

ANNUAL REPORT

 2012 

Human Rights Commission of Sri Lanka

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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

Chairman's Message

The 1993 World Conference on Human Rights encouraged the establishment and strengthening of National Human Rights Institutions while recognizing both the rationale and requirements of the Paris Principles and permitted each state to choose the framework which best suits its particular needs.



The aforesaid conference also reaffirmed the importance of the role played by National Human Rights Institutions for the promotion and protection of Human Rights, in particular in advising the competent authorities, in remedying Human Rights violations, in disseminating in protection relating to human rights and in educating the public, state officials, police and the armed forces about human rights.

Thus the Human Rights Commission of Sri Lanka (HRCSL) was established under the provisions of Act No. 21 of 1996, in conformity with the 18th the Amendment of the Constitution of Sri Lanka. The Commission is entrusted with the broad task of promotion and the protection of Human Rights in respect of the people of Sri Lanka. The Commission is also empowered to inquire into and investigate into complaints relating to violation of human rights and to ensure compliance with the provisions of the Constitution relating to Fundamental Rights and to promote respect and ensure compliance with principles relating to Human rights.

It is my considered view that the HRCSL has over the past year made a valuable contribution in this area of activity by unreservedly supporting the basic institutions of Democracy which include a pluralist and accountable parliament, an executive which is ultimately subject to the authority of the elected representatives and an Independent judiciary.

The most vital contributions of the HRCSL in this regard arises from the exercise of its powers to

- Undertake investigations of alleged violations of Human Rights
- Provide advice both on legislation and policies and programmes relating to Human Rights.
- Promote rights and educate the public
- Build bridges between the government and civil society organizations
- Endeavour to initiate the concept of public inquiries

It would be relevant at this stage to specify the areas in which the HRCSL has made a substantial contribution towards the realization of these important objectives in the course of the past year which are set out below.

- The HRCSL organized a National Consultation in June 2012 to consider the problems faced by the Ageing population in Sri Lanka with a view to providing constructive proposals to the Open Ended Working Group on Ageing.

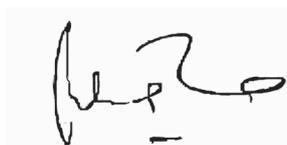
- Having regard to the religious tension which appeared to be taking a serious turn during the period under review the HRCSL decided to conduct awareness programmes for religious leaders on Human Rights.
- The Human Rights Commission was also concerned with the increasing number of incidents reported relating to accessibility of persons with disabilities. The Commission organized a Media Conference on the theme “The right to Accessibility” with the objective of making society in general and persons with disabilities aware of the rights of the people with different disabilities to move about freely in the community.
- A special consultation was also held by HRCSL to review the issue of school admissions of children in Orphanages who had lost parental care and protection. This issue was highlighted in the course of an inquiry relating to admission to schools of children who were unable to produce original parental documentation. In this insistence the Commission decided to issue general guidelines and to effect a change of policy on this issue permitting all children in orphanages and or confined in other institutions to be given an equal opportunity in respect of school admissions.
- The Commission also in the course of the current year sought to monitor the implementation of the national language policy in terms of the constitutional provisions with a view to preventing discrimination and hardships caused to certain sections of the public.
- The HRCSL also had occasion to review the problems relating to the protection and promotion of the rights of Migrant workers in the Sri Lankan context. It was the considered view of the Commission that the Sri Lanka Embassies and Consulates abroad had not taken adequate steps to secure the interest of Sri Lankan migrant workers in the countries of employment. In this context the commission issued a set of specific guidelines on this subject to all the relevant ministries and the Sri Lanka Bureau of Foreign Employment. It is reported that as a result there has been a considerable improvement in this sphere of activity.
- * The Commission in the course of this year organized a programme to mark International Day in support the Victims of Torture which was attended by Police Officers, Prison Rehabilitation officers and members of civil society organizations.
- * Yet another area in which the HRCSL extended its operations during the relevant period year related to its invitation to Civil Rights Organizations to participate in a workshop in October 2012 at the SLFI having published an invitation to all Civil society organizations to participate and express their views on all matters relating to the subject of human rights.
- In December 2012 the HRCSL for the first time conducted a study conference on Human Rights for Members of Parliament. The objective of this conference was to disseminate a basic knowledge on human rights instruments and to emphasise the obligations of the State to respect them.
- Incorporating Human Rights into School Curricula. In October 2012 The Human Rights Commission of Sri Lanka with financial assistance offered from the UNDP, commenced the long overdue process of incorporating human rights into the school curricula. The initial discussions in this connection have been held way back in 2007 with the National Institute of Education (NIE) but due to lack of funds this work has been long delayed. The Human Rights Commission is thankful to the NIE for identifying the importance of strengthening our education system for the benefit of future generations. The significance of this exercise is that HRCSL is now able to work

in cooperation with two government institutions relating to education namely the Ministry of Education and the National Institute of Education together with the Sri Lanka Association for the Advancement of Education (SLAAED).

- After 2007 many relevant matters had to be taken into account in making an assessment of what had already been achieved in this area of activity such as the LLRC report and the national Human Rights Action Plan which have introduced new aspects in relation to the reconciliation and reintegration process.
- National Conference on Elders Rights
This conference facilitated the input of all agencies and associations working in this sphere of activities. As a consequence this conference also made a positive contribution in the field of Rights of the Elders and highlighted this significant factor in the demographic picture of Sri Lanka.
- Amendments to the Human Rights Commission Act
The commission has also considered certain amendments to the HRCSL Act. The Members of the Commission in collaboration with the Senior Management Officials held discussions relating to this matter. The views of the regional co-ordinators of the HRCSL relating to the relevant amendments of the Human Rights Commission were also taken into account in this connection.

I would like to take this opportunity to extend my grateful thanks to all the UN Agencies, INGOs, NGOs and Civil Society groups who have extended their valuable support and made useful comments for the betterment of the work load undertaken by the Human Rights Commission.

Finally I would be failing in my duty if I do not place on record my grateful thanks and appreciation to the Directors and the staff of the Human Rights Commission who always extended their fullest cooperation to the Human Rights Commission to perform its functions assigned to the HRC. I am confident that all the aforesaid parties would continue to extend their fullest cooperation to the Commission in the future as well in its endeavors to achieve the aspirations of the present Commission to activate the objective – “Ensure Human Rights for all and promote and protect the Rule of Law”.



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

Chapter One

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 Commission took over the functions performed by two earlier institutions, the Commission for the Elimination of Discrimination and Monitoring of Human Rights and the Human Rights Task Force. The functions of the Commission as laid down in Section 10 include among others, the inquiry in to complaints of violations or imminent violations of the Fundamental Rights provisions contained in Chapter III 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 11 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 regions where there had been a very large number of complaints of violations prior to 2009, due to the internal conflict. The need to open more regional offices in various other parts of the country so that persons need not travel far to have their grievances settled has been long felt by the Commission, but financial constraints had prevented the Commission from doing so for the past few years. A sub office had been functioning in Nuwara Eliya where offices attached to the Kandy Regional office had come every Wednesday to receive complaints but thereafter the inquiries into the complaints are held in the Kandy office. However during the year 2012 the Commission was able to open two mobile offices, one at Killinochchi and another one at Puttalam. It is hoped to convert these offices to permanent offices very soon.

The Commission has a library with over 2500 books. The library also contains records of special interventions and inquiries conducted by the Commission. Any person could obtain permission to use the library for reference purposes.

The non enforceability of the recommendations issued by the Commission has been a matter of concern for many years. In the year under review the Chairman and the Secretary Legal called 90 state parties cases where recommendations of the Commission were not carried out and inquired into the problems faced by them in giving effect to the HRCSL recommendations. This action has been successful in 48 cases where the parties have agreed to carry out the recommendations issued by the HRCSL.

A brief summary of activities undertaken by the Commission, its challenges and achievements in the year 2012 are given in this report.

Chapter Two

DIVISIONS OF THE HRCSL

The Commission consists of four functional Divisions each headed by a Director. A summary of some of the important activities performed by each Division during the year under review is described below.

2.1 INQUIRIES AND INVESTIGATION DIVISION

2.1.1 Individual Complaints

A very important role is played by this Division in carrying out the functions of the Commission as complaints of violations or imminent violations of fundamental rights are inquired and investigated by it. During the year 2012 the number of complaints received in Colombo was 4726 .and the total received in the Regional Offices was 3765.

Year		Torture	Disappearances & Missing	Extra Judicial Killing	Death in Custody	Arrest & Detention
2008	Head Office	439	147	06	04	550
	Regional Centers	337	883	15	08	767
2009	Head Office	374	136	03	16	441
	Regional Centers	212	1972 (Tracing People)	04	01	1417
2010	Head Office	361	67	03	08	308
	Regional Centers	170	1987 (Tracing People)	05	04	865
2011	Head Office	348	48	04	10	307
	Regional Centers	221	182	02	---	274
2012	Head Office	381	40	02	08	296
	Regional Centers	154	86	nil	01	379

During the year under review out of the 4726 complaints received 927 complaints were not within the mandate of the Commission. Thus only 3799 complaints were relevant to the mandate of the Commission. The number of complaints disposed of in the year was 3372 which included 1439 relating to former years.

Complaints Received – 2012

No	Categorization of Complaints	No. of Complaints
1	Personal Liberty	1650
2	Employment	1052
3	Migrant Workers' Rights	36
4	Education	619
5	Property & Utilities	328
6	State & Social Welfare	25
7	Others	89
Total		3799

Complaints Concluded after Investigation & Inquiry- 2012

Categorization of the Concluded Cases(H/O)	Concluded 2012	Concluded other Years	Total
No F. R. Violation	610	490	994
Not Interested	197	353	665
Recommendation	29	119	147
Settlement	78	79	120
Relief Granted	134	144	215
Withdrawn	99	65	157
Refer to other Authorities	240	13	341
Directives Given	31	101	140
Pending Court case	109	88	196
Not Within Mandate	368	99	467
Time bar	38	03	41
Total	1933	1439	3372

A complaint to the HRCSL can be made by writing a simple letter giving all the facts and posting it to Commission office or to any regional office or even faxing¹ such letter. A person could also come to the Commission and lodge a complaint. There is a Duty Officer available during office hours to assist such person to make a complaint after listening to his grievances. The Duty Officer attends to 30 to 40 complainants a day.

¹ 0112694924

As the Commission maintains a web site an aggrieved person could even download a specified complaint form from the website² and complete such form and thereafter file it in the suitable office.

The second stage of a complaint is to decide whether the complaint could proceed. If the complaint could be proceeded a preliminary inquiry is conducted such as calling for reports/ observations from the Respondents, then such documents are scrutinized and the inquiry is commenced by sending summons initially.

In processing complaints the Commission has the power,

- i) to facilitate parties for conciliation and mediation or
- ii) to conduct inquiries and investigations and make recommendations with regard to violations of fundamental rights or
- iii) to give directives to the relevant authorities to correct the situation that has resulted in a violation of a right.

HCRSL conducts follow ups on the recommendations it has given in respect of each case. Requests for reconsideration of any recommendation issued by the Commission is received as an appeal. The Commission may then conduct a further inquiry and decide to uphold the recommendation or withdraw it.

During the year the Regional Offices referred 219 cases to the Head Office for inquiry and investigation. In cases where the inquiry and investigation is completed in the regional offices the reports are forwarded to the Head Office for the recommendations or directives to be issued by the Head Office. The Regional Offices have the power to facilitate parties for conciliation and mediation only.

No cases were referred by the Supreme Court for inquiry and report in the year 2012. The HCRSL does not intervene in any matter if the same subject matter is pending before a court of law.

The HCRSL refers cases that come under the purview of various other institutions such as the National Child Protection Authority, the Public Service Commission, Language Commission to such institutions.

In 2011 four Judges were appointed as Inquiring Officers to inquire and finalize cases that had not been concluded for a number of years and at the end of the year 206 of such cases remained unattended. During the year under review 463 cases were also sent for inquiry by the judges. The judges have concluded 284 cases in the year 2012 leaving a balance of 385 at the end of the year.

There is a 24 hour hot line available at the Head Office for the public to make a complaint of a violation or of an imminent violation of a right. This facility is helpful to take immediate action on arrests or detentions on receipt of notice.

The web site of the Commission provides relevant information with regard to the Commission and its activities. As such a person is able to access the website and make himself aware of the work of the Commission.

The data base maintained by the Division helps to identify the nature of the complaint, details of the petitioners and respondents, trace a file, the name of the Inquiry Officer and the stage of the case. Even in case of a complaint made to a Regional Office this facility is available to a person if his complaint has been referred to the Head Office for inquiry and settlement.

² www.hrcsl.lk

2.1.2 Visiting Mechanism

The Commission makes visits to police stations, prisons, detention centres or any other places where the government provides for the detention of persons.

All police stations in the island are covered by way of scheduled or random route visits through the Head Office and the Regional Offices. The Commission also visits police stations in the night as such visits help to monitor illegal detentions and torture better than day visits to these places. For the convenience of scheduling visits the Commission has prepared a route wise schedule and as per schedule there are nearly 400 police stations in the country which have to be visited by the Investigating Officers of the Commission. The officers of the Head Office visit 159 police stations and the other police stations are covered by the officers of the 10 Regional Offices.

The objective of police visits is to eliminate or minimize incidents of torture and illegal arrest in Sri Lanka through efficient proactive and reactive measures; to initiate steps to bring the responsible officers who are committing these violations to the relevant statutory agencies and also to coordinate and act in collaboration with other relevant government and non governmental institutions in order to combat incidents of torture. The 24 hour desk with hotline facility receives many complaints on torture, illegal arrest and detention. The Commission also makes surprise visits and investigations. In these cases there is a follow up by the officers in respect of such cases.

HRCSL makes special visits to the Terrorist Investigation Division (TID) and to the Criminal Investigation Department (CID) which are under the authority of the Department of Police.

Common issues identified in police visits are as follows;

- Delay in producing in courts
- Overcrowding of cells
- No proper sanitary facilities in cells of certain police stations
- Assault in custody
- Arrest without prior investigation
- In case of a number of persons taken into custody on suspicion the police officers are unable to explain the offence/crime that the persons are alleged to have committed.

Once a month visits are made to prisons and on request further visits are made. Matters such as health facilities, facilities to meet relations and internal security are monitored during these visits and the Commission has been able to address some issues on the spot with the consultation of the authorities and bring about a change to improve the condition of detention.

2.1.2.1 Special Visit to Mahara Prison

A visit was made to Mahara prison on the instructions of Commissioner Mr T.E. Anandarajah to investigate into an alleged assault on some prisoners at Vavuniya prison who were later transferred to Anuradhapura prison and from there transferred to the Mahara Prison. The team confirmed that an assault had taken place on these 10 prisoners who were remanded for being LTTE cadres. These prisoners had demanded that one of their fellow prisoners who had been taken to Anuradhapura prison .to be brought back to Vavuniya prison as he had been beaten at Anuradhapura prison according to information they had received from another prisoner who had been transferred to Vavuniya prison from Anuradhapura prison. As this demand had not been acceded to, the prisoners had taken the jailors into their custody. Later the STF had entered the prison and assaulted the prisoners, released the jailors and shifted the 10 prisoners to Anuradhapura. Finally these prisoners were shifted to Mahara prison where they were able to have access to medical facilities.

The Commission called reports from the Police Headquarters, Prison Headquarters and also a medico legal report pertaining to the assault.

There were contradictory statements with regard to the place of assault in the statement made by the suspects to the Judicial Medical Officer and to the officers of the HRC. Based on the investigation and statements of the suspects the Commission was of the view that no organized or intentional ill treatment was carried out by the prison officers or the STF other than slight assault that was necessary to control the unrest in the prison.

The Commission received the report of the incident from the Police Headquarters on 10th September 2012 which stated that the prisoners had taken the jailors into custody in an unlawful manner and as such the authorities had to take measures to bring back the situation to normal condition and only minimum force that was necessary for such purpose had been used.

2.1.2.2 Special Visit to Welikada Prison

In September 2012 on receipt of information from the organization Human Right Defenders that certain human right violations were occurring at the Colombo Remand Prison two Investigating Officers were sent to conduct an investigation. The officers met the prison officers and the STF officers and finally concluded that no human right violations had taken place.

2.1.2.3 Special Visit to Divithurawaththa, Akkara 20, Polhena

A complaint was received from a civil rights lawyer and the PAFFREL that the police had not performed their duty in a fair manner at a dispute between Sinhala and Tamil civilians who lived at Divithurawaththa, Akkara 20, Polhena, which is a village established with the intention of promoting Sinhala and Tamil co-existence. An investigating team visited the place and conducted an inquiry. Statements were recorded from the victim and other relevant parties at the inquiry. At the conclusion it was disclosed that the government authorities have done their duties according to law and order in a fair and just manner.

2.1.2.4 Special Visit to Kattankudy

Full report in Chapter 4

2.1.3 Registration of Detention Orders

Under Section 28 of the HRCSL Act where a person is arrested or detained under the Prevention of Terrorism (Temporary Provisions) Act, No 48 of 1979 or a regulation made under the Public Security Ordinance (Chapter10) it shall be the duty of the person making such arrest or order of detention to inform the Commission of such arrest or detention and the place at which he is so held and when a person so held in custody or detention is released or transferred to another place of detention, inform the Commission accordingly.

The Commission maintains a Registry for Detention Orders and 1053 Detention Orders were registered in 2012.

2.1.4 Some important cases

2.1.4.1 Environment related - HRC/6441/07

Ven. Kolonne Sirishantha Himi & Others

Vs

Secretary, Buddhist & Religious Affairs Ministry and nine other Heads of State Institutions

The petitioners lodged a complaint to stop the construction of a glass covered building on top of Sri Pada which would infringe the cultural and religious rights of the public. At the inquiry held by the Commission it was revealed that an organization called Sathpiyum Paramitha Sanwidanaya, a non profit organization, had with the consent of the incumbent priest undertaken to construct a glass covered building by the donations collected from the public and that programmes to raise funds for this purpose are being carried out through several media. It was further revealed that the work was carried on under the supervision of the chief incumbent and that there was also a project to have a cable car service for the tourists.

At the inquiry by the Commission it was disclosed that no proper procedures were followed before starting the construction and the Commission made its recommendations directing the Respondents to stop the construction immediately, declare the whole area of Sri Pada including the pathway a world heritage, and any construction to be made under the guidance of the Archaeological Department after informing all relevant parties including Ministries and Departments. The Commission further declared that because of the inaction of the Respondents to stop the construction, religious and cultural rights under the 1978 Constitution of the Democratic Socialist Republic of Sri Lanka, Universal Declaration of Human Rights (1948) and the Temples Ordinance No 31 Of 1931 have been violated.

2.1.4.2 Prison Administration - HRC/3712/10, HRC/2891/10, HRC/2414/10, HRC/2306/10, HRC/4158/10, HRC/4293/10

Detainees of Welikada Prison, Registered Medical Officers of the Prison Hospital. Welikada

Vs

Officer in Charge of the Prison Hospital Welikada, Commissioner General of Prisons

One of the complainants said that her husband was suffering from high blood pressure and that he was a diabetic patient too, but the Chief Medical Officer of the prison hospital had not given proper treatment continuously and had made frequent changes to the medicine. Further that her visits to her husband were restricted.

After the investigation and inquiry the Commission made the following recommendation;

- 1) The detainees have not been sent to the National Hospital for treatment even when there were court orders to send them; Hence the prison authorities should take steps to see that such incidents do not occur in the future.
- 2) The detainees should not be deprived of their right to medication due to administrative anomaly between the hospital staff and the Respondents.
- 3) In the admission of detainees to the hospital the procedure should be just and fair and also independent.

2.1.4.3 Education Related - HRC/4643/09

Mrs. K. Jayasinghe

Vs

Teacher in Charge of Grade 13 (Art) Ananda Central College, Elpitiya

Complaint made by a parent that her son who was studying at Ananda College, Elpitiya was injured on his lips when the Respondent threw a hard ball intentionally towards him. The Officer in Charge of the Elpitiya Police Station had filed a case in the Magistrate Court, Elpitiya. The Commission collected the medico legal report from the JMO who inquired into the incident, affidavits of students who had seen the incident and carried out an inquiry and made a recommendation as follows;

The right of the student in Article 11 of the 1978 Constitution has been violated and directed the Respondent to pay Es 10,000/ as compensation to the complainant. The Commission further requested the Secretary, Ministry of Education to conduct a disciplinary inquiry against the respondent and submit a report to the Human Rights Commission.

2.1.4.4 Environment - HRC/2073/09, HRC /1166/09, HRC/4945/09, HRC/5405/09

Ms Chandra Amarasinghe

Vs

**Secretary, Ja- Ela Pradeshiya Sabha / Chairman BOI/ Chairman CEA / Chairman Sri Lanka L
R&D Corp /Chairman UDA**

Full Report in Chapter 4

2.1.5 Conclusion

This year once again though the Division concluded 3372 cases, only 1933 of such cases related to complaints received in the year 2012. The total number of complaints within the mandate received during the year was 3799. Therefore 1439 of the complaints received in the year 2012 have been carried forward to the year 2013. The causes that hinder the Division in concluding at least about 75% of the complaints each year has to be seriously inquired into and attended in order to prevent an accumulation of cases relating to prior years in the records of the Commission.

2.2 MONITORING AND REVIEW DIVISION

The Monitoring and Review Division is tasked with monitoring the status of human rights in the country. It is necessary for the Division to identify any systematic faults which lead to violations of fundamental rights by state agencies and recommend remedial measures to the concerned authorities to avoid administrative and executive actions that may result in such violations. The Division also undertakes fact finding missions/studies/research and after the completion of such projects, submit recommendations to the government. This Division publishes general guidelines and issues standard modalities to the state authorities to avoid violations of human rights when dealing with the public. It also takes steps to review the progress of such guidelines/modalities when it is deemed necessary.

Some important work performed by the Division

2.2.1. Discussions on equal opportunity to obtain school admissions to underprivileged orphanage institutionalized children.

A special consultation was held to discuss the issue of school admissions deprived to orphanage children who have lost parental care and protection. The issue was identified after conducting an

inquiry with regard to the issue of not giving admissions to schools since the child is unable to show original parental documentation. After the consultation the Commission decided to issue general guidelines or a policy change on this issue allowing all children in orphanages or confined in institutions to be given an equal opportunity in respect of school admissions.

2.2.2. Monitoring of the implementation of the language policy

During the current year the Division commenced monitoring the implementation of the national languages policy under the Constitution in order to prevent discrimination and hardships caused to sections of the public. The Constitution of Sri Lanka provides that that Sinhala is the official language and under the 13th amendment Tamil was also made an official language of Sri Lanka. The Constitution further states that the national languages of Sri Lanka shall be Sinhala and Tamil.

The Centre for Policy Alternatives complained regarding about 80 instances of violations of the language policy relating to information on street boards, public transportation vehicles, announcements made in to people using public transport in the North and East as well as in Colombo.

- I. The Division inquired into this matter and thereafter the Sri Lanka Transport Board (SLTB) directed the provincial managers, depot superintendents and other relevant officers to implement the language policy of the government. Furthermore these officers have been asked to report the progress of such implementation periodically according to a SLTB circular copy which has been received by the Commission.
- II. A complaint was lodged that the tri lingual policy of the Government was not being followed in printing the letters on the currency notes. On an inquiry into this matter the respondent to the complaint representing the Governor of the Central Bank accepted that such a violation had occurred and gave an assurance to adhere to the tri lingual policy on the currency to be printed in future.

2.2.3. Monitoring of the Implementation of UPR Recommendations issued in 2008

During the year under review the Commission interacted with state authorities and other stakeholders regarding the observances made on Sri Lanka in 2008 by the Universal Periodic Review (UPR) of the Human Rights Council (HRC) of the UN. The UPR is a new human rights mechanism through which the HRC reviews human rights obligations and commitments of each of the 192 member states periodically. In 2008 the Government of Sri Lanka accepted 52 UPR recommendations given by the Working Group, expressed a general response to 8 and rejected 25 of the recommendations. The accepted recommendations include the strengthening and ensuring the independence of the human rights institutions such as the HRCSL, to take measures to safeguard freedom of expression and to adopt measures to safeguard the human rights of IDP s in accordance with applicable international standards. UPR recommendations such as extending standing invitations under special procedures and to accept an independent international human rights mechanism on the ground as soon as possible were rejected by the Government while recommendations such as to sign and ratify certain Treaties such as the International Convention for the Protection of all persons from Enforced Disappearances were given a general response.

The HRCSL conducted two successful discussions separately with representatives of State parties and civil society on the implementation of the 2008 UPR recommendations in April 2012, and assessed the views expressed by the participants at the discussions. Finally the written submissions of the HRCSL to the UPR 2nd Cycle, 14th Session were submitted in April 2012.

Written submissions of the HRCSL to the UPR are in Annexure I

2.2.4. Special consultation with state officials with regard to prison matters

A consultation was held with 40 state officials including those of the Ministry of Rehabilitation and Prison Reforms, Attorney Generals Dept, Ministry of Social Services and National Dangerous Drug Control Board to discuss issues such as overcrowding in prisons and the problems relating to condemned prisoners as well as long term remand prisoners. It is interesting to note that the HRCSL organized this discussion in September 2012, just two months prior to the riot in the Welikada prison. The Chairman as well as a Commissioner and several officers of the Monitoring Division had visited the Welikada prison in 2011 and were aware that there were several human right issues of the prisoners that needed an immediate solution. The Commission organized the consultation with the aim of obtaining the views and suggestions of the state officials concerned with prisons so that the Commission will be able to suggest certain recommendations to the Government in respect of the urgent problems in prisons.

The views obtained at the consultation are summarized in Chapter 4

2.2.5. HRCSL establishes new focal point on Migrant Issues

The Commission has been concerned with the promotion and protection of the rights of migrant workers for several years and recognizes the importance of the institutional framework for labour migration provided by the Ministry of Foreign Employment Promotion & Welfare which is the primary regulatory body for overseas employment.

The Sri Lankan diplomatic missions in labour receiving countries are also equipped with a mandate and facilities to provide for the protection and welfare of all Sri Lankan workers overseas. While appreciating the key roles played by several key government institutions and agencies in the protection and promotion of the rights of migrant workers in the Sri Lankan context the Commission has major concerns in respect of the role played by the Sri Lankan Embassies and the consulates in looking after the interests of our migrant workers in the countries of their employment. The Diplomatic Missions, Embassies, Consular and labour Welfare Officers all play a crucial role in respect of its citizens when discharging their duties in protecting the rights of migrant workers in the host countries. In the light of the above the Chairman HRCSL has issued the following guidelines for the attention of the Hon Ministers concerned with External affairs, Foreign Employment Promotion and Welfare and the Chairman Sri Lanka Bureau of Foreign Employment.

- Establish networking systems on migrants in detention and be accurately informed of the status of their cases and of their right to contact a consular or embassy representative and members of their families and to have a follow up procedure;
- Establish a regular visiting mechanism to safe houses or centres where the irregular migrants are kept and to develop and continue assistance programmes to migrants deprived of their liberty, including legal assistance, translation services to fill the gaps on communication, social and psychological assistance;
- The Sri Lanka Bureau of foreign Employment (SLBFE) and the Ministry of External affairs must design a system to enable consular / welfare officers to check periodically on the well being of house maids who go as low skilled migrant workers especially to the Gulf States;
- Consular and Labour Welfare Officers be given adequate resources for the performance of all required activities for protecting the rights of migrant workers to maintain their cultural links with Sri Lanka;

- A Female Labour Officer be appointed to serve in every mission in order to address gender related problems of women migrant workers who would be generally at ease in communicating with a female officer;
- The SLBFE and the Ministry of External affairs should evaluate the current training programme in order to ensure the adequacy of the training provided for the particular Consular / Welfare Officers before they are posted overseas;
- To obtain the services of an expert consultant to analyze the existing training curriculum and draft a new comprehensive training manual for the representatives of the Bureau attached to the Sri Lankan Missions.

The Commission is keen that the above criteria should be adopted as the working mechanism in all the Diplomatic Missions in labour receiving countries.

The implementation of the guidelines is monitored through the newly established Focal Point on Migrant Issues in this Division.

2.2.6. Concern regarding the treatment of domestic workers stranded in the Sri Lankan Embassy in Amman in Jordan

A migrant worker who recently returned from Amman, Jordan stated that there are over 200 domestic workers stranded in Jordan and living in the embassy safe house. Most of them have been abused by their former employers and had with great difficulty paid the fines and wish to return home. The Chairman, HRCSL has called for a report from the Chairman of the SLBFE. The Commission has also taken action to verify this information from the Human Rights Commission of Jordan and sought their intervention in the matter. As there have been several cases of reported ill treatment of domestic workers, the SLBFE has imposed certain conditions on the prospective employers of domestic labour such as a deposit of US \$ 1000 by the foreign employer in respect of each employee and has also raised the minimum age for overseas employment to 25 year in case of certain Gulf countries like Jordan, Saudi Arabia.

2.2.7. Re opening of the Foreigners Detention Home, Mirihana under the name of Foreign National Holding Centre, Mirihana.

After observing the condition of the above detention centre the Commission made the following recommendations;

- i) Relocate the centre considering its existing condition and in doing so have respect for gender sensitivity and address the requirements of persons with disabilities;
- ii) Assign required staff to manage the centre effectively by the Controller of Immigration and Emigration;
- iii) Coordinate with respective country Embassies / High Commissions Offices / Consular Offices and facilitate the departing process;
- iv) Collect and maintain a data base on such detainees;
- v) Rename the institutional identity;
- vi) Renovate the existing buildings and upgrade the condition of detention of the Mirihana Detention Centre until the detainees are moved to a temporary place or the proposed permanent building in Minuwangoda. The IOM has expressed its willingness to provide required financial assistance for such a reconstruction.

As a result of the initiative taken by the Commission, the Home has been renovated and renamed as the Foreign National Holding Centre. The conditions of detention of the persons in the Centre too have improved considerably.

2.2.8 Conclusion

The written submissions of HRCSL sent to the UPR in April 2012 could be seen as a landmark achievement in the work of this Division as this is the first time the Commission submitted a report to the UPR. Then again the role played during the year in the protection of migrant workers by the submission of guidelines to the relevant Ministries on labour migration shows an alertness on the part of the Monitoring Division to the hardships undergone by our migrant labour which is so often depicted in our media. These together with the work relating language policy implementation and the consultation on prison problems are all achievements of the Division in the year 2012.

2.3 EDUCATION AND SPECIAL PROGRAMMES DIVISION

This Division carried out awareness programs like in earlier years covering many human right areas like child rights, migrant rights, human trafficking, gender equality, domestic violence, disability rights and elders rights. A brief description of the programs which were carried on a regular basis in carrying out the mandate of the Commission is given in summary form the end of the Division report and a few of the important programmes carried out during the year are described below briefly.

2.3.1 Training of Trainers (TOT) Programme for Police Officers

A programme was carried out at the community policing training centre, Gampaha where a total of 31 police officers (6 female and 25 male) representing various regions of the island were given a training for 5 days on areas such as prevention of human trafficking, system of community policing human rights protection and rights of vulnerable groups like women, children and elders.

2.3.2 Child Rights Protection

- I. The Programme Officer of the Senior Representative to the Secretary General of UN on Children and Armed Conflict visited Sri Lanka to discuss with the Government partners the modalities of delisting process and winding up of the Country Task Force on Monitoring and Reporting. The Technical Team that came on this visit to Sri Lanka had a meeting with the HRCSL staff.

One of the concerns of the team was the Sri Lanka Army occupation of certain schools in the Killinochchi District. After the visit the HRCSL was informed of the army occupation of KI/Vigneswara Vidyalaya, Poonaryn, Killinochchi. In December 2012 Sri Lanka was de-listed from the list of shame in the Fourth report of the Secretary General on 'Children in Armed Conflict in Sri Lanka' pursuant to Security Council Resolution 1612 and 1882. The Secretary General issued his annual report to the Security Council giving an overview of the situation of Children in Conflict Zones and measures taken for their protection.

- II. When the UNICEF funded HRCSL programme 'Increase Confidence of Communities in Reporting and Responding to Violations of Children's Rights' had been conducted at Killinochchi the same question regarding the occupation of K/I Vigneswara Vidyalaya, Poonaryn, Killinochchi by the army was raised by the participants, requesting the Commission to take appropriate action. Accordingly, instructed by the Chairman HRCSL, Mr Kanagaraja HRCSL Jaffna Regional Coordinator wrote to Brigadier R.P. Rajapathirana RSP,USP. In July 2012 the Security Force Headquarters, Killinochchi informed that immediate action will be taken to relocate the

Headquarters and reopen the school and that this may take a little time. Furthermore until the new building to relocate the camp is completed transport facilities for students to attend Poonaryn Maha Vidyalaya has been arranged.

2.3.3 National Consultation on the Protection of the Rights of Elders

A National consultation was organized from June 4th to 6th 2012 to discuss the problems faced by the ageing population in the country so that Sri Lanka could send proposals to the Open Ended Working Group on Ageing. Discussions were based on the Madrid Plan of Action and persons working with elders concerns both in the state sector and in the non state sector, as well as well known authorities on human right issues like Professor Savithri Gunasekera addressed the conference. Five topics were selected and under each certain areas were discussed and suitable recommendations were made. These recommendations were thereafter sent to the Open Ended Working Group. The five topics and some of the areas discussed under each topic are given in brief below;

- A) General Health and Mental Health
 - i) Food security and nutrition
 - ii) Counselling, stigma reduction and mobile health services
 - iii) National level screening for diseases

- B) Social Security and Social Welfare
 - i) Allocate 3% jobs for elders
 - ii) Concessionary rate for transport
 - iii) Elders to have access in police stations through the women and childrens desk
 - iv) Children to contribute for a parents pension scheme

- C) Conflict and Disastrous Situations / Education, Advocacy and Communication
 - i) Educate elders of their rights
 - ii) Separate internet and library facilities
 - iii) Time allocation on media

- D) Policy, Legal and Institutional Framework
 - i) National pension for everyone and expand the current payment of Rs 1000/-
 - ii) Retirement age to be raised to 65

Recommendations sent to the Open Ended Working Group in Annexure II

2.3.4 Religion and Human Rights

Religious tensions in the country which has been growing during the recent years has been a matter of concern of the Commission. During the year under review the HRCSL took a decision to conduct awareness programmes for religious leaders and the staff on human rights with the hope that such awareness would help to diffuse religious tensions in the country. As a first step the Commission organized a special lecture series under the theme Human Rights and Religion for the staff so that a better service could be offered to the people. The following lectures were organized during the year;

- i) Hinduism - Principles Relating to Hinduism and Its Applicability in the Sri Lankan Society
– By Justice C.V. Wigneswaran
- ii) Buddhism - Principles Relating to Buddhism and Its Applicability in the Sri Lankan Society
– By Mr Raja Kuruppu
- iii) Christianity - Principles Relating to Christianity and Its Applicability in the Sri Lankan Society
– By Rev. Fr. Wesley Alexander.

- Principles Relating to Catholicism and Its Applicability in the Sri Lankan Society.
- iv) Islam - Principles Relating to Islam and Its Applicability in the Sri Lankan Society
 - By Mrs Jezima Ismail Commissioner, HRCSL

2.3.5 Media Conference on Right to Accessibility of Persons with Diverse Inabilities

The Division was concerned with the increasing number of incidents reported relating to accessibility of persons with disabilities and organized a media conference under the theme On the Right to Accessibility of Persons with Diverse Inabilities . The main objective of the conference was of making the society aware of the right of people with different abilities to move about freely and the responsibility of all stakeholders to provide such people with adequate facilities to move about freely in the community. Dr Ajith Perera Chief Executive / Secretary General “ Iridiya “ referring to the Supreme Court Order SCFRR 221/2009 of April 2011 stated that the implementation of the order was believed to become a meaningful potential solution to an urgent national problem of paramount public interest which would enhance safety and well being and significantly improve the quality of life of the people. He further stated that though a year has passed many violations were seen and appealed to the Commission to take meaningful steps to implement the Supreme Court Order.

2.3.6 APF Training Manual on Investigation

The Asia Pacific Forum invited a number of institutions worldwide to contribute to the development of an Investigation Training Manual through the submission of information, documentation and expert advice. As a response to the request HRCSL supplied its inputs mainly regarding;

- i. The background about the formation of the HRCSL and its investigation system;
- ii. The details to the given questionnaires were provided.

The manual has been written by MrGareth Jones who is an experienced investigator, investigation trainer and has more than 10 years experience in conducting a range of different types of investigations. The HRCSL proposes to invite him later to conduct some programmes for the benefit of the staff.

Human Rights Programmes Organized by the Education & Special Programmes Division

Type of Programme	Theme	No. of Programmes
Human Rights Awareness	HRCSL	01
Discussions	National Convention on Elders Rights	01
Conference – Media	Right to Accessibility	01
Commemoration	World Day for Decent World Day for Elders International Human Rights Day	03
Training	Mediation	01
Meetings		01
Special Lecture for HRCSL Staff	Counseling Religion and Human Rights Elders Rights Challenging the self to win human rights Child Rights	09
Total		17

HRCSL staff have been invited as resource persons for 26 human rights programmes.

2.3.7 Conclusion

The Division continues to carry out programmes to educate the public in human right norms and standards. During the last few years it has focused attention on the rights of persons with disability, to move about freely and enjoy life in the community. This year the Division carried out a discussion on elders rights which is another area of concern as Sri Lanka has a fast growing ageing population. The recommendations at the end of the discussion were sent to the Open Ended Working Committee on Ageing. The Division also sends staff as Resource persons whenever requested by other organizations to provide human right education.

2.4 ADMINISTRATION AND FINANCE DIVISION

2.4.1 Administration section

The year 2012 commenced with the same Board members as in the previous year namely Justice Priyantha R.P.Perera as the Chairman and Mrs Jezima Ismail, Mr T.E.Anandarajah, Dr Bernard de Zoysa and Mr Ananda Mendis as Commissioners. However on 1st February Commissioner Mr Ananda Mendis retired and on 13th February 2012 Dr Prathiba Mahanamahewa was appointed to fill the vacancy. On 2nd May 2012 Mrs Samantha Jayamanne Paranagama who functioned as the Director Inquiries and Investigations was appointed as the Secretary of the Commission, thus filling a long standing vacancy. Though the posts of Director Inquiries & Investigation and the Director Administration & Finance have not yet been filled, the Board has appointed two officers, one to each Division under whose supervision the work in the respective Divisions is being carried out.

After shifting the Head Office of the Commission to the new premises at 165, Kynsey Road, Colombo 08. it has been possible to allocate more space for Inquires & Investigation Division It has also been possible to provide better facilities to those who come to the Head Office for various purposes, keeping in mind the concerns of differently abled persons.

During the year under review Public Administration Circular No 28/2010 was implemented in respect of the salaries of HRC employees. Initial discussions to set up a Pension Scheme for the HRC employees also took place this year.

It is always necessary to provide training for the staff to enhance the professional knowledge and skills needed to perform the wide range of tasks they have to perform. Training for staff both locally and overseas have been made available during the year.(see annexure III & IV)

For the better management of attendance and adherence to proper arrival and departure times to work, a computerized attendance & finger printing system was installed in the Head Office. This action has worked satisfactorily and has improved the administration of the office.

New mobile offices were opened in Killinochchi and Puttlam respectively during the year so that the inconvenience faced by the people in these areas to travel to far away regional offices such as Jaffna and Anuradhapura or to the Head Office in Colombo would be lessened.

Steps are being taken to draw up a scheme for recruitment of staff to HRC to be submitted to the Salaries and Cadre Commission.

A Board of Survey has been appointed for the verification of the HRCSL assets according to the financial regulations

2.4.2 Finance Section

Appropriation Account for the Year 2012

	Amount(LKR)
<u>Government Contribution</u>	
Recurrent	137,500,000.00
Capital	1,940,000.00
Foreign Grant (UNFPA)	535,254.00
Other receipts	246,375.93
Total Income	140,221,629.93
Personal Emoluments	80,805,000.00
Traveling Expenses	996,078.02
Supplies	5,266,708.21
Maintenance Expenditure	2,358,517.40
Services	48,120,072.30
Transfers	200,000.00
Rehabilitation and Imp. Of Capital Assets	214,829.13
Acquisition of Capital Assets	1,234,249.32
Capacity building	200,000.00
Other Capital Expenditure (UNFPA Project Activities)	535,254.00
Total expenditure	139,930,708.38

Chapter Three

REGIONEL OFFICES

There are ten Regional Offices established by the Commission which are directed by Regional Co-ordinators. The support staff in these offices include Investigating Officers and other staff. During the year 2012 two mobile offices were opened at Killinochchi and Puttlam respectively. The mobile office in Killinochchi is overlooked by the Regional Co-ordinator of Jaffna. The mobile Office in Puttlam was opened in December 2012 as there was no HRC Regional Office to serve the people in the North Western Province and is presently overlooked by an Investigating Officer of the Head Office. A sub office has been functioning at Nuwara Eliya for some time where an officer from the Kandy Regional Office comes every Wednesday to receive complaints. It is hoped that these three offices will be made permanent offices in the near future. A brief summary of the work performed by each office in the Year 2012 is given below.

3.1 Ampara Regional Office

The Ampara office received a total of 139 complaints within the mandate of which 07 concerned Torture, 03 Harrasment, 05 Arbitrary Arrest, 26 employment related, 32 education related and 60 related to government inaction. The others were against other authorities. The office completed 161cases during the year together with the previous years unsettled ones.

Categorization of Complaints - Ampara

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	07
	Harassments	03
	Arrest/Detention	05
Employment		26
Education		32
Inaction		60
Others		06

There were 104 visits to police stations and prison lockups and during the year under review the officers visited 84 detainees.

The office conducted 28 Awareness Programs and held 14 workshops on a number of human right areas such as child rights, women’s rights, torture, human trafficking, elders rights targeting students, teachers, police officers, government officers and members of the civil society.

906 persons attended the office for consultation during the year.

3.2 Anuradhapura Regional Office

The Anuradhapura office received 748 complaints during the year. At the beginning of the year there were 395 complaints outstanding. There were 40 concerning Torture, 63 Arrests and Detention, Harassments 50, Missing persons 02, death in custody 01, government inaction 165, and the rest against other authorities. The office was able to complete 722 cases during the year with 20 cases for recommendations and 115 cases for further inquiry being sent to the Head Office. A balance of 421 cases has been left to be carried forward to the next year.

Categorization of Complaints - Anuradhapura

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	40
	Harassments	50
	Arrest/Detention	63
	Disappearance/Missing	02
Employment		115
Inaction		165
Education		74
Property & Utility		198
State Welfare		08
Death in Custody		01
Others		03

The office made 144 visits to police stations, 02 visits to Rehabilitation Centres. The office also carried out 19 Awareness Programmes targeting the police, army, government officers and civil society which were attended by over 1580 persons. Human Rights Day was celebrated with a special program on elders rights and disabled persons rights for 64 civil society members of the Anuradhapura District.

3.3 Badulla Regional Office

The Badulla office received 326 complaints during this year. There was only one relating to Torture, Assault 07, Harassment 28, Arrest and Detention 11 and no complaints regarding Missing Persons. Complaints relating to government inaction were 50 and those relating to property & utilities were 59, employment and education related complaints were 87 and 18 respectively. The rest were against other authorities. There were 19 complaints not within the mandate.. The office was able to complete 204 cases. There were 07 cases referred to the Head Office for recommendations.

Categorization of Complaints - Badulla

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	01
	Harassments Assault	35
	Arrest/Detention	11
Employment		87
Inaction		50
Education		18
Property & Utility		59
State Welfare		08
Others		38

The office made 51 visits to police stations.

There were 20 Human Rights Awareness programs targeting the police which were mainly held at the police training schools at Mahiyangana and Boralanda respectively and about three for civil society members. There was also a programme to disseminate awareness on elders rights to community leaders. During the year four civil society meetings and a three day youth camp were organized by the office

About 1100 persons visited the office for consultations on various issues in 2012.

3.4 Batticaloa Regional Office

The Batticaloa office received 389 complaints during the year under review There were 3 relating to Torture, Harassment 27 Arrest 23 and Disappearances 10. Employment related 33, Education related 87, Inaction 85, Property & Utilities 39 and the rest against other authorities. The office was able to settle 297 cases during the year leaving a balance of 92 cases at the end of the year.

Categorization of Complaints - Batticaloa

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	03
	Harassments	27
	Arrest/Detention	23
	Disappearance/Missing	10
Employment		33
Inaction		85
Education		87
Property & Utility		39
Others		82

The office made 92 visits to police stations, 10 visits to prison and one to an elders home

The Office carried out 38 Awareness/Education Programmes which included 15 meetings, 04 special programmes, 02 celebrations of Womens Day, one celebration of childrens Day, a Book launch and 12 workshops targeting various groups such as students, government officers, police officers, probation officers and civil society members. A total number of over 4000 people attended these events.

Other activities

- i) Complaints received from the relatives of persons who had gone missing during the years 2006 to 2009 were inquired into with the staff from Head Office from 8th -10th May 2012. A total of 182 cases were inquired into on the three days. Report will be submitted by Head Office.
- ii) Discussions with parents and relatives of disappeared persons and members of the Citizens Committee regarding the problems faced by the aggrieved persons.
- iii) Discussion on child rights with the Zonal Education Directors, probation officers, child protection officers, government officers, ngo sector and civil society as there had been an increase of child labour in the Batticaloa district due to poverty.
- iv) Workshop for civil society members on rights of senior citizens.
- v) Inquiry into the attack of two Muslim girls at Kattankudy - Report in Chapter 4

3.5 Jaffna Regional Office

The Jaffna office received 377 complaints of which 07 related to Torture, Harassment 77, Arrest and Detention 55, Disappearances 26,, education related 30, employment related 62, government inaction 59, property 33 and the rest against other authorities. During the year the office was able to conclude 139 cases.

In the year 2012 the regional office inquired into several complaints regarding the occupation of houses and lands by the Security Forces. The action taken by the Regional office in these inquiries resulted in 82 houses and a land being handed back to the original owners during the year. The inquiries into these cases were conducted under 3 complaints filed in the office.

Categorization of Complaints - Jaffna

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	07
	Harassments	77
	Arrest/Detention	55
	Disappearance/Missing	26
Employment		62
Inaction		59
Education		30
Property & Utility		33
State Welfare		06
Others		22

The office made 182 visits to police stations, 11 to prisons, 5 to childrens' homes and also made 01 visit to the rehabilitation centre.

The office also conducted 17 Awareness Programmes/Workshops under the UNICEF Funded Project and also had 10 meetings on Child Rights. Further 09 Awareness programmes covering a broad range of human rights and protection remedies were conducted by the office.

International Children's Day was celebrated by conducting an awareness programme among school children and the International Human Rights day was celebrated by conducting a discussion among the civil society members and government officers on human right norms and standards.

Four meetings with the civil society and one with the higher officers of the police were also conducted during the year under review.

3.6 Kalmunai Regional Office

The Kalmunai office received 206 complaints during year 2012. Complaints against Torture were 4, Harassment 20, Arrest and Detention 03, Disappearance /Missing 06, government inaction 69, Education related 39, Employment related 23 and the rest against other authorities. The office completed 232 out of which 116 were complaints reported in 2012 and the others related to previous years.

Categorization of Complaints - Kalmunai

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	04
	Harassments	20
	Arrest/Detention	03
	Disappearance/Missing	06
Employment		23
Inaction		69
Education		39
Property & Utilities		05
Others		35

The officers made 33 monitoring visits to police stations covering all police stations in the area of the office. This office also conducted 21 Rights Awareness Programmes on a number of areas such as human rights promotion and protection, child rights, womens rights, child abuse and gender based violence. The target groups included over 2600 school teachers and students, and about 1000 others including women, state officers and members of civil society.

Meetings, Consultations and Discussions to discuss current and urgent human right issues were

conducted by the office during the year. Thus the office held 15 meeting to discuss topics such as the increase in the tendency to commit suicide, sexual harassment, child abuse and increase in the consumption of alcohol with the relevant stake holders. There were also 07 workshops held which discussed many issues including those relating to migrant workers and human trafficking, elders rights and the lack of Geriatricians in the hospitals in the area to provide good health service to elders. The office also held 05 Discussions on the problems faced by the fishermen in the region, discipline in schools, the role of religious leaders with regard to child protection and the incidents of child abuse

There were also ceremonies to commemorate some important Human Rights Days. A poster Campaign was held on 12th June 2012 to celebrate the International Labour Day with a thematic poster protecting child rights and stopping child labour which was circulated in Divisional Secretariats, Police stations, Zonal Education office and schools.

A programme to mark the Torture day was held on 26th June 2012 with 50 participants including torture victims.

A Mobile Signature Campaign to mark the International Womens Day was held was held on 27th and 28th February and on the 1st, 2nd and 5th March 2012 respectively in several areas and finally on 8th March, the Womens Day was commemorated with 55 participants at Christa – Illam.

The International Peace Day was celebrated at Sanmuha Vidyalaya, Karaithivu, with a programme focusing on areas such as peace and non violence promoting dignity of human beings/ reconciliation with the participation of 100 Tamil and Muslim students. This was a joint effort with two other organizations.

3.7 Kandy Regional Office

The Kandy office received 584 of complaints during the year of which 28 concerned Torture, Harassment 34, Arrest and Detention 34, Missing 01, government inaction 75, employment related 90, education related 35 and the rest were against other authorities. The office completed 471 cases and sent 119 cases to Head Office for recommendations and for further inquiry. These cases include prior year complaints which had not been completed as at 1st January 2012.

Categorization of Complaints - Kandy

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	28
	Harassments	34
	Arrest/Detention	34
	Disappearance/Missing	01
Employment		90
Discrimination		279
Inaction		75
Education		35
Others		08

There were 433 visits made to police stations, 04 visits to the Bogambara prison and 02 visits made to a childrens' home to monitor the welfare of detainees and inmates at the respective places in the year 2012.

In carrying out its mandate the office organized 55 Educational/Training/Awareness Programmes and lectures targeting students, police, army, government officials, civil society and the public in general. There were also three Special Programmes organized by the office. One of these programmes was held to celebrate the Womens Day and another was held to celebrate the Human Rights Day. A civil society meeting with 40 participants was also held as a special event.

During the year under review the office held 3039 public consultations. (including those done at the mobile office at Nuwara Eliya)

3.8 Matara Regional Office.

The Matara office received 645 complaints during this year under review. There were 59 complaints relating to Torture, Harassment 37, Arrest & Detention 64, Missing 01, government inaction 75, property & utilities 103, education related 128, employment related 113 and the rest against other authorities. At the beginning of the year there were 108 cases brought forward from prior years. During the year 573 cases were concluded leaving a balance of 180 cases at the end of the year.

Categorization of Complaints - Matara

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	59
	Harassments	37
	Arrest/Detention	64
	Disappearance/Missing	01
Employment		113
Inaction		75
Education		128
Property & Utility		103
State Welfare		09
Others		56

The office made 258 monitoring visits to 62 Police Stations and 08 visits to prisons at Galle and Matara and 02 visits to the Boosa Detention Camp.

The office also conducted 34 Awareness Programmes / Special Programmes, for the army, police, students, the civil society and for the youth. There was also one civil society meeting organized by the office. The Childrens Day and the Human Rights Day were also celebrated. There was a participation of over 2000 people at all these programmes and events.

3.9 Trincomalee Regional Office

The Trincomalee office received 167 complaints during 2012. There were 02 relating to Torture, Harassment 10, Arrest 56, Missing 03, Abduction 02, employment related 18, government inaction 24

and the others against other authorities. There were 62 cases brought forward from the previous years. The office completed 76 cases during the year leaving a balance of 62 cases to be carried forward to the next year.

Categorization of Complaints – Trincomalee

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	02
	Harassments	10
	Arrest/Detention	56
	Disappearance/Missing	03
	Abduction	02
Employment		18
Inaction		24
Education		04
Property & Utility		10
Others		38

The office made 62 visits to the police stations and 3 visits to the remand prison. Awareness/Education programmes were carried out as follows; 08 programmes for the army, 10 for the police, 02 for school children, 02 for community leaders and 04 programmes for the civil society.

3.10 Vavuniya Regional Office

The Vavuniya office received 367 complaints during the year under review. There were 02 against Torture, Harassment 30, Arrest & Detention 57, Missing 39, Government inaction 16, property 44, Education 45, Employment 28 and others against other authorities. The office completed 262 cases during the year.

Categorization of Complaints - Vavuniya

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	02
	Harassments	30
	Arrest/Detention	57
	Disappearance/Missing	39
Employment		28
Inaction		16
Education		45
Property & Utility		44
State Welfare		12
Others		94

The office made 29 visits to police stations and 02 visits to rehabilitation centres during the year.

Awareness / education programmes/ workshops/lectures and meetings carried out targeting the civil society, child protection officers and the army amounted to 14 during the current period.

The officers also made 04 field visits to vulnerable villages and carried out awareness programmes in those villages.

The Human Rights Day was celebrated by the Regional Office.

3.11 Mobile/ Sub Offices

3.11.1 Mobile Office – Killinochchi

This office was opened in October 2012 is currently overlooked by the Regional Co-ordinator, Jaffna Regional office. The office received 35 complaints up to 31st December 2012 of which 09 complaints were concluded. The office was also able to provide 196 consultations during the short period of time.

Categorization of Complaints - Killinochchi

Categorization of Complaints		No. of Cases
Personal Liberty	Torture	03
	Harassments	01
	Arrest/Detention	04
	Disappearance/Missing	04
Employment		05
Inaction		05
Education		02
Property & Utility		09
State Welfare		02

3.11.2 Mobile Office -Puttlam

The office was opened on 06th December 2012 and is overlooked by an Investigating Officer of the Head Office. During the month 05 complaints were received.

3.11.3 Sub Office – Nuwara Eliya

The Kandy Regional office conducts a mobile office at Nuwara Eliya each Wednesday, where public consultations are provided. During the year 9 complaints were received. However inquiries into complaints received at this office are conducted at the Kandy Regional Office.

Human Rights Commission of Sri Lanka – Regional Offices

Complaint Category – 2012

Type of the Complaints	Ampara	A'chhapura	Badulla	Batticaloa	Jaffna	Kalmunai	Kandy	Matara	Trincomalee	Vavuniya	Total
Torture	07	40	01	04	07	04	28	59	02	03	154
Harassment	03	50	07	20	77	20	34	37	10	30	288
Arrest and Detention	05	63	39	03	55	03	34	64	56	57	379
Missing/ Abduction/ Disappearances-	02	-	-	06	26	06	01	01	05	39	86
Inaction	60	165	50	23	59	69	75	75	24	16	616
Employment	26	115	87	69	62	23	90	113	18	28	631
Discrimination/	-	-	-	-	-	-	279	-	04	-	283
Arbitrary action											
Education	32	74	18	39	30	39	35	128	04	45	444
Health	-	-	01	06	02	06	-	01	-	-	16
Property and Utilities	-	198	59	05	33	05	-	103	02	44	449
State welfare	-	08	08	08	06	08	-	09	08	12	67
Environment	-	02	06	03	01	03	02	03	-	01	21
Child	-	-	-	05	-	05	03	01	-	-	14
Women	-	-	-	-	-	-	02	-	-	-	02
Others	06	01	31	13	19	13	03	49	34	93	262
Not within HRC mandate	-	29	19	02	-	02	-	-	-	-	52
Extra judicial killing	-	-	-	-	-	-	-	-	-	-	-
Death in Coustody	-	01	-	-	-	-	-	-	-	-	01
Threaten by unknown persons	-	-	-	-	-	-	-	-	-	-	-
Total	139	748	326	206	377	206	584	645	167	367	3765

Chapter Four

SPECIAL REPORTS

4.1 INQUIRIES AND INVESTIGATION DIVISION

4.1.1 Environment Case Report

Ms Chandra Amarasinghe

vs

Chairman BOI/ Chairman CEA / Chairman Sri Lanka L R&D Corp /Chairman UDA

Case Nos: HRC/2073/09, HRC /1166/09,HRC/4945/09,HRC/5405/09

The complaints were in respect of the following state institutions;

1. The Bureau of Investment (BOI)
2. The Central Environmental Authority (CEA)
3. Sri Lanka Land Reclamation & Development Corporation(SLLRDC)
4. The Ja Ela Pradeshiya Sabha

The Complainant stated that the BOI had entered into an agreement with Rhino Roofing Products Ltd and Melwire Roofing Ltd at No 111 Maithree Mawatha Ekala and at Temple Road Ekala respectively without obtaining an Environmental Impact Assessment Report (Referred as EIAR in this document) from the Central Environmental Authority.

It is also stated that Rhino Roofing Ltd has constructed factories in three places namely;

1. No 111, Maithree Mawatha, Ekala
2. No 144/11 Minuwangoda Road, Ekela
3. No 30, Minuwangoda Road, Ekela

The BOI position was that it was not necessary to prepare an (EIAR) as Rhino is not a prescribed project and that the BOI had after evaluation of the environment impact and after taking steps to minimize the said impact granted approval with the concurrence of the CEA. The CEA had granted its concurrence to BOI subject to conditions in respect of the Rhino Roofing Products Ltd at 111, Maithree MawathaEkala.

CEA position was that Rhino Roofing Products Ltd had carried on a factory at No 30 Minuwangoda Road, Ekala earlier prior to starting the factory at Maithree Mawatha. In respect of the earlier factory the Environmental Protection Licence had been granted which now stands cancelled. In respect of the new factory it is only one month before production that the Environmental Protection Licence from the CEA has to be obtained.

The CEA failed to mention anything about the Melawire Roofing Ltd.

SLLRDC made reference to the factory at 111, Maithree Mawatha which was situated on high land and needed no licence from the SLLRDC. No reference was made to Melwire Roofing Ltd. which was alleged by the petitioner as situated on a low lying marshy land.

The position of the Ja Ela Pradeshiya Sabha was that the Rhino Roofing Products had made an application to build a rest room and a store building and after obtaining approval it had started building a factory. As a result of the public outcry the said approval was cancelled and the company filed a case in the Court of Appeal. Subsequently a settlement was entered and the company made 13 building applications that were approved by the Pradeshiya Sabha. A sum of Rs 945000/ had been paid by the company to the Pradeshiya Sabha as legal costs.

A) Observations of the Inquiring Officer

The two projects are gazetted as prescribed projects in the gazettes published under the provisions of the National Environmental Act No 47 Of 1980 as amended by Act No 56 of 1988.

As such an Environmental Impact Assessment Report is required to be produced with the concurrence of the CEA. Therefore the 1st and 2nd Respondents have not acted in accordance with the mandatory provisions of the National Environmental Act in that they failed to consider the manufacture of asbestos and iron and steel as prescribed projects within the gazette regulations framed under the laws framed to protect the environment for which an EIAR Report has to be produced. The 1st and the 2nd Respondents have not explained the circumstances under which Melawire Rolling Ltd started manufacturing steel products at Temple Road, Ekela without the approval being granted by the BOI and the CEA thus allowing the pollution of the environment, releasing industrial waste and effluence without such waste being recycled or treated properly.

The 1st and the 2nd Respondents have further failed to follow the mandatory provisions of the National Environmental Act in allowing Rhino Roofing Ltd to establish their factory in an area where a population of 30,000 live. Thereby they have deprived the people in the area of the right to fresh air and proper drinking water as the air in the area had got polluted with asbestos and steel dust and the water in the wells had got polluted with the sludge from asbestos and waste from steel products which are released to the environment without being treated.

The 3rd Respondent had not taken steps to prevent Melwire Rolling Ltd encroach on land situated in a reservation area of a waterway and fill a low lying marshland. The Factory is situated in an area described in Colombo District under Identification No18 (vide Gazettee No1545 of 17.04.2008 marked A2) as a low lying wetland. The 3rd Respondent is also responsible for the pollution of air and water in the area.

The 4th Respondent has cancelled the building approval when there was a public out cry that Rhino Roofing Products was constructing a factory under the license to build a rest room and a store building. The company had then filed an application in the Court of Appeal and obtained a stay order and the 4th Respondent had watched helplessly as the company carried on the construction on the strength of the stay order. The 4th Respondent should have filed an application seeking an order to demolish the structures already constructed which they failed to do.

The Petitioner had written several letters and made many representations to all the four state institutions and according to him none of these institutions had replied nor responded. Though the

right to information is not a right guaranteed under the Constitution the Supreme Court in the case of the Environmental Foundation Ltd vs UDA (Galle Face Green case) SCRF No 47/2004 stated that the right to freedom of speech and expression may include the right to information that would enable a person to effectively exercise rights in respect of a matter that is of public interest.

It has to be noted that the four State Institutions had failed to follow the provisions of the National Environmental Act No 47 Of 1980 and the regulations gazetted therein, the UDA Law No 41 of 1993, the various gazettes therein especially relating the approval of development projects relating to Pradeshiya Sabha etc.

B) Recommendations

The 1st, 2nd ,3rd and the 4th Respondents have violated the fundamental rights of the petitioner contained in Article 12(1) of the Constitution in that he has been deprived of the equal protection of the law and the provisions contained in Article 14(1) and also has been deprived of his freedom of information to effectively exercise his rights in matters connected to Rhino Roofing Ltd. and MelwireRolling Ltd.which which are matters of public interest. Therefore HRCSL declares that the fundamental rights of the petitioner guaranteed in Articles 12(1) and 14(1) of the Constitution have been violated by the 1st to the 4th Respondents.

It is recommended that the licences granted to the following institutions be suspended until the Central Environmental Authority conducts a proper evaluation and assessment;

- 1) Rhino Roofing Products Ltd
- 2) Sri Lanka Asbestos Ltd
- 3) Melwire Rolling Ltd

It is recommended that the SLLRDC investigates whether the factory of Melwire Rolling Ltd at Temple Road Ekala is situated within the reservation of JaEla waterway, which has been declared a low lying marshland and as such prohibited from being developed. Therefore the approval granted Melwire Rolling Ltd is to be suspended until a proper evaluation report by the SLLRDC is tendered.

C) HRCSL notes the following matters of importance;

1. The Sri Lanka Asbestos at No30 Minuwangoda Road, Ja-Ela is operating without an EPL (Environment Protection Licence) as such licence has not been renewed
2. The Rhino Roofing Products factory at No 144/11 Minuwangoda Road Ja Ela which is manufacturing Zinc Aluminnium sheets is operating without an EPL.
3. The Melwire Rolling Ltd is operating an iron and steel factory at Temple Road Ekala without obtaining any authority from any state institution named as Respondents
Therefore it is recommended to suspend the production activities of the following institutions until proper license and approvals;

- 1) Rhino Roofing Ltd
- 2) Sri Lanka Asbestos Ltd
- 3) Melwire Rolling Ltd

Further in terms of Section15 of the Human Rights Commission of Sri Lanka Act No 21 of 1996 the Commission directs the Respondents to send a report back to the HRC on or before 31.01.2012 informing the Commission, of the steps taken by them to implement the Recommendation.

4.1.2. Special Interventions on Kattankudy Incident

Two girls natives of Kattankudy, one aged 17 yrs and the other 18 years had gone to Batticaloa town in search of finding a teacher to get tuition as such teacher was not available at Kattankudy. As the teacher was not there the two girls had gone to a cyber café and a person who had seen them returning from the cyber café had telephoned a friend in Kattankudy that they were returning from an internet café after watching blue films. Upon arrival at Kattankudy by bus several youths on motor cycles had started chasing them and casting obscene remarks after which they have been abducted and taken in a trishaw to a house. At this place two women had removed their clothes and examined them and thereafter subjected them to torture and inhuman treatment. Thereafter the youths had taken the two girls to the Kattankudy Federation of All Muslim Organizations and Mosques (hereinafter referred as the Federation in this report) and handed them over to the people there. At this place too the girls had been assaulted, scolded in filthy language and kept for 4 hours. During this time a large crowd had been collecting around the Federation and the police using tear gas amidst a protesting crowd of more than 1000 people had taken charge of the girls for their protection. After recording the statements of the two girls at the Kattankudy police station, the police admitted the girls to the Batticaloa Hospital and provided security for them. The girls received treatment at the hospital for three days and after that they were kept in a children's Home for 7 days. Thereafter the courts handed over the girls to their parents.

In the plaint filed in the courts it had been recorded that the girls had been subjected to great physical and mental abuse and as such they were unable to carry on their ordinary day to day activities.

A complaint relating to the incident received at the HRC Regional Office, Batticaloa was referred to the Head Office for necessary action. It was alleged in the complaint that though the Kattankudy police had taken legal action in this case there were still several other suspects who should have been arrested and produced before courts. In this petition both the Kattankudy police and officials of the Kattankudy Federation were made respondents.

The HRC summoned the police and asked them to ask them to produce the suspects who had not been arrested before courts soon. Thereafter the police informed that all other suspects have been arrested and produced before courts.

The actions of the Federations members had violated the rights of the two girls which are so implicitly embodied in the various Articles of Conventions such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as one girl was 17 yrs old. However the HRCSL was not able to take any action under the Act as the actions of these officials of the Federation do not come within the definition of 'administrative or executive' action.

In these circumstances it was necessary for the HRCSL to take certain steps to protect the rights of women and children that have been so grossly violated as a result of this incident. Therefore a discussion was held between the Secretary (Legal) and the Federation officials at which the Commission informed the officials that no negative social implications should take place in respect of the two girls and that suitable environment should be created for them to carry on their daily activities. As it was revealed at the discussion that there were youths in the area who are disrespectful to law, the Commission intimated to the Federation the need to educate the public on the maintenance of law and order. The Federation undertook to conduct workshops to educate the youth.

A second meeting was held at the Batticaloa regional office with a Commissioner of the HRC, officials of the Federation, the representatives of the Jemiyatululama of Batticaloa and Colombo and the petitioners, aggrieved parties namely the two girls. At this discussion the Federation undertook to get

all mosques in Kattankudy announce by loudspeakers the innocence of the two girls. It was agreed by all to take steps to build a society where the girls and children could have faith, trust and security.

The Federation informed the HRCSL by letter dated 06.02.2012 that announcements regarding the innocence of the two girls had been made by all mosques in Kattankudy on 05.02.2012.

4.2 MONITORING AND REVIEW DIVISION

The Report on Special Consultation with State Officials with regard to Prison matters

i) Overcrowding

- Overcrowding in remand prisons could be lessened if the Magistrates remand the suspects only in cases where it is necessary after a careful study of the B report and after an examination of the suspects produced and grants bail in all other cases. Thus it will be only where bail cannot be furnished that the suspects will be in remand;
- Overcrowding in remand prisons could also be lessened if the drug offenders are sent to different centres where such persons could start a program of rehabilitation while in custody itself;
- Overcrowding in prisons could be reduced if the scope of the crimes in the Community Based Corrections Act is increased.

ii) Long Term Remand Prisoners

- to review legal, administrative and institutional causes which lead to a delay in case of persons held in detention without an indictment or charges served on them;
- Appoint a Committee comprising of officers of the Attorney Generals Department, Government Analysts Department, Police Department, Ministries of Justice, Health and other relevant authorities in order to find the causes which lead to delays to serve charges or indictment, to receive communications and reports;
- Create data base and network of details of all prisoners with access to the authorities to monitor such delays;
- Supervise prisons regularly to verify whether prisoners are treated in accordance with the standard minimum rules for the treatment of prisoners. Need to ensure regular supervision of prisons by the magistrates in the exercise of their legal powers to supervise the standard of prisons;
- Foster awareness among prison officials on the standard minimum rules and basic principles for the treatment of prisoners which have been adopted by the international laws and standards.

iii) Condemned Prisoners

To revoke the sentence of death of all condemned prisoners and to commute the death sentence to life imprisonment.

A) Measures for the Treatment of Prisoners;

- To have measures to certify the minimum standards and basic principles on the treatment of prisoners for better conditions in remand prisons.
- To identify skills of persons separately and help to develop them for the productive use of prisoners.
- A mechanism to increase the number of welfare officers for the prisons.

B) Measures for Long-term Detention and Overcrowding at Prisons;

- Prisoners' long term detentions at prisons prove institutional & procedural weaknesses of the Sri Lankan system. The Attorney General's Department, The Government Analyst's Department, and The Police Department should effectively change to overcome this gap. Other Parties (ex: lawyers, the public) too, have a prominent role in this regard.
- To appoint a "Case Management Committee" to give and apply suitable measures for the blockage of cases, and to monitor its progress. This authority shall include various representatives from related official bodies.
- Problems regarding granting bails are at a top level. It proves that, there is an urgent need for a strong assistance from the civil society in this regard.
- To amend or ensure the proper implementation of Act of Bail.
- More involvements on the part of the Mediation Board.
- To hold prison screening sessions/open court sessions periodically at prisons to review cases involving minor offenders, and dispense rulings for remand prisoners.
- Introducing a credit awarding system to give credit to the accused at the trial for an early plea of guilt (ex: reducing bail or imprisonment period etc.).
- Making cost orders against lawyers for unnecessary adjournments.

C) Measures for the Drug Addicts;

- Prison reports show that the number of prisoners who are arrested under drug-related offences is increasing by a considerable percentage year by year. Among others, heroine cases are at the top. It seems that there is a special need for strong rehabilitating and preventing mechanisms. Bringing the Drug Dependent Persons (Treatment and Rehabilitation) Act to a more effective and practicable stage will be a better answer. It is essential, as a part of measures to the problem of over-crowding at prisons.
- The drug addicts should be treated as patients and measures to rehabilitate them should be taken instead of jailing them as prisoners.
- To establish separate places/prisons only for drug addicts.

D) Measures for the Lack of Awareness;

- To have a national level mechanism to make people aware of the facilities available for free legal assistance by the state and non-state sectors.
- Prisoners lack awareness regarding the measures which can be followed under a tortured situation. They should be given not only the legal assistance but also the awareness which they require as remand prisoners.

E) Measures for Negative Social Issues;

- Special mechanism should be formulated for considering problems relating to prisoners' families (for their best interest, specially regarding the children in schooling age), during the time they are at the remand prison.
- The way people respond to competitive economic, social, cultural or other issues can be changed satisfactorily by formulating various steps regarding their initial background (ex: formal and informal education, cultural and social background etc.).
- Suitable steps should be initiated to change the traditional response of the civil society over prisoners, as the prisoners too are a part of their own society.
- To have counseling schemes for the families of prisoners at the Divisional Secretariat level.

F) Measures for Rehabilitation and other Related Issues;

- Providing adequate funds for rehabilitation programmes and vocational training activities from the government or means to obtain sponsorships for such purpose.
- Enhancing commitment among the government and other related institutions for effective rehabilitation.
- Establish mid-way homes to rehabilitate them once they have left prison. This will assist ex-prisoners to reconnect with society and prevent them from engaging in further criminal activities.

G) Measures for Reintegration Issues;

- Establishment of provincial protection centers (for at least 06 months after rehabilitation) for those who conclude rehabilitation process.
- Mandatory service from government vocational training, social service institutions for the follow up of these clients in order to ensure that they are able to make a living for themselves and their families.
- To formulate a system to assist prisoners when they left the prison.
- Providing loan opportunities to released prisoners with the collaboration of banks.

H) Measures for the Lack of Closer Interrelationship between Stakeholders;

- Prison authorities to have a strong and trustworthy interrelationship with the civil society. Accordingly, genuine and responsible external organizations can be given access to prisons, to assist in having human, financial and material resources for the purpose of improving the prison conditions.
- To establish a complete national database on prisoners with access and benefit to various stakeholders (ex: Human Rights Commission, Legal Aid Commission etc.).
- To have meetings quarterly among responsible institutions for the purpose of progress assessments.

I) Measures for the Issue of Capital Punishment;

- The death penalty is not accepted by our religions and culture in our society. The Commission also believes that is not the answer for the growing crimes in the country. therefore it is proposed to take all necessary measures to abolish the death penalty.
- To ratify the second protocol to the ICCPR and amend the domestic law to meet its requirements.
- To take necessary administrative and judicial measures to revoke the sentence of death of all condemned prisoners and to sentence them for life imprisonment

J) Measures for the Issues Regarding Detainees under the Immigration and Emigration Law;

- Relocating the detention centre considering the existing condition of it and respecting the gender sensitivity and addressing the requirements of persons with disabilities.
- Assigning required staff to manage the centre effectively by the Controller of Immigration and Emigration and ensure protection of such detainees.
- To coordinate with respective country Embassies/ High Commission Offices/ Consular Offices and facilitate the departing process.
- To collect and maintain a data base on such detainees.
- To rename the Institutional identity.
- Renovating the existing buildings and upgrading the condition of detention of the Mirihana detention centre until it is moved to a temporary place or proposed permanent building in Minuwangoda. The IOM expressed their willingness to provide required financial assistance for such reconstruction.

Chapter Five

SOME OTHER ACHIEVEMENTS

5.1 Some Activities in Brief

5.1.1 Human Rights Awareness Awakened at “Dayata Kirula”

HRCSL conducted a stall at the ‘Dayata Kirula’ national development exhibition held in February 2012 at Anuradhapura. Those who visited the HRCSL stall and won a question and answer competition were presented with bags of gifts. Educational value leaflets on human rights were also distributed in large numbers to those who visited the stall.

5.1.2 The Launching Ceremony of “ Advanced Diploma in Human Rights”

HRCSL organized a launching ceremony of “ The Advanced Diploma in Human Rights” on 23rd April 2012 at the Faculty of Graduate Studies, University of Colombo. This ceremony was held under the patronage of Justice Priyantha R.P. Perera, Chairman, HRCSL. This course will be conducted by the General Sir John Kotelawala Defence University with the consultation of HRCSL.

5.1.3 The International Day in support of Victims of Torture -2012

The HRCSL organized a programme to mark the International Day in support of the Victims of Torture under the theme of “Rehabilitation work is a torture survival right”. This was held under the patronage of the Chairman of the HRCSL – Justice Priyantha R P Perera on 26th June 2012 at the HRCSL Head Office Auditorium. OICs of the Western Province Police Department, Prison Rehabilitation Officers and Civil Societies also participated

5.1.4. HRCSL intervention helped to protect rights of persons with mental illness

Dr. Jayan Mendis – Director, Institute of Mental Health participated in a special lecture organized by the HRCSL for its staff on 25.07.2012 at the HRCSL Auditorium. He said that he faced many challenges to develop the Institute and that the HRCSL supported to uplift the conditions of persons who came within the purview of the Institute.

On this occasion posters on “Principles for the Protection of Persons with Mental illness and the Improvement of Mental Health Care” which were printed by the HRCSL in three languages (Sinhala, Tamil & English) were handed over to Dr. Jayan Mendis.

5.1.5 Civil Society Meeting

A meeting with the civil society was held in October 2012 at the Sri Lanka Foundation Auditorium. The invitation to participate at the meeting was through a newspaper notice which action was commented as a positive move to counteract allegations that civil society organizations to participate at events of this nature were handpicked by the Commission. Lack of knowledge of the UPR at grass root level, the possibility of getting access to places of detention by Human rights Defenders(HRD) as visits by lawyers to such places are costly, the need for awareness of the HRCSL mandate and activities among people in general, were discussed among many other topics. The participants formed 5 groups following the deliberations and completed forms issued by the HRCSL the objective of which was to obtain views on the ways and means of improving the engagement of the civil society in the activities of the Commission.

5.1.6 Human Rights training Programme for Journalists

The Human Rights Training Programme organized on 15th and 16th October 2012 with the support of the UNDP marked a crucial point of convergence between HRCSL and local mass communication networks, and also further enabling the Commission's awareness efforts. Organised in the immediate wake of the global acceptance of LLRC recommendations, adoption of a 2011-2016 National Action Plan for the Promotion and Protection of Human Rights, and, most recently, the first-ever submission of an independent report to the UN Human Rights Council's Universal Periodic Review (UPR) by the HRCSL – content of which will feature prominently in the forthcoming Combined Report arising from the UPR, the event signified yet another important landmark for the Commission in an already eventful year

5.1.7 A Poster on “Right to Claim Your Rights”

A poster on “Right to claim your rights” was developed and 5000 copies printed in three languages (Sinhala, Tamil & English). This poster was distributed through IGP to all police stations in the Island.

5.1.8 Study Conference on Human Rights for Parliamentarians.

A study Conference on human rights for parliamentarians was held for the first time in the history of Sri Lanka Parliament in December 2012. The purpose of this Conference was to create a basic knowledge for parliamentarians on the Human Right Instruments and our government's obligations to these instruments. This Conference was planned and implemented by the UN and the HRCSL and organized by the Deputy Speakers Office.

5.1.9 International Human Rights Day Celebration

The programme organized by the HRCSL to celebrate the Human Rights Day was held on 10th December 2012 at the BMICH under the theme ‘My Voice Counts’---the theme announced by the UN for the 2012 Human Rights Day. With this theme in mind the Commission included in its programme a panel discussion with eminent panelists who spoke briefly on different topics selected by the Commission. The purpose of the discussion was to raise the voice on behalf of people who claim rights. The selected topics were as follows;

- Economic, Social and Cultural Rights
- Women's Rights
- Children's Rights
- Right to Freedom of Expression and Language

Each speaker was allocated 05 to 07 minutes to introduce the topic followed by a question and answer session with the participation of all panelists and members of the audience. A cultural event by the students of Vivekananda College, Kotahena, Muslim Ladies College, Bambalapitiya and the elders of the Help Age ended the programme.

5.2 Meetings / Consultations / Media Briefings / Press Releases - 2012

Some matters discussed on these occasions in brief

5.2.1 Meeting with H.E. the President

Purchase of the building

- Proposal to open new regional centres in the 6 districts namely Killinochchi, Puttlam, Kurunegala, Ratnapura, Moneragala and Nuwara Eliya;
- To expand the allocation for the promotional activities of HRCSL to implement the National Human Rights Action Plan 2011-2016.

5.2.2 Meeting with Government Treasury Officials

- The same matters that were discussed with the President were taken up for further discussion

5.2.3 Meeting with the Officials of the UGC, Ministry of Higher Education

- Matters relating to the “ Z “ score controversy discussed and suggested to obtain advice from the Hon Attorney General.

5.2.4 Meeting with Ahamediya Muslim delegation

- Problems relating to the indifference to their faith by the press in the publication of unfounded stories concerning Ahamadi refugees.

5.2.5 Meeting with the Evaluation Committee of the Commonwealth Secretariat

- Assess the impact and effectiveness of past assistance
- Improve and design delivery of future assistance

5.2.6 Meeting with the American Centre for International Labour Solidarity

To facilitate a meeting with the Chairman of the Human Rights Commission of Qatar and thus form a close link with the Human Rights Commission of Qatar in order to protect and promote the rights of migrant workers

5.2.7 Focus Group Meeting on the National Human Rights Action Plan

Attended meetings conducted by Hon Minister of Plantation Industries and Special Envoy of H.E The President on Human Rights to discuss the implementation of the NHRAP 2011 – 2016

5.2.8 Meeting –Ministry of External Affairs

- On preparation of periodic reports on ratified human right conventions.

5.2.9 Meeting –Ministry of Rehabilitation & Prison Reforms representatives

- On the promotion of human rights for prisoners

5.2.10 Meeting –National Institute of Health

- To promote the rights of mentally retarded persons

5.2.11 Meeting with the IGP on 14.08.2012

- Non implementation of recommendations of the HRCSL against police officers including also cases that had been filled by employees of the Police Department against the same department.
- The implementation of the Language policy
- Lack of knowledge of the legal provisions relating to human trafficking among the police officers
- Abductions affiliated with white vans
- Dispersal of protests and demonstrations and the use of weapons by the police for such purpose

5.2.12 Press Release on the Right to Accessibility of Persons with Diverse Abilities

- Problems faced by persons with disabilities and the fact that the Accessibility Regulations No 1 of 2006 has been postponed until 2014 by Special Gazette Notice of 18/09/2009
- HRCSL has already taken action to monitor the implementation of the said regulation
- Invited persons to notify the Commission of any violations of the Accessibility Regulations

5.2.13 Media briefing on Recent Undertakings of the HRCSL

- Congestion in the prisons as well as in remand prisons
- Harassment of two schoolgirls in Kaththankudy
- Problems faced by migrant workers
- How the HRCSL recommendations could be enforced with greater efficacy and efficiently

5.2.14 Message issued by the HRCSL for the International Migration Day

- Noted that Sri Lanka has over 1.8 million workers abroad with an annual outflow of 250,000 persons
- Important to recognize the contribution of migrant workers to the economic development of the country
- Necessary to take constructive steps to protect the human rights of migrant workers in the host countries within their local mandates

Chapter Six

FOREIGN FUNDED PROJECTS

6.1. UN Support to National Human Rights Institutions - UN Joint Programme on Human Rights, Sri Lanka, 2012

The overarching UN support to the Human Rights Commission of Sri Lanka (HRCSL) since 2009 has been conducted through a UN Joint programme on Human Rights which began in November 2009. This project was launched by the UNDP on the request made by government of Sri Lanka, following their commitment given at the 2008 Human Rights Council meeting to support to upgrade the HRCSL back to grade A.

The main objective of the programme was to provide technical and financial support to HRCSL. This support was targeted towards strengthening operational effectiveness in key areas that were identified by the International Coordinating Committee (ICC) for National Human Rights Institutions as the reasons for the downgrading of the HRCSL from A to B in 2007 and re affirmed in 2009. The Joint Programme was implemented by HRCSL with their staff through the head office and regional offices, with funding and technical support from UNDP and the UN Senior Human Rights Advisor. In 2012 both OHCHR and UNHCR also contributed funds towards the Joint Programme.

In the reporting period of 2012, the UN Joint Programme continued to support the HRCSL in the areas of their core mandate, including:

Strategic vision of the HRCSL – A 21-day capacity assessment (CA) of HRCSL was undertaken by a tripartite team comprised of the Asia Pacific Forum, UNDP regional office and OHCHR through the Senior Human Rights Advisor. In follow up to this activity, the UN Joint Programme facilitated the HRCSL in the development of a 3-year strategic plan which was based on the CA recommendations, National Human Rights Action Plan and LLRC recommendations and wide consultations with all staff at national and regional levels of HRCSL. HRCSL developed their 2012 Action Plan based on the outcomes of this workshop which had the participation of all senior staff of HRCSL. Through regular meetings between UN senior HR advisor and Commissioners and also participation of UNDP project coordinator in the HRCSL's central committee meetings, UN has taken effort to constantly communicate their perspective on HRCSL's activities and functions.

Regional Offices – The UN Joint Programme continued to provide support to the regional offices in the form of technical trainings, provision of equipment, and funding to support legal consultants and engagement with civil society. Through the Joint Programme, UNHCR supported the establishment of a mobile clinic in Kilinochchi in 2012 which is providing outreach to the former war-affected areas of the north where regional offices have not yet been established.

National policy and legislation – The first of a planned series of consultations and a study conference to sensitize Members of Parliament on international human rights laws and standards was organized by a project in the Parliament in December 2012 in collaboration with HRCSL, UN and Parliament.

For the first time in the history of Parliament, a full day study conference on Human Rights was held within Parliament with 73 Parliament Members taking part. This was followed by a dialogue on Human Rights among Members of Parliament, HRCSL Commissioners and UN Country Team.

The project is also working with Parliament to establish a HR select committee. As a first step the project organized an exposure visit for Deputy Speaker and another MP to visit and discuss with HR select committee in Parliament of Philippines and the Speaker.

The project provided technical and funding support for HRCSL to hold a series of consultations at regional and national level on elders’ rights and formulate recommendations for UN OEWG (Open Ended Working Group) on elders’ rights and national policy making authorities.

Engagement with Civil Society – The Project continued support for quarterly dialogues/consultations at national and regional levels that are constructive and inclusive of a broad spectrum of civil society actors. Though the project was able to support only 2 meetings in 2012 at national level, 34 meetings/consultations were supported by project through the 10 regional offices. Joint action plans with civil society have been developed by 7 of the regional offices as a result of these consultations and are in operation at regional level.

The project supported HRCSL by developing a training module and conducting 10 numbers of 2 day residential trainings for civil society actors, on their request with support from external experts through regional offices. The project also supported a 2 day residential training for media personnel and another 3 day training for youth on human rights through HRCSL.

Public reporting – The UN Joint Programme has supported the development of a tri-lingual website for HRCSL and the maintenance of such website, publication of their overdue annual reports, provide assistance to prepare press statements and provided support for their press conferences.

National Project Co-ordinator – Ms Thanuja Navaratne

6.2 UNICEF funded Project

A special project on the theme “Increase Confidence of Communities in Reporting and responding to Violations of Children’s Rights was funded by the UNICEF on July 25th 2012. The project covered six districts and the activities on various thematic areas to fulfill the above purpose were conducted by the regional coordinators of the HRCSL. The following programmes were organized for the year 2012.

Region	Type of programme	No. of Programmes
Northern Province	Awareness	17
Jaffna and Killinochchi Districts	Meetings	12
Northern Province	Awareness	12
Vavuniya, Mullativu and Mannar Districts	Meetings	03
	Workshops	05
	Field Missions	05
Central Province		
Nuwara Eliya District	Awareness	07

The Project Coordinator - Ms Shirani Rajapakse Director Education and Special Projects

Chapter Seven

STATUS OF HUMAN RIGHTS IN YEAR 2012

The necessity to lay emphasis on the concept of supremacy of the law

In the present context, the need to protect the supremacy of law is important. For a healthy, democratic society it is necessary for the 3 organs of government to act with respect and understanding towards each other. This would help to maintain a healthy relationship. The action taken in the recent past to remove the Chief Justice from her post was strictly in accordance with the law, however the procedure that was followed in achieving this objective has given rise to issues relating to the concept of the independence of the judiciary. It would appear that there was a conflict between the legislature and the judiciary. This situation necessarily weakened the confidence placed by the people in the legal system and also came into conflict with the aspirations of society relating to the independence and impartiality of these institutions in their day to day work. This situation has given rise to creating doubts among the people on the question whether the judiciary was capable of acting independently and also whether other institutions are prone to act in such a manner so as to weaken the independence of the judiciary.

The necessity to consider the impeachment of the Chief Justice provided an excellent opportunity to discuss the shortcomings in this regard under the prevailing law, to take steps to rectify such a situation and to introduce a policy in this matter which would necessarily strengthen the independence of the judiciary.

However unfortunately this situation far from achieving this objective highlighted the prevailing policy on this matter between the Judiciary and the State. This situation also provided a good opportunity for political parties to demonstrate their powers and attract the attention of the public to their own selfish objectives. As a consequence this golden opportunity to highlight democratic values was lost and an unhealthy situation arose from the point of view of society.

Further, it is imperative that the judiciary of this country must be given every opportunity to maintain its independence at the highest level possible and in this regard it is our considered view that the present law must necessarily be amended with a view to strengthening the concept of judicial independence. It is indeed essential to ensure that the judiciary is vested with an environment to act without fear and suspicion. It is our considered view that the procedure to remove a judicial officer must necessarily be transparent and also be in accordance with the accepted principles of natural justice. It is fairly clear that the present procedure adopted for the purpose of removing a judge and

the impeachment process should be more transparent and more in accord with the principles of democracy. It must be emphasized that the “latimer” commonwealth principles specifically provide for the procedure to be adopted when charges are brought against a judge and that such charges should necessarily be inquired by an independent body which could be tied up to the impeachment process. This appears to be a matter which must be the subject of serious debate/discussion. It is our considered view that public confidence in the legal system could be sustained only within a framework acceptable through intensive discussion. It must be conceded that presently we have missed this opportunity. However it must be emphasized that such a procedure must indeed be followed in the future in the interest of society in general in Sri Lanka.

Disappeared and Missing persons

A march by women protesting of missing loved ones was organized jointly by the Committee for Investigating Disappearances and the Movement for the Release of Political Prisoners. About 25 women mainly from the North and East took part in this symbolic march along the streets from a Hindu Kovil in Kochchikade to another Hindu Kovil in Gintupitiya. They carried clay pots with camphor fire in keeping with cultural traditions. The women prayed and pleaded for information about their husbands, fathers and sons who had gone missing. Some are known to have been abducted in white vans. Extra-judicial arrests and abductions are unacceptable in a democracy.

The LLRC Report had also stated “that in many instances it was revealed that formal complaints had been made to police stations, the Human Rights Commission of Sri Lanka, and the ICRC. Yet the next of kin continue to complain that the where about of many of these missing persons are still unknown. The government is duty bound to direct the law enforcement authorities to take immediate steps to ensure that these allegations are properly investigated into and perpetrators brought to justice. It is the state’s responsibility to ensure the safety and security of any person who is taken into custody by governmental authorities through surrender or arrest.

Comment

The Government has come up with a number of policies and action plans that include the National Policy on Social Integration, and the National Human Rights Action Plan on implementing the recommendation of the LLRC. The National Action Plan on the LLRC recommendations has to be implemented with sincerity. Implementing these recommendations would go a long way towards promoting national unity and peace. The government must ignore chauvinistic and extreme nationalist elements within and without and go ahead to usher in an era of peace, stability and growth in the country. Most importantly, the rule of law must be protected and there should not be any place for vindictiveness and revenge.

Sri Lanka has existed as a social welfare state even before it attained independence in 1948 as successive governments in the country had adopted social welfare measures in the administration of the country. This could be attributed to movements like the Suriya Mal campaigns that were originally started to provide for the betterment of the underprivileged classes of the society in the mid 1930 s. Therefore today though no legislation has been passed by the Parliament to give legal effect to the rights contained in the Covenant on Economic, Social and Cultural Rights unlike in the case of civil and political rights which are enshrined as Fundamental Rights in Chapter III of the Constitution, the Directive Principles of State Policy and Fundamental Duties as laid down in Chapter VI of the Constitution provide for the implementation of social welfare measures for the benefit of the people. Thus these Principles state that the legislature and the executive shall be guided by the objective of promotion of social and economic welfare of the people by securing an adequate standard of living including adequate food, clothing and housing and the continuous improvement of living conditions

and the full enjoyment of leisure and social and cultural opportunities in the governance of the country.

During the year 2012 the massive infrastructure development of the country that was started after the cessation of the internal conflict in 2009 continued. In Sri Lanka 80% of the people still live in villages and in plantation areas. Therefore the road networks, power, water, irrigation, schools, maternal clinics have been included in the Gama Neguma village development programme. In the year 2012 a program was also launched where Rs one million was given to construct / develop any one project in each village in the island under the scheme 'Gamakata eke wedakka' (one project for one village) It was found that when mega development projects were carried out in various parts of the country there were a number of small towns which were striving hard to keep pace with the development drive taking place in other parts of the country. Therefore a program to develop 108 small towns that come under underdeveloped Pradeshiya Sabhas across the country was launched under the name 'Pura Neguma' this year to be completed by the year 2015. Under this programme the respective Pradeshiya Sabhas have to develop the infrastructure facilities in these towns such as public toilets, vehicle parks including three wheel parks, market complexes, weekly fair areas, Pradeshiya Sabha buildings, libraries, childrens parks, access roads, drinking water and resting places. Pura Neguma is implemented in the Pradeshiya Sabhas outside the North and East as the Economic Development Ministry is launching programs in those areas focusing on the same matters

Urban development gained a high momentum in the year 2012 as many projects that improved the quality of urban environment were initiated and completed. The objective of these developments is to provide a holistic living and a working environment for the country. Therefore public utilities, recreational facilities and urban beautification programmes were given much importance in the year with emphasis being placed on Colombo and its suburbs.

During this year several lower middle class housing condominiums that had been constructed over 30 years ago and were in dilapidated conditions were renovated benefiting more than 18,000 dwellers. The upgrading of non-permanent residences under NHDA Programs which started a few years ago continued during the year 2012. Several luxury housing complexes are also being constructed for high income earners by the private sector with foreign collaboration.

A number of housing schemes have been launched in the North and the East to find permanent housing for displaced persons. In the North special loans under a foreign funded project were given to displaced families and the construction of houses was done through a participatory approach, thus enhancing the resettlement efforts of the government.

With urbanization and change of lifestyle of the people the demand for pipe born water is also rising in all cities. All people have to be provided with clean drinking water and in drawing up plans for the development of towns and cities the provision of for rest areas with drinking water and washroom facilities have been made compulsory

The literacy rate in Sri Lanka is 90.8% as primary and secondary education has been free and compulsory for over 40 years. Even university education is free in the state universities. The state policy is to teach both Sinhala and Tamil in schools thus promoting ethnic harmony from the young days. However the lack of qualified teachers for this project is causing problems at present. Emphasis is also placed on teaching English and computer education in schools.

In 2012 a project to develop 1000 secondary schools across the island was launched. The Ministry of Education entered into several joint ventures with the private sector to improve the IT knowledge of students in these schools. Thus in one venture with The State Trading Corporation and the Etisalat

Company, one thousand laptops with internet facilities were provided, the main objective of venture being to provide school children with subject knowledge via internet from teachers approved by the National Institute of Education. In another venture with Intel Sri Lanka the teachers in schools who had been already trained by Intel Sri Lanka, were being helped to integrate ICT into their lessons and empower the students to keep abreast with the rest of the world.

The continued work stoppage activities of the University teachers hindered the studies of students. The severe lack of accommodation in state universities as only 22,000 of the 150,000 students who get qualified for admission are unable to secure placement in the universities remains unsolved. In addition the Universities are faced with the admission of a further 5800 students due to the Z score issue. The government has stated very categorically that state universities will not be privatized but is agreeable to recognize quality private education in Sri Lanka so that the flow of foreign exchange out of the country could be saved. Thus the private medical college at Malabe continues with a new teaching Hospital as the students were unable to get the required training in state hospitals due to objection by the doctors union. Only 29% of the Arts graduates are employed compared to 95% Engineering graduates and 90% of MBBS graduates who have secured employment. Therefore a proposal to change the composition of the BA degree subjects with emphasis on languages like Sinhala, Tamil and English is being studied.

Life expectancy of Sri Lankan women and men has increased to 80 and 76 years respectively, thus reflecting an improvement in the health care services and living standards of the people. In Sri Lanka State hospitals and health clinics are free and accessible to all persons including even foreigners. There are 593 government hospitals in the island with 73,437 beds³. A recent survey has revealed that 20% of hospital beds are occupied by patients fallen ill due to use of tobacco and alcohol and 72% of illnesses in the country are NCDs which are mainly related to tobacco and alcohol. The attempt to have a warning against smoking in picture form so that it will be a more effective than the already existing written warning on the box of cigarettes was heavily opposed by the cigarette dealers who have taken the matter to courts and the Health Ministry is awaiting a decision by the courts.

There is an alarming increase of Non Communicable Diseases such as diabetes, high blood pressure, cancer, cardio vascular diseases, strokes etc. The major risk factors for NCDs are considered unhealthy dietary habits, job stress, physical inactivity. Therefore the Ministry of Health has been actively engaged in the promotion of an awareness campaign of the value of eating proper food and exercise for a healthy life among school children, youth and the general public. Communicable diseases such as dengue, filaria and recently malaria which was almost eradicated a few years back also still remain a public concern.

In September 2012 Jaffna peninsula was connected to the national grid after 25 years. The Upper Kothmale Hydro Power Plant was added to the national grid during the current year. The steps are also taken to construct over 100 mini hydro power projects with the aim of making the national grid a system where electricity is provided by the public. Already the private sector operates around 100 mini hydro power projects in the country. Construction works of the second phase of Norochcholai and the new coal plant at Sampur are in progress. As the cost of electricity has been going up yearly, the search alternative energy sources such as solar power, sea waves, wind and nano technology related energy continues. Already 74 MW wind power, 11.5 MW biomass energy and 1.4 MW solar is connected to the national grid⁴. The first Dendro (gliciridia) energy power plant situated at Anuradhapura, began feeding 500 KW to the national grid in July 2012

The “Divi Neguma” National Program that was launched in March 2011 was aimed to provide food security, eradicate hunger and poverty and help improve the nutritional standards of the people. In

³ The Central Bank Report 2012

⁴ The Central Bank Report 2012

2012 this programme has had tremendous success in all areas especially agriculture, livestock, industrial and in the fisheries sector. The programme has been implemented in all 25 districts and coconut saplings, vegetable seeds, fruit plants herbal plants, minor export crops etc have been distributed to the selected households. Resources to commence projects such as growing mushrooms, bee keeping, growing ornamental flowers etc have also been provided. Steps have been taken to promote people to grow certain crops that can be grown in Sri Lanka but is at present being imported from foreign countries. These crops are green gram, peanuts, dry chillies, soya, maize. Already Sri Lanka has started exporting maize. The distribution of chicks and milch cows under this program has helped to improve the nutrition of the family while improving their incomes. It has been found that milk production can be increased by keeping cows in a restricted area (cowsheds) and feeding them systematically and 5292 cow sheds were constructed for this purpose. Goat herding has also achieved considerable progress under this program in 2012. Over 6000 fisheries projects have implemented in the year and as a result fresh fish is available in the estate sector in Nuwara Eliya district. It has been reported that estate labourers run to work in their fish ponds after their routine work instead of going to liquor bars.

Human smuggling was a major concern in the year 2012 with over 2000 being arrested trying to gain illegal entry to Australia. It was found that people of Sinhala, Tamil and Moor origins were all induced to seek greener pastures and the process was operated by a network whose local agents promoted the innocent people to go on these risky voyages. However with the Australian Government taking strong action and diverting boats first to the Christmas Island and later to Papua New Guinea there seems to be a slowing down of the process.

In society women, children, migrant workers, physically and mentally handicapped and the aged are considered vulnerable groups who are in need of special care and attention. In the year 2012 though there were many acts of violence against women reported in the media the such acts as a whole did not reach the levels reported in 2011. However reported cases of violence against migrant women showed a marked increase in the current year. This resulted in the Ministry of Foreign Employment taking several steps such as raising the age to 25 years in case of domestic employment in certain Gulf countries like Saudi Arabia and Jordan and also requiring the prospective employer to deposit US \$ 1000 in respective of each prospective employee before the contract is signed. The government proposes to completely stop the migration of unskilled female domestic labour in a few years time. According to the 2012 statistics of the SLFEB the ratio of women to men are 49% to 51%. Sri Lanka is has failed to fill skilled female job cadres in the Gulf countries such as trained baby sitters, nannies, nurses, sales girls. Therefore it is time that the government organizes training programs to cater to such job demands though like in the case of nurses there is a reluctance to seek employment in the Middle East.

Sexual exploitation of children keeps rising yearly according to the available statistic at the National Child Protection Authority. The Authority states that presently people are more aware of acts of abuse due to the awareness programs carried and the publicity given to the hot line and such acts get reported without being unreported as in the earlier days.

Sri Lanka has a fair percentage of persons with physical disability which could be due to the 30 years of internal conflict. These persons too have a right to the full participation in the social, economic and cultural life of the community. However the restricted access of such persons to public buildings and public transport is a barrier to their enjoyment of the normal life of the community. The Protection of Persons with Disabilities Act No28 of 1996 and the Accessibility Regulations No 1 of 2006 made therein have provided the necessary legal framework for such persons for the equal enjoyment of the life in the society. A very wide meaning has also been given to the words 'Public Building/Structure' in the Regulations as meaning any government or private sector building used by the public in daily

life. Therefore banks, hospitals shopping centres, supermarkets are all included to have accessibility for the disabled. However even in the city of Colombo one sees banks and well patronized shopping centres today without any accessibility provision for the disabled.

In Sri Lanka there is a remarkable increase in the ageing population with the increasing life expectancy, improving health care facilities and living standards of the people. Unfortunately this matter has not been addressed by the planners and policy makers as well as those in the health sector. There are Day Centres for Elders in several areas which are financially supported by the National Secretariat for Elders. The Social Service Department has trained a home day care service available to the public at very reasonable price but this service needs to be improved to cater to the growing demand. However there are several private retiring homes and day and night care services which are available to persons who are able to pay a high price for the service.

The level of poverty in Sri Lanka has been reduced considerably by schemes such as the Livelihood Development and Economic Empowerment programs under the Divi Neguma and Samurdi Schemes. Several cottage industries carried out under the Livelihood Development programs of the Divi Neguma, like the production of candles, joss-sticks, cement blocks, virgin coconut oil help the poor to earn additional income. Loan Facilities to start various livelihood programmes under the Samurdi Scheme has constantly helped to reduce the vulnerability of the poor in case of family bereavements, hospitalization and child births.

In 2012 Sri Lankan economy grew at 6.4% only as compared to the two previous years which witnessed a growth rate of 8 %. The country has achieved many of MDGs including the halving of poverty, achieving of universal primary education, promotion of gender equality, empowerment of women ahead of the target year 2015 and is striving hard to achieve a per capita income target of US dollars 4000 in 2016. However the slow implementation of the LLRC Recommendations has become a matter of concern to many as it was hoped that issues which lead to the 30 year ethnic conflict would find a solution in the implementation of the Recommendation. As everyone knows it is only in a peaceful environment that fruits of the massive development programmes currently taking place could be enjoyed by all Sri Lankans both present and future.

Annexure I:

Written submission to the Universal Periodical Review [UPR] 2nd Cycle, 14th Session, 2012

Human Rights Commission of Sri Lanka [HRCSL]

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The Human Rights Commission of Sri Lanka was established under Act No: 21 of 1996, comes under the purview of the 18th amendment to the Constitution of Sri Lanka and is entrusted with the broad task of promotion and protection of the rights of people.

According to Section 10 of the Act, the HRCSL inquires into and investigates complaints regarding procedures, to ensure the compliance with the provisions of the Constitution related to Fundamental Rights[S 10(a)] and infringement or imminent infringement of fundamental Rights and to provide resolutions by conciliation and mediation [S 10(b)].

HRCSL advises the Government in bringing national laws and administrative measures in accordance with Fundamental Rights guaranteed by the Constitution[S 10 (d)] and also international standards and to promote awareness and education in relation to Human Rights [S 10(f)]. Furthermore the Commission can advise and assist the Government in formulating legislation and administrative directives and procedures for the furtherance of the promotion and protection of fundamental rights [S 10(c)] and also could make recommendations to the Government on the need to ascribe to or accede to treaties that are related to Human Rights [S 10(e)].

INTRODUCTION

1. The HRCSL welcomes the conclusions and recommendations made at the 1st UPR. The HRCSL is for the 1st time actively participating in the UPR process by making this submission, assessing and evaluating the progress made in respect to the recommendations from the last review, and in addition, to review the human rights situation in the reviewing period.

In preparation of this submission, the HRCSL had interactive dialogues with the state authorities on implementation of the recommendations of the last review and with the civil society and I/NGO members at regional and national levels welcoming oral and written submissions.

INTERNATIONAL OBLIGATIONS

2. Sri Lanka is party to most of the international human rights treaties, but yet to ratify and domesticate the following international human rights treaties in order to strengthen human rights framework of the country. Further HRCSL encourages Sri Lanka to fulfil obligations as per the treaties.
 - 2.1. The HRCSL welcomes Sri Lanka's ratification of ICCPR and the OP I to the ICCPR enabling individual's access to the Committee and translates the ICCPR into domestic laws⁵. Following the same, despite the ratification of CAT, the GOSL needs to reconsider the reservations made for the CAT.
 - 2.2. Stating that the HRCSL notes the Government efforts to assure enjoyment of the ESC rights, encourage GOSL to ratify the ICECSR Optional Protocol.
 - 2.3. While appreciating the commitment of the Government and I/NGO initiatives to uphold the rights of persons with disabilities, HRCSL encourages Sri Lanka to ratify CRPD and its Optional Protocol. HRCSL could be designated as the independent monitoring mechanism in terms with the CRPD Article 33.
 - 2.4. HRCSL welcomes the GOSL law and policy changes, administrative arrangements and programmes to fulfil the rights promoted under the various treaties ratified. HRCSL anticipates the GOSL to take measures to submit periodical reports. The GOSL needs to designate the respective line ministries as focal points and appoint committees to monitor and submit reports on time.

⁵ International Covenant Civil and Political Rights Act, No.56 of 2007

- 2.5. HRCSL emphasizes the role of the Government in implementing and communicating the recommendations made under the UPR, it heartens the GOSL to raise awareness and to have a wide range of consultations among the Government officials including provincial councils in before, during and after the UPR.

DOMESTIC CONCERNS

3. Internally Displaced Persons

A total of 317,7902⁶ new IDPs and 304,000 protracted IDPs reported at the beginning of the year 2010⁷. Government claims that majority of the IDPs are been resettled, but needs to consider IDPs living with host families and who are in need of durable solution. Rights of IDPs in reference to food security have been ensured and they have also been facilitated in reintegration in areas of return through infrastructure building and providing of assistance for initial economic opportunities⁸. HRCSL appreciates Government's attempt to ensure housing rights of people through providing housing for returnees⁹. However, land related disputes are aggravating issues that require much attention of the Government.

Addressing the issues of IDPs and returnees to ensure equal rights, the HRCSL suggests the GOSL [a] to implement existing programmes of providing compensation for death and injuries, and for loss and damage of land and property within a specific time period [b] initiate an appropriate Government mechanism¹⁰ considering the gravity and conflict sensitivity of land and property related disputes.

4. HIV/AIDS

Since the time of its discovery in Sri Lanka in 1987, the prevalence of HIV has been one of the lowest across the globe, percentaging to 0.1%. As of end of 2011, Sri Lanka reported a cumulative total of 1463¹¹, while it is estimated that the number could be ranging possibly between 2000-4000 against the total country population of 20 million¹². The GOSL STD services provide antiretroviral therapy (ART) free of charge to all eligible people living with HIV.

- 4.1. HRCSL observed that PLHIV availing services refer often to instances of Stigma and Discrimination. Even though many steps have been taken to sensitize hospital staff and authorities on reducing stigma and discrimination faced by PLHIV, many situations of rights violations, such as refusal to treat and breach in confidentiality of PLHIV status have occurred

⁶ During the period from October 2008 to June 2009 a total of 285,018 people have crossed to Government-controlled areas. (Refer to UNOCHA Joint Humanitarian Report June 2009)

⁷ Annual Report 2010, National Protection and Durable Solutions for Internally Displaced Persons Project, Human Rights Commission, n.d.

<http://www.idpsrilanka.lk/html/Project%20Reports/ProjectProposal/Reports/Annual%20Reports/2010%20Annual%20Report,%20NPDs%20for%20IDPs%20Project,%20HRCSL.pdf>, [20 February 2012]

⁸ "Food for Work" programme implemented by the Ministry of Economic Development encouraged community participation in rebuilding the villages. Village infrastructure: rebuilding of tanks, sources for drinking water and rural roads, home gardening, and building of community centers and schools were done through the programme.

⁹ 49,488 housing units have been completed by end of 2011 through North and East Housing Reconstruction Project and another 50,000 housing scheme is been initiated.

¹⁰ The HRCSL made recommendation in the year 2002 to establish alternative dispute resolution mechanism [page 30 -32, Legal Analysis of Property Issues of IDPs,]<http://hrcsi.lk/PFF/Legal%20Analysis%20of%20property%20issues%20affecting%20internally%20Displaced%20Persons%20and%20Refugees%20in%20Sri%20Lanka.pdf>

¹¹ <http://www.aidscontrol.gov.lk/nsacp/> (accessed on 3rd March 2012)

¹² [http://www.statistics.gov.lk/page.asp?page=Population and Housing](http://www.statistics.gov.lk/page.asp?page=Population%20and%20Housing) (accessed on 3rd March 2012)

in the past. The GOSL strategic directions under the Health Master Plan for Sri Lanka (2007-2011) and the National Maternal and Child Health Policy relating to HIV Prevention and PLHIV Care do not specifically refer to the rights of PLHIV. The GOSL needs to take measures to ensure legal awareness and free legal aid for PLHIV and targeted community such as LGBTIQ, IDU, CSW communities to ensure dignified life with access to health and legal services.

Further, the Government needs to enhance the capacities of the NDDCB to rehabilitate drug users and to regulate rehabilitation centres across the country, according to the Minimum Standards drawn by the NDDCB which calls upon rehabilitation centres to ensure that the “Human Rights of the clients are protected”

- 4.2. The National Blood Transfusion Service Bill ¹³ has not yet been passed. The HRCSL recommends the GOSL to compensate for people who contract HIV through blood transfusions at the Government hospital.

5. Freedom of Expression

HRCSL recognizes the right to expression linked with right to information as foundation of democracy and encourages the Government to ensure free and secure environment for media personnel and institutions and enact the Right to Information Bill with necessary changes.

6. Human Rights and the Society.

The HRCSL recognizes the significant value of civil society, human rights defenders, activists, educators, promoters and education institutions in promotion and protection of human rights. The GOSL needs to recognize and facilitate them for enabling their services to reach people in need meanwhile ensuring protection of persons and sustainability of human rights institutions. During the reviewing period, the HRCSL trained and deployed 1340 HRDs in conflict affected areas.

7. Rights of Prisoners

There is an increase of Prisoners at various Prison institutions, causing overcrowding at Prisons ¹⁴. The overcrowding of the remand prisoners are due to the delay in prosecution, delay in concluding investigations and not providing of bail or inability of the remandee to furnish the bail conditions due to the stringent bail conditions ¹⁵.

¹³ The legislature drafted the National Blood Transfusion Service Bill in 2007, which refers specifically to testing blood for HIV and action to be taken if National blood transfusion standards have not been met

¹⁴ There were around 32,128 convicted Prisoners and 100,491 unconvicted Prisoners at the various Prison institutions in the year 2010; Overcrowding of the convicted Prisoners are around 194.6% and unconvicted Prisoners are around 275.9% at the end of the year 2010. The authorized daily accommodation at various prison institutions for convicted Prisoners is 6,728 and 5,034 for unconvicted Prisoners as at year 2010. Daily average population of convicted Prisoners is 13,094 and unconvicted Prisoners are 13,890 at the Prison institutions in the year 2010. Due to the overcrowding the facilities at the Prisons, especially the water and sanitation facilities are not as per the international Prison standards and in accordance with the standards of the Ministry of health. See annexure 1, Table 1, Table 2 and 3 for direct admissions of convicted and unconvicted Prisoners by institution, source: <http://www.prisons.gov.lk/Statistics/Statics/Title4/4.1.pdf>, accessed on 21.04.2012 at 4.00pm and <http://www.prisons.gov.lk/Statistics/Statics/Title3/3.1.pdf>, accessed on 21.04.2012 at 4.02 pm

¹⁵ As at the end of year 2010, 3367 (25.5% of the total remandees) remandees have been in custody for a period of below 14 days, 2894 (21.9%) remandees for a period of 14-30 days, 2460 (18.6%) remandees for a period of 1 month to 6 months and 509 (3.9%) remandees for more than 4 years¹¹; See Annexure 1, Table 4 on length of period spent in custody of all remandees as of 31.12.2010, source <http://www.prisons.gov.lk/Statistics/Statics/Title3/3.10.pdf>, accessed on 21.04.2012 at 4.30 pm. On 31.12.2010 there were 462 remandees awaiting for the trial for 6 months at the High Court, 248 from 6-12 months and 269 remandees awaiting trial for over 2 years at eh high court. 7186 remandees were awaiting trial at the Magistrate courts up to 6 months and 909 remandees awaiting trial at Magistrate courts for more than 2 years. See Annexure 1, table 5 on Period spent on remand by Prisoners awaiting trial, source: <http://www.prisons.gov.lk/Statistics/Statics/Title3/3.8.pdf>, accessed on 21.04.2012 at. 5.00 pm.

There are 1064 Prisoners convicted with the death sentence from the year 2000 to 2010¹⁶, but from the year 1977, Prisoners were not executed. They are living with minimum facilities¹⁷ There is no system of crediting the time in detention when the final prison sentencing is made. The Department of Community Based Corrections is contributing in a high scale to mitigate the number of convicted prisoners being imprisoned; hence the scope of the crimes that are able to be referred to the community based corrections are very minimal. While respecting the Government's efforts in expanding the facilities in the Prisons and increasing the number of court houses to expedite prosecution, HRCSL encourages the GOSL to take appropriate measures¹⁸ without delay.

8. Right to Remedial Action

There are judicial, quasi judicial and other institutions created in order to hold the administrators accountable for their actions and inactions by empowering them to receive public complaints and to provide relief and redresses. The HRCSL recognizes the importance of those institutions¹⁹, especially in post conflict era, and observes that availability and accessibility of those services at the district and divisional levels are not satisfactory. Hence,

HRCSL encourages the GOSL to capacitate those institutions to establish district and divisional levels mechanism.

9. Land, Housing and Property Rights

Ensuring equal rights for land, housing and property is under the purview of the Government. HRCSL wishes to see that GOSL implements due procedures²⁰ in distributing lands for the poor and landless people and 2nd generation of IDPs²¹ as an approach to poverty alleviation. HRCSL also observes acquisition of land for security²² establishments and developmental purposes. Some areas which have been acquired as high security zones during the conflict are being turned into Special Economic Zones²³. The HRCSL emphasizes that the GOSL should

¹⁶ See Annexure 1, table 6, source: <http://www.prisons.gov.lk/Statistics/Statics/Title6/6.1.pdf>, accessed on 21.04.2012 at 6.00 pm

¹⁷ Condemned prisoners are taken only for one hour per day out of their rooms for open air. This situation is totally deferent from the life time sentenced prisoners

¹⁸ The HRCSL recommends the GOSL to [a] increase of the scope of the crimes in the Community Based Corrections Act to reduce the number of convicted prisoners being imprisoned, [b] introduction of a system to consider the time spent in detention, as well as any other deprivation of liberty in relation to a criminal offence is necessary in pronouncing the final prison sentence or the fine, [c] expedite prosecution/ trial, and reduction of the density of cases for a court/ judge/ officer to expedite the conclusion of the cases, [d] a referral mechanism to provide legal aid support for the prisoners from the LAC14, [e] abolition of the death penalty and substitution of the death sentences with life sentence and [f] establishment of a centralized information centre with details of all detainees and Prisoners.

¹⁹ [a] Mediation Boards - Mediation Boards were introduced by Act No 72 of 1988 and later amended as Act No 15 of 1997, and Mediation (Special Categories of Disputes) Act No 21 of 2003. The mediations boards constitute of mediators for each Divisional Secretariats. Out of 329 Divisional Secretariats in Sri Lanka, 80% of the Divisional Secretariats has established Mediation Board Commission. In 2011, the Act was amended and increase the monetary limit of disputes which compulsorily referred to the Mediation Board to LKR 250,000 or below when committed by a person under the age of 18 years, shall compulsorily referred to the Mediation Board. Accordingly, people can enjoy their justice speedy. The advantages in seeking remedies through Mediation Board is that it avoids further grievances and disputes between the disputing parties since it is not adversarial in nature. In addition, the Mediation process is inexpensive and not time consuming. [b] National Transport Board Commission, [c] Consumer Affairs Authority, [d] Sri Lanka Bureau of Foreign Employment etc.

²⁰ Land Development Ordinance No. 19 of 1939 emphasizes on distributing Government-owned land among the poor and landless in order to eradicate poverty. It also explains standard procedures of distributing lands among the people. It is under this procedure, the Government held *Land Kachcheri*.

²¹ Land or a house is given as a replacement to a loss of them due to war and displacement. Hence, the Second-generation IDPs who have had lived with parents at the time of displacement are not qualified to obtain land or house under the current system

²² "Large amount of area of the Mullikulam GN Division of Musali DS Division of Mannar District has been occupied by the Sri Lanka Navy to establish its camps. Study Report on Private Land occupied by the Security Forces in Mullikulam DS Division, National Protection and Durable Solutions for Internally Displaced Persons Project, Human Rights Commission of Sri Lanka

implement standard procedure in land acquisition that people have to be informed, consulted, provide with alternative lands, and compensate prior to land acquisition.

10. Freedom from Torture and Custodial Deaths

The deaths of persons in the state custody and incidents of torture have been reported to the HRCSL . There is no provision to penalize or impose strict liability on the OIC of the Police Station, in case of a death in custody and torture . While appreciating the initiatives taken by the Government to minimize death in custody and torture, the HRCSL stresses the GOSL to take appropriate action on imposing the liability for torture and death in custody on the OICs of the Police stations, SPs of the Prisons and heads of other places of detentions when the sufficient evidence are established. Compensation schemes needs to be introduced to the dependants of the person demised in custody in case of torture. The repeal of the legislations to ensure that a victim or an accused is able to represent with his or her Attorney at the Police stations, as per the directions of the Supreme Court²⁶ .

12. Peace and Reconciliation

- 12.1. Three decades of war ended in 2009 bringing new hopes for lives. Elections were held in conflict affected areas . The HRCSL notes the development programmes taking place in the Northern Province, but since the conclusion of war, transition of these areas from situation of war to normalcy is not much visible with the high military presence , influence and participation in public administration and public programmes. The GOSL needs to have the Provincial Council Election in NP to ensure democracy and voting rights of people in the North.
- 12.2. The HRCSL recognizing the necessity of durable peace encourages the GOSL to implement a sustainable peace building and reconciliation progarmme. While appreciating the appointment of LLRC, the HRCSL encourages the GOSL to implement recommendations related to reconciliation.

²³ Sampur, in Trincomalee which had been a high security zone during the conflict time have been turned into a Special Economic Zone. About 1,262 families of 4,000 persons are displaced for several years and living in temporary shelter, not being able to return to their native places.

²⁴ From the year 2008 to 2011, around 51 complaints on death in custody and 2462 complaints received on incidents of torture to the Human Rights Commission, source: Complaint Management System Database, Human Rights Commission of Sri Lanka.

²⁵ The liability is imposed on the respective officer who was responsible to look after the person in custody or the officer who committed the alleged torture.

²⁶ Supreme court case No. 527/08 in the case of Mohotti vs. Inspector General of Police

²⁷ The Provincial Election for the Eastern Province and the local Government election for both the conflict affected north and East provinces were held. Northern Province Election is to be held.

²⁸ According to the military own statistics [www.cimicjaffna.com/main.php], in Jaffna, there are more than 35,000 troops for the estimated population 626,329 people [www.cimicjaffna.com/population.php], an average of one military persons to 18 civilians.

List of Acronyms

CAT	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CRPD	Convention on the Rights of Persons with Disabilities
GOSL	Government of Sri Lanka
HRDs	Human Rights Defenders
HRCSL	Human Rights Commission of Sri Lanka
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDPs	Internally Displaced Persons
NDDCB	National Dangerous Drugs Control Board
NP	Northern Province
OIC	Officer In charge
PLHIV	People Living with HIV
LLRC	Lessons Learn and Reconciliation Commission
SP	Superintendent of Prison
UPR	Universal Periodical Review

Annexure II:

Report on Strengthening the Human Rights of Older Persons in Sri Lanka
(This report was forwarded to the third session of the Open-ended working Group on strengthening the protection of the human rights of older persons)

Introduction

The first part of this document describes the population ageing scenario in Sri Lanka. The second part contains specific proposals for discussion by the open ended working group. These proposals were developed following island wide regional consultations and a national level consultations were attended by multiple stakeholders including high-ranking government officials attached to government Ministries and Departments, academics, professionals, legislators, UN agencies, international NGOs, local NGOs, community based organizations, religious organizations, members of the civil society, media personnel and a segment of elderly population.

The specific proposals submitted in these documents were extracted from the detailed deliberations in the local consultation process. For more details please make reference to the attached separate detailed document marked as Annex I – Ik.

The conclusion of the consultation process was that there is necessity for a universal instrument to strengthen the wellbeing and protection of elder’s rights.

Population Aging in Sri Lanka: New Challenge for the 21st Century

In Asian social traditions, the elderly are revered. However, the United Nations observes that industrialization, urbanization and new technology have brought about radical social changes, which have weakened the family support system in Asian societies. In these circumstances, the aging population is becoming a serious problem in many Asian societies, including Sri Lanka.

Comparing the aging experience of western countries with that of Sri Lanka reveals that aging in Sri Lanka is occurring in parallel to a lower level of economic development. A favorable combination of fertility, mortality and international migration trends leading towards an age structural transition in the country, has resulted in a significant increase of the proportion of elderly population. Nevertheless, recent economic and social changes such as urbanization and increased female labour force participation (even though their labour force participation is relatively low still), have lessened the capacity of females to support the elderly.

The proportion of elderly population in Sri Lanka is higher than in other South Asian countries. In 2001, over 9% of Sri Lanka’s populations were 60 years of age and over, which is a relatively large elderly population for a developing country. The definition of “elderly” varies from society to society. Here, “elderly” is defined as those who are 60 years or more. The reason for taking 60 as a cut-off age is that, in both government as well as private institutions in Sri Lanka, the retirement age is between 55 and 60 years.

The international labour migration, largely concentrated among young adult working age groups, has increased during the last three decades, reducing the proportion of the working age population in the country. Because of the extent of youth’s migration, the proportion of the elderly in the population has increased. Based on this migration pattern and the future trends in mortality, fertility and international migration, the proportion of the population aged 60 and over is projected to increase by nearly 36% from 9.2% in 2001 to 12.5% in 2011. By year 2041, about a quarter (24.8%) of the Sri Lankan population will be in the 60 and above age group.

During the period covering 2010 to 2041, the Sri Lanka population will increase moderately by about 9% from 20 to 22 million. During this period, the elderly population (60 and above) will increase from 2.5 million in 2010 to 5.3 million in 2041, increase of over 100%, or a doubling of the elderly population.

Specific Proposals for Discussion on Different Thematic Areas Relating to Elders Rights Protection by Sri Lanka

1. Policy, Legal and Institutional Framework

1. Policy for every country on national pension for older persons may be introduced for a universal compulsory pension scheme for older persons
2. The existing pension schemes are not adequate to cover large segment of the workers. Only the government and some segments of the private sector are covered by individualized pension schemes.
3. Introduce a comprehensive universal definition for 'older person' – this would facilitate international comparison.
4. Universal identification system for elders (identity card)
5. State institute for elders funded by the national budget and ensure sufficient allocation from national budget for elders rights protection.
6. In the stage of development of all government action plans, must include a separate section concerning elders.
7. Proper mechanism / institutional framework / trained officers must be adequately available at all levels.
8. Encourage public and private partnership of member countries for the betterment of rights protection promotion of elders.
9. A specific UN General Assembly Resolution is encouraged to include elders into the MDGs – Thus, integrating elders into developmental processes of all countries are ensured.
10. Respective different social and cultural diversities must be taken into consideration when formulating the Convention for elders.
11. To ensure individual rights protection of elders, legislators are encouraged to have legislation on individual rights protection and not merely on establishing institutions.
12. Establishment of Institutional Framework – the existing Senior Citizens committees established under the Act No. 5 of 2011 and consortia level Elders Committees at Divisional Secretariat, District, Provincial and National level, is a strong institutional framework. This model which is backed by the legal framework could be implemented in other countries.

2. Social Welfare

1. Introduce and implement a non – contributory universal pension scheme for elders.
2. Special concern shall be given to strengthen and secure families of migrant workers.

3. Social Security

1. For the greater security of elders encourage member states to introduce separate pension and insurance schemes for elders.

4. Health (General)

1. Promotion of sexual and reproductive health among the elderly to improve and secure family / spousal relationships, e.g., this could prevent child abuse HIV AIDS and family disintegration.

5. Mental Health

1. Early detection and raising awareness among the public about mental health issues including dementia related to old age.
2. Strengthen the existing counseling training programmes and service delivery for the elders.

6. Conflict & Disastrous Situations

1. Special mechanisms to be established to provide provisions and facilities to the affected elders to ensure their wellbeing.
2. Emergency fund especially for rescue purposes in case of elders being abandoned.
3. All National Action Plans on disastrous and conflict situations shall have a separate section to deal with matters relating to elders.
4. Programmes shall be introduced to reintegrate/reunite elderly with their families.

7. Education, Advocacy and Communication

1. Empower the elder and members of the elders committees for advocacy campaigning for their rights.
2. Advocacy to instill responsibility in the younger generations about the senior citizens to promote social harmony.
3. Bring the old celebrities to the front to promote advocacy for elders.
4. Encourage media to portrait older person's dignity and their image in the society.
5. Encourage all media to strengthen about existing family related norms and about the dignity and image of the elders.
6. Media and legislators shall be trained in order to become voluntary champions to take forward good practices / norms to the next generations.
7. Strengthen the existing school curricula to facilitate intergenerational harmony.

8. Effective Coordination among Stakeholders

1. Facilitating to develop mechanisms for effective coordination between members states and international organizations in promotion elders rights

Annexure III:
Official Travel Abroad – Conference / Meetings / Workshops - 2012

No	Name & Designation	Country & Conference / Seminars / Meetings / Workshops	Period
1	Mr. T.E Anandarajah Commissioner	Australia	13.02.2012
		Workshop on Justice for all international criminal court Conference and ICC and Gender Justice and the Asia Pacific Region capacity Building	16.02.2012
2	Ms. E. Sagunthala Investigation Officer	Thailand	19.03.2012
3	Mr.A.L.L Issadeen Investigation Officer	Regional Training Programme in Human Rights for Representatives form National Human Rights Institutions in the Asia Pacific	29.03.2012
4	Ms. T.R.K Samarasekara – Director (M &R)	Maldives Training Programme on Promotion and Protection of the rights of Migrant Workers	30.04.2012 02.05.2012
5	Ms. T.R.K Samarasekara – Director (M &R)	Beirut, Lebanon Capacity Building Programme on Human Rights Advocacy and Migrant workers in the Middle East and Asia Workers	21.05.2012 25.05.2012
6	Ms.S.J Paranagama Secretary	Australia Senior Executive officer Roundtable	24.05.2012 25.05.2012
7	Ms. Shirani Rajapaksa Director (Edu.&Sp.Prog.)	India Training Programme on Human Rights of Older Persons in Asia Pacific Region	04.06.2012 06.06.2012
8	Ms. Nadee Edirisinghe Legal Assistant	Philippines Training Programme on Pilot Regional Training of Trainers (TOT) Blended Learning Course	18.06.2012 22.06.2012
	Ms.W A U S Wijesooriya Documentation Officer	Malaysia Training Programme for Librarians and Resource of National Human Rights Institutions (NHRIs) in the Asia Pacific	26.06.2012 30.06.2012
9	Ms.S.J Paranagama Secretary	Philippines Capacity Assessment of the Philippines Commission on Human Rights	09.07.2012 21.07.2012
10	Dr. Prathiba mahanamahewa Commissioner	Thailand - Regional Stakeholders Dialogue Assessing the Capacities of National Human Rights Institutions	09.10.2012 10.10.2012
11	Mr. B.L.TC De Silva Investigating Officer Justice Priyantha R P Perera	Quatar Workshop on Migrant Workers Rights	14.10.2011 18.10.2012
12	Chairman Mr.T.E Anandarajah	Nepal International Conference on Cooperation between HHRIs for the Promotion of Human Rights of the Migrant Workers	26.11.2011
	Commissioner		27.11.2012
13	Mr. A. S Nilantha Investigation Officer Ms. S.N Liyanagama	Thailand Regional Blended Learning Course for Representatives form National Human Rights Institutions in the Asia Pacific	26.11.2011 05.12.2012

**Annexure IV:
Capacity building Programmes for HRCSL staff - 2012**

No	Name & Designation	Training/ workshop	Period
1.	Ms. W Amitha de Silva - Clerk	Stores Management & Purchasing Procedures – Skill Development Fund Limited	19.09.2012
	Mr. M T M Irshad - Clerk		- 20.09.2012
3.	Ms. Shiromi Roshika Pelpita - Receptionist	Telephone Skills & Etiquette Training for Secretaries– Skill Development Fund Limited	04.10.2012
	Ms. Shayamali Udyakanthi - Clerk		
4.	Mr. M C Pradeep - Accounts Cleark	Role and Responsibilities of Shroff – Skill Development Fund Limited	05.11.2012
	Mr. T R Alagoda - Accounts Clerk		
5.	Office Aids and Drivers (Head Office)	Skills Development – Skill Development Fund Limited	07.11.2012



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HRCSL's Regional/ Sub / Mobile Offices

