

පාර්ලිමේන්තු ප්‍රකාශන මාලා අංක : 487

ආයතනයේ නම : ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් සභාව

පාර්ලිමේන්තුවේ රජයේ ගිණුම් පිළිබඳ කාරක සභාව විසින් සභාගත කරන ලද වාර්තා සම්බන්ධයෙන් ස්ථාවර නියෝග අංක 119(4) යටතේ ගරු අමාත්‍යවරයාගේ නිරීක්ෂණ හා ගනු ලබන පියවර පාර්ලිමේන්තුව වෙත ඉදිරිපත් කිරීම

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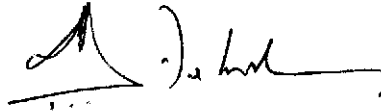
නිරුචණ්ත්තීන් පෙයාර්: ඉලකුක මණිත උරිමෙකුණ් ආණෙකුලු

පාරාලුමණ්ත්තීන් අරස කණකුකු කුලුඛිණාල් මුණ්චෙකුකුපුට්ටු අභිකුක තොර්ඪර්ක නිලෙයියර් කුට්ටන ඉලකුකම 119(4) ඉන් කීරු කෙණරච අමෙසරිණ් අචතාණිපුකුණ් මණ්ණුම තොර්ඪර්ක ඉකුකුපුටුම ත්ටචකුකුකුණ් පාරාලුමණ්ත්තීරුකු සමර්පිත්තල්

Parliamentary Series No : 487

Name of the institution: Human Rights Commission of Sri Lanka

Submission of observations of the Hon. Minister and steps taken with regard to the reports tabled by the Committee on Public Accounts in terms of Standing Order No. 119(4)



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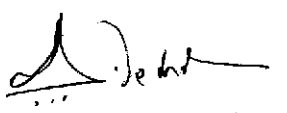
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ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් සභාව

Parliamentary Reference Number : 487

Name of the Institution : Human Rights Commission of Sri Lanka

Observations / Recommendations made by the Committee	Actions taken by the institution to implement the recommendations / Current status
<u>01</u> <u>Refusal of the Human Rights Commission of Sri Lanka to attend the meeting of the Committee on Public Accounts held on 21.11.2023.</u> The Hon. Chairman stated that the primary function of the Public Accounts Committee is to examine the manner in which the financial provisions allocated through the budget estimates for public institutions were utilized by the relevant institutions and the performance achieved. The Hon. Chairman informed the Committee that the Human Rights Commission of Sri Lanka had obtained very low marks in the annual assessment conducted by the Management Information System (MIS) of the Public Accounts Committee and that the submission of annual reports was also at a very poor level. The Chairman stated that it was decided to summon the Human Rights Commission of Sri Lanka to appear before the Committee on Public Accounts on 21.11.2023 accordingly. The Chairman stated that since the Human Rights Commission of Sri Lanka refused to attend the meeting on that day, an order to re-summon the Commission was issued on the instructions of the Hon. Speaker. The Secretary of the Human Rights Commission of Sri Lanka stated that the members of the Commission had discussed at length whether the Committee on Public Accounts had the authority to convene the Human Rights Commission of Sri Lanka and since they were unable to reach an agreement, they decided not to appear before the Public Accounts Committee on 21.11.2023 until further discussions and a decision was taken. He also stated that he had expressed his regret to the Committee if any inconvenience had occurred in this regard.	The Human Rights Commission of Sri Lanka participated in the Committee on Public Accounts (COPA) meeting held on 27.11.2023. Arrangements will also be made to participate in future meetings if required.  Justice L.T.B. Dehideniya Judge of the Supreme Court (Retired) Chairman Human Rights Commission of Sri Lanka

02.

Role of the Human Rights Commission of Sri Lanka

The Secretary of the Commission stated that the main function of the Human Rights Commission of Sri Lanka is to investigate violations of the fundamental rights of citizens as enshrined in the Constitution. The Secretary stated that any citizen can file a complaint with the Human Rights Commission of Sri Lanka regarding the violation of fundamental rights, and if it appears prima facie that a violation of fundamental rights has actually occurred after a preliminary investigation by an Investigating Officer, such complaints will be accepted by the Commission. The AO of the Human Rights Commission of Sri Lanka stated that thereafter, the complainant and the respondent are summoned to hear the complaint, in the cases where reconciliation is not possible, the Investigating Officers submit recommendations to the Commission, and the Commission forwards those recommendations to the relevant institution. , a report/case will be filed with the President, if those recommendations are not implemented.

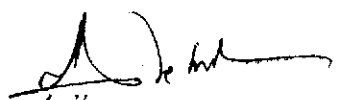
He also stated that proactive intervention in matters such as ensuring that arrested individuals are held at the relevant police station, preventing torture, facilitating access to their relatives, and taking steps to present them before court without delay has strengthened public trust and respect for the Human Rights Commission of Sri Lanka.

03.

Submitting a report to the President regarding the failure of relevant institutions/individuals to implement the recommendations issued by the Human Rights Commission of Sri Lanka.

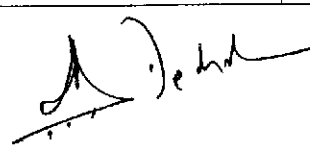
The Committee questioned the fact that, although a report on the failure of relevant institutions/individuals to implement the

As stated herein, this Commission performs that function in the same manner.



Justice L.T.B. Dehideniya
Judge of the Supreme Court (Retired)
Chairman
Human Rights Commission of Sri Lanka

recommendations issued by the Human Rights Commission of Sri Lanka, is required to be submitted to the President, in terms of Section 15 (8) of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996, such a report has not been submitted for several years. The Secretary stated that it was not possible to submit a report to the President after 2011, due to various reasons such as non-completion of court proceedings related to the incidents related to the complaints received by the Commission, the lack of necessary cooperation from the complainant and respondent parties, and the recurrence of settled incidents.	Follow-up action is being taken regarding the non-implementation of recommendations issued by the Human Rights Commission. As part of this process, the relevant parties are being summoned again for discussions in order to facilitate the implementation of those recommendations. Furthermore, the Commission has now begun submitting reports to the President concerning instances where the recommendations continue not to be implemented.
04. <u>Filling vacancies</u> <u>Observations/Recommendations</u> The Committee drew attention to the fact that the recruitment to senior management positions has not been undertaken even after more than 5 years since the Commission's recruitment scheme was approved. The Committee recommended that the Scheme of Recruitment (SoR) be reviewed and amended to ensure that recruitments to the vacancies can be made. The Committee, drawing attention to the delay in filling the vacancies of the Human Rights Commission of Sri Lanka, recommended its AO to submit a report with a timeline to the Committee before 27th December 2023, regarding the completion of the cadre required as per the composition. The relevant report has been submitted by the Secretary of the Human Rights Commission by the letter No. HRC/DI/AD/72 dated 18.12.2023.	Under the currently approved recruitment procedures, action has been taken to recruit personnel for a significant number of positions. In addition, requests have been submitted to the Department of Management Services seeking approval to recruit for the remaining vacancies. Once such approval is received, steps will be taken to fill the vacant positions. Preliminary measures have also been taken to revise the recruitment procedures in accordance with the updated formats issued by the Department of Management Services. Furthermore, I wish to point out that the following obstacles exist in recruiting for senior management-level positions: i. As legal proceedings relating to the position of Secretary are currently pending before the courts, it has not been possible to appoint a permanent officer to that position. ii. Although applications have been called for certain senior positions through public newspaper advertisements, it has been observed that only a very limited number of qualified applicants apply. Moreover, during the interview process, there have been instances where the candidates' scores did not exceed 50 marks. Therefore, the failure of suitably qualified candidates to apply for these positions has also contributed to the difficulty in filling such vacancies.


 Justice L.T.B. Dehideniya
 Judge of the Supreme Court (Retired)
 Chairman
 Human Rights Commission

05.

Delay in the submission of annual reports and the failure to hold Management Committee meetings.

The Committee also raised concerns regarding the delay in submitting the annual reports to Parliament in terms of Section 30 of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996, as well as the failure to convene meetings of the Audit and Management Committees since 2017.

The Accounting Officer (AO) stated that the annual reports for the years 2016 to 2019 were submitted to Parliament on 30.03.2022, while the annual report for 2020 was submitted on 31.01.2023. He further stated that meetings of the Audit and Management Committees could not be convened due to the absence of an Internal Auditor at the Human Rights Commission.

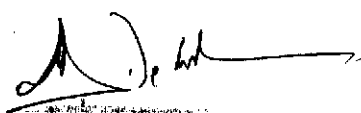
Recommendations

The Committee pointed out that the absence of an Internal Auditor does not constitute an impediment to convening Audit and Management Committee meetings, and recommended that the Accounting Officer of the Human Rights Commission of Sri Lanka immediately coordinate with the Accountant to ensure that such meetings are held regularly and in a proper and formal manner.

Due to the limited number of staff available in relation to the existing responsibilities of the Human Rights Commission of Sri Lanka, carrying out additional special tasks alongside their day-to-day duties is a challenging undertaking. While other government institutions generally have a Planning Division or a Planning Officer responsible for preparing annual reports and related documents, the Commission does not have such human resources. Consequently, these tasks have had to be completed with considerable difficulty alongside regular duties, with the assistance of internship trainees and other temporary personnel.

Nevertheless, the Commission's Annual Report for 2023 has now been published on the Commission's website, and the Annual Reports for 2024 and 2025 are currently being prepared.

Following the appointment of the Internal Auditor, the first meeting was held in 2023. Since 2025, meetings have been conducted regularly in accordance with the prescribed schedule.



Justice L.T.B. De Silva
Judge of the Supreme Court (Retired)
Chairman
Human Rights Commission of Sri Lanka

06.

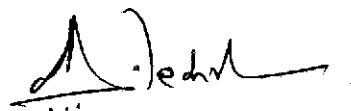
Updating the Database

The Committee inquired about the failure to update the Complaints Management Database created by the Human Rights Commission and the comprehensive reporting database provided by the UNDP. The Human Rights Commission of Sri Lanka (HRCSL) stated that the two databases are functioning without technical issues; however, due to shortages of equipment such as computers and scanners, as well as inadequate staff required for their proper maintenance, deficiencies in data entry have arisen.

Recommendations

The Committee recommended that the Accounting Officer (AO) furnish a report within two (02) weeks, before 11.12.2023, with a copy to the Auditor General, outlining the steps taken to promptly update and effectively implement the relevant databases with the highest priority. The Committee directed the Auditor General to examine whether the regional offices are being properly integrated and coordinated with the database maintained at the head office, as referred to above. The Committee recommended that the Accounting Officer (AO) take immediate steps to coordinate with the Treasury regarding the development of the infrastructure required to enhance the database of the Human Rights Commission, and to utilize the capital expenditure provisions allocated under the expenditure head of the Human Rights Commission of Sri Lanka for the current year to provide the required infrastructure, including computers, for the improvement of the database. In accordance with the communication, vide letter No. HRC/DI/AD/76 dated 8 December 2023, the Secretary of the Human Rights Commission has reported the following matters, which are laid before the Committee for examination. It was stated that the necessary equipment would be procured from the capital expenditure allocation for the year 2024, as the Treasury Department had informed that funds could not be provided

In accordance with the recommendations made regarding the Human Rights Commission's data system not being updated as of 2023, the necessary computer equipment and other related devices have been procured. In addition, a significant number of officers have been recruited to fill vacancies in the staff. Approval has also been obtained from the Department of Management Services to fill the remaining vacancies, and the relevant measures are currently being taken. The Human Rights Commission's data system has now been updated.



Justice L.T.B. Dehideniya
Judge of the Supreme Court (Retired)
Chairman
Human Rights Commission of Sri Lanka

during the year 2023 due to the absence of an allocation for capital expenditure.

Steps taken to update the database

- Until the necessary computer equipment referred to above becomes available, steps were taken to ensure the efficient entry of data into the database by utilizing the existing resources to the maximum extent possible.
- Following the procurement of the computers, the available human resources were effectively utilized to enter the pending data and expedite the updating of missing information in the system. The process was completed within three(03) months from the date on which the computers were received.

07.

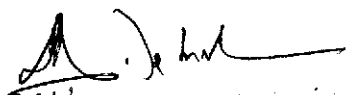
Review on the higher rate of non implemented recommendation s made by the Human Rights Commission of Sri Lanka

The Committee pointed out that the "Unimplemented Recommendations Monitoring Unit" established by the Human Rights Commission of Sri Lanka should be further strengthened to effectively monitor the failure of relevant institutions to implement the recommendations issued by the Commission. In addition, the Committee recommended that Accounting Officer (AO) of the Human Rights Commission of Sri Lanka submit quarterly reports to the President of Sri Lanka, in terms of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996, regarding recommendations that remain unimplemented. The Auditor General pointed out that the following reasons have contributed to the failure to implement certain recommendations made by the Human Rights Commission:

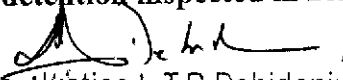
1. Non-compliance with the contents of the recommendations and circulars submitted and the internal rules and regulations of the institution of which the recommendations are to be implemented.
2. Failure to formally forward the

Follow-up action is being undertaken regarding the non-implementation of recommendations issued by the Human Rights Commission. For this purpose, the relevant parties are being summoned again for discussions in order to facilitate the implementation of those recommendations. Furthermore, the Commission has now commenced submitting reports to the President concerning cases where the recommendations continue to remain unimplemented. The reference numbers and dates of the complaints that have been reported to the President are as follows.

<u>Complaint Number</u>	<u>Date of Submission Of the Report</u>
1. HRC/BD/215/22	2024.01.18
2. HRC/K/015/21	2024.08.05
3. HRC/1392/13	2025.01.29
4. HRC/4835/23	2025.01.29
5. HRC/3845/13	2025.06.16
6. HRC/2964/15	2026.01.27
7. HRC/2873/23	2026.04.06
8. HRC/2037/25	2026.04.06
9. HRC/KND/192/22	2026.04.06
10. HRC/3511/24	2026.04.06



Justice L.T.S. Dissanayake
Judge of the Supreme Court (retired)
Chairman
Human Rights Commission of Sri Lanka

recommendations to relevant parties. 3. Contradictory decisions by institutions conducting concurrent investigations into the same incident.	
08. <u>Raising public awareness of the role of the Human Rights Commission</u> The Committee observed that the programme implemented by the Commission to enhance public awareness of the role of the Human Rights Commission should be further expanded. The Committee was of the view that individuals tend to lodge complaints with multiple institutions in relation to the same incident due to a lack of public awareness. The Accounting Officer (AO) stated that various programmes are being conducted to educate the public in this regard. Moreover, he also noted that, as a result, a substantial number of complaints are being received from the public via letters, faxes, emails, and hand-delivered submissions. Furthermore, the HRC informed the Committee that, under Section 14 of the Human Rights Commission Act, it is empowered to initiate investigations on its own motion into human rights violations reported by the media, even in the absence of a formal complaint. The Accounting Officer (AO) further stated that, on average, approximately 20 to 25 such investigations are conducted annually. The Accounting Officer (AO) also stated that a programme has been arranged to conduct on-site inspections of institutions, including children's homes, elders' homes, mental hospitals, police stations, and prisons. <u>Recommendations</u> The Committee recommended to the Accounting Officer (AO) to submit a report detailing the on-site inspections conducted by the Commission on the cases of human rights violations reported by the media during the past year, without any complaint by the aggrieved parties, the number of such investigations, and the progress of them, to the Committee, at its next meeting on 24.01.2024.	The Commission, on its own initiative, conducted investigations into complaints relating to 23 incidents that occurred in 2023. To date, investigations into 10 of these complaints have been completed. A further 13 complaints are currently under inquiry. The complaint numbers for which investigations have been completed are as follows. 1. HRC/SUO/MOTU/01/23 2. HRC/SUO/MOTU/02/23 3. HRC/SUO/MOTU/09/23 4. HRC/SUO/MOTU/10/23 5. HRC/SUO/MOTU/11/23 6. HRC/SUO/MOTU/12/23 7. HRC/SUO/MOTU/13/23 8. HRC/SUO/MOTU/14/23 9. HRC/SUO/MOTU/15/23 10. HRC/SUO/MOTU/22/23 The Human Rights Commission conducted 653 inspections of police stations in 2023 and 86 inspections of prisons and other places of detention. In addition, the numerical details relating to inspections of police stations, prisons, and other places of detention conducted during 2024 and 2025 are as follows. Number of police stations inspected in 2024: 2,455 Number of prisons and other places of detention inspected in 2024: 149 Number of police stations inspected in 2025: 2,161 Number of prisons and other places of detention inspected in 2025: 148  Justice L.T.B. Dehideniya Judge of the Supreme Court (Retired) Chairman Human Rights Commission of Sri Lanka

09.

Complaints pending investigations

Recommendations

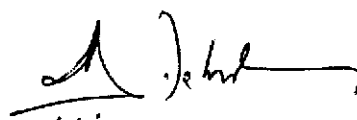
The Committee pointed out that there are many complaints that have not been investigated by the Human Rights Commission. The Accounting Officer (AO) of the Human Rights Commission of Sri Lanka was directed to submit a report to the Committee, on or before 27 December 2023, detailing the procedures available to investigate those complaints. The following matters have been reported by the Secretary of the Human Rights Commission, vide letter No. HRC/DI/AD/72 dated 19.12.2023.

The number of uninvestigated complaints as of 30.11.2023 is 9536. The following plans have been submitted to ensure their expeditious investigation.

1. Sorting out the complaints in the custody of the officers with the highest priority and the time taken for investigation.
2. Taking those that can be examined together for examination.
3. Providing complaint files to newly recruited officers.
4. Expediting investigations by deploying the legal officers scheduled to be recruited in January.
5. Distributing uninvestigated complaint files to officers who have been recruited and are scheduled to be recruited under the UNDP project and expediting investigations.

In order to investigate complaints that had not been examined by the Human Rights Commission, Human Rights Officers and Legal Officers have been recruited to fill existing vacancies. They have been trained, and complaint files have been distributed among them for investigation, and inquiry work is currently ongoing. Although it had been planned to recruit officers under the UNDP project, those recruitments were not carried out as the project was not implemented. As of 2023, in addition to the backlog of complaints pending investigation, approximately 9,000–10,000 complaints are received annually at the Head Office and regional offices, and a similar number are completed within each year. Accordingly, although older pending complaints have been cleared, the continuous receipt of new complaints has made it practically difficult to reduce the number of cases pending investigation.

Currently, targets have been set requiring a Human Rights Officer to complete 12 complaints and a Legal Officer to complete 18 complaints. However, even if these targets are met, given the current number of staff, it is difficult to conclude all complaints received within a year during the same year. Therefore, in order to further expedite the investigation of complaints, it is necessary to increase the number of staff. Accordingly, steps are being taken to fill existing vacancies and to obtain approval for an increased cadre.



Justice L.T.B. Don
Judge of the Supreme Court (Retired)
Chairman
Human Rights Commission of Sri Lanka