

A Dialogue with the Human Rights Commission

On August 8th, 2024 the International Centre for Ethnic Studies (ICES) hosted a dialogue with the Human Rights Commission of Sri Lanka (HRCSL) featuring key insights from HRCSL commissioners and officials, moderated by human rights activist Ruki Fernando. The session began with an overview of the HRCSL's mandate, delivered by the three Commissioners; Mr. Nimal Punchihewa, Dr. Gehan Gunatilleke and Professor Farzana Haniffa, along with the Director of Complaints and Investigations, Mr. Lal Weerasinghe.

Ruki Fernando set the stage by sharing his own experiences with the HRCSL, illustrating both the challenges and successes in addressing human rights complaints. He highlighted cases where the HRCSL acted swiftly, including those resolved within a few years, as well as others, such as his 2009 complaint that remains unresolved. Delving into the HRCSL's recent interventions in areas such as elections and freedom of religion, he emphasized that, while the HRCSL strives to make its work available in all three national languages, challenges remain in ensuring complete linguistic accessibility.

Mr. Punchihewa provided a historical context, tracing the evolution of the police force into a more militarized entity post-1971 and the impact of subsequent human rights violations. He detailed the formation of the Human Rights Task Force and the Commission for Eliminating Discrimination and Monitoring of Human Rights to address these violations. Despite these efforts, he noted the insufficiency of these measures, which led to the establishment of the Human Rights Commission Act in 1996, which formally tasked the HRCSL with the protection and promotion of human rights. The Act formally tasked the HRCSL to investigate human rights abuses, and advise the state on proposed legislation. The HRCSL also plays a crucial role in investigating fundamental rights violations, a function that complements the Supreme Court's role in such matters.

Mr. Weerasinghe then discussed the HRCSL's rapid response mechanisms, including the 24/7 hotline (1996) for complaints about arrests and detentions. He described how the HRCSL ensures detainees' rights are upheld and highlighted the establishment of a rapid response team for urgent cases. Additionally, he outlined the HRCSL's provincial and sub-offices, emphasizing their role in addressing regional issues.

Dr. Gunatilleke outlined the HRCSL's efforts to implement standard operating procedures for handling complaints and emphasized the Commission's role in advising the state on legislation affecting human rights. Elaborating further, he explained how the HRCSL's involvement extends to providing observations on proposed laws, including the now-enacted Online Safety Act and the Anti-Terrorism Bill, and

advocating for reforms, such as those concerning the Penal Code's treatment of same-sex conduct. He also introduced the HRCSL's initiatives to foster closer collaboration with civil society organizations (CSOs), including new guidelines for human rights defenders and the establishment of sub-committees led by the HRCSL's commissioners.

Professor Haniffa discussed ongoing efforts to integrate human rights education into the national curriculum and the HRCSL's pilot study on economic rights, focusing on marginalized groups such as manpower workers. She also addressed the gender focal point introduced within the HRCSL to tackle violations against women and the LGBTIQ community, highlighting ongoing challenges and the need for further action.

During the Q&A session, concerns were expressed regarding the public availability of findings from the HRCSL's visits. It was noted that while some reports are not disclosed to maintain investigative integrity, there is potential for publishing summaries periodically. Issues related to the right to identify as non-religious were discussed, with ongoing efforts to issue guidelines on Freedom of Religion or Belief (FORB) highlighted as a response to address such gaps. Queries about the HRCSL's engagement with social, economic, and environmental rights were addressed by explaining that while the HRCSL primarily focuses on fundamental rights, it also provides research and advice on broader socio-economic issues under Article 12 of the Constitution. Questions about the collaboration with other independent commissions revealed HRCSL's openness to enhancing collaboration among commissions to improve their collective impact. Lastly, the HRCSL's stance on public statements regarding LGBTIQ rights was clarified, emphasizing that while the HRCSL can direct government attention to these issues, it cannot intervene when public statements are made against this community by private individuals or entities.

Overall, the dialogue underscored the HRCSL's ongoing commitment to addressing human rights issues despite the challenges it faces. The session highlighted the importance of continuous engagement with civil society and the need for effective mechanisms to ensure that human rights protections are upheld in Sri Lanka.