



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

APF Member 'Bare Facts'

Sri Lanka

Updated February 2014

Introductory Comments

The Asia Pacific Forum of National Human Rights Institutions ('APF'), established in 1996, is the leading regional member-based human rights organisation in the Asia Pacific.

This member's profile focussing on Sri Lanka's NHRI is part of a series of profiles which provide information about the core features and functions of each of the APF's member institutions.

Sri Lanka became a Full Member of the APF in 1997 and remained a Full Member until 2009. It became an Associate Member following an accreditation decision of the International Coordinating Committee of NHRIs in 2009. Sri Lanka became a member of the International Coordinating Committee of National Human Rights Institutions in 2000.

The information contained in this profile reflects the NHRI's response to a Members' Profile Questionnaire sent to all APF member institutions in 2012.

Foundation

Sri Lanka's NHRI, the Sri Lankan Human Rights Commission (HRCSL) was established by the Human Rights Commission Act of Sri Lanka (Act No. 21) 1996.

The HRCSL has a national jurisdiction.

Composition

The HRCSL has 5 governing members including the Chairman.

The current members are drawn from professional backgrounds in NGOs, academia, the legal and health professions and retired government servants.

Application, Selection and Appointment process

Articles 3-4 of the Human Rights Commission Act of Sri Lanka establish the selection and appointment process for members of the HRCSL.

The HRCSL is not required to publicly advertise vacancies and nominations for members are sought from key stakeholder groups, who are also consulted in the

process. Nominations are accepted from Government, the Judiciary, Civil Society and retired Government servants.

Human rights knowledge and experience and diversity of personal characteristics are considered in the selection process.

Financial autonomy

88.36% of the HRCSL's 2004 annual budget of USD 1,290,926.00 comes from the Sri Lankan Government. The founding law requires the Government to provide funding but also permits the HRCSL to raise funds from other sources.

Personnel

The total number of staff in the HRCSL is 190.

The composition of the HRCSL staff proportionally reflects the various ethnic and religious groups in society.

The percentage of men and women at each level is:

1. Commission: 80% men and 20% women;
2. Senior Staff: 20% men and 80% women;
3. Junior Staff: 53.9% men and 46.1% women.

Working methods

The members of the governing board meet weekly.

The HRCSL has four dedicated specialist thematic units and is currently in the process of establishing an advisory body.

Mandate

The HRCSL has a legal mandate to:

1. Make recommendations to the government, Parliament and other competent bodies on matters concerning:
 - a. Proposed legislative or administrative provisions,
 - b. Suggested amendments to existing legislation, and
 - c. The adoption or amendment of administrative measures.

2. Report without restriction:
 - a. On the national human rights situation, on specific matters or through thematic reports,
 - b. On violations of any human rights,
 - c. Its opinions and recommendations.
3. Promote and advocate for the:
 - a. Harmonization of national laws and practices with Sri Lanka's international obligations,
 - b. Implementation of recommendations of international human rights mechanisms,
 - c. Ratification of international human rights instruments.
4. Engage with the International human rights system by:
 - a. Contributing to the State's periodic treaty body reports,
 - b. Expressing opinion on the State's reports to the UN treaty bodies,
 - c. Cooperating with the UN and its agencies, regional institutions and the NHRIs of other countries.
5. Conduct public education and awareness raising by:
 - a. Assisting with human rights teaching and researching,
 - b. Carrying out public awareness activities.

The mandate of the HRCSL does not extend to rights contained in international instruments beyond the ICCPR and ICESCR.

Powers

Complaint handling and investigation

The HRCSL has the following powers to investigate complaints:

1. To receive and investigate complaints;
2. To conduct investigations on its own initiative;
3. To compel information from any person necessary for assessing situations falling within the HRCSL's competence;

4. To obtain any information and any document necessary for assessing situations falling within the HRCSL's competence;
5. To visit and enter places of detention, including prisons and places of confinement with no requirement to announce or request permission to enter, prior to the visit;
6. To make recommendations to the competent authorities;
7. To protect witnesses from victimisation;
8. To recommend, provide and seek compensation through a court or specialist tribunal;
9. To intervene or assist in court proceedings related to human rights,
10. To provide other remedies to victims of discrimination and/or human rights violations.

The HRCSL also has the following powers to handle individual complaints:

1. To seek an amicable settlement through conciliation or mediation;
2. To make binding decisions;
3. Inform complainants of their rights, of available remedies and promote access to these;
4. Transmit complaints to any other competent authority;
5. Ensure that communications to and from the NHRI remain confidential;
6. Summon persons to give evidence;
7. Make recommendations to appropriate authorities;
8. Refer the non-implementation recommendation to the President;
9. And make a referral to the Supreme Court if any question arises as to the scope of the ambit of a fundamental right

OPCAT

The HRCSL is not a formally designated National Preventative Mechanism under the OPCAT.

Relationship with State and Civil Society

The HRCSL can directly report to Parliament and Government bodies are formally required to respond to the HRCSL's resolutions, reports or recommendations.

The *Sri Lankan Human Rights Commission Act 1996* (11h) provides the HRCSL with the capacity to establish formal relationships with Civil society. The HRCSL has developed formal relationships with civil society that result in engagement via regular or institutionalised meetings and engaging with CSOs on thematic issues, in conducting inquiries, and monitoring and promotional activities at regional and national levels.

Accreditation

The HRCSL was last reviewed by the ICC in March 2009 and has an ICC B accreditation status.