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Report from APF Member Sri Lanka

Capacity Building of the Human Rights Commission of Sri Lanka

The Human Rights Commission of Sri Lanka raised funds and resources to develop its capacity. We have added human resources through the graduate training programmes and Backlog Project funded by the UNDP. We have managed to secure a fleet of vehicles for the use of inquiries and investigation as well as the regions; we have computerized HRCSL activity, and updated the system. Web Site (hrctl.org) was launched in March 2006. In time complainants will be allowed to follow their cases on the web. We have expanded our premises into 4 buildings and uplifted our Regional Offices. We have also conducted extensive training programmes for our staff on human rights issues from International Human Rights, the right to equality, freedom from torture, women's rights, how to manage offices and write reports.

We have been able to do all these thanks to the increased funding from the Treasury and from our Donors, UNICEF, UNHCR, UNDP, CIDA, SIDA, NORAD, the British Foreign and Commonwealth Office and the Asia Foundation.

Though we have had relative success there is still need for improvement. Though we have acquired more personnel to deal with the backlog, a more streamlined procedure must evolve to overcome delay in procedures. Human Resources have to be managed in more efficient manner and more training has to be imparted to our personnel.

The Commission is comprised of 3 functional divisions each headed by a Director, namely Inquiries & Investigation Division, Monitoring & Review Division and Education and Special Programmes Division.

Inquiries & Investigation Division

The Commission received many complaints related to fundamental rights issues concerning employment. In 2004 & 2005 this category received the highest proportion of complaints 31 % and 27% respectively. The second highest category in both years was complaints of harassment with 26% and 24% respectively. There

was a slight numerical decrease in complaints related to Employment matters Torture, Death in Custody and others. On the other hand complaints concerning property matters more than doubled from 2004 to 2005 and there was approximately a 100 numerical increase in complaints of Government inaction, and arbitrary Detention. Finally, complaints of harassment, school admissions and Torture all registered slight numerical increases.

182 complaints were concluded in 2004 and 760 in 2005. At the end of 2005, the Inquiries and Investigations Division had concluded 2970 complaints in total. The highest proposal of complaints, 22% was concluded by this Division through recommendations provided by the Commission. 4% of Complaints were settled and in 7% the relief asked for was granted. In 16% of cases no fundamental rights violations were found.

However in 6% of cases the complaints were withdrawn and 16% complaints were concluded because the petitioners were not interested in pursuing the inquiry. Finally 18% of cases filed in the other category, do not fit as any of the present categories. .

Under the strategic plan the Commission has endeavoured to embark on a proactive programme of work aimed at reducing and or averting imminent violations.

One such programme is the surprise visit to custodial institutions, places of detention, State Homes for juvenile offenders, Women & Children Homes, and Mental Hospitals. Another is the Swiss Project on Torture.

This Division also began the Backlog Cleaner Project in 2004. It was initiated to clear about 7530 complaints that were accepted but have not been investigated by the Commission. For this project 19 Inquiring Officers including 5 Retired Judges and 22 other staff was appointed to the Head Office. Special attention was given to torture complaints. Out of this backlog 3332 outstanding cases were completed during 2004 & 2005.

Monitoring & Review Division

Two of the largest project that the Division worked in 2004 & 2005 were Protecting Children in Sri Lanka's Children's Homes and Detention Centers Project and the SARIQ Project. In addition, in 2004 this Division assisted the Special Rapportuer on Religious Conversion on Human Rights.

This Division conducted the following programmes in 2004 & 2005.

- i. A child rights Programme for state officers in the District of Galle
- ii. Child Rights awareness programme for the state school principals of Ratnapura District
- iii. World Children's Day Art Competition at St. Vincent's School Secondary School
- iv. International Human Rights Day Celebrations 2005
- v. Sexual Harassment Policy. Guidelines for state sector institutions.
- vi. Celebration of International Women's Day

Education and Special Programme Division

A new Director was appointed to the Education and Special Programme Division in May 2004 and a new Legal Officer was recruited in 2005. A vacancy of the education officer was also filled in October 2005. The following programmes were conducted by this Division.

- i. Human Rights (General) Training Programmes
- ii. Training Programme for the Staff
- iii. Economic, Social and Cultural Rights Programme
- iv. Special Programmes
 - a. Lectures on various human rights topics
 - b. International workshops on conflict prevention, Art Competition, Exhibition and Special Concert
 - c. Information Sharing by publishing leaflets, handbooks and manuals in human rights in National languages (Sinhala & Tamil)
 - d. Education Programmes

Report on Migrant Women Workers

Sri Lanka's pattern on international migration for employment is heavily dominated by the increased participation of women working in domestic service in countries in the Middle East.

The Human Rights Commission set out a Committee in February 2005 to report on the Human Rights Issues faced by Migrant Women Workers and to make recommendations for change.

Domestic Female workers are vulnerable to abuse and exploitation due to low level of education, lack of knowledge about rights, and discriminatory legal procedures

in the host country. Families of these women particularly children, are at risk of neglect and abuse.

The Committee recommended that the out migration of workers seeking employment abroad should not be restricted. However, the exploitation and the violation of human rights of these workers must be addressed. It is due to the numerous potential, economic and social benefits accruing to the individual woman migrant worker, her family, and the country as a whole that it is important to promote and ensure the safety of these workers.

In order to implement the recommendation presented in this report the Commission developed an action plan, which assigns a person at one of the responsible Sri Lankan institutions to each recommendation. The plan further lists activities to be carried out by the responsible agent to aid implementation, and also provides target completion dates.

Report on Human Trafficking in Sri Lanka

The Human Rights Commission of Sri Lanka prepared a comprehensive report on trafficking and made available to the relevant agencies. Trafficking in persons is a modern form of slavery and it is the largest manifestation of slavery in present times. The penal code criminalizes trafficking and related activities. In Sri Lanka, as in many other countries, women and children belonging to economically and socially disadvantaged strata of society are the groups that are most vulnerable to trafficking. Vulnerable women fall broadly into 3 groups; Women Migrant Workers, Women Employed as Free Trade Zones, Women in the Plantation Sectors of the Country.

Women Migrants consisted nearly 65% of the total migrant population in Sri Lanka, which make the only Asian country where female migrant workers are the majority. The Majority of these women 75% seek employment as housemaids in the Middle East countries. Trafficker often dupe women from Free Trade Zones and in the plantation sector to believe that they will be given respectable jobs but in reality the promised jobs are in the domestic service under unfavorable conditions or in brothels.

Child Labour exploitation remains a covert activity in the country. Trafficked Children fall into 3 main categories. Some are engaged in such activities as domestic service and other forms of manual labour; some are forcibly recruited as child soldiers by the LTTE, some others fall prey to sexual exploitation by both local and foreign paedophiles. The appearance of foreign paedophiles on the local

scene is a spin off from the tourist industry. It is worthwhile to mention that the Special Rapporteur on the sale of Children, Child prostitution and Child Pornograph reported that 70% of the children in prostitution in Sri Lanka are boys. This is different from the situation in the other countries in South Asia, where the majority of sexually exploited children are girls.

The Women's Bureau under the Ministry of Women's Empowerment implements awareness raising programmes for the benefit of vulnerable women, while the Social Welfare and the Sri Lanka Bureau of Foreign Employment plays a pivotal role in protecting the rights of all migrant workers. Finally the National Child Protection Authority is the main state agency for the protection of children's rights and the prevention of trafficking in children. In addition, the Commission has set up several projects to monitor directly or indirectly regarding the trafficking of persons for exploitative employment.