



Annual Report

2006 & 2007

Human Rights Commission of Sri Lanka

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Human Rights Commission of Sri Lanka

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VISION

**Our vision is to ensure human rights for all
and
Promote and Protect the Rule of Law**

MISSION

**Our mission is to
develop a better human rights culture in Sri Lanka
through protecting and promoting human rights
for all in law, policy and in practice,
adhering to universally recognized human rights norms and principles
with a special emphasis on the fundamental rights guaranteed
under the Sri Lankan Constitution for the citizens of Sri Lanka,
with the coordination and corporation of
all stakeholders that work towards
protecting and promoting
human rights for all**



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Commission

Deshabandu Justice S. Anandacoomaraswamy
Judge of the Supreme Court (Rtd)

CHAIRMAN

Mr. Justice. D. Jayawickrema
Judge of the Court of Appeal (Rtd)

Mr. Mahanama Tilakaratne
Judge of the High Court (Rtd)

Ms. N. D. Abeyawardene, Attorney-at-Law
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COMMISSIONERS

Prelude

THE CHAIRMAN'S MESSAGE

Looking back at the past two years, after the previous Commission ended in March – 2006. In May the same year, the Chairman Deshamanya Justice P. Ramanathan and the Commissioners had assumed duties at the Human rights Commission of Sri Lanka (HRCSL). After the sudden death of the former Chairman, my friend and colleague on the Supreme Court, I assumed duties in December 2006. The four Commissioners continued with me.

Over coming resistance and stumble, we set our goals and strategies for the next three years (2006-2009) and beyond inter alia: to regularize the Commission's tasks on inquiries and investigations, on the visiting mechanism, monitoring and, educational activities etc.

To further the Zero tolerance policy on torture, the Commission focused more on torture and related crime prevention. The HRCSL monitored all places where people are detained including juvenile homes and psychiatric institutions. Investigations were carried out in police stations and prisons. The lack of funding and scarcity of human resources to carry out the Commission's duties, were disadvantage. This annual report will provide an insight into the work carried out by the Commission in implementing its mandate.

The Commission received increased capital and recurrent grants from the Government of Sri Lanka. We also extend our grateful thanks to external funding agencies; the Australian Agency for International Development (Aus Aid), Canadian International Development Agency (CIDA.) Embassy of Switzerland, Oxfam – GB, South Asia Regional Initiative for Equity / Support Programme, The Asia Foundation, UNDP, UNICEF and UNHCR provided for technical and financial support during this challenging time.

I thank our local partners, INGOs, NGOs and other stakeholders for their cooperation, support, advice, encouragement and also constructive criticism. Without their help we would not have achieved what was expected of us by the general public of Sri Lanka.

The selfless commitment to the work by our staff is commendable. I look forward to their continued co-operation.

We are committed to achieving peace and justice in our country by promoting, protecting and monitoring the human rights of the citizen in Sri Lanka. To achieve this goal, I invite our partners and stakeholders to join hands with the Human Rights Commission of Sri Lanka.

S. Anandacoomaraswamy,

CHAIRMAN
Human Rights Commission of Sri Lanka

Chapter one

INTRODUCTION

The Human Rights Commission of Sri Lanka is committed to promote, protect and monitor human rights, fundamental freedom including the right to live in peace and dignity, and the right to development consistent with the UDHR, to advocate economic, social and cultural rights in women and children, trafficking in persons and migrant workers, to create public awareness through education, research and dissemination of information and conduct conferences, seminars and workshops on relevant issues and to receive, investigate and take action against the State on complaints on alleged violations of human rights and also to assist the Government of Sri Lanka to formulate suitable legislation to protect human rights in the Democratic Socialist Republic of Sri Lanka.

The Government of Sri Lanka introduced significant laws during the years 2006 and 2007. An amendment to the Employment of Women, Young Persons and Children enacted in 2006 (Act No. 24 of 2006) prohibits persons under eighteen years of age being employed in ‘hazardous occupations’. Sri Lanka also enacted legislation to give effect to Geneva Conventions ratified earlier (Act No 4 of 2006). An amendment to the Penal Code of Sri Lanka in 2006 (Act No 16 of 2006) brought changes relating to offences of child abuse. As per the Act, when a person provides a service by means of a computer shall take all such steps as are necessary to ensure that such computer facility is not used for the commission of an act constituting an offence relating to the sexual abuse of a child.

The Resettlement Authority Act No 9 of 2007 was enacted in 2007 to provide for the establishment of an authority to facilitate resettlement of conflict affected displaced persons. The Authority was vested with the power to formulate a national policy and to plan, implement, monitor and co-ordinate the resettlement of the internally displaced persons and refugees; and to provide for matters connected therewith or incidental thereto. The International Covenant on Civil and Political Rights (ICCPR) Act .No 56 of 2007 came into operation on 16th November 2007 which relates to human rights which have not been given recognition through legislative measures.

In May 2007, Sri Lanka was elected to the UN Human Rights Council for a two-year term. In support of its candidacy, the government pledged to form a new Human Rights Ministry and introduce a Human Rights Charter.

In the year 2006 the Commission proceeded with its activities as it did in the previous years. In the year 2007 it unveiled the Strategic Plan for 2007 – 2009, with specific, measurable and achievable goals to build a human rights culture in the institution itself and in the country.

During 2006 and 2007 the Commission performed varied activities to promote Human Rights education, to investigate complaints and to make recommendations more effectively.

The Commission also adhered to a ‘two-stage’ complaint-filtration process in order to minimize the number of rejected applications and to facilitate due transference to parallel institutions.

In the years of 2006 and 2007 the complaints received by the Commission were 13,723 and 15,526 respectively. Fundamental Rights applications in the Supreme Court of Sri Lanka were referred to the Human Rights Commission of Sri Lanka for inquiry and report in terms of section 12 of the Parent Act. 23 concluded recommendations have been sent to the Supreme Court by the Commission during the ensuing years.

The Commission also focused on civil and political rights such as prisons, custodial deaths, terrorism, mental and juvenile detention centres etc.

Economic, social and cultural rights were also addressed simultaneously

267 LTTE deserters surrendered to the Commission in the year 2007 and the Commission took necessary steps to ensure their protection.

Fact finding missions were also initiated by the Commission. The Commission made a special inquiry into the massacre of 17 'Action Centre la Faim' and also on the complaints made on behalf of the detainees in the Boossa camp. The Commission made a special inquiry into the 2210 cases of disappearances from 1980 to 1991 (prior to the Human Rights Commission of Sri Lanka Act No 21 of 1996) and submitted a comprehensive report dated 15th October 2007 to the Presidential Secretariat.

The Commission made monthly visits to each police station and to prisons, children's homes and all detention centres. The Commission made numerous recommendations after conducting visits to the 'Methsevana' State House of Detention, Gangodawila.

In 2007 alone, the names of 66 defaulters, who failed to implement the recommendations made by the Commission, were referred to the notice of the President.

Awareness programmes to promote Human Rights education were conducted islandwide, with special emphasis on the promotion of group rights, such as, 'Women's Rights and Domestic Violence,' 'Sexual Harassment and Abuse,' 'Passenger's Rights,' 'Rights of Internally Displaced Persons,' 'Disaster Management,' 'Corruption' etc.

Resource persons were provided by the Commission at all times if requested by any organization. Many TV and Radio programmes were also effected successfully in creating awareness.

Approximately 1080 State Officials, such as: child rights promotion officers; probation officers, etc were trained on various subjects via 22 workshops. To ensure legal protection and prompt action to eradicate human trafficking, 12 training programs were conducted for 210 law enforcement officers and other relevant government officers. The Local Government Authorities were trained on the Rights Based Development Policy. Officers of the 'Civil Defense Forces' and Mediators were also trained. Several training programmes were conducted for the Forces and Police to eradicate torture.

Special activities such as, essay competitions, workshops, exhibitions and other events were organized in order to commemorate the Universal Human Rights day, Universal Children's day, Women's day, International Day in Support of Victims of Torture and Universal Peace Day. Three Art exhibitions were organized to promote 'Equality and Peace' where over 500

depictions created by school children in the war torn North and East were exhibited in Colombo to create awareness of the thoughts of children in the North and East.

Meanwhile a 'Training Manual on Migrant Workers Rights' and a 'Reference Library cum Documentation Center' consisting of substantive learning materials was established in order to facilitate the students pursuing studies in Human Rights. An Introduction to Child Rights,' 'Contempt of Court – A need for substantive cum procedural definition and codification of the Law of Sri Lanka,' were the two significant texts produced by the Commission. The HRCSL Newsletter '*Janani*' was published in all three languages. Further the 24 hour hotline service has given the people adequate access to the Commission.

Researches on 'Right to Health' and 'Women's Rights', 'Social Security & Gender Issues concerning FTZ (Free-Trade-Zone) Workers' and 'Alarming Mortality Rates of Kidney Patients in Anuradhapura', have been continued in 2007 and a study on the 'Housing rights of the up country plantation sector' and 'Durable solutions to the paddy farmers' are two researches which have been continued by the commission.

National Protection and Durable Solutions for Internally Displaced Persons project conducted many activities to protect and promote the rights of IDPs; Disaster Relief Monitoring Unit of the Commission was designed to strengthen the human rights dimension of tsunami recovery also one of the longer run projects of the commission which has taken many initiatives to ensure the rights of people who were victims of the Tsunami natural disaster.

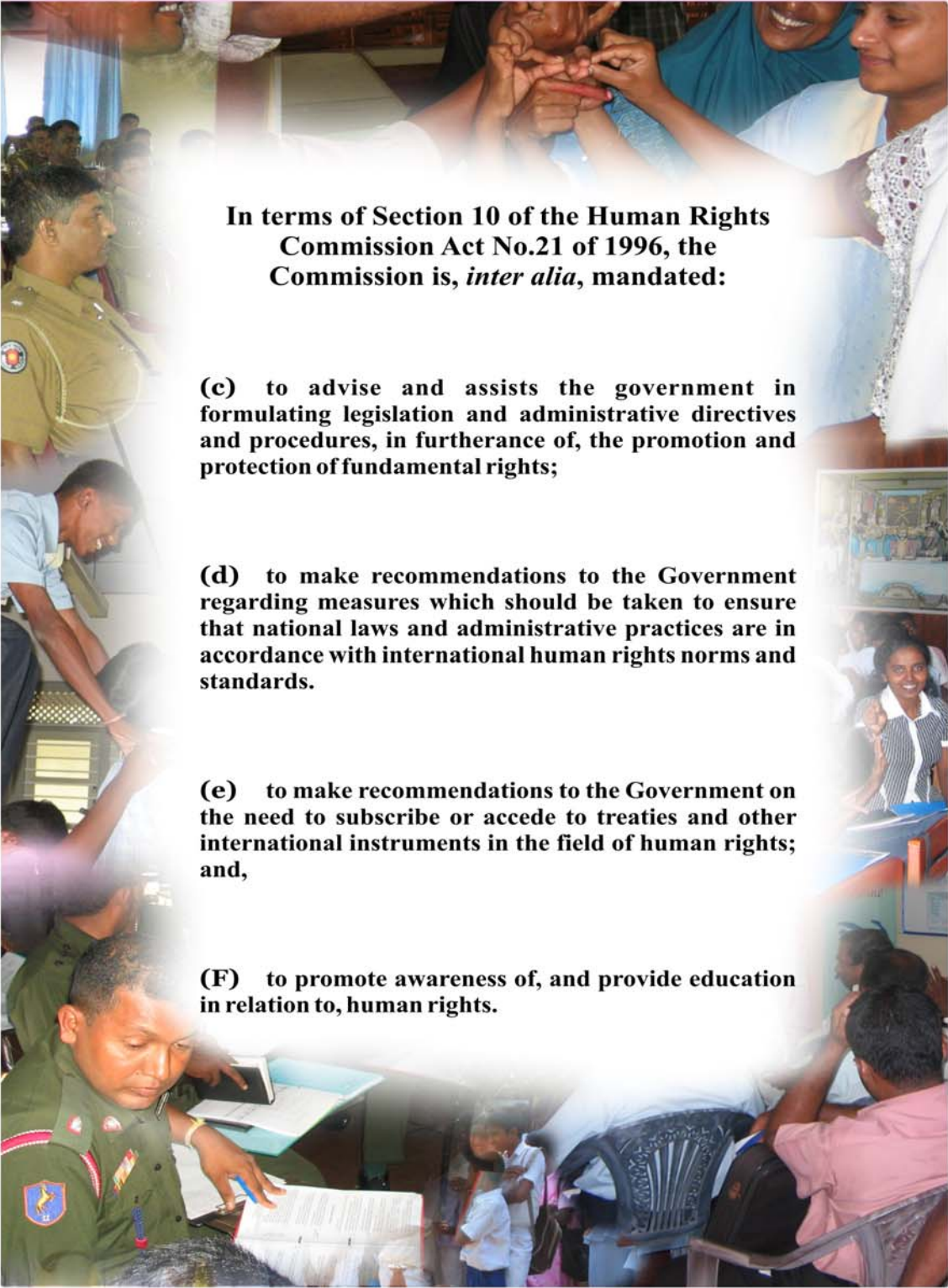
Further through surprise visits to state children homes and detention centres, Capacity Building of regional offices, Police awareness on child rights and surprise visits to Police Stations the Commission has taken initiative to cater to the people who seek special protection and to meet the Commission's objectives.

The Human Rights commission of Sri Lanka also took effective steps to co-operate more closely with local civil society in order to emphasise on the protection of human rights and social justice.

The funds granted from the Government of Sri Lanka for the years 2006 and 2007 were Rs 74 Million and Rs 94 Million respectively while the donations received from Donors for the 2006 and 2007 were Rs. 55.7 Million and Rs 54.2 Million respectively.

Chapter two

PROMOTING RIGHTS AWARENESS



In terms of Section 10 of the Human Rights Commission Act No.21 of 1996, the Commission is, *inter alia*, mandated:

(c) to advise and assists the government in formulating legislation and administrative directives and procedures, in furtherance of, the promotion and protection of fundamental rights;

(d) to make recommendations to the Government regarding measures which should be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards.

(e) to make recommendations to the Government on the need to subscribe or accede to treaties and other international instruments in the field of human rights; and,

(F) to promote awareness of, and provide education in relation to, human rights.

2.1.0. Preamble

The Rights Promotion initiative of the Commission may broadly be said to encompass the following objectives:

- To increase knowledge and understanding of the concept of Human Rights, Human Rights Law and Practice.
- To provide opportunities for target groups and communities to develop their skills by creating an awareness of Rights and Responsibilities.
- To increase knowledge and understanding of contemporary Human Rights issues.
- To increase the ability to communicate knowledge and understanding in these areas.
- To increase ability to participate effectively as a citizen in the civil and political life of the nation.
- To encourage and nurture the potential of groups to organize themselves in securing their Rights and the Rights of their Communities.
- To make a significant contribution to the creation of Human Rights Culture in Sri Lanka.

2.2.0. Overview 2006

In 2006, there appeared to be greater enthusiasm, among both the government and the public alike, to embrace the global drive towards a 'Rights Based Society,' particularly manifested by many an invitation received by the Commission to host an array of rights awareness lectures, seminars and workshops.

Much emphasis was, and still continues to be placed by the Commission on the inculcation of sensitivity to both individual and social rights, particularly among state officials and civil society leaders, and towards this end many an awareness program was convened in 2006, including those conducted in the rural townships of Ampara, Anuradhapura, Beliatta, Kalmunai, Lindulla, Matara, Polgolla, Trincomalee, Vavuniya, and Weligama. The patent objective was, and continues to be, 'to foster a mutual respect among individuals for one another's rights' and to empower them especially with a sense of 'transgression-awareness,' in this regard, so that they themselves may seek or foster prompt redress on behalf of another, for the well-being of the entire community.

Target groups have enveloped a myriad of personalities including Grama Niladharies (village officials), pradeshiya sabha (local authority) members, police officers, community-health promoters, social workers, religious leaders, youth leaders (especially in the up-country plantation sector), NGO's, etc.

Particularly inspiring were the invitations received by the Commission from schools and institutions of 'higher learning' for rights based knowledge endowment, evincing both

concern and commitment on the part of the custodians of these institutions to nurture humanity oriented outlook, amongst future generation.

The dissemination of child-rights based knowledge, to both the students and staff of ‘Zahira Maha Vidyalaya’ (a Muslim school in Anuradhapura) via the Commission’s Regional Office in Anuradhapura, in particular, served not only to promote rights awareness but also to facilitate the compilation of a ‘Human Rights Manual for School Children,’ for free distribution. Likewise, the teachers of ‘Ananda College’ Colombo, too, were keen recipients of child-rights instruction and documentation. In fact, the Commission has advocated that ‘Human Rights Units’ be established in all Schools, in terms of ‘investing in the future.’

The Faculty of Law, of the University of Colombo, included the Commission in its ‘Career Fair – 2006,’ towards engaging its student populous in plausible consideration of a career in ‘rights activism,’ which trend would undoubtedly inspire future ‘capacity building,’ in this regard. The Commission also was eager to undertake the task of delivering lectures to students of both Sri Lanka Law College and the University of Colombo, on both general (‘Introduction to Human Rights’) and specific (‘Torture and the Anti-Ragging Act’) topics, respectively.

Judicial Medical Officers were co-opted into fulfilling their due role of assisting the Commission by the timely remittance of Medico-Legal Examination Reports concerning victims of torture; a task which has met with much recalcitrance on their part.

2.2.1. Groups Rights

The year also saw the further distribution of ‘special rights’ knowledge via topical lectures conducted by the Commission on ‘Women’s Rights and Domestic Violence,’ ‘Sexual Harassment and Abuse,’ ‘Passenger’s Rights,’ ‘Rights of Internally Displaced Persons,’ ‘Disaster Management,’ ‘Corruption,’ etc. for the benefit of all concerned governmental officials and organizations.

2.2.2. Celebration of International Days

As is customary the ‘red-letter’ days of the ‘global human rights calendar’ were celebrated with much enthusiasm, especially those dedicated to ‘Victims of Torture,’ ‘Women’ and ‘Human Rights.’

The ‘International Women’s Day’ celebrations were centralized in Hambantota. Participants included both public officials and NGO activists especially concerned with ‘Women’s Rights.’ ‘The law on Sexual Harassment,’ ‘Policy Guidelines for State Institutions,’ ‘The Prevention of Domestic Violence Act,’ and the ‘Role of Civil Society in Protecting Women’ were some of the topics which were tabled, for discussion.

At a separate workshop held in Colombo, the Commission launched its ‘Policy Guidelines for Countering Sexual Harassment in Government Institutions.’ It also called for the setting-up

of ‘Special Domestic Committees’ in all state sector institutions, for determining alleged incidents of sexual harassment; primarily, towards ensuring the speedy implementation of counter-measures, without prejudice to any other form of leisurely redress available to the victim under the law.

Tangalle in the deep south provided was the venue for the Commission’s ‘National Program’ held in celebration of ‘Human Rights Day,’ whose highlights included the finale of a ‘Rights Awareness’ banner-competition and a ‘Concept Paper’ writing-competition both on this theme of ‘Development and Human Rights,’ organized at Regional Center Level, and left for final judging and awards distribution on the said ‘Day.’ A debate, on this theme, also took place with the participation of school children. The day culminated with an interactive discussion cum public hearing on ‘Rights Based Development,’ between the Commission’s officials and the general body of participants, among whom were officials attached to the Divisional Secretariats of Hambantota district.

2.2.3. Child Rights

Since the Amendment to the Penal Code in 1995 which introduced the offences of ‘Cruelty to Children,’ ‘Sexual Exploitation of Children,’ ‘Trafficking,’ etc. to Sri Lanka, much interest has been taken by law enforcement officials in relation to both the parameters of such offences and their international origins. Thus, the Commission saw choosing to empower such officials via a series of awareness programs, quite opportune.

Accordingly, agendas were specially drawn-up to embrace the key objectives of: ‘Awareness on International Human Rights Standards;’ ‘Awareness on Domestic Laws relating to Child Rights;’ ‘Identifying Child Rights Violations, Abuses, Weaknesses and Loopholes in existing Laws;’ ‘Developing Collaboration among Concerned Institutions;’ and, ‘Obtaining an Understanding of the Medico-Legal Aspects involved.’ Kurunegala and Chilaw were the chosen districts for the two programs organized for Police Officers. All participants were given an opportunity to both air their opinions and resolve their issues and problems regarding ‘Child Rights.’

2.2.4. Protection of Children in State Homes

The Commission continued with its ‘Special Project on Protecting and Promoting Child Rights in State Children’s Homes,’ as funded by the ‘South Asian Regional Initiative/Equity Support Program (SARIQ),’ which saw its end, in November 2006. The Program’s main target-group were ‘state officials concerned with children’ such as: child rights promotion officers; probation officers; early childhood development officers; social services officials; and, officers of the ‘Women and Children’s Desk’ in police stations. Thus, upon the Project’s said completion, approximately 1080 State Officials had been trained at 22 workshops conducted island-wide.

2.2.5. 'Equality & Peace' – a Special Concern

The single-most predominantly conscientious exertion of 2006, however, must necessarily have been that of the Commission's initiative to promote 'Equality and Peace' through an 'art competition' organized on behalf of school children, in the hitherto war-torn 'North & East.' The 500-odd depictions contributed by them constituted a clear manifestation of aversion to the 'rule-of-war,' evincing much perturbation and insecurity in the minds of young. Nevertheless, this somewhat 'therapeutic exercise,' on the part of the young artists, would undoubtedly have provided the children with an avenue to vent their anxieties, while simultaneously impressing upon the conscientious onlooker, a glimpse of the true tragedy of war.

The Commission took the further step of causing these paintings to be exhibited in Colombo, especially for the viewing of students from schools in Colombo, so as to facilitate a communication of thought between the younger populace of both 'the North' and 'the South,' in pursuit of fostering a mutual appreciation for the viable alternative of peace. An open discussion was also initiated; during the course of which various experts, lecturers, peace activists, human rights activists, journalists, psychologists, legal professionals and members of the clergy, actively took part and even shared their views with the students. Much feedback was also received from the students themselves, who voiced sincere concerns for the plight of their brethren, in the 'North & East.' This was, indeed, a particularly fulfilling endeavor, as it made clear that the virtue of unbiased dialogue could always secure a place for peace and humaneness, among mankind.

2.3.0. Overview 2007

In 2007, the educational activities of the HRCSL were broadened to cover various aspects and followed different approaches to conduct sustainable and effective human rights education programmes in more participatory and friendly manner.

Different types of human rights programmes were introduced to Training Colleges and In-service Training Centres of Police to be well equipped and must be with a better understanding of their responsibilities.

The HRCSL received funds from an International NGO to train Attorneys-at-Law or people with a legal background. The aim is to have Attorneys-at-Law to work as volunteers to work on migrant workers issues. There are several organizations involved in migrant workers issues. Hence the HRCSL has a different type of an approach relating to their issues especially based on the legal aspect. The Commission undertook to develop a migrant workers manual and documents for the training.

Further, the HRCSL Strategic Plan for 2007 – 2009 was formulated in the year 2007. The HRCSL Newsletter was started again. The Commission developed posters, documents and designed the new HRCSL Web site.

Financial support for programmes was obtained from the government treasury. The NORAD funded educational programmes were conducted till June, 2007. The Education & Special Programmes Division of the HRCSL was under staffed, in the latter part of the year there was

only the Director, Education Officer and the Stenographer in the Division. Anyhow, with the support of the other staff, various programmes were conducted successfully.

There were more emphasis on protecting women's rights and children's rights. More attention was drawn to the migrant workers and protecting rights of other vulnerable groups.

This year, due to financial constraints there is a reduction of conducting economic, social and cultural rights (ESC) programmes by the Commission. Anyhow, the Commission recognizes the importance of raising awareness on economic, social and cultural rights to equip the policymakers and to conduct rural development programmes.

2.3.1. Strategic Plan 2007-2009

After a review of the past three years (2003 to 2006) and based on discussions with Commission staff, national and international non-governmental organizations, Donor community, government and members of the civil society, the Commission unveiled its Strategic Plan for 2007 – 2009, with specific, measurable and achievable goals.

In the Strategic Plan, certain objectives and activities of the 2003 - 2006 Strategic Plan are re-emphasized. We have incorporated new objectives and activities, which are very essential carrying out at present and in the future in a human rights context at the national and international level. With this Strategic Plan it is expected to address a wide range of human rights issues in maintaining human rights norms and standards as recognized internationally also by introducing more effective mechanisms and policies in Sri Lanka to protect rights of people.

Priorities are given to the following in the Strategic Plan for 2007 – 2009;

- To protect human rights and uphold the rule of law, strengthen the monitoring mechanisms through efficient and effective visiting mechanisms, various fact finding missions, researches, public hearings, meetings, etc.
- To improve and adopt new investigating and inquiring techniques to handle fundamental rights cases.
- Strengthening the Human Rights Commission Act No.21 of 1996.
- Formation of a team on bill's watch, to evolve a mechanism on the human rights aspect of any law.
- Special attention will be given to vulnerable groups; especially IDPs who were affected by the armed conflict and tsunami, elders, migrant workers, disabled, women & children.
- Develop an appropriate human rights education system through developing a strong human rights network among government institutions and INGOs, impartial and non-controversial NGOs and UN Agencies, providing public awareness on fundamental rights and other human rights issues, introducing human rights in schools, establishing human rights units in schools, preparation of HRCSL manuals, documents and leaflets, annual reports.

- Strengthening labour rights through discussions and extending human rights education for the government sector as well as to the private sector.
- Improve the administrative efficiency through capacity building of the Commission.
- As necessitate assisting the peace process.

2.3.2. Awareness on Human Trafficking

To ensure legal protection and prompt action to eradicate human trafficking, five training programs were done for the law enforcement officers and relevant government officers in Trincomalee, Badulla, Nuwara Eliya, Puttalam and Batticaloa districts under the phase I of the project which was financed by the American Solidarity Centre for International Labour Solidarity and at least 150 officers were trained on prevention of human trafficking.

After completing phase I successfully, under the Phase II, with the financial assistance of American Solidarity Centre for Labour Solidarity, conducted 07 training programs for the officers of Women's Bureau (Colombo Division), Narcotics Bureau, Fraud Bureau, Excise Department, Prison officers and other officers of the Police Department and 135 police officers, 30 prison officers, 45 other government officers were also trained.

2.3.3. Training Manual on Migrant Workers' Rights

A 'Training Manual on Migrant Workers Rights,' with supplementary documentation, was developed by the Commission with the financial support of American Solidarity Centre for International Labour Solidarity Sri Lanka and made available for all those concerned with such training activities.

Two workshops, one for young lawyers and the other for staff of NGOs on protection of Migrant workers were held in both Sinhala and Tamil medium on international & regional treaties, domestic laws, social aspect of the migrant workers; protection and rights relating to migrant workers were discussed at length.

2.3.4. Child Rights

Hikkaduwa in Galle District was the chosen destination for a awareness program on 'Child Rights' held with the participation of all concerned governmental officials, including: directors of education, police officers of the Galle district, probation officers, child rights promotion officers, development assistants, women development officers, labor officers, 'grama niladharis' (village officials), 'samurdhi' officers, midwives and senior officers of state children's homes in the Galle district.

Both international standards and local laws pertaining to 'Child Rights' were elaborated on, during this daylong awareness workshop, whose primary objectives were to sensitize all

participants on abuses towards securing prompt action thereon and to foster collaboration among concerned officials.

2.3.5. Rights Based Development Policy

As in the previous year, members of the ‘Pradeshiya Sabhas’ (local government authorities) and Divisional Secretaries were also accommodated by the Commission as target-trainees in ‘human rights understanding;’ however, this year, being limited only to the district of Batticaloa in the east. The initiative of the Commission, in this regard, was (as has always been) to instill in them rights based perspective to be availed of both in their substantive policymaking and in the implementation of development practices and programs.

An orientation program was also held, on the premises of the Ministry of Urban Development, for department heads and other senior officers such as additional secretaries, senior assistant secretaries, assistant secretaries, assistant general managers, directors, assistant directors, administrative officers, etc. attached to the Ministry of Urban Development.

2.3.6. Awareness for Prevention of Torture

Towards fostering recognition of an individual’s right to the fundamental freedoms from arbitrary arrest, detention and torture, the Commission, implemented a series of training programs for the Police. Police Training Centers were deemed the venues at which the Commission’s attention, in this regard, should be focused. Thus, an interactive program regarding the prevention of recourse to torture was held at the ‘Sri Lanka Police Training College, Kalutara,’ to coincide with the ‘International Day in Support of Victims of Torture.’ A new medium of awareness-communication was chosen to be employed at this, and all subsequent venues, in the form of a ‘mini-exhibition’ comprising of independent stalls each designated a particular topic of instruction conveyed via audio, visual or combined media techniques, so as to avoid monotony in delivery and to promote interactivity, in the learning experience.

The highlight of the said program was an innovative quiz competition held among the 300-odd participants, which culminated in a certificate presentation ceremony on behalf of those placed as winners. Such ‘reward-orientated’ activities are viewed as being conducive to confidence building in righteousness, which is hoped to deter inclinations to base tactics such as torture.

The Commission also took a keen interest in facilitating a training workshop on human rights, for selected officers from key police stations in the Gampaha Police Division, at the ‘In-Service’ Police Training Center, Gampaha.

In fact, the Commission’s efforts on torture prevention were further broadened to encompass a variety of governmental bodies including the Department of Education, the Department of Health, the District Secretariats, the Provincial Councils, the Prisons and also NGOs, by way of interactive programs of the said description held in both Kalutara and Anuradhapura.

Their aim was to impress upon these officials their onerous responsibility to be actively involved in deploring and countering all practices, which could, even remotely, be instrumental in meting-out cruel inhuman or degrading treatment to subject individuals.

2.3.7. Reference Library cum Research Center

Perhaps the most rewarding step taken towards fostering a sustained circulation of rights knowledge was the pioneering venture by the Commission to open its 'Reference Library cum Documentation Center' to students pursuing studies in human rights. This was a direct result of many a request, made in this regard, by members of the public, governmental institutions and private concerns. To this end, the 'Research Center' comprised of learning materials ranging from official documents & local and foreign texts to audio & video collections. Whilst the range of subjects catered to include: 'Women's rights;' 'Child Rights;' 'Social Justice;' 'Constitutional and Administrative Law;' 'Torture;' etc. governmental publications such as 'Legislative Enactments;' 'Law Reports;' 'Administrative Circulars;' and, copies of the 'Government Gazette' & 'Parliamentary Hansard,' too, appear conspicuously among the reference documents. Access to the 'Commission's Official Reports and Recommendations' has been made freely available, whilst some of the Commission's Publications too, are obtainable free-of-charge. The Research Center is Open from 9.00 a.m. to 4.00 p.m. on every weekday (except on public holidays) and many a University student and Researcher has already frequented it.

The Commission's quarterly Newsletter Janani was revived in 2007 in English, Sinhala and Tamil languages and will henceforth be circulated among both governmental and non-governmental organizations.

2.3.8. Mark Universal Rights Days

'Children's Day' and 'Women's Day' stood-out among the many days celebrated by the Commission, in pursuance of the 'human rights calendar.' While the former 'Day's' focus was on a training workshop conducted for both principals and heads of disciplinary committees of the schools of the education zone of Homagama, which workshop's main focus was the 'eradication of corporal punishment in schools,' activities pertaining to the latter 'Day' were conducted on a more elaborate scale.

It was considered fitting to conduct an 'All-island Essay Competition,' in both Sinhala and Tamil, on the theme 'Ending Impunity for Violence Against Women' so as to ascertain the general public's degree of awareness regarding 'Women's Rights' and to nurture an active interest, in the same. The distribution of awards to placed participants at this competition was scheduled to coincide with 'International Women's Day.'

The said special 'Day' itself was marked by the Commission in terms of a 'One-Day Awareness Program,' conducted in Colombo, with the participation of: police officers attached to children's and women's desks at police stations; prison officials; officers from 'Methsevana State Women's Detention Home;' women's development officers; 'gramaseva niladharies' (village officials); child rights promotion officers attached to the Divisional

Secretariats of the Colombo district; other state officers; media personnel; and winners of the said ‘Essay Competition.’

To commemorate the International Day in Support of Victims of Torture which falls on June 26th, the commission organized a special programme on the 26th June, 2007 at the Sri Lanka Police College, Kalutara, catering 300 police officers newly recruited to the police force and who are undergoing training at the Sri Lanka Police College. This was considered as a more effective way to train the police officers on prevention of torture before entering to the field.

2.3.9. Special Research

Research activities, especially in relation to ‘Right to Health’ and ‘Women’s Rights,’ in specific contexts, continue to be pursued by the Commission. The special research projects on ‘Social Security & Gender Issues concerning FTZ (Free-Trade-Zone) Workers’ and ‘Alarming Mortality Rates of Kidney Patients in Anuradhapura,’ have been continued during 2007, and are nearing completion.

A study was also done on the current situation of housing in the ‘Up-Country Plantation Sector,’ towards benefiting the majority ‘Migrant Tamil Community,’ by way of recommendations to the concerned authorities in pursuit of ensuring, inter alia, ‘Adequate Housing with Sustained Access to Natural Resources and Common Amenities,’ ‘Security of Tenure guaranteeing Legal Protection Against Forced Eviction’ and the ‘Development of a ‘National Policy on Estate Housing.’

Liberalization of international trade in agriculture has led to a more competitive environment requesting greater sophistication in farming and export practices. Sri Lankan farmers are facing challenges in competing with the international market as well. The most crucial problem faced by the paddy farmers is the inability to obtain a fair price for the produce. The Commission was deeply concerned by reports in the media, views, discussions; criticisms held in the country on the above issue for the last few years and of the reported incidents relating to suicides, protest etc. A research, in Anuradhapura District, was done by the Commission to find durable solutions for the paddy farmers.

2.3.10. Trainings for CDF and Mediators

Officers of the ‘Civil Defense Forces’ in Polonnaruwa and Batticaloa districts and mediators in Anuradhapura District were among the residuary beneficiaries of rights knowledge endowment, at the hands of the Commission.

2.3.11. Participation under the International Obligations

In keeping with ‘Security Council Resolution 1612 (2005),’ the Commission continues to collect and provide timely, objective, accurate and reliable information not only on the

recruitment and use of child soldiers in violation of applicable international norms, but also on other forms of violations and abuses committed on children affected armed conflict in the ‘North & East.’ The Commission is also an active member of the ‘Sri Lanka Committee on SCR 1612.’

2.3.12. Exhibitions

Many stalls were manned by the Commission at numerous exhibitions held in 2007; some of the venues being the ‘Bandaranaike Memorial International Conference Hall (BMICH),’ the ‘Law Faculty - Colombo,’ the ‘University of Kelaniya’ and the ‘Sri Lanka Foundation Institute’ all facilitating public access and supportive themes. The opportunity created thereby to both educate the public on their inherent rights and enhance their grasp of rights issues, were promoted by its message; interactive demonstrations, multimedia presentations, video presentations, posters and viva voce consultations all being availed of, in this regard. It was observed that members of the public were indeed more amenable to this kind of integrated methodology, to the dissemination of rights knowledge.

2.3.13. Mainstreaming Disability unto Development

A conference on Mainstreaming Disability unto Development was held in March 2007 at the BMICH. This conference was organized by the Practical Action – South Asia Programme with the collaboration of Ministry of Social Services and Social Welfare, the Disaster Relief Monitoring Unit (DRMU) of the Human Rights Commission of Sri Lanka and Development with Disabled Network. More than three hundred and fifty participants (National and International) participated at this conference. There were round table discussions and paper presentations.

Texts

The following are the more significant among the several texts produced by the Commission during the period 2006-7:

- ‘Contempt of Court – A need for substantive cum procedural definition and codification of the Law of Sri Lanka,’ by Kishali Pinto-Jayawardena and Jayantha De Almeida Guneratne, ‘Law Review Project’ (as funded by UNDP), HRCSL.
- ‘An Introduction to Child Rights,’ (Sinhala), by the Monitoring & Review Division, HRCSL (as funded by UNICEF).



Chapter three

PROTECTING RIGHTS



In terms of Section 10 of the Human Rights Commission Act No.21 of 1996, the Commission is, inter alia, mandated:

(a) to inquire into, and investigate, complaints regarding procedures, with a view to ensuring compliance with the provisions of the Constitution relating to fundamental rights and to promoting respect for, and observance of, fundamental rights;

(b) to inquire into and investigate, complaints regarding infringements or imminent infringements of fundamental rights, and to provide for resolution thereof by conciliation and mediation in accordance with the provisions hereinafter provided.

3.1.0. Preamble

Any individual may voice his or her complaint to the Commission. Material and relevant details, pertaining to every alleged ‘rights transgression,’ are caused to be logged, in the form of responses to a comprehensive questionnaire filled-in by the complainant him/herself. Whilst prior to mid-2007 every such complaint was caused to be registered, irrespective of whether it fell within the Commission’s mandate or not, since then, however, in order to minimize the number of rejected applications and to facilitate due transference to parallel institutions, a ‘two-stage’ complaint-filtration process is in play.

Accordingly, every oral allegation, prior to its being recorded, is initially screened by an ‘investigating officer’ to ascertain whether a parallel government institution provides the ideal forum by which to address the complaint. If so the petitioner is accordingly advised; if not, the matter is caused to be recorded, a number allocated to the party concerned.

‘Second-stage’ screening occurs at the level of ‘legal officer (Inquiries and Investigations),’ where all complaints caused to be registered on the previous day are scrutinized, to determine their potential for falling within the Commission’s mandate. Those that are deemed cognizable, find their way into the Commission’s database and are referred to a ‘panel of inquirers/investigators’ for both further clarifications (if required) regarding the petitioner’s position and for ascertaining the response of the identified respondent(s). Issues are either: (a) settled; (b) framed, towards inquiry and determination by the Commission; or, (c) referred to the relevant governmental institution or official, for necessary action. The Commission’s ‘regional offices’ (in Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee, & Vavuniya) are empowered to conduct preliminary investigations and inquiries into all complaints received, though final determinations, especially in controversial and grave matters, remain the prerogative of the central Commission.

3.2.0. Overview 2006

CATEGORY OF COMPLAINT	2006	BACKLOG (PENDING)	TOTAL
NON VIOLATIONS	166	788	954
DISINTERESTED	373	1330	1703
RECOMMENDED	56	830	886
SETTLED	82	195	277
RELIEF GRANTED	44	181	225
WITHDRAWN	138	177	315

REFERRED TO OTHER AUTHORITIES	481	8	489
OTHERS	293	497	790
TOTAL	1633	4006	5639

Table 1. Distribution of Complaints received by the main office in 2006

2006 saw the Commission's main office electing to proceed with 5005 complaints out of the 7617 received. Of these 1633 were resolved by the end of the year along with a backlog disposal of 4006, bringing the total clearance to 5639. Furthermore, the percentage of files received and cleared within 2006 itself was approximated 32%.

In addition the regional offices of the Commission received complaints inter alia 736 by Anuradhapura office, 919 by Kandy office, 251 by Badulla, 1049 by Matara office, 308 by Ampara office, 373 by the Kalmunai office, 435 by Batticaloa office, 631 by Trincomalee office and 1404 by Jaffna office and were provided relief and redress.

CATEGORY OF COMPLAINT	2007	BACKLOG	TOTAL
NON VIOLATIONS	208	667	875
DISINTERESTED	396	1629	2025
RECOMMENDED	36	357	393
SETTLED	100	189	289
RELIEF GRANTED	119	191	310
WITHDRAWN	118	170	288
REFERRED TO OTHER AUTHORITIES	436	36	472
OTHERS	427	1321	1748
TOTAL	1840	4560	6400

Table 2. Distribution of Complaints received by the Head office in 2007

Likewise in 2007, of the 7611 complaints received by the Commission's Head Office, 4615 were deemed to fall within the Commission's mandate; 1840 being disposed within the year, complemented by 4560 concluded backlogged files, thus, seeing a total 6400 files being closed. Approximately 40% of all cases received, were disposed in 2007 itself.

The Commission also provided its recommendations on 23 Supreme Court References, made in terms of s.12 of the Parent Act in 2006 and 2007.

Regional Offices

In Matara, in the Southern Province, 1049 complaints were received in 2007 and out of which 104 complaints were on torture, 07 complaints on arbitrary detentions, 48 complaints on harassment and the remaining were on school admissions, employment matters and complaints arose with Tsunami and 1251 cases were concluded during the year including complaints received in the previous years.

In Kandy, in the Central Province 843 complaints were received in 2007 and out of which 43 complaints were on torture, 68 on arbitrary detentions and the remaining were on school admissions and employment matters. 1636 cases were concluded in 2007.

In Anuradhapura, North Central Province 810 complaints were received in 2007 and out of which 68 complaints were on torture, 49 on arbitrary detentions, 12 on disappearances, 131 on harassment and the remaining were on school admissions and employment matters. 990 cases were disposed during the year.

In Badulla, in the Uva Province 340 cases were received in 2007 and out of which 29 complaints were on torture, 07 complaints on arbitrary /arrests detentions, 20 on harassment and the remaining were on school admissions and employment matters and 177 cases were concluded during the year.

In Ampara, in the Eastern Province 254 complaints were received in 2007 and 276 cases were disposed of including the complaints received during the previous years. 67 cases were forwarded to head office and most of the complaints were on inactions.

In Trincomalee, 629 complaints were received and 55 cases were disposed out of the cases received in the year and another 41 cases were disposed out of the cases received in the previous years. During the year 93 complaints were on administrative matters, 56 complaints on shooting, 95 on abductions and 90 on disappearances and 9 cases were forwarded to head office for further action.

In Batticaloa, in the Eastern Province 960 complaints were received and 919 were disposed of and in addition another 71 cases were disposed from previous years. 08 cases were forwarded to head office for further action.

In Jaffna, in the Northern Province 1171 complaints were received and 191 cases were disposed and during the year another 46 cases were disposed which were from the previous years.

In Kalmunai, in the Eastern Province 410 complaints were received during the year and 229 were disposed. In addition another 366 cases were disposed from the cases pending from the previous years.

In Vavuniya, in the Northern Province 1449 complaints were received and 1138 cases were disposed of during 2006 and 2007.

3.2.1. Cases received through NGOs and others

The Commission received many cases through NGOs such as the Home for Human Rights, Institute for Human Rights, Asian Human Rights Commission and Janasansadhaya etc.

3.2.2. Own Motion Cases

According to section 14 of the HRCSL Act No. 21 of 1996 the Commission may, on its own motion investigate an allegation at the infringement or imminent infringement of a fundamental right of such person or group of persons caused. Accordingly the Commission takes action regarding infringement when such violations are reported in the news papers. The Commission filed many cases for the year 2007 on its own motion. For instance Commission on its own motion inquired into the matter of the assault of a large number of pilgrims from North and East who entered the “Menik Ganga” to bathe after the religious “Diya Kapuma” took place at the end of Kataragama Esela Perahera in 2007.

Further public complaints were made to the commission and a special officer called “Duty Officer” is appointed to hear complaints before filing the complaints. The Duty Officer attends 25 to 40 complaints in a day.

3.2.3. Forwarded to other Institutions

In 2007 472 cases were referred to the other institutions such as National Police Commission, Labour Department Inspector General of Police, Cooperative Commission National Child Protection Authority etc.

3.2.4. Cases referred to the Human Rights Commission by the Supreme Court

Human Rights Commission of Sri Lanka Act No. 21 of 1996

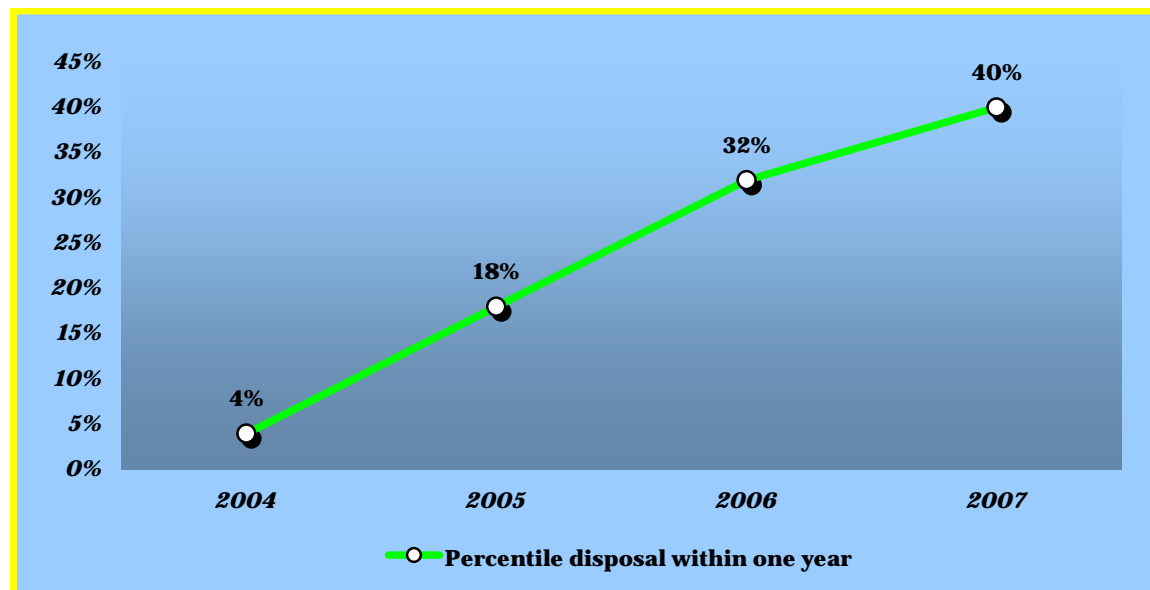
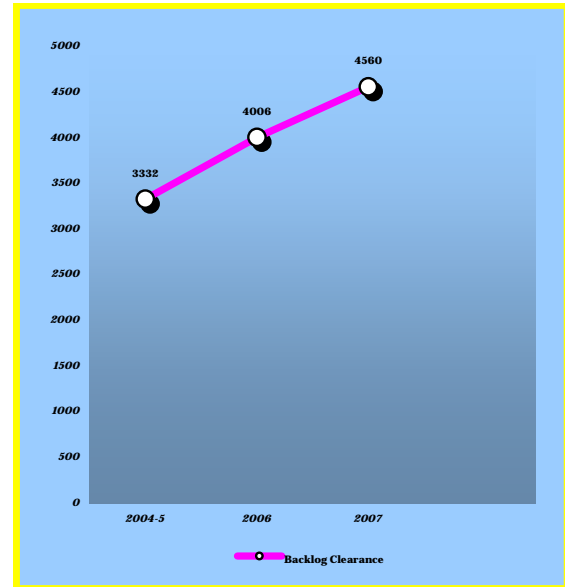
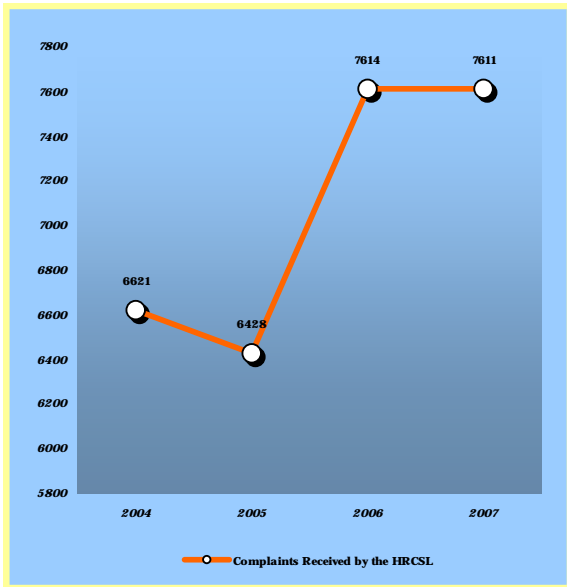
12. (1) The Supreme Court may refer any matter arising in the course of a hearing of an application made to the Supreme Court under Article 126 of the Constitution to the commission for inquiry and report.

(2) The Commission shall inquire and report to the Supreme Court on the matters referred to it under subsection (1), within the period, if any specified in such reference.

Fundamental Rights applications in the Supreme Court of Sri Lanka have been referred to the Human Rights Commission of Sri Lanka for inquiry and report in terms of section 12 of the Parent Act. The Supreme Court referred 23 cases to the Commission during the year 2006/2007 and the Commission concluded inquiries and submitted the reports to the Supreme Court.

3.2.5. Analysis

It appears that the Commission's 'total disposal,' 'backlog clearance' and 'disposal within one year' have all increased in comparison to the figures registered for the same during the previous years.



3.2.6. Right to Equality Compromised

Complaints are referred to the His Excellency President in accordance with section 15 (8) of the Human Rights Commission Act No.21 of 1996 and as such 66 cases were referred within the period of 19th April to 22nd October 2007. Those cases were against government ministries, departments and other authorities.

As empowered by the HRCSL Act where any authority or person to whom a recommendation under the relevant provisions of this section is addressed, fails to report to the Commission within the period specified in such recommendation the Commission shall make a full report of the facts to the President who shall, cause a copy of such report to be placed before Parliament.

Most of those cases are Public Administrative matters on employment 'These cases were referred to the President as the Respondent had failed to implement the recommendations'

3.2.7. Arbitrary Detention & Torture

According to Section 11(d) of the Human Rights Commission of Sri Lanka Act, the Commission has the power to monitor welfare of persons detained either by a judicial order or otherwise, by regular inspection of places of detention, and to make such recommendations as may be necessary for improving their conditions of detention. Whilst custodial deaths were on the decline, increases were discerned in both complaints relating to torture and arbitrary detention.

The Commission's Colombo office and its regional offices make surprised and regular visits to all places of detention including police stations, prisons and juvenile homes, at least once, every month. In the year 2006, the Colombo office made 97 visits to 145 police stations in Western, North Western and Sabaragamuwa Provinces and in the year 2007, 59 visits were made to each police station in the same area.

89 visits in the year 2006 and 157 visits in the year 2007 were made to police stations covering all (10) police stations in Ampara district, 557 in 2006 and 352 in 2007 visits were made to police stations and 05 visits in each year to detention centres in Matara, 684 visits were made to police stations covering all 57 police stations in both the years in the Kandy district by visiting each police station once a month, 207 in the year 2006 and 102 visits in the year 2007 were made to police stations during the year in Badulla, and 95 in the year 2006 and 94 in the year 2007 visits were made to 14 police stations and 14 and 15 visits were made to the prison in 2006 and 2007 respectively by Trincomalee regional office.

Meanwhile, 76 visits in 2006 and 80 visits in 2007 to police stations and 34 in 2006 and 18 in 2007 visits to prisons were completed in Batticaloa covering all 12 police stations and the prison in the district. In Kalmunai there are 7 police stations and 32 in 2006 and 70 in 2007 visits were made to the police stations and out of the 12 children's homes in the district, 10 children's homes were visited each year. In Jaffna, 214 visits were made in 2006 and 85 visits were made in 2007 to 16 police stations and 03 visits were made to the prison in 2007 in the district. In the year 2006, Anuradhapura office made 171 visits to the police stations

and 7 visits to the prisons. In the year 2007, 42 visits were made to 46 police stations in the Anuradhapura district and 02 visits were made to the prison in the Anuradhapura district. In Vavuniya, there are 5 police stations and 15 visits were made to police stations and interviewed 22 detainees during the visits.

3.3.0. Countermeasures

Thus, in 2007 the Commission chaired a meeting, in Colombo, for ‘officers-in-charge’ of 70 Police Stations. Some of the key lapses that had already been identified on the part of the Police were: ‘the improper maintenance of entries in information books;’ ‘ignorance of the law pertaining to arrest and detention,’ ‘the poor condition of police cells;’ ‘lack of basic necessities for detainees;’ and, ‘the meting-out of inhuman and degrading treatment to suspect-criminals.’

The objectives of the meeting were to emphasize the commitment of the Commission’s role in ensuring the observance of due process in the administration of criminal justice and to foster an ‘advisor-advisee’ relationship between the Commission and the Police. The Commission voiced its expectations for a more ‘public-friendly’ stance on the part of the police and for structural alterations in the system towards facilitating the required human rights standards expected of an internationally acceptable system of policing.

Allegations of duress and undue influence, on the part of politicians within their precincts, were raised by the said ‘officers-in-charge,’

3.3.1. Database on Detention Orders

Under section 28 of the Parent Act, where a person is arrested or detained under the Prevention of Terrorism (Temporary Provision) Act, No. 48 of 1979 or a ‘regulation’ made under the Public Security Ordinance (i.e. under ‘emergency regulations’) or, it shall be the duty of the person making such arrest or order of detention to inform the Commission of such arrest or detention, and also to report any transfer made in pursuance of such detention.

The Commission has, accordingly, consistently maintained a ‘register of detention orders,’ and in 2007 alone, 2681 such Orders were caused to be entered, in the same. Whilst this record facilitates the monitoring of individual detention periods and their respective expirations, it also helps to determine the location of a detainee, when a query is made in this regard by any concerned party.

3.3.2. Torture Prevention Initiatives

The Commission’s ‘Strategic Plan 2007-2009’ lists the following, among others, as proposed exertions on its part to be realized within the said time-frame: ‘5.1.1.1.4 Monitoring Manual on Investigations formulating a manual on monitoring investigations by the HRCSL;’ and,

‘5.1.1.2.1.5.1 Create a torture prevention unit.’ Whilst the former aim is intended to be met by the Commission by way of re-scrutinizing all extent formats, reports, and proposals in its possession, towards finalizing a comprehensive hand-book, the latter is sought to be founded on a study into the constitutions of such mechanisms, which were fostered by the Commission, by way of ‘special projects,’ in the past.

3.3.3. 24-Hour Hotline Service

However, in so far as preventive measures in relation to imminent or potential occurrences of torture are concerned, the most successful methodology thus far employed by the Commission, must necessarily be its ‘24 hour hotline service.’

Though not commanding any form of sophisticated type, this simple methodology of having a phone-line manned by an ‘investigating officer’ to whom any individual might make a complaint, on behalf of any detainee, alleging arbitrary detention and/or potential torture, whereupon the relevant authority would be immediately contacted via telephone to ascertain both the fact and conditions of detention, pertaining to that detainee, has served to, inter alia, secure many a: due entry in the official books; due transference to a custodial institution; due presentation before a magistrate; and, above all, due immunity from torture.

The mere fact of the Commission’s taking cognizance of such a potential victim, in itself, has quite amazingly served to deter his or her custodian from either committing or furthering any intended rights violation. Whilst averages of approximately 20 complaints a day are received on the said ‘hotline,’ all are individually addressed, resulting in a near 100% success rate in facilitating the desired relief. All complaints are logged, and in 2007 alone, the Commission attended to 7200 of such complaints.

3.3.4. Inquiring into 2210 cases of disappearances (1980 to 1999)

By Presidential Directive ‘No.SP/6/N/214/1947’ dated 14th March 2005, the former President authorized the previous Commission to inquire into 2210 residuary complaints on alleged ‘disappearances’ relating to the period 1980-1999. Since only elementary steps had been taken by the prior Commission, in this regard, the present Commission decided to proceed with the inquiries and towards this end appointed a ‘Committee of Inquiry’ comprising a retired district judge as Chairman, a retired senior superintendent of police as ‘Investigating Consultant’ and, a retired Government Agent as Secretary to the committee.

The ‘final report’ was forwarded to the Presidential Secretariat in October 2007. This comprehensive report has, in the majority of cases recommended the making of payments, in terms of compensation, to the relevant complainants.

The Commission also issued the following recommendations, on 4th December 2007, in relation to a petition filed regarding alleged disappearances:

- The Government should do its utmost to ensure that no such incidents ever occur within areas falling under Governmental control, in which the Sri Lanka Police and Sri Lanka Army have effective authority.
- A Special Independent Investigation Unit should be constituted by the Inspector General of Police to conduct impartial and independent investigations into all such allegations.
- All dependants of persons who ‘disappear’ should be compensated for their entailing losses.
- The Government should formulate requisite Defense Regulations towards both inquiring into and penalizing these types of ‘disappearances.’

3.3.5. Special Inquiries

Of significance is the Commission’s capacity to initiate proceedings on its own motion, as made possible by s.14 of the Parent Act. Many a matter has been so taken cognizance of, by the Commission, especially in relation to publicized incidents of torture and/or custodial death as revealed *via* the media.

The Commission sent a fact-finding mission to Muthur to report the massacre of 17 ‘Action Contre la Faim’ aid workers, in August 2006. The findings have been now forwarded to the special Presidential Commission headed by retired Judge of the Supreme Court, who has since initiated a full inquire into this matter.

A special visit to the detention camp in Boossa, on 29th November 2007, was also initiated in terms of the said powers of the Commission, in pursuance of 97 complaints received from the relatives of detainees arrested by the security forces under ‘emergency regulations.’ Whilst preliminary investigations were conducted in relation to all the aforesaid complaints, the Commission has scheduled a follow-up visit, in this regard, for early January 2008.

3.3.6. Inspection of Child Detention Centers

Special investigations were carried out by the Commission under its power, as prescribed in terms of s.11(d) of the parent Act, to ‘monitor the welfare of persons detained either by a judicial order or otherwise, by regular inspection of their places of detention, and to make such recommendations as may be necessary for improving their conditions of detention.’

Accordingly, six such custodial institutions were visited during the latter half of 2007, namely: the remand home (for boys),’ Pannipitiya; ‘Prajapathi,’ ‘state receiving home,’ Panadura; ‘state receiving children’s home,’ Kithulampitiya; ‘remand home (for boys),’ Kithulampitiya; ‘special state home (for girls),’ Kithulampitiya; and, ‘Methsevana’ ‘state detention home (for women),’ Gangodawila. The Commission, in respect of the first five among the said institutions, issued the following general advice and directions:

- Premises to be adequately secured at all times.
- Special steps to be taken for the protection and well being of female subjects.

- Special attention to be given to children with special needs such as those found either mentally or physically handicapped or both.
- Recruitments to the staff to be made on prior experience and/or relevant qualifications in custodial care.
- All staff to be provided with regular training on child psychology, child health, nutrition and child-care.
- A qualified matron to be present in every female detention institution.
- Dormitories to be demarcated and assigned according to specified age groups, so as to avoid inter-age group abuse practices and facilitate positive peer interaction.
- Subjects under specific rehabilitation orders to be either segregated, however with equal access to all facilities, or transferred to specialist rehabilitation institutions.
- Where out-station travel and overnight stay is obligated, accommodation to be facilitated only in designated children's homes compatible with the relevant age group(s).
- Ensure adequate sleeping facilities such as beds, mattresses, pillows, bed-sheets and mosquito nets.
- Steps to be taken to increase the number of toilets, in terms of the international minimum standard of 1 toilet per 10 persons.
- Each and every institution retains a qualified medical officer.
- Access to expert counseling be facilitated and preferably the appointing of an in-house counselor, in each institution.
- Facilitate each and every detainee's right to engage in his or her preferred religious practices and/or observances.
- All subjects to be given access to school education.
- Ensure the timely procuring of birth and other requisite certificates facilitating school admission.
- All subjects be provided with access to recreational facilities.
- Communication between the subjects and their respective families to be facilitated.
- Any change in the status quo of the subject with regard to re-location or otherwise to be promptly informed to the parents or guardians, by the 'head' of the institution.
- Facilitate comprehensive vocational and/or cottage industry training for mature subjects.
- Relocation or reintroduction to society of subjects to be done on practicable uniform criteria with mandatory follow-up reporting.

The last, among the said six institutions visited by the Commission, required special focus, and to this end the Commission believes it pertinent to make following ‘special recommendations’ to the government of Sri Lanka.

3.3.7. ‘Methsevana:’ Special Recommendations

Consequent to the surprise visits to the ‘Methsevana’ State House of Detention, Gangodawila, the Commission urges the following:

- I. Immediately address the problems associated with: detention, without proper court mandate, including ‘no-date’ detainees; detainees held after expiration of their sentence; the refusal to release detainees without a guardian; and, the detention of women who have not committed punishable offences.
- II. Resolve the discrepancy regarding the definition of ‘vagrant’ in both 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.
- III. Meet with the Department of Social Services, Ministry of Justice and local magistrates to formalize a uniform sentencing procedure that: requires judges and magistrates to specify a release date upon sentencing; mandates detention only upon a charge or conviction of a punishable offence; and, prohibits a house of detention from detaining adult women simply because they have no guardian.
- IV. Convert at least part of the detention center into a shelter for women.
- V. Address the specific needs of children and women with mental illness.
- VI. Refer needy children to an institution that provides special care, such as the ‘SOS Village.’
- VII. Recruit and hire a pediatrician. Ensure that children have received all vital vaccinations.
- VIII. Refer women with serious mental illnesses to mental hospitals or other like institutions. Convert the defunct ‘psychiatric ward’ into additional housing for detainees.
- IX. Compensate the women who work as ‘caretakers’ of the mentally ill. Pay other detainees to clean and supervise the psychiatric ward.
- X. Guarantee healthy, safe and sanitary living conditions.
- XI. Secure priority 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 pediatrician; (2) Psychological Counselor; (3) Social Worker; and (4) Career Guidance Counselor. Give preference to females to be appointed.
- XII. Secure a healthy water supply and provide personal hygiene items, including: soap, shampoo, toothpaste and feminine products.

- XIII. Provide and monitor the upkeep of essential resources, such as beds, mattresses, bedding and pillows, towels, washcloths and clothing.
- XIV. Construct at least 10 additional toilets.
- XV. Take steps to rid the premises surrounding the facility of open sewage and litter.
- XVI. Employ mature detainees, to ensure daily cleaning and upkeep of the grounds.
- XVII. Utilize space more efficiently to avoid overcrowding. Convert both the space allocated to the Department of Social Services' Stores and the unused space in the 'Jeb Memorial Building,' into housing.
- XVIII. Reinstate the rehabilitative mission of Methsevana Detention Center.
- XIX. Hire a Career Guidance Counselor to prepare detainees for work, both during and after their detention period.
- XX. Encourage vocational training and compensate women who participate. Award a formal certificate upon completion of each vocational training program.
- XXI. Implement programs targeting the interests of women, including: education, art, music, health and self-sufficiency. Provide basic training on recognizing monetary notes, budgeting and saving.
- XXII. 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 their respective families.

Finally, considering the *status quo* of child detention facilities throughout Sri Lanka the Commission makes the following recommendations to the government:

- A.** Detainees whose cases have been 'laid by' in the Magistrates Court ('no-date' detainees) to be promptly brought to the attention of the courts and other relevant authorities including the Department of Probation and Childcare, for necessary action.
- B.** A coherent and comprehensive documentation system to be uniformly implemented in relation to all referrals to 'receiving homes.' Natural guardians or relatives to be kept informed regarding every official act performed in respect of a subject.
- C.** Priority to be conferred on child centered court proceedings so as to expedite the legal process ensuing in minimal strain on child rehabilitation and education.
- D.** In cases of adoption, to establish a comprehensive monitoring mechanism to ascertain the well being of the child, under his or her new parents.
- E.** A national institution to be established on behalf of all types of 'differently-able' children.
- F.** Government clinics and hospitals be mandated to provide requisite medical facilities, on a priority basis, to all descriptions of child-detainees.

3.3.8. Hosting Protection Seekers

267 LTTE deserters, seeking the special protection of concerned authorities, surrendered to the Human Rights Commission, at its Jaffna ‘regional office.’ Among the protection seekers were 235 males, 15 females and 17 children (5 male and 12 female). None were armed, at the time of their surrender. 236 applications were eventually filed, on their behalf.

The Commission took steps to ensure their due ‘production’ before the courts, via the relevant officials. Whilst some were incarcerated pending debriefing, others were released without much adieu. As regards those still in custody or in rehab, officers attached to the Jaffna ‘regional office’ make surprise visits to all holding centers, towards securing detainee well being. Among the destinations frequented is Tellippallai, which hosts a special vocational training center for surrenders who, in the opinion of the authorities, are in need of rehabilitation.



Chapter four

PREVAILING RIGHTS PROGRAMS

4.1.0. Preamble

The commission was having donor funded projects to cater to people who seek especial protection and to meet the commission's objectives. Some donors were funding for many years continuously and some new donor funds were also received in 2006 and 2007.

The UNDP funded Access to justice by disadvantaged & vulnerable groups (UNDP II) and the Peoples consultation in post tsunami relief reconstruction and rehabilitation in Sri Lanka (UNDP III). The UNICEF funded the Disaster Relief Monitoring Unit (UNICEF I), Surprise visits to state children homes (UNICEF II), Capacity Building of regional offices (UNICEF III), Empowering Sri Lanka Police on child rights (UNICEF IV).

The OXFAM-GB continues their support for the Empowerment of Tsunami affected communities in Sri Lanka and the UNHCR extended their financial and technical support to the National Protection and Durable Solutions for Internally Displaced Persons project. The Swiss Project funds the monthly and bi monthly surprise Police Visits Island wide.

4.2.0. The IDP Project

The 'National protection and Durable Solution for Internally Displaced Persons Project' of the Human Rights Commission of Sri Lanka, was initiated in the year 2002, with a mandate to both promote and protect the rights of all IDP's.

The Project also advises the government as regards enacting reformatory laws and procedures concerning IDP's. Project operations are currently cantered in the districts of Anuradhapura, Batticaloa, Colombo, Jaffna, Mannar, Puttlam and Trincomalee. It is the vision of the Project to ensure a 'Life with Dignity for Internally Displaced Persons.' The mission of the Project is to be 'The social and legal guardian of both the IDP's and eventual Returnees.' The strategies of the project are (i) capacitating protection mechanisms (ii) capacitating internally displaced persons and their environment, and (iii) proactive and reactive intervention in human rights protection.

In 2007, over 312,000 protracted IDP's and around 170,000 recently displaced were accounted for.

4.2.1. Rights Awareness – 2007

Special measures were taken by the Project to enlighten the Sri Lankan Armed Forces on the plight of the IDP's; especially encouraging the due cognizance of IDP's as an unfortunate though unavoidable consequence of war. 114 field commanding officers of the Sri Lanka

Army received awareness training on both human rights and humanitarian law, as embodied within the legal framework of Sri Lanka.

Among the IDP's, approximately 36% are children. In view of this, the Project conducted a training program for 'District Child Development Committee Officers' in Anuradhapura, and produced both a 'Protection Gap Analysis' and '3-Year Action Plan on Child Protection and Development' for the Batticaloa, Trincomalee and Puttalam districts.

The Project also conducted 27 'IDP Rights Awareness Programs' and trained 1023 officials including: grama niladharies; samurdhi officers; and, field officers attached to the District Secretariats; in this regard. 6 'Information Centers' (window offices) providing information on: laws; procedures; relief/remedies; remedial institutions; etc. were also caused to be established at the Batticaloa, Trincomalee, Vavuniya, Mannar, Anuradhapura and Puttalam district offices, at the instance of the Project.

4.2.3. Empowering Initiatives -2007

Most IDP's are ignorant of both categorical rights and welfare mechanisms established on their behalf.

The Project selected a number of 1030, comprising 'displaced' and 'host-community' youth, and provided them with a '10 module - 10 month' intensive training program on both IDP and Human Rights. 59 of them were given three-month paid internships, at Project offices, and most of them have already found external job opportunities, ensuing from the same. In addition, another 71 'host-community-awareness' programs were conducted and 4,115 persons were sensitized to both IDP and general human rights issues.

NGO's (and CBO's) play a major role in providing both relief and humanitarian assistance to IDP's. In furtherance of their cause, the Project conducted 11 programs for the officials of 106 NGO's on 'The Protection of IDP's,' and another 424 were trained, additionally, on 'Rights Based Disaster Responses.'

4.2.4. Reactive/Proactive Methodology-2007

In 2007, the Project received 949 complaints from IDP's, among which 558 were addressed. In addition, 104 complaints received in previous years were also disposed by providing the requisite relief and redress. Most of these complaints were concerning fetters in procuring personal documents, benefits and humanitarian assistance, compensation, free-movement, etc. Within the year, the Project facilitated over 4000 legal consultations to both IDP's and Returnees.

116 field visits were made; their findings lobbied at the relevant stakeholder forums; and, solutions found to identified issues. 6 fact-finding missions were undertaken by the Project to assess the living conditions of IDP's and their safety: two in Batticaloa; two in Trincomalee; one in Anuradhapura; and, one in Mannar. Findings with recommendations were handed over to all relevant stakeholders. To ensure a common agenda for the protection

of IDP's, a 'Remedial Institutions Coordination Forum' was also constituted to operate in the relevant districts.

As a result of 'sudden displacement' most IDP's are found bereft of basic vital documents. To draw attention to this, the Project collaborated with the Registrar-General's Department to conduct 10 awareness programs on 'issuance of personal documents to IDP's displaced by war and like disasters.' A total participation of 338, including: Additional District Registrars, Additional Divisional Secretaries, Administrative officers and local registrars; were all informed of the gravity of the issue at hand. The Registrar-General's Department was also assisted by the Project towards: issuing 4,761 civil documents through 25 mobile clinics in the North & East, Anuradhapura and Puttlam; reprinting related local laws, regulations and statements of guidance in both Sinhala and Tamil; and, initiating a web based civil document registration process for the Department.

A few thematic studies were conducted as well – one on 'Vacation of Post' concerned displaced government servants, in respect of which recommendations were made to the Ministry of Public Administration. Many complaints were received regarding 'access to,' 'quality' or 'quantity' of dry-rations allotted to IDP's. The Project studied the issues in the light of relevant laws, policies, procedures and practices, and made its recommendations to the Ministry of Resettlement. In addition, the Project conducted studies on the 'Education Rights of Displaced Persons,' 'Compensation for Deaths and Injury' and 'Personal Documents of Internally Displaced Persons' lobbying its findings and causing some changes in applicable circulars and procedures. 'A rights based national policy on resettlement on behalf of persons displaced by both man-made and natural disasters,' was also drafted by the Project, to be adopted by the Ministry of Resettlement and other state sponsored development projects.

The Project also enabled the Mediation Commission to both publicize the vacancies and hold relevant interviews in respect of 25 Mediation Boards, located in the North & East (Batticaloa, Jaffna & Trincomalee). Please visit the http://www.idpsrilanka.lk/html/Project%20Reports/ProjectProposal/Reports/Annual%20Reports/Annual_Report for Project Annual Reports 2006 and 2007.

4.3.0. The Disaster Relief Monitoring Unit (D.R.M.U.)

The Disaster Relief Monitoring Unit of the Commission was designed to strengthen the human rights dimension of tsunami recovery in Sri Lanka by particularly addressing the following areas of support:

- Responding to, investigating and redressing human rights concerns and complaints of the tsunami-affected populous, in both a systematic and timely manner;
- Increasing the capacity of 'recovery stakeholders' towards strengthening the human rights dimensions in their work;
- Ensuring a sustained channel of communication between the affected communities and 'recovery stakeholders' through empowerment & participation and transparency & accountability, respectively.

The DRMU, which is an auxiliary body of the Commission, can only make recommendations to the relevant authorities, based on its findings. Hence, the Unit has limited power to act and strongly depends on the cooperation of the various implementing agencies themselves (both governmental and non-governmental) to see its recommendations implemented. Thus, the DRMU often finds itself in the precarious position of depending on the collaboration of the very organizations they are monitoring and critiquing.

4.3.1. Overview 2006-7

From a practical perspective, the Unit has an island-wide mandate to monitor post tsunami activities, handle complaints and make recommendations. Its limited resources were a massive constraint, rendering it practically impossible to effectively carryout all aspects of its mandate. Thus, the Unit decentralized its presence by attaching its own field offices to the extant 'regional offices' of the Commission. Such offices were, initially, set-up as help desks, to receive complaints, conduct investigations and provide awareness. Another practical problem faced by the DRMU has been the inaccessibility to both Mullaitivu and Killinochchi, as a result of the prevailing conflict situation in that region – an unfortunate but inescapable reality.

One of the main pitfalls in the relief and rehabilitation process has been the lack of coordination among the various actors on the field. However, remedying the same appears to be too massive a task for the comparatively diminutive DRMU to undertake. The most that it can be expected to do is infuse some impetus, in this regard, and to keep its own efforts well organized and coordinated.

The complaints mechanism has yielded much information regarding the level of recovery and the status of development, of those affected by the tsunami. The main issues of concern vary geographically, mainly due to politics, lack of infrastructure and the conflict situation in the North & East.

Primary issues in the East are those concerning 'housing' and 'livelihood.' In fact, in the district of Ampara alone there are 2479 families still waiting for donor driven permanent housing. Among them, 1685 are residing in transitional shelters with hosts for another 2 years. A further 2325 families are in need of 'top-up' support, to complete their houses under the 'Owner-Built Program,' and over 4000 are in need of assistance regarding water and sanitation facilities.

In Batticaloa, the conflict situation has both delayed and complicated tsunami rehabilitation, especially in the northern areas of the district. There are over 1000 families still waiting for donor driven houses and approximately 4000 families in need of 'top-up' assistance, to complete them.

'Delays' in the East are due to several inter-connected issues, such as: the prevailing conflict and climate of insecurity; the lack of access to the affected communities, e.g. Vakharai; the lack of appropriate land e.g. Kalmunai, Sainthamaruthu and Karaitivu; the ethnic/linguistic divisions in governance structures e.g. Ampara; poor communication with affected communities; and, poorly defined government tsunami-recovery policies e.g. 'buffer zone,' 'compensation criteria,' and 'housing standards'. Thus, the east appears to be on a very

sluggish path to recovery. Nevertheless, due to new development programs that have been initiated after the re-unification of the east, as complemented by the sudden increase of political will for development, the region is seeing a growth in infrastructure, which could undoubtedly assist in resolving most of the said issues.

In the South too, housing still remains a main issue both in terms of erratic surplus and lack, as reported from specific areas.

4.3.2. Field Visits

Field visits formed one of the most important aspects of the Unit's activities, during both 2006 and 2007. The invaluable information gathered and insights gained from the same, along with interventions made on behalf of affected persons, clearly justified the premeditated allocation of the Unit's time and resources, towards such work.

The DRMU's ability to successfully follow-up on all matters unearthed, especially during field visits, has probably been its most significant feat of the year, largely due to the untiring efforts of its field officers. The hundreds of success stories, claimed by the field staff, bear ample testimony to this fact. Officers from the Unit's 'head office' also visited the established IDP camps on a regular basis, to assist in welfare activities carried out on their behalf.

The DRMU also had the rare privilege of being a step ahead of all other Government agencies by entering into LTTE controlled Vakharai (in the East) to monitor 'assistance delivery' by both Government bodies and NGO's. During this exercise the Unit's officials were able to consult: members of the public; CBO's; local and national level NGO's; government officials such as 'gramaseva niladharis' and 'samurdhi' officers.

As a result of the Unit's said endeavor and eventual dissemination of all vital information gathered among the donor community, it was possible to bridge the impugned 'assistance delivery gap' to some extent; for instance, aid by the Danish International Development Agency (DANIDA) was coordinated as a result of the said involvement by the DRMU.

4.3.3. People's Consultations

Although, not in as large a scale as in 2005, the Unit, nevertheless, did engage in many a consultation with tsunami affected people, with the aim of gathering insights into their exact status quo.

In 2007, the DRMU's staff along with the Commission's regional staff visited both 'transitional camps' and 'resettlement villages' and conducted 576 'people's consultations' ('focus-group discussions') to review the status of recovery and development of tsunami affected persons. Emphasis was laid on several major areas such as: 'vital needs,' which included the status of access to water, sanitation, food consumption, housing, health and land; 'secondary basic social services,' like the status of schooling, roads, bridges, harbors,

hospitals, clinics, natural habitats and coastal protection; and, ‘livelihood issues’ such as the status of agriculture, loan-schemes, social programs, fishing-gear and self-employment.

The Unit bore overall responsibility for the program and was also responsible for the dissemination of tsunami-relief related information, to both affected persons and stakeholders.

4.3.4. Complaints & Investigations

The setting-up of ‘field offices’ saw a gradual rise in the number of complaints received throughout the year. Awareness programs conducted at the grass root level, mainly on entitlements and human rights, also added much to this number.

Unfortunately, the inability to enforce findings on complaints continues to constitute a major setback towards the ideal accomplishment of the Unit’s objectives; especially as regards confronting known rights violators. Recommended awards of compensation have, nonetheless, been consistently honored.

The Unit is currently handling complaints received from tsunami-affected communities, throughout the island. In relation to those that require specific attention, the Unit has opted to hold inquiries with the assistance of both ‘legal officers’ and ‘regional coordinators’ attached to the Commission’s offices. Only complaints that need a higher concern are handled in Colombo. Both ‘gramaseva niladharies’ and Divisional Secretaries too, are consistently informed of issues raised by such complainants.

4.3.5. Dissemination of Information

The three reports of the DRMU – ‘The Final Report of the Women’s Division,’ ‘The Report on the Rights of both Tsunami & War IDP’s’ and ‘Framework for Reconstruction and Rehabilitation’- have all been received well.

The radio programs hosted jointly by the DRMU and CHA have been quite successful in taking many tsunami related issues to the public. The poster and leaflet campaigns have also been successful in circulating ‘housing’ and ‘livelihood’ related information, in all tsunami-affected areas.

The DRMU Website serves as a reference point to persons interested in the work of the Unit as well as the prevailing situation in relation to post-tsunami relief-efforts. The Unit, in 2007, publicized information on aid-assistance by the Government, such as site plans and beneficiary lists.

Posters illustrating details of the ‘State Livelihood Policy’ were caused to be printed in both Tamil and Sinhala and directed to be put-up at all public places such as ‘gramaseva niladhari’ offices, District Secretariats, religious institutions, community centers, etc. The Unit’s staff has monitored the display of these posters, during their said field visits. 6000, such posters, have been put up for display, to-date.

4.3.6. Promoting Coordination

The Unit's 'Working Group on Relief Monitoring' has been meeting on a weekly basis during the greater part of 2006. The ensuing discussions have facilitated both 'experience and information sharing' and 'activity planning,' towards ensuring better coordination among all concerned actors. Meetings have also been held with officials from RADA, the 'line ministries' and district administrative mechanisms in pursuance of synchronizing efforts towards addressing pertinent issues.

A keen interest was also taken by the Unit in influencing the establishment of 'Village Rehabilitation Advisory Committees,' towards safeguarding the village populous, through a mechanism that provides for mobilizing and coordinating assistance delivery and utilization, in a meaningful, transparent and accountable manner.

The Unit felt the need to promote effective coordination among all stakeholders and towards this end preparatory steps were taken to link-up with related governmental bodies, institutes and special commissions, presently engaged in relief work.

4.3.7. Making Recommendations

One of the existing mandates of the DRMU is to make recommendations to the State regarding 'tsunami-relief related policy,' which is both taken very seriously by the Unit and discharged, for the time being, in terms of informal meetings held with Government officials. Policy reforms, which have resulted from such meetings, have already been realized at regional level.

The regional officers too, have initiated working relationships with local public officials and lobbied for small changes at both district and divisional level. Visit www.drmu.gov.lk/drmu/index.php for further details.



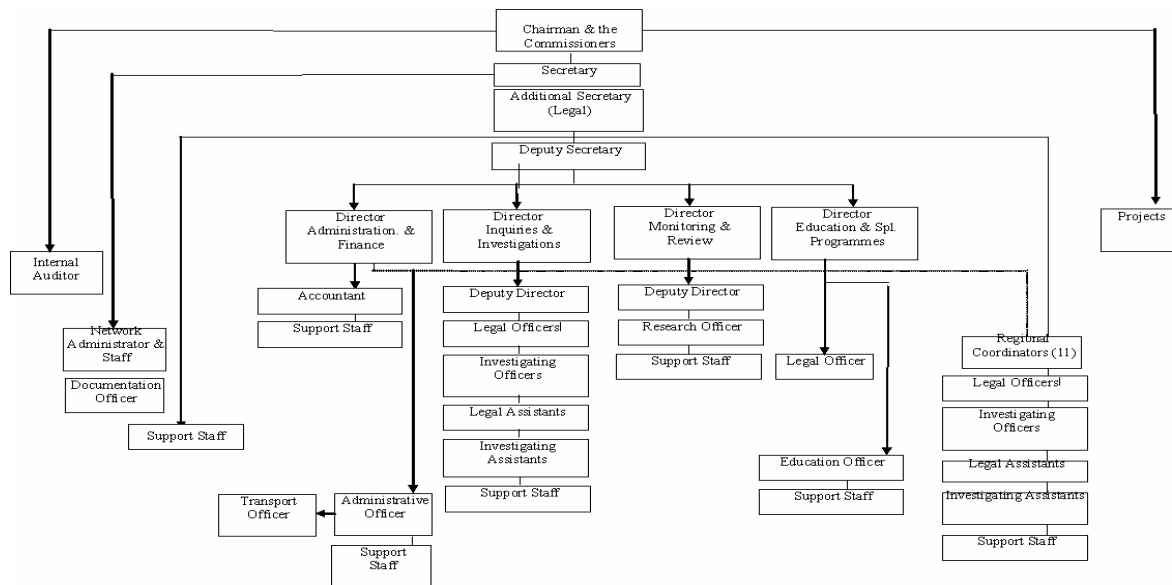
A drawing of M. F. Zifani Farwin (16) Kn/M.L. College

Chapter five

ADMINISTRATION AND FINANCE

5.1.0 ADMINISTRATION

5.1.1 Organizational Chart of the Human Rights Commission



5.2.0 FINANCE

In terms of section 29 of the Human Rights Commission Act, No. 21 of 1996:

- (1) The state shall provide the Commission with adequate funds to enable the Commission to discharge the functions assigned to it by this Act.
- (2) The Commission shall cause proper accounts to be kept of its income and expenditure, and assets and liabilities.
- (3) The financial year of the Commission shall be the calendar year.
- (4) Article 154 of the Constitution shall apply to the audit and accounts of the Commission.

5.2.0. Financial Reports for the Year ended by 31st December 2006 & 2007

5.2.1. Analysis of Financial Statements of 2006 and 2007

			<i>Variance on previos year</i>
<u>Revenue Statement</u>	<u>2007</u>	<u>2006</u>	<i>Favorable / (Adverse)</i>
	<u>Rs.</u>	<u>Rs.</u>	
Revenue - Grants from General Treasury of Government of Sri Lanka	87,236,405	64,531,510	35%
Expenditure	91,549,114	75,980,156	20%
Surplus / (Dificit) shown in the Audited Financial Statements	(4,312,709)	(11,448,645)	
Adjusted: Provision for Depreciation for Fixed Assts aquired as Capital Grants	5,924,183	5,181,048	Note 1
Net Surplus / (Deficit)	1,611,474	(6,267,597)	Note 2
<u>Balance Sheet</u>	<u>2007</u>	<u>2006</u>	
<u>Assets</u>			
Non Current Assets	46,144,828	39,733,744	16%
Provision for Depreciation	12,444,142	6,510,114	91%
Net Non Current Assets	33,700,685	33,223,630	1%
Current Assets excluded inter sub office transactions	15,676,134	3,525,287	Note 3 & 4
Current Liabilities excluded inter sub office transactions	2,178,861	2,307,147	Note 3
Net Current Assets	13,497,273	1,218,140	
Total Assets	47,197,958	34,441,770	37%
<u>Financed By</u>			
<u>Capital Grants</u>			
Capital Grants from Government of Sri Lanka	28,299,008	19,724,008	43%
Donations - Foreign Donors other than specified projects	24,907,426	19,045,486	31%
	53,206,434	38,769,494	
Provision for Depreciation	11,384,142	5,459,958	Note 1
	41,822,292	33,309,536	26%
<u>Accumulated Fund</u>			
Balance Brought Forwarded	(4,608,878)	1,540,392	
Prior Years Adjustments	153,595	118,327	
Surplus / (Deficit) for the year	1,611,474	(6,267,597)	
Balance Carried Forwarded	(2,843,809)	(4,608,878)	38%

The above figures sown in the audited financial statements are applied for the interpretation with application of following notes required to be adjusted in order to give a true and fair view in the interpretation of financial review.

1. The Capital Grant shown in the audited balance sheets was appropriately recognized annually as income over the depreciation in accordance with the Sri Lanka Accounting Standards 24, for this interpretation.

2. The surplus for the year 2007 was Rs.1.6 Million against the deficit of Rs.6.2 Million for the year 2006 observed a favorable variance of Rs.7.8 Million.
3. This amounts excluded the corresponding balances of inter regional offices shown in the audited balance sheets for this interpretation.
4. Cash at Bank and Government Grants included the amount of Rs.7.4 Million received for purchase of Motor Vehicles. (Without the capital grants retained for subsequent capitalization, the increase of current assets would be 135%)
5. The Foreign Grants on specified Projects audited and reported as separate components were not considered for the above interpretation of accounts and those grants are shown below. Those Grants were audited by auditors appointed by the donors and reports of such audits had been submitted timely.

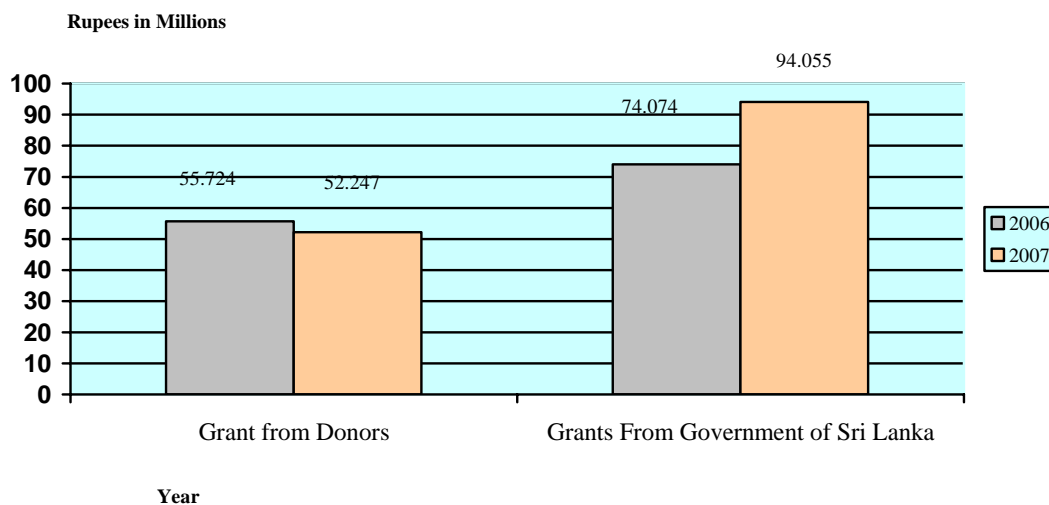
5. 2. 2 The grants received for Specific Projects during years 2006 and 2007 are as follows.

<u>Name of the Project</u>	<u>Project Objectives</u>	<u>2006</u>	<u>2007</u>
UNDP II	Increase access to justice by disadvantage & vulnerable groups.	511,539	
UNDP III	Peoples consultation in Post Tsunami Relief Reconstruction & Rehabilitation	10,649,689	8,871,141
UNICEF I	Disaster Relief Monitoring Unit	7,418,809	
UNICEF (SCH)	Surprise visits to state children homes	351,586	
UNICEF (MRDPT)	Empowering Sri Lanka Police on Child Rights	237,000	236,000
UNICEF III	Capacity Building of Regional Offices	1,650,000	
SWISS	Anti Torture Programme (Embassy of Switzerland)	423,003	
SARI-ESP	Protection and Promotion of the rights Of the children in the state homes in Sri Lanka (South Asia Regional Initiative Equity / Support Programme)	1,926,641	
TAF	Disappearance and Data base project (The Asia Foundation)	4,204,150	1,546,000
OXFAM-GB	Disaster Relief Monitoring Unit & Help Desk Project	7,801,147	12,623,000
UNHCR	National Protection & Durable Solution for IDP Project	20,510,982	28,971,279
Total Funds Received on Projects from Donors		<u>55,724,842</u>	<u>52,247,420</u>

5. 2. 3 The grants received from the Government of Sri Lanka during years 2006 and 2007

Total Funds Received from the General Treasury of the Government of Sri Lanka on Capital and Recurrent Expenses for years 2006 and 2007 were Rs.74, 074,712.00 and Rs.94, 055, 00.00 respectively.

5.2.3 The Chart of Total Grants received in years 2006 and 2007 on the above information.



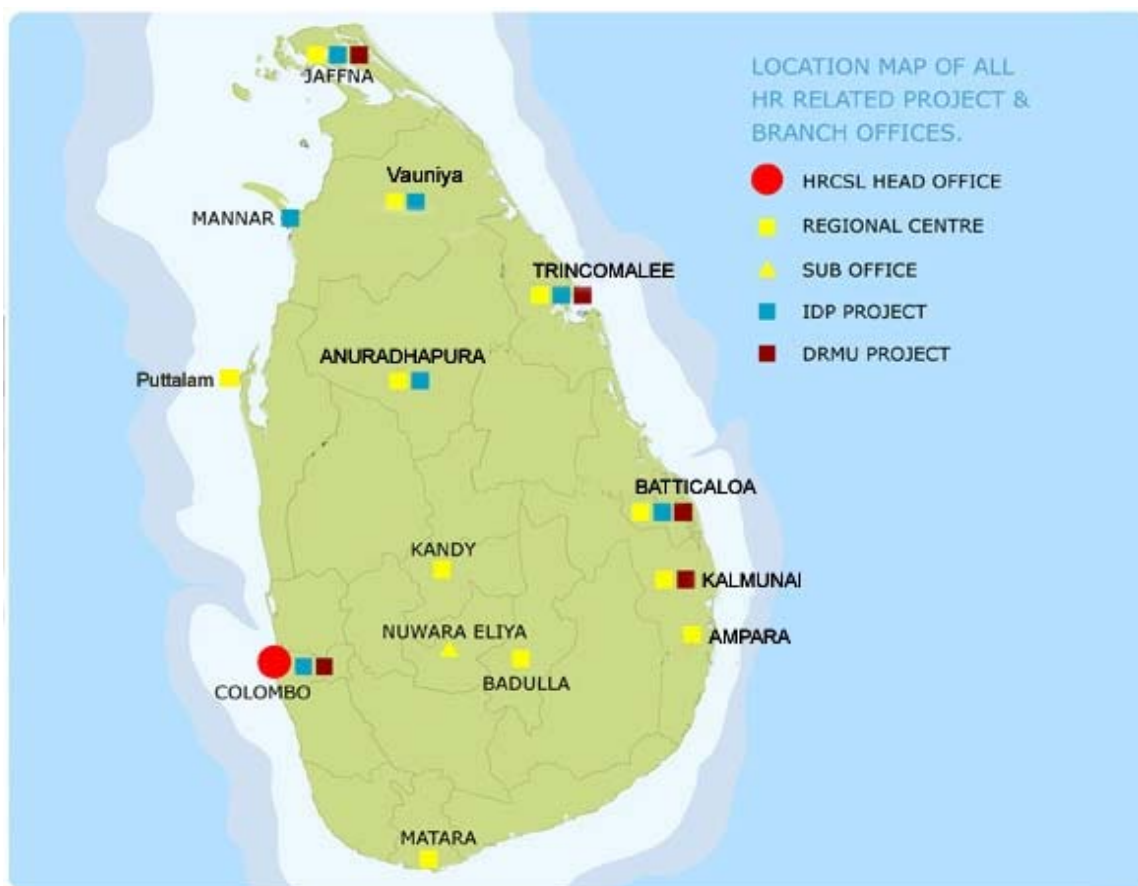
5.2.4 Audit of Financial Statements of Human Rights Commission of Sri Lanka for the years 2006 and 2007

The Auditor General has carried out the audits of the Financial Statements of the Human Rights Commission of Sri Lanka for the year 2006 and 2007 and issued audit reports on in pursuance of provisions of provisions in Article 154 (1) of the Constitution of the Democratic Socialists Republic of Sri Lanka.

The Reports of the Auditor General on the Financial Statements of the Human Rights Commission of Sri Lanka for the years 2006 and 2007 issued in terms of Section 14(2) (C) of the Finance Act No.38 of 1971 on 31.09.2007 and 26.08.2008 respectively.

The Auditor General has expressed audit opinions in the said reports that HRCSL had maintained proper books of accounts and except for the effects on the financial statements of the matters referred to in paragraphs of that reports, the financial statements have been prepared and presented in accordance with Sri Lanka Accounting Standards and stated accounting policies and the notes to the financial statements and give a true and fair view of the financial positions as at the dates of balance sheets and the financial results for the years then ended.

REGIONAL OFFICES



Region	Address	Tele	Email
Ampara	23/1, Dutugamunu Street, Ampara	063 2222340	hrcampara@slt.net.lk
Anuradhapura	63, Freeman Mawatha, Anuradhapura	025 2234801	
*		025 2223043	hrcaidp@slt.net.lk
Badulla	9/2, Bandarawela Road, Badulla	055 2229634	
Batticaloa	24, Sinnaupodi, Batticaloa	065 2224420	
*		065 2225647	idpb@slt.net.lk
Jaffna	01, 3 rd Cross Street, Jaffna	021 2222021	hrcj@slt.net.lk
*		021 2225470	rvpk@slt.net.lk
Kalmunai	84, Kiddanky Road, Kalmunai	067 2229728	hrccks@slt.net.lk
Kandy	839/2A, Peradeniya Road, Kandy	081 2222855	hrcandy@slt.net.lk
Mathara	15, Kalidasa Road, Mathara	041 2226533 041 2223307	
Trincomalee	227, Main Street, Trincomalee	026 2222607	hrcrct@slt.net.lk
Vavuniya	129, Kandasamy Kovil Road, Vavuniya	024 2222029	hrcv@slt.net.lk
*		024 2221060	idpv@slt.net.lk
*Mannar	Old Moor Street, Uppukulam, Mannar	023 2232341	hrcmidp@slt.net.lk
*Puttalam	Colombo Road, Puttalam	032 2265516	hrcpidp@slt.net.lk

*National Protection and Durable Solution for Internally Displaced Persons Project
Human Rights Commission of Sri Lanka

E: hrcidp@slt.net.lk W: www.idpsrilanka.lk

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HRCSL aims to strengthen rule of law

Sarath Malalasekera

COLOMBO: The Human Rights Commission of Sri Lanka (HRCSL) aims to strengthen the rule of law through preventing torture.

The lectures were conducted by Jinal Punchihewa, Attorney General, and Additional Secretary, Rajapakse.

- HRCSL

tecture -2007 at the Kalutara Police Training College recently.
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Daily News Human Rights Commission

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Functions of Human Rights Commission

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Commission of the Human Rights of Sri Lanka

concerned over Human Rights Violations in Sri Lanka

The London headquarters of the human rights watch - Amnesty International on Wednesday called on the Human Rights Council to address what it called the "rapidly deteriorating situation" in Sri Lanka.

retired Indian chief of police to make its own investigations into killings attributed to the security forces. Amnesty also drew attention to the rising evidence of human rights violations.

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Serious concerns expressed at statements made by HRC in Geneva

Daily - News
The Government expressed deep concern on the statements made by the European Union, Republic of Korea, and the United States of America at the resumed sixth session of the Human Rights Council in Geneva on 11 December. These statements were made by the Human Rights Commissioner Louise Arbour, and the Ministry of Media.

Dec 2007
The Foreign Secretary pointed out that a series of measures taken by the Government to address human rights concerns which have begun to take effect and a steady decline of the level of violations has been recorded by independent and highly credible sources. The views expressed by these delegations did not reflect the real situation on the ground. In the prevailing circumstances, the Government needed

HRCSL calls for report from Army Chief Sarath Malalasekera

COLOMBO: The Human Rights Commission of Sri Lanka (HRCSL) has called for a comprehensive report from the Army Commander in connection with a report published in an English daily on May 18, 2007. The commission comprising its Chairperson Justice S. Ananda Kumara, Justice S. Ananda Kumaraswamy, Commissioners Jayawickrema, Mahanama Rajapaksa, M. T. M. Bafiq and Nalin de Silva, noted that the report which appeared in the English daily has a discrepancy in the number of youth surrendered to the HRC and the figures quoted by the Army. The Commission has decided to call a re

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