

2004 - 2005
Annual Report
of the
Human Rights Commission
of Sri Lanka



Human Rights Commission of Sri Lanka

Head Office

No: 36, Kynsey Road, Colombo 08

Telephone: (094 11) 2694925, 2673806, 2685339, 2685980, 2685981

Hotline: 2689064

Fax : 2694924, 2696470

Website : www.hrsl.org

Email : sechrc@sltnet.lk

Composition of the Human Rights Commission

Chairperson

Dr. Radhika Coomaraswamy

Commissioners

Dr. Deepika Udagama

Mr. N Selvakkumaran

Mrs. C C Senanayake

Dr. M A Zainudeen

ANNUAL REPORT

Table of Contents

Table of Contents.....	3
Statement from the Chairperson.....	6

Chapter One

The Commission.....	9
---------------------	---

Chapter Two - Divisions of the HRC

2.1 Inquiries and Investigations Division.....	10
--	----

2.2 Monitoring and Review Division.....	14
---	----

2.2.1 Methsevana Women's State House of Detention Investigation.....	14
2.2.2 Child Rights Programme for State Officers in the District of Galle.....	17
2.2.3 Child Rights Awareness Programme for the State School Principals of Ratnapura District.....	17
2.2.4 International Children's Day Art Competition at St. Vincent's Secondary School.....	17
2.2.4 International Human Rights Day Celebration, 2005.....	18
2.2.5 Sexual Harassment Policy; Guidelines for State Sector Institutions.....	19
2.2.6 Celebration of International Women's Day.....	19

2.3 Education and Special Programme Division.....	20
---	----

2.4 Administration and Finance Division.....	23
--	----

2.4.1 Budget – 2004 & 2005.....	24
2.4.2 Computerization of HRC.....	24
2.4.3 Island-wide Language Training Programme Conducted by the Department of Official Languages.....	25
2.4.4 Vehicles & Buildings.....	25

Chapter Three - Activities of the HRC

3.1 Fact-Finding Missions.....	28
--------------------------------	----

3.1.1 Human Rights Situation in the Eastern Province 2003.....	288
--	-----

3.1.2	Right to Health and the “Crisis” at General Hospital Anuradhapura.....	30
3.1.3	Human Rights Situation in the Eastern Province 2005.....	355
3.1.4	Fact-finding Tour of Jaffna District, 2005.....	388
3.2	Special Rapporteurs.....	411
3.2.1	Special Rapporteur on Religious Conversion and Human Rights.....	411
3.2.2	Special Rapporteur on the Presidential Election 2005.....	422
3.2.3	Special Rapporteur on Extra-Judicial Killings.....	455
3.2.4	Special Rapporteur in the Context of the use of Emergency Powers and Alleged Violations of the Ceasefire Agreement.....	455
3.3	Reports of the Commission.....	466
3.3.1	Report on Migrant Women Workers.....	466
3.3.2	Women’s Rights in Post-Tsunami Regions; Report from the Women’s Division of the DRMU.....	488
3.3.3	Report on Human Trafficking in Sri Lanka.....	533
3.3.4	Report on War Widows.....	545
3.4	HRC Specific Policy Recommendations.....	56
3.4.1	Guidelines to Police Officers Concerning General Elections 2004.....	567
3.4.2	Zero Tolerance Policy on Torture.....	567
3.4.3	Commission Policy Regarding the Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 2005.....	577
3.4.4	Commission Policy Support of the Prevention of Domestic Violence Bill 58	
3.4.5	Commission Policy Regarding the Death Penalty.....	589
3.5	Conferences.....	59
3.5.1	National Human Rights Institutions and Non Governmental Organizations: An Agenda for Cooperation.....	59
3.5.2	National Conference on Disability Rights and Forum.....	60
3.5.3	Conference on Internally Displaced Persons.....	60
3.6	Special Units of the Commission.....	60
3.6.1	The National Protection and Durable Solution for Internally Displaced Persons Project.....	601
2.6.2	Disaster Relief Monitoring Unit.....	64
3.7	Projects Undertaken by the Commission.....	67
3.7.1	Prevention and Monitoring of Torture Project.....	67
3.7.2	Torture Prevention & Monitoring Unit, the Swiss Project on Torture.....	68
3.7.3	NORAD Human Rights Education Project.....	688
3.7.4	Regional Human Rights Committees, Funded by CIDA.....	69

3.7.5 Protecting Children in Sri Lanka's Children's Homes and Detention Centres	70
3.7.6 South Asia Regional Initiative Equity / Support (SARIQ) Programme; Protection and promotion of the rights of the children in the state homes in Sri Lanka through Awareness Workshop	700
3.7.7 Disappearances Database	711
3.7.8 Staff Training - FCO/UNDP Phase II Project	722

Chapter Four - Regional Offices of the HRC

4.1 Ampara Regional Office	744
4.2 Anuradhapura Regional Office	745
4.3 Badulla Regional Office	766
4.4 Batticaloa Regional Office	766
4.5 Jaffna Regional Office	777
4.6 Kalmunai Regional Office	788
4.7 Kandy Regional Office	79
4.8 Matara Regional Office	79
4.9 Trincomalee Regional Office	800
4.10 Vavuniya Regional Office	811

Statement from the Chairperson

In June 2003 the Human Rights Commission of Sri Lanka launched its strategic plan for a three year period. Funding for some parts of the plan were only secured in 2005. Nevertheless, we are happy to announce that about 70% of the plan has been implemented. Among the successes are –

IMPLEMENTATION OF THE STRATEGIC PLAN

1. Zero Tolerance Policy on Torture

The Commission adopted a zero tolerance policy on torture and we now have reports from relevant NGOs that this policy is having an effect. This was supplemented by a special rapporteur who inquired into certain deaths in custody occurring between November 2005 and March 2006. We have a special torture monitoring unit and we have special visits to all police stations in the country. We have also issued statements, press releases and letters arguing that the re-imposition of the death penalty is in violation of our international obligations with regard to human rights

2. Fact – finding Missions to the North and East

The Commission has conducted two fact finding missions to the Eastern Province, a province where there are grave violations of human rights. We also conducted one fact finding mission to the Jaffna district. We have looked into the concerns of the citizens of this area with regard to government obligations. We have issued statements with regard to the recruitment of child soldiers and expressed concern about political killings. The reports have been widely circulated both nationally and internationally. Recently we supplemented this process, by appointing a Special Rapporteur and a Committee to look at the human rights implications of ceasefire violations since November 2005. Former Justice Mr. T Suntheralingam is the Special Rapporteur. The Committee will look into five incidents that took place between November 2005 and March 2006.

3. Disappearances Database

The HRC has decided to constitute a national database on everyone who has “disappeared” in Sri Lanka, whether in the South in the late 1980s or in the North and the East because of the armed conflict. It will be a comprehensive database as part of our commitment to transitional justice.

4. **Surprise Visiting**

In keeping with the spirit of the new Optional Protocol to the ICCPR, the HRC has started a “Surprise visiting” programme to all custodial institutions (jails, prisons, women’s homes, children’s homes and psychiatric homes) to ensure that state institutions are protecting the rights of the inmates. We feel that this visiting mechanism is an important part of our work and though it is now funded by foreign donors it should be integrated into the mainstream work of the Commission.

5. **Economic and Social Rights**

The Commission also developed a programme on economic and social rights. A fact finding mission to the Anuradhapura hospital led by Dr. Deepika Udagama was conducted on the right to health, and a policy paper has been prepared on the human rights implications of a water policy for the country.

6. **Disaster Relief**

The Commission set up the Disaster Relief Monitoring Unit after the Tsunami of December 2005 under the Chairmanship of Mr. Lionel Fernando. The unit investigates complaints, lobbies governments and engages in People’s Consultations on the issues facing the public. This unit has received a great deal of praise both nationally and internationally.

7. **Protection of Vulnerable groups**

The Commission has special programmes for the protection of vulnerable groups and the empowerment of these consultancies. We created a special committee that looked into the rights of women migrant workers. We held a national conference on the rights of people with disabilities, we have a special project on war affected internally displaced persons that monitors their complaints, engages in activities with the IDPs and raises awareness about their conditions. We hosted a regional conference on IDPs and human rights institutions and our model was appreciated by other war affected countries of the region. We have also begun a special programme on children’s rights, including the visiting of children’s homes and the conduct of training programmes with regard to Child Rights among government officials.

8. **Religious Intolerance**

The Commission also dealt with the issue of religious intolerance by appointing a Special Rapporteur Mr. R K W Goonesekera to submit a report and by advising the Attorney General on cases before the Supreme Court.

CAPACITY BUILDING OF THE HRC

The Commission raised funds and resources to develop the capacity of the HRC. We have added human resources through the graduate training programmes and the backlog project funded by the UNDP. We have managed to secure a fleet of vehicles for the use of Inquiries and Investigation as well as the regions; we have computerized HRC activity, and an up to date. Website (hrcls.org) was launched in March 2006. In time, complainants will be allowed to follow their cases on the web. We have expanded our premises into four buildings and uplifted our regional offices. We have also conducted extensive training programmes for our staff on human rights issues from international human rights, the right to equality, freedom from torture, women's rights and how to manage offices and write reports. We have been able to do all this thanks to the increased funding from the Treasury and from our donors. UNICEF, UNHCR, UNDP, CIDA, SIDA, NORAD, the British Foreign and Commonwealth office and the Asia Foundation.

Though we have had relative successes, there is still need for improvement. Though we have acquired more personnel to deal with the backlog, a more streamlined procedure must evolve over time and the delay in procedures overcome. Human resources have to be managed in a more efficient manner and more training has to be imparted to our personnel. We hope a future Commission will move the HRC in that direction.

Chapter One

The Commission

The Human Rights Commission was established under the Act No. 21 of 1996 and is also found under the 17th Amendment to the Constitution. The Act combined the functions of two preceding institutions - the Commission for Elimination of Discrimination and Monitoring of Human Rights (CEDMHR) and the Human Rights Task Force (HRTF).

The Commission is entrusted with the broad task of promoting and protecting Human Rights within Sri Lanka. The Commission can inquire into and investigate complaints regarding procedures with a view to ensure compliance with the Fundamental Rights provisions of the Constitution and promote respect of these rights (Section 10). It can also inquire and investigate complaints regarding infringement or imminent infringement of Fundamental Rights, visit Police and all detention centres and provide resolution therefore through conciliation and mediation (Section 11).

The Commission may also provide advice to the Government with a view to bring national laws and administrative measures in accordance with Fundamental Rights guaranteed by the Constitution and international human rights standards. As part of this mission the Commission is tasked to promote awareness and education in relation to human rights.

The Commission provides services through the regional offices in Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee, Vavuniya, and the Head Office in Colombo. It is composed of five members, a Chairperson and four Commissioners who are appointed for a three-year term which terminates in March 2006.

Dr. Radhika Coomaraswamy- Chairperson

Dr. N Deepika Udagama – Commissioner

Mrs. C C Senanayake – Commissioner

Mr. N. Selvakkumaran – Commissioner

Dr. M. A. Zainudeen - Commissioner

Chapter Two

Divisions of the HRC

The Commission is comprised of three function divisions each headed by a Director. The mandate and activities of each division in the years 2004 and 2005 are outlined in the following sections.

2.1 Inquiries and Investigations Division

The Inquiries and Investigations Division received 6621 complaints of human rights violations in 2004 and 6428 in 2005. It proceeded with 4069 and 4118 complaints respectively. Some matters are handled and resolved in Regional Offices through conciliatory process. However, when the Regional Office is unable to resolve the matter the complaint is referred to the Head Office for advice or resolution.

The Supreme Court also referred seven (7) fundamental rights cases to the Commission for inquiry and report in 2004 and three in 2005.

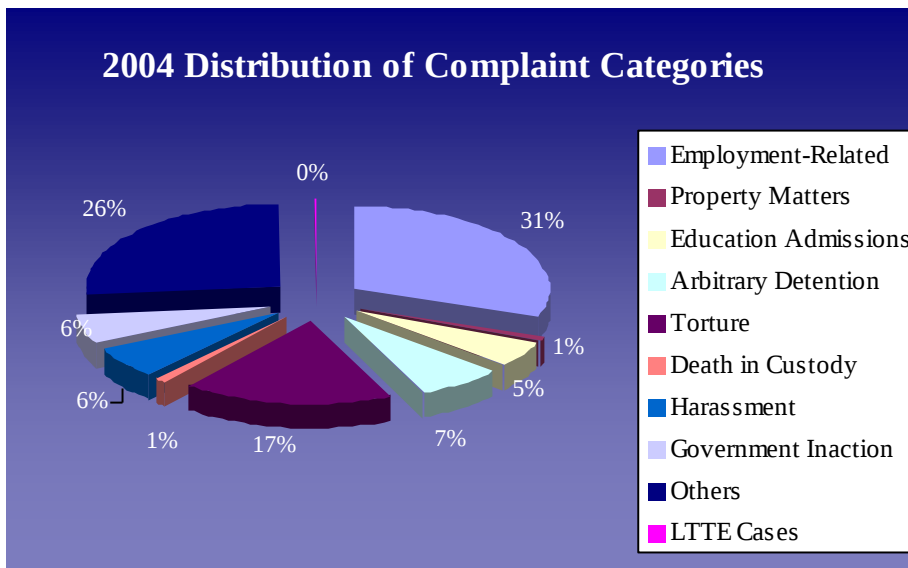


Figure 1

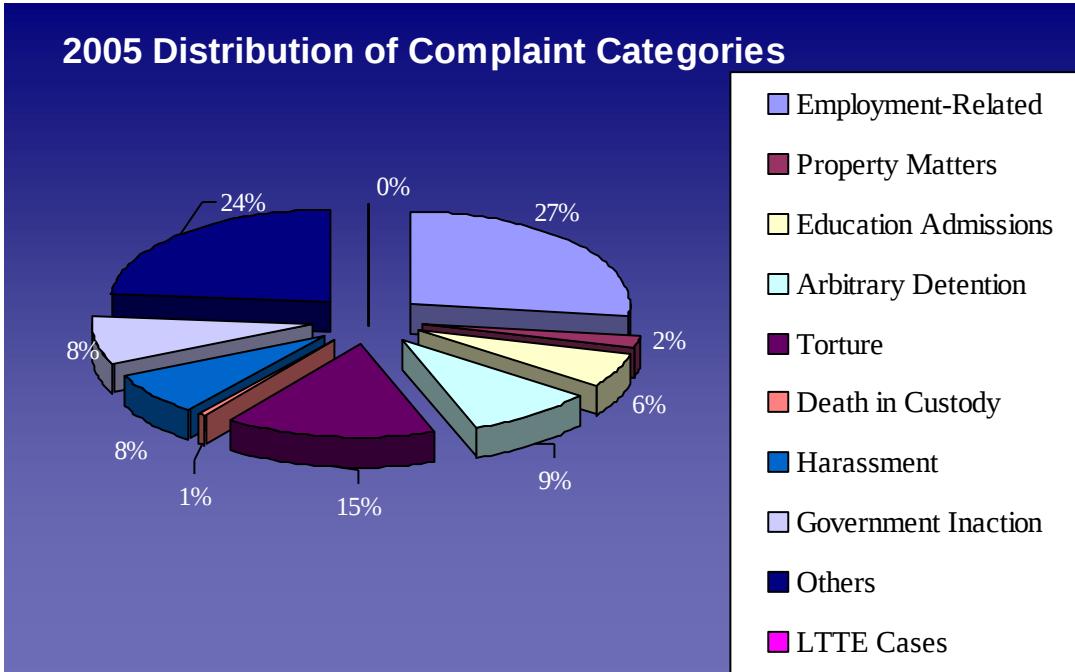


Figure 2

The Commission received many complaints related to various fundamental rights issues concerning employment. In 2004 and 2005 this category received the highest proportion of complaints 31% and 27% respectively. The second-highest category in both years was complaints of harassment, with 26% and 24% respectively.

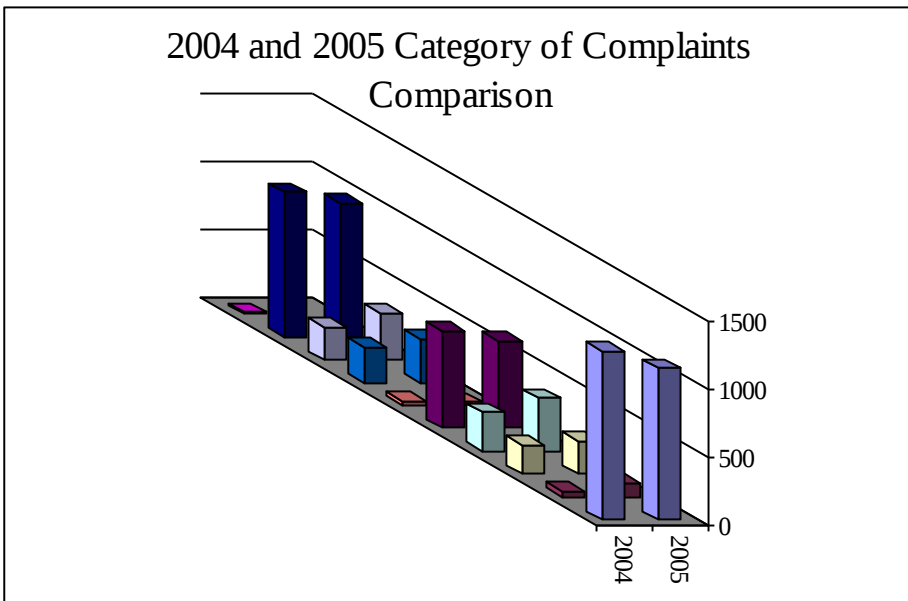


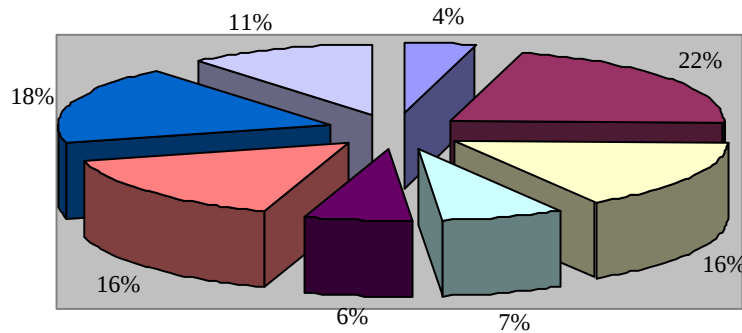
Figure 3









The significant difference appears to be a dramatic decrease in complaints concerning the LTTE, 15 in 2004 while there were zero in 2005. There was a slight numerical

decrease in complaints related to Employment Matters, Torture, Death in Custody and Others (non-categorised fundamental rights complaints). On the other hand, complaints concerning Property Matters more than doubled from 2004 to 2005, and there was approximately a 100 numerical increase in complaints of Government Inaction, and Arbitrary Detention. Finally, complaints of Harassment, School Admissions, and Torture all registered slight numerical increases.

Thus a percentage decrease in Torture complaints, Employment Matters and the other category resulted in a slight increase in the percentage of the remaining categories.

Distribution of all Concluded Complaints (2970 total completed)

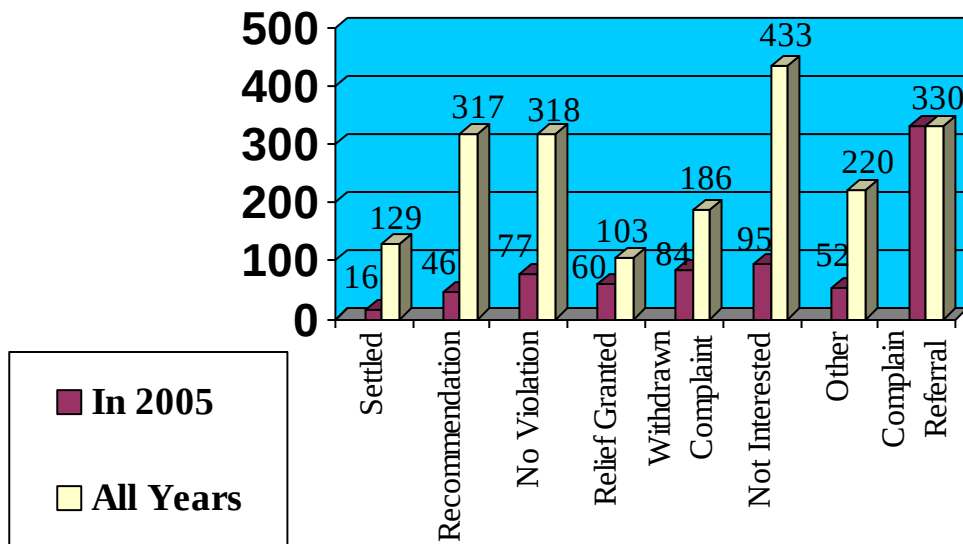


 Complaint Settled	 HRC provided a recommendation
 No violation found	 Relief was granted
 Complaint Withdrawn	 Not Interested
 Other	 Referred to other Authorities

182 complaints were concluded in 2004 and 760 in 2005. At the end of 2005, the Division had concluded 2970 complaints in total.

The highest proportion of complaints, 22%, was concluded by the Division through a recommendation provided by the Commission. 4% of complaints settled and in 7% the relief asked for was granted. While only 16% of complaints were concluded because no fundamental rights violations was found. However, in 6% of cases the complaint was withdrawn and 16% of complaints were concluded because the petitioner was not interested in pursuing the inquiry. Finally, 18% of cases, filed in the other category, do not fit any of the present categories.

Distribution of complaints concluded in 2005



This graph shows the division of how complaints have been concluded by the Commission overall compared with the distribution of concluded reports were in 2005. 2005 is the first year that data on cases concluded in one year are available. In 2005 the Division began to refer eligible complaints to other relevant authorities, and this group represents 330 concluded complaints.

Other Projects

Rather than be driven by complaints, under the strategic plan the commission has endeavoured to embark on a proactive programme of work aimed at reducing and/or averting imminent violations. One such programme is the surprise visit to custodial institutions, places of detention, State Homes for juvenile offenders, Women & Children's Homes, and Mental Hospitals. Another is the Swiss Torture Project on Torture (discussed in the 'Projects' Section 2.9.1).

The Division also began the **Backlog Cleaner Project** in 2004. From 2001 until 2004 there were approximately 7530 complaints that were accepted but have not been investigated by the Commission. The Backlog Cleaner Project was initiated to remedy this problem. 19 inquiry officers, including 5 retired judges, and 22 other staff were appointed to the head office under the project. Special attention was given to torture complaints.

- 5214 new cases were added to the backlog in 2004 and 2005.
- During 2004 and 2005 the project completed 3332 outstanding cases.
- 3606 cases are still pending and 1608 are waiting to be assigned to Inquiry Officers.

2.2 Monitoring and Review Division

The Monitoring and Review Division is tasked with fulfilling responsibilities given to the Commission under the establishment Act. The primary directive of the Division is to monitor the status of human rights in the country. In order to fulfil this mandate the Division is required to plan prioritized programmes for ascertaining consistency with Fundamental Rights provision of the Constitution and international human rights norms and standards responsible for its execution on approval by the Commission for existing legislation. It should undertake continuing review of current and future Emergency Regulations for ascertaining consistency with the Fundamental Rights provision of the Constitution and International Human Rights norms and report to the Commission with Recommendations. Additionally, it should examine, on a prioritized basis, systems and procedures of state organizations with potential for violation of Fundamental Rights and submit proposals to the Commission for making recommendations to the concerned authorities to avoid administrative and executive action that may result in such violations. The Division is also tasked to identify any other systemic faults that give rise to or permit the violation of Fundamental Rights by state agencies and recommend remedial measures to the Commission for submission to the government and create general guidelines for state agencies for the avoidance of the violation of Fundamental Rights in their dealings with the public and their employees, issue such guidelines with the authority of the Commission and update such guidelines as and when necessary. Finally, the Division is responsible for the formulation of appropriate human rights education programmes for state officials, women, children, public etc. As well as monitor, implement and follow up of the above-mentioned programmes.

In order to fulfil its mandate the Division should conduct surprise investigative visits to assess the human rights conditions at state children's and women's homes, and should implement necessary programmes to ameliorate the human rights condition of the above mentioned institutions.

Activities the Division undertook from January 2004 to March 2006:

Two of the largest projects that the Division worked on in 2004 and 2005 were Protecting Children in Sri Lanka's Children's Homes and Detention Centres Project (See 3.7.5) and the SARIQ Project (See 3.7.6). Although wholly undertaken by this Division, these projects are dealt with in-depth later in the report as they were not funded under the Commission budget but rather funded through donations. In addition, in 2004, the Monitoring and Review Division assisted the Special Rapporteur on Religious Conversion and Human Rights (See 3.2.1).

2.2.1 Methsevana Women's State House of Detention Investigation

Responding to complaints of human rights violations, such as and including detention without proper court orders, poor living conditions and the detention of children and people with psychiatric problems by human rights groups, the Monitoring and Review Division of the Human Rights Commission undertook an investigation of the Methsevana State House of Detention. The Chairperson, Dr. Radhika Coomaraswamy and Commissioner C.C. Senanayake headed this mission. The Commission in March

and July 2004 compiled the findings through surprise visits. The objective of the mission was to draw attention to ensure compliance with international and domestic human rights standards at Methsevana.

Findings:

The HRC found that many of the women at Methsevana were “no date detainees”. This was found to be unconscionable and a serious violation of civil and political rights. The Judiciary should specify a release date for every detainee. In addition we found many children living in the house of detention. This was also unacceptable and arrangements must be made as soon as possible to move the children into the community. If the children do stay it must be in their best interest and resources should be found to allow them to lead a normal life.

Additionally, women at the Methsevana Detention Centre should have access to basic facilities, including health care, education or vocational training, clean water and mechanisms by which to communicate with family. Women with serious mental health problems were also housed at the detention centre. They should be removed or served by Mental Hospitals and detainees should be referred to Psychological Counselling for mental health concerns. The women detainees should have access to efficient rehabilitation programmes and career guidance, as well as a Social Worker for social integration skills. Further, the State should establish a shelter in the home for women who lack a place to return.

Recommendations:

The Commission made the following recommendations:

1. Immediately address the problems associated with detention without a proper court mandate, including no-date detainees, detainees held after their sentence, the refusal to release detainees without a guardian and the detention of women who have not committed punishable offences.
 - Resolve the discrepancy regarding the definition of vagrant in the Vagrant’s Ordinance and the Houses of Detention Ordinance.
 - Amend the Houses of Detention Ordinance to include a provision that all adult detainees should be released upon expiration of their sentence, notwithstanding that any person claims custody of the detainee.
 - Organize a meeting between the Departments of Social Services, the Judiciary and the local magistrates to formalize a uniform sentencing procedure.
 - Require judges and magistrates to specify a release date upon sentencing.
 - Detention should only be mandated upon a charge or conviction of a punishable offence.
 - Prohibit a house of detention from detaining adult women simply because they have no guardian.
 - Convert at least part of the Detention Centre into a shelter for women.
2. Address the specific needs of children and women with mental illness.

- Refer detained children to an institution that provides services for children.
 - Recruit and hire a Paediatrician and ensure that children have received all vital vaccinations.
 - Refer women with serious mental illness to mental hospitals or other institutions.
 - Convert the psychiatric ward into additional housing for detainees.
 - Pay other detainees to clean and supervise the psychiatric ward.
 - Compensate the women who work as caretakers for the mentally ill.
3. Guarantee healthy, safe and sanitary living conditions.
- Prioritize funding to fill the vacancies in the approved cadre, including two nurses, seven attendants and 12 supervisors.
 - Add the following positions to the approved cadre: (1) a permanent doctor and/or Paediatrician; (2) Psychological Counsellor; (3) Social Worker; and (4) Career Guidance Counsellor. Give preference to female officers for these positions.
 - Provide a healthy water supply and personal hygiene items, including soap, shampoo, toothpaste and feminine products.
 - Provide and monitor the upkeep of essential resources, such as beds, mattresses, bedding and pillows, towels and washcloths and clothing.
 - Provide at least 10 additional toilets.
 - Take steps to rid the premises of the open sewage and litter surrounding it.
 - Employ detainees to complete daily cleaning and upkeep of the grounds.
 - Utilize space more efficiently to avoid overcrowding. For example, convert the space utilized for the Department of Social Services stores and the unused space in the Jeb Memorial Building into housing.
4. Reinstate the rehabilitative mission of Methsevana Detention Centre.
- Hire a career guidance counsellor to prepare detainees for work during and after the detention period.
 - Encourage vocational training and compensate women who participate. Award a proper certificate upon completion of unpaid vocational training programs.
 - Implement programs targeting the interests of the women, including education, art, music, exercise and self-sufficiency. Provide basic training on recognizing monetary notes, budgeting and saving.
 - Introduce a mail collecting and sending service to aid communication with families. Provide paper, pens, envelopes and stamps. Employ a detainee to oversee the project and assist illiterate women in corresponding with home.

Finally, this investigation led the HRC to believe that there are several fundamental women's rights that must be addressed. Sri Lanka should not only recognize women's rights within Methsevana Detention Centre but also provide services and shelters for women with children, women with mental illness and homeless women in order to build the framework for eliminating human rights violations against women.

2.2.2 Child Rights Programme for State Officers in the District of Galle

As part of the Monitoring & Review Division's programme to monitor the human rights situation in State Children Homes by making surprise visits, the Division conducted a questionnaire on the training needs to the officials in the Galle district who have a direct involvement in the fields of child rights. As a result of the questionnaire the Division discovered a need for an awareness program on child rights and legislation. The Division conducted this training on 28 September 2004.

The programme was organized with the collaboration of the Divisional Secretary of Ambalangoda. The Commission invited the following groups for the awareness programme, Probation Officers of Galle District, Child Rights Promotion Officers of Galle District, Officers of the Women and Children's Desk of the Police in the Galle district, School Principals of the Ambalangoda Educational Zone, and Staff of the Children's Homes in the Galle district.

The Directors of the Commission conducted the following lectures in this programme; the international standards of children's rights and the observations and recommendations on Child Rights, Human Rights and Child Rights, Provisions in the Sri Lankan legislature related to child rights and its practice. In addition, two documentary films on child rights were shown to the participants. After the lectures, the audience was given the opportunity to raise questions. During the discussion, the participants raised concerns and recommendations.

2.2.3 Child Rights Awareness Programme for the State School Principals of Ratnapura District

The Education & Special Programme Division with the collaboration of the Monitoring & Review Division organized this programme on 8 November 2004 on child rights to raise awareness in State School Principals. This programme was designed to target the school principals in the Ratnapura District. It aimed to promote the human rights of students through instructing principals on the rights of children. School principals are the most suitable target group to convey the knowledge and experience gained from this programme to co-staff, as well as the students in their respective institutions.

Lectures were conducted on the following topics; an introduction to the powers and functions of the Human Rights Commission, Introduction to human rights laws relating to children, the rule of law and responsibilities of principals.

2.2.4 International Children's Day Art Competition at St. Vincent's Secondary School

The Human Rights Commission of Sri Lanka takes special interest in protecting and promoting child rights. During a fact-finding mission, the Monitoring and Review

Division of the HRCSL came across a special school in Maggona, St. Vincent Secondary School, where all the students except three come from Children's Homes in the Kalutara District, in the Western Province. The Division thus decided to run a special World Children's Day program at the school. The goal of the program was to identify the talents of the children and provide recognition and appreciation for the talents of the vulnerable children at the St. Vincent school. The Commission decided to hold an art competition in celebration of the World Children's Day on 1 October 2005.

Prior to the art competition it was essential that the Commission obtain a basic understanding of the school and its students. Hence a team of officers visited the school two weeks before the date of the competition and had lengthy discussions with the principal and the staff and gave a brief description on child rights.

Before the competition, the students participated in physical relaxation exercises and sang songs. The students were then given two hours for painting. Although the theme was "protecting Child Rights" the children were given freedom to choose any topic under the theme of "My bliss". 95 out of the 160 students agreed to participate in the art competition. 67 of them chose Pentium and 28 watercolours.

All participants finished painting at the end of the two hours. It was visible that most of the children had drawn paintings on the family and household environment. This correctly showed the mindset of the participants who are deprived of their normal family life and who are living in Children's Homes without receiving the love and care of their parents and siblings. Drawing was a good way to express all these emotions in them, and leads to relaxation of their minds. This helps in eradicating the violent and retributive emotions such as hatred towards society. In terms of psychology, this exercise could be considered as an important mental therapy. Giving these children an opportunity to express their emotions is more important than providing them with counselling.

After the competition, the university lecturers undertook the responsibility of judging the paintings. According to a concept of the Chairperson, not only the participants of the competition, but every student of the school received prizes at this event. In addition, all students who participated in the competition received certificates for their participation.

2.2.4 International Human Rights Day Celebration, 2005

The Commission organized a series of programmes in order to celebrate International Human Rights Day 2005. As the main programme of the celebration, a seminar on the "Right to Life" - measures to combat extra-judicial killings, political killings and disappearances was organized by the Monitoring and Review Division. This was held on 10 December 2005 at the Sri Lanka Foundation Institute. 81 participants, including state officers, officials of INGOs, human rights activists, journalists, academics and lawyers involved in the field of human rights participated in the event.

2.2.5 Sexual Harassment Policy; Guidelines for State Sector Institutions

In 2005 the Monitoring and Review Division of the Commission created and issued “A Sexual Harassment Policy; Guidelines for State Sector Institutions”. Sexual harassment is an aspect of discrimination. It is also a criminal offence in Sri Lanka. Sexual harassment includes unwelcome sexually determined behaviour such as a physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem. It becomes discriminatory when the complainant has reasonable grounds to believe that his/her objection would disadvantage him/her in connection with his/her employment, including recruitment or promotion, or when it creates a hostile working environment.

The guidelines recommend that all state sector institutions adopt a policy of eradicating sexual harassment in the workplace and should take measures to provide a remedy to victims of sexual harassment. Furthermore, it recommends that all state sector institutions establish a committee to determine cases of sexual harassment. Complaints should be lodged in writing and within one month of the alleged incident. The complaint should be submitted to a committee, consisting of a fair balance of men and women; with at least two women, to investigate. When the committee finds someone responsible for sexual harassment a written report on steps taken after the complaint should be attached to the personal file of the employee who committed the offence. Finally, in the case of retribution taken against a complainant, verbal instructions that do not constitute a disciplinary action may be given. If the party persists, the party should be interdicted.

2.2.6 Celebration of International Women’s Day

The Human Rights Commission, through the Monitoring and Review Division, conducted a workshop on 7 March 2006 to mark the International Women’s Day at the Sri Lanka Foundation Institute (SLFI). The Workshop focussed on issues relevant to women through four presentations. Each presentation was followed by a panel discussion. The workshop proceedings were presided over by the Chairperson of the HRC.

The first presentation and panel discussion was on the ‘Policy on Sexual Harassment’. This presentation focused on the HRC Policy Guideline on Sexual Harassment for government institutions. (Also see section 2.2.6). The second presentation and panel was on the ‘Prevention of Domestic Violence Act’. This section focused on the Parliamentary Act of October 2005 to prevent domestic violence. The third panel and presentation discussed the “Report of the Committee to Protect Women Migrant Workers.” The discussions focused on the HRC report on the human rights situation of migrant women workers (See section 3.3.1) and included consideration of, trends in migration, institutional and legislative frameworks, international instruments, pre-departure issues, post –departure issues, post-arrival experiences of women migrant workers and recommendations. The final presentation and panel concerned the ‘HRC

Project on the Protection of the Rights of War Widows.’ This presentation focused on a project that was being implemented by the HRC (See section 3.3.4).

2.3 Education and Special Programme Division

Section 10 (1) (f) of the Human Rights Commission Act No. 21 of 1996 reads, “The function of the Commission *inter alia* shall be to promote awareness of, and provide education in relation to, Human Rights.” This provision clearly indicates that education is one of the important functions of the Commission. There is a Commissioner in charge of education activities of the Commission, and the Director, Legal Officer and Education Officer implement education activities.

A new Director was appointed to the Education & Special Programme Division in May 2005, and a Legal Officer was recruited in August 2005 on temporary basis since the Legal Officer, Education & Special programmes was awarded leave by the Commission to study Masters in International & Human Rights Law, at the Raoul Wallenberg Institute *cum* Faculty of Law of the Lund University, Sweden on a scholarship awarded by the Lund University in 2004 for 1 ½ years. A vacancy of the Education Officer was also filled in October 2005.

2.3.1 Human Rights (General) Training Programmes

In 2004, the Division conducted 24 Human Rights Awareness Programmes for Police Officers and Trainees, Buddhist Monks, State Officers, Officers of State Children’s Homes, Villagers, Women community leaders, Army Officers, Members of the Ambagamuwa Pradeshiya Sabha , Prison Officers, School Principals, Field Officers, Graduate Trainees, Divisional Secretaries, Youth Corp, Grama Niladharis, Samurdhi Niladharis and Agricultural Officers.

In 2005 the Division conducted 4 training programmes on human rights in Maharagama, Badulla, Ampara and Giribawa targeted to Youth Leaders , Medical Officers , Public Officers, Public Officers & villagers respectively. The Program at Maharagama was organized with the collaboration of Sri Lanka National Youth Services Co-operative Societies Union Ltd and the Program for Medical Officers organized on the request of the Provincial Health Director of Uva Provinces. The Programs at Ampara and Giribawa were conducted with the collaboration of Trade unions and the Public Medical Officer respectively.

2.3.2 Training Programs for the staff

In 2004, the Division also conducted four training workshops . These were all held at the SLFI, Colombo. Two of the workshops were for the Investigation Officers of the HRC, while the other two were for Resource Persons from North Central, Southern and Eastern Provinces, and Uva, North Western and Central Provinces respectively.

In 2005 , the Division organized 2 training programs for the newly recruited staff of the Commission. The first training focused on basic introduction of Human Rights and

the role of the Human Rights Commission. The second Training covered economic Social and cultural Rights and Equality and Non discrimination.

2.3.3 Economic Social and Cultural Rights Programmes

The Division also conducted 6 education programmes on Economic, Social and Cultural Rights. These were targeted at Community Leaders and were held in Badulla, Kandy, Anuradhapura, Ampara, Batticaloa and Vavuniya. The Participants were selected by the Regional Coordinators . The objective of this programme was to empower civil society to lobby for second generation rights. It was greatly appreciated by the target groups since this programme makes them think of human rights from a broad perspective with a view to assessing and finding solutions to social/economic problems in their respective areas.

The programs were facilitated with lectures and some of the programs were conducted with a participatory approach. Sessions devoted to group discussions and to problem solving were included in the programs.

2.2.4 Special Programs

Lectures

The Division facilitated many lectures on various human rights topics at other institutions through their invitations and requests. The institutions facilitated by the Division were schools, Non governmental organizations, National Commissions, Trade Unions, Professional Organizations and Government Organizations.

International Workshops

In 2005 the Division also participated and organized a **workshop on Conflict Prevention** conducted in Colombo from 22nd to 24th September 2005 for the staff of the National Human Rights Commissions of the Asia Pacific region. The United Nations System staff college, the NGO Fahamu and the United Nations Office of the High Commissioner for Human Rights, jointly organized this workshop. This workshop was co-hosted by the National Human Rights Commission of Sri Lanka and the Director (Education) participated in and took the initiative to organize this workshop in Sri Lanka.

Art Competitions and Exhibition

In association with International Human Rights Day, the Division conducted programs in five regions with the collaboration of Regional Offices. Art competitions for children under the theme “Equality and Peace” were held in Vavuniya, Trincomalee, Batticaloa, Kalmunai and Jaffna. These competitions were organized through the

Zonal Education Offices in the respective districts. These paintings were exhibited regionally.

Special Concert

A Special Concert on the Indivisibility of Human Rights took place in Badulla among multi-ethnic school children. This programme included Dramas and cultural activities. Students expressed Social, Economic and cultural problems in different ways. The Division gave opportunity for the Students from the Special School for Disabled (Deaf and Dumb) to perform in this concert.

Information sharing

The Division initiated the preparation of leaflets, handbooks and manuals on Human Rights in national languages (Sinhala and Tamil). The division assist the public by providing information to collect Human rights material. Different category of visitors such as labour officers, Police officers and Army personnel visited the division seeking advice on Human Rights violations. NGO activists, International Agencies, School children, Law students, Community leaders, trade union activists and youth leaders visited the division seeking information and to use the library. The Division conducted Human Rights Education programmes through the Mass Media specially using electronic Media. Special Human rights articles were published in newspapers on Human Rights.

There is a Commissioner in charge of education activities of the Commission, and a Director, Legal Officer and Education Officer implement education activities. Section 10 (1) of the Human Rights Commission Act No. 21 of 1996 reads, “The function of the Commissioner inter alia shall be (f) to promote awareness of, and provide education in relation to, Human Rights.” This provision clearly indicates that education is one of the important functions of the Commission.

Education Programmes:

A new Director was appointed to the Education & Special Programme Division in May 2005, and a new Legal Officer recruited in August 2005. A vacancy of the Education Officer was also filled in October 2005. In 2004, the Division conducted 24 Human Rights Awareness Programmes held for Police Officers and Trainees, Buddhist Monks, State Officers, Officers of State Children’s Homes, Villagers, Women community leaders, Army Officers, Members of the Ambagamuwa Pradeshiya Sabha , Prison Officers, School Principals, Field Officers, Graduate Trainees, Divisional Secretaries, Youth Corp, Grama Niladharis, Samurdhi Niladharis and Agricultural Officers.

In 2004, the Division also conducted four training workshops for staff of the HRC. These were all held at the SLFI, Colombo. Two of the workshops were for the Investigation Officers of the HRC, while the other two were for Resource Persons

from North Central, Southern and Eastern Provinces, and Uva, North Western and Central Provinces respectively.

In 2005, the Division conducted four education programmes on human rights. These were conducted in Maharagama, Badulla, Ampara and Giribawa and targeted Youth Leaders, Medical Officers, Public Officers and Public Officers & Villagers respectively. The programmes were facilitated with lectures and some of the programmes were conducted with a participatory approach. Sessions devoted to group discussions and to problem solving were included in the programmes.

The Division also conducted 6 education programmes on Economic, Social and Cultural Rights. These were targeted at Community Leaders and were held in Badulla, Kandy, Anuradhapura, Ampara, Batticaloa and Vavuniya. The objective of this programme was to empower civil society to lobby for 2nd generation rights. It was greatly appreciated by the target groups since this programme makes them think of human rights from a broad perspective with a view to assessing and finding solutions to social/economic problems in their respective areas. The Division also facilitated many lectures on various human rights topics at other institutions through their invitations and requests. The Division conducted two training programmes for the newly recruited staff of the Commission. The first training focused on basic introduction to human rights and the role of the Commission. The second training covered economic, social and cultural rights, equality and non-discrimination.

Special Programmes:

In association with International Human Rights Day, the Division conducted programmes in five regions with the collaboration of Regional Offices. These programmes were conducted under two themes, “Equality and Peace” and “Indivisibility of Human Rights” and included a concert and a poster competition. Poster competitions for children under the theme “Equality and Peace” were held in Vavuniya, Trincomalee, Batticaloa, Kalmunai and Jaffna, while a Special Concert on the Indivisibility of Human rights took place in Badulla among multi-ethnic school children.

2.4 Administration and Finance Division

The tenure of the Board members of the Human Rights Commission headed by Dr. Radhika Coomaraswamy continued without any interruption in the years 2004 and 2005.

Mr. Hema Siriwardena continued to function as Secretary to the Commission until 10th January 2005. Mr. de Silva became the Secretary 2 February 2006. The staff included members in permanent posts, as well as contract, casual, trainee and intern positions. However, the staff was inadequate to meet the increasing workload. Thus, permanent vacancies were filled by advertisement. Five among temporary staff were

promoted as stenographers of permanent cadre after a written test and structured interview.

The recruitment of 30 graduates out of the Graduate Scheme consisting of Legal Assistants, Investigating Assistants, Programme Assistants and Financial Assistants helped to reduce the burden considerably. The additional burden of renting out new premises to accommodate them was solved with the funds received from UNDP to meet the cost of rent and for the purchase of equipment including computers. However, the shortage of supporting staff had caused certain delays in handling inquiries.

2.4.1 Budget – 2004 & 2005

The Commission receives Capital and Recurrent Grants from the Government. In addition the Commission sought outside donations to provide funding for projects. This funding doubled from 2004 to 2005. During 2004 and 2005, the Commission gratefully continued to receive grants from donor agencies, which allowed the Commission to satisfactorily fulfil its mandate. The implementation of the Commission's Strategic Plan was funded by British Government department DFID, and channelled through UNDP. Other donors in 2004 were UNDP, NORAD, UNHCR, EU, UNICEF, CIDA and Asia Foundation. Regular audits were carried out on the disbursement of funds. The on-going projects in 2005, were funded by UNDP (2 projects), UNICEF (3), UNHCR, the Asia Foundation, the Swiss Project, UNIFEM, SARIQ, NORAD, OXFAM, and CIDA. Donor funds have been maintained in separate accounts, and reports were rendered to the donor agencies.

A complete report of the budget can be found in the appendix.

2.4.2 Computerization of HRC

When the current Commission took over in April 2003 the IT facilities available at HRC were very basic. Hardware included a server and 8 PC's at the Head Office and 1 PC each at the Regional Offices. We also had one e-mail address for the Commission. The Strategic Plan of the Human Rights Commission of Sri Lanka (2004-2006) envisaged developing a plan to computerise the Commission's administration and start implementation of the plan. The plan encompasses a Total IT solution and will include

- Training in computer and keyboard skills to all staff;
- Enabling as many staff as possible to use computers in their day to day work;
- Provide a communication network that will link all the Regional Offices with the Head Office;
- A common database accessible to the regional offices to ensure uniform recording of complaints;
- Internet/e-mail facility;
- A webpage providing on-line access to relevant information.

Progress to-date:

- We have had extensive training on basic computer skills to all the HQ staff. Arrangements are being made to provide training for the Regional staff with the help of the British Council.
- Approximately 85 new PC's and 30 printers have been provided, enabling more staff to use computers in their day to day work.
- LAN (local area network) linking the two HO buildings have been provided, giving immense capabilities. The current capabilities include: File/Printer Sharing, Access Databases and other programmes from remote computers (E.g.: FRV Database), Sending Messages throughout the computers, Internet/email for all, Auto Virus scanning (using fire wall), Backing up files from IT room, Managing/Controlling PCs from IT room, Fax services, Auto updating Virus Scan, Windows and programmes.
- The existing website, which was designed and hosted by Danish Institute of Human Rights, has been re-designed/updated and launched. This is a much more user-friendly and readily accessible Website. The Website provides information not only on the HRC and its projects but also allows complainants to check status of their complaints.
- A project to computerize the Financial Accounting and Payroll functions has been completed and now on-line.
- The CMS database has been updated and all Investigation Officers, Inquiry Officers and Legal officers have been trained.

The UNDP Law Review Project and the DFID programme of the British Government funded both the LAN project, and the issue of computers and printers.

HRMS Database

John Keels Business Systems developed the HRMS (Human Rights Monitoring System) database during 2002, funded by the Asia Foundation. The system was installed but not rigorously tested. A renewed attempt to make the HRMS operational was not successful. It was found that the database was developed on a wrong platform and was not amenable to upgrading to newer versions of the operating platform. John Keels eventually conceded that it was not feasible to make the database work.

2.4.3 Island-wide Language Training Programme Conducted by the Department of Official Languages

Under a project conducted by the Official Languages Department, training in official languages was provided to Commission staff members during office hours for one hour a day, twice a week over the course of six months. 30 candidates from the Commission participated in the Basic Tamil Language Training Programme in 2004 and four staff members were successful at the final examination held on 14.05.2005. One staff member participated in and successfully passed the final examination in the Basic Sinhala Language Course in December 2004.

2.4.4 Vehicles & Buildings

The UNDP, under the technical assistance programme, donated a car, a double cab, and 4 motorcycles for the use of the Commission. A list of vehicles is appended to this report.

For a complete list of vehicles and buildings used by the Commission please see the Appendix.

Income & Expenditure Account for the year ended 31/Dec/2005

2004	DESCRIPTION	NOTES	2005
	ASSETS		
	NON CURRENT ASSETS		
1,751,152.37	Fixed Assets	20	21,406,839.81
	CURRENT ASSETS		
112,534.00	Stocks	21	124,232.98
538,226.52	Prepayments	22	326,424.40
73,072.68	Cash at Bank	23	3,438,426.05
	Cash in Hand	24	
94,446.00	Loan	25	95,246.00
1,317,300.00	Advance	26	1,713,923.00
125,000.00	Deposits	27	150,000.00
43,728,988.33	Regional Center A/C 's	28	58,518,039.02
48,784.70	Other Current Assets	29	41,245.03
47,789,504.60	TOTAL ASSETS		85,814,376.29
	CAPITAL & LIABILITIES		
	CAPITAL & RESERVES		
1,380,000.00	Capital Grants	30	9,509,296.00
	Donations	31	11,900,000.00
33,986,454.72	Accumulated Fund	32	42,551,193.65
	NON CURRENT LIABILITIES		
1,934,334.50	Defined Benefit Obligations	33	3,073,901.75
135,364.53	Other Non Current Liabilities	34	135,364.53
(34,730,347.26)	Income & Expenditure		(41,289,711.56)

	CURRENT LIABILITIES		
1,139,456.88	Accrued Expenditure		1,710,459.48
208,336.84	Projects		(301,182.64)
7,016.06	Other Current Liabilities		7,016.06
43,728,888.33	Head Office Current A/C		58,518,039.02
47,789,504.60	TOTAL CAPITAL & LIABILITIES		85,814,376.29

Income & Expenditure Account for the year ended 31/Dec/2005

2004	DESCRIPTION	NOTES	2005
	INCOME		
36,900,000.00	Recurrent	01	48,112,500.00
126,079.10	Other Income	02	3,067,451.98
37,026,079.10	TOTAL INCOME		51,179,951.98
	LESS EXPENDITURE		
24,666,572.93	Personal Emoluments	03	32,028,508.68
450,800.61	Traveling Expenses	04	249,716.99
2,526,024.32	Supplies Expenses	05	2,454,703.35
1,542,781.17	Maintenance Expenses	06	1,401,235.04
10,810,139.21	Contractual Expenses	07	11,270,507.73
1,219,183.57	Other Expenses	08	1,500,545.39
41,215,501.81	TOTAL EXPENDITURE		48,905,217.18
(4,189,422.71)	INCOME OVER EXPENDITURE		2,274,734.80
(30,540,924.55)	BALANCE C/F		(43,564,446.36)
(34,730,347.26)	BALANCE B/F		(41,289,711.56)

Chapter Three

Activities of the HRC

3.1 Fact-Finding Missions

The Commission conducted the following fact-finding missions in 2004 and 2005. Fact-finding missions are led by the Commissioners to investigate troubling specific complaints of human rights abuses.

3.1.1 Human Rights Situation in the Eastern Province 2003

The Commission had received a large number of complaints, both oral and written, under signature and anonymous about the human rights situation in the eastern province. In December 2003 the Commissioners made a fact-finding mission to the Batticaloa and Ampara districts to ascertain the existing human rights situation. The goal of the initial project was to address human rights issues related to the Cease Fire Agreement (CFA) of February 2002.

The Commission held formal meetings with the NGO Consortium, religious leaders, the Peace Committee, the Regional Committee of the HRC, the Bar Association, international NGOs, the security forces and the police, government officials, the SLMM, the business community, and students and professors at the Oluvil University. The Commission invited the political office of the Liberation Tigers of Tamil Eelam (LTTE) to make its representations to the Commission but was informed that they were still awaiting instructions and therefore would not attend the sessions reserved for them.

Findings:

The Eastern Province is a multi-ethnic, multi-religious province with a unique social composition. It also has some of the lowest socio-economic indicators in the whole country. When this report was written events were still unfolding in the province concerning a return to armed conflict among factions of the LTTE.

Allegations were made to the Commission concerning a variety of areas. Civil and political rights violations were alleged against both the GOSL and the LTTE. With regard to the government allegations included harassment at checkpoints, the

maintenance of high security zones, and the lack of Tamil speaking officers at police stations. With regard to the LTTE, allegations included political killings, child recruitment, extortion and “taxation”. There was also great concern over the rights of internally displaced persons (IDPs), the low socio-economic statistics from the region, and the serious problem of violence against women in the eastern province.

- The Ceasefire Agreement (CFA)

The majority of people the Commission met were happy with the signing of the CFA. However, there were also a significant number of people, many of whom were Muslim and Tamil, who were of the opinion that the situation was actually worse. This group reported greater insecurity, uncertainty, and abuse after the signing of the CFA.

One problem was that many felt that Article 2 of the CFA, which prohibits assassinations, abductions, and hostile acts, was observed only in the breach. The Sri Lankan Monitoring Mission (SLMM) informed the Commission that all allegations related to Article 2 it receives are recorded. However, the SLMM has a limited investigation capacity, therefore only sometimes, if it is certain of the facts, it will approach the military and political leadership of the LTTE or GOSL. The SLMM reported that its requests were complied within some instances, but in many instances there was no follow up and the SLMM felt that if the police are unable to be effective then some alternative mechanism, with full powers of investigation and inquiry must exist for the protection of human rights.

The Commission found that many of the problems related to the CFA stem from the non-contiguous nature of the geographical distribution of communities. The Commission found mutual suspicion between groups over issues like land, patronage, government jobs, and resource allocation. Whatever the truth to these perceptions, in light of the presence of armed groups that will assert their will through the use of violence the human rights implications of the tension between communities must be assessed.

The sheer number of Muslims affected by ceasefire violations in the first year of the CFA points to a serious crisis that will not be resolved easily. Many of the perpetrators were identified by the victims as prominent members of the LTTE in the areas where the victims live. The Commission is aware that there also have been some acts of violence against Tamil civilians by some armed groups.

Recommendations:

1) Security:

- An effective framework for security is needed to address the violence faced by communities in this region. Security is paramount if there is to be a human rights protection in these areas. Many of the problems highlighted in this report, the lack of rule of law, impunity, abuse and harassment take place because of a lack of adequate security arrangements that truly reflects the concerns of all parties living in the north and the east.

2) Civil and Political liberty:

Regarding civil and political liberty in the region;

- It is imperative that the Sri Lankan authorities, especially the police, thoroughly investigate every crime committed in the east, regardless of the perpetrator.
- Tamil speaking officers need to be present in larger numbers in the police stations and government offices.
- Protecting language rights of the minorities needs to be a priority.
- The army and police should use the peace process to lessen the inconvenience caused to members of the public, and the security forces should examine the legality of high security zones and the use of private buildings by the armed forces.
- Indiscipline among members of the security forces should be addressed and acted upon.

3) Actions by the LTTE:

The LTTE has stated both nationally and internationally that it is ready to abide by international human rights and humanitarian standards. The LTTE must be transformed from a military centric organization to a modern political organization that respects the elements of democracy.

Therefore, it must assure that;

- Political killings come to an end
- Child recruitment and child abductions stop.
- Adult abductions cease
- Extortion or “taxation” halted, and
- The rights of minorities respected.

4) Rights of IDPs

In order to improve the rights of the IDPs the Commission has the following recommendations;

- Conduct a survey to discover what impediments IDPs in the Eastern province face and why they are not returning to their homes.
- Make the selection processes for resettlement programs open, reasonable, and transparent.
- Assistance packages should be reasonable and their allocation and distribution should minimize corruption.
- Auxiliary services should be put in place before the villagers resettle.

5) Rights of Women

Finally, conditions for women must be addressed through specific programmes. Years of war and militarization have led to an increase in violence against women in both the home and in the community.

- The government must have the political will to bring the perpetrators of custodial rape during the war years before the courts and to punish the individuals concerned.
- A study must be done to assess high rates of divorce and forced marriages.
- A special, comprehensive program must be developed to assist and provide opportunities for skills development for war widows.

- Triple RRR programs focus on the fact that the east has some of the worst socio-economic indicators for women and programmes should be devised to ensure that these indicators improve.

3.1.2 Right to Health and the “Crisis” at General Hospital, Anuradhapura

The Commission was deeply concerned by reports in the media towards the end of the year 2003 and early 2004 that large numbers of people were deprived of health care at the Anuradhapura General Hospital (hereinafter GHA). The media reports alleged a near total breakdown of services provided by the GHA due to corruption and mal-administration by the Provincial Government of the North Central Province. These reports also contained interviews given by several medical specialists at the GHA who demanded the immediate take-over of the administration of the hospital by the central government; the GHA is the only general hospital in the country that comes under the authority of the Provincial Council.

The GHA is the largest hospital in the region and serves hundreds of thousands of patients, not only from the North Central Province where it is situated but also from adjacent provinces. Therefore, these media reports alleged serious implications for the right to health and needed to be investigated urgently.

The Commission, in recognition of the principle of devolution of power enshrined in the 13th Amendment to the Constitution of Sri Lanka, was not concerned whether the GHA came under the authority of the central government or the provincial government, as long as authority was assumed in compliance with constitutional provisions. The main concern of the Commission was to address any human rights concerns and make recommendations to the relevant legally constituted authorities with a view to correcting any deficiencies in the administration of the hospital.

The terms of reference of the fact-finding mission were as follows;

- Ascertain and assess the current position of the GHA with regard to available services and personnel in the light of actual requirements.
- If evidence of a crisis is found;
 - Ascertain the contributing factors
 - Analyze the human rights implications
 - Make recommendations to the relevant authorities

The mission took place from 29-30 January 2004. Given the politically charged nature of the subject, the publication of the report was deliberately delayed until the intervening parliamentary and provincial council elections were concluded. The fact-finding team consisted of experts with specialized knowledge and experience in the fields of both human rights law and public health administration;

1. Dr. Deepika Udagama, Commissioner HRC (Team Leader)
2. Mrs. C C Senanayake, Commissioner, HRC
3. Dr. Joe Fernando, Former Director-General & Secretary, Ministry of Health
4. Dr. N W Vidyasagara, Former Director (maternal and Child Health), Ministry of Health & Retired Regional Adviser (Maternal and Child Health), World Health Organization (SE Asia Regional Office, New Delhi)

5. Professor Susirith Mendis, Dean Faculty of Medicine & Professor of Physiology, University of Ruhuna, Member, Sri Lanka Medical Council

Findings:

The Commission found that the events that led to the “crisis” reported in the media were precipitated by the sudden closure of Operating Theatre ‘B’ (OT‘B’) in October 2003. The Medical Superintendent (MS) of the hospital stated that he did not authorize the closure of the OT ‘B’. Rather, it appears that medical specialists at the hospital unilaterally closed down OT‘B’ as a form of protest regarding poor facilities, and a desire to transfer control of the GHA to the central government.

The Chief Minister of the NCP, other officers of the provincial administration, the Provincial Director of Health Services (PDHS), and the MS/GHA stressed that the Treasury provided them with insufficient to run the GHA and that additional funding would resolve many of the issues at the GHA. The funds NGO representatives, the business community professionals and religious dignitaries of the NCP were critical of all parties, including the medical specialists and the provincial administration for failing to ensure a good health care system. Their main concern was the need for good governance to ensure that the best possible service is provided to the public.

The situation at the GHA cannot be termed a “crisis” as the hospital continues to provide a much needed service to the NCP. Despite general acceptance that the services at GHA had been deteriorating for a while, it was stated that; “if there is a crisis at the GHA there will also be a crisis at every State Hospital,” as the shortage of funds and other operational deficiencies are common to most state-run hospitals.

In the year 2001, the NCP was allocated Rs. 275 million as capital expenditure, while in 2002 it was allocated only Rs. 70 Million. In 2003, Rs. 110 million was provided. This is a drastic reduction in capital expenditure that forced many development programmes to be curtailed. This was a retrogressive step by the Treasury/Financial Commission, which has had a negative effect on the health services. However, the reduction in capital expenditure has been a phenomenon common to all the provinces. Under the health care budget, programme 2 – Patient Care Services (2004) the allocation for the GHA in respect of recurrent expenditure had been Rs. 240 million while the actual expenditure had been Rs. 304 million, exceeding the allocated amount by almost Rs. 63 million.

By way of comparison the GH Kurunegala which has 1200 beds was allocated Rs. 258.6 million and the actual expenditure was Rs. 387.5 million (exceeding the allocated amount by Rs. 120 million). It is then difficult to conclude that the funds allocated for the GHA were extraordinarily low so as to precipitate a “crisis”. The sad fact remains that all hospitals are allocated very inadequate funds on a regular basis.

While there was a drastic reduction in the provision of capital expenditure for 2002 and 2003, there has not been a similar reduction of recurrent expenditure, even though the expenditure exceeded the allocation by Rs. 62 million. However, the new ward block, will add an additional 240 beds to the GHA when commissioned and is intended to contain a Cardiology Unit and an Oncology Unit. The Provincial Council

should request funds with the requirements of capital as well as recurrent expenditure of these two projects in mind. Additionally, the Provincial Council should alert the Treasury/Finance Commission to provide enhanced capital as well as recurrent expenditure for equipping the operating theatres, the recovery unit etc. and the maintenance of the additional beds.

The mission concludes that the situation at the GHA must be improved. Although the situation was far from a “crisis”, as the third largest hospital and in consideration of its strategic location, more attention including additionally funding must be provided to the GHA.

Recommendations:

The Commission assumes that the GHA will continue to remain under the administrative control of the Provincial Council. Therefore the Commission made the following recommendations to ensure better coordination between the Provincial Council and the Central Government and to ensure the smooth functioning of the GHA;

1.Provision of Adequate Resources by the Finance Commission

The Financial Commission/Treasury should provide adequate allocation of capital and recurrent expenditure to the hospital. More importantly, provide funds for equipping and opening of the new hospital building.

1.Improving Coordination Between the Central Government and the Provincial Government

Since the Provincial Council does not wish to hand over the institution to the line Ministry and the Provincial Ministry has been shown to be inept in managing this institution, the Commission recommends that an **interim board of management** responsible for all activities and services of the institution be appointed. This recommendation is made mindful of the fact that the GHA is the only GH under a Provincial Council.

- ✚ The Commission is of the opinion that a board of management will tremendously aid in discharging the respective functions under the Thirteenth Amendment to the Constitution. The ultimate objective of the Board of Management should be the capacity building within the provincial authorities to run the GHA.
- ✚ This interim measure is to ensure smooth functioning of the institution for a limited period of time.
- ✚ It is suggested that the line Ministry be represented by the Deputy Director General (Medial Services) and the Director (Tertiary Care Services) while the Provincial Ministry be represented by the Provincial Secretary/Health and the Provincial Director of Health Services. The MS must be assisted by a “Deputy Director’ (DD). The Director and the DD shall work under the Board of Management and provide the necessary cooperation to the Board. The Board shall meet at least once a month. The Board shall look into the disbursement of finances, provision of equipment, supply of drugs appointment of staff etc. They shall also examine the financial allocation needed for the institution regarding capital/recurrent expenditure.

Authoritative resolution of which authority has the power to take disciplinary action against medical doctors under the Thirteenth Amendment to the Constitution.

This case is an example of an arbitrary action by health professionals resulting in serious implications to the right to health of the people. Such high handed action necessarily calls for disciplinary action by the appropriate authority /ies in the interest of the public.

1. Improving Coordination Between the GHA Administration and the Provincial Health Authorities

The Provincial Health Ministry, and in particular PDHS should pay very special attention to the GHA by way of regular visits and monthly consultation with the MS, Administrative Officer, Accountant and Matrons. It is essential that the MS be consulted with regard to the formulation and implementation of all policy decisions regarding the GHA.

1. Improving the Role of the Provincial Health Authorities

- A holistic health policy for the provinces in consultation with the relevant stakeholders should be created. Such a policy is absolutely essential if healthcare services are to be delivered optimally utilizing the available resources. Such a policy should include a 'master plan' for the development of the GHA.
- Peripheral hospitals, and especially the two satellite hospitals, namely BH, Thambuththegama and BH, Kabithigollawa must be provided with adequate resources. The provincial authorities should complete the constructions work in these hospitals and provide human and other resources through the central ministry.
- A large number of unnecessary transfers are taking place from peripheral institutions in the NCP to the GHA daily. PDHS should carefully examine the reasons for these transfers and prevent unnecessary transfers taking place to the GHA.
- Transparency regarding all the tender procedures, such as building work and other services in the hospital.
- Request to fill all the vacancies of Nursing Officers in Grade I & Grade II from the line Ministry of Health, to amend an acute shortage of nursing personnel which is very vital for delivery of proper patient care.
- Immediate action by the Director/MS through the Provincial Ministry to either repair the existing mortuary coolers or install new coolers as a matter of urgency.
- Investigate the shortage of equipment in the OT/ICU and the Dental Units.
- Early action to ensure the opening and the proper functioning of the new building.

2. Improve the Administration of the GHA

- Appoint a Deputy Director to assist the Director in the day-to-day work. This is justified as most of the Provincial Teaching Hospitals have a DD to assist the Director in his/her work and the hospital will have 1300 beds when the new building is commissioned.

- That the Director and the DD have regular meetings with the Specialist Staff, Senior Nursing Officers and other grades of medical officers to look into any grievances and take remedial measures wherever possible.
- The Director as well as the DD should instil discipline and a high morale among all categories of staff which is very low at present.
- The Director/DD should undertake daily ward rounds in the hospital-accompanied by an Administrative Officer, Matron, and Overseer etc
- Appoint an Administrative Officer (non-medical) for general administration, who would be responsible to the Director and the DD for all categories of staff except medical, nursing and PSJ grades. This officer shall also supervise the work of the overseers and ensure cleanliness of the institution.
- Consider appointing a Grade I Nursing Officer experienced in operation theatre work as the Theatre Superintendent to overlook the working of the operating theatres, intensive care units and the recovery units etc. This would enable the Director to take immediate action on any issues that may arise.
- It is recommended that an Accountant/Senior Financial Officer be appointed to maintain proper accounts in the hospital as the annual budget for the hospital exceeds Rs. 800 million.
- The Public Health Inspector of the area too should visit the hospital at least three times a week and supervise the sanitation of the institution along with the overseers. The PHI should maintain a sanitation register, to be submitted to the Director/DD.
- Action must be taken to improve or construct a new Path Lab to provide modern equipment and to ensure reliability of the reports provided. Automation of the Path Lab in respect of certain investigations is strongly recommended. This would ensure reliability of the reports.
- Develop the Radiological services in keeping with requirements of a Provincial Hospital.
- Organize in-service training for all minor categories of staff.

3.1.3 Human Rights Situation in the Eastern Province 2005

In April 2005, the Commissioners conducted a follow up mission into the Tsunami affected areas of the Eastern Province to assess the state of human rights in the region from December 2003 to April 2005. The mission sought to establish whether; there was discrimination in the distribution of both immediate and long-term relief, the needs of Tsunami victims, and if the victims' human rights were being protected. The Commission found that the uncertainty and feeling of insecurity reported in the 2003 report continued through 2004 and the beginning of 2005.

The terms of reference of the mission was to assess the state of human rights in the Eastern Province from December 2003 to March 2005, to establish whether there was discrimination in the distribution of aid in the form of both immediate relief and in addressing long-term needs, and to ascertain the needs of Tsunami victims and whether their human rights were being protected in the aftermath of the Tsunami.

Findings:

The human rights situation in the Eastern Province steadily worsened during the course of 2004 and into 2005. The decrease in stability in the area followed the defection of Colonel Karuna from the LTTE and formation of a separate faction. A marked increase in political killings and low intensity conflict negated many of the positive developments following the CFA. This factional fighting and the Tsunami of 26 December 2004 worsened the already sub-standard social and economic conditions in the region. Thousands of homes and livelihoods have been destroyed.

Recommendations:

The Commission's report and recommendations are vital factors to restoring peace and stability as well as minimum social and economic standards in the Eastern Province.

a) General:

A human rights agreement must be made between all armed parties given the re-emergence of low-intensity conflict. The agreement should include effective implementation of human rights standards through an independent monitoring mechanism.

- All parties to the conflict must agree to this agreement as soon as possible. It must be recalled that many peace processes and agreements have such human rights frameworks. The Declaration provided in the Hakone Agreement provides a framework in this context and must be finalised.
 - A monitoring mechanism with substantial international assistance must be established. The monitoring mechanism must have a fully trained, competent, and independent investigation wing. It should include functioning witness and victim protection schemes.
 - The parties should agree to abide by the Declaration and the decisions of the recommended monitoring mechanism. Some punitive action of a compensation element may be included so that there is a sense that sanctions will operate.
 - Any such the Declaration should also make provision for human rights training.
1. The Commission also believes that other measures should be taken to ensure security and participation of all communities at the provincial level
 - Discussions aimed at developing administrative arrangements that would strengthen security at the local level should involve all communities. These talks should be facilitated by the SLMM.
 - The principle of the representation should include all communities and diverse political voices at every level. The Muslim community feels particularly aggrieved by the lack of involvement in the important decisions that deeply affect the community. The P-TOMS agreement is a case in point.

a) Tsunami – General Recommendations

1. Discrimination between Tsunami affected populations and war affected populations remains a source of conflict and discontent. It is necessary that policies aimed at

ameliorating the conditions of the IDPs who are Tsunami-affected should be extended to war-affected IDPs.

2. Government agencies and INGOs should ensure the protection of the right to property (including land and housing) without discrimination based on ethnicity, religion, or gender. This includes the provision of temporary and permanent shelters that meet minimum standards provided by the UNHCR and the Sphere Guidelines.
3. Measures should be taken to protect women against violence. The Tsunami has seen an increase in violence against women and an increase in its causative factors, such as alcohol consumption.
4. Decisions regarding future plans for reconstruction and rehabilitation should be done in consultation with the affected communities and should not rely on top-down directives.
5. The Eastern Province has some of the worst social and economic indicators in the country. Given the donor support and presence in the area the Tsunami provides an opportunity to ameliorate poor social and economic conditions.
6. Government agencies and NGOs should ensure the right to housing of affected populations. Shelter is an essential right that must be upheld and minimum standards must be met. Now that most IDPs are housed in temporary shelters, the government must expedite the process of building permanent shelters through land identification and allocation.
7. It is also important to ensure equal enjoyment of the right to education. For example, some schooling has been disrupted where schools have been occupied by IDPs.
8. The government and donors should give priority to the re-establishment of health systems in the Eastern Province to protect the right to health and the right to health care. This includes ensuring that IDPs are not placed in environmentally harmful areas. The reconstruction effort should lead to strengthening hospitals, local level health care and access to pharmaceuticals.

b) Civil and Political Rights – Recommendations to the GOSL

1. The increase in the number of checkpoints in the East to meet the present security crisis has led to many allegations of harassment. It is important that those manning the checkpoints are properly trained and speak the language of the people to ensure security with dignity for people of the area.
2. Tamil speaking officers should be present in large numbers in police stations and government offices. This remains a major grievance and is linked to the deteriorating security situation.
3. The establishment of high security zones and the use of private buildings through arbitrary deprivation of property is a violation of human rights. IF land is to be acquired, individuals should be compensated or provided alternative housing.
4. There is a perception that the government is discriminatory in its allocation and distribution of resources to the Eastern Province. This perception is supported by the social and economic statistics of the area. It is important therefore that Tsunami resource allocation to the Eastern Province increase substantially.

a) Civil and Political Rights – Recommendations to the LTTE

The LTTE has stated on many occasions, both nationally and internationally, that it is ready to abide by international human rights and humanitarian standards. It is essential that it implement these commitments in the areas under its control.

1. Political killings must come to an end. The right to life is a paramount right and the CFA must put an end to all extra-judicial killings. Impunity for these crimes must also end. In this context the Commission welcomes the proposed visit of the UN Special Rapporteur on Extra-Judicial Killings.
2. Child recruitment, re-recruitment (following the defection of Karuna) and child abductions must stop. The recruitment and use of children under the age of 15 is a war crime. The LTTE should work with UNICEF to end child recruitment, release children, and ensure that they are educated and trained in skills so they can be absorbed into society. In this regard the Commission calls for the visit of the Special Representative of the Secretary General on Children and armed conflict to ensure that the LTTE complies with its commitments made to Mr. Olara Otunno
3. Adult abductions must cease. Adult abductions violate both the right to liberty and security of the person, and the right to family life.
4. Although “official extortion” has seemingly ended, it is apparent that it still occurs in rare instances. The LTTE should ensure that its cadres do not extort at the local level.

b) Civil and Political Rights - Allegations Against the Karuna Faction

Although, perhaps due to difficulty establishing who the actors are, allegations against the Karuna faction are more limited. Regardless, the split in the LTTE has greatly contributed to the increase in political killings and the general culture of impunity in the Eastern Province. In pursuing a strategy of assassination, the Karuna faction has only heightened tension and increased insecurity, providing for an environment where civil and political rights are denied with impunity. It is important that political killings by all parties come to an end.

c) Recommendations Regarding Relations with Muslim Communities

1. Muslim representation in decision-making is absolutely crucial to human rights protection in the Eastern Province. It is important that Muslim concerns be given the highest priority and that the community participate in all political decisions affecting the Eastern Province.
2. It is important to strengthen Zonal Committees, which were designed to address the distrust and uncertainty existing between different ethnic groups.
3. Land must be identified for the resettlement of Muslims affected by war and/or the Tsunami. The issue of limited Muslim landownership should come before a Land Commission set up to deal with land issues in the Eastern Province.
4. Muslim civilians must be protected from killings, abductions, threats and harassment.

d) Economic and Social Rights

As the report indicates, the Eastern Province has some of the worst social and economic indicators in the entire country. Post-Tsunami reconstruction and rehabilitation provides an important opportunity to improve this situation, and priority should be given to ameliorate social and economic conditions in the province. There should be concerted, well thought out plans in the health, education and housing sectors. Without these comprehensive plans and the resources to carry them through, development in the East under the reconstruction programmes may only exacerbate the situation.

e) Recommendations to INGOs

Recognising the vital role that INGOs play in the relief, rehabilitation and reconstruction process, the Commission would like to recommend that a transparent monitoring mechanism of self-regulation be established by the INGOs themselves. This would ensure that rights violations at the ground level do not take place and could provide for a complaints procedure to attend to individual complaints.

3.1.4 Fact-finding Tour of Jaffna District, 2005

The Commission conducted a fact-finding mission to ascertain the human rights situation in the Jaffna district. The Commission met with security forces, NGOs, government officials, and members of the public. The Commission also toured the Tsunami affected areas and spoke with war-related IDPs. The Commission received many complaints but the following issues were of particular concern,

- Resettling of IDPs; this is of special concern in the high security zones, which make up 20% of the available land in the Jaffna district. The Commission has a constructive and fruitful discussion with the Army Commander, Mr. Sunil Tennekoon and members of the security forces about ways and means of how to alleviate the hardships of individual citizens who owned land in the high-security zones and who now had no access to their land and were not paid compensation or rent or offered alternative accommodation.
- Recruitment of children and young adolescents by the LTTE; The Commission received a total of 27 complaints for the month of April, a dramatic increase after two months. The actual number is estimated to be much higher. The LTTE appeared to be targeting young people around the age of 18. The Commission held discussions with UNICEF, the SLMM and other NGOs on how best to address this problem.
- Unemployment; It was brought to the notice of the Commission that the unemployment rate among young adolescents was around 90%. This has led to a great deal of social problems including the development of criminal gangs who engage in robbery and other criminal acts.
- Impunity for criminal conduct; members of the public, though complimentary about the restrained behaviour of the Sri Lankan Army in recent times, were extremely concerned that criminal acts go unpunished, whether it is murder, robbery or harassment. They feel the police were not doing their duty to maintain law and order even with regard to ordinary crime.
- Language discrimination; It was brought to the notice of the Commission that, despite recent efforts, there were very few Tamil speaking officers with the police force. As a result, the public feel reluctant to make complaints and the evidence produced in court because it is a translation, may not stand up to scrutiny. As a result, the courts also cannot do their duty. The Commission promised to raise the matter with the IGP to ensure that more Tamil-speaking officers, including women police officers, are sent to the Jaffna district.

- IDP access to shelter, state services, and resettlement; the commission had detailed discussion with IDPs and the UNHCR. The Commission hopes to summon the GA Jaffna to ensure that proper procedure is being followed and that the social and economic rights of the IDPs are protected. The Commission was also aware of the acute sense of discrimination felt by the war-related IDPs with regard to the generous distribution of Tsunami aid. The Commission hopes to raise this matter at the national level along with the head of the DRMU of the Commission, Mr. Lionel Fernando.
- Special problems faced by women, particularly female IDPs; The allocation of entitlements and services to the “head of household” often deny women access to basic services. In the Jaffna district 70% - 80% of the immovable property is denied due to dowry practices and it was hoped that the distribution of land to IDPs will recognize this important source of women’s economic security. It was also pointed out that women were not consulted in most of the reconstruction efforts and decision-making.
- The public state of fear and tension; Many members of the public complain to the Commission that they were afraid that there would be a return to a state of conflict and reiterated their position that only peace will improve the human rights position in the Jaffna district. Though individuals expressed dissatisfaction over the lack of democratic rights, freedom of expression and association due to the activities of the LTTE and the militarized atmosphere in the Jaffna district, they were of the firm belief that only peace will help transform the situation and usher in a new era of democratic politics and economic prosperity.

Meeting with Jaffna Muslim returnees, 6 June 2005

As part of the Commission’s visit to Jaffna, two of the Commissioner’s, N. Selvakkumaran and M.A. Zainudeen, met with a group of Muslims, including Moulavi Sufiyan, who have begun to resettle in the area. The Commission heard complaints that neither the Government of Sri Lanka nor the LTTE have helped/encouraged resettlement. The grievances of the Community can be generally classed under three categories,

1. Housing

Before the displacement of Jaffna Muslims in October 1990, there were approximately 80,000 Muslims (ca. 19,000 families) in Jaffna. Since the CFA, 325 families have registered for resettlement and 180 families are settled to-date. However, 80 of those resettled consist simply of a male member of the family due to lack of housing. Most houses have been occupied by others and not even 10 stone-built houses are presently available for resettlement. The Commission found that the Government is not doing anything to address this issue. Current inhabitants (trespassers) of the abandoned houses need to be evicted and sent to their own homes in non-HSZ areas.

In addition, the Commission heard complaints of artificially depressed value of lands belonging to Muslims and suspicion that this is orchestrated by the LTTE. Muslims have been compelled to sell their lands at very low rates, much below market value.

2. Security

There is an overwhelming concern regarding security, the community do not seem to venture much outside their streets, particularly after dark. There were complaints of police harassment for very minor offences, with the sole purpose of obtaining bribes. There were also complaints of religious harassment by LTTE supporters, for example, illicit liquor trade outside the mosque and the police turning a blind eye.

3. Livelihood

Livelihood of the Community has been affected by LTTE taxes and/or restrictive practices. For example, Jaffna Muslims were involved in scrap metal and livestock trades, collecting these resources from interior areas and sending them to Colombo. However, now the Muslims have to sell the scrap metal and/or livestock to an LTTE agent in Kilinochchi for a very low (fixed) price, and are thus deprived of a decent living.

In addition, Jaffna Muslims were also involved in the jewellery trade (i.e. sale of gold etc). However, now they complained of all kinds of taxes which affect the potential for any business. Generally it was felt that once they start a new profitable business the LTTE either takes it over or impose heavy taxes. Finally, the Commission was also informed that no Government jobs have been given to any of the Muslims.

Finally there are also concerns regarding schooling. Osmaniya School now provides schooling to 180 children up to Grade 9. However, it suffers from a lack of furniture and other basic facilities, as well as a lack of action or concern by the Government to address these issues.

The expectations of Muslims returning to Jaffna,

- To be paid reasonable compensation based on UN conventions.
- To return to their houses with honour and live in peace and security.
- To be able to continue their trades without fear and/or restrictions.
- Closure of the 23 outstanding disappearance cases before the HRC Committee on Disappearances.

3.2 Special Rapporteurs

During the course of 2004 and 2005 the Commission found it necessary to appoint several Special Rapporteurs to investigate and report on specific events or issues happening in the country.

3.2.1 Special Rapporteur on Religious Conversion and Human Rights

Mr R.K.W. Goonesekere was appointed Special Rapporteur on Religious Conversion and Human Rights in conjunction with the Commission's Monitoring and Review Division. The mission was initiated by a number of attacks on churches by

unidentified groups allegedly to protest conversion campaigns carried out by certain religious groups.

The National Christian Evangelical Alliance compiled a list of over 125 incidents of attacks on churches and threats to pastors, which took place in different parts of the country in the period 2003-04. Though they relate mainly to Evangelical churches, there have also been attacks on orthodox churches, such as a Catholic church in Homagama whose altar was badly damaged. This church was consecrated in 1991 and people in the area recorded no prior incidents. The gang intending to attack a new church close by which in any case they later demolished attributed this attack to a mistake.

The team visited the following places that were attacked, Jesus Lives Church, Weerabagedera, Independent Mission House, Homagama, Catholic Church, Homagama, Born a Well Church, Watareka, Christian Centre, Dikhetepa, Catholic Church, Meegoda, Catholic Healing and Prayers Centre, Maththegoda, the case of an attack to a Convert individual, Kahathduwa, Kithuhimi Sevana Independent Mission House, Homagama.

Findings:

The Commission heard complaints by Buddhists, in particular, which state that their ordinary life in villages and in the outskirts of towns are disturbed by loud music and singing at prayer meetings that can go on for many hours. There are also complaints that people are brought to churches in neighbourhoods of mainly Buddhists by buses and vans that are then parked in narrow roads often causing inconvenience to other users of the roads.

These communities allege that requests for less disturbance, including on Poya Days, are ignored. The communities hold protest meetings and processions, and it takes little time for violence to break out. Complaints and counter-complaints are made forcing the police to act. The police engage in attempts at conciliation; however they recognize that religion is a sensitive issue. Even where aggressors are identified there is reluctance to take the matter to courts if Buddhist monks are implicated.

The Special Rapporteur found no evidence of religious conversion by fraud or deceit. The preliminary conclusion is that the attacks were precipitated by community hostility towards churches seen as disruptive and consisting of members from outside the local community.

It is the Commission's belief that the unrest is centred on activities of religious groups who have branched off from main line Christianity. The orthodox Christian Churches and Evangelical Churches, like Jehovah's Witnesses, Pentecostal, Salvation Army, Bethesda etc, have a long history in this country and appear to only be involved thru spill-over of hostility on these smaller churches.

The attacks prompted the Commission to ask as to what extent freedom of religion exists in our Constitution and in human rights, law, and to address the question of conversion. The Constitution gives Buddhism foremost place in Sri Lanka under

Article 9. However, Article 10 also assures freedom of all religions. The rights in Art.9 and Art.10 are absolute and no religion or religious sect is banned under Sri Lankan law. However, the right to manifest religion (Art. 14(i) (e)) may be subject to restrictions under Art. 15(7) prescribed by “law in the interests of national security, public order...or for the purpose of securing due recognition and respect for the rights and freedoms of others...” The Special Rapporteur while decrying the violence used in these attacks, set out the international standards and frameworks that must govern any legal regime that protects freedom to manifest one’s religion.

3.2.2 Special Rapporteur on the Presidential Election 2005

The Commission appointed G.A.S. Ganepola as Special Rapporteur to oversee the activities of state officials in relation to the Presidential election of 17 November 2005.

Terms of Reference of the Special Rapporteur were,

- To monitor election violence during the course of the 2005 Presidential Election Campaign
- To monitor with the help of the regional offices of the Human Rights Commission, the performance of government agencies/officers involved in the elections of 2005 in particular;
 - Election officials
 - Police
 - Any other government department
- To assist the regional offices in responding to complaints with regard to elections.
- To complete a report to the Commission on the above by December 17th 2005.

Further the Special Rapporteur was requested to carry out his assignment in consultation with the Commissioner in charge, Mr. N Selvakkumaran, and Director Mr. N Punchihewa.

Activities:

Special Rapporteur noted good cooperation with the Commissioner of Elections and the Inspector General of Police, to seek their assistance and cooperation and to explain the role to be played by the Commission’s Regional Coordinators.

During the period **up to the day before the Election** the Special Rapporteur received the following reports from the Regional offices;

- Jaffna, Anuradhapura, Matara, reported no incidents related to the election.
- Badulla reported 36 minor incidents related to the election that were settled or sorted out amicably.
- Trincomalee reported two minor incidents of violence around the election.
- Vavuniya received a complaint regarding non-receipt of a poll card, but no pre election related violence.

- Colombo received a letter and visit to the office regarding non-registration and non-receipt of a poll card, respectively.
- Batticaloa reported a case of non registration of a voter and 7 minor incidents of violence the day-before the election.
- Kantale reported 5 cases of election violence related to clashes between parties over pasting of election posters, police officers have settled these matters.
- Kandy reported a case of shooting in Manikhinna close to Teldeniya. This has happened when a member of parliament of one political party has seen a member of an opposing group decorating the site for a propaganda meeting in the area. One person had been injured and warded at the Peradeniya Hospital and is getting treatment for serious injury caused due to the shooting.

The Special Rapporteur received the following incident reports **during and Post-Election** period from the Regional Offices:

Violence:

- Vavuniya, Jaffna, Colombo, Gampaha, and Ampara's Sinhala-speaking districts, reported no election-related violence.
- Anuradhapura reported a few minor incidents reported to the police and those have been settled.
- Badulla received ten election-related complaints until 21 November, and reported that these had been peacefully settled by the office of the Deputy Inspector General of Police.
- In Ampara's Tamil-speaking areas there were a total of four major offences and 33 minor offences.
 - The local Police Department has informed the Regional Coordinator that they have taken necessary action regarding these complaints and that these complaints are now been referred to the judicial authorities
 - Kandy reported six complaints of violence on the day of election and two complaints after the day of election.
 - Six of the reports were related to a group causing damage to homes and property. A suspect was being held in custody to be produced before the Judiciary on this matter.
 - Kalmunai received two complaints on the day of poll.
 - One was sorted out on the day of election, while the other was considered a wilful act of non enumeration of name in violation of a fundamental right.

Voter Turn-out:

- Trincomalee office reported that no one turned up for voting even though transport was provided for voters to travel to polling stations and cast their votes. In Trincomalee Town the total turn over at Polling Stations has been 50% according to the Regional Coordinator.
- No voters turned up from the uncleared area in Mannar.
- According to the Regional Coordinator in Jaffna, a majority of the people did not cast their votes as there were posters and leaflets distributed ordering the boycott of the election. He says there were notices and announcements from some organizations

requesting people not to cast their vote. The General situation has been calm and there was no “Hartal” taking place.

Findings:

Regarding low voter turn-out : - was reported in **low voter turn-out** was reported in Jaffna, the Vanni, Batticaloa and Trincomalee, the Special Rapporteur met with the Department of Elections who had not received a valid reason for the low voter turn out. The Commissioner also met with the Government Agents of the Districts in North Eastern Province who also were not in a position to give any valid reason or reasons for non participation of electors in the North Eastern Province. The conclusion the Special Rapporteur arrived at is that due to pressure from certain organizations in the area voters did not turn up at the polling stations. Regarding allegations of **deletion of names/non inclusion of names in the electoral list 2004** the Special Rapporteur found;

- i. Due to the number of procedural safe-guards afforded in the electoral list process, it is difficult to comprehend as to how there had been large scale deletion of names from the electoral lists in 2004. At the time of the revision of electoral lists no one has speculated of a Presidential Election in November 2005. Therefore it is difficult to establish that there had been any organized deletion of names from electoral lists. This suggests that the publicity given by the Department of Elections of the electoral lists, for individuals to check that they are included, is not adequate. **Steps should be taken in the future to give wider publicity for the annual registration of the electoral lists.**
- ii. With the advent of television as a publicity media, necessary amendments to the law should be made to make it mandatory to give publicity to the annual revision of registers through all national television stations. This publicity should be given via news telecasts and in the form of paid advertisements.
- iii. Further, **citizens must take a more active role** regarding their inclusion in electoral lists. The Special Rapporteur notes that there were high participation rates during the Food Commissioner’s Department enumeration of the names of householders for the issuance of Rice Ration books.
 - The Special Rapporteur suggests that information on electoral lists be disseminated through the Education Department, Universities and University Teachers’ Associations, and Trade Unions, so that the message reaches householders.

Other recommendations;

- i. The Special Rapporteur noted that Sri Lanka has a long history of a democratic electoral system. However, this system needs to be made to work effectively and efficiently. He suggested that a Parliamentary Select Committee to study the present system of Election laws be appointed.
- ii. The Special Rapporteur also suggested that a system be developed to make things easy for the IDPs to register their names for elections.

3.2.3 Special Rapporteur on Extra-Judicial Killings

In response to concern over a number of extra-judicial killings of suspects by the members of the police force in the South the Commission appointed former High Court Judge Mr. Farook to look into a number of cases that came before the Commission between November 2004 and March 2005. Mr Farook is still conducting inquiries.

3.2.4 Special Rapporteur in the Context of the use of Emergency Powers and Alleged Violations of the Ceasefire Agreement

Mr. T. Suntheralingam, former Member of the Constitutional Council and retired High Court Judge was appointed the “Special Rapporteur in the context of the use of Emergency Powers and alleged violations of the Ceasefire Agreement” on 5 January 2006. The other members of the appointed team are: Mr. M.C.M. Iqbal, retired officer of the Sri Lanka Administrative Service and Ms. Visaka Dharmadasa, President of the Association of War Widows.

Due to an increased volume of complaints to the HRC related to an escalation of violence relating to armed conflict, the Rapporteur was appointed to address allegations of human rights violations such as arbitrary killings, rape, cordon and search operations, arrests and detention of persons in the country in general and in the North and East in particular. The Rapporteur was assigned,

- i. To advise the Human Rights Commission on measures that must be taken to protect the human rights of civilians in the context of the use of emergency powers and the alleged violations of the ceasefire agreement.
- ii. To liaise with and gather evidence from the police and the security forces to monitor their compliance with human rights norms during the performance of their duties
- iii. To conduct inquiries if and when the necessity arises and report to the Commission.
- iv. To compile a fortnightly situation report on human rights in the context of the use of emergency powers and alleged violations of the ceasefire agreement.

Mr. T. Suntheralingam is still conducting inquiries.

3.3 Reports of the Commission

The Commission released the following reports in 2004 and 2005.

3.3.1 Report on Migrant Women Workers

Sri Lanka’s pattern of international migration for employment is heavily dominated by the increased participation of women working in domestic service in countries in the Middle East. The earnings of such workers make a significant contribution to improve

the country's economy and play a strong role in economic development. However, the human rights violations of such women mar the positive effect of this additional income.

The Commission set out a Committee in February 2005 to report on the human rights issues faced by migrant women workers and to make recommendations for change. Dr. Hiranthi Wijemanne led the committee. The approach included identification of issues, issue-related discussions at Committee meetings, review of available literature, interviews with relevant personnel and visits to relevant organisations. The members of the Committee were,

1. Dr. Hiranthi Wijemanne, Chairperson, National Child Protection Authority, (Committee leader)
2. Mrs. C. C. Senanayake, Commissioner, Human Rights Commission
3. Ms. Shiranthi Ekanayake, Country Co-ordinator, SLBFE
4. Mr. W.M.V. Wanigasekera, Deputy General Manager, Training and Research, SLBFE
5. Mr. R.K.K.M.P. Randeniya, Sociologist, SLBFE
6. Ms. Sithara Khan, Assistant Director, Ministry of Foreign Affairs
7. Mr. Sumedha Ekanayake, Assistant Director, Ministry of Foreign Affairs
8. Ms. S. Nishadini Gunaratne, Secretary to Committee and Rapporteur.

Facts:

Domestic female workers are vulnerable to abuse and exploitation due to low levels of education, lack of knowledge about rights, and discriminatory legal procedures in the host country. Families of these women, particularly children, are at risk of neglect and abuse.

The proportion of female migrants seeking foreign employment as housemaids is about 75 per cent. Approximately 80 per cent of the employment occurs through registered sources. Nearly 60 per cent of female domestic workers who migrate to the Middle East are in the 25-39 age-group. The principal destinations of housemaids are Saudi Arabia, Kuwait, UAE and Lebanon.

The Committee raised the following issues for concern,

- Exploitation by unscrupulous agents and their sub- agents in Sri Lanka faced by potential workers.
- Misleading by false promises and inaccurate information.
- Violation of the provisions of the contract by employers, leaving the domestic worker in an unforeseen situation.
- Physical violence faced by a minority of domestic workers, which in extreme cases result in death, as well as incidents of sexual abuse.
- The difficulties faced overwhelmingly by women domestic workers to obtain redress for grievances, due to their common exclusion from the ambit of protection of labour laws in the Middle East host-countries.

Upon the expiry of their contracts/termination of contracts domestic workers may face problems of reintegration in Sri Lanka. These potential problems include,

- Family break-ups or exacerbated family problems.
- Children left in the custody of a spouse or relatives may have dropped out from school or have been sexually abused or developed anti-social attitudes.
- Finally, a minority of the ex-domestic workers could suffer from sexually transmitted diseases and may have contracted AIDS.

Other problems faced by female domestic workers were;

- A potential lack of knowledge to utilise savings in the most profitable manner. Most savings are used to meeting consumption needs, however women often lack the necessary entrepreneurial skills to utilise any remainder.

Recommendations:

The out-migration of workers seeking employment abroad should not be restricted. However, the exploitation and violation of the human rights of these workers must be addressed. It is due to the numerous potential economic and social benefits accruing to the individual woman migrant worker, her family, and the country as a whole that it is important to promote and ensure the safety of this activity.

The goals of the Commissions recommendations are to reduce or eliminate the lacunae in the law and strengthen institutional frameworks, namely the SLBFE and Ministry of Foreign Affairs.

- Enhance the contribution that the Commission and other agencies can make to reinforce the efforts of the SLBFE and the Ministry of Foreign Affairs.
- Short-term and medium-term measures must be taken to address specific issues including amendments to the SLBFE and Penal Code, and to strengthening the capacity of relevant state institutions.
- Long-term measures are needed for the empowerment of women; addressing causes which render women migrant workers particularly vulnerable to abuse; and enhancing their employability by diversifying avenues of employment.

In order to implement the recommendations presented in this report the Commission developed an Action Plan which assigns a person at one of the responsible Sri Lankan institutions to each recommendation. The Plan further lists activities to be carried out by the responsible agent to aid implementation, and also provides target completion dates.

3.3.2 Women’s Rights in Post-Tsunami Regions; Report from the Women’s Division of the Disaster Relief Monitoring Unit (DRMU)

It is widely recognised that women require special attention in times of disaster. One activist stated, “Women are more vulnerable during disasters and marginalised in their access to relief resources because relief efforts rely on existing structures of resource-distribution that reflect the patriarchal structure of society.”

Acknowledging this the Commission established a Women's Division of the Disaster and Relief Monitoring Unit (DRMU). A fact-finding mission under this Division and headed by Shanthu Falla issued this report in August 2005 to raise human rights concerns specifically related to women affected by the Tsunami. The information in the report builds from concerns that pre-existed the disaster to those related to women and disaster management. The report draws on field visits and interviews with IDP women, civil society, international organizations, and government servants in the administrative, education, law enforcement and health sectors.

Facts:

The Tsunami of 26 December 2004 was a natural discriminator, killing a majority of women and children. In Ampara district, where gender-(disaggregated) is available, statistics show that approximately 66% of the dead were women. Based on local reports this pattern was repeated across all Tsunami-affected districts. Many reasons have been cited for disparity of deaths by gender, from socio-cultural reasons to economic and biological reasons. Some reports state that women went back to look for children or to help other people after the first wave and were then caught by the second wave, thus making the instinct to protect fatal. Others claim that women were impeded in their flight by long hair and saris being caught in barbed wire.

Another factor noted is that women are more likely than men to be found in their homes on a Sunday morning, as men often go out into the community to work or to socialise. Women were thus trapped when their homes were swept away. Other factors cited are that women were unable to run fast enough, had not been taught to swim, or were not strong enough to hold onto trees in order to avoid being swept away. Yet, whatever the reasons, it is clear that women were one of the most vulnerable groups when the Tsunami hit.

Unfortunately, in the relief reconstruction and rehabilitation processes women continue to be a vulnerable group. The Tsunami, the natural discriminator, has been replaced by human instances of discrimination.

Recommendations:

The devastation left in the wake of the Tsunami has presented the GOSL with an opportunity to rebuild people's lives to a better standard. The government, international organizations, and organs of civil society have a unique opportunity to address some of the long-term problems surrounding the realisation of women's rights in Sri Lanka. These concerns of women cannot be ignored if a sustainable solution to the IDP issue is to be found, and it is our duty, as well as that of the state, to ensure that violations of the rights of women do not take place. In doing so, the process of rehabilitation and reconstruction can also be used to generate positive social change towards the realization of women's rights that will reap long-term benefits for the Sri Lankan nation as a whole.

The concerns raised in this report regarding women's rights, post-Tsunami, are crosscutting and overlapping in their causes and consequences. It is therefore

important to maintain a holistic approach in the implementation of any programmes or policy if there are to be long-term benefits.

a) General Recommendations

- i. There is a lack of data specific to women. In order to properly address women's human rights it is essential that gender disaggregated data be collected from all sectors.
- ii. All activities, policies and laws must adhere to the principles of non-discrimination as recognised by international law (CEDAW, the ICCPR, ICESCR, and the Deng Principles), and to national constitutional provisions (Article 12).
- iii. Proper support must be given to the Gender Task Force / Committee on Tsunami Recovery and Reconstruction, established by TAFREN. It is recommended that the Committee have female representation from all three ethnic communities (Muslim, Sinhala, and Tamil).
- iv. The draft terms of reference for the TAFREN Gender Committee stipulate a duration of 6-8 weeks for the committee to function, however given the importance and interconnectedness of women's rights in Tsunami affected areas, as well as the existing social and cultural complexities, it is recommended that the committee is mandated to operate for a minimum of three months.

b) Legislation

- i. Post-Tsunami, new legislation has come into force with the adoption of the Tsunami (Special Provisions) Act 2005, and the Disaster Management Act 2005. Neither Act includes articles that are gender specific. It is recommended that the Acts be amended to include a general clause on non-discrimination in the application of the laws.
- ii. The Land Development Ordinance No. 19 of 1935 must be amended to provide for gender equality in cases of intestate succession.
- iii. Policies drawn up by bodies such as TAFREN must be in line with the provisions of the Acts, particularly the Tsunami (Special Provisions) Act.

c) Emergency Aid

- i. Discrimination between Tsunami-affected populations and war-affected populations remains a source of conflict and discontent. It is necessary that policies aimed at ameliorating the conditions of Tsunami-affected IDPs be extended to war-affected IDPs.
- ii. The delivery of relief to Tsunami-affected communities should be monitored to ensure that relief is delivered to the proper beneficiaries.
- iii. Government agencies and NGOs should ensure the right to housing of affected populations. Shelter is an essential right that must be upheld and meet minimum standards provided by UNHCR and the Sphere Guidelines. Now that most IDPs are housed in temporary shelters, the government must expedite its process of land identification and allocation for permanent shelters to be built. This is a particularly pressing need due to the continuing lack of privacy in some transitional shelters.

d) Monitoring of Women's Rights

- i. The organisations best placed to know what ground-realities exist include the local women's groups active at the grassroots level. These organizations are made up of local actors who often have established relationships in their target communities. They are therefore well placed to know the needs of women in terms of health, education, livelihood, and protection from gender-based violence.
- ii. Local women's groups are also in a position to provide long-term relationships of trust to be formed between their representatives and local women. Issues like domestic violence, incest, and other instances of abuse occurring in the private sphere are therefore more likely to be reported to them. In a context where these realities are hidden, a strong basis of trust is important.
- iii. As it stands, women often accept discrimination as a natural part of life, and unless they are themselves mobilised to change this, no amount of monitoring from the 'outside' will yield results. Effective gender monitoring cannot take place unless women are made aware of how the denial of basic rights and neglect of their specific concerns is disempowering. Local women's groups can work within communities to empower women to recognise and address issues together.
- iv. In Batticaloa, women's groups have organized collectively to address gendered needs and have successfully monitored gender issues in the Eastern district. Women's groups in other districts must be encouraged to do the same, and where necessary, given the appropriate support, such as training on effective monitoring, from larger organizations. It is essential that these women's groups are aware of gender discourse and its use to empower women before they offer services to communities.
- v. Monitoring that occurs at the district level must be reported to a more centralised body, for example the National Committee on Women or a structured NGO like Women in Need, so that steps may be taken for policy change.

e) Civil and Political Rights – Delivery of and Access to Relief

- i. It is recommended that a comprehensive review of the beneficiary lists take place in order to allow persons who may not have been on the primary lists (i.e. Muslim widows and women who immediately went to family in order to avoid the conditions in the camps) have the opportunity to come forward and claim the relief to which they are entitled.
- ii. Beneficiary lists must be revised so as to include, where applicable, the possibility of opening joint accounts. Should this not be possible, it is recommended that the GN or DS issue letters to women who need access to their husband's accounts to allow them the same banking privileges.
- iii. Relief should be distributed to the appropriate person in order to avoid the use of both cash relief, and proceeds from the sale of relief goods, for the purchase of alcohol.

f) Civil and Political Rights – Participation

- i. Ensure the participation of women in all levels, from grassroots to government, in the processes of relief, rehabilitation and reconstruction.
- ii. Formal provisions should be made to ensure that there is equal or sufficient representation of women (i.e. a minimum of one third representation) in all committees and bodies established by the Disaster Management Act 2005.

- iii. Efforts should be made to ensure women's participation at the level of camp / transitional shelter committees. To this end, support should be granted to local women's groups for the establishment and maintenance of women's committees.
- iv. All government bodies and committees at the district level must include women members. Given the specific, and sometimes personal problems, that women face it is of particular importance that there are women represented in all district level grievance committees.
- v. Social and cultural factors play a large part in limiting women's participation. It is therefore necessary to engage in awareness-raising campaigns in order to promote the value of women's participation in decision-making at all levels.

g) Violence Against Women

- i. A protection mechanism must be established to allow for proper reporting and follow-up in cases of domestic violence. Reports of domestic violence must be properly logged at police desks and hospitals to compile a preventative database. This database would provide an accurate representation of the problem of domestic violence in Sri Lanka, and would allow for the investigation of the causes and consequences of domestic violence in the local context. One way of doing this would be to follow the model used for cases of child abuse (Police → JMO → NCPA / Courts).
- ii. The Police Women's and Children's Desks must be strengthened in order to address issues of IDP women's security in a gender sensitive and community-friendly manner. An adequate number of officers (minimum three) should be assigned to each desk. Officers should be fluent in both Tamil and Sinhala.
- iii. The individual protection element in the current system is lacking. With the emphasis in domestic violence cases on the health and well-being of the couple, rather than the woman, it does not necessarily prioritise the best interests and security of the woman.
- iv. The police and security forces must receive gender-sensitive training in how to deal with reports of violence.
- v. In some areas, NGOs and women's groups have provided safe houses for victims of domestic violence. The government should ensure that there is a safe house for women victims in each district that offers victims of domestic violence protection and a safe haven.
- vi. The state must find a way to address the problem of alcoholism and its link to domestic violence.
- vii. Awareness campaigns must be conducted in order to address social and cultural factors that are implicated in cases of domestic violence.
- viii. Transitional shelters must meet the standards outlined by the UNHCR and the Sphere Guidelines. Shelters must provide adequate privacy. There should be a monitoring mechanism to ensure that the standards are met, and a mechanism to hold providers accountable if they are not met.

h) Economic Social and Cultural Rights – Property and Housing

- i. The GOSL-Assistance Policy and Implementation Guidelines on Housing and Township Development (2005), and the subsequent letter from the Commissioner of Essential Services on Transitional Accommodation Project (TAP) to the DS's has failed to address gender concerns regarding provision of temporary and permanent

shelter. Gendered aspects of shelter and housing must be taken into account when developing policy on both temporary and permanent shelter.

- ii. In the North and East of Sri Lanka, the majority of property is dowry property owned by women. When issuing new title documents, it is essential that **joint title** be assigned where applicable.
- iii. The “house for a house” policy outlined in the TAFREN housing policy document must be implemented in all districts. This is particularly important in the North and East, where families may have owned more than one house for the purpose of dowry.
- iv. IDP women must be targeted in an information campaign to increase their awareness of their property rights and entitlements.

i) Economic Social and Cultural Rights – Education

- i. The GOSL must ensure the equal enjoyment of the right to education to boys and girls.
- ii. In the context where girls are more likely to drop out of school for cultural and economic reasons, positive measures may be taken to guarantee the right to education for girls, in accordance with Article 10 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

j) Economic Social and Cultural Rights – Health

- i. The GOSL must ensure that health services are provided, without discrimination, to all camps and transitional shelter sites.
- ii. Women should be consulted regarding their relief packages in order that nutritional needs can be met.
- iii. Promote awareness regarding sexual health and HIV / AIDS. This is essential in circumstances where large groups of people are living in close proximity to one another. Access to reproductive health services must be improved.
- iv. Mental health programmes and psychosocial counselling services for women must be prioritised.

k) Economic Social and Cultural Rights – Livelihood

- i. Gender equity should be considered when developing and introducing livelihood projects. In addition, livelihood programmes should take into account both traditional and non-traditional employment for women.
- ii. It is essential to ensure that there are available loan schemes that target women at the grassroots level.

3.3.3 Report on Human Trafficking in Sri Lanka

The Human Rights Commission of Sri Lanka prepared a comprehensive report on trafficking that it made available to relevant agencies. This report was presented by Commissioner C. C. Senanayake at the Workshop Organised by the Asian Pacific Forum of National Human Rights Institutions held on 20 – 23 November 2005 in Sydney, Australia.

The focus of this report was on human trafficking and the interventions that are in place to address its multifarious dimensions. Trafficking in persons is a modern form of slavery and it is the largest manifestation of slavery in present times.

Facts:

The Penal Code criminalizes trafficking and trafficking related activities. A proposed Amendment to the Penal Code provides a new definition of trafficking in conformity with the UN Protocol on trafficking. In Sri Lanka, as in many other countries, women and children belonging to economically and socially disadvantaged strata of society are the groups that are most vulnerable to trafficking. Vulnerable women fall broadly into 3 groups; women migrant workers, women employed in free trade zones and women in the plantation sectors of the country.

Women migrants constitute nearly 65% of the total migrant population in Sri Lanka, which makes it the only Asian country where female migrant workers are the majority. The majority of these women, 75% seek employment as housemaids in the Middle East countries. A minority of the housemaids have to work under conditions bordering on slavery and are subject to a host of human rights violations. Women from rural areas coming to the free trade zones in search of employment and women in the plantation sector who seek employment in cities are also vulnerable populations. Traffickers often dupe women from these groups to believe that they will be given respectable jobs, but in reality the promised jobs are in the domestic service under unfavourable conditions or in brothels.

Child labour exploitation remains a covert activity in the country. Trafficked children fall into three main categories. Some are engaged in such activities as domestic service and other forms of manual labour; some are forcibly recruited as child soldiers by the LTTE, some others fall prey to sexual exploitation by both local and foreign paedophiles. The appearance of foreign paedophiles on the local scene is a spin off from the tourist industry. It is worthwhile to mention that the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography reported that 70% of the children in prostitution in Sri Lanka are boys. This is different from the situation in the other countries in South Asia where the large majority of sexually exploited children are girls.

There are several government institutions responsible for protecting the rights of women and children at risk of trafficking. The Women's Bureau under the Ministry of Women's Empowerment implements awareness raising programmes for the benefit of vulnerable women, while the Social Welfare Ministry and the Sri Lanka Bureau of Foreign Employment (SLBFE) play a pivotal role in protecting the rights all migrant workers. Finally, the National Child Protection Authority (NCPA) is the main state agency for the protection of children's rights and prevention of trafficking in children. In addition, the Commission has set up several projects relating directly or indirectly to trafficking in persons for exploitative employment.

Two of the Projects presently under implementation focus on persons internally displaced by the civil conflict in the country as well as on persons displaced more

recently by the Tsunami that struck the country. The Commission aims through awareness-raising programmes on human rights to encourage women and children to make complaints to the relevant authorities if they find themselves in vulnerable situations.

Challenges:

There are a couple of major challenges that must be overcome in this area. First is a lack of statistics. This is especially so regarding prostitution and other forms of sexual exploitation, as victims are hesitant to lodge complaints with the Police out of fear of attracting publicity which could result in social stigmatization. Under the present circumstances, the number of complaints received and the number of indictments made against offenders remain low. Second is the lack of adequate facilities for rehabilitation centres. Lack of financial resources, lack of staffing and congestion are the main factors that adversely affect rehabilitation.

Recommendations:

Victims must be encouraged to bring their complaints into the open without fear. The Commission and all state sector and non-governmental organizations need to work together to synergize their efforts for the protection of victims. We need to study effective counter trafficking work done by human rights institutions in other countries and adapt their best practices to meet our needs. We need to tap into resources made available under international and regional bodies for reinforcing national efforts.

3.3.4 Report on War Widows

In 2005, the Commission conducted a report on war widows headed by Commissioner Dr. Udagama. This report was made available by the end of April 2006. The main focus of the report is on women who have become widows due to the current ethnic conflict; this includes women whose husbands have disappeared as the women in the two groups are more or less in the same plight. The objectives of this project are to, identify the problems of war widows, examine the legislative and institutional frameworks available for providing assistance to widows, and to examine the extent and adequacy of protection given to war widows by the state and other agencies.

One of the difficulties faced while making this report was inadequate data, as the collection of data relevant to all war-affected women itself is a difficult task. This report is based on sample surveys and studies conducted by researchers, which provided a lot of qualitative information and some quantitative data on women headed households and war widows. Finally, the areas in which war widows live have area-specific characteristics, we should be careful in drawing across the board conclusions.

Facts:

The majority of the women who are widowed as a result of the Ethnic Conflict live in the North East Province. As the conflict has spilled over into other areas, war widows are also found in other parts of the country. Widows fall into three categories.

- Widows of civilians killed in the North Eastern Province,
- Widows of civilians killed by terrorist bombings and attacks in other parts of the country, and
- Widows of service and police personnel.

Many of the problems are faced by all widows or by women in general. For example, women in general face a lack of access to health care facilities especially gynaecological advice. Furthermore, most widows' experience increased mental stress shouldering new responsibilities, and widows often experience sexual harassment. While only a few complain of harassment, these complaints probably only indicate the tip of the iceberg, as many fear of social stigmatisation.

Widows are sometimes ignorant of the benefits which they are entitled to and the procedure to be followed to obtain assistance. This is especially true in the case of inexperienced and illiterate women who have a lot of difficulties in collecting and providing the required proof to qualify for assistance. The inadequacy or unavailability of legal aid simply compounds this problem.

Additionally, many widows who seek employment lack marketable skills. As a result, these women are employed in the lowest paid jobs in the informal sector. Those women who have employable skills are, at times, discriminated against and there have been instances where salaries paid to men were higher than those earned by women though they did the same work. Finally, what all widows face is the social stigma that widowhood is seen as a symptom of ill-luck.

Widows who are also internally displaced persons face complicated challenges regarding property rights. In addition, women who live in welfare camps as single parents live in surroundings that are not favourable for the healthy growth of their children and their education. Some issues they face are the loss of documentation proving ownership and occupation of their properties by unauthorised persons.

The Commission has encountered no research study on women whose husbands have been killed by terrorist bombings or attacks. The Commission assumes that these widows would face similar problems as other war-widows. Additionally, few studies are available on the problems faced by widows of service and police personnel. These studies indicate that some widows face economic problems and they face bureaucratic obstacles when they seek assistance.

Recommendations:

The Commission hopes to examine the national policies in place to address the problems. In our examination, particular consideration will be given to questions such as:

- Assistance and compensation provided to women whose husbands were killed or whose husbands disappeared and the criteria used for providing assistance to widowed women
- Payment of compensation and provision of other forms of assistance to wives of service and police personnel who were widowed by the conflict

Having considered policies the Commission seeks to focus on policy implementation. Policies are implemented by state agencies; however international agencies and other NGOs are also involved in providing assistance to widows. The Commission hopes to examine the degree of co-ordination and collaboration existing between state institutions and other agencies and the monitoring mechanisms that are in place to ensure that the targeted beneficiaries receive the assistance.

Finally, the report does not seek to criticise the shortcomings of various institutions. The sole intention is to gauge the present situation in order to improve the efforts made for benefiting war widows. Towards this end we hope to make some recommendations. The success of this project depends on the co-operation as well as the honest feedback extended to us by relevant organisations.

3.4 HRC Specific Policy Recommendations

In 2004 and 2005 the Commission issued the following statements on government policy.

3.4.1 Guidelines to Police Officers Concerning General Elections 2004

The Commission, in recognition of the right of every citizen to vote, to freely engage in political activities and to free and fair elections under the Constitution of Sri Lanka (1978) and international human rights norms, issued guidelines to be observed by all police officers during the run-up to the election, on the day of the election, and the period immediately after the election. The Commission conveyed these guidelines to the Inspector General of Police, Mr. Indra de Silva on 5 March 2004.

3.4.2 Zero Tolerance Policy on Torture

From May 2004, the Commission instituted a zero-tolerance policy on torture. The elements of the policy consist of,

- A 24-hour special unit for torture in emergency cases.
- Investigation of torture cases shall begin within 24 hours of report of the incident.
- Whenever there is a death in custody with an adverse medical report, the OIC of the police station will be summoned before the Commission.
- Discussions with the Police Commission to secure interdiction of police officers found guilty of torture by the Commission or the Supreme Court.

In addition, the Commission worked with the police to implement the Memorandum of Understanding between the Commission and the IGP (Inspector General of Police). The elements of the understanding are;

- Posters regarding the rights of suspects shall be displayed in all police stations in all three languages.
- Strengthening of training programmes on human rights at the Police Training Institute.
- Family members and lawyers will be able to visit anyone held in detention.
- OICs of stations are to be held directly accountable for cases of torture in their station.
- The Human Rights Commissioner, the Inspector General of Police and the Police Commission will consider the possibility of indicting police officials who have been held guilty of fundamental rights violations before the Supreme Court.

3.4.3 Commission Policy Regarding the Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 2005.

The Commission issued its concerns regarding the Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 2005 in February 2005. While noting the good faith intention of the government to respond to an unprecedented natural disaster, the emergency regulations as promulgated may fail to conform to national and international obligations with regard to human rights.

The Commission was of the view that the emergency regulations referred to contain certain provisions which are beyond the exigencies of the situation and create a climate whereby large-scale violations of human rights may occur. The Commission does not feel that the current situation requires public security measures that vest enormous powers in the hands of the police and other security personnel where that power may be easily abused. Many provisions of Part IV, V, VI, VII of the Regulation are not “strictly required by the exigencies of the situation” and violate human rights safeguards contained in both domestic and international law.

The Commission was of the view that an emergency resulting from a natural disaster is different from an emergency relating to national or public security. In this context, emergency regulations should be crafted to meet the exigencies created by the natural disaster. It urged the promulgation of new regulations more in keeping with the realities of the current situation and which do not unduly infringe on the fundamental rights of citizens.

3.4.4 Commission Policy Support of the Prevention of Domestic Violence Bill

The Commission issued a statement in support of the Prevention of Domestic Violence Bill, presented in parliament on 22 February 2005. Research in Sri Lanka has shown that domestic violence is not isolated or sporadic but quite common. It is not limited to a certain economic class or social group but cuts across class, caste and ethnicity. Research has also illustrated that domestic violence ranges from slaps to physical assault, resulting in severe physical and/or mental pain. There have been cases where repeated cases of domestic violence have resulted in death.

The Commission wished to stress to Members of Parliament that the Bill, rather than disrespecting or flouting Sri Lankan culture, is actually in-line with religious teachings and local social traditions that stress the need to protect women from both harm and violence. Furthermore, Sri Lanka has made commitments under international law to “pursue by all means and without delay a policy of eliminating discrimination against women” which includes the duty to “take all appropriate measures including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women” and as a member of the international community it is important that Sri Lanka respects international norms and standards, such as the Declaration on the Elimination of Violence Against Women. This Act is a step in that direction.

The Commission addressed concerns raised by Parliamentarians and recommended that the guidelines be provided to the police to guide their actions in matters of domestic violence could allay some of the concerns of the MPs. While it is undeniable that the status of women has improved in Sri Lanka in the past 50 years, it is also indisputable that domestic violence is a reality many women face on a daily basis. This Bill aims to extend protection to those women who seek to stop the violence in their homes and live full and productive lives free from fear and harm.

3.4.5 Commission Policy Regarding the Death Penalty

In response to reports of the re-implementation of the Death Penalty by the government in July 2005, the Commission noted these media reports with deep concern. Commissioner Dr. Deepika Udagama, acting as Chairman, released a public letter to the President regarding the views of the Commission.

On previous occasions when the re-implementation of the death penalty was reported to be imminent, the Commission, as the primary State institution charged with the promotion and protection of human rights in the country, wrote to the President expressing its opposition to the death penalty. This letter reiterated the Commission’s position in opposition to the death penalty, and urgently requested the President to not give assent to the commencement of a form of punishment that does not belong to civilized societies. The Commission once again requested the President to continue with the existing moratorium on executions. It is the considered opinion of the Commission that for serious crime, long-term imprisonment without the possibility of parole for a considerable period of time must be substituted for the death penalty.

3.5 Conferences

The Commission organized and led the following conferences in 2004 and 2005.

3.5.1 National Human Rights Institutions and Non Governmental Organizations: An Agenda for Co-operation

From 22 - 25 November 2004 the Commission, in collaboration with the British Council, organized an international workshop for National Human Rights Institutions (NHRIs) of the Commonwealth in Colombo. The workshop was organized under the Commonwealth National Human Rights Commissions' Project supported by the U.K. Foreign and Commonwealth Office. The workshop provided a platform for Human Rights Commissions and Non-Governmental Organizations (NGOs) to identify opportunities and concrete mechanisms for cooperation and collaboration in the protection and promotion of human rights.

The goal of the workshop was to consolidate and encourage the development of national and regional Commonwealth partnerships between NHRIs and international, regional, and national human rights NGOs. The workshop aimed for a balanced participation between NGOs and NHRI representatives, and to bring together a reasonable number of representatives from the many NHRIs/NGOs of the Commonwealth, but to allow the atmosphere to be informal.

3.5.2 National Conference and Forum on Disability Rights

The Commission hosted a National Conference on the promotion and protection of the human rights of people who have disabilities on 22 and 23 February 2006 held at the BMICH, Colombo. The Conference aimed to raise the profile of disability rights in Sri Lanka and to secure commitment to the implementation of the rights-based National Policy on Disability.

Ms. Anuradha Mohit, who is actively involved in the preparation of the draft International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities at the UN in New York, the Special Rapporteur on Disability at the Human Rights Commission of India and Dr Sev Ozdowski, the former Human Rights Commissioner and Acting Disability Discrimination Commissioner of the Human Rights and Equal Opportunity Commission of Australia addressed the conference and participated in the proceedings.

An Interactive Forum on the human rights of people who have disability was on 24 February as an extension of the Conference. The purpose of the Forum was to provide an opportunity for members of the disability movement to learn about global developments in the area of disability rights, and to provide a platform for the mutual exchange of ideas and experiences related to the promotion and protection of disability rights.

In March 2006, the Conference Planning Committee of the Commission published a report on the Conference documenting the speeches and commitments made by the participants.

The Conference focused its attention on the most urgent socio-economic considerations prioritized by people who have disability. These areas were employment, skills development, education, marginalized groups, special needs of particular disability groups and other broad areas of social exclusion. Each concurrent session obtained commitments by participants to carry out specific activities towards the implementation of the National Policy within these prioritized areas.

3.5.3 Conference on Internally Displaced Persons

During 2004 and 2005 the IDP Unit ran a conference on human rights issues facing International Displaced Persons.

3.6 Special Units of the Commission

The Commission has two units to address the specific human rights concerns of internally displaced persons who are the victims of war and those affected by the Tsunami of December 2004. These units are funded under the Commission's regular mandate and perform many of their own projects.

3.6.1 The National Protection and Durable Solution for Internally Displaced Persons Project

The National Protection and Durable Solution for IDPs Project was established in year 2002. It is entrusted with the broad task of promoting and protecting human rights of displaced and is entrusted with the task of inquiring into, and investigating, complaints regarding policies and practices related to the IDPs, inquiring into and investigating complaints regarding Infringements or imminent infringements of fundamental Rights, and providing for resolution thereof by conciliation and mediation, advising the government on bringing national laws and administrative measures related to the IDPs in accordance with fundamental rights guaranteed by the Constitution and also international human rights norms and standards relating to the internally displaced persons and promoting awareness of, and providing education in relation to, human rights.

In addition to that, the project deals with Internally Displaced Persons (IDPs) and their resettlement and in developing capacities of IDPs and of the stakeholders. Furthermore the project aims to empower IDPs and Returnees to enjoy their rights while building peace and harmony and to provide legal and social protection for displaced.

Facts:

2004 began with 386,104 IDPs displaced, even after the two years old peace process, due to two decades of civil war. 92,062 IDPs lived in conditions of severe overcrowding, lack of privacy and abject poverty in 315 welfare centres located in eleven districts. Others lived with friends and relatives; and all were depending on government dry rations. In addition, 141,000 refugees lived in India and other countries.

On 26 December 2005 the largest natural disaster in recent history damaged any peaceful life in Sri Lanka and 14 districts were affected and 835,000 persons were displaced.

Activities in 2004 & 2005:**(a) Human Rights Protection**

The project receives complaints on violation of individuals rights and systemic violations. In the year 2004, 2,938 complaints of violations of fundamental human rights were reported to the regional offices functioning in Jaffna, Trincomalee, Vavuniya, Puttalam, Mannar, Batticaloa and Anuradhapura. In addition to that there were 3,840 pending complaints from previous years. Vavuniya and Jaffna offices received the highest numbers of complaints in 2004, 425 and 1010 respectively. Most of these complaints were related to obtaining personal documents. This illustrates the socio and economic problems faced by the people when they returned or resettled. Out of these complaints, 5,750 complaints were disposed of by the project marking a 85.07 % disposal ratio. The balance was 1028.

In 2005, the Project received 889 complaints. 452 of these complaints regarded human rights violations, the majority of which related to loss of documents, resettlement and dry rations. Jaffna again was the source of the highest number of complaints. The Project inquired in to those cases and the previous year pending cases and disposed 1,249. Balance 668 complaints were pending for the year 2006.

(b) Advocacy

In 2004, the project analysed exiting laws, policies and administrative procedures on Internally Displaced Persons and studied the Land and Property Rights of the IDPs and made recommendations to the government to change the above to protect the rights of IDPs.

After the MOU was signed, IDPs started to resettle and many issues were reported in relation to the resettlement and on reducing of dry rations. In 2005, the project studied that and had several consultative meetings to change the situation.

(b) Special Programmes:

To accomplish the task set out for the project, to protect and promote rights of IDPs and Returnees, the project engages in taking promotional and protection measures. Based on the human rights monitoring reports, analysis of the complaints, and based

on field studies and researches; the project planned its programs on a thematic way. The Project conducted 147 human rights promotional programmes in 2004 and 160 programmes in 2005 for IDPs, government officials, security forces etc.

© Human Rights Animators:

The programme aims to educate IDPs, and Returnees and to educate societies on rights and responsibilities to establish a human rights cultured society. The programme set up a group of people to take over the social responsibilities and social leadership to have a sustainable mechanism to promote and protect their rights even though the Project is not there.

Human Rights Animators (HRAs) were selected from the displaced communities, and were enrolled in orientation programmes to be given an understanding on human rights, fundamental rights, and remedial institutions. In the programmes regional Human Rights issues were identified by the HRAs as the most prevalent in their areas, such as the issue of the school drop outs, loss of personal documents, alcoholism, High Security Zones, lack of basic facilities in the welfare centres and child abuses. At the end of the programme HRAs agreed to work on identified issues. Monthly meetings and training are conducted for the HRAs. The HRAs were assigned to assist their own communities to fill the relevant forms to obtain the necessary documents. In year 2004, 487 HRAs were trained and are still working in the field and 62 selected HRAs were given two months paid internship.

(d) [Women's Rights:](#)

The majority of the IDPs are women and they have special needs in health, nutrition and especially privacy. Many women serve as the head of the household and face cultural barriers and discrimination. Although, equal protection is guaranteed in writing women often lack the social and economic opportunities available for men. Female IDPs are easy victims of abuse and human rights violations. It was estimated that in the Districts of Batticaloa, Puttalam, Vavuniya and Mannar there are about 5,991 women headed families and in 1,328 families women have lost their husbands. In more than 7,000 families women have become the breadwinners of their families.

Focusing on World Women's Day in 2004 and 2005 the project ran activities focusing on protecting and promoting women's rights and empowering IDP women. In 2004, during the two months the Project conducted 135 small-scale public awareness programmes with over 50% women participants. The awareness programmes targeted IDP women, and sometimes girls. The participants were made aware of their rights and discussions were held regarding problems pertaining to them. Discussions were held on the means of developing their rights, as it is a first step towards empowering the women.

The Project also selected two women from the regions of Jaffna and Puttalam. They participated in a live television programme on Channel Eye on the 5th of March 2004. They expressed the sufferings that they had to undergo and this was considered a programme to generate public awareness especially among the people living in the South. The programme has received encouraging responses by the viewers.

(e) Voting Rights:

The IDP Project took steps to estimate the number of IDPs who are above the age of 18, and who have not registered for voting. However, this task was abandoned because there are nearly 363,000 IDPs living in 315 welfare centres in the country. Rather, the Project undertook to conduct training programmes on ensuring voting rights and conducting elections in the regions of Batticaloa, Mannar, Puttalam, Trincomalee and Vavuniya. Five programmes were conducted in the uncleared-areas. 229 GSs participated in the above Programmes. They were educated on the procedure of registration.

The Project also conducted programmes for the HRAs to create awareness and motivation to participate in the process of registration. In Mannar programmes were conducted for the IDPs and nearly 300 IDPs participated in the programmes.

In addition, the project printed handbills and posters with the wordings of right to vote and the procedure of registration. The Batticaloa Office published some paper articles in the “Thinakaran” newspaper to create awareness among the people.

The Project negotiated with the Elections Commission to postpone the close of voter registration lists from 15 February to 1 March. Out of concern for the difficulties posed to people living in uncleared areas in Kilinochchi, Maruthankerny, Vavuniya, Mannar, Mullathivu, Kalkuda, Batticaloa and Paddirippu (approximately 269, 228 people), the Commission took prompt action to make the following suggestions to the Elections Commissioner, to open the relevant entry check points for 24 hours from the 1st of April to the 3rd of April and to increase the Police and Officers of the Security Forces at the entry check points. To register uncleared- area people, the project negotiated with election authorities and after a special circular was issued on the 18th August 2004 to register them.

(f) [Personal Documents:](#)

[In 2005, the Project ran “mobile days”](#) to provide personal documents such as birth, marriage and death certificates to IDPs. The objective of the program was to collect searching applications for births, marriages, and deaths. As well as registering late births and marriages and issuing birth, marriage and death certificates.

(g) Children’s Rights:

Focusing on the World Children’s Day the Project organized an art exhibition, which gave the war affected children an opportunity illustrate their aspirations, hopes and dreams as well as their anticipations and frustrations. Concurrently the Project conducted a psychological study by Dr. Hemamala Perera, a senior lecturer and a child psychiatrist from the Medical Faculty, University of Colombo.

The report issued by the Project based on psychological study, was handed over to Hon. Prime Minister on the 1st of October with many recommendations. This was the

first time the Project organized a programme targeting the children. It had access to nearly 3000 children and it is hoped that the rapport would continue in the future.

Through the advertisement and the banner campaign the Project tried to create awareness among the general public regarding the problems faced by the IDP children. The Project was able to obtain the presence of the respective authorities and was able to forward the grievances of the children. But it is evident that more substantive steps are needed to be taken and the Project, if the recommendations are to be implemented should work in collaboration with the respective Government authorities.

(h) Other Special Programmes:

Other programmes were developed and implemented around Universal Human Rights Day, Language Rights, Land and Property Rights, and on Ending Displacement. The project activities and reports are available at <http://www.idpsrilanka.lk>

2.6.2 Disaster Relief Monitoring Unit

Given the magnitude of the impact of the Tsunami of December 2004, the Commission established the Disaster Relief Monitoring Unit to address human rights issues related to post-Tsunami activities and to monitor the condition of Tsunami victims. The Disaster Relief Monitoring Unit's (DRMU) mandate is to assist the Commission's **Internally Displaced Persons (IDP) Project**, to monitor government services and civil society activities in relation to relief, benefits, land titles and livelihood of Tsunami victims from a human rights perspective, and to address human rights issues arising in the course of post-Tsunami activities.

Activities:

In accordance with this broad mandate, the DRMU acts as advisor, watchdog, investigator, activist, researcher, consultant, partner, coordinator and awareness raiser to various groups in many different activities. The DRMU works in close partnership with government agencies such as TAFREN, the Government Agents of the Tsunami affected districts, Donor agencies, NGO's, research organizations such as the CUCEC (Colombo University Community Extension Centre), other organizations which operate at the grass-root level, and most importantly with the tsunami affected general public. The DRMU also has a Complaints and Investigations Unit, which entertains complaints from any individual or group with a tsunami, related grievance.

(a) DRMU- CUCEC Peoples Consultations:

The DRMU, in partnership with the Colombo University Community Extension Centre (CUCEC) and UNDP, successfully conducted a comprehensive consultation with Tsunami affected persons, government and NGO officials. The objectives of this Consultation process include obtaining the views and inputs of those affected with regard to Government policy; and disseminating information regarding their rights and entitlements. This followed with the second phase of the "People's Consultation Programme", titled "Substantive analysis and specific recommendations" for Tsunami affected areas in order to carry out development work. In addition a separate study was concluded identifying vulnerable communities and mobilizing them.

(b) Media Campaign

DRMU worked on creating awareness of the rights of the Tsunami-affected persons with relevance to post-Tsunami relief and rehabilitation through radio programmes and a posters/leaflet campaign.

Radio Programmes:

The DRMU, in conjunction with the CHA (Consortium of Humanitarian Agencies), inaugurated a joint radio programme on 30 May 2005. The purpose of this programme is to disseminate information to the public regarding government policy on Tsunami relief and reconstruction as well as to address significant issues pertaining to the reconstruction process. The project runs two fortnightly programmes broadcast by the Sri Lanka Broadcasting Corporation (SLBC), one in Sinhalese and the other in Tamil. Some transcripts of these broadcasts are available at <http://www.drmu.gov.lk/radio.htm>

The Tamil programme is broadcast every other Wednesday from 10.00am to 10.30am on the SLBC Tamil Commercial Service (101.9 FM). The Sinhala programme is broadcast every other Wednesday from 10.30am to 11.00am on the SLBC Sinhala Commercial Service (106.9 FM).

Poster/Leaflet Campaign:

This campaign is in conjunction with TAFREN and CHA to create awareness on policies and rights of all Tsunami-affected persons, such as the Buffer-Zone policy, the Permanent Housing Policy, Relief Aid, Livelihood programmes, Loan Schemes, etc. 5000 posters have been distributed for publicity in Sinhala and Tamil in all the 13 Districts.

(c) Field Work:

The Field Staff of the DRMU makes routine visits to tsunami affected areas to consult affected persons, government officials, NGO's, and leaders of civil society regarding the efficiency of prevailing government and NGO mechanisms to address the basic needs of Tsunami victims and the preservation of their social and economic rights. Particular attention is paid to the special needs of women and children. Field visits also facilitate the development of networks with the Governmental Officials, NGO's and the civil society which enable the DRMU to gain direct access to rich and diverse sources of information on shortcomings of Tsunami relief distribution and reconstruction process. Reports from field meetings are available by region at <http://www.drmu.gov.lk/fv.htm>

(d) DRMU Complaints and Investigations Unit:

When DRMU receives a complaint, the complaint is entered into a database, based on the District and the nature of the complaint. If it is a general complaint, based on ignorance of the prevailing situation, the office sends a letter creating awareness of available mechanisms and the due compensation. If it is a specific issue the Unit writes to the relevant authorities asking for explanation or to request an investigation. Based on priority some cases are followed up in the field by field officers. Institute of Human Rights has allocated a lawyer to work with DRMU in this scenario. Finally, if

the complaint is a policy-level issue, the Unit writes or speaks to the relevant authorities regarding possible policy changes.

Complaints Database:

The Database of the DRMU was designed with the objective of providing comprehensive and timely access to complaint information and thus facilitating efficient handling of complaints and informed decisions. Information presented by the Database relates to three main sectors, namely, basic information, complaint information, and meetings. The Database provides functionality such as report generation and generation of summaries of complaints, which enhance the efficiency of carrying out the investigations of the DRMU. The database is constantly expanded and enriched with new information, which increases the efficiency of complaint handling and decision-making.

(e) Working Group on Relief Monitoring:

The DRMU, in partnership with the CHA, has established a Working Group on Relief Monitoring. The **objectives** of the working group are: to discuss the situation on the field and inconsistencies in the relief distribution process; to identify discrepancies in relief distribution activities carried out by the Government and NGOs; to protect the right of access to Children, Women and Minority communities and to develop policy recommendations on relief distribution.

The Working Group conducts weekly meetings for National Level Stakeholders in the Post-Tsunami Relief Distribution process, including UN Organizations, INGOs and National Level NGOs.

A Sub-Group was formed with the participation of several NGOs taking part in the Working Group coordinated through the Disaster Relief Monitoring Unit to analyse the human rights impact of the Government and implementing agency post-tsunami relief and reconstruction policies and activities. The Sub-Group study was to look at the activities of both government as well as local and international non-governmental actors. The Sub-Group conducted a pilot study initially focusing on the two Districts of Ampara and Galle and subsequently prepared a report targeting decision makers.

Further, several valuable workshops such as “Building Back Better, Are We On Track” were organised with the support of committed NGOs participating in the Working Group. Some of these workshops have now flourished into establishing Village Rehabilitation Advisory Committees in the Tsunami affected areas where the affected people themselves involve at every stage of development initiatives, from project planning to the monitoring of projects.

(f) Code of Conduct for Civil Servants

It was identified that a Code of Conduct for state officials with regard to relief and reconstruction activities is a necessary mechanism to ensure the just and equitable distribution of resources. As a result, the DRMU has developed a Code of Conduct applicable to State Officials. The Code is based on the UNHCR Guiding Principles on Internally Displacement and death with three key factors, 1) good governance, 2) the

role of the government, 3) the role of civil society / local community in decision making.

3.7 Projects Undertaken by the Commission

In 2004 – 2005 the Commission conducted the following projects with the aid of international donations.

3.7.1 Prevention and Monitoring of Torture Project

The Australian High Commission provided a grant of 3 million Sri Lankan rupees for a project called the “Prevention and Monitoring of Torture Project”. The project period was from January to December 2004. The main objectives of the project were,

- a) Education and training of the Investigating Officers and Regional Coordinators of the Human Rights Commission of Sri Lanka on the prohibition against torture, cruel and inhuman, degrading treatment or punishment.

To familiarize the officers with procedures relating to detection of torture, reporting, investigating and inquiring into complaints of torture and to create uniformity in torture prevention methods, the PMT Project conducted two training programmes for all Regional Coordinators and Investigating Officers of the Commission from 29th – 30th May 2004 and 31st July – 01st August 2004.

The curriculum included the role of the Commission on torture, international perspectives on the prevention of torture, the ground reality of torture in Sri Lanka, legal provisions relating to prevention of torture in Sri Lanka, arrest and detention procedures, investigation powers of the Commission’s officers and methods of conducting effective investigations at Police Stations.

- b) Monitor acts of torture, cruel, inhuman, degrading treatment or punishment committed by the police in 3 specific regions of Sri Lanka from where the Commission received the largest number of complaints in the years 2002 and 2003. The highest numbers of torture cases were reported to the Commission in the districts of Anuradhapura, Kalutara and Hambanthota in the years 2002 and 2003.

Under this project the Commission, in consultation with the Directors of Education and Investigations and Inquiries, created and selected members for local visiting committees in these regions to carry out visits to police stations to monitor the cases of arrests outside the law, torture and cruel, inhuman, degrading treatment or punishment. An orientation programme for the visiting committee members was held on 27th March 2004. The programme consisted of the international and local provisions of law on torture, torture in Sri Lanka and the Commission’s activism in relation to the prevention of torture and the objectives of the project.

3.7.2 Torture Prevention & Monitoring Unit, the Swiss Project on Torture

The Torture Prevention and Monitoring Unit, Swiss Project on Torture, aims to strengthen the rule of law through preventing torture and protecting human rights and to enhance trust and confidence of the public through developed methods of investigations of torture and human rights. The goal is to provide a trusted service to the public by drastically changing places of corruption and abuse of power like police departments and to make the public aware of torture of innocent victims by the police mental hospitals and prisons. It aims to enhance local capacity for protection of human rights by bringing together a group of activists including police and other administrative sectors to continue to propagate ideas of prevention of torture and to educate victims, who are subject to torture because of ignorance of the law and blind fear of police power.

The project conducted direct investigations in the following areas, police stations, prisons, mental hospitals, and other places of detention. Thirteen districts were covered island wide directly by this Project. 291 Police Visits were made during the Project period and Torture Cases & Human Rights Violations were initially investigated.

3.7.3 NORAD Human Rights Education Project

The Human Rights Commission initiated a national programme on human rights education to implement the United Nations Decade of Human Rights Education. Funding for this program was provided by the Norwegian Agency for Development Cooperation (NORAD) and implemented by the Education and Special Programmes Division. The goal of this program was to provide education to about 10 target groups in each province of Sri Lanka. Target groups were the state agencies, the main “duty bearers” and segments of the public, the “rights holders”. The state agencies included were the police, public service at various levels and the armed forces. The programme also targeted the public and sought to enhance awareness of individual rights and the capacity to protect these rights and to seek redress.

Resource Persons were selected from the Southern, North-Central, Eastern, Uva, Central and North-Western Provinces to carry out human rights education programmes in each of those provinces. The Education Division conducted two training workshops in Colombo for the resource persons. The first workshop was conducted from 29th January to 1st February 2004 for resource persons from the Southern, North-Central and Eastern Provinces. The second workshop was conducted for the resource persons from the Uva, Central and North-Western Provinces from 11-14th February.

The curriculum for the training workshop took the participants through a sequence of introducing the concept of human rights, providing a historical overview of the evolution of human rights, imparting the knowledge on the international systems of human rights and discussed the national legislation and institutional framework relating to human rights. This information was then placed in a specific context in which the violations of rights occurred in Sri Lanka. The curriculum included the rights to equality, freedom from torture, arbitrary arrest and detention, the rights relating to health and education, the rights of children, women and minorities.

Regular meetings of resource persons were held thereafter in the Central and Southern Provinces and the resource persons identified the key target groups in their areas. The resource persons were further trained at these meetings to make presentations at workshops that were to be conducted in the Provinces. Workshops were conducted in 2004 in the Central, Southern, Eastern and North-Central Provinces for state officers such as Divisional Secretaries, Grama Niladharies, Agricultural Officers, Community Service Officers, Assistant Superintendents of Police, and Officers in Charge of Police Stations, Police Officers, Police Trainees, Principals of Schools, School Teachers, Officers of State Children's Homes, Graduate Trainees and Politicians. Workshops were also conducted for school children, youth, villagers, and Buddhist monks.

3.7.4 Regional Human Rights Committees, Funded by CIDA

In 2004 and 2005 the Commission received funds from the Canadian International Development Agency (CIDA) for a comprehensive assessment of its human resources and a sustainable capacity building plan that address deficiencies in Regional offices and Head Office. With these funds, and under Section 11 (b) of the Act, the Commission developed eight Regional Committees to discharge some of the functions of the Commission at the regional level. The objective of the Regional Committees is to strengthen the capacity of the Regional Centres to enable them to facilitate the functioning of the Regional Committees and to provide facilities to enable the Regional Committees to perform their functions more effectively. The goal of the Committee is to bring greater awareness of human rights issues at a regional level and the participation of the people in the regions in promoting and protecting human rights.

The project is implemented through a National Co-ordinator on Regional Committees appointed by the Commission. The commission gives the Committees direction and guides them and monitors their work through the Co-ordinator. Each Committee consists of at least five eminent members of the community in the region who are interested in the human rights concerns of the area. They meet at least once a month to discuss and find solutions to human rights violations in the regions. The members of the Committees are paid an allowance to defray their travelling costs and other expenses involved with their participation at the monthly meetings. The Committees have also been given secretarial and research assistants to help them.

Activities:

The Commission met the Regional Committees on 20 April 2005 at the Sri Lanka Foundation Institute. The objectives were discussed together with Regional Co-ordinators with a view to reducing human rights violations in the regions. The Commission is to meet all the Committees twice a year and the Regional Coordinators are to meet their committees at least once a month. The Commission was very satisfied with the help provided to them by Regional Committees while on Fact-finding missions in the Regions, particularly in the Uva District, East and in the South with the Tsunami.

3.7.5 Protecting Children in Sri Lanka's Children's Homes and Detention Centres

Pursuant to the powers granted in the section 10, 11(f) and 28(2) of the Human Rights Commission of Sri Lanka Act No 21 of 1996 the HRC has a responsibility to promote and protect the rights of the vulnerable groups including children. The Monitoring and Review Division headed this project and funding was provided by UNICEF. The project objectives included; Identifying the human rights violations, abuses, weaknesses and other related problems in the institutions, in the domestic laws regulating the institutions, particularly with regard to international human rights norms and standards, Pressuring the government to implement necessary amendments to the current laws and procedures and conducting training and awareness programs for the relevant authorities and for children residing in institutions

Achievements/Impact:

The Commission has made surprise visits to all children's homes at least once in every three months. Based on the surprise visits the commission has made a number of recommendations for implementing safeguards for children's rights.

The Division visited 8 Receiving Homes for boys and girls in Panadura, Kithulampitiya, Peradeniya, Bandarawela, Migalewa, Anuradhapura, and Jaffna. The Project staff also visited 1 Remand Home for Girls in Ranmuthugala and 3 Remand Homes for Boys, in Pannipitiya, Kitulampitiya and Anuradhapura. The Project also visited 1 Certified School for Girls in Ranmuthugala and 3 Certified Schools for Boys in Makola, Hikkaduwa, and Keppetipola. The Project visited the State Detention Home Halpathota, as well as the National Training Centre, Moratuwa, "Senehasa" Rehabilitation Centre for Girls, Kitulampitiya, and the Training and Counselling Centre for Girls, Saliyapura.

3.7.6 South Asia Regional Initiative Equity /Support (SARIQ) Programme; Protection and promotion of the rights of the children in the state homes in Sri Lanka through Awareness Workshops

The Commission conducted a series of island wide awareness workshops on the protection and promotion of Child Rights with partial funding support from the South Asia Regional Initiative Equity / Support (SARIQ) Program. The project commenced in January 2005 and is expected to conclude in August 2006. The project aims to organize 27 training programs across the country to educate state officials engaged in child's rights activities. Participants include Child Rights Promotion Officers, Probation Officers, Early Childhood Development Officers, Social Services officers and officers at the Women's and Children's Desk in police stations.

In 2005 All Island Workshops for Protecting Child Rights were held in, Maharagama (39 participants), Kegalle (47), Polonnaruwa (37), Maho (56), Kandy (98), Ampara (32), and Monaragala (40). These workshops included lectures on "International Standards on Child Rights", "Domestic measures in Sri Lanka for the protection of

Child Rights”, and “Medical aspects of Child Rights.” Attendees included, Child Rights Promotion Officers, Officers of Women’s and Children’s Desks of Police Stations, Probation Officers and Staff Members of Children’s Homes. At the end of the three lectures, the participants were given questions to be answered in groups in order to provide them with assistance to know how to apply the knowledge they obtained from the programme in their practical duty performances.

3.7.7 Disappearances Database

With funding and coordinated technical assistance from the Asia Foundation the Commission has started work on a database comprising all the information regarding disappearances from 1988 to 1999. The Project continues the work of coding and entering the complaints of disappearances that were inquired into by the All Island Commission of Inquiry from the Districts of Kurunegala, Puttalam, Kandy, Nuwara Eliya and Matale, and those inquired into by the Committee of the Human Rights in the Jaffna Region between 1990 and 1997, into its the database.

In addition, 16,305 complaints of disappearances that were not addressed by the All Island Commission on Disappearances are being processed by a unit of officers by the Database Project with a view to arriving at the actual number of complaints that need further action in terms of the mandate of the Human Rights Commission. This processing involves excluding duplicates, excluding complaints where the complainants are not traceable, and complaints where the persons concerned were later found.

Based on the 3000 cases already coded a Statistical Report on the human rights violations was prepared with the assistance of the statisticians of the Asia Foundation which has been presented on several occasions and are included below.

The largest number of the missing persons entered to-date have been from the Southern Province followed by the Eastern, Uva, Central, Western, and North Central, Northern and Sabaragamuva Provinces in that order. Yet, the largest number of cases to be inquired into is in the Batticaloa District followed by Kandy, Kurunegala, Hambantota, Monaragala, Badulla and Anuradhapura Districts. There are only a small number of cases to be inquired into in the other districts.

Although the years of disappearances range from 1980 to 1999, the peaks were in 1989 and 1990 and are inline with the peaks referred to in the Reports of the Presidential Commissions of Inquiry into Disappearances. An in-depth analysis of these incidents show the largest number of disappearances that occurred in 1989 was from October to December, when there was electioneering taking place in the country.

Among the complaints remaining for inquiry, 1711 are in respect of Sinhalese and 475 are those in respect of Tamils and only 10 are in respect of Muslim-disappeared.

The Presidential Secretariat has requested the Human Rights Commission to deal with the complaints of missing persons left un-inquired by the All Island Presidential

Commission on Disappearances due to limitations in its mandate. Therefore the Human Rights Commission is obliged to conduct inquiries into these 2200 complaints.

From the responses to questionnaires sent to the complainants, almost all have indicated a willingness to cooperate with the Commission in the conduct of the inquiries into their complaints. Although 1378 of the respondents had not obtained death certificates in respect of the disappeared persons concerned, their complaints have not yet been inquired into by any official body from a human rights perspective. Therefore, the number of complaints to be inquired into includes this number as well.

3.7.8 Staff Training - FCO/UNDP Phase II Project

FCO/UNDP Phase II is a Project under the National Human Rights Commission of Sri Lanka funded by the UNDP. Among the targets in the project work plan, one is to conduct training programmes in human rights. The training programmes are focused on selected Commission staff to initiate investigation and inquiries in response to media and other information about human rights abuses.

Four trainings were conducted in 2005. The participants of the training were investigation officers, inquiring officers and the Regional Coordinators of the Human Rights Commission responsible for handling the complaints received by the Commission. Training programmes were held in Sinhala and Tamil in two parallel lecture halls.

Participants were provided a full set of training materials, including materials and information on the individual provisions of the Conventions, Equality provisions in the Constitution of Sri Lanka, India and South Africa and the relevant case law in Sinhala and Tamil translations.

(a) Right to Equality & Non-Discrimination

The first training was held on 8 April 2005, and was to raise awareness on the Right to Equality & Non-Discrimination within the framework of international standards, to provide awareness on the Equality provision under the Constitution of Sri Lanka compared with the Constitution of India & South Africa, and to enhance the capacity of the investigation officers, inquiring officers and the Regional Coordinators in handling complaints on equality and Non-discrimination.

(b) Economic, Social and Cultural Rights

The second training workshop was held on 12 and 13 June 2005, and focused on the normative contents on the rights and the remedies available, and provided an overview of the international instruments and briefly discussed the provisions. The primary objectives of the training were, to raise awareness on Economic, Social and Cultural Rights within the framework of international standards, to give an overview of the international standards guaranteeing the rights and the state's obligations related to the rights, give awareness on the remedies available for violations of Economic Social and

Cultural Rights especially under the provisions of the Constitution of Sri Lanka and to enhance the capacity of the investigation officers, inquiring officers and the Regional Coordinators in handling complaints on Economic, Social and Cultural Rights.

(c) United Nations Human Rights Mechanisms & Women's Rights

The third training was held on 11 and 12 September 2005 on access to justice for victims at the international level, on the exhaustion of remedy at national level. The primary objectives of the training were, to raise awareness on Women's Rights within the frame work of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to give an overview of the international standards guaranteeing the rights and the Protection of Women's Rights in Sri Lanka, to provide awareness on the various mechanisms within the UN Human Rights System which enable the individuals or groups to submit complaints when their rights have been violated and to enhance the capacity of the investigation officers, inquiring officers and the Regional Coordinators in handling complaints on violations of Women's Rights and advice on the remedies available at international level.

The topic 'Women's Rights' discussed the rights of women, Protection of Women's Rights in Sri Lanka. The CEDAW (Convention on the Elimination of All forms of Discrimination Against Women) was discussed at length together with the Optional Protocol that provides a forum for complaint and an avenue for women to obtain remedies for breaches of their human rights. These various mechanisms within the UN human rights system were discussed extensively including the five cases from Sri Lanka before the UN.

(d) Management & Report Writing

This was the fourth and final training workshop under the FCO/UNDP Phase II Project. It was held on 16 and 17 December 2005, and the objective was to improve office administration, develop positive attitudes and report writing skills. The primary objectives of the training were, to provide knowledge and understanding regarding the management process, to develop positive attitudes to effective management system, to improve report writing skills, to enhance the capacity of the investigation officers, inquiring officers and the Regional Coordinators in handling administrative matters and office management.

On the second day, two resource persons from the Open University of Sri Lanka conducted Report Writing training. The lectures were conducted in English medium and simultaneous translation to Sinhala and Tamil medium was provided. The sessions included the format or structure of a report and the executive summary. It also included activities in paragraph building, creating cluster diagrams and preparation of Executive Summary Plan.

Chapter Four

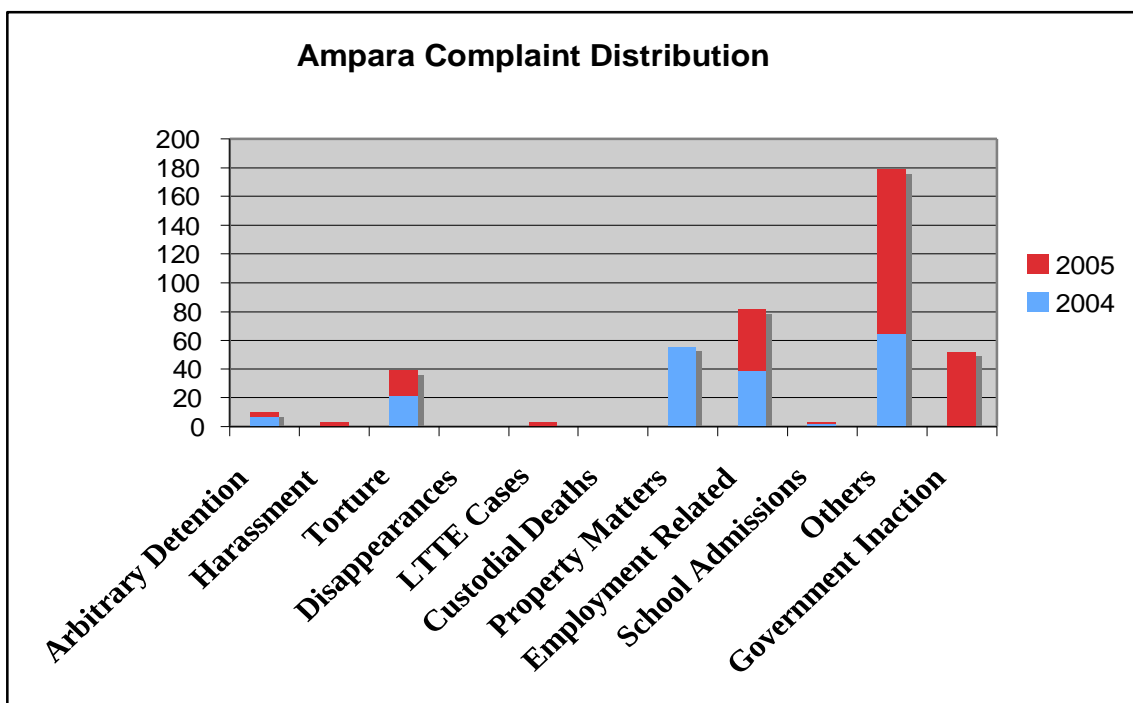
Regional Offices of the HRC

There are nine Regional Offices established by the Commission and directed by Regional Coordinators. The support staffs include Investigating Officers and other office staff. The nature of complaints undertaken by each Regional Office is given below.

4.1 Ampara Regional Office

The Ampara office received 191 complaints in 2004 and 236 in 2005. In 2004, 22 of the complaints concerned torture. 48 complaints were against the police and armed forces and 148 against other authorities. No complaints were made against the LTTE. In 2005, 17 of the complaints concerned torture, 3 harassment, 3 arbitrary arrests, 52 concern government inaction, while the remainder concerned employment and school admissions. 52 complaints were against the police, 4 against armed forces and 146 against other authorities.

90 complaints were concluded in 2004 and 124 in 2005. 103 cases were brought forward into 2006. The office made 90 visits to police stations in 2004 and 92 in 2005. The office ran 18 educational programmes, and six one-day workshops in 2004, and 10 education workshops and 15 educational seminars in 2005. The office also ran special programmes for Women's Day with Sewalanka Foundation and for Human Rights Day in 2005. The office collaborated on some projects with Sarvodaya, Agromart Foundation and Sevalanka Foundation Ampara.

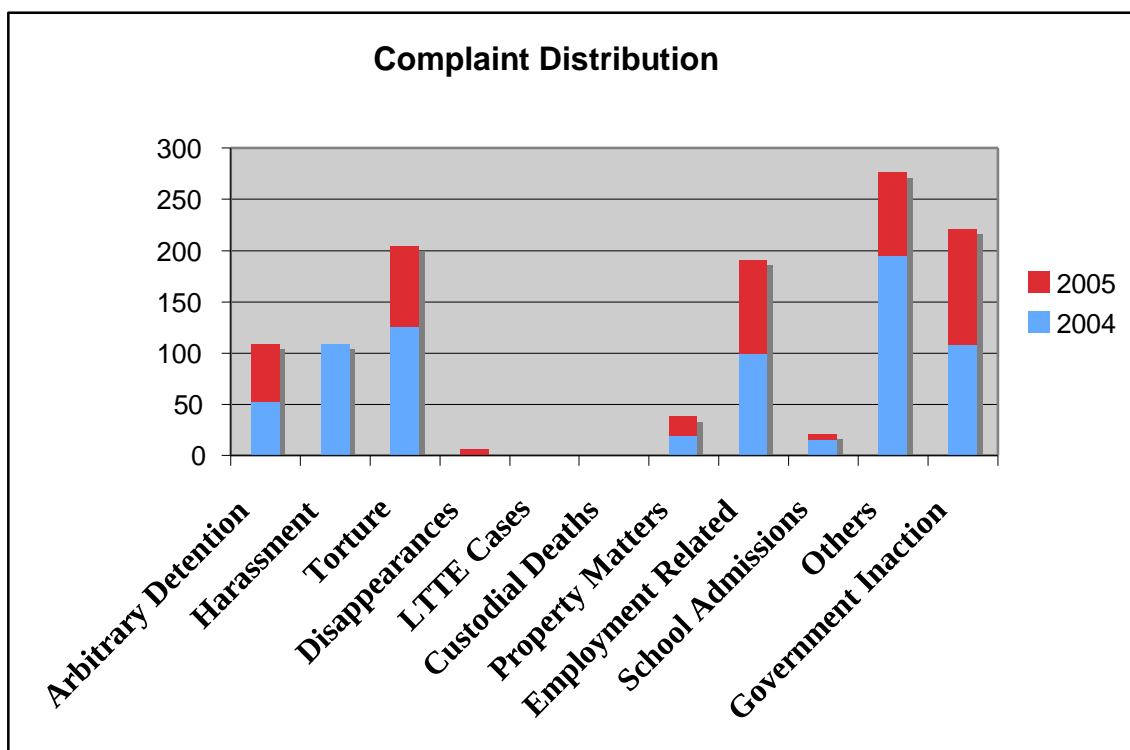


4

4.2 Anuradhapura Regional Office

The Anuradhapura office received 412 complaints in 2004, in addition, 308 cases were carried forward from 2003 and other years. In 2005 the office received 433 complaints, and 355 were carried forward from 2004. In 2004, 126 complaints were of torture, 52 of arbitrary arrest, and 109 complaints of government inaction. The remainder concerned school admissions and employment. 296 of the complaints were against the police, and 4 against the armed forces. In 2005, 79 complaints were of torture, 57 of arbitrary arrest, 112 of government inaction, and 6 disappearances. The remainder concerned school admissions and employment. 238 of the complaints were against the police, 13 against the armed forces.

The office completed 365 cases in 2004 409 in 2005. The office made 167 visits to police stations and 10 visits to detention camps in 2004. In 2005, the office made 349 visits to police stations and 5 visits to detention camps. 4 educational training & awareness programmes were conducted in 2004, with about 276 participants. 3 human rights education and awareness programmes were conducted in 2005, with approximately 265 participants. Two programmes were conducted on Human Rights Day with over 170 participants.

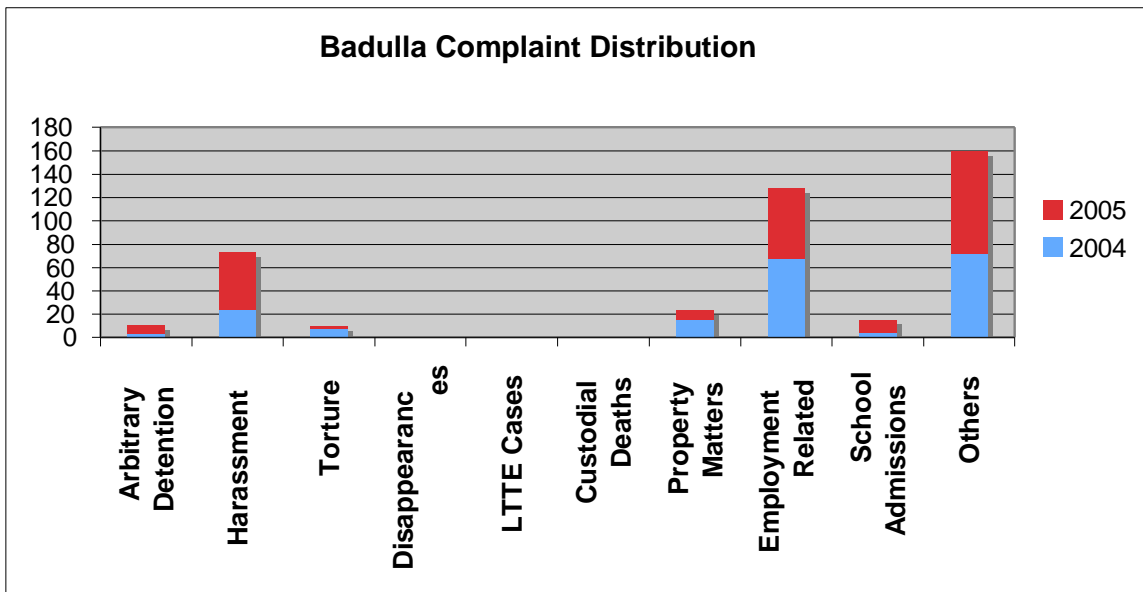


A fact-finding mission was conducted regarding a 'crisis' at the General Hospital Anuradhapura. Two Commissioners were involved in this inquiry and a report was submitted. A summary of recommendations are detailed in this report elsewhere.

4.3 Badulla Regional Office

The Badulla office received 281 complaints and concluded 214 cases in 2004. The office received 226 complaints in 2005, and completed 233. In 2004, 7 complaints concerned torture, 3 arbitrary arrests, and 24 harassment cases while the remainder concerned school admission and employment complaints. In 2005, 2 complaints concerned torture, 7 arbitrary arrests, 49 harassment cases, while the remainder concerned school admission and employment complaints.

92 police station visits and 5 prison visits were made in 2004. 64 police station visits and 4 prison visits were made in 2005. The office conducted 13 awareness programmes in 2004 and 29 in 2005. The target groups of these programmes were police officers, state officers, school teachers and students and the total number of participants was 2231.



Other Activities:

The office also held a discussion with government high officials to ensure a peaceful situation for voting in the 2004 General Election, and inspected all the police stations to verify if it came into effect. In the Presidential Election in 2005, the office held discussions with the assistant election commissioner and district secretaries on the topic of the importance of free and fair elections. The office also worked on planning a new systematic education procedure for mentally retarded children and launched a radio programme to protect and promote human rights in the Uva community in collaboration with the Uva Community Broadcasting Service.

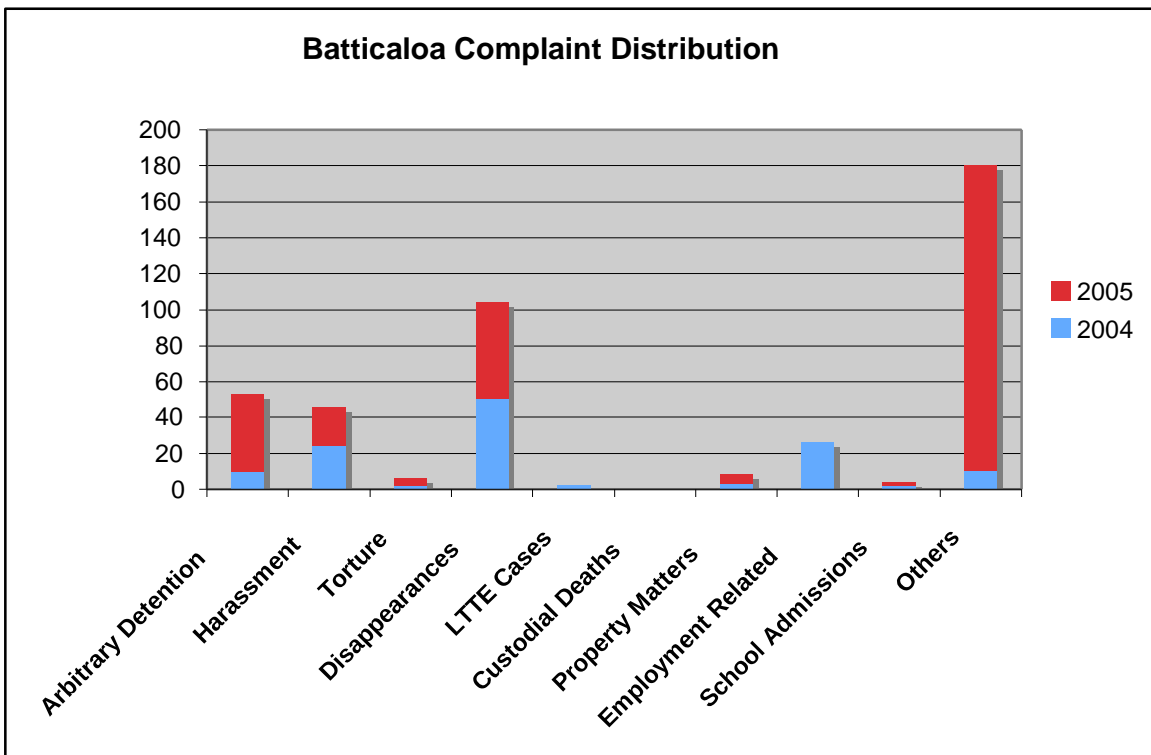
4.4 Batticaloa Regional Office

The Batticaloa office received 129 complaints in 2004 and 239 in 2005. In 2004, 15 cases were sent from head office for investigation in the Region. 10 complaints concerned arbitrary arrest, 24 harassment, 2 complaints of torture, and 51 disappearances of soldiers/LTTE. In 2005, 170 of these complaints were related to the

Tsunami. 43 complaints concerned arbitrary arrest, 22 harassment, 1 complaint of torture, and 54 disappearances of soldiers/LTTE.

85 complaints were concluded in 2004, and 194 in 2005. In 2004, the office visited 113 police stations and 37 detention centres. The office conducted 81 visits to police stations and 26 visits to detention centres in 2005.

In 2004 the office conducted 26 rights-awareness programmes. In total, these programmes involved 1,544 participants. In 2005 the office conducted 24 rights-awareness programs and conducted 4 staff training programmes. In total, these programmes involved 1,097 participants. A Human Rights Day programme was conducted for the benefit of government officials, members of the public and police officers in both 2004 and 2005.



Other Activities:

The officers visited police stations and detention centres in the discharge of duties. The office conducted awareness programmes consisting of seminars/workshops and training of staff. Special projects concerned election monitoring, the movement of voters and participation in a special report prepared on religious disturbances in the district. The Office also participated in a programme for registration of voters among IDPs and birth/death certificates were issued with the collaboration of the Registrar General’s Department.

4.5 Jaffna Regional Office

The Jaffna regional office received 610 complaints in 2004 and 947 in 2005. In 2004, 174 complaints were of torture and 355 concerned missing persons. 45 of the

complaints were directed against the police, 21 against the army, and 40 against the education ministry. In 2005, 398 complaints concerned fundamental rights, 352 concerned missing persons. 49 of the complaints were directed against the police, 101 against the army, and 126 against the education ministry. Enough data for 2005 has not been received to chart a comparison between the two years.

The office conducted 161 visits to police stations in 2004, and 79 in 2005. The office also held 50 education and awareness programmes in 2004 and 32 in 2005.

Other Activities:

Demonstrations were held in the region by the parent/guardian association against disappearances, and against the High Security Zone. Demonstrations were also conducted against the peace process, and against the Anti-conversion Act. Additionally, internally displaced persons submitted petitions regarding resettlement as the children had to go to a school located within the army camp.

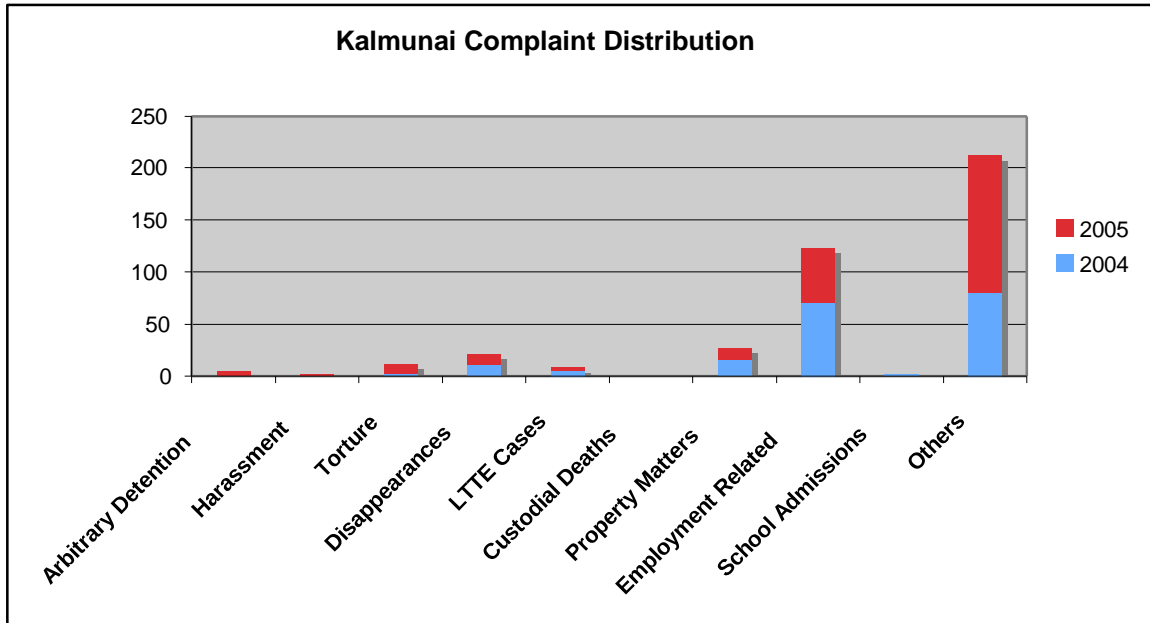
A political opponent belonging to the PLOTE group was killed. An Army informant was killed. A Pradeeshiya Sabha member was killed. There were also demonstrations against the death of a civilian who was run over by an army vehicle accidentally. The mothers' front continued a hunger strike before the office of the HRC. Two young people involved in playing football were killed. The police had assaulted the HRC official and a case is pending before High Court Jaffna.

The Commission visited Jaffna in 2005 to conduct a fact-finding mission. In addition, Commissioner Mr. N Selvakkumaran visited Jaffna and held a meeting with the political wing of the LTTE. Representatives from UNICEF, UNHCR, SLMM and government officials were also present at the meeting.

4.6 Kalmunai Regional Office

The Kalmunai office received 187 complaints in 2004 and 223 in 2005. In addition, 126 Tsunami-related complaints were received in 2005, of which 121 and 5 were referred to the IDP Project and DRMU respectively. In 2004, 16 complaints were against the LTTE and were referred to the SLMM and UNICEF. Of the others, 2 complaints were of torture, 2 of them arbitrary arrest, 3 of disappearances, 8 of missing persons, and 16 property complaints. The remainder concerned school admissions and employment. In 2005, there were 2 complaints against the LTTE, 4 of arbitrary arrest, 2 of harassment, 9 of torture, 1 soldier disappearance, 10 missing persons, and 11 property complaints. The remainder concerned school admissions and employment. 2005 also saw 19 civilians killed and 22 days of hartal in the region, one resulting from a grenade attack on a mosque in November that killed 6 and injured 23.

The office made 181 visits to police stations, 10 NGO visits and 5 visits to children's homes in 2004. 86 police visits, 8 visits to NGOs, 31 visits to welfare centres and 12 visits to children's homes were done in 2005. The office conducted 17 seminars under awareness programmes, and 2 staff training workshops in 2004. 12 seminars and 126 dialogues on "People's consultation of Tsunami-affected" were conducted by the DRMU, the Commission and the Regional Office in 2005.



4.7 Kandy Regional Office

The Kandy regional office received 457 complaints in 2004 and 208 in 2005. The office completed 140 cases in 2005. The region has 62 police stations and 50 visits were undertaken in 2004 and 2005.

The office conducted 18 rights-awareness programmes in 2004 and 59 in 2005. Special programmes were conducted to commemorate the International Women's Day, Children's Day and International Human Rights Day.

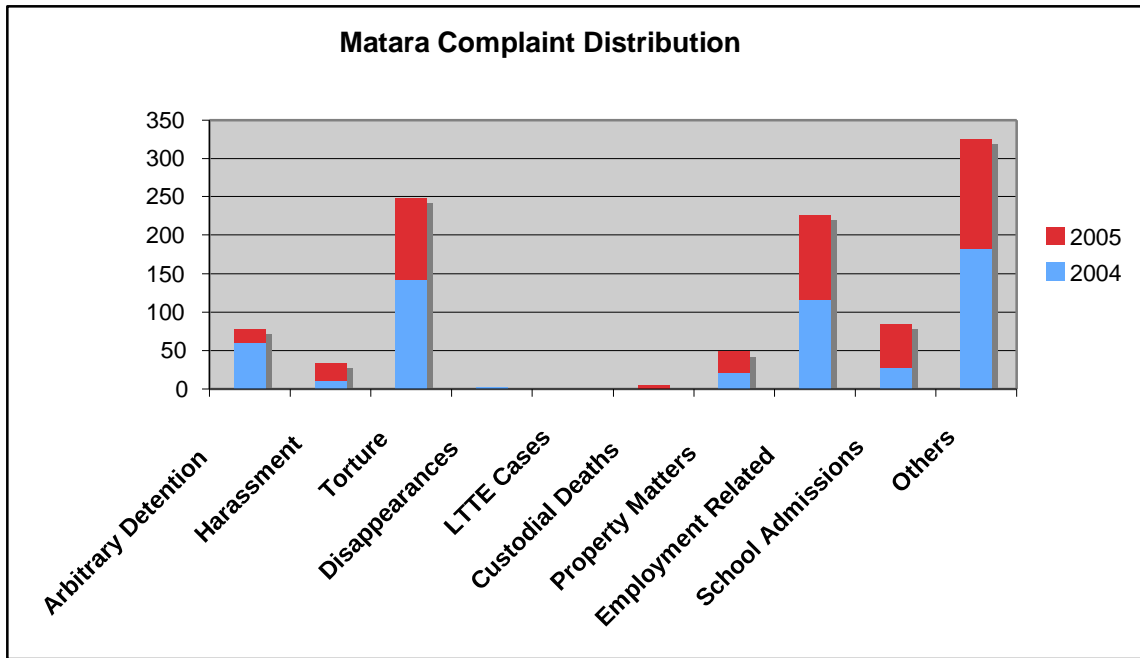
4.8 Matara Regional Office

562 complaints were received in Matara in 2004 and 488 in 2005. In 2004, 142 complaints concerned torture, 60 complained of arbitrary arrests, 3 complained of disappearances, 1 death in custody, and 10 concerned harassment. The remainder concerned school admission and employment matters. In 2005, 106 complaints concerned torture, 18 complained of arbitrary arrests, 4 deaths in custody, and 23 concerned harassment. The remainder concerned school admission and employment matters.

The office made 245 visits to police stations and 4 visits to detention camps in 2004. The office made 249 and 8 visits respectively in 2005. The office conducted 5 education programmes in 2004, totalling approximately 655 participants. 3 programmes were conducted in 2005, totalling approximately 455 participants.

In 2005 the office implemented a 3-month torture monitoring programme with the help of the Swiss Project. Special Programmes were conducted for Samurdhi beneficiaries, Grama Niladharies and staff of the Divisional Secretariats. The Commission participated at an exhibition held at Kohangalle Vidayala, Hakmana

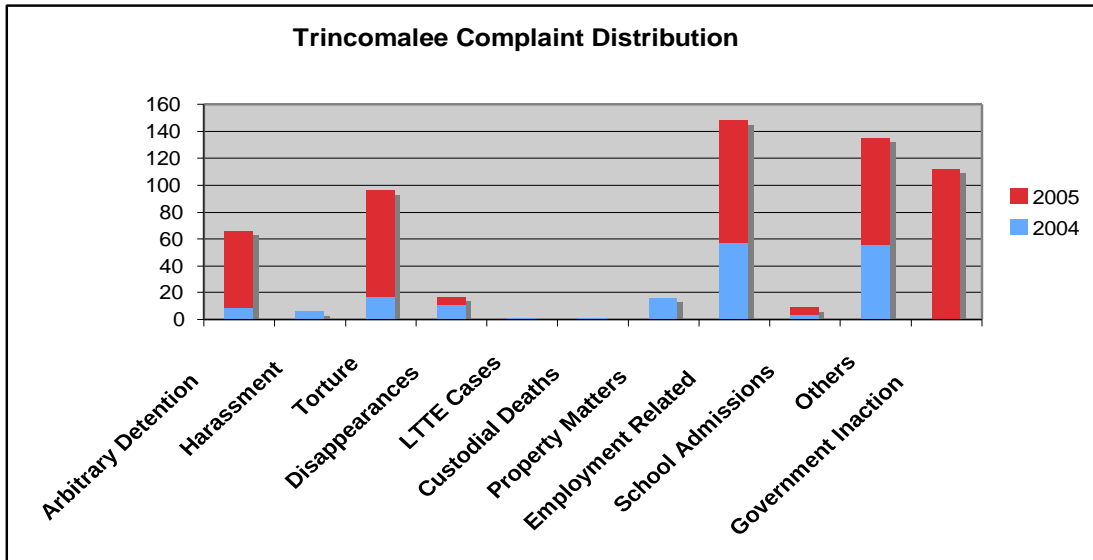
where human rights duties and obligations were exhibited. The participants were anxious to understand the rules and regulations on human rights.



4.9 Trincomalee Regional Office

The Trincomalee Regional Office received 180 complaints in 2004 and 163 in 2005. In 2004, 107 complaints concerned fundamental rights, 11 missing persons, 9 of arbitrary arrests, and 15 concerned LTTE and recruitment. In 2005, 78 complaints concerned fundamental rights, 18 missing persons, 25 of arbitrary arrest, and 8 concerned LTTE and recruitment. 2005 also saw several Hartals in Trincomalee town as a result of the installation of a Buddha statue. In the Trincomalee area 14 persons were killed and 17 injured in grenade attacks.

122 cases were concluded in 2004, and 76 in 2005. The office made 106 visits to police and 39 visits to remand prisons in 2004. In 2005, 98 police visits and 17 remand prison visits were made respectively. The office ran 18 rights-awareness education programmes in 2004; 5 for school children, 7 for police officers, 2 for villagers and 4 for NGOs. In 2005 the office ran 8 rights-awareness education programmes; 5 for school children, 2 for police officers and 1 for the public.

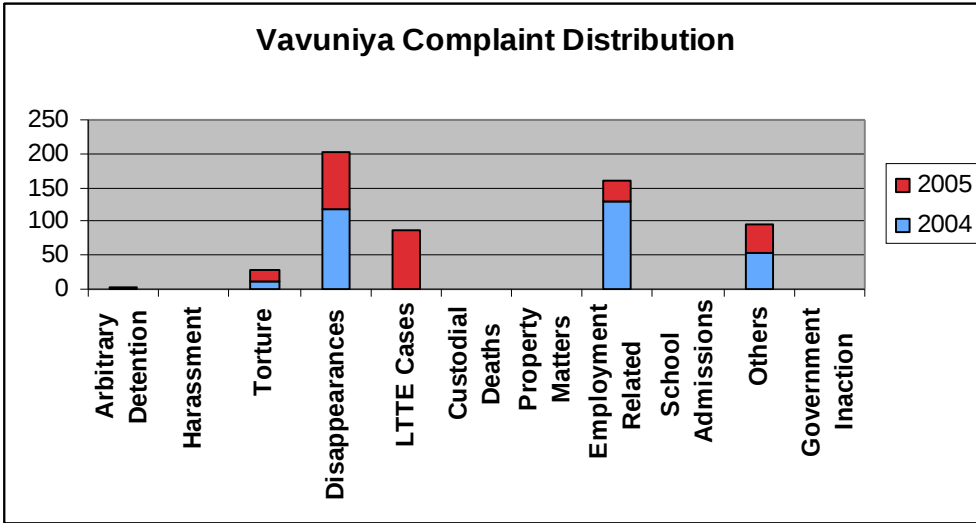


3.6.2 Vavuniya Regional Office

The Vavuniya office received 218 complaints in 2004 and 263 complaints in 2005. In 2004, 216 of the complaints concerned disappearances. Of these 216, 49 concerned abductions, 98 concerned child recruitments, and 69 concerned missing persons. Of the remaining, 58 were fundamental rights cases and 44 were non-fundamental rights cases. 2004 also saw 4 shooting deaths, 1 murder-rape case, 2 dead bodies, 1 assault and murder, 1 Black July, and 1 Hartal.

In 2005, 172 of the complaints concerned disappearances, 48 concerned fundamental rights and 43 other complaints. Of the total number of complaints, 58 were against the police and 3 were against the army. 2005 also saw 11 shooting deaths, 4 Hartals, 1 dead body, 1 injury, 2 murders, 1 bus strike, 1 Pongu Tamil, 1 kidnapping and 1 bomb blast. 308 cases were brought forward into 2006.

The HRC undertook 68 police visits and 6 visits to the places of detention in 2004. The office held 25 educational rights-awareness programmes, totalling about 500 participants, and 7 special programmes. In 2005, the office conducted 72 police visits, visited 7 Detention Centres and 1 Elders Home. The office also conducted 54 human rights awareness programmes and 3 special programmes.



Human Rights Commission of Sri Lanka

Head Office

No. 36, Kynsey Road, Colombo 08.

Telephone: (094 11) 2694925, 2673806, 2685339, 2685980, 2685981

Hotline : 2689064

Fax : 2694924, 2696470

Website : www.hrsl.org

Email : sechrc@sltnet.lk

Regional Office	Address	Tele. & Fax
Ampara	D/768/1, Pandukabhaya Mw, Ampara	063 2222340
Anuradhapura	63, Monara House, Freeman Mw, Anuradhapura	025 2221187
Badulla	9/2 A, Senanayake Udyana Mw, Badulla	055 2229634
Batticaloa	24, Sinnauppodai Road, Batticaloa	065 2224420
Jaffna	No.1, 3 rd Cross Street, Jaffna	021 2222021
Kalmunai	84, Kiddangi Road, Manalchenai, Kalmunai	067 2229728
Kandy	839/2A, Peradeniya Road, Kandy	081 2222855
Matara	15, Kalidasa Road, Matara	041 2226533 041 2223307
Trincomalee	227, Main Street, Trincomalee	026 2222607
Vavuniya	129, Kanthasamy Kovil Road, Vavuniya	024 2222029