

## **Performance Report - 4<sup>th</sup> Quarter October to December 2016**

### **Introduction**

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

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

The statutory functions of the Commission are:

- to inquire into, and investigate, complaints relating to procedures, or infringements or imminent infringements of fundamental rights to ensure compliance with the provisions of Constitution and to provide for resolution through conciliation and mediation
- to advise and assist the government in formulating legislation and administrative directives and procedures to promote and protect fundamental rights
- to make recommendations to the Government to ensure that national laws and administrative practices are in accordance with international human rights norms and standards
- to make recommendations to Government on the subscribing or acceding to treaties and other international human rights instruments
- to promote awareness of, and provide education in relation to, human rights.  
(Section.10 of Act No. 21 of 1996)

The Commission functioned with 159 staff members. The Commission has Inquiries and Investigations, Education & Special Programmes, Research & Monitoring and Administration and Finance Divisions and 10 regional offices (Ampara, Anuradhapura, Badulla, Batticaloa, Jaffna, Kalmunai, Kandy, Matara, Trincomalee and Vavuniya) to carry out its functions. The Chairperson and /or a Commissioner/ Commissioners supervise each Division and Regional Offices. Each Division is headed by a Director.

### **Special Activities for the Quarter**

- The Commission conducted consultation meetings on right to mental health with health professionals and representatives of the World Health Organisation (WHO).
- The HRCSL entered a memorandum of understanding with the Australian Human Rights Commission to build its institutional capacity to address and monitor access to public spaces for people with disabilities according to international best practices. A delegation from Australian Human Rights Commission had meetings with

HRCSL officials relevant government officials and advocates of rights of the disabled on 2nd & 3rd November 2016.

The Commission conducted Meeting with the Disability Organization Joint Forum (DOJF) at DOJF office, Ratmalana on 04.11.2016.

- The Human rights Commission of Sri Lanka hosted a regional workshop on Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics (SOGI Rights), which was organized by the Asia Pacific Forum and the United Nations Development Programme (UNDP) to strengthen the capacity of NHRIs and Civil-Society Organizations in the region to work with LGBTIQ communities to strengthen advocacy for promotion and protection of their human rights. This included a blended learning course consisting of two components; an online course and a face to face workshop. It was held from 12 – 16 December 2016 at Colombo. Participants included persons from 07 countries.
- The Commission established Regional Civil Society Committees and State Sector Coordinating Committees to enable better corporation and coordination between the Commission and civil society and the state sector.
- Event to mark International Human Rights Day was held on 9 December 2016 at the BCIS auditorium, BMICH, Colombo 07 with the participation of representatives from UN agencies, embassies, government officials including the police, members of the security forces, and civil society members. The theme of the event was “Standup for Someone Else’s Rights”, through which the Commission gave space to the voices of activists who are working at the community level to protect and promote human rights. Parallel programs were also conducted by the Commission’s regional offices.
- The Commission conducted staff consultations to implement the Strategic Plan (2017 – 2019)

### **Public Statement**

The Human Rights Commission of Sri Lanka (HRCSL) issued a public statement on the need to incorporate economic, social and cultural rights in the future constitutional Bill of Rights as fully protected rights.

### **Recommendations to the Government**

HRCSL placed in the public domain its position on the reform of Art. 16 of the 1978 Constitution of Sri Lanka. The Human Rights Commission of Sri Lanka, having considered various representations on the above and also Sri Lanka's international human rights obligations, recommended principles to guide the current constitutional reform process.

## Engagement with International Mechanisms

HRCSL forwarded its report on 17.10.2016 to the UN Committee against Torture, which reviewed the 5<sup>th</sup> periodic report of Sri Lanka. Ms. Ambika Satkunanathan, Commissioner participated in the session held from 14 – 17 November 2016 in Geneva.

## Summary of Complaints

### Head Office – (01.10.2016 to 31.12.2016)

No. of Complaints Received		1223	
No. of Complaints within the mandate of HRCSL		680	
No. of Complaints not within the mandate of HRC (Cannot Proceed)		228	
Complaints pending for more information		315	
<b>Categorization of the concluded cases</b>			
<b>Concluded Cases registered in 2016</b>	<b>Concluded cases registered before 2016</b>	<b>Total (During this Quarter)</b>	
No FR Violation	03	03	06
Not Interested	08	17	25
Recommendation issued on Fundamental Rights violation	-	01	01
Settlement by parties to resolve complaint	03	16	19
Relief Granted by the respondent to the issue in the complaint	02	07	09
Withdrawn	21	24	45
Refer to other Authorities	02	01	03
Directives given	-	01	01
Pending Court Cases	03	06	09
Not within mandate	06	08	14
Time bar	-	-	-
<b>Total</b>	<b>48</b>	<b>84</b>	<b>132</b>

## Summary of Complaints

Regional Offices (01.10.2016 to 31.12.2016)

<b>Summary of Complaints</b> <b>01.10.2016 to 31.12.2016</b>	<b>Ampara.</b>	<b>Anuradapura.</b>	<b>Badulla</b>	<b>Batticloa</b>	<b>Jaffna</b>	<b>Kalmunai</b>	<b>Kandy</b>	<b>Matara</b>	<b>Trincomalee</b>	<b>Vavuniya</b>
No. of Complaints received	56	141	55	80	73	78	244	170	45	79
No. of Complaints within the mandate	40	138	50	78	72	78	227	106	42	72
No. of Complaints not within the mandate	16	3	5	2	1	-	17	64	3	07
No. of Complaints settled	28	15	5	7	56	89	174	169	5	68
No. of Complaints referred to Head office for recommendations	4	11	8	-	30	4	24	8	1	04
No. of persons who consulted the HRCSL	159	228	221	119	58	75	403	362	179	339

## Summary of Visits to places of Detention (01.10.2016 to 31.12.2016)

<b>Head Office</b>	<b>Police Stations</b>	<b>Prisons</b>	<b>Terrorist Investigation Department</b>
	260	03	02

<b>Regional Offices</b>	<b>Ampara</b>	<b>Anuradhapura</b>	<b>Badulla</b>	<b>Batticaloa</b>	<b>Jaffna</b>	<b>Kalmunai</b>	<b>Kandy</b>	<b>Matara</b>	<b>Trincomalee</b>	<b>Vavuniya</b>
<b>Place</b>										
Police Stations	32	79	28	35	49	-	84	114	19	35
Prisons	-	-	-	2	1	-	-	1	3	-
TID Visits	-	-	-	-	-	-	-	1		2
Child Care Homes Visits	3	5	-	6	-	2	-	3	1	-
Gazetted Places of Detention	3	3	-	1	-	-	-	-	-	-
Rehabilitation Cent.	-	2	-	-	-	-	-	-	-	1

**Regional Coordinating Committee and Civil Society Meetings (01.10.2016 to 31.12.2016)**

Ampara	01
Anuradapura	01
Badulla	02
Batticloa	02
Jaffna	03
Kandy	02
Kalmunai	01
Matara	02
Trincomalee	01
Vavuniya	-

**Meetings (Internal)**

<b>Meetings</b>	<b>October</b>	<b>November</b>	<b>December</b>
Board Meetings	17 <sup>th</sup>	Postponed November meeting to 01 <sup>st</sup> December	01 <sup>st</sup> 20 <sup>th</sup>
Commissioners' Meetings	10 <sup>th</sup>	–	20 <sup>th</sup>
Special Commissioners' Meetings			30 <sup>th</sup>
Special Senior Managers' Meeting to plan implementation of Strategic Plan (2017 – 2019)			30 <sup>th</sup>
Senior Managers Meetings	–	03 <sup>rd</sup> & 15 <sup>th</sup>	
Staff Meeting	–	23 <sup>rd</sup>	–

**Meetings/Programs held with External Stakeholders**

05.10.2016	Meeting with Center for Human Rights and Development
06.10.2016.	Participated in the National Anti-Trafficking Task Force meeting organized by the Ministry of Justice.
08.10.2016	Participated in the launch of the report on Transition in Mental Health and Psychosocial Support Service in Sri Lanka (2004-2015) organized by The Asia Foundation.
09.10.2016	Participated in the Commemoration of the International Day of Older Persons 2016 organized by the Sri Lanka Association of Geriatric Medicine.
10.10.2016	Meeting with the Chief Judicial Medical Officer of Colombo

10.10.2016	Participated in the reception to welcome Australia's Ambassador for Women & Girls at Australia House
10.10.2016	Participated in the World Mental Health day celebration organized by Directorate of Mental Health, Ministry of Health, Nutrition and Indigenous at SLFI.
11.10.2016	Participated in the national programme on commemoration of International Day of Child Girl organized by National Child Protection Authority at BMICH
13.10.2016	Participated in the Memorial Ceremony of C W WKannangara at BatapolaSubaddarama Temple organized by Ruhuna Collective for Free Education
17.10.2016	Meeting with Hon. Speaker /Chairman, Constitutional Council
17.10.2016	Participated in the consultation on the draft response to the request for information from the Special Rapporteur on Persons with Disabilities organized by the Law & Society Trust.
18.10.2016	Meeting with the UN Special Rapporteur on Minorities
18.10.2016	Participated in a closed door meeting organized by the Bar Association of Sri Lanka on the proposed amendment to the Code of Criminal Procedure Code..
24.10.2016	Meeting with the Inspector General of Police
27.10.2016	Participated in the Refugee Advocate meeting organized by UNHCR
28.10.2016	Participated in a discussion on the concluding observations on the 8 <sup>th</sup> periodic report to the CEDAW Committee at the Ministry of Women's Affairs
31.10.2016	Meeting with the Commissioner General of Prisons
05.11.2016	Chairperson participated in a follow up meeting regarding the initial national networking meeting on protecting and promoting freedom of religious belief in South Asia organized by Minority Rights Group International
07.11.2016	Participated in the International Conference on Arts in Reconciliation organized by International Conference on Arts in Reconciliation at BMICH
08.11.2016	Participated in the workshop on 'Prevention of Sexual Violence: Tackling Stigma in Sri Lanka' organized by the British High Commission and FOKUS, which was held at the British High Commission.
08.11.2016	Participated in the Consultation on Gender Responsive Policy Making organized by the Women and Media Collective.
08 & 09.11.2016	Participated in the National Workshop on the International Counter Terrorism Framework & Sri Lanka's Proposed Counter Terrorism legislation.
10.11.2016	Participated in the Steering Committee Meeting organized by Ministry of Child Development on Sri Lankan Child Protection Systems Mapping.
14.11.2016	Meeting with the UN Special Rapporteur on HR Defenders

15.11.2016	Meeting with the Canadian High Commissioner
16.11.2016	Participated in the launch of the Policy Framework and National Plan of Action to address SGBV in Sri Lanka, organized by the Ministry of Women and Child Affairs.
23.11.2016	Participated in the Official launch of USAID's strengthening Democratic Governance and Accountability Project
24.11.2016	Meeting with the Hon. Speaker/Chairman, Constitutional Council
24.11.2016	Participated in the consultation session on the Review of National Housing Policy organized by Ministry of Housing and Construction and UN Habitat (lead consultant), with the support of Sevanatha and the Centre for Poverty Analysis (CEPA)
24.11.2016	Participated in the Refugees Advocate meeting organized by UNHCR
24.11.2016	Participated in the meeting on the revision of the National Housing Policy organized by the Centre for Housing, Planning and Building.
30.11.2016	Attended the Election Commission's book launch to mark the 85 <sup>th</sup> Anniversary of Universal Suffrage in Sri Lanka
01.12.2016	Meeting with the ICRC
09.12.2016	Participated in the National Summit on Anti-Corruption and made a presentation
15.12.2016	Participated in World Human Rights Day – LQA Series at BCIS and made a presentation
22.12.2016	Meeting with the Youth for Human Rights International
23.12.2016	Participated in the Commemoration of International Human Rights Day organized by Kurunegala Human Rights Organization

### **Foreign Conferences, Meetings & Trainings**

<b>Name</b>	<b>Nature of the Programme</b>
Dr. Deepika Udagama, Chairperson	21 <sup>st</sup> Annual General Meeting of the Asia Pacific Forum of National Human Rights Institutions from 26 – 27 October 2016, Bangkok, Thailand.
Mr. M A N Chandrasiri Acting Director (Research & Monitoring Division)	Capacity Building Program on Human Rights Advocacy and Migrant Workers in Middle – East from 30 October – 3 November 2016 in Doha, Qatar organized by Diplomacy Training Program.
Ms. AmbikaSatkunanathan, Commissioner	59 <sup>th</sup> Session of UN Committee Against Torture-Switzerland, From 14 – 17 November 2016. Review of Sri Lanka's Periodic report to the Committee Against Torture.

### **Education Programme**

<b>Date</b>	<b>Program</b>	<b>Activity</b>
16.11.2016	Internship program	Orientation program

### **Research & Monitoring Activities**

<b>Date</b>	<b>Activity</b>
11.10.2016	Surprise visit to Mirihana National Holding Centre
18.11.2016	Surprise visit to “ <i>Seth Sevena</i> ” Child Development Centre, Thanamalwila

### **Thematic Sub Committee Meetings**

<b>Date</b>	<b>Sub Committee</b>
03.10.2016	Migrant Workers Sub-Committee Meeting
04.10.2016	Education Policy Sub Committee Meeting
02.11.2016	Disability Rights Sub-Committee Meeting

### **Media Programmes**

<b>Date</b>	<b>TV / Radio Programme &amp; Paper Article</b>	<b>Channel/ Paper</b>	<b>HRCSL Participation</b>
10.10.2016	Radio Programme	SLBC Tamil Channel	Ms. Ambika Satkunanathan, Commissioner
06.11.2016	Interview	Ravaya (Samabima)	Dr. Deepika Udagama, Chairperson
20.11.2016	Interview	Ravaya (Samabima)	Dr. Deepika Udagama, Chairperson
27.11.2016	Interview	Silumina	Dr. Deepika Udagama, Chairperson
08.12.2016	Radio Programme	SLBC English Channel	Ms. Ambika Satkunanathan, Commissioner

### **Assistance to Mobile Series Programme of Ministry of National Co-Existence, Dialogue and Official Languages**

The Ministry of National Co-Existence, Dialogue and Official Languages organized mobile services for marginalized groups in urban areas in Colombo district. The HRCSL provided resources for mobile services.



<b>Date</b>	<b>Venue</b>
22.10.2016	St. Anthony's Boys College, Colombo 13
26.11.2016	Weragoda Kanishta Vidyalaya, Wellampitiya.
27.12.2016	Shasthrananda M.V. Dehiwala

**Functioned as resource persons**

<b>Date</b>	<b>Topic</b>	<b>Organizers</b>	<b>Target Group</b>
10.08.2016	Human Rights	Shanthi Foundation, Colombo 07	Elders
08.11.2016 & 11.11.2016	HR Certificate Course	National Police Academy, Katana	Police Officers
18.12.2016	HR (Tamil Medium)	Human Rights Protection & Welfare Centre	Members of the Organization

**Number of Human Rights awareness programs conducted and lecture assistances provided by Regional Offices from 01.10.2016 to 31.12.2016.**

Ampara	08
Anuradapura	02
Badulla	-
Batticloa	09
Jaffna	02
Kandy	02
Kalmunai	04
Matara	03
Trincomalee	02
Vavuniya	-

**Financial Report ( 01.10.2016 - 31.12.2016)**

<b>Opening Balance (as at 01.10.2016)</b>	<b>* 6,334,318.43</b>
<b>Imprest Received from Treasury</b>	
Recurrent	56,025,000.00
Capital	5,300,000.00
Other Revenue	272,224.91
<b>Total</b>	<b>67,931,543.34</b>
<b>Expenditure</b>	
Personnel Emoluments	26,717,669.48
Travelling Expenses	847,514.03
Supplies	1,653,702.89
Maintenance Expenditure	1,459,322.80
Services	30,359,531.92
Transfers	359,159.00
Rehab. & Impr. of Capital Assets	-
Acquisition of Capital Assets	1,994,866.92
Capacity Building	1,186,270.08
Other Capital Expenditure (Other Investments – HR Programmes)	3,353,506.22
<b>Total Expenditure</b>	<b>** 67,931,543.34</b>

- The balance brought forward at the beginning of 04<sup>th</sup> quarter is Rs. 6,334,318.43
- Out of the last payment voucher of Rs. 113,179.83, Rs. 38,540.52 was paid on 30.12.2016, since the balance left over in the cash book at that date was same.