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**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS, INCLUDING
THE QUESTION OF NATIONAL INSTITUTIONS AND REGIONAL
ARRANGEMENTS**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Human Rights Commission of Sri Lanka struggling against inadequate resources, attack on premises and imminent expiry of its commissioners' terms of office

1. Despite the public statements of support given by the Government of Sri Lanka to the Human Rights Commission (HRC) of Sri Lanka, in reality, it remains a neglected institution, receiving little support from the government. The government has allocated the HRC insufficient resources, both in terms of finances and staff, for its proper functioning. It has also done very little to implement its recommendations. Furthermore, the offices of the HRC were subjected to an arson attack in late 2005. Added to all this, the HRC could become inoperative in the near future when the terms of office of its current commissioners expire, if the Constitutional Council that is tasked with making such replacements, which is currently inoperative, has not yet been reappointed.

2. An ambitious three-year plan drafted by the commissioners that were appointed in mid-2003 has not been well implemented. Poorly-qualified staff persons have lacked professional investigation and mediation skills and have not been encouraged to foster a human rights culture in the workplace. The commissioners are not employed full-time and so cannot exercise adequate supervision. Education programmes have also been ineffective.

3. The declining fortunes of the HRC were most dramatically illustrated in 2005 by the first direct attack on its premises. On October 11 there was an attempt to burn down its headquarters. Although the Sri Lankan delegation to the Committee against Torture in November tried to dismiss this as an attempt at vandalism by some disgruntled drivers, in actual fact it was extremely fortunate that the whole building was not destroyed. Documents coated in flammable liquid had been spread throughout the staircase in order to ensure that the fire would spread upwards to the offices on higher floors; however, failed to do as intended.

4. Incredibly, despite significant local and international pressure, no one has yet been arrested or brought to court over the arson attack. While arson is a serious crime in itself, arson of state property is more so; even theft of state property is a non-bailable offence in Sri Lanka. If the culprits were in fact drivers of the HRC as earlier stated, they should have been swiftly arrested and prosecuted. The Criminal Investigation Department (CID) of Sri Lanka has conducted its inquiry but the public remains in the dark. The HRC has announced that it is doing the same, but is yet to make plain its position on the incident. In either case, unless a proper explanation is given and criminal proceedings initiated, the credibility of both the CID and HRC will be called into question, particularly where there exists reasonable suspicions of a cover-up. The effect would also be to further demoralise the HRC staff, and call into question the government's declared commitment to strengthen the agency. Above all, it would cause victims of human rights abuses and their supporters to doubt the capacity of the commission to carry out its mandate. As an organisation calling for transparency from other agencies, the HRC must hold itself up as an example of the same.

5. Public institutions such as the Human Rights Commission cannot function without cooperation from other public agencies that are prepared to recognise and legitimise their work. No such cooperation exists in Sri Lanka. Rather, there is deep aggression which is backed by the violence inherent in the country's law enforcement agencies. It is on the record that the police, including the inspector-general of police himself, are openly hostile towards the HRC and its staff, who have on several occasions been assaulted while attempting to conduct visits at police stations. However, the HRC has not been backed by the government or public authorities such as the attorney general, who could have done much to foster police respect for its mandate.

6. The Constitutional Council, which was created under the 17th Amendment to the Constitution of Sri Lanka, is responsible for the appointment of commissioners to the HRC. When the current commissioners complete their terms it is by no means certain that the Constitutional Council will be functioning, as it has itself been without members since March 2005. Several other commissions,

including the National Police Commission, Public Service Commission, Election Commission and now Judicial Service Commission have also ceased functioning due to the non-appointment of the members of the Constitutional Council. This stasis, which appears to have been deliberately created for political reasons, will soon also affect the HRC.

7. The Asian Legal Resource Centre is concerned by the lack of material support given to the Human Rights Commission of Sri Lanka, the failure of the government to remove obstacles to its effective operation--notably those put in place by the inspector-general of police--and in particular by the deficient response to the October 2005 arson attack. It is also very much concerned that the HRC will shortly become altogether inoperative due to the non-appointment of commissioners.

8. The Asian Legal Resource Centre calls on the Commission to urge the government of Sri Lanka to ensure that

- a. Adequate resources are provided to the Human Rights Commission of Sri Lanka.
- b. All attempts at intimidating the HRC or individual staff, particularly by senior police officers, are countered with disciplinary--and where necessary, criminal--action.
- c. A prompt, independent and transparent investigation be concluded into the arson attack on the HRC premises, with all findings being made public, in order to re-establish the its credibility and ability to carry out its mandate in favour of human rights.
- d. The members of the Constitutional Council are appointed without delay so that the HRC in terms will be newly comprised at the expiry of the current commissioners' mandate.

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