



**2010**  
**ANNUAL REPORT**  
of the  
**Human Rights Commission of Sri Lanka**

This report is submitted to fulfill the requirement of section 30 of the Human Rights Commission of Sri Lanka Act No. 21 of 1996



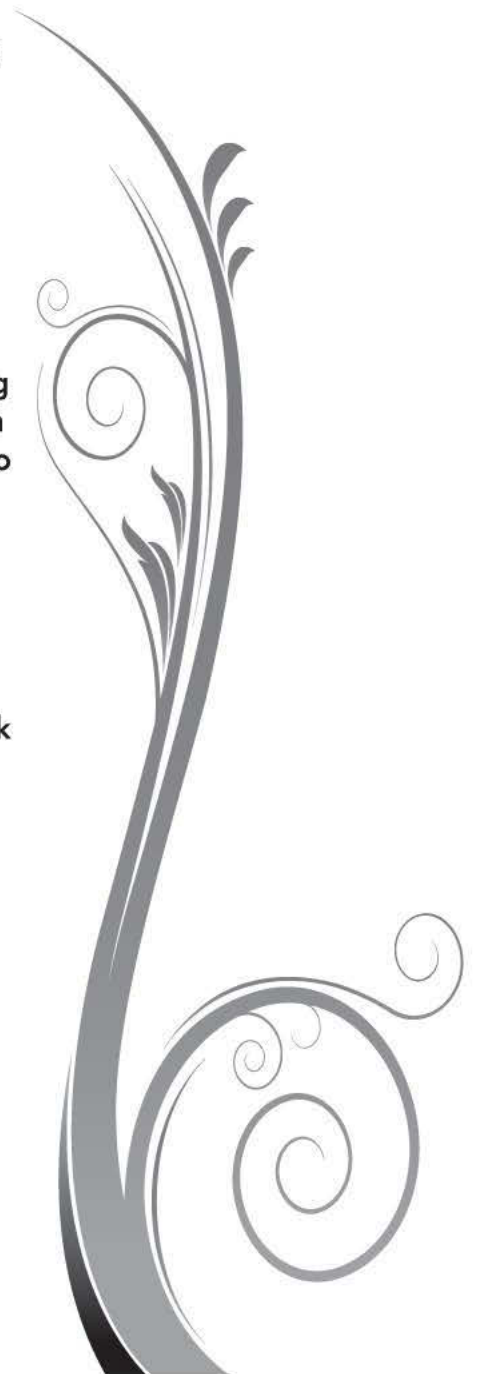
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## **VISION**

Is to ensure human rights for all, and promote and protect the rule of law.

## **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 co operation of all stakeholders that work towards protecting and promoting human rights for all.



## **MANDAT**

**As set out in the Human Rights Commission Act No. 21 of 1996, the Commission is with the mandate to;**

- i. 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:
- ii. 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;
- iii. Advise and assist the government in formulating legislation and administrative directives and procedures, in furtherance of , the promotion and protection of fundamental rights;
- iv. 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;
- v. 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
- vi. Promote awareness of, and provide education in relation to, human rights;
- vii. Investigate, any infringement or imminent infringement of fundamental rights in accordance with the provisions of the HRCSL Act;
- viii. Appoint such number of sub-committees at Provincial level, as it considers necessary to exercise powers of the Commission to be delegated to them, by the Commission, under the HRCSL Act;
- ix. Intervene in any proceedings relating to the infringement or imminent infringement of fundamental rights, pending before any court, with the permission of such court;
- x. 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 recommendation as may be necessary for improving their conditions of detention.
- xi. Take such steps as it may be directed to take by the Supreme Court, in respect of any matter referred to the Commission by the Supreme Court;
- xii. Undertake research into, and promote awareness of, human rights, by conducting programmes, seminars and workshops and to disseminate and distribute the results of such research;
- xiii. Award in its absolute discretion to an aggrieved person or a person acting on behalf of an aggrieved person, such sum of money as is sufficient to meet the expenses that may have

been reasonably incurred by him in making a complaint to the Commission under section 14 of the HRCSL Act;

- xiv. 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;
- xv. The Commission may, on its own motion or, on a complaint made to it by an aggrieved person or group of persons or person acting on behalf of an aggrieved person or a group of persons, investigate an allegation of the infringement or imminent infringement of a fundamental right of such person or group of persons caused by executive or administrative action, or as a result of an act which constitutes an offence under the Prevention of Terrorism Act, 1979, committed by any person;
- xvi. Any person authorized by the Commission in writing may enter at any time, any place of detention, police station, prison or any other place in which any person is detained by a judicial order or otherwise, and make such examination therein or make such inquiries from any person found therein, as may be necessary to ascertain the conditions of detention of the persons detained therein.
- xvii. Do all such things as are necessary or conducive to the discharge of the HRCSL's functions.

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## **COMPOSITION OF THE COMMISSION**

Not appointed

## **Statement from the present Chairman of the Human Rights Commission of Sri Lanka**

It is with pleasure that I present to you the Annual Report for the year 2010 of the Human Rights Commission of Sri Lanka.

The report is submitted as required under the provisions of the Human Rights Commission of Sri Lanka Act No.21 of 1996.

During the entirety of the year 2010 the Chairman and Members of the Human Rights Commission had not been appointed. Hence, the Commission carried out its work under the direction of the Secretary to the Commission supported by the Senior Management staff. The Commission's day to day activities for the protection and promotion of human rights were carried out by the four Divisions of the Commission namely, the Inquiries and Investigations Division, the Monitoring and Review Division, the Education and Special Programmes Division and the Administration and Finance Division. However recommendations granting relief to complainants in fundamental rights cases had not been issued in the absence of the members of the Commission. The ten Regional Offices of the Human Rights Commission of Sri Lanka in Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee and Vavuniya, headed by Regional Co-ordinators too carried out their functions under the guidance of the Secretary and the Senior Management staff of the Commission. In addition, the Human Rights Commission acting under the powers vested in it by the Human Rights Commission of Sri Lanka Act carried out special activities such as monitoring both the Presidential and the General Elections which took place during the year under review.

The long drawn out civil conflict in the country having come to an end during the preceding year saw the year 2010 as an year of relative peace in the country with less human rights violations than before. This was most welcome by the HRC.

I extend my grateful thanks to the UN Agencies, INGOs and Civil Society Organizations for their support towards the Commission's activities during this period.

I express our commitment to our goal, the protection and promotion of human rights of all.

Justice Priyantha R P Perera  
Chairman  
Human Rights Commission of Sri Lanka





## Chapter One

### **General Information on the HRCSL**

The Sri Lanka Human Rights Commission derives its powers from the 18th amendment to the 1978 Constitution and the Human Rights Commission of Sri Lanka Act No.21 of 1996, and is the only institution charged with protection and promotion of human rights in Sri Lanka. The Act combined the functions of two preceding institutions – the Commission for the Elimination of Discrimination and Monitoring of Human Rights (CEDMHR) and the Human Rights task Force (HRTF).

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

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

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

# Human Rights Commission of Sri Lanka

## Observation Report

The Human Rights Commission issued an observation report to the Ministry of Defence, Public Security, Law and order signed by the Secretary, Human Rights Commission on the arrest and detention of 2010 defeated presidential candidate Sarath Fonseka.

The legal basis for such an intervention was the empowerment in Commission of powers in terms of section 11(d) of the 1996 Human Rights Commission Act No 21, which states where a person detained under a court order or otherwise, the Commission can make regular inspections and monitor the welfare of that person detained and make recommendations as may be necessary for improving their conditions of detention. The observation team lead by the Commission recorded statements from the detainee and the officers of Military Police.

## Observations:

The Sri Lanka Human rights Commission made the following observations of defeated Presidential candidate in Colombo Prison on 2010.02.23.

### **Detention situation**

Recommended to maintain international standards guaranteed under UN Standard Minimum Rules for the Treatment of Prisoners when a person is detained.

### **Light and natural air**

Recommended to provide facilities of adequate lighting and natural air.

### **Relation with outside world**

Recommended to maintain relationships with outside world and to meet relations and guests to receive information under the supervision of prison authorities

### **Health facilities**

Recommended to refer the detainee to a judicial medical officer to obtain health facilities and treatment when required.

This document was signed by the Secretary, Additional Secretary (Legal) and Director Investigations and Inquiries on 2010.02.23

## Chapter Two

### Divisions of the HRCSL

The Commission comprised of four functional Divisions each headed by a Director. The mandate and activities of each Division in the year 2010 are outlined in the following section.

#### 2.1 Investigations and Inquiries Division

The Investigations and Inquiries Division received 4205 complaints of human rights violations in 2010. Out of the total complaints received during the year 2010, 2832 were within the mandate of the HRC and 1373 not within the mandate of the HRCSL (Cannot Proceed)

##### 2.1.1 Registration of Complaints

As in the previous year the Commission maintained an orderly system for the receipt and registering of complaints at Head Office and Regional centers. After receiving the complaints the Commission looked into the accessibility of the matters and decided the next step to be taken.

##### 2.1.2 Categorization of Complaints

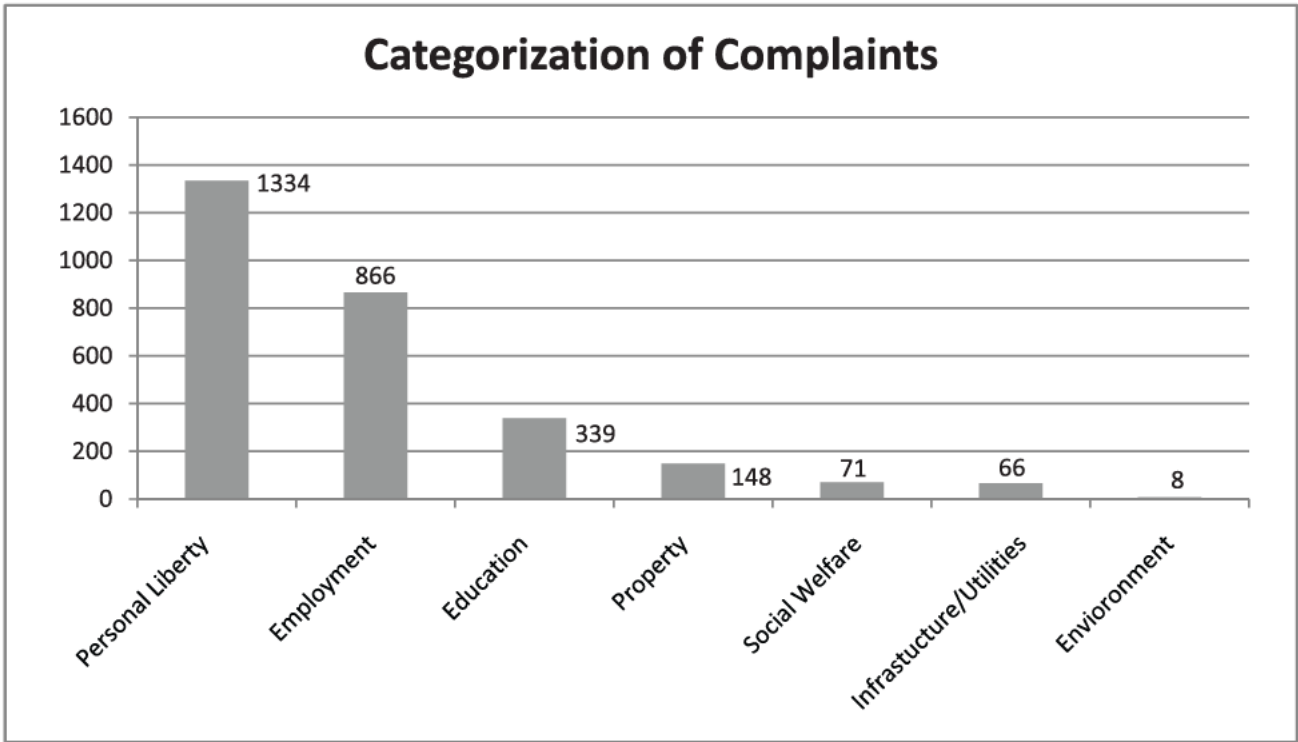
###### ➤ Personal Liberty

I.	Torture	-	361
II.	Harassment	-	241
III.	Arrest/Detention	-	308
IV.	Detention Conditions	-	07
V.	Extra Judicial Killing	-	03
VI.	Death In Custody	-	08
VII.	Missing Persons	-	67
VIII.	Abduction	-	02
IX.	Inaction Complaints	-	337

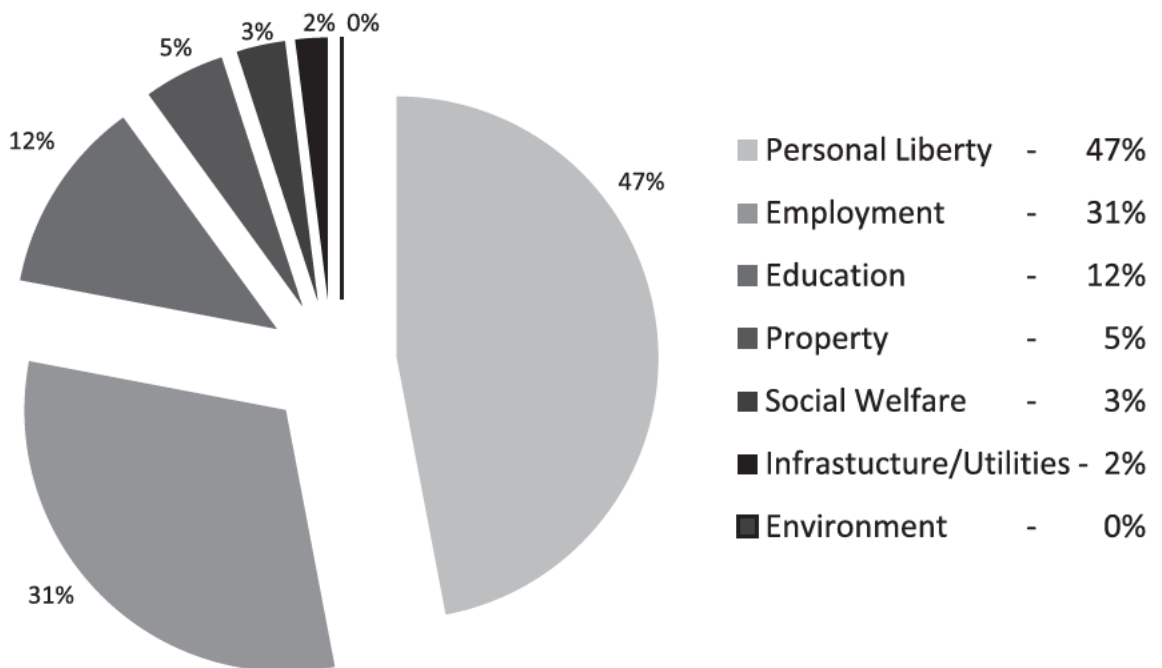
###### ➤ Employment

I.	Recruitment	-	85
II.	Retirement	-	08
III.	Employee Benefit	-	59
IV.	Promotion	-	112
V.	Service Extension	-	10
VI.	Service Condition	-	149
VII.	Quarters	-	01
VIII.	Transfers	-	149
IX.	Termination	-	66
X.	Interdiction	-	56

	XI.	EPF	-	31
	XII.	Salary	-	47
	XIII.	Pension	-	93
➤	<b>Education</b>			
	I.	Admission to Popular Schools	-	256
	II.	University Admission	-	05
	III.	Education Premises	-	03
	IV.	Degree	-	01
	V.	Diploma	-	02
	VI.	Certificates Matter	-	14
	VII.	Disciplinary Matters Of Students	-	47
	VIII.	Examination	-	06
	IX.	Election to Students Council	-	02
	X.	Sports Suspension	-	01
	XI.	Sports Selection	-	01
	XII.	Postal	-	01
➤	<b>Property</b>			
	I.	Land Matters/Property Matter	-	107
	II.	Compensation	-	32
	III.	Permits/Tenders	-	09
➤	<b>Social Welfate</b>			
	I.	Farmers Welfate	-	16
	II.	Samurdhi Economic Welfare	-	06
	III.	Insurance (Solid Welfare)	-	04
	IV.			
	V.			
	VI.	Migrant Workers Rights	-	18
	VII.	Religion	-	03
	VIII.	Freedom of Expression	-	06
	IX.	Intellectual Property Rights	-	01
➤	<b>Infrastructure / Utilities</b>			
	I.	Water	-	13
	II.	Road	-	19
	III.	Electricity	-	34
➤	<b>Environment</b>			
	I.	Public Nuisance	-	07
	II.	Air Pollution	-	01



### Categorization of Complaints



#### 2.1.3 Duty Officers – Receiving Complaints

Officers were scheduled to hear complainants at the Human Rights Commission to give proper advice and listen to victims. The duty officers attend to 20 to 30 complainants during office hours per a day .

#### 2.1.4 Decide the Accessibility of Complaints and Preliminary Investigation

The second stage of the complaint is to decide whether cases can be proceeded with and conduct preliminary investigations such as calling for reports/hearing petitioners/calling for observations/scrutinizing/ sending summons initially.

### 2.1.5 Maintain a Database on Complaints

A data base is maintained by the Division to identify the nature of the case, details of petitions and Respondents, trace a file or name of the inquiry officer and the stage of the case.

### 2.1.6 Referrals of Complaints to other Institutions

HRCSL refer cases which do not come under the purview of the Commission to other institution such as the National Child Protection Authority, Language Commission, and Commissioner of labour and Legal Aid Commission.

### 2.1.7 Conduct Investigations and Inquiries

The Commission is empowered with powers to facilitate parties for conciliation and mediation.

The Commission conducts inquiries and investigations and makes recommendations if fundamental rights violations are disclosed. Further the Commission gives directives to relevant authorities to correct the situation when the inquiry discloses that the correct action has not been taken.

Regional Offices conduct preliminary investigations / inquiries into complaints referred by the Head office or complaints directly filed at the Regional Office and forward the inquiry reports to the Head Office.

In addition the Commission undertakes investigations and inquiries on its own motion.

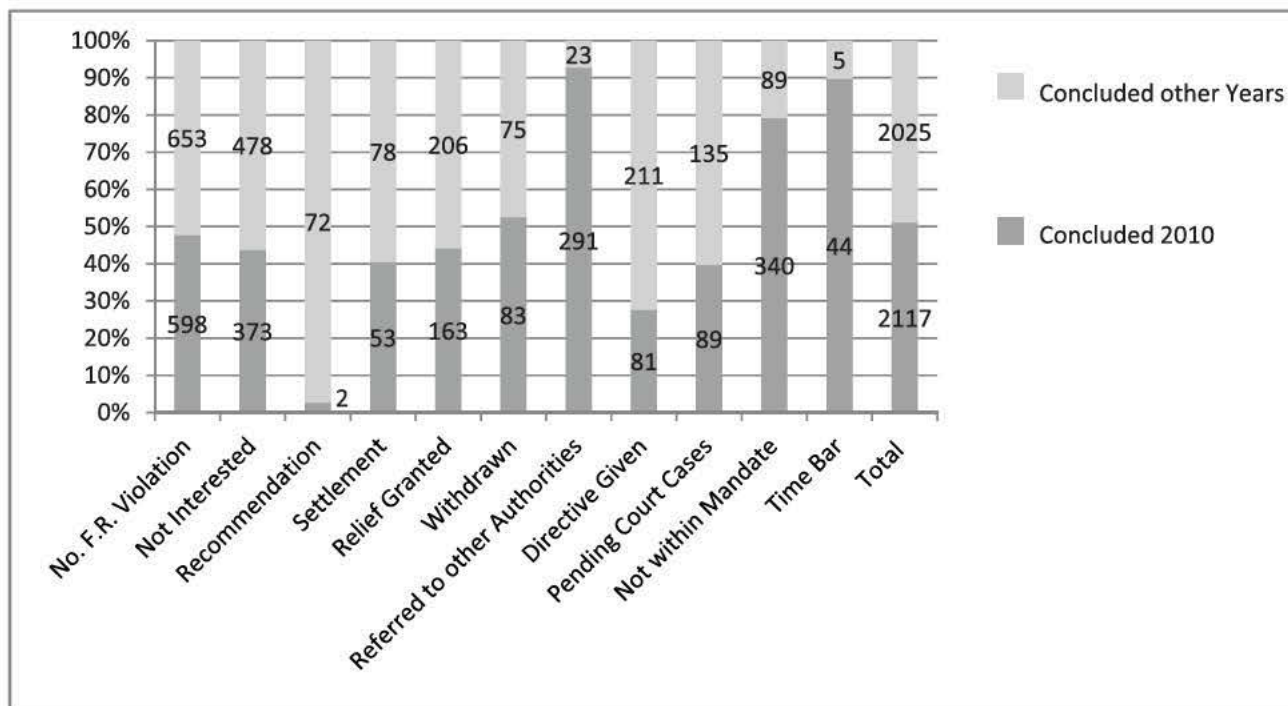
HRCSL does not intervene in matters which are pending before courts of law.

### 2.1.8 Conclusion of the Cases

Statistics regarding the outcome of the complaints handled by the Commission can be depicted as follows

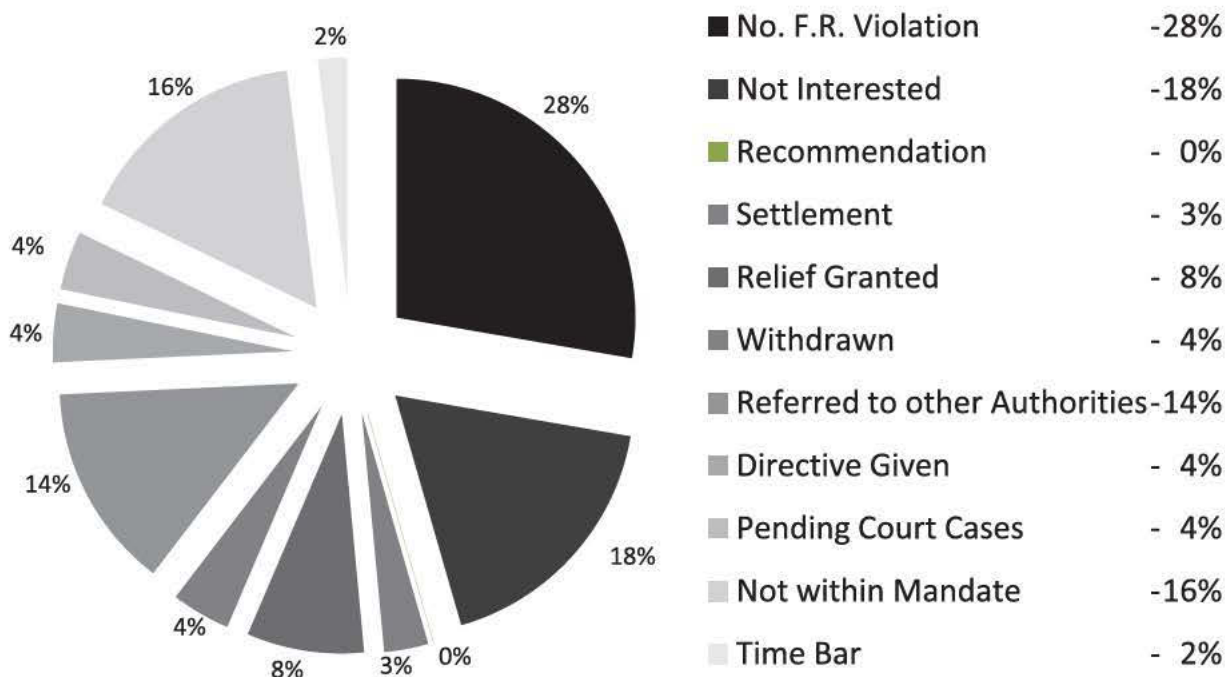
<b>Categorization of the concluded cases</b>	<b>Concluded 2010</b>	<b>Concluded from other Years</b>	<b>Total</b>
No. F.R. Violation	598	653	1251
Not Interested	373	478	851
Recommendation	2	72	74
Settlement	53	78	131
Relief Granted	163	206	369
Withdrawn	83	75	158
Referred to other Authorities	291	23	314
Directive Given	81	211	292
Pending Court Cases	89	135	224
Not within Mandate	340	89	429
Time Bar	44	5	49
<b>Total</b>	<b>2117</b>	<b>2025</b>	<b>4142</b>

## Categorization of the concluded cases



## Distribution of Concluded cases 2010 (2117 total completed)

### Concluded 2010



## 2.1.9 Special consultation with Elections Commissioner

Presidential election and General election of Sri Lanka took place during this period and HRCSL monitored both elections generally and independently. HRCSL had different level discussions with the office of the Elections Commissioner to ensure voting rights of internally displaced persons. HRCSL highlighted the importance of transportation for IDP's to their polling centers. Elections Commissioner responded to the Commission on this, explaining the steps and mechanism developed by his office to ensure voting rights of IDP's.

Further to that a discussion was conducted on the guidelines issued by the Elections Commission to the media. Parties from the media and the Elections Commissioner's office were summoned and the HRCSL opened the forum for the parties to come to agreeable terms with State Media.

### **2.1.10 Follow ups to Recommendations**

During the period of 2010 HRCSL continued follow ups to recommendations by way of calling for reports from the respondent parties and summoned them in certain matters.

### **2.1.11 Appeals (Petitioners / Respondents)**

Requests for reconsideration of recommendations issued by HRCSL are received by way of appeal. Then the Commission decides to conduct further inquiry / withdrawal of recommendation / or follow up on the case. Such matters were also continued during this year.

### **2.1.12 Visiting Mechanism**

The Commission undertook visits to Police Stations, Prisons, Detention Centers and special Visits to Mirihana Detention Center where illegal migrants/ non Sri Lankans are detained. HRCSL made several interventions to improve the conditions of non Sri Lankan detainees.

HRCSL visited the main opposition presidential candidate and former Army Commander who was at the Navy camp under military custody. It further inspected the condition, place of detention and his treatment in custody and issued an observation report to the secretary, Ministry of Defense.

### **2.1.13 Police Station Visits (General / Regular Visits)**

All the police stations are covered by way of officers' visits from Head Office and Regional Offices.

The objective of police station visits is 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 commit these violations through the relevant statutory agencies, to coordinate and act in collaboration with other relevant government and non- governmental institutions in order to combat incidents of torture. There is a 24-hours desk with hotline facility and it receives many complaints on torture, illegal arrest and detention etc. When the Commission makes sudden, surprise visits and investigations, the officers do follow- ups on the ongoing cases too.

For the convenience of scheduling visits the Commission has prepared a route wise schedule and as per the schedule there are nearly about 400 police stations all over the country. Investigating officers of Head Office visit nearly 159 police stations and all other police stations are covered by the 10 regional offices of HRCSL.

At the end of the (one-day) visit the officers are required to provide with a complete detailed report on each police station which consists of details of detainees, all important issues and conditions of cells. HRCSL intervened in matters connected to administration of justice such as delay in producing detainees before Magistrate Courts.

The HRCSL makes special visits to Terrorist Investigation Division (TID) and to Criminal Investigation Division (CID) which are under the authority of the Department Of Police.



## **Common issues identified in Police Visits**

- Delay in producing suspects before courts
- Overcrowding of the cells
- In some police stations there are no proper sanitary conditions in cells
- Assault in custody
- Arrest without prior investigation
- A lot of suspects are taken into custody on suspicion, but the police officers are not in a position to explain the offence/ crime that the detainees are suspected

### **2.1.14 Visits to Prisons**

A once a month visit is made to Prisons and on request further visits are made. The Commission observed matters such as right to health, meeting relatives and internal security. Some issues were addressed on the spot and with consultation with authorities the situations were changed then and there.

### **2.1.15 Hotline Service**

Officers were engaged in 24 hours hot line service and the public contacted the Commission through the hot line. For a couple of months this service was not available after office hours due to internal administration. Immediate actions were taken on arrest and detention through contacting relevant authorities.

### **2.1.16 Registration 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 held in custody or detention is released or transferred to another place of detention, this too should be informed to the Commission. The Commission maintains a Registry for detention orders and 1329 detention orders have been registered for the year 2010.

## **2.2 Monitoring & Review Division**

The Monitoring and Review Division is tasked with fulfilling responsibilities given to the Commission under the establishment Act. The preliminary directive of the Division is to monitor the status of human rights in the country. In order to fulfill this mandate the Division is required to plan prioritized programmes for ascertaining consistency with fundamental rights provisions of the Constitution and international human rights norms and standards responsible for its execution on approval by the Commission for existing legislation. It should undertake continuing review of current and future Emergency Regulations for ascertaining consistency with the fundamental rights provisions of the Constitution and international human rights norms and report to the Commission with recommendations.

### **2.2.1 Report on Fact-Finding mission On Mirihana Foreign Citizen Centre**

The HRCSL special monitoring team visited the Mirihana Detention Center on 04.03.2010. The purpose of the visit was to observe the condition of the Detention Centre. The team met the OIC and interviewed detainees. The Mirihana Detention Center for Foreign Citizens belongs to the Department of Immigration & Emigration.

### 2.2.1.1 Recommendations

- The center should be relocated to another suitable place
- The Immigration and Emigration Department should pay more attention on foreign citizen detainees
- The Immigration and Emigration department should appoint an officer to take care of the detainees
- Immediate medical facility should be provided to those who need medical treatment
- Sanitation facilities should be improved immediately
- Immigration and Emigration department should accelerate the cases which were filed against them
- Food schedule should be changed according to the foreign citizens' food habits or should be improved by allocating money to them to prepare the meals
- Police officers bad behavior should be monitored by the superior officers who should advise them to maintain discipline
- All the officers related to foreign detainees in the Centre should be given fullest cooperation and the dignity of foreign citizens should be ensured.

### 2.2.2 Youthful Offenders Training School- Ambepussa

Officers from the Monitoring and Review Division conducted a special visit to Youthful Offenders Training School in Ambepussa on 23.04.2010 to monitor the overall situation of the institution. The team suggested the following for the well being of the inmates of the institution.

#### 2.2.2.1 Recommendations

- Identity card should be provided in order to avoid calling numbers
- Proper curriculum should be developed for three years
- Individual counseling should be provided
- Immediately take necessary action in respect of the high tension electric line to the dormitory
- Net should be fixed to window to facilitate ventilation
- Separate toilets should be built next to dormitory
- Children related news papers should be provided in addition to national news papers
- Toilet pit cover should be repaired
- Dining facilities should be provided to them such as providing porcelain plates and cups
- Government and non - governmental coordination should be developed
- Prison department should take necessary action to communicate with parents
- HRCSL guide line training should be provided to Ambepussa

### 2.2.3 Fact-Finding Mission on the African Origin Community in Puttalam District

The Monitoring and Review Division of the Human Rights Commission of Sri Lanka conducted a Fact –finding Mission on the African Origin Community in Puttalam District in 2010.

#### Population of Sirambbiadiya GN Division (615D)

Ethnicity	Year		
	2008	2009	2010
Sinhala	1810	1828	1848
Tamil	36	39	42
Café(African Origin Community)	56	58	62
Moors	06	08	08
Total	1908	1933	1960

Source: Data File, Sirambbiadiya GN Division (615D)

According to the Fact-finding Mission on African Origin Community the following areas were identified as main issues

1. The State needs to take steps to protect the ethnic identity of the community
2. Need to protect their present language
3. Take steps to protect Folk song

#### **2.2.4 Media Monitoring**

The Monitoring and Review Division did media monitoring regularly. A fact-finding mission at Palliyawatta and Battalangunduwa islands on the African Origin Community in Puttalam District and on Juvenile Justice Research at Jaffna and Gampaha are the examples for the successful media monitoring. In addition to the above , human rights violations at regional level were forwarded to the Regional Offices of HRCSL. Example Disabled Peoples Rights, ESC Rights, etc.,

#### **2.2.5 Surprise visits**

The Monitoring & Review Division continued its regular visits to Sethsevena State Elders Home, Mirigama, Methsevena State House of Detention, and Gangodawila & Youthful offenders' training school Ambepussa and reviewed the human rights situations of those homes.

### **2.3 Education and Special Programmes Division**

Section 10(1) (f) of the Human Rights Commission Act No. 21 of 1996 reads, "The function of the Commission inter alia shall be to promote awareness of, and provide education in relation to, human rights." This provision clearly indicates that education is one of the important functions of the Commission.

### 2.3.1 Educational Programmes Conducted by the HRCSL in the Year 2010

Region	Awareness programmes or training conducted	Target Group	Aims or intention of the training/ awareness raising
<b>Colombo</b>	Awareness		
	08.03.2010	Ruhunu Community Members	Awareness on the Human Rights Commission & Empowerment by Women
	22.05.2010	Union Leaders	Protecting Human Rights, Non corruption, Commitment for work
	15.06.2010	Nurses & Doctors of the Mental Hospital, Angoda	Human Rights, Health Rights
	21.06.2010	Excise Officers	Human Rights , Fundamental Rights
	12.08.2010	Police Officers, Gampaha	Human Rights, Fundamental Rights, Human right Commission of Sri Lanka
	12.11.2010	Staff of the Hospital Auditorium , Angoda	Human Rights Commission & Empowerment by Women
	<b>Training</b>		
	14.03.2010	Members of the Kurunegala Human Rights organization	Human Rights & Meditation
<b>Kandy</b>	Awareness		
	01.10.2010	School Children	Child Rights, Child Abuse
	02.11.2010	Rangers	Fundamental Rights
	02.11.2010	Students	Fundamental Rights
<b>A'radhapura</b>	Awareness		
	22.01.2010	Army Soldiers	Fundamental Rights, Powers & Functions of the Human Rights Commission
	12.02.2010	Army Instructors	Fundamental Rights, Powers & Functions of the Human Rights Commission
	29.04.2010	Staff of the Thamankaduwa AG Office	Fundamental Rights, Powers & Functions of the Human Rights Commission
	30.04.2010	Army Officers & Soldiers	Fundamental Rights, Powers & Functions of the Human Rights Commission
	07.05.2010	Army Officers & Soldiers Gajaba Regiment Saliyapura	Fundamental Rights, Powers & Functions of the Human Rights Commission
	10.05.2010	Army Officers & Soldiers Kalathawa Army Camp	Fundamental Rights, Powers & Functions of the Human Rights Commission
	04.06.2010	Army Officers & Soldiers	Fundamental Rights, Powers & Functions of the Human Rights Commission
	07.06.2010	Army Officers & Soldiers	Fundamental Rights, Powers & Functions of the Human Rights Commission
	25.10.2010	Army Officers & Soldiers	Fundamental Rights, Powers & Functions of the Human Rights Commission
	<b>Training</b>		
	23.09.2010	Army Officers	Fundamental Rights, Powers & Functions of the Human Rights Commission
	13.09.2010	Police Officers	Fundamental Rights, Powers & Functions of the Human Rights Commission
	15.09.2010	Army Officers	Fundamental Rights, Powers & Functions of the Human Rights Commission
<b>Kalmunai</b>	Awareness		
	23.09.2010	School Students	Children's Day – Child Rights & Child Abuse
	24.09.2010	School Students	Children's Day – Child Rights & Child Abuse
	28.09.2010	School Students	Children's Day – Child Rights & Child Abuse

	29.09.2010	School Students	Children's Day – Child Rights & Child Abuse
	01.10.2010	School Students	Children's Day – Child Rights & Child Abuse
	04.10.2010	School Students	Children's Day – Child Rights & Child Abuse
	06.10.2010	School Students	Children's Day – Child Rights & Child Abuse
	07.10.2010	School Students	Children's Day – Child Rights & Child Abuse
<b>Ampara</b>	Awareness		
	09.11.2010	Students	Details Not Available
	02.12.2010	Principal	Details Not Available
	03.12.2010	Students	Details Not Available
	06.12.2010	Young Groups	Details Not Available
<b>Batticaloa</b>	Awareness		
	30.08.2010	VCRMC Members	Violation of Children's Rights
	31.08.2010	VCRMC Members	Violation of Children's Rights
	23.09.2010	Community Members	Child Rights, Child Abuses
	28.09.2010	Community Members	Child Rights, Child Abuses
	26.10.2010	VCRMC Members	Violation of Children's Rights
	28.10.2010	VCRMC Members	Violation of Children's Rights
	23.11.2010	VCRMC Members	Child Rights Violation & Legal/Social Services
	24.11.2010	VCRMC Members	Child Rights Violation & Legal/Social Services
	14.12.2010	33 VCRMC Members	Awareness programme
	16.12.2010	33 VCRMC Members	Awareness programme
<b>Matara</b>	Awareness		
	03.06.2010	Youth cops	Human Rights, Fundamental Rights, Functions of the Commission & Internal Condition of the HR
	09.06.2010	Youth cops	Human Rights, Fundamental Rights, Functions of the Commission & Internal Condition of the HR
	07.07.2010	Youth cops	Human Rights, Fundamental Rights, Functions of the Commission & Internal Condition of the HR
	08.09.2010	Police Apprentices	Human Rights
	14.09.2010	Grama Niladhari Officers	Human Rights, Fundamental Rights
	13.10.2010	Police Apprentices	Human Rights
	24.11.2010	Youth cops	Human Rights, Fundamental Rights, Functions of the Commission & Internal Condition of the HR
<b>Badulla</b>	Awareness		
	19.03.2010	Young Team Leader of Estate	Human Rights, Fundamental Rights, Human Rights Commission of Sri Lanka
	20.03.2010	Young Team Leader of Estate	Human Rights, Fundamental Rights, Human Rights Commission of Sri Lanka
	30.03.2010	Rangers	Human Rights, Fundamental Rights, Human Rights Commission of Sri Lanka
	20.05.2010	Social Activist	Human Rights, Fundamental Rights, Human Rights Commission of Sri Lanka
	21.05.2010	Social Activist	Human Rights, Fundamental Rights, Human Rights Commission of Sri Lanka
	31.05.2010	Police Officers	Human Rights, Fundamental Rights, Human Rights Commission of Sri Lanka
	02.12.2010	Civil Society Members	Human Rights, Fundamental Rights, HRCSL
	03.12.2010	Civil Society Members	Human Rights, Fundamental Rights, HRCSL
	06.12.2010	Civil Society Members	Human Rights, Fundamental Rights, HRCSL
	14.12.2010	Civil Society Members	Human Rights, Fundamental Rights, HRCSL
<b>Jaffna</b>	Awareness		
<b>Vavuniya</b>	Awareness		
	15.07.2010	Civil Society	Discussion regarding HR issues
	13.11.2010	87 Grama Seva Niladharies	Awareness on HR court procedure & Administrative rules and regulations

## 2.4 Administration and Finance Division

### 2.4.1 Administration Section

The UNDP has donated four (04) Vehicles (imported on duty free condition) to the Human Rights Commission. Action was taken to transfer the ownership of these 04 vehicles and we paid eight million rupees as customs duties and other fees out of the budget allocation of the Commission.

Under The Restructure Programme the Department of Management Services has approved a cadre expansion for the Commission from 167 up to 195 on the recommendation of the Salaries & Cadre Commission.

The National Human Rights Day 2010 commemoration program was held at the Aunuradhapura Regional Office. Officers of all the regions participated in this programme.

“Dayata Kirula” Exhibition 2010 was held in Pallekelle, Kandy. An Exhibition stall was arranged and conducted successfully by the Commission under the Presidential Secretariat.

### 2.4.2 Finance Section

	<b>TOTAL</b> Jan-Dec 2010
Opening Balance	
<b>Government Contribution :</b>	
Recurrent	101,575,000.00
Capital ( Government Contribution)	9,800,000.00
Capital - Foreign Grant (UNFPA)	1,244,100.00
Other Receipts	768,477.80
<b>Total Receipts</b>	<b>113,387,577.80</b>
PERSONNEL EMOLUMENTS	67,739,401.46
TRAVELING EXPENSES	690,341.87
SUPPLIES	4,051,061.50
MAINTENANCE EXPENDITURE	2,427,040.40
SERVICES	23,992,081.62
REHAB. & IMPR. OF CAPITAL ASSETS	131,105.00
ACQUISITION OF CAPITAL ASSETS	9,394,642.85
CAPACITY BUILDING	184,550.00
OTHER CAPITAL EXPENDITURE	700,000.00
<b>TOTAL</b>	<b>109,310,224.70</b>

## 2.5 Foreign Training Obtained/Meetings Attended by the HRCSL staff in the Year 2010

No	Name & designation	Programme/Workshop/Meeting	Duration
1	Ms. Thusitha Samarasekera – Director (M & R)	International Speaker of the Conference “Violence against Children” in Kabul, Afghanistan	17.01.2010-19.01.2010
2	Mr. D.M.S.B. Dissanayake-(Project Manager (IDP Project)	APH-AHRC Workshop on the Universal Periodic Review (UPR) Mechanism in Sydney, Australia	02.03.2010 – 03.03.2010
3	Ms. Thusitha Samarasekera – Director (M & R)	Sub Regional Training Workshop on “National Human Rights Institutions and the International Human Rights System” in the Maldives	03.05.2010 - 03.06.2010
4	Mr.P.W. Chandrasiri-Regional Coordinator -Ampara		
5	Mr. T Kanagaraj – Regional Coordinator - Jaffna		
6	Ms. B.G.D.N. Munasinghe – Legal Assistant (I & I)		
7	Ms. R D N Priyadharshanie – Legal assistant (Matara R/O)		
8	Mr. M.R. Priyadharshana- Regional Coordinator - Vavuniya	Essentials of Humanitarian Negotiation workshop in Bangkok, Thailand	24.05.2010-28-05-2010
9	Ms S Rajapakse – Directress (E & S Programmes)	APF 15 <sup>th</sup> Annual General Meeting in Indonesia.	03.08.2010-05.08.2010
10	Ms S J Paranagama – Director (I&I)		
11	Mr. J M Foumi –Investigating Officer – (I&I)	Human Rights & migrant Workers Programme in Indonesia.	22.09.2010-26.09.2010
12	Mr. V D Sumanasekera – Regional Coordinator - Kandy	Regional consultation on NHRI and Civil Society Organization in Bangkok, Thailand	22.11.2010-23.11.2010

## 2.6 Local Training Obtained by the HRCSL staff in the Year 2010

No	Name & Designation	Programme/Workshop/Training	Duration
1	Mr. W M T R Alagoda – Clerk/ Typist (A&F)	CIGAS training	19.04.2010- 24.04.2010 and 26.04.2010
2	Miss B A Lathika -Typist (A&F)		
3	Mr W K D K Jayanthi Accounts clerk (A&F)		
4	Ms R L P Samaranayake –Clerk (A&F)	Training – Government payroll Management system	03.05.2010
5	Ms K Nirojah -Accounts Clerk (A&F)		
6	Ms W P G D Perera - Typist (A&F)		
7	Mr W K I T Perera –Driver (A&F)	Workshop –Scientific And Economical Driving of Motor Vehicle	23.05.2010
8	Mr M M Kumar - Driver (A&F)		
9	Mr P P K Rajapakse - Driver (A&F)		
10	Mr M J C Perera - Driver (A&F)		
11	Mr K A S K Kumara - Driver (A&F)		
12	Mr S S Gunasekara - Driver (A&F)		
13	Mr B A R bamunusinghe _ Director (A&F)	Programme – Gender	25.05.2010
14	Mr A M T H B Atapattu – Administration officer (A&F)	Sensitive Human Rights Management	
15	Mr W K I T Perera –Driver (A&F)	Workshop –Scientific And Economical Driving of Motor Vehicle	04.07.2010
16	Ms A C S De Silva _ Clerk (I & I)	Training Store Management	12.08.2010
17	Ms N J D Wijayawitha – Stenographer (A&F)	Workshop on “ Event Management”	08.11.2010 – 09.11.2010
18	Ms B I A S Yapa _ Personal Assistant (A&F)		
19	Ms K T Jeevanthi – Stenographer (E & S Programmes)		
20	Mr M A M Hilmi – Stenographer (A&F)	Training _ Public Officers advance Accounts Activities	06.12.2010- 07.12.2010
21	Mr S A L S Subasinghe _Accounts Clerk (A&F)		
22	Mr D H M T Karunaratne – Financial Assistant (A&F)		
23	Ms W P G D Perera – Typist (A&F)		
24	Ms B A L S Bamunusinghe – Typist (A&F)		



## Chapter Three

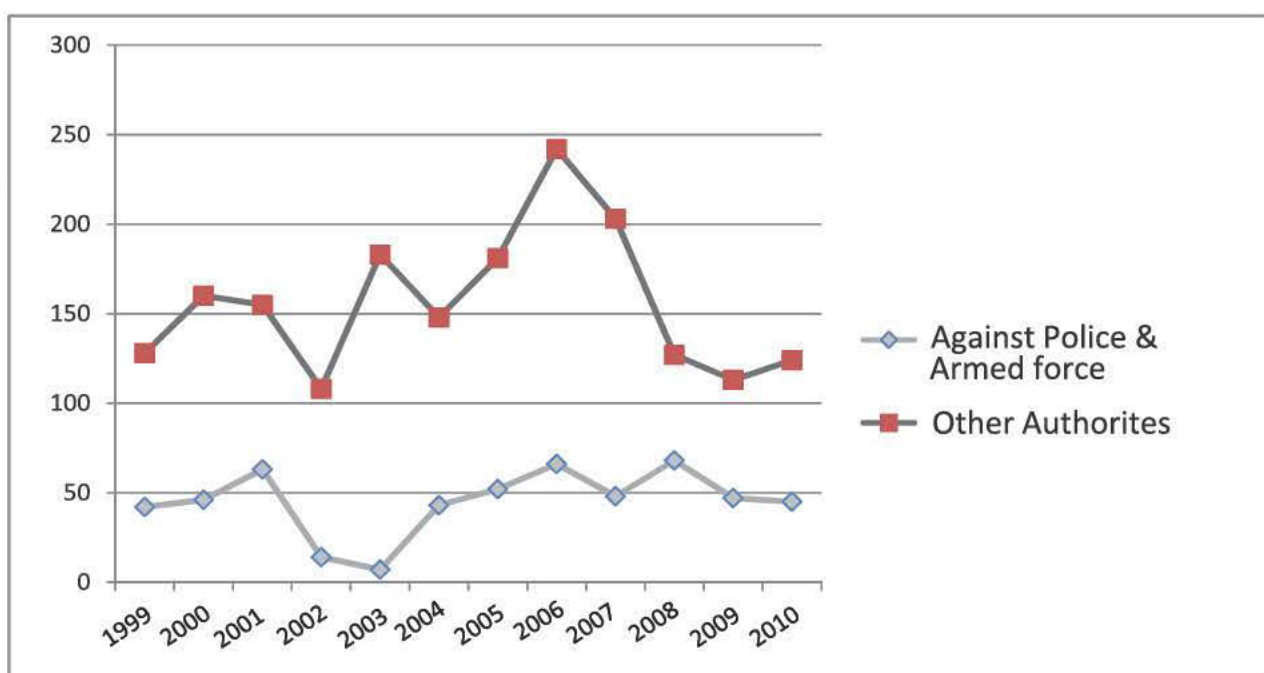
### Regional Offices of the HRCSL

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

#### 3.1 Regional Office – Ampara

##### Complaints 1999-2010

Year	Against Police & Armed forces	Other Authorizes	Total
1999	42	128	170
2000	46	160	206
2001	63	155	218
2002	14	108	122
2003	07	183	190
2004	43	148	191
2005	52	181	233
2006	66	242	308
2007	48	203	251
2008	68	127	195
2009	47	113	160
2010	45	124	169



## Complaints 2010

Total Complaints January to December	-	167
Categorization of complaints January	-	December
Torture	-	14
Inhuman Treatment (Harassment)	-	01
Arbitrary Arrest	-	02
Death in Custody	-	01
Discrimination/Arbitrary Action	-	34
Government Inaction	-	20
Recruitment	-	02
Promotion	-	04
Transfers	-	19
Service Extension	-	03
Retirement/Termination	-	01
Pension/EPF	-	02
School Admission	-	02
Others	-	58
Other Missing	-	06
Total	-	169

## Cases Disposed 2010

Disposed Case January to December	-	168
No Violation	-	33
Withdraw	-	21
Not Interested to Proceed	-	19
Found a settlement	-	50
Recommendation sent to Head office	-	17
Transfers to Kalmunai Office	-	09
Can't Proceed	-	07
Relief granted	-	12
Total	-	168

## Police Visits 2010

**Number of Police Station Visits - 27**

## Consultation

No. of persons who attended to the consultations (September to December 2010) is 580

## Education Programs 2010

No. of Education Programs January to December – 16

### Target Group

- ◆ Students
- ◆ Teachers and Parents
- ◆ Police Officers
- ◆ Government Officers
- ◆ Civilians
- ◆ NGO s

## Subject Area

- ✦ Human Rights and Fundamental Rights
- ✦ Child Rights
- ✦ Women's Rights
- ✦ Torture
- ✦ Trafficking

### 3.2 Regional Office – Anuradhapura

#### 4.2.1 Cases Received (this year and cases of previous years) Nature of complaints (Category) Regional Situation

The year 2010 started with 263 pending cases which were carried forward from year 2009. Also during the year 2010 the Regional Centre received 605 complaints from both Anuradhapura and Pollonnaruwa districts. According to that total number of 868 cases handled by the Centre, 595 cases were concluded during the year 2010. So the regional centre carries forward a total number of 273 cases to the year 2011.

#### Description of categories of received complaints received by the Regional office

Type	Sub Type	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
<b>Torture</b>	Assaults	03	02	03	05	05	03	06	07	05	07	04	08	<b>58</b>
<b>Harassment</b>	Threats	01	01	01	-	03	05	04	02	02	01	03	-	<b>23</b>
	Degrading Treatment	-	01	01	-	02	01	-	-	-	02	-	-	<b>07</b>
	Physical Mental Harassment	02	03	01	-	-	01	01	-	01	01	01	-	<b>11</b>
<b>Arrest/Detention</b>	Illegal arrest	03	05	04	03	05	02	03	02	06	06	06	06	<b>51</b>
	Illegal Detention	-	-	-	-	-	-	-	01	-	-	-	-	<b>01</b>
	Detention condition	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
<b>Missing Persons</b>		-	-	01	-	-	01	01	-	-	-	-	-	<b>03</b>
<b>Abduction</b>		-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
<b>Surrenders</b>		-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
<b>Death in Custody</b>		-	-	-	-	-	-	-	-	-	01	-	-	<b>01</b>
<b>Political Killing</b>		-	-	-	-	-	01	01	-	-	-	-	-	<b>02</b>
<b>Inactions Complaints</b>		11	16	09	13	17	10	16	09	11	10	10	06	<b>138</b>
<b>Employment</b>	Recruitments	-	-	-	-	01	-	-	01	-	01	-	-	<b>03</b>
	Promotions	01	01	07	01	=	01	02	-	01	01	01	02	<b>18</b>
	Service Conditions	-	-	01	-	-	-	-	01	01	-	01	01	<b>05</b>
	Transfers	02	04	04	01	02	04	04	03	02	01	01	-	<b>28</b>
	Termination	02	02	03	01	-	02	02	-	03	01	01	01	<b>18</b>
	Interdiction	-	-	-	01	01	03	05	01	-	-	-	03	<b>14</b>
	Extension	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
	EPF	-	01	-	-	-	01	-	-	-	-	-	-	<b>02</b>
	ETF	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
	Salary	03	-	01	-	-	-	01	-	-	01	01	02	<b>09</b>
Special Benefits	01	-	-	01	02	-	02	-	-	01	-	01	<b>08</b>	
<b>Pension</b>		04	02	-	01	-	01	01	-	02	01	01	-	<b>13</b>

## Redresses Provided

<b>No</b>	<b>Categorization of the conclusion of cases during the year 2010</b>	
1	No. of applications carried forward from last year (2009)	263
2	No. of applications received during 2010	605
<b>2.1</b>	<b>Total</b>	<b>868</b>
2.2	a. Settlement	84
	b. Sent to H/O for Recommendation	23
	c. Sent to H/O for further inquiries	23
	d. Referred to Mediators	44
	e. No. F.R	55
	f. Relief Granted	94
	g. Withdrawn	18
	h. Not Interested	113
	i. Closed	141
	No. of cases carried forward to This year (2011)	273

## **Library**

There is a regional library in the office and gradually its resources are being expanded and the capacity of the library is being improved with the help of Head office

## **Information Technology (I.T)**

- ◆ Internet and email facilities are available. It is an ADSL Line
- ◆ Data base is implemented in 2010

## **Media Exposures**

Celebrations of Special Days (women's day, children's day, HR day etc...)

## **International Human Rights Day**

- The HRCSL celebrated the International Human Rights Day 2010 with a national programme organized under the theme 'Speak up stop Discrimination'. Mr. Karunarathne Divulgane, Governor of the North Central Province was the chief guest at the event held at the Swarnapali Balika Vidyalaya, Anuradhapura. Mr. Berty Premalal Dissanayake, Chief Minister of the North Central Province and 700 other invitees from various other government and non-government institution participated in this event. Mr. Palitha Fernando, Additional Solicitor General delivered a special lecture during the celebrations.
- A number of institutions such as the Women's and Children's desk of the Police Department, Probation Department, Prison Welfare Department, Legal aid Commission as well as the HRCSL held an awareness exhibition featuring separate stalls during this occasion
- HRCSL released three publications as part of the day's programme. A booklet titled "Life with Dignity" comprising of details of Human Rights concepts and development as well as remedial institutions was released. The other two publications were on Disability Rights and Women's Rights. This programme was held on 10th December at Swarnapali Balika Vidyalaya, Anuradhapura

## **Special Conferences/ Workshops Attended/ Conducted/ facilitated**

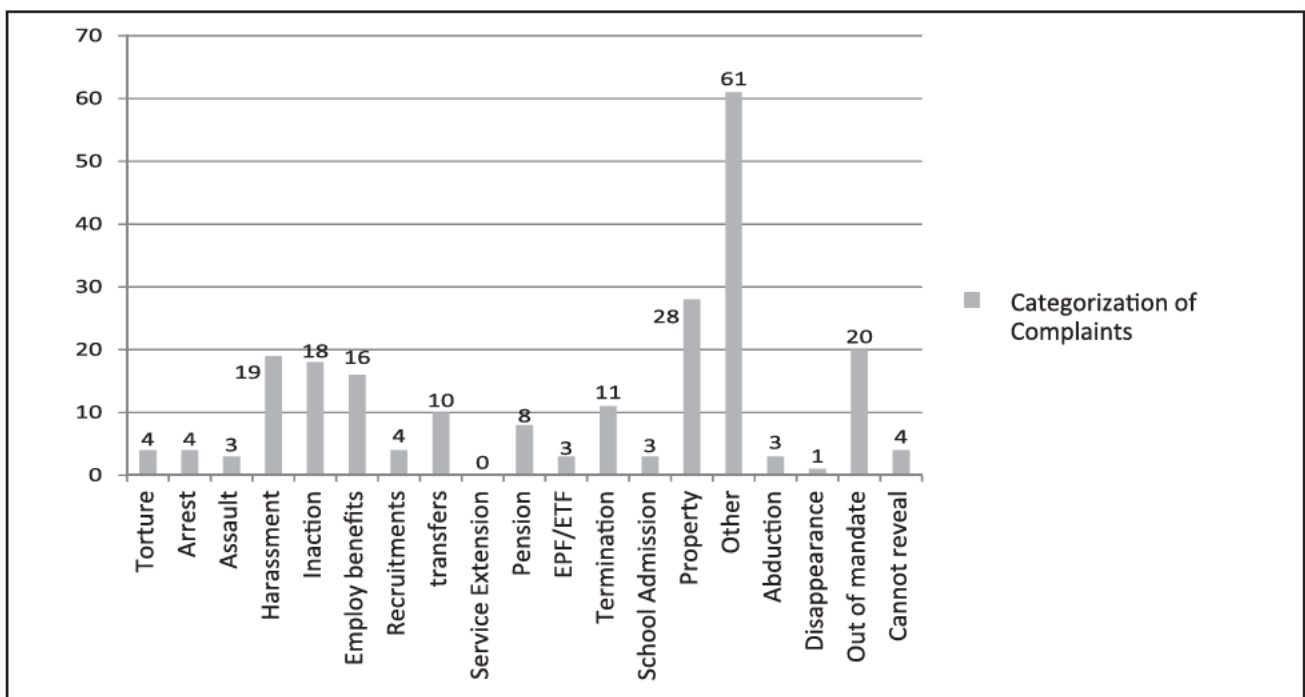
- Coordinating meeting and U.N agent discussion was held on 13th & 14th may 2010 at Wadduwa
- A consultation meeting was held to discuss the HRCSL Action plan 2011 on the 22nd of December 2010 at the Sri Lanka Foundation Institute Auditorium.

Ms C. Ellawala, Secretary, HRCSL, Directors and Regional Coordinators of the respective regions participated in the consultation meeting

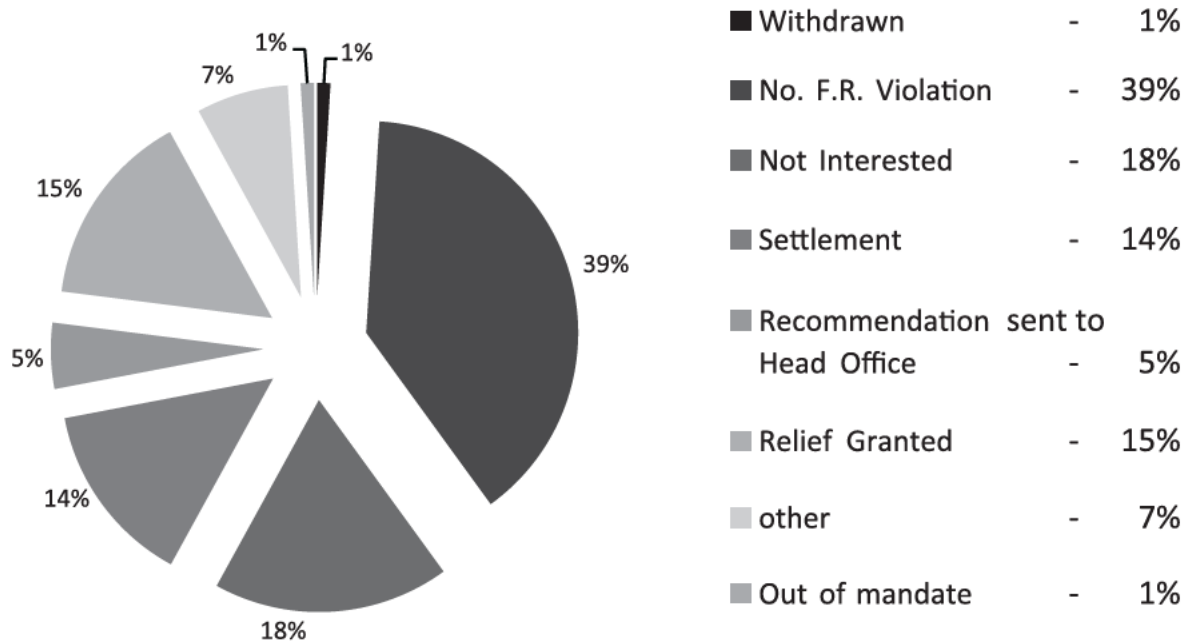
### 3.3 Regional Office – Badulla

#### Cases Received in 2010

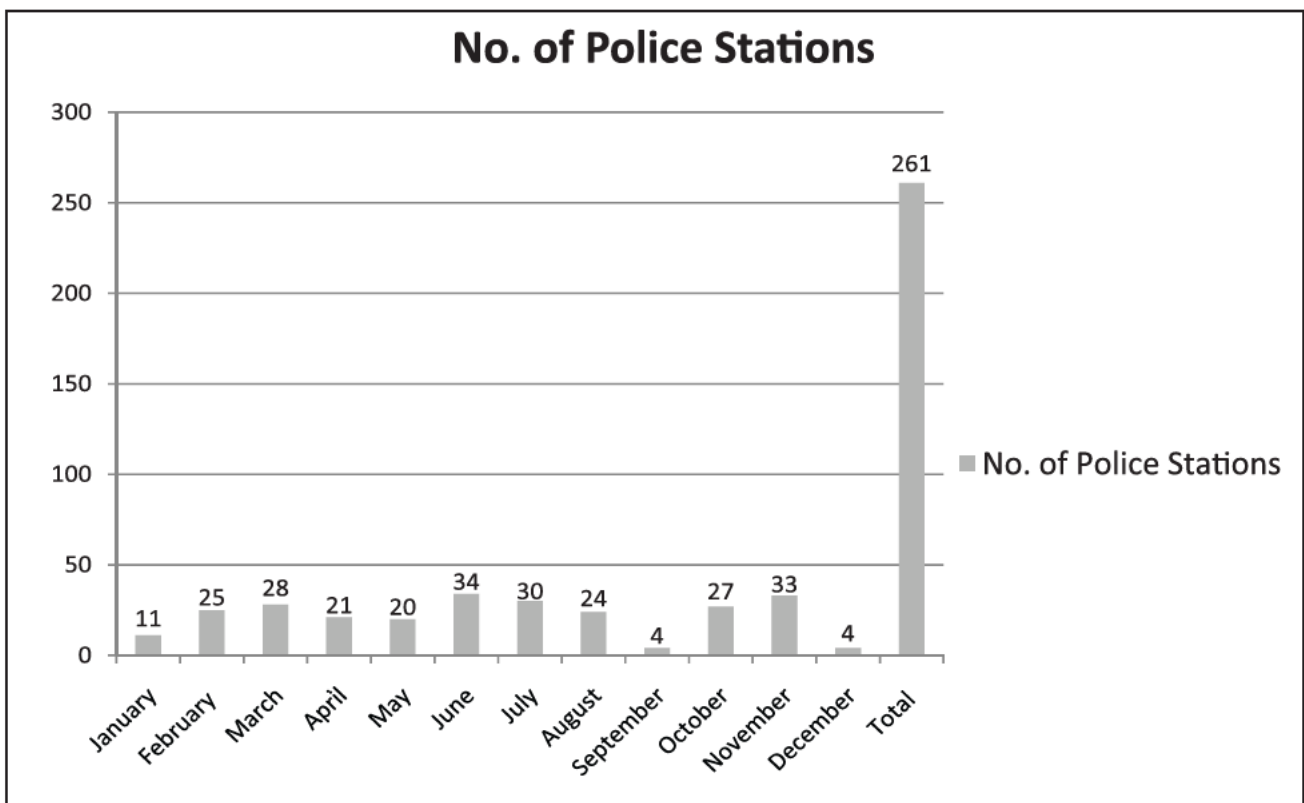
Category	Jan	Feb	Mar	Apr	May	June	July	Augu	Sep	Oct	Nov	Dec	Total
Torture	-	02	-	-	-	-	-	-	01	-	01	-	04
Arrest	-	-	-	-	-	-	-	-	02	-	01	01	04
Assault	-	-	-	-	-	-	-	-	01	-	-	02	03
Harassment	01	-	-	02	-	01	-	03	01	04	03	04	19
Inaction	-	-	-	-	-	-	-	-	02	07	02	07	18
Employ benefits	03	03	04	01	-	-	02	02	-	-	01	-	16
Recruitments	-	01	-	-	-	-	-	-	-	-	01	02	04
transfers	-	01	03	-	-	-	01	03	01	-	01	-	10
Service Extension	-	-	-	-	-	-	-	-	-	-	-	-	-
Pension	-	02	-	-	01	-	-	01	01	01	01	01	08
EPF/ETF	-	-	-	-	-	-	-	-	02	-	-	01	03
Termination	01	-	02	02	01	-	-	-	02	01	-	02	11
School Admission	-	01	01	-	-	-	-	-	01	-	-	-	03
Property	02	04	-	02	01	02	03	-	06	03	02	03	28
Other	07	05	04	07	03	13	05	11	01	02	01	02	61
Abduction	01	-	-	-	-	-	02	-	-	-	-	-	03
Disappearance	-	-	01	-	-	-	-	-	-	-	-	-	01
Out of mandate	-	02	02	01	05	04	02	02	01	01	-	-	20
Cannot reveal	-	01	-	01	01	-	-	01	-	-	-	-	04
<b>Total</b>	<b>15</b>	<b>22</b>	<b>17</b>	<b>16</b>	<b>12</b>	<b>20</b>	<b>15</b>	<b>23</b>	<b>22</b>	<b>19</b>	<b>14</b>	<b>25</b>	<b>220</b>



## Concluded Cases



## Police Station Visits



### 3.4 Regional Office – Batticaloa

The Batticaloa Regional Office received a total of 330 complaints during the period 1st January to 31st December 2010, most of which pertained to violations in respect of transfers, police inaction, promotions, compensation, school admissions, pension and land complaints

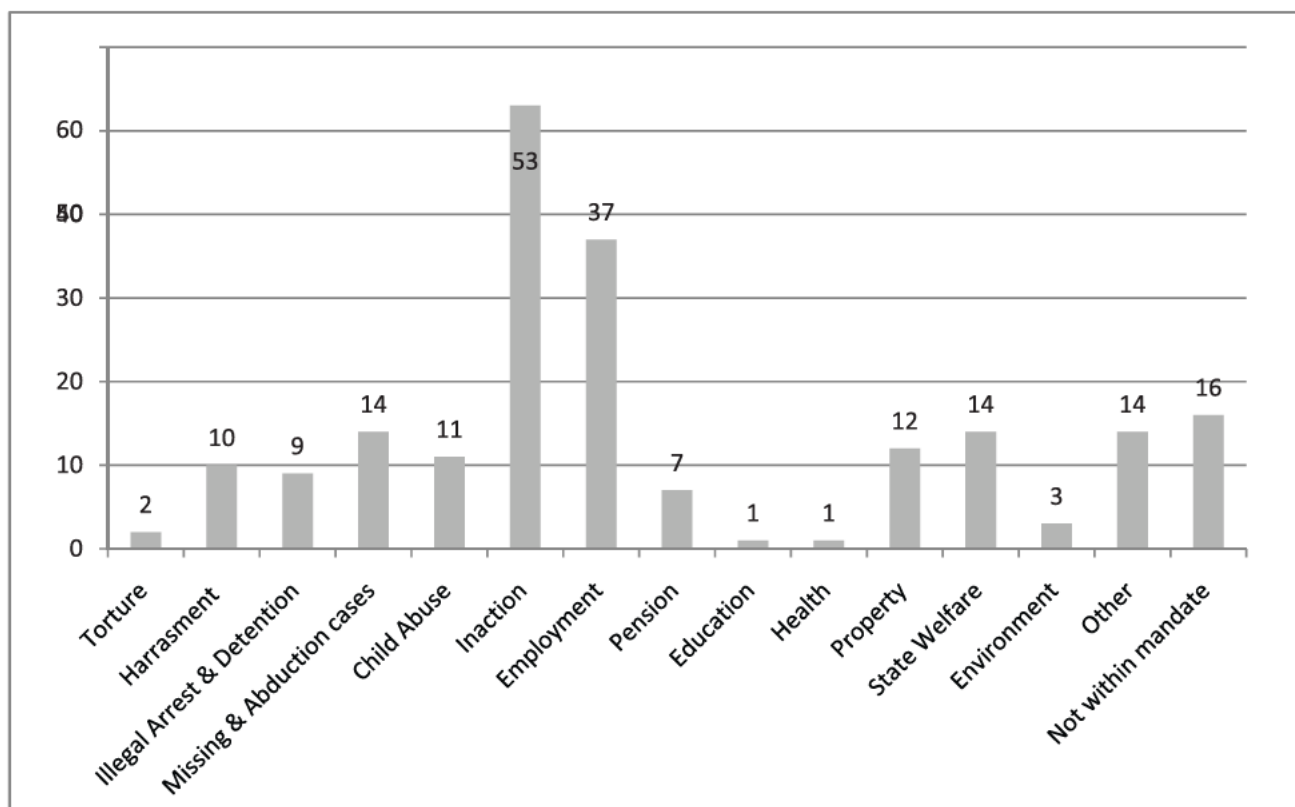
A total of 297 complaints were concluded in 2010.

In 2010 the office conducted 23 seminars, 16 workshops, 39 meetings and 6 celebrations.

### 3.5 Regional Office – Kalmunai

The Kalmunai Office received 204 complaints in 2010. 53 of the complaints fall under inaction category. 2 complaints were of torture. 10 of harassment, 9 of illegal arrest & detention, 14 of missing & abduction cases. 11 of child abuse. 37 of employment. 1 of education, 1 of health, 12 of property, 14 State welfare, 3 of environment, 14 of others 16 of not within the mandate

#### Complaint Distribution - Kalmunai



The office made 58 visits to police stations covering 8 Police Stations in the Amparadistrict. The office conducted 134 special awareness programmes , 37 workshops & 9 meetings with Government & Non Government Organization including DS office & Education Office

These meetings were conducted by HDO, UNDP & Sarvodaya

At all of these awareness programs, workshops & meetings the total number of Participants was 18528

#### Other Activities in 2010

The office held International Women’s Day/ International Child’s Day & meetings with Civil Society in relation to child rights. Special programs were held in all three languages on awareness of prevention of child abuse & child abuse network meetings were specially conducted.

In December 2010 the office held International Human Rights Day celebrations & similar 12 programs were conducted.

### 3.6 Regional Office – Jaffna

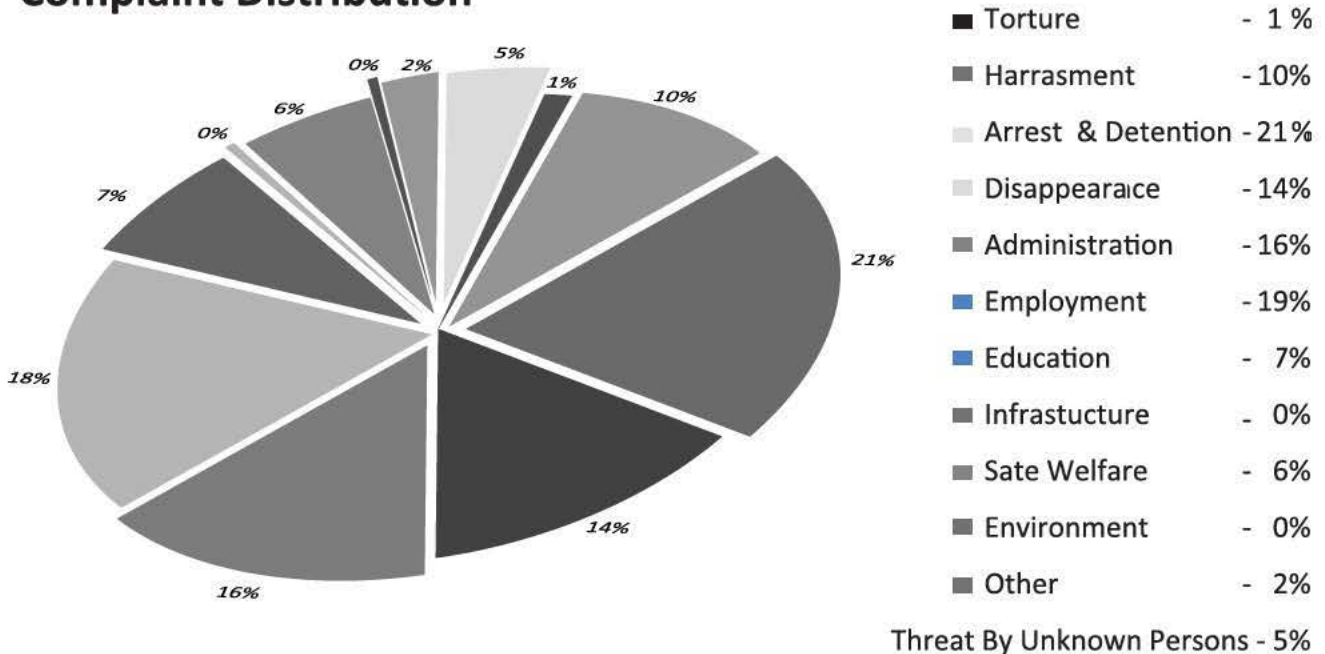
As at the end of 2010, The Regional Office in Jaffna received 243 complaints deemed to fall within its mandate. The fall in the number of complaints reported with the HRCSL in 2010 at



Regional Office, Jaffna is dominated by public sector employment for instance, transfers, promotions, confirmation of permanent position etc, school admission, and acts or omission of local government institution and officials.

Most of the complaints reported at the Regional Office were under the following categories such as torture, harassment, arrest and detention, inaction and employment related issues.

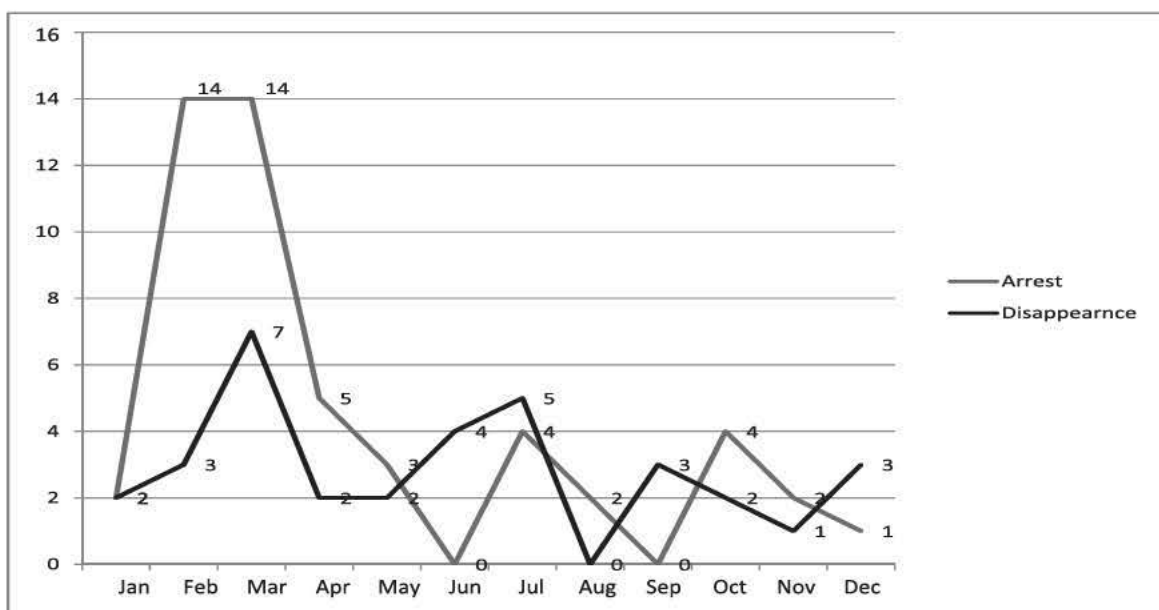
## Complaint Distribution



## Arrest and Disappearances

In 2010, 85 complaints were lodged at the Regional Office in relation to arrest (51) and disappearance (34). In 2009, reported complaints on Disappearance and Missing (56) and Arrest & Detention (35%) were 91. It shows a decrease in the lodged complaints on Disappearance and Missing by 22. The fall in the number of complaints lodged on Disappearance and Missing in 2010, is consistent with the prevailing human rights environment that has shown positive improvement in comparison to the preceding year 2009.

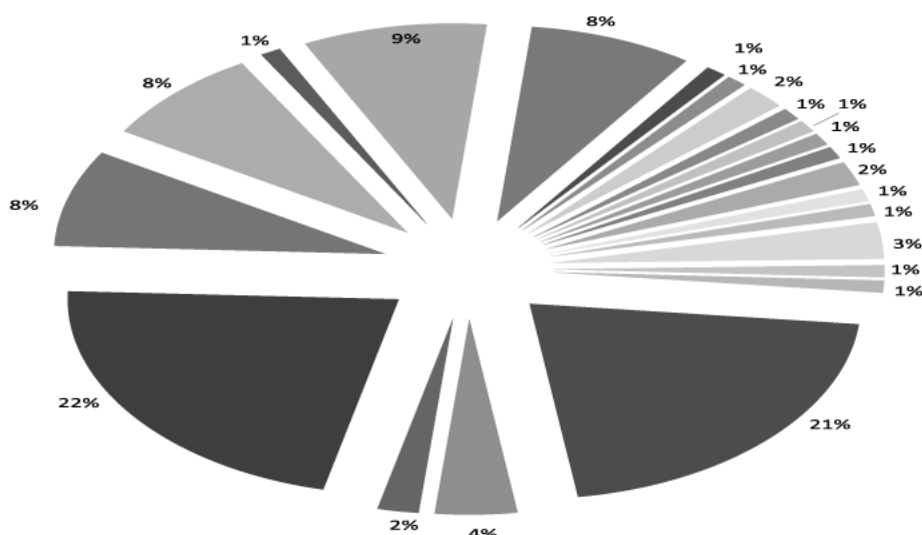
## Arrest & Disappearance



## Complaints against Government Institutions

In 2010, 150 petitions were reported at the Regional Office. All these complaints directly come under the HRCSL mandate. The case-load of the Commission's Regional Office of Jaffna in 2010 is dominated by complaints relating to Public Sector employment such as transfer, promotions, conformation of permanent employment, etc, school admission (by aggrieved parents), and the acts or omission of Local Government Institutions and officials. Most of the complaints received by the Regional Office apparently related to inaction of public officials, and where the complaint is often against another public servant.

### No of Complaints

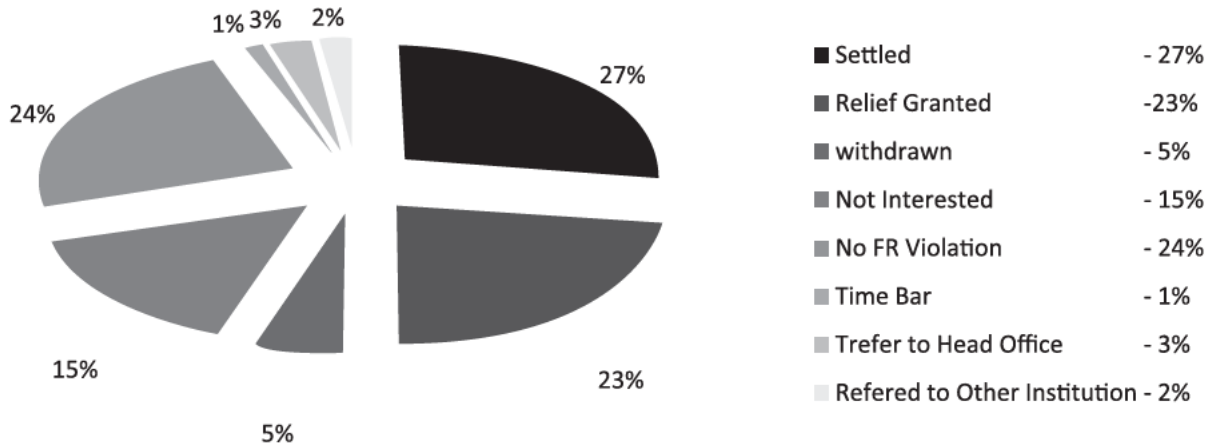


■ Education	- 21%
■ Health	- 4%
■ Co-operative	- 2%
■ Police	- 22%
■ District Secretariat	- 8%
■ Local Government	- 8%
■ RDA	- 1%
■ Security Forces	- 9%
■ Universities	- 9%
■ Technical College	- 1%
■ Central Government	- 1%
■ Postal Department	- 1%
■ CTB	- 1%
■ Pension Department	- 1%
■ Prisons	- 1%
■ Department of Irrigation	- 1%
■ Department of Labour	- 2%
■ Department of Telicommunication	- 1%
■ Department of Rural Development	- 1%
■ Provincial Council	- 3%

## Case Closure and Resolutions

As at the end of 2010, The Regional Office in Jaffna Received 243 complaints, out of which 100 complaints were concluded.

### No of Cases



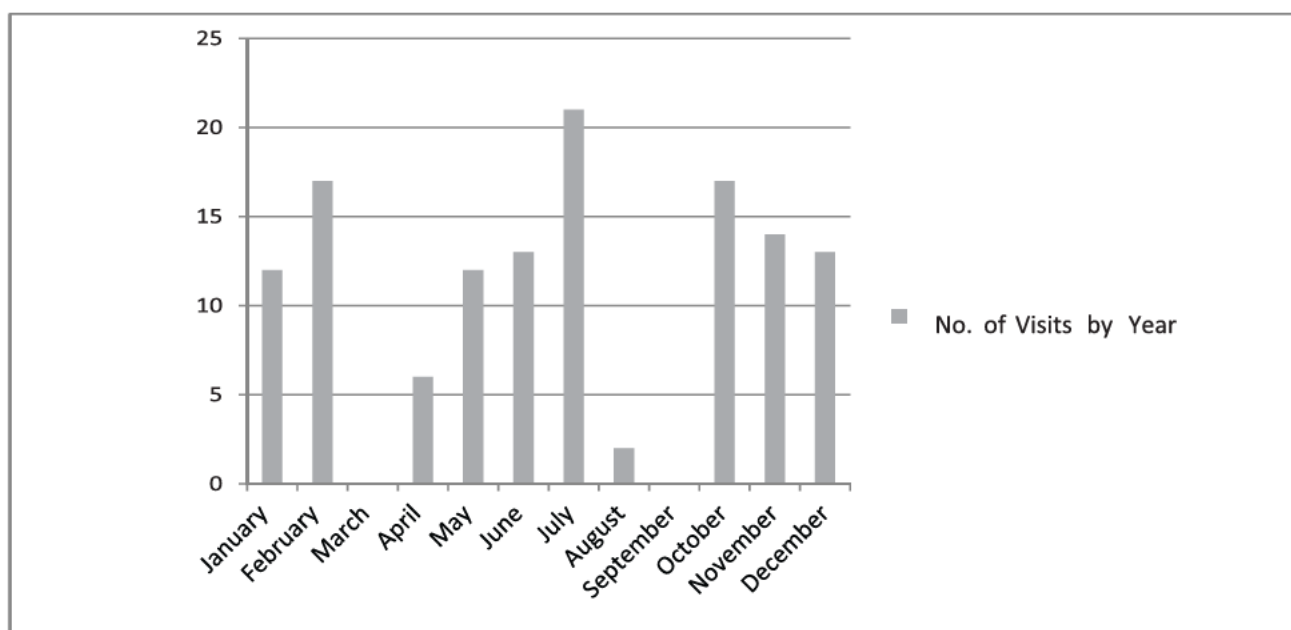
### Pro active and Reactive role of Regional Office Jaffna

The Regional Office executed monitoring visits in reducing and averting imminent infringement. Monitoring visits include Police Stations, Rehabilitation Centers, Prisons and etc.

### Monitoring visits in 2010

Visited Place	No. of Visits
Police Station	113
Prison	8
Rehabilitation	3
Other	3

### No. Of Visits in Year 2010



## Special Programmes

- Civil Society Coordination Meeting
- Human Rights Awareness Programmes for Government Servants
- Human Rights Awareness collaboration Programmes with other Institutions
- Child Rights Working Group Meetings
- IDPs Protection Meeting
- Human Rights Working Group Meeting
- Remedial Institutions Coordination Meeting

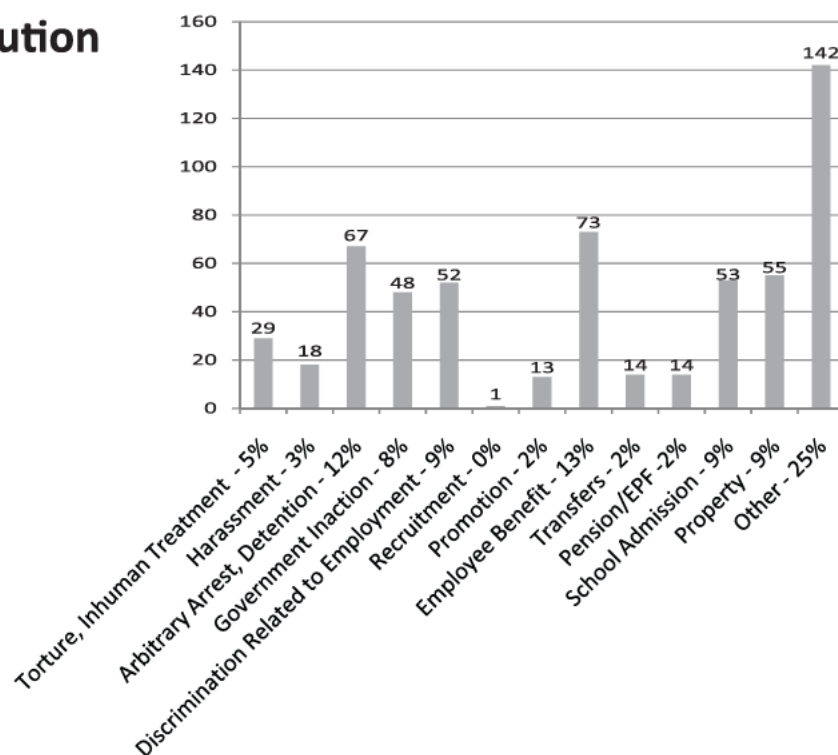
### 3.7 Regional Office – Kandy

#### Categorization of Complaints Received on Monthly Basis in 2010

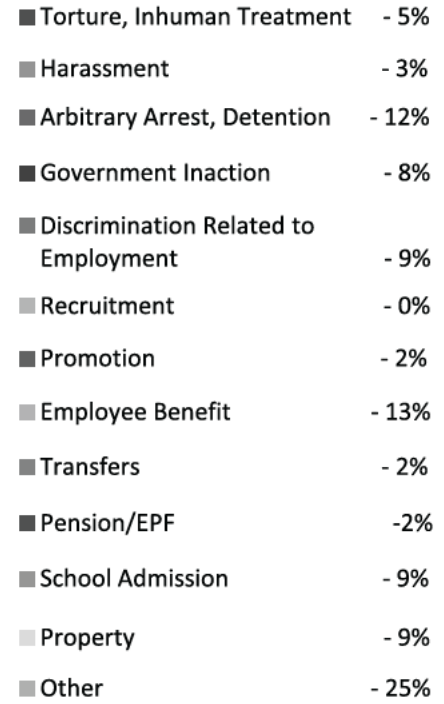
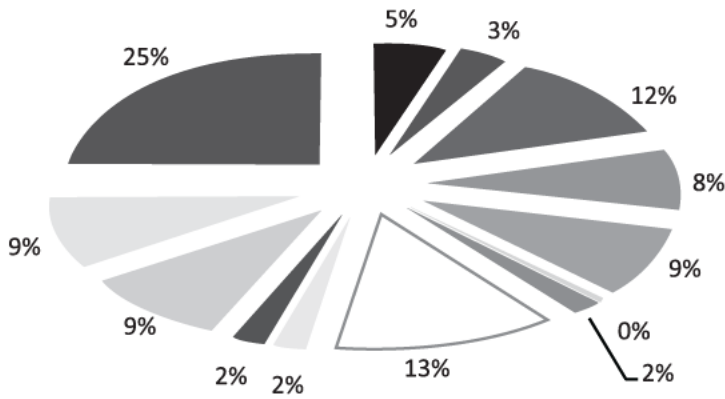
	Jan	Feb	Mar	Apr	May	June	July	Augu	Sep	Oct	Nov	Dec	Total
Torture, Inhuman Treatment	02	04	03	03	02	04	03	02	02	03	01	0	29
Harassment	01					05	07	01	02	01	01		18
Arbitrary Arrest, Detention	06	03	04	09		10	5	2	8	4	11	5	67
Government Inaction		03	01	01	01	07	12	02	04	06	06	05	48
Discrimination Related to Employment	02	02	08	15	01	12	05	02	02	02		01	52
Recruitment	01												01
Promotion		01	11	01									13
Employee Benefit	03	11	12	01	03	02	03	03	09	04	08	14	73
Transfers	01	04		02	02	01	01		01	01		01	14
Pension/EPF	01	04	01	02	01	02	01	01			01		14
School Admission	06	26	11	01	01				01			07	53
Property	05	04	05	01	02		01	07	05	07	04	14	55
Others	16	14	10	14	10	02	11	18	05	09	17	16	142
<b>Total</b>	<b>44</b>	<b>76</b>	<b>66</b>	<b>50</b>	<b>23</b>	<b>45</b>	<b>49</b>	<b>38</b>	<b>39</b>	<b>37</b>	<b>49</b>	<b>63</b>	<b>579</b>

#### Complaint Distribution

■ Complaint Distribution



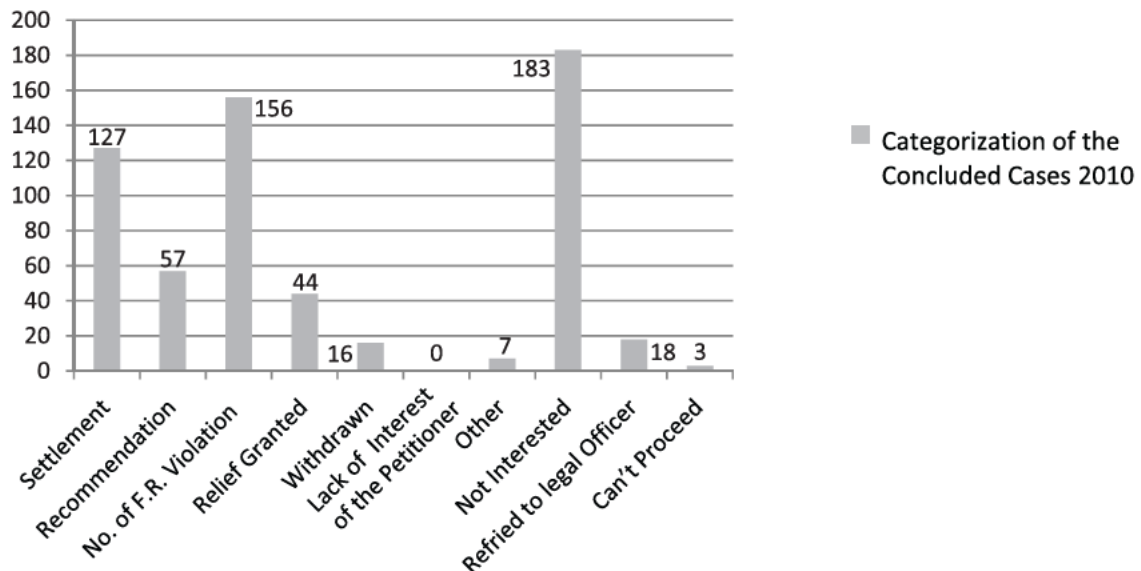
## Complaint Distribution



## Categorization of the Concluded Cases 2010

Category	Jan	Feb	Mar	Apr	May	June	July	Augu	Sep	Oct	Nov	Dec	Total
Settlement	15	08	14	04	07	12	03	17	14	15	12	06	127
Recommendation	-	09	14	12	04	04	06	03	-	-	04	01	57
No. of F.R. Violation	11	21	11	09	10	02	05	10	20	18	14	25	156
Relief Granted	02	04	03	08	01	02	01	05	07	03	05	03	44
Withdrawn	-	01	02	01	02	-	02	03	-	02	03	0	16
Lack Interest of the Petitioner	-	-	-	-	-	-	-	-	-	-	-	-	-
Others	-	-	-	02	02	01		01	01				07
Not Interested	20	20	11	11	15	21	8	8	17	13	22	17	183
Refried to legal Officer		5	13										18
Can't Proceed	-	-	-	-	-	-	-	-	-	-	02	01	03
<b>Total</b>	<b>48</b>	<b>68</b>	<b>68</b>	<b>47</b>	<b>41</b>	<b>42</b>	<b>25</b>	<b>47</b>	<b>59</b>	<b>51</b>	<b>62</b>	<b>53</b>	<b>611</b>

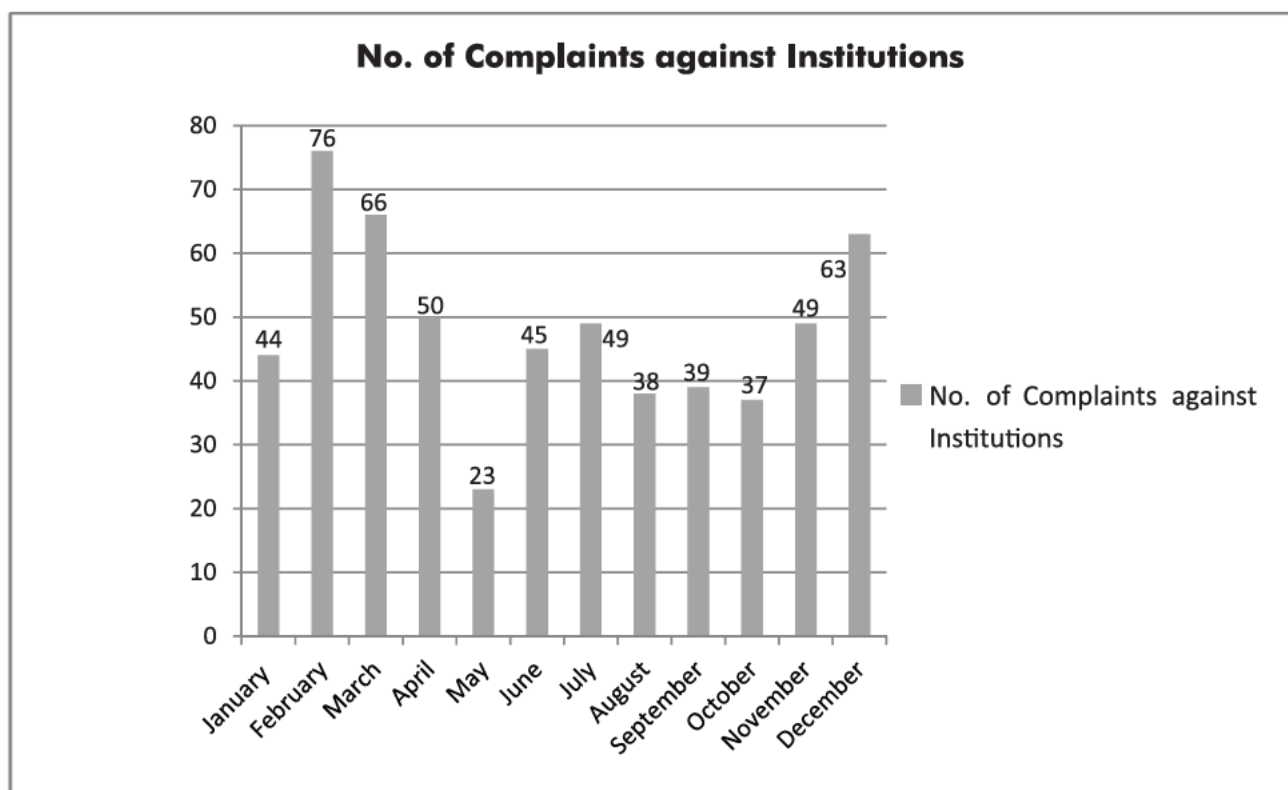
## Categorization of the Concluded Cases 2010



## Institutions against which complaints were received

Complaints received against various institutions such as Banks, Local Government, Environment Authorities, and Police Department etc are as follows

Month	No. of Complaints
January	44
February	76
March	66
April	50
May	23
June	45
July	49
August	38
September	39
October	37
November	49
December	63

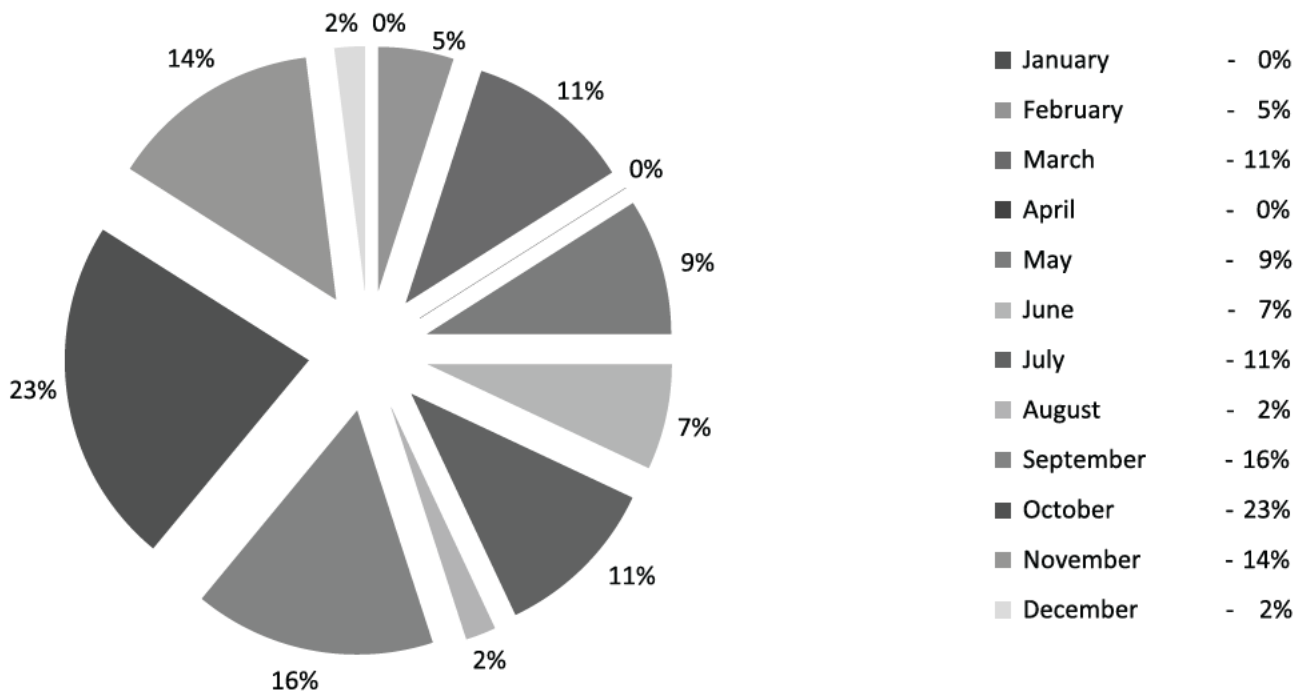


## Kandy Regional office visited 272 Police stations in 2010

Education/Training/Awareness/Special Programmes

Month	No. of Programs
January	0
February	3
March	6
April	0
May	5
June	4
July	6
August	1
September	9
October	13
November	8
December	1

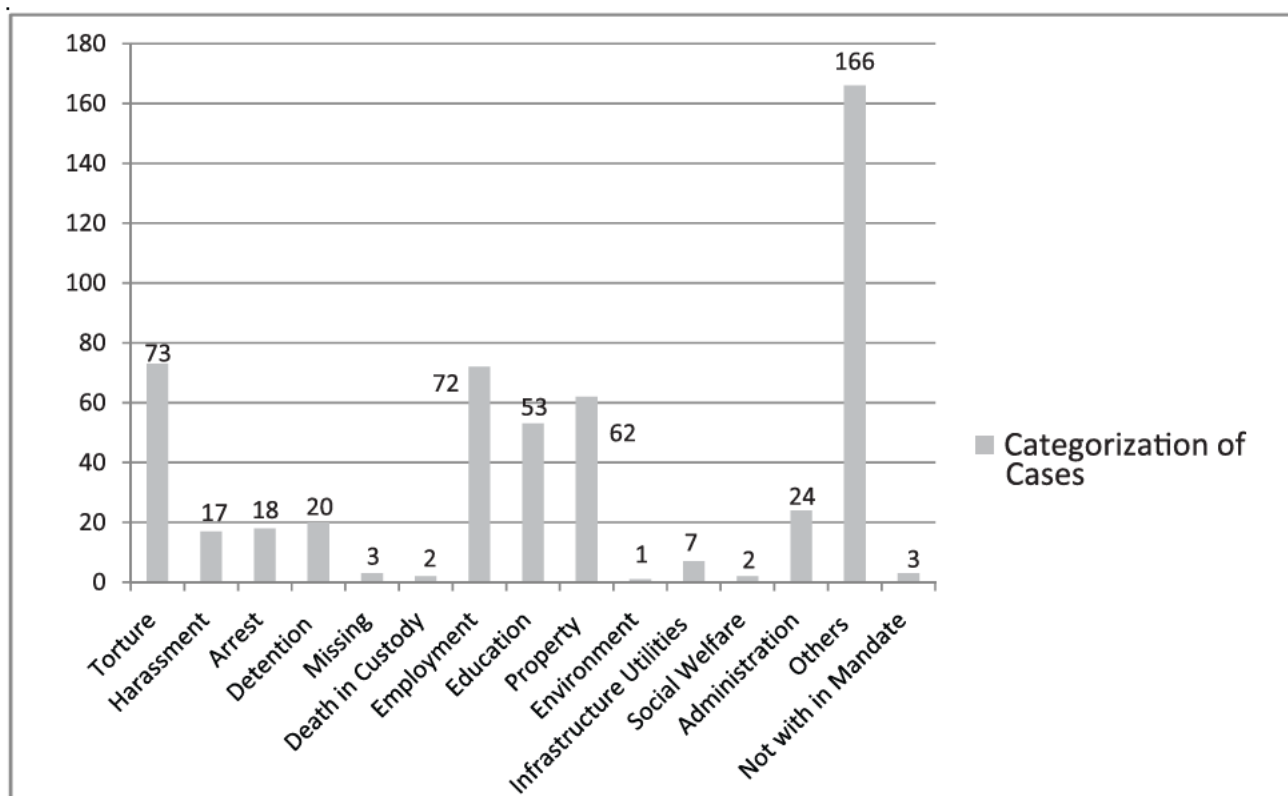
## No. of Complaints against Institution



### 3.8 Regional Office – Matara

#### Categorization of Cases

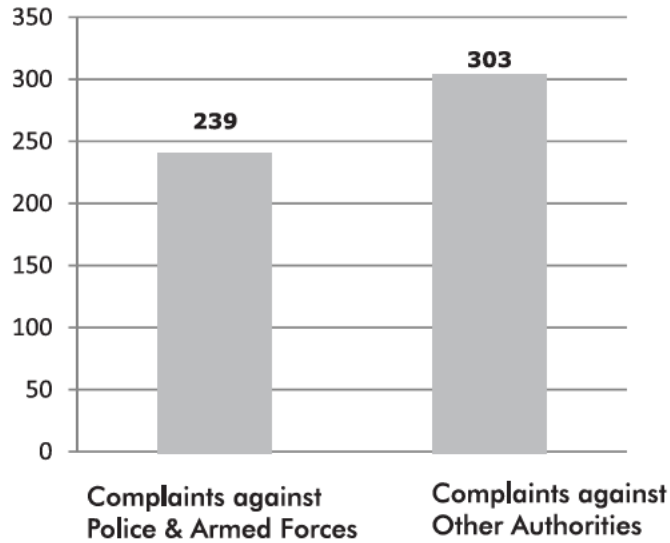
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Total
Torture	-	2	6	113	4	8	6	8	9	6	7	4	<b>73</b>
Harassment	-	-	-	-	-	-	1	-	3	5	5	3	<b>17</b>
Arrest	2	1	3	4	4	2	4	2	1	6	-	-	<b>29</b>
Detention	-	-	-	-	-	-	-	-	6	3	11	-	<b>20</b>
Missing	-	-	-	-	-	-	-	-	1	-	2	-	<b>3</b>
Death in Custody	-	-	-	-	-	-	-	-	1	-	1	-	<b>2</b>
Employment	6	7	2	3	1	8	7	7	5	6	7	13	<b>72</b>
Education	5	17	14	4	1	-	1	2	1	2	-	6	<b>53</b>
Property	5	3	6	4	4	1	7	12	2	7	6	5	<b>62</b>
Environment	-	-	-	-	-	-	-	-	1	-	-	-	<b>1</b>
Infrastructure Utilities	-	-	-	-	-	-	-	-	1	2	2	2	<b>7</b>
Social Welfare	-	-	-	-	-	-	-	-	1	2	-	-	<b>3</b>
Administration									7	10	4	3	<b>24</b>
Others	14	10	19	14	18	18	23	29	3	2	5	11	<b>166</b>
Not with in Mandate	-	-	-	-	-	-	-	-	2	-	-	1	<b>3</b>
<b>Total</b>	<b>32</b>	<b>40</b>	<b>50</b>	<b>42</b>	<b>32</b>	<b>37</b>	<b>49</b>	<b>60</b>	<b>44</b>	<b>51</b>	<b>50</b>	<b>48</b>	<b>535</b>





Received 239 complaints against Police & Armed Forces and 303 complaints against Other Authorities

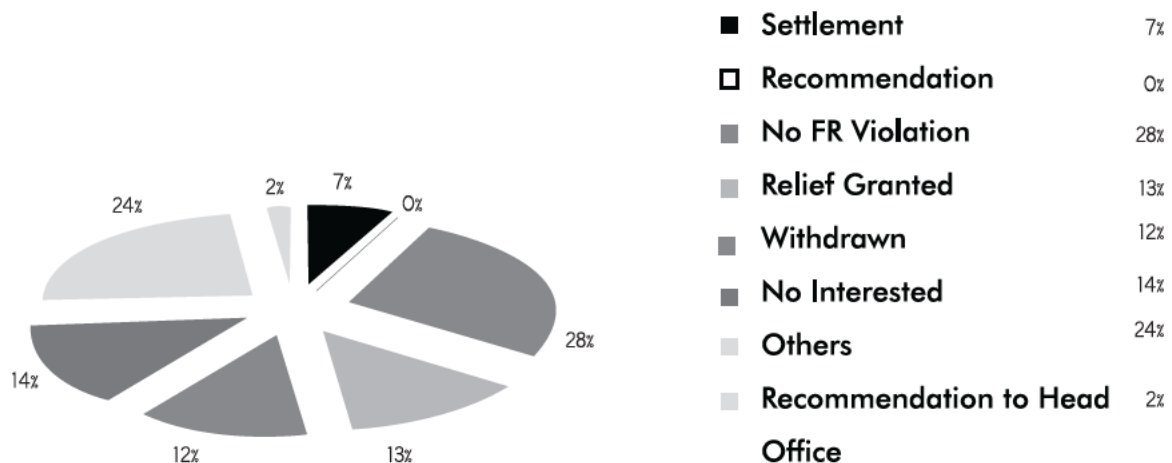
### Complaints Received



### Concluded Cases Categorization 2010

	Jan	Feb	Mar	Apr	May	Jun	July	Augu	Sep	Oct	Nov	Dec	Tot
Settlement	1	7	3	1	6	-	4	2	3	3	3	1	<b>34</b>
Recommendations	-	-	-	-	-	-	-	-	-	-	-	-	-
No FR Violation	13	24	15	12	10	13	7	8	9	6	17	14	<b>148</b>
Relief Granted	3	9	12	5	5	5	4	2	7	8	4	6	<b>70</b>
Withdrawn	4	1	7	7	8	9	6	4	9	4	4	1	<b>64</b>
Not Interested	3	6	4	4	3	1	9	5	14	6	7	14	<b>76</b>
Others	8	15	10	13	1	9	8	6	8	13	18	15	<b>124</b>
Recommendation to Head Office	-	1	1	5	3	-	-	-	1	-	-	1	<b>12</b>
<b>Total</b>	<b>32</b>	<b>63</b>	<b>52</b>	<b>47</b>	<b>36</b>	<b>37</b>	<b>38</b>	<b>27</b>	<b>51</b>	<b>40</b>	<b>53</b>	<b>52</b>	<b>528</b>

### Categorization of Cases



Visited 350 Police Stations & 10 Detention Camps/ Children's Detention Homes/Prison Visits during the year 2010

### Awareness Program Summary

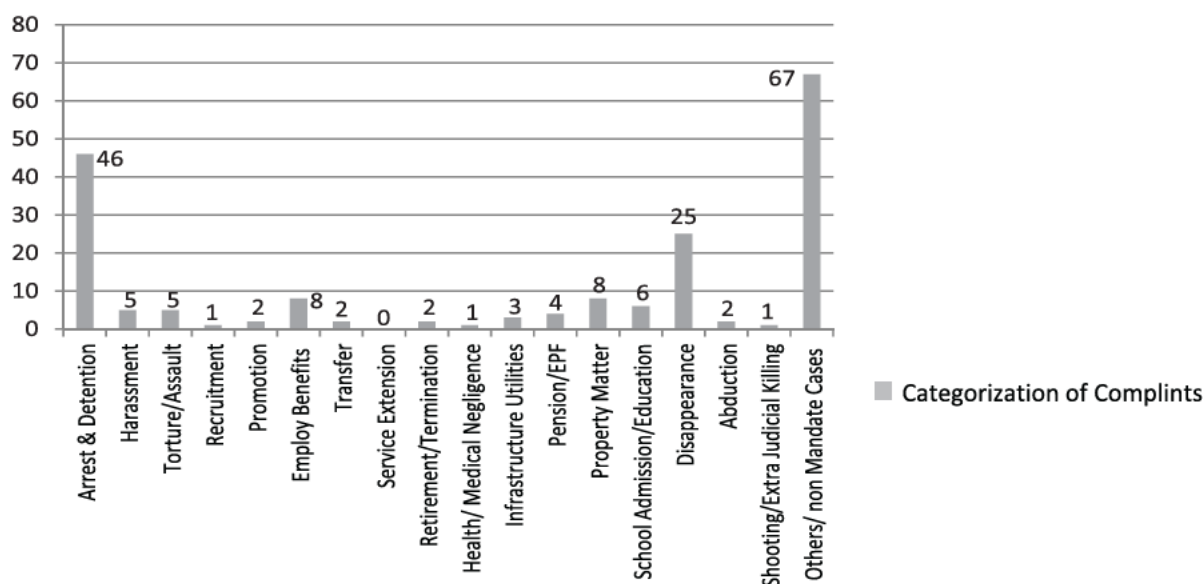
Civilians	-	06	
Police apprentices	-	03	
Government Officers	-	02	
Students	-	01	
Others	Radio Broadcasting	-	07
	Youth Cops	-	05
	Research	-	01
	CS Meetings	-	02

### 3.9 Regional Office – Trincomalee

#### Categorization of Cases

	No. of Complaints
Arrest & Detention	46
Harassment	5
Torture/Assault	5
Recruitment	1
Promotion	2
Employ Benefits	8
Transfer	2
Service Extension	-
Retirement/Termination	2
Health/ Medical Negligence	1
Infrastructure Utilities	3
Pension/EPF	4
Property Matter	8
School Admission/Education	6
Disappearance	25
Abduction	2
Shooting/Extra Judicial Killing	1
Others/ non Mandate Cases	67
<b>Total</b>	<b>188</b>

### Categorization of Complaints



### Visits

Police Stations	-	18
Remand Prisons	-	03
Children's Homes	-	01
Other Places	-	08

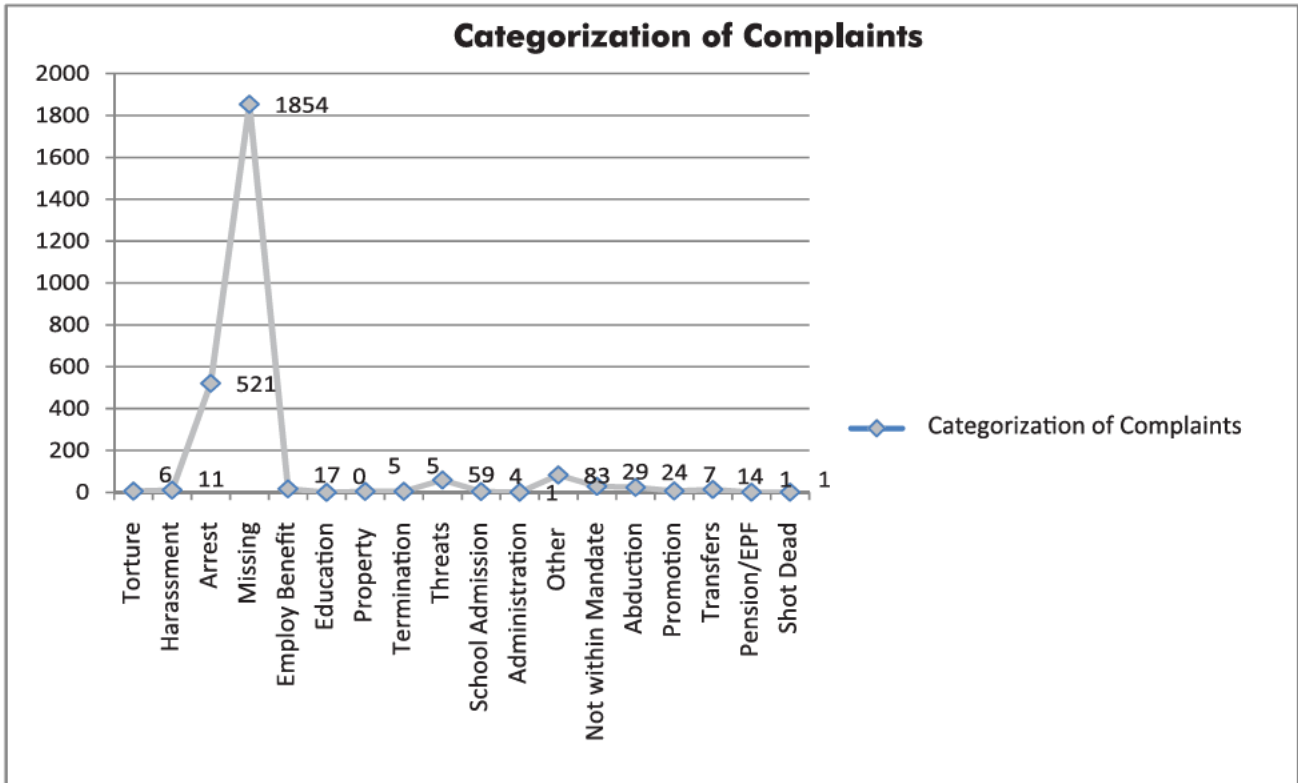
### Awareness Programmes

For the Year 2010, conducted awareness programmes – 5 Nos

## 3.10 Regional Office – Vavuniya

### Categorization of Complaints

	Jan	Feb	Mar	Apr	May	Jun	July	Augu	Sep	Oct	Nov	Dec	Total
Torture							2	2	1	1			6
Harassment					3	1	3	2				2	11
Arrest	127	55	50	40	44	90	50	15	21	18	5	6	521
Missing	864	409	224	73	55	63	34	34	40	36	15	7	1854
Employ Benefit		5		1	0	4	2	1	2		2		17
Education													
Property				1					4				5
Termination	4										1		5
Threaten			8	4	7	9	7	3	7	3	6	5	59
School Admission		1						2		1			4
Administration						1							1
Others	5	14	8	18	1	3	6	7	5	12	3	1	83
Not with in Mandate	1		2	1	8	5	4	4	1	2		1	29
Abduction	5	9		2	2	1	2				3		24
Promotion		4	3										7
Transfers	2	1	1	7		2				1			14
Pension/EPF						1							1
Shot Dead												1	1
<b>Total</b>	<b>1008</b>	<b>498</b>	<b>296</b>	<b>147</b>	<b>120</b>	<b>180</b>	<b>110</b>	<b>70</b>	<b>81</b>	<b>74</b>	<b>35</b>	<b>23</b>	<b>2642</b>



### Awareness and Human Rights Education Programs

Other special activities of the regional office Conducted Awareness and Education programs on Human Rights to promote and protect human rights of the region. Most of these programs were conducted by the HRCSL jointly with the UNDP program. Details are given below.

- Civil Society programmes with UNDP
- Government officers, Education Special Programme
- INGO Programmes
- School Programmes
- Village Programme
- Fact finding Mission, resettlement Village

## Auditor General's Report

	Our explanation
<p>My Number : JF/E/HRC/MR 2010 Date : 07 September 2011</p> <p>Chairman Human Rights Commission</p> <p><b><u>Appropriation Head 22 – The Auditor General's Report of the Human Rights Commission - 2010</u></b></p> <p><b>1. <u>Mission and functions</u></b></p> <p><b>(a) <u>Mission</u></b> Protecting and promoting human rights for all in law policy and practice adhering to universally recognized human rights norms and principles with a special emphasis on fundamental rights guaranteed under the Sri Lanka Constitution for the citizens of Sri Lanka with the co-ordination and co-operation of all stakeholders that work towards protecting and promoting human rights for all.</p> <p><b>(b) <u>Main functions</u></b></p> <ol style="list-style-type: none"> <li>i. 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 the observance of fundamental rights.</li> <li>ii. to inquire into and investigate complaints regarding infringements or imminent infringements of fundamental rights and to provide for resolution there of Conciliation and mediation in accordance with the provisions hereinafter provided.</li> <li>iii. to advise and assist the government in formulating legislation and administrative directives and procedures in furtherance of the promotion and protection of fundamental rights.</li> <li>iv. 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.</li> <li>v. 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.</li> <li>vi. to promote awareness of and provide education in relation in human rights.</li> </ol> <p><b>2. <u>Annual action plan</u></b> Though the Human Right Commission had prepared an annual action plan at the beginning of the financial year but the board of directors had not approved it.</p> <ol style="list-style-type: none"> <li>i. Eventhough an action plan has been prepared, the extent to which most of the targets to be achieved during the year have not been given quantitatively, which made the measurement of the performance impossible.</li> </ol>	<p>Targets have been laid down according to all details however, took note of to mention quantitatively in future.</p>

- ii. A breakdown of allocations to be spent on each activity during the year has not been given in the action plan which made the measurement of financial performance impossible at the end of the year.
- iii. It is mentioned that the performance reports have to be prepared in comparison with the action plan and presented to the relevant institutions, as required by the above circular. However, it was observed that your institution was not able to prepare relevant performance reports owing to the above shortcomings in the action plan.

It was not possible to give a breakdown of allocations as we had a vote on account from November 2009 to April 2010.

Action will be taken to rectify these shortcomings once the commission is setup.

### 3. **Presentation of Accounts**

The accounts prepared by the Human Rights Commission and the manner they have been presented for auditing are as follows :

<u>Name of the Account</u>	<u>Account No.</u>	<u>Presentation of the Accounts as at 31 March</u>
Appropriation	22	presented Account

### 4. **Account**

#### 4.1 **Appropriation Account**

##### Head 22

##### (a) Total allocation and expenditure

<u>Nature of expenditure</u>	<u>Annual total estimated allocations</u>	<u>Net allocations after the adjustments</u>	<u>Real expenditure (as at 31 December 2010)</u>	<u>Balance as at 31 December 2010)</u>
Recurrent	91,840,000	104,740,000	98,899,926	5,840,074
Capital	4,550,000	13,865,114	10,410,290	3,454,816
Total	<u>96,390,000</u>	<u>118,605,114</u>	<u>109,310,224</u>	<u>9,294,890</u>

- i. Balances ranging from 21% to 95% were seen in 12 recurrent and capital head of expenditure as estimates were unrealistic.

Balances were seen as many of the recurrent and capital expenditure had to be curtailed owing to the operation of a vote on account 2010.

#### 4.2 **Imprest and Common Deposit account**

##### (a) Imprest account

An imprest debit balance of Rs. 4,287,073 less than a year was seen as at 31 December, 2010.

##### (b) Common deposit account

A balance of Rs. 887,678 less than a year was seen as at 31 December, 2010.

### 5. **Management of Assets**

#### (a) Conducting annual boards of survey Following observations are made.

- i. Eventhough boards of survey have to be conducted annually by the Commission in terms of financial regulation 756 even as at 31 June 2011 board of survey for 2010 had not been conducted. The last board of survey had taken place in 2009.

Arrangements are being made to conduct boards of survey

<p>ii. Eventhough UN JOINT PROGRAMME ON HUMAN RIGHTS had provided equipment worth of Rs. 4,643,920 to be distributed among 10 regional offices, they had not been included in the books in the head office.</p>	<p>Steps have been taken to properly include these items in registers and account.</p>
<p><b>6. <u>Non compliance</u></b></p>	
<p>(a) Non compliance with laws, rules, and regulations discovered at Sample audit queries are explained below.</p>	
<p>(i) <u>Statutory provisions</u></p>	
<p>(a) Human Rights Commission Act No. 21 of 1996</p>	
<p>Article (1) 15(6)</p> <p>Eventhough it was required to send a copy of the recommendations given by the commission to the aggrieved party, the head of the relevant institution and the relevant minister not a single recommendation had been sent o the Minister.</p>	<p>In terms of 15(6) a copy of the recommendations is sent to the minister in charge of the subject.</p>
<p>Article (2) 15(7)</p> <p>Eventhough it is required for any authority or individual who is sent a recommendation to enlighten the Commission about the steps being taken with regard to the implementation of such recommendation, the recommendations issued by the Commission did not state so and had only asked to report to the Commission, if there were any reasons which prevented the implementation of those recommendations. Owing to this it is difficult to mention as to which extent the recommendations issued by the commission have been implemented which prevented the efficiency of the investigations of the complaints. Further, owing to the non mention of the provisions of the Act in relation to the implementation of the recommendations the complainants had to make the same complaint again and again seeking redress as recommendations issued were not implemented.</p>	<p>The Commission was not functional during the relevant period. After the new commission was appointed recommendations wee given in terms of 15(7) and follow up activities done which facilitates the assessment of the efficiency of the investigation of complaints.</p>
<p>Article (3) 15 (8)</p> <p>It is required for any Authority or individual who is sent a recommendation to enlighten the Commission about the steps being taken with regard to the implementation of such recommendations with in a certain period of time and the Commission should send a comprehensive report to His Excellency the President about</p>	<p>In terms of 15 (8) the commission has referred about 100 reports to His Excellency the President while steps are being taken to refer all complaints regarding which recommendations issued were not implemented to the President.</p>

Year	No. of complaints received	No. of complaints against which Recommendations were issued	No. of recommendations implemented	No. of recommendations not implemented.
2008	3692	202	56	146
2009	5925	298	38	260
2010	4445	321	14	difficult to state exactly
		Article (4) 20 (1)	Eventhough it is required for the chairman of the Commission to sign all summons, the Board of Directors had given the power of signing summons to the Secretary, Additional Secretary or any other officer authorized by the Chairman as per the power of authority which had been approved in 2000. Not a single summon had the name and the designation of the signing officer. Only the signature had been placed.	Instructions have been given to mention the names and designation of the officer who signs the summons.
	(ii)	Sub section 3.2 of chapter XV of the Establishments Code	Even though officers serving on temporary basis were offered foreign trips, the Commission had acted in violation of the accepted principle of calling applications from qualified officers.	As it was essential to train the officers given the situation that was prevailing, the training was provided.
	(iii)	F.R 177	Though it is required to deposit the cheques received by the Commission within two days in 15 instances received funds worth of Rs. 209,460 had been deposit with a delay ranging from 6 to 17 days.	Action has been taken to deposit cash and cheques without delay from June 2010.
	(iv)	Public Funds Circular Circular MF/6/1/3/200 Dated 27 March, 2000	Even though only Rs. 2500/- can be paid to obtain passports a sum of Rs. 7500/- had been paid to two officers to obtain the day service. Accordingly the excess amount paid was Rs. 10,000/-.	Since it takes a long time to make permits the ordinary way and travelling to Colombo costs them a lot arrangements have been made to organize a one day service.



**7. Financial and operational review**

2010 estimates / observations of the progress of the commission according to the action plan are given below.

**(a) Irregular transactions**

Some of the transactions of the Commission were irregular. A number of such instances are given below.

**(i) Transaction sans authority**

Eventhough the approval of the Secretary to the Treasury was required to recruit persons on contract or casual basis in terms of article 9 and 10 of PD 12 circular dated 02 June 2003, retired judges had been employed to complete the back log of cases accumulated over the years on 04<sup>th</sup> June 2007 only on a decision of the Board of Directors. A sum of Rs. 564,000/- and Rs. 1,323,000/- had been paid in 2009 and 2010 respectively.

**(b) Operational Inefficiencies**

**(i) Appointment of the Commission**

The Commission which consists of 04 Commissioners and Chairman has no been appointed from 17<sup>th</sup> May 2009 while the tenure of the Chairman had lapsed on 16 December 2009. So the Commission was defunct during 2010.

**(ii) Based on the following factors, the co-ordinating committee of the National Institute for the protection and promotion of Human Rights had taken steps to derank the Human Rights Commission of Sri Lanka From 'A' to 'B'**

**(i) the methodology adopted to appoint Commissioners of the Commission was unsatisfactory.**

**(ii) The progress of investigation complaints was not satisfactory.**

**(iii) The annual reports have not been updated and presented to Parliament.**

Only the covering letter to the effect that 2000 cases of abductions that took place in 2006 mentioned in (ii) above have been investigated and referred to the Geneva Human Rights Office, had been submitted for the audit query. As per (iii) above, steps had been taken to present the annual report of 2008 in Parliament, but annual reports of 2009, 2010 and 2011 had not been presented in Parliament upto 5<sup>th</sup> September.

**(iii) The retails pertaining to the complaints of human rights violations or imminent violations, the progress of the investigation of these complaints and the unresolved number of complaints at the end of the year during the year in review are given below.**

The activities of the Commission needs various steps to be taken for the performance of its' functions. The assistance of retired judges was obtained on the basis of completing the files.

Eventhough the Commissioners had not been appointed functions of the Commission continued uninterrupted.

Noted

Balance at the beginning of the year (including regional offices)	4584
The number of complaints received during the year (including regional offices)	<u>4445</u>
Number of unresolved cases	9029
	<u>(679)</u>
	8350
The number of complaints investigated and Recommendation forwarded.	4013
The number of pending cases	<u>4337</u>

**8. Human Resources Management**

**(a) Approved cadre and existing number of vacancies**

The situation as at 31 December 2010 was as follows.

<u>Employee category</u>	Approved cadre	Existing number		No. of vacancies
		Permanent	Casual	
Staff grade	27	25	-	02
Non staff grade	92	83	31	
Junior grades	48	44	09	
<b>Total</b>	<b><u>167</u></b>	<b><u>152</u></b>	<b><u>40</u></b>	<b><u>02</u></b>

- The Management Service Department had approved a cadre of 185 on 30 June, 2010. Even though the relevant recruitment procedure had been prepared it had not been approved.

**9. Internal Administration**

**(a) Transfer of financial powers**

A transfer of financial powers has not been made in terms of financial Regulation 135 by the Ministry / Department.

**(b) Maintaining of Documents**

The Department / Ministry had not maintained the following documents. At times the documents had not been updated. This was revealed at the sample Audit query

	<b>Document</b>	<b>Relevant regulation</b>
(i)	Loss and damage Register	F.R. 110

**(c) Internal Audit**

There was no internal Audit Unit in 2010.

Signed

H. M. Karunaratne  
Deputy Auditor General  
(for Auditor General)

Took note to the comply.

The former of relevant financial powers have been done on a decision of the commission.

Action will be taken to maintain a register.