



# HUMAN RIGHTS COMMISSION OF SRI LANKA

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*ANNUAL REPORT 2017*

This is the Annual Report of the Human Rights Commission of Sri Lanka on its activities in 2017. It is submitted in compliance with section 30 of the Human Rights Commission of Sri Lanka Act No.21 of 1996.

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## **Members of the Commission 2017**

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### **Chairperson**

Dr. Nelum Deepika Udagama

### **Commissioners**

Mr. H Ghazali Hussain

Mr. Saliya Peiris PC

Ms. Ambika Satkunanathan

Dr. Upananda Vidanapathirana

## MESSAGE OF THE CHAIRPERSON

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Our Commission assumed office in late 2015. The following year saw the Commission engaging in an in-depth review of its priority issues and working methods through broad based consultations in the metropolis and the provinces in order to design future policy. The expansion of democratic spaces since 2015 made the process both exciting and challenging. Aside from our own staff, the consultations brought together representatives from a broad array of civil society institutions, think tanks, professional bodies and key state institutions. The result was the design and adoption of the HRCSL Strategic Plan (2017-2019). It identifies as key operational areas expanding access to the Commission particularly by marginalized groups, gender justice and the acknowledgement of diversity in Sri Lankan society in the Commission's work. Of course, the overarching goal of the Commission continues to be the consolidation of its independence and credibility. If 2016 was the year of policy planning, 2017 was the year of implementation.

The general human rights situation in the country remained more or less the same as 2016. Freedom of expression, association and assembly continued to improve. However, some Human Rights Defenders and families of the disappeared in the North complained of harassment allegedly by intelligence agencies. No complaints of enforced disappearances, extra-judicial executions or "encounter deaths" were received during the year.

Significantly, the overall number of complaints received by the Commission fell from 9171 in 2016 to 7711 in 2017. Complaints regarding infringement of personal liberty, including custodial violations, were the highest, with employment related violations and violations through government inaction coming in second and third respectively. However, complaints on personal liberty, including torture, saw a slight drop from 2016. It is difficult to point to precise reasons for the decline in numbers. Change in the political climate with the emergence of a greater space for criticism, dissent and public vigilance coupled with the strengthening of the judiciary and independent commissions could well account for improved compliance by State officials. Another contributing factor could well be that the public may have become

aware of the Commission's policy decision to refer complaints that did not directly fall within its mandate to other appropriate redress mechanisms.

Despite these glimmers of hope, intensification of hate speech on social media, especially against the Muslim community, was of grave concern to the Commission. In a letter written to HE the President in May, the Commission urged the necessity to strictly enforce the law against hate speech and to prevent the aggravation of communal tensions. The Commission is, however, not aware of any prosecutions in that regard.

In November a minor road accident quickly escalated into violence between the Sinhala and Muslim communities in Gintota in the Southern Province. Although the authorities quickly brought the situation under control, the incident was deeply troubling in view of the rise in religious extremism and general escalation of tensions between the Sinhala and Muslim communities. The incident was reminiscent of the communal violence in Aluthgama in the Southern Province in 2014 in which a series of events including a vehicular accident escalated into anti-Muslim violence. The Commission recognized the vitally important role it should play as facilitator of communal co-existence. Aside from steps taken to immediately monitor the situation through its Matara Regional Office and calling on officials to ensure restoration of normalcy, the Commission commenced organizing town hall meetings in the area to facilitate inter-community dialogue. Such meetings show much promise in providing a neutral forum for communities, which hitherto may not have had opportunities to discuss issues of concern.

In keeping with the Commission's policy of prioritizing its statutory function of providing advice to the government, this year too the Commission issued recommendations on an array of human rights issues including the right of a detainee to legal representation, combating hate speech, memorialization as an aspect of dealing with the past and incorporating the Convention Against Enforced Disappearances into national legislation. The Commission also engaged with public authorities to address issues such as harmful traditional practices (FGM) and problems faced by transgender persons.

In 2016 the Commission launched a national campaign against torture which also saw structural changes in the Commission's investigations and inquiry

process to expedite complaints of torture. In 2017 the Commission in collaboration with the Australian Human Rights Commission embarked on a nationwide program to promote access rights of persons with disabilities. This entailed training of HRCSL staff, representatives of civil society and relevant personnel of government institutions including technical personnel involved in planning and designing the built environment. Access audits continued to be conducted around the country with the involvement of the Head Office as well as Regional Offices.

That program was a unique example of collaboration between two national human rights commissions. Similarly, the Asia Pacific Forum which brings within its umbrella all national human rights institutions in the region for guidance and support, continued to lend stellar support to our Commission.

The Commission's work actively draws on international human rights standards per its mandate. That the principle of indivisibility of rights must be reflected in its work is uppermost in the mind of the Commission. A special unit on ESC rights was established in the Investigation and Inquiries Division to facilitate the requirement.

Cooperation with international human rights mechanism too saw ongoing progress with the Commission submitting reports in regard to the third review of Sri Lanka under the Universal Period Review process and also the review of the fifth periodic report to the UN Committee on Economic, Social and Cultural Rights.

Due to the open policy of the present administration in inviting UN human rights special procedures, several Special Rapporteurs visited the country and engaged with the Commission. We are also very encouraged by their assessment of the Commission's work.

Sustainability of reforms and new measures undertaken by the Commission depend on staff capacity and motivation. Major efforts were made to provide relevant training to staff, including overseas training provided by APF. Similarly, the Commission directly intervened to address the long standing issue of the absence of a Scheme of Recruitment for the staff as the approval process was very slow. The Head Office was also moved in September to a

more spacious and modern building with better facilities. A health insurance scheme for staff too was introduced.

The Commission takes the view that the main mark of its effectiveness is public confidence in its independence and ability to provide protection. We hope we are moving in the right direction. As Chairperson, it has been a privilege working with a group of highly competent and dedicated Commissioners. The support of civil society has been a mainstay. The political establishment must be commended for not interfering with the work of the Commission. We are very appreciative of the steady support of the Hon. Chairman and members of the Constitutional Council, generosity of the donors and many other parties too numerous to list here. We could not have surmounted the various challenges without their support.

We look forward to further consolidating our work on behalf of the people and applying for 'A' status international accreditation in 2018.

**Dr.Nelum Deepika Udagama**

Chairperson

HRCSL

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## LIST OF ACRONYMS

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<b>AHRC</b>	Australian Human Rights Commission
<b>APF</b>	Asia Pacific Forum
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>HRCSL</b>	Human Rights Commission of Sri Lanka
<b>ESC Rights</b>	Economic, Social, and Cultural Rights
<b>FGM</b>	Female Genital Mutilation
<b>IDP</b>	Internally Displaced Persons
<b>IT</b>	Information Technology
<b>LGBTIQ</b>	Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning
<b>NGOs</b>	Non-Governmental Organizations
<b>NHRIs</b>	National Human Rights Institutions
<b>RDA</b>	Road Development Authority
<b>SDGs</b>	Sustainable Development Goals
<b>TID</b>	Terrorist Investigation Division
<b>UDA</b>	Urban Development Authority
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNHCR</b>	United Nations High Commissioner for Refugees

## CHAPTER 1: THE COMMISSION

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### **1.1. Overview of the Commission**

1.1.1. Vision

1.1.2. Mission

1.1.3. Core values

1.1.4. Strategic focus areas

1.1.5. Crest of the Commission

### **1.2. Nature and Scope of the mandate**

### **1.3. Organizational Structure**



## THE COMMISSION

### 1.1 Overview of the Commission

#### 1.1.1. Vision

The Human Rights Commission of Sri Lanka (HRCSL or the Commission) formulated a fresh vision for itself in the HRCSL Strategic Plan (2017-2019) (See appendix 1). Accordingly, the vision of the Commission is:

“A society that recognises diversity and respects the human rights of all”

#### 1.1.2. Mission

Together with a fresh vision, A new mission was formulated for the commission through the strategic plan for 2017-2019. Accordingly, the mission of the Commission is:

“To provide leadership in Sri Lanka in promoting and protecting human rights, human dignity and the rule of law within a democracy based on the sovereignty of the people”.

#### 1.1.3. Core Values

- Respect for human dignity
- Respect for diversity
- Equality and non-discrimination
- Peace, truth and justice
- Independence
- Accountability
- Service
- Humility
- Integrity
- Transparency

#### 1.1.4. Strategic focus areas

Strategic operational focus areas of the Commission as per the HRCSL Strategic Plan (2017-19) are:

- Accessibility of the HRCSL and its services to all people, especially to the poor and marginalized
- Gender mainstreaming within and through the HRC and its programs and services
- Recognition of and respect for diversity within the HRC and through its programs and services

The substantive strategic focus areas of the HRCSL are:

- Torture/custodial violence
- Rights of migrant workers
- Economic, social and cultural rights, including education, health and land rights
- Gender issues
- Minority rights
- Up-country Tamils and plantation workers
- Disaster management and recovery
- Rights of people with disabilities
- Rights of lesbian, gay, bisexual, transgender, intersex, and queer people
- Elder's rights
- Prisoners and detainees

#### 1.1.5. Crest of the Commission

The crest of the HRCSL conveys the responsibility of the National Human Rights Institution to protect and promote human rights at the national level. The colour blue reflects the liveliness and creativity of human beings. The two hands reflect protection and taking action for protection. The globe reflects the universality of human rights and the protection afforded at the international level. The map of Sri Lanka reflects the necessity to take action for protection at the national level. The figures of a woman, man, and child symbolize that human rights protection should be afforded equally to all.

## **1.2 Nature and scope of the mandate**

The Human Rights Commission of Sri Lanka is an independent Commission, established to promote and protect human rights in the country. The Commission is also mindful of Sri Lanka's international human rights obligations and strives to ensure that the country abides by these obligations.

The Commission was established in 1996 by the Human Rights Commission of Sri Lanka Act, No. 21 of 1996. The Act sets out the legal basis and operational principles of the HRCSL. The HRCSL is a scheduled commission under the 19<sup>th</sup> amendment to the Constitution of Sri Lanka but it is not formally established by the Constitution. The Chairperson and Members of the Commission are appointed by the President on the recommendation of the Constitutional Council. The Commission is answerable to the Parliament.

The Act recognized the jurisdiction of the Commission in terms of fundamental rights and human rights. Fundamental rights are certain civil and political rights as well as economic, social and cultural rights guaranteed in Chapter III of the Constitution of the Democratic Socialist Republic of Sri Lanka. Human rights are defined in the Act as “right declared and recognised by the international convention on Civil and Political Rights and the International Conventions on Economic, Social and Cultural Rights” thus empowering the Commission to ensure national standards are in compliance with international law.

The statutory functions of the Commission (as set out in Section 10 of the Act) are:

- to inquire into, and investigate, complaints regarding procedures, with a view to ensuring compliance with the provisions of the Constitution relating to fundamental rights and to promoting respect for, and observance of, fundamental rights;
- to inquire into and investigate, complaints regarding infringements or imminent infringements of fundamental rights, and to provide for resolution by conciliation and mediation;

- to advise and assists the government in formulating legislation and administrative directives and procedures, in furtherance of, the promotion and protection of fundamental rights;
- to make recommendations to the Government regarding measures which should be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards.
- to make recommendations to the Government on the need to subscribe or accede to treaties and other international instruments in the field of human rights; and
- to promote awareness of, and provide education in relation to, human rights.

To carry out the statutory functions, the HRCSL is empowered to (as set out in Section 11 of the Act);

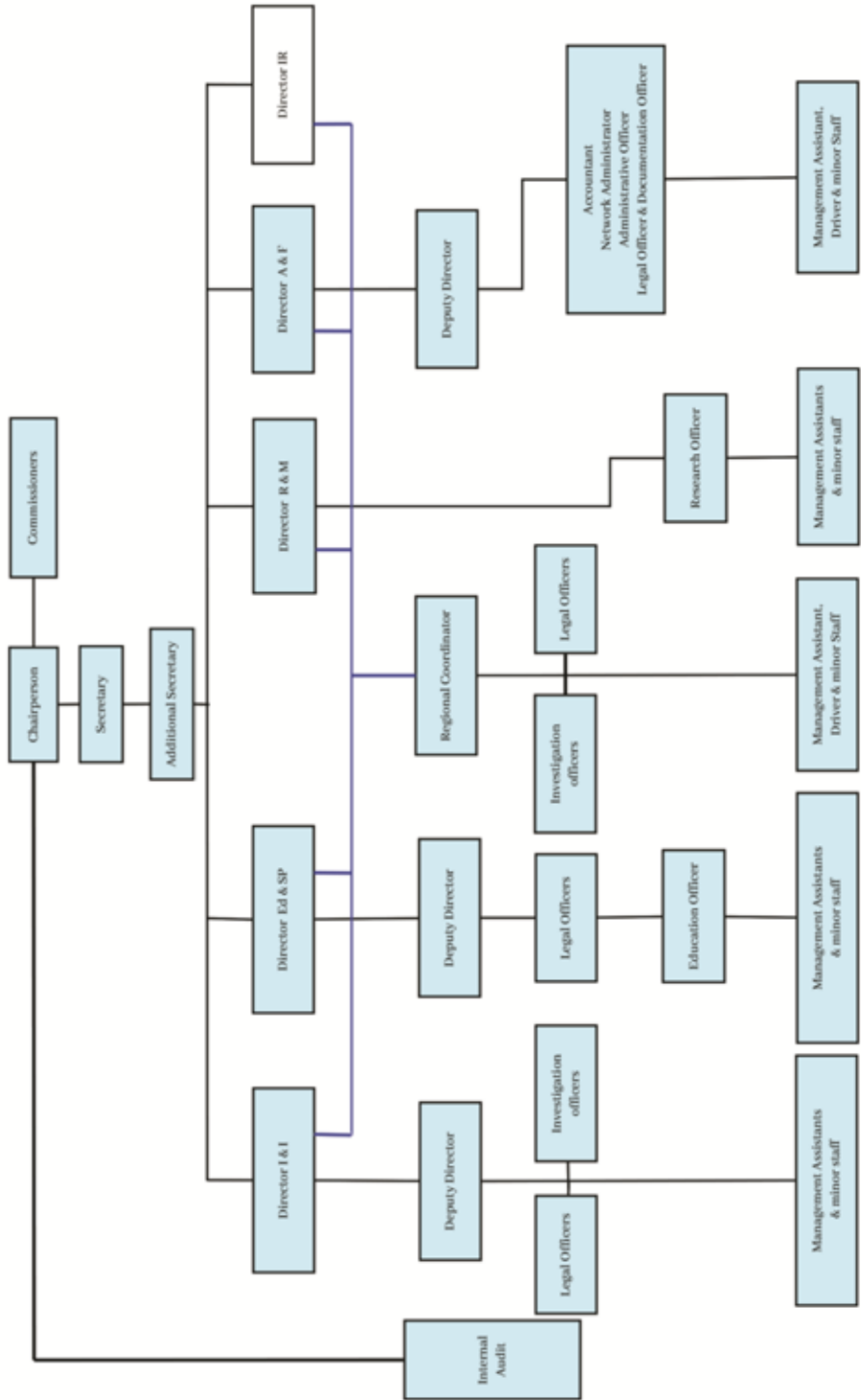
- investigate, any infringement or imminent infringement of fundamental rights;
- appoint such number of sub-committees at provincial level, as it considers necessary to exercise such powers of the Commission as may be delegated to them, by the Commission;
- intervene in any proceedings relating to the infringement or imminent infringement of fundamental rights, pending before any court, with the permission of such court;
- monitor the welfare of persons detained either by a judicial order or otherwise, by regular inspection of their places of detention, and to make recommendations necessary for improving their conditions of detention;
- take such steps as it may be directed to take by the Supreme Court, in respect of any matter referred to it by the Supreme Court;



- undertake research into, and promote awareness of, human rights, by conducting programs, seminars workshops and to disseminate and distribute the results of such research;
- award in its absolute discretion to an aggrieved person or a person acting on behalf of an aggrieved person, such sum of money as is sufficient to meet the expenses that may have been reasonably incurred by him in making a complaint to the Commission.
- do all such other things as are necessary or conducive to the discharge of its functions.

### **1.3 Organizational Structure**

The Commission functions with 154 staff members. It consists of 04 Divisions namely: Inquiries & Investigations (I&I), Education & Special Programmes (ED&SP), Research & Monitoring (R&M), and Administration & Finance (A&F) Divisions. A Division on International Relations (IR) will be set up as soon as the Commission is in a position to recruit requisite staff. In addition, the Commission also has 10 regional offices (Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee and Vavuniya), and six sub-offices (Kilinochchi, Mannar, Mullaitivu, Nuwara Eliya, Polonnaruwa, and Puttalam,) to carry out its functions. (See appendix 2) Each Division is headed by a Director and each regional Office is headed by a Regional Coordinator. The Chairperson and/or a Commissioner/ Commissioners supervise each Division and the Regional Offices.



## **CHAPTER 2: YEAR IN REVIEW**

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### **2.1. Key achievements**

2.1.1. Strategic Plan

2.1.2. Investigations and inquiries

2.1.3. Outreach programmes

2.1.4. Institutional development

### **2.2. Recommendations to Government**

### **2.3. Other advocacy for policy reform**

### **2.4. Vetting of Sri Lankan Military personnel to be deployed as UN peacekeepers**

### **2.5. Challenges**

## 2 YEAR IN REVIEW

### 2.1. Key achievements

This Chapter provides a summary of some of the Commission's key achievements for 2017.

#### 2.1.1. Strategic Plan (2017-2019)

The HRCSL finalized and adopted the strategic plan for the Commission, which was initiated in 2016. The Strategic Plan is the result of careful internal reflection and analysis and wide external consultations with key stakeholders. The Strategic Plan also includes a new vision and a mission for the Commission, adopted in keeping with the new philosophy of the Commission based on evolving priorities.

The Strategic Plan identifies 7 goals to be addressed during the 3 year period of implementation. Those are:

1. Create a human rights culture through public education and awareness raising;
2. Advise and recommend to the Government, Parliament and State entities on laws and policies in line with Constitutional and international human rights standards and practices;
3. Engage in advocacy to promote and protect human rights through monitoring, research, reporting and amicus curiae interventions in court proceedings;
4. Provide prompt and effective remedies by strengthening the inquiry, investigation and monitoring mechanism of the HRC;
5. Protect and promote human rights through engagement with and utilisation of international human rights mechanisms;
6. Transitional justice;
7. Achieve institutional excellence and quality management.

The HRCSL plans to develop and adopt annual activity plans for implementation of this Strategic Plan on a yearly basis. The annual plan will include the specific activities to be undertaken and indicators of success against which the impact of the activities could be measured. It is the hope of the Commission that the strategic plan will provide specific guidance and direction for the Commission to carry out its promotion and protection work efficiently and competently, especially prioritizing its advisory role to the Government and institutional development.

### **2.1.2. Investigations and inquiries**

As in any other year, the Commission assisted a plethora of people through its individual complaints mechanism and *suo motu* action (see chapter 3 for more details). While the Commission was able to provide assistance in many cases, where the Commission felt it was not the most appropriate forum for the grievance, complainants were directed to the appropriate institution for remedies. As much as the Commission is empowered by Section 15 of its parent statute to issue recommendations directing authorities to take action to remedy violations of human rights, the Commission also attempts to facilitate settlement of disputes through mediation and conciliation by providing a forum for all parties to an issue to come together and discuss their issues and identify redress quickly and informally.

In 2017, the Commission received 7711 complaints and concluded 5711 cases. Out of the 5711 concluded cases the Commission was able to successfully mediate settlements in 1332 cases. The Commission issued 84 recommendations in response to individual complaints made to the Commission, which is more than twice the number of recommendations issued in 2016. This is reflective of the organizational changes executed within the Commission in order to respond to violations efficiently and promptly and investments made in training of staff to contribute more competently.

### **2.1.3. Outreach programmes**

2017 saw further progress in outreach programmes conducted by the HRCSL. The Commission conducted a variety of outreach programmes in order to promote awareness and educate the public on human rights issues. Outreach programmes included lectures, mobile clinics, workshops, as well as media campaigns, and a human rights quiz competition for school children.

One of the most significant outreach programmes was the nation-wide disability access programme conducted through the regional offices of the Commission. The HRCSL in collaboration with the Australian Human Rights



Commission conducted a training workshop on 'Disability Access: Including access to Public Premises and Public Transport' on 27th and 28th of March 2017 under the Disability Access Project for the staff of the Commission and officials of

relevant government institutions, the objective of which was to sensitize the participants on rights of persons with disabilities and to make them aware of the applicable legal framework at both national and international level. One of the components of the training session was to plan regional activities on accessibility rights of persons with disabilities. Regional offices proposed several activities based on regional requirements during the workshop, with the objective of implementing the proposals at regional level. Subsequently, the regional offices began a stakeholder mapping of organizations working on disability rights in the regions as well as collecting data on persons with disabilities. Regional offices also



worked closely with civil society organizations working with persons with disabilities and conducted sensitization programmes for and consultations with government authorities. Some regional offices established disability audit teams and conducted accessibility audits to assess the accessibility to public places within the region. These audits highlighted the status of accessibility to public spaces within the regions as well as challenges faced by authorities in facilitating disability access to public spaces. Public institutions responded positively to the findings of the disability audits, resulting in some of the institutions implementing the suggestions/ recommendations made in the audits in 2017 itself and others undertaking to incorporate the recommendations in the following years. Illustrative of this is the undertaking

by the responsible authorities in Anuradhapura to incorporate disability access ways and public toilets for persons with disabilities in the second phase of the newly constructed bus stand, and the undertaking by the Postmaster of Anuradhapura to establish a multi-service desk for persons with disabilities at the Anuradhapura Post Office.

Following this, a technical training programme for Government stakeholders involved in the planning, designing, construction and development of the buildings was conducted in November 2017 in order to build capacity to develop technical aspects of accessibility to public spaces and facilities for people with disabilities.

Additionally, the Commission organized an island-wide Human Rights quiz competition with the objective of promoting awareness of human rights among school children. The provincial rounds of the competition commenced in late 2017 after the successful completion of district level competitions.

#### **2.1.4. Institutional Development**

2017 saw the HRCSL moving its head office to a new and more spacious premises which had a positive impact on the work environment of the Commission. The additional space gave the Commission the opportunity to streamline its workspaces and work towards increasing productivity of the staff.

The Commission also initiated the uploading of its recommendations on the HRCSL website and introduced a new general email address (sechrcsl@gmail.com) in order to increase engagement with the public and enhance accessibility to the Commission.

As the reorganization of the Inquiries and investigations Division in 2016 yielded positive results, activities were further streamlined by introducing further smaller units to handle specific types of complaints in order to increase productivity and to be able to respond to inquiries efficiently. The process of issuing summons was streamlined with one designated officer tasked with sending all summons out, thereby avoiding delays experienced in the previous system.

The Commission began preliminary work to introduce a new digital information management system for the Head Office and the Regional Offices. The system would also streamline case-management, which will increase the efficiency of the responses of the Commission. The system will be formulated and introduced in 2018.

A Transport Policy for the Commission was introduced for officers of the head office and the regional offices in order to responsibly conserve resources of the Commission and to enable more resources to be channeled into the substantive work of the Commission in carrying out its mandate. The Policy also intended to bring the transport procedures of the Commission in compliance with government transport policies.

Similarly, a transfer policy was also introduced for officers of the head office and the regional offices of the Commission. The policy intended to standardize the transfer of officers between the head office and regional offices or amongst regional offices and to bring the transfer procedures of the Commission in compliance with government policies. It also provides for an appeals procedure against the decisions of the transfer board empowered to administer transfers under the said policy. The Commission envisions the transfer policy to increase knowledge sharing amongst the officers of the Commission and provide fair and equitable transfer schemes which benefit all officers of the Commission alike.

## 2.2. Recommendations to Government

During 2017, the HRCSL made several recommendations to the Government on human rights issues of concern, which the Commission viewed as requiring its intervention.

- **Recommendation on the proposed amendment to the Code of Criminal Procedure (Special Provisions) Act No 2 of 2013**

HRCSL conveyed its deep concern to Hon. Prime Minister by letter dated 14.03.2017 regarding the proposed amendment to the Code of Criminal Procedure (Special Provisions) Act No. 2 of 2013 which affects the right of detainees in police custody to have unimpeded access to lawyers and set out



its recommendation to ensure legislative compliance with human rights standards.

While emphasizing the rights of a detainee, both under the Constitution of Sri Lanka and international law, are based on the presumption of innocence of a suspect, the Commission was of the view that the proposed amendment undermined the right of detainees to obtain adequate legal representation in not allowing unrestricted access to a lawyer from the point of arrest, nor providing for an appeal if a request for access is refused. HRCSL recommended the government must guarantee the right of all persons deprived of liberty to access legal representation from the commencement of detention in a future constitutional Bill of Rights and invest in improving police investigation methods.

- **Interim recommendation on the matter relating to compensation of victims of the Salawa explosion**

The complaints lodged by groups of individuals refer to the nonpayment of reasonable compensation for the damages caused to fixed and mobile assets owned by the complainants, due to the conflagration and explosion that took place in the Army Camp in the area of Salawa, Kosgama on 05.06.2016.

The Commission issued an interim recommendation dated 03.05.2017 identifying Certain institutions as responsible parties and made several recommendations including to establish an Appeals Committee consisting of representatives from responsible institutions; to draft a suitable appeals form for the purpose of collecting details of damages caused to fixed and mobile properties from the victims and the possibility of appeal/re-appeal be given wide publicity; to re-compute the assessment in respect of each application for the assessment for each item to be clearly and separately identified; to inquire into the requirements of aggrieved students and children among the victims and examine the manner in which due relief could be granted.

- **Concern over religious intolerance**

The Commission conveyed its deep concern on the growing religious intolerance addressing His Excellency the President by letter dated 31.05.2017. The Commission observed that it was alarmed at the hate speech conveyed

over social media as well as certain mainstream media targeting the Muslim community and Islam, which incites people to commit violence against the Muslim people, their religious institutions, and businesses. Attention was also drawn to spates of attacks against other religious minorities. The Commission urged the authorities to promptly apprehend the perpetrators and deal with them according to law, in order to prevent a black mark on the human rights record of the country and to prevent another serious obstacle to the reconciliation process in Sri Lanka.

▪ **Memorialization and Reconciliation**

The Commission expressed its views on Memorialization and Reconciliation by a letter dated 07.06.2017 to His Excellency the President. In the communication, the Commission emphasized that as an integral part of the reconciliation process it is important to ensure all communities have the space and ability to mourn the loss of their loved ones and remember them. Therefore, allowing families the space to do so, in the view of the Commission, would enable them to feel they too have, and are able to exercise their rights as citizens of Sri Lanka, and are part of a common journey towards reconciliation. Denial of such an opportunity, it was opined would only serve to deepen ethnic divisions and hamper reconciliation efforts. Against such background, the Commission requested His Excellency to ensure the right of families to engage in memorialisation activities, and the security of persons who engage in such activities.

▪ **Observations on the International Convention for the protection of All Persons from Enforced Disappearances Bill**

The Commission submitted its observations and recommendation to His Excellency the President on the International Convention for the protection of All Persons from Enforced Disappearances Bill by letter dated 28.09.2017.

In its observations on the Bill, the Commission was of the view that given the long history of enforced disappearances in Sri Lanka, it is an important step towards addressing impunity for the crime of enforced disappearance as well as enabling the families of the disappeared to find the truth and access remedies. It was observed that the legislation will certainly contribute to rebuilding ethnic relations damaged by the ethnic conflict and strengthen the journey towards reconciliation. The Commission also made detailed recommendations on strengthening the provisions of the Bill and urged all

political parties represented in Parliament to vote for the adoption of the Bill, which has great significance for human rights protection in Sri Lanka.

▪ **Observations and Recommendations on the draft National Human Rights Action Plan**

The Ministry of Foreign Affairs requested the HRCSL for its views and recommendations on the Draft Human Rights Action Plan for Sri Lanka (2017-2021). The Commission forwarded its observations and recommendations on the component of the Draft Plan on ESC rights, women's rights, environmental rights and migrant worker rights.

The HRCSL recommended the inclusion of ALL rights, whether they be civil and political rights or ESC rights, as justiciable rights in the chapter on fundamental rights without the bifurcation of justiciable and non-justiciable rights. It also recommended the grounding of the activities on the lived realities of large segments of the population in order for the Action Plan to gain legitimacy.

On the rights of women, HRCSL recommended *inter alia* the articulation of the goals as based on Sri Lanka's international obligation to ensure substantive equality and to make reference to the proposed constitutional reforms needed to strengthen women's rights. It further recommended that affirmative action must be articulated as a constitutional obligation of the State, as opposed to the currently discretionary nature of affirmative action, in order to address past discrimination in line with CEDAW obligations.

HRCSL welcomed the articulation of a goal to realize the linkage between environmental protection with human rights, in particular the need to recognize the right to an adequate environment as a fundamental right through constitutional reform. It also viewed the goal to promote the development and use of alternative sources of energy to promote environmental rights positively, while recommending that educational activities in schools and elsewhere would be undertaken to promote awareness of and knowledge on lifestyle changes and skills needed to create a sustainable environment. The Commission however, strongly recommended articulating the goals in relation to Sustainable Development Goals(SDGs).

On the rights of migrant workers, the HRCSL recommended that all goals and activities be articulated within a framework of migrant worker rights as

stipulated in the UN Convention on the Rights of Migrant Workers to which Sri Lanka is a state Party. It also observed that due recognition must be given to the existence of overseas migrant workers in Sri Lanka and Sri Lanka's obligations towards them as a receiving State, while also abrogating rules and regulations that are discriminatory and lead to abuse of workers.

## 2.3. Other advocacy for policy reform

### ▪ Issues of transgender persons

The Commission held a meeting with the officers of the Ministry of Education and Department of Examinations to discuss difficulties encountered by transgender persons when attempting to change their names and sex in their educational certificates. Pursuant to the meeting, HRCSL recommended to the Ministry of Education and to the University Grants Commission to facilitate the changing of names without undue hardship. The Commission further requested the Ministry of Education to issue a circular directing all school principals to provide the required documentation to transgender persons to facilitate applications to change their names and sex in their education certificates.

### ▪ Issues relating to Female Genital Mutilation(FGM)

Upon receiving information on the adverse effects of FGM practiced within certain communities in Sri Lanka, a meeting was called with medical personnel and affected communities to discuss FGM, a cultural practice that impacts on health rights of women. Pursuant to the meeting, the Commission sought clarification from the Ministry of Health, on if there is any medical benefit. The Ministry replied in the negative with detailed observations. Follow-up action on this will be discussed in the coming year.

### ▪ Revision of abortion laws

The Chairperson of HRCSL advocated on the revision of abortion laws in the country stressing that public policy on health matters should be made on the basis of strong medical and secular grounds and not on religious beliefs. The Chairperson also observed that abortion is a public health issue that affects

the reproductive rights of women, which requires a modern and healthy debate in Sri Lanka.

▪ **Discussion on student disciplinary procedures with Principals of National Schools**

The HRCSL convened a meeting with education authorities including principals of some national schools in Colombo to discuss and find solutions to the issue of corporal punishment being employed by school authorities as a disciplinary measure. The education authorities were of the view that overall discipline in schools is on the decline which needs to be remedied. After discussing all aspects of the issue, from the need ensure discipline within schools to protecting the wellbeing of children, it was accepted by all parties that human rights and rights of the children must be protected as it is a crucial requirement for every democratic government. Emphasizing on the need to foster tolerance, kindness, love, and affection at a young age, the importance of human relations and inter-personal skills in instilling discipline in children by schools was agreed upon. The Commission urged authorities to find alternative means of disciplining students without resort to corporal punishment. It also requested the Ministry of Education to take further steps to mitigate the harm caused by corporal punishment by providing psychological advice and counseling services to students as well as their parents or guardians.

## **2.4. Vetting of Sri Lankan military personnel to be deployed as UN peacekeepers**

The HRCSL began the human rights vetting of military personnel to be deployed for United Nations peacekeeping operations in February 2017 at the invitation of the Government of Sri Lanka. The Sri Lanka Army submitted documents pertaining to 200 army personnel to the Commission on 31.01.2017 for vetting. However, while the vetting process was on-going, the Sri Lanka Army informed the Commission that the United Nations had already conducted the vetting of said personnel. As a result, the Commission suspended the vetting process through a written communication. However, the process was recommenced in December 2017 after discussions with the authorities, and receiving 204 applications of army personnel who were to be deployed for peacekeeping operations in Lebanon.

## 2.5. Challenges

The Commission saw the successful implementation of many of the policy changes introduced in 2016. As discussed elsewhere, the policy reforms focused on new priority areas of activities, working methods, and structural changes. However, the passage was not without its many challenges. The major setback was delays encountered due to cumbersome administrative procedures and lack of innovative administrative solutions to address the drawbacks which prevented the Commission from achieving progress at the level anticipated. The inability to procure a modern telecommunication facility that was designed to integrate the regional offices with the head office and offer the public more options in communicating with the Commission; the inability of the Commission to secure premises to establish any of the contemplated new regional offices, which is a priority of the Commission, in order to take the Commission closer to the people also impeded the progress of the Commission.

Similarly, the response to complaints, in terms of inquiries and investigations was hampered due to the lack of adequate human resources. The UN Committee against Torture, the UN Committee on Economic, Social and Cultural Rights, and the UN Working Group on Arbitrary Arrest and Detention in their reports have recommended the strengthening of the HRCSL in order to effectively carry out its mandate, which entails allocating sufficient budgetary provisions for the Commission to attract qualified, individuals possessing expertise relevant to the work of the Commission.

Due to many infrastructural issues inherent in any new premises, shifting to the new premises during the last quarter of 2017 delayed some of the work of the Commission. The Commission, anticipating the delay, implemented certain strategies to ensure inquiries were not stalled or delayed. However, due to the enormity of logistical challenges of shifting from premises occupied for almost two decades into a new building, regular work of the Commission was hampered.

A perennial concern, the non-implementation of recommendations issued by the Commission continued to pose a challenge to the Commission in realizing its mandate to protect human rights.

## CHAPTER 3: INVESTIGATIONS AND INQUIRIES

### **3.1. Overview**

### **3.2. Examples of individual complaints by right**

3.2.1. Equality and non-discrimination

3.2.2. Arbitrary arrest and detention

3.2.3. Custodial violence

### **3.3. *Suo Motu* inquiries**

### **3.4. Introduction of new working methods**

## 3 INVESTIGATIONS AND INQUIRIES

### 3.1. Overview

The Commission receives complaints from the public, while at the same time the Commission is empowered to inquire into issues which reveal violations of fundamental rights on its own motion.

▪ **Introduction of new working methods:**

The Commission introduced and implemented new working methods in the investigations and inquiries division. The complaints received by the division were directed to separate units created within the division. The units are:

- ESC rights
- Education rights
- Custodial violence(priority)
- Other rights
- *Suo Motu* and non-implementation of recommendations

This method was geared towards increasing the efficiency of the division in responding to complaints. However, the unit on ESC rights is constantly overwhelmed with the volume of complaints received.

The referral system of the division was strengthened in order to direct the resources of the Commission to issues of priority which requires the attention of the Commission. The new referral system employs a rigorous method of filtering out grievances which do not directly come under the mandate of the Commission, thereby prioritizing issues. The issues identified as not within the mandate of the Commission are referred to other relevant authorities better situated to provide remedies. The in-house legal officers, regional coordinators, and investigation officers were given training on the new referral system.

The process of issuing summons was also streamlined in order to avoid delays in the previous system, and the Commission conducted a meeting with Heads of identified State Institutions to appoint focal points to liaise with HRCSL in



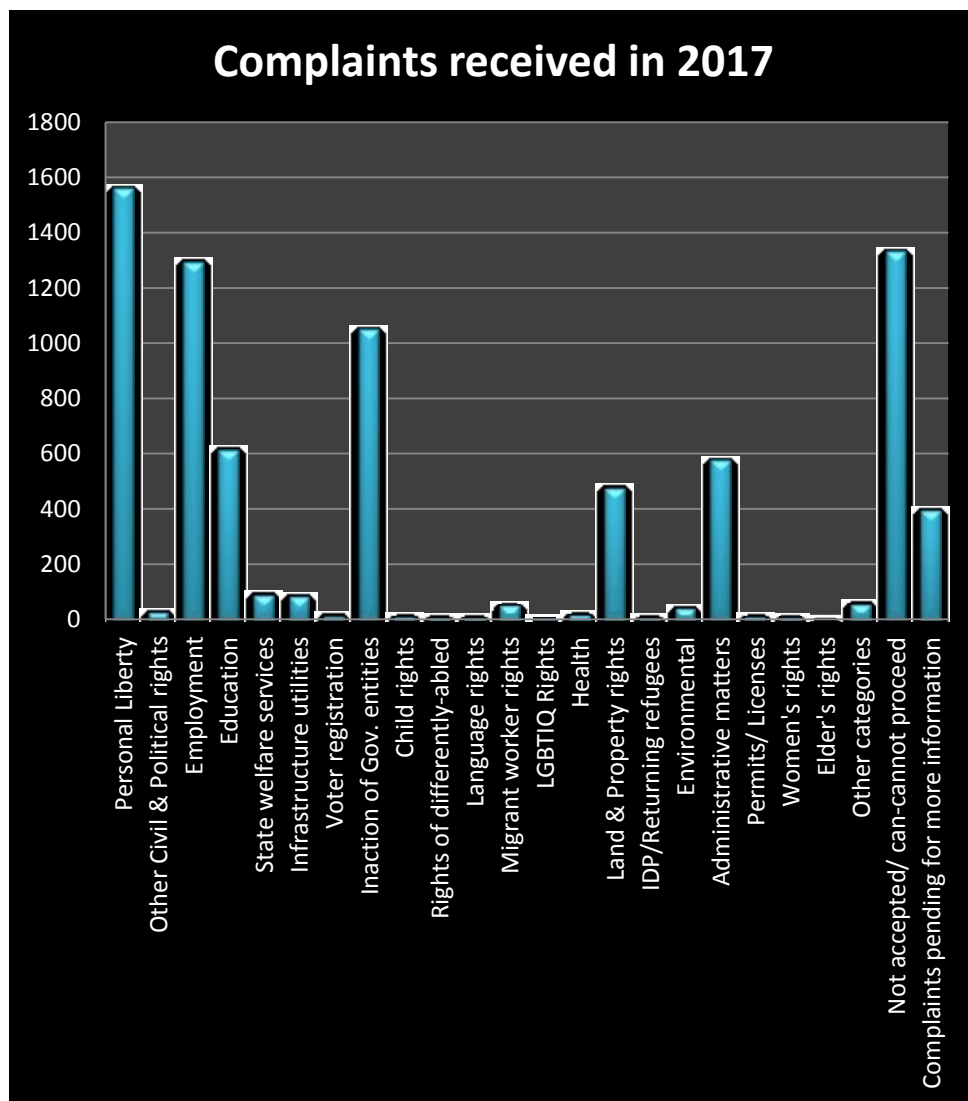
their respective Institutions to avoid delays in resolving complaints which were filed against their Institutions.

▪ **Statistics of complaints received:**

In total, the HRCSL received 7711 complaints in 2017. This is compared to 9171 complaints received in the previous year. The highest number of complaints, amounting to 20% of received complaints was in relation to violations of personal liberty, including torture in custody and arbitrary arrest and detention. However, it was 253 complaints less than the previous year in relation to personal liberty. Employment related complaints too have decreased from 1474 to 1294 (decrease of 1.8%) Complaints relating to the inaction of government authorities were the third highest number of complaints received (14%), again however it is 0.8% less than 2016. Out of the 7711 complaints received, 3703 were received by the regional offices, while the remainder were received by the Head Office.

Types of Complaints	Regional Offices	Head Office	Grand Total
<b>Personal Liberty</b>	<b>630</b>	<b>930</b>	<b>1560</b>
Torture (physical and mental)	112	288	400
General Harassment	84	189	273
Sexual Harassment	13	1	14
Threats	126	218	344
Degrading treatment	65	-	65
Arbitrary Arrests/Detention	188	192	380
Detention conditions	-	4	4
Death in custody	3	4	7
Enforced or Involuntary Disappearances	-	-	-
Abductions	-	3	3
Extra-judicial Killings	-	-	-
Encounter Deaths	-	-	-
Prisoner's Rights	4	-	4
Missing Persons <sup>i</sup>	28	4	32
Other	7	27	34
<b>Other Civil and Political Rights</b>	<b>19</b>	<b>7</b>	<b>26</b>

Freedom of Expression	-	1	1
Freedom of Assembly	-	1	1
Freedom of Association	12	1	13
Freedom of Religion	5	4	9
Freedom of Movement	-	-	-
Right to Information	-	-	-
Other	2	-	2
<b>Employment</b>	<b>655</b>	<b>639</b>	<b>1294</b>
<b>Education</b>	<b>319</b>	<b>295</b>	<b>614</b>
<b>State Welfare Services</b>	<b>87</b>	<b>2</b>	<b>89</b>
<b>Infrastructure Utilities</b>	<b>63</b>	<b>20</b>	<b>83</b>
<b>Complaints Relating to Voter Registration</b>	<b>1</b>	<b>11</b>	<b>12</b>
<b>Complaints about Inactions of Gov. Entities</b>	<b>732</b>	<b>317</b>	<b>1049</b>
Police	422	163	585
Other Gov. Authorities	310	154	464
<b>Child Rights</b>	<b>8</b>	<b>1</b>	<b>9</b>
<b>Rights of Differently-abled</b>	<b>6</b>	<b>-</b>	<b>6</b>
<b>Language Rights</b>	<b>4</b>	<b>2</b>	<b>6</b>
<b>Migrant Worker's Rights</b>	<b>35</b>	<b>15</b>	<b>50</b>
<b>LGBTIQ (Lesbian, Gay, Bi-sexual, Transgender, Intersex &amp; Questioning)</b>	<b>2</b>	<b>1</b>	<b>3</b>
<b>Health</b>	<b>14</b>	<b>1</b>	<b>15</b>
<b>Land &amp; Property Rights</b>	<b>423</b>	<b>53</b>	<b>476</b>
<b>IDP/ Returning Refugees</b>	<b>5</b>	<b>-</b>	<b>5</b>
<b>Environmental</b>	<b>30</b>	<b>10</b>	<b>40</b>
<b>Administrative matters</b>	<b>289</b>	<b>285</b>	<b>574</b>
<b>Permits/Licenses</b>	<b>6</b>	<b>2</b>	<b>8</b>
<b>Women's right</b>	<b>7</b>	<b>-</b>	<b>7</b>
<b>Elder's Rights</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Other Categories</b>	<b>56</b>	<b>-</b>	<b>56</b>
<b>Not Accepted/ Can, Cannot Proceed</b>	<b>312</b>	<b>1021</b>	<b>1333</b>
<b>Complaints pending for more information</b>	<b>-</b>	<b>396</b>	<b>396</b>
<b>Total</b>	<b>3703</b>	<b>4008</b>	<b>7711</b>



#### ■ Statistics of cases concluded:

The Commission concluded a total of 5711 cases in 2017 out of which 3781 were disposed of by the regional offices. This is compared to 4387 cases concluded in 2016. Out of these fundamental rights violations were found in 859 cases, while the Commission granted relief in 935 cases and successfully facilitated settlements in 1332 cases. 88 cases were referred to other authorities for appropriate action under the newly introduced referral system. In total 1682 cases were either withdrawn or not pursued by the complainants,

while 555 cases were disposed because they either did not fall within the mandate of the Commission or were prescribed.

Categories of complaints	Regional Offices	Head Office	Total
No FR violations	724	135	859
Settlement	1137	195	1332
Relief granted	689	246	935
Referred to other authorities	63	25	88
Directives given	2	2	04
Pending judicial proceedings	111	145	256
Complainant lacks interest	492	712	1204
Not within the Mandate	392	117	509
Withdrawn	132	346	478
Time barred (prescribed)	39	7	46
<b>Total</b>	<b>3781</b>	<b>1930</b>	<b>5711</b>

▪ **Recommendations:**

In 2017 the Commission issued a total of 84 recommendations. This is twice the number of recommendations issued in 2016, during which the Commission issued only 41 recommendations. The majority of the recommendations were on the violation of equality and non-discrimination provisions in the Constitution which mainly pertain to Economic and social rights. (For a full list of Recommendations issued in 2017 see appendix 3)

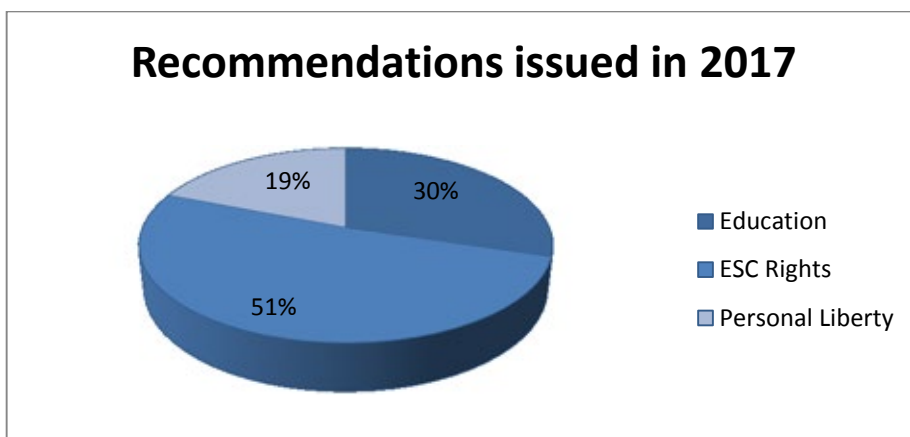
Subject/Area	No. of recommendations
Rights related to education	23
Economic Social & Cultural Rights	42
Rights related to Personal liberty	19
<b>TOTAL</b>	<b>84</b>

Source: Database of Human Rights Commission of Sri Lanka

While rights related to education come within Economic Social & Cultural Rights and due to the large volume of complaints received, it is identified as a separate category. These recommendations pertain to violations in school admissions, students' disciplinary matters, university admissions, harassment in educational institutions, and promotions in educational institutions.

The other recommendations pertaining to economic social & cultural rights comprise violations relating to pension, livelihood, salary increments, transfers, recruitment, service conditions, interdiction, terminations, compensations, and misuse of power.

Rights related to Personal liberty consist of violations such as illegal arrests and detention, torture, and deaths in custody.



## 3.2. Examples of individual complaints by rights

### 3.2.1. Equality and Non-discrimination

#### ▪ Expulsion from a public school (Complaint No. HRC/2901/16)

In February 2017, the Commission issued a recommendation directing the readmission of an 18 year old school boy who was expelled from his school mere months before the advanced level examination. The Commission opined that it is the responsibility of a school to ensure students involved in misconduct are socialized as good citizens, and expulsion should only be considered in good faith in limited circumstances, following established

procedures. The Commission concluded that the request to allow the student to leave the school made by the mother of the student, while found to be involuntarily made, was inadequate as the student in question was 18 years of age and therefore needs to consent to the request. The Commission found that the expulsion amounted to discrimination as other students who had been involved in the alleged misconduct continued their education in the same school.

▪ **Nominations for elections to Sri Lanka Cricket (Complaint No. HRC/644/16)**

Responding to a complaint that Sri Lanka Cricket had caused a violation of fundamental rights of qualified nominees for the executive committee elections of Sri Lanka Cricket for the term 2016/2018 by accepting nominations from persons disqualified to present nominations, the Commission found that it cannot intervene in the matter as the investigation did not reveal a violation of established procedures for the conducting of elections by Sri Lanka Cricket. However, the Commission took the opportunity to direct the cricket governing body to ensure that future elections are conducted in the following manner:

- To appoint a committee of experts to consider objections to nominations, as accepting nominations and objections should not be done by the same party.
- To receive advice pertaining to legal issues from institutions such as the Attorney General in writing.
- To allow adequate time for the inquiry of objections to nominations and to ensure inquiries into such objections respect principles of natural justice.

The Commission further recommended tasking the committee of experts recommended to be appointed above with the responsibility to ensure nominations received fulfill the criteria for nominations as stipulated in the regulations to the Sports Act of 1973, to ensure the rule of law is respected in the sphere of Cricket.

▪ **Ragging in public universities (Complaint No.HRC/2958/15/L-15)**

On 09 March 2017, the Commission made a recommendation to the University Grants Commission to establish a mechanism for the protection of victims of ragging within universities and witnesses to such incidents. The Commission made this recommendation pursuant to the investigation in to a complaint made by the mother of a university student who had committed suicide allegedly as a result of the ragging she had to face at the University of Sabaragamuwa. While the Commission did not have sufficient evidence to conclude the causality between the suicide induced by a condition of depression and ragging at the university, it found that the University should not have permitted the deceased student to retract the complaint of ragging made to the university. The Commission also found that the university was in breach of its legal obligation to investigate the complaint promptly, which it had failed to do. Relying on *Sriyani Silva v.Iddamalgoda* (2003 2 SLR 63) the Commission concluded that the next of kin of the deceased student was permitted to petition the Commission for the alleged infringement of Article 12(1) of the Constitution. The University was directed to conduct an inquiry into the incident of ragging complained about by the deceased and inform the police and the Commission of the findings.

▪ **Criteria for admission to Grade 1 of a public school (Complaint No.HRC/MT/120/16/N)**

The Commission directed the public school in question to admit the student to the school whose fundamental right to equality was violated by not being admitted to Grade 1 of the said school based on a technical reading of a circular, despite possessing the requisite marks necessary for admission. The student had scored 61.5 marks, which included the 10.5 marks the child's mother was entitled to by virtue of serving as a teacher for 3.5 years in "rural" or "adversely rural" schools during her career as a government teacher. However, the school had refused to allocate the said marks on the technicality that the letter of confirmation of difficult service issued by the zonal director of education did not specify if each school she served at was a 'difficult' or 'very difficult' school despite the entire zone being designated a "difficult" zone. The Commission found that the circular allocating the above marks does not require a common format for the letter of confirmation of difficult service and attributing such an intention to the circular is a subversion of

procedure leading to a violation of Article 12 of the Constitution. A recommendation was issued to the school to admit the student to Grade 2 of the said school.

- **Compensation for the acquisition of private property for development purposes (Complaint No.HRC/1392/13)**

In November 2017, the Commission issued a recommendation to the Urban Development Authority (UDA) and the Road Development Authority (RDA) to pay compensation to the complainant for the non-payment of compensation he was entitled to by virtue of his property being acquired for town expansion purposes, for arbitrarily entering his private property without prior notice to acquire the property, and for pulling down parts of the property by threatening the complainant. The Commission found that the acquisition of property was unlawful as it has not been done in accordance with the procedure established by law. As the complainant was agreeable to the acquisition provided adequate compensation was paid to him, the Commission directed the UDA and the RDA to pay compensation to the victim assessed through an established assessment framework. The Commission further directed the authorities not to exceed legal authority when acquiring property for development purposes in order to ensure public trust in due process of the law is preserved.

### **3.2.2. Arbitrary arrest and detention**

- **Unlawful arrest of a female (Complaint No.HRC/3277/11)**

The Commission recommended compensation to a victim of unlawful arrest by the police. The police had raided the business premises of the female complainant on a tipoff of selling petrol without a license. It was found that the police had acted arbitrarily and against departmental standing orders in arresting the complainant on several counts: failure to make an entry on the information received from an informant in the field pocket note book; the absence of a female police officer at the time of arrest despite receiving information that the suspect was female; notes on the arrest fraudulently containing the names of officers who were not present during the arrest. The Commission determined that the complainant's fundamental right under Article 13(1) of the Constitution has been violated.



### 3.2.3. Custodial violence

- **Death of a person arrested unlawfully (Complaint No. HRC/AM/24/10)**

The Commission recommended to his Excellency the President, the National Police Commission, and the Inspector General of Police to establish a special unit within the Police service to conduct fair and impartial inquiries into complaints of custodial violence. This recommendation was made in response to a complaint by the wife and sister of a person who was alleged to have been tortured and as a result died in police custody. The deceased person had been arrested in response to a complaint of public disorder received by the police over the phone. The Commission found several violations of the law in the circumstances. No inquiry has been made into the complaint to establish “a reasonable suspicion” required by law as necessary to arrest a person. Subsequently, the arrested person, who had been intoxicated at the time, had been transferred to the police station on a private motor bicycle, during which he had attempted to abscond by jumping into a lake. The absconding person had drowned to death, which the police had failed to inform the family until the following day. While the Commission found no evidence of torture or ill-treatment in custody, the Commission concluded that the arrest and transfer of the deceased person had not been carried out following accepted procedures thereby violating the freedom from arbitrary arrest under Article 13(1) of the Constitution, while his fundamental rights to equality and equal protection of the law were violated by the failure of the police to conduct an independent and impartial investigation into his death. The complainants were awarded Rs. 500,000/= as compensation.

- **Physical and mental torture in police detention (Complaint No. HRC/MT/171/13)**

In October 2017, the Commission recommended compensation to a person tortured, both physically and mentally, while in the custody of the police, giving rise to a violation of Article 11 of the Constitution. The Commission was aided by medical evidence (report of the Judicial Medical Officer) and eye-witness evidence in arriving at this conclusion. The Commission also found that the victim had been unlawfully detained for 3 days in police custody without being produced before a Magistrate as required by law, thereby violating Articles 13(1) and (2) of the Constitution.

### 3.3. *Suo Motu* inquiries

The Commission intervened in several issues exercising its own initiative (*suo motu*) under Section 14 of the Act. Often, issues meriting intervention are identified through media monitoring and individuals bringing such issues to the attention of the Commission. In total, the Commission launched 14 *suo motu* inquiries into different incidents. (For a full list of *suo motu* inquiries see appendix 4)

- **Protecting the right to education**

In October 2017 the Commission intervened to protect the right to education of a school girl in Kekirawa in the North Central Province who was expelled from her school by the school authorities accusing her of being pregnant after she vomited in school. The Commission issued a detailed recommendation addressing the disciplinary process to which the school girl was subjected and student disciplinary processes in general.

- **Protection needs of Rohingya refugees**

The Commission visited the Rohingya refugees transferred to the Boossa detention facility subsequent to public protests and organized attacks on their safe abode in Colombo to ascertain whether the conditions of detention were satisfactory and the refugees were treated properly. The Commission also held meetings with Government institutions, the UNHCR, and related NGOs to discuss current protection needs of the Rohingya refugees, and participated in a discussion on the protection of Rohingya Refugees in Sri Lanka organized by the Department of Immigration, at which the Commission emphasized that the refugees should not be treated as ordinary detainees and as they are detained for their safety and security, they should be released as soon as conditions in the community warrants it.

- **Access to clean drinking water**

On 05.06.2017 The Commission intervened in an issue of access to water at Sadalankawa, Pannala in the North Western Province. The issue was identified as a result of media monitoring done by the Commission. After a visit to the site, the Commission called for reports on the issue from stakeholder institutions, which prompted stakeholder institutions to visit the site of the issue. The Commission continues to monitor the progress of the response by stakeholders.

## **CHAPTER 4: RESEARCH AND MONITORING**

- 4.1. Thematic sub-committees**
- 4.2. Monitoring activities**



## RESEARCH AND MONITORING

### 4.1. Thematic sub-committees

In 2016 HRCSL appointed 9 sub-committees on specific thematic issues. The Sub-Committees were expected to review legislation, policies, and official practices pertaining to each theme in order to make recommendations to the Commission on the policy interventions to be made to the Government of Sri Lanka pursuant to its mandate under section 10 of HRCSL Act No 21 of 1996. Further, the Sub-Committees were expected to advise the Commission on required policy and practical interventions on respective issues. The sub-committees are;

1. Sub-Committee on Persons with Disabilities
2. Sub-Committee on Education Policy
3. Sub-Committee on the Rights of LGBTIQ Persons
4. Sub-Committee on Plantation Workers' Rights
5. Sub-Committee on Prevention of Torture and Custodial Violations
6. Sub-Committee on Gender
7. Sub-Committee on Rights of Elders
8. Sub-Committee on Economic, Social, and Cultural rights
9. Sub-Committee on Migrant Workers' Rights

The membership of the sub-committees comprises experts and civil society activists. Each Committee is chaired by one or more Commissioners while HRCSL staff members act as secretaries to each sub-committee.

During 2017, many of the sub-committees were engaged in identifying issues of priority within the scope of each thematic area. Some of the Committees made substantive interventions within the scope of their mandates.

The sub-committee on persons with disabilities was closely involved in the disability access project, which implemented activities to ensure better accessibility to public spaces for persons with disabilities. The committee also reviewed draft disability legislation and provided recommendations to the Commission. The sub-committee on education policy called a meeting with National School principals in the Colombo District on incorporating human rights standards into disciplinary conduct in schools, while also engaged in drafting the final report of the sub-committee with recommendations on the overall education policy in Sri Lanka.

The Sub-Committee on the Rights of LGBTIQ Persons prepared draft guidelines for the ethical reporting of LGBTQ issues in the media and made interventions to enable transgender persons to change the sex and name in their personal documentation, which included recommending to the Ministry of Education to issue a circular to all school principals directing them to provide the required school documents to transgender applicants to facilitate the changing of their names in their educational certificates. Committee members also conducted awareness programmes for Commission staff, as well as participated as resource persons for awareness programmes the Commission held for officials of the Registrar General's Department. Further, the Sub-committee on Rights of Elders made a submission to the Open Ended Working Group on Ageing of the United Nations for consideration at its 8th session.

## **4.2. Monitoring activities**

Under its mandate, the Commission is empowered to visit places of detention to monitor the wellbeing of detainees and to make recommendations to improve conditions of detention with the objective of ensuring the rights of detainees are respected and protected. Exercising its powers, the Commission conducts unannounced (surprise) visits to places of detention throughout the year. These visits are carried out by the head office as well as by regional offices. Apart from regular monitoring of police stations, the Commission also visits other places of detention such as prisons, remand homes, receiving homes, rehabilitation centres, homes for children, homes for the disabled, and immigration detention centres. The Commission had to abandon surprise

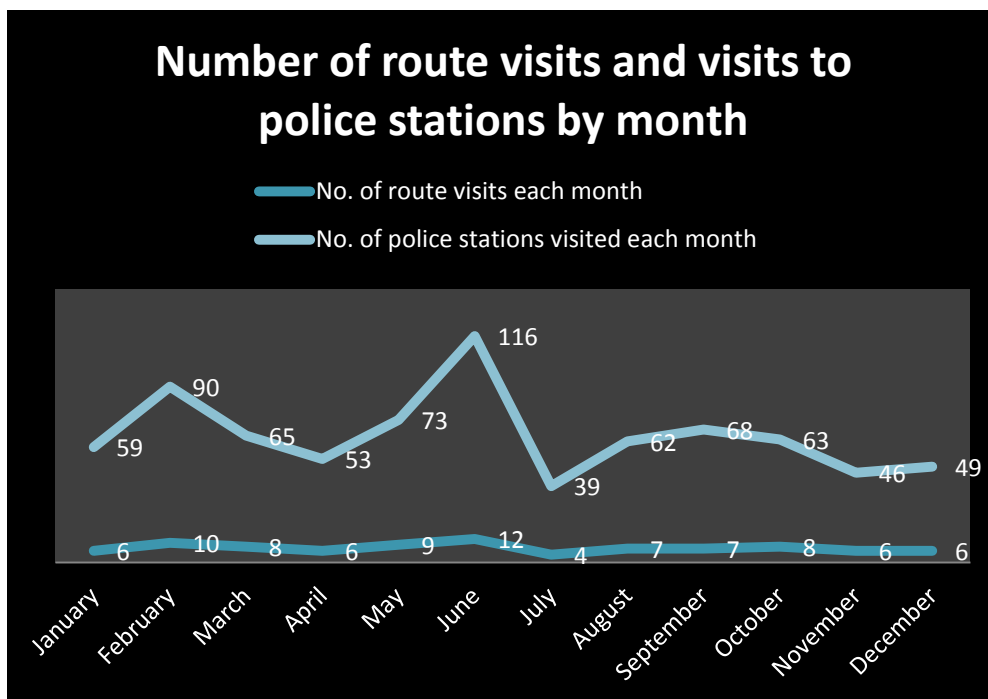
night visits to police stations due to the dearth of staff. Instead, the Commission now conducts unannounced visits throughout the week, including the weekend. The Commission conducts investigations into allegations of torture and illegal treatment made by detainees during these visits. In 2017, the work of the Commission in regard to monitoring activities was hampered due to the fact that the Director- Research and monitoring had to act in the capacity of the Director-inquiries and investigations due to a dearth of staff.

#### ▪ Monitoring of police stations

In 2017, the Commission, through its head office, made 778 visits to police stations. The visits are conducted on 16 identified routes spanning the entire country. The objective of these visits is to eliminate incidents of torture in Sri Lanka through efficient proactive and reactive measures, to initiate steps to identify officers who commit such violations, and recommend remedial action, in addition to coordinate and collaborate with other relevant government and non-governmental institutions to prevent the incidence of torture.

Route (No.)	Total visits along each route in 2017
Dematagoda – Modara (1-A)	08
Maradana – Piliyandala (1-B)	06
Narahenpita – Kollupitiya (1-C)	08
Mt. Lavinia – Aluthgama (2)	07
Kadawatha – Kegalla (3)	05
Maharagama- Ratnapura (4)	03
Beyond Ratnapura- Kalawana – Udawalawa (5)	01
Beyond Kurunegala – Abanpola (6)	06
Minuwangoda- Kuliapitiya (7)	04
Naranmala – Anamaduwa (8)	05
Wattala – Negombo (9)	09
Wellampitiya – Yatiyantota – Awissawella (10)	04
Peliyagoda – Dompe (11)	07
Kochchikade-Kalpitiya (12)	08
Dodangoda- Matugama (13)	05
Wewelwatta – Panamura (14)	03
Total Route visits	89
<b>Total number of Police Station Visits</b>	<b>778</b>

The following graph illustrates the distribution of route visits during the year by month and the number of police stations visited during each month.



Certain common issues were identified during these visits, including:

- Failure to follow due process during arrest
- Ill-treatment and torture in custody
- Delay in producing before courts
- Overcrowding and lack of basic amenities in the cells

HRCSL repeatedly highlights these observations in its policy interventions to address torture, ill-treatment, and conditions of detention.

#### ▪ **Monitoring other places of detention (non-police stations)**

Every month, the Commission attempts to make at least two visits to places of detention that are not police stations. These visits are usually conducted by a multi-disciplinary team of the Commission.

**[Monitoring visits to other places of detention]**

<b>05/05/2017</b>	<b>Visit to the Mirihana Immigration Detention Center</b>
<b>31/05/2017</b>	Fact finding mission to the site of the Meethotamulla garbage dump disaster
<b>27/06/2017</b>	Visit to the Mirihana Immigration Detention Center
<b>26/09/2017</b>	Visit to the Boosa Detention Center
<b>16/10/2017</b>	Visit to Methsewana State Home – Gangodawila, Nugegoda
<b>08/11/2017</b>	Visit to State Elders Home – Meerigama

- **Other monitoring activities**

The Commission monitored the wellbeing of witnesses who testified before the Consultation Task Force on Reconciliation Mechanisms. Dedicated staff members were assigned to receive and deal with complaints of intimidation, harassment and other complaints during the process.

A visit was conducted to the areas affected by the Uma-Oya Project. The Commission instructed its Badulla regional office to monitor the situation and assist victims to obtain compensation. It was also directed to review compensation paid to parties with a view to examine if discrepancies existed.



## **CHAPTER 5: EDUCATION AND OUTREACH**

- 5.1. Public awareness raising**
- 5.2. Engagement with the media**
- 5.3. Engagement with civil society**
- 5.4. Mentoring**

## 5

## EDUCATION AND OUTREACH

### 5.1. Public awareness raising

As mandated by the Act, the Commission strives to actively engage in raising public awareness and sensitivity on issues of human rights. The Commission considers the public an integral part of their work as the very purpose for its existence is to promote and protect the human rights of the citizenry. Therefore, the year 2017 is marked by many important events in realizing this objective.

#### ▪ International Human Rights Day – 2017



The publicity poster of the arts festival

In celebration of the Human Rights Day 2017, the HRCSL, in collaboration with the Sri Lanka Arts Council organized an exhibition themed ‘The First Human Rights Arts Festival 2017’ in order to provide a forum for the manifestation of human rights through the arts. The Festival included visual arts, new media exhibits, music, dance and theatre



Killing Book by Kingsley Gunatillake

performances on themes of Human Rights.

#### ▪ International Women’s Day 2017

To mark the International Women’s Day 2017 a roundtable discussion on “The lived realities of women engaged in informal labour and similar sectors” was held on 08 March 2017 in Colombo. Women leaders representing various sectors such as agriculture, plantation, migrant workers, etc participated in the discussion. Former President Madam Chandrika Kumaranatunge was the Chief Guest of the event. The participants discussed challenges faced by them in their employment such as non-inclusion in decision-making processes, discriminatory employment practices, and the lack of constitutional safeguards. The Commission expects to launch the report of the round table in 2018 with its recommendations on addressing identified issues.

The Commission also published a poster on women's rights, which was distributed to Divisional Secretariats, Grama Sevaka Officers, and Samurdhi Officers through the regional offices.

▪ **International Day in support of victims of torture 2017**

The Commission also conducted media programmes to mark the International Torture Victim's Day 2017 including a Press briefing. The Chairperson appeared in several talk-shows on national television to discuss matters related to the human rights situation in Sri Lanka.

▪ **Public lecture on “Making a Constitutional Bill of Rights relevant to a post-war/Conflict Society-experiences from South Africa”**

The Commission organized a public lecture in collaboration with the Commonwealth Secretariat on “Making a Constitutional Bill of Rights relevant to a post-war/Conflict Society-experiences from South Africa” followed by a discussion. The speaker at the event was the former Deputy Chief Justice of the Republic of South Africa / former Judge of the South African Constitutional Courts Mr. Dikgang Moseneke. Representatives of independent Commissions, civil society, other invited guests, and Staff of HRCSL attended the event, which provided important insights for Sri Lanka into constitution making in a post conflict society.

▪ **Human Rights Quiz competition**

The District rounds of the Human Rights Quiz competition organized by HRCSL with the objective of promoting awareness of human rights in the education sector, concluded successfully. The provincial rounds of the competition also commenced in 2017.



Photo: District level quiz competition in the Eastern Province

### ▪ **Resources for mobile services**

Meanwhile, the Commission provided resources for mobile services organized by the Ministry of National Co-Existence, Dialogue and Official Languages for marginalized groups in several parts of the country. The HRCSL also provided staff at the National Law Week Exhibition organized by the Bar Association of Sri Lanka in collaboration with the Ministry of Justice and the Legal Aid Commission.

### ▪ **Participation at external events**

In addition, the Commission participated in many awareness raising events organized by external parties for many different target audiences including prison officers, the police, armed forces, civil society organizations, public officials, and school children. Events for 2017 included lectures organized by the Directorate of Human Rights and Humanitarian Law of the Sri Lanka Army; lectures organized by the Ministry of Law & Order and southern Development; the National Convention of the activists of the Coexistence Societies and National Civil Society Federation organized by the Ministry of National Coexistence, Dialogue and Official Languages; the Roundtable Discussion on Disability inclusive elections in Sri Lanka organized by the International Foundation for Election systems and Centre for Monitoring Election Violence.

The chairperson and Commissioners, as well as senior staff were invited as resource persons for numerous trainings, workshops, academic sessions which the Commission uses as a platform to impart key messages of human rights promotion and protection. For example, the Chairperson addressed the Annual Academic Sessions of the College of Community Medicine in Sri Lanka, while senior staff conducted a session at the workshop on “Participation of Children & Youth in Reconciliation mechanisms” organized by the Secretariat for Coordinating Reconciliation Mechanisms. The Commission was also invited as a resource person to the workshop on Victim and Witness Protection organized by South Asian Centre for Legal Studies and participated in the panel discussion on Constitutionalizing Economic, Social & Cultural Rights organized by Law and Society Trust and Amnesty International. The latter was an important platform to advocate for the inclusion of ESC rights in a future Constitution.

## 5.2. Engagement with the media

As part of its outreach efforts, the Commission engages with the media to keep the public informed of critical issues, as well as on the activities of the Commission. The Commission employs traditional print and electronic media well as online platforms for promotional activities.

### ▪ Human Rights Snippet campaign

In 2017, the “Human Rights snippet campaign” was broadcast via the Commercial Service and all regional services of the Sri Lanka Broadcasting Corporation in Sinhala and Tamil languages, to raise awareness on Human Rights. The snippets, on different human rights related issues, were designed to appeal to the popular aesthetic of the public.

### ▪ Engagement with traditional print and electronic media

The Commission also issued a press statement on the negative publicity received by HRCSL’s intervention in the expulsion of a school girl from a school in Madatugama, which misled and discouraged the public from making complaints to the HRCSL. Further, the Commission expressed concern over the responsibility of media in providing correct information and its role in building a human rights culture in the country.

The Commission provided resource persons for the 25<sup>th</sup> Anniversary of the Free Media Movement and the National summit on free media culture as well as the UNESCO Regional Conference on ending impunity for Crimes Against Journalists organized by the Ministry of Finance and Media.

### ▪ Use of online platforms

All policy recommendations, interventions, and advocacy statements as well as the directives of the Commission are uploaded on the Commission’s website and made publicly accessible. The Commission also uses the Asia Pacific Forum’s (APF) bulletin to disseminate its work to a wider audience in the region and globally.

### 5.3. Engagement with civil society

The Commission, especially via the regional offices, engages closely with civil society. It views civil society as a great resource, which enriches the work of the Commission, while the Commission in turn contributes to the work of civil society on human rights.

- **Regional civil society coordinating committees**

The close cooperation fostered by the Commission through the civil society coordinating committees at regional level assists the Commission in identifying human rights violations or situations warranting the intervention of the Commission. These coordinating committees also assist the Commission in monitoring the protection of human rights in the public sphere.

- **Civil Society representatives as members of the thematic sub-committees**

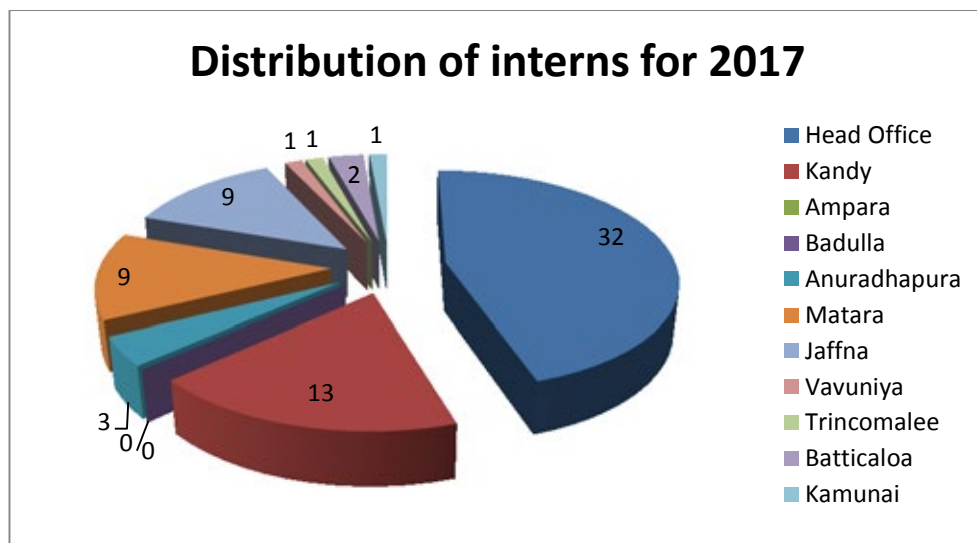
Active members of the civil society and civil society organizations are members of the thematic sub-committees, further contributing to the work of the Commission. The sub-committees are an opportunity for the Commission to benefit from the expertise and experience of civil society members in enriching the policy level efforts of the Commission.

- **Participation at events organized by civil society organizations**

The Commission participated in many events organized by civil society organizations such as the discussion on HRC SL and War affected women organized by Rights Now and FOKUS Women; the conference on “Up-country Tamils: Charting a New Future”; the Round Table Dialogue on Barriers experienced by women with disabilities to participation and inclusion in post-war development programs and reconciliation process organized by the International Centre for Ethnic Studies; the rally to mark the International Human Rights Day and International Day of Persons with disabilities organized by the Disability Organization Joint Front.

## 5.4. Mentoring

The Commission revived the HRCSL internship programme due to the conviction that investing in the youth of the country, especially in the promotion and protection of human rights, is a right step forward. Applications were called from undergraduates and recent graduates of any discipline to serve on a voluntary basis throughout 2017. The objective of the programme was to give the successful candidates exposure to the role of HRCSL, promotion and protection activities of the Commission including research, and to foster commitment to public interest activities in the youth. The internships were for a minimum period of 3 months, and the interns had the choice of serving it at the Head Office or at a Regional Office. 71 interns were chosen during 2017 to serve their internships throughout the country.



## **CHAPTER 6: INTERNATIONAL COLLABORATION**

- 6.1. Promote compliance with international obligations**
- 6.2. Strengthening ties with the Asia Pacific Forum (APF)**
- 6.3. Submission of reports and responses to international bodies**
- 6.4. Other collaborations with international organizations and experts**





## INTERNATIONAL COLLABORATION

### 6.1. Promote compliance with international obligations

In 2017 the Commission continued to actively communicate and cooperate with international and regional human rights organizations and protection mechanisms in promoting compliance with international human rights obligations of Sri Lanka.

The Commission received representatives from the UN Office of High Commissioner for Human Rights, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN special Rapporteur on the Promotion of Truth, Justice Reparation and Guarantees of Non- Recurrence, and the UN Working Group on Arbitrary Detention on their visits to Sri Lanka. The chairperson and Commissioners discussed issues of mutual relevance with the representatives, and acknowledged certain issues highlighted by the special mandate holders as needing immediate responses.

***“Thorough and outspoken, it has shown the potential of independent institutions to strengthen the system of protection of human rights”***

*Promoting reconciliation, accountability and human rights in Sri Lanka, The report of the Office of the United Nations High Commissioner for Human Rights*

The report of the Office of the United Nations High Commissioner for Human Rights titled “Promoting reconciliation, accountability and human rights in Sri Lanka” issued pursuant to its visit to Sri Lanka acknowledges that the HRCSL continues to work independently and competently. The report states that the HRCSL “Thorough and outspoken, it has shown the potential of independent institutions to strengthen the system of protection of human rights” and further, “Its participation in the process leading to the establishment of a domestic screening process for potential United Nations

peacekeepers has been a positive example of cooperation between State institutions, without compromising independence or commitment”.

The Report of the Working Group on Arbitrary Detention on its visit to Sri Lanka stated that it “welcomes the fact that the Government sought the views of the Human Rights Commission prior to its designation as the national preventive mechanism” for the purposes of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment and

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***“Institutionalize the practice of seeking the advice of the Human Rights Commission on draft legislation, giving it an opportunity to provide comments and engage in constructive dialogue with it concerning its recommendations”***

*The Report of the Working Group on Arbitrary Detention on its visit to Sri Lanka*

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recommended that the government ““Ensure that adequate additional resources, in terms of both personnel and funding, are allocated to the Human Rights Commission so as to enable it to discharge its functions as the national preventive mechanism effectively and independently...as it is already overstretched in its ability to implement its current mandate.” The report further recommended to “Institutionalize the practice of seeking the advice of the Human Rights Commission on draft legislation, giving it an opportunity to provide comments and engage in constructive dialogue with it

concerning its recommendations” as it was “seriously concerned that there is no institutionalized practice by the authorities to systematically seek the views of the Commission on draft legislation, despite its clear mandate to review legislation under section 10 of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996”.

## **6.2. Strengthening ties with the Asia Pacific Forum (APF)**

The chairperson attended the Annual General Meeting of the APF held in Bangkok, Thailand in November 2017 to share the progress made by the

Commission and the situation of human rights in Sri Lanka. The APF is a regional network of NHRIs supporting to build stronger National Human Rights Institutions, through knowledge sharing, expertise, and collaboration at the regional and international level.

### 6.3. Submission of reports and responses to international bodies

HRCSL submitted its report to the Third Universal Periodic Review of Sri Lanka in May 2017. The report set out the concerns of the Commission over the widespread incidence of custodial violations, including torture, continued operation of the Prevention of Terrorism Act, limited legal aid available in the country, and a growing phenomenon of hate speech, especially targeting religious minorities. Recommendations on reform, including constitutional, legislative, and structural reform, ending impunity, and taking certain measures to ensure transitional justice were also made in the report, which highlighted that Sri Lanka should improve its ratification record by ratifying all outstanding human rights treaties.

The Commission presented its report on Economic Social and Cultural Rights to the review of the 5th Periodic Report of Sri Lanka under the International Covenant on Economic Social and Cultural Rights on 7th June 2017. The Chairperson made a representation to the UN Committee on ESC Rights via teleconferencing, followed by a lively discussion on the report of HRCSL. The report emphasized HRCSL's commitment to the indivisibility of human rights while the Commission also opined that the ongoing constitutional reform process is an opportune moment to incorporate ESC rights into domestic legislation, specifically, into a comprehensive bill of rights.

***“[E]ncourages the State party to ensure that the Commission seeks re-accreditation by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions”***

*Concluding observations on the fifth periodic report of Sri Lanka, UN Committee on Economic, Social and Cultural Rights*

The Commission was congratulated on the progress made.

In its concluding observations on the fifth periodic report of Sri Lanka, the Committee on Economic, Social and Cultural Rights “encourages the State party to ensure that the Commission seeks re-accreditation by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions”.

## **6.4. Other collaborations with international organizations and experts**

HRCSL broadened its international collaborations through bi-lateral meetings with multiple entities. The Commissioners met with members of the foreign diplomatic corps such as the representatives of the Australian High Commission, Ambassadors of the United States of America and Brazil, High Commissioner of Canada to discuss the work of the Commission and issues of common interest. Representatives of several international organizations also met the HRCSL such as the mission from the European Union Headquarters, European Union Committee for Asia- Oceania, Office of Military Affairs, Department of Peacekeeping Operations of the United Nations.

In addition, the Commission met the Associate Director of the International Law and Organizations Forum at Johns Hopkins University; Ms. Elizabeth Broderick, Australia’s former Sex Discrimination Commissioner; the Westminster Foundation for Democracy; and the officers of the Scottish Police to brief them on Human Rights in Sri Lanka at the invitation of The Asia Foundation.

The chairperson also met Prof. Yash Ghai, Professor of Public Law and a Constitutional Law expert of international repute, and held wide-ranging discussions on Constitutional reform which provided fresh insights to enrich the Commission’s standing on ESC rights.

## **CHAPTER 7: REGIONAL & SUB-OFFICES**

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**7.1 Overview**

**7.2 Complaints handled**

**7.3 Monitoring activities**

**7.4 Education and outreach activities**



## REGIONAL & SUB-OFFICES

### 7.1 Overview

The Commission operates through 10 regional offices (Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee and Vavuniya), and six sub-offices (Kilinochchi, Mannar, Mullaithivu, Nuwara Eliya, Polonnaruwa, and Puttalam,) in order to increase protection of human rights and bring the work of the Commission closer to the people. The majority of the population accesses the Commission through the regional and sub-offices. Regional and sub-offices therefore play a crucial role in the effective discharge of the Commission's mandate, going beyond that of a mere conduit between the head office and the people in the regions. These offices conduct a full range of activities including receiving complaints, investigating into allegations of violations, providing consultations on alleged violations of human rights, mediating in the settlement of disputes, referral of violations to the head office for recommendations, carrying out monitoring activities, conducting awareness raising at regional level, and collaborating and coordinating with civil society organizations.

### 7.2 Complaints handled

- **Complaints received:**

In 2017 regional and sub-offices received 3704 complaints in total. The highest received were complaints of inaction by government entities at 732 (20%), out of which, 422 were against the police. While 655 (18%) employment related complaints were received, at 631, complaints in relation to violations of personal liberty were less than the number received by the head office.

Types of Complaints	Region											Regional Offices (total)
	Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna	KillinochchiSub Office	Kalmunai	Kandy	Matara	Trincomalee	Vavuniya	
<b>Personal Liberty</b>	<b>10</b>	<b>128</b>	<b>15</b>	<b>58</b>	<b>68</b>	<b>23</b>	<b>21</b>	<b>97</b>	<b>98</b>	<b>22</b>	<b>91</b>	<b>631</b>
Torture (physical and mental)	2	49		2	2			31	14	5	7	112
General Harassment		7	1	21	2		4	27		1	21	84
Sexual Harassment								4			9	13
Threats	1	8	4	3	29	9	5	2	37	3	25	126
Degrading treatments		7	8		15	10	9		7	6	4	65
Arbitrary Arrests/Detention	6	56	1	26	18	3	2	31	35	6	4	188
Detention conditions												
Death in custody		1	1						1			3
Enforced or Involuntary Disappearances												
Abductions												
Extra-judicial Killings												
Encounter Deaths												
Prisoner's Rights									3		1	4
Missing Persons <sup>i</sup>				6	1	1	1			1	18	28
Disappearances												
Other	1				1			2	1		2	7
<b>Other Civil and Political Rights</b>	<b>2</b>	<b>1</b>		<b>7</b>	<b>4</b>				<b>5</b>			
Freedom of Expression												
Freedom of Assembly												
Freedom of Association		1		2	4				5			12
Freedom of Religion				5								5
Freedom of Movement												
Right to Information												

Other	2											2
Employment	48	165	42	37	36	3	63	140	91	17	49	655
Education	12	12	26	15	11	7	29	91	102	8	6	319
State Welfare Services	6	6	4	17	8	3	9	15	2	4	7	87
Infrastructure Utilities	3	10	20	4	1		6	9	7		3	63
Complaints Relating to Vote Registration				1							1	
Complaints about Inactions of Gov. Entities	21	104	40	94	56	9	91	130	81	53	53	732
Police	5	55	17	71	41	5	64	56	60	16	32	422
Other Gov. Authorities	16	49	23	23	15	4	27	74	21	37	21	310
Child's Rights					2		2		2	1	1	8
Rights of Differently-abled			2						3		1	6
Language Rights				2	2							4
Migrant Worker's Rights		1	1	10	1		4	5		2	11	35
LGBTIQ (Lesbian, Gay, Bi-sexual, Transgender, Intersex & Questioning)					2							2
Health		3			2		3	1	5			14
Land & Property Rights	37	117	6	23	11	26	28	43	52	14	66	423
IDP/ Returning Refugees					1						4	5
Environmental	1		1	8	3		6	5	6			30
Administrative matters	4	18	33	34	40	22	6	51	57	16	8	289
Permits/License		4			1						1	6
Rights of Women									7			7
Elder Rights												
Other Categories				4	4			19	15	2	12	56
Not Accepted/ Can, Cannot Proceed	14	79	29	1	2	1		158	21	5		312
Complaints pending for more information												
Total	158	624	216	317	255	94	268	764	554	144	310	3704



■ **Statistics of cases concluded:**

Categories	Regional Office											
	Ampara	Vavuniya	Badulla	Kalmunai	Kandy	Matara	Trincomalee	Kilinochchi	Anuradhapura	Jaffna	Batticaloa	Total
No FR violations	30	86	73	-	-	141	51	36	202	61	44	724
Settlement	25	50	18	60	695	25	3	39	72	108	42	1137
Relief granted	32	42	32	185	-	42	32	1	182	15	126	689
Referred to other authorities	-	-	-	1	13	39	1	-	6	3	-	63
Directives given	-	-	-	-	-	2	-	-	-	-	-	2
Pending judicial proceedings	-	-	-	-	-	25	4	10	16	23	33	111
Complainant lacks interest	25	-	58	70	-	96	19	12	132	18	62	492
Not within the Mandate	54	-	29	-	193	106	10	-	-	-	-	392
Withdrawn	3	33	6	-	-	40	1	1	35	4	9	132
Time barred (prescribed)	-	1	-	-	-	32	3	-	-	-	3	39
<b>Total</b>	<b>169</b>	<b>212</b>	<b>216</b>	<b>316</b>	<b>901</b>	<b>548</b>	<b>124</b>	<b>99</b>	<b>645</b>	<b>232</b>	<b>319</b>	<b>3781</b>

## 7.3 Monitoring activities

The monitoring activities of the regional and sub-offices are crucial in expanding the reach of the Commission in terms of its mandate to monitor places of detention to ensure the rights of detainees. The staff of these offices carries out the majority of the monitoring activities of the Commission, including regular visits to police stations, as well as periodic visits to other places of detention within the region.

<b>Regional Offices</b>	<b>Ampara</b>	<b>Anuradhapura</b>	<b>Badulla</b>	<b>Batticaloa</b>	<b>Jaffna</b>	<b>Kalmunai</b>	<b>Kandy</b>	<b>Matara</b>	<b>Trincomalee</b>	<b>Vavuniya</b>
<b>Police Stations</b>	98	333	79	119	125	84	338	345	145	250
<b>Prisons</b>	01	13	-	22	5	-	7	9	5	15
<b>TID Visits</b>	-	-	-	-	-	-	-	-	-	13
<b>Child Care Homes Visits</b>	8	43	-	12	3	3	2	2	4	7
<b>Gazetted Places of Detention</b>	-	-	-	-	-	-	-	-	1	
<b>Rehabilitation Cent.</b>	-	4	-	1	-	-	-	-	-	9
<b>Elders Home</b>	9	7	1	2	-	-	3	-	3	-
<b>Women's Home</b>	-	1	-	-	-	-	-	-	-	-
<b>Resettled area</b>	-	-	-	-	-	-	-	-	-	4

[Monitoring places of detention in 2017]

Regional and sub-offices also regularly monitor the human rights situations in the region and intervene in appropriate circumstances. For instance, the Matara regional office monitored the communal violence that broke out in Gintota in November 2017 between the Sinhalese and Muslim communities in the area and carried out inspection visits to ensure victims had proper access to assistance and authorities, and met inter-faith committees in the area to prevent the occurrence of further violence.

The Trincomalee regional office intervened in the issue of military occupation of private land in Sampur and held meetings with both the victims deprived of their land and government authorities including the Sri Lanka Navy to facilitate the release of land. The intervention is on-going.

Similarly, the Kalmunai regional office responded to two individual complaints it received on military occupation of private land in Periyakallar and Akkaraipattu respectively. The regional office successfully intervened to require the military pay rent for the last 9 years of occupation and to evacuate the military camp situated on the land in the first matter. It was also successful in intervening to evacuate the military from the land in the second complaint.

Meanwhile, the Ampara regional office intervened in response to a complaint from a collective of residents in Hingurana that the ash disposed from the Hingurana sugar factory is creating a health hazard to the community, especially to schoolchildren in the nearby school. The owning Company admitted that the black ash disposed from the factory causes both physical and mental harm to the community and undertook to implement a safe waste disposal procedure within 6 months.

## **7.4 Education and outreach activities**

Regional and sub-offices conduct education and outreach programmes at regional level providing the Commission the potential of reaching a wider audience in its dissemination activities. At the same time, the Civil Society Meetings convened by regional offices at the regional level enabled identifying issues requiring the attention of the Commission which were referred to relevant government stakeholders at the Regional Coordinating Committee meetings in order to provide solutions. These meetings were held regularly during 2017.

These offices also actively participated in the commission's initiatives, such as the disability access project, which facilitated better access to public spaces for disabled persons in the regions.

The Kandy regional office formed a human rights volunteer task force in the Central Province for the promotion of human rights within the province. Several regional offices held roundtable discussions to observe the International Women's Day and the International Human Rights Day and participated in radio programmes in commemoration of the International Human Rights Day.

Further, Regional and sub-offices conducted education and training for various institutions and communities, and provided resource support to

awareness raising programmes organized by external parties. The diverse target audiences included school children, civil society organizations, members of the armed forces, the police, public officials, journalists, and the general public.

<b>Regional Office</b>	<b>Number of Programmes</b>
<b>Ampara</b>	26
<b>Anuradapura</b>	18
<b>Badulla</b>	11
<b>Batticaloa</b>	23
<b>Jaffna</b>	25
<b>Kandy</b>	20
<b>Kalmunai</b>	21
<b>Matara</b>	27
<b>Trincomalee</b>	11
<b>Vavuniya</b>	07

[Human Rights awareness programs conducted and resource assistance provided by the Regional Offices in 2017]

## **CHAPTER 8: HUMAN RESOURCES, ADMINISTRATION, AND FINANCE**

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- 8.1. Staff development programmes**
- 8.2. Monitoring of performance**
- 8.3. Employment benefits**
- 8.4. Employment and vacancies**
- 8.5. Annual financial statements**



## HUMAN RESOURCES, ADMINISTRATION, AND FINANCE

### 8.1. Staff development programmes

Since the tenure of the current Commission began, HRCSL has strived to develop professional excellence and capacity of the staff. The Commission understands that institutional excellence is essential to respond effectively to violations of human rights and promote human rights. Therefore, the staff of both the head office and regional offices is encouraged and required to benefit from the many training opportunities available, both locally and internationally, to improve their professionalism, efficiency, understanding of challenges, and the ability to utilize their skills to provide assistance to the communities they serve.

- **Local training opportunities**

- **Information Technology (IT) training programme**

As the IT knowledge among the staff of the Commission appeared to be inadequate, the Commission carried out a capacity assessment of IT skills among staff in 2016. Based on the results of the assessment, an intensive training programme was conducted for all staff who needed further training to work in an IT reliant environment based on the assessment.

- **Training workshop on “National Inquiries”**

The Commission conducted a training workshop on “National Inquiries” supported by the Asia Pacific Forum and the Raoul Wallenberg Institute of University of Lund, Sweden from 27th February to 02nd March 2017. Commissioners, Senior Management, Inquiry and Investigations staff from Head Office and Regional Offices of HRCSL, and selected Civil Society Members participated in the workshop.



### - Residential training on Mediation

A Two day residential training on Mediation was conducted on 03<sup>rd</sup> and 04<sup>th</sup> January 2017 at the National Institute of Plantation Development. This training was targeted at Regional Coordinators, Legal, and Investigating Officers of the HRCSL to sensitize them on the process of mediation and enhance mediation skills of the staff.

### - Special Lectures

Two special lectures on identified issues, namely, disability rights titled “Equal Rights for All” and the Right to Information Act were held to provide an overview of the issues for the staff while a Sensitizing programme to improve legal protection and rights of LGBTIQ persons was held for the staff of HRCSL as part of Phase 2 of enhancing legal protection and Rights of LGBTIQ persons undertaken by the Commission.

### - Workshop on procurement guidelines and manuals

Finance and procurement staff of the Commission participated in a stakeholders workshop on procurement guidelines and manuals organized by the National Procurement Commission and an end user training of ITMIS budget planning & budget appropriation modules conducted specifically for the HRCSL Staff. Relevant staff also attended another training session on the new CIGAS package for year 2018.



### ▪ International programmes

#### - APF Training programmes

Staff of the Commission attended several training programmes organized by the APF especially tailored for staff of national human rights institutions.

- Asia Pacific Forum Blended learning course on Monitoring and Reporting was held from 09 – 11 October 2017 in Bangkok, Thailand.
- Asia Pacific Forum –Facilitators Training Blended Learning Course was held from 12– 16 December 2017 in Indonesia.

- Asia Pacific Forum Communication –Network Workshop was held from 20<sup>th</sup> to 24<sup>th</sup> November 2017 in Dhaka, Bangladesh.
- Regional Blended Learning Course on Business & Human Rights was held from 5 – 7 June 2017 in Bangkok, Thailand.
- **The conference on Yogyakarta Principles organized by the Asia Pacific Forum and UNDP**

This conference was held from 24-26 April 2017 in Bangkok, Thailand. This provided a venue for participants to discuss failures and achievements regarding the rights of LGBTIQ persons and gain an understanding of the practical usage of Yogyakarta principles by National Human Rights Institutions.

- **Training programme on International Refugee Protection**

HRCSL staff also attended a training programme on International Refugee Protection from 12<sup>th</sup> to 16<sup>th</sup> December 2017 in Sanremo, Italy.

## 8.2. Monitoring of performance

The Commission adopted a new mechanism to supervise the Regional Offices. The bulk of the population in the country accesses the Commission through its regional offices. Therefore, the majority of the Commission's work too is carried out by the regional offices. As it is accountable to Parliament for its performance, the Commission directed the regional offices to present synopses of their activities in addition to the regular monthly reports, according to a format circulated amongst the regional coordinators. The Deputy Secretary to the Commission is the focal person in this regard and is required to present to the Board a summary of activities of the regional offices in a format which readily reflects the progress or lack thereof of the activities. This enables the board to make strategic decisions regarding regional activities and enhances accountability and efficiency of the system.



### **8.3. Employment Benefits**

The Commission introduced and implemented the Agrahara Insurance Scheme to the HRCSL Staff. The scheme was introduced for the protection and empowerment of staff and to ensure security of employment.

### **8.4. Employment and vacancies**

The Commission had received approval for 233 cadre positions prior to 2017 however, the absence of an approved scheme of recruitment for the positions hampered recruitment. This prompted the chairperson and the Commissioners to directly intervene to expedite the process of approval. The Commission received a positive response from the Department of Management Services of the Treasury and is awaiting final approval to begin the recruitment process.

Further, the Commission recommended to the government, including at a workshop organised by the Institute of Constitutional Studies, that a special service similar to the diplomatic service should be created to recruit staff for the independent commissions. Those recruited via this service would have the required expertise and experience with commensurate salary scales to enable independent commissions to function effectively. Such recruitment is not currently possible due to inadequate remuneration packages and schemes of recruitment currently in use.

Meanwhile, the Commission called applications for the recruitment of 4 Directors and 2 Translators (Sinhala-Tamil) (Sinhala-English) to HRCSL on the basis of vacancies. The Commission unfortunately did not receive applications for any of the positions from suitably qualified candidates. Therefore, the positions remain vacant.

### **8.5. Annual financial statements**

HRCSL received a majority of its funding from the treasury to carry out core activities. However, the Commission also acknowledges and appreciates the corporation extended by the Swiss Confederation, the UNDP, UNHCR, and the AHRC for programmatic work of the Commission in 2017, which enabled the Commission to carry out its mandate effectively. The Swiss Confederation

continued to support the clearing of the backlog of inquiries, while the UNHCR supported a project aimed at enabling and strengthening the access that populations in Kilinochchi and Puttalam, particularly the vulnerable and marginalized groups, have to the HRC SL to seek remedies for human rights issues. The AHRC provided funds for the disability access project and the UNDP extended financial cooperation for several programmatic activities such as staff training and outreach activities.

The financial support extended by external donors is as follows:

<b><i>Funding Agency</i></b>	<b><i>Amount (Rs.)</i></b>
<b><i>UNDP</i></b>	4,085,760.00
<b><i>Swiss Confederation</i></b>	1,244,000.00
<b><i>UNHCR</i></b>	550,000.00
<b><i>AHRC</i></b>	1,331,890.00
<b><i>Total</i></b>	<b>7,211,650.00</b>

The total financial provisions for each quarter of 2017 are as follows:

▪ **Financial Provision from 01.01.2017 to 31.03.2017:**

Opening Balance	<b>0.00</b>
<u>Imprest received from Treasury</u>	
<b>Recurrent</b>	39,050,000.00
<b>Capital</b>	1,500,000.00
Other Revenue	141,287.62
<b>Total Receipts</b>	<b>40,691,287.62</b>
<u>Expenditure</u>	
<b>PERSONNEL EMOLUMENTS</b>	24,506,937.19
<b>TRAVELING EXPENSES</b>	153,705.00
<b>SUPPLIES</b>	1,005,467.70

<b>MAINTENANCE EXPENDITURE</b>	682,001.92
<b>SERVICES</b>	10,049,276.45
<b>TRANSFERS</b>	364,577.37
<b>REHAB. &amp; IMPR. OF CAPITAL ASSETS</b>	-
<b>ACQUISITION OF CAPITAL ASSETS</b>	239,000.00
<b>CAPACITY BUILDING</b>	165,860.00
<b>TOTAL EXPENDITURE</b>	<b>37,166,825.63</b>

▪ **Financial Provision from 01.04.2017 to 30.06.2017:**

Opening Balance	3,524,461.99
<u>Imprest received from Treasury</u>	
<b>Recurrent</b>	67,060,000.00
<b>Capital</b>	-
Other Revenue	33,683.67
<b>Total Receipts</b>	<b>70,618,145.66</b>
<u>Expenditure</u>	
<b>PERSONNEL EMOLUMENTS</b>	24,700,689.03
<b>TRAVELING EXPENSES</b>	162,044.00
<b>SUPPLIES</b>	1,067,983.40
<b>MAINTENANCE EXPENDITURE</b>	333,190.78
<b>SERVICES</b>	40,703,102.12
<b>TRANSFERS</b>	914,172.49
<b>REHAB. &amp; IMPR. OF CAPITAL ASSETS</b>	-
<b>ACQUISITION OF CAPITAL ASSETS</b>	10,500.00
<b>CAPACITY BUILDING</b>	39,686.00
<b>TOTAL EXPENDITURE</b>	<b>67,931,367.82</b>

▪ **Financial Provision from 01.07.2017 to 30.09.2017:**

Opening Balance	<b>2,686,777.84</b>
<u>Imprest received from Treasury</u>	
<b>Recurrent</b>	40,160,000.00
<b>Capital</b>	4,500,000.00
Other Revenue	1,675,573.67
<b>Total Receipts</b>	<b>49,022,351.51</b>
<u>Expenditure</u>	
<b>PERSONNEL EMOLUMENTS</b>	23,524,070.94
<b>TRAVELING EXPENSES</b>	188,491.25
<b>SUPPLIES</b>	1,402,117.33
<b>MAINTENANCE EXPENDITURE</b>	948,491.64
<b>SERVICES</b>	18,743,280.43
<b>TRANSFERS</b>	320,895.00
<b>REHAB. &amp; IMPR. OF CAPITAL ASSETS</b>	-
<b>ACQUISITION OF CAPITAL ASSETS</b>	114,111.00
<b>CAPACITY BUILDING</b>	918,052.75
<b>TOTAL EXPENDITURE</b>	<b>46,159,510.34</b>

▪ **Financial Provision from 01.10.2017 to 31.12.2017:**

Opening Balance	<b>2,862,841.17</b>
<u>Imprest received from Treasury</u>	
<b>Recurrent</b>	43,885,000.00
<b>Capital</b>	1,450,000.00

Other Revenue	115,513.04
Deposit Account Receipts	27,000.00
<b>Total Receipts</b>	<b>48,340,354.21</b>
<u>Expenditure</u>	
<b>PERSONNEL EMOLUMENTS</b>	23,964,788.31
<b>TRAVELING EXPENSES</b>	363,908.50
<b>SUPPLIES</b>	1,467,579.24
<b>MAINTENANCE EXPENDITURE</b>	844,253.23
<b>SERVICES</b>	15,925,489.17
<b>TRANSFERS</b>	-
<b>REHAB. &amp; IMPR. OF CAPITAL ASSETS</b>	3,943,153.56
<b>ACQUISITION OF CAPITAL ASSETS</b>	1,659,112.00
<b>CAPACITY BUILDING</b>	172,070.20
<b>TOTAL EXPENDITURE</b>	<b>48,340,354.21</b>

▪ **Total Annual financial provisions:**

Opening Balance	0.00
<u>Imprest received from Treasury</u>	
<b>Recurrent</b>	190,155,000.00
<b>Capital</b>	7,450,000.00
Other Revenue	1,966,058.00
Deposit Account Receipts	27,000.00
<b>Total Receipts</b>	<b>199,598,058.00</b>

Expenditure	
PERSONNEL EMOLUMENTS	96,696,485.47
TRAVELING EXPENSES	868,148.75
SUPPLIES	4,943,147.67
MAINTENANCE EXPENDITURE	2,807,937.57
SERVICES	85,421,148.17
TRANSFERS	1,599,644.86
REHAB. & IMPR. OF CAPITAL ASSETS	3,943,153.56
ACQUISITION OF CAPITAL ASSETS	2,022,723.00
CAPACITY BUILDING	1,295,668.95
TOTAL EXPENDITURE	<b>199,598,058.00</b>

# APPENDICES

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**HRCSL Strategic Plan 2017-2019:**



**HUMAN RIGHTS COMMISSION OF SRI LANKA**

**STRATEGIC PLAN 2017-2019**

**26 SEPTEMBER 2016**



## THE COMMISSION AND THE PLAN

### Human Rights Commission of Sri Lanka

The Human Rights Commission of Sri Lanka (HRC) was established in 1996 by the *Human Rights Commission of Sri Lanka Act*, No. 21 of 1996. The Act sets out the legal basis and operational principles of the HRC. The HRC is referred to in the Constitution of Sri Lanka but it is not formally established by the Constitution. The Chairperson and Members of the Commission are appointed under Constitutional provisions.

The Act defines the HRC's jurisdiction in terms of fundamental rights and human rights. Fundamental rights are certain civil and political rights as well as economic, social and cultural rights guaranteed in Chapter III of the Constitution of the Democratic Socialist Republic of Sri Lanka. Human rights are defined in international law.

The statutory functions of the Commission are

- to inquire into, and investigate, complaints relating to procedures, or infringements or imminent infringements of fundamental rights to ensure compliance with the provisions and to provide for resolution through conciliation and mediation<sup>1</sup>
- to advise and assist the government in formulating legislation and administrative directives and procedures to promote and protect fundamental rights<sup>2</sup>
- to make recommendations to the Government to ensure that national laws and administrative practices are in accordance with international human rights norms and standards<sup>3</sup>

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<sup>1</sup> HRC Act s 10(a) and (b)

<sup>2</sup> HRC Act s 10(c)

<sup>3</sup> HRC Act s 10(d)

- to make recommendations to Government on the subscribing or acceding to treaties and other international human rights instruments<sup>4</sup>
- to promote awareness of, and provide education in relation to, human rights.<sup>5</sup>

The HRC has accountability obligations for its activities and its finances. It must submit to Parliament an annual report of all its activities, with a list of all matters referred to it, the action taken in respect of them and any recommendations made by the Commission.<sup>6</sup> Whenever it considers it necessary, it can also submit to Parliament periodic or special reports on any matter referred to it and the action taken.<sup>7</sup>

Under the HRC Act “[t]he State shall provide the Commission with adequate funds to enable the Commission to discharge [its] functions...”.<sup>8</sup> For its part the Commission must keep proper accounts of its income, expenditure, assets and liabilities.<sup>9</sup> These must be audited by the Auditor General.<sup>10</sup>

To carry out its functions the HRC has powers to

- investigate
- appoint sub-committees at provincial level and delegate to them
- intervene in proceedings related to fundamental rights before any court, with the permission of the court
- monitor the welfare of persons detained
- take such steps as it may be directed to take by the Supreme Court, in respect to any matter referred to it by the Court

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<sup>4</sup> HRC Act s 10(e)

<sup>5</sup> HRC Act s 10(f)

<sup>6</sup> HRC Act s 30

<sup>7</sup> HRC Act s 30

<sup>8</sup> HRC Act s 29(1)

<sup>9</sup> HRC Act s 29(2)

<sup>10</sup> Constitution s 154

- undertake research into and promote awareness of human rights through programmes, seminars and workshops and by disseminating and distributing the results of such research
- award a sum of money to meet the expenses of someone making a complaint to the HRC
- make recommendations in instances where human rights are violated.<sup>11</sup>

There is also a general provision that empowers the HRC to do “all such other things as are necessary or conducive to the discharge of its functions”.<sup>12</sup>

The HRC is accredited internationally by the Global Alliance of National Human Rights Institutions.<sup>13</sup> In 2007 its accreditation was reviewed and it was given B status as not fully compliant with the Paris Principles, the international standards for national human rights institutions. That status was renewed in 2009. The HRC considers that it is now fully compliant and proposes to apply for full A status later in 2016.

## **The development of this strategic plan**

The HRC developed this strategic plan through internal reflection and analysis and external consultation with key stakeholders. HRC Commissioners and managers (the Secretary, Deputy Secretary, directors of divisions and regional coordinators of all regional offices) participated in a workshop early in June 2016 to undertake a situation analysis and prepare the first draft of the plan. That draft, in Sinhala, Tamil and English, was posted on the HRC website and public submissions were invited. The HRC organised 22 consultations with key stakeholders – almost 400 people from civil society organisations, state ministries and institutions, and international organisations – in all HRC regions of Sri Lanka. After the consultations a further workshop was held early in September 2016, again with Commissioners and managers, to consider

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<sup>11</sup> HRC Act s 11

<sup>12</sup> HRC Act s 11(h)

<sup>13</sup> The Global Alliance of National Human Rights Institutions was formerly known as the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The name was changed early in 2016

the comments from consultants and finalise the plan. This strategic plan, therefore, is the product of broad discussion and contribution.

## **PRINCIPAL COMMITMENTS OF THE HRC**

### **Vision**

A society that recognises diversity and respects the human rights of all

### **Mission**

To provide leadership in Sri Lanka in promoting and protecting human rights, human dignity and the rule of law within a democracy based on the sovereignty of the people

### **Values**

- Respect for human dignity
- Respect for diversity
- Equality and non-discrimination
- Peace, truth and justice
- Independence
- Accountability
- Service
- Humility
- Integrity
- Transparency

## **CONTEXT AND ANALYSIS**

In preparing this Strategic Plan the HRC undertook an analysis of the context in which the HRC will work during the life of the Plan. The most significant dimension of the external context is the nation's transition following presidential and parliamentary elections in 2015. After the end of the thirty-year civil war in 2009 and a post-war period, the new government is promising a major reform process, including constitutional reform, that will provide an environment where the HRC can pursue new directions in its work. The HRC

has already been strengthened through the reform process, with its independence enhanced and assured by the Nineteenth Amendment to the Constitution, enacted in 2015.

As part of the transition Sri Lanka is commencing a process of truth, justice and reconciliation to deal with the legacies of the three-decade long conflict. This process is of great importance to the people of Sri Lanka, offering hope for victims and opportunities for the nation to move forward together. The process will raise issues of serious human rights in the past. It is therefore directly relevant to the HRC's statutory mandate.

The reform process also presents opportunities to recognise and address the facts of diversity in Sri Lanka. Sri Lanka is an ethnically, linguistically and religiously diverse country. The 2012 census recorded Sinhalese (74.9%), Sri Lankan Tamils (11.1%), up-country Tamils (4.1%), Sri Lankan Moors (Muslims) (9.3%) and "others", including a small aboriginal community (just under 1%). Buddhism (70.1%), Hinduism (12.6%), Islam (9.7%) and Christianity (7.6%) are the main religions. The official languages are Sinhala and Tamil, with English defined as a link language.

The context of the HRC's work has internal and external dimensions. Internally it has strengths on which it can build and weaknesses that it must address. Externally it faces opportunities that it can exploit and threats that it must overcome. The matrix below summarises these characteristics in context of the directions in the Strategic Plan. A characteristic may appear under two or more headings, for example, as both a strength and a weakness. This reflects the analysis of HRC Commissioners and staff. It is not necessarily contradictory. For example, the extent of existing public recognition is a strength but its limitation is a weakness.

STRENGTHS	WEAKNESSES
<p><i>The law</i></p> <ul style="list-style-type: none"> <li>• Independence under the Nineteenth Amendment to the Constitution</li> <li>• Strong legislation with a good mandate, broad functions and strong powers, including                             <ul style="list-style-type: none"> <li>◦ power to visit places of detention</li> </ul> </li> </ul>	<p><i>The law</i></p> <ul style="list-style-type: none"> <li>• The Commission was established by an Act, not by the Constitution</li> <li>• Non-implementation of HRC recommendations</li> <li>• Private actors not within the purview of the Act</li> </ul>

- power to call for information, summon witnesses etc
- power to take action on its own initiative (*suo moto*)
- power to provide remedies outside court procedures and the judicial framework
- power to make recommendations to the Government
- power to provide advice to the Government
- general power under s 11(h) of the HRC Act to do all things necessary or conducive to the discharge of the HRC's functions

### ***The community***

- Public recognition and acceptance
- Seen as trustworthy and dependable
- Networks with civil society
- Interest among civil society actors in the HRC
- Capacity and will to interact with all communities
- International and regional support

### ***The organisation***

- General acceptance of the mandate and role of the HRC among State officials
- Experience and knowledge of Commissioners and staff
- Regional offices and sub-offices
- Donor support for the HRC
- International recognition of the HRC as an independent and effective NHRI
- Specialised divisions in the HRC
- Approval of the HRC's Scheme of Recruitment

- Term of Commissioners (three years) is short and there is no continuity of membership
- Act does not require some fulltime commissioners
- Tendency for human rights complaints to be handled too formally and quasi-judicially
- B status of the Commission
- Limitation imposed by the Constitution, for example, absence of judicial review of legislation

### ***The community***

- Lack of knowledge/awareness of role of HRC among the community, State officials and media, due to poor communications
- Weak relationships with civil society
- Public perceptions of ineffectiveness due to inordinate delays in responding to complaints, non-compliance with recommendations in a considerable number of cases and lack of enforcement powers
- Failure of government (certain institutions) to understand and respect the mandate of the Commission and abide by its recommendations

### ***The organisation***

- Inadequate human and physical resources and under-utilised financial resources
- Limited coordination, communication and interaction between regional offices, and between regional offices and head office
- Insufficient regional offices for accessibility
- Inadequate administrative

	<p>mechanisms and processes, including transfer procedures and staff evaluation</p> <ul style="list-style-type: none"> <li>• Inadequate administrative procedures to facilitate activities to fulfil the HRC's core mandate</li> <li>• Inadequate procedures for complaint handling, including giving priority to serious human rights cases</li> <li>• Insufficient staff training and expertise, including language proficiency, legal knowledge, report writing, public communications</li> <li>• Lack of self motivation to seek and update knowledge, work ethic and accountability</li> <li>• Low salaries and lack of benefits for staff</li> <li>• Lack of stability and security in office premises as HRC does not own its buildings (head office and regional)</li> </ul>
<p><b>OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>• HRC being seen as the leading institution to promote and protect human rights in Sri Lanka</li> <li>• Opening up of political space in Sri Lanka presents increased opportunities to advise and work with executive and legislature</li> <li>• Constitutional reform process provides the opportunity to expand fundamental rights, provide a constitutional basis for the HRC and to strengthen the HRC's work</li> <li>• Possibility of amending the HRC Act and other relevant legal instruments, for example the Establishments Code, to strengthen enforcement powers</li> <li>• Transitional justice process increases the focus on human rights and provides a role for the HRC in monitoring the process and ensure it adheres to international human rights standards and the rights of victims are</li> </ul>	<p><b>THREATS</b></p> <ul style="list-style-type: none"> <li>• End or failure of national reform process</li> <li>• Lack of respect for the rule of law</li> <li>• Political and religious extremism and communalism</li> <li>• Institutional resistance and weaknesses of key State actors, including civil servants, police, prison officers etc</li> <li>• Difficulty in changing the attitudes of people towards respect for human rights due to socio-cultural barriers</li> <li>• Negative public perception of HRC</li> <li>• Lack of knowledge of human rights and the HRC, its powers etc by certain stakeholders</li> <li>• Weak mechanisms for protection from human rights violations</li> <li>• Failure to achieve A status accreditation at the international level</li> </ul>

<p>protected</p> <ul style="list-style-type: none"> <li>• Heightened public expectations of government and of the HRC</li> <li>• Enhanced public perception of the HRC and its work</li> <li>• Increased opportunities to protect and assist marginalised people</li> <li>• Increased interest in awareness programs, including school curriculum, training for public servants, police, prison officers and armed forces and programs for changing attitudes</li> <li>• Strengthen links with State institutions to encourage implementation of HRC recommendations, for example, by training State officials</li> <li>• Possibility of interventions in fundamental rights cases in the Supreme Court</li> <li>• Possibility to use s 11(h) of the HRC Act, to do all things necessary or conducive to the discharge of the HRC's functions, to further HRC activities and interventions</li> <li>• Better coordination with civil society and stakeholders both national, regional and international</li> <li>• Ability to mobilise people at the <i>grama niladari</i> level and above throughout Sri Lanka</li> <li>• Sri Lanka's record of ratification of international human rights treaties</li> <li>• International focus on human rights</li> </ul>	
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This Strategic Plan seeks to seize the opportunities and meet the challenges presented by this context.



## **Risks to the implementation of the strategic plan**

The HRC has identified seven external risks and four internal risks to the effective implementation of the Strategic Plan during the three year life of the Plan.

### ***External risks***

- Cultural intolerance towards human rights
- End or failure of the national reform process
- Impact of international geo-political factors, such as acts of violence perpetrated by external groups, leading to the enactment of restrictive national security legislation
- Political and religious extremism and communalism
- Political climate that is unfriendly to human rights
- Political instability or armed conflict
- Repeal of the 19<sup>th</sup> Amendment

The seven external risks are largely outside the HRC's control. The HRC can contribute to broader cultural, political and social developments that can assist in minimising both the occurrence of the risks and the severity of the impact should any occur. However, it can have little impact on avoidance of the risks acting alone. Its main challenge is to limit the harm done to the HRC should any occur.

### ***Internal risks***

- Crisis within the Commission
- Failure to achieve targets within the given period
- Loss of financial independence
- Running out of time to implement the strategic plan

The four internal risks are more within the control of the HRC. All are assessed as having a very low or low likelihood of occurrence during the next three years. The HRC's response to the risks is good leadership by the

Commission, good management by the HRC's senior managers and good strategic planning.

## **PRIORITIES AND PLANS**

### **Priority issues**

Reflecting on the context of its work, its strengths, weaknesses, opportunities and threats, and the risks posed externally and internally, the HRC has identified eleven issues as its priorities during the three years of this plan:

- torture/custodial violence
- the rights of migrant workers
- economic, social and cultural rights, including education, health and land rights
- gender issues
- minority rights
- up-country Tamils and plantation workers
- disaster management and recovery
- the rights of people with disability
- the rights of lesbian, gay, bisexual, transgender, intersex and queer people
- the rights of the elderly
- prisoners and detainees.

### **Cross cutting concerns**

The HRC has also identified three key concerns that cut across all its priority areas and its goals and strategies:

- accessibility of the HRC and its services to all people, especially the poor and marginalised
- gender mainstreaming within and through the HRC and its programs and services
- recognition of and respect for diversity within the HRC and through its programs and services

These concerns will be addressed throughout the implementation of this strategic plan.

## Goals

1. Create a human rights culture through public education and awareness raising
2. Advise and recommend to the Government, Parliament and State entities on laws and policies in line with Constitutional and international human rights standards and practices
3. Engage in advocacy to promote and protect human rights through monitoring, research, reporting and *amicus curiae* interventions in court proceedings
4. Provide prompt and effective remedies by strengthening the inquiry, investigation and monitoring mechanism of the HRC
5. Protect and promote human rights through engagement with and utilisation of international human rights mechanisms
6. Transitional justice
7. Achieve institutional excellence and quality management

## Goals, strategies, activities and performance indicators

Goal 1: Create a human rights culture through public education and awareness raising		
Strategies	Activities	Performance indicators
Strategy 1: create a vibrant human rights culture through the mass communications media to change public perceptions and attitudes	<ol style="list-style-type: none"> <li>1. media conferences on a regular basis, at national and regional levels</li> <li>2. highlighting key human rights issues in the media</li> <li>3. seek and designate media sponsors for specific human rights issues</li> <li>4. receiving exclusive support of the media in commemorating international events and days</li> <li>5. annual training program for journalists and editors</li> </ol>	<ol style="list-style-type: none"> <li>1. survey of general community awareness of the HRC and of human rights issues, undertaken at the beginning of the plan as a baseline and at the end</li> <li>2. survey of school children on HRC indicators for a human rights friendly education system, undertaken at the beginning of the</li> </ol>

Strategy 2: develop and promote an overall education policy for schools to become human rights friendly schools	<ol style="list-style-type: none"> <li>1. development of an overall education policy for schools with a human rights/democracy orientation by the HRC Sub-Committee on Education Policy</li> <li>2. training and awareness programs on the policy for Education Ministry and other relevant departments</li> <li>3. teacher training on methodologies</li> <li>4. human rights competitions at school level</li> </ol>	plan as a baseline and at the end
Strategy 3: propagate community-based human rights education in collaboration with State, non-state, professional and community based organisations	<ol style="list-style-type: none"> <li>1. awareness programs through radio, social and other relevant and inexpensive media</li> <li>2. human rights manuals for HRC trainers, with priority for manuals on human rights education and on gender rights</li> <li>3. production of audio-visual material for public education on human rights</li> <li>4. community education through commemorations of international days</li> </ol>	

**Goal 2: Advise and recommend to the Government, Parliament and State entities on laws and policies in line with Constitutional and international human rights standards and practices**

Strategies	Activities	Performance indicators
Strategy 1: establish good relations with key personnel in the executive branch and the legislature of both national and provincial government	<ol style="list-style-type: none"> <li>1. regular briefings with the President, the Prime Minister and key ministers</li> <li>2. recommend that the parliament/government establish a parliamentary caucus or subcommittee on human rights</li> <li>3. annual workshop for parliamentarians and parliamentary staff</li> </ol>	<ol style="list-style-type: none"> <li>1. number of mentions of the HRC and its work in newspapers and on the internet</li> <li>2. number of HRC recommendations accepted and incorporated into legislation and government policies, consistently with</li> </ol>

	4. workshop of secretaries of ministries and chief secretaries 5. regional workshops with provincial and local authorities	constitutional and international human rights standards
Strategy 2: conduct research to facilitate the advisory role	1. identify research priorities	
Strategy 3: establish mechanisms within HRC to consult civil society and other experts	1. establish advisory committees and thematic sub-committees 2. establish regional thematic committees and advisory committees with civil society	
Strategy 4: develop advocacy capacity within HRC, both at national and grassroots levels	1. identify specific issues and advocate on them	
<b>Goal 3: Engage in advocacy to promote and protect human rights through monitoring, research, reporting and <i>amicus curiae</i> interventions in court proceedings</b>		
Strategies	Activities	Performance indicators
Strategy 1: respond to emerging and current human rights violations and make more timely interventions	1. media monitoring 2. fact finding missions 3. consultation with stakeholders 4. adoption of HRC guidelines and directives, including on arrest and detention of children and young people and the treatment of prisoners	1. number of HRC recommendations accepted and incorporated into legislation and government policies, consistently with constitutional and international human rights standards  2. survey of civil society advocates to determine the extent of their usage of HRC reports and recommendations and their satisfaction with the quality of HRC
Strategy 2: research on marginalised and discriminated groups with specific focus on the historically marginalised and structurally systemic violations	5. appointment of HRC special rapporteurs and research officers on specific issues 6. HRC recommendations to the government on policy issues 7. regular situation reports by regional offices	

	8. HRC as a catalyst/facilitator to respond to human rights crises (Strategy 1 only)	reports and recommendations
Strategy 3: regular public reporting and dissemination	<ol style="list-style-type: none"> <li>1. website to be accessible and interactive, with substantial information on human rights and the work of the HRC</li> <li>2. work systems support the inclusion on the website of all relevant information about human rights and the work of the HRC in a timely way</li> <li>3. develop and implement social media presences, including facebook and twitter</li> <li>4. regular press conferences</li> <li>5. publish and disseminate annual, periodic and special reports on major human rights issues in Sri Lanka, under s 30 of the Human Rights Commission of Sri Lanka Act</li> </ol>	
Strategy 4: strengthen civil society and the HRC's relationship with civil society to enhance the impact of HRC research, monitoring and advocacy activities	<ol style="list-style-type: none"> <li>1. support and encourage the work of HRC thematic committees with civil society organisations</li> <li>2. regular meetings with civil society organisations on general human rights situation both at regional and head offices</li> <li>3. designate contact persons for civil society relations</li> <li>4. interventions to protect human rights defenders, including in relation to freedom of association</li> <li>5. human rights education and training programs for civil society at regional levels</li> </ol>	

Strategy 5: undertake amicus curiae intervention in court proceedings, with the leave of the court, to present submissions on human rights law	<ol style="list-style-type: none"> <li>1. develop guidelines for amicus curiae interventions, including criteria for deciding whether to seek to intervene</li> <li>2. identify suitable cases in which the HRC should seek to intervene</li> </ol>	
<b>Goal 4: Provide prompt and effective remedies by strengthening the inquiry, investigation and monitoring mechanism of the HRC</b>		
<b>Strategies</b>	<b>Activities</b>	<b>Performance indicators</b>
Strategy 1: review existing inquiry and recommendation mechanisms and procedures and formulate changes	<ol style="list-style-type: none"> <li>1. roundtable discussion with stakeholders on procedures and monitoring</li> <li>2. adoption of revisions to legal instruments, for example the Establishments Code, to strengthen regarding implementation of HRC recommendations</li> </ol>	<ol style="list-style-type: none"> <li>1. annual survey of persons involved in complaints including complainants and respondents, to determine their satisfaction as to process, timeliness, effectiveness and staff performance</li> <li>2. proportion of complaints that are successfully resolved, either through conciliation or implementation of recommendations</li> <li>3. proportion of complaints that met HRC timelines for complaint handling</li> </ol>
Strategy 2: identify the reasons for delay in concluding inquiries and propose changes to reduce the delay	<ol style="list-style-type: none"> <li>3. manuals of procedures on inquiries and inspections</li> <li>4. backlog clearing program</li> <li>5. monitor complaint statistics, including number received, number rejected at intake, number of reports and recommendations and number of recommendations granting relief</li> </ol>	
Strategy 3: prepare an action plan for inspection of prisons, detention facilities, police stations, children's homes, mental hospitals, elders' homes, disability homes, immigration detention and other places of detention	<ol style="list-style-type: none"> <li>6. establishment of a rapid action taskforce on complaints</li> <li>7. streamlined hotline mechanism and build up strong coordination with regional offices</li> <li>6. special procedures on investigating custodial deaths</li> <li>7. conduct national inquiries, possibly on education,</li> </ol>	

Strategy 4: formulate an action plan to eradicate custodial deaths and torture	torture and the rights of the elderly and people with disabilities 8. conduct regional inquiries 9. public hearings on selected cases	
Strategy 5: seek the appointment of human rights focal points in all relevant State institutions and agencies	1. Liaise with government agencies to ensure the timely and effective implementation of recommendations by HRCSL	
<b>Goal 5: Protect and promote human rights through engagement with and utilisation of international human rights mechanisms</b>		
<b>Strategies</b>	<b>Activities</b>	<b>Performance indicators</b>
Strategy 1: encouraging ratification of treaties	1. identify treaties to be ratified 2. identify key personnel within government who can advocate ratification 3. raising awareness of international human rights laws and mechanisms among key government personnel 4. advising government on enacting enabling legislation	1. extent of adoption by international human rights mechanisms of HRC recommendations 2. extent of Sri Lankan Government adoption of HRC recommendations made to international human rights mechanisms 3. extent of Sri Lankan Government implementation of recommendations of treaty bodies on communications
Strategy 2: engage with treaty bodies	1. information sharing with government and civil society about the work of treaty bodies, especially as it relates to Sri Lanka 2. training for key government personnel involved in the reporting process 3. training for key personnel in civil society about treaty bodies 4. follow up on government implementation of concluding observations of treaty bodies	



Strategy 3: Engage with UN Universal Periodic Review mechanism and with Special Procedures, Rapporteurs and Working Groups	<ol style="list-style-type: none"><li>1. information sharing with government and civil society about the work of the UPR and Special Procedures, especially as it relates to Sri Lanka</li><li>2. training for key personnel in civil society about the UPR and SPs</li><li>3. follow up on government implementation of recommendations</li></ol>	
Strategy 4: monitor individual communications from Sri Lanka to treaty bodies	<ol style="list-style-type: none"><li>1. staff capacity development to advise complainants on accessing individual communications procedures</li><li>2. monitoring implementation by government of recommendations given in individual communications</li></ol>	
<b>Goal 6: Advise the government and state institutions, and monitor human rights compliance in the establishment and implementation of transitional justice mechanisms in Sri Lanka</b>		
Strategies	Activities	Performance indicators
Strategy 1: Review laws and mechanisms relating to TJ to ensure adherence to HR law and standards and provide advice and recommendations for human rights protection	<ol style="list-style-type: none"><li>1. Undertake legal analysis of legislation re to the TJ process for compliance with HR standards and make recommendations on amendments to legislation and proposed legislation to increase compliance. This shall include enacting domestic legislation to give effect to SL’s intl legal obligation</li><li>2. Undertake advocacy as required to ensure implementation of HRCSL’s recommendations</li><li>3. Public awareness raising on HRCSL’s recommendation</li></ol>	<ol style="list-style-type: none"><li>1. extent of Government acceptance of HRC advice and recommendations on transitional justice to ensure that transition justice mechanisms are consistent with human rights standards</li><li>2. extent of acceptance by transitional justice mechanisms of HRC advice and recommendations on ensuring that transition justice mechanisms and procedures are consistent with human rights standards</li></ol>

Strategy 2: Monitor and report on the HR compliance in re to the functioning of the TJ mechanisms.	<ol style="list-style-type: none"> <li>1. Establish a dedicated unit</li> <li>2. Monitor the work and procedures of TJ mechanisms including: <ol style="list-style-type: none"> <li>a. regularly monitoring public meetings</li> <li>b. regular meetings with mechanism members and staff</li> <li>c. meetings with victims and CSOs to obtain their assessment of the functioning of TJ mechanisms.</li> </ol> </li> <li>3. Publish regular observation reports and disseminate through media conference</li> <li>4. Dedicated website page and social media engagement</li> </ol>	
Strategy 3: Ensure protection of those who are threatened /intimidated in the context of the TJ process	<ol style="list-style-type: none"> <li>1. The TJ Unit to monitor the ground situation and seek information from relevant CSOs on the protection needs of victims and witnesses.</li> <li>2. Liaise with relevant authorities to establish and strengthen processes to protect victims and witnesses.</li> </ol>	
Strategy 4: Raise public awareness of TJ issues and process, including targeted programme for specific groups, such as victims and state officials	<ol style="list-style-type: none"> <li>1. See activities 3 and 4 of Strategy 2</li> <li>2. Dissemination information through DS Office, CSOs and volunteer network</li> <li>3. Raise awareness of the TJ process amongst state officials</li> </ol>	
<b>Goal 7: Achieve institutional excellence and quality management</b>		
<b>Strategies</b>	<b>Activities</b>	<b>Performance indicators</b>
Strategy 1: build the capacity of HRC staff	<ol style="list-style-type: none"> <li>1. implementation of the SOR</li> <li>2. recruitment of qualified staff</li> </ol>	<ol style="list-style-type: none"> <li>1. quality of HRC's services measured</li> </ol>

at head office and regional offices, including in research and report writing, education and training, complaint handling and investigation, and detention monitoring	and annual staff training programs, to ensure qualified staff with skills in research, report writing, advocacy at national and international levels, investigation and complaint handling	through survey of users, including complainants and respondents to complaints, civil society organisations and participants in HRC education, awareness and training programs 2. proportion of staff annually assessed as performing at a high or very high standard
Strategy 2: enhance the HRC's physical resources	3. improve IT, regional libraries and online library facilities	
Strategy 3: adopt best practices in management and administration	4. recruit interns and volunteers 5. training programs and knowledge sharing with other institutions 6. assessment of staff requirements and the development of commensurate policies (e.g. transfer policy) 7. recruitment of qualified and competent staff 8. development and implementation of a staff evaluation system 9. introduction of new organisational methods (filing systems) 10. compensation scheme for special duties (following 22/93 Circular) 11. enhanced physical resources	
Strategy 4: extend and strengthen the HRC's capacity by implementing the Scheme of Recruitment and opening seven new regional offices		

### **Annual activity plans**

The HRC will develop and adopt an annual activity plan for implementation of this Strategic Plan on a year by year basis. The annual plan will include the specific activities to be undertaken and indicators or targets that contribute towards the realisation of the indicators of the Strategic Plan over the Plan's three year period.

## Presence of HRCSL in Sri Lanka: Map



**List of recommendations:**

	<b>Case No.</b>	<b>Date</b>	<b>Subject matter</b>
1.	HRC/199/16	2/1/2017	Admission to public schools
2.	HRC/2901/16	3/2/2017	Student disciplinary matters
3.	HRC/1858/11	27/1/2017	Pension
4.	HRC/3860/14	27/1/2017	Property rights
5.	HRC/3378/14	26/1/2017	Admission to public universities
6.	HRC/AP/507/13	9/2/2017	Salary increments
7.	HRC/4341/14	9/2/2017	Pension
8.	HRC/1690/13	9/2/2017	Property rights
9.	HRC/329/10	9/2/2017	Salary related
10.	HRC/AP/199/13	9/2/2017	Pension
11.	HRC/3212/12	9/2/2017	Transfers
12.	HRC/4896/14	9/2/2017	Property rights
13.	HRC/4699/15	26/12/2016	Admission to public schools
14.	HRC/MT/70/16	7/2/2017	Admission to public schools
15.	HRC/1781/14	30/1/2017	Recruitment
16.	HRC/4078/13	9/2/2017	Property rights
17.	HRC/301/13	9/2/2017	Transfers
18.	HRC/302/13	9/2/2017	Transfers
19.	HRC/1096/12	9/2/2017	Pension
20.	HRC/2958/15	9/3/2017	Ragging in Universities
21.	HRC/3277/11	20/3/2017	Arrest/Detention
22.	HRC/AM/24/10	20/3/2017	Death in custody
23.	HRC/2228/16	3/4/2017	Admission to public schools
24.	HRC/905/16	24/4/2017	Employment benefits
25.	HRC/215/16	15/5/2017	Admission to public schools
26.	HRC/5039/16	27/6/2017	Admission to public schools
27.	HRC/435/13	2/5/2017	Transfers
28.	HRC/117/17	3/7/2017	Admission to public schools
29.	HRC/BCO/39/12	1/8/2017	Promotion
30.	HRC/4399/14	1/8/2017	Harassment
31.	HRC/AP/421/13	1/8/2017	Torture
32.	HRC/4719/14	1/8/2017	Transfers
33.	HRC/AP/279/13	1/8/2017	Torture
34.	HRC/K/595/14	1/8/2017	Torture

35.	HRC/2739/14	1/8/2017	Torture
36.	HRC/1809/12	1/8/2017	Torture
37.	HRC/3221/11	1/8/2017	Promotion
38.	HRC/2511/13 HRC/2518/13	1/8/2017	Torture
39.	HRC/AM/96/13	1/8/2017	Promotion
40.	HRC/1140/14	25/5/2017	Inaction
41.	HRC/AP/344/12	22/6/2017	Torture
42.	HRC/416/17	17/8/2017	Admission to public schools
43.	HRC/644/16	15/8/2017	Misuse/abuse of power
44.	HRC/KL/207/14	16/8/2017	Service conditions
45.	HRC/2655/11	20/9/2017	Electricity
46.	HRC/309/16	29/9/2017	Admission to public schools
47.	HRC/363/16	2/10/2017	Admission to public schools
48.	HRC/MT/268/08	2/10/2017	Torture
49.	HRC/MT/171/13	2/10/2017	Torture
50.	HRC/MT/120/16/N	31/10/2017	Admission to public schools
51.	HRC/705/17	31/10/2017	Admission to public schools
52.	HRC/732/17	31/10/2017	Admission to public schools
53.	HRC/734/17	31/10/2017	Admission to public schools
54.	HRC/763/12	6/11/2017	Transfers
55.	HRC/780/11	31/10/2017	Interdiction
56.	HRC/1606/12	2/11/2017	Torture
57.	HRC/MT/51/14	2/11/2017	Promotion
58.	HRC/MT/52/14	2/11/2017	Promotion
59.	HRC/MT/53/14	2/11/2017	Promotion
60.	HRC/MT/54/14	2/11/2017	Promotion
61.	HRC/MT/55/14	2/11/2017	Promotion
62.	HRC/MT/56/14	2/11/2017	Promotion
63.	HRC/MT/57/14	2/11/2017	Promotion
64.	HRC/AP/398/11(S)	2/11/2017	Promotion
65.	HRC/129/16	10/11/2017	Admission to public schools
66.	HRC/1392/13	22/11/2017	Property rights
67.	HRC/AM/26/16	22/11/2017	Promotion
68.	HRC/1297/14	23/11/2017	Torture
69.	HRC/L/1842/01	23/11/2017	Termination
70.	HRC/2146/14	23/11/2017	ESC Rights

71.	HRC/864/08	23/11/2017	Torture
72.	HRC/4305/14	24/11/2017	ESC Rights
73.	HRC/5204/16	24/11/2017	Admission to public schools
74.	HRC/SUO/MOTU/07/17		Education rights
75.	HRC/1646/15	27/11/2017	ESC Rights
76.	HRC/3400/15	4/9/2017	ESC Rights
77.	HRC/3861/15	5/12/2017	ESC Rights
78.	HRC/484/17 HRC/MT/67/17	5/12/2017	Admission to public schools
79.	HRC/394/15	5/12/2017	Termination
80.	HRC/AP/97/16	5/12/2017	Admission to public schools
81.	HRC/MT/71/17 HRC/483/17	13/12/2017	Admission to public schools
82.	HRC/4147/12	13/12/2017	Arrest/detention
83.	HRC/3371/16		ESC Rights
84.	HRC/MT/72/17 HRC/673/17	22/12/2017	Admission to public schools



List of *suo motu* inquiries undertaken:

List of Meetings/Programmes/Workshops and other events held with the

Date	Case No.	Respondent	Issue
29/6/2017	HRC/SUO/MOTU/01/17 HRC/RM/MM/04/17	Kohuwala Police	Complaint of rape by a Rohingya Refugee
21/7/2017	HRC/SUO/MOTU/02/17	I.G.P	Arbitrary arrest
21/7/2017	HRC/SUO/MOTU/03/17	Mt. Lavinia Police	Complaint by a Rohingya Refugee
9/10/2017	HRC/SUO/MOTU/04/17	Hambanthota Police	Torture
9/10/2017	HRC/SUO/MOTU/05/17 HRC/3359/17	Diwulapitiya police	Death in custody
9/10/2017	HRC/SUO/MOTU/06/17	Puttalam police	Involvement of the STF in a raid and shooting
23/10/2017	HRC/SUO/MOTU/07/17	Kekirawa Sri Rewatha Vidyalaya	Education Rights
25/10/2017	HRC/SUO/MOTU/08/17	Negombo Prison	Torture
26/10/2017	HRC/SUO/MOTU/09/17 HRC/3725/17	Special Task Force (S.T.F)	Torture, arrest & detention
20/11/2017	HRC/SUO/MOTU/10/17	Teacher at Kirimetithenna Vidyalaya	Suicide of a student
22/11/2017	HRC/SUO/MOTU/11/17	Ministry of Mass & Media Information and the Department of Government news	Blocking of a website
27/11/2017	HRC/SUO/MOTU/12/17	Ma -eliya Parshada M.M.V	Disciplinary matter of a student re: examinations
8/12/2017	HRC/SUO/MOTU/13/17	Minuwangoda Police	Death in custody
21/12/2017	HRC/SUO/MOTU/14/17	Officers of the Department of Excise	Torture

participation of the Chairperson and Commissioners of the Human Rights Commission of Sri Lanka- 2017:

Date (2017)	Meeting/Theme of workshop/Objective
<b>Official Meetings/Programmes</b>	
01/02	Inauguration of ‘ President’s Vision for sustainable Era Initiative– Presidential Secretariat
09/01	Meeting with Chief Judicial Medical Officer
23/01	Discussion with His Excellency the President
03/02	Discussion with the religious leaders and religion teachers with regard to the possibility of inclusion of the themes of National Integration and Reconciliation in to the Religious School Network in Sri Lanka - Ministry of National Integration and Reconstruction
03/02	Discussion with the Ministry of Education and Officials of Examination Department with regard to the problems encountered by trans-gender persons when applying to change their names in the Education certificates.
06/02	Meeting with the officials of the National Police Commission
20/02	Participations at the meeting held by Ministry of Justice on National Counter-procuration Task Force
21/02	Meeting with co-CEO of Miloda Academy (‘Trainings Institute of the Ministry of Finance) for financial education
23/02	Meeting with Hon.Mangala Samarawera, Minister of Foreign Affairs to discuss the promotion of collaboration between the Human Rights Commission and the Ministry of Foreign Affairs and obtaining assistance of the Ministry of Foreign Affairs for full filing the mandate of the Human Rights Commission of Sri Lanka
13/03	Inaugural ceremony of ‘Immaculate Political Operation’ organized by the March 12 Movement
15/03	Meeting with the officials of Consumer Affairs Authority
24/03	Commemoration of 15 years partnership between the Ministry of National Integration and Official Languages and the German International Co-operation
28/03	Participation at the launching of National Child Protection Policy – National Child Protection Authority

12/05	Commemoration of United Nations Week Day – Ministry of Buddhasasana
16/05	Meeting with the chairmen of Independent Commissions
17/05	Meeting with His Excellency the President
30/05	Meeting with the Hon. Chairman of Constitutional Council
02/06	Celebration of launching of National Collective to eradicate violence against children – Ministry of Woman and Child Affairs
13/06	Meeting with the Secretary and officials of the Ministry of Law and Order
28/06	Conference on Amendments to the Constitution - Bandaranayke Memorial International Conference Hall
04/07	‘Susedi Desata Haremu’ – Erudite Pact calling for proposals and views for the Unit of Prevention and Expert Investigations – Commission to Investigate Bribery or corruption Allegations
18/07	Launching of the book ‘People of Sri Lanka’ – Ministry of National Integration and Official Languages
24/07	Meeting with the Minister of Foreign Affairs
01/08	Meeting with senior officials of Foreign Employment Bureau
02/10	Meeting with state officials with regard to Rohingya Refugees in Myanmar
03/10	Special Parliamentary meeting to commemorate the 70 <sup>th</sup> .Annivesary of Sri Lanka Parliamentary Democracy
30/10	Participation at the Summit of Activists in Reconciliatory Society organized by the Ministry of National Integration
01/11	Launching of National Human Rights Action Plan and meeting with Inter-Ministerial Committee on Human Rights
06/11	Meeting with the Army Commander of Sri Lanka
14/11	Meeting with officials of the Ministry of Law and Order and Police Officers
14/11	Launching of the book on ‘Legal and Institutional Evaluation of Sri Lankan Judicial System for Children’ jointly printed by the Ministry of Justice in Sri Lanka and United National Children Fund

14/11	participation at a discussion on ‘ Protection for Rohingya refugees in Sri Lanka’ organized by the Department of Immigration
17/11	Participation at the Budget Debate in the Parliament
04/12	Discussion on the manner of investigating into the allegations included in a media report published by the International Truth and Justice Project(ITJP) regarding torture committed in Sri Lanka – Ministry of Foreign Affairs, Sri Lanka
08/12	Meeting with the Hon. Chairman of Constitutional Council
10/12	Peace, Reconciliation and Human Rights Walk and Commemoration of Devotion towards Reconciliation and Peace – Ministry of National Integration and Reconstruction
13/12	Workshop to share experiences related to the format used by South Africa to obtain public views –Ministry of National Integration and Reconstruction and Sri Lanka Evaluation Society Collective
<b>Foreign States / International Organizations</b>	
24/01	Participation at the meeting on Migrant workers’ Rights organized by the United Nations Development Programme
25/01	Meeting with the representatives of the Australian High Commission
30/01	Workshop on Child and Youth Participation in Reconciliation Mechanism - Co-ordinating Secretariat for Reconciliation Mechanism and United Nations Children Fund
08/02	Discussion with the Freedom of Religion Co-ordinator of Foreign and Commonwealth Office in the UK on Human Right Constraints prevalent in Sri Lanka and Improvement of Freedom of Religion in the country
22/02	Discussion with the Brazilian Ambassador
22/02	Reception of Peter Roscom, USA Representative and members of USA Congress - Embassy of USA
01/03	Meeting with the Canadian High Commissioner
14/03	Meeting with Sri Lankan Operations Group in European Union
24/03	Commemoration of 60 <sup>th</sup> .Anniversary of Rome Convention – European Union

27/03	Commemoration of Bangladesh's National Day
04/04	Discussion on Transitional Justice, Human Rights and Prevailing political situation with the party from USA Bureau of Human Rights, Democracy and Labour– USA Embassy
31/05	Meeting with the Representatives of the Office of United Nations High Commissioner for Human Rights
05/06	Discussion on the impact of EU's diplomatic and Trade activities on Sri Lanka with the Sri Lankan Operations Group in the EU
11/07	Meeting with the United Nations Special Rapporteur for Promotion and Protection of Fundamental Freedom in between the eradication of terrorism
31/07	Meeting with the officials of United Nations Department of Peace Keeping Operations
5/08	Meeting with the ex. Commissioner of Gender based discrimination in Australia- Australian High Commission
12/09	Meeting with GSP+ Tax Concessions Monitoring Group of the European Union – Ministry of Foreign Affairs
06/10	Discussion on Rohingya Refugees with the officials of the office of the United Nations High Commissioner for Refugees and officials from non-governmental organizations.
17/10	Meeting with the United Nations Special Rapporteur for Truth, Justice, Reparation and Guarantee of non-recurrence- Ministry of Foreign Affairs, Sri Lanka
23/10	Meeting with the Deputy Director of United Nations Development Programme
07/11	Meeting with the Scotland Superintendent of Police to discuss Sri Lanka Police Reforms Plan
10/11	Meeting with the representatives of Canadian Branch of Commonwealth Parliamentarians
01/12	Commemoration of 46 <sup>th</sup> .National Day of United Arab Emirate
04/12	United Nations Education, Scientific and Cultural Organization's Regional Summit against impunity for crimes against journalists – Dept. of Information and Ministry of Finance and Mass Media in Sri Lanka
12/12	Meeting with the action group on arbitrary detention of the Office of the United Nations High Commissioner for Human Rights
20/12	Meeting with the representatives of the Swiss Embassy

<b>International Civil Society Organizations / Professional Organizations</b>	
23/01	Discussion with the members of the 'Amnesty International' and Argentinean Representatives
24/01	Discussion on the mandate of the 'Project of the Rule of Law' of the American Bar Association and Priorities of the Human Rights Commission of Sri Lanka
16/02	Discussion with South Asian Region Director and Senior Director of Global Operations of Amnesty International
27/02	Meeting with 'Counterpart' organization to discuss its mandate and the possibility of acting in collaboration with the Human Rights Commission
09/08	Meeting with the members of the Westminster Foundation on Democracy in the United Kingdom to obtain views of the Human Rights Commission of Sri Lanka on women's participation in politics and reconciliation
04/10	Meeting with Human Rights Watch to discuss human right constraints in Sri Lanka
07/10	Participation in the dialogue "Our Rights, Our Constitution- let us talk about it" – Democracy Reporting international and Sri Lanka Bar Association
23/10	Meeting with Prof. Yash Ghai of Hong Kong University
08/11	Meeting with the Westminster Foundation for Democracy on the possibility of implementing a programme on the theme of 'Enterprises and Human Rights' for Sri Lanka
22/11	Forum on the theme of 'Transition of Sri Lanka to Democracy - Renewal of devotion to Human Rights relevant to GSP+ Tax concession through partnership between the civil society organizations and Enterprises – "Democracy Reporting International" institution and European Chamber of Commerce in Sri Lanka
05/12	Round Table Discussion on the theme of "An election inclusive of persons with disabilities" – 'International Foundation of Election Systems' institution (IFES) and Centre for Monitoring election violence (CMEV)
12/12	First session of the summit organized by Asian Federation Against involuntary disappearances (AFAD)

<b>Civil Society Organizations / Professional Organizations</b>	
10/01	Discussion on Economic, Social and Cultural Rights with Sri Lanka Bar Association
11/01	Discussion with Prof. Shamila Samarasinghe and Ananda Galappaththi on Sri Lanka's Mental Health Problems
18/01	Discussion with Asia Foundation on Coherent, Open, Responsive and Effective Judicial System Programme ( CORE Justice) launched by the United Nations Development Programme
15/02	Consultative dialogue with Psychiatrists on Sri Lanka's Mental Health Problems
08/03	Address at the World Women's Day Programme organized by the ' Equal Ground' institution
04/04	Participation at the Programme on Mental Health and Mental Relief – Asia Foundation
05/04	Discussion on ' Constitutionalizing Economic, Social and Cultural Rights ' – Law and Society Trust and Amnesty International
16/05	Participation at the commemoration of World Press Freedom Day organized by Sri Lanka Working Journalists' Association
28/06	Discussion on the subject of ' Sri Lankan Women and Independent Commissions – FOKUS Institution
30/06	Round Table Discussion on ' Economic, Social and Cultural Rights: South Africa's experience and International ' - Lakshman Kadirgamar Institute for International Relations and Strategic Studies
23/07	Presiding over the discussion on State activities and their impact on the autonomy of lawyers
30/07	Dialogue on Human Rights Commission of Sri Lanka and Women victimized by war - ' FOKUS' and ' Rights Now' organizations
02/08	Summit on the theme ' Upcountry Tamil Community : Creation of a new future ' International Centre for Ethnic Studies ( ICES)
04/09	Participation at a discussion on corporal punishments in schools – Sri Lanka Foundation
29/09	Participation as the Chief Invited Guest at the annual general meeting of Sri Lanka Association for the advancement of Education
26/10	Round Table discussion on hindrances encountered by women with disabilities to take part in Post-war Development Programmes and Reconciliation Process -International Centre for Ethnic Education (ICES)

15/11	Participation at an event of Body Mapping organized by Social Development Institution
21/11	25 <sup>th</sup> .Anniversary of National Summit for Free Media Culture with Social Responsibility and Free Media Movement
25/11	Workshop on the mandate of Independent Commissions – Institute of Constitutional Studies (ICS)
06/12	Participation at a discussion on the Rights of Women affected by war
11/12	Commemoration of 69 <sup>th</sup> . International Human Rights Day organized by the Human Rights Centre ‘Right to Life’
13/12	Launching of the Report on the Rights of Women affected by war
20/12	Meeting on Provision of technical guidance by the Human Rights Commission of Sri Lanka for Youth Training through Youth, Human Rights and Civil Society Apprehension Project of the Community Development Service Centre (CDS)
<b>Other Programmes</b>	
23/11	Discussion with a group of students engaged in investigating the connectivity between Human Rights and Environment - in John Hopkins University
08/03	Participation at the World Women Day Programme organized by the Bandaranayake Centre for International Studies( BCIS)





