

# **ANNUAL REPORT 2009**

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**This report was submitted to fulfill the requirement of section 30  
of Human Rights Commission of Sri Lanka act No 21 of 1996**

**Human Rights Commission of Sri Lanka**

## **VISION**

**“Ensure Human Rights for all and Promote and Protect the Rule of Law”**

## **MISSION**

**“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 Lanka Constitution for the Citizens of Sri Lanka, with the Coordination and Cooperation of all Stakeholders that Work towards Protecting and Promoting Human Rights for All”**

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## **COMPOSITION OF THE COMMISSION**

### **Chairman**

**Justice S. Anadacoomaraswamy**  
Former Judge of the Supreme Court of Sri Lanka

### **Commissioners**

**Justice D. Jayawickrama**  
**Mr. Mahanama Tillakaratna**  
**Mr. M T M Bafiq**  
**Ms. Nalini Abeywardana**

## CHAIRMAN'S MESSAGE

As the newly appointed Chairman of the Human Rights Commission of Sri Lanka, I have pleasure in presenting to you the annual report for the year 2009.

Publishing annual reports is a requirement under the provision of the Human Rights Commission of Sri Lanka Act no 21 of 1996. The Annual report of year 2009 seeks to fulfill this requirement and emphasises the transparency and accountability of the Commission.

The former Commission went out of office in May 2009. It is to the credit of the former Commission, the Secretary and the staff who had carried out their activities within the mandate of the Commission to achieve the objectives of the Commission. It is noted that this work had been carried out during an era of post conflict in the country and it has provided necessary protection to everybody who needed assistance. I appreciate their work during this difficult period. I look forward to their continued co-operation and support.

I also extend my grateful thanks to the UN agencies, INGOs and Civil Societies for their support, advice and views given to the Commission's activities during this period.

The Commission as a national human rights institution is obliged to maintain the peace achieved in this country by protecting and promoting human rights of the citizens.

Justice Priyantha R. P. Perera  
CHAIRMAN  
Human Rights Commission of Sri Lanka

## INTRODUCTION

The Commission has a broad mandate to protect and promote human rights to ensure the rights of all, to achieve a better human rights culture in the country. The Human Rights Commission of Sri Lanka was established under the Human Rights Commission of Sri Lanka Act No. 21 of 1996. The Commission's powers are vested in Section 11 of the Act. The Commission approaches its work advocacy of promotion and protection of human rights, monitors, educates and informs about the promotion of human rights. The Commission through its working set-up uses all internationally developed standards adapted for Sri Lanka in all aspects of its work

The Commission carries out its functions according to Section 10 of the Act through four major divisions of the Commission namely the Inquiries and Investigations Division, Monitoring and Review Division, Education and Special Programmes Division and Administration and Finance Division.

The Commission handles all the issues giving priority to human rights violations affecting people. The Commission listens, respects and responds to all people it comes into contact with. It ensures that it is independent, transparent and accountable in carrying out its functions. The Commission's reputation and credibility are built upon its integrity, expertise, professionalism and the quality of its work. It stayed firm in its commitment to attaining its goals.

This report of the Commission elaborates the activities undertaken by the Commission, its achievements and its challenges during the year 2009.



———— CHAPTER 1 ————  
**INVESTIGATIONS AND INQUIRIES**

# INVESTIGATIONS AND INQUIRIES

## 1.00 Overview

The Investigations and Inquiries Division is responsible for receiving, investigating and making recommendations on reported Human Rights violations. It has a vital power to investigate any infringement or imminent infringement of fundamental rights with the succeeding provisions of the Act<sup>1</sup>. The Division implements activities within the mandate of the Commission. The Division's primary function is to investigate and inquire the individual complaints relating to fundamental rights and to provide for resolution thereof by conciliation and mediation. If mediation and reconciliation fail, the Commission makes recommendations to the particular authorities. The Division also implements some activities which promote respect for fundamental rights and ensure the dignity of the people such as conducting special inquiries, visits to custodial institutions, special visits, maintenance and monitoring of a detention order registration data base etc.

### 1.01. Individual Complaints

The Commission adopted a complaint handling process to provide appropriate remedy to the complainant. This complaint handling process consists of complaint hearing, acceptance and registering of complaint by the Head Office and 10 Regional Centers, complaint filtration, complaint categorization, maintenance of a database on complaints, reference of non mandate complaints to appropriate Institutions, conducting investigations and inquiries, settlement through mediation or conciliation, making recommendations for the unsolved complaints, review of the unsatisfied recommendations and follow up of the recommendations and non implemented recommendations referred to H.E the President.

The head office of the Commission received 5454 complaints in the year 2009. The Commission decided to conduct investigations and inquiries for 2851 complaints after the filtration process. Complaints which came within the mandate were categorized and table 1 shows complaint categorization details. 2603 complaints were rejected by the Commission for various reasons, such as complaints which did not come under the fundamental rights, pending court cases, out of mandate of the Commission, time bar etc. 499 complaints were referred to appropriate remedial institutions or advised the complainant to contact particular Institutions such as the Public Service Commission, National Police Commission, National Child Protection Authority, Language Commission, Commissioner of Labour and Legal Aid Commission.

This year 158 complaints were settled and 428 complaints were solved and relief granted. 298 recommendations were given to respective authorities. Some complaints were disposed of due to complaints withdrawal by complainants or non interest to proceed with the complaints etc.

The Complaint Data Base is maintained in a very effective manner. A Complainant knows his or her complaint easily, such as the nature of the case, details of Petitioners and Respondents, tracing a file, name of the Inquiry Officer and stage of the case etc.

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<sup>1</sup> Section 11 (a) of Human rights Commission of Sri Lanka Act, No. 21 of 1996

### 1.01.01 Categorization of Complaints in the Head Office

This year complaints received were categorized mainly as Personal liability, Education, Employment, infrastructure, property, Social welfare and Administration. Table 1 shows the categorization of complaints in the head office.

Table1:  
Categorization of Complaints in the Head Office

No.	Main Category	Sub Category	No of Complaints
01	Personal Liability	Torture	372
		Harassments	172
		Arrest/Detention	438
		Missing Persons	135
		Detention Conditions	03
		Death in Custody	16
		Extra judicial killings	05
02	Education	School Admission	239
		University Admission	27
		Disciplinary matters of students	38
		Courses	04
		Education	01
		Principal /School teachers matter	03
		Exam	21
03	Employment	Recruitment	126
		Interview	03
		Promotion	134
		Service Conditions/Service Extension	74
		Transfers	92
		Termination	43
		Interdiction	21
		EPF	25
		Salary	28
		Employee Benefits	57
		Pension	101
		Retirement	05
04	Infrastructure / utilities	Road	21
		Electricity	25
		Water	22
05	Property	Land matters/Property matter	139
		Compensation	26
06	Social welfare	Insurance matter	04
		Samurdhi	02
07	Administration	Inactions	302
		Tender matter	01
		License matter	01
		Medical negligence	05

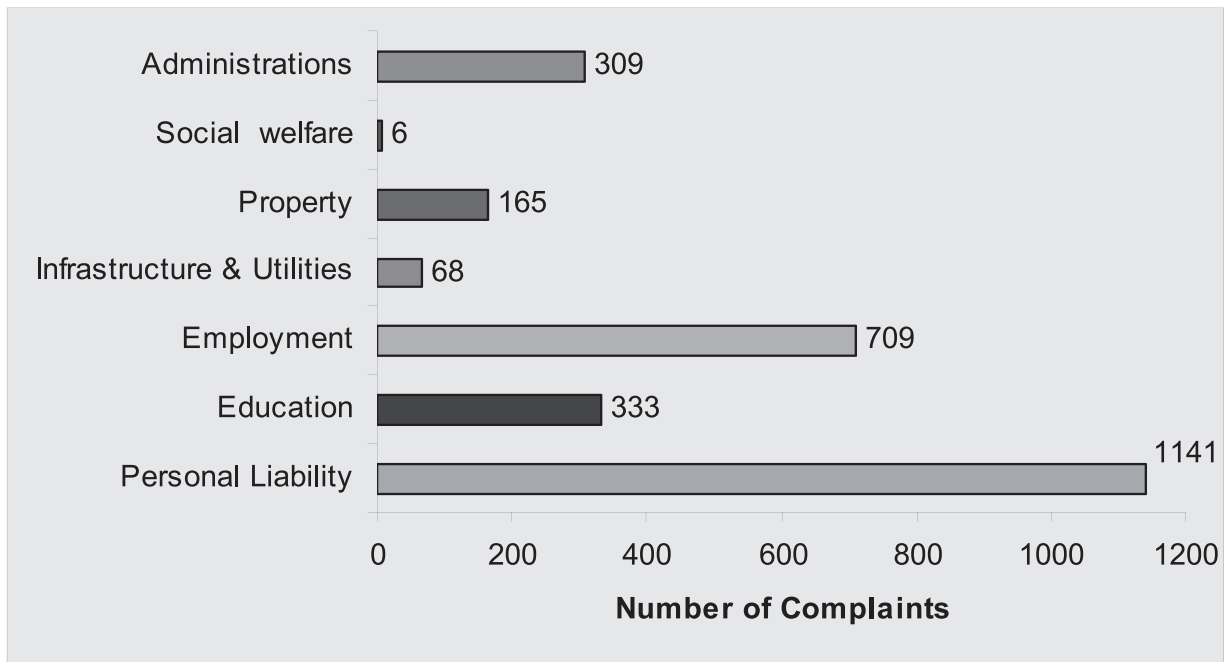


Chart 1:  
Categorization of Complaints in the Head Office -2009

### 1.01.02 Conclusion of Cases

Table 2 shows the number of Concluded cases

Table 2 :  
Conclusion of cases

<b>Categorization of the Concluded Cases</b>	<b>Concluded 2009</b>	<b>Concluded other Years</b>	<b>Total</b>
No F.R. Violation	653	861	1514
Not Interested	891	712	1410
Recommendation	45	253	298
Settlement	45	113	158
Relief Granted	175	253	428
Withdrawn	101	83	184
Refer to other Authorities	499	94	593
Directives Given	70	219	289
Pending Court case	91	158	249
Not Within Mandate	672	150	822
Time bar	217	08	225
<b>Total</b>	<b>3674</b>	<b>2904</b>	<b>6369</b>

## 1.02 Special Inquiries

This is to conduct inquiries on own motions of the Commission. In the year 2009 a special team was deployed to conduct an investigation on the death of 2 persons at Angulana. A speedy investigation was done and recommendation was submitted to the government deciding the fundamental rights of the aggrieved parties were violated. The Commission further addressed the importance of bringing the Bill of the Victims and Witnesses Protection as a law of the country.

## 1.03. Visiting Mechanism

### 1.03.01 Police Station Visits (General/regular Visits)

All the police stations are covered by way of scheduled route visits through Head Office and Regional Offices. The objectives of Police Station visits are to eliminate or minimize incidents of torture in Sri Lanka through efficient proactive and reactive measures, to initiate steps to bring the responsible officers who are committing these violations through the relevant statutory agencies. Not only that, the Division also coordinates and acts in collaboration with other relevant government and non-governmental institutions in order to combat incidents of torture. There is a 24-hour desk hotline facility and it receives many complaints on torture, illegal arrest and detention etc. When the Commission makes sudden, surprise visits and investigations, the Officer does follow-ups on those on going cases too.

For the convenience of scheduling visits the Commission has prepared a route - wise schedule to cover about 400 police stations all over the country. Investigating officers of Head office visit nearly 143 police stations and all other police stations are covered by the 10 regional offices of the Commission. On completion of the visit the officers are required to provide a complete detailed report on each police station which consists of details of detainees " all important issues and conditions of cells". The Commission intervened in the matters connected to administration of justice such as delay in producing the detainees to the Magistrate Courts. The Commission makes special visits to Terrorist Investigation Division (TID) and to Criminal Investigation Department (CID) which are under the authority of the Department of Police.

In this year 633 visits were carried out by the officers of head office and they observed 1639 detainees' conditions. Out of this 268 were detained under emergency regulations. 84% of suspects were detained for criminal charges such as assaults, robbery, theft, rape, illegal drugs/ liquor etc.

Common issues identified during Police Station Visits.

- Delay in producing the Detention Register.
- Overcrowding of the cells
- Non availability of proper sanitary conditions in cells in some police stations
- Assault in custody
- Arrest without prior investigations.
- Inability of the police officers to explain the offence/crime that the detainees are suspected of when they are questioned regarding large numbers of suspects taken into custody.

These issues were informed to responsible authorities to take appropriate remedial measures.

### **1.03.02 Visits to Prisons**

Prisons are visited once a month and on request further visits have been done. The Commission observed matters such as right to health, meeting relatives and internal security. Certain issues were addressed immediately with the authorities and situations were changed quickly.

### **01.04 Special visits**

This year five special visits were scheduled such as Ragama special visits to elders home on 02.02.2009, Vavuniya Special visit to observe the situation of IDPs in Welfare Centers on 17<sup>th</sup> and 18<sup>th</sup> of May 2009, Warakapola special visit for Juvenile offenders on 08.07.2009, Angulana special visit for killing of two youth on 14.08.2009 and Bambalapitya special visit for death in the sea on 03.11.2009

#### **1.04.01 Welfare Centers in Vavuniya**

The number of the IDPs increased at an alarming rate due to the civil war. It included the hostages who escaped from the LTTE. The Commission faced difficulties in discharging its duties due to the existing national security issue. To address this the Commission called the Commanders of the Army, Air Force, Admiral of the Navy and the Inspector General of Police on 02.03.2009 for a meeting at the Commission. The Commission discussed this issue with the representatives of these three forces and the police. Further the Commission conducted a discussion with the Secretary of Defense on 29.04.2009.

The Commission monitored the conditions of the camps on 17<sup>th</sup> and 18<sup>th</sup> of May 2009 with the view to seeing the conditions of the civil hostages and to identify the issues to be addressed by the respective authorities. This fact finding team comprised of officers who possessed wide knowledge of Human Rights and who have sound experience in human rights inquiries and investigations.

#### **1.04.02 Methodology**

The Team studied relevant media reports and other related literature pertaining to the said issue. The team also paid attention to the complaints lodged at the Regional Center Vavuniya regarding the IDP issues. Further the Commission considered the facts revealed from the discussion with the Defense Secretary.

During the visit the Commission had arranged sudden interviews with some authorities, such as the Competent Authority, Bishop of Mannar, District Judge – Vavuniya, President of the Bar Association-Vavuniya, Commanding Officer – Wannu, Coordinating Secretary to the President – Public Relations, Senior Military Officer In charge of Kadiragamar Village, Senior Military Officer In charge of Arunachalam –Zone 03, Medical Officers, Grama Sevaka (Public Officers – Grass root level), Principals, Teachers, Police Officers, Soldiers, NGOs and IDP's in the welfare centers

The Team inspected only 2 Welfare Camps which are set up on different models, due to the difficulties in vehicles entering the Welfare Centers and the time constraint.

#### **1.04.03 Observations and Findings**

##### **1.04.03.01 Administrative set up in the Welfare Centers**

A Retired Major General of the Army is the competent Authority who is in charge of all the Welfare Centers. A Senior Army Officer is the in charge of each Welfare Center. Some welfare centers are set up like villages whereas some welfare centers have been divided into units. The welfare centers are

administered by the Government Agent and an Additional District Secretary and Assistant District Secretaries are working under him. There is an administrative set up in each unit known as the Administrative Committee. The Administrative committee consists of Public Officers of the welfare centers such as Grama Sevaka, Public Health Inspector etc. In addition each welfare center has a Food Committee which consists of the aforesaid officers in the camp. Some weaknesses in the administrative set up were revealed. It is observed that the following NGOs are functioning in the welfare centers. ZOA, Danish refugee Council, LEEDS, World Vision, FORUT and Caritas Sri Lanka

Groups who are involved in and responsible for providing assistance to IDP s were called for a meeting by the Competent Authority on 17<sup>th</sup> May at 4.00 p.m. and HRCSL was also invited as an observer at the said meeting.

#### **1.04.03.02 Registration of IDPs**

Registration takes place at the Omanthe check point by the Sri Lanka Army .After the registration they are brought to welfare centers by buses and after reaching the camp they are registered by a Government officer.

#### **1.04.03.03 Welfare Centers**

##### **i) Kadiragamar Village**

Civilians who are in this village came to the government controlled area on 22.11.2008. There are 21,573 IDPs in this village. Out of that 4,879 are School children. Each Family lives separately in small huts built with roof made of tin. This village consists of Pre schools, Community hall, Gramasevaka Office, Cooperative shops, Banks, Health Center, Vocational Training Centers, Schools, Lak SATHOSA, Office of the Ministry of Rehabilitation, Women's lounge and Kovil.

##### **ii) Arunachalam – Zone 03**

There are 14815 IDP families (40, 320 IDPs) living in 374 acres of land. The Zone is divided into 31 units and each unit has small separate administrative units. There are 10'x10'tents.

#### **1.04.03.04 Food**

Cooked meals are provided in the first 3 days. Later on families start cooking separately in their own kitchens within the small houses. Since the kitchen utilities are insufficient for people they face difficulties in cooking. School children are unable to have their breakfast due to the unit cooking system. Yet, it was observed that the condition defers from one kitchen to another. Every family unit was provided with a specific quantity of dry rations of rice, flour, sugar, dhal and oil supplied by the World Food Programme while other food items such as salt, chilly, tea etc. were provided by the NGO s. Food can be bought from the small cooperative societies established in the camps. It was said that these are not sufficient to buy essential goods. It was observed that storing was done in Vavuniya Main store and food was supplied once in three days. Each Welfare Center stores food only for 3 days. Government owned vehicles as well as UN vehicles were used for transportation and distribution of food. NGOs also support the distribution of food.

#### **1.04.03.05 Health**

Health is a major issue in the welfare center from the perspective of human rights. In emergency situations there were difficulties to get an ambulance. Three Medical Centers are in the Arunachalam unit though nearly 40,000 IDPs are in this village. Eight medical officers were attached to those centers serving from 8.00 a.m to 5 p.m. and they are supposed to do on-call duties as well. The IDPs said that medical officers are not available till 10.00 a.m and the Commission noted this fact too. It is said that they

found it difficult to get medical treatment in emergency situations during the night. It was also said that there has been no medical clinic on Sundays. IDPs were transferred to Vavuniya or Chettikulam Hospitals for deliveries and other treatment. It was expressed that patients with Hepatitis, Mumps, Chicken Pox were kept in separate places in the welfare centers. Most of the children were suffering from respiratory infections. The Commission observed that a 07 year old child had died of Pneumonia and 3 had died as they did not get proper treatment. It was seen that improper drainage system and flies caused spread of this disease.

#### **1.04.03.06 Water and Sanitation**

Water supply is under the supervision of the Divisional Secretary. Water is supplied with bowsers and stored in tanks. There were sufficient tube wells. No complaints were observed regarding drinking water. Yet, the IDPs complained that they do not get enough time for bathing and washing clothes. The bathing places are covered. It was said that steps are to be taken in order to supply more water. Temporary Toilets were built with the help of NGO s and there are 1122 Toilets in the Arunachalam Village. Gully bowsers brought from Colombo are used to remove garbage. Garbage was disposed using a tractor provided by the Chettikulam Pradeshiya Saba. Yet it is seen that it was not adequate.

#### **1.04.03.07 Education**

Pre School, primary and secondary schools are conducted with less facility. Principals and teachers who work in Kilinochchi, Mannar and Mullaitivu Districts are teaching the students. They use mats and polythene to sit, as they do not have adequate infrastructure facilities such as desks and chairs. The classes are conducted in a community hall sheltered with tin sheets and cadjans. Two sessions of classes are conducted daily. 5796 students are in Arunachalam village. 890 students are in the Ordinary level class and 486 in the Advanced Level Class. 08 Principals and 182 teachers are in these welfare centers. There are 38 undergraduate students in these welfare centers. There are students who have been taught in English medium amongst them.

#### **1.04.03.08 Elders and Children**

The Magistrate has delivered a judgment to remove the elders from the welfare centers as the mortality rate of elderly persons was high. The Commission observed that most of the children are at risk of being victims of several diseases. Parents of a 7 year old child who died of pneumonia stated several reasons to the Commission. They said that even though they had to wait in a queue they were unable to get treatment from the clinic and thus, they lost their child. It is observed that IDPs of one welfare center cannot attend a funeral in another welfare center although they belong to the same community.

#### **1.04.03.09 Housing**

Initially tents 10x10 in extent were provided and 2 families lived under one tent. These houses were donated by UNHCR. Small houses were made using tin sheet as the second phase. The following difficulties were observed. They are inadequate infrastructure facilities. Due to moving of vehicles inside the camp all hazardous particles enter into their premises.

#### **1.04.03.10 Attires**

It was observed that inmates have a limited number of clothes. Even though some have money to buy clothes they are not permitted to go outside. It was said that there is no place to buy clothes in the camp.

#### **1.04.03.11 Religious Activities**

IDPs in Arunachalam Village said that they do not have a place to observe their religious rituals. Yet, a Kovil was built when Kadiragammar Village was constructed.



#### 1.04.03.12 Special Needs

Some IDPs do not have spectacles and thus they found it difficult to do their day to day activities.

#### 1.04.03.13 Family Unit

It was recorded that families were scattered over the welfare centers. It was said that publicity was given in order to unite the families. It was said still married children and parents were unable to get together as one family.

#### 1.04.03.14 Civil Disputes

Family problems and monetary matters were also lodged as complaints at the police.

#### 1.04.03.15 Surrenders

Some IDPs surrendered consequent to the announcements asking the detainees who were engaged in terrorism or who were given military training to surrender. These people were directed for rehabilitation. Details are shown in Table 3.

Table 3  
Surrenders in Welfare Centers

Rehabilitation Center	Number of Inmates
Nelukulama Training College	1811
Vavuniya Convent	942
Pallekele	800
Ambepussa	470

The parents of the surrendees have concerns and worries about the security of life of their children. Thus, they asked the authorities to provide an opportunity to meet their children. It is revealed that the officer in charge of Pallakele asked for permission to bring the detainees to another place due to security reasons. It was said that all the children surrendees are kept under the supervision of a District Judge.

#### 1.04.03.16 Finance Matter

Some of the IDPs said that they deposited their earnings at government banks. Banks were established in welfare centers. Arunachalam village has 4 Banks.

#### 1.04.03.17 Right to Movement

A common complaint made was that their right to movement was restricted and that they were unable to enjoy as they were not permitted to go outside except to hospital on a doctor's recommendation. Relatives are not allowed to visit patients in a hospital and they said that not receiving any information about the patient is a problem for them.

#### 1.04.03.18 Livelihood

Most of the IDPs who participated in the discussion were selfemployed or employed in some other place. Out of the 40,000 IDPs of the Arunachalam village 850 IDPs were Public Servants. It was said that they were unable to obtain their salaries at the moment.

#### 1.04.03.19 Disseminating Information and Media

Use of camera and mobile phones is prohibited beyond the Meddawachiya security post. Only the State media including Rupavahini and ITN are allowed to enter.

#### **1.04.04 Recommendations**

- It is seen that the publicity given by loudspeakers are not very clear and not efficient to make the inmates aware of the internal procedures of the camps. Thus, it is recommended to have a system using posters and leaflets.
- It is evident that even though they have a 24 hour medical treatment system in practice inmates are not benefited by it. Thus, it is suggested that this be monitored by the Ministry of Health.
- The Ministry of Health or other local authorities should take immediate steps to conduct programs to get rid of spreading flies as it causes many diseases.
- It is recommended to draft regulations to release those people who are willing to live outside the camps; during a reasonable period of time after submitting reasonable grounds and after showing that they have a reliable / responsible guardian outside the camp. The Commission observes that it is fruitful if the committee consists of representatives from the Ministry of Human Rights, Ministry of Justice, Ministry of Defense and Attorney General's Department and if they could work together to draft regulations.
- All the notices and road signs shall be in all three languages. eg:- The sign board which states A9 Road Vavuniya displayed in the Vavuniya town is written only in Sinhala language
- Allow the NGOs who can provide facilities, equipment or sanitary services to be engaged in the activities of the camps.
- It is recommended to computerize all the information about inmates and provide access to the relatives or any other persons to the information via a data base.

#### **1.05 Hotline Service**

Officers are actively engaged in 24 hours service and the public can contact the Commission through the Hotline. Immediate action is taken on arrest and detentions through contacting relevant authorities.

#### **1.06 Registrations of Detention Orders**

Under section 28 of the HRCSL Act where a person is arrested or detained under the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 or a regulation made under the Public Security ordinance (Chapter 10) 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 where a person so held in custody or detention is released or transferred to another place of detention, to inform the Commission regarding that. The Commission maintains a Registry for Detention Orders and 1396 Detention Orders have been registered for the year 2009.

#### **1.07 Providing advice to Regional Coordinators on Investigation and Inquiries**

Inquiry Reports of the Regional Centres were scrutinized and recommendations were issued. The reports were monitored and advice given to improve the inquiry mechanism.

#### **1.08 Backlog Project**

A backlog project was established to overcome the burden of permanent staff. In this year 1554 complaints were handed over to Inquiry Officers (retired judges) and part time lawyers. These complaints were not concluded by the permanent staff during the same year. 698 complaints were concluded during the period of 2009.



———— **CHAPTER 2** ————  
**MONITORING AND REVIEW**

# MONITORING AND REVIEW

## 2.00 Overview

The Monitoring and Review Division starts with fulfilling responsibility given to the Commission under the HRCSL Act. The primary directive of the Division is to monitor the status of the human rights in the Country. In order to fulfill this mandate the Division is required to plan prioritize programmes for ascertaining consistency with fundamental rights of the Constitution and international human rights norms and standards. It undertakes the continuing review of current legislation and regulations and also examines systems and procedures of State organizations with potential for violations of fundamental rights and submits proposals to the Commission for making recommendations to the concerned authorities to avoid administrative and executive action that may result in such violations.

The Division is also tasked to identify any other systematic faults which lead to infringement or violation of fundamental rights by State Agencies and recommends remedial measures to the Commission for submission to the Government. It also creates general guidelines for State Agencies to avoid violation of fundamental rights in their dealings with the public and their employees. Issuing such guidelines with the authority of the Commission and updating such guidelines as and when necessary fall within the mandate of the HRCSL Act.

## 2.01 Monitoring Missions

### 2.01.01 Sudden Mission on Juvenile Justice in Jaffna Peninsula

The objective of the mission was to identify the available mechanism and protection to ensure the protection of juvenile protection seekers in the Rehabilitation Center, Telliphilai, Jaffna. The Division closely monitored these situations through the Jaffna Regional Office during the period of 2007 and 2008. The children who sought protective custody and the parents of these children (residing in Jaffna peninsula) were taken to the Regional Office. They urged that they may be kept in protective custody preferably in Jaffna prison. Also some women and women with children reported to the Regional Office the fact that they have been taken for pre-emptive action due to a real or perceived threat of abduction or fear by unlawful groups. After producing these women and children to police, the procedure of producing them before courts was monitored by the Jaffna Regional Office during the period of 2007 to 2008.

The Division of HRCSL observed the above and considering the scope of media monitoring under the caption of “ Children at the mercy of HRCSL in Jaffna” wanted to have a comprehensive research to monitor the new trends of above and to study how the stakeholders were working on the administration procedures of juvenile justice.

Taking the above into consideration a Jaffna mission was planned and a special team was formed to visit and to have consultations in Telliphilai Rehabilitation Center, Cannan Child Rehabilitation Center, Prisons, Police and the Judiciary in the vicinity of the High Security Zone in Jaffna.

### **2.01.02 Youth Offenders Training School in Pallansena**

This mission mainly focused on the Training School for Youthful Offenders, Pallansena which is located in the Western Province. The Training School for Youthful Offenders, Pallansena has been established by the Youthful Offenders Training Schools Ordinance No. 28 of 1939. The purpose of this Training School is to rehabilitate youthful offenders and to keep them away from anti-social activities. Detainees are kept in this training school for 3 years for proper rehabilitation.

This is maintained by the Prison Department and this is the only Training Centre which was established under Ordinance No. 28 of 1939 in Sri Lanka. Earlier, this training centre was situated in Wathupitiwala and it was shifted to Pallansena in 1997 as a Correction Centre for Youth Offenders. There are two institutions situated in the same site. Correctional Centre for Youthful Offenders and Training School for Youthful Offenders, Pallansena. The estimated population detained in this center is approximately 606 out of which 76 detainees have been identified as youth offenders. But, the present fact finding mission focused only on the Training School for Youthful Offenders.

The main objective of the mission was to observe the conditions of youthful offenders and identify the issues related to them and to analyze the available mechanism to deal with juvenile detainees.

The fact finding missions were organized during the period from January to June 2009 and the special team carried out the missions. The Special Team interviewed the Officer in charge of the Training School for Youthful Offenders and the youthful offenders. Relevant data were collected through direct interviews.

#### **(a) General Findings**

- Children who need care and protection have been referred to the youth offenders training centers.
- Children who are mentally retarded and or children with special needs kept together and lack of physiological treatment or proper counseling.
- Children were dressed in kaki uniforms as adult prisoners.
- General offenders are kept with convicted adults.
- Over crowding juvenile detainees
- Not ensuring school education and vocational training
- Lack of coordination between the child related institutions
- Poor reintegration process
- Inadequate follow ups/evaluation mechanism for reintegration process
- Juvenile detainees were mixed up with adult prisoners when transported.
- Officers who take care of juvenile detainees were prison officers in traditional uniform.
- No follow ups were carried out by probation officers/ CRPOS

#### **(b) Observations**

As per findings of the research on Pallansena Youth offender's Training School the personal liberty and freedom of children were not found. It was inconsistent with the International standards and violating the rights of the child.

The Commission was of the view that a separate youth offenders Training Center should be established with a child friendly environment so that the right to development, protection and participation will be ensured as the basic rights of children as well as to protect the juvenile rights when institutionalized.

### **(c) Suggestions/Recommendations**

- Establish a new institution for Youthful Offenders
- Revise vocational training and introduce new vocational craft Eg. Computer hardware
- Develop human resources for school syllabus education
- Increase the payment for daily work in vocational trade
- Improve the condition of food and accommodation
- Revise the cadre vacancies
- Recruit a Counsellor
- Awareness programmers for the Police and Department of Probation and Child Care Services and sensitization programmes for judicial officers etc.
- Officers who are in charge of children can accompany them in civil attire.
- Children should be transported in separate vehicles to courts
- Establish a separate juvenile court system and separate date and time system for child cases
- Respect the dignity and justice of all juvenile offenders
- Institutionalization should be the last resort
- Introduce a national policy on child foster care fund for the best interest of the child
- Allocate adequate trained staff to look after children

### **(d) Overall Evaluations**

- Juvenile protection mechanism should be strengthened further for effective protection of children.
- Close coordination should be developed among institutions which deal with child issues.
- Standard guidelines should be formulated for the officers (duty bearers) to provide effective services for children.
- Periodical advice should be given to policy makers and ministers who are handling child issues.

## **2.02 Policy Papers / Recommendations Produced**

### **2.02.01 Child Friendly Environmental Assessment Feasibility Report on Proposed Site for Youth Offenders Training School- Ambepussa**

HRCSL identified several issues related to the Training School for Youthful Offenders, Pallansena. The Commission suggested to the Ministry of Justice and Law Reforms to relocate the Youthful Offenders Training School to a suitable alternative place. As a result of this, the Ministry has decided to relocate this institution to Ambepussa, which was utilized earlier for LTTE child soldier rehabilitation processes. In the meantime the Ministry required the Commission to do a feasibility study before shifting from that particular place. The Commission sent a special team to do the feasibility study. The team observed the location and discussed with Prison Officers, Assistant Divisional Secretary, Grama Niladhari and Community members.

The institution in Ambepussa would be situated in the Ambepussa Grama Niladhari Division, Ambepussa Divisional Secretariat Division in Kegalle District. The Land extent of this location is 1.228ha according to the sources given by the Grama Niladhari. Ambepussa was identified as a suitable location for the Training School for Youthful Offenders.

### **(a) Common Suggestions**

- A Child friendly environment should be developed
- Avoid the prison setup within the Training School for Youthful Offenders (uniforms, prison labeled vehicles, structures, etc.)
- Avoid all the duties performed by adult prisoners in the Youth training center
- Maintain appropriate acceptable standards

## **(b) Achievement or Outcome/ Implementation**

After observation of detention facilities in a non conflict zone, located in the greater Negombo area, which is a city north of Colombo, and in an area called Pallansena. This detention facility is an open prison camp, in which adult prisoners who have come to the end of their term of imprisonment are detained and are encouraged to learn and take part in vocational activities. In February 2009, when my team visited the centre for the first time, there were 150 adult prisoners. Among them were 76 children, who had been judicially ordered to serve terms of imprisonment or placed in detention pending further orders for periods of detention ranging from a few months to 3 years. Most of them had been prosecuted and had been found guilty for having committed petty crimes such as stealing of minor items. Of the 76 children, approximately 25 were children produced before Juvenile Court Magistrates seeking orders of court, since law enforcement authorities had found these children in public places without the protection of their guardians. They were mainly child vagrants. Some of these children were suffering from mental abnormalities. They did not have the benefit of the care and protection of their parents.

As regards convicted children, the team did not find any particular irregularity or rule of law issues relating to their trials, conviction or sentence, since they had been subjected to the juvenile justice system of the country. Nevertheless, wondered as to whether the terms of imprisonment ordered in respect of these child convicts were reasonable, and whether their undergoing such imprisonment would in fact lead to their rehabilitation, correctional and effective reintegration with the society. However, as regards the other category of children, there was a serious issue, since after the original directive by magistrates to place them in detention; the entire juvenile justice system appears to have totally forgotten about them. What was also alarming was the fact that these child convicts and other detained children were intermingling, interacting and associating with the adult prisoners. Furthermore, they were being detained in appalling conditions of detention, without being provided with basic and hygienic facilities. This was wholly unacceptable, and was in fact particularly detrimental to the interests of these children.

- The Commission could even observe most of these children having developed adult habits such as smoking locally molded cigarettes. Since this was a major problem which directly violates internationally accepted norms and best practices relating the juvenile justice, the Human Rights Commission of Sri Lanka immediately brought this to the attention of the authorities of the Ministry of Justice.
- What was disturbing was that, nobody in authority could explain how child convicts and child detainees came to be detained in an Open Prison Camp meant for adult prisoners.
- With the intervention of the Human Rights Commission of Sri Lanka, we were successful in initially securing necessary resources for the provision of certain basic humane facilities for these children.
- After much deliberations, with the active and positive intervention of the Minister of Justice and Laws Reform, in the latter part of November 2009 the entirety of these children were transferred to Ambepussa, a beautifully developed child friendly detention facility, which had been built for the purpose of rehabilitating former child soldiers of the LTTE. Child Soldiers are no longer being detained at this facility and hence this detention centre provided an appropriate environment to detain child convicts and other child detainees and provide them with suitable rehabilitation measures.
- The Ministry of Justice has taken necessary measures to ensure the well-being of these children and in the long term the government has the idea of developing this detention facility as a 'Youth Offenders Correctional Center', the flagship child detention facility of Sri Lanka.



### **2.03 Formulating General Guidelines for State officials who deal with all forms of Child Related Issues, on Juvenile Institutionalization**

The Commission has given priority for the preparation of guidelines for State officers who deal with child issues based on the fact finding mission conducted in the Jaffna Peninsula and in the Western Province. Earlier the Commission had planned to formulate the guideline for HRCSL staff. But findings clearly showed there was a need for preparation of guidelines for State officers. This guideline consists of seven parts such as common guidelines, Police Officers, Labour Officers, Probation Officers, Child Promotion Officers, NCPA Officers and Rehabilitation or Home Officers. The main purpose of formulating a guideline is to fulfill broader perspectives on social and legal principles really for the protection and welfare of childhood, and also to emphasize that the duty bearers should have in mind that without the proper commitment, coordination and cooperation there will not be achievement of the aspirations of children. The entire guideline was a creation of a new ideology and the expertise was contributed exclusively by the monitoring team Director (Monitoring & Review) – Ms. Thusitha Samarasekera, Research Officer – Mr. M.A.N. Chandrasiri and Education Officer – Mr. K.K. Villavarajan. This guideline was compiled in all three languages, English, Sinhala and Tamil. Therefore the duty bearers can have the benefits of using this guideline as a user-friendly publication.

### **2.04 Visits to Institutions**

In the year 2009 this Division visited two custodial institutions such as the newly established Youth Offenders Training School – Abepussa, Methsevana State House for Detention, Remand Homes and Certified Schools, etc. In addition the Division closely monitored all “State Home Visits” conducted by Regional offices of HRCSL.

### **2.05 Facilitations**

#### **2.05.01 Consultation Programme – Jaffna and Colombo**

The Commission organized two consultation programmes in Jaffna and Colombo. In this consultation several fact finding issues were discussed. In addition to that a draft guideline was submitted for participants’ views.

The Consultation programme on general guidelines for State officials who deal with all forms of child related issues on juvenile institutionalization in Jaffna was held on 07.08.2009 at the public library auditorium, Jaffna, and the one in Colombo was held on 19.08.2009 at IDP Building, Colombo 07. The main purpose of these consultations was to obtain the opinion on the drafted guidelines and specially focusing on the State officials who work in Sinhala and Tamil languages as their official languages. It was also to identify further issues related to juvenile institutionalization. The participants were Probation officers, Child rights promotion officers, Police women and children’s desk, prison officers and Children’s Home officers.

#### **(a) Common Comments**

- Lack of coordination between Institutions (eg: Police women and children’s desk and Probation Officers.) which deal with child issues.
- Follow up Report was not shared with relevant institutions.
- Language barrier is in Women and Children’s desk of Police (most of the officers are Sinhalese). Due to this there were communication gaps
- Certain action taken by particular officers was not informed to other authorities. Especially a hospital authority could hand over an infant to a Probation officer in order to hand over to a State Receiving Home. After this the Probation officer did not inform the police.

## **(b) Segregation by the Commission**

- Women and Children's desk officially send letters/ faxes to a particular Divisional Secretary (DS). DS will inform Probation officers.
- Probation officers will be meet Women and Children's Desk every fortnight.
- HRCSL will be monitored through the heads of Institutions( Senior Superintendent of Police, Asst Commissioner of Probation and Childcare)

### **2.05.02 Special Advisory Discussion**

The Commission arranged a special advisory discussion with the Hon. Minister of Justice and Law Reforms on 22.11.2009 at the Ministry's Office. At this discussion fact finding, consultations views, recommendations and draft guideline were discussed. The Minister immediately gave instructions to relocate the youthful offender's school at Ambepussa based on the recommendation given by the Commission.

## **2.06 Participated in Meetings**

### **2.06.01 1612 Task Force Meeting**

According to the United Nations Security Council Resolution 1612 of 26<sup>th</sup> July 2005, the Commission is also a member of the Task Force for Sri Lanka. This Task Force started in the year 2006. The Monitoring and Review Division of the Commission represents at the Task Force for independent observations. In 2009 the Division attended 09 meetings.

### **2.06.02 Network Meeting on Migrant workers**

The Division represented itself at the Network meeting with relevant authorities who work on migrant women. It was organized by the National Committee on Women of the Ministry of Child Development and Women's Empowerment. The main objective of this Network meeting was to take necessary action for the wellbeing on migrant women and family members of migrant women. The network focused attention on:

1. Pre arrangement programme for migration such as training and medical test programme.
2. Foreign Employee agents role for safety of migrant workers
3. Awareness for cruel community on migration thorough women development officers
4. Welfare of children of migrant women

### **2.06.03 ICCPR Meeting – Ministry of Disaster Management and Human Rights**

The Commission represented itself at the meeting on Finalization of Sri Lanka's 6<sup>th</sup> Periodic Report under the International Covenant on Civil and Political Rights.

- Introducing new policy mechanism
- Introducing constructive structure
- Introducing new policy and pathway to the staff of the Commission

The Commission contributed constructively for an independent National Human Rights Commission under the Paris Principles.

## **2.07 Other Preventive Activities**

### **2.07.01 Print Media Monitoring**

The Division regularly monitors the newspapers. The purpose of monitoring is to take a closer look at the reported questions regarding human rights violations. When reporting an incident, the Division writes to relevant authorities and follows up. In 2009, it was mainly concerned on the issues such as right to education, environment, right to health, housing rights, passenger transport problems, vacant government posts etc.

### **2.07.02 Guideline Book Launching**

The high profile consultation and the launching ceremony of the general guidelines to State officials, who deal with all forms of child related issues on juvenile institutionalization was held on 8<sup>th</sup> December 2009. The main purpose of this event was to advise and assist the government and make recommendations relating to juvenile offenders' issues according to the Sections 10(c) and (d) of the Human Rights Commission of Sri Lanka Act.

———— CHAPTER 3 ————

**EDUCATION AND SPECIAL PROGRAMMES**

# EDUCATION AND SPECIAL PROGRAMMES

## 3.00 Overview

The Education and Special programmes Division is engaged in Human Rights Education island wide and addresses general or specialized human rights themes, mainly through awareness on human rights, seminars, training targeting broadly or more specific groups such as Government Officers, Police, Army, Navy, Civil Society members, health professionals, general public etc. The Division carried out various programmes with or without other institutions. It also provides resource persons and resource materials for the programmes which are organized by other organizations. Publications in different languages are also done. In the year 2009 the division conducted several programmes which are shown in Table 4.

Table 4:  
Human Rights Education Programmes in Year 2009

Programmes	Thematic Categorization	Number of Programme
Awareness Programme	Human Rights/ Fundamental Rights/ Child Rights/ HRCSL	103
	Torture Prevention	07
	Women's Rights	18
	Prevention of Trafficking	03
	Health Rights	03
	Elders' Rights	01
	Child Rights	02
	Seminar	06
	HRCSL Staff Training	03
	External Training	03
Exhibition		03
Discussions		01

### 3.01 HRCSL Staff Training

A training programme on "Investigation Methods" for key officers who handle investigations was held at Community Education Center, Thalahena. Another programme was organized for staff of Administration and Finance Division on "Office Management"

### **3.02 External Training**

This year two ToT programmes were conducted with the collaboration of the Sri Lanka Navy. Selected Navy officers who are working as instructors participated in this programme. This ToT programme was held for five days. Certificates were awarded to those who successfully completed it. Sixty officers were trained at the Navy Training Center in Welisara.

A demonstration on prevention of torture programme was held on International Day in Support of Victims of Torture for newly recruited Trainee Police Officers at the Police College at Kalutara. More than 100 trainee police officers participated.

### **3.03 HRCSL – Exhibition Stall**

HRCSL had a stall at the Dayata Kirula Exhibition held at BMICH, Colombo. The Law Students' Human Rights Movement of Sri Lanka Law College invited the HRCSL to make a contribution at the Legal Aid Clinic held at Naramala Mayaurapada Central College, Kurunegala. The Secretary of the BAR Association of Sri Lanka was also invited for the law week exhibition on "People's Right to Social Justice" in the court premises, Colombo.

### **3.04 Human Rights Awareness Programmes**

A special programme was designed for the newly recruited prison officers, in Sinhala and Tamil medium. Three programmes were conducted in Colombo, Balangoda and Embilipitiya. More than 800 newly recruited prison officers participated. This programme specially included stress management as well.

Prevention of Human trafficking programmes were conducted in several places. Also child rights and women's rights awareness programmes were organized Island wide.

### **3.05 Publication of Human Rights Handout**

The Lions Club of Wattala provided financial support for printing the human rights document "Know your Rights".

———— **CHAPTER 4** ————  
**REGIONAL SETUP**

# REGIONAL SETUP

## 4.00 Regional Overview

Ten regional offices carry out their human rights protection and promotional activities according to the instructions of Divisions. During this year 7075 complaints were received by regional offices. Table 5 shows the complaint categorization of regional offices.

## 4.01 Ampara Regional Office

### 4.01.01 Individual Complaints

163 complaints were received this year. A higher number of cases related to Economic, Social and Cultural Rights

### 4.01.02 Visiting Mechanism

There are 10 Police stations covered by the Ampara regional office; It conducted regular visits and special visits. Visiting was done twice a month as regular visits. Special visits depend on special incidents, which take place at police stations or any other places. (Torture, Illegal arrest). 43 nos. of visits for the year 2009 were completed.

### 4.01.03 Human rights Educational Programmes

23 Human Rights Educational Programmes were conducted in the year 2009. Target Groups were Civil Society members, Pre School Teachers, Members of Sarvodaya, Media Persons, Home Guards, Women, Public Officers, Students and Teachers, Police Officers and STF Officers, NGO Officers, Doctors and Probation Officers. Subject Areas covered Human Rights, Fundamental Rights, Women's Rights, Prevention of Torture, Child Rights, Economic, Social and Cultural Rights and Common Law. 1977 participants benefited from these programmes.

## 4.02 Matara Regional Office

### 4.02.01 Individual Complaints

700 complaints were received in the year 2009. 734 cases including cases from the previous year were concluded during 2009. These concluded cases were as follows: Settlements 52, No violations 207, relief granted 63, withdrawals 96, not interested 141, others 168 and referred to head office 7.

### 4.02.02 Visiting Mechanism

525 Police, 14 prison and detention center visits and 6 children's home visits were carried out by the Regional Office.

### 4.02.03 Human rights Educational Programmes

17 Radio programmes were organized in collaboration with the Media House, Matara. This type of awareness reached a large number of audience. 13 awareness programmes were conducted for police



officers, students, the general public and members of NGOs. 1480 beneficiaries were made aware of these programmes. 2 NGO consultations were organized.

### **4.03 Jaffna Regional Office**

#### **4.03.01 Individual Complaints**

In 2009, the Jaffna Regional Office received 182 complaints as follows; disappearances and missing - 56, arrest and detention – 35, complaints on legal matters – 46, extra Judicial killing – 04, surrenders – 02, and others 39. Out of this number 32% of the cases were concluded by the Regional Office. A Total of 163 cases were disposed of in 2009. Out of the 46 complaints on legal matters reported at the Regional Office Jaffna, relief was granted in 13 cases.

#### **4.03.02 Visiting Mechanism**

The Regional Office, Jaffna has undertaken 47 field visits in the region such as visits to police stations, Prison, Rehabilitation centre, Child care centre etc. The purposes of the visits were to identify and ascertain the present condition of the detainees and children and take workable action in order to uplift their conditions. The Regional Office, Jaffna created the regional mechanism with governmental and non governmental institutions to protect and promote the rights of the civilians in the Jaffna peninsula.

#### **4.03.03 Human Rights Educational Programmes**

10 awareness raising programmes on Human Rights were conducted by the IDP project. The Commission staff participated in these programmes and delivered lectures on various issues in relation to human rights. Awareness raising programmes on human rights issues for Human Rights Defenders were conducted by the IDP Project. Further, Rights based disastrous response training programmes for in-service officers were conducted by the IDP Project. The Commission's staff participated. HRCSL, Jaffna regional staff extended solidarity to the public forum meeting.

#### **4.03.04 Other activities**

#### **Civil war and Displacement impact on civilians**

The civil war has seriously damaged the day to day life of innocent civilians. It brought much impact on their lives. Many of them lost their lives; hundreds of them were immobilized, their properties were damaged and many of them lost peace of mind too. As a result, displacement has been indispensable in their lives. While displacement was in process, a number of them were arrested, some were missing and certain others threatened. Families of those who were missing reported to the Jaffna Regional Office. The Regional Office responded to altogether 504 complaints regarding missing persons in Wannai during the defensive operation held in 2009.

### **4.04 Kalmunai Regional Office**

When it comes to missing persons and abductions in this region, a lot of persons were abducted by the LTTE, Karuna group and other unidentified armed groups. The Commission also recorded several numbers of complaints with regard to missing and abduction. The LTTE alone abducted people and earned a lot of money by keeping them under their custody as hostages. Some of these people have also been killed by them. This critical situation created uncomfortable situations among people in the last several years. People were scared of moving from their native places. After the end of civil war these abductions have gradually come down and abductions by white van also have come down. According to the analysis, most of those who were abducted on white van had previous connections with the LTTE.

The excess of the number of check points during the war period also had a negative impact on people's day to day activities. People who had to go out of this region were required to get security clearance from respective police stations. After the end of the war or conclusion of the war most of these check points were removed except for a few and the security clearance procedure also has been cancelled. Today, people move freely anywhere and out of the region even to the Jaffna peninsula without any security restrictions.

#### **4.04.01 Individual Complaints**

During the year 2009, the category "Inaction" occupied the maximum number of complaints. These inaction complaints are against police officers and other government departments. 298 complaints were received during this year. Only 2-3 % of the complaints were sent to the head office for recommendations. The other 97% of the complaints were settled within the regional office. 178 cases were concluded this year.

Missing and abduction complaints lodged from 2006 to 2009 (263) have been taken up for further investigation according to the instructions given by the head office. Investigation of these complaints have now been finished. According to the statements received from complainants only 20% of missing persons have been released or returned so far.

#### **4.04.02 Visiting Mechanism**

The Regional Office randomly visits all the Police Stations in the region. Sometimes there will be a sudden visit when the Commission comes to know about a violation or torture at Police Stations. During these visits, the Commission looks for any illegal detention and monitors the conditions of legally detained persons. Fifty visits were carried out by the region.

#### **4.04.03 Human rights Educational Programmes**

During this year more than 18 awareness programmes were conducted. Some of the awareness programmes were conducted jointly with civil society organizations. Target groups were Staff of DS Office, Principals, Teachers, Students, Staff of Pradeshiya Sabha, Police officers, Hospital Staff, MOH Staff ,Media Officers and Department Heads. 869 beneficiaries were made aware about Human Rights.

#### **4.04.04 Other Activities**

##### **(a) War IDPs and Returnees**

IDPs who were displaced due to armed conflict have been resettled but returnees from Wannai and its suburbs increased at the end of the civil war. According to the latest report of UNHCR, 289 families have returned to Ampara district from Wannai while 931 families are still living within the district. This includes returnees within the district as well. According to complaints received from these war IDPs from Vanni who are temporarily sheltered at Karaitheevu Divisional Secretariat area with their relatives, they have not been granted suitable relief. This complaint is under the progress of investigation of the Commission.

##### **(b) Coordination with NGOs and INGOs**

Kalmunai regional office has been maintaining a good relationship with organizations such as NRC, HDO, UNICEF, ICRC, HHR, UNHCR, AWF, SWOAD, CHA, Survivors Associates, YMCA, WDC etc. This valuable relationship helps to deal with complaints which are irrelevant to the mandate of the Commission. Complaints regarding child abuse which do not fall within the mandate of the Commission are referred to UNICEF, Child Protection Authority etc.. These NGOs also refer complaints which are related to FR violations.

HDO has played a major role on sponsorship for awareness programs conducted by the Commission. While the Commission was struggling with financial sources for these programmes, HDO provided its maximum support on financial issues. The Commission also responds to invitations and meetings organized by NGOs. During these meetings the Commission has identified certain issues and taken action to reduce these issues. For example, rape incidents at Kolavil, Kannakipuram and Alayadiwembu areas were identified during a meeting with NGOs. Further, the Commission participated in an event with regard to children's activities organized by TDH (Terre Des Homes).

#### **4.05 Vavuniya Regional Office**

##### **4.05.01 Individual Complaints**

2869 complaints were received this year. A higher number of cases related to arrest and disappearances.

##### **4.05.02 Visiting Mechanism**

32 police station visits were done and 355 detainees conditions observed. A prison, 02 welfare centers and a children's home were visited by the Regional Office.

##### **4.05.03 Human rights Educational Programmes**

46 Human rights awareness programmes were conducted jointly with NPDS Project for IDPs.

##### **4.05.04 Other Activities**

The Regional office organized a meeting with the Citizens Committee of Vavuniya District. At this meeting the current situation was discussed.

#### **04.06 Badulla Regional Office**

People from Moneragala, Buththala and Thanamalwila were continuously threatened by the LTTE during the last few years. After the government defeated the war uncertainty in these areas has changed gradually. Now people are reawaking with new hopes. The lack of Tamil speaking officers in the government departments is a critical issue in the region.

##### **4.06.01 Individual Complaints**

256 complaints were received this year. A higher number of cases reported related to employee benefits and property matters. 102 complaints did not come under fundamental rights. 13 complaints were settled and relief granted in 54 complaints.

##### **4.06.02 Visiting Mechanism**

During this year 287 visits of police stations and one prison visit were done by the Regional Office.

##### **4.06.03 Human Rights Educational Programmes**

11 Human rights awareness programmes were conducted for Government officers, Estate workers, members of CBOs, Rangers, Teachers, Students and Principals etc. Some programmes were organized with some civil society organizations. One radio programme was arranged on prevention of torture and domestic and international mechanism to prevent torture.

#### **4.07 Anuradhapura Regional Office**

This region is located adjoining the Northern and Eastern provinces. This region was affected due to war situations. In the early part of this year several incidents took place and these affected the routine life of the people specially those who were in the border villages. However this situation has gradually been reduced in the middle part of the year.

#### **4.07.01 Individual Complaints**

772 complaints were received this year. A higher numbers of cases were related to inactions and land matters. During this period 734 complaints were concluded including complaints from the previous year.102 complaints were settled.

#### **4.07.02 Visiting Mechanisms**

229 police stations visits and 11 detention camp visits were carried out by the regional office. 398 detainee s' conditions were observed. Also 6 prison visits and 4 children's homes visits took place.

#### **04.07.03 Human Rights Educational Programmes**

29 Human rights awareness programmes were conducted for students, Excise officers, Rural Development officers, Mahaweli Authority officers, Wildlife officers, Army officers, Health Department staff, Probation officers, Prison officers, Agriculture officers, Forest officers etc. Some programmes were organized with some civil society organizations. 1704 beneficiaries were made aware of human rights

### **4.08 Batticaloa Regional Office**

#### **4.08.01 Individual Complaints**

532 complaints were received this year. A higher number of cases reported related to arrest and disappearances. During this period 459 complaints were concluded including complaints from the previous year.32 complaints were settled.

#### **4.08.02 Visiting Mechanisms**

97 police station visits and 15 prison visits were carried out by the Regional Office. 114 detainees' conditions were observed. 2891 remanded persons and 1146 convicted persons are in the Batticaloa prison.

#### **4.08.03 Human Rights Educational Programmes**

04 Human rights awareness programmes were conducted with trainee police officers, students and Women's and Children's desk officers. 24 programmes were organized with some civil society organizations. 1336 beneficiaries were made aware about human rights.

### **4.09 Kandy Regional Office**

#### **4.09.01 Individual Complaints**

816 complaints were received this year. A higher number of cases reported related to employment. During this period 793 complaints were concluded including complaints from the previous year.108 complaints were settled and in 54 complaints, relief granted.

#### **04.09.02 Visiting Mechanism**

97 police station visits and 15 prison visits were carried out by the Regional Office. 114 detainees' conditions were observed. 2891 remanded persons and 1146 convicted persons are in the Kandy prison.

#### **4.09.03 Human Rights Educational Programmes**

55 Human Rights awareness programmes were conducted for the Grama Niladhari, police officers, media officers, students, teachers, the Army, preschool teachers and elders. Some were organized with some civil society organizations. More than 1585 beneficiaries were made aware of human rights

## **4.10 Trincomalee Regional Office**

### **4.10.01 Individual Complaints**

341 complaints were received this year. A higher number of cases reported related to arrests and 77 complaints were concluded.

### **4.10.02 Visiting Mechanism**

A number of visits were undertaken by the Regional Office, 37 police stations and 05 Prisons were visited. 114 detainees' conditions were observed.

### **4.10.03 Human Rights Educational Programmes**

In the year 2009 three human rights awareness programmes were conducted

Table 5:  
Regional Complaints Categorization in the Year 2009

Type of Complaints	Kandy	Matara	Anuradhapura	Badulla	Ampara	Trincmalee	Jaffna	Vavuniya	Kalmunai	Batticaloa	Total
Promotion	04	04	24	-	05	08	01	06	09	09	70
Transfer	13	21	30	12	10	02	01	08	10	06	113
Recruitment	--	54	16	-	-	02	-	01	18	-	91
Interdiction	--	-	05	--	-	-	-	--	04	-	09
Service Extension	-	--	03	--	02	01	--	-	01	--	07
Service condition	--	-	04	--	-	-	--	--	02	-	06
Retirement/ Termination	--	-	35	09	-	04	-	04	03	08	63
Pension/EPF/ETF	22	10	14	05	05	04	06	04	05	06	81
Property matter	114	91	119	36	-	11	02	12	34	24	443
Employee Benefit	156	11	10	39	-	03	05	17	07	22	270
Salary	-	-	21	-	-	-	-	--	04	-	25
School Admission	63	52	16	-	01	-	06	02	03	07	150
University admission	--	-	02	--	-	-	06	--	01	-	25
Admission of state training institute	--	-	02	--	-	-	-	--	-	-	02
State welfare (Samurdhi / rehabilitation)	--	-	01	--	-	-	04	--	23	-	28
Medical Negligence	-	--	01	--	-	--	-	-	01	-	02
Disciplinary matters of students	--	-	03	--	-	-	-	--	02	-	05
Arrest/ Detention	90	51	44	03	02	226	35	761	19	186	1417
Torture	--	93	69	01	11	13	-	23	02	-	212
Death( Police custody)	-	--	-	--	--	--	--	-	-	01	01
Harassment	72	03	42	35	02	06	12	40	04	30	246
Child abuse	--	-	-	-	-	-	-	--	-	-	-
Inaction Complaints	100	--	203	--	26	--	04	19	100	32	484
Missing/ Abduction/ Disappearance	01	-	03	-	-	85	56	1613	59	155	1972
Shooting	--	-	-	-	-	-	-	06	-	-	06
Discrimination/ Arbitrary action	127	-	-	-	33	-	-	--	-	-	160
Political killings	-	--	01	--	-	--	-	--	--	-	01
Extra judiciary killings	-	--	--	--	-	--	04	--	--	-	04
Surrenders	--	-	-	-	-	-	02	-	-	-	02
Threat (unknown person)	-	--	--	--	-	-	32	114	--	93	239
Others ( Economic, Social , Environmental etc.)	54	310	24	97	66	115	06	222	17	46	957
<b>TOTAL</b>	<b>816</b>	<b>700</b>	<b>692</b>	<b>237</b>	<b>163</b>	<b>480</b>	<b>182</b>	<b>2862</b>	<b>328</b>	<b>625</b>	<b>7075</b>

## ———— CHAPTER 5 ————

# **HRCSL CO-OPERATION WITH CIVIL SOCIETY ORGANIZATIONS AND MEMBERS**

## HRCSL CO-OPERATION WITH CIVIL SOCIETY ORGANIZATIONS AND MEMBERS

Civil Society Organizations play a key role to protect and promote human rights in the country. Some civil society organizations address specific human rights issues and some are very common. Civil society organizations have strong net work with grass root level people. They act as the voice of these people. Some advocate and guide the people to get appropriate remedies. Some organizations provide financial and technical assistance to overcome situations. Some civil society organizations work closely with the Commission and some not. Civil society co-operation with HRCSL is one criteria noted by the ICC for the grading. The Commission considers this matter and makes strategies to work closely with civil society organizations and members.

The Commission arranged civil society consultative meetings to strengthen the activities of HRCSL and make its activities fruitful to the society. The first meeting was held on 22.01.2009 at the Sri Lanka Foundation Institute with the patronage of Mr. Bafiq, Acting Chairman of HRCSL, Secretary, Additional secretary (Legal), senior officials of HRCSL, Regional Coordinators, representatives of civil society organizations and other invited professionals and academics. At this meeting the following issues were discussed. The necessity of amendment of the HRCSL Act, non implementation of recommendations, time bar to make complaints to the Commission etc. A committee was appointed to continue the consultation meetings regularly. The Centre for study of Human Rights, Rights Now, Right to life, Movement for Defense of Democratic Rights, Women in need and People's Alliance For Free and Fare Election became the members of the Committee. Also Director - Investigations and Inquiries was appointed as the convener to the Committee.

The second meeting was held on 30.03.2009 at HRCSL head office. The meeting was headed by the Secretary of HRCSL and all the committee members and a National Human Rights officer from the UN team participated at this meeting. At this meeting the following issues were discussed; Build up trust in the Commission among the public, a fast track method on arrest of Human Rights activists, HRCSL web site, and open invitation to civil society organizations to work with HRCSL etc. Accordingly an open invitation was published in the papers. There were 21 civil society organizations responding to it. A further fast track method was implemented and quick action taken in relation to human rights violations of human rights defenders and activists.

The last meeting for the year was conducted on 09.06.2009 at HRCSL head office. It was to share the report on the visit of HRCSL officials to Vanni welfare centers.

In addition, regional level civil society meetings were organized to strengthen the regional co -operation of civil society with HRCSL.



———— **CHAPTER 6** ————  
**FOREIGN FUNDED PROJECTS**

# FOREIGN FUNDED PROJECTS

## 6.00 Overview

During this year only one project namely the National Protection and Durable Solution for Internally Displaced Persons Project was handled by the Commission. The project has been continuing since 2002. This project mainly focuses on internally displaced persons (IDPs). UNHCR funded this project.

### 6.01 Protection and Monitoring

Human rights monitoring missions were conducted to IDP camps and resettled areas with the objective of providing relief and redress. 276 visits were done at Anuradhapura, Puttlam, Vavuniya, Jaffna, Batticaloa, Trincomalee and Mannar districts. Out of this 28 visits were done combined with NGOs and 41 visits with SPIs /RIs. 15 village profiling was done at Jaffna, Batticaloa, Trincomalee, Puttlam, Vavuniya and Anuradhapura. The Project received 844 complaints and 707 complaints were disposed of by providing relief and redress. In addition, 305 complaints received in the course of previous years were also disposed of. 1899 legal consultations were made at the office and in the field.

### 6.02 Studies

A study on reconciliation in the Sri Lankan context was done. Pilot projects were initiated in Eachchalnappattu in Trincomalee and Allaipiddi in Jaffna districts. Studies on Durable Solutions for Second Generation IDPs and another study on Protection of Extremely Vulnerable Groups in Disaster were carried out and findings were lobbied at the forums of relevant stakeholders. A study on availability of services of Child Rights Promotional Officers in the East was done and the appropriate authorities advised to appoint CRPOs.

A study on Compensation for Victims of Elephant Attacks in Batticaloa district was done and findings were lobbied at government authorities. 71 victims got benefited, the circulars were translated into local language and Tamil speaking officers were appointed.

The Project conducted a study on NEHRP Housing Compensation scheme and housing rights of returnees based on the complaints which were received by the project in 2007 and 2008. Recommendations were given to relevant authorities. Based on these recommendations NGOs are allowed to work for housing in the areas where NEHRP operates. NEHRP itself changed the selection criteria.

Addressing the protection demands, the project studied the Laws in practice relating to Rehabilitation of Surrendeers and as a result of sharing findings with relevant stakeholders, 77 detainees benefited in many ways.

The project facilitated the Mediation Board Commission to establish a Mediation Board in Eachchilampattu division in Trincomalee and advocated and facilitated the officials of Mannar and Vavuniya to establish Mediation Boards.

Early Childhood Development Policy and the Charter for an Authority for Eastern Province were drafted and submitted to the Eastern Province education authorities for further development and implementation. A study was done to identify the requirement of establishment of a Sri Lanka Foreign Employment Bureau (SLFEB) in the North and East and findings lobbied at the SLFEB. A Training Center was established in Batticaloa at an initial stage.

A study was done on availability of service of a Consumer Affairs Authority in Puttlam and the findings were lobbied. An officer was appointed based on the recommendations which were given by the project. Following the recommendation of the study done by the project, the Consumer Affairs Authority regional office was established in April at Vavuniya, A Regional office of the Department of Registrar General was established in Eachchilampattu DS Office based on the recommendation made by the project

### **6.03 Facilitations**

The project also acted as a facilitator in promoting services to the community, such as Consumer Affairs Authority, Registrar General's Department, Department of Probation and Childcare etc. The Project sensitized the Private Sector to help IDPs in upgrading their lives in Trincomalee. As a result the Creativity Action Unit of the British School in Colombo donated school bags for 60 students of Karukamunai GTMS School in Eachchilampattu.

A pilot programme was done on Ending Displaced Action Plan in Anuradhapura by selecting 3 villages and a village profiling was done to find durable solutions for Wanathawilluwa IDPs in Puttlam. The Service of Cashew Corporation, Palmyra Development Board, Department of Agrarian Services, Coconut Cultivation Board and Department of Social Services were promoted among 525 IDPs and returnees, through 21 promotional programmes in the regions.

### **6.04 Services of Remedial Institutions**

Remedial Institution Coordination meetings were held in Anuradhapura, Batticaloa, Trincomalee, Jaffna and Puttalam. Issues and problems were lobbied to obtain immediate solutions 651 IDPs and Host Community Villagers were benefited through 17 promotional programmes held on Services of remedial Institutions in regions.

### **6.05 Coordination**

The project participated in 111 Protection meetings. They were; Puttlam (36), Batticaloa (31), Vavuniya (09), Trincomalee (19) and Jaffna (19). The project also conducted 6 SGBV Coordination Meetings in Puttlam, 02 programs were conducted to make government officers aware of SGBV prevention and the project provided remedies for 04 victims of SGBV. Participatory assessment was conducted in Wanathawilluwa, Puttlam to find out root causes of SGBV. 07 coordination meetings were held with members of NGOs in Trincomalee, Vavuniya and Batticaloa.

## 6.06 Training Programmes

TOT was conducted for Military officers including 41 Commissioned and 21 Non Commissioned officers. The module of ToT mainly consisted of Human Rights, International Humanitarian Law, and Domestic Laws. Training was for a duration of two to three days at Maduruoya, Jaffna, Trincomalee, Welikanda, Minneriya, Panagoda, Colombo and Kandy on Human Rights, Domestic Laws and Fundamental Rights. 617 military officers were trained, which included 164 Commissioned officers, 307 Non Commissioned officers and 146 Young Cadet Officers, together with 605 officers from the Army, 06 officers from the Air Force and 06 officers from the Police. These numbers consisted of 546 male officers and 71 lady officers. 63 Special Task Force (STF) officers were also trained on the same subjects.

269 Government officers were trained on right based approach through 9 programmes in Puttlam, Batticaloa, Vavuniya, Jaffna and Trincomalee. 133 members of Local Government Authorities were trained in Batticaloa for a duration of two-days. 110 Child Rights Promotional Officers including 58 males and 52 females were trained in Vavuniya and Batticaloa on International and domestic legal instruments which are related to child rights,

7 training programmes were conducted in Puttlam, Trincomalee, Batticaloa, Jaffna and Vavuniya and 211 NGO staff were trained on Human Rights, Fundamental Rights, prevention of domestic violence and rights based disaster response approach. 03 advanced training programmes on human rights were carried out in Anuradhapura, Trincomalee and Puttlam districts for the staff of NGOs on the same subjects.

175 Human Rights Defenders (Vavuniya [36], Mannar [37], Trincomalee [30], Batticaloa [38], Jaffna [34]) were trained on 11 human rights topics in a period of 07 months. 2117 (699 Male and 1418 Female) IDPs and Host Community Villagers were made aware, on Human Rights, Fundamental Rights, Child and Women's Rights, Prevention of Domestic Violence and SGBV and obtaining services from various government organizations. 60 programmes were conducted in all the regions.

———— CHAPTER 7 ————  
**ADMINISTRATION AND FINANCE**

# ADMINISTRATION AND FINANCE

## 7.00 Overview

Action was taken to complete the requirements on restructuring of the Commission. The National Salaries and Cadre Commission was consulted frequently and the requirements were assessed. Action was taken to obtain approval for the payment of additional 25% to the permanent staff based on the present salary.

## 7.01 Appropriation Account for the Year 2009

	TOTAL Jan- Dec 2009
Opening Balance	
<b>Government Contribution:</b>	
Recurrent	103,415,193.42
Capital	1,966,061.00
<b>Total Receipt</b>	<b>105,381,254.42</b>
<b>PERSONNEL EMOLUMENTS</b>	<b>66,235,749.78</b>
<b>TRAVELING EXPENSES</b>	<b>714,550.60</b>
<b>SUPPLIES</b>	<b>4,278,012.04</b>
<b>MAINTENANCE EXPENDITURE</b>	<b>2,496,636.98</b>
<b>SERVICES</b>	<b>23,045,893.66</b>
<b>REHAB. &amp; IMPR. OF CAPITAL ASSETS</b>	<b>195,750.00</b>
<b>ACQUISITION OF CAPITAL ASSETS</b>	<b>1,326,445.08</b>
<b>CAPACITY BUILDING</b>	<b>249,125.00</b>
<b>OTHER CAPITAL EXPENDITURE</b>	<b>141,061.00</b>
<b>TOTAL</b>	<b>98,683,224.14</b>