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இலங்கை மனித உரிமைகள் ஆணைக்குழு  
Human Rights Commission of Sri Lanka

## **Press Notice**

The Human Rights Commission of Sri Lanka has sent the revised recommendations proposed by the Human Rights Commission of Sri Lanka for the implementation of its mandate; protection and promotion of Human Rights in Sri Lanka to the Minister of Justice, Prison Affairs, and Constitutional reforms.

Media Spokesperson  
Human Rights Commission of Sri Lanka

10.11. 2022

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எனது இல.  
My No.

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உமது இல.  
Your No.



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திகதி  
Date.

03.11.2022

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**இலங்கை மனித உரிமைகள் ஆணைக்குழு**  
**Human Rights Commission of Sri Lanka**

Dr. Wijeyadasa Rajapakshe  
Minister of Justice, Prison Affairs and Constitutional Reforms  
Sri Sangaraja Mawatha  
Colombo 10

Hon. Minister of Justice,

The attached document relates to "Revised Version" marked as "X" of the amendments for the Human Rights Commission of Sri Lanka Act No. 21 of 1996.

Please see chapter 1 of document titled "Recommendations proposed by the Human Rights Commission of Sri Lanka for the implementation of its mandate; protection and promotion of Human Rights in Sri Lanka" and document marked as "X".

The decision to downgrade the Commission from an A grade to a B grade has been challenged by the Commission. One of the main concerns of the SCA of GANHRI was the amendments to the Act which have been suggested herewith. Please take measures to pursue the amendments which will carry favourably for the HRC in the UN.

*Rohini*

Justice Rohini Marasinghe  
Judge of the Supreme Court (Retired)  
Chairperson  
Human Rights Commission of Sri Lanka

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X

Revised version.

An Act to Amend the Human Rights Commission of Sri Lanka Act, No. 21 of 1996

1. Section 3 of the principal enactment is hereby amended as follows: -

Amendment of  
Section 3 of Act No.  
21 of 1996

3(1) The removal of "five members" and substitution thereof as "seven members".

3(3) The removal of the "In making recommendations, under subsection (2), the Constitutional Council and the Prime Minister shall have regard to the necessity of the minorities being represented of the Commission" and substituted thereof "In making recommendations, under subsection (2), the Constitutional Council and the Prime Minister shall have at least one Commissioner from each minority group, up to a minimum of three Commissioners being represented of the Commission"

3(5) The removal of "Every member of the Commission shall hold office for a period of three years" and substitution thereof as "Every member of the Commission shall hold office for a period of five years".

2. The following new section is hereby inserted immediately after section 3 of the principal enactment and shall have effect as section 3(2A) of that enactment:

Insertion of Section  
3(2A) of Act No. 21  
of 1996

3(2A) "Following observations from the Parliamentary Council obtained by the President on the nominees, the appointment and selection by the President must be conducted according to the regulations set forth by the President."



3. The following new sections are hereby inserted immediately after section 3 of the principal enactment and shall have effect as section 3(4) (A) and 3(4) (B) of that enactment.

Insertion of Section  
3(4) (A) and 3(4)(B)  
of Act No. 21 of 1996

3(4)(A) The Chairperson shall be a person of eminence and integrity who has distinguished him or her selves in public or professional life, has knowledge or practical experience in, matters relating to human rights and who is not a member of any political party.

3(4)(B) All vacancies of the members of the Commission, including the Chairperson, to be publicly advertised

4. The following new section is hereby inserted immediately after section 3 of the principal enactment and shall have effect as section 3(6) of that enactment:

Insertion of Section  
3(6) of Act No. 21 of  
1996

3(6) "The decision of the forum shall be by at least 3 members"

5. Section 11 of the principal enactment is hereby amended as follows: -

Amendment of  
Section 11 of the  
principal enactment

11(b) The removal of "appoint such number of sub-committees at Provincial level..." and substitution thereof "appoint Special Rapporteurs and thematic subcommittees..."

11(d) The removal of "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;" and substitution thereof "monitor the welfare and rights of persons detained either by a judicial order or otherwise, by regular inspection of all places of detention, and to make such recommendations as may be necessary for improving their conditions of detention;"



11(h) The removal of "do all such other things as are necessary or conducive to the discharge of its functions" and substitution thereof "monitor the human rights situation in Sri Lanka and make necessary recommendations to the Government to develop human rights."

6. The following new section is hereby inserted immediately after section 11 of the principal enactment and shall have effect as section 11(i) of that enactment: -

Insertion of section 11(i) in the principal enactment

11(i) "do all such other things as are necessary or conducive to the discharge of its functions."

7. The following new sections are hereby inserted immediately after section 15 of the principal enactment and shall have effect as section 15(3)(d) of that enactment: -

Insertion of sections 15(3)(d), 15(3)(e) and 15(3)(f)

15(3)(d) "The Commission where necessary will order compensation not exceeding Rs..... from the party against whom a complaint is made as a preventive measure, and if the compensation is not paid, the Commission has the authority to write to the Supreme Court."

15(3)(e) "The appropriate authority shall ensure that recommendations in terms of (d) shall be complied with."

15(3)(f) "The Commission shall issue interim recommendations pending the final recommendation on the complaint, to prevent an imminent infringement of a fundamental right."



8. The following new sections are hereby inserted immediately after section 15 of the principal enactment and shall have effect as section 15(9) of that enactment:

Insertion of section 15(9)

15(9) "Where the Respondent has failed to implement the recommendations set forth by the Commission, he must inform the Supreme Court as to the reasons for his failure to do so by way of a submission."

9. Section 21 of the principal enactment is hereby amended as follows:

Amendment of Section 21 of the principal enactment

21(3)(c): The removal of "refuses or fails without cause which in the opinion of the Commission is reasonable, to comply with the requirements of a notice or written order or direction issued or made to him, by the Commission" and substitution thereof as "refuses or fails without cause which in the opinion of the Commission is reasonable; to comply with the requirements of a notice or written order or direction or recommendation issued or made to him, by the Commission"

10. The following new interpretation clause is hereby inserted immediately after section 33 of the principal enactment as follows;

Insertion of interpretation clause

"Minister" means the presiding Minister of Justice