

**THE HUMAN RIGHTS COMMISSION OF SRI LANKA RESPONDES TO QUESTIONS OF
THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**



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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

August 2023

The Human Rights Commission of Sri Lanka (HRCSL) hereby submits its responses to questions of the Office of the High Commissioner for Human rights (OHCHR) in preparation of its forthcoming written report in September 2023 pursuant to United Nations (UN) Human Rights Council Resolution 51/1.

1. Number of Complaints of received between January 2022 and August 2023

(i) Complaint details from 2022

Types of Complaints	Regional and Sub Offices													Total Regional	Head Office	GRAND TOTAL
	Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna	Killinochchi	Kalmunai	Kandy	Matara	Trincomalee	Vavuniya	Mannar	Puttalam (Sub)			
Personal Liberty																
(a) Torture (physical and mental)	5	41	1	1	24	3	1	19	15	1	16	6	8	141	419	560
(b) Degrading treatment				1	3	2	1		8					15	1	16
(c) Harassment		4	11	6	27	6	10	45		26	7	6	1	149	439	588
(d) Sexual harassment															8	8
(e) Threats	2	7		2	15	2	3	6	35					72		72
(f) Arbitrary arrest or detention	35	76	10	21	22	6	16	43	111	7	7	3	44	401	518	919
(g) Deaths in custody			1					2	2					5	8	13
(h) Extra-judicial killings									4					4	20	24
(i) Enforced or involuntary disappearance																
(j) Missing persons					1			1	1					3	2	5
(k) Prisoner rights					2			4	9					15	8	23
Equality and Non-Discrimination																
(a) Employment	26	80	92	52	43	3	45	173	120	26	16	9	38	723	1007	1730
(b) Education	4	6	12	15	13	6	57	53	59	7	2		3	237	204	441
(c) State Welfare Services	1	9	1	3	8	2	5	12	13	4	4	2		64	11	75
(d) Infrastructure & Utilities	2		6		5	2	3	10	8		1			37	72	109
(e) Voter Registration/ Election							1	3					2	6	7	13
(f) Child Rights				1	4		2		1	1	1			10	1	11

(g) Elders' Rights														2	2	
(h) Rights of Persons with Disabilities						1	1	1						3	12	15
(i) Language Rights						1		2		2	1	1	1	8	10	18
(j) Migrant Workers' Rights		2	2	4						3				11	3	14
(k) LGBTIQ Rights				1	1			3	3					8	62	70
(l) Health Rights					3		1	1						5	9	14
(m) Land & Property Rights	23	65	45	9	7	11	16	42	31	16	18	10	23	316	267	583
(n) Cultural Rights															3	3
(o) Environmental Rights		5				1	3	5	9	1		1		25	15	40
(p) Administrative Matters			21		4			99	48	7	1		11	191	180	371
(q) Rights of Women							1	1	2					4	2	6
Inaction of Government Entities		294														
(a) Police	16		41	185	62	17	48	82	49	31	29	4	20	584	683	1267
(b) Other	42		11	105	22	2	20	138	40	14	18	4	17	433	163	596
Other Civil & Political Rights¹		1		36		1	6	6	1	2				53	24	77
Other Categories (including the complaints not within the mandate)²		38	32	11	5	4	1	61	111	8	6	1		278	1246	1524
Referrals to other institutions³									12					12		12
Total	156	628	286	453	271	69	241	812	693	156	127	47	168	3813	5406	9219

Notes:

1. Other civil and political rights include: freedom of expression, freedom of peaceful assembly.
2. Other categories of complaints include: family law cases, private disputes, land disputes.
3. Referrals to other institutions include: National Police Commission and Public Service Commission.

(ii) Complaints details from January – July 2023 (Head Office only)

Extra-Judicial Killings

Institution	Number of Complaints
2023 (up to July)	
Police (Narcotic Bureau, Negombo Special Police)	04
Sri Lanka Army	02
National Mental Health Institution	01
Total	07

Death in Custody

Institution	Number of Complaints
2023 (up to July)	
Police	04
Prisons	04
Total	08

A Special Expert Committee was appointed to investigate the Rabukkana shooting incident in 2022. The HRCSL issued a recommendation and published a draft set of guidelines for law enforcement officials when dealing with civilian protests.

2. Information on the number of visits to detention centres and prisons conducted by the HRCSL from January 2022 to August 2023

(i) Visits in 2022

Place of Detention	Head office	Ampara	Anuradhapura	Batticaloa	Badulla	Jaffna & Killinochchi	Kandy	Kalmunai	Matara	Trincomalee	Vavuniya & Mannar
Police Stations	222	40	40	101	27	38	48	50	45	33	10
Prisons	08			05		03	02		08	05	
Childcare /children's homes	02								02		
Foreign migrant detention centres											
Gazetted detention centres											
Rehabilitation centres											02
Women's homes											
Homes for persons with disabilities								03			
Elders' homes											
CID / Terrorism Investigation Division (TID)	09			05					05		01
Other places	14					03					03

(ii) Visits in 2023 (up to July)

Place of Detention	Head office	Ampara	Anuradhapura	Batticaloa	Badulla	Jaffna & Killinochchi	Kandy	Kalmunai	Matara	Trincomalee	Vavuniya & Mannar
Police Stations	23	20	31	67	12	59	07	28	77	21	16
Prisons	02	02		03	03	03	01	03	05	02	01
Childcare /children's homes				01		08		04			
Foreign migrant detention centres											
Gazetted detention centres											
Rehabilitation centres											
Women's homes						01					
Homes for persons with disabilities											
Elders' homes											
CID / TID	02										
Other places	06										

(iii) Visits under the National Prevention Mechanism (NPM)

The HRCSL was designated the National Prevention Mechanism (NPM) by the Government of Sri Lanka via a decision of the Cabinet of Ministers in 2017 following Sri Lanka's ratification of Optional Protocol to the Convention Against Torture. The HRCSL established the National Prevention Mechanism in February 2022.

2022	
Institutions	Number of Visits
Police	01
TID/CID/Colombo Crimes Division (CCD)	06
Prisons	05
Women's homes	01
Foreign National Detention Centre	02
2023 (up to July)	
TID/CID/CCD	02
Prisons	03
Children's homes	08
Elders' homes	02
Young offenders' homes	03

3. Number of cases of arrests and detention under the Prevention of Terrorism Act (PTA) notified by the authorities to the HRCSL in 2022 and 2023 (disaggregated by gender and region)

Year	Gender (Male/ Female)	Region (Province)	Arrests & Detentions
2022	Male	Eastern	25
	Female	Eastern	02
	Male	Central	04
	Male	Northern	03
	Male	Uva	01
	Male	Western	02
	Male	Sabaragamuwa	01
Total			38
2023 (up to June)	Male	Eastern	02
	Male	Western	01
	Male	Central	01
	Female	Northern	01
	Male	North central	01
Total			06

In 2022, 34 suspects were arrested under the PTA for alleged involvement in the Easter Sunday Attacks of April 2019. Two suspects were arrested under the PTA for alleged support for the change of government in 2022, and two further suspects were arrested for other alleged terrorist activities. The courts granted bail to 33 suspects.

In 2023 (up to June), six suspects were detained under the PTA. Three of these suspects were arrested for alleged involvement in violent extremism, one suspect was arrested for alleged activities supporting the Liberation Tigers of Tamil Eelam (LTTE), and two suspects were arrested for alleged possession of illegal drugs or explosives.

4. Impact of the current economic crisis on the budget and operation of the HRCSL

The HRCSL has been carrying out its operation with notable resource constraints. For instance, visits to police stations could not be carried out regularly in 2022 and early 2023 due to fuel restrictions. Moreover, resource constraints have prevented the Commission from conducting regular human rights education programmes.

Budget

		Rs '000
Category/Object /Item Description	2022 Revised Budget	2023 Estimate
Recurrent Expenditure	235,300	282,300
Personal Emoluments	134,500	153,700
Travelling Expenses	2,500	2,500
Supplies	10,450	17,500
Maintenance Expenditure	5,750	9,200
Services	69,600	81,500
Transfers	6,200	7,900
Human Rights Awareness Programmes	6,300	10,000
Capital Expenditure	2,600	2,000
Rehabilitation and Improvement of Capital Assets	300	1,000
Capacity Building	1,300	
Enabling Returnees in Kilinochchi, Puttalam and Mannar Districts to Access their Rights	1,000	1,000
Total Expenditure	237,900	284,300

Furthermore, the following Circular Instructions have been issued with respect to public expenditure management and expenditure control:

Budget Circular No 3/2022	Controlling public expenditure
Budget Circular No 8/2022	Suspension of expenses incurred by government agencies for various events
Budget Circular No 9/2022	Authorization for incurring expenditure during the year 2023 and management of public expenditure
Budget Circular No 1/2023	6 percent cut in recurrent allocations earmarked for 2023 and government expenditure management
Budget Circular No 2/2023	Cost control

Meanwhile, the HRCSL has received programmatic funding under the European Union-funded JURE Project to carry out certain key activities related to the justice sector:

UNDP:	Rs.34,222,500.00	UNICEF:	Rs.3,500,000.00
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