highlighting the shortcomings of the framework. Based on the implementation plan for the recommendations, the Commission identified rights of young offenders and training of prison staff as priority areas for the Commission to conduct follow-up activities in 2022. The Commission conducted a series of meetings with prison authorities during 2022 to implement activities in these two priority areas.

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 of the I&I Division- which was established to monitor the implementation of the Recommendations issued by the Commission- has been successfully active in 2022 as well. In 2022, several institutions were called before the Commission to inquire about such non-implementation of recommendations, specifically the Police Department, Ministry of Education, Sri Lankan Army etc. In addition to such, general follow up letters were sent to all relevant institutions that had not implemented the recommendations issued by the Commission.

Further, having observed the continuous non-implementation of HRCSL recommendations by certain State Departments and it’s officials within the stipulated time period as prescribed by Government Circular 17/2005 and

section 15(7) of the Human Rights Commission of Sri Lanka Act No 21 of 1996, the Commission requested via letter dated 20 October 2022, officials of the Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government to present themselves before the Commission to discuss the effective implementation of HRCSL recommendations. Pursuant such correspondence, on 25 October 2022, a discussion chaired by the Chairperson of the HRCSL was held between the HRCSL and the Ministry of Public Administration on the said matter. One of the key concerns discussed at the meeting was the administrative barriers hindering the implementation of the recommendations. Accordingly, the following recommendations were proposed as a solution:

- Amending Circular 17/2005 to require State Officials to mandatorily report to the Commission on the status of the implementation of its recommendations within the stipulated time.
- Incorporate a question or a separate section on human rights in the Efficiency Bar Exam for State Officials.
- Annex a detailed report of the organizations which have and have not implemented the HRCSL recommendations, in the Annual Report of HRCSL.
- Conduct awareness programmes to State Officials on the importance of respecting human rights and the relevant legal framework.
- Submit a report to the Secretary to the President enumerating the details of State Departments and its Officials who have not implemented the recommendations of the HRCSL.
- Amend the Establishments Code to include disciplinary action to be initiated against State Officials who default on the implementation of the HRCSL recommendations.

As a result of such efforts of the Non-implementation Unit, many 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.

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 that detainees' rights are respected and protected. Exercising its powers, the Commission conducts unannounced (surprise) visits to places of detention throughout the year, carried out by the head office as well as by regional offices. Apart from the regular monitoring of police stations, the Commission also visits other places of detention such as prisons, remand homes, receiving homes, rehabilitation centers, and homes for children, homes for the disabled, and immigration detention centers. The Commission conducts unannounced visits throughout the week, including during the weekend, and conducts investigations into allegations of torture and illegal treatment made by detainees during such visits.

3.4.1. Monitoring places of detention and care homes

In 2022, the Commission, through its head office and regional offices, made 654 visits to police stations which shows significant improvement compared to the number of visits in 2021 which was 473. The increase in the number of visits is despite the resource related challenges the Commission faced in 2022.

The objective of these visits is to prevent incidents of torture and other forms of custodial violations in such places in Sri Lanka through efficiently proactive and reactive measures; to initiate steps to identify officers who commit such violations; and recommend remedial action, in addition to coordinating and collaborating with other relevant government and non-governmental institutions to prevent the incidence of torture. A 24-hour desk equipped with a hotline facility is in operation which receives many complaints on torture, illegal arrest and detention etc. which too are taken immediate action for by contacting the relevant authorities and investigated upon by Officers through sudden, surprise visits.

In addition to the above, the Commission makes special visits to the Terrorist Investigation Division (TID) and the Criminal Investigation Department (CID) which are under the authority of the Sri Lankan Police.

The common issues identified during such visits are as follows:

- Failure to enter information on detainees in the Detention Register
- Failure to follow due process during arrests
- Ill-treatment and torture in custody
- Delay in producing suspects before courts
- Overcrowding and lack of basic amenities in the cells
- Inability of the arresting officers to explain the offence/crime they are suspected of when inquired upon

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

In addition, the Commission made 164 visits to other places of detention and care homes. These visits were mostly done 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.

Further, in 2022, visits were made to Prisons once a month and visits were also conducted on request. The Commission observed issues in relation to the health of detainees, contact with the outside world including with family, and internal security. Certain issues were addressed immediately in the consultation with the relevant authorities.

Despite the fewer number of visits than in the previous years due to staff and fuel shortages, the Commission made successful interventions to prevent the incidence of torture and improve conditions in places of detention. Accordingly, the HRCSL held the following meetings in relation to conditions of detention:

- A meeting was held on 27 January 2022 between the HRCSL and the IGP to discuss the several issues pertaining to the Sri Lanka Police. The key

issues discussed were, documentation of missing persons, extra-judicial killings, custodial deaths, denial of access to lawyers to detainees, interrogation techniques, arrests under the Prevention of Terrorism Act, and publishing of images of children and suspects in media. In addition, non-implementation of recommendations issued by HRCSL and the delays by Sri Lanka Police in submitting the reports requested by HRCSL were also discussed. The IGP mentioned that Police Officers should be newly recruited to change the existing culture in the Police Department. He also requested the HRCSL to issue guidelines where possible as it will help improve the policing system. He also appreciated the ToTs scheduled by HRCSL for Police Instructors.

- Meeting with the Commissioner General of Prisons on conditions of detention of prisoners, complaints regarding torture, and management of health and wellbeing of prisoners and their communication with family.

Visits to places of detention and care homes

Places of detention and	Head Office	Ampara	Anuradhapura	Batticaloa	Badulla	Jaffna & Kilinochchi	Kandy	Kalmunai	Matara	Trincomalee	Vavuniya & Mannar	TOTAL
Police Stations	222	40	40	101	27	38	48	50	45	33	10	654
Prisons	08	-	79	05	-	03	02	-	08	05	-	110
Child Care / Children's Homes	02	-	-	-	-	-	-	10	02	-	-	14
Foreign national holding Centres	-	-	-	-	-	-	-	-	-	-	-	-
Gazetted Detention Centres	-	-	-	-	-	-	-	-	-	-	-	-
Rehabilitation Centres	-	-	-	-	-	-	-	-	-	-	02	02
Women's Homes	-	-	-	-	-	-	-	-	-	-	-	-
Homes for person with disabilities	-	-	-	-	-	-	-	03	-	-	-	03
Elders' Homes	-	-	-	-	-	-	-	-	-	-	-	-
CID/TID	09	-	-	05	-	-	-	-	05	-	01	20
Other Places (Special)	09	-	-	-	-	03	-	-	-	-	03	15
TOTAL	250	40	119	111	27	44	50	63	60	38	16	818

3.4.2. National Preventive Mechanism (NPM)

During the year, the HRCSL also conducted visits to places of detention including prisons, remand prisons, police stations, children’s homes, elder’s homes etc. in the capacity of the NPM for the Optional Protocol to the International Convention Against Torture (OPCAT). The visits were conducted by the newly established NPM Unit of the Commission. Details of the 18 visits conducted are given below:

No.	Date	Place of Detention	Number of detainees
1.	18.02.2022	TID Head office	12
2.	18.02.2022	TID, Chaitya Road	11
3.	18.02.2022	CID	None
4.	18.02.2022	Colombo Crime Division (CCD), Kolonnawa	02
5.	22.02.2022	TID, Tangalle	09
6.	25.02.2022	Welikada Prison (Female section)	10
7.	16.03.2022	Welikada Prison (Female section)	12
8.	03.04.2022	Magazine Prison	06
9.	03.04.2022	Modara Police	01
10.	08.04.2022	Mahara Prison	300
11.	27.04.2022	Methsevena State Detention Home for Women	150
12.	19.05.2022	Colombo Remand Prison	1
13.	03.08.2022	Colombo Remand Prison	2
14.	18.08.2022	TID Head office	3
15.	02.09.2022	Colombo Remand Prison	1
16.	01.12.2022	Foreign Nationals Holding Center - Mirihana	14

17.	28.12.2022	Foreign Nationals Holding Center - Mirihana	84
18.	29.12.2022	Foreign Nationals Holding Center - Welisara	112

3.4.3. Other monitoring activities:

▪ Registrations of Detention Orders

Under section 28 of the HRCSL Act, in the context of persons being arrested or detained under the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 or a regulation made under chapter 10 of the Public Security ordinance, it is the duty of the person making such arrest or order of detention to inform the Commission of such arrest or detention. In the context of a person so held in custody or detention is released or transferred to another place of detention, to inform the Commission, the arresting officer has a duty to inform the Commission of such transfer. In 2022, the Commission maintained a Registry for Detention Orders and received information from arresting authorities about 443 persons who were arrested under the PTA.

▪ Monitoring of incidents related to the economic crisis

Owing to the economic crisis prevailing in the country, several monitoring visits were conducted by the HRCSL through its Research and Monitoring Division to monitor specific circumstances and incidents pertaining to the after-effects of the crisis.

- A special discussion was held on the grievances and issues faced by the people of the Northern Province with representatives from several institutions.
- A discussion was held with members of the Ceylon Electricity Board, Public Utilities Commission, and other related institutions on the daily power outage schedules in operation within the country and the effective implementation of the schedules.
- A discussion was held on the contemporary gas and energy crisis in the country and its effects on the people.
- A special discussion was held to discuss the most effective ways through which the Sri Lankan Police can regulate and monitor the citizens protesting throughout the country.
- An investigation was conducted in to the kidnapping of the freelance journalist and student of the Inter University Students' Federation, Antony Veranga Pushpika.

- **Meeting with the Sri Lanka Police**

The HRCSL received several complaints pertaining to issues faced by people during the island wide civilian protest in 2022. A discussion chaired by the Chairperson of the HRCSL was held on 19 April 2022 with representatives of the IGP. The Commission highlighted several issues listed in the complaints and inquired about the measures taken by the Police to ensure the safety of the civilians. The Police stated that they will not use force as long as no injury or damage is caused to civilians or property. The Police also stated that it has not requested the presence of the Sri Lanka Army for crowd control operations and assured that the Police will always abide by the Circulars issued by the IGP on the advice of the Attorney General when dealing with civilian protests. They also assured that old methods of crowd controlling will not be resorted to by the Police and they use water to disperse civilians during crowd control operations. The inquiry was concluded with the Sri Lanka Police agreeing to submit all the relevant Circulars issued by the IGP in relation to dealing with civilian protests.

- **Monitoring of news reports**

The Commission also continued to monitor news reports in the electronic and print media pertaining to violations 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 as done 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.

- **Ensuring the Right to Education**

In 2019, the closure of Minu/Doranagoda Maha Vidyalaya prompted a HRCSL inquiry during which the Minuwangoda Zonal Education Office and the Department of Education for the Western Provincial were summoned to submit reasons for their decision. The inquiry revealed that the Department of Education of the Western Province had not officially decided to close the school, while the parents as well as the past pupils' association of the school advocated for the uninterrupted operation of the school to safeguard the students' right to education. Despite the assurances provided by the said Department of Education to the Commission that the school will continue without closure, the past pupils' association raised concerns regarding the ongoing attempts to close down the school. Therefore, the HRCSL has been continuously monitoring the situation to ensure the school remains open and to be informed of any imminent closure for the purpose of ensuring and further securing the right to education of the children of the Doranagoda Maha Vidyalaya.

CHAPTER 5: EDUCATION AND OUTREACH

- 5.1. Public awareness raising
 - 5.1.1. Celebration of International Commemorative Days
- 5.2. Sharing Knowledge with Other Public Institutions/Programmes
- 5.3. Engagement with the media
 - 5.3.1. Engagement with traditional print and electronic media
 - 5.3.2. Use of online platforms
- 5.4. Engagement with civil society
 - 5.4.1. Regional civil society coordinating committees
 - 5.4.2. Community Task forces for Human Rights (CTF4HR)
 - 5.4.3. Meetings with civil society
 - 5.4.4. Civil Society representatives as members of the thematic sub-committees
 - 5.4.5. Participation at events organized by civil society organizations
 - 5.4.6. Training for civil society

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 awareness and sensitivity of the public pertaining to issues of human rights. The Commission considers the public an integral part of its work as the very purpose for its existence is to promote and protect the human rights of the citizenry. It also attempts to engender human rights in the collective psyche of the citizens and encourage a society and culture which foster it. Therefore, the year 2022 marked many important events in realizing this objective.

5.1.1 Celebration of International Commemorative Days

- **International Human Rights Day - 2022**



On 12 December 2022, the HRCSL commemorated the International Human Rights Day at the Lakshman Kadiragamar Institute International Relations and Strategic Studies under the theme, “*I have a Voice – Dignity, Freedom and Justice for All*”. The primary focus of the event was on challenges faced by vulnerable or marginalized groups from a human rights perspective. Approximately 120 participants from government institutions and civil society participated in this event at which the Hon.

Justice Asoka Silva, retired Chief Justice of Sri Lanka was the Chief Guest and keynote speaker.

The keynote address was followed by an interactive dialogue among vulnerable and marginalized groups including Persons with disabilities, Muslim displaced women, Free Trade Zone Workers, the LGBTIQ community, war affected women-headed families, sex workers, rural women, the indigenous community, victims of torture, Gypsies, youth and women from the plantation sector etc. The dialogue provided the space for the exchange of ideas, opinions, and narratives.

Commemoration Programmes for the International Human Rights Day were organized by all the Regional Offices on the same theme. Accordingly, programmes were conducted by Kandy, Matara, Batticaloa, Anuradhapura, Trincomalee, Vavuniya, Badulla, Ampara, Kalmunai, and Jaffna regional offices.



- **International Women’s Day – 2022**

The head office of Human Rights Commission of Sri Lanka commemorated international women’s day – 2022 under the theme “*Gender Equality today for a Sustainable Tomorrow*” on 08 March 2022 at the District Secretariat Auditorium, Nuwara Eliya. This year the focus was on women in the plantation sector, in light of the fact that plantation women face multiple forms of discrimination and human rights violations at home, in the workplace, and in Society.

His Excellency S.E. Schalk, High Commissioner of South Africa to Sri Lanka and Maldives graced this event as the Chief Guest. Approximately 150 participants from Government agencies, women police officers, civil society representatives, and Leaders of women plantation workers collectives participated in this event, making it a tremendous success.

Parallel programmes were held at regional level by the regional offices of Kalmunai, Matara, Vavuniya, Batticaloa, Jaffna, Badulla, Trincomalee, Ampara, and Anuradhapura on the same theme to commemorate the International Women’s Day.

- **International Day in Support of Victims of Torture – 2022**

The Education and Research division organized a programme focusing on Prison Officers in collaboration with the Department of Prisons to mark the International Day in Support of Victims of Torture – 2022 at the Head office as well as at Regional level. The above programme was held under the theme, “*STOP Torture*” on 25 June 2022 at the Prison Head Quarters – Welikada. The experts who addressed the gathering were Dr. Channa Perera, Consultant JMO, IDH, Mr. Sachith Bandara, State Counsel of the Attorney General’s Department, and Dr. J. K. Thilakshi Udeshika, Lecturer at the Department of Psychiatry, Faculty of Medicine, University of Colombo.

The Chairperson’s statement on the International day in support of victims of Torture – 2022 was published on the HRCSL website and in other media. The regional offices in Badulla, Matara, Anuradhapura, and Batticaloa conducted programmes in commemoration of the day.

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 2022, the HRCSL 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) Awareness-raising lectures as part of periodic workshops organized by the Police in-service training units on the topic of “Human Rights and Fundamental Rights for Police Duties” via zoom technology.

- b) Awareness-raising lectures on Gender Discrimination and Human Rights organized by the Sri Lankan Army for officers & non-commissioned officers of the
- c) A series of workshops based on the protection of women, children and minority rights organized by the Sri Lankan Army targeting Officers and non-commissioned officers of the tri-forces and the STF.
- d) A workshop on Human Rights and ragging organized by the State Ministry of Higher Education intended for University Marshals.
- e) A workshop on Sexual harassment organized by the National Mental Health Institution.

5.3. Engagement with the media

As part of its outreach efforts, the Commission engaged 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.

5.3.1 Engagement with traditional print and electronic media

The Commission issued a series of press statements informing the public of the different activities and interventions of the HRCSL:

- A series of media statements were issued in relation to the right to peaceful protest of the people during the public protests (Aragalaya) in June and July 2022.
- The chairperson's statement to mark the International Day in Support of Victims of Torture – 2022 was given publicity in print and electronic media in June 2022.
- The Commission issued a press statement to commemorate the 74th Anniversary of the Universal Declaration of Human Rights on the theme of “I have a voice - dignity, freedom and justice for all”, which was broadcast on many print and electronic media outlets.

5.3.2 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, the communication network of the Alliance of National Human Rights Institutions in the Asia Pacific region and Asia Pacific Regional National Human Rights Institutions. Such updates and information are also forwarded to all regional office of the Commission with specific advice to display the information publicly on notice boards of the regional offices.

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

5.4. 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.

5.4.1 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 that warrant the intervention of the Commission. These coordinating committees also assist the Commission in monitoring the protection of human rights in the regions. In 2022, the Commission continued to facilitate these meetings.

5.4.2 Community Task forces for Human Rights (CTF4HR)

The Community Task forces for Human Rights established by the Regional Offices of the HRCSL to facilitate communities to protect their rights at the grass-root level and agitate against any violations of these rights were active during 2022. The members of the CTF4HR comprise volunteer members of the community who indicated an interest to work with the Commission. The task forces act as a conduit between the Commission and the communities, enabling timely interventions in situations of rights violations which are brought to the attention of the Commission by CTF4HR members.

5.4.3 Meetings with Civil Society

The Commission invited the civil society to forward their concerns and grievances to the head office of the Commission at the beginning of the year, for the Commission to deliberate on possible solutions before meeting with civil society representatives. The commission met with civil society representatives in each region from May 2022, during a scheduled series of visits to the regional offices. A selection of such meetings is listed below:

- A discussion was held with representatives of civil society organizations in the Northern province on 25 January 2022 on the contribution of the Human Rights Commission to reconciliation; the rights of persons with disabilities; land issues faced by people living in the Northern Province; the commemoration of those who died in the war; and issues of the Muslim community in the Northern province.
- An awareness programme to inform civil society organizations of the current state of human rights in the country and the role of the HRCSL in the protection and promotion of Human Rights was held on 27 September 2022.

- An awareness programme to inform the representatives of civil society organizations in the Ratnapura District of the work and functions of the HRCSL, its role in protecting human rights in the country, and the Commission's future plan of action was held on 29 September 2022.

Additionally, Regional offices were also directed to conduct meetings with members of the civil society as regularly and as consistently as possible. Pursuant to this directive, many of the regional offices invited civil society representatives for meetings to discuss their concerns.

5.4.4 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.

5.4.5 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:

- Role of Public service in Local Reconciliation Efforts organized by the National Peace Council.
- Commemoration of International Day of Persons with Disabilities organized by the Disability Organizations Joint Front.
- Inter Religious Co-existence meetings convened by the District Citizen Committee, Anuradhapura.
- Session on disability rights and related issues organized by the Navajeevana Organization.
- Cyber Crimes & technology-based violence organized by the Center for Equality & Justice.
- Session on women's rights organized by the Women's Development Centre, Kandy.
- Knowledge sharing session on Women's Rights organized by the National Democratic Institute.

5.4.6 Training for civil society

During 2022, HRCSL conducted multiple training and sensitization programmes for members of the civil society. The following is a snapshot of such trainings:

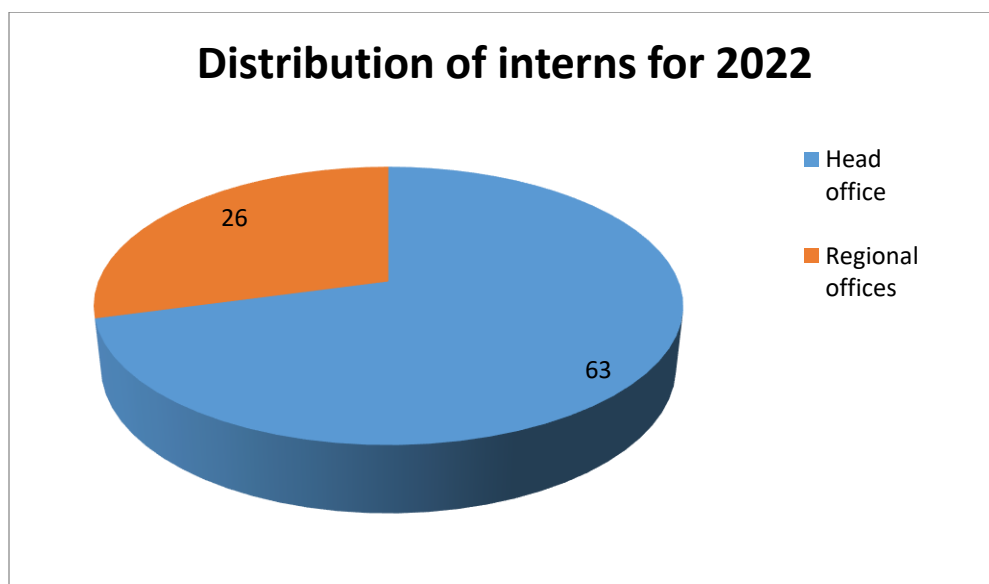
- The discussion on Human Rights/ Fundamental Rights for the general public was organized by the HRCSL in Matara in collaboration with the HRCSL Matara regional office.
- An Awareness Programme for persons with disabilities was organized by the HRCSL for the public in Matara and Galle.

In addition, a wide cross section of people such as school and university students, Officers of armed forces, police officers, government officials, and representatives of non-governmental organizations call over at the Commission in person to collect Human Rights publications such as hand bills and posters published by the Commission. In such instances, the Commission welcomes the opportunity to conduct awareness raising-discussions for these groups of persons at its premises.

5.6. Mentoring

The Commission continued the HRCSL internship programme which was revived in 2017 with the conviction that investing in the youth of the country, specifically in the context of the promotion and protection of human rights is a decisive and progressive step forward. Thereby, applications were called from undergraduates and recent graduates of any discipline to serve on a voluntary basis throughout 2022. 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. The Notice for the above programme was published on the official webpage of the Human Rights Commission and education institutions which provide degrees were notified via mail on applications being. Interns for the programme were selected through interviews conducted by the Head Office and Regional Offices.

As such, in 2022, 89 interns were recruited to serve the Human Rights Commission. Out of the 89 interns, while 63 were appointed to the Commission's Head Office, 26 were allocated to the Regional Offices.



CHAPTER 6: INTERNATIONAL COLLABORATION

- 6.1. Promoting compliance with international obligations
- 6.2. Strengthening ties with 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. Promoting compliance with international obligations

In 2022 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.

The report titled *Situation of human rights in Sri Lanka: Comprehensive report of the United Nations High Commissioner for Human Rights* submitted to the Human Rights Council pursuant to the Human Rights Council resolution 46/1, acknowledges the unprecedented economic crisis Sri Lanka is facing, further bringing into focus what the crisis means for the country's state of human rights. The UNHCHR recommended the Government to undertake a broad-based consultative process representative of all Sri Lankans to advance constitutional reforms that guarantee the independence of key institutions, including the HRCSL. At the same time, point 14 of the resolution 51/1 adopted by the Human Rights Council on 06 October 2022 titled *Promoting reconciliation, accountability and human rights in Sri Lanka* draws attention to the importance of having an effective and independent functioning of the Human Rights Commission of Sri Lanka.

Further, the chairperson of the Commission participated in the Universal Periodic Review (UPR) Pre-sessions 42 held from 29 November– 02 December 2022 in Geneva. The purpose of the Pre-sessions is to offer an opportunity to brief permanent delegations on the human rights situation in the states under review and to provide space to engage directly in a dialogue with states, ensuring that their suggestions and recommendations are taken into consideration by recommending States in advance of the meetings of the UPR working group. The chairperson delivered a statement which included recommendations and questions related to Sri Lanka to be taken up during the 4th cycle of the UPR which will be held in January or February 2023. The chairperson mainly highlighted the economic crisis and the resultant protests; the necessity to amend the HRCSL Act to address the issue of non-implementation of recommendations; meaningful dialogue with the families of victims before the formulation of a potential Truth and Reconciliation mechanism; the need for the Government to address land issues in the North and East; the NPM Unit established in the HRCSL; and why it is necessary for the government to repeal the PTA.

In January 2022, upon the invitation of the Committee on the Protection of the Rights of Migrant Workers and Members of Their Families, the Commission submitted alternative information related to the implementation of the key recommendations contained in paragraph 62 of the concluding observations on the second periodic report of Sri Lanka and the information provided by Sri Lanka in its follow-up report. The Commission reiterated the necessity to establish a separate institution to

regulate and protect the rights of non-Sri Lankan migrant workers in Sri Lanka; to withdraw declarations and reservations concerning articles 49 and 54 of the Convention made by Sri Lanka; to implement the United Nations "Guiding Principles on Business and Human Rights"; to extend the protection of Article 14(1) of the Constitution to non-citizens living in Sri Lanka; and to facilitate voting for foreign migrant in order to exercise their right of franchise.

Despite the numerous successful interventions of the Commission during the year, unfortunately the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) downgraded the Human Rights Commission of Sri Lanka's grading from "A" status to "B" Status in October 2022.

6.2. Strengthening ties with Regional Human Rights Alliances

As customary, the Commission participated in the Annual General Meeting of the Asia Pacific Forum (APF) held virtually on 14-15 September 2022. The APF is the regional umbrella organization for National Human Rights Institutions that provides technical support. Even though previously HRCSL was able to participate in decision making as an 'A' Status accredited Human Rights Commission, owing to the downgrading of the HRCSL from an "A" Status accredited Human Rights Commission to a "B" Status, the HRCSL was unable to participate in decision making at the 2022 sessions.

The Commission also participated at the APF Dialogue on Discrimination in Employment organized by the APF via zoom technology on 26 August, 2022.

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

Pursuant to Sri Lanka acceding to the OPCAT in December, 2017, HRCSL was nominated by the Government of Sri Lanka to be the 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.

In accordance to the above mandate, on 15 February, 2022, the HRCSL established a separate unit within the HRCSL dedicated to the implementation of the NPM utilizing already existing resources (See 2.1.3 above for further information). The primary purpose of establishing the unit was to develop a system of regular visits to places of detention to prevent torture and other degrading treatment. The NPM Unit conducted numerous monitoring visits to places of detention throughout the year (See 4.4.2 above for a detailed list of visits).

6.4. Other collaborations with international organizations and experts

6.4.1 Bi-lateral meetings:

The HRCSL attempts to broaden its international collaborations through bi-lateral meetings with multiple entities.

- In October 2022, His Excellency, the Ambassador of Qatar to Sri Lanka met with the Chairperson and other officials of the Commission for a bi-lateral discussion. After discussions, the ambassador assured that he will communicate to the Chairperson of GANHRI as well as to the Human Rights Commission of Qatar of the excellent work carried out by the HRCSL.
- The HRCSL also welcomed a Delegation from the European Union (EU) comprising the Ambassador and several other delegates. The delegation extended their unreserved support to the Commission at the same time as discussing issues of concern such as the country's current Economic and Political situation and its impact on the Commission; the continued use of the PTA; the recent mass protests and investigations and recommendations of the HRCSL made in this regard; and the extent to which the state cooperates with the commission.

The Commission also participated in several meetings and engagements with different UN organizations and other development agencies in Sri Lanka and beyond such as:

- the discussion on “Meeting Peace and protection of women” organized by UN Women held at the Regional Office of the HRCSL in Anuradhapura on 8 March, and 28-29 March, 2022.
- a series of discussions with representatives of UNICEF organized by UNICEF in collaboration with the HRCSL held at the HRCSL on 6 April, 21 July, and 21 September, 2022.
- the “UN- 16 Days Campaign on Gender Based Violence” held in Trincomalee on 14 December, 2022.
- the discussion on “Engaging National Human rights Institutions (NHRIs) on the fourth cycle of the United Nations Human Rights Council’s Universal Periodic Review(UPR)” organized by the Office of the United Nations High Commissioner for Human Rights and the GANHRI held via Zoom on 29 June, 2022.
- the Japan International Cooperation Agency (JICA) workshop on Data Collection held on 31 March 2022.

6.4.2 Foreign funding received

The HRCSL receives a majority of its funding from the treasury to carry out its core activities. Though the Commission usually is able to secure financial support for its activities through collaborations fostered between the HRCSL and international development partners, in 2022 the only source of external funding received was provided by the United Nations Development Programme (UNDP). Accordingly, the funds provided by the UNDP was utilized to establish an Expert Committee and a Committee of Inquiry for the Rambukkana shooting incident by the police, and the incident which transpired at Galle Face on 09 May, respectively.

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

The Human Rights Commission consistently strives to develop the 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 are 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.

In 2022, due to government regulations suspending the utilization of domestic funds for foreign travel of government officers, the staff of the Commission primarily benefitted from locally organized training opportunities.

7.1.1 Local Training Opportunities

As only local training opportunities were available for staff development, the Commission organized numerous information sessions and workshops for its staff during the year.

- Two Information sessions on Financial regulations organized by the HRCSL was held at the premises of the Commission from 22- 24 January and on 25 February 2022 for the benefit of the HRCSL Staff. The sessions mainly focused on financial regulation as a means to improve capacity and efficiency of institutions.
- An Information session for the HRCSL Office aides was held on 27 January 2022 via Zoom. This programme was organized to improve the knowledge of the office aides of the mandate and role of the HRCSL and of office management skills.
- In recognition of the need of improving knowledge and skills of the Commission's staff on office management and the Establishments Code, an information session was held at the HRCSL premises from 9- 16 February 2022.
- With the objective of improving the knowledge of the staff of HRCSL on general administration and fundamental rights, a series of information sessions were organized at the premises of the Commission from 28 February to 14 March 2022.

- An information session on government policies for the staff was held at the premises of the HRCSL on 01 April 2022.
- A series of workshops were organized by the HRCSL on “Understanding Human Rights/ Fundamental Rights and role of the Human Rights Commission of Sri Lanka” intended for the newly recruited staff of the HRCSL. The events were held from 29 June to 15 August 2022. The sessions helped familiarize new recruits with the mandate, functions, and operation of the Commission.
- A knowledge-sharing workshop was organized by the HRCSL in collaboration with the NDI on Women’s Rights. The workshop was held on the 17 August 2022 for the staff of the Commission.
- A workshop via Zoom pertaining to accounting procedures was organized by the National Institute of Labour Studies on 24-25 August 2022 for the Management Assistants attached to the Regional Offices of the HRCSL.
- A training programme on Skill Development organized by the National Institute of Labour Studies was held on the 20-21 September 2022 for the benefit of Development Officers attached to the HRCSL. The event was held at the National Institute of Labour Studies and was a success in improving and expanding the capacity of the staff of the HRCSL.

7.1.1 Foreign Training Opportunities

- The regional coordinator of the Jaffna regional office attended the Human and Civil Rights for marginalized Populations for the Indo-Pacific in the United States from 03- 27 June 2022.
- Director, Inquiries and Investigations attended the Commonwealth Forum of National Human Rights Institutions (CFNHRI) Biennial Meeting in Rwanda from 16-18 June 2022.

7.2. Employment and vacancies

7.2.1. Human Resources and Financial Management (Supplementing 2.1.3 above)

- An officer with professional experience was recruited for translation work at the HRCSL on contract basis from 01st of April 2022.
- Additionally, an existing vacancy for a driver at the Head Office was filled through a recruitment on contract basis on 19th of May 2022.

- All Efficiency Bar Examinations for the staff members were duly conducted.
- The Scheme of Recruitment (SoR) for the post of Assistant Director/Deputy Director for the Research and Monitoring Division of the Commission, was approved on 31 March 2022.
- Additionally, while the regional office in Kandy was moved to a new location on lease from 01 April 2022, a new regional office was established in Nuwara Eliya utilizing a building owned by the Urban Development Authority.
- Given the government impose financial restrictions, efforts were made to utilize existing resources in lieu of purchasing new equipment. This involved refurbishing years old mechanical equipment and office equipment and deploying them for use.
- Transport facilities were made available by the Administrative and Finance Division whenever possible on a collective basis and where unfeasible, such was done through rental arrangements.
- Furthermore, for the NPM Unit to respond promptly to emergencies in the country such as sudden protests, strikes, etc. through regular monitoring interventions, or to raise public awareness, insignia-bearing protective jackets were procured for officials to establish their identity. Vehicles were equipped with flags bearing the name and crest of the Commission to facilitate this process further.

7.3. Annual financial statements

The Commission received most of its funding from the Treasury to carry out core activities. The Commission also acknowledges and appreciates the cooperation extended by the European Union through UNDP for programmatic work of the Commission in 2022. (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:

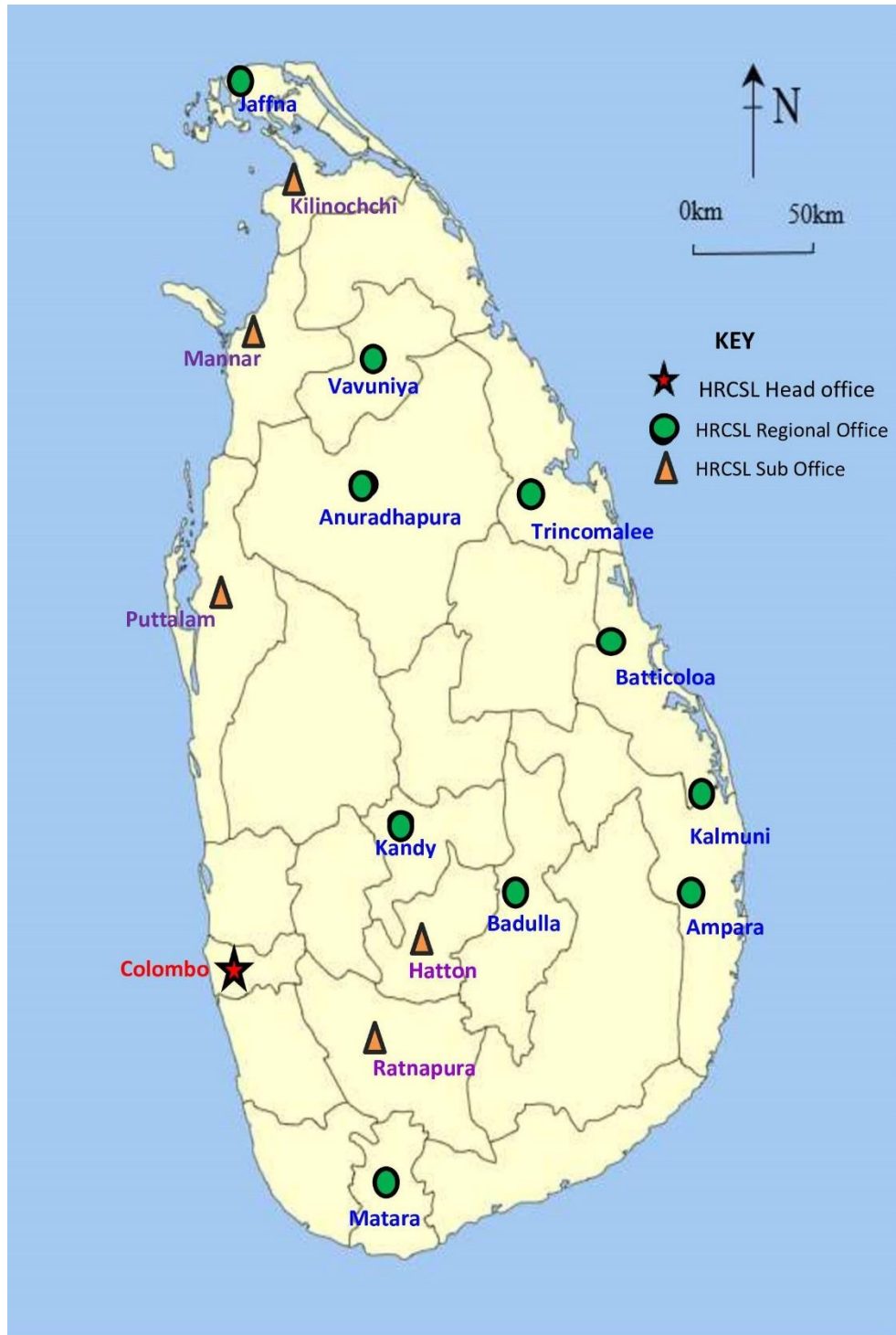
Funding Agency	Purpose	Fund Received (Rs.)	Expenditure
UNDP	Support to the Justice Sector of Sri Lanka	992,000.00	943,636.44
Total		992,000.00	

▪ **Total Annual financial provisions (from 01.01.2022 to 31.12.2022)**

Opening Balance	
<u>Imprest Received from Treasury</u>	
Recurrent	235,147,000.00
Capital	---
UNDP Project	992,000.00
Other Receipts	183,725.96
Net change in deposit account	1,476,560.82
Less : Remittance to the Treasury	48,483.57
Total Receipts	237,750,803.21
<u>Expenditure</u>	
Personnel Emoluments	146,954,243.38
Traveling Expenses	1,859,695.80
Supplies	12,460,882.74
Maintenance Expenditure	5,997,673.25
Services	63,861,980.83
Transfers	1,414,740.77
Human Rights Programmes	3,095,261.00
Rehabilitation and Improvement of Capital Assets	-----
Acquisition of Capital Assets	964,449.00
Capacity Building	198,240.00
Support to Justice Sector In Sri Lanka (UNDP)	943,636.44
Total Expenditure	237,750,803.21

Appendix 1

Presence of HRCSL in Sri Lanka: Map



Appendix 2

List of recommendations:

	Case Number	Issued date	Type of complaint received	Constitutional Article/s violated	Respondent
1	HRC/1070/17	3/1/2022	Freedom to form and join a Trade Union	Articles 12(1) and 14 (1) (a) & (d)	Sri Jayawardenepura General Hospital, Nugegoda
2	HRC/K/529/18	3/1/2022	Torture	Article 11	Kurunegala Police
3	HRC/K/109/19	3/1/2022	Torture	Article 11	Senior Superintendent of Police/Director, Police Welfare Division, Colombo
4	HRC/930/17	4/1/2022	Admission to University	Article 12(1)	University Grants Commission
5	HRC/1729/18	10/1/2022	Torture	Article 11	Homagama Police
6	HRC/2453/18	10/1/2022	Torture	Article 11	Malwathuheripitiya Police
7	HRC/AP/394/18	20/1/2022	Torture	Article 11	Welikanda Police
8	HRC/1239/16	20/1/2022	Torture	Article 11 and 12(1)	Warakagoda Maha Vidyalaya, Warakagoda
9	HRC/247/18	20/1/2022	Admission to schools	Article 12(1)	Royal College, Colombo
10	HRC/4605/15	20/1/2022	Pension	Article 12(1)	Department of Pensions

11	HRC/3859/16	20/1/2022	Service promotion	Article 12(1)	Provincial Public Service Commission, Rathnapura
12	HRC/197/19	20/1/2022	Admission to schools	Article 12(1)	Royal College, Colombo
13	HRC/3702/16 HRC/1582/16	26/1/2022	Torture	Article 11	Panadura South Police
14	HRC/830/17	26/1/2022	Arrest/detention and Child rights	Articles 13(1) & 13(2)	Borella Police
15	HRC/AM/54/20 HRC/AM/28/19	28/1/2022	Transfer	Article 12(1)	Ministry of Health
16	HRC/K/550/16	1/2/2022	Torture	Article 11	Monaragala Police Bogawantalawa Police
17	HRC/1349/18	3/2/2022	Discrimination and Inaction of public authorities	Article 12(1)	Horana Police; and Central Environmental Authority
18	HRC/943/19	9/2/2022	Service promotion	Article 12(1)	University of Kelaniya
19	HRC/844/17 HRC/231/18 HRC/1710/19	7/2/2022	Service conditions	Article 12(1)	Department of Cultural Affairs
20	HRC/AP/65/16	7/2/2022	Remuneration	Article 12(1)	Zonal Director of Education, Galenbindunuwewa; Provincial Department of

					Education, Anuradhapura; and Ministry of Education
21	HRC/169/19	7/2/2022	Admission to schools	Article 12(1)	St. Mary's Balika Primary Vidyalaya, Chilaw
22	HRC/2781/21	3/3/2022	Inaction of public authorities	Article 12(1)	Litro Gas Company; Consumer Affairs Authority; Secretary, State Ministry of Cooperative Services, Marketing Development and Consumer Protection; Sri Lanka Standards Institution; Public Utilities Commission; and IGP
23	HRC/K/67/21	25/2/2022	Admission to schools	Article 12(1)	Kingswood College, Kandy
24	HRC/1106/21	11/3/2022	Admission to schools	Article 12(1)	Royal College Colombo; and Ministry of Education
25	HRC/369/21	20/4/2022	Admission to schools	Article 12(1)	Dharmashoka Vidyalaya, Ambalangoda
26	HRC/2517/18	20/4/2022	Admission to schools- General Recommendation	Article 12(1)	Ministry of Education
27	HRC/71/21	7/6/2022	Admission to schools- General Recommendation	Article 12(1)	Ministry of Education

28	HRC/1323/18	7/6/2022	Admission to schools	Article 12(1)	Ferguson's High School Rathnapura; and Ministry of Education
29	HRC/175/16	7/6/2022	Land rights	Article 12(1)	Land Commissioner General's Department of Sri Lanka
30	HRC/2694/19	7/6/2022	Service promotion	Article 12(1)	Sri Lanka Land Development Corporation
31	HRC/K/152/16	18/5/2022	Torture	Article 11	Sangabodi Central College, Minipe
32	HRC/MT/04/20	18/5/2022	Admission to schools	Article 12(1)	Richmond College, Galle
33	HRC/1724/22	15/8/2022	Transfer	Article 12(1)	Senior Superintendent of Police, Kalutara South
34	HRC/SUO/MOTU/14/22	30/8/2022	Torture	Article 11	Sri Lanka Army
35	HRC/K/95/21	8/9/2022	Admission to schools	Article 12(1)	Maliyadeva Balika Vidyalaya
36	HRC/K/717/16	8/9/2022	Admission to schools	Article 12(1)	Dharmaraja College, Kandy
37	HRC/AM/53/19	8/9/2022	Inaction of public authorities	Articles 12(1) and 14	Director, Geological Survey & Mines Bureau of Sri Lanka, Matara; Divisional Secretariat, Sammanthurai; Grama Niladari, Walathapitiya 1; Irrigation Engineer,

					Samanthurai; and Chief Executive officer, Gal Oya Plantations (Pvt.) Limited
38	HRC/958/12	8/9/2022	Arrest/Detention	Article 13(1)	Bandaragama Police; and Department of Muslim Religious & Cultural Affairs
39	HRC/3013/19	8/9/2022	Admission to schools	Article 12(1)	Nalanda College, Colombo
40	HRC/225/16	8/9/2022	Inaction of public authorities	Article 12(1)	Urban Development Authority; and Sri Jayawardenapura Kotte Municipal Council
41	HRC/K/54/19	8/9/2022	Inaction of public authorities	Articles 12(1) & (2)	Kandy Police
42	HRC/1288/19	8/9/2022	Harassment	Articles 12(1) & 12(2)	Vidyachandra Maha Vidyalaya, Kadawatha
43	HRC/3297/19	7/9/2022	Transfer	Article 12(1)	St. Pauls Balika Vidyalaya, Colombo
44	HRC/K/320/19	8/9/2022	Admission to schools	Article 12(1)	Kegalle Balika Vidyalaya, Kegalle
45	HRC/79/21	8/9/2022	Admission to schools	Article 12(1)	Eheliyagoda Central College
46	HRC/2964/15	8/9/2022	Service conditions	Article 12(1)	Department of Samurdhi Development; and

					Department of Divineguma
47	HRC/AP/631/14	20/9/2022	Pension	Article 12(1)	Department of Agriculture
48	HRC/3845/13	14/9/2022	Service promotion	Article 12(1)	Department of Irrigation
49	HRC/AM/43/18	18/10/2022	Right to Property	Articles 12(1) & 14(e)	Divisional Secretariat, Alayadiwembu
50	HRC/K/401/19	18/10/2022	Arrest/detention	Article 13(1)	Panadura Police
51	HRC/K/396/19	18/10/2022	Transfer	Article 12(1)	Ministry of Education
52	HRC/3534/15	18/10/2022	Arrest/detention	Article 13(1)	Cinnamon Gardens Police
53	HRC/819/17	18/10/2022	Transfer	Article 12(1)	Royal College, Colombo; and Ministry of Education
54	HRC/K/651/18	18/10/2022	Remuneration	Article 12(1)	Ministry of Public Administration
55	HRC/AP/234/14	18/10/2022	Right to Property	Article 12 (1)	Sri Lanka Mahaweli Authority
56	HRC/AM/56/19	18/10/2022	Arrest/Detention	Article 13(1)	Department of Forest Conservation
57	HRC/AP/586/17	18/10/2022	Recruitment	Article 12(1)	Provincial Public Service Commission, North- Western Province
58	HRC/MT/66/19	18/10/2022	Admission to schools	Article 12(1)	Richmond College, Galle
59	HRC/AM/73/19/B/LP	4/11/2022	Right to Property	Article 12(1)	Divisional Secretariat, Uhana

60	HRC/19/21	4/11/2022	Admission to schools	Article 12(1)	Ananda Vidyalaya, Colombo
61	HRC/3115/17	4/11/2022	Inaction of public authorities	Article 12(1)	Ministry of Health
62	HRC/AP/201/16	11/11/2022	Pension	Article 12(1)	Divisional Secretariat, Thambuththegama; and Department of Pensions
63	HRC/663/17 HRC/664/17	11/11/2022	Arrest/detention	Article 13(1)	Sri Lanka Navy
64	HRC/AM/98/16 HRC/AM/96/6	22/11/2022	Right to Property	Article 12(1)	Divisional Secretariat, Ampara
65	HRC/K/377/20	22/11/2022	Admission to schools	Article 12(1)	Kingswood College, Kandy
66	HRC/1149/16	22/11/2022	Admission to University	Article 12(1)	University of Colombo
67	HRC/AP/278/18	22/11/2022	Right to Property	Articles 12(1) & 14(1)(g)	Sri Lanka Mahaweli Authority; and District Secretariat, Batticaloa
68	HRC/AM/59/18	22/11/2022	Inaction of public authorities	Article 12(1)	Geological Survey & Mines Bureau of Sri Lanka
69	HRC/2505/16	22/11/2022	Discrimination	Article 12(1)	Ministry of Education
70	HRC/370/16	22/11/2022	Service promotion	Article 12(1)	Department of Management Services

71	HRC/3743/17 HRC/867/17	29/11/2022	Service promotion	Article 12(1)	National Savings Bank
72	HRC/BCO/42/16	29/11/2022	Recruitment	Article 12(1)	Pradeshiya Sabha, Eravur
73	HRC/949/27	29/11/2022	Service promotion	Article 12(1)	National Savings Bank
74	HRC/K/06/17	21/12/2022	Service promotion	Article 12(1)	Provincial Public Service Commission, Central Province
75	HRC/2858/17	21/12/2022	Right to Property	Article 12(1)	Sri Lanka Mahaweli Authority
76	HRC/3649/11	21/12/2022	Service promotion	Article 12(1)	National Institute of Fisheries & Nautical Engineering (Ocean University)
77	HRC/1144/18	21/12/2022	Torture	Article 11	Pili/S. de S Jayasinghe Maha Vidyalaya, Dehiwala
78	HRC/AP/269/17	21/12/2022	Torture	Article 11	Nochchiyagama Police
79	HRC/3466/15	21/12/2022	Inaction of public authorities	Article 12(1)	Sri Lanka Bureau of Foreign Employment
80	HRC/KND/157/22	21/12/2022	Admission to schools	Article 12(1)	Dharmaraja College, Kandy
81	HRC/74/18	21/12/2022	Remuneration	Article 12(1)	Ministry of Education
82	HRC/1026/19	21/12/2022	Torture	Article 11	Bulathsinhala Police

83	HRC/1777/17	21/12/2022	Misuse/abuse of power	Article 12(1)	Department of Customs
84	HRC/K/193/19	21/12/2022	Torture	Article 11	Thalathuoya Police
85	HRC/3908/16	23/12/2022	Service conditions	Article 12(1)	Department of Management Services
86	HRC/MT/25/21	21/12/2022	Admission to schools	Article 12(1)	Weeraketiya Primary Vidyalaya
87	HRC/AP/408/14	21/12/2022	Torture	Article 11	Anuradhapura Police; Nochchiyagama Police; Mannar Police; and Thabuththegama Police
88	HRC/AP/559/16	21/12/2022	Arrest/detention	Article 13(1)	Jaffna Police; and Polonnaruwa Police
89	HRC/KND/172/22	21/12/2022	Admission to schools	Article 12(1)	Dharmaraja College, Kandy

Appendix 3

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

	Date	Case Number	Subject matter	Respondent
1	06/01/2022	HRC/SUO/MOTU/01/22	Freedom of expression	Police Media Spokesperson
2	12/01/2022	HRC/SUO/MOTU/02/22	Death in custody	CID
3	11/02/2022	HRC/SUO/MOTU/03/22	Extrajudicial killing	STF
4	11/02/2022	HRC/SUO/MOTU/04/22	Torture	Anuradhapura Police
5	20/04/2022	HRC/SUO/MOTU/05/22	Extrajudicial killing	Sri Lanka Police
6	20/04/2022	HRC/SUO/MOTU/06/22	Arrest/detention	Maharagama Police; and Nawagamuwa Police
7	20/04/2022	HRC/SUO/MOTU/07/22	Torture	IGP; and Sri Lanka Tri-Force
8	31/05/2022	HRC/SUO/MOTU/08/22	Recruitment	IGP; and Secretary, Ministry of Public Security
9	20/06/2022	HRC/SUO/MOTU/09/22	Torture	Kurunegala Police (Maspotha)
10	20/06/2022	HRC/SUO/MOTU/10/22	Torture	Athurugiriya Police
11	20/06/2022	HRC/SUO/Motu/11/22	Torture	Sri Lanka Army
12	11/07/2022	HRC/SUO/MOTU/12/22	Torture	STF
13	25/07/2022	HRC/SUO/MOTU/13/22	Torture	Sri Lanka Army
14	20/07/2022	HRC/SUO/MOTU/14/22	Torture	Lieutenant Colonel Viraj Kumarasinghe

15	26/08/2022	HRC/SUO/MOTU/15/22	Inaction of law enforcement agencies	IGP; and Sri Lanka Tri-Force
16	23/09/2022	HRC/SUO/MOTU/16/22	Inaction of public authorities	Welikada Prison
17	26/09/2022	HRC/SUO/MOTU/17/22	Arrest/detention	IGP
18	03/10/2022	HRC/SUO/MOTU/18/22	Extrajudicial killing	Danowita Police
19	05/10/2022	HRC/SUO/MOTU/19/22	Right to education	Ga/P. de S. Kularatne Vidyalaya
20	05/10/2022	HRC/SUO/Motu/20/22	Freedom of expression and Freedom of assembly	Sri Lanka Police
21	27/10/2022	HRC/SUO/MOTU/21/22	Extrajudicial killing	Negambo Police
22	08/11/2022	HRC/SUO/MOTU/22/22	Torture	Millaniya Police
23	14/11/2022	HRC/SUO/MOTU/23/22	Torture	Panadura South Police
24	18/11/2022	HRC/SUO/MOTU/24/22	Extrajudicial killing	STF
25	08/11/2022	HRC/SUO/MOTU/25/22	Torture	Rajasinghe Central College, Hanwella

Appendix 4

My No :PIC/B/HRC/2/22/21

02nd May, 2023

Secretary,

Human Rights Commission of Sri Lanka

Title: "Summary Report of the Auditor General Pursuant to Section (1)11 of the National Audit Act No. 19 of 2018 on the Financial Statements of the Human Rights Commission of Sri Lanka for the Year Ended December 31, "2022"

I am sending herewith a draft of the above audit report.

02. If there are any inaccuracies or content within the report that is deemed inappropriate in relation to public interest, you are required to inform me within five days from the date of this letter. Additionally, if you wish to engage in further discussions regarding these concerns, please notify me within three days.
- .03 Kindly be advised that in the event of not receiving a response from you within the stipulated five-day period mentioned above, the final report will be issued based on the draft report, implying your agreement to its contents.

H.S.S. Perera
Senior Assistant Auditor-General
For Auditor-General

Draft

Confidential

PIC/B/HRC/2/22/21

Secretary

Human Rights Commission of Sri Lanka

Title: "Summary Report of the Auditor General Pursuant to Section (1)11 of the National Audit Act No. 19 of 2018 on the Financial Statements of the Human Rights Commission of Sri Lanka for the Year Ended December 31, "2022"

1. Financial Statements
- 1.1. Opinion

Title: "Financial Reports for the Human Rights Commission of Sri Lanka as of December 31, :2022 Statement of Financial Position, Financial Performance Statement, and Cash Flow Statements for the Year Ended December 31, 2022, in accordance with the provisions of the National Audit Act No. 19 of 2018 audited under my authority in accordance with the provisions outlined in Article (1)154 of the Constitution of the Democratic Socialist Republic of Sri Lanka" This report comprises my comments and observations regarding the financial statements submitted to the Human Rights Commission as per the provisions of Section (1)11 of the National Audit Act No. 19 of .2018 In compliance with Section (2)11 of the same Act, the Annual Descriptive Management Audit Report will be furnished to the Chief Accounting Officer in a timely manner. Furthermore, the Auditor General's report,

as mandated by Section 10 of the National Audit Act No. 19 of 2018, to be considered alongside Article (6)154 of the Constitution of the Democratic Socialist Republic of Sri Lanka, will be presented to Parliament accordingly.

1.1.1. The opinion is formulated subsequent to considering the Commission's feedback on its financial statements, encompassing the financial position of the Commission as of December 31, 2022, as well as the observations outlined within this report pertaining to the financial performance and cash flow for the year concluding on that date.

1.2. Basis for opinion

I conducted my audit in accordance with Sri Lanka Auditing Standards (SLAS)). My responsibility under these auditing standards is described further in the Auditor's Responsibility for the Audit of Financial Statements section of this report.

1.3. Responsibility of the Chief Accounting Officer in respect of financial statements

In order to facilitate the creation of financial statements that adhere to widely accepted accounting principles and the stipulations outlined in Section 38 of the National Audit Act No. 19 of 2018, while accurately reflecting the true and equitable state of affairs and being devoid of significant inaccuracies that may arise due to fraud or errors, it is the responsibility of the accounting officer to ascertain the necessary internal controls. As mandated by Section (1)16 of the National Audit Act No. 19 of 2018, the Commission is required to uphold proper records and books of its income, expenses, assets, and liabilities, thereby enabling the formulation of annual and periodic financial statements.

As stipulated by sub-section (1)38c of the National Audit Act, the Chief Accounting Officer is responsible for establishing and maintaining an efficient internal control system for overseeing the Commission's financial management.

Additionally, they are required to regularly assess the system's efficacy and make necessary adjustments to ensure its on-going effectiveness. Appropriate modifications must be undertaken to move forward..

1.4 Auditor's Responsibility for Auditing Financial Statements

My aim is to furnish reasonable assurance that the financial statements, taken as a whole, are devoid of substantial misrepresentations arising from either fraud or error. Subsequently, I will issue an audit report encapsulating my assessment. Reasonable assurance signifies a heightened level of confidence; nevertheless, while conducting an audit in accordance with Sri Lanka Auditing Standards, the possibility of identifying material misstatements persists. The magnitude of materiality is contingent upon the impact these misstatements have on the economic decisions made by users relying on the provided financial statements.

I exercised professional judgment and professional skepticism in the audit as part of the audit in accordance with Sri Lanka Auditing Standards.. I further,

- Appropriate audit procedures were designed and performed on a timely basis to identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error. The effect of fraud is stronger than the effect of material misstatements due to misrepresentations because they are caused by negligence, falsification, intentional omission, misrepresentation or circumvention of internal controls.

Obtained an understanding of internal control in order to design appropriate audit procedures on occasion, although not with the intention of expressing an opinion on the effectiveness of internal control.

- Evaluating that the underlying transactions and events are appropriately and fairly included in the financial statements for the structure and content of the financial statements that include disclosures.
- Evaluated the overall presentation of the financial statements, including the appropriate and fair inclusion and disclosure of underlying transactions and events for the structure and content of the financial statements.

I inform the Chief Accounting Officer about significant audit findings, major internal control weaknesses and other matters identified during my audit.

1.5 **Report on other legal requirements**

In terms of Section) (1)6c) of the National Audit Act No. 19 of 2018, I declare the following facts.

)a) The financial statements submitted to the audit were not reconciled with the previous year's financial statements as per the following audit observation.

<u>Audit Observation</u>	<u>Reference to paragraph of this report</u>
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Property, plant and equipment balance) 1.6.1a)
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)b) The recommendations I had made regarding the financial statements related to the previous year had been implemented.

1.6 **Opinion on Financial Statements**

1.6.1 **Non-financial assets**

)a) According to last year's audited financial statements, the balance of property and equipment is Rs. 109,609, 946but the opening balance of

ACA 06form for the year under review was Rs. 109,706, 946as Rs. 100, 000more and the difference was not recognized and no adjustments were made. As a result, the property and equipment balance as on December 31, 2022was overstated by that value.

- (b) As per ACA 06, the acquisition of capital assets for the year 2022was anticipated to be Rs. 946, .449However, as indicated in the fixed asset register, the actual capital asset acquisitions during the same year amounted to Rs. 1,366, .255Consequently, a discrepancy of Rs. 401, 806arose between the fixed asset register and the treasury records in terms of the value of fixed asset purchases.
- (c) While it is expected that all assets owned by the Commission should be accounted for in the non-financial asset statement, the statement only encompassed assets acquired after January 01, .2004Notably, assets existing prior to the year 2004were omitted from the non-financial asset statement and were not reflected therein.

2. **Financial review**

2.1 **Expenditure Management**

Although the expenditure estimates should be prepared as fully and accurately as possible according to the Finance Regulations 50, the total of 06recurring expenditure subjects was Rs. 6,674, 000had been transferred under Finance Regulation 66to 10other recurrent expenditure items..

2.2 **Entering into liabilities and obligations**

The following observations are made.

- a) Subjects of expenditure 1402-0-1-1-13and -0-1-1-13 1404shall not be subject to any expenditure or obligation for any work or service or supply, unless provision is made in the annual estimates in terms of Finance Regulation .(1)94In the year 2023, Rs. 115, 306and Rs. 2,875, 000due to non-disclosure in the

statement of liabilities respectively Rs. 4,956, 000and Rs. 40,700, 000exceeding the net provision of Rs. 111, 700and Rs. 89, 115had been incurred..

)b(The sum spent in the year 2023for the expenditure subjects 1402-0-1-1-13, 1403-0-1-1-13, 1404-0-1-1-13 and 1409-0-1-1-13is Rs. 3,038, 056were not disclosed in the statement of liabilities.

2.3 Non-compliance with laws, rules and regulations

The following non-compliance was observed

Reference to laws, rules and regulations		Non-compliance
)a(Section 16.2of the National Audit Act No. 19 of 2018	The draft performance report to be prepared for the year under review was not submitted for audit along with the financial statements.
)b (Public Finance Circulars (i) Circular No. 2014/01dated 17February 2014 (ii) Public Finance Circular No. 2026/05dated March 31,) 2016a) .3.2 paragraph	No annual action plan was prepared for the implementation of the approved budget estimates in the year under review.. Although the last year's board of survey report should be submitted to the Auditor General with a copy to the Chief Accounting Officer before June 15of every financial year, the commission had submitted a part of the report for the year

	(iii) Paragraph 3.2.5	<p>2021 to the audit on December 09, 2022 with a delay of about 06 months. . The report did not include the survey reports of the regional office in Kalmunai and sub-offices in Nuwara Eliya, Mannar and Puttalam.</p> <p>According to the said circular,, it was required that by April 30 of each fiscal year, in accordance with the general report under code 47, actions pertaining to the disposal, repair, sale, and transfer of items should have been executed. However, these actions had not been undertaken.</p>
(c)	<p>Public Administration circulars</p> <p>(i) Circular No. 2009/09 dated 16 April 2009</p> <p>(ii) Circular No. 2018/02 dated 24 January 2018</p>	<p>In order to maintain internal control, the arrival and departure of officers should be verified by signing an attendance register, in addition to using the fingerprint machine, but three officers of the Commission did not record the arrival and departure of the fingerprint machine.</p> <p>The human resource development plan prepared by the commission for the year 2022 and submitted to</p>

)d(National Budget Circular No. 2022/03 dated 26 April 2022	<p>the audit was not prepared according to the format mentioned in the circular.</p> <p>Although it was advised not to use government funds for all expenses that can be considered as unnecessary expenses, a person outside the commission had been paid a total of Rs. 210, 000 for the preparation of annual reports for the years 2020 and 2021.</p>
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3. Operational Review

3.1 Performance

(a) The commission had given 72 recommendations to the government agencies during the period from January 1, 2022 to November 29, 2022, but 66 of them i.e. 91 percent had not been implemented by the date of the audit. Furthermore, out of the 88 recommendations given to various government agencies during the year 2021, 59 recommendations had not been implemented by the audit date of December 15, ..2022

(b) As of November 30, 2022, the commission had 10, 029 pending files, of which 14 per cent, i.e. 1,449, were more than 3 years old. Out of them 109 files were older than 10 years.

3.2 Assets Management

Three photocopiers owned by the Commission remained idle without use, out of which 2 machines remained idle since .2019

4. Good Governance

4.1 Internal Audit

According to Section 40 of the National Audit Act No. 19 of 2018, the Chief Accounting Officer should have appointed an appropriate auditor to carry out internal audits, but since 2017, an internal auditor has not been appointed and internal audits have not been carried out.

4.2 Audit and Management Committee

According to Section 41 of the National Audit Act No. 19 of 2018, there should be an Audit and Management Committee for each entity, but the Commission's Audit and Management Committee has not been held since 2017.

5. Human Resource Management

The following observations are made.

-)a(According to Chapter XLVIII, Volume II, Paragraph 13.2 of the Establishment Code of the Democratic Socialist Republic of Sri Lanka, all relevant parties should constantly ensure that every preliminary investigation is completed without delay, but it had taken more than a year to complete the preliminary investigation that started in March 2017 in respect of an investigating officer..
-)b(After the above preliminary investigation, a charge sheet was issued on September 10, 2018 and the reply was received on December 18, 2018. But an investigation officer was selected on July 12, 2018 on the approval of the Commission to conduct a formal disciplinary investigation and an appointment letter was sent on July 31, 2018. Accordingly, contrary to

paragraph 15.9 of the above Chapter II of the Establishment Code, the Commission had appointed the Inquiry Officer for the formal disciplinary inquiry before issuing a charge sheet against the accused officer..

- (c) In accordance with Article 22.1 of Chapter XLVIII, Volume II of the Establishment Code of the Democratic Socialist Republic of Sri Lanka, if undue delays are observed during formal disciplinary investigations, it is the duty of the disciplinary authority to undertake appropriate actions to prevent such delays in each case. However, concerning the former secretary of the Commission, the formal investigation initiated in August 2020 took nearly three years to complete, commencing on August 3, 2020. Furthermore, the formal disciplinary inquiry initiated on July 12, 2018, regarding an investigation officer, extended over a span of more than four years. By the time of the audit, these investigations had not yet concluded.

Auditor General

15.05. 2023

Mr.H.H.S.Perera,
Senior Assistant Auditor General
National Audit Office
Battaramulla

Re: Title: "Summary Report by the Auditor General as per Section (1)11 of The National Audit Act No. 19of 2018on the Financial Statements of the Human Rights Commission of Sri Lanka for the Year Ending December 31, "2022

I hereby submit the relevant explanations for the draft of your audit report dated May 02, 2023bearing number PIC/B/HRC/..21/22/2

1.5 Report on other legal requirements

- a. The discrepancy between the financial statement submitted for audit and the previous year's financial statement arises from the fact that in the year 2021, a comprehensive appraisal of all vehicles was conducted, and the assessed value was recorded in the treasury accounts following the CIGAS program. However, there was a delay

in valuing the motorcycle registered as XZ .3879. Consequently, when the valuation occurred in February 2022, it was documented as the opening balance within the CIGAS program.

- b. According to ACA 06 acquisition of capital assets in the year 2022 is shown in fixed asset register and treasury books. Changes were checked. Necessary measures were taken accordingly and officials were notified to update the asset register.
- c. An assessment board has been appointed to assess all goods, and after the completion of the board of survey in the year 2022, the survey work will be started.

2. Financial Review

2.1 Expenditure Management

The year 2022 saw several factors that contributed to financial challenges, including fuel shortages, rising fuel prices, increased electricity costs, the need for generator fuel due to power outages, higher stationery expenses, escalated postage and communication costs, and the necessity to deploy officers during challenging circumstances. These circumstances collectively led to inadequacies in budget allocations, the implementation of expenditure controls, and the utilization of remaining funds for non-essential tasks, as per the directive to cease such activities. Consequently, funds were considerably constrained, even for critical and essential tasks.

2.2 Entering into liabilities and obligations

- a. Occasional increase in telephone charges during the year and revision of tax amount in the middle of the year.

- b. I admit that there are shortcomings in maintaining the Accounts payable (credit) register.

The setup of Accounts Payable lacks proper configuration. It is generated through the CIGAS program, solely relying on accounts payable, and thus, there is no maintenance of an accounts payable register. Credits have been recorded as a note to account for expenses specifically associated with 2022, which were recognized as credits in the year .2023

The relevant officials were informed to prepare the debt register in the correct way, in the future, and it was noted to be updated.2.3

2.3 **Non-compliance with rules and regulations**

Reference to laws and regulations

)a(**Section 16.2of the National Audit Act No. 19of 2018**

The Human Rights Commission does not present the performance report but the annual report to the Parliament. The annual report for the year 2020has been submitted to Parliament on 31.01.2023 and a copy has been given to the Auditor General. The annual report of the year 2021has been handed over for printing and necessary steps are being taken to get the Tamil version checked and printed. The annual report for the year 2022is being prepared.

)b(**Public Finance circulars**

(I) As per Circular No. 2014/01 dated February 17, 2014, the annual action plan prepared for the implementation of the approved estimates of the year under review has been provided to the audit. (A copy is attached herewith as Annexure .1

(II) I acknowledge that there has been a delay in adhering to the requirements of paragraph)3.2a) of Public Finance Circular No. 2016/05 dated March 31, 2016, concerning the timely submission of commodity survey reports from the previous year prior to the 15th of June.

I recognize that in accordance with paragraph 2.2.5, the identification and action pertaining to items earmarked for destruction, repair, and sale were not executed by April 30 as specified in the General 47 report. All officials were duly informed to initiate the process of removing goods, conducting necessary repairs, and ensuring updates.

)c(**Public Administration circulars**

(i) Circular No. 2009/09 dated 16 April 2009

The secretary of the commission's fingerprint was recorded using the fingerprint machine; nonetheless, because scanning the fingerprint demands a significant amount of time daily, the secretary continues to sign the attendance register.

- Mr. P.H.J. Arunasiri's fingerprints were recorded with considerable effort using the machine. However, he faces challenges in consistently placing his fingerprint on the fingerprint machine every day, which consumes a significant amount of time. As a result, he will continue to sign the attendance register. This technical issue has led to his on-going use of the attendance register for recording his attendance..
- Since Mr. V.D.Sumanasekara is temporarily attached to the head office, his arrival and departure are also signed in the attendance register. This officer has been transferred and reported to the Kandy Regional Office.

(ii) When a situation of concern arose regarding Circular No.

02/2018 dated January 24, 2018, and the Director of Administration and Finance of the Human Rights Commission sought clarification from the Ministry of Public Administration, it was revealed that the circular was not functional and no advice had been received for its rectification..

)c(n accordance with the National Budget Circular No. 2022/03dated April 26, 2022, and in alignment with the directive to avoid utilizing government funds for expenses that could be classified as unnecessary, external expertise had to be sought due to the absence of a proficient officer to formulate the annual reports for the years 2020and .2021

.3 **Operational Review**

3.1 **Performance**

)a(It is acknowledged that out of the 88 recommendations provided by the Commission, 59remained unimplemented by December 10, .2022The accountability for the non-execution of these recommendations is attributed to the pertinent entities, as per the specified institutions. The Human Rights Commission has fulfilled its responsibility by delivering recommendations in line with the provisions of

the Act. However, the Commission is actively intervening to facilitate the execution of these recommendations. In the context of addressing the non-implementation of recommendations directed at diverse institutions, a total of 36 recommendations were successfully realized as part of a specialized program in the year .2022

The non-implementation of 66 recommendations issued in the year 2022 will be attributed to the respective government agencies. These recommendations have been provided in accordance with the Commission Act, and follow-up efforts are being undertaken for this objective..

)b(I acknowledge that among the total of 10,029 pending files within the Commission as of November 30, 2022, a notable portion of 1,449 files, equating to 14%, have remained unresolved for over three years. I would like to highlight that the absence of inspection activities last year was due to the impact of the COVID-19 pandemic. The personnel responsible for investigating urgent complaints also had to be redirected to locations where human rights violations were taking place. Furthermore, the existence of 109 files pending for over a decade can be attributed to several factors. These include the reconsideration of complaints following court case resolutions, the linkage of previous complaints with later matters, and the transfer of responsibilities among relevant parties, often making it challenging to summon them for investigation due to their relocation to different areas.

The primary issue lies in the vacancies within the authorized staff, given the annual influx of complaints ranging between 6, 000to 10,000

3.2 Assets Management

I acknowledge that three photocopiers owned by the Commission are currently not operational. These copiers, which are models from 2007, 2010, and 2012, have been deemed irreparable by the dealerships due to the unavailability of required parts. Consequently, these photocopiers have been fully decommissioned and are scheduled for disposal from the office premises.

.4 Good Governance

4.1 Internal Audit

The topic of appointing an officer for Internal Audit was deliberated, including the consideration of employing a retired officer on a contract basis. Suitable applications for this position were also received. However, the period coincided with the COVID- 19 pandemic, leading to limited attendance for work, and even the provision of vehicles in certain instances. Given the prevailing circumstances, the appointment of an audit officer was deferred, as it appeared to entail unnecessary expenditure during such challenging times.

Subsequently, interviews were held, and the essential procedures were carried out to appoint an officer. This process was further delayed due to the government's policy of controlling costs. However, following internal interviews, a decision was made within the staff to engage an existing officer for the role on an acting

basis. In accordance with this staff decision, applications were invited for internal recruitment, and a candidate from the Human Rights Commission, who had previously undergone an interview, was chosen. Presently, this selected officer is actively fulfilling their assigned responsibilities.

4.2 Audit and Management Committee

According to Section 41 of the National Audit Act No. 19 of 2018, every entity is required to establish an Audit and Management Committee. However, due to the vacancy in the internal audit position and insufficient staff members, the Audit and Management Committee has not been formed. Following the appointment of the internal auditor, discussions were initiated by the Director General of the Audit and Management Department to arrange for an officer. It was agreed to proceed with obtaining the necessary instructions, but difficulties were encountered in providing a separate officer. As a solution, it was proposed to initiate the audit committee using the officer currently auditing the Human Rights Commission from the Auditor General's Department. I have provided instructions to the appointed auditor and have taken the necessary measures to initiate further actions.

5 Human Resource Management

- a. & b The formal disciplinary investigation in this regard has been completed and the report has been received. Disciplinary orders are to be issued by the commission.

- c. The investigation has been completed and the final report has been received.

Accordingly, the disciplinary order of compulsory retirement has been issued to the accused officer.

Ranjith Uyangoda
Secretary (Actg.),
Human Rights Commission of Sri Lanka

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My No. :PIC/B/HRC/2/22/21

26th June 2023

Secretary

Human Rights Commission of Sri Lanka

Annual Descriptive Management Audit Report pursuant to Section 11 (2) of the National Audit Act No. 19 of 2018 on the financial statements of the Human Rights Commission of Sri Lanka for the year ended 31 December .2022

The above audit report is sent herewith.

.02 In accordance with the provisions mentioned in sub-section 39(1) of the National Audit Act, any remedial measures that have been proposed or implemented must be reported to me, the Secretary of the Treasury, and the relevant Minister within three months from the date of this report.

.03 As per subsection (2) 39 of the Act, if there are any reasons for either carrying out or being unable to carry out any action or addressing any matter that I have highlighted in this report, kindly inform me accordingly.

H S S Perera

Senior Assistant Auditor General
For Auditor General

Copy -:Minister of Finance, Economic Stabilization and National Policies

My No :PIC/B/HRC/2/22/21

26th June 2023

Secretary

Human Rights Commission of Sri Lanka

Annual Descriptive Management Audit Report pursuant to Section 11 (2) of the National Audit Act No. 19 of 2018 on the financial statements of the Human Rights Commission of Sri Lanka for the year ended 31 December .2022

The Statement of Financial Position of the Human Rights Commission of Sri Lanka as of December 31, 2022, along with the Financial Statements for the year ending December 31, 2022, comprising the Financial Performance Statement and Cash Flow Statements, are presented in accordance with the provisions of the National Audit Act No. 19 of 2018. The audit was conducted under my authority, in adherence to the provisions outlined in the Constitution of the Democratic Socialist Republic of Sri Lanka. This report is being issued in accordance with Section (2) 11 of the National Audit Act No. 19 of 2018. The Chief Accounting Officer is required to act in accordance with the provisions specified in Section 39 of the National Audit Act. Any recommended remedial actions or considerations should be addressed within three months from the date of this report. The actions taken in response should be reported back to me. Additionally, if there are any reasons hindering the

implementation of suggested actions or matters outlined in this report, those should also be communicated to me.

.1.2Opinion on Financial Statements

.1.2.1Accounting deficiencies

(a) Property plant and equipment

The following observations are made.

	Audit Observation	Recommendation	Comments of the Chief Accounting Officer
(a)	According to the last year's audited financial statements, the property, plant and equipment balance as on December 31, 2021is Rs. 109,609,946, but the opening balance of ACA 06form in the year under review was Rs. 109,709, 946as Rs. 100, 000more and the difference was not recognized and adjustments were not made.	The closing balance of the previous year should be correctly accounted for as the opening balance of the year under review.	During the year 2021, an appraisal was conducted for all vehicles, and their appraised values were recorded in the Treasury Accounts following the CIGAS program. However, due to a delay in valuating motorcycle XZ 3879, the assessment was carried out in February .2022Consequently, the valuation was recorded in the year 2022as the initial balance for the Zigas program.

(b) Non-compliance with laws, rules and regulations

The instances of non-compliance with the provisions of the rules and regulations observed during the sample audits are analyzed below..

Audit Observation		Recommendation	Comments of the Chief Accounting Officer
	Reference to laws and regulation	non-compliance	
(i)	Section 16.2of the National Audit Act No. 19of 2018	The draft performance report prepared for the year under review was not submitted for audit along with the financial statements.	Action should be taken according to the Act. The annual report for the year 2020has been submitted to Parliament on 31.01.2023 and a copy has been given to the Auditor General. The annual report of the year 2021 has been handed over for printing and necessary steps are being taken to check the Tamil version and get it printed. The annual report for the year 2022is being prepared.
(ii)	Pubic Finance Circular No.		

(a)	<p>2016/05 dated 31 March 2016</p> <p>Paragraph 3.2</p>	<p>Although the last year's board of survey report should be submitted to the Chief Accounting Officer with a copy to the Auditor General before June 15 of each fiscal year, the commission had submitted a part of the report for the year 2021 to the audit on December 09, 2022 with a delay of about 06 months. The report did not include the board of survey reports of the Kalmunai regional office and Nuwara Eliya, Mannar and Puttalam sub-offices.</p>	<p>Action should be taken according to the Act.</p>	<p>It is acknowledged that the last year's Board of Survey reports have been delayed.</p>
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(b)	Paragraph 3.2.5	As per the mentioned circular, it was stipulated that by the end of each fiscal year, specifically before April 30, actions relating to the disposal, repair, sale, and transfer of items outlined in the general report under code 47 were required to be addressed. However, these actions were not carried out as prescribed.	Action should be taken according to the Act.	I admit that I have not acted as per the circular. A briefing was provided to all officers regarding the proper procedures for disposing of goods, conducting necessary repairs, and ensuring updates were made.
(ii)	Paragraph 12.1 of Public Finance Circular No. 2020/02 dated 28 August 2020	Although the annual performance report should have been prepared in all three languages and tabled in the Parliament prior to 150 days after the end of the financial year, the annual report of the year 2021 was not tabled in the Parliament	Action should be taken according to the Act.	The annual report of the year 2021 has been handed over for printing and necessary steps are being taken to check the Tamil version and get it printed. The annual report for the year 2022 is being prepared.

		by May 29, 2023		
(iii)	Public Administration Circulars			
(a)	Circular No. 2009/09 dated 16 April 2009	In order to maintain internal control, the arrival and departure of each officer should be verified by signing an attendance register, in addition to using the fingerprint machine, but two officers of the commission did not record the arrival and departure of the fingerprint machine.	Action should be taken according to the Act.	The fingerprints of both the Commission's Secretary and one of the officers posed significant difficulties during the process of inputting them into the fingerprint machine. As a result of this technical issue, they are currently continuing to sign the attendance register.
(b)	Circular No. 2018/02 dated January 24, 2018	The human resource development plan devised by the commission for the year 2022, which was submitted for	The human resources development plan should be prepared according to the format indicated in the circular.	When Circular No. 02/2018 dated January 24, 2018 was brought to attention, the Director – Administration

		audit, did not adhere to the format stipulated in the circular.		and Finance of the Human Rights Commission raised an inquiry with the Ministry of Public Administration. In response, it was communicated that the circular was non-operational and no instructions had been provided for its preparation.
(c)	National Budget Circular No. 2022/03 dated 26 April 2022	Despite the recommendation against utilizing government funds for expenses that could be categorized as unnecessary, the creation of the annual reports for the years 2020 and 2021 was outsourced to an external individual. In the reviewed year, a	Action should be taken in accordance with the National Budget circular.	In disregard of the directives outlined in the circular, the absence of experienced personnel to compile the annual reports for the years 2020 and 2021 has necessitated seeking the expertise of an

		total of Rs. 210, 000 was disbursed for these services.		external individual.
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.2Financial review

2.1Expenditure Management

Audit Observation	Recommendation	Comments of the Chief Accounting Officer
Although the expenditure estimates should be prepared as fully and accurately as possible according to the Finance Regulations 50, the total of 06recurring expenditure subjects is Rs. 6,674, 000 had been transferred under Finance Regulation 66to 10other recurrent expenditure subjects.	Expenditure estimates should be prepared accurately as per the financial regulations.	Owing to the high inflation experienced in 2022, the necessity of procuring fuel for generators due to power outages, and the requirement to deploy officers in instances of conflict, the current allocation has proven insufficient. Consequently, the allocation of expenditure subjects is being managed based on instructions aimed at controlling expenditure and discontinuing non-essential activities. This situation is of utmost urgency and demands immediate action. Furthermore, it has resulted in the imposition of

		restrictions on imprest funds, even for official purposes.
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.2.2 Entering into liabilities and obligations

The following observations are made.

	Audit Observation	Recommendation	Comments of the Chief Accounting Officer
(a)	A sum of Rs. 3,038, 056 was disbursed in the year 2023 to cover arrears pertaining to four expenditure categories that were not originally accounted for in the statement of liabilities.	The statement of liabilities must be prepared correctly including all liabilities related to the year.	There are shortcomings in the maintenance of the credit register. The register is being compiled solely based on credits recorded through the CIGAS program. It has been observed that credits are being documented only in the form of a record for expenses related to 2022, which were accounted for as credits in 2023. Moving forward, the responsible officials have been advised to rectify the preparation of the credit register to ensure accuracy, and this updating process has been duly noted.

(b)	Contrary to financial regulations stated under section 94(1), an amount of Rs. 4,956,000 and Rs. 40,700,000 was considered in the two aforementioned expenditure categories, surpassing the respective net provisions of Rs. 111,700 and Rs. 89,115.	Action should be taken in accordance with the Financial Regulations.	During the year, there is a periodic increase in telephone charges and mid-year tax revisions.
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.3Operational review

3.1 Performance

The following observations are made

	Audit Observation	Recommendation	Comments of the Chief Accounting Officer
(a)	The commission had given 72 recommendations to the government agencies during the period from January 1, 2022 to November 29, 2022, but 66 of them i.e. 91 percent had not been implemented by the audit date of December 15, 2022. Furthermore, out of the 88	Follow-up should be done regarding the implementation of the recommendations given.	It is accepted that 59 of the 88 recommendations given by the commission have not been implemented by 10.12.2022, and the responsibility for the non-implementation of the said recommendations is transferred to the said institutions, and the Human Rights Commission has

	<p>recommendations given to various government agencies during the year 2021, 59 recommendations had not been implemented by the audit date of December 15, 2022</p>		<p>fulfilled the responsibility of the commission by giving recommendations according to the provisions of the Act. . But necessary interventions are being made with the help of the commission regarding the implementation of those recommendations.</p>
(b)	<p>As on November 30, 2022, the commission had 10, 029 pending files, of which 14 percent i.e. 1, 449 were files that had been pending for more than 3 years. 109 files were older than 10 years.</p>	<p>Investigations should be completed promptly.</p>	<p>I acknowledge that among the total of 10, 029 pending files, there are 1, 449 files that have exceeded a duration of three years. This situation has arisen due to various factors including the impact of the COVID- 19 pandemic, the diversion of attention from ongoing investigations, the deployment of officers to address immediate complaints, and the necessity to attend locations where human rights violations are being reported. Furthermore, the presence of 109 files exceeding a decade is attributed to factors such as post-case re-evaluations requested</p>

			by plaintiffs after court proceedings have concluded, reassignment of responsibilities for relevant parties to different locations, and the existence of vacant positions within the approved cadre.
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3.2 Assets Management

Audit Observation	Recommendation	Comments of the Chief Accounting Officer
Three photocopiers owned by the Commission remained idle without use, out of which 2 machines remained idle since .2019	Appropriate action should be taken regarding these assets.	Accept. These copiers were purchased in 2007, 2020, .2012The dealership has informed that there are no parts to repair them. These photocopiers have been completely decommissioned and disposed of, and are to be formally disposed of from the office premises.

.3.3Management inefficiencies

Audit Observation	Recommendation	Comments of the Chief Accounting Officer

The Commission had included only the assets acquired after January 01, 2004 in the non-financial assets statement and the assets before 2004 were not identified.	All assets owned by the Commission must be identified and accounted for.	An assessment board has been appointed to assess all goods, and after the completion of the Board of survey in the year 2022, the survey work will be started.
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.4 Good Governance

4.1 Internal Audit

Audit Observation	Recommendation	Comments of the Chief Accounting Officer
According to Section 40 of the National Audit Act No. 19 of 2018, the Chief Accounting Officer should have appointed an appropriate auditor to carry out internal audit work, but since 2017, an internal auditor has not been appointed and internal audit work has not been carried out.	Internal audit activities must be carried out in accordance with Section 40 of the National Audit Act No. 19 of .2018	As per a decision made by the staff, an officer from the Human Rights Commission, who was selected through the process of calling for applications and conducting interviews for internal recruitment, has been chosen for this role and is currently being assigned duties.

.4.2 Audit and Management Committee

Audit Observation	Recommendation	Comments of the Chief Accounting Officer
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<p>According to Section 41 of the National Audit Act No. 19 of 2018, there should be an Audit and Management Committee for each entity, but the Commission's Audit and Management Committee has not been held since 2017.</p>	<p>It should be done in accordance with Section 41 of the National Audit Act No. 19 of 2018.</p>	<p>The absence of an internal auditor and the insufficient availability of appropriate staff have resulted in the non-formation of the Audit and Management Committee. Nonetheless, required measures will be taken to initiate further actions by the designated auditor in accordance with the directives provided.</p>
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.5 Human Resource Management

The following observations are made

	Audit Observation	Recommendation	Comments of the Chief Accounting Officer
(a)	<p>As per paragraph 13.2 of Chapter XLVIII within Volume II of the Establishment Code of the Democratic Socialist Republic of Sri Lanka, all relevant parties are obligated to ensure the prompt completion of each preliminary investigation in accordance with Section 22.1. Should there be any indication of undue delays in initiating a</p>	<p>Formal disciplinary investigations should be completed promptly.</p>	<p>The formal disciplinary investigation in this regard has been completed and the report has been received. Disciplinary orders are to be issued by the commission.</p>

	<p>formal disciplinary inquiry, it is incumbent upon them to take the necessary measures to prevent such delays. However, despite the responsibility lying with the disciplinary authority, it took over a year to conclude the initial investigation, which had commenced in March .2017 Additionally, formal disciplinary investigations extended beyond a duration of four years. Furthermore, a formal disciplinary investigation regarding the former secretary of the commission has been on-going for nearly three years.</p>		
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	Audit Observation	Recommendation	Comments of the Chief Accounting Officer
(b)	<p>On September 10, 2018, a charge sheet was issued subsequent to the initial investigation concerning an investigating officer, and the responses were received by December 18, .2018An investigating officer was</p>	<p>It is imperative to adhere to the guidelines stipulated in paragraph 15.9of the previously mentioned chapter of the Establishment Code.</p>	<p>The formal disciplinary investigation in this regard has been completed and the report has been submitted. Disciplinary orders are</p>

	<p>chosen on July 12, 2018, with the Commission's approval, to carry out a formal disciplinary inquiry, and an appointment letter was dispatched on July 31, 2018. However, this sequence of events contradicts the provisions of paragraph 15.9 within the aforementioned chapter of the Establishment Code. The commission had appointed the investigating officer for the formal disciplinary inquiry prior to issuing the charge sheet against the accused officer.</p>		<p>to be issued by the commission.</p>
	<p>As of December 31, 2022, there were 25 vacant senior-level positions, 16 vacant tertiary-level positions, and 35 vacant secondary-level positions within the Commission. Additionally, there was an excess of one vacant primary-level position.</p>	<p>Concerted efforts should be directed towards filling vacancies in crucial positions that have a detrimental impact on overall performance.</p>	<p>Officers have been appointed for 05 senior level posts on acting basis, contract basis and secondary basis. An officer has been recruited on contract basis for one post at the tertiary level and the other vacancies are being filled up.</p>

H.S.S. Perera
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For Auditor General

Human Rights Commission of Sri Lanka

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