



**HUMAN RIGHTS COMMISSION OF SRI LANKA**

**STRATEGIC PLAN 2016-2019**

**DRAFT 8 JUNE 2016**

## Human Rights Commission of Sri Lanka

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

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

The statutory functions of the Commission are

- to inquire into, and investigate, complaints relating to procedures, or infringements or imminent infringements of fundamental rights to ensure compliance with the provisions and to provide for resolution through conciliation and mediation<sup>1</sup>
- to advise and assist the government in formulating legislation and administrative directives and procedures to promote and protect fundamental rights<sup>2</sup>
- to make recommendations to the Government to ensure that national laws and administrative practices are in accordance with international human rights norms and standards<sup>3</sup>
- to make recommendations to Government on the subscribing or acceding to treaties and other international human rights instruments<sup>4</sup>
- to promote awareness of, and provide education in relation to, human rights.<sup>5</sup>

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

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

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

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

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

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

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

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

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

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

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

<sup>10</sup> Constitution s 154.

To carry out its functions the HRC has powers to

- investigate
- appoint sub-committees at provincial level and delegate to them
- intervene in proceedings related to fundamental rights before any court, with the permission of the court
- monitor the welfare of persons detained
- take such steps as it may be directed to take by the Supreme Court, in respect to any matter referred to it by the Court
- undertake research into and promote awareness of human rights through programmes, seminars and workshops and by disseminating and distributing the results of such research
- award a sum of money to meet the expenses of someone making a complaint to the HRC.<sup>11</sup>

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

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

## **Vision**

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

## **Mission**

To provide leadership in promoting and protecting human rights, human dignity and the rule of law

## **Values**

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

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

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

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

- Humility
- Integrity
- Transparency

**Cross cutting concerns**

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

**The context of HRC’s work 2016-2019**

In preparing this Strategic Plan the HRC undertook an analysis of the context in which the HRC will work during the life of the Plan. The most significant dimension of the external context is the nation’s transition following presidential and parliamentary elections in 2015. After the end of the thirty-year civil war in 2009 and a post-war period of authoritarian government, the new government is promising a major reform process, including constitutional reform, that will provide an environment where the HRC can pursue new directions in its work. The HRC has already been strengthened through the reform process, with its independence enhanced and assured by the Nineteenth Amendment to the Constitution, enacted in 2015.

The reform process also presents opportunities to recognise and address the facts of diversity in Sri Lanka. Sri Lanka is an ethnically, linguistically and religiously diverse country. The 2012 census recorded Sinhalese (74.90%), Sri Lankan Tamils (11.14%), Indian Tamils (4.12%), Sri Lankan Moors (Muslims) (9.29%) and “others”, including a small aboriginal community (just under 1%). Buddhism (70.10%), Hinduism (12.58%), Islam (9.66%) and Roman Catholicism (6.19%) are the main religions. The official languages are Sinhala and Tamil, with English defined as a link language.

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

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
<p><i>The law</i></p> <ul style="list-style-type: none"> <li>• Independence under the Nineteenth Amendment to the Constitution</li> <li>• Good legislation with broad functions and strong powers, including</li> </ul>	<p><i>The law</i></p> <ul style="list-style-type: none"> <li>• The Commission was established by an Act, not by the Constitution</li> <li>• Non-implementation of HRC recommendations due to absence of</li> </ul>

<ul style="list-style-type: none"> <li>○ power to visit places of detention</li> <li>○ power to call for information, summon witnesses etc.</li> <li>○ power to take action on its own initiative (suo moto)</li> <li>○ power to provide remedies, including to those unable to afford legal action</li> </ul> <p><b><i>The community</i></b></p> <ul style="list-style-type: none"> <li>● Public recognition and acceptance</li> <li>● Seen as trustworthy and dependable</li> <li>● Good networks with civil society</li> <li>● Capacity and will to interact with all communities</li> <li>● International and regional support</li> </ul> <p><b><i>The organisation</i></b></p> <ul style="list-style-type: none"> <li>● Experience and knowledge of Commissioners and staff</li> <li>● Regional offices and mobile offices</li> <li>● Donor support for the HRC</li> </ul>	<p>enforcement powers in the Act</p> <ul style="list-style-type: none"> <li>● Corporate actors not within the purview of the Act</li> <li>● Term of Commissioners (three years) is short</li> <li>● Act does not require some fulltime commissioners</li> <li>● Act tends to judicialise human rights complaints</li> <li>● B status of the Commission</li> </ul> <p><b><i>The community</i></b></p> <ul style="list-style-type: none"> <li>● Lack of public knowledge/awareness of role of HRC</li> <li>● Weak relationships with civil society</li> <li>● Lack of public faith in HRC</li> <li>● Adverse image of the Commission due to public perception of its being powerless</li> <li>● Lack of government (certain institutions) response</li> </ul> <p><b><i>The organisation</i></b></p> <ul style="list-style-type: none"> <li>● Inadequate financial, physical and human resources</li> <li>● Limited coordination, communication and interaction between regional offices and head office</li> <li>● Not enough regional offices for accessibility</li> <li>● Inadequate administrative mechanisms and processes, including finalising and implementing a Scheme of Recruitment, transfer procedures and staff evaluation</li> <li>● Inadequate procedures for complaint handling, including giving priority to hard human rights cases</li> <li>● Insufficient staff training and expertise, including language proficiency, legal knowledge, report writing, public communications</li> <li>● Lack of self motivation to seek and update knowledge, work ethic and accountability</li> <li>● Low salaries and lack of benefits for staff</li> <li>● Lack of stability and security in office premises as HRC does not own its buildings (head office and regional)</li> </ul>
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<b>OPPORTUNITIES</b>	<b>THREATS</b>
<ul style="list-style-type: none"> <li>• HRC being seen as the leading institution to promote and protect human rights in Sri Lanka</li> <li>• Opening up of political space in Sri Lanka presents increased opportunities to advise and work with executive and legislature</li> <li>• Constitutional reform process provides the opportunity to expand fundamental rights and to strengthen the HRC's work</li> <li>• Possibility of amending the HRC's Act to strengthen enforcement powers</li> <li>• Transitional justice process increases the focus on human rights</li> <li>• Heightened public expectations of government and of the HRC</li> <li>• Enhanced public perception of the HRC and its work</li> <li>• Increased opportunities to protect and assist vulnerable people – 'being a voice for the voiceless' – through monitoring programs,</li> <li>• Increased interest in awareness programs, including school curriculum, training for public servants, police and prison officers and programs for changing attitudes</li> <li>• Better coordination with civil society and stakeholders both national and international</li> <li>• International focus on human rights</li> </ul>	<ul style="list-style-type: none"> <li>• End or failure of national reform process</li> <li>• Lack of respect for the rule of law</li> <li>• Political and religious extremism</li> <li>• Institutional resistance and weaknesses of key State actors, including civil servants, police, prison officers etc.</li> <li>• Difficulty in changing the attitudes of people towards respect for human rights due to cultural barriers</li> <li>• Negative public perception of HRC</li> <li>• Lack of knowledge of human rights and the HRC, its powers etc. by certain stakeholders</li> <li>• Lack of protection from human rights violations</li> <li>• Failure to achieve A status accreditation at the international level</li> </ul>

This Strategic Plan seeks to seize the opportunities and meet the challenges presented by this context.

### **Goals**

1. Advise and make recommendations to the Government, Parliament and State entities on laws and policies in line with Constitutional and international human rights standards and practices
2. Engage in advocacy to promote and protect human rights through monitoring, research and reporting on the state of human rights in Sri Lanka
3. Create a human rights culture through public education and awareness raising
4. Provide prompt and effective remedies by strengthening the inquiry, investigation and monitoring mechanism of the HRC
5. Protect and promote human rights through engagement with and utilisation of international human rights mechanisms

6. Achieve institutional excellence and quality management

**Goals, strategies, activities and performance indicators**

<b>Goal 1: Advise and make recommendations to the Government, Parliament and State entities on laws and policies in line with Constitutional and international human rights standards and practices</b>		
<b>Strategies</b>	<b>Activities</b>	<b>Indicators</b>
Strategy 1: establish good relations with key personnel in the executive branch and the legislature (for example, key ministers, ministry secretaries, Members of Parliaments, institutional heads such as Inspector General of Police and Commissioner General of Prisons)	<ol style="list-style-type: none"> <li>1. studies, conferences, briefings and discussions with key personnel in the executive and legislature</li> <li>2. public hearings on issues</li> <li>3. programs to increase links with and media presence of HRC</li> </ol>	<ol style="list-style-type: none"> <li>1. government incorporation of HRC recommendations into policies and legislation</li> <li>2. government requests for recommendations and advice of HRC to bring proposed laws and policies into line with constitutional and international human rights standards</li> <li>3. media coverage/reliance on HRC recommendations and media requests for HRC's views</li> <li>4. civil society working with and seeking assistance of HRC to make recommendations to government</li> <li>5. recognised national and international organisations, institutions and experts citing HRC recommendations as authoritative</li> </ol>
Strategy 2: improve research and monitoring capacity of HRC, both at head office and regional offices	<ol style="list-style-type: none"> <li>1. recruitment of qualified staff and staff training programs, both national and international, including on report writing</li> <li>2. improve IT and library resources</li> <li>3. recruit interns</li> </ol>	
Strategy 3: establish mechanisms within HRC to consult civil society and other experts	<ol style="list-style-type: none"> <li>1. establish advisory committees and thematic sub-committees</li> </ol>	
Strategy 4: develop lobbying capacity within HRC, both at national and grassroots levels	<ol style="list-style-type: none"> <li>1. staff training in lobbying skills, at national and international levels</li> </ol>	
<b>Goal 2: Engage in advocacy to promote and protect human rights through monitoring, research and reporting on the state of human rights in Sri Lanka</b>		
Strategy 1: respond to emerging and current human rights violations and make more timely interventions	<ol style="list-style-type: none"> <li>1. media monitoring</li> <li>2. fact finding missions</li> <li>3. consultation with stakeholders</li> <li>4. adoption of HRC guidelines and directives</li> <li>5. appointment of HRC special rapporteurs and research officers on specific issues</li> <li>6. HRC recommendations to</li> </ol>	<ol style="list-style-type: none"> <li>1. successful resolution of the violations in which HRC has made intervention</li> <li>2. government acceptance of HRC recommendations and implementation of structural, legal and policy reform and changes</li> <li>3. civil society use of HRC research reports for</li> </ol>
Strategy 2: research on marginalised and discriminated groups with specific focus on the historically marginalised and structurally systemic		

violations	<p>the government on policy issues</p> <p>7. regular situation reports by regional offices</p> <p>8. HRC as a catalyst/facilitator to respond to human rights crises (Strategy 1 only)</p>	<p>advocacy</p> <p>4. media coverage of HRC interventions, reports etc.</p>
Strategy 3: regular public reporting and dissemination	<p>1. website</p> <p>2. social media/facebook/twitter</p> <p>3. regular press conferences</p> <p>4. public thematic report</p> <p>5. regular human rights updates, using s 30 of the Act</p>	
Strategy 4: strengthen relationship with civil society to enhance the impact of HRC research, monitoring and advocacy activities	<p>1. establish thematic committees with civil society organisations</p> <p>2. regular meetings with civil society organisations on general human rights situation both at regional and head offices</p> <p>3. designate contact persons for civil society relations</p>	
<b>Goal 3: Create a human rights culture through public education and awareness raising</b>		
Strategy 1: create a comprehensive human rights culture through the media	<p>1. media conferences on a regular basis</p> <p>2. highlighting key human rights issues in the media</p> <p>3. receiving exclusive support of the media in commemorating international events and days</p> <p>4. training program for journalists</p>	<p>1. coverage in electronic and print media of national human rights issues</p> <p>2. journalists participating in training programs on human rights at national and provincial levels</p> <p>3. schools implementing a curriculum on human rights</p> <p>4. school teachers and principals participating in training programs on the human rights curriculum at regional level and national level</p>
Strategy 2: develop school curriculum on human rights	<p>1. development and adoption of a school curriculum on human rights</p> <p>2. training and awareness programs on the curriculum for education department</p> <p>3. establishment of 'human rights clubs' at school level</p> <p>4. human rights competitions</p>	<p>5. schools with human rights clubs at national and provincial levels</p> <p>6. participants in awareness raising programs on human</p>



	at school level	rights for different sectors at national and regional levels
Strategy 3: propagate human rights education to change the perception and attitudes of the community in collaboration with State, non-state and community based organisations	<ol style="list-style-type: none"> <li>1. awareness programs</li> <li>2. human rights manuals for HRC trainers</li> <li>3. community education through commemorations of international days</li> </ol>	7. international days commemorated
<b>Goal 4: Provide prompt and effective remedies by strengthening the inquiry, investigation and monitoring mechanism of the HRC</b>		
Strategy 1: review existing inquiry and recommendation mechanisms and procedures and formulate changes	<ol style="list-style-type: none"> <li>1. roundtable discussion with stakeholders on procedures</li> <li>2. review of the HRC Act and identification of changes needed regarding implementation of HRC recommendations</li> <li>3. manuals of procedures on inquiries and inspections</li> <li>4. Establishment of a training unit for the I and I Division, with regular training programs</li> <li>5. backlog clearing program</li> <li>6. establishment of a rapid action taskforce on complaints</li> <li>7. streamlined hotline mechanism and establishment of regional hotlines</li> <li>8. special procedures on investigating custodial deaths</li> </ol>	<ol style="list-style-type: none"> <li>1. Reduction of backlog of cases</li> <li>2. completion of new complaints accepted by HRC for inquiries</li> <li>3. implementation of recommendations of HRC</li> <li>4. adoption and implementation of procedures manuals</li> <li>5. use of new hotline and rapid action taskforce</li> </ol>
Strategy 2: identify the reasons for delay in concluding inquiries and propose changes to reduce the delay		
Strategy 3: prepare an action plan for inspection of prisons, detention facilities and police stations		
Strategy 4: formulate an action plan to eradicate custodial deaths and torture		
<b>Goal 5: Protect and promote human rights through engagement with and utilisation of international human rights mechanisms</b>		
Strategy 1: encouraging ratification of treaties	<ol style="list-style-type: none"> <li>1. identify treaties to be ratified</li> <li>2. identify key personnel within government who can advocate for ratification</li> <li>3. raising awareness of international human rights laws and mechanisms among key government personnel</li> </ol>	<ol style="list-style-type: none"> <li>1. number of treaties ratified and number of treaties for which enabling legislation has been enacted</li> <li>2. number of UPR recommendations, treaty body concluding observations and individual communications recommendations</li> </ol>

	<ol style="list-style-type: none"> <li>4. training HRC staff on lobbying strategies</li> <li>5. advising government on enacting enabling legislation</li> </ol>	<p>implemented by government</p> <ol style="list-style-type: none"> <li>3. number of reports prepared by HRC to the UPR and treaty bodies</li> <li>4. media coverage of Sri Lankan reporting to international human rights bodies and their outcomes</li> </ol>
Strategy 2: engage with treaty bodies	<ol style="list-style-type: none"> <li>1. staff capacity development to engage with treaty bodies</li> <li>2. information sharing</li> <li>3. training for key government personnel involved in the reporting process</li> <li>4. training for key personnel in civil society about treaty bodies</li> <li>5. follow up on government implementation of concluding observations of treaty bodies</li> </ol>	
Strategy 3: Engage with UN Universal Periodic Review mechanism and with Special Procedures, Rapporteurs and Working Groups	<ol style="list-style-type: none"> <li>1. staff capacity development to engage with the UPR and SPs</li> <li>2. information sharing</li> <li>3. training for key personnel in civil society about the UPR and SPs</li> <li>4. follow up on government implementation of recommendations</li> </ol>	
Strategy 4: monitor individual communications from Sri Lanka to treaty bodies	<ol style="list-style-type: none"> <li>1. staff capacity development to advise complainants on accessing individual communications procedures</li> <li>2. monitoring implementation by government of recommendations given in individual communications</li> </ol>	
<b>Goal 6: Achieve institutional excellence and quality management</b>		
Strategy 1: build the capacity of HRC staff	<ol style="list-style-type: none"> <li>1. training programs and knowledge sharing with other institutions</li> <li>2. approval of the SOR</li> <li>3. assessment of staff requirements</li> <li>4. recruitment of staff</li> <li>5. development and implementation of a staff evaluation system</li> </ol>	<ol style="list-style-type: none"> <li>1. number of training programs per year</li> <li>2. number of programs in collaboration with other organisations</li> <li>3. assessment of staff requirements</li> <li>4. recruitment of staff to substantive positions under SOR</li> </ol>
Strategy 2: enhance the HRC's physical resources		
Strategy 3: adopt best practices in management and administration		

	6. introduction of new organisational methods (transfer and filing systems) 7. compensation scheme for special duties (following 22/93 Circular) 8. enhanced physical resources	5. implementation of staff evaluation system 6. introduction of compensation scheme 7. improved physical resources (shift to new building and associated activities, including telephone, networking etc.)
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**Annual activity plans**

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