



HUMAN RIGHTS COMMISSION OF SRI LANKA



ANNUAL REPORT **2023**

This is the Annual Report of the Human Rights Commission of Sri Lanka on its activities in 2023. It is submitted in compliance with section 30 of the Human Rights Commission of Sri Lanka Act No.21 of 1996.

Human Rights Commission of Sri Lanka
Head Office
No.14, R A De Mel, Mawatha, Colombo 04
T.P: (94) 0112505580, 2505581, 2505582
Fax: (94) 0112505591
Email:
sechrsl@gmail.com
Website: www.hrsl.lk

**Members of the
Commission
2023**

Chairperson

Justice L.T.B. Dehideniya

Commissioners

Professor Thaiyamuthu Thaanaraj

Professor Fathima Farzana Haniffa

Mr. Nimal G. Punchchihewa

Dr. Gehan Dinuk Gunatilleke

MESSAGE OF THE CHAIRPERSON

The Human Rights Commission of Sri Lanka (HRCSL), established under a statutory act, is the key oversight body to promote and protect human rights in Sri Lanka. During the year 2023, Sri Lanka as a country gradually recovering from the greatest economic crisis in the history of the country, saw both progressive developments and deteriorations pertaining to the status of human rights in the country. The HRCSL with a view of holistically addressing these human rights issues prevalent in the country, specially focused on adopting an integrated approach within the various divisions of the HRCSL in intervening to promote and protect human rights in the country. To that end, the resources of the Commission were optimally utilised to enhance operational capacity of the Commission, and strengthen the advisory, monitoring, investigation, education and outreach functions of the Commission.

A key strategic focus of the HRCSL during the year 2023 was to increase citizen's accessibility to the HRCSL. Accordingly, the HRCSL established two new Sub-Offices in Ratnapura and Nuwara Eliya, particularly to increase the accessibility of the plantation sector workers in the region. Additionally, a new division and specialised unit, namely: the International Relations Division and the Rapid Response Unit were established within the HRCSL Head Office to increase operational capacity. The International Relations Division was established in pursuance of the Commission's powers to advise and make recommendations to the Government to ensure that the formulation and implementation of national laws comply with international human rights standards. Accordingly, the Commission during the year 2023, reviewed and provided its observations and recommendations to several draft bills which includes, the draft Anti-Terrorism Bill, National Women's Commission Bill, Women's Empowerment Bill, Gender Equality Bill, Online Safety Bill and Protection of the Rights of Persons with Disabilities Bill. The Rapid Response Unit established with the aim of providing timely remedies and recommendations to suo motu cases initiated by the Commission on grave human rights violations, conducted six rapid response visits during the year 2023. Notably, all six cases were in relation to deprivation of personal liberty by law enforcement officers in Sri Lanka.

Another strategic focus was to increase the rate of implementation of the recommendations and directives issued by the HRCSL. Thus, the operations of

the Non-Implementation unit was actively resuscitated. As a consequence, desirably the Commission received updates on the measures adopted by the respondents to implement the recommendations and directives issued by the Commission. A positive step towards the collective mission of incorporating a culture of human rights in the system. However, in certain cases, appeals to review the recommendations were also submitted to the Commission, to which the Commission took measures to review the feasibility of the implementation of the recommendations in the present circumstances based on its reasonability.

As has been the case in previous years, during the year 2023 too, the highest number of complaints received were pertaining to personal liberty of persons, with torture, harassment and arbitrary arrest and detention being the top three categories of alleged human rights violations. Identifying the need to take proactive measures to prevent incidents of deprivation of liberty, the HRCSL over the course of the year conducted many trainings, awareness programmes, and workshops regarding the relevant human rights laws and standards, mostly to the law enforcement officers in Sri Lanka. This included conducting capacity building trainings for the Prison Officers in eight geographical regions and training on prevention of torture to one hundred and seventy Sub – Inspectors from different police stations in the country. The HRCSL also conducted consistent and frequent visits to police stations and detention centres to ensure the human rights of the persons in custody are respected to its highest standards.

The HRCSL also issued several general guidelines and recommendations to the State pertaining to recurring and grave human rights violations in the country. A few key guidelines issued are; Guidelines and Recommendations on the Protection of Human Rights Defenders, Guidelines for Police Officers to protect Transgender Persons, Recommended Guidelines to the State and Law Enforcement Officials on dealing with civilian protests and the Draft Guidelines to Sri Lanka Police and other relevant Authorities on Prevention of Custodial and Encounter Deaths.

Acknowledging the vital role of the Civil Society Organizations (CSOs) to promote human rights, the HRCSL continued its commitment to actively engage with the CSOs. A significant step forward in that regard was inviting Civil Society representatives to be a part of thematic Sub Committees established by the HRCSL. Such representation enabled the Commission to engage with the CSOs more meaningfully and effectively to address human rights issues in all levels.

In line with the State's International Human Rights obligations and identifying the importance of engaging with the international community to ensure the progressive development of human rights in the country, the HRCSL presented its parallel reports and statements to the relevant treaty bodies and regional human rights organizations. Such contributions include, the statement presented at the 25th session of the Committee on Enforced Disappearances, Parallel Report submitted to the Child Rights Committee, and 6th Period Report on Civil and Political Rights to the 137th session of the Human Rights Committee.

As enumerated in detail in this report, the HRCSL over the year made many effective and sustainable interventions to promote and protect human rights in the country to the best of its ability based on the available resources withstanding the many challenges the Commission encounters. Hence, I state with assurance that the HRCSL will continue its unwavering commitment to ensure through strategic interventions, respect for human rights is integrated into the culture of Sri Lanka where it shall be respected even during times of extreme adversity.

Chairperson
Human Rights Commission of Sri Lanka

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LIST OF ACRONYMS

A&F	Administration & Finance
APF	Asia Pacific Forum
CCD	Colombo Crimes Division
CEB	Ceylon Electricity Board
CFNHRI	Commonwealth Forum of National Human Rights Institutions
CID	Criminal Investigation Department
COVID-19	Coronavirus Disease 2019
CTF4HR	Community Task forces for Human Rights
DJOF	Disability Organizations Joint Front Sri Lanka
ED&SP	Education & Special Programmes
EPZ	Export Processing Zones
EU	European Union
FUTA	Federation of University Teachers' Associations
G.C.E (A/L)	General Certificate of Education (Advanced Level)
GANHRI	Global Alliance for National Human Rights Institutions
HRCSL	Human Rights Commission of Sri Lanka
HRDs	Human Rights Defenders
I & I	Inquiries & Investigations
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General of Police
IR	International Relations
IUS	Inter-University Students' Federation
JMO	Judicial Medical Officer
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning
MEPA	Marine Environment Protection Authority
NHRIs	National Human Rights Institutions
NIMH	National Institute of Mental Health
NPM	National Preventive Mechanism
NWC	National Women's Commission
OIC	Officer-in-charge
OPCAT	Optional Protocol to the International Convention Against Torture
R&M	Research & Monitoring
RRU	Rapid Response Unit
SEUSL	South Eastern University of Sri Lanka
STF	Special Task Force
TID	Terrorist Investigation Division
UDHR	Universal Declaration of Human Rights

UGC	University Grants Commission
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review

CHAPTER 1: ABOUT THE COMMISSION

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1.1.4. Strategic focus areas

1.1.5. Crest of the Commission

1.2. Nature and Scope of the mandate

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1.1. Overview of the Commission

1.1.1. Vision

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

1.1.2. 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.

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 are:

- Accessibility of the Human Rights Commission of Sri Lanka (HRCSL) and its services to all people, especially the poor and marginalized.
- Gender mainstreaming within and through the HRCSL and its programmes and services.
- Recognition of and respect for diversity within the HRCSL and through its programmes 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
- Rights of the elderly
- 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 signify protection and taking of action for protection. The globe stands for 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

HRCSL is an independent Commission, established to promote and protect human rights in the country. The Commission also strives to ensure that Sri Lanka complies with its international human rights obligations.

There are no specific rights excluded from the HRCSL's mandate. The Act recognizes the jurisdiction in the Commission in terms of fundamental rights and human rights. Its core mandate with respect to investigations and advising the government on formulating legislation and administrative directives and procedures is confined to fundamental rights, which are essentially civil and political rights recognised by the Sri Lankan Constitution. However, its core mandate in terms of making recommendations to the government regarding measures which should be taken to ensure that national laws and administrative practices are human rights compliant, extends to all international human rights norms and standards.

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 assist 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.

A 'human right' is defined in section 33 of the HRCSL Act to mean: a right declared and recognised by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Therefore, the HRCSL's mandate covers the entire gamut of civil, political, economic, social, and cultural rights recognised in the International Bill of Human Rights.

1.3. Establishment and independence

The Commission was established in 1996 by the Human Rights Commission of Sri Lanka Act, No. 21 of 1996 (the Act). The Act sets out the legal basis and operational principles of the HRCSL. The HRCSL is recognised as an independent Commission in the Schedule to Article 41B of the Constitution of Sri Lanka. It is, therefore, established by legislation and entrenched in the Sri Lankan Constitution. The Commission is only answerable to Parliament.

The Chairperson and Members of the Commission are appointed by the President on the recommendation of the Constitutional Council in accordance with the provisions of the Sri Lankan Constitution. Each member of the HRCSL is appointed in their individual capacity and not as members or representatives of any particular organisation. The Constitutional Council is a multi-partisan body empowered by the Constitution to recommend key appointments, which was re-established following the enactment of the Twenty First Amendment to the Constitution in 2022. This Amendment sought to remedy the concentration of power in the Executive President with respect to appointments to independent Commissions. Thus, the independence of the HRCSL is first and foremost guaranteed through its appointment process.

As per the Act Commissioners hold office for a period of three years and are eligible for reappointment. Section 4 of the HRCSL Act contains safeguards against the arbitrary removal of members of the Commission. Under Section 4 of the Act, Commissioners are guaranteed security of tenure with removal made possible only after following a procedure akin to the removal of Justices of the Supreme Court and Court of Appeal. This safeguard ensures that members of the Commission can execute their duties without undue influence or fear of political repercussions or arbitrary removal.

Section 4(1)(a)(ii) of the HRCSL Act enables the avoidance of conflicts of interest. It provides that a member of the HRCSL may be removed from office if such member engages in any paid employment outside the duties of their office, which in the opinion of the President, formed on the recommendation of the Prime Minister in consultation with the Speaker and the Leader of the

Opposition, conflicts with the member's duties as a member of the Commission.

Moreover, under the appointment process adopted by the Constitutional Council under Article 41B of the Constitution, the Council requires all nominees and applicants to the post of member of the Commission to disclose any conflicts of interest. These include investments, contracts, obligations, liabilities, promises, undertakings, or relationships they or their spouse or any of their children may have which conflicts with or which may be reasonably perceived to conflict with their duties as an independent member of a Commission appointed as per Article 41B of the Constitution.

Section 26(1) of the HRCSL Act protects members and other officers of the Commission from legal liability for actions taken in their official capacity. It provides: 'No proceedings civil or criminal, shall be instituted against any member of the Commission or any officer or servant appointed to assist the Commission, other than for contempt, or against any other person assisting the Commission in any other way, for any act which in good faith is done or omitted to be done, by him, as such member or officer or servant or other person.'

CHAPTER 2: STRUCTURE AND GOVERNANCE

2.1. Organizational Structure

2.2. Composition of the Commission

2.3. Composition of the Staff

2.4. Premises (Accessibility)

2.5. Working methods

2.6. Institutional development

2.6.1. Establishment of two Sub-offices of the HCSSL

2.6.2. Establishment of an international relations division

*2.6.3. Establishment of a Rapid Response Unit within the
HCSSL*

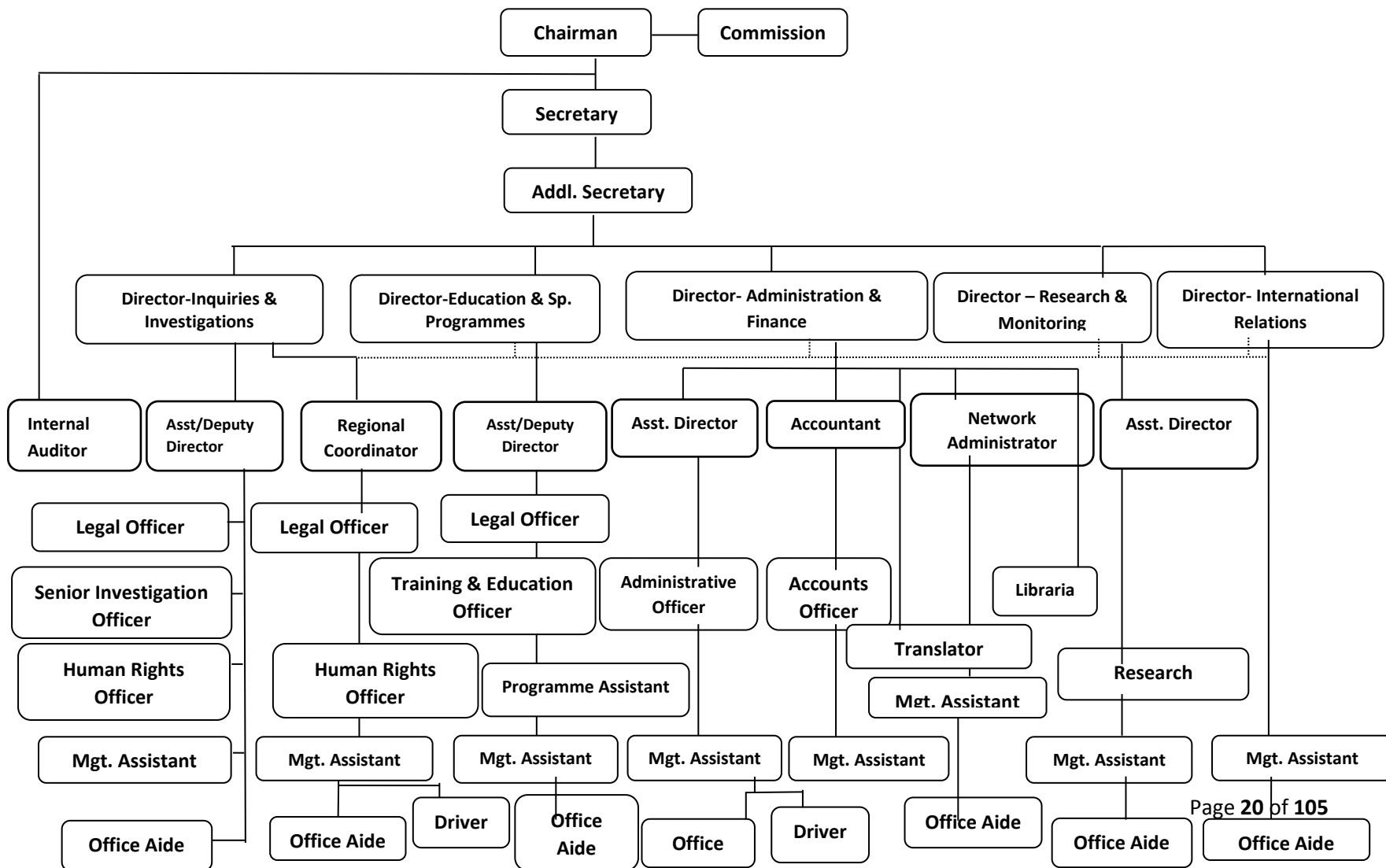
2.1. Organizational Structure

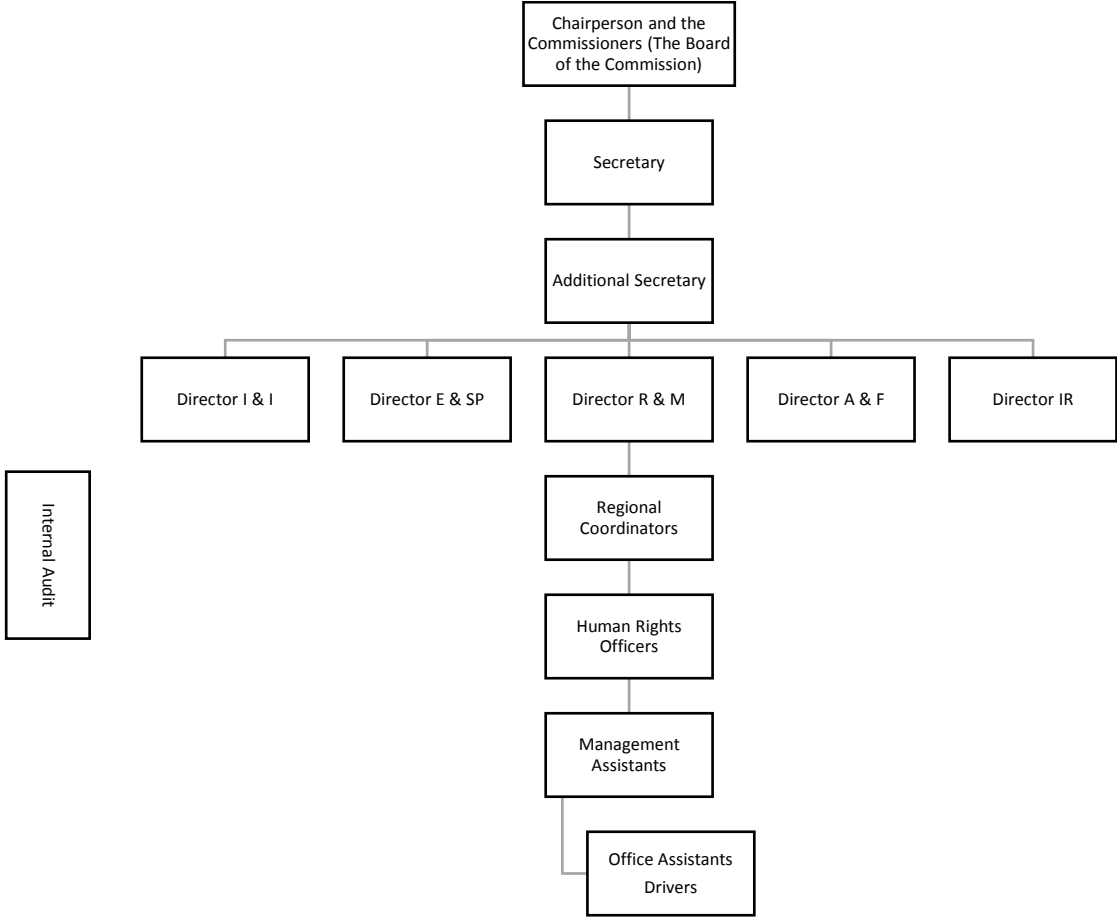
At the apex of the organization is the Board of the Commission, comprising the Chairperson and Commissioners. It takes policy decisions for the discharging of the statutory mandate of the Commission. Board Meetings are held each month.

At present, the Commission functions with 148 staff members. It consists of 05 Divisions namely: Inquiries & Investigations (I&I), Education & Special Programmes (ED&SP), Research & Monitoring (R&M), Administration & Finance (A&F) Division and the International Relations (IR) Division. Each Division is headed by a Director and supervised by the Chairperson and/or a Commissioner/ Commissioners.

In addition, the Commission operates through 11 Regional Offices (Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee and Vavuniya), and six sub-offices (Kilinochchi, Mannar, Hatton, and Puttalam) to carry out its functions (See appendix 1). Each regional Office is headed by a Regional Coordinator and supervised by the Chairperson and/or a Commissioner/ Commissioners. In 2023, the HRCSL established and inaugurated a new sub-office in Ratnapura, expanding its network to Sabaragamuwa Province as well. The HRCSL operates at regional level in order to increase protection of human rights and bring the work of the Commission closer to the people. Most 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.

Organogram of the Human Rights Commission of Sri Lanka





Organogram of HRCSL Regional Offices

2.2. Composition of the Commission

Sri Lanka has a multicultural, multi-ethnic, and multi-religious society. The HRCSL strives to be representative of the diverse communities within Sri Lankan society. The pluralistic nature of the HRCSL's composition is ensured by Article 41B(3) of the Constitution, which provides: *'It shall be the duty of the [Constitutional] Council to recommend to the President fit and proper persons for appointment as Chairperson or members of the Commissions specified in the Schedule to this Article, whenever the occasion for such appointments arises, and such recommendations shall endeavour to ensure that such recommendations reflect the pluralistic character of Sri Lankan society, including gender'* (emphasis added).

Additionally, section 3(1) of the HRCSL Act provides that the HRCSL *'shall consist of five members, chosen from among persons having knowledge of, or practical experience in, matters relating to human rights.'* Section 3(3) meanwhile provides: *'In making recommendations...the Constitutional Council...shall have regard to the necessity of the minorities being represented by the Commission.'*

The current composition of the members of the HRCSL reflects the principles of pluralism, diversity, and inclusivity. Its chairperson, Justice Lakshman Dehideniya is a retired judge of the Supreme Court with a wealth of experience stemming from a career spanning several decades. The Commission currently functions under the leadership of Justice Dehideniya. Professor Farzana Haniffa is an academic whose vast body of work and experience covers a range of human rights themes and topics including gender and religion. She oversees the Research and Monitoring Division of the Commission. Professor Thaiyamuthu Thanaraj has an illustrious background in education and education reform and oversees the Education and Special Programmes Division. Mr. Nimal Punchihewa is an attorney-at-law, a former chairperson of the Election Commission of Sri Lanka, and a former additional secretary to the HRCSL, and thus has vast experience working within independent institutions. He oversees the Inquiries & Investigations Division. Dr. Gehan Gunatilleke is an attorney-at-law specialising in international human rights law and constitutional law with years of experience in research, litigation, and civil society advocacy. He oversees the International Affairs Division. Each member accordingly possesses vast intellectual and practical experience in the field of human rights, both at the national and international levels.

The composition is reflective of gender, ethnic, and religious diversity, as follows:

Name	Gender	Ethnicity	Religion
1. Justice Lakshman Dehideniya	Male	Sinhalese	Buddhism

2. Prof. Farzana Haniffa	Female	Muslim	Islam
3. Prof. Thaiyamuthu Thanaraj	Male	Tamil	Hinduism
4. Mr. Nimal Punchihewa	Male	Sinhalese	Buddhism
5. Dr. Gehan Gunatilleke	Male	Sinhalese	Christianity

2.3. Composition of the Staff

There is no specific statutory limitation imposed on the HRCSL to recruit staff. The creation and filling of staff vacancies are carried out according to a scheme of recruitment that the Commission has prepared in consultation with the Department of Management Services of the Ministry of Finance. All interviews, selections, and recruitments are done directly by the Commission. The Cabinet of Sri Lanka has also granted special approval to the Commission for the recruitment of Legal officers and Human Rights Officers – a decision taken despite the general government directives to cease new recruitment, thereby ensuring the uninterrupted and seamless operation of the Commission and taking into account the exigency of services.

Section 25 of the HRCSL Act permits the HRCSL to request the secondment of public officers for a temporary period, and exceptionally, on a permanent basis. Currently, fifteen public service officers have been seconded to the HRCSL, which constitutes 10.1 percent of the total staff. The Director of Administration and Finance is the only senior level position to be filled by a secondee from the public service.

The HRCSL is committed to fostering pluralism, diversity, and inclusivity in and among its staff. In June 2023, the HRCSL invited open applications for the positions of Legal Officer and Human Rights Officer, recognising the need to enhance its regional and national representation across all communities. The recruitment process will pay particular attention to gender, ethnic and religious diversity, as well as representation of persons with disabilities. The gender and ethnic distribution of permanent staff at the Commission are as follows:

Categories	Total Staff Members (Head Office and Regional Offices)	Percentage
Male	82	55%
Female	67	45%

Gender distribution of permanent staff

Categories	Total Staff Members (Head Office and	Percentage
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	Regional Offices)	
Sinhala	116	77.9%
Tamil	24	16.1%
Muslim	09	6.0%

Ethnic distribution of permanent staff

2.4. Premises (Accessibility)

The main premises of the HRCSL is its Head Office, a seven-storied building at No 14, R. A. De Mel Mawatha, Colombo 04.

As part of the HRCSL's ongoing commitment to expand its reach out and ensure broader coverage across Sri Lanka, it has established a network of regional offices and sub offices in key areas in particularly affected by Sri Lanka's armed conflict, which ended in 2009 (See Section 2.1 above). These acts reinforce the HRCSL's dedication to protecting and promoting human rights and taking its work closer to all communities, especially minority groups.

The public can access the HRCSL offices by visiting the Head Office or regional or sub offices and submitting a complaint in person, contacting the Commission's 24-hour hotline 1996, submitting a complaint via the Commission's website (<https://www.hrsl.lk/make-a-complaint/complaint-form>), or contacting the Commission or a specific member or officer via email or telephone. The HRCSL Head Office has facilitated easy and comfortable access to persons with physical disabilities owing to the availability of elevators and wheelchairs.

Any member of the public can submit their complaint in either one of the official languages (Sinhala or Tamil) or in English. Inquiries are thereafter held in the language of the complainant's choice and, when applicable, in the language most convenient to the parties to the inquiry.

2.5. Working methods

The HRCSL implemented strategic plans for the periods 2017-2019 and 2020-2022 and is in the process of developing a new plan for the period 2024-2026. The Commission is currently in discussion with United Nations Development Programme (UNDP) to obtain facilitation support for the development of the new plan. The main elements of the plan include an updated vision and mission statement, a SWOT analysis, a risk mitigation strategy, a section on the Commission's strategic priorities, goals, strategies, activities and key performance indicators, and a section on how annual activity plans should be formulated.

- **Regular meetings**

The members of the Commission currently meet once a month in a planning and strategy meeting, and separately the board of commission meets once a month. The planning and strategy meeting is attended only by the members of the Commission and is used to discuss important substantive and process-related matters. The monthly Board meeting takes formal decisions pertaining to administrative and financial matters as well as substantive programmatic matters. Board papers are prepared by the Secretary to the Commission in consultation with the members. The Secretary is always in attendance and Directors (as and when required) attend the Board meeting.

- **Working groups**

The HRCSL has established a series of thematic sub-committees focusing on issues relating to communities that have suffered historical and systemic discrimination and marginalisation. These sub-committees are chaired by members of the Commission, and comprise members of civil society organisations, activists, experts, and academics. The Terms of Reference of the sub-committees is as follows: '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 the HRCSL Act, No 21 of 1996. Furthermore, the Sub-Committees are expected to advise the Commission on the respective themes in regard to making necessary representations to international human rights mechanisms.'

Due to the COVID-19 pandemic and the prevailing economic crisis, the continued work of these sub-committees encountered challenges and the sub-committee system is not operating at present. However, the current members of the Commission plan to resuscitate the sub-committee system shortly and ensure that newly constituted sub-committees meet periodically during which members can share their opinions, suggestions and insights on existing national legislation and regulations concerning their specific thematic area.

2.6. Institutional development

2.6.1. Establishment of two Sub-offices of the HRCSL

In order to enhance access to justice and accessibility to the Commission of plantation sector workers the HRCSL with financial support received through the JURE project, expanded its network of regional offices by establishing two Sub-offices in the Ratnapura and Nuwara Eliya Districts. The Nuwara Eliya District Sub-office was established in Hatton, and inaugurated on 26.09.2023. The Ratnapura District Sub-office was inaugurated on 01.12.2023. Two Project assistants were recruited for the two Sub-offices which are currently being operationalized.

2.6.2. Establishment of an international Relations Division

According to Sections 10 (D) and (E) of the HRCSL Act, the Commission can advise and make recommendations to the Government to ensure that the formulation and implementation of national laws comply with international human rights standards. The International Relations Division was established and inaugurated in June 2023 in order to achieve this objective. The Division is mandated to coordinate with International human rights mechanisms and submit reports to both regional and international bodies; to foster positive relationships with these mechanisms; and to harness technical assistance for the advancement and protection of human rights in Sri Lanka. The main functions of the International Relations Division are:

- (a) To prepare and submit required reports to international treaty bodies.
- (b) To make recommendations for legislative action for the domestic implementation of international obligations.
- (c) To coordinate with regional and international human rights mechanisms.

2.6.3. Establishment of a Rapid Response Unit within the HRCSL

A Rapid Response Unit (RRU) was established within the Inquiry and Investigation Division in 2023 to provide timely remedies and recommendations to *suo motu* cases initiated by the Commission on grave violations of human rights in the country. The RRU will function under the direct supervision of the Commissioner in charge of the Inquiry and Investigation Division, under the directions of the Director of the Inquiries and Investigations Division (See 4.3 below for further information).

CHAPTER 3: HRCSL STATISTICS

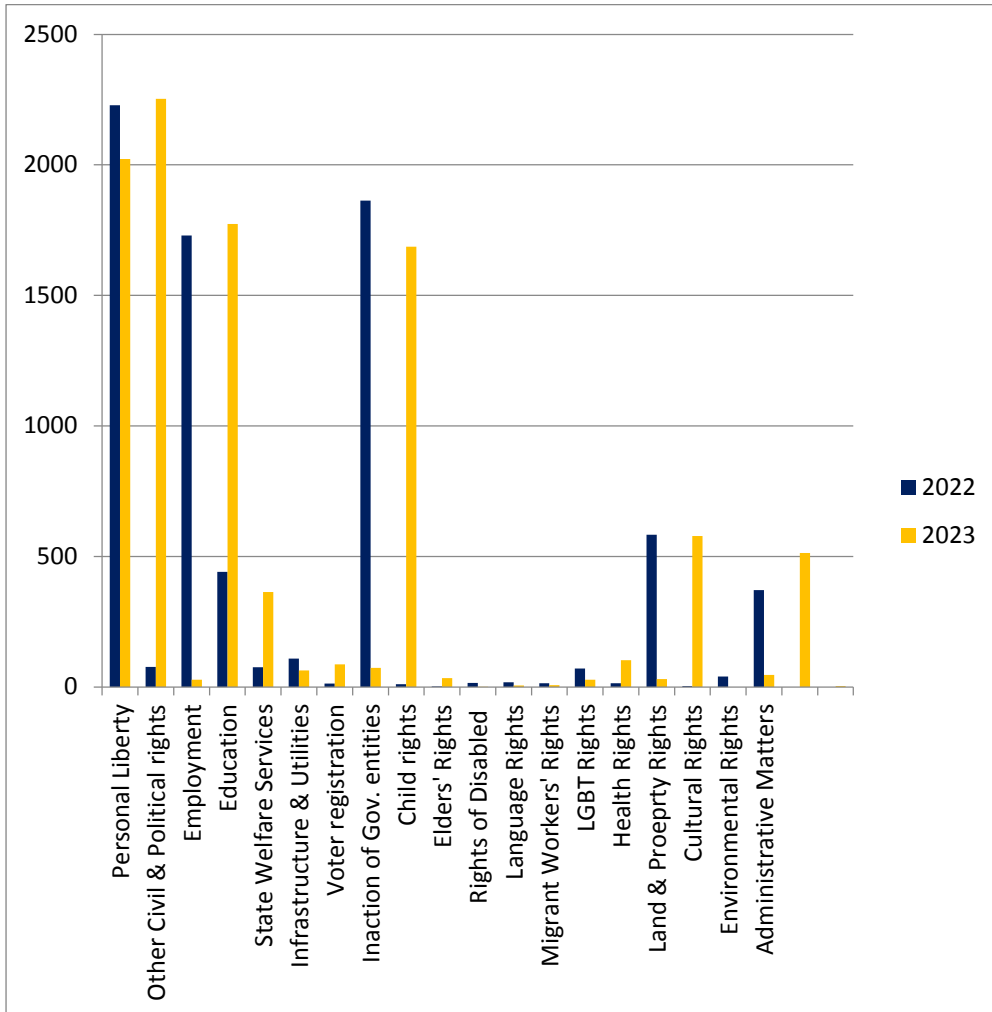
- 3.1. Statistics of complaints received*
- 3.2. Statistics of cases concluded in 2023*
- 3.3. Recommendations*
- 3.4. Monitoring visits*

3.1. Statistics of complaints received

In total, the HRCSL received 9714 complaints in 2023. This is in comparison to the 9219 complaints received in 2022, which is an increase of 5% from the previous year. These complaints were received by the Head Office and regional offices collectively. Similar to the previous years, the highest number of complaints for any individual category (at 2253), amounting to 23% of received complaints, was in relation to violations of personal liberty. This category includes complaints concerning arbitrary arrests and detention (987 complaints), in relation to harassment (560 complaints), and torture including torture in custody (546 complaints). Overall, the numbers of complaints related to personal liberty has remained the same from those of the previous year, which stood at 2228.

Contrary to previous years, the second highest number of complaints in 2023 were complaints in relation to Employment, whereas in previous years it was on inaction of Government Entities. Thus, the number of complaints received by the Commission on employment related issues in 2023 was 1774 whereas the complaints received on inaction by Government entities was 1686. The latter includes 904 complaints against the Police, in contrast to the 1267 in 2022, and 782 complaints against other Government Authorities.

45% of the total complaints, i.e. 4429- were received by Regional Offices, whereas the remaining 55%, i.e. 5285 were received directly by the Head Office. A slight increase in numbers is noted in relation to complaints received by the Head Office, which stood at 3813 in 2022.



Comparison of the number of complaints received in each category in 2023 with those of 2022

Human Rights Commission of Sri Lanka
Details of Complaints Received by Head Office & Regional Office -2023

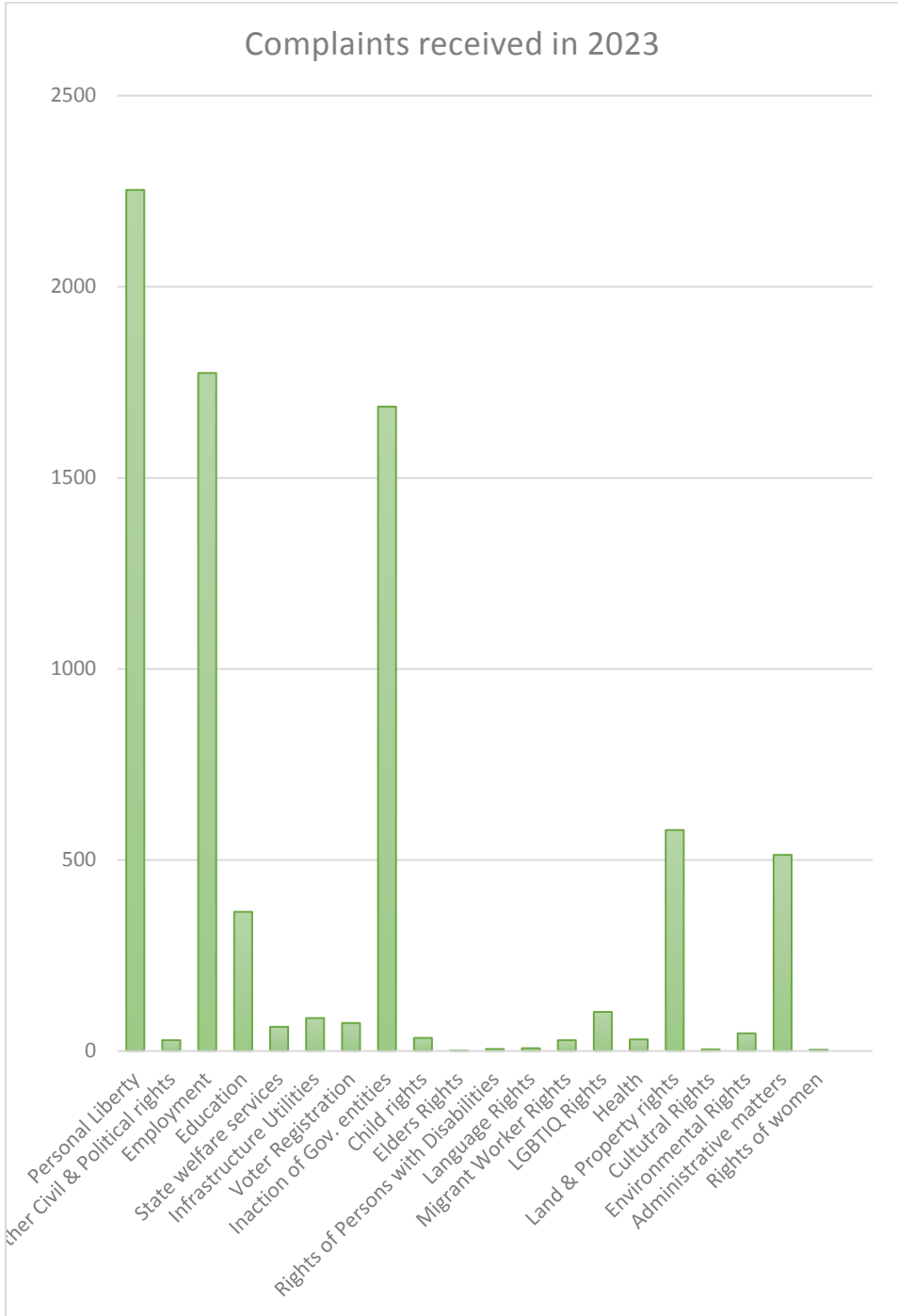
Types of Complaints	Region											Regional Office	Head Office	Grand Total
	Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna/Killinochchi	Kalmuani	Kandy	Matara	Trincomalee	Vavuniya/Mannar	Puttalam			
Personal Liberty	31	181	34	43	143	28	93	220	36	56	92	957	1296	2253
(a) Torture(Physical and Mental)	10	54	1		27	1	34	44	2	18	10	201	345	546
(b) Degrading Treatment					16	1		4	1			22		22
(c) Harassment	4	13	10	28	38	9	42		18	24	28	214	346	560
(d) Threats		4			31	2	6	30				73		73
(e) Sexual Harassment											1	1	3	4
(f) Arbitrary Arrest/Detention	17	110	22	14	30	15	8	135	14	13	53	431	556	987
(g) Death in Custody *			1				3	2	1	1		8	16	24
(h) Extra-Judicial Killings*				1	1			1				3	12	15
(i) Prisoners' Rights								4				4	18	22
Other Civil & Political	1	2		6	9				1	1		20	8	28

Rights														
Employment	62	97	80	66	50	41	147	117	22	38	74	794	980	1774
Education	3	12	11	27	13	17	48	32	5		14	182	182	364
State Welfare Services	5	5	5		11	4		13	2	2		47	16	63
Infrastructure & Utilities	1		7		6		8	12		2		36	50	86
Complaints Relating to Voter Registration	50						1			2		53	20	73
Complaints about Inaction of Gov. Entities	50	232	45	223	106	62	222	61	39	74	73	1187	499	1686
(a) Police	16	70	39	139	71	43	73	30	30	45	51	607	297	904
(b) Other Gov. Authorities	34	162	6	84	35	19	149	31	9	29	22	580	202	782
Child Rights					14	14	1				1	30	4	34
Rights of Persons with Disabilities			1		1	2						4	1	5
Language Rights						3			2		2	7		7
Migrant Workers' Rights		6	1	2		2			2	1		14	14	28
LGBT(Lesbian, Gay, Bi-Sexual, Transgender) Rights			1		9	1	2	18				31	71	102
Health Rights		3	1		4	2		1				11	19	30
Land & Property Rights	17	47	59	2	40	11	14	28	11	28	66	323	255	578
Environmental Rights		3		2	2	6	2	11			3	29	17	46

Administrative Matters	2		20		6		211	80	22	20	53	414	99	513
Rights of Women						2		1				3		3
Other Categories (including the complaints not within the mandate)		78	32	4	18	6	1	133	5	2		279	1749	2028
(a) Referrals to other institutions					8							8		8
Elders Rights													1	1
Religious Rights													4	4
Total	222	666	297	375	432	201	750	727	147	226	378	4429	5285	9714

g* - 16 complaints received to the HRC Head Office regarding 14 incidents of death in custody

h* - 12 complaints received to the HRC Head Office regarding 09 incidents of Extra Judicial Killings



3.2. Statistics of cases concluded in 2023

	Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna/Killinochchi	Kandy	Kalmunai	Matara	Trincomalee	Vavuniya	Mannar	Puttalam	Regional Office	Head Office	Total
Settlement	12	77	48	17	183	39	10	18	14	37	5	35	495	63	558
No FR Violation	74	199	105	133	93	278	19	191	64	57	6	25	1244	337	1581
Withdrawn	6	11	6	7	5	18	--	27	4	17		51	152	216	368
Complainant lacks interest	60	129	16	71	34	175	26	186	49	49	11	57	863	1441	2304
Not within the mandate	65		56		20	4	2	164	5	3		05	324	437	761
Relief Granted	50	128	23	266	39	102	47	79	28	27		41	830	257	1087
Pending Judicial Proceedings	21	56	18	66	20	71	14	62	9	33	5	13	388	454	842
Directives given	548		--			48	--		--			03	599	7	606
Time Barred	4	2	22			8	1	43	--	1		--	81	3	84
Recommendation														72	72

s (Issued)															
Referred to other Institutions		22	62	32	28	133	2	34	10	25		20	368	61	429
Total	840	624	356	592	422	876	121	804	183	249	27	250	534	334	8692
													4	8	

3.3. Recommendations

A total of 72 recommendations were issued by the HRCSL in the year 2023, out of which, 24 recommendations were made regarding Economic, Social and Cultural Rights and 25 regarding Rights relating to Personal Liberty. 23 of the recommendations made under the former category of rights pertained to rights related to Education.

In 2023 the recommendations issued relating to matters on personal liberty amounted to 31% of the total recommendations. Out of such 23 recommendations issued on personal liberty, 16 related to torture while 04 were on arbitrary arrest or detention (For a full list of Recommendations issued in 2023 see appendix 2). All recommendations are posted on the HRCSL website for public reference.

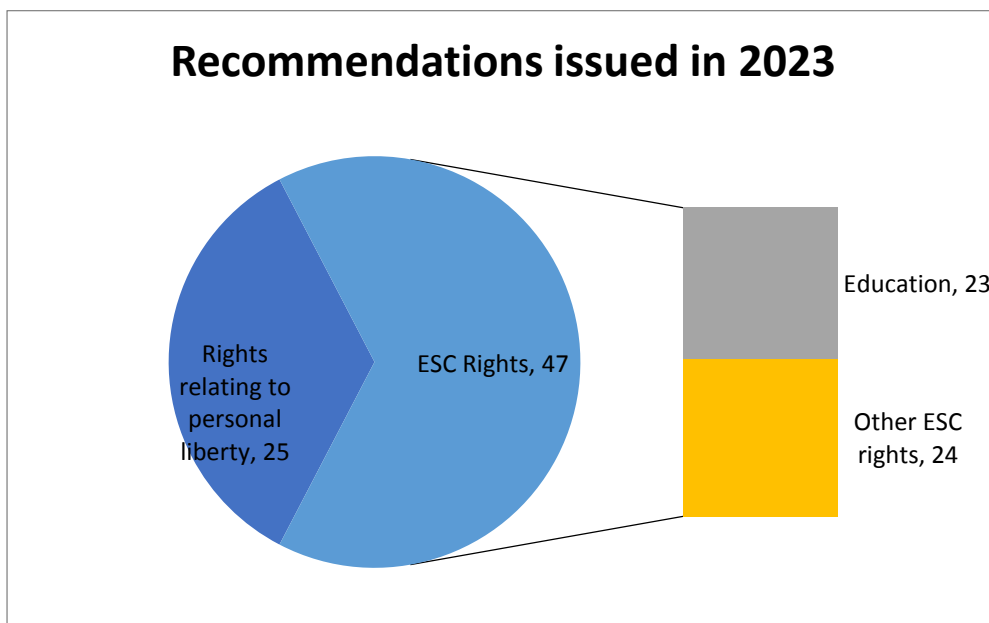
Subject/Area	No. of recommendations
Economic Social & Cultural Rights	47
- Rights relating to education*	23
- Other ESC rights**	24
Rights relating to Personal liberty***	25
TOTAL	72

Source: Database of Human Rights Commission of Sri Lanka

*These recommendations pertain to violations in school admissions, in students' disciplinary matters, in university admissions, in harassment in educational institutions, and job promotions in educational institutions.

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

***Rights relating to personal liberty consist of violations such as illegal arrests and detention, torture, and deaths in custody.



3.4. Monitoring visits

In 2023, the Commission, through its head office and regional offices, made a total of 739 monitoring visits to different institutions, out of which 653 visits were made to police stations, and 69 to prisons and child care homes etc. (See 4.4.2 below for further information).

It is noted that, all Police Stations are monitored by way of a scheduled routine visit by the Head Office and regional offices of the HRCSL. For the convenience of scheduling visits, the Commission has prepared a route-wise schedule which covers approximately 491 police stations in the island. Visits to other places of detention such as Prisons are undertaken in addition to the police stations.

	Head Office	Ampara	Anuradhapur	Batticaloa	Badulla	Jaffna & Killinochchi	Kandy	Kalmunai	Matara	Trincomalee	Vavuniya & Mannar	Total
Police Stations	103	40	42	101	20	120	27	67	71	43	19	653
Prisons	5	1		7	4	7	2	3	6	2	1	38
Child care/child				1		10		13	7			31

homes												
Rehabilitation Centres			1							1	1	3
Women's Home						1						1
Disable Person's Homes								3				3
Crime Investigation Division /Terrorism Investigation Division	5			5								10
Total												739

CHAPTER 4: MANDATE TO PROMOTE AND PROTECT HUMAN RIGHTS

- 4.1. *The protection of human rights during crises*
- 4.2. *Rapid responses*
 - 4.2.1. *Rapid Response Unit (RRU)*
 - 4.2.2. *Interventions by the Chairperson's Office*
- 4.3. *Advisory Functions*
 - 4.3.1. *Recommendations to the Government regarding national legislation*
 - 4.3.2. *Other advocacy for reform*
 - 4.3.3. *Encouraging ratification and implementation of international standards*
- 4.4. *Monitoring functions*
 - 4.4.1. *Monitoring the non-implementation of recommendations*
 - 4.4.2. *Monitoring places of detention and care homes*
 - 4.4.3. *Vetting of Sri Lankan Military personnel to be deployed as UN peacekeepers*
 - 4.4.4. *National Preventive Mechanism under OPCAT*
 - 4.4.5. *Progress of the outcome of the National Study on Prisons*
- 4.5. *Investigations*
 - 4.5.1. *Of complaints received*
 - 4.5.2. *Suo Motu interventions*
- 4.6. *Education and outreach functions*
 - 4.6.1. *Raising awareness on human rights norms and issues*
 - a) *Celebration of International Commemorative Days*
 - b) *Human Rights training and discussions for Various Focus Groups*
 - c) *Mentoring*
 - 4.6.2. *Relationship with media*
 - *Engagement with traditional print and electronic media*
 - *Use of online platforms*
 - 4.6.3. *Relationship with civil society*
 - *Regional civil society coordinating committees*
 - *Community Task forces for Human Rights (CTF4HR)*

- *Civil Society representatives as members of the thematic sub-committees*
- *Participation at events organized by civil society organizations*
- *Training for civil society*

4.1. The protection of human rights during crises

Sri Lanka recently faced several exogenous shocks including the Easter Sunday Attacks in 2019, the COVID-19 pandemic, and the recent economic crisis of which the effects are still being felt. The HRCSL has proactively worked during these crucial times to stand by the Sri Lankan people and advocate for the protection and promotion of their human rights. For example, it vigilantly monitored public protests during the economic crisis and conducted investigations into human rights violations. It also made public through media statements its condemnation of various human rights violations and ensured that citizens were made aware of their rights during times of protest. Furthermore, recommendations were issued to key state authorities as to the addressing patterns of human rights violations during this period. The following is an example of such an intervention:

- The Commission issued a Directive to ensure that uninterrupted power supply was maintained during the Advanced Level examination during the period commencing from 23rd January 2023 to 17th February 2023 (HRC/RM/M/02/2022), in order to mitigate the hardships faced by students. Upon such intervention, the parties involved entered in to an amicable settlement, in which it was agreed for the Ceylon Electricity Board (CEB) to maintain uninterrupted power supply during the period of the Advanced level examination.

Despite such a clear undertaking of the CEB, the terms of the settlement were not implemented. Therefore, through press release dated 30. 01. 2023 the HRCSL held that the Secretary of the Ministry of Energy & Power, Chairman of the CEB, and the Managing Director/Chairman of the Ceylon Petroleum Corporation had purposely acted in violation of the said directive and that in particular the Chairman, Electricity Board is in contempt under the provisions of the Human Rights Commission of Sri Lanka Act No. 21 of 1996. The Commission alleged that notwithstanding the settlement arrived by the above parties to provide uninterrupted electricity for the A/L students during the period of the examination, CEB wilfully and maliciously disregarded the settlement and continued with the power cuts. The Commission treats such blatant disregard of the CEB to provide an uninterrupted electricity supply during the examination period as a gross violation of a child's right to education. Accordingly, a certificate of contempt was duly signed by the Commission and forwarded to the Supreme Court, in which proceedings were instituted against CEB by way

of Case No. SC/Contempt/01/2023. However, the Supreme Court later dismissed the case due to technical grounds.

4.2. Rapid responses

4.2.1. Rapid Response Unit (RRU)

The RRU was established in 2023 to address urgent *suo motu* cases as well as to look into direct complaints. The key objectives of the RRU include providing immediate responses to human rights violations, ensuring timely remedies and recommendations, strengthening the intervention capacity of the HRCSL, and gathering pertinent information and evidence for *suo motu* cases and reported human rights violations. Each RRU team consists of a minimum of two HRCSL officers, although this number may be adjusted based on the specific incident's requirements. In cases involving visits to detention facilities, the gender composition of the institution determines the team's composition. For example, a team visiting a women's detention centre will include at least two female officers and one male officer. At all times, at least one of the team members will be female, and the team will comprise both a legal officer and a human rights officer. Additionally, there will be at least one RRU follow up officer who is tasked with maintaining and tracking RRU cases. The RRU team is proficient in all three official languages. In situations where the place of violation is in Colombo, the RRU team from the HRCSL Head Office will depart in under an hour of receiving a complaint. For incidents nearer to a Regional Office, the relevant RRU team will leave for the visit within an hour of receiving the complaint or direction. The RRU made 06 visits during 2023, mainly addressing incidents of civil unrest, torture, illegal detentions, and illegal arrests.

Date of visit	Incident in summary	Place of Visit/Occurrence	Case No.
17. 10. 2023	Death in custody- Awissawella Police Station	Awissawella Police Station	SUO/MOTU/17/23
02. 11. 2023	Kalutara Prison Visit-statement recording from the aggrieved parties	Kalutara Prison	HRC/HO/4175/23, HRC/HO/3857/23, HRC/HO/4032/23
01.12. 2023	Police harassment and disappearance of an arrested person	DCDB-Peliyagoda, Peliyagoda Police Station, DCDB-Nugegoda	HRC/HO/4687/23

04. 12. 2023	Arrest of an Evangelical Preacher under the ICCPR Act	New Magazine Prison	SUO/MOTU/21/23
21. 12. 2023	Harassment by Police	Bloemendhal Police Station	No related case
27. 12. 2023	Death in Prison- Kalutara Prison	Kalutara Prison	SUO/MOTU/23/23

4.2.2. Interventions by the Chairperson’s Office

In addition to the above, as was customary, the Chairperson intervened to provide relief to complainants who are aggrieved by delays and other issues relating to the investigation and inquiry process.

4.3. Advisory Functions

4.3.1. Recommendations to the Government regarding national legislation

Sections 10(c) and (d) of the HRCSL Act respectively authorise the HRCSL to advise in the formulation of legislation and administrative directives to ensure compatibility with fundamental rights and international human rights norms and standards. In practice, the Commission calls for a copy of the draft Bill from the relevant ministry, examines and analyses the said Bill, and holds consultations with relevant stakeholders including civil society actors before preparing its observations and recommendations. It then submits its observations and recommendations to the relevant ministry, or to the President, depending on the circumstances.

These observations and recommendations are meant to assist the government to improve and strengthen the compatibility of draft legislation, with fundamental rights and international human rights norms and standards. The Commission also publishes its observations and recommendations on its website through its social media handles, and shares the relevant document with its media network. In 2023, the commission issued the following recommendations to the government in relation to legislation:

- **Recommendation to amend the definition of Terrorism as mentioned in the Anti-Terrorism Bill to prevent its broad scope leading to interference with fundamental rights.**

The Commission through press release dated 06 April 2023, recommended the Government to reconsider the definition of terrorism stated in section 3 (1) of

the Anti-Terrorism Bill and to recommend specific amendments to clarify and narrow the acts falling within said definition in order to eliminate the ambiguity it poses. The Commission emphasized upon the importance of preserving the concepts and principles of the rule of law, which is essential for peace, order, and good governance in any society. The recommendation went on to emphasize how, due to such importance, all counter-terrorism measures must comply with the law, respecting both the Sri Lankan Constitution and international human rights and humanitarian laws for the sake of a peacefully functioning society. Security itself is a human right, and terrorism directly poses threats upon fundamental rights of the citizens such as on the freedom of thought, expression, association, and the right to life, liberty, and personal security. However, despite such, the Commission pointed out that the definition of terrorism being contentious and broad in the given legislation which regulates and penalizes the offence of terrorism often complicates its application. Terrorism, which constitutes violent acts meant to coerce or intimidate for ideological purposes, can be misused by the Government if left with a broad definition to target and silence dissenters and activists, ultimately violating the citizens' constitutional rights such as freedom of speech and protest.

As per the terms set out in section 3(2) (f) of the Bill, any interference with essential services or supplies is considered to be an act of terrorism, having the potential to deem anyone who even takes part in a protest or rally as a 'terrorist'. The Commission thus brought to the Government's attention the inherent danger this Bill posed upon such constitutional rights as freedom of speech and freedom of movement which ultimately would threaten healthy democracy the nation attempts to prosper.

- **Recommendation regarding the appellate jurisdiction of the Supreme Court pertaining to criminal matters**

Considering the irreversible nature of the death sentence, the HRCSL made recommendations to the Minister of Justice and Prisons to begin the process of reforming the law pertaining to appellate jurisdiction of the Supreme Court of Sri Lanka regarding criminal matters, specifically cases where the accused has been convicted by the appellate court and sentenced to death. This recommendation was also announced through press release dated 04 May 2023.

- **Recommendation to amend the Constitution to ensure that the environment is deemed a fundamental right matter**

Whilst the environment is not perceived as within the scope of fundamental rights in the 1978 Constitution of Sri Lanka, it does contain several provisions that relate to the environment. With this in mind, the Commission, through Press statement sated 08 May, 2023, undertook to review a formal complaint it has received related to the X-Press Pearl disaster. The Commission stated the magnitude and immense severity of the X-Press Pearl disaster in terms of the impact it had on the environment (both land and territorial waters), the economy, and on the health of the community in Sri Lanka affected by it. It was undoubtedly one of the largest man-made maritime environmental disasters internationally given the immense quantity of both toxic nurdles, and nitric acid awash in the ocean and along the coastal belt. The Commission pointed out the grave economic ramifications and health concerns which occurred subsequent to the disaster, also noting that the provision of primary healthcare to all is a guaranteed fundamental right. The HRCSL pledged to address this issue with the potential goal of having the Constitution amended to ensure that the environment is deemed a matter of fundamental rights and has a guaranteed, direct correlation to other such constitutionally protected fundamental rights.

▪ **Recommendation on the Draft of the National Women's Commission Bill**

The HRCSL presented its general observations and recommendations on the Draft National Women's Commission (NWC) Bill with a view to ensure its compatibility with the fundamental rights chapter of the Constitution and Sri Lanka's international human rights obligations. The general observations and recommendations presented include;

- i. To revise Clause 2(d) in order to clarify the syntax and ensure that the categories of harm from which women should be protected are clearly specified.
- ii. To strengthen Clause 4 in order to ensure that all members of the NWC be appointed on the recommendation of the Constitutional Council.
- iii. To revise Clauses (f) and (g) to clarify that authorities required to report to or appear before the NWC are government authorities. It is also recommended that the Commission be specifically empowered to engage civil society actors.
- iv. To revisit the imposition of a time bar under Clause 17 of the Bill.

▪ **Recommendations and preliminary observations on the Online Safety Bill**

The HRCSL forwarded a letter on 2 October 2023 to the Minister of Public Security containing the preliminary observations and recommendations of the HRCSL on the Online Safety Bill published in the Official Gazette on 18 September 2023. The HRCSL acknowledges that making online spaces in Sri Lanka safer for its citizens is a valuable legislative objective. However, the HRCSL was of the opinion that strengthening the institutional capacity of law enforcement authorities to interpret and apply the existing criminal law in good faith should precede any proposals to introduce new legislation with criminal offences pertaining to online activity. The observations also intended to ensure the Bill's compatibility with the fundamental rights chapter of the Constitution. The key recommendations of the HRCSL are as follows:

- i. The Bill should avoid criminalising statements deemed merely to be 'distressing' to persons, as feelings of 'distress' can vary in degree and can be highly subjective. Remedies for such injury are best left to civil proceedings wherein damages can be sought by the injured person.
- ii. The proposed Online Safety Commission should be appointed through an appointment mechanism that guarantees its political independence. This Commission should not be vested with quasi-judicial powers, nor with powers to designate online locations as 'declared online locations'.
- iii. The provisions in the Bill that set out procedures for adverse decisions to be made against persons should be consistently revised to ensure that such persons be afforded an opportunity to be heard in keeping with the rules of natural justice.
- iv. The various offences in the Bill that relate to 'prohibited statements', which incite others to commit offences, already found in the Penal Code need to be either removed due to such new offences in the Bill being superfluous, or substantially revised in terms of their precision, and the rationality, reasonableness, and proportionality of the penalties imposed.
- v. Clear criteria for the classification of 'inauthentic online accounts' should be included in the Bill in a manner that preserves the freedom of online users to remain anonymous, and to engage in parody or satire.
- vi. Experts appointed to assist police investigations should not be vested with police powers, as they may be private actors who are not publicly accountable.
- vii. The HRCSL welcomes the introduction of a new offence on child abuse through online means and encourages the Ministry to work closely with the relevant ministries dealing with the subjects of Justice and

Child Affairs to introduce such an offence through a separate enactment.

- **Recommendations to His Excellency the President on the Observations and Recommendations on the Draft National Women's Commission Bill, Draft Gender Equality Bill, and Draft Women's Empowerment Bill.**

The HRCSL, through correspondence dated 17 November 2023 addressed to His Excellency the President, sharing the Commission's Observations and Recommendations on the Draft National Women's Commission Bill Draft Gender Equality Bill, and Draft Women's Empowerment Bill. The HRCSL forwarded the following recommendations to His Excellency the President:

- i. Gender Equality Bill and the Women's Empowerment Bill be amalgamated into a single consolidated Bill.
- ii. Gender Equality Council be housed in the new department to which the Women's Bureau will be upgraded.
- iii. An amalgamation be considered to minimise overlap and resource wastage.
- iv. The naming of the department as the 'Department for Gender Equality' be considered in view of such a change.
- v. The appointment process with respect to the National Women's Commission be further strengthened, and that the members of the Commission be appointed on the recommendation of the Constitutional Council in a manner similar to the appointment of members to the Human Rights Commission of Sri Lanka.
- vi. Consider publishing the three Bills as soon as possible to enable meaningful public consultation on their substance.

4.3.2. Other advocacy for reform

During 2023 the HRCSL made other advocacy interventions on human rights issues of concern, which the Commission viewed as deserving interventions. Following is an example of such an intervention:

- **Submission of an interim report with recommendations to the President on the due steps to be taken based on the inquiry into the X-Press Pearl Ship Disaster.**

The HRCSL, as part of its ongoing inquiry into the X-Press Pearl maritime disaster submitted an interim report to His Excellency the President on 18 May, 2023. The report had been predicated subject to a careful evaluation of

the evidence presented to the Commission. The petitioners alleged the infringement of the Fundamental Right to Equality and Equal Protection of the Law under Article 12(1) of the Constitution, and the freedom to engage in any lawful occupation under Article 14(i)g, as a consequence of the failure of the government of Sri Lanka to take adequate measures to prosecute, initiate civil action, and file for indemnity concerning the damage caused to the environment, national economy, and livelihoods of the communities affected. Furthermore, the fundamental rights enshrined in the constitution are supported by the Fundamental Duties in the Directive Principles of State Policy, in particular, Article 27 (14) – “The State shall protect, preserve and improve the environment for the benefit of the community”, and 27(2)(c) which pledges to achieve the realization of all citizens of an adequate standard of living. Against this backdrop, the Commission made the following recommendations:

- (a) For the President to direct the Attorney General to file appropriate civil proceedings immediately, under section 34 of the Marine Environment Protection Authority Act with clear coordination with the Marine Environment Protection Authority (MEPA) before the deadline of 19 May 2023.
- (b) To initiate civil proceedings against a number of corporate entities, with two based in Sri Lanka and at least one registered in Singapore.
- (c) For an independent board of inquiry to be established with the purpose of ascertaining and ensuring lines of accountability to the public at large by all State authorities concerning, inter alia, the decision not to file civil action in a timely manner in the courts of Sri Lanka and all other decisions concerning the investigatory process related to the X-Press Pearl maritime disaster.

4.3.3. Encouraging ratification and implementation of international standards

Section 10(e) of the HRCSL Act authorises the HRCSL to recommend the ratification of international human rights treaties. Sri Lanka has currently ratified all core human rights conventions. In addition to these treaties, the HRCSL is currently undertaking a review of international human rights treaty law to assess the potential for Sri Lanka to ratify or accede to additional instruments. Among such instruments is the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (i.e., on the individual complaints procedure). The Commission is also assessing the potential for Sri Lanka to accept the individual complaints procedure under Article 31 of the International Convention for the Protection of All Persons

from Enforced Disappearance. HRCSL made the following recommendations to the authorities in relation to implementing international standards:

- **Issuing of General Guidelines and Recommendations on the Protection of Human Rights Defenders.**

In 1998, the United Nations General Assembly adopted the Declaration on Human Rights Defenders. Human Rights Defenders (HRDs) in Sri Lanka however, face significant and sometimes insurmountable issues which is evident in the numbers of complaints received by the Commission, especially with regard to arrests, detentions, and prosecution of HRDs for their legitimate activities. Despite their *bona fide* intentions, HRDs face violence, threats, retaliation, intimidation, de facto or de jure adverse discrimination, harassment, and other arbitrary action, and they are frequently stigmatised in the media.

The State has specific obligations/ responsibilities towards HRDs pertaining to their rights. Firstly, to respect the rights of HRDs and to refrain from violating or unnecessarily restricting them. It also has to ensure the protection of the rights of HRDs from being violated by private actors. If such violations occur it is the duty of the state to provide effective remedies to HRDs.

Considering this context, the Commission recognized the urgent need to set out general guidelines and recommendations to ensure that the rights of HRDs are meaningfully respected and protected in Sri Lanka. Accordingly, the HRCSL launched *General Guidelines and Recommendations on the Protection of Human Rights Defenders* on 11 December 2023 at the Sri Lanka Foundation Institute marking the 2023 international Human Rights Day.

- **Recommendation to the Government to endorse and sponsor the 2023 resolution presented at the United Nations General Assembly.**

On 08 November 2023, the HRCSL urged the Government of Sri Lanka through a formal request forwarded to the Ministry of Foreign Affairs, seeking the government's strong endorsement and support for the 2023 resolution on National Human Rights Institutions (NHRIs) to be presented for adoption at the United Nations General Assembly. The Commission also requested the Government to co-sponsor the said resolution (See 6.1 below for further information).

4.4. Monitoring functions

4.4.1. Monitoring the non-implementation of recommendations

In keeping with one of the identified Goals in the previous Strategic Plan of the Commission to “Provide prompt and effective remedies by strengthening the inquiry, investigation and monitoring mechanism of the HRCSL”, the non-implementation unit of the I&I Division- which was established to monitor the implementation of the Recommendations issued by the Commission- has been in active operation since 2023. Several institutions were called before the Commission to inquire about such non-implementation of recommendations. Additionally also, general follow up letters were sent to all relevant institutions that had not implemented the recommendations issued by the Commission.

As a result of such efforts of the Non-implementation Unit, many institutions have taken cognizance of these directions and have responded to the Commission setting out the initiatives they have taken to implement the said recommendations.

The HRCSL also received requests for the reconsideration of recommendations issued by HRCSL in the form of appeals. Consequent to such appeals, the Commission decided to conduct those inquiries conducted before the Chairman of the Commission. After such inquiries the HRCSL takes a decision whether or not to withdraw the said recommendations.

4.4.2. Monitoring the places of detention and care homes

Section 11(d) of the HRCSL Act empowers the HRCSL to ‘*monitor the welfare of persons detained either by a judicial order or otherwise, by regular inspection of their places of detention, and to make such recommendations as may be necessary for improving their conditions of detention*’. Accordingly, the Commission regularly visits places of detention, including police stations and prisons.

Furthermore, the HRCSL, under sections 10 and 11 of the HRCSL Act, possesses unrestricted access to investigate and monitor locations where an individual's liberty is deprived. These visits are usually unannounced. The objective of these visits is to prevent incidents of torture and other forms of custodial violations through efficient proactive and reactive measures, to initiate steps to identify officers who commit such violations, and recommend remedial action, in addition to coordination and collaborative efforts by other relevant government and non-governmental institutions to prevent the incidence of torture.

A 24-hour desk equipped with a hotline facility is in operation which receives many complaints related to torture, illegal arrests and detentions etc. Action is taken immediately by contacting the relevant authorities and investigating the complaint through sudden visits. In addition to visits to police stations, the Commission makes special visits to the Terrorist Investigation Division (TID) and the Criminal Investigation Department (CID) which are under the Sri Lanka Police.

Common issues identified during visits to police stations include:

- Failure to produce the Detention Register
- Failure to follow due process during arrests
- Ill-treatment and torture in custody
- Delay in producing suspects before courts
- Overcrowding and the lack of basic amenities and sanitation facilities.

Apart from the regular monitoring of police stations, the Commission also visits other places of detention such as prisons, remand homes, receiving homes, rehabilitation centres, and homes for children, homes for the disabled, and immigration detention centres. The Commission conducts unannounced visits throughout the week, including during the weekend, and conducts investigations into allegations of torture and illegal treatment made by detainees during such visits. Particularly, visits are made to Prisons once in every month. On request further such visits were undertaken during the year. The Commission observed matters such as violations of the right to health, contact with the outsiders including with the families, and lack of internal security etc. Some issues were addressed immediately in consultation with the relevant authorities.

Usually, these visits are conducted through the regional offices. The monitoring activities of the regional and sub-offices are crucial in expanding the reaching out in terms of its mandate to monitor places of detention to ensure the rights of detainees.

4.4.3. Vetting process for UN peacekeeping deployment

The HRCSL began the vetting process for UN Peacekeeping deployment in the United Nations peacekeeping operations in February 2017 at the request made by the Government of Sri Lanka. This process ensures that individuals to be deployed meet the highest standards of integrity, including respect for and commitment to human rights. In 2023, the Commission vetted and confirmed 410 military personnel for deployment in the reporting year i.e. 291 Sri Lanka Army personnel, 118 Sri Lanka

Air Force personnel, and 01 Sri Lanka Navy personnel respectively.

4.4.4. National Preventive Mechanism under OPCAT

In addition to visiting places of detention, which entails a ‘protective’ function, the HRCSL acts as the National Preventative Mechanism (NPM) under the Optional Protocol to the Convention Against Torture (OPCAT). The Commission was designated as the NPM by the Government of Sri Lanka following a decision of the Cabinet of Ministers in 2017 upon Sri Lanka’s ratification of the OPCAT. The HRCSL formally established the NPM in February 2022.

Although the NPM is not established by a specific law, section 11(d) of the HRCSL Act enables the HRCSL to function as the NPM. It states that the HRCSL has the power to monitor the welfare of detainees. At the same time, according to section 14 of the Act, ‘the Commission may investigate on its own motion or complaint’, and under section 28(2) of the Act, the Commission has the power to enter any place of detention unannounced and at any given time. The HRCSL has been exercising this authority since 1997, well before the NPM was established.

In 2023, the NPM undertook the following visits with the aim of identifying challenges and making suitable recommendations on preventing torture in places of detention. Some places of detention that were inspected in 2022 and 2023 under the NPM were the Terrorism Investigation Division (TID) Headquarters, TID Detention Centre – Polhengoda, TID Detention Centre – Chaitya Road, TID Detention Centre – Tangalle, Colombo Crimes Division (CCD) Headquarters, and the Criminal Investigation Department (CID) Headquarters.

NPM visits in 2023

Place/ Institute	No. of Visits
Counter Terrorist Investigation Division (CTID)	01
Criminal Investigation Department (CID)	01
Prisons	10
Children’s homes	12
Women Detention homes	05
Young offenders’ homes	01
Drug Rehabilitation Center	01
Detention for Homeless people	01
Police Stations	02

Source: NPM visit reports of HRCSL

4.4.5. Progress of the outcome of the National Study on Prisons

In accordance with the powers vested in the HRCSL to visit any place/s of detention to monitor the conditions of places and make recommendations for the improvement of such conditions, the Commission commenced the first national study of prisons in 2018. The Study was published in 2020. The findings and recommendations of this Study address the gap that exists in the prison system, penal and correctional measures as well as the broader criminal justice system and increasing the general understanding of the prison system. At the same time, it has highlighted the shortcomings of the entire prison system.

The HRCSL has identified that it is necessary to provide a training for prison officers to shift their understanding of incarceration from a purely punitive measure to a rehabilitative process that seeks to ensure the successful social reintegration of prisoners. In addition, it was noted that prison officers lack the knowledge of conflict resolution, non-violent communication and how to build a relationship with inmates that is conducive to rehabilitation. The HRCSL, funded by the UNDP JURE project, has conducted eight Capacity Building Trainings for Prison officers in eight regions, in accordance with the Prison Study Recommendations issued by the HRCSL. Trainings were conducted in the months of November and December 2023 through HRCSL regional offices in Jaffna, Batticaloa, Kandy, Badulla, Matara, Ampara, Vavuniya, and Trincomalee.

In the reporting year, the HRCSL also conducted a series of trainings programs to ensure the safety and wellbeing of Young Offenders, in line with the recommendations of the above Study. As the first phase of the series of trainings the Commission conducted a Training programme for Young Offenders at the Young Offender's Training Institute in Wataraka with the participation of nine young offenders. The training aimed at building confidence of the young offenders in their reintegration into the society and to improve their mental health and well-being, through tools such as positive thinking.

As the second phase of the training series, a Training programme particularly for the Human Rights Officers and Legal Officers of the Commission who conduct visits and monitor Young Offenders' Training Institutes and Training Schools, was held to enhance their capacity building including awareness of international laws and practices, domestic legal and judicial framework related

to young offenders, the status of young offenders in Sri Lanka, and the role of the duty bearers.

Thereafter, the HRCSL conducted a training programme for the prison officers of the Young Offender's Training Institute in Wataraka as the third and final phase of this series of trainings. The objective of this training was to address some of the concerns highlighted in the Prisons Study as affecting the safety and wellbeing of young offenders, such as the lack of knowledge of prison officers on human rights, the rights of young offenders, international standards, and practices in prison space, and domestic laws related to young offenders. Prison officers were of the view that the responsibility of the young offenders should be shifted from the department of prisons to the Department of Probation and Child Care Services. The training was instrumental in shifting their views in this regard and enhancing their cooperation through the perception of shared responsibility and the requirement for an integrated institutional network of relevant stakeholders.

4.5. Investigations

4.5.1. Of complaints received

A database is maintained by the I&I Division in order to identify key details of each case such as the nature of the case, details of the Petitioners and Respondents, responsible inquiring officers, and the status of the case. If the complaint falls within the mandate and a prima facie violation is evident, a preliminary investigation is conducted by obtaining reports from respondents, collection of evidence from the petitioners, obtaining observations for reports etc. A thorough analysis of each report is done in order to assess the gravity of the violation. Thereafter, parties will be summoned collectively or individually to inquire in to the matter. An inquiry precedes? the issuance of recommendations on fundamental rights violations giving directives to relevant authorities for them to be implemented to rectify violations (Please refer 3.3 above and Annex 2 for further details of recommendations)

HRCSL refers complaints which do not fall within the purview of the Commission, to other relevant public institutions. Some of the referral institutions are Public Service Commission, National Police Commission, National Child Protection Authority, National Languages Commission, Commissioner of Labour, and Legal Aid Commission etc. The Commission is empowered to facilitate conciliation and mediation between parties under appropriate circumstances.

Regional Offices of the Commission conduct the preliminary investigations/inquiries of the complaints referred by the Head office and complaints directly filed at the Regional Offices. Once the preliminary investigations are completed the proceedings of the case file is forwarded along with the inquiry report to the Head Office.

The HRCSL does not intervene (accommodate/ take up) in the cases which are pending before the courts of law.

4.5.2. Suo Motu interventions

The Commission intervened in several issues exercising its own initiative (*suo motu*) under Section 14 of the Act. Often, issues require priorities, the need of the intervention are identified by media monitoring and through individuals or organizations bringing such issues to the attention of the Commission. This activity is done in close collaboration between the Investigations and Inquiry Division and the Research and Monitoring Division. The Commission conducted 23 *suo motu* inquiries into different incidents during 2023 (For details of individual *suo motu* inquiries see 5.2. below and for a full list of *suo motu* inquiries see appendix 3).

4.6. Education and outreach functions

As mandated by Section 10 of HRCSL Act, the Commission strives to actively engage in raising awareness and sensitivity of the public pertaining to issues of human rights. The Commission considers the public as an integral part of the work of HRCSL given that the very purpose of its existence is to promote and protect the human rights of the citizenry. It also attempts to engender human rights in the collective psyche of the citizens and encourage to develop a society and a culture that would foster Human Rights. Therefore, the HRCSL initiated / carried out many such important events in 2023 that helped realise these objectives.

4.5.3. Raising awareness on human rights norms and issues

a) Celebration of International Commemorative Days

▪ International Human Rights Day – 2023

The HRCSL commemorated the 75th anniversary of the Universal Declaration of Human Rights (UDHR) on 11 December, 2023, at the Sri Lanka Foundation Institute. The theme was, "Dignity, Freedom, and Justice for all." The commemoration led by the Chairperson and attended by the other commissioners. Government officials, ministry officials, and civil society representatives, emphasized a shared commitment to advancing human rights principles. The presence of the former chairperson of HRCSL and human rights activist Dr. Radhika Coomaraswamy was the chief guest at the occasion.

The HRCSL, during the event launched the "*General Guidelines & Recommendations on the Protection of*



Human Rights Defenders", the report of the "*Fact-Finding Mission on the Right to Health and Liberty of Patients at the National Institution of Mental*



Health" and the "*Guidelines to Sri Lanka Police and other relevant Authorities on Prevention of Custodial and Encounter Deaths*". The launching of those guidelines / reports underscored the Commission's dedication to tackling critical human rights issues and promoting accountability across various sectors.



The event served as a platform for fostering dialogue and collaboration among stakeholders dedicated to upholding human rights in Sri Lanka. As the nation strives for a more just and equitable society, the International Human Rights Day commemoration emphasizes the enduring values of dignity, freedom, and justice for all, highlighting the importance of collective efforts in safeguarding human rights for future generations

▪ International Day in Support of Victims of Torture – 2023



The Commission conducted a program for 170 Sub Inspectors from police stations around the island on 26 June 2023 at the Police Training College in Kalutara. The officers included officers in charge of crime, traffic, minor offences etc.

Topics such as International Human Rights and Related Laws and their application; relevant domestic constitutional and legislative provisions; judicial interpretation of the constitutional and other legislative provisions related to the freedom from torture; and services provided by remedial institutions such as the HRCSL and the role it plays in such cases were presented to the participants at the event.



b) Human Rights training and discussions for Various Focused Groups

- The Commission, through its Head Office and the Regional Offices, provides assistance by way of resource- persons for conducting programmes conducted by other public institutions and actively contributed to discussions on relevant topics to the Commission. During 2023, the HRCSL conducted lectures and participated in discussions on a wide array of topics of interest. The following is a selected list of such events the HRCSL Head Office contributed to:
 - The HRCSL conducted 05 training programmes for Public Health Midwives and Public Health Inspectors of the Ratnapura and Nuwara Eliya Districts to create awareness on the health rights of plantation sector workers and to establish a health network for the equitable access of plantation sector workers. These were held from July to November 2023.
 - A Two-day training programme for Teachers-in-charge of discipline/Civic Education was held in Matara, Badulla and Anuradhapura.
 - The National Consultation on National Preventive Mechanism on Torture was held on 30 November 2023.
 - A series of awareness-raising lectures as part of periodic workshops on various themes such as Human Rights and Fundamental Rights, Powers & Functions of the HRCSL, Gender Based Violence, Women's Rights in International law, Fundamental Rights etc. organized by the

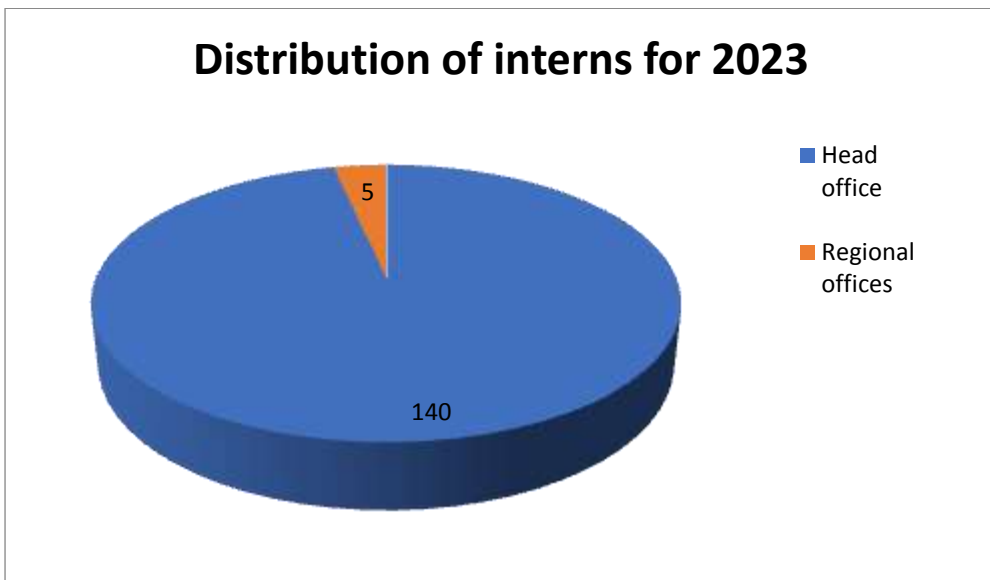
National Police Academy, Negombo, some targeting Chief Inspectors of the Department of Police and some targeting Police Officers were held via Zoom and Microsoft Teams regularly throughout the year.

- Under the JURE Project, HRCSL conducted a Roundtable Discussion on 19 July 2023 to review and revise the Public Administration Circular No.27/28 of 1988, which provides 3% quota of employment in the government sector for persons with disabilities. The discussion included representatives from government institutions and disabled persons. Guidelines on revision of the Circular are currently being drafted by the HRCSL. This initiative was to provide equal access to employment opportunities for persons with disabilities, through advocacy and policy intervention keeping in line with the UN Convention on the Rights of Persons with Disabilities.
 - Lecture assistance was provided for a workshop on Sexual Harassment in the Workplace organized by the National Institute of Mental Health (NIMH) held at the same premises aimed at improving the knowledge of its nursing staff and doctors in September 2023.
-
- In 2023, the Commission formulated an online Distance Learning Mechanism to Educate People on Human Rights. This initiative specifically focuses on developing a syllabus and contents for a comprehensive Distance Learning Mechanism. The courses on human rights were made accessible virtually to any individual/s encompassing different proficiency levels, act Basic, Preliminary, Intermediary, and Advanced stages. Its overarching goal is to enhance public understanding and awareness of human rights, catering to both beginners and advanced learners. At the end of 2023, the Academic Consultant has prepared Course modules for all levels of the courses. It was expected to be launched in 2024.
 - HRCSL conducted Accessibility Audit trainings for persons with disabilities and officers from government institutions in the Western, Northern, Uva and North Central Provinces in order to establish Accessibility Audit teams for improving accessibility for persons with disabilities in those provinces. By the end of 2023, audits were completed in Badulla and Monaragala Districts. Under this activity, participants were also sensitized on the rights of persons with disabilities. The disability audit teams are expected to conduct audits on disability access of government institutions, and will be a first step in enhancing infrastructure needs, supporting the rights of persons with disabilities.

c) Mentoring

The Commission continued the HRCSL internship programme which was revived in 2017 with the conviction that investing in the youth of the country, specifically in the context of the promotion and protection of human rights is a decisive and progressive step forward. Applications were called from undergraduates and recent graduates of any discipline to serve on a voluntary basis throughout 2023. 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 designed for a minimum period of 3 months, and the interns had the choice of undergoing training at the Head Office or at a Regional Office under the close supervision of Directors or Regional Coordinators. The Notice for the above programme was published on the official webpage of the Human Rights Commission and education institutions which provide degrees were notified via mail.

As such, in 2023, 145 interns were recruited to serve the HRCSL, a number significantly higher than last year during which only 89 interns were recruited. The interns were distributed in the following manner:



4.5.4. Relationship with media

As part of its outreach efforts, the Commission kept engaging with the media to make the public aware of important issues that the commission deemed necessary to be publicized and also on the activities of the Commission. The Commission used traditional print and electronic media and also online platforms for promotional activities.

a) Engagement with traditional print and electronic media

All policy recommendations, interventions, and advocacy statements as well as the directives of the Commission are uploaded on the Commission's website and made them accessible to the general public. In certain cases, information is also shared electronically with Civil Society Organizations, Members of the thematic sub-committees of the Human Rights Commission, Diplomatic Missions based in Sri Lanka, International Human Rights Organizations, the communication network of the Alliance of National Human Rights Institutions in the Asia Pacific region and Asia Pacific Regional National Human Rights Institutions. Such updates and information are also forwarded to all regional offices of the Commission with specific advice to display the information for public use on their notice boards.

The Commission also disseminate information in the Asia Pacific Forum's (APF) bulletin and its work to a wider audience in the region and globally.

b) Use of online platforms

The Commission regularly uses social media platforms such as Facebook and Twitter to make public awareness of its observations and recommendations on complaints received so as to advocate for the implementation of its recommendations.

4.5.5. Relationship with civil society

The HRCSL, especially via the Regional Offices, engages closely with civil society Organizations. It places the civil society Organizations on high esteem which help the HRCSL to enrich its work and activities, while the Commission in turn contributes towards the work of civil society Organizations particularly on their Human Rights Related undertakings. In 2023, the HRCSL continued to implement its initiatives all around the country with the help/ engaging with the civil society.

a) Regional civil society coordinating committees

The close cooperation fostered by the Commission through the civil society coordinating committees at regional level helped the Commission in identifying human rights violations or situations that warrant the intervention of the Commission. These coordinating committees also assist the Commission in monitoring the activities for the protection of human rights in the regions. In 2023, the Commission continued to facilitate these meetings.

b) Civil Society representatives serving as members of the thematic sub-committees

Active members of the civil society and civil society organizations were invited by the HRCSL to serve as members of the thematic sub-committees making it possible for them to, further contributing to the work of the Commission. Having the civil society engaged in sub-committee activities, was an opportunity for the Commission to benefit from their expertise and experience in enriching the policy level initiatives/ efforts of the Commission (See 5.1. below for further information).

c) Participation at events organized by civil society organizations

In 2023, the Commissioners and staff of HRCSL participated in several events organized by civil society organizations such as:

- Discussion on Rights of LGBTQ Community organized by VENASA Organization.
- Awareness programme on General Human Rights organized by the Law and Human Rights Centre for the general public.
- A discussion related to the findings of the Universal Periodic Review (UPR) on Rights of LGBTQ persons organized by Equity SL on 09 January, 2023.

d) Meetings with civil society

The Commission invited the civil society organizations to forward their concerns and grievances to the head office of the HRCSL at the beginning of the year, for the Commission to deliberate on possible solutions. Examples of such meetings are as follows:

- A meeting related to the violation of labour rights of manpower workers within the Export Processing Zones (EPZ) and the possibility

of short-term and long-term intervention by the HRCSL to protect their rights was held at the head office of the Commission. Experts and with representatives of relevant civil organizations participated at the meeting which was held on 01 August 2023.

- The Commission conducted a discussion with community level Civil society organizations in the Nuwara Eliya District on 04 November 2023, at the Hatton Sub office to create an efficient civil society network that addresses the public needs of plantation sector workers and their families to ensure their human rights. 52 participants attended this meeting.
- On 21 March 2023, a discussion was held with the Disability Organizations Joint Front (DOJF) and the Government to discuss ongoing issues faced by persons with disabilities and what approaches are necessary to safeguard their rights.
- HRCSL held a meeting with representatives from the LGBTQ community on 19 April 2023 to discuss the well-being of LGBTQ people and to address issues of concern. The representatives presented the paper to the Chairperson of the HRCSL highlighting the issues faced by LGBTQ people that need to be resolved.
- On 10 October 2023, the HRCSL engaged with representatives of civil society organisations in Sri Lanka to provide an opportunity for civil society representatives to share their experiences, concerns, and recommendations with the Commission and for the Commission to discuss its current programmes and future plans.

Additionally, Regional offices were also directed to conduct meetings with members of the civil society as regularly as possible. Pursuant to this directives, many of the regional offices conducted meetings with civil society representatives and engaged with them in order to understand and resolve their concerned issues.

e) Training for civil society Organizations

During 2023, the HRCSL conducted multiple training and sensitization programmes for members of the civil society organizations. The following are some of such trainings:

- The discussion on Human Rights/ Fundamental Rights for the general public was organized by the HRCSL in Matara in collaboration with the Civil Society Organizations.
- A series of awareness programmes targeting students on various themes such as Human Rights, Fundamental Rights, Child Rights, Child Abuse etc were held in Ampara, Kalmunei etc organized at schools and other institutions.
- An awareness programme for persons with disabilities was organized by the HRCSL for the public in Matara and in Galle.

In addition, a wide cross section of people including school and university students, Officers of armed forces, police officers, government officials, and representatives of non-governmental organizations called over at the Commission in person to collect Human Rights publications such as hand bills and posters published by the Commission. In such instances, the Commission welcomed the opportunity to conduct awareness raising-discussions for these groups of persons at its premises.

CHAPTER 5: THEMATIC INTERVENTIONS

5.1. Thematic sub-committees

5.2. Interventions in relation to individual rights

5.2.1. Custodial deaths and extrajudicial killings

5.2.2. Torture

5.2.3. Right to peaceful assembly

5.2.4. Freedom of expression

5.2.5. Minority rights

5.2.6. LGBTIQ rights

5.2.7. Child rights and the right to education

5.2.8. Right to health

5.2.9. Rights of persons with disabilities

5.2.10. Rights of the elderly

5.2.11. Rights of Indigenous People

5.2.12. Right to Livelihood

5.1. Thematic sub-committees

In 2016 the HRCSL appointed 09 sub-committees on specific thematic issues. These 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 (from a human rights perspective)
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

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

During 2023, the Commission continued the internal review of the composition of the sub-committees and the thematic areas in order to increase diversity of representation in the committees, in accordance with the Paris Principles. The Commission decided to introduce several new sub-committees on issues of relevance in the current context of Sri Lanka.

5.2. Interventions in relation to individual rights

5.2.1. Custodial deaths and extrajudicial killings

Over the past four years, the HRCSL monitored custodial deaths and extrajudicial killings involving Sri Lanka law enforcement officers. The Commission made the following interventions in relation to preventing custodial deaths and extrajudicial killings in 2023.

- **Launch of the General Guidelines and Recommendations to Sri Lanka Police on Preventing Custodial and Encounter Deaths**

Recognising the critical need to prevent such grave violations by police officers in the future, the Commission appointed a multidisciplinary committee of experts to develop a 'Threat Assessment Tool and Recommended Guidelines to the Sri Lanka Police on the Prevention of Custodial Deaths and Extrajudicial Killings'. The Committee develop the General Guidelines and Recommendations to Sri Lanka Police on Preventing Custodial and Encounter Deaths, which was launched on 11 December 2023 at the Sri Lanka Foundation Institute at the event commemorating the International Human Rights Day.

- **Inquiry into the death of an individual detained at the Police Narcotics Bureau. (HRC/SUO/MOTU/01/23)**

The HRCSL launched a *suo motu* investigation on its own motion with regard to a death of an individual which had occurred while he was in custody of the Police Narcotics Bureau. The suspect was arrested on 10.01.2023 on an alleged connection to a drug-trafficking operation. Upon arrest, the individual had allegedly created a commotion refusing to comply with questioning, at which point the Police had attempted to regain control of the situation resulting in the suspect collapsing and losing consciousness. It was revealed during the investigation conducted by the Commission that the death of the suspect was not due to natural causes and that his body showed several injury marks. The investigation is ongoing.

- **Death of a person suspected of murder consequent to a shootout with the STF (HRC/SUO/MOTU/20/23)**

Another *suo motu* inquiry was made into a shootout which caused the death of Sanjeewa Premakumara Silva, a suspect in the murder of a former Inspector of Police Balendrasinghe, who played an active role in combating the drug trafficking in the Southern Province, in Karagoda area in Galle. The suspect was injured in a shootout with the Special Task Force (STF) at Meetiyyagoda on 12 October 2023, while he was being arrested and later succumbed to his injuries at the Balapitiya hospital. The HRCSL requested detailed reports from the STF headquarters and the Officer-in-Charge (OIC), Meetiyyagoda Police on 31.10.2023 and 17.11.2023 respectively. The Commission further requested the post-mortem report from the Judicial Medical Officer (JMO), Balapitiya hospital to be submitted on or before 24.11.2023. HRCSL has received none of the requested reports by the end of the reporting year, and the above investigation is ongoing.

▪ **Death of a suspect detained by the STF (HRC/SUO/MOTU/17/23)**

The deceased had been arrested by STF officers in Hambanthota on the 12 October 2023 while in possession of drugs. As the deceased was wanted for a murder in Awissawella he had later been transferred to the Awissawella Police. The suspect had sustained fatal injuries allegedly in an attempt to flee while assisting police officers to retrieve the weapon alleged used for the murder. A team from the HRCSL visited Awissawella Police station and made their observations on 17 October 2023. Further, the HRCSL has requested a report from the JMO, Awissawella Hospital, a detailed report from the OIC-Hambanthota, and a report on arrests made by the STF and the Superintendent of Police-Awissawella. Evidence was also called from the petitioners. Investigations are currently ongoing.

▪ **Death of a woman whilst in Police custody. (HRC/SUO/MOTU/11/23)**

A 42-year old mother of 3 from Badulla who had worked as a domestic helper in the house of a film producer, died on 11 May 2023 while in the custody of the Welikada Police following her arrest over the alleged theft of a gold ring. The relatives of the deceased had alleged that while she was in Police custody, the police officers had assaulted her. Initiating a *suo motu* investigation, a team from HRCSL visited the Welikada Police station and made their observations while also requesting a report from the said Police station. Investigations on this case are currently ongoing.

5.2.2. Torture

The Commission intervenes in alleged violations of the freedom from torture through its investigations into complaints received by the Commission as well as through *suo motu* investigations.

▪ **Torture and inhuman treatment of a suspect by the Police during arrest (Complaint No: HRC/1604/15)**

The Commission found a violation of Article 11 of the Constitution in this complaint against the Welikada Police Station for the brutal assault of a suspect in 2015. The victim was admitted to the emergency unit of Colombo General Hospital due to serious injuries and was produced before the Magistrate Court on 07.05.2015 and later released on bail. Giving evidence before the Commission, the complainant alleged that following his arrest he was

incarcerated for 04 days during which he was severely beaten, including with a cricket bat and his leg severely cut by a broken sink, resulting in multiple injuries. He was treated at the National Hospital for his injuries. The Welikada Police Station denied the allegations, claiming the injuries were accidental. The forensic medical report listed ten injuries on the body of the victim, including serious injuries that indicated brutal treatment consistent with his statement. The report confirmed that several injuries were caused by blunt force supporting the claim of being assaulted and injured by a broken sink. While there were discrepancies in the reported dates of arrest, the medical evidence confirmed that the victim was assaulted while in police custody. Based on the forensic evidence and witness statements, it was concluded that the police violated the victim's fundamental rights under Article 11 of the Sri Lankan Constitution, which prohibits torture and inhuman treatment. The Commission directed each respondent to pay Rs. 10,000, totalling Rs. 40,000, to the complainant. The Inspector General of Police (IGP) was directed to take appropriate actions against the respondents and report back to the Commission. The Commission also required the complainant to inform the Commission of whether the recommendations were implemented within a week of the deadlines set for the implementation of the recommendations.

▪ **Brutal beating of a school student (HRC/SUO/MOTU/02/23)**

On an alleged report of a twelve-year-old student being inhumanely beaten by a school teacher, the commission inquired into the matter on its own motion. The victim, a Grade 7 student from Beruwala had sustained brutal injuries from an alleged beating which he has received at the hands of a teacher in the school who was also a monk. However, in proceeding with the inquiry, the complainant did not comply with the request to be present at the commission, nor produce further evidence related to the incident as requested by HRCSL. Therefore, the inquiry was discontinued on the basis that the petitioner lacks interest.

▪ **Inquiry into the death in custody (HRC/SUO/MOTU/05/23)**

A suspect was arrested by the Crime Investigations Division of the Negombo Police on alleged extortion and for threatening another person with a gun. The police allege that the suspect was transported to the Katunayake area to retrieve a hand grenade and a pistol from a swamp in which the victim had allegedly hidden the items during which, he had attempted to activate the grenade and use the pistol against the police. The police claimed that they shot

at the suspect in self-defense which resulted in him being injured, and later succumbing to his injuries. The HRCSL thus launched an investigation on this incident. However, the Commission had to discontinue the investigation due to the lack of interest on the part of the complainant.

5.2.3. Right to liberty and security of person

The right to liberty and security of the person is another important right which the Commission intervenes to protect through its investigations into complaints received by the Commission as well as through *suo motu* investigations.

- **Arbitrary detention of a suspect by Police. (Complaint No: HRC/4670/22)**

Finding a violation of Articles 13(1) and 13(2) of the Constitution of Sri Lanka, the Commission recommended that the IGP take appropriate disciplinary action against the relevant police officers, in the matter of an arbitrary arrest and detention of a person by the Police Special Task Force and subsequently handed over to the Foreshore Police Station in November 2022. The son of the complainant, who was thus arrested and detained had later been transferred to the Colombo Crime Division and then to the Grandpass Police Station. Despite repeated inquiries, the complainant was not informed of the reason for the delay in his son's release. Subsequently, the Attorney-at-Law for the victim reported to the Commission on 25 November 2022, that his client was being held at the Grandpass Police Station without allowing him the opportunity to see him. The OIC of Grandpass Police claimed that he did not arrest the victim but acknowledged interrogating him in order to obtain information on another suspect. Grandpass police later stated that it arrested Jude Aravinda on 28 November 2022 for possession of heroin and was keeping him in custody due to the threats against him.

Upon receiving the complaint, the Commission's duty officer contacted the OIC of the Foreshore Police Station, who stated that the victim was released on bail on 23.11.2022. However, subsequent attempts to contact or visit the Grandpass Police Station and other relevant officials were proven unsuccessful. The investigation revealed that the Grandpass Police Station had no record of the custody of the victim despite evidence and affidavits confirming his detention from 23-27 November 2022. The Commission found discrepancies in the statements of the officers at the Grandpass Police Station and confirmed

that the victim was illegally detained from November 23-27 November 2022. The OIC, Grandpass Police was observed to have provided false statements under oath and failed to cooperate with the investigation. The Commission also noted that senior officials, including the Deputy Inspector General of Police, were aware of the illegal detention but did not investigate into it. The Commission recommended that the IGP take appropriate disciplinary action regarding the violation of constitutional rights. In addition to recommending disciplinary action, the Commission directed the IGP to establish a formal monitoring system of detainees in police stations and ensure all OIC and other senior officers of Sri Lanka Police are aware of such system. The Commission urged the respondents to implement these recommendations and submit a related report before 15 June 2023, (The commission did not receive the report on or before the above deadline)

5.2.4. Right to peaceful assembly

The HRCSL has taken an active role in safeguarding the rights to peaceful assembly of persons including those of trade unions. After vigilantly monitoring mass civilian protests which spread out across the country in 2022 and even afterwards, in addition to providing legal redress for complaints brought by protesters, the Commission took proactive measures to safeguard the right to peaceful protests and prevent the violation of fundamental rights enshrined in the Constitution at protests in the future. Accordingly, in 2023, the Commission took the following initiatives designed to protect this freedom:

- **Launching of the Recommended Guidelines to the State and Law Enforcement Officials on Dealing with Civilian Protests**

The Human Rights Commission of Sri Lanka launched the 'Recommended Guidelines to the State and Law Enforcement Officials on dealing with Civilian Protests' on 12 May 2023 in Colombo. Judges of the superior courts, representatives of UN agencies, members of the tri-forces, academics, civil society activists, journalists, and senior officials of the HRCSL participated in the event. These Guidelines were drafted over a period of approximately one year, by the HRCSL in consultation with the Attorney General's Department, a number of legal scholars, law enforcement officials, and civil society representatives under the leadership of the Chairperson of the HRCSL. The Guidelines consists of three parts: Obligations of the State; Recommended Guidelines to Law Enforcement Officials When Dealing With Civilian Protests;

and Implementation. The process of drafting and the launch were funded by UNDP under the JURE Project.

- **Attack on the IUSF by the Police to mitigate a protest march. (HRC/SUO/MOTU/09/23)**

A *suo motu* inquiry was conducted into an alleged violation of Article 14 of the constitution. The complainant of this case was the Inter-University Students' Federation (IUSF) against the police firing water cannons on a protest march led by IUSF in Colombo on 03.04.2023. The students were attempting to enter the University Grant Commission which had led to the use of water cannons by the police to disperse the protesters. The HRCSL requested the respondent to submit a report from the Police headquarters regarding the incident. The investigation into this incident is ongoing.

5.2.5. Freedom of expression

HRCSL also plays an active role in the protection of the freedom of expression and in preventing arbitrary arrests of writers and artists in Sri Lanka.

- **Refusal to register Medialk.com website by the Ministry of Media (Complaint No: HRC/1044/21)**

The complainant in this case alleged that the Ministry of Media unfairly denied the registration of his website, Medialk.com. After submitting an application in 2019 and undergoing a review, the Ministry of Defense had issued a report stating that the said website raises security concerns, which led to the Ministry of Media denying registration. The complainant argues that this lack of registration prevents his website from receiving media identification cards, thus restricting their ability to cover government events which infringes on their right to information and freedom of expression. The complainant requests the Commission to recommend the registration of Medialk.com and the issuance of media ID cards to its journalists. It was stated that following the 2019 Easter attack, obtaining security clearances has become a mandatory requirement of registration for news websites. The respondent claimed that his entity was not given the opportunity by the Ministry of Defence to obtain security clearances, thus leading to the denial of its registration.

Upon investigation, it was found that the Ministry of Media has made conflicting statements regarding the registration process. The Human Rights Commission noted these discrepancies and the reliance on security clearances for registration decisions. It also acknowledged the obligation of the Ministry

of Media to ensure that news websites do not pose a threat to national security while also emphasising the fundamental rights of freedom of expression and information. Based on the facts, the HRCSL found that the Ministry was in violation of Article 14(1) of the Constitution. The Commission recommended that the ministry take appropriate disciplinary action and that the registration process be reviewed to ensure transparency and fairness.

5.2.6. Freedom of movement

The Commission also intervened during 2023 to protect the fundamental freedom of movement, especially of journalists, which is essential for them to exercise their freedom of expression and their right to employment.

- **Restricting journalists from travelling to Iranaitheevu (Complaint No: HRC/KI/015/2021)**

The complainant filed a complaint with the HRCSL in 2021, alleging that his freedom of movement, as guaranteed under Article 14(1)(h) of the Constitution, had been infringed inter alia when the complainant, accompanied by two other journalists, attempted to visit Iranaitheevu but was prevented by the Sri Lanka Navy at a checkpoint in Iranaimathanagar, Mulankavil. The Jaffna Regional Office of the HRCSL requested a report from the Sri Lanka Navy regarding the complaint, who responded through letter dated 16.03.2023 attributing the incident to a "communication gap" between its headquarters and the Northern Central Naval Area. The Navy denied preventing journalists from entering Iranaitheevu and offered to facilitate such journalists who wished to travel to the said island in the future if notified in advance. The HRCSL also sought information from the District Secretary of Kilinochchi on the above issue, who reported that non-residents needed permission to enter Iranaitheevu due to an initiative that had commenced on 14 February, 2021, of an "export village" where non-residents who wished to participate in the initiative had to seek permission from the Navy to arrange transportation. The complainant disputed the Navy's explanation of a "communication gap," citing media statements which demonstrated non-residents were not allowed entry. He also referenced an eyewitness account of the Navy using a list to permit only island residents.

The HRCSL noted that the Freedom of Movement is a fundamental human right, as recognised under international human rights law and under Article 14(1)(h) of the Constitution of Sri Lanka. Article 12 of the International Covenant on Civil and Political Rights (ICCPR) specifically recognises freedom

of movement. Through General Comment No. 27, the United Nations Human Rights Committee has clarified the scope of this freedom. Given the inalienable nature of this right as enshrined in the Constitution as well, any restriction to it must be lawful, necessary, and proportionate.

With that the Commission noted that the restriction imposed on the complainant lacked a legitimate legal basis as it did not comply with the requirements set forth in Article 15(6) and (7) of the Constitution, and therefore infringed on the complainant's rights. The HRCSL made recommendations to the Commander of the Sri Lankan Navy in terms of section 15 (3) (c) and (4) of the HRCSL Act to prevent future similar infringements. The recommendations include refraining from imposing unauthorized restrictions on the movement of citizens to Iranaitheevu unless such restrictions are authorized by law under Article 15(6) and (7) of the Constitution; issuing a circular to officers in the Northern Central Naval Area, instructing them to allow all citizens of Sri Lanka to enter Iranaitheevu without prior authorization or notice requirements; and report to HRCSL within one month on the measures taken to implement these recommendations.

5.2.7. Minority rights

The Commission plays a vital role in protecting minority rights through monitoring, advocacy, education, and international engagement, helping to advance equality and justice in society. In 2023, HRCSL took several steps to address issues faced by minority communities in Sri Lanka:

- In an ongoing commitment to expanding the reach and presence of the HRCSL throughout all regions of Sri Lanka, the HRCSL conducted a field visit to Jaffna in February 2023. This visit was dedicated to addressing critical concerns related to the prolonged detention of individuals in the Northern Province, as well as to explore transitional justice mechanisms free from political influence. During this visit, the HRCSL identified a pressing need for the government to take proactive measures in assessing these issues. Such measures are crucial for instilling trust and confidence among the people of the Northern Province. The HRCSL has taken steps to recommend these matters to the ministry responsible for the care and supervision of prisoners, with a focus on finding effective and appropriate solutions.
- The HRCSL actively engaged in issues related to drug trafficking, smuggling, and harassment, particularly in the Mannar District. For example, recommendations were presented to address human rights violations affecting fishermen in Mannar.

- The HRCSL has consistently placed a special emphasis on the welfare of the Hill Country Tamil community, demonstrating vigilance and proactive measures in promoting and protecting the rights of this community, which predominantly work in the plantation sector. The HRCSL has taken action in response to grievances concerning the rights of these workers, notably addressing concerns related to unpaid statutory benefits. In 2023, the Commission actively engaged all relevant stakeholders by summoning them to monitor the progress of these recommendations.

5.2.8. LGBTIQ rights

The HRCSL has played a proactive and essential role in protecting and advancing the rights of the LGBTIQ community in Sri Lanka by advocating for legal reforms, undertaking awareness campaigns, and confronting the social stigma that this community often faces.

- **Launch of the Guidelines for Police officers to protect Transgender Persons**

The HRCSL launched the *Guidelines for Police officers to protect Transgender Persons* on 15 March 2023. The guidelines contain 12 provisions with instructions on how to uphold and safeguard Human Rights of the LGBTI community while interacting with them. These guidelines serve as an important resource to ensure that interactions with transgender persons are conducted with respect and integrity, both within the law enforcement context and in the broader community, thereby providing this community with the protection and dignity they deserve. The HRCSL has been and continues to be a strong advocate for the abolishing of sections 365 and 365A of the Penal Code, which criminalise consensual same sex conduct.

5.2.9. Child rights and the right to education

The Commission currently has the authority to independently monitor, advocate for, and safeguard the rights of children in Sri Lanka. The HRCSL has also been involved in promoting and safeguarding the right to education in Sri Lanka. During the reporting year, the Commission made several interventions for the protection of child rights including the right to education:

- In January 2023, the government was planning the closure of a school in Mattakkuliya. The HRCSL intervened to prompt the government to reconsider this decision, thereby preserving the right to education.

▪ **Intervention on the complaints received regarding the delay in G.C.E. Advanced Level Examination paper marking**

Based on complaints and media reports received by the Commission regarding the delay in the evaluation of the 2022 General Certificate of Education (Advanced Level) [G.C.E.(A/L)] examination papers, the Commission launched a *suo motu* investigation. The investigation revealed that the delay has occurred due to the university academics withdrawing from the evaluation of the papers. Accordingly, on 25 April 2023, the Commission convened a discussion between the Commissioner General of Examinations and the President, Federation of University Teachers' Associations (FUTA). The Commissioner of Examinations pointed out that the quality and standard of this examination will depend on the contribution of the university lecturers, from the preparation of the question papers to the final evaluation of papers. It was further stated that the university lecturers will contribute on a personal level, to which the President of FUTA added that the university lecturers have decided to withdraw from the examination evaluation activities in protest of the failure to find a solution to the issue of excessive taxes. The Chairperson of the HRCSL stated that a high-level committee must be appointed to discuss the demands of the university professors and that the relevant parties should work to obtain the services of the university lecturers and to ensure that the international recognition of the quality and standard of this examination are preserved. Furthermore, the Chairperson requests FUTA not to withdraw from paper-marking and to halt their protest until the end of the paper evaluations.

▪ **Physical punishment meted out to a Student (Complaint No: HRC/2650/18)**

The Commission found a violation of Article 12(1) of the Constitution in the matter of a child been slapped on the cheek by the Deputy Principal of a school in Homagama and suspended from school due to the manner in which he has cut his hair. The complaint further stated that the Principal of the school had justified the actions of the Deputy Principal and subsequently had subjected the child to discriminatory treatment. Due to this, the child, an advanced level student was refusing to resume his education at the aforementioned school. Upon inquiry, the Deputy Principal admitted to slapping the student, because of his aggressive conduct and the style of his hair cut which was not appropriate for school. However, the school denied the suspension of the student and was open to the student continuing his education at the school.

The investigation mainly focused on the need to ensure that the child's right to education is not violated. Corporal punishment of students is prohibited by the

circular 12/2016 issued by the Ministry of Education, which the school authorities had violated. The conduct of the school authorities was also an offence in terms of the Penal Code. Therefore, the Commission concluded that the Deputy Principal was in violation of the relevant circulars and consequently, has violated the fundamental rights of the child as guaranteed by Article 12(1) of the Constitution. A directive was issued to the Secretary, Ministry of Education, to take steps to issue a warning to the said Deputy Principal in order to prevent such incidents from occurring in the future.

- **Admission of Students with low marks at the 2020 Scholarship Examination to popular schools (Complaint No: HRC/703/22, HRC/503/22)**

The complainants alleged that the cut-off marks for the 2020 Grade 5 Scholarship Examination were excessively high, depriving their children, who passed the examination, of the opportunity to enrol in schools with advanced resources. They submitted instances of children who had not been successful at the examination having been admitted to such schools under the authority of the Secretary of the Ministry of Education, violating the rights of the children of the complainants.

The Ministry of Education justified the said mechanism stating that the cut-off mark for admission of students to schools is determined taking factors such as the overall results of the students, and demand for admission to each school etc. into consideration. The Ministry further explained that while the high cut-off marks set out for the 2020 Examination reflects the greater number of students who had performed exceptionally well at the Examination compared to previous years, it also explained that the admissions to grade 6 of each respective school are based on the number of vacancies applied for which often exceed the number of available vacancies- which results in only selecting the students with the highest of marks. Despite such justification, the complainants' main contention was that 23 unqualified students had been admitted to major schools over their own children who had objectively scored higher marks at the examination. The complainants had submitted the same list to the Ministry of Education, where it had been received with no acknowledgement or response from the Ministry, which has further led the petitioners to believe that the Ministry's actions have led to the direct violation of their children's rights.

Upon investigation, the Commission observed that a few students have been enrolled to Grades 6 and 7 upon the approval of the Secretary to the Ministry of Education despite not receiving adequate marks at the Grade 5 scholarship examination, for which no justifiable explanation had been provided by said authorities. However, the Commission was unable to conclude that the fundamental rights of the children of the complainant had been violated by the respondent party. Therefore, it further observed that students who had scored high marks at an extremely competitive examination should be considered for admission to a school. In conclusion, the HRCSL recommended the Ministry of Education to follow a more formal and transparent process in the admission of children for vacancies in public schools that are in high demand, in accordance with the circulars and formal schemes in place.

5.2.10. Right to health

Safeguarding the right to health remains a vital concern for the HRCSL, and recent developments have stressed the significance of this right.

- In March 2023, the country faced a pressing issue with a shortage of essential medicines in government hospitals, primarily attributed to the economic crisis. Recognising the urgency of the situation, the HRCSL promptly launched an investigation. The Commission initiated discussions with the Ministry of Health and the Director General of Health Services and is facilitating and overseeing the investigative process.
- In August 2023, the HRCSL organised awareness programmes for public health inspectors and midwives servicing the Hill Country Tamil community.

- **Fact-finding mission to the NIMH**

The NIMH is the largest mental health institution in Sri Lanka with approximately 7,000 patients admitted annually. Following complaints received by the HRCSL involving inhumane and degrading treatment of patients, the HRCSL launched an investigation into the NIMH. The fact-finding team consisted of experts with specialised knowledge and experience in the fields of human rights and public health administration. The process of the fact-finding mission included the inspection of the hospital premises – primary care, outpatient care, inpatient care, and specialised care. Two experts were nominated to the team in July 2023, including a former Director of the NIMH

and a consultant psychiatrist. The report of the findings of the mission is currently being prepared.

5.2.11. Rights of persons with disabilities

The HRCSL has actively campaigned for the civil, political, economic, social, and cultural rights of persons with disabilities in Sri Lanka. Among these efforts is the establishment of a dedicated disability unit within the HRCSL. The HRCSL has also collaborated with organisations such as the DJOF to safeguard and advocate for the rights of persons with disabilities and for the implementation of vital legislation, including the Protection of the Rights of Persons with Disabilities Bill and the Sign Language Bill.

- The Human Rights Commission of Sri Lanka (HRCSL) conducted a meeting with The Ministry of Women, Child Affairs and Social Empowerment, the Department of Samurdhi Development, the National Secretariat for Persons with Disabilities, and the DOJF on 21.03.2023 on to find a solution to the numerous difficulties faced by the disabled community in Sri Lanka, as a result of the Government's decision to make it mandatory for persons with disabilities to obtain the allowance that they are entitled to exclusively from the Samurdhi Banks. Upon the assurance of the Additional Secretary of the Ministry of Women, Child Affairs and Social Empowerment that the allowance would be transferred directly with effect from May 2023 onwards to the individual accounts of persons with disabilities in any bank, the meeting came to a successful conclusion.
- **Recommendations issued to the Ministry of Women, Child Affairs and Social Empowerment on Rights of persons with Disabilities**

On 21 September 2023, the Commission forwarded its observations and recommendations on the Draft Protection of the Rights of Persons with Disabilities Bill to Minister of Justice, Prison Affairs and Constitutional Reforms. The Bill aims to ensure the fulfilment of Sri Lanka's obligations under the United Nations Convention on the Rights of Persons with Disabilities. The Bill stands to establish a legal framework for the protection, promotion, and fulfilment of the rights of persons with disabilities. The recommendations of the HRCSL were as follows:

- a. The standard of 'reasonable accommodation' should be more comprehensively integrated into the provisions of the Bill that set out the state's obligations.
 - b. The notion that women and children with disabilities face 'multiple' or 'intersectional' discrimination should be comprehensively integrated into the Bill, including a specific commitment that state measures to protect, promote, and fulfil the rights of persons with disabilities would be gender and age sensitive.
 - c. A meaningful consultation with the Human Rights Commission of Sri Lanka should be held to discuss the precise nature and scope of the Commission's role as an independent monitoring mechanism as contemplated by the Bill.
 - d. The composition, appointment process, and powers of the National Council for Persons with Disabilities should be reviewed to ensure greater independence as well as respect for the fundamental rights of the people enshrined in the Constitution.
 - e. The line ministry under which the proposed National Council for Persons with Disabilities should be the Ministry of Justice.
- A series of trainings on conducting Accessibility Audits were conducted for Disability Access Audit Teams in Anuradhapura, North Central Province as well as in the Northern Province in November, 2024.

5.2.12. Rights of the elderly

The HRCSL has also adopted meaningful measures to protect and promote the rights of older persons. This commitment stems from a careful examination of the challenges faced by the elderly in care homes across the nation. Through continuous monitoring and multiple field visits, the HRCSL has gained valuable insights into their unique needs and concerns.

- In May 2023, the HRCSL took a significant step forward in this respect by recommending to the IGP the establishment of 'elder's desks' at each police station. This move seeks to create a specialised support system that will effectively safeguard the rights and well-being of the elderly.
- Based on information received through mass media and social media alleging an attack on an elderly woman residing at the Panadura 'Sisila' Elderly Home, the Commission dispatched a team of officers to inspect and investigate said home on 8 May 2023.

5.2.13. Rights of Indigenous People

The HRCSL constantly and continually works to secure and safeguard the rights of the people of Sri Lanka's indigenous community, the most recent investigation into such being December 11th of last year, i.e., 2022, when a group of *Adi Vasi* persons were arrested and detained for fishing in the Iginiyagala Senanayake Sea. Investigations on the above are still ongoing.

- On 18 January, 2023, a complaint was submitted to the HRCSL by a group of leaders of the country's indigenous communities (*Adi Vasi* community) headed by *Uruwarige Wannila Aththo* and more leaders representing the indigenous communities of Dambana, Polbadde, Hennanigala, Wakare, Karakachchenai, Thokur and Kattaparichchan. The following were some of the key issues highlighted:
 - The lack of a Constitutional recognition for the indigenous community.
 - The lack of a proper mechanism to formulate policies to protect and safeguard the unique position of the indigenous community in light of their economic, social, cultural, civil and political rights.
 - The implementation of laws devoid of any sense of sensitivity to the economic, social, cultural, civil and political rights of the indigenous community.
 - To identify institutions that impose laws by equating the livelihood of the indigenous community to criminal offences.
 - To facilitate a mechanism to ensure an environment for peaceful living for the indigenous community in their habitats and ancestral lands.

These leaders identified 10 institutions as potential defendants, i.e., the Department of Wildlife Conservation, Department of Environment, Department of Irrigation, Department of Police, Mahaweli Authority, Department of Lands, Department of Conservation, Department of Science, Department of Fisheries and the Department of Coastal Conservation. Accordingly, a preliminary discussion was held on 27 January 2023 at the HRCSL to shed light on such issues related to the *Adi Vasi* community and for the preparation of a personal law relating to them.

5.2.14. Right to Livelihood

Livelihoods are essential for individuals to sustain themselves and their families. Therefore, the Commission strongly advocates to preserve the right to

livelihood through different measures. In 2023, HRCSL initiated several measures through investigations into complaints:

- **Refusing to provide Legal Officers of the Sri Lankan Army with professional allowances (Complaint No: HRC/2499/17)**

The Commission found a violation of Article 12(1) of the Constitution in the matter of a legal officer attached to the Sri Lanka Army being denied professional allowances due to legal officers attached to Government entities as per the 2017 budget proposals. The contention of the complainant was that various Departments, Ministries, Authorities, and Government Agencies in Sri Lanka have paid these allowances to their legal officers based on the 2017 budget proposals. The contention of the Sri Lanka Army is that the Department of Management Services circular DMS/0001/Vo.II dated 17 June 2017 pertaining to professional allowances to lawyers in the security forces in terms of the 2017 budget proposals only entitles legal officers who have been directly recruited for legal positions in the security forces to receive this allowance. Accordingly, the complainant, who had enrolled as a lawyer after joining the army and then had been transferred to the legal department, does not qualify for the professional allowance.

The petitioner argued that it is discriminatory to deny the professional title to those who qualified as lawyers subsequent to their initial recruitment and later served as legal officers in the Sri Lanka Army. The investigation by the Commission revealed that several other legal officers in the army, including the petitioner, have not received the professional allowance, even though they fulfilled all other necessary qualifications to be entitled to it. The Commission opined that the deprivation of these allowances may in some instances even constitutes psychological abuse as certain superiors such as the Director, legal is also deprived of such allowances while some of his subordinates who were directly recruited to positions of legal officer are entitled to such allowance. Finding a violation of Article 12(1) of the Constitution, the Commission directed relevant authorities to make arrangements to ensure that the petitioner legal officer and all other similarly situated officers receive the said professional allowance they were entitled to since 2017.

- **Unjust termination of employees for participating in a *satyagraha* (Complaint No: HRC/1436|23)**

The Complainant and 19 other trade union activists of the Ceylon Petroleum Corporation's Trade Unions Collective were terminated for participating in a

satyagraha against the privatization of the Ceylon Petroleum Corporation from 27 March, 2023, which had culminated in unrest. The complainants had submitted that they were not involved in the unrest. The petitioners sought reinstatement subject to probation and wages. Upon inquiry, through a report dated 17 August 2023, the Petroleum Corporation has stated that reinstatement is not an option as the petitioners are influential trade unionists who may disrupt ongoing investigations into the incident.

Upon investigation, the HRCSL concluded that the reasons for the petitioners' termination and the refusal to reinstate were unclear. It also commented on the prolonged delay in resolving the issue. Accordingly, the Commission recommended the reinstatement of 03 of the employees at their initial place of service, with the caveat that if any evidence of misconduct is found the respondents are to follow due process in accordance with relevant circulars; and the reinstatement of the employees on mandatory leave at their original places of service and to conduct and conclude preliminary investigations within a period of 2 months.

The HRCSL also clarified that the recommendation of the Commission does not hinder the respondent's ability to take legitimate action against the reinstated employees if they cease to comply with the institution's code of conduct. The respondent and the petitioners were instructed to report on the compliance of the directives to the Commission.

▪ **Continuous right violations done to a former Vice-Chancellor by the South Eastern University of Sri Lanka (Complaint No: HRC/2764/21)**

The petitioner was a former vice-chancellor of the South Eastern University of Sri Lanka (SEUSL). After unsuccessfully contesting at the Parliamentary elections in 2015, he re-joined the University. Upon his return, he had encountered several issues, particularly in relation to his promotions and sabbatical leave. The application of the petitioner for promotion to the position of Professor, a merit-based position, had been denied by the University twice - once in 2014 before his resignation and again in 2020 after his re-employment. Additionally, his request for sabbatical leave in 2016 had also been rejected. SEUSL argued that the re-employment of the petitioner did not amount to a continuation of his previous service due to his resignation, thus making him ineligible for seniority benefits such as promotions and sabbatical leave based

on his service. The university claimed that it was following University Grants Commission (UGC) guidelines for re-employment.

In 2018, the Petitioner was appointed to Parliament by way of the National List upon which, he resigned again from his post at the university. After his parliamentary term ended in 2020, he requested reinstatement, which SEUSL denied, citing their policy of granting reinstatement only once, which they believed he had already used upon his first re-employment.

The investigation conducted by the Commission found that SEUSL's refusal to consider the petitioner's initial application for promotion, submitted before his resignation, violated his right to equality. It also deemed the denial of sabbatical leave after re-employment to be unreasonable. The HRCSL noted that the Establishment Code of the UGC, published in 1983, serves as a guide for the administrations of higher educational institutions. The clause in this Code relating to the re-employed individuals whose prior service was terminated due to resignation are not entitled to seniority benefits was deemed inapplicable to university employees who resign to contest General Elections. The HRC pointed out that the promotion application of the Petitioner, submitted while he was Vice Chancellor in 2014, should have been processed regardless of his resignation. The HRC found that the Vice Chancellor failed to present the petitioner's request to the University Council and that the UGC Chairman did not conduct any inquiry in to the matter.

As such, the Commission found that the SEUSL has infringed on the fundamental rights of the petitioner guaranteed under Article 12(1) and 14(1)(g) of the Constitution. It also recommended SEUSL to correct its procedural irregularities and submit a report on the implementation of these recommendations to the Commission by 07.03.2023.

CHAPTER 6: INTERNATIONAL COLLABORATION

- 6.1. Promoting compliance with international obligations*
- 6.2. Submission of reports and statements to international bodies*
- 6.3. Strengthening ties with regional human rights alliances*
- 6.4. Other collaborations with international organizations and experts*
 - 6.4.1. Bi-lateral meetings*
 - 6.4.2. Foreign funding received*

6.1. Promoting compliance with international obligations

In 2023 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 as required by the Commission's statutory mandate.

In November 2023, the HRCSL requested the Government of Sri Lanka to endorse and support the 2023 resolution on NHRIs which was to be presented for adoption at the United Nations General Assembly. The Commission highlighted the importance of NHRIs in addressing human rights and climate change and how supporting this resolution would demonstrate Sri Lanka's commitment to human rights and enhance its international standing. In addition, the Commission reiterated its strong endorsement of the said resolution.

After GANHRI downgraded the HRCSL from "A" status to "B" Status in October 2022, the Commission reapplied for 'A Status' reaccreditation in 2023. The Commission implemented certain measures that are in compliance with the Paris Principles and its' commitment to independence, pluralism, and inclusivity.

6.2. Submission of reports and statements to international bodies

In January 2023, the HRCSL submitted a Report relating to Civil and Political Rights within the Country for the review of Sri Lanka (6th Periodic Report) by the Human Rights Committee during its 137th Session. The Chairperson of the Commission orally presented this report during the Human Rights Committee's 137th Session on 6 March 2023 at a virtual meeting. In her opening statement, the Chairperson drew attention to several issues of relevance such as the application of the ICCPR in Sri Lanka, the constitutional reform process within the country, and the role of the HRCSL in safeguarding Civil and Political rights in Sri Lanka.

The Commission prepared a parallel report for submission to the Child Rights Committee in March 2023 in Geneva. The report identified several main factors that led may have led to the violation of children's rights and made recommendations to redress those violations. Certain measures taken by the government of Sri Lanka to protect the rights of children in accordance with the International Convention on the Rights of the Child (UNCRC) were also

highlighted in the Report. The Commission solicited information from several government entities in relation to the progress achieved in ensuring the rights of children between 2019-2023. Accordingly, the report contained information on awareness-raising on child rights; Gender-based Violence and its impact on children; children deprived of family ties; impact of climate change on child rights; internally displaced children; and child trafficking. This report was presented to the Committee on the Convention on the Rights of the Child on 10 August 2023 in Geneva.

A statement was presented by the Chairman of HRCSL at the twenty-fifth session of the Committee on Enforced Disappearances which was held from 11-29 September 2023 in Geneva, Switzerland. The statement addressed topics such as monitoring of Sri Lanka's obligations under the Enforced Disappearances Convention and increased interaction between the Committee and the HRCSL.

In 2023, the Commission also endorsed the Statement issued by a group of National Human Rights Institutions for the 54th session of the Human Rights Council. The statement acknowledged the importance of identifying existing gaps in the protection of older people and addressing them effectively. It also emphasized that an international framework such as a Convention which clearly outlines the rights of older people will help enhance the mechanisms available for safeguarding their rights.

6.3. Strengthening ties with Regional Human Rights Alliances

The Commission re-applied to GANHRI for accreditation as an 'A' status institution, in 2023. In 2021, the Commission was downgraded to 'B' status on the basis of a failure to maintain the independence of the institution in accordance with the Paris principles, and the unsatisfactory state of investigations in to the complaints received by the Commission relating to deaths and torture while in custody. Pursuant to the application, GANHRI convened a sub-committee to consider application for re-accreditation. The deliberations of the sub-committee in this regard will be conducted in 2024.

The HRCSL submitted its observations on the Commonwealth Forum of National Human Rights Institutions (CFNHRI) Strategic plan for 2022- 2024. The Commission highlighted all strategic priority areas in the plan and included, inter alia, strategic priority areas such as Sports, Business, Climate

Change, Rights of Women and Girls, and Health and Human Rights in their list of Priority Areas on the CFNHRI Strategic Plan.

In early 2023, the HRCSL attended workshops organised by the Asia Pacific Forum (APF) and United Nations Population Fund (UNFPA), on the integration of reproductive rights into the work of NHRIs in the Asia-Pacific region.

The Commission virtually participated in the Annual General Meeting of the APF held in New Delhi, India in September 2023. The APF is the regional umbrella organization for National Human Rights Institutions that provides technical support.

6.4. Other collaborations with international organizations and experts

6.4.1. Bi-lateral meetings

The HRCSL is mandated to attempt to broaden its international collaborations through bi-lateral meetings with multiple entities. Accordingly:

- In January 2023, the High Commissioner of New Zealand to Sri Lanka, His Excellency Michael Appleton visited the Human Rights Commission of Sri Lanka and met with the Chairperson of the Commission and discussed issues of mutual interests.
- In February 2023, the ambassador of France to Sri Lanka, His Excellency Jean-François Pactet visited the Commission and met with the Chairperson of the HRCSL, and other senior officials of the Commission for a discussion as to the challenges the HRCSL faces with in the process of discharging its mandated responsibilities.
- The High Commissioner of Canada to Sri Lanka and Maldives, His Excellency Eric Walsh visited the Commission in April 2023 and met with the Chairperson together with Commissioners, and senior officials of the HRCSL and the discussion focused on bilateral co-operations in the areas of Human Rights and related issues.

6.4.2. Foreign funding received

The HRCSL receives a major component of its financial resources from the treasury to carry out its core activities. In addition, the HRCSL received funds from two donor agencies i.e. UNDP and the United Nations' Children's Fund

(UNICEF) in 2023, through the European Union (EU)-Sri Lanka Justice Reform (JURE) programme. JURE takes a three-pronged approach to building a modern, efficient, and inclusive justice sector focused on accountability, transparency, efficiency and quality. The main goal of providing funds for the Commission is to strengthen the capacity of the Commission as an independent institution that is capable of better serving the public. **Accordingly, the Commission took the lead to carry out several activities in collaboration with the JURE implementing agencies. In terms of its agreement with UNDP, the Commission was tasked with implementing the following:**

1. Safeguarding human rights of the plantation sector workers (includes the establishment of Sub-offices in the Ratnapura and Nuwara Eliya Districts)
2. Establishing a Distance Learning Mechanism to educate the public on human rights.
3. Providing reasonable accommodation for persons with disabilities
4. Implementing the Prison Study Recommendations
5. Launching Guidelines on Crowd Control
6. Provide expert technical support and assistance to strengthen the capacity of the investigation and investigation department in line with HRCSL's strategic plan.
7. Setting up a media unit for HRCSL
8. Establishment of a research unit
9. Support for (Backlog) file clearing
10. Establishment of a Rapid Response Unit
11. Support to the NPM

CHAPTER 7: HUMAN RESOURCES, ADMINISTRATION, AND FINANCE

7.1. Staff development Programmes

7.1.1. Local training opportunities

7.1.2. International Programmes

7.2. Employment and vacancies

7.3. Annual financial statements

7.1. Staff development Programmes

The Human Rights Commission consistently strives to develop its staff's professional excellence and capacity. 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 are encouraged to acquire benefits 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 necessary services to the communities they serve.

In 2023, unlike the years before, the Commission was benefited from programmes and training opportunities held both nationally and internationally.

7.1.1. Local training opportunities

The Commission organized numerous informative sessions and workshops for its staff during the year aiming at capacity building in varied aspects as given below. A capacity development programme was organized for the HRCSL Staff on the Functions of the Child Protection Authority held at the HRCSL Head Office on 23 January 2023.

- A special training on Rapid Responses was organized for the HRCSL Staff on 24 July 2023.
- An Orientation Programme for the newly recruited officers of the HRCSL was held at the Commission in October, 2023.
- A training programme for the HRCSL office-aides on attitudinal development was held at the Hector Kobbakaduwa Agrarian Research and Training Institution in November 2023.
- A training for the staff of the HRCSL on Laws Related to Young Offenders was held on the 16th of October, 2023 in Colombo.
- A training for the staff of the HRCSL on the National Preventive Mechanism on torture was held on 13 November 2023.

7.1.2. International Programmes

In compared to the previous year, the current year had many foreign training opportunities and programmes in which the staff of the Commission actively participated. The many such opportunities spanning the year were facilitated by donor agencies such as UNDP, and were held predominantly in Asian countries. A full list of foreign training opportunities participated by the staff of the Human Rights Commission is given below:

	Name of the Participant and Designation	Period	Country	Programme
01	Mrs. H.H.M.M.P.K. Herath Director – Education & Spl. Programme	21.05.2023 to 23.05.2023	Thailand	UNFPA/APF workshop on Reproductive Rights Advocacy Plan
02	Mr. M.A.N. Chandrasiri Director – Research & Monitoring	04.06.2023 to 10.06.2023	Thailand	Business and Human Rights Training on NHRIs in Asia (Funded by UNDP)
03	Mr. K.K. Villavarajan Director – International Relations	18.06.2023 to 24.06.2023	Korea	2023 Partnership Programme for Human Rights Officers in Seoul, Republic of Korea
04	Mr. A.W.M. Ahamed Legal Officer	18.06.2023 to 21.06.2023	Maldives	Regional Consultation on Child Rights Institutions of South Asia
05	Mr. W.C.D. Arunasri	18.06.2023 to 21.06.2023	Maldives	Regional Consultation on Child Rights Institutions of South Asia
06	Justice L.T.B. Dehideniya Chairman	19.10.2023 to 23.10.2023	Russia	VII International Scientific and Practical Conference - Moscow
07	Prof. Fathima Farzana Haniffa Commissioner	03.11.2023 to 11.11.2023	Italy	International Conference on Religiosity, Violence, Political Re-compositions Reflections from Sri Lanka and its Diasporas
08	Mr. M.A.N. Chandrasiri Director – Research & Monitoring	12.12.2023 to 17.12.2023	Nepal	NPM Study visit to Nepal (Funded by UNDP JURE Project)
09	Mrs. N.J.D. Wijayawithana Research Assistant	12.12.2023 to 17.12.2023	Nepal	NPM Study visit to Nepal (Funded by UNDP JURE Project)
10	Mrs. T. Subashini Programme Assistant	12.12.2023 to	Nepal	NPM Study visit to Nepal (Funded by

		17.12.2023		UNDP JURE Project)
11	Mrs. I.S. Withana Management Assistant	12.12.2023 to 17.12.2023	Nepal	NPM Study visit to Nepal (Funded by UNDP JURE Project)

7.2. Employment and vacancies

- At the beginning of 2023, approval of the cabinet of ministers was sought to recruit qualified officers in government service to fill 13 legal officer positions and 26 Human Rights Officer positions out of 84 vacancies which existed as at 30.09.2022. As such, 13 Legal Officers and 16 Human Rights Officers were recruited for the said vacancies from within the public service, while applications were called for recruitment to the remaining 11 Human Rights Officer positions. The interviews for the remaining 11 human rights officer vacancies will be held at the beginning of 2024.
- In addition, approval was also obtained to call applications internally from qualified candidates to recruit 04 Assistant Director positions, 05 Senior Human Rights Officer positions, the Internal Auditor position, and 17 Management Services Assistants, all vacancies which existed for a considerable period of time. Accordingly, the Commission filled 9 of those vacancies.
- 08 qualified persons were recruited from the Department of Multipurpose Development based on the available vacancies for the entry level positions of office assistant and driver.
- Approval has also been obtained from the Management Services Department on 30.11.2023 for the recruitment of 02 Legal Officers, 01 Training Education Officer, 08 Human Rights Officers, 02 Interpreters, 01 Library and Documentation Officer, and 01 software/hardware Technician Posts. Recruitments for these vacancies will begin in 2024.
- Within the reporting year, 02 Management Assistants were appointed (attend to duties) for the posts of Research Assistant and Programme Assistant.

7.3. Annual financial statements

The Commission received a bulk of its funds from the treasury to carry out core activities. The Commission also received considerable amount of funds from the UNDP and the UNICEF for programmatic work of the Commission in 2023. (Please see 6.4.2 for more information on financial support extended by external donors).

The financial support extended by external donors in 2023 is as follows:

Donor Agency	Purpose	Fund Received	Expenditure
UNDP	EU-Sri Lanka Justice Reform Program (JURE)	14,186,749.00	12,689,206.43
UNICEF	EU-Sri Lanka Justice Reform Program (JURE)	1,497,000.00	1,497,000.00

▪ Total Annual financial provisions (from 01.01.2023 to 31.12.2023)

Opening Balance	0.00
<u>Impress Received from Treasury</u>	
Recurrent	253,798,000.00
Capital	1,741,000.00
UNICEF Project	1,497,000.00
UNDP Project	14,186,749.00
Other Receipts	360,845.87
Net change in deposit account	(1,514,530.52)
Less: Remittance to the Treasury	2,158,422.94

Total Receipts	267,910,641.41
Expenditure	
PERSONNEL EMOLUMENTS	134,836,572.45
TRAVELING EXPENSES	1,083,203.83
SUPPLIES	14,448,300.41
MAINTENANCE EXPENDITURE	8,678,259.50
SERVICES	81,799,339.14
TRANSFERS	9,201,107.71
HUMAN RIGHTS PROGRAMS	2,266,824.94
REHAB. & IMPR. OF CAPITAL ASSETS	823,990.00
ACQUISITION OF CAPITAL ASSETS	117,782.00
CAPACITY BUILDING	139,055.00
Support to Justice Sector in Sri Lanka (JURE)-UNICEF	1,497,000.00
Support to Justice Sector in Sri Lanka (JURE)-UNDP	12,689,206.43
Expenditure incurred on the Department of Multipurpose (Head 334)	330,000.00
TOTAL EXPENDITURE	267,910,641.41

APPENDICES

APPENDIX 1: PRESENCE OF HRCSL IN SRI LANKA: MAP



APPENDIX 2: LIST OF RECOMMENDATIONS

	Case Number	Issued date	Type of the complaint received	Constitutional Article/s violated	Respondent/s
1	HRC/1424/22	9/1/2023	Admission to schools	Article 12(1)	Ananda College, Colombo 10
2	HRC/AP/594/16	9/1/2023	Inaction of public authorities	Article 12(1)	Thabuththegama Police
3	HRC/KL/146/21	9/1/2023	Employment	Article 12(1)	South-Eastern University
4	HRC/4325/16	9/1/2023	Interdiction from service	Article 12(1)	Rural Development Bank
5	HRC/AP/145/14	9/1/2023	Inaction of public authorities	Article 12(1)	Giribawa Police
6	HRC/BD/163/15	9/1/2023	Torture	Article 11	Badulla Prison
7	HRC/1112/21	9/1/2023	Admission to schools	Article 12(1)	Royal College, Colombo 07
8	HRC/1746/20	9/1/2023	Torture	Article 11	Matale Police
9	HRC/825/18	9/1/2023	Torture	Article 11	Ahungalle police
10	HRC/3886/15 HRC/3885/15	9/1/2023	Torture	Article 11	Marawila police
11	HRC/K/267/21	9/1/2023	Inaction of public authorities	Article 12(1)	Peradeniya police
12	HRC/AP/259/18	9/1/2023	Torture	Article 11	Giribawa Police

13	HRC/AM/68/14	9/1/2023	Right to Property	Article 12(1)	Sri Lanka Mahaweli Authority
14	HRC/ANU/279/21	9/1/2023	Inaction of public authorities	Article 12(1)	Anuradhapura Police
15	HRC/4593/13	9/1/2023	Transfer	Article 12(1)	Department of Local Government
16	HRC/2257/15 HRC/2606/15	9/1/2023	Torture	Article 11	Welipenna Police
17	HRC/1827/17	9/1/2023	Harassment	Article 12(1)	Provincial Ministry of Education
18	HRC/AP/514/14	9/1/2023	Arrest/detention	Article 13(1)	Mahawilachchiya Police
19	HRC/AM/96/18	9/1/2023	Right to Property	Article 12(1)	District Secretariat - Ampara
20	HRC/187/22	10/1/2023	Service Promotion	Article 12(1)	Public Services Commission
21	HRC/755/20	31/1/2023	Admission to schools	Article 12(1)	C.W.W. Kannangara Central College
22	HRC/703/22 HRC/503/22	31/1/2023	Admission to schools	Article 12(1)	Ministry of Education
23	HRC/1044/21	31/1/2023	Inaction of public authorities	Article 12(1)	Ministry of Media
24	HRC/832/15	31/1/2023	Examination	Article 12(1)	University of Colombo
25	HRC/K/133/22/A	8/2/2023	Admission to schools	Article 12(1)	Dharmaraja College, Kandy

26	HRC/2315/17 HRC/2316/17	8/2/2023	Examination	Article 12(1)	Ceylon German Technical Training Institute
27	HRC/KND/160/22	8//2023	Admission to schools	Article 12(1)	Dharmaraja College, Kandy
28	HRC/KND/131/22	8/2/2023	Admission to schools	Article 12(1)	Mahamaya Girls College, Kandy
29	HRC/4574/15	8/2/2023	Inaction of public authorities	Article 12(1)	Ministry of Education
30	HRC/2523/21	9/2/2023	Employment	Article 12(1)	Sri Lanka Police
31	HRC/AP/521/16	8/2/2023	Torture	Article 11	Habarana Police
32	HRC/KND/168/22	8/2/2023	Admission to schools	Article 12(1)	Kingswood College, Kandy
33	HRC/2764/21	8/2/2023	Service Promotion	Article 12(1)	South- Eastern University
34	HRC/K/04/20	8/2/2023	Admission to schools	Article 12(1)	Dharmaraja College, Kandy
35	HRC/2499/17	24/2/2023	Inaction of public authorities	Article 12(1)	Ministry of Defence /Sri Lanka Army
36	HRC/K/178/21	10/3/2023	Termination of employment	Article 12(1)	Sri Lanka Air force
37	HRC/1062/19	9/3/2023	Recruitment	Article 12(1)	Colombo Municipal Council
38	HRC/575/17	8/3/2023	Inaction of public authorities	Article 12(1)	Ministry of Defence/IGP
39	HRC/AM/22/14/	9/3/2023	Torture	Article 11	Iginiyagala Police
40	HRC/2698/21	9/3/2023	Admission to	Article 12(1)	Royal College, Colombo 07

			schools		
41	HRC/1140/12	21/3/2023	Harassment	Article 12(1)	Department of Agrarian Development
42	HRC/1238/22	28/3/2023	Interdiction from service	Article 12(1)	Sugathadasa National Sports Complex Authority
43	HRC/3481/15	30/3/2023	Inaction of public authorities	Article 12(1)	Pradeshiya Sabha, Mahara
44	HRC/BD/124/22	30/3/2023	Inaction of public authorities	Article 12(1)	Gramasevaka
45	HRC/185/20	29/3/2023	Admission to schools	Article 12(1)	Royal College, Colombo 07
46	HRC/1126/22	4/4/2023	Admission to schools	Article 12(1)	Kegalle Vidyalaya, Kegalle
47	HRC/MR/SUO/MOTU /05/22	4/4/2023	Inaction of public authorities	Article 12(1)	Urban Council, Kurunegala /Urban Development Authority/ Department of Agrarian Development
48	HRC/2650/18	4/4/2023	Torture	Article 11	Mahinda Rajapakshe Vidyalaya
49	HRC/4670/22	4/4/2023	Arrest/detention	Article 13(1)	Grandpass Police
50	HRC/2819/17 HRC/2637/17	25/4/2023	Torture	Article 11	Special Task Force
51	HRC/2602/20	25/4/2023	Torture	Article 11	Special Task Force

52	SUO/MOTU/05/22	18/4/2023	Extrajudicial killings	Article 11	Ministry of Defence/Inspector General of Police
	HRC/KND/198/22		Extrajudicial killings		
	HRC/1467/22		Extrajudicial killings		
	HRC/1468/22		Torture		
	HRC/1173/22		Extrajudicial killings		
	HRC/1461/22		Torture		
	HRC/1161/22		Harassment		
53	HRC/KND/610/22	4/5/2023	Admission to schools	Article 12(1)	Kingswood College, Kandy
54	HRC/3530/15 HRC/3531/15 HRC/3532/15	19/05/2023	Inaction of public authorities	Article 12(1)	Sri Lanka Institute of Advanced Technological Education
55	HRC/1397/22 HRC/769/22	19/5/2023	Service promotion	Article 12(1)	Department of Wild Life Conservation
56	HRC/2041/21	8/6/2023	Inaction of public authorities	Article 12(1)	Wayaba University
57	HRC/BD/57/20	8/6/2023	Inaction of public authorities	Article 12(1)	District Secretariat, Badulla
58	HRC/2436/14	15/6/2023	Arrest	Article 13(1)	Department of Excise
59	HRC/K/37/18	15/6/2023	Admission to	Article 12(1)	Mahamaya Girls College

			schools		
60	HRC/1623/21	15/6/2023	Employment	Article 12(1)	Sri Lanka Army
61	HRC/KND/399/22/M	17/8/2023	Right to Property	Article 12(1)	Pradeshiya Sabha, Ududumbara
62	HRC/1604/15	23/8/2023	Torture	Article 11	Welikada police
63	HRC/AM/52/20	1/9/2023	Arrest/detention	Article 13(1)	Ampara Police
64	HRC/BD/215/22	1/9/2023	Arrest/detention	Article 13(1)	Ethimale Police
65	HRC/833/19	13/9/2023	Torture	Article 11	Sri Lanka Navy
66	HRC/KND/45/23	13/9/2023	Admission to schools	Article 12(1)	Mahamaya Girls College
67	HRC/4227/15	2/10/2023	Employment	Article 12(1)	Department of Survey
68	HRC/KND/76/23	1/11/2023	Admission to schools	Article 12(1)	Girls High School, Kandy
69	HRC/2919/20	31/10/2023	Torture	Article 11	Maththegoda police
70	HRC/AP/237/16	1/11/2023	Torture	Article 11	Galenbidunuwewa Police
71	HRC/4765/22	1/11/2023	Service Promotion	Article 12(1)	Provincial Public Services Commission
72	HRC/KI/15/21	8/12/2023	Freedom of Movement	Article 14(1)(h)	Sri Lanka Navy

APPENDIX 3: LIST OF SUO MOTU INQUIRIES UNDERTAKEN

	Date	Case No.	Subject matter	Respondent
1		HRC/SUO/MOTU/01/23	Extrajudicial killings	Police Narcotics Bureau
2		HRC/SUO/MOTU/02/23	Torture	D.S. Senanayaka National School, Beruwala
3		HRC/SUO/MOTU/03/23	Torture	Maradana police
4		HRC/SUO/MOTU/04/23	Extrajudicial killings	Sri Lanka Army
5		HRC/SUO/MOTU/05/23	Extrajudicial killings	Negambo police
6		HRC/SUO/MOTU/06/23	Freedom of assembly	IGP
7		HRC/SUO/MOTU/07/23	Freedom of expression and Freedom of assembly	Ministry of Defence/ IGP
8		HRC/SUO/MOTU/08/23	Extrajudicial killings	Marawila Police
9		HRC/SUO/MOTU/09/23	Freedom of assembly	Inspector General of Police
10		HRC/SUO/MOTU/10/23	Right to Education	Ministry of Education
11		HRC/SUO/MOTU/11/23 HRC/2170/23	Death in custody	Welikada Police
12		HRC/SUO/MOTU/12/23	Death in custody	Angoda National Institute for Mental Health
13		HRC/SUO/MOTU/13/23	Arrest/detention	Borella Police
14		HRC/SUO/MOTU/14/23	Right to Property	Assistant Superintendent of Estate

15		HRC/SUO/MOTU/15/23	Prisoners' rights	Galle Prison
16		HRC/SUO/MOTU/16/23	Death in custody	Dehiwala Police
17		HRC/SUO/MOTU/17/23	Death in custody	Awissawella Police
18		HRC/SUO/MOTU/18/23	Arrest/detention	Elpitiya Police
19		HRC/SUO/MOTU/19/23	Extrajudicial killings	Kandana Police
20		HRC/SUO/MOTU/20/23	Extrajudicial killings	Special Task Force
21		HRC/SUO/MOTU/21/23	Arrest/detention	Criminal Investigations Department
22		HRC/SUO/MOTU/22/23	Torture	Watareka Prison
23		HRC/SUO/MOTU/23/23	Death in custody	Kalutara Prison

