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ஆண்டறிக்கை  
**Annual Report**  
**2014**



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இலங்கை மனித உரிமைகள் ஆணைக்குழு  
HUMAN RIGHTS COMMISSION OF SRI LANKA

HUMAN RIGHTS COMMISSION OF SRI LANKA

# ANNUAL REPORT

 2014 

THIS REPORT IS PRESENTED TO MEET THE REQUIREMENTS SET OUT UNDER SECTION 30 OF  
THE SRI LANKA HUMAN RIGHTS COMMISSION ACT, NO. 21 OF 1996

Human Rights Commission of Sri Lanka

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## **VISION**

Our vision is to ensure human rights for all and Promote and Protect the Rule of Law

## **MISSION**

Our mission is to develop a better human rights culture in Sri Lanka through protecting and promoting human rights for all in law, policy and in practice, adhering to universally recognized human rights norms and principles with a special emphasis on the fundamental rights guaranteed under the Sri Lankan Constitution for the citizens of Sri Lanka, with the coordination and corporation of all stakeholders that work towards protecting and promoting human rights for all

## **LOGO**

The logo of the Human Rights Commission of Sri Lanka conveys the responsibility of the National Human Rights Institution to protect and promote human rights at international and national levels. The colour blue reflects the liveliness and creativity of human beings. The 2 hands reflect protection and taking of action for protection. The globe reflects the spreading out of human rights into the far corners of the earth and the protection afforded at international level. The map of Sri Lanka reflects the necessity to take action for protection at national level. The figures of a woman, man and child reflect that protection of human rights should be afforded equally and that a creative environment should be established for that purpose.

The family that the figures display also conveys that the family occupies and is treated as the main and most essential arm of civilization. On a general assessment the sacrifice mad by the Human Rights Commission of Sri Lanka for the protection at national level of human rights accepted at international level is displayed by the logo.



## Composition of the Commission



Chairman  
Justice Priyantha R P Perera

## Commissioners

Mrs. Jezima Ismail  
Mr. T.E. Anandarajah  
Dr. Bernard de Zoysa  
Dr. S.W Prathiba Mahanamahewa



## **Message of the Chairman**

It is indeed a pleasure as well as my responsibility being the Chairman of the Human Rights Commission of Sri Lanka which is the National Human Rights Institution incorporated and designed for the protection and promotion of human rights in Sri Lanka, to deliver a message for the Annual Report 2014.

The present Commission was appointed in the year 2014 for the 2nd term on the recommendations made by the Parliamentary Council upon the adoption of the Eighteenth Amendment to the Constitution of Sri Lanka.

The Human Rights Commission of Sri Lanka has a broad mandate to protect and promote Human Rights to ensure the rights of all with a view to achieving a better Human Rights Culture in Sri Lanka. The Annual Report for the year 2014 sets out the activities undertaken by the Commission during the year 2014.

I take this opportunity to extend my grateful thanks to the Commonwealth Secretariat, UN agencies, Civil Society Organizations, State Agencies and the general public who have extended their valuable support to the Human Rights Commission.

Finally I would be failing my duty if I do not place on record my grateful appreciation to the members of the Human Rights Commission and staff of the Human Rights Commission who always extended their fullest cooperation. I am confident that all the aforesaid parties would continue to extend their fullest support to the Human Rights Commission in its endeavor to achieve the aspirations of the Commission.

It is with a deep sense of regret that I have to refer to the untimely death of Miss Thusitha Samarasekera who held the office of Director, Monitoring & Review who met with a motor accident on her way back after participating in the election monitoring programme in the UVA Province.

I, most earnestly, invite everyone to join hands with the Sri Lanka Human Rights Commission to safeguard and promote human rights of Sri Lankans during a post-war era and to bring about reconciliation in this country.



**Justice Priyantha R P Perera**  
Chairman  
Human Rights Commission of Sri Lanka

## **INTRODUCTION**

The Human Rights Commission of Sri Lanka was established by Act No. 26 of 1996 as an independent, financially viable institution to promote and protect human rights of the people of Sri Lanka. The act establishing the Commission contains the Paris Principles relating to the status of national human rights institutions. The functions of the Commission as laid down in section 10 include among other, the inquiry into complaints of violations or imminent violations of the Fundamental rights provisions contained in Chapter II of the Constitution. It also has certain other functions such as to advise the government to formulate legislation and administrative directions in furtherance of promotion and protection of human rights and on the need to subscribe or accede to treaties and other international laws relating to human rights.

In order to discharge its functions the Commission is vested with a wide range of powers and these are laid down in Section II of the Act. They include the power to intervene in any proceeding relating to the infringement or imminent infringement of fundamental rights pending before any court with the permission of such court, to monitor the welfare of persons detained either by a judicial order or otherwise by regular inspection of such places of detention and also make any recommendations if necessary to improve their conditions of detention. As one of the functions of the Commission is to promote awareness of and provide education in relation to human rights it has the power to undertake research and conduct programmes, seminars and work.

Further, Section 11 (h) states “do all such other things as are necessary or conducive to the discharge of its functions” thus giving the Commission wide powers in fulfilling its functions.

The Commission has a Chairman and four Commissioners who are entrusted with the mandate to carry out the functions as laid down in the Act establishing the Commission.

In order to perform its functions more effectively the Commission has 10 regional offices in various parts of the Island. Five of such regional offices function in the Northern and Eastern provinces.

During the year 2014 the Commission was able to function mobile offices, at Killinochchi, Mulathiew, Nuwaraeliya, Polonnaruwa and Puttalam.

The Annual Report 2014 includes activities carried out by Human Rights Commission of Sri Lanka for the year 2014 in protection, promotion and monitoring of Human rights. According to the detailed information in these chapters monitoring activities and promotional activities have increased comparison to the previous years. Through the number of complaints has decreased compared to 2013 which does not suggest that the human rights violations have not occurred in 2014.

In Chapter one Protection of Human Rights highlighted number of complaints filed by individuals claiming self-centered rights, the manner in which the complaints are categorized, closed up and number of persons who sought advices on Human Rights violations.

The second chapter provides information on training and awareness programmes, commemoration of special days, participated and organized promotional activities with different stakeholders.

The third chapter reveals monitoring activities which includes sumo-moto actions, inspections and election monitoring activities.

Forth chapter contains financial expenses, human resource availabilities, infrastructure changes, staff capacity building trainings and participation of International conferences and trainings.

Fifth chapter relates to complaint details and programmes of Regional Offices.

Sixth chapter information on civil society meetings, relationship with local and International organization which includes conducted meetings.

Seventh chapter elaborates Human Rights situation in 2014.

# CHAPTER 01

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## Protection of Human Rights

### 1.1 Handling of Complaints

According to the functions set out under section 10(a) and (b) of the Human Rights Commission Act, No.21 of 1996, the Commission is assigned to carry out two special tasks in relation to the protection of rights.

10(a) closely monitor executive and administrative practices and procedures in order to assure that the provisions of the Constitution relating to Fundamental Rights are adhered to;

10(b) Inquire and investigate into complaints relating to infringement of Fundamental Rights and subsequently settle them or take measures to resolve them.

Section 11 provides for powers conferred upon the Commission to enforce such functions.

In year 2014, those tasks were fulfilled mainly by the Inquiry and Investigation Division and the regional offices. Any person can lodge a complaint with the Commission either by way of a written petition or by calling at the Head-Office or at any regional office in person. The Commission then investigates these complaints in the following manner. Initially, the complaints are registered with the Commission and subsequently a reference number and a receipt will be issued to the plaintiff. Then, the complaint is assessed to check whether it comes under the purview of the Commission.

Complaints relating to infringement of Fundamental Rights or proximate infringement of rights are directed to the relevant officer where a decision will be made whether such complaints can be preceded with. Thereafter reports and observations of relevant respondents are obtained and an initial inquiry is carried out on the matter. After that, summons will be issued to the plaintiff and respondent parties in order to proceed with investigations.

For the purpose of regularizing and advancing the efficacy in the issue of summons and convening of relevant parties, a special mechanism has been developed by the Inquiry and Investigation Division, which is implemented at the Head-Office; that is the serving of summons on a monthly basis. However in a case where an urgent inquiry is necessary priority will be given to such a case. Admission to Grade One of schools, complaints on torture and detention and special requests made by the parties are some of such cases.

In the year 2014 the Head Office received 5074 complaints of which only 3730 complaints came under the purview of the Commission. The number of complaints out of the scope of the

mandate of the Commission were 1032. The number of complaints received by the regional offices were 4082. All information relating to the complaints are stored in the data base of the Commission. Data entry is performed on a daily basis. The Commission examines such stored data when necessary.

## 1.2 Consultation Services

People contact the Commission seeking advice over a variety of issues. Consultations to provide advice on infringements of human rights with the view to providing redress to complainants are held daily. Directing persons to other relevant institutions is also done daily. A duty officer is deployed daily for that purpose. He is attending 30 – 40 complaints per a day. The number of persons obtained advices from HRCSL Head Office 3,170 for the year 2014.

The same service is offered at regional offices. Please refer chapter 5 for number of persons attended for the consultations in the Regional Centres.

## 1.3 Hotline

A hotline was kept open for the general public round the clock (24 hrs) in year 2014. Introducing an easy accessible hotline number (1996) has resulted in an increase in the access of this service during the year. Matters relating to arrests and detentions have been urgently addressed on the hotline service.

## 1.4 Categorization of Complaints

Categorization of complaints lodged at the Head-Office in year 2014.

Nature of the Complaint		Number of complaints
<b>Personal liberty</b>		
	Torture	322
	Physical and mental harassment	481
	Sexual Harassment	03
	Arrest/detention	287
	Detention Conditions	07
	Death in custody	07
	Missing Persons	15
	Abductions	02
	Shootings	02
	Shoot & Death	02
<b>Employment</b>		
	Recruitment	95
	Retirement	11
	Benefits	56
	Promotion	259
	Service Extensions	14
	Service Conditions	184
	Transfers	124
	Termination	52
	Interdiction	66
	Employees Provident Fund/ Employees Trust Fund	14
	Salary	32
	Pension	79
	Foreign Trainings & Scholarships	01

<b>Education</b>		
	Admission to popular schools	261
	University admission	13
	Vidyapeeta	05
	Diploma Courses	04
	Certificates matter	08
	Disciplinary matters of students	09
	Examination	12
	Issues related to principle	03
	Selection Criteria	03
	Scholarships	01
	Facilities	05
	Close up Schools	02
	Schools Fees	03
	Extra Classes	01
<b>Social Service &amp; State Welfare</b>		
	Compensation	29
	Welfare of farmers	03
	Insurance (Social Welfare)	04
	Loan matter	06
	Samurdhi	02
<b>Infrastructure</b>		
	Water	17
	Roads	31
	Electricity	34
<b>Health</b>		
	Medical Negligence	12
	Patient Rights	01
<b>Environmental</b>		
	Public nuisance	15
	Air Pollution	01
	Sound Pollution	01
	Water Pollution	01
<b>Administration matters</b>		
	Permits/License	27
	Tax issuer	02
	Tender matter	08
	Registration matter	04
	Quota	01
	Nomination	02
	Procedures of Local Government	01
<b>Land and Property</b>		266
<b>Complaints of inaction</b>		643
<b>Migrant Workers Rights</b>		28
<b>Disable Rights</b>		01
<b>Child Rights</b>		35
<b>Language Rights</b>		37
<b>Right to Religion</b>		05
<b>Complaints related to election</b>		65
<b>Freedom of Expression</b>		03
<b>Total</b>		<b>3730</b>

Please refer Chapter 5 for the table contains the total number of complaints received by regional offices in year 2014 and the categorization of such complaints.

## 1.5 Complaints bringing to a close

The following table contains the reasons for bringing the complaints lodged in year 2014 and in the previous years to a close.

The complaints brought to a close at the Head-Office in year 2014

The reason for ending	Complaints lodged and closed in year 2014	Complaints lodged in a previous years and closed in 2014	Total
Unavailability of a ground for and infringement of a Fundamental Right	275	376	651
Plaintiff not interested	171	282	453
Recommendations issued	28	54	82
Settled	35	111	146
<b>Relief granted</b>	97	183	280
<b>Withdrawals</b>	95	128	223
Referring to other institutions	330	10	340
Directions issued	14	56	70
Pending a court case	95	104	199
Does not fall under the purview of the Commission (disclosed later)	470	177	647
Prescription	150	07	157
<b>Total</b>	<b>1760</b>	<b>1488</b>	<b>3248</b>

Closing of files within the same year denotes that the Plaintiffs were granted redress on various criteria, in addition to issuing of recommendations. They include settlement, providing of redress during the inquiry, and consent of the plaintiff to withdraw complaint on the basis of getting a suitable relief in return.

Recommendations were issued only on instances where Fundamental rights were clearly violated and in instances where there was no solid foundation for an infringement certain other orders / directions were issued.

Uncovering any information during the inquiry that shows that there has been no infringement of fundamental rights, matter does not come under the purview of the Commission, unable to proceed due to prescription, difficulty to continue due to lack of interest shown by the aggrieved parties due to various reasons, can be mentioned as instances where redress could not be accorded. On occasions the case is brought to a closure when it is simultaneously being tried by a court of law or being attended by another authority.

## 1.6 Follow-up Actions and non implemented Recommendations

The Human Rights Commission, after inquiring and investigating into complaints lodged, issue recommendation whenever a violation of Fundamental Rights is detected. The Human Rights Commission for years has exercised follow-up action to check whether the recommendations issued were enforced. The procedure followed is to initially inquire from the respondent of the progress of the matter and if the respondent fails to reply, to send him a reminder. The cases,

for which the respondent fails to reply or has not implemented recommendations, will be taken up before the Chairman again for a re-consideration. The 136 cases were taken up before the Chairman.

## **1.7 Selected Complaints**

### **1. Protection of Environmental Rights**

HRC/AP/401/2012

*Petitioners : Wasantha Kumari Ratnayake & A M N G S Bandara Dhanasekara*

*Respondents : Resident Business Manager & Others , Sri Lanka Mahaweli Authority*

The Petitioner had lodged a complaint against Mahaweli Authority and Divisional Secretary for not taking action against a concrete factory which was functioned without following Legal regulations.

By the complaint the petitioner pointed out the operation of this factory caused sound pollution and Air pollution.

In the inquiry it was revealed the Mahaweli authority has informed Divisional Secretary to stop issuing business license to the owner of the said factory. The Environmental Protection License which was issued by Pradeshiya Saba was not valid and the business has not been canceled.

Therefore the Commission recommended the respondents to take Legal actions against owner of the concrete factory as the said business cannot be proceed without approval of the relevant authorities.

### **2. Right to Association**

HRC/1356/143

*Petitioner : M L D D S Kumara and others*

*Respondent : Vice Chancellor, University of Sabaragamuwa, Belihuloya.*

Group of Students from Sabaragamuwa University of Sri Lanka by lodging a complaint at the HRC/SL and alleged that the Vice Chancellor of the said University by not appointing student councils caused to infringe their fundamental rights.

The main reason given by the respondent was due to illegal and indiscipline activities of the students led the administrators to take the said decision.

After an inquiry the Commission recommended the respondent should take all the steps to establish Student Councils and emphasized the students should follow and respect the disciplinary rules and administrative regulations of the University.

### **3. Right to not to be tortured**

HRC/MT/155/13/G

*Petitioner : K.D. Jeevan Suresh*

*Respondent : A Sub Police Officer and two Police Constables of Weligama Police*

A petitioner who has been tortured while in arrest and in the detention of the Police by making his complaint stated that two Police officers visited his residence in the morning at 3.00 am and requested him to come to the police station at 9.00 am giving him a written notice. An hour later five police officer had come to his residence and forced him to open the door and started to beat him by a pole and hands. Later he had been pulled to the jeep and taken to the police. The petitioner had been arrested based on the complaint made to the hot line of police (119) by a woman where he had an extra marital affair. The petitioner had been produced before the courts around 11.00 am on same day and remanded.

It is revealed in the investigation the victim had been tortured by the police and the Commission recommended compensation to be paid to the petitioner.



## CHAPTER 02

# Promotion of Human Rights

### 2.1 Introduction

The realization of human rights cannot be achieved solely through protective measures. In recognition of this fact, the Human Rights Commission of Sri Lanka is entrusted with the important responsibility within its mandate to improve the awareness & knowledge of human rights in different target groups. Promoting and educating human rights may involve informing the public about the Commission's own functions and purposes provoking discussion in relation to various important questions in the field of human rights, organizing seminars, holding consultation services and meetings, as well as producing and disseminating human rights publications such as posters, leaflets, handbooks etc. In 2014 the HRCSL conducted various human rights programmes in different part of the Island and also published human rights documents and disseminated them to the public.

### 2.2 Educational Programmes on Human Rights

HRCSL resource persons participated to human rights programmes which were organized by the various government and nongovernmental organizations. Details of the programmes attended by the HRCSL officials are given below in the table 1.

Nos.	Date	Title /Subject	Target Group	Organized by
01.	06.05.2014	Working Women's Life and Stress	Staff of the Ministry of National Language & Social Intergration	Ministry of National Language & Social Integration
02.	11.06.2014	Legal Awareness Campaign	School Students	The Law Students' Human Rights Movement. Colombo 12
03.	21.08.2014	Contribution of Police Officer's scientific researches re minimizing harassment against children & women	Officers In charge of Police Stations in the Polonnaruwa District	Regional Office Anuradhapura
04.	15.09.2014	Policy against Sexual Harassment in the Workplace	Staff of the Ministry of Child Development & Women's Affairs	Ministry of Child Development & Women's Affairs & National Committee on Women in collaboration with the

				Forum against Gender based Violence
05.	19.09.2014	Fundamental Rights (Tamil Medium)	Newly recruited Excise Officers	Excise Department, North Western Training Centre, Wariyapola
06.	17.10.2014	Policy against sexual harassment in the work place	Staff of the Ministry of State Resources & Enterprise Development	Ministry of State Resources & Enterprise Development
07.	10.10.2014	Fundamental Rights / Role of the Human Rights Commission	Police Officers	Police In Service Training Unit, Mirihana
08.	02.11.2014	Tamil Medium	Member of the Human Rights Protection & Welfare Centre	Human Rights Protection & Welfare Centre, Colombo 14
09.	06.12.2014	Building up a network between HRC and Police on human rights issues	Police officers in the Trincomalee District	HRCSL Regional Office Trincomalee
10.	18.12.2014	Ensuring the rights of Deaf persons	Policy making state officers	Sri Lanka Central Federation of the Deaf and Ministry of Social Services, Battaramulla

table 1.

### **Human Rights Awareness Programme for Officials of Sri Lanka Army**

The Directorate of Human Rights & Humanitarian Law of the Sri Lanka Army requested the Human Rights Commission of Sri Lanka to assist with their training programmes that are conducted with the aim of promoting the knowledge of human rights among the officers and thus creating a well-disciplined Army.

The Directorate of Human Rights & Humanitarian Law had scheduled 35 programmes and the Head office Staff of the HRCSL provided resource persons to 14 programmes which were held in Colombo, Jaffna, Vavuniya, Trincomalee and Kilinochchi Districts respectively. The staff of HRCSL Regional offices participated as resource persons to the programmes in Ampara, Anuradhapura, Badulla, Kandy and Matara Districts respectively. More than 1000 army officers benefited by these programmes and about 100 Tamil speaking army personals also benefited.

	Date	Organized by
01.	10.06.2014	52 Division – Jaffna
02	11.06.2014	57 Division – Kilinochchi
03	18.07.2014	Institute of Peace Support Operation Training Sri Lanka, Kukuleganga
04	11.08.2014	55 Division – Battacaloo Training School, Periyachchapali, Batticaloo
05	12.08.2014	55 Division - Elephant – Pass
06	11.08.2014	Institute of Peace Support Operation Training Sri Lanka, Kukuleganga
07	21.08.2014	224, Brigade, Army Camp, Kinniya
08	22.08.2014	4 Sri Lanka Armoured Corps, Army Camp, Clapenburg, Trincomalee
09	17.09.2014	6 <sup>th</sup> Battalion the Gajaba Regiment, Army Camp, Broodi House, Colombo 07
10	19.09.2014	14 Division, Army Camp, Aththidiya
11	29.10.2014	5(V) SLAWC – Trincomalee
12	30.10.2014	2 (V) GR – Trincomalee
13	19.11.2014	7 SLAWC – Jaffna
14	20.11.2014	FMA (N) – Kankasanthurai

### **Workshop on Duty Bearers’ Responsibility to Ensure a Right Based Public Service**

State is the primary duty bearers to respect, protect and fulfill rights of the people. There are several governmental mechanisms to ensure the peoples’ rights and needs. The HRCSL receives number of complaints against the public services every year. These complaints especially relate to inaction by the officers of the public service. Therefore based on this analysis one day awareness programme was developed for government officers titled “how to ensure a rights based public service”. The first programme was held on 13.10.2014 at the Auditorium of the Puttalam District Secretariat. There were 60 Tamil medium government officers who participated the programme.

The other programme was conducted on 13.12.2014 at the same venue. More than 60 Sinhala medium government officers participated on this day.

### **Human Rights Training Programme for Journalists**

Identifying the importance of giving trainings to journalists a special manual was developed by the Human Rights Commission targeting journalists. Two days human rights training programme for journalists was organized in Matarafrom 07th – 08th November 2014 at the Gaga Addara Hotel, Matara. Forty five (45) journalists from different part of Matara District Participated.

### **Human Rights Training Programme for Youth**

In the global world youth is actively engaged in political, economic and social process. They are the future leaders of the country.

The HRCSL developed a special training programme for youth and the first programme was held on 13, 14 and 15 November 2014 at the Auditorium of The Department of Forest at NuwaraEliya with the participation of more than 150 Sinhala and Tamil speaking youth.

The Commission developed a special Human Rights Module for Youth which it includes:

- Right based leadership
- Participatory approach to identify human rights issues/ problems in the villages
- How to facilitate the people to get appropriate remedy from agencies
- Youth action as Human Rights Defenders
- Right based variety entertainments.

This Programme was financially supported by the United Nations Programme for Human Rights.

### **2.3 Right to Human Rights Education**

As the National Human Rights Institution (NHRI) of Sri Lanka, the Human Rights Commission of Sri Lanka (HRCSL) is obliged to promote human rights in the country in law, policy and in practice.

Way back in 2007, the National Institute of Education (NIE) invited the HRCSL to work with the NIE to include human rights in to the education system, by introducing handbooks to teachers and university students as the first step and secondly by introducing human rights into the school curriculum. Therefore, including human rights into the school curriculum is a long overdue matter which was again emphasized in the recommendations by the Lesson Learnt and Reconciliation Commission (LLRC) appointed to inquire into and report on the matters that may have taken place during the internal armed conflict situation and as well as in the Human Rights Action Plan for 2011 – 2016.

The HRCSL invited the Lanka Association for the Advancement of Education (SLAAED) to provide their expertise and work with the Commission to include human rights in to the school curriculum.

1. Strengthening human rights content in secondary education curriculum, Grade 6 – 9 (life competencies and citizenship education subject) and Grades 10 -11 (civic education) and any other relevant subjects;
2. Prepare an instructional package to be used in in-service training of teachers to enhance capacity of teachers, teaching the above subjects.

#### **The activities detailed herewith will be carried out to achieve the above objective;**

- a. Study the existing/proposed curriculum in Citizenship Education (CE) for grades 6-9 with a view to ascertain the following;
- b. To identify the clauses in the Universal Declaration of Human Rights (UDHR) that have been included and evaluate whether they are adequately covered;
- c. To identify entry points to incorporate human rights which are appropriate for each of the different grades;
- d. Identify from the UDHR rights that can be best covered in other subjects; Eg. Article 25 (health)., could be covered in health education. Other rights that can be covered in first language (Sinhala & Tamil) in order to prevent overloading of CE.
- e. Identify the content which can be incorporated in the Civics Education subject at grades 10 and 11.

HRCSL work with SLAAED to achieve above objectives and the project was in progress during the year 2014.

## **2.4 Special discussion on workers' rights and review the applicability of International Labour Rights Instruments (9th May 2014)**

The objective of the discussion was to enhance the labour standards of the country according to the Intentional labour rights instruments. Government officials, civil society representatives, representatives from Intentional Non Governmental Organisations and labourer rights activists were among the participants. Two issues were discussed in the meeting;

- State obligation on International Instruments related to maternity protection
- Women labour force in the estate sector deprived of enjoying the privileges of maternity leave

Participants requested the Commission continue this discussion furthermore and lobby it.

## **2.5 HRCSL Exhibition Stalls**

### **2.5.1 DeyataKirula Exhibition – 2014**

The Commission set up a stall at the exhibition of DeyataKirula from 4th to 10th February 2014 at Kuliypitiya in the North Western Province. The Staff of HRCSL allocated to be in charge of the stall created on awareness of human rights and the Human Rights Commission to the public. The stall was developed to reflect right based generational development and HRCSL's main activities in pictorial elaborations.

### **2.5.2 HRCSL Stall at the National Library 24th Anniversary**

The National Library organized an exhibition from 6th – 9th May 2014 under the theme of "Services of National Library for a Knowledgeable Society". HRCSL set up a stall on the request made by the organizing committee. This event was facilitated by the HRCSL Documentation Center.

## **2.6. Commemorating International Days**

### **2.6.1. International Women's Day 2014**

To commemorate the International Women's Day 2014 which falls on 08th of March every year, the HRCSL organized a discussion with the higher officials of the State Ministries on how to lobby on the "Policy against Sexual Harassment in the Work Place" in the public sector.

This Policy document had already received cabinet approval and the Commission is keen to get it implemented.

As such the Commission took steps to follow-up the implementation of this policy and to distribute the policy documents to all government institutions in the country. After this discussion several government institutions requested to make them aware regarding this policy. The Commission noted that most of the institutions have taken it positively and implemented the policy in their work places.

### **2.6.2 International Day in Support of Victims of Torture**

The Commission conducted a one day programme to commemorate the International day in support of victims of torture in the auditorium of HRCLs on 26th June 2014.

It was focused to discuss the social and legal aspects of torture and the responsibility and problems faced by institutions in combating torture. At the end of the programme, a panel discussion was conducted with the participation of the Chairman, Commissioners, an University academic, the Deputy Solicitor General and a Medical Specialist from National Mental Institute. Officials from Police, prisons and military participated to the programme.

Parallel programmes were conducted in the 10 regional centres and the theme of the programme was "Free from Torture." A banner was developed displaying the theme.

#### Analysis of complaints on Torture 2013

Year	Head Office	Regional Office	Total
2006	528	317	845
2007	534	266	800
2008	439	337	776
2009	372	212	584
2010	361	170	531
2011	348	221	569
2012	381	154	535
2013	377	174	551

According to the Institutions -

Institution	Percentage (%)
Dept. of Police	86.7
Schools	4.5
Dept. of Prisons	5.8
Armed Forces	0.5
Other (Dept. of Forest, Exercise)	2.4

The highest No. of complaints on torture 2013 (Western Province)

Police Station	No. of Complaints
Wellampitiya	10
Mirihane	10
Panadura South	09
Welikada	07
Mount Lavinia	07
Bandaragama	06
Kiriella	06
Thalangama	06
Panadura North	05
Narcotic Bureau	05
Payagala	05
Wadduwa	05
Poddala	05
Kohuwala	05
Bulathsinhala	05
Wattala	05
Morawaka	05
Awissawella	05
Chilaw	04
Moratuwa	04
Ja-Ela	04
Kadawatha	04

(Abstract from the presentation done on commemorating International day in Support of torture victims - 2014 )

### **2.6.3 Elders Rights**

The creation of the Protection of the Rights of Elders Act (2000), and National Charter for Senior Citizens & National Policy for Senior citizens (2006) are decisive steps in the care for Sri Lankan Older population. The National Action Plan for the Protection and Promotion of Human Rights and the LLRC report, currently being attended to by the government, also promises to include the protection of the rights of elders. These policies build upon the international mechanisms that include the Vienna International Plan of Action on ageing (1982), its successor the Madrid International Plan of Action on ageing (2002), the UN Principles for Older persons (1991) and the UN Proclamation on ageing (1992). Similarly under the Ministry of Social Services and Social Welfare, various domestic mechanisms have been established; a National Council for Elders; a National Secretariat for Elders; an Elders Maintenance Board, and the establishment of Social Service Officers concerned with elders rights protection at the Divisional Secretariat level. The Ministry of Social Services has also taken steps to establish village level Elders Committees island-wide. Similarly, there are numerous programmes initiated by the non-governmental organizations and the private sector with the government institutions and/or individually concerning senior citizen's rights protection, and such initiatives are acknowledged with appreciation.

To this end, in recent years the Human Rights Commission of Sri Lanka, with other stakeholders that work towards promoting and protecting the human rights of senior citizens, has made moves towards improving the protection, promotion and monitoring of the rights of older persons in Sri Lanka.

### **2.6.4 International Human Rights Day**

The Human Rights Commission of Sri Lanka organized a programme to commemorate the International Human Rights Day 2014 at a national level as well as at a regional level. The national level programme was held on the 10th December, 2014 at the Auditorium of the Bandaranaike Center for International Studies (BCIS) at BMICH, Colombo 07 from 9.30am to 1.00pm.

The HRCSL decided to adopt the United Nations theme and add more colour to it, with a different touch, while taking the country's current reconciliation process .

Therefore, the HRCSL decided to organize a multi view dialogue under the title of "Ensure the reconciliation and harmony through....."

- Political Responsibility
- Academic's Responsibility
- Judicial Responsibility
- Government Responsibility
- Civil Society's Responsibility
- General Responsibility
- Religious Leaders' Responsibility

The Key note speech was given by Mr. Lionel Fernando; a noted civil servant in Sri Lanka, a renowned diplomat and a former facilitator, in relation to the "the reconciliation process in Sri Lanka in the current context".

The Day was celebrated with the similar event throughout Sri Lanka directly organized by the HRCSL Regional Offices. Similar events were organized in this connection in each of the Regions.

## 2.7 Printing Materials

The HRCSL printed various documents on human rights to promote human rights among the public. The following printed materials were distributed to all HRCSL regional offices and made use of at the programmes conducted by the head office by distributing them to the participants.

Material	Language
Policy Against Sexual Harassment in the Work Place	Sinhala, Tamil & English
Booklet on HRCSL	Sinhala and Tamil
Report on Death Penalty	Sinhala and Tamil
Universal Declaration on Human Rights	Sinhala, Tamil & English

## 2.8 Media Programmes

In this year, the HRCSL participated for two media programmes. One was on 09.12.2014 on "Nugasevena live Programme" telecast by the Rupavahini Corporation in relation to the International Human Rights Day 2014 and the HRCSL activities. The other one was on 19.12.2014 on "KanthaPrabodaya Programme" which was telecasted by the Sri Lanka Broadcasting Corporation in relation to the "Sexual Harassment in the Work Place". This programme was supported by the Ministry of Child Development & Women Affairs & National Committee on Women.

## 2.9. Internship Trainings

University students and graduates have requested on various occasions for internships. In 2014, the Commission took a policy decision to provide opportunities to volunteer interns. Accordingly, law students, law graduates and graduates of other disciplines have joined as interns. They are attached to various divisions of the Commission

## CHAPTER 03

# Monitoring of Human Rights

### 3.1 National Language Policy

According to the Constitution of Sri Lanka Sinhala and Tamil languages are official languages of the country. Human Rights Commission of Sri Lanka took steps to monitor the implementation of the National Language Policy under the provisions of Constitution of Sri Lanka. This intervention is in connection with the LLR C Recommendations. HRCSL received 166 complaints related to violation of language rights which were filed by the Centre for Policy Alternatives (CPA). The Commission reviewed the cases and took steps to closely monitor the progress of implementation of the National Language Policy by said Respondent institutions.

Categorization of the said cases are in table 01 and 02.

According to the Respondent Authority:

Intuitions/ respondents	No of complaints
Consumer Affairs Authority	67
Ministries	26
Departments/Boards/Corporations	25
Police	08
Local Government Authorities	09
District/Divisional Secretariats	05
Banks	11
Ministry of Education and education related intuitions	13
Non-Government	02
<b>Total</b>	<b>166</b>

Table No 01.

Source: Language Rights Case files, Human Rights Commission of Sri Lanka 2014

According to the nature of complaint in 2014

Nature of complaints	No of complaints
Name Boards/Labels	21
Letters/Circulars/Evaluations	48
Formats/Applications/Notices	20
In corrected Tamil version	03
Police Complaints/permits issue in Sinhala Language	05
Web sites	10
Manufacture date, expiry date, description of the use	59
<b>Total</b>	<b>166</b>

Table No 02

Source: Language Rights Case files, Human Rights Commission of Sri Lanka 2014

## **3.2 Election Monitoring**

### **3.2.1 Provincial Council Elections**

HRCSL conducted Election Meeting in Western & Southern Provinces and issued a summary report based on observations made by the HRCSL teams during the election day.

HRCSL gave special attention to Uva Provincial Council elections as violations related election laws comparatively larger their Southern and Western Provincial Council elections.

A special meeting conducted by a team headed by HRCSL Commissioner prior to Elections on 09th September 2014 at Monaragala in participation of the Commissioner of Election and senior public official who had to directly engage Election related duties participated.

A publication of HRCSL's General recommendation on Election Guidelines which was prepared based on the final report of Southern and Western Provincial Council Elections was used to discuss practical difficulties in implementing election laws and how to over come them.

### **3.2.2 Presidential Election 2015**

Human Rights Commission of Sri Lanka used its mandate effectively to ensure free and fair election in the Presidential Election 2015.

Several discussions conducted with Commissioner of Elections with this regard. It was complained to HRCSL that the local Government Authorities are treated discriminately when allocating public ground and public halls to Political Candidates.

HRCSL issued directives to all the Commissioners and Secretaries of Local Government Authorities to uphold the rule of law to conduct free & fair election.

To ensure voting rights of the employees working in the private sector HRCSL conducted a meeting with Commissioner of Elections, Secretary to Ministry of Labour and Labour relations and the Commissioner General of Labour on 22.12.2014. Commissioner of Elections proposed distances and entitled leave which is appreciated to HRCSL and HRCSL issued recommendation to the Ministry of Labour. Thereafter actions had been taken by the Minister to issue it as a regulation.

HRCSL closely worked with the Office of Commissioner General of Labour on Election Day to ensure voting rights of private sector employees.

HRCSL summoned following state agencies as those agencies were alleged by Election Monitoring groups for voluntary election laws.

- Department of Government Printers
- Department of Postal
- Department of Prisons
- Sri Lanka Transport Board
- Road Development Authority

The Authorities explained the ground situation and agreed to take maximum steps to protect rule of law, as public officials. The Commissioner of Elections participate the discussion.

HRCSL worked closely with Elections Monitoring and Civil Society Organizations by way of accepting complaints and inquiry into those.

### **3.3 Religious Tension is Beruwala and Aluthgama**

Religious tension was reported in Beruwala and Aluthgama on 15th June 2014 between Buddhist and Muslim communities. The event is considered to be an altercation between Buddhist Monk and three Muslim youths who are accused of assaulting the monk and the public meeting held in the aftermath in response to the event featured the Bodu Bala Sena General Secretary, the Ven. Galabodaaththe Gnanasara Thero who has made racist and inflammatory statements.

Day after the incident the HRCSL team visited the affected villages and observed number of business places belongs to both communities were burnt and police and fire Brigade was called to control the situation. Police curfew had been declared over 2 days.

The HRCSL team continued their visit and intervention on 17th & 18th June 2014 and met religion leaders of communities, victimized people and state officials.

Based on the interim report of HRCSL team, that Chairman, Commissioners and senior officials visited the area and met Senior level government authorities including District Secretary, Senior Police Officers, Religious leaders, Local politicians and finally met large gathering of effected people at the Mosque on 08th July 2014 during the fasting

season. Some of the HRCSL team members broke the fast with them and after their prayers continued the discussion.

The Commission decided to continue reconciliation programme with the Communities live in the said area.

### **3.4 Launching of the Report on Death Penalty**

HRCSL took steps to address ideologies for and against the implementation of death sentence around the world. HRCSL studied crime rates, death sentence and execution in developing countries in few continents of the world.

After viewing the facts HRCSL issued recommendations and the report was launched on 07.10.2014 at the HRCSL Head Office. Relevant stakeholder were invited and participated for the event and huge publicity was given by the media.

### **3.5 Visits**

#### **Inspection of Police Stations**

The objective of inspection of police stations is to give priority on the part of the Commission to minimize illegal arrest and torture and to minimize delays in producing suspects to Courts. In addition to inspection of Police Stations the Commission inspects the Terrorist Investigation Division and the Criminal Investigation Division of the Police Department. The Commission through such inspections examines detention conditions and other issues faced by detainees and assure their safety while in custody. During these inspection matters relating to health of detainees, issues relating to meet relatives and safety issues are addressed.

In the year 2014, several incidents were reported during inspection of police stations such as, detentions without proper orders incidents of assault of detainees. Investigation Officers of the Commission took prompt action to launch investigations on such incidents.

The Head Office and the Regional Offices of the Commission carried out inspections of 1479 Police Stations island wide, at least once a month. Sometimes, inspections were performed in the night.

## Special visits to TID

- The senior officers of the Commissions made a special visit on 07.03.2014 to Terrorist Investigation Division to observe the detention condition and legality of the arrest of Rukshan Fernando, Human Rights Defender and Catholic Priest Fr. Praveen. They have been arrested on 16.03.2014 at Kilinochchi and taken to Vavuniya then to Colombo and not produced to judicial medical officer. HRCSL recorded statement and he has requested to inform his relatives & lawyers to be informed.

The HRCSL team met the OIC – TID and informed to ensure safety and Right to not to be tortured or harassment of the detainees and take quick legal action. Further inform to provide opportunity for their lawyers and relatives to visit them. The HRCSL team took steps to inform relatives about arrest and detention conditions.

- HRCSL took sumo-moto action based on the web news of Human Rights Watch to visit 03 detainees who had been deported to Sri Lanka from Malaysia. A team led by a Commissioner visited TID to see detainees named Chandralingam Raj Kumar, Selvadurai Kirupanandan and Mahadevan Krupandan.

HRCSL had observed the detained suspects are in good health condition and not tortured. Detainees have informed although they received food, clothes and other necessities are also needed.

The Commission discussed with the authorities to provide the required items. The Commission emphasized the authorities to ensure the safety conditions of the detainees and expedite legal actions.

## Detention Centres

In 2014 HRCSL team visited the Foreign Nationals Holding Centre Mirihana and Methsevana State House of Detention Centre. The Commission recommended to Department of Immigration and Emigration & Department of Social Services (W.P.) to upgrade the detention conditions of the inmates.

### 3.6 Registration of Detention Orders

According to Section 28 of the Sri Lanka Human Rights Act, it is the duty of the person who issues a detention order to effect an arrest or detention of someone under either the Prevention of Terrorism (Temporary Provisions) Act, No. 28 of 1977 or under a Regulation made under the Public Security Ordinance (Chapter 10) to inform the Commission about such an arrest or a detention. A Register of Detention Orders issued is maintained by the Commission for that purpose.

The number of detention orders of which information were communicated to the Commission within the year was 404. Out of them 373 were in respect of males and 26 were in respect of males and 31 were in respect of females. Given below are the security units that have provided information to the Commission on such detention orders.

	Male	Female
The terrorist Investigation Unit	206	16
The CID	103	13
Ordinary Police Stations	38	02
Narcotics Bureau	16	-
Others not specified above	10	-
<b>TOTAL</b>	<b>373</b>	<b>31</b>

### **3.7 HRCSL Monitors & Supports Reconciliation Process**

The Human Rights Commission of Sri Lanka conducted a discussion with the Director General of Dept. of Census and Statistics and the Secretary of the Ministry of public Administration and Home Affairs upon representation made by the Peoples Council for Peace and Goodwill bishop's House, Jaffna on the conduct of the survey conducted by the Dept. of Public Administration and Home Affairs.

The discussion was based on a letter issued by the Ministry of public administration and Home affairs bearing no. HAF-3-LLRC dated 13.11.2013 requesting the Divisional Secretaries to furnish information on persons who died/were injured and damages to property due to conflict within the stipulated time.

The Chairman of the HRCSL opened the floor for the representatives of Peoples Council for Peace and goodwill Prof. P Balasundarampillai and Mr. S Paramanathan to explain the issues and their requests. They pointed out that through the given format real facts and figures cannot be collected. They requested on behalf of the victims who are not living in that area that they should be given access to their original places to see the damages caused.

Another request was that next of kith and kin should be allowed to claim on behalf of their relations and that it should not be limited to nuclear family. The final request was to allow those who live abroad to give evidence and claim damages.

Addressing the issues and requests raised by the said representative the Director General of Census and statistic's Dept. explained the objective of this census.

The objective is to collect census on persons who died/injured and damages to property due to the conflict and the whole island is covered by the survey, geographical limitations/boundaries has to be taken into consideration.

Further he expressed that people who lived out of the country cannot be taken into account but with certain limitations their kith and kin can give information according to the format and people who lived in detention centers have been taken into account.

He further said that the survey is not to calculate damages or pay compensation and only to collect data. Finally the commission requested the representatives of the Peoples council to forward a report stating the issues and the suggestions to resolve them, to the Commission with a copy to the dept. of Census and Statistics to take further actions.



## CHAPTER 04

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# Human Resource and Financial Management

### 4.1 Capacity Development Programmes for HRCSL Staff

#### 4.1.1 Workshop on relationship between Human Rights and Corruptions

The Human Rights Commission of Sri Lanka as the National human rights institute of Sri Lanka was established with absolute power of inquire into an investigate violations or imminent violations of fundamental rights guaranteed by Constitutions and provide relief and redress. As an initiatives for widening the scope of HRCSL beyond Fundamental Rights violations in Sri Lanka a workshop on relationship between Human Rights and Corruption was jointly organized by Transparency International Sri Lanka and HRCSL on 27th and 28th January 2014. This was participated by staff of Regional and Head Office of HRCSL. The experts on this field participated as resource persons to the workshop.

#### 4.1.2 Local Trainings

- Twenty Five (25) officers of Human Rights Commission of Sri Lanka in different categories of staff attached trainings from skills development Fund Limited on Human Resource Management, Financial Management and Secretariat practices.
- Two employees trained on transport management by Construction Equipment Training Center.
- Staff of Head Office and regional Centres were trained on Public Procurement and Disposal Procedures and E-government and basic IT office Management and Practices.

#### 4.1.3 Language Skills

- Financial supports were given to the 12 numbers of staff to improve English language skills.

#### 4.1.4 Higher Studies

- Six Executive Officers were financially supported for post graduate studies on Human Rights and Human Rights related fields.

#### 4.1.5 International Trainings and Meetings

- The Commonwealth Secretariat supported a four day Capacity Development Intervention for the Human Rights Commission of Sri Lanka which took place from 10 – 13 March 2014 in Geneva.

Ten participants, The Chairman, A commissioner, Senior staff members of HRCSL and two Regional Co-ordinators were included to the team.

This intervention, which was part of the Commonwealth Secretariat engage with the HRCSL to improve its functional independence and authority under the secretary generated grid office.

This intervention provided opportunities for the HRCSL to network with other NHRIs and further peer learning through engagement and participation in the NHRI related international platforms inclusive of the International Co-ordinating Committee of National Institutions for the Protection and Promotion of Human Rights, Commonwealth Forum of National Human Rights Institutions and the UN Human Rights Council.

- Asia Pacific Forum continued its support to Capacity Development of HRCSL staff under different themes in 2014.

		Country and Conference/ Seminar/Meeting/Workshop	Duration
01.	Justice Priyantha R P Perera – Chairman Dr. S W P Mahanamahewa – Commissioner Mrs. S J Paranagama – Secretary Mr. Nimal G Punchihewa – Addl. Secretary Ms. Shirani Rajapakshe – Director – Education & Spl. Programmes Ms. Thusitha Samarasekera – Director – M & R Ms. Sithara Thambiliyagoda – Actg. Director – I & I Mr. T Kanagaraj – Regional Co- ordinator – Jaffna Mr. A.L. Issadeen – Actg. Regional Co-ordinator - Kalmunai Mr. K KVillavarajan – Education Officer	Geneva, Switzerland  Capacity Development Intervention for the Human Rights Commission of Sri Lanka organized by the Commonwealth Secretariat	10.03.2014 – 13.03.2014
02.	Mrs. T G S D Thambiliyagoda – Acting - Director (I & I) Mr. H D C Arunakumara – Investigating Officer	Maldives  Pilot APF Blended learning course on effective media and communication programme organized by the Asia Pacific Forum	07.04.2014 – 10.04.2014
03.	Mr. M A N Chandrasiri – Research Officer	Australia  Asia Pacific Workshop on the Rights of Older persons organized by the Asia Pacific Forum of NHRIs	13.05.2014 – 15.05.2014

04.	Mrs. S.N. Liyanagama – Investigating Officer	Malaysia  APF Pilot Regional workshop on undertaking effective investigations organized by the Asia Pacific Forum	19.05.2014 – 23.05.2014
05.	Mr. S A Vijayananda – Investigating Officer – Anuradhapura	India, New Delhi  Advanced Human Rights Education Programme organized by the Asia Pacific Forum	10.06.2014 – 14.06.2014
06.	Mrs. S J Paranagama - Secretary	Sydney Australia Senior Executive Roundtable	23.06.2014 – 24.06.2014
07.	Dr. S W PrathibaMahanamahewa Commissioner Mr. N L A Kalam – Investigating Officer	Malaysia  Mediation and Negotiation Training for National Human Rights Institutions	11.08.2014 – 15.08.2014
08.	Mr. T E Anadarajah – Commissioner	India  19 <sup>th</sup> Annual Meeting of the Asia Pacific Forum of national Human Rights Institutions	03.09.2014 – 05.09.2014
09.	Dr. S W PrathibaMahanamahewa Commissioner	China  7 <sup>th</sup> Beijing Forum on Human Rights	17.09.2014 – 18.09.2014
10.	Mr. C K Rajasinghe – Network Administrator	Malaysia Blended learning course for NHRIs in	22.09.2014 – 26.09.2014
11.	Ms. S Rajapakse – Director – Education and Spl. Programmes	Thailand  Workshop on the social integration and the Rights of older persons in the Asia Pacific region organized by the Asia Pacific Forum	30.09.2014 – 02.10.2014
12.	Mr. S J Paranagama – Secertary	Bangladesh  Regional Conference on “Towards South Asian Human Rights Mechanism Prospects and Challenges	17.11.2014 – 18.11.2014

#### **4.2 Miss. ThusithaSamarasekara Director (Monitoring and Review)**

The Commission deeply aggrieved by unexpected demise of Miss. ThusithaSamarasekera, Director – Monitoring & Review in 2014. The enthusiasm and valuable service rendered by Miss. Thusitha to HRCSL and to per savant of Human Rights in this country is commendable.

The Commission place as record its appreciation all the work and duties entrusted to late Miss. ThusithaSamarasekara who undoubtedly done her best and service to the commission with dedication. This work done by Miss. Thusitha has been appreciated not by HRCSL but by other Civil Society and International Organizations.

The loss of Miss. Thusitha Samarasekara is almost unbearable to the commission. The initiative she has taken pertaining to her duties was highest standard.

### 4.3 Cadre Information - 2014

Ministry : President Office

Department : Human Rights Commission of Sri Lanka

Address : No. 165, Kynsey Road, Colombo 08

Post	Grade/ Class	Salary Scale	Approved Cadre			Existing Cadre		
			Perm.	Casual	Contract	Perm.	Casual	Contract
Secretary		SL-3-2006	1	-	-	1	-	-
Additional Secretary		SL-3-2006	1	-	-	-	-	1
Deputy Secretary		SL-1-2006	-	-	-	1	-	-
Directors	I	SL-1-2006	5	-	-	1	-	-
Assistant /Deputy Director	III	SL-1-2006	3	-	-	-	-	-
Legal Officer	III	SL-1-2006	22	-	-	11	-	-
Regional Co-ordinator	III	SL-1-2006	11	-	-	8	-	-
Network Administrator	III	SL-1-2006	1	-	-	1	-	-
Accountant	III	SL-1-2006	1	-	-	1	-	-
Internal Auditor	III	SL-1-2006	1	-	-	1	-	-
Administrative Officer	Supra	MN-7-2006-A	1	-	-	-	-	-
Accounts Officer	Supra	MN-7-2006-A	1	-	-	-	-	-
Asst. Librarian/Librarian	Supra	MN-7-2006-A	2	-	-	-	-	-
Senior Investigating Officer		MN-7-2006-A	3	-	-	-	-	-
Training & Education Officer	III	MN-4-2006-A	1	-	-	1	-	-
Research Officer	III	MN-4-2006-A	1	-	-	1	-	-
Programme Assistant	III	MN-4-2006-A	1	-	-	-	-	-
Investigating Officer	III	MN-4-2006-A	47	-	-	31	-	-
Legal Assistant	III	MN-4-2006-A	14	-	-	-	-	-
Investigating Assistant	III	MN-4-2006-A	14	-	-	-	-	-
Financial Assistant	III	MN-4-2006-A	1	-	-	2	-	-
Librarian & Documentation Off.	III	MN-4-2006-A	1	-	-	1	-	-
Translator	III	MN-4-2006-A	2	-	-	-	-	-
Hardware/Software Technician	III	MT-1-2006-A	2	-	-	-	-	-
Management Assistant (Non Tech.)	III	MN-1-2006-A	70	-	-	55	-	-
Driver	III	PL-3-2006-A	22	-	-	15	-	-
Office Aide	III	PL-1-2006-A	31	-	-	26	-	-
Watcher	III	PL-1-2006-A	11	-	-	10	-	-
Labourer	III	PL-1-2006-A	2	-	-	2	-	-
<b>Total</b>			<b>273</b>	<b>-</b>	<b>-</b>	<b>169</b>	<b>-</b>	<b>1</b>

**4.4 Financial Statement Year 2014**  
**Expenditure Statement for the year 2014**

Name of Ministry / Department / District Secretariat: **Human Rights Commission of Sri Lanka**

Expenditure Head No. 013

Object Code	Description	(1)	(2)	(3)	(4)	(5)
		Provision in Budget Estimates	Supplementary Provision	Transfers in terms F.R. 66 and 69	Total Net Provision (1+2+3)	Total Expenditure
		Rs.	Rs.	Rs.	Rs.	Rs.
	<b>Recurrent</b>					
	<b>Personal Emoluments</b>					
1001	Salaries and Wages	45,000,000		350,000	45,350,000	44,215,684
1002	Over Time & Holiday pay	2,000,000		-230,000	1,770,000	1,600,436
1003	Other Allowances	34,000,000		850,000	34,850,000	34,683,881
	<b>Travelling Expenses</b>					
1101	Domestic	800,000		-200,000	600,000	484,071
1102	Foreign	1,000,000		-725,000	275,000	273,610
	<b>Supplies</b>					
1201	Stationery and Office Requisites	1,800,000			1,800,000	1,799,590
1202	Fuel	4,000,000		-200,000	3,800,000	3,679,432
1205	Consumables	250,000			250,000	202,569
	<b>Maintenance Expenditure</b>					
1301	Vehicles	2,250,000		700,000	2,950,000	2,895,957
1302	Plant, Machinery and Equipment	700,000			700,000	594,699
1303	Buildings and Structures	150,000			150,000	62,854
	<b>Services</b>					
1401	Transport and Vehicle Rent	3,800,000		-300,000	3,500,000	3,433,345
1402	Postal and Communication	3,500,000		-200,000	3,300,000	3,093,392
1403	Electricity & Water	9,000,000			9,000,000	8,574,765

1404	Rents and Local Taxes	36,500,000			36,500,000	26,919,539
1405	Other	5,500,000			5,500,000	5,155,019
	<b>Transfers</b>					
1505	Subscription and Contribution Fees	250,000		-45,000	205,000	204,298
	<b>Sub Total (Recurrent)</b>	<b>150,500,000</b>	<b>0</b>	<b>0</b>	<b>150,500,000</b>	<b>137,873,141</b>
	<b>Capital</b>					
	<b>Rehabilitation and Imp. Of Cap. Assets</b>					
2001	Buildings and Structures	500,000			500,000	220,809
2002	Plant, Machinery and Equipment	100,000			100,000	47,022
	<b>Acquisition of Capital Assets</b>					
2101	Vehicles	6,500,000			6,500,000	5,654,923
2102	Furniture and Office Equipment	3,000,000			3,000,000	2,196,424
2103	Plant, Machinery and Equipment	150,000			150,000	74,620
	<b>Capacity Building</b>					
2401	Staff Training	3,000,000			3,000,000	2,925,010
	<b>HR Awareness Programme</b>					
2502(11)	Investments	5,000,000			5,000,000	4,612,192
	<b>Support to Human Rights Commission</b>					
2502(13)	Investments	22,500,000			22,500,000	
	<b>Sub Total (Capital)</b>	<b>40,750,000</b>	<b>0</b>	<b>0</b>	<b>40,750,000</b>	<b>15,731,000</b>
	<b>Grand Total</b>	<b>191,250,000</b>	<b>0</b>	<b>0</b>	<b>191,250,000</b>	<b>153,604,141</b>



## CHAPTER 05

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### Activities of HRCSL Regional Offices

#### 5.1 Introduction

For the purpose of carrying out functions of the Sri Lanka Human Rights Commission of Sri Lanka, 10 regional offices have been established, in addition to the Head office. Each regional office has a building as office premises obtained on rent using funds provided by the Government, a vehicle assigned to the regional office, a regional coordinator to coordinate regional activities & a separate staff. The employees of these regional offices are permanent employees of the Commission and for regional offices where foreign funded projects are implemented, there are project officers.

Out of the 10 regional offices, 6 are situated within the North-East area, i.e. Jaffna, Trincomalee, Batticaloa, Vavuniya, Kalmunai & Ampara and four other in the North-Central, Central, Uva and the Southern Provinces i.e in Anuradhapura, Kandy, Badulla & Matara.

Regional Coordinators attend programmes organized by the Head office of the Human Rights Commission and at the end of a programme, meetings of Regional Coordinators are held with the participation of the Members of the Commission and the Senior Staff.

Ampara Regional Centre was moved to new premises in 2014. This Regional office functioned in a rented building from the inception and Oxfam Australia, an International Non-government organization donated this premises which includes an office and a training centre with related office item and other equipment to be used by HRCSL.

HRCSL thanks Oxfam for its generosity in donating the building.

Some regional offices have mobile offices functioning once a week in different locations in 2014.

Anuradhapura Regional Centre facilitates mobile office Polonnaruwa, Kandy Regional Centre facilitated Nuwara Eliya, Vavuniya Regional Centre facilitated mobile offices at Mulative and Mannar and Jaffna conducted mobile office at Kilinochchi. The Head Office operates mobile office at Puttalam.

Categorization of complaints registered in the Regional Centres is in a Table 01 and different programmes on Human Rights Promotional activities are in Table 02.

Regional offices targeted different target groups within the region and all of them have conducted programmes for law enforcement officials and Civil Society Organizations.

Complaint Category		Ampara	Anuradhapura	Badulla	Batticaloa	Jaffna	Kalmunai	Kandy	Matara	Trincomalee	Vavuniya
Torture	Assaults	6	53	10	-	9	2	28	28	2	21
Harassment	Threatens	4	16	10	10	60	41	51	48	1	35
	Degrading Treatments	-	29	-	-	-	-	-	-	-	-
	Physical/ Mantel Harassment	-	6	-	-	-	-	-	-	11	-
Arrest/Detention	Illegal Arrest	10	63	3	51	35	4	47	44	16	47
	Illegal Detention	-	3	-	-	-	-	-	-	-	-
Missing Persons		-	4	1	4	9	1	-	1	3	37
Death In Custody		-	-	1	-	-	-	-	-	-	-
Inactions Complaints		24	163	37	128	87	54	297	86	36	21
Employments	Recruitments	5	13	66	26	29	56	34	128	4	35
	Promotions	2	24	-	-	-	-	54	-	4	-
	Transfers	5	28	-	-	-	-	22	-	2	-
	Termination/Interdiction	7	57	-	-	-	-	23	-	2	
	Extension	-	13	-	-	-	-		-	-	-
	Salary	5	12	-	-	-	-	-	-	2	-
	Service Condition	4	1	-	-	-	-	-	-	-	-
	EPF/ETF	2	2	-	-	-	-	-	-	-	-
	Special Benefits	-	8	-	-	-	-	-	-	3	-
Pension		2	15	-	-	-		13		1	
Education	School Admissions	2	11	26	47	7	11	76	87	-	11

	Admission Of State Institutions	-	1	-	-					3	
	Disciplinary matters Student	-	3	-	-			4	-	-	-
Health	Medical Negligence	3	1	5	4	-	4	15	3	-	-
Property	Land Matters	26	174	88	41	28	33	44	145	15	48
	Road	1	13	-	-	-	-	-	-	-	-
	Water	1	3	-	-	-	-	-	-		
	Housing	3	1	-	-	-	-	-	-		
	Compensations For acquire	1	9	-	-	-	-	-	-	1	
	Electricity	-	7	-	-	-	-	-	-		
	Farmers matters	-	3	-	-	-	-	-	-		
State Welfare	Samurdi	5	-	-	12	5	4	7	1	-	26
	Fertilizer Relief	-	1	--	-	-	-	-	-		
	Rehabilitation	-	-	-	-	-	-	-	-	1	
Environment	Earth Cutting	-	-	-	11	2	-	2	17	-	-
	Land Reclamation	-	-	-	-	-	-	-	-	1	
Child Issues		-	-	-	1	-	6	-	3	-	1
Women Issues		-	-	-	2	-	-	-	1	-	3
others		11	-	19	53	17	16	2	24	14	57
Not within our mandate		-	12	20	34	-	7	191	-	5	-
<b>TOTAL</b>		<b>129</b>	<b>749</b>	<b>286</b>	<b>424</b>	<b>288</b>	<b>239</b>	<b>910</b>	<b>616</b>	<b>127</b>	<b>342</b>

Programmes conducted by Regional Centres – 2014

	Regions	No. of Awareness, Promotional & Training Programmes	Civil Society Meetings
01	Ampara	39	2
02	Anuradhapura	42	04
03	Badulla	13	-
04	Batticaloa	44	02
05	Jaffna	17	02
06	Kalmunai	29	03
07	Kandy	49	-
08	Matara	26	02
09	Trincomalee	16	02
10	Vavuniya	20	02

## CHAPTER 06

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# Relationships with Local and International Organizations

### **Commonwealth Secretariat**

The Secretary General's visit to Sri Lanka in September 2012 and February 2013 afforded an opportunity to explore how the Commonwealth network assists the country. The Secretary General in his Department statement identified few areas for future technical assistance to the Human Rights Commission of Sri Lanka.

In 2013 Chairperson and his delegation participated in the Commonwealth Roundtable on Reconciliation (CRR) held in London. Pursuant to the HRCSL's participation at the CRR the

Commonwealth Secretariat co-convened the reconciliation roundtable in Vavuniya in the same year. The objective of this intervention was to assist the HRCSL to determine its own role in national reconciliation efforts. This roundtable included participation from civil society organizations and religious leaders engaged in reconciliation efforts in the region.

In May 2014 a working session was organized by the Commonwealth Secretariat. The objective of the Secretariat partnership with the Human Rights Commission of Sri Lanka was to develop an action plan which would complement the HRCSL work plan to play a definite role in promoting national reconciliation.

The draft reconciliation Action Plan (RAP) was presented to a validation meeting convened by the Commonwealth Secretariat in partnership with the HRCSL held on 24 October 2014 in Colombo. Forty participants including Chairman, Commissioners, senior staff and regional staff participated this meeting.

The final draft of RAP was presented to the Commonwealth Secretary General by the

Chairperson of HRCSL on 28th October 2014 during the Secretary General's meeting with the Commission in Colombo.

### **Country Programme Director of American Solidarity Centre**

A meeting conducted at HRCSL on 31.01.14 with the country programme Director of American Solidarity Centre to organise a discussion with the visiting delegation of Maldivians officials. The key objectives of the discussion was to promote sustainable initiatives such as a

Memorandum of Understanding (MOU) between Sri Lanka and the Maldives for better regulation on labour migration and the protection of Migrant Workers.

The Commission appreciated the efforts taken by the Solidarity Centre to promote the rights of Migrant Workers and agreed to proceed with a discussion with Maldivian Officials.

### **Director General for Humanitarian Cooperation and Human Rights - Russian Federation**

Mr. Anatoby Victorov, Director General for Humanitarian Cooperation and Human Rights Ministry of Foreign Affairs of the Russian Federation had a meeting with Commission on 12.2.2014. The focus of the discussion was his visit to Jaffna and the consequent observations & recommendations.

### **Meeting with the Representative of Embassy of Switzerland**

Mr. David Vigrati, the First Secretary (political) from Embassy of Switzerland met the Commission on 04.03.2014 to discuss the work carried out by the Human Rights Commission.

### **Meeting with the Chairman of ICC**

Advocate Mr. Mabelde Lourence Muswana, Chairman of International Coordinating Committee of Nations Institutions for the promotion and protection of Human Rights (ICC) and Chairman of the South Africa Human Rights Commission met Chairman of HRCSL on 20.05.2014 to discuss the upgrade of Human Rights Commission of Sri Lanka

### **Meeting with Official of the Dutch Ministry of Foreign Affairs**

The Commission met the Official of the Dutch Ministry of Foreign Affairs on 20.05.2014. The delegation wanted to hear the views on the situation in Sri Lanka in relation to immigration and asylum requests, as the Dutch Ministry of Foreign Affairs had started an examination of the (Political) context in Sri Lanka in relation to immigration and asylum requests.

### **Meeting with UN Special Rapporteur on Migrant Workers**

The Commission had a meeting with UN Special Rapporteur on human rights of migrant workers on 21.05.2014. The purpose of the visit of Special Rapporteur was to assess the human rights situation of Sri Lankans migrating abroad for work and related practices. The special Rapporteur discussed the work of the HRCSL in relation to migrant workers.

### **Palestinian Independent Commission**

The Commission received a written communication from the Commissioner General of the Palestinian Independent Commission for Human Rights to call on all the National Human Rights Institutions to take immediate action and intervene with their governments to stop the horrifying Israel military aggression against Palestinian Civilians and their properties in the Gaza Strip.

The Human Rights Commission of Sri Lanka immediately referred this to the President of Sri Lanka as Head of the State to take necessary actions to address the issue of Palestine through diplomatic channels.

### **Meeting with the President of Sri Lanka**

The Commission met the President on 17.01.2014 and discussed the following matters.

- National Action Plan on Human Rights 2011 – 2016
- Work with Commonwealth Secretariat
- Acquisition of new building for HRCSL Head Office, No. 165, Kynsey Road, Colombo 08
- Establishment of new Regional Offices
- Proposed Amendment to the human Rights Commission of Sri Lanka act No. 21 of 1996.

### **Meeting with the Auditor General**

The Human Rights Commission officials met the Deputy Auditor General on 10.01.14 & 04.07.2014 and discussed the audit queries made. Further was pointed out since it delay in getting the Auditor Generals' Report on time and caused adverse effects to the Commission as the Commission could not issue its Annual Report on time.

### **Meeting with the Commissioner of Elections**

The Commission was involved in the Election related Human Rights activities during 2014. The first meeting was conducted with the Commissioner of Elections on the 13th February 2014.

### **Meeting with the Secretary to the Ministry of Justice**

The Commission conducted a meeting with the Secretary to the Ministry of Justice on 21.04.2014 at HRCSL regarding the amendments to the HRCSL Act No. 21 of 1996.

### **Meeting with the Secretary of the Commission of Inquiry to investigate alleged abduction or disappearance of persons reside in the North and East**

The Secretary, Legal Secretary and Acting Director (Inquiries & Investigation) of the Human Rights Commission of Sri Lanka met the Secretary of the Commission of Inquiry to Investigate Alleged abduction or disappearance of persons residing in the North and East on 22.07.2014 at the Board room of the HRCSL.

Following issues were discussed and agreed upon :

- Develop referral mechanism to the complaints which are received by both Commissions as per the mandate of each Commission.
- To arrange a meeting with the Chairman and members of both Commissions to discuss and share expert knowledge or build up a network to work on International Humanitarian Law and International human Rights Law issues.

09th October 2014 a meeting was conducted with the Chairman of the Commission of Inquiry to investigate alleged abduction or disappearance of persons resides in the North and East.

It was decided to co-operate with the Disappearances Commission in their investigations through the Regional Co-ordinators of HRCSL.

## Meeting with the Inspector General of Police

The Human Rights Commission of Sri Lanka (HRCSL) met the IGP on 24.07.2014 at the Board room of HRCSL.

Following issues were discussed with the IGP and it was decided that

- \* All Non-implementation of recommendations issued by the Commission against Police officers or against the Police Department be sent to the IGP and in future any recommendation against a Police Officer to be sent to IGP for the mediate attention.
- \* With regard to cooperation regarding response to HRCSL hot line, the IGP requested the HRCSL to provide a fresh list of names of Investigation Officers attending tot eh duties relating to the Hot Line. The IGP under took to issue instructions to the police stations forthwith to give their fullest cooperation in this matter.
- \* IGP and HRCSL agreed to conduct a round table discussion with trainers in the Department of Police and resource persons of HRCSL to clarify certain areas and terms in the field of Human Rights.
- \* The Commission requested the IGP to implement the National Human Rights Action Plan and to review all existing police orders and circulars and to amend the procedures providing adequate safeguards during and following arrest and detention.
- \* The Commission highlighted the following matters reported by regional centres.
- \* Batticaloa and Kalmunai, offences under motor traffic act and issuance of temporary driving licences only in Sinhala language.
- \* No Tamil speaking women Police Officers in the Central Camp and Pottuwil Police Stations.
- \* To prevent Police Officers from sending reports in Sinhala language when the petitioners are Tamil.

The Language Policy of Sri Lanka was discussed and the IGP agreed to attend to the above issues.

- \* It was agreed to improve the cell facilities at the Nellyyadi Police Station.
- \* IGP undertook to Establish Women and Child desks in the police stations of Poonakari, Nachchikkuda and Mulankaavil and convert the Police post to Police Stations at Akkarayan, Tharmaapuram in the Kilinochchi District. The IGP stated this will take some time as financial resources were necessary to achieve this objective. The IGP also suggested if the Commission could recommend International Organizations to support this, project it would be helpful.
- \* Further the IGP pointed out that there is a shortage of applications received from the Tamil speaking community for recruitment and he requested the Commission to encourage them through Civil Society Organizations.

- \* The progress of investigations into the Beruwala and Aluthgama incident was also discussed with the IGP and the role played by Police Officers during the time of curfew was reviewed at this discussion.

Meeting with the Director/Registrar of National Secretariat for Non-Governmental organization, Ministry of Defence and Urban Development.

The Commission inquired from Registrar the back ground and reasons for issuing a said circular which caused the civil society organizations unrest.

The Director/Registrar stated that the said circular is only applicable to the voluntary social services organizations which are registered under Voluntary Social Service Organizations (Registration and Supervision) Act No. 31 of 1980.

It has been forwarded only to the said organizations and not relevant to others, he emphasized. The Commission advised the Director when such a decision take the Secretariat should act within the fundamental law of the country the Constitution.

Further he was advised to respect the fundamental rights established in Section 14 of the Constitution. The meeting held on 14th August 2014

#### **Meeting with Foundation of Road to Rights**

A meeting conducted on 03.04.2014 with the Foundation of Road to Rights who worked as Co-chair of South Asian Summit on Youth and human Rights 2014 to assist them to make the

“South Asia Summit on Youth and Human Rights” a success. The Secretary of the HRCSL joined as a speaker to the summit which was conducted on 25th – 27th in Colombo.

#### **Family Rehabilitation Centre**

The Secretary participated at Technical Advisory Committee meeting of Family Rehabilitation Centre a Non-Governmental Organization working for victims of torture to discuss the possibilities of HRCSL collaborating to work with HRCSL to protect and promote Rights of Victims of Torture on 29.04.2014 and 03.10.2014.

#### **Centre for Policy Alternatives**

The Centre for Policy Alternatives invited HRCSL to participate at a presentation of the report forced Eviction in Colombo. “The ugly price of beautification” followed by a discussion. The Secretary of HRCSL participated the discussion on 09th May 2014.

#### **Transparency International**

The representatives of the Commission participated in a public discussion organized by Transparency International “Pension - what next” on 13.05.2015

#### **Sri Lanka Medical Association**

The Commission participated in the seminar on proposed “New National Medicinal Drug Device and Cosmetic Regulatory Authority bill” which was drafted based on Drug policies of Prof. Senaka Bibile in order to facilitate implementation of his policies.

This seminar was jointly organized by Sri Lanka Medical Association and Ministry of Health with the view of promoting awareness of the said bill and to invite balanced comment from the interrelated parties concerned On 06.06.2014.

### **National Peace Council of Sri Lanka**

The representative of the Commission participated in “ Right to Reconcile:” An Anthology book launch organized by National Peace Council of Sri Lanka on the invitation of the organizers who donated copies to the HRCSL Library on 10.06.2014.

### **Rights to Life**

The Commission conducted a discussion with Rights to Life Human Rights Centre on their request on 18.08.2014. The discussion focused on the role of Human Rights Commission in implementing National Human Rights Action Plan and Recommendation of Lesson Learnt and Reconciliation Commission.

The Commission participated in the Peoples’ Tribunal on “Police minimize force is what” organized by Rights to Life Human Rights Centre on 07.08.2014 at the Centre for Society and Religion on their invitation.

### **Sri Lanka Central Federation of the Deaf**

The Commission had a meeting with the representative of Sri Lanka Central Federation of the Deaf on 15.08.2014 to organise an awareness programme for the Government officials to promote awareness of Deaf Persons’ Rights.

The Commission consulted Secretary to the Ministry Social Service and referred the representatives of the said organization to the Ministry to identify relevant official for the programme. The programme was successfully concluded jointly by the Ministry and the Central Federation of the Deaf. The resources persons from the Commission contributed to the programme on 18.12.2014.

### **UNFPA**

The HRCSL representatives participated at National Working Group Meeting to provide inputs to the findings of the study on “sex work and violence” - the understanding factors for safety and protection organized by the UNFPA on 03.09.2014 and 30.10.2014.

### **UNDP**

HRCSL officials participated in a round table discussion on female Heads of House hold in Sri Lanka; from discourse to policy implementation which was organized by the Ministry of

Child Development and Women’s Affairs, FOKUS Women and UNDP in collaboration with the Ministry of National Languages and Social Integration and the Ministry of Social Services on 30.10.2014.

### **Civil Society Meeting**

Complying with the UN Paris principals the HRCSL took further steps to strengthen coordination and corporation with Civil Society to protect and promote human rights.

The 1st meeting for the year 2014 was delayed due to unavoidable circumstances and it was conducted on 11th September 2014 with the participation of 28 civil society members at the HRCSL Auditorium. The meeting was chaired by Mrs. Jezima Ismail, Commissioner, HRCSL and senior staff of HRCSL also took part in this event.

A committee was established to work with civil society organizations on a wider and a more strategic level. Thereby, this working committee could be the working mechanism for coordinating activities between HRCSL and Civil Society.

The First committee meeting was held on 16.10.2014 and identify the focus areas.

Finally five action points were developed which includes the following:

- Position paper on right to expression and assembly,
- Review the Prevention of Torture Act.
- Joint visit to Boossa Detention Centre ,
- Meeting with Election Commissioner
- Protection of human rights defenders.

Follow up meeting was held on 25.11.2014.



## CHAPTER 07

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### States Of Human Rights

The year 2014, when considering the human rights record of the country, did not lead to a pleasant environment in view of certain incidents which occurred. It has been revealed that those incidents led to a weakening of the human situation.

In a healthy democratic society the most important feature is supremacy of the law. Enforcement of the law fairly, equally, efficiently and correctly is essential to achieve it. The occurrence of several incidents revealed that this was not given due respect. The inquiry into the incident of abuse of a foreign woman and the murder of her lover by a group including the Chairman of a Pradeshiya Sabha took place and action filed. It was observed that the enforcement of the law in respect of political authorities was very weak and unsatisfactory. There was considerable delay before action was filed in courts.

The law was not enforced in respect of those who were responsible for the assault and obstruction of some UNP MPs who went on an inspection of the Mattala airport and the Hambantota port. The police too were silent. When a certain Buddhist religious organization went on to inspect certain places by force taking the law into their own hands, the relevant institutional authority failed to ensure due respect for the law by not arresting the culprits. Naturally the faith placed in the law was eroded.

The culmination of this situation was the Aluthgama - Beruwala incident when Muslims in the areas were assaulted and property damaged by organized forces. Allegations were made that the security forces, especially the police failed to carry out their responsibilities and duties. Although the relevant DIG of Police was removed, it was not an adequate or permanent solution. Although the damaged buildings and houses were rebuilt, these steps could not mend the broken hearts. This incident and the manner in which the law was enforced led to mistrust and the widening of the distance between races. The government failed to give a guarantee with regard to their security.

It was only on public pressure brought about that the law was enforced against a Provincial Council MP who visited a school and made a teacher kneel down. Later action was filed and punishments meted out.

The police, entrusted with protection of the law were seen abusing it. There had been instances where suspected criminals or underworld characters who were arrested by police were later found killed whilst they were taken out for alleged further investigations. The police on several occasions have said that the suspected criminal escaped from the police whilst being taken on

further investigations and tried to attack the police and that the suspect was killed in the on-going tussle in self-defence. This type of incidents have created doubts in the minds of the people as to whether they were really genuine incidents or staged ones.

Although obstructions to activities of civil society organizations and undue influences on them took place, the law was not properly enforced against persons responsible for them. In place of the law, organized forces came forward and again faith placed in the law by the citizens was eroded. The affected parties bore the results in silence.

This was a period when these facts posed a grave threat to the supremacy of the law.

### **Reconciliation**

To foster reconciliation among races and those of different religious faiths, it is necessary to act according to principles of equality. There should also be a willingness to grant justifiable requests and to listen to them. If there are problems, solutions through debates and discussions should be resorted to. When this type of action is not resorted to, the premise that there's protection for minorities and those of different religious faiths is weakened.

The outcome of such a situation was when the Northern Provincial Council requested for an international inquiry into incidents that occurred during the time of the war and how they were resolved.

Although much development and infrastructural facilities took place in the North, human development was slow. For example –

- \* Many incidents that occurred during the war although reported were not resolved.
- \* Many a request was made for the appointment of a Civil Governor but they were unheeded.
- \* There was no proper assessment of the land problem.

Lands taken over for occupation of Army camps during the war period were not returned to the owners though several requests were made after the conclusion of the war in May 2009. This affected the trust and confidence building process which resulted in negative contribution to Democracy and Good Governance.

Although steps ought to have been taken to consider whether there was a necessity to continue with the Prevention of Terrorism Act and to remove it and to release those detainees still detained under the said Act according to a suitable legal method, this action keeps on delaying. Even though this Commission has brought this to the attention of the Attorney General, no suitable steps have been taken. The Commission has shown the need for such a course of action in order to build confidence and to ensure democracy within the country.

### **Crime and Child Abuse**

More than the type of crimes, incidents depicting their nature, gravity of violence and their spread were reported. Not only children but the very old also came to be abused. As a result there's a view among society that punishments should be increased and that the death penalty should be enforced without delay.

The Commission is of the view that a war for a period of 30 long years and the incidents that took place as a result weakened the sensitivity of people to crime, that there was a large number of deserters from the armed forces who were trained in the handling of weapons, that because they were out of jobs they were prone to join armed groups, that trade in illegal drugs became a chief means of making income. All these factors contributed to the change in the culture of crime and contributed to its increase.

## **Holding of Elections**

It is important to ascertain the views of the public and to give them an opportunity to express their preferences. Elections are conducted for this purpose. It is also very important to hold them freely and fairly. It is the view of the Commission that in the past elections were not conducted freely and fairly.

Presidential elections, general elections, provincial council elections, Pradeshiya Sabhas are institutions to which many representatives are elected. We cannot come to the conclusion that the preferences of people are correctly expressed at Provincial Council elections when they are conducted in bits and pieces instead of at the same time, in order to secure one's power. The Commission has informed the government of this on such occasions. In the year 2014 too, in the month of March, Southern and Western Provincial Council elections were held and the month of July decided for Uva Provincial Council elections.

The Commission together with the Elections Commissioner made a great endeavour to see that these elections were conducted freely and fairly by calling upon public officers engaged in election duties to act in conformity with the law and with impartiality. Several steps were taken towards this end such as the issue of "guidelines for public officers" in all 3 languages, convening meetings with them to create awareness among them and informing them that not acting within the parameters of the law amounted to a violation of fundamental rights for which they would be made responsible and action taken against them.

The imparting of knowledge and discussions conducted by the Commission in Moneragala in connection with the Uva Provincial Council election, for the police, other key public officials, observation teams and the media, came in for much praise by the Elections Commissioner as a course of action which made it possible to conduct the election freely and fairly. Such a course of action was taken in the case of the Presidential election as well. All Secretaries to Pradeshiya Sabhas in Polonnaruwa and Anuradhapura districts were summoned and all senior

police officers and OICs of police stations in regions like Anuradhapura, Polonnaruwa, Trincomalee, Batticaloa, Ampara and Kalmunai were also summoned and together with the participation of the Elections Commissioner, awareness programmes conducted.

In the meanwhile, heads of public institutions were summoned and inquiries made of their activities, where violations of election laws by such institutions came to be reported, their heads were summoned and to prevent misuse of public property and stop the use of public officers for political party activities, various steps were taken. It has to be mentioned that all these steps taken came in for praise by the Elections Commissioner and election observer institutions. The demise of Ms Thusitha Samarasekara, Director - Monitoring and Review of this Commission in a car accident on the day following the elections to the Uva Provincial Council, while returning to Colombo from Badulla after engaging in observation duties of the elections, and the performance of a praise worthy service was an immensely sad incident that warrants mention.

## **Geneva Resolution**

Next year in March Sri Lanka will have to face the situation in respect of the above resolution, in Geneva. The Commission is of the view that there are many responsibilities cast on the government in respect of this matter.

The implementation of the recommendations made in the report of the Lessons Learnt and Reconciliation Commission, widening and strengthening of the activities of the Commission appointed to look into disappeared persons, a reconsideration and an assessment to be done in respect of lands in the North used for security purposes, a post inquiry to be done in respect of those resettled, reconsideration of the implementation of the Prevention of Terrorism Act, steps to be taken to strengthen civil administration in the North, are things the Commission is of the view that could be done and ought to be done.

It is the observation of the Commission that the year 2014 was also a year which led to political divisions and political reforms.

Meeting with Secretary General, Commonwealth Secretariat



Meeting with Commissioner of Elections



Meeting with Inspector General of Police



Meeting with Civil Society Members



Launching of the Report on Elders Rights



## Launching of the Report on Death Penalty



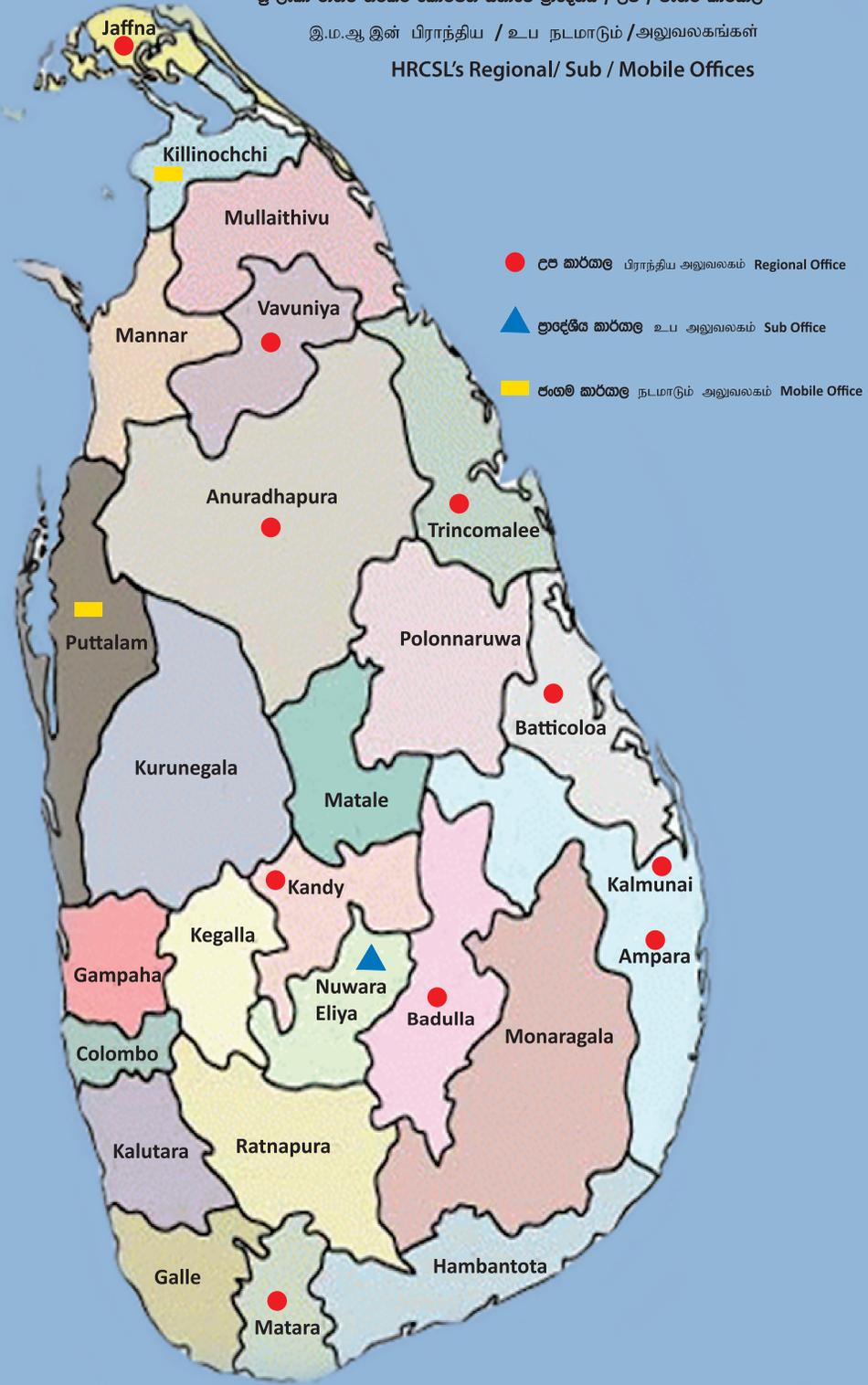
## Celebration of Human Rights Day -2014



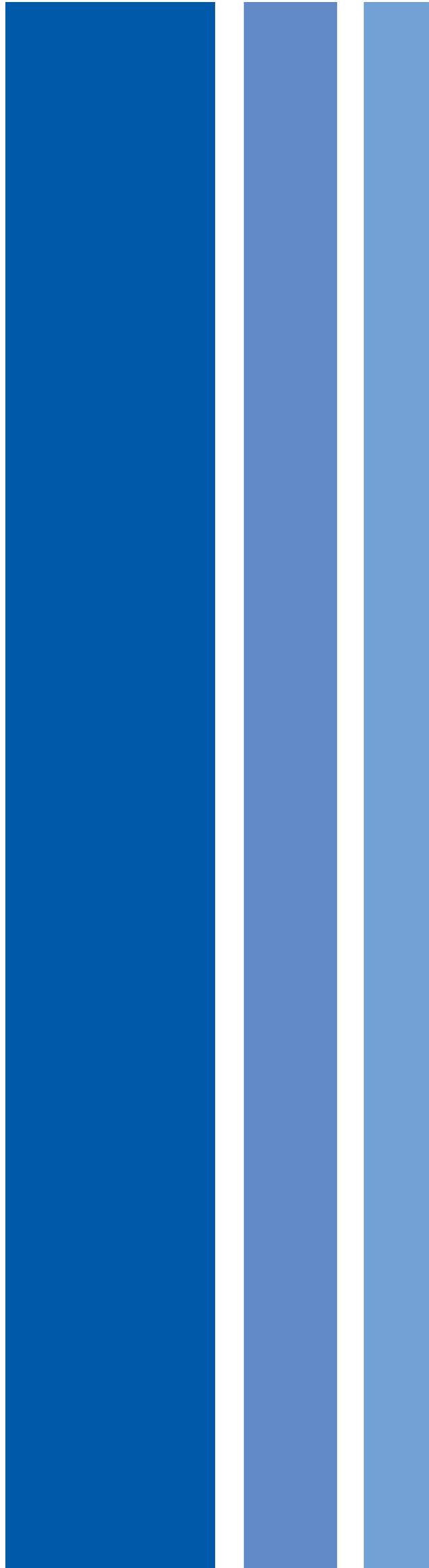
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இ.ம.ஆ. இன் பிராந்திய / உப நடமாடும் / அலுவலகங்கள்

HRCSL's Regional/ Sub / Mobile Offices



ප්‍රාදේශීය කාර්යාල	ලිපිනය	දුරකථන අංකය	பிராந்தி காரியாலயம்	முகவரி	தொலைபேசி இல
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මහර	15, කලිදාස පාර, මහර.	041-2226533	மாத்தறை	15, காளிதாச வீதி, மாத்தறை	041 - 2226533
මඩකලපුව.	24, සිත්ත උප්පායෙහි පාර, මඩකලපුව.	065-2224420	மட்டக்களப்பு	24, சின்னஉப்போடை வீதி, மட்டக்களப்பு	065 - 2224420
අනුරාධපුරය.	623/20 ඊ , ශ්‍රීමත් පාර, අනුරාධපුරය.	025-2234801	அனுராதபுரம்	623/20 E , பிறீமன் வீதி, அனுராதபுரம்	025 - 2234801
ත්‍රිකුණාමලය.	343, බලහාර පාර, ත්‍රිකුණාමලය.	026-2222607	திருகோணமலை	343,மின்சார நிலைய வீதி, திருகோணமலை	026 - 2222607
වවුනියාව.	26/2, පීට් රදම් පාර, වවුනියාව.	024-2222029	வவுனியா	26/2, வெளிவட்ட வீதி, வவுனியா	024 - 2222029
බදුල්ල.	19/1,බී බදුල්ලපිටිය පාර, බදුල්ල.	055-2223020	பதுளை	19/1 B, துலபிட்டிய வீதி, பதுளை	055 - 2223030
අම්පාර	4, වන සැතපුම් කණුව, උහන පාර කරන්තව අම්පාර	063-2222340	அம்பாறை	4ம் மைல் கல், உஹண வீதி, ஹெறன்காவ, அம்பாறை	063 - 2222340
කල්ලුණේ.	161/1, මහ ඒදිය, කල්ලුණේ.	067-2229728	கல்முனை	161/1, பிரதான வீதி, கல்முனை	067 - 2229728
හපතය.	1,3 වෙහි හරස් ඒදිය, හපතය.	021-2222021	யாழ்ப்பாணம்	1,3 ஆம் குறுக்கு வீதி, யாழ்ப்பாணம்	021 - 2222021



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