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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

2013

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ஆண்டறிக்கை
ANNUAL REPORT

HUMAN RIGHTS COMMISSION OF SRI LANKA

ANNUAL REPORT

2013

THIS REPORT IS PRESENTED TO MEET THE REQUIREMENTS SET OUT UNDER SECTION 30 OF THE SRI LANKA HUMAN RIGHTS COMMISSION ACT, NO. 21 OF 1996

Human Rights Commission of Sri Lanka
Head Office
No.165, Kynsey Road, Colombo 08.

T.P : (94) 0112694925,2685980, 2685339

Fax : (94) 011 2694924

E.mail: sechrc@sltnet.lk

Website: www.hrcsl.lk

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VISION

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

MISSION

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

LOGO

The logo of the Human Rights Commission of Sri Lanka conveys the responsibility of the National Human Rights Institution to protect and promote human rights at international and national levels.

The colour blue reflects the liveliness and creativity of human beings. The 2 hands reflect protection and taking of action for protection. The globe reflects the spreading out of human rights into the far corners of the earth and the protection afforded at international level. The map of Sri Lanka reflects the necessity to take action for protection at national level. The figures of a woman, man and child reflect that protection of human rights should be afforded equally and that a creative environment should be established for that purpose. The family that the figures display also conveys that the family occupies and is treated as the main and most essential arm of civilization. On a general assessment the sacrifice made by the Human Rights Commission of Sri Lanka for the protection at national level of human rights accepted at international level is displayed by the logo.

Composition of the Commission

Chairman

Justice. Priyantha RP Perera

Commissioners

Mrs. Jezima Ismail

Mr. T.E. Anandarajah

Dr. Bernard de Zoysa

Dr. S.W Prathiba Mahanamahewa

Message of the Chairman

It is indeed a pleasure as well as my responsibility being the Chairman of the Human Rights Commission of Sri Lanka which is the National Human Rights Institution incorporated and designed for the protection and promotion of human rights in Sri Lanka, to deliver a message for the Annual Report 2013.

The present Commission, was appointed in the year 2011, on recommendations made by the Parliamentary Council upon the adoption of the Eighteenth Amendment to the Constitution of Sri Lanka. I am of the opinion that I, as the Chairman as well as other members of the Commission, during our tenure, have accomplished an enormous task for the development of the Commission and in general, for the promotion of human rights in Sri Lanka, which include *inter alia* –

- shifting the Head Office of the Commission to a more spacious building with exclusive facilities.
- taking steps to cause the staff to learn English and Tamil languages in order to improve their language skills.
- taking constructive action for the implementation of the National Action Plan on Human Rights (2011-2016).
- providing facilities for impromptu intervention, where necessary, and conducting discussions with responsible stakeholders.
- generating an easy access hotline number (1996) for the public.
- attending in person, regional workshops.
- launching mobile services.

- laying foundation for the establishment of six (6) new regional offices, in addition to ten (10) existing ones.
- taking initiatives to tender a report outlining the amendments desirable to be made to the Human Rights Commission of Sri Lanka Act, No.21 of 1996.

In addition, I am extremely pleased to note that, during their visits to Sri Lanka both Ms. Navaneethan Pillai, United Nation Commissioner for Human Rights and Mr. Kamallesh Sharma, Secretary General of Commonwealth monitored and commended the activities of the Commission and expressed their readiness to cooperate with the HRC for advancement of such activities.

I wish to express my appreciation to the staff of the Commission who contributed immensely throughout the year 2013, to carry out all the tasks assigned to the Commission. Further, I sincerely acknowledge the constant encouragement and constructive criticism lent by civil society organizations and extend my thanks to all government institutions as well as to the UN Human Rights Programme and the Human Rights Unit of the Commonwealth Secretariat for supporting us both technically and financially.

I, most earnestly, invite everyone to join hands with the Sri Lanka Human Rights Commission to safeguard and promote human rights of Sri Lankans living in a post-war era and to bring about reconciliation in this country.

Chairman

Human Rights Commission of Sri Lanka

INTRODUCTION

Human Rights Commission of Sri Lanka is an independent body established under Act, No. 21 of 1996. This is the National Human Rights Institution in Sri Lanka. This Commission has been incorporated in line with the United Nations' Paris Principles, affirming obligations of Sri Lanka as a Member State of the United Nations.

The main objective of the Commission is to protect and promote human rights of the people of Sri Lanka. The Commission has been conferred with special powers by Act, No.21 of 1996 to fulfill the said obligation.

The functions of the Commission, as set out under section 10 of the Act are as follows:-

- Closely monitor executive and administrative practices and procedures in order to assure that the provisions of the Constitution relating to Fundamental Rights are adhered to.
- Inquire, investigate into complaints relating to infringement of Fundamental Rights and subsequently settle them or take measures to resolve them.
- Advice and assist the government on formulating legal and administrative directions & procedures for the advancement, promotion and protection of Fundamental Rights.
- Make recommendations to the government on measures to be taken to comply with national laws and policies with international requirements and standards.
- Make recommendations to the government on accession into and agreeing to international agreements and instruments on human rights.
- To promote awareness and provide education in relation to, Human Rights.

Subsection 3(1) of the Act require the Commission to be comprised of five members chosen from among person having knowledge of, or practical experience in, matters relating to human rights, in order to carry out the functions of the Commission. H.E. the President appoints the Members of the Commission on the recommendation of the Parliamentary Council in line with the provisions of the 18th Amendment to the Constitution.

Section 22 of the Act provides for appointment of a Secretary and the staff to carry out the functions set out in the Act. The cadre approved by the Department of Management Services was 195 in 2010. The cadre approved for 2013 was 273 and the total staff employed in 2013 at the Head-Office and regional offices were 178.

Ten regional offices have been established in addition to the head office of the Human Rights Commission of Sri Lanka with the view of protecting and promoting human rights of the people of Sri Lanka. The Government Treasury is the principal funder for the operations of the Commission. The allocation for 2012 was Rupees 139 million and the Commission was successful securing an increase of funds up to Rupees 150 million in 2013.

In addition, the Commission has also received grants from the UN Human Rights Programme. Further, the Human Rights Unit of the Commonwealth Secretariat sponsored technologically and financially to host two training workshop in Sri Lanka and participation at a seminar held in the UK. Furthermore, the Asia Pacific Forum funded foreign trainings and participation at seminars.

The term of the Commission which was appointed in February 2011 for a period of three (3) years expired in February 2014. This report contains all activities carried out by the Human Rights Commission, during year 2013, which is the last year in terms of the Fifth Commission appointed since the establishment of the Human Rights Commission under Act No.21 of 1996.

The above activities were carried out by the total participation of Heads of Divisions of the Human Rights Commission, i.e. Director, Inquiry and Investigations, Director, Monitoring and Reviewing,

Director, Education and Special Programmes Director, Administration and Finance as well as regional coordinators and other senior and executive staff and the all other employees.

CHAPTER 01

Protection of Human Rights

1.1 Handling of Complaints

According to the functions set out under section 10(a) and (b) of the Human Rights Commission Act, No.21 of 1996, the Commission is assigned to carry out two special tasks in relation to the protection of rights.

10(a) Closely monitor executive and administrative practices and procedures in order to assure that the provisions of the Constitution relating to Fundamental Rights are adhered to;

10(b) Inquire and investigate into complaints relating to infringement of Fundamental Rights and subsequently settle them or take measures to resolve them.

Section 11 provides for powers conferred upon the Commission to enforce such functions.

In year 2013, those tasks were fulfilled mainly by the Inquiry and Investigation Division. Any person can lodge a complaint with the Commission either by way of a written petition or by calling at the Head-Office or at any regional office in person. The Commission then investigates these complaints in the following manner. Initially, the complaints are registered with the Commission and subsequently a reference number and a receipt will be issued to the plaintiff. Then, the complaint is assessed to check whether it comes under the purview of the Commission.

Complaints relating to infringement of Fundamental Rights or proximate infringement of rights are directed to the Inquiry and Investigation Unit where a decision will be made whether such complaints can be preceded with. Thereafter reports and observations of relevant respondents are

obtained and an initial inquiry is carried out on the matter. After that, summons will be issued to the plaintiff and respondent parties in order to proceed with investigations.

For the purpose of regularizing and advancing the efficacy in the issue of summons and convening of relevant parties, a special mechanism has been developed by the Inquiry and Investigation Division, which is implemented at the Head-Office; that is the serving of summons on a monthly basis. However in a case where an urgent inquiry is necessary priority will be given to such a case. Admission to Grade One of schools, complaints on torture and special requests made by the parties are some of such cases.

In the year 2013, six legal officers and eleven investigation officers of the Head-Office inquired into 24 complaints each and 20 complaints each respectively. Duties related to such inquiries such as inspection of places of detention are carried out on days other than public days, on assigned days (Hotline duties and any other special duty.) However, the number of complaints assigned to a single officer may vary due to special holidays, urgent calls and due to the nature of special duties assigned to officer. In year 2013, at least 250- 300 complaints per month have been attended to.

In the year 2013 the Head Office received 4979 complaints of which only 3440 complaints came under the purview of the Commission. The number of complaints out of the scope of the mandate of the Commission were 1539. The number of complaints received by the regional offices were 4236. All information relating to the complaints are stored in the data base of the Commission. Data entry is performed on a daily basis. The Commission examines such stored data when necessary.

1.2 Consultation Services

People contact the Commission seeking advice over a variety of issues. Consultations to provide advice on infringements of human rights with the view to providing redress to complainants are held daily. Directing persons to other relevant institutions is also done daily. A duty officer is deployed daily for that purpose. Approximately 20 to 30 clients visit the Commission each day seeking advice.

The same service is offered at regional offices. For example in year 2013, 885 persons, 458 persons and 1167 persons have visited regional offices of Ampara, Batticaloa and Badulla, respectively, seeking advice.

1.3 Hotline

A hotline was kept open for the general public round the clock (24 hrs) in year 2013. Introducing an easy accessible hotline number, i.e. 1996 has resulted in an increase in the access of this service this year. Matters relating to arrests and detentions have been urgently addressed on the hotline service.

1.4 Categorization of Complaints

Categorization of complaints lodged at the Head-Office in year 2013.

Nature of the Complaint		Number of complaints
Personal freedom		
	Torture	377
	Physical and mental harassment	444
	Arbitrary arrest/detention	326
	Conditions of detention	15
	Death while in custody	03
	Disappearances	27
	Abductions	05
	Shootings	04
	Killings	01
	Inactions	519
	Elections	03

Employment related		
	Recruitment	59
	Cause to retire	09
	Employee privileges	43
	Promotions	119
	Extensions	09
	Working conditions	116
	Transfers	148
	Termination of service	66
	Suspension of service	48
	Employees Provident Fund/ Employees Trust Fund	30
	Remuneration	39
	Pensions	99
	Discrimination	13
Education		
	School admission	236
	University admission	32
	Admission to government training institution	05
	Right to education	30
	Higher education courses/ degrees	01
	Issues relating to degree certificates	10
	Disciplinary matters of schools/universities	18
	Issues relating to examinations	23
	Issues relating to principals	01
Government Welfare		
	Compensation	15

	Welfare of farmers	07
	Insurance	04
	Loan related issues	08
Children		08
Rights of people with disabilities		01
Infrastructure		
	Water	22
	Roads	44
	Electricity	43
Language rights		12
Religious Rights		05
Rights of Migrant Workers		37
Voting rights		08
Health		
	Negligence	18
	Land and property	216
Environment		
	Public nuisance	34
	Sound pollution	01
	Water pollution	01
Other		
	Public transport	03
	Violation of Motor Traffic Act	03
Administration issues		
	License	16
	Tax issues	01
Total		4979

The following table contains the total number of complaints received by regional offices in year 2013 and the categorization of such complaints.

	Regional Office	Number of complaints received
1	Batticaloa	452
2	Kalmunai	233
3	Kandy	684
4	Jafna	380
5	Badulla	302
6	Ampara	139
7	Matara	648
8	Trincomalee	128
9	Anuradhapura	748
10	Vavuniya	396
	Puttalam mobile service	126
	Total	4236

1.5 Complaints bringing to a close

The following table contains the reasons for bringing the complaints lodged in year 2013 and in the previous years to a close.

Closing of files within the same year denotes that the Plaintiffs were granted redress on various criteria, in addition to issuing of recommendations. They include settlement, provision of redress during the inquiry, and consent of the plaintiff to withdraw complaint on the basis of getting a suitable relief in return.

Recommendations were issued only on instances where Fundamental rights were clearly violated and in instances where there was no solid foundation for an infringement certain other orders / directions were issued.

Uncovering any information during the inquiry that shows that there has been no infringement of fundamental rights, matter does not come under the purview of the Commission, unable to proceed due to prescription, difficulty to continue due to lack of interest shown by the aggrieved parties due to various reasons, can be mentioned as instances where redress could not be accorded. On occasions the case is brought to a closure when it is simultaneously being tried by a court of law or being attended to by another authority or an institution.

The number of complaints brought to a close as they were under the purviews of other institutions was 384 and out of these 65, 38, 33 and 24 had been referred to the Inspector General of Police, Department of Labour, the Legal Aid Commission and the Public Service Commission respectively.

The complaints brought to a close at the Head-Office in year 2013

The reason for ending	Complaints lodged and closed in year 2013	Complaints lodged in a previous year and closed in 2013	Total
Unavailability of a ground for and infringement of a Fundamental Right	334	432	766
Plaintiff not interested	197	244	441
Recommendations issued	22	85	107
Settled	38	64	102
Relief granted	95	139	234
Withdrawals	84	86	170

Referring to other institutions	358	26	384
Directions issued	10	37	47
Presence of a court case	104	62	166
Does not fall under the purview of the Commission (disclosed later)	513	168	681
Prescription	145	05	150
Total	1900	1348	3248

1.6 A Detailed Account on the Complaints in Respect of which Recommendation were made

Mentioned below are some complaints of special nature for which recommendations have been issued in year 2013

1. Right to engage in politics and conduct of the police

HRC/2193/2011

Plaintiff: P.G.H. Buddhadasa

Respondent: Officer In-Charge Nawagamuwa Police and others

This complaint was lodged for impediment caused by police to supporters of the former Mayor who was the plaintiff, while they were engaged in canvassing support for the candidacy of the plaintiff for local government elections. The plaintiff requested for the issue of a recommendation for not permitting him to hold a political rally for which he had all rights under the election laws and providing police protection to another candidate of the same party due to the intervention of a powerful political activities. After inquiring and investigating into the matter the Commission recommended as follows.

1. The police should take necessary measures to seek opinion of the Attorney General against the offenders in this incident who were engaged in illegal activities.
2. The IGP should hold an inquiry into the conduct of police officers during the incident.

2.Right to establish a business and omission of local government authorities

HRC/2859/2011

Plaintiff: K.T. Chathuranga Karunanayaka

Respondent: Pradeshiya sabha, warakapola

The plaintiff submitted an application to obtain the prior approval of relevant authorities to initiate a drinking water project. The plaintiff complained that he was aggrieved as approval for the building plan was not granted by the respondent.

It was revealed during investigations held at the Commission, that the respondent had rejected the application citing that there was a public objection to the project. It was further revealed that the respondent had decided to reject the application without holding a proper inquiry into objection of the people in the area. Accordingly, the Commission issued the following recommendations to the respondents.

As the respondent had violated the fundamental right of equal protection before law assured under the Article 12(1) of the 1978 Constitution by not following the prescribed procedure despite of the fact that the plaintiff had duly submitted an application for the registration of the building plan, the respondent should take necessary action to follow the prescribed procedure and grant approval for the building plan.

3. Right to engage in politics and right to represent the public

HRC/1971/2011

Plaintiff: Tiran Allas

Respondent: Office of the Commissioner of Elections

The Plaintiff lodged a complaint with the Sri Lanka Human Rights Commission stating that the Commissioner of Elections had rejected to register the Democratic Party of which he was a member, on two grounds.

The two grounds were the non-submission of audited accounts and the policy statement of the Party.

It was revealed during the investigations before the Commission that one of the documents missing which was considered as a ground for rejection, that is the non-submission of the policy statement had already been submitted along with the Constitution of the Party.

Although the members who established the Party were unable to submit accounts of the earlier year, they successfully proved that the Party which sought registration consisted of several Members of Parliament and several other candidates contesting elections

Accordingly the Commission recommended to the Respondent Party to re-consider the application for registering the Party.

4. Inquiring into the rights of detainees

HRC/2650/2013

Plaintiff: .M Thaneshwaran, AAL

Aggrieved party; Sundaralingam K.Dineshwaran

Respondent: Prison officers

M. Thaneshwaran, Attorney-at-law lodging a complaint pointed out that the aggrieved party had staged a fast-onto-death strike at the Welikada Prison Hospital and that he was in a serious condition. It was also noted that no measures were taken by prison officers to refer him to psychiatric treatment..

The officers of the Commission made an urgent inquiry into the matter and recorded statements of relevant parties.

It was revealed during the investigations that the detainee, from time to time, had been refusing to have food, demanding his release. It was also revealed that he had been treated in the hospital for 12 days since 25.07.2013.

Further it was also revealed that he had previously staged similar hunger strikes at the Monaragala and the Hambantota prisons respectively demanding his release.

The officers of the Commission inquired whether the prisoner was assaulted for which they replied in the negative stating that his only request is for an early release.

The Commission agreed to inform the Attorney-general to expedite the case.

5. Sudden arrests

HRC/1685/2013

Plaintiff: A.A. Sali

Respondent: CID, Department of Police

Daughter of Assad Sally former Deputy Mayor of Colombo Municipal Council and a political activist, lodged a complaint over the arrest of her father. Since he was admitted to the national Hospital Colombo, a team was sent to check his condition. The Commission observed that the

arrested person refused to take food and medicine and his family members were at his bedside. Mr. Assad Sally pointed out to the Commission that he was not given a reason for his arrest and therefore requested that he should be released him unconditionally. The Commission quickly inquired from the CID about this matter and was informed that Mr. Sally was arrested under a warrant. It was also revealed that though authorities are obliged to inform the Commission of every warrant for arrest, this procedure had not been adhered to this case.. The Commission emphasized the importance of enforcing the provision.

6. Assure job security by streamlining administrative practices

HRC/2571/12

Plaintiff: P. Sivaraj and others, Civil Security Division, Police Station, Vavuniya

Respondent: Ministry of Defence

Inspector General of Police

Secretary, Ministry of Law and Order

The Plaintiffs were members of the Civil Security Division established under the Gazette No. 541/90 of 18.01.1989. As per the Gazette notice the officers attached to the Division were entitled to draw salaries and other allowances paid to Reserved Police Officers. A complaint was previously lodged with the Human Rights Commission under reference HRC/1852/00 about non-payment of their entitled salaries. Despite the recommendation issued by the Commission to pay them their salaries and other allowances, as entitled, the Plaintiffs claimed that it was not carried out accordingly. A lengthy investigation was carried out after which the matter was referred to the Chairman of the Commission, and the following recommendations were issued:-

01. The remaining 68 officers of the Division should be absorbed as Reserved Police Officers.
02. Their previous service period should be counted and added to the period of service for the purpose of calculating the pension.

03. Since their service in action was rendered under the public service, a request should be made to the Police Department to take that into account for the purpose of calculating pension.

04. The Plaintiff must pay premium and arrears applicable to the previous period of service.

Accordingly, Secretary/ Law and Order should submit a Cabinet Memorandum in this respect, for approval.

7. Clearing entitlement to Houses

HRC/1282/13

Plaintiff: R.P.Dhanuka and others, Railway Quarters, Dematagoda

Respondent: Secretary, Ministry of Transport

General Manager, Department of Railway

Director General, Presidential Investigation Unit

This complaint was made against a notice given by the Presidential Investigation Unit to remove the present occupants of the railway quarters Dematagoda from their houses and give them to another set of workers. This decision was taken in response to a complaint made to that unit stating that the allocation of quarters had not been done properly and taking service requirements into account. It appeared that the Railway Department had inquired into this matter on a number of occasions. The matter was taken up before the Chairman of the Commission, and the Commission did not see any illegality involved in the mode of allocation of Houses by the Railway Department. Therefore, the Commission recommended to hand over those quarters to the Plaintiffs.

8. Verifying the identity before arresting

HRC/2489/11

Plaintiff: H.T.Rupasingha

Respondent: Nanayakkara, S.I., Police Station, Kegalle

Wijesuriya, P.C.58403, Police Station, Kegalle

The petitioner in the complaint, pointed out that he was allegedly arrested stating that a warrant had been issued in connection to an ongoing case in the Court of Law. The Plaintiff claimed that there was no Court case against him and he was not the particular person they were looking for. The arrest was done as the plaintiff bore the same name which was mentioned in the warrant.

The Commission observing the occurrence of frequent complaints on arresting the wrong person advised the IGP as follows:-

01. Identity of the person should be properly verified before arresting persons.
02. All police personnel should be informed of the fact that entries should be made only after verifying identity of the person arrested through evidence.

9. Social Security of Family Members of Migrant Workers

HRC/2586/12

Plaintiff: Mrs. P.M.Palani

Respondent: Chairman, Foreign Employment Bureau

The daughter of the Plaintiff had expired while working in Jordan as a housemaid on 19.03.2007. The deceased had three children and her husband is in prison convicted for raping and killing their eldest daughter. Compensation for the deceased was granted, a total sum of Rs. Three Lakhs (Rs.300,000/-) out of which Rs.150000/- was given to the two living children and the other

Rs.150000/- was to be given to the lawful husband of the deceased. The Plaintiff requested the rest of the money also to be granted to the living children as the husband of the deceased was in prison.

The Commission in terms with the provisions of the Convention on Child Rights, recommended to grant the other half of compensation (Rs.150000/-) also to the children of the deceased as it was obvious that her husband had not done anything to provide for the children, even before he was convicted.

10. Guaranteeing the Right to Education

HRC/3813/11

Plaintiff: Mr. Sylvester Perera

Respondent: Principal, the Roman catholic School, Kalamulla

Zonal Director, Kalutara

Project Director, Zonal Education Office, Kalutara

Secretary, Provincial Education Department, Western Province

Chief Secretary, Chief Minister's Office, Western Province

The Plaintiff complained that a situation has arisen at the Roman Catholic School in Kalamullach which would infringe the right to education of students studying in grade 7 upward classes. This school previously had classes from grade 1-11 and a circular issued in 2005 to amalgamate schools had barred the school to have classes grade 6 upwards. Accordingly, majority of students were forced to go to the nearby Buddhist School and 14 Catholic students who did not want to go there had to stay home. Later this circular was revoked in 2010, as a result of strong requests made by parents and approval was granted to hold classes only up to the 6th grade. Now those students have

promoted and currently in grade 7 and the respondents disapprove they continue their studies at the same school on the ground that it is prohibited.

Under the 2005 circular, the plan was to amalgamate classes of both the Katukurunda Roman Catholic School and the Kalamulla Roman Catholic School, and hold grade 1-6 classes at the latter and to hold grade 6-11 classes in the former. Due to vehement protest by parents holding of grade 6-11 classes in the Katukurunda Roman Catholic School was resumed but the Kalamulla Roman Catholic School was deprived of the opportunity to hold classes for grade 6-11.

It was observed that the majority of students in this school are from poverty stricken, low income catholic families. Therefore, the Commission understood that if they have to spend more on their children's education that would automatically disrupt education of most of the students and thus would violate their right to education. The Commission therefore recommended as follows:-

The Commission recommended providing at least two other teachers to the school to support of the teachers appointed for grade 6-9 classes and grant approval to hold classes for grade 6-11, at the Kalamulla Roman Catholic School.

11. Streamline activities of Local governments and guaranteeing Language Rights

HRC/MT/227/07

Plaintiff: H.K.Ajith

Respondent: Director General, Urban Development Authority (UDA), Sethsiripaya, Battaramulla

Chairman and Secretary, Bope Pradeshiya Sabha, Kalaigana, Galle

The Plaintiff lodged a complaint with the Commission claiming that the Bope-Poddala Pradeshiya Sabha rejected his application for registration of the survey plan for a subdivision of his land. It was revealed during the investigations that Pradeshiya Sabha had not granted approval on the ground

that it had not provided water and power supply to inner roads. Meanwhile, the UDA had informed the Pradeshiya Sabha that the building situated within the land already has power supply and the developers could easily obtain water supply from the main roads belonging to the Pradeshiya Sabha as those roads already had pump lines. The UDA also informed that it has no objection what so ever in issuing a compliance certificate in line with the regulations of the UDA. However the Pradeshiya Sabha still held the position that the plan could only be approved after establishment of water supply to the land.

The letters issued by the UDA revealed that there was no specific provision either in the UDA Act or in any other related regulation to prevent establishment of water or power supplies to subdivisions of lands. Accordingly, it has been recommended that if the land is or less than half an acre and if the water could be provided to such land without supplying them to inner roads, such a plan could be approved. In addition the Commission got the fact verified that there is no specific requirement of water and power supply to lands for the purpose of obtaining approval of a subdivision plan. Whenever a land developer gets water and power supplies to a land, he always make it a point to sell such land to a higher price. The Commission noted that this would take away the right of an ordinary person to purchase a land to a fair price and to develop it on his own.

Therefore, the Commission decided that the Bope-Poddala Pradeshiya Sabha has violated Article 12(1) of the Constitution by omission to adopt suitable provisions or procedure to deal with a situation where specific rules are non-existing (law is silent) in order to espouse the best interest of the public. Hence, the Commission instructed the Provincial Commissioner to provide a report on the conduct of the Secretary of the Pradeshiya Sabha in connection with this matter and recommended that UDA should take necessary measures to prepare a set of rules in simple and comprehensible language on the procedure to be followed by the public relating to obtaining approval for survey plans and to post them on the website and display them at Pradeshiya Sabha Offices, in all three languages.

1.7 Coordination with the National Human Rights Institute of Bangladesh

HRC/3125/2012

Plaintiff: R.P.Mirsadin

Respondent: Ministry of External Affairs

A woman lodged a complaint with the Commission over a dispute with her husband. In the complaint it was stated that plaintiff's husband who was a Bangladesh national forced their eldest child of 14 years of age out of the country to Bangladesh without consent of both her and that of the child. The other two children were left with her but the woman claimed that she was so much depressed over the safety and security of her eldest child. The petitioner requested the Commission to intervene in this matter. Since it did not fall directly under its purview, the Commission advised the petitioner initially to lodge a complaint with the Police and then followed up police investigations. The Police had informed the Bangladesh Police via INTERPOL and the Plaintiff got more depressed when her husband telephoned her and conveyed his idea of not returning to Sri Lanka and also when she learnt that the child was not treated well. The Commission referred this matter to the National Human Rights Institute of Bangladesh & ASK, which is an NGO operating in Bangladesh and asked those institutions to check the whereabouts of the child. It was revealed then the father had kept him under the custody of his mother and step father and left for a job in Italy. As instructed by the National Human Rights Institute of Bangladesh, the Plaintiff then filed a case in Dhaka Court, obtained a court order in her favour, went along with Bangladesh Police and officers of National Human Rights Institute of Bangladesh to the place where the child was kept and successfully returned to Sri Lanka with her child.

1.8. Follow-up Action on Implementation of Recommendations Issued

The Human Rights Commission, after inquiring and investigating into complaints lodged, issue recommendation whenever a violation of Fundamental Rights is detected. The Human Rights Commission for years has exercised follow-up action to check whether the recommendations issued were enforced. The Commission in year 2013 took follow-up action in 886 cases. The procedure

followed is to initially inquire from the respondent of the progress of the matter and if the respondent fails to reply, to send him a reminder. The cases, for which the respondent fails to reply or has not implemented recommendations, will be taken up before the Chairman again for a re-consideration. Out of the 74 cases re-heard before the Chairman, recommendations issued for 47 cases were subsequently implemented.

CHAPTER 02

Promotion of Human Rights

2.0 Introduction

As set out under Article 7 of the Declaration on Human Rights Education which has been adopted by the UN General Assembly on 10th December 2011, responsibility on human rights education and training mainly lies with the State and relevant public institutions. Under the second phase of the World Human Rights Education Programme (2010-2014) Member states are bound to provide human rights education and training programmes to higher education institutes, public officers and officers of armed corps of the government.

There is no reference to human rights education in the current education and other related laws in Sri Lanka. Nevertheless, section 10(f) of the Human Rights Commission Act, no.21 of 1996 states that it is the duty of the Commission to promote awareness on human rights and to provide education, in line with human rights.

The Commission launched various programmes to promote human rights in year 2013. Among them, programmes on human rights, awareness programmes and education programmes held a special place. These programmes were organized by the Head-Office and regional offices. Details of the programmes organized by the Head-Office are included in this Chapter while details on programmes organized by Regional Offices are given under the Chapter on Regional Offices.

2.1 Educational Programmes on Human Rights

16 human rights education programmes were conducted by the Education and Special Programmes Division of the Head-Office. Out of them, some were conducted by the Commission while others were conducted at the request of other institutions.

These requests were made in response to requests made by the Human Rights Commission to include programmes relation to human rights in their respective training programmes and as a result of independent decisions taken by certain institutions to include human rights education in their programme schedules.

No	date	The group which was trained	Organized by
1	2013.04.19	Staff of the National Mental Health institute	National institute for Mental Health, Angoda
2	2013.04.29	Principals and SLES offices(Tamil medium)	National Institution for Education, Maharagama
3	2013.05.08	Staff of the Mental hospital	Mental Hospital, Mulleriyava
4	2013.05.18	Cades of the Training School of SL Army	The Training School of Army, Diyatalawa
5	2013.07.01-12	Police Officers	Police Training School, Katana and the Human Rights Commission
6	2013.07.20	Senior Executives of the DFCC bank	DFCC bank and the Human Rights Commission
7	2013.07.24	Army officers	Army Headquarters
8	2013.08.02	Army officers	Army Headquarters
9	2013.08.07	Students of Mahamaya College, Hikkaduwa	Mahamaya College, Hikkaduaw and the Human Rights Commission
10	2013.08.12-24	Police Officers	Police training School, katana and the Human

			Rights Commission
11	2013.09.16-17	Civil Organizations and NGO members	Human Rights Commission
12	2013.09.23-27	Senior Police Officers	The Police Training School, Katana
13	2013.10.27	Members of the Central Conference for the Deaf	The Central Conference for the Deaf and the human Rights Commission
14	2013.01.11.21	Officers of the Excise Department	Excise Department and the Human Rights Commission
15	2013.11.23	Members of the Kalutara District of the Social and religious centre	Social and Religious Centre and the Human Rights Commission
16	2013.12.1	Members of the Central Conference for the Deaf	The Central Conference for the Deaf and the human Rights Commission

2.2 Proposed Amendments to the Human Rights Act, No.21 of 1996

It had been identified by two national reports which were subject to debate in 2013, i.e. the report of the Lessons Learnt and the Reconciliation Commission and the National Human Rights Strategic Plan, the need for the Human Rights Commission to be given wide powers. It had been widely debated in 2013 that the Act should contain provisions to enforce recommendations issued by the Commission. Discussions were held with people including NGOs, public institutions, experts and members of civil societies. Once the Commission finished collecting all the information, the Senior staff of the Commission along with the Commission Members held separate rounds of discussions, prepared the final set of proposals and forwarded them to the Presidential Secretariat to be presented to the Parliament.

This set of proposals contained facts relating to issue of a recommendation certificate either to the Court of Appeal or the High Court on the non-implementation of the recommendations, and vesting wide powers to the Commission relating to monitoring of detainees and on activities relating to collecting information and conduct of national inquiries.

11.3 Commemorating International Days

International Human Rights Day

The theme of the international Human Rights day was “Lets work for rights”.

The Commission held a national programme and 10 regional programmes under this theme. Reputed Diplomat, Mr. Bradman Weerakoon graced the national programme as the special guest.(Please see Annex 01 for his keynote address)

The programme contained a debate of school children. The theme was “crimes can be addressed by imposing punishments” vs. “ crimes can be addressed through rehabilitation”.

These events were followed by cultural items.

Public Servants, representatives of NGOs, lawyers, law students, school students and other invitees participated in the event.

International Women’s Day

The Commission issued a special message to the website on the International Women’s Day. In addition, Mrs. Jezima Ismail, female representative of the Commission delivered a lecture to the staff on the theme “ Women are special and firm leaders” with the objective of building capacity of the staff.

International Day for Elimination of Violence against Women.

The Commission issued a special message to the website reiterating the need for stern implementation of laws to curb violence against women and condemned all forms of violence in the society.

International Day in Support of Victims of Torture

A message was issued to mark this international day. Several awareness programmes were organized by the Head-Office and the regional offices on the legal aspect of torture. All these programmes were conducted to members of the Army, the navy, the Air Force and the Police.

2.4 Promotion of Child Rights

The Commission organized several programmes with funds granted by the UNICEF in districts of Killinochchi, Mulathivu, Nuwaraeliya and Batticaloa. Before the programmes were conducted, resource persons inspected several villages in relevant districts and identified specific areas to conduct the public awareness programmes.

Among them, priority was given to areas on reporting mechanism of an infringement of a Child right. In addition, the public was made aware of the child rights, with the assistance of Child Rights promotion officers, Probation Officers, Social services officers and Women's rights Promotion Officers. At the end of the programmes, village level Child Rights monitoring Committees were appointed.

Training programmes were held to build capacity of all parties engaged in the protection of child rights. For that, mainly public servants and members of Child Rights Monitoring Committees participated and training was given on child rights, fundamental rights, rights of the people with disabilities, rights of the displaced, the manner to respond in emergencies, judicial system, institutions where redress can be sought and social and legal services.

Homes run by Pradeshia Sabhas and by the government as well as by other independent institutions for children were inspected under the child orphanages programme organized by the Head-Office of the Commission. Accordingly, 06 orphanages under the custody of the government and 13 independently run homes were inspected.

These programmes were conducted by the Project Assistants and the officers of the Human Rights Commission.

2.5 Provision of Information on Human Rights and co-ordinate with Electronic Media

People belonging to various levels and representatives of various institutions visit the Commission to obtain information on human rights. In addition, information is requested through letters. On some occasions persons are referred to the Education and Special Programmes Division for this purpose and during the year 2013, fifty four persons were referred for such purpose. It is a special feature that out of those persons 34 of them were university students.

There is a tendency in obtaining information on human rights for higher studies and research purposes. The Sri Lanka Rupavahini Corporation, Sri Lanka Broadcasting Corporation and Certain private media channels telecast and broadcast programmes on the role of the Human Rights Commission in the year 2013.

2.6 The Library of the Human Rights Commission

The Library has a collection of books on human rights and other human rights related matters and books required by the staff. There are 2699 books in the Commission's library. In addition, it has magazines and annual reports forwarded by the local and foreign institutions. It also contains all published reports and publications of the Commission. It also has a collection of CDs and VCDs containing programmes conducted by the Commission.

In addition, the Library has compiled an edition of human right cases decided by the Supreme Court and a collection of recommendations issued by the Commission on individual complaints.

Copies of Gazettes, Acts and bills are also available in the library.

The Library buys daily and weekly newspapers in all three languages to be used by the members of the staff.

Funds are allocated by the annual budget, to buy books for the Library and books are also donated by certain local and international institutions as well.

The Library has been used by around 65 outsiders. They had come to collect information and brochures for their education purposes. Services have been provided to the readers by way of offering photocopy services.

2.7 Internship Trainings

University students and graduates have requested on various occasions for internships. In 2013, the Commission took a policy decision to provide opportunities to volunteer interns. Accordingly, law students, law graduates and graduates of other disciplines have joined as interns. They are attached to various divisions of the Commission

CHAPTER 03

Monitoring of Human Rights

3.1 Inspection of Police Stations

The objective of inspection of police stations is to give priority on the part of the Commission to minimize illegal arrest and torture and to minimize delays in producing suspects to Courts. In addition to inspection of Police Stations the Commission inspects the Terrorist Investigation Division and the Criminal Investigation Division of the Police Department. The Commission through such inspections examines detention conditions and other issues faced by detainees and assure their safety while in custody. During these inspection matters relating to health of detainees, issues relating to their meeting with relatives and safety issues are addressed.

In the year 2013, several incidents were reported during inspection of police stations such as, detentions without proper orders incidents of assault of detainees. Investigation Officers of the Commission took prompt action to launch investigations on such incidents.

The Head-Office and the Regional Offices of the Commission carried out inspections of 432 Police Stations island wide, at least once a month. Sometimes, inspections were performed in the night.

3.2 Inspection of Conditions in the Welikada Remand Prison

The Conditions of detainees of Welikada Prison was inspected by a monitoring team on 20.02.2013.

The number of detainees on that particular day was 4057 and out of them, 2463 were sentenced prisoners while 1041 were suspects. Those who were condemned to death were 253 and out of them 250 were men while 3 were women. It was also noted that 141 of them had appealed and

another 159 have submitted petitions for appeals. The number of prison officers on duty was 555; no LTTE suspects were present that day.

Following a discussion with all the officers-in-charge of the prison, the team of the Commission inspected conditions of the detainees.

At the beginning, the kitchen was inspected. It was observed that the roof of the prison had been damaged due to turmoil that took place in the Welikada prison during the recent past and the kitchen activities were also affected as the roof had not been repaired since then.

Secondly, discussions were specially held with prisoners sentenced to death. It was noted that due to detention of 5 prisoners in a single cell designed to keep 3 prisoners, contagious diseases had spread and due to lack of proper sunlight their eye sight had also become weak. Further, detention for longer period without effecting the death sentence had caused these prisoners a high degree of mental pressure.

When health related issues were taken up, prisoners complained of insufficient stocks of drugs and reluctance shown by the authorities in transferring them to the National Hospital, even if it had been so required.

The Commission made following recommendation on above matters;-

1. Authorities should take necessary measures to repair the kitchen roof of the Welikada Prison.
2. A suitable plan needed to be formulated to maintain favourable mental conditions of prisoners condemned to death and those detained for a long period.
3. Necessary steps should be taken to administer the prison hospital, in a proper manner.

4. Launch programmes with the assistance of the Legal Aid Commission to address legal issues faced by detainees

3.3 Inspection of Children's Homes

A team of the Commission inspected a probation home of Meegahakotuwa, Kuliyaipitiya on 18.12.2013, and the following proposals dated 12.12.2013 were submitted to the Commissioner Probations, Kurunegala.

- Since 65 child inmates are kept in the home which was designed to keep only 45 children, the Department of Probation should increase the allocation of funds; also since there was no information available on fund allocation for clothing, attention should be focused on that issue.
- Basic facilities provided to inmates should include, a changing room, a study room, a library and computer facilities
- Even though there was a favourable condition in directing children for school education, it is equally important to pay attention on those who do not attend schools.
- Counselling facilities should be provided to resolve issues faced by inmates and programmes should be implemented to provide better understanding to the staff on child rights and safety of children.
- The Department should pay more attention on child inmates above age of 18.
- It would be appropriate to focus special attention to the fact of the increase in the number of child abuses reported during the inspection, from choir mills and coconut estates in the North-Western Province.

- Attention should be paid to the issue of securing jobs of employees.
- The Department of Child Protection and Probation should, in collaboration with the Child Protection Authority and the Divisional Secretariats launch an awareness programme at ground level on the elimination of child abuses and the protection of child rights.
- These Homes should provide safe living conditions to child inmates

Following are the proposals dated 10.05.2013 submitted to the Commissioner of Probations, Ratnapura following the inspection carried out on 31.01.2013 of the Male Child Probation Home of Muruththettuwa.

- Reports revealed that children belonging to different ethnicities live in this Home and as such the language policy should be implemented this Home which is situated in the Sabaragamuwa District.
- Even though the Home had basic needs, facilities such as a changing room, a study room, a library and a computer room should also be provided.
- The staff should be provided more formal training on child rights and safety of children.
- It is important to take necessary steps regarding non-schooling children and the children with special needs.
- The Department of Probation and Child Protection should, in collaboration with the Child Protection Authority and Divisional secretariats, launch ground level programmes to eliminate child abuses and protect child rights.

3.4 New Format to collect Data relating to Institutionalized Children

A new format has been introduced by the Human Rights Commission, in parallel to 2013 International Children's Day (Please refer to Annex B)

The reason for introducing this new format was the non-availability of a proper format to record information of child inmates, as found out during a survey. A format of this nature would not only facilitate the record of information of child inmates but would also provide an opportunity to formulate policies for them and to use such policies in a favourable manner in addressing their issues. The Commission held discussions with the Central Government and Provincial Commissioners of Probation for the purpose of preparing this format. It was revealed during the discussions that there were shortcomings in reporting. This format is available in all three languages, i.e., Sinhala, Tamil and English and measures were taken to disseminate copies to public institutions such as the Ministry of Child Development and Women's Affairs, Department of Probation and Social Services, Department of Prisons, the Training School for Young Offenders in Ambepussa.

3.5 Registration of Detention Orders

According to Section 28 of the Sri Lanka Human Rights Act, it is the duty of the person who issues a detention order to effect an arrest or detention of someone under either the Prevention of Terrorism (Temporary Provisions) Act, No. 28 of 1977 or under a Regulation made under the Public Security Ordinance (Chapter 10) to inform the Commission about such an arrest or a detention. A Register of Detention Orders issued is maintained by the Commission for that purpose.

The number of detention orders of which information were communicated to the Commission within the year was 274. Out of them 248 were in respect of males and 26 were in respect of females. Given below are the security units that have provided information to the Commission on such detention orders.

The terrorist Investigation Unit	140
The CID	160
Ordinary Police Stations	50
The Colombo CID	13
Special CID	02
Narcotics Bureau	03
Others not specified above	06

3.6 Bills Watch

The theme of the International Day for Disabled last year was to enhance opportunities for the disabled in social participation and to open up doors to an all-inclusive society, shedding all differences apart.

The Human Rights Commission taking into consideration fact that Sri Lanka is a Signatory State to the UN Convention on Rights of Disabled focused its attention on the study of current laws and practices on the protection of rights of persons with disabilities. An opportunity was further provided by the Commission to identify the needs and views of the disabled persons by holding a national dialogue for the public and NGOs on 12th December 2013 jointly with the UN Human Rights Programme.

In the meantime, the Commission informed the Government that Bills relating to rights of this vulnerable group should be reconsidered. As a result, the government decided to consider the facts submitted by the persons with disabilities before adopting the legislation.

3.7 Monitoring the Language Policy

The Monitoring and Review Division of the Human Rights Commission monitored the implementation of the Language Policy in 2013.

Complaint bearing no HRC/1131/12 was filed against the Sri Lanka Insurance Corporation. The Commission, after inquiring into the complaint recommended the following:-

When a public institution make agreements directly affecting the public, priority should be given to adhere to the Language Policy. An insurance title is a special matter that equally applies to all citizen of the country. Motor vehicle insurance, in particularly, should essentially be written in a understandable language as all vehicle owners are compelled to obtain a vehicle insurance.

Such availability would prevent the public resorting to unnecessary legal action of this nature.

Accordingly, the respondent party was informed to print the booklet published by the Sri Lanka Insurance Corporation, in Sinhala and Tamil Languages as well.

With regard to implementation of Language Policy, the Commission has learnt that the Irrigation Department had invited application for a particular post only in Sinhala Language. The Commission, preventing the imminent violation of this right informed the Director-General of Irrigation to suspend the interview, to call for application in Tamil Language also and to hold fresh interviews thereafter.

3.8 Protection of Sri Lanka Migrant Workers

The Commission had collected data on female migrant workers, prepared a report and issued a considerable number of recommendations to relevant authorities.

However, following the effecting of death sentence on Rizana Nafique, a child housemaid who migrated on a forged document prepared as a result of loopholes in current laws and their implementation, the Commission decided to take enhanced measures to secure the protection of migrant workers.

Under these circumstances, it is very important to strengthen laws relating to human trafficking and to enforce them.

In the year 2013, the Commission reached a common consensus with civil organizations and public institutions and took measures to protect, promote and prevent the infringement of rights of migrant workers.

The Commission entered into an Memorandum Of Understanding (MOU) in year 2012 with the National Human Rights Institute of Qatar to safeguard the rights of migrant workers, and is currently working, jointly with all local and international stakeholders interested in protecting rights of migrant workers, on the possibility of signing a similar instruments with National Human Rights Institutions of Gulf Region. As it has also been reported that detention camps and prisons of those job offering countries are not up to the standard, the Commission initiated to hold a national conference with the view of enhancing such conditions. The Commission decided to appoint Director Monitoring and Review as a focal point to inquire into matters relating to migrant workers.

3.9 Detention of Illegal Migrants

A detention centre to detain foreign nationals, who violated immigration laws, is located in the Mirihana Police Premises. This place is also subject to inspection by officers of the Human Rights Commission of Sri Lanka.

With the intervention of the Commission, a new building has been put up by the government with the financial assistance of the International Organization for Migration (IOM) for these foreign detainees.

A special meeting to review this situation was held on 17th May 2013 with the participation of representatives from the Department of Immigration and Emigration, the Ministry of External Affairs, Ministry of Defence Ministry, Sri Lanka Navy and the Police. During the meeting it was instructed to submit reports to the Commission on following items:

1. Establishment of a permanent building in addition to the present building considering security related issues, special needs and gender sensibility.
2. The Department of Emigration and Immigration should take over the custody of the Centre and expedite recruitment of staff to carryout administration.
3. To upgrade criteria on security
4. To increase lodging facilities
5. To expedite repatriation process by discussing with relevant foreign Missions.

Another fact revealed during the meeting was the problem of persons seeking asylum due to the unsafe conditions in their countries by violating immigration laws of Sri Lanka

3.10 Sumo-Moto Actions by the Commission

3.10.1 Intervention in the Best Interest of the Rights of Passengers and Pedestrians

The Commission called an urgent report from the Railway Department on 27.06.2013 on the increase in the number of accidents caused due to lack of protection at railway crossings. The intervention was to address the timely need to put up warning signs, gates and signals at crossings.

It was reported to the Commission that one billion Rupees has been allocated to fix security systems at railway crossings.

The Commission is due to make further inquiries from relevant parties on steps taken to provide a safe train service.

3.10.2 Attacks Launched by Various Groups on Police Officers on Duty.

The Rule of Law has been gravely affected by the reported incidence of interruption caused to police officers on duty. The Commission intervened on 03.06.2013 to assure the Department of Police and the Ministry to take measures to prevent this situation and drew attention on the need to carry out on the spot inquiries on such incidents.

3.10.3 Weliweriya - Rathupaswala Incident

The incident took place in Rathupaswela, where a protest campaign was staged by the public against authorities for turning a deaf ear to their complaints over contamination of drinking water of the area by a chemical substance. This matter was given wide publicity in the media. The Commission convened the parties involved, civil organizations and religious leaders on 05.08.2013 and held a special discussion on the issue and in addition initiated investigations. (Please refer to Annex 04 for the Interim Report)

3.10.4 Discussion on Year Five Scholarship Examination

In order to convert the year five scholarship examination more child friendly and to safeguard principles of free education of late Dr. C.W.W. Knanangara, the Commission held two rounds of discussions in consultation with government officers on 10.10. 2013 and with the experts in fields of education and other relevant fields on 21.11.2013 respectively..

3.11 Provincial Council Elections 2013

The Commission prepared a guideline for police officers on the manner of dealing with complaints made to the Police during the period of Provincial Council Elections and submitted it to the IGP to be disseminated among all police officers.

The guideline was of great assistance on holding a peaceful and a fair election and for the protection of Fundamental Rights guaranteed by the Constitution and by International Human Rights norms. It was specially noted that omissions on the part of the Police on violence committed before, on or after the day of election, violates rights guaranteed for equal protection before law under Article 12 of the Constitution.

In addition, the impartiality in inquiring into complaints, restraining to take any action for complaints due to political pressure also violates provisions of Article 12.

This guideline was also issued to public officers and security personnel (Please refer to Annex 04 for the Guidelines to be followed at the Provincial Council Elections).

In addition, paper notices were published in Sinhala, Tamil and English languages highlighting the fact that voting is a human right.

The officers of the Commission took measures to monitor whether the election held on 21.09.2013 was a free and a fair one.

Chapter 04

Relationship with National and International Organizations

4.1. Working with Civil Society Organizations.

According to the Paris Principles the National Human Rights Institutions should work in cooperation with Civil Organizations. The International Coordination Committees when grading national institutions takes into consideration whether National Human Rights Institutions has acted within such principles. The Sri Lanka Human Rights Commission works with Civil Organization in a both formal and an informal manner. The Commission took measures in 2013 to prepare a work plan to streamline the relationship with Civil Organizations in a formal manner. That plan was prepared after convening Civil Organizations islandwide by inviting them through a notice published in daily news papers by the Commission on 19th October 2012, discussing with them the areas for cooperation and obtaining their written views on this work plan that was taken for discussion on 19th February 2013 with the participations of around 35 Civil Organizations. It was emphasised during the meeting that the Commission had prepared a list of priorities by taking into consideration the information provided by Civil Organizations as well. The Chairman, Commissioners, the Senior Executive Staff and the National Coordinator for the UN Human Rights Programme also attended the workshop. The areas where the Commission wished to work in coordination with civil organizations were listed down as follows:-

- To accept all complaints lodged by civil organizations
- To have a dialogue to grant approval for the Alternative Organization on the Convention of Prevention of Torture.
- To invite opinions of civil organizations on the amendment to the Human Rights Commission Act.
- To jointly work to safeguard rights of migrant workers.
- To intervene into claims on land rights in North- East areas.

- To prepared a database on civil organizations.
- To conduct workshops on Human Rights requested by Civil Society organizations.
- Promotion of Elders Rights.\
- Intervene to regulate and form Human Rights education comprehensively.

A request was made to the Commission to conduct continuous meetings with civil society organizations. Also activities with civil organizations were carried out accordingly to the work plan. In addition, the Commission decided to take into consideration a proposal submitted by the Centre for Alternative Policy Studies to have a separate Chapter on the activities carried out by the Commission relating to the protection, monitoring, promotion and the providing advice on human rights, in the Annual Report of the Commission.

In the year 2013 meetings were also held jointly with civil organizations at provincial level.

Working in collaboration with the HELPAGE Organization on the protection of elder's rights, jointly working with the Sri Lanka Association for Advancement of Education (SLAAD) on the matter of including human rights in the school curriculum, working in collaboration with the American Solidarity Centre and the Law and Society Trust on the rights of migrant workers and with the PAFEREL to assure voters rights are few examples for instances where the Commission worked in cooperation with Civil Organizations.

4.2. Corporation with Government and Non Government Organizations

- Director, Education and Special Programme has represented the Commission in extending its cooperation to the Committee on the Review of Professional Ethics of the National Institute for Mental Health. The Commission also took part in a workshop held by the Committee jointly conducted with the Sri Lanka Medical Officer Associations. Policies, professional ethics international guidelines, accidents and privileges, privacy and confidentiality in human experiment were areas discussed during the workshop.

- The Commission has extended its assistance in the preparation of the Sign Language Act initiated by the Ministry Social Services.
- The Commission has contributed in the group discussions held to implement the National Policy on Social Integrity conducted by Ministry of National Integrity.
- The Commission has continuously attended the meetings convened by the Ministry of Plantations held to inquiry into the progress of the National Human Rights Action Plan.
- A special discussion was held at the Commission with the Dr. Lakshman Senanayaka of the Ministry of Health in order to provide inputs into the National Action Plan prepared by the Health Sector to address the issues on violence relating to female and male socializations.
- The Commission had extended its cooperation at several national and international level discussions held on the national enforcement of standards for domestic workers under the Covenant 189 (C 189) of the ILO on the protection of Rights of Domestic Workers. It has been discussed during the meetings, the need to study how domestic workers rights were ensured in the State of the Philippines. The Commission has extended its assistance for this purpose at a workshop held to share experience of the Asia Forum and Sri Lanka Forum with the American Solidarity Centre on Migrant Workers.
- The Commission also attended an open discussion on challenges faced by Sri Lankan female migrant workers conducted by the Friedrich Ebert Stiftung.
- The Commission has taken part in the discussion of experts on the challenges against the International Humanitarian Law, conducted by the MARGA Organizations.
- A discussion was held at the Commission in collaboration with the HELPAGE Sri Lanka on the domestic safety of the elders.
- A special discussion was held with the Executive Director of the People's Action for Free and Fair Elections, in order to prepare a plan for school children on creating an atmosphere for the right for franchise.
- People's Council for Peace and Goodwill of Jaffna requested a discussion with Commission on collecting information of Conflict affected persons by the government and practical difficulties faced by the people. It is agreed by the commission to call Director General of Department of Census & Statistics for a discussion on 09.01.2014.

- The Transparency International requested in year 2013 to provide an opportunity to assess the efficiency, enforceability and effectiveness of the service rendered by the Human Rights Commission to those who lodge complaints at the Commission. They pointed out the need to collect information through questionnaires and interviews. The Commission took measures to grant approval and opportunity to the Transparency International team to obtain information from the officers of the Human Rights Commission, to get feedback of the complainants and to enter the Commission premises for that purpose.

4.3 Special Meetings

- **Meeting with H.E the President.**

The Commissioners called on H.E the President and discussed the following matters.

- To obtain a permanent building for the Head office of the Commission.
- The establishment of regional offices at District level.
- To make the staff of the Commission pensionable.
- To propose amendments to the Sri Lanka Human Rights Act, No. 21.08.1996.

- **Meeting with the Commissioner of Elections.**

The following matters were discussed with the Commissioner of Elections on 11.09.2013.

- Registration of voters in the Northern Province.
- Holding of Provincial Council Elections.
- Duties of public officers.
- Study on independent functioning of police officers.
- Discussions with the political parties to minimise violence.
- Misappropriation of public property and controlling the misappropriation.
- Elections monitoring.

Meeting with the Inspector General of Police

The following decisions were reached at the discussion held with the IGP on 16.09.2013. The IGP agreed to intervene on the following matters.

- To conduct continuous training for police officers on human rights with the assistance of the Commission.
- To assure the channeling of clear and comprehensive information on detention orders, under section 28 of the Sri Lanka Human Rights Commission Act, No. 21 of 1996.
- To attend meetings of the Commission, properly prepared.
- To designate Mr. Navas, ASP of the Legal Division as the focal point for the investigations carried out at the Human Rights Commission concerning the Department of Police.

- To take steps to implement recommendations issued by the Commission to the Department of Police.
- To take proper action on non – submission of reports and failure to attend by the OICs of following Police Stations for inquiries held by the Commission.
Police stations of Matugama, Panadura (South), Wattala, Pliyandala, Kohuwala, Kalutara (South), Payagala, Kadawatha, and Peliyagoda.
- Take measures on frequent arrests carried out in the district of Trincomalee.
- Proper maintenance of records on detainees at Police Stations.
- Improvement of conditions of cells in following Police Stations.
Velvetithurai, Ellavalai, Palai, Poonaharin, Mulamkavil, and Nachchikuda.
- To take steps to fulfill the requirement of Tamil speaking female Police officers at following Police Stations.
- Agreeing to frame charges against persons remanded for longer periods.

4.4 Relationship with International Organizations.

- Initiating work with the Commonwealth Secretariat.

The Secretary General, Kamallesh Sharma of the Commonwealth Secretariat met with the Chairman and Commissioners of the Human Rights Commission on 12.02.2013 and discussed matters on activities of the Commission. Mr. Sharma expressed consent during the discussions to extend support of the Commonwealth Secretariat to develop democracy and human rights in Sri Lanka. He particularly mentioned the fact that the doors should be opened to work with civil organization which would lead to provision of better services to the public.

Following the discussions held on 22.02.2013 the Secretary General informed the Chairman of the Commission, that technical assistance could be provided to the Commission in the following areas to expand its independence and authority in terms of his statement issued, on 13.02.2013 on the Agreement with the Government of Sri Lanka. The areas were-

- To provide education and trainings to the staff of the Commission.
- To expand training opportunities granted to the Police on human rights obligations.
- Increasing trainings to journalists on human rights reporting.
- To build capacities of the intervention to national reconciliation activities.
- Expand capacities of investigations on infringement of human rights violations.

In addition the Secretary General informed that the Head of the Human Rights Unit of the Commonwealth wished to meet the members of the Commission and the Senior Management of the Commission in March in order to discuss future plans. As a result, a three – day workshop was held from 02-04 July in Colombo on conducting a national inquiry as a means to build up capacities of the staff of the Commission. The theme of the workshop was ‘Holding National Inquiries According to International Standards’. Head of the Human Rights Unit of the Commonwealth Secretariat as well as the Human Rights officer Commissioner of the Human Rights Commission of Sri Lanka and several local experts in the field of human rights and Advocate John Walter, Ombudsman of the National Human Rights Institute, Namibia participated in the event as resource persons. The objective of the workshop was to build up capacities of the staff in relation to holding of a national inquiry.

The second workshop held in collaboration with the Commonwealth Secretariat and with their technical assistance was on the ‘Role of the Human Rights Commission in relation to national reconciliation efforts’. This two – day workshop was held for the staff of the Commission on 26 – 27 September in Vavunia. The important aspect of this workshop was the participation of NGO activists in the area. Officers of the Commonwealth Human Rights Unit and Commissioners of the HRC attended the workshop as resource persons. Mr.

Miheal Dorathy, Executive Director of the Northern Ireland Peace and Reconciliation Group attended the workshop as a special resource person.

Civil Society Organization such as , Sarvodaya Seva Lanka Foundation, Family Rehabilitation Centre, Federation of Rural Development Societies specially contributed in the event and the President of the Jaffna Mediation Board, also participated in the event.

- UN High Commissioner's Sri Lanka Visit and her meeting with the Commission.

The Human Rights Commissioner of the United Nations visited Sri Lanka from 25 to 31 August 2013 on the invitation of the government of Sri Lanka. The High Commissioner met the members of the Human Rights Commission and the Senior staff on 29.08.2013 and held discussions.

The Chairman of the Commission welcomed the High Commissioner expressing pleasure over her visit to the Commission during her Sri Lanka visit. Subsequently, in response to an enquiry made by her, the Chairman of the Commission provided a detailed account on the role of the Commission. He explained to her the role so far played by the Commission within its purview. The High Commissioner was of the view that the Commission has a special role to play in respect of promoting and protecting human rights and even though she had accepted to look into all the complaints made by the victims who met during the visit, all such complaints should to be directed to the Human Rights Commission. She also held the opinion that the Commission should make impromptu interventions into the incidents of infringement of Human Rights and express its stand on such situations. Finally, extending her satisfaction over the role of the Commission the High Commissioner expressed her readiness to provide facilities through the UN Country Representative of the Human Rights Commission in Sri Lanka.

4.5 A Special discussions with International Organizations.

Discussion with the Inter-Parliamentary Union Committee on Human Rights on the Human Rights of Parliamentarian – 09.07.2013

Manager of the Human Rights Program of the Inter-Parliamentary Association, protocol officers of the Sri Lanka Parliament and several other members of the said Committee had a special discussion with the Human Rights Commission. This international organization is a member organization of

the UN and includes activists group of 5 States. The complaints made by MPs were taken up for discussion. It was explained that the objective of the discussion was to obtain a complete understanding on the complaints made. The Commission informed the group on the programs held with participation of the MPs. The team explained that the objective of the discussion was to gain an understanding on the complaints made to them while extending assistance to the Sri Lanka government and the Parliament in order to establish democracy in the country. The Commission explained facts on several complaints made by MPs and other political activists. The complaint made by the former MP Jayalath Jayawardhana to the Ministry of Defense on not permitting him to visit the Church of Madu, and how it was dismissed as it was not an infringement of a human right was also mentioned during the discussion. Further clarification was provided on the complaints relating to interventions made by MPs on behalf of aggrieved parties, including the complaint lodged by the Minister of National Integration, Vasudeva Nanayakkara over the grade one admission to schools, a complaint lodged by MP Sunil Hadunnetti over increase of bus fares and a complaint made by Dr. Jayalath Jayawardhana against the Ministry of Health over the condition of kidney patients in the North Central Province. In addition, facts were clarified relating to interventions made by the Commission for the inspection of detention conditions of the former Presidential candidate and the Army General Sarath Fonseka, in response to a request made by his wife and the intervention to look into the detained condition of the former Deputy Mayor of Colombo, Assad Sally and recommendations issued with regard to the complaint made by G.S. Buddhadasa, Mayor of Kaduwela regarding police interruptions for his political activities. The Commission further explained that certain incidents relating to assassination of MPs fall under the purview of the Department of Police.

- Discussion with the Commonwealth Parliamentary Association

A high level delegation of the Commonwealth Parliamentary Association participated in the discussion with the Commission on 26.07.2013

At the discussion the team explained their experience during the visit to North-East. They expressed satisfaction over the rapid development even after destruction caused by 30 year long war and tsunami.

The team discussed following matters:-

- The condition put forward by the Sri Lanka Government to the BBC at the time of signing an agreement to report on the Commonwealth Heads of Meeting in 2013, is a violation of the right to expression.
- The assassination of a foreign national by a Member of the Local Government Authority, Tangalle.
- Illegal conscription of personal property.
- Eruption of war memorials
- Independence of the judiciary and the impeachment against Chief Justice.

Joining the discussion the President of the Commission expressed the view that it is a compelling fact that certain limitations needed to be implemented to safeguard national security after 30 years of war but the Government should be cautious not to impose limitations that would violate rights of people.

In addition, he stated that the matters coming under the purview of the Police cannot be investigated by the Commission but could be monitored. It was also mentioned that issues relating to personal property/lands were addressed by the Commission, specially, by holding mobile clinics in the Northern Province.

Further it was mentioned that more than erasing war memorials it would be appropriate to create reconciliation. It was also explained that the removal of the Chief Justice from her office was done in a fast track procedure.

- Discussion with the High Commissioner for South Africa

A meeting was held up with the High Commissioner of South Africa on 31.10.2013. The High Commissioner mentioned that Sri Lanka would be a deciding factor in the future of Human Rights, and the Commission need to play a huge role for the interest of the public. The objective of his visit

was to discuss how to work in collaboration with the South African National Human Rights Institute in future. It was also agreed during the discussion to exchange experience with each other national human rights institutions.

In addition it was also discussed that the programmes initiated by the Commonwealth Secretariat Documentation Office would be important for Sri Lanka.

- Discussion with Representatives of the US Embassy

Discussions were held on 29.01.2013 with the members of the Commission. They inquired the Commission how the activities of the Commission were carried out at present and what kind of complaints the Commission had received. The Chairman clarified facts relating to inquiries and explained to them the current challenges faced by the Commission.

It was also highlighted that the attention of the Commission should be focused in bringing the provisions of the 13th amendment into effect and assuring independence of the judiciary.

4.6 Participation in International Programmes held Overseas

No	Name & Designation	Country and Conference/ Seminar/ Meeting/ Workshop	Duration
01.	Justice Priyantha R. P. Perera – President	England	01.05.2013 – 03.05.2013
	Dr. S. W. Prathiba Mahanamahewa – Commissioner	The round table discussion on National Reconciliation	
	Mr. M. R. Priyadarshana – Regional Coordinator –	Organized by the	

	Vavuniya	Commonwealth Secretariat	
	Mr. A. C. S. Aziz – Investigation Officer, Pradeshiya Saba, Badulla		
	Mr. T. Kanagaraj – Regional Co-ordinator – Jaffna		
02.	Ms. Menaka Herath – Legal Officer.	The Philippines Mixed study programme on National Human Rights Institutions and rights of migrant workers	01.05.2013 – 16.05.2013
03.	Ms. Shirani Rajapaksha – Director, Education and Special Programmes	Myanmar Workshop to train regional trainers organized by Asia Pacific Regional Forum	03.06.2013 – 07.06.2013
04.	Ms. Samathi Jayamanna Paranagama - Secretary	Australia Round table discussion of Senior Executive Officers	24.08.2013 – 25.08.2013
05.	M. A. N. Chandrasiri – Research Officer	Nepal Programme on the rights of Migrant	18.09.2013 – 22.09.2013

		Workers of the South Asian Region	
06.	Dr. S. W. Prathiba Mahanamahewa – Commissioner	Doha – Qatar 18 th Annual General Meeting and the bilateral Conference of National Human Rights Institutions	01.10.2013 – 03.10.2013

Chapter 05

Activities of HRCSL Regional Offices

5.0 Introduction

For the purpose of carrying out functions of the Sri Lanka Human Rights Commission of Sri Lanka, 10 regional offices have been established, in addition to the Head office. Each regional office has a building as office premises obtained on rent using funds provided by the Government, a vehicle assigned to the regional office, a regional coordinator to coordinate regional activities & a separate staff. The employees of these regional offices are permanent employees of the Commission and for regional offices where foreign funded projects are implemented, there are project officers.

Out of the 10 regional offices, 6 are situated within the North-East area, i.e. Jaffna, Trincomalee, Batticaloa, Vavuniya, Kalmunai & Ampara and four other in the North-Central, Central, Uva and the Southern Provinces i.e in Anuradhapura, Kandy, Badulla & Matara.

Regional Coordinators officers attend programmes organized by the Head office of the Human Rights Commission and at the end of a programme, meetings of Regional Coordinators are held with the participation of the Members of the Commission and the Senior Staff.

In addition, in year 2013, the Jaffna Regional Office conducted a mobile office at Kilinochchi and the Kandy Regional Office conducted a mobile office in Nuwara Eliya, once a week.

In addition, a mobile office in Puttalam was conducted by an Investigation Officer of the Head office, every Thursday.

Activities of the regional offices, in 2013 have been discussed under the topics of protection of human rights, handling of complaints, inspection mechanism and working with civil society organizations.

This Chapter has been prepared by using the reports of the regional offices submitted by each Coordinating officer for the purpose of preparing the Annual Report 2013.

5.1 Regional Office, Ampara

Introduction

This regional office covers the District of Ampara. There are eight employees of the Commission serving at the regional office.

Ampara is the main district of the Easter Province. It stretches up to 4431 square Kilometers and the total population is 651,515. In the Ampara district all three ethnic groups, Sinhalese, Tamils and Muslims live. There are 20 Divisional Secretariats and 505 Grama Niladari Divisions within the district. Further, the district is comprised of 825 villages and the main livelihood of the people is agriculture.

Under the 2013 Deyata Kirula Exhibition a number of development programmes were carried out within the district. Out of them, water project and road development projects and owner ship of lands were main projects.

Under the Rambaken Oya project lands of Mahaweli in Maha Oya area were developed. People of the area were given paddy lands under that project. A Navy camp has been established in Panama and due to that people living in Raygamwela area have lost their traditional agricultural lands.

In the year there is a decrease in complaints relating to torture, illegal arrest & detention.

Protection of Human Rights

Handing of Complaints

The total number of complaints received with the year, were 143. The number of complaints brought to a close was 133. 885 people have visited the regional office seeking advice.

Categorization of complaints – Regional Office Ampara

Nature of the Complaint		No. of Complaints
Personal liberty	Torture	15
	Mental & physical harassment	09
Illegal arrest/detention		09
Inaction		46
Employment		34
Education		03
Other		27
Total		143

Special interventions

- An unrest that cropped up due to the protest campaign staged by the parents of Panam Govipola school against setting up Ampara Lahugala Primary School was settled by intervention of the Commission.
- A complaint was made regarding disturbance to fishing activities caused by the commencement of Naval patrols in Panama fishing harbor, Ampara; the

Commission intervened into the matter and was able to provide relief to the fishing communities.

- The Commission intervened into the issues that cropped up during the re-settlement of the displaced in the areas Kevilitamaduwa and Manikkammaduwa and was able to resolve them.

Inspection of places

The number of police stations required to be inspected by the regional office was 12 and within the year on 97 occasions, these police stations were inspected. In addition, prisons were inspected. It has been revealed during the inspections that the facilities available for detainees within police cells were insufficient. In addition, it has been observed that the cells of Ampara prisons too do not have sufficient facilities.

Human Rights Promotion Programmes

28 promotion programmes were conducted during the year 2013 and out of them 22 were awareness programmes while 06 were workshops.

This regional office has built up close contacts with government and non government organization. As a result, Heads of public institutions have requested to make their respective staffs aware of human rights.

Police officers, public officers, teachers, parents, students, leaders of civil societies, civilians and members of NGOs were targeted groups for awareness programmes.

Since Deyata Kirula national exhibition was held in Ampara in year 2013, the regional office with the assistance of the staff of Badulla and Kandy regional offices, organized a promotion stall on human rights at the exhibition.

Working with Civil Society Organizations

The Commission with NGOs held awareness programmes for the public, all over the district. Seva Lanka Foundation, Gemi Shakthi Foundation, Sarvodaya and Human Development Foundations were the NGOs that worked with the regional office in Ampara during year 2013.

5.2 Regional Office Anuradhapura

Introduction

The regional office of Anuradhapura has been established in the North Central Province and also covers districts of Anuradhapura and Polonnaruwa. However, in addition, this office covers certain areas of the Puttalam and Kurunegala districts. The North Central Province has an extent of lands of 10714 km³. The population is around 1,104,664.

There are 9 employees of the Commission attached to this regional office.

This Province includes 31 Divisional Secretariats, 1008 Grama Niladhari Divisions, 1 Municipal Council and 26 Pradeshiya Sabhas. The regional office inspects 42 police stations.

The regional office participated in election monitoring activities in Dambulla and Kurunegala area during Provincial Council Elections of the North Western Province.

Protection of Human Rights

Handling of Complaints

The number of complaints received by the regional office was 748. Most of the complaints were lodged against the Department of Police.

When focusing attention on complaints concerning children it has been observed that due to certain legally related issues, respondents had faced problems. Thus, the age limit for marriage being 18 years, and the age for statutory rape being 16 years, those who were in between the ages of 16 – 18 faced problems due to the vague legal provision applicable to that age groups. Therefore, the regional office hopes to make an early study to propose recommendations to the government enabling speedy amendment of laws to create consistency in the related provisions.

Many complaints lodged relating to land matters are of same nature. Transfer of ownership, and success areas are where issues mainly arise. It has been evident that these situations arise due to the delay in amending the Land Development Ordinance and the regional office has identified this as a special area, that need to be studied in order to make recommendations to the government.

Categorization of complaints

Nature of the Complaint		No. of Complaints
Personal liberty	Torture	69
	Intimidation	26
	Degrading treatments	19
	Mental & physical harassments	11
Illegal arrest/detention		57
Disappearances		01
Inaction		180
Employment	Recruitments	08
	Promotions	21

	Service Conditions	01
	Transfers	32
	Terminations	38
	Suspension of service	13
	ETF	01
	Remuneration	14
	Special privileges	12
Pension		16
Education	School admission	14
	Disciplinary matters of school/ university students	01
	Lack of resources in Educational institutes	01
Health	Negligence	02
Property	Land matters	164
	Roads	12
	Water	03
	Compensation	01
	Electricity	04
	Problems of farmers	05

Government welfare	Samurdhi	01
	Fertilizer relief	02
	Government grants	01
Environment	Digging of lands	01
	Air pollution	01
Not coming under the purview		15
Total		748

A complaint settled by mediation

Water Consumers' Association of Tissawewa lodging a complaint with the regional office stated that around 25000 families who use water of the Tissawewa for drinking purposes faced a serious difficulty due to contamination of water as result of bathing and washing of vehicles by a large number of pilgrims in Tissawewa. The complaint also pointed out that even though the Water Board, Irrigation office, traffic unit of Anuradhapura police and the Municipal Council of Anuradhapura were informed of this crisis, the villagers had not been provided a solution for this issue.

The regional office called reports from the respective parties and carried out several ground inspections and now the respondent parties have informed that two officers of the Mahaweli Security division have been deployed on round the clock duty to prevent *pollutant matter* being dumped into the lake and a separate place has been arranged for pilgrims to bath. The Irrigation officers of Anuradhapura clarifying the matter further stated that since bathing in Tisswewa has been a custom of pilgrims for ages it would be difficult to suddenly put a stop to that practice and a proper work plan needed to be introduced gradually to settle the matter.

Once again to the continuous number of complaints made by water consumers of Tissawewa who claimed that water of the Wewa gets polluted due to pilgrims who visit Anuradhapura during Poson season, Irrigation Engineer Anuradhapura, Urban Commissioner Anuradhapura, Director Irrigation, Anuradhapura and complainants were convened to the regional office on 23.12.2013 to inquire into the matter again.

On this occasion the officers representing the respondents pointed out the need to obtain the service of the police or civil security force to provide continuous and regular protection of the lake and since there is a plan to put main lakes of Anuradhapura under the custody of Sri Lanka Army, a permanent solution would be given to the issue in near future. (HRC/AP/504/2010CI).

Inspection of Places

The regional office is required to inspect 42 police stations and every month inspection of police stations have been carried out. The prison had been inspected 13 times. Child orphanages were inspected 21 times while Elders' homes 4 times and Homes for Differently-abled 4 times.

Special inspection in the prison had been carried out due to various complaints.

Issues identified with regard to places of detention in 2013;

1. Delays in producing suspects to courts.
2. Insufficient facilities in cells
3. Assault while in custody
4. Weaknesses in investigation
5. Keeping children belonging to the categories of orphan, destitute & abandoned with children put under probation by Courts, in a common place.
6. Transporting elder suspects and child suspects to courts together in the same prison bus.
7. It has been observed that issues have arisen with regard to transportation of victims of child abuses from children homes to courts.

Human Rights Promotion

This regional office has conducted 40 workshops, awareness programmes on Human Rights, Women Rights and Child Rights.

The targeted groups were as follows:- Army officers, Police officers, Teachers, Journalists, Social Servicers officers, Community leaders, leaders of community based organizations, Students of Youth Councils, Development officers, Union members, School students and Members of local government authorities.

A special programme was conducted to officers of Child and Women's Bureau of the Department of Police, on the International Women's day, with special reference to women rights and criminal investigation.

In addition, a debate among school children was also organized. The Commission participates in the child development committee meetings held at the Divisional Secretariats.

When working with civil organizations, the Commission attended programmes held to minimize gender base violence, conducted by the "women in need" organization.

Special Discussions

A special programme was held with the North Central Police Officers on cooperation with regional office of the Commission.

During the past few years it has been noted that there is an escalation in the complaints against the police. The regional office took measures to hold a discussion with all senior police officers including Officer in Charge (OIC) of the Northern Central Province on the activities of police stations in Anuradhapura & Polonnaruwa Districts, on the situations relating to infringement of

human rights, and the facts observed by the Commission during inspections of police stations, in order to prevent further proliferation of such incidents.

Accordingly, a discussion was held on 01.11.2013 under the patronage of the Hon. Chairman and Legal Secretary of the Commission. Senior Deputy Inspector General of the North Central Province, DIG, Superintendent of Police of Anuradhapura and Polonnaruwa Districts, and all ASPs and OICs representing the Department of Police attended the meeting. In addition, the Regional Coordinator of the Anuradhapura Divisional Secretariat and all the staff also participated in the event.

The main objective of the meeting was to discuss following matters identified during inspection of police stations during the recent past:

1. Delay in submitting responses to inquiries made by the regional office.
2. Delay in producing suspects to court.
3. Insufficient facilities in cells
4. Assault while in custody
5. Weaknesses in investigations

At the end of the discussion the Senior DIG offered an opportunity to the relevant OICs to produce a report on police officers who attended as respondents on complaints lodged at the regional office during year 2013. Accordingly, the OICs of respective police stations made short comments on the complaints made against their police stations.

After that the Regional Coordinator presented a detailed account on the complaints made to the regional office regarding police stations, the number of on-going cases and the number of cases resolved or for which recommendations were made.

Finally, the Chairman of the Commission and the Legal Secretary were of the opinion that a meeting of this nature should be held at least twice a year between the Sri Lanka Human Rights Commission and the Department of Police as the knowledge gained by police officers through such

meetings would help to minimize complaints made to the Commission against the Police Department.

Working with Civil Society Organizations

- A discussion was held with the Human Development Foundation of Polonnaruwa and the said Foundation had submitted a lot of facts relating harassments to women in the Polonnaruwa district and requested the Human Rights Commission to launch an awareness programmes as those women had no knowledge what-so-ever on the law. Accordingly, an awareness programme was held on 04th July 2013 for representatives of women's organizations and other social activists, at the Pradeshiya Sabha of Thamankaduwa.
- A discussion was held by an NGO called "Rajarata Gemi Pahana" with the regional office on 08.05.2013. The main objective of the organization was to hold programmes to rehabilitate vagrant woman and to launch health programme with the assistance of the Department of Health to prevent spread of venereal diseases by them. It was requested from the Commission to look into ground issues relating to arrest of such woman under cover of the organization by police without any valid reason and the non-availability of their identity cards. Accordingly, a discussion was held with the OIC Anuradhapura and he was made aware of the situation and arrangements were made to contact the District Registrar to obtain identity cards.
- The Chairman of the Talawa Association for Disabled Women lodged a complaint over harassments by way of cracking jokes to inmates of the home by some youths in the area and a boundary issue of the premises and action was taken to immediately inform Talawa OIC of the situation and request the Provincial Director of Social Services to intervene in the matter.

5.3 Regional Office- Badulla

Introduction

The extent of the area of the Uva Province is 8500 square kilometers and it represents 12.9% of the total land of Sri Lanka. This regional office covers 2 District Secretariats and 26 Divisional Secretariats.

There are a number of important places in the Uva district. It should be specially noted for indigenous people (Veddha community) living in Mahiyanganaya, Dambana and Bibile.

It has been observed that health services have been expanded and both the Central government and the Provincial Council have launched special programmes to upgrade education in the year 2013. It is to be also noted that improvement of many roads in the Monaragala District has contributed favorably for inspection tours of the Commission.

Protection of Human Rights

Handling of complaints

The total number of complaints received was 302. Among the complaints those relating to employment issues were more. The regional office has noted that despite the awareness of human rights gained through print and electronic media, the level of district complaints received by the Commission is quite low.

1167 persons visited the regional office seeking advice in the year 2013.

Categorization of Complaints – Regional office Badulla

Nature of the Complaint		No. of Complaints

Personal freedom	Torture	19
	Mental & Physical harassment	23
Illegal arrest/detention		11
Inaction		
Employment		
Education		
Health		02
Property		60
Government Welfare		05
Environment		04
Other		18
Not coming under the purview		28
Total		302

Inspection of places

This regional office is required to inspect 28 police stations 09 police posts and 03 prisons. Inspections of police stations and prisons have been carried out 62 times and 04 times, respectively.

It was revealed during inspections on several occasions that suspects had been continuously held in police custody more than the permitted duration of time. The Commission advised that the suspects should be immediately produced before court or to bail them out.

Monitoring of Taldena Centre for Rehabilitation of the Young & Authority of the Commission

A group of prisoners had informed the Commission during an inspection carried out at the above premises on 20.05.2013, that two other prisoners were assaulted and detained without providing them with any medical treatment. The Regional Coordinator inspected all cells but had not come across any such assaulted prisoner. When the Jailor was questioned, he too had denied the incident.

However, the Regional Coordinator had reported the information to the Superintendent of Taldena prison, over the phone. The Superintendent replying to such inquiry had stated that an assaulted prisoner was produced before him by the prison officer and he had obtained a statement from the detainee and sent him to the Badulla hospital. Then the Regional Coordinator had gone to the hospital and as prison officers who were supposed to guard him were not available, the Coordinator recorded the statement of the detainee. While the statement was being recorded the jailor had returned and had informed the Coordinator that permission cannot be given to obtain a statement from the prisoner without the written approval of a Senior officer of the prison.

Following this incident, a problematic situation arose regarding the powers of the Commission and the Head-office was informed of the situation. The Head-office intervened into the matter by calling the Commissioner –General of Prison and making him aware of the situation, but even then permission was not granted to record the statement on that day.

Afterwards the Chairman of the Commission summoned the Commissioner-General of Prisons, Chief Jailor of the Badulla prison, and the relevant Jailor. It was observed by the Commission during the meeting that following the above incident the Commissioner-General by his letter dated 26.07.2013 had issued instructions to all superintendents of prisons to assist all investigations carried out by the staff of Human Rights Commission. In addition, it was highlighted that the reason for such a situation was the lack of proper understanding on the powers and authority of the

Commission. Further it was agreed, that no room would be left for such situation to arise in the future. (Please refer to Annex 05 for a copy of the letter)

Human Rights Promotion Programme

17 Educational programmes were conducted on human rights. The targeted groups were the police officers, army officers, prison officers, officers of the Divisional Secretariat, journalists and members of the civil society.

Around 500 officers deployed in office and field work attached to the four Divisional Secretariats of the Badulla District were made aware on human rights under these programmes. Heads of other institutions have also requested the Commission to conduct similar programmes.

Further, a Senior Lecturer of the University of Colombo and the Senior Executive Staff had contributed as resource persons for the workshop organized for journalists under the UN Human Rights programme.

Working with Civil Society Organizations

Awareness programmes were conducted jointly with Civil Organizations. The Commission contributed by providing resource persons to “Deshodya Programmes” organized by the Uva Regional Office of Sarvodaya , inter-religion programmes and programmes conducted by USCOD Institute, Badulla.

Further, it should be noted that the Commission also contributed to a programme organized by the Sri Lanka Association for the Blind.

A special meeting was held to strengthen activities with civil organizations.

5.4 Regional Office, Batticaloa

Introduction

The Regional Office, Batticaloa covers the District of Batticaloa. There are eight employees of the Commission serving at the regional office.

The population of this district is about 581,223 and the extent is around 2633 square kilometers. There are 14 Divisional Secretariats, 330 government schools and 12 Police Stations available within the District. Majority of the people living in this district are engaged either in farming or fishing.

There are three Members of Parliament representing the Batticaloa District and out of them one holds a Ministerial portfolio whilst the other two more Deputy Ministerial Portfolios.

It should be noted that the activities of the Provincial Council and the Pradeshiya Sabha within the District in year 2013 and the 'Deyata Kirula (Empowering the Nation) Exhibition' held in Ampara District have developed the area very much, including the roads.

Enhancement of the outlook of the city of Batticaloa, reconstruction of the famous Kalladi Bridge and the Vachchathivu Bridge are few development activities.

The cultural programmes held with the participation of the Sinhalese, Tamils and Muslim Communities was an important milestone.

It should be specially noted that recruitment of persons with special needs to jobs in public sector offices in the district has increased.

Protection of Human Rights

Handing of Complaints

The total number of complaints received by this office within the year was 452. 458 persons visited the Commission seeking advice and a special feature was that most of them were women.

Categorization of complaints – Regional Office Batticaloa

Nature of the Complaint		No. of Complaints
Personal freedom	Torture	04
	Intimidation	31
	Degrading treatment	

	Mental & physical harassment	20
Illegal arrest/detention		27
Disappearances		17
Inaction		91
Employment		48
Education		57
Health		09
Property		70
Government Welfare		10
Environment		06
Other		62
Total		452

Issues resolved through mediation

Employment rights

An employee of the CEB (a Labourer) was caught in a mine explosion and became disabled

The complainant lost a promotion opportunity due to his disability even though he had better qualifications for the post, in all other aspects. The matter was referred to the Human Rights Commission and the person was promoted as a result of intervention by the Commission. (HRC/BCO/342/2012)

Rights of migrant workers

1. A young mother had attempted to migrate for an overseas job and her husband had lodged a complaint with the Commission. Mother's migration had been stopped as a result of intervention of Child Rights monitoring Officers and the Child Rights Promotion Officers in the area.

The Commission learnt that the Child Right Monitoring and Promotion Officers had explained to the mother that it was inappropriate to migrate without providing maternal protection to the child at least for two years, when the husband objects (HRC/BOC/2/2013)

2. A husband had lodged a complaint stating that he had been subject to difficulties as a result of migration of his wife. The matter was referred to the Bureau of Foreign Employment and the Commission intervened for the safe return of the complainant's wife from Saudi Arabia. (HRC/BCO/034/2013)
3. A woman who faced difficulty of getting the remains of her husband who died in Saudi while working there repatriated, had lodged a complaint with the Commission. She complained that the Bureau of Foreign Employment was not keen in the matter. The Commission intervened in the matter and Bureau repatriated the remains and handed it over to the wife (HRC/BCO/339/2013)

Child Rights

1. The complainant was successful in obtaining the school leaving certificate which was issued only after an inquiry following the child's complaint to the Commission against the school. (HRC/BCO/005/2013)
2. A complaint was lodged by a female student for caning and scolding using harsh language. The matter was settled after summoning the principal and the teacher, explaining the rights of a child and obtaining an assurance not to let room for such incidents.
3. A complaint was lodged for not admitting the student to a popular girl's school in the area despite her qualification. After an inquiry held by the Commission, the student successfully gained admission to the school. (HRC/BCO/154/2013)
4. The Batticaloa regional Office conducted an investigation on a sexual harassment incident caused to an inmate of a children's home with special needs. After convening the relevant parties, the Commission was able to get the offender's service suspended, to create a change in the administration and to get the authorities agree to get the relevant public officers to carry out sudden inspections of the Home. It was identified by the Commission that the public officers had not paid enough attention to internal problems but had merely talked to the administration officer during inspection visits. (HRC/BCO/022/2013)

Rights of family members of missing persons

The Commission, having come to know of a gang that cheat family members of disappeared persons and obtain property and money from them in the Batticaloa District, took steps to convene such families and make them aware of the way to lodge complaints relating to disappearances and the manner investigations are held by various organizations. After the awareness programme no other incident of such nature had been reported (HRC/BCO/81/2013)

Inspection of places

The regional office is required to inspect 11 police stations monthly. Police stations were inspected 102 times during the year on the basis of 8 stations per a month.

A written communiqué was made on 12.09.2013 to the DIG on the police stations that do not cooperate with the Commission in carrying out inspections. In response, the DIG ordered police stations to extend cooperation to the officers of the Commission to perform their duties.

In addition, the remand prison was inspected 12 times while Homes for Children 05 times, elder's home once and homes of various disabilities, 02 times.

Human Rights Promotion Programmes

31 Awareness programmes, trainings and discussions were held during year 2013.

Most of the programmes were organized in line with the obligations assigned to the Commission under the LLRC report and the National Action Plan for Human Rights. Some programmes were organized by government and NGOs and attended by the Commission as resource persons. Promotion programmes under this regional office are targeted for a number of groups, i.e. Members of village committees engaged on Child Right Monitoring operated under relevant Grama Niladharies, Member of committees engaged in Child Rights Monitoring activities and operated under the supervision of the District Secretariat, members of rural association for women, members of Rural Development Societies and Members of Committees for the Elders, and as public servants, principals, teachers, probation officers, Child Rights promotion officers, Pre-childhood development officers, Nurses, and senior & junior police officers, students, school students, grade one students, university students.

As other groups, women who heads their families, members of civil societies, managers of Elders' Homes, Community leaders & religious leaders, members of trade unions, consumers, members of NGOs.

The number of people made aware of human rights were 2755.

Working with civil society Organization

This office jointly carries out various promotional activities with civil society organizations and regional organizations committees have been established with participation of members of civil society and other experts.

Workshop for Regional organizations Committees

It is very important to identify human right related issues in the area in order to strengthen the functions of the Human Rights Commission. The regional office, Batticaloa organized a special workshop to identify such issues, to identify what action the Commission should take to prevent them, contribution of civil societies and public institutes. Members of Rural Development Societies, Members of rural societies for women, public servants, pensioners, police officers, principals, teachers, members of NGOs, religious leaders and media personnel were invited for the workshop.

A Commissioner attended the workshop and explained what the Commission expects from regional committees. The DIG of the area had mentioned that they wish to identify crimes committed in the area, and receive information through these committees,.

The participants have identified human rights related issues in the area, as follows:-

1. Loans given by certain institution for people in the area and the difficulty in the repayment.
2. Robberies due to alcohol addiction in youths.
3. Woman engaged in prostitution due to poverty.
4. Authorities not making the committee aware of environmental pollution.
5. Affected lives of children due to migration of their mothers to foreign employment.
6. Delays caused in private bus transportation.
7. Illegal transportation of sands and sea erosion.
8. Transfer of land permits.
9. Politicians changing names of certain roads and objection of the community.
10. Disturbance and accidents caused to the public due to Sunday tuition classes and bicycles of students.
11. Insufficient government sponsorship to pre childhood development institutions.
12. Clearing of forests in Eravur.
13. Public uproar due to an eruption of Buddha statue in a school premises in Oddamavadu.
14. Dearth of GramaNiladharis.
15. Importance of three wheelers to have meters.
16. Introduction of the subject of Information Technology only to certain selected Muslim schools.
17. Unconfidentiality of Police regarding the identification of informant.

After discussion how the regional committee and the Commission should act with regard to identified issues and how the two parties should jointly address issues it was decided to adopt the following mechanism;

- to continue awareness
- to inform municipal councils and PradeshiyaSabhas on environmental issues and the Commission to intervene when they do not act
- collect information on the road name changes
- to discuss with the Association of private bus owners
- to discuss with the Forest department over the clearing forests
- to prepare programmes on adverse effect of the user of narcotics

- to provide information to the District Secretary and PradeshiyaSabhas on illegal transportation of guard.
- to make the authorities of the area aware of private tuition classes.

Attention of the Commission was drawn to the request made by participants to hold regional committee meetings once a month and to provide identity cards to them.

5.5 Regional Office, Jaffna

Introduction

The Jaffna Regional Office covers Jaffna and Kilinochchi districts. There are 05 employees of the Human Rights Commission of Sri Lanka and 04 employees of the UN Human Rights Programme and the UNICEF project are working at this office.

The Jaffna Regional Office conducts a mobile service in Kilinochchi every Thursday.

The District of Jaffna is 1025 square kilometers in extent whereas Kilinochchi district is 1279 square kilometers. It is an important to note that the Jaffna district contains 7 islands. The Jaffna district is comprised of 15 Divisional Secretariats and 435 GramaNiladhari Divisions whereas the Kilinochchi district is comprised of 4 Divisional Secretariats and 95 GramaNiladhari Divisions. Jaffna district is consisted of one Municipal, and 3 Town Councils and 13 PradeshiyaSabhas. Kilinochchi district is consisted with only 3 Pradeshiyasabhas.

There are several important venues including the Nallur and serveral other Hindu temples as well as NagadeepaVihara situated in the district of Jaffna.

The population in Jaffna District is nearly 650,720 whereas Kilinochchi has 103,717.

The Ministry of Land has initiated work in acquiring 6381 Acres of land in Jaffna district for the Palali and Kankasanthurai high security zones.

Since Indian fisherman and non-Jaffna Sri Lankan fisherman have started encroaching the territorial seal of the Jaffna peninsula in 2013, a crisis has arisen with the area. The Commission had convened responsible authorities, i.e. Fisheries and acquatic research Department & the Police and held a special meeting.

It should be noted that the Northern Provincial Council Elections was held on 21.09.2013. The Tamil National Alliance which competed with main political parties of the area won 30 out of 38 seats.

In year 2010 the number of voters who casts their vote was 33% and this time it increased to 68%. The Central government party UPFA won 7 seats while the Muslim Congress won 1 seat.

In year 2013, two incidents of abducting, raping and killing of two women of the area were reported.

The Hospital authorities carried a programme and measured of weight of babies under the age of 5 in the KilinochchiWerawal area and subsequently provided contrapositive injections to mothers. For this purpose two Ambulances were deployed to provide transport.

Protection of Human Rights Handling of Complaints

The Regional Office had conducted inquiries more than 500 complaints lodged years before 2013. The number of complaints received in year 2013 were 254.

There were 12 disappearances reported in 2013 and 8 were found. It was revealed that those disappearances were due to personal reasons but information on 4 other missing persons has not yet been revealed.

The number of complaints registered prior to and brought to a close in year 2013 were 246.

Categories of complaints - Regional Office Jaffna

Nature of the Complaint		No. of Complaints
Personal freedom	Mental & Physical harassment	67
Illegal arrest/detention		16
Disappearances		12
Inaction		54
Employment		47
Education		10
Health		02
Property		13
Government Welfare		12
Children		02
Not coming under the purview		19

Complaints of the Kilinochchi mobile office		126
Total		380

Inspection of places

This regional office has to inspect 17 police stations and every police section was inspected monthly, throughout the year. The total number of inspections carried out was 202. Instruction was provided to improve conditions of detention, during inspections.

During inspections, incidents of arresting without inquiring, delay in submitting detention orders, certain police officers being not sensitive to human rights protection, non availability of cells in certain prisons, were reported.

The Jaffna prison was inspected 9 times within the year. It has been observed that these continuous inspections had improved detention conditions. It was observed that the conditions such as, lighting in rooms of the prison, non-availability of clean drinking water, health conditions of food need to be improved.

It has also been observed that torturing was present without the prison and the regional office has the opinion the tendency for torturing could be due to lack of prison officers.

The regional office had inspected 1 children's home run by the government and 17 children's Homes run by private institutions.

The children's home run by the government was inspected 10 times within the year.

It was observed during inspections that the hygienic conditions were not satisfactory. The number of children increased this year as the Department of Probation had introduced a special policy in admitting children.

Special Interventions

Bomb blast in a Sinhala village in Navatikuli was reported and the regional office officers visited and inspected the place, subsequently.

It was revealed that the bomb was thrown to the main hall in Jaffna and an 80 year old priest and another younger priest had escaped unharmed. The blast had taken place when devotees left the place after offering flowers. The bomb had fallen on the iron fence and not into the temple. There is an Army Camp nearby. However, the police was advised to conduct night patrols and provide security.

Human Rights Promotion Programmes

The regional office had held 23 Human Rights Promotion Programmes in 2013. Some were conducted under the financial assistance of the UN Human Rights Programmes while some were conducted under the UNICEF. In addition programmes were also conducted in collaboration with other institutions as well.

Targeted groups were members of civil societies, officers of the Department of Social Services, Religious leaders, Union leaders, school students, child protection committee members and members of the local government authorities.

The following matters were identified during child right protection workshops and steps were taken to prevent them.

- Children leaving schools
- Entering into marriage before 18 years and poverty
- Unwanted pregnancies
- Child labour
- Usage of narcotics and using children for sale of narcotics

Programmes held with civil organizations

6 programmes were held with SEDEC Caritas, Jaffna. Those teams were members of Rural Development Societies for woman GramaNiladhari and SamurdhiNiladharis.

Meeting with Government Officials

During this meeting the issues faced by government officers in the investigations carried out by the Commission were discussed. Those issues were

- Since the Department of Lands, Northern Province has powers to deal with state lands, the department finds difficulties when questions are raised in relation to private lands by the Commission.
- The police officers of Jaffna police needed to be aware of the role of the Human Rights Commission Jaffna.
- Taking up issues directly with the Human Rights Commission without taking them up with the Health sector unions, causes problems.

Regional Committees

5 meetings with government institutions responsible for human rights & civil society activists operating within the jurisdiction were helpful to strengthen and develop coordination between them and the human rights in the society.

Matters discussed during the meetings were as follows;

- Complaints lodged regarding missing persons and intimidation levelled at complainants
- Implementation of the National Language policy.
- Lands used by security forces.
- The Northern Department of Education not implementing the transfer policy.
- Forcing Jaffna youths and trishaw drivers to participate in political marches.
- The Divisional Secretariat rejecting housing facilities received under grants on house buildings.
- Difficulty in visiting historical places of worship due to establishment of security camps in such areas.
- The disposal of waste by the Jaffna teaching hospital not environmental friendly.
- Issues of drugs by pharmacies without prescriptions.

5.6 Regional Office, Kalmunai

Introduction

The Kalmunai Regional Office is the office that covers the smallest jurisdiction area among regional offices which covers 1234.4 km². This Regional Office covers 13 Divisional Secretariats, 8 Police Stations, 9 Pradeshiya Sabhas and 2 Municipal Councils. It also covers 373 GramaNiladhari Divisions. The entire population is around 450,000 and the Sinhalese represent a minority while Tamils and Muslims represent the Majority.

There are 6 employees of the Commission serving at this office. Since the Regional Coordinator retired in February 2013, an Investigation Officer, covers duty as the Acting Regional Officer.

Protection of Human Rights

Handling of Complaints

The number of total complaints received during 2013 was 233. Out of them 222 were inquired and brought to a close. The number of people visited the office seeking advice was 425.

Categories of complaints - Regional Office Kalmunai

Nature of the Complaint		No. of Complaints
Personal freedom	Torture	07
	Mental & Physical harassment	33
Illegal arrest/detention		02

Disappearances		01
Inaction		11
Employment		23
Pension		00
Education		24
Health		02
Property		05
Government Welfare	Samurdhi	00
Environment	Digging of lands	00
Children		08
Other		01
Not within the mandate		16
Total		233

Inspection of Places

There are 08 Police Stations under the purview of this Regional Office. The total number of inspections carried out in police stations were 58.

The children homes were inspected 14 times within the year and the Regional Office had noticed that probation officers and other responsible authorities do not continuously follow up inspections and the managers of these homes faced difficulties in admitting these children to schools.

An elder's home in the area was also subject to inspection and the said home was inspected 4 times during the year. The Commission had noticed that the provisions to maintain the Home were not sufficient and the conditions were not very satisfactory.

Human Rights Promotion Programmes

20 Awareness programmes were held in 2013 and the Commission was able to conduct programme for about 1016 A/L & O/L students, inmates of Children's Homes, members of Women's Societies and representatives of Youth Societies on human rights.

Rights of migrant workers

The Human Rights Commission jointly with the Sarvodaya movement organized a workshop based on a survey on migrant workers to mark the International Human Rights Day. Women development officers, Child Rights promotion officers, Probation officers, District coordinators of the Child Protection Authority, consultants and relief workers participated in the event.

As reasons compelling to migrate for jobs were identified as unavailability of a steady income, unbearable cost of living, building up a house, compelling to provide dowries for girl children and money for education of children.

Indebtedness, domestic violence, no protection for children & addiction to narcotics were identified as social issues in the area.

In addition, the language issues, low working conditions, negligence, issues of accommodation and food, torture were given as issues faced by migrant workers. Nevertheless it has been observed that sending women abroad for housemaid jobs by agencies is continuing even without proper legal protection.

Rights of migrant workers and human trafficking

A workshop was held under the above theme at the Regional Office Kalmunai with the participation of Mr. S. Sarveshan, Senior Lecturer of the University of Colombo as the resource person.

The matters relating to rights of workers, social security and union rights and rights of migrant workers and rights of their family members which were important for the protection of human rights of migrant works were discussed.

The workshop was attended by government officers, union leaders and social activists of the area who are working in this field.

The local and international laws applicable and the reasons for migration, benefits and adverse effects were discussed.

Child Rights

A workshop was organized for police officers in charge of the protection of women's and children's rights officers of the Child Protection Authority, Child Right promotion officers and probation officers. Most of the children living in Kalmunai have been affected by the war, tsunami and poverty. Objectives of the workshop were to make the community aware of child rights, to prevent violence, to create a favorable atmosphere to the child, development of coordination of child rights protection officers within various organizations, to create a district network with child right protection officers and the Human Rights Commission.

The issues put forward by the participants were the absence of Tamil speaking police officers to deal with woman and children related matters, absence of woman's & child protection officer in certain police officers, absence of any such unit in certain police stations, absence of technical facilities of these units. Commission had decided to intervene in these issues.

Rights of Elders and Human Rights

A workshop was held to discuss with social services officers, Rural Development Officers and Development Officers on how the issues faced by elders could be treated as human rights and how to intervene in such issues.

Woman Rights

The Commission has identified that the ignorance on rights of women has contributed to the increase of gender based violence in the area and a workshop was held to provide knowledge on rights of women and the need to motivate women in making effective decisions.

Getting married at a young age, having children at a young age, financial issues and migration to Middle-Eastern countries for jobs were identified as causes for the increase of violence against women.

Public servants participated in the event and the Commission expressed its expectations that they would make use of the knowledge gained effectively to prevent violence against women.

Prevention of torture

A workshop was held to mark the Day in support of victims of torture and during the workshop various forms of torture, definition of torture, importance of prevention of torture were discussed.

Police officers, probation officers, members of NGOs and counselling assistants participated in the event.

Joint workshop with civil organizations

A joint workshop was organized by the Muslim Woman Action Forum and the Regional Offices of Batticaloa, Kalmunai, Ampara with sponsorship of the UN Human Rights Programme.

Resource persons for the workshop were a lecturer of the University Colombo, Director (Monitoring and Reviewing) of the Head Office and officials of the UNICEF.

It was an important feature that the chief participants were the representatives of civil Society Activists in the Eastern Province engaged in protection of human rights of vulnerable groups. Members of Sinhala & Tamil communities, business community and NGOs and civil society

activists and religious leaders took part in the workshop. Matters relating to Convention of Child Rights & State Responsibility, Child abuses and local laws, role of various institutions sex and violence, UN Security Council and Resolution 1325, rights of groups, evolution of human rights, Fundamental Rights and the constitution were widely discussed.

Rights of Fishermen

A discussion was held with the participation of members of Fisheries Associations in Kalmunai and the Human Development Organization to discuss issues faced by the fishermen. The issues of unavailability of temporary accommodation for fishermen, weaknesses in activities of Fisheries Societies, garbage accumulated in shores and illegal residents were identified as issues needed to be looked into in future.

Discussion with Regional Committees

A special meeting was held by the Regional Office with responsible counselling groups & civil organizations to identify human rights issues in the area and to discuss future plans on joint action by the Commission and Committees.

Special Interventions

Ninthavur Incident

A protest was staged by the public in the area because a person who was responsible for robberies in Samanthurai police area was caught by the people in the area. The protest lasted for two days.

Due to the protest staged for 36 hrs and the clash of the protesters with Special Task Force, around 300 police officers were deployed to control the situation. Chairman of the Pradeshiya Sabha, Ninthavur had also got injured as a result of the clash between the protesters and the Special Task Force and was admitted to the hospital.

21 persons arrested for blocking the Kalmunai – Akkaraipaththu road were later produced before the court. The Commission held a meeting with the Nintavir Community Board, Mullas of the Mosque, DIG, OIC, members of the STF and the residents of the area and intervened to settle the matter by discussing how law and order of the area should be maintained.

5.7 Regional Office, Kandy

Categories of complaints - Regional Office Kandy

Nature of the Complaint		No. of Complaints
Personal freedom	Torture	28
	Mental & Physical harassment	32
Illegal arrest/detention		47
Inaction		88
Employment		12
	Promotions	11
	Transfers	33
	Termination	01
Pension		16
Education	Disciplinary matters of school/university student	01
Health		01
Property		02
Children		01
Woman		01
Total		675

Four officers have conducted investigations in this office and the number of complaints brought to a close during the year was 626 which includes complaints lodged in previous years. The number complaints referred to the Head office was 69.

Special Interventions

Rights of Women

The attention of the Commission was drawn to complaint lodged against health authorizes of NuwaraEliya on illegal family planning. At the investigations it was revealed that a midwife carried out family planning on medical advice and the consent of the woman.

Child Rights

A special intervention was done by the Commission after the Regional Office had received information on a protest staged by parents of a school. The issue was settled by discussing the issue with Education authorities and getting the principal as requested by the protestors appointed and the acting principal in question transferred.

Health related rights

The Commission intervened on the issue between the doctors and the nurses over a common room of the Kandy Teaching Hospital.

When the Commission took up the matter with the hospital authorities it was evident that there were no basis for a dispute and a special Committee had already been appointed to look into the matter.

The Commission pointed out that administrative and establishment issues and disputes among trade unions over their rights and claims should not affect Rights of Patients.

Working with Trade Unions

The Commission conducted a special workshop for leaders of trade Unions in the Central Province. The Organizations that took part in the programme such as the Trade Union for Worker's Cooperation pointed out that there are issues relating to EPF, ETF and Provident Fund of the workers governed by the Janatha Estate Development Board and the State Plantation Corporation.

The Commission initiated an inquiry on this matter which is still going on.

Inspection of places

This office inspects 60 Police Stations and they were inspected 373 times within the year. Each police station was inspected at least once in every two months.

The Regional Office also inspects the Bogambara, Dumbara and Pallekelle open prisons and these prisons were inspected 10 times.

Children's Homes which are required to be inspected by this office are Tikiri Children's Home and the Weeravilla Children's Home. They were inspected 6 times.

Human Rights Promotion Programmes

70 Human Rights Promotion Programmes were conducted during the year. The Total number of people who participated the programme was 4728. Out of these programmes, some were organized by the Commission while the others were organized by other institutions and the Commission contributed to them by providing resource persons.

In addition, some programmes were organized under the sponsorship of UN Human Rights Programme and the UNICEF. The Regional Coordinator and the Legal Officer contributed to these programmes as resource persons.

Awareness programmes were conducted to Police Officers, Army Officers and Soldiers, Development Officers, University students, students undergoing vocational training and parents.

Awareness programme on Child rights were conducted for public officers working in Sinhala and Tamil medium, principals and Grama Niladharis.

The important feature of the year was the holding of certain special programmes such as the programme on the issues faced by and the Human Rights status of the Blind, a workshop on Elder's rights and the awareness programme on Human rights held at the Weeravilawatte Children's Home.

Awareness programmes were via media throughout the year.

Working with Regional Committees.

Awareness programmes were conducted for regional Committees. In addition, discussions were held with civil organizations operating in the area on the Human Rights issues. In addition, grassroots level workshops were organized and the participation of the Commission was obtained for those. The Regional Office this year jointly worked with the Human Development Organization and the Samadana Institute in conducting educational programmes on human rights.

5.8. Regional Office, Matara

Introduction

This regional office covers the Districts of Galle, Matara and Hambantota There are 10 employees of the Commission serving at the regional office. The Southern Province stretches up to 5497.41 square Kilometers and the total population is 2,391,000.

There are 03 Municipal Councils, 03 Town Councils, 36 Pradeshiya Sabhas, 47 Divisional Secretariats, 1295 schools, 57 Police Stations, 73 hospitals, 06 prisons and detention camps and 05 Homes for Children within the Southern Province.

In year 2013, various development programmes were implemented for the Southern Province. The infrastructure development that took place in the area has contributed to create a transformation in livelihood of people and an improvement in the socio economic conditions.

Protection of Human Rights

Handing of Complaints

The total number of complaints received with the year, were 648. The number of complaints brought forward from 2012 was 180. Accordingly, the total no of complaints were 828. Out of the three districts Galle recorded the highest number of complaints while Matara came to the second place.

The number of complaints which reflect no infringement of human rights was 205 and the number of complaints brought to a close due to lack of interest by the parties was 117. The number of total complaints brought to a close was 656.

Categorization of complaints – Regional Office Matara

Nature of the Complaint		No. of Complaints
Personal freedom	Torture	63
	Mental & physical harassment	43
Illegal arrest/detention		
Disappearances		02
Inaction		95
Employment		123

Education		85
Health		02
Property		119
Govt. Welfare		06
Environment		08
Children		02
Women		03
Other		29
Total		648

Special Interventions

Rights of Education

Following a news item in the print media regarding an issue of getting children of tsunami affected families in the educational zone of Ambalangoda, Galle admitted to schools with more facilities the Commission convened the principals of relevant nearby schools and authorities of the zonal education office held and discussions with them which made way children to get admission to those schools (HRC/MT/109/13/N-G).

Following an article published in the print media over an incident that took place regarding grade one admissions to SirisumanaVidyalaya, Ratgama, a discussion was held with education authorities. Thereafter measures were taken to establish a new classroom and to admit eligible students to that class (HRC/MT/69/13/v).

Rights for a house

A father of three children in the Divisional Secretariat area of Mulathiya protested to authorities stating that he did not have a piece of land to put up a house for his family. The Commission intervened in matter and measures were taken to get a state land allocated for the person (HRC/MT/278/13/5).

Inspection of Places

The number of police stations to be inspected are 57. During the year inspections were carried out about 389 times.

The Boossa camp was inspected once in every 3 months. In addition the prisons of Galle, Tangalle, and the open prison of Weeravila were also inspected.

Discussions were held with the Senior DIG South on illegal arrests & detentions reported during inspections of police stations in 2012 and on police stations which attend investigations and inquiries without proper preparation and was taken to resolve those issues.

Human Rights Promotion Programmes

28 Human Right awareness programmes and special programmes were held in year 2013.

The public has gained knowledge on Human Rights as a result of public awareness programmes launched within this year and in previous years, especially by the radio programme broadcasted for nearly 2 years with the assistance of Matara Media House. There is a tendency of the public both villagers and residents in the urban area to get close to the Commission. The increased tendency of reporting to the Commission over infringements of Human Rights is a result of the awareness gained by civil societies.

Police officers, prison officers, Air Force officers, students of vocational trainings, students of journalism, community leaders, religious leaders & local Government Authority members were the groups that participated in these events.

Working with civil society organizations

Jointly worked with Prathiba Media Forum (PrathibaMadyaEkamuthuwa) of Kamburupitiya.

5.9 Regional Office Trincomalee

Introduction

The jurisdiction of this regional office in the Eastern Province stretches to 2727 square kilometers. The Temple of Koneshwaram, which is a venue of historical interest and the Trincomalee harbor, which has been a hub for international trade since ancient times, are situated within this area. There are 7 Human Rights Commission employees and two employees of the UN Development Programme are serving at the Regional Office.

There are 11 Divisional Secretariats and 230 GramaNiladhari Divisions situated within this district.

Protection of Human Rights

Handling of Complaints

Number of complaints received by the Regional Office within the year was 128. 2 complaints were lodged against the police over torturing and assaulting. There were 3 disappearances reported and all 3 missing persons had subsequently returned their respective homes, 31 complaints regarding omissions were filled against police stations, the Educational Office and Divisional Secretariats.

Categories of complaints - Regional Office Trincomalee

Nature of the Complaint		No. of Complaints
Personal freedom	Torture	10
	Mental & Physical harassment	11
Illegal arrest/detention		17
Disappearances		01
Inaction		31
Employment	Promotions	03
	Transfers	03
	Suspensions	01
	Interviews	01
	Special privileges	07
Pension		02
Education	School admission	02
	Admission to government vocational institutes	01
	Examination	02
	Disciplinary matters of school/university	01

	student	
Property		10
Government welfare	Samurdhi	04
Environment	Sound pollution	01
Other		15
Not within mandate		03
Total		128

Inspection of Places

7 Police stations under the purview of the Senior Superintendent of Police, Trincomalee and 6 police stations under the purview of Senior Superintendent of Police, Kantale were inspected by the regional office.

In addition, 01 remand prison, 17 children's homes, 01 Elder's home and 01 school for children with auditory diseases were inspected.

Police stations were inspected 95 times while remand prisons were inspected 3 times, children's homes 3 times and Elder's Homes 2 times. When inspecting Police stations, it was also monitored whether the language policy was implemented and whether there were women officers attached to children's and women's bureaus.

Human Rights Promotion Programmes

15 awareness programmes were conducted.

The targeted groups were Army Officers and soldiers, Navy Officers, Police Officers, administrative officers of the Eastern Province, members of Pradeshiya Sabhas, Grama Niladharis, samurdhi Officers and members of civil societies.

5.10 Regional Office-Vavunia

This regional office covers districts of Mullathivu and Mannar. There are 06 employees of the Commission serving at the regional office.

Sinhalese, Muslims and Tamils live in this area. Majority of the people are Tamils and Muslims while minority is Sinhalese. There are 15 Divisional Secretariats within the jurisdiction of the Regional Office. The principle livelihood of the people in the area are farming and fishing.

Under the 'Uthuru Vasanthaya' programme launched by the government, development of highways and transportation, improvement of infrastructure in the fields of education and health sectors and in the process of resettlement of the displaced and development in agriculture sector were witnessed.

The Commission intervened on various occasions in housing and land matters confronted by the re-settlers.

The Commission has observed that the residents in the area were ready to start a new life after 30-year prolonged war.

Protection of human Rights Handling of Complaints.

The Regional Office, Vavunia received 396 complaints within the year under review. It was decided to hold inquiries for 294 and out of them 214 were settled. 16 Complaints were referred to the Head-Office.

Categories of complaints - Regional Office Vavunia

Nature of the Complaint		No. of Complaints
Personal liberty	Torture	05
	Degrading treatments	74
Illegal arrest/detention		41
Disappearances		78
Inaction		10
Employment		21
Education		10
Health		02

Property		34
Government welfare		09
Children		05
Women		09
Other		97
Total		396

Special Interventions

The Commission intervened in a mission to collect information relating to harbouring of boats of fishermen living in several fishing villages in Uppukulam, Mannar. Attention was also focused on various issues confronted by the fishermen relating to their livelihood. A report containing recommendations of the Commission is due to be issued after examination all relevant facts.

A complaint settled by mediation

A group of A/L students were suspended as a result of misconduct after a ceremony at a school in the area. 11 Students were suspended. When the Child Protection Officers of the district referred the matter to the Commission, it took up the matter with relevant authorities, held discussions on rights of those students and the ways and means to maintain disciplinary at school and settle the issue.

Inspection of places

08 police stations in the Vavunia district, 07 police stations in the Mannar district and 04 police stations in the Mullathivu district and 01 prison were the places to be inspected by this office. Government approved detention centers were inspected 08 times.

Police Stations were inspected 58 times in 2013.

Human Rights Promotion programmes

15 Human Rights awareness workshops and meetings were held and the targeted groups were Police Officers, Army Officers, members of civil society groups, religious leaders, trade union leaders and the leaders of village associations.

Working with civil societies

This Regional Office had worked closely with civil organizations and those organizations have often requested to intervene in-

- collecting information on missing persons
- re-vesting of houses to those substantiate their title
- re-settlement

5.11 Mobile Office-Puttlam

The province of North-West include Kurunegala and Puttlam Districts. A regional office of the Human Rights Commission was not situated in those districts. Therefore, in order to lessen difficulties faced by people of Puttlam district compelling them to visit the Head-Office seeking redress, a Mobile Office was established in the Puttlam district.

There are 16 Divisional Secretariats and 548 Grama Niladhari Divisions in the Puttlam district. According to the Provincial Administration Plan, the district encompasses 2 Municipal Council and 24 local government bodies. In addition, it also has 15 police stations.

This mobile office is open for the public every Thursday. An investigation Officer attached to the Head-Office coordinates activities of this mobile service. The mobile office is located in the old Municipality Building in Puttlam. A meeting was held in October 2013 to mark inauguration of official activities. Religious leaders representing all religions, community leaders, NGOs and public servants were invited for the event.

This mobile office received 126 complaints within the year. They dealt with issues relating to promotions, transfers and confirmation of public servants, omissions committed by local authorities, children leaving schools, domestic violence, land matters & omissions and torture committed by the police.

Intervention of the Commission by way of referring certain matters to relevant institutions where complainers were able to gain redress and holding discussions with relevant authorities, made resolving such matters possible.

The IDPs of the Northern Province have been living in the district of Puttlam for a considerable period of time. Since there is a necessity to deal with socio-economic and political issues by looking at them through a 'human right lens' and through negotiations and to create religious reconciliation within this district where multi-ethnic community is living, the Commission has, by experience gained in the year 2013, decided to prepare plans to achieve that objectives.

CHAPTER 06

Human Resource and Financial Management

6.1 Cadre

According to the classification of the Ministry of Public Administration and the Department of Management Services, the composition of the staff is as follows:-

1.	Senior Executive	02
2.	Executive	19
3.	Tertiary	01
4.	Secondary	102
5.	Primary	54

The Commission wishes to establish six regional offices, and as requested by the Commission, the Department Of Management Services has granted approval to increase the cadre up to 273. Accordingly, a request has been made to the treasury to allocate necessary funds for the purpose.

By the Gazette of the Democratic Socialist Republic of Sri Lanka, dated 13.01.2012, posts of the permanent staff were declared pensionable.

A meeting was held on 05.04.2013 with the participation of a representative of the Department of Pensions to make the staff aware of the benefits to employees as a result of being absorbed to a pension scheme and also to contribute to the scheme and future plans.

6.2 Financial allocation

Appropriate Account 2013

The total fund allocated by the Treasury for year 2013 was Rupees 162 million. There is an increase in the allocation this year. It is worth to be noted that the increase in the fund allocation compared to year 2012 was a result of deliberations made by the Commission to increase funds, to implement the National Human Rights Action plan, 2011-2016.

Appropriation Account for year 2013

	Amount(LKR)
Government contribution	
Recurrent	144,666,000.00
Capital	6,009,000.00
Other income	163,725.02
Total income	150,838,725.02
Personnel remuneration	83,267,665.22
Travelling expenses	948,499.40
Procurement	5,680,663.13
Maintenance Expenses	2,926,186.65
Services	51,806,710.62
Transfers	200,000.00
Refurbishment and improvement of capital assets	9,900.00
Acquiring of assets	2,429,314.00
Capacity building	158,511.50
Other capital expenditure (human rights programmes)	2,989,923.06
Total expenditure	150,417,373.58

6.3 Capacity Development Programmes for HRCSL Staff

The following trainings programmes were held to build the capacity of the staff.

6.3.1 Special Lecture Series

Special lectures were organized by the Education and the Special Programme Division to address the need of the staff.

- A special lecture was delivered by the Commissioner, Dr. Prathiba Mahanamahewa, on 16.01.2013.
- Commissioner, Mrs. Jezzima Ismail delivered a special lecture on Women Rights following the screening of the film 'English Winglish'.
- A discussion was conducted on the universal time review system, by Mr. H.M.G.S. Palihakkara, former Secretary, External Affairs Ministry and a civil organization activist, Mr. Sudharshana Gunawardhana, Attorney-at-Law on 13.02.2013.

6.3.2 Training of Staff by other Institutions

Members of the staff of the Commission took part in the following workshops conducted by the Skills Development Fund of the Youth Affairs and Skills Development Ministry.

- 44 Management Assistants participated in the workshop held on 24.01.2013 on skills development of Management Assistants.

In addition, two staff members of the Administration Division participated in the programme on the government procurement procedure.

- The Acting Director, Administration and Finance participated in a two day workshop Human Resource Management for human resource development professionals, held on 14.10.2013 and 15.10.2013.
- Subject officers were provided a training on purchasing and storage on 28.01.2013 at the Building and Engineering Training Centre of the Ministry of Engineering Services.
- A workshop was held for the employees on 02.08.2013 on management methods which was jointly organized with the assistance of the Sri Lanka Foundation Institute. Dr. Sunil Wijesiriwardhana contributed as a resource person.

6.3.3 Trainings conducted by the Commission

- Training on Investigations

Investigations of the Human Rights Commission are mainly carried out in respect of Fundamental Rights. It is therefore, important to have a wide knowledge on the role played by the Police in investigations. Retired DIG and Attorney-at-Law Mr, Amarasingha, who is a resource person with a lot of experience delivered a lecture on 13.09.2013 and 14.09.2013 on criminal investigations conducted by the police. This provided an insight to the staff on how to conduct an impartial investigation and how the activities of the Police should be monitored to protect human rights.

- Training on National Inquiries

A workshop on the procedure of holding a national inquiry on matters relating to human rights according to the international standards, was held on 02.07.2013 & 04.07.2013 under the sponsorship of the Human Rights Unit of the Commonwealth Secretariat.

- Training on Leadership and Communication

The above programme was held for the benefit of all the officers of the Commission under the patronage of several experience trainers and experts participating as resource persons.

- Training on National Reconciliation

A training programme was held on 26 & 27.09.2013 on the role of the Sri Lanka Human Rights Commission in the national reconciliation , under the sponsorship of the Human Rights Unit of the Commonwealth Secretariat.

6.3.4. Language Skills Development

The Commission took measures to provide resource persons and necessary funds for the staff to enable them to study English language and either Sinhala or Tamil languages. Accordingly, the National Language Training Institution of the Ministry of National Language and Social Integration has been conducting classes since 26.04.2013 on Fridays and Saturdays.

Also in keeping with this programme officers of the regional offices were provided the opportunity to attend English and Tamil language skills development programmes conducted at institutions in their close proximity. On 18.05.2013, an English language class was started for the staff of the Head office under the sponsorship of the UN Human Rights Programme.

6.3.5 Programmes to Recognize Cultures based on Various Religious Beliefs

The Human Rights Commission consists of a staff belonging with multi ethnic and multi religious Sinhalese, Tamils & Muslims as well as those who represent different beliefs such as Buddhists, Hindus, Catholics and Islamic devotees. The origination of human rights tallies with the recognition of right to religion, which is a Human Right.

A wide analysis is given to rights and obligations by all religions. The freedom to follow the chosen belief is a valuable right and an atmosphere should be created in Sri Lanka for such a practice. In Sri Lanka, which is a multi ethnic country, the right to religion is a fundamental right.

For the purpose of creating an inter-religion understanding and to recognize and understand values, standards and customs that emerge through religion, the Commission organized several events with the assistance of the staff.

Sinhala Tamil New Year Celebration

This event was held on 22.04.2013, with the participation of all staff members, including the members of the Commission, during which various customs and their values were discussed. The event included several special items including, the lighting of fire at the auspicious time, traditional games, partaking of traditional food, including sweetmeat and paying homage to the elders.

Vesak Celebration

Vesak, which is an important Buddhist religious event, was celebrated on 29.05.2013 by inviting a member of the Maha Sanga and by bringing the sacred relics to the premises of the Commission in accordance with the traditional custom. At the conclusion of the sermon an alms giving was held. Employees belonging to all religions attended the 'bana preaching'. The staff enjoyed the lunch provided by the members of the staff itself.

In addition, Vesak lanterns were prepared by the staff, in groups, which was later converted to a competition and the best ones were awarded prizes.

Hindu Religious Celebration

A pooja to mark the Navarathri, which is considered a special Hindu religious ceremony, was held in the Commission premises in the celebration of the event. Coconut, paddy, mango leaves and banana leaves were used for decorations. Application of 'kunkuma' as a welcome tradition and several other items reflecting the Hindu culture were included on the occasion.. A legal expert delivered a special lecture on Hindu religion, peace and human rights and a Hindu priest delivered an introduction to the Navarathri festival. A cello performance by the students of Hindu College, musical recital by students of the Hindu Ladies College and a yoga programme were other items in the celebration of this religious event. At the conclusion of the programme a reception was held a cuisine of Hindus and the Tamils were served.

Islamic Religious Celebration

Leaders of various religions were invited to grace the event and each of them delivered an introduction as to how they see Islam. Religious leaders of Buddhist, Hindu and Catholic beliefs were invited for this. A mullah explained the fundamentals of Islam.

It was observed that sweets (sukiri) was served and rose water was applied to symbolizing welcome customs of the Muslim Community.

During the cultural event a token ceremony to reflect a Muslim wedding was held and background music was played to match the item. A special drum beating item was performed to symbolize the wakeup call during the fasting period.

The staff of the Commission has the opportunity to enjoy special traditional cuisine of Muslims such as biriyani and watalappam.

The event was held on 26.08.2013 with the initiative of Muslim staff members.

Christmas Celebration

Christians/ Catholics celebrate Christmas to mark the birth of Jesus Christ. The birth of baby Jesus, which is a symbol of peace, is celebrated throughout the world. Christmas celebrations were held on 20.12.2013 at the Commission premises. The Commission celebrated it by serving wine and Christmas cakes to the members of the staff and organizing a lecture by the Director of the Catholic Seminary to deliver the message of Christmas. In addition, an executive member of youth of united Sri Lanka also delivered a lecture. The event looked quite grand with decorations including the Christmas tree, prepared jointly by all members of the staff.

Another special item was the arrival of Santa. Children of the members of the staff also joined the event. This was the last event of the year held to uphold religious harmony.

6.3.6 Wall News Paper

A special section in the notice board to exhibits the Cartoons, paintings done by the staff as well as poems and lyrics written by there. In the year 2013, staff members of regional officers also sent their creative work which was published on the Board. This brings interaction among the staff members.

6.4 HRCSL Employee's Union and Welfare Activities

The employee's union and the welfare association of the Human Rights Commission of Sri Lanka have been active throughout the year 2013. The above unions have worked independently and with the corporation of the Commission for the benefit of the staff.

Chapter 07

Human Rights Situation

Even though there are developments in the human rights state within the country, a satisfactory progress has not occurred. Where complaints are concerned, even though the number of complaints received by the Commission this year is less than what was received the previous year, it cannot be considered adequate. The Human Rights Council of the United Nations is due to pass certain resolutions against Sri Lanka. One such recommendation is to conduct a suitable inquiry into allegations of breaches of the law committed by various parties during the time of the war from 2002 - 2009 as recommended by the Lessons Learnt and Reconciliation Commission. If any inquiry by a foreign mechanism cannot be accepted, it is important that an inquiry be conducted by a suitable local mechanism. For this purpose there's no dearth of experts conversant with international law and human rights activity, in Sri Lanka. Such a mechanism would be for the benefit of all parties and future development. It is important to appoint a Commission to inquire into disappearances of people. It should be afforded the opportunity and facilities to conduct wide studies.

Holding of elections in the North was a commendable step. The people there have got the opportunity after a number of years of electing their representatives for a democratic rule. It is the observation of the Commission on a general assessment that the election was conducted in a fair manner. It is important to widen and strengthen this situation. It is commendable that legal action was instituted in the High Court in respect of the murder of 5 students in Trincomalee. It was a matter which was shelved for a considerable length of time where the culprits had to be produced before the law. The establishment of a separate Ministry of Law and Order for the police is also a commendable step. It is essential that the police and the army be administered separately. But it would have been better if a civil officer was appointed to this Ministry's position of Secretary. It is necessary that the government pay attention to this at least in the future.

The holding of the Commonwealth Heads of Government meeting in Sri Lanka was a platform to receive international attention and to have a closer liaison with different countries. While the receipt of its Chairmanship by Sri Lanka was important, the building up of necessary discourses and taking of action to strengthen relationships were not sufficient.

Supremacy of Law

In a democratic society law is an agreement between the people and the state. The chief function in this agreement is the protection of the people. If that is not received, this public agreement will be of no use. It is the responsibility of a government to protect people who do not wield power from those with different strengths and powers and social groups wielding power. It is the law that should afford protection of equal opportunities and dignity devoid of discrimination. When

supremacy of law prevails there's no opportunity for discrimination. Then it is possible for everyone to stay together. However, the recent past witnessed a weakening of the law. While certain religious groups were seen taking the law into their hands and wielding force, the "law" remained silent. We are of the view that this led to weakening of the trust placed in the law and compelled a different line of thinking among some. This is a grave threat leveled against the well being of society. Sri Lanka which is attempting progressing forward after a 30 year civil war cannot shoulder such a burden again and it should not take place. Action taken by the police to enforce the law in respect of attacks on businesses of other religious communities cannot be considered adequate.

The shooting of those who led a protest in Rathupaswala Gampaha demanding clean water on the basis that drinking water was made unclean due to activities of a factory, killing of 3 people, assaulting the others are considered by the Commission as grave human rights violations. In this connection adequate legal action should be taken against the officers of the armed forces who misused and acted beyond the parameters of the law. The violent intervention by the army when the situation could have been controlled by the police gives a wrong signal to society. The use of armed forces in civil struggles and matters should be avoided and the police used instead.

Development and Human Rights

A country's development should be sustainable and should not suppress people's rights. If development is for "humans", it should be theirs. It is observed that the manner of removal of persons, buildings, and business establishments in the course of development of cities created fear, frustration and led to their development. It is necessary to address this situation, take action by certain methods within the available legal framework. Certain parties had to resort to legal action in the Supreme Court and they were given different directions. On several occasions the Commission had to intervene in respect of incidents of removal of houses in violation of the law. While these are activities that should be carried out in an open manner with information supplied, it should be borne in mind to act causing the least possible violation of rights.

While it is observed that it was reported that such incidents took place in the North as well as the South when acquiring land for public purposes, it is observed that if there is an essential public purpose that should be carried out, alternatives and relief should be afforded. This type of activity should not be a display of power and should be carried out in a manner not invoking such feeling in the minds of the people.

Prevention of Terrorism Act

The government should focus utmost attention as to whether the Prevention of Terrorism Act should be continued with further. If there are charges against those in person custody under this law, legal action should commence without delay or if not, they should be released. They should not be kept in detention year after year. In the recent past a large number of extra judicial killings took place which came to be accepted by the police as those committed in self defence. The killing of suspects in police custody by a group of armed police officers who went with them in search of their weapons has created suspicion and frustration in the minds of the people. Even though by law

these killings have come to be accepted as justifiable, it is observed that the majority of the public has not to accepted that position. It is regrettable that the law loses its dignity in this instance. While even politicians have come to be arrested for various reasons under the Prevention of Terrorism Act, the public is of the view that some people who ought to be arrested are free and at large. For these reasons it is necessary that these aspects be considered with gravity.

Press Freedom

It is seen that social media is wider than the electronic and print media that prevail. As a result it has become difficult to identify true and false information. The assault of the Editor of the Udayan newspaper in Jaffna and acts of creating fear among certain media personnel came to be noted. These should not have taken place. However much certain media activity should be looked down on, media personnel should be given the freedom to do their job. Otherwise the tendency will arise for spreading of more false information. The Commission expresses its concern over media behaviour. When reporting certain incidents especially disputes among social and religious groups it is noted that they are reported in a manner causing anger tension and resulting in a most unhealthy situation of breaking social relations. However this situation should not be addressed by controlling but media personnel should be allowed self control within the boundaries of their ethics. It is regrettable that certain state media institutions act creating the spread of hostility towards different organizations.

4 years have lapsed since the end of the war and emergency rule, killings and violence ended. After the war, there's a tremendous effort that has to be made for democratization of society. It should be attempted to achieve this objective starting from bringing about a change in the attitudes of the people and going on to structural actions. It is necessary to establish supremacy of the law, bring about transparency, establish press freedom, independence of the judiciary, strengthen civil society, obtain their cooperation and ensure their active participation. To achieve these, it has to be mentioned that it is necessary that the government too change its present course and move along a different path.

Text of Address on International Human Rights Day 2013

10th December 2013

Deshamanya Bradman Weerakoon

- Justice Priyantha Perera, Chairman of the National Human Rights Commission, Members of the Commission, Distinguished Invitees, dear Children
- Thank you Hon Chairman for inviting me to make the Address at this year's International Human Rights Day. I am very conscious of the honour done. I am not either an academic learned in the Law or a practitioners or activist in the Human Rights area. What I know of Human Rights are what I have gathered through the experiences I have lived through at various stages of my rather long and varied life. I thought it might be useful, particularly for young people, if I reflected in my speech on some of those experiences and what I feel about the way in which we have dealt as a country with the issues concerning the human rights of the Sri Lankan people
- The other reason for my diffidence in talking about Human Rights is that today, especially, the subject of Human Rights is an intensely political one. One has only to remember the turbulence caused during the United Nations High Commissioner's for Human Rights Mrs Navi Pilai's recent visit and the furore over the British Prime Ministers questions regarding the end of our conflict at CHOGM to recognize that Human Rights is territory that 'even angels would fear to tread'; but having always being ready to take a risk and knowing that I have not much time left to indulge in talking to important gatherings such as this, decided that with this

opportunity might be one I should grasp and therefore 'rush in' regardless.

- **Working for our Rights**

- I understand the Theme of this years International Human Rights Day as underlining the importance of each of us **Working for Our Rights**. It is our personal and individual responsibility to do so.
- BUT in order to do so we must know what our Rights are.
- And there are a great many of Rights developed over the years. The origins of these lie in our religious traditions, our cultural and ethical values and have been universally accepted and developed by the community of nations - the United Nations system. By virtue of the Treaties and Conventions we have acceded to they have become part of our basic or fundamental rights. As an important member of the United Nations we are pledged to comply with these Human Rights. I would like to look at some of them I personally have experienced and lived with and so I hope you will bear with me in this somewhat personal approach.
- **State and non-state service**
- One overall comment before I go into the Rights themselves. You might have discerned from the bewildering variety of jobs I have done through those years is that I seem to have had a fair share of BOTH State and non State service. I've been in one sense 'a rolling stone that's gathered no moss'. Roughly about 18 years have been at the Centre of activity, then 7 years at the periphery (maybe in the Opposition - if it was Parliament one was

describing) so 25 years of Government service and then the balance 25 years, of non – Government service.

- I lay some emphasis on this divergence as I consider in it of crucial importance in my individual perception of Human Rights, their violation and so on. A State servant ie (paid by the State) sees the delivery of a human right in one way while the non- state servant by the nature of the experiences he has sees it in quite another. It just depends on where you stand at the time. I have had to face this quandary several times in my life and perhaps some of you who had to cross this frontier may have similar thoughts. Whose side do you take. The Govt's whose servant you are OR the side of the people who are being served – well or ill, fairly or unfairly as they see it
- **Divergent views.**
- The State servant as he advances in years and seniority gets habituated to defending what he has done (its in the national interest; a question of 'sovereignty' or law and order and so on. While the non-State man may ask questions like (' but is that fair', what 'really happened' and so on. The questions are uncomfortable and most often the person who questions re inconvenient and the questioner is regarded as troublesome and if particularly so is appropriately dealt with.
- **Three defining Life experiences**
- I referred earlier to the influence of my life experiences in determining my position or stand on Human Rights and which rights I consider of priority importance.

- I recognize 3 such experiences which I consider particularly significant.
- The first was an experience when I was about 18 years of age – the country's independence in 1948. It was the 4th of February and SWRD Bandaranaike the Leader of the House was making his reply to the speech through which Ceylon was made a free nation after many years of colonial rule. Mr Bandaranaike – a great orator referred to the 4 Freedoms which must be ensured by the new State if the people were to feel really free. They were – sounding simple but indeed were very profound – Freedom from Ignorance, Freedom from ill health, Freedom from Want and Freedom from Fear.
- I began working for government soon after and came to realize that these four were the bedrock of peoples Rights. They literally cover all of peoples needs.
- **Freedom from Ignorance**
- A basic need if you wish to be knowledgeable and free of ignorance, is education. That is the basic right of children to education. Sri Lanka had free and compulsory education from even before Independence. I think as a nation we have done quite well on this Right if you look at our spread of schools and literacy rates. Four million school children in 9000 schools all over the country. But the NGO in me would question such things as the quality of education, its cost, its unequalness and so on.
- There is the concept of rights claimants and duty bearers which is very valuable here and virtually in every one of the rights. The

student is the rights claimant; the teacher the duty bearer – paid by the state to provide the right fully and well.

- Perhaps in this cluster of rights to Knowledge and Freedom from Ignorance we could add – the right to a free media and the Right to Information. And what about Freedom of expression .
- **Freedom from Disease**
- This freedom too, enshrined in Mr Bandaranaike's conception a large number of other rights. The right to clean water, air, environment and so on. All clearly basic health rights that the State must ensure so that its citizens enjoy good health and are free from debilitating communicable diseases. Here again I believe our country has done quite well through the provision of effective preventive and curative services. Among the world's countries Sri Lanka has some enviable indicators in regard to health – life expectancy, infant and maternal mortality, fertility and so on. But there are of course several challenges – ranging from the alarming increase of kidney related illnesses in some parts of our country to HIV/AIDS which is still increasing. Are peoples Rights being violated here and is there a State responsibility which is in default ?
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- Is access to the best possible health care available to all or is there inequality in access. Does location and wealth determine the right to Health.
- **Freedom from Want**
- Freedom from Want implies that all our people have the right to at least the minimum requirement of food, clothing and shelter. Many years of welfare policies have ensured this right to most people, but the proportion of those in absolute poverty (around 9 %) and the one million families under Samurdhi, indicates some vulnerability. More specific Rights today would include the right to employment (words such as 'safe' and 'decent' are being increasingly used) and the right to Livelihoods.
- **Freedom from Fear**
- Most would agree that this is a freedom that many of us would consider very precious. The very basic right to Life (all other rights come after this is ensured) was in jeopardy for most of us for many years. But the brave duty of our Police and military safeguarded this basic right for many of us at this time. The fear of foreign invasion or of domestic upheaval has been effectively secured.

- But there are other fears which are real and have to be addressed. The right to freedom from arbitrary arrest, Torture and inhuman treatment still continue to be taken up in our Courts and are common news in our media. And there is the whole question of Domestic Violence and Abuse about which (if one accepts the surveys) the majority of our females in many families live in an atmosphere of some fear.
- **My second life changing experience in Human Rights – Gender Equality**
- In 1984 I retired from the Public Service on being selected to head a large NGO whose Headquarters were in London UK. I worked there for five years. The work involved promoting Family Planning and Reproductive Rights throughout the world. It made me very sensitive to the Rights of Women and Children in particular. The rights of women to equal status with men was at the centre of my work then. This made me sensitive to the discrimination practiced against women in many parts of the world. Their subordinate status in the family was one of the reasons why their families continued to be so large. Their chief role was to bear children annually and their health was thereby being undermined. This made me sensitive to women's place in society and Human Rights concerns covered by CEDAW, Violence against women and Domestic Violence in particular and the Rights of the Child.
- **My final life changing experience – International Humanitarian Law**
- In 1995 I was invited to serve on the International Board of Advisors of the ICRC which met in Geneva twice a year, for a

period of five years. There were strict rules which governed armed conflicts between nations and even within nations. These called the Geneva Conventions had been acceded to by Sri Lanka many years ago. They covered the protection of civilians, the care of prisoners of war, and the protection afforded to hospitals etc which catered to the sick and injured in war situations. I found these 'rules' very useful in my work handling from time to time ceasefires and times of war with the LTTE. Sri Lanka now faces a serious challenge with allegations of violations of these rules of war during our encounter with the LTTE especially in 2009.

- **A major challenge for us locally**
- Accountability for civilian casualties incurred during the last stages of the war. Allegations of Human Rights violations.
- We have done much in the way of –
- Implementing the LLRC recommendations
- Post war rehabilitation
- Development
- Truth and Reconciliation project
- But still there are calls for an international independent inquiry
- Our Human Rights, many of which I have tried to outline above, are based on the institutions of the Judiciary and its institutions which ensure the Rule of Law. This rests on an atmosphere of respect for the Rule of Law over the rule of Man.
-

- **The major challenge for us locally**
- Unfortunately, in my belief, the majority of our people seem to prefer the short - cut of the policy of “an eye for an eye, a tooth for a tooth” to the slower process of the rule of Law.
- How does one change this broadly held mentality is the profound challenge that confronts all those working for Human Rights here and everywhere.

THANK YOU

Reporting Mechanism Format on Status of State Children's Homes & Juvenile Institutions

1. Introduction <ul style="list-style-type: none"> • Back ground of the establishment
2. Category of Inmates/Residents <ul style="list-style-type: none"> • By age groups • By periods of detention • Male/female • Reason for detention • Child victims and suspects • Detention due to any other reasons
3. Documentations <ul style="list-style-type: none"> • Personal files • Registers • Social Inquiry Reports • Medical Reports • Rehabilitation plans
4. Shelter <ul style="list-style-type: none"> • Dormitories/Rooms • Dignity and Inmates • Conditions of surrounding/environments
5. Personal Hygiene <ul style="list-style-type: none"> • Toilets • Bathing • General Quality of facilities
6. Admission Procedure <ul style="list-style-type: none"> • Common admission • Alternative procedure of admission if any
7. Management <ul style="list-style-type: none"> • Authority • Mandate
8. Staff of the Institution <ul style="list-style-type: none"> • Available No. • Approved cadre • Need, availability and Approved cadre • Needs and grievances

9. Disciplinary Action <ul style="list-style-type: none"> • Nature of Disciplinary actions • Disciplinary Actions relating to torture, inhuman and degrading treatment
10. Violence among Inmates <ul style="list-style-type: none"> • Groups among inmates • Groups and violence • Prevention mechanism for social delinquency
11. Gender & detention <ul style="list-style-type: none"> • Gender concerned architecture • Gender Based Violation • Mutual understanding among inmates and staff
12. Daily Activities <ul style="list-style-type: none"> • Rehabilitation activities
13. Health Facilities <ul style="list-style-type: none"> • First aid • Hospital services • Staff capacities and Training • Essential equipment/vehicle facilities • Preventive mechanism on communicable diseases
14. Water Supply <ul style="list-style-type: none"> • Quality • Availability • Quantity • Access
15. Food <ul style="list-style-type: none"> • Quality • Availability • Quantity • Nutrition • Supervisions
16. Education <ul style="list-style-type: none"> • Pre School/School • Literacy education • Staff capacities and Training
17. Vocational Training <ul style="list-style-type: none"> • Availability and relevant fields • Access • Staff capacities and Training • Nature of certificate Issued • Quality of vocational training & job market • Information Technology

18. Reading Facilities <ul style="list-style-type: none"> • Books • Newspapers • Availability and access to information
19. Spiritual Program <ul style="list-style-type: none"> • Religious programmes • Meditation/Yoga • Evaluation of the above program <ul style="list-style-type: none"> • Monthly • Quarterly • Annually • Other alternative Mechanism
20. Psychological Rehabilitation <ul style="list-style-type: none"> • Counseling • Psychiatric Treatment • Evaluation <ul style="list-style-type: none"> • Monthly • Quarterly • Annually • Alternative methods • Staff capacities and Training
21. Reintegration <ul style="list-style-type: none"> • Pre arrangements • Family support • Institutional support
22. Visitors <ul style="list-style-type: none"> • Parents/Brothers, Sisters/Guardians • Kith & Kin • Religious leaders/Social workers
23. Communication and Correspondence <ul style="list-style-type: none"> • Writing • Receiving • Facilities • Telephone and Communication facilities
24. Legal Aids <ul style="list-style-type: none"> • Free legal aid & access to legal service
25. Recreation and leisure time activities <ul style="list-style-type: none"> • Availability • Access • Staff capacities and Training
26. Gardening and environmental friendly engagements <ul style="list-style-type: none"> • Availability • Access • Involvement • Staff capacities and Training

27. Waste Management <ul style="list-style-type: none"> • Nature of waste management • Actions for environmental protection • Steps taken
28. Prevention from risk <ul style="list-style-type: none"> • Risk free locations • Education of risk managements
29. Related institutions and coordination <ul style="list-style-type: none"> • Prison authority • Probation Department & Probation Office • Police • Government/Non-Government Institution
30. Sports <ul style="list-style-type: none"> • Sports facilities • Suggestions to improve the sports facilities
31. Participation <ul style="list-style-type: none"> • Inmates participation in day to day activities • Inmates participation for planning of Institutional activities • Leadership opportunity
32. Other <ul style="list-style-type: none"> • Any other suggestions for inclusion

Annex 03

The Interim Report of the Commission on the Rathupaswala contaminated water issue and on the turmoil took place in the aftermath of the protest staged on 01.08.2013 against such contamination.

Date: 02.08.2013

Time: 2.00-8.30 p.m.

Venue: Weliveriya and suburb

Participation: Legal and Investigation Officers

As instructed by the Human Rights Commission, a team of Investigation Officers visited the Weliveriya area on 02.08.2013 and carried out investigations.

Meeting with police officers of Weliveriya

When the team reached the Police Station, Weliveriya around 3.00 p.m., senior police officers namely, DIG Karunaratne, ASPs Chandana Kodituwakku and Jayalath Balagalle were present. The team met with those police officers and the Acting OIC, Inspector Dissanayaka. When enquired the police officers said that there were protest campaigns on 01.08.2013 in Weliveriya town, Balummahara and Vengo Pvt. Ltd, Nandungamuwa and the reason for protest was the pollution of water in the area by poisonous chemical substances disposed by the Vengo (Pvt) Ltd., which affected residents of the area.

The above-mentioned officer had also stated that the protests were held in front of the factory for days. On 02.08.2013 around 5000 people had gathered and staged protests campaigns in all three places abovementioned and they blocked the Kandy highway and behaved violently and even assaulted Army and Police personnel. Initially water and then tear gas were used to disperse the crowd and failing that the officer, both to disperse the crowd and for self defence fired at the crowd, which caused death to one and seventeen others to be hospitalized due to injuries.

Inspection of Vengo (Pvt.) Ltd.

By the time the team of Investigators reached the factory around 5 p.m., a large number of Army and Police personnel were deployed in and out there on guard.

It was also noted that the factory was closed and officers of government institutions namely, the Mines and Minerals Bureau, the Water Resources Board, the Central Environment Authority and the Department of Disaster management were engaged in examining the premises.

Enquiring the residents in the vicinity

When the residents in the vicinity of the factory were enquired, they had told the team that there were public protests on several occasions requesting to close the factory but none of the responsible authorities got involved in the matter and did the needful. It was also mentioned that the residents of the area consume water mainly of the wells and water in all such wells had low PH level when tested. It was also stated that the low PH level meant a high acidity level in the water and since there was a possibility to get metals dissolved in water due to its high acidity, the people living in the area started to diagnose for strange diseases. It was also mentioned that this condition adversely affected little children and women more. The residents of the area believe that poisonous waste products of the gloves manufactured at this factory were disposed to the environment without proper mechanism and thus created this situation. Public protests were staged near the factory for days to find a solution for this issue. Finally, protests were held on 01.08.2013 near the factory and the public in support of the protest closed all shops in Balummahara and Weliveriya towns and staged protests. When the Army carried out shooting to disperse the crowd one

person died and several others were injured and admitted to hospitals. The public requested the Human Rights Commission to look into the matter and take suitable legal action against offenders.

Meeting with Rev. Kadadora Ananda Thero of Sri Poorvarama Viharaya, Hipanvila, Weliveriya.

The above Thero had informed the team of Investigators that the Chief Incumbent of the temple, Rev. Weliveriya Anomadassi Thero had gone out to attend a meeting. The Rev. had also stated that even the Bhikkus of the temple consume well water and since water got contaminated and detected low PH level when it was tested, they had to bring water from outside for consumption. The Thero expressed the opinion that the public should be given a speedy solution for this issue.

Rev. Lakpriya Nonis of St. Anthony's Church

The team of Investigators held discussions with the Rev. on both the water issue and the dispersing of the protesters in Weliveriya on 01.08.2013.

He mentioned that the meeting held with the Secretary/Defence, Gotabhaya Rajapaksa was a very successful one and the Defence Secretary even agreed to grant all assistance requested. He further mentioned that the manner the Army acted after that was debatable however. The people who were dispersed scattered in the vicinity and had even walked even into the church yard. The attacks carried out on such people in the church premises by the Army was totally unacceptable, he said. Denying the rumors that even the Rev of the Church was attacked, he stated that the church was somewhat damaged but not severely.

Visiting the House of Akila Dinesh, who got killed by the shooting incident at the protest.

When the team visited the victim's house around 7.30 pm., they witnessed how the remains were brought home. The family revealed that the victim was due to sit for A/L next year and got shot while returning home after a tuition class.

The Investigators submit following observations and proposals in their interim report.

The team had noticed that by the time they reached the Weliveriya town, there were bricks, poles and likewise were scattered in the area, shops were closed and racks used to keep vegetables and goods were also scattered around the area and a large number of Army personnel and police were deployed on guard the town.

Further a fleet of water tanks were kept in front of houses near the factory and those tanks were supplied by water bowsers.

There were only a few people seen in the roads and it was observed that people remained in their respective houses due to the situation in the area.

The factory was closed and security was provided there and officers from government institutions were carrying out testing in the premises.

Proposals

- To propose relevant authorities to deploy more bowsers to supply water as a short-term solution for the drinking water issue of the residents.
- To take steps to establish pipe water supply to the area immediately as a long term remedy.

- To advise relevant authorities (the Central Environment Authority, the Divisional Secretariat and the Pradeshiya Sabha) to investigate into to find out whether the factory had disposed waste irresponsibly and if so, to take necessary legal action.
- To carry out further investigations to check whether the police and Army deployed to dispersed the protesters on 02.08.2013 had issued arbitrary powers instead of using minimum required, and thus cost a life and caused injuries to others and if so, to take disciplinary action against those offenders and to grant compensation to victims.
- To obtain a report on the progress of the on-going investigations carried out by the police crimes Division and take necessary steps for that purpose.

This interim report is subject to submission of a comprehensive report to the Commission.

Chairman
Sri Lanka Human Rights Commission

Secretary
Sri Lanka Human Rights Commission

Provincial Council Election -2013

Guidelines to

Electoral Officers/all Security Forces/Police Officials

By

The Human Rights Commission of Sri Lanka

The Human Rights Commission of Sri Lanka, recognizing the right of every citizen to vote, to freely engage in political activities and the right to free and fair elections under the Constitution of Sri Lanka (1978) and international human rights norms, adopted the following guidelines to be observed by all Electoral Officers/all Security Forces/Police Officials during the run-up to the election, on the day of the election and the period immediately after the election:

- (a) Complaints regarding pre-election, Election Day and post-election violence shall be accepted and investigated in terms of Article 12 of the Constitution, which declares that "all persons are equal before the law and are entitled to the equal protection of the law". The police will be held liable for violation of fundamental rights for any inaction or omission with regard to entertaining such complaints.
- (b) Investigation regarding complaints shall be conducted in a strictly impartial manner. Inaction due to political influences or any other unacceptable reason will amount to a breach of Article 12 of the Constitution.
- (c) The law which relates to election propaganda shall be applied equally. All political parties and groups shall be treated equally according to Article 12(2) of the Constitution, which declares "No citizen shall be discriminated against on the grounds of race, religion, language, cast sex, political opinion, and place of birth or any one of such grounds. Any unequal treatment or discrimination, especially on political opinion, will be an express violation of Article 12 of the Constitution.
- (d) Issuing permits to use loudspeakers and for election meeting shall be in accordance to the law, especially in terms of section 68(2) of the Parliamentary Elections Act No. 1 of 1981. The non-fulfilment of this obligation will result in violation of Article 12 of the Constitution.
- (e) Parades during the election period shall be permitted according to the law. Issuing permits for parades shall be according to Articles 12 and 14. Article 14(1) guarantees, among others, freedom of speech, assembly, association, occupation and of movement.
- (f) Display of leaflets, posters, and photographs of the candidates, symbols, flags and banners shall be permitted according to election laws. If any party or a group is given privileged treatment, it will be a violation of Article 12 of the Constitution.
- (g) Electoral Officers/all Security Forces/Police Officialsshall strictly enforce the law with regard to persons who violate the right of others to vote. If this were not implemented, it would be a violation of Articles 12 and 14 (1) of the Constitution.
- (h) Electoral Officers/all Security Forces/Police Officialsshall provide adequate security to polling centres and other related places and make every effort to facilitate the conduct of a free and fair election in accordance with the law of the land.
- (i) The law shall be equally enforced against political parties or persons irrespective of their status or powers when the breach election laws. Thus it shall be the duty of Electoral Officers/all Security Forces/Police Officialsto enforce the law strictly against all persons who misuse or cause damage to

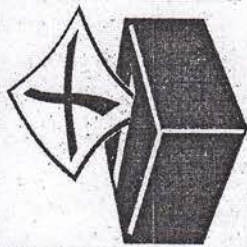
public property, eg., government vehicles, buildings and premises.

- (j) Electoral Officers/all Security Forces/Police Officials have a responsibility to prevent election related violence including post-election violence. According to past experience, political power is used to commit such acts of violence, which result in violation of fundamental rights. Electoral Officers/all Security Forces/Police Officials shall take all responsible steps according to procedures established by the law to prevent violation of fundamental rights.
- (k) Electoral Officers/all Security Forces/Police Officials shall not participate in the preparation of any type of violence against persons or property, including subjecting persons to torture, cruel, inhuman and degrading treatment or punishment, on their own initiative or at the behest of any other party.

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

Provincial Council Elections - 2013

Vote is your Right



"Do not fear to cast your vote. The Commissioner General of Elections ensures the secrecy of your Ballot"

To ensure a free and fair election the Human Rights Commission of Sri Lanka will monitor whether the actions of government officials during the provincial council election process are in accordance with laws pertaining to elections and relevant laws and procedures in the country. Misuse of public property /resources or arbitrary or biased actions of government officials and defence personnel will also be monitored.

For the above purpose, the Human Rights Commission of Sri Lanka has already issued a set of basic guidelines to all electoral officials, security forces and Police officials.

The public has a responsibility to be vigilant and complain of any election malpractice committed by government officials. We will closely monitor and investigate such complaints as our monitoring teams are deployed in all areas where elections are held.

For complaints

Hotline: **1996**

Telephone: 011-2689064

Fax: 011-2694924

Regional Offices: Jaffna (021-2222021),

Kandy (081-2228009), Vavuniya (024-2222029)



HUMAN RIGHTS COMMISSION OF SRI LANKA

165, Kynsey Road, Colombo - 08.

Annex 05

My No: n file ~~de Sudkiyusulu~~ 2013

Office of the Commissioner of Prisons,
Prison Headquarters,
Colombo 09.
26.07.2013

To all Superintendents/ Asst. Superintendents of Prison.

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

Under the Sri Lanka Human Rights Commission Act, No. 21 of 1996, the Commission has powers to enter into any place at any time, to obtain statements from persons /to inquire.

In terms of the powers vested in the Sri Lanka Human Rights Commission, all authorized officers of the Commission have authority to enter into a place of detention of a prisoner, to obtain statements and to inquire and thus they should be availed of the opportunity and facility to do so.

If Jailors and all other officers have no knowledge of this fact, action should be taken to make them aware on the same. Therefore, I reiterate the fact that the staff of your respective office, should have a clear understanding of the powers of the Sri Lanka Human Rights Commission.

Disciplinary action will be taken against those who act in contrary to these instructions and I wish to inform that, under section 24(4) of the Sri Lanka Human Rights Commission Act, such officers who object/ do not permit the Officers of the Commission to carry out their duty shall be penalized.

Therefore, it is hereby informed that every officer shall pay attention to this matter and immediately acknowledge the receipt of this order.

In addition, I wish to draw your attention to Articles 10-17 of the Chapter III of the 1978 Constitution.

..... Pallegama (not clear)
Commissioner of Prisons.



Human Rights Commission of Sri Lanka.

No.165, Kynsey Road, Colombo - 08.

Tele : +94 - 11 2694925, 2685980, 2685981

Fax : +94 11 2694924

sechrc@sltnet.lk www.hrcsl.lk