

# LAW & SOCIETY TRUST



ANNUAL REPORT 2008/2009



## ABOUT THE TRUST

The Law & Society Trust (LST) is a not-for-profit organization involved in human rights documentation, research and advocacy based in Colombo, Sri Lanka. Our programme areas include Civil and Political Rights; Economic, Social and Cultural Rights and Human Rights in Conflict.

Our goal is to improve respect for the universality, indivisibility and interdependence of human rights, thereby securing justice for all. We utilize awareness-raising, national, regional and international lobbying, information dissemination, human rights training and networking as strategies in our campaigns at national and regional level.

The Information and Documentation Unit at LST with over 8,000 volumes includes a rare collection of early Sri Lankan legal literature as well as contemporary materials such as the Sri Lanka Law Reports, Legislative Enactments, The Hansard and Government Gazettes as well as Indian Law Reports, academic journals, periodicals, reports of other individuals, organizations and relevant newspaper cuttings.

Since 1993 LST has published the annual *Sri Lanka: State of Human Rights (SHR)* report scrutinising the actions of state and non-state actors and Sri Lanka's conformity with its international obligations, which is the only such publication in Sri Lanka. The SHR is published also in Sinhala and Tamil. *LST Review*, edited by Kishali Pinto-Jayawardena has appeared without interruption since 1990 providing sociolegal analysis of contemporary issues in Sri Lanka. The twice-yearly *Appellate Law Recorder*, edited by Dr. Jayantha de Almeida Guneratne, PC, reports leading decisions of the appellate courts in Sri Lanka with commentary and summaries in Sinhala and Tamil as a service to the legal community.

The Law & Society Trust is a founder-member of the Asian Forum on Human Rights and Development (FORUM-Asia) and South Asians for Human Rights (SAHR) and an active participant in several regional and international networks.

## Our Founder

The Law & Society Trust was founded by Dr. Neelan Tiruchelvam. Dr. Tiruchelvam obtained the degrees of LL.B from the University of Colombo, LL.M and SJD from Harvard University, where he was a lecturer at the Law School. He is the author of a number of publications on Law, Development and Social Justice. He was a Director of both the Law & Society Trust and the International Centre for Ethnic Studies, and Senior Partner of Tiruchelvam Associates, a leading law firm in Sri Lanka.

Dr. Tiruchelvam was a Member of Parliament and a Member of the Select Committees on Constitutional Reform and Standing Orders in 1995. From 1978 - 1983 he was a member of the Law Commission appointed by the President to report on all aspects of law reform, and from 1979-1980 was a member of the Presidential Commission on Democratic Decentralization and Devolution. He initiated a number of international election observer missions, including those to Chile, Pakistan, Hungary, Bangladesh and Nepal, and also assisted in the evaluation of the draft constitution of Kazakhstan and the review of the constitution making process in Ethiopia.

In December 1992 he delivered a keynote address at the Conference on *Constitutionalism and Democratic Politics* in China and in January 1993 delivered a keynote address to the Council of Europe at the Conference on *Human Rights at the Dawn of the 21st Century* in Strasbourg. He was co-chair of an international evaluation team on the peace structure in South Africa constituted by the National Peace Council and International Alert. Dr. Tiruchelvam delivered the Chandra Soysa Memorial Lecture on "*Crisis of Constitutionalism in South Asia*" at the Bandaranaike Memorial Lecture in 1992, and the Kanchana Abeyapala Memorial Lecture in 1996.

Dr. Tiruchelvam was assassinated, on his way to work, by a LITE suicide bomber in July 1999.

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## **Our Vision**

“A society free from war, discrimination and social injustice and based upon human dignity for all”

## **Our Mission**

“To utilise rights-based strategies in research, documentation and advocacy promoting the full realisation of the rule of law, justiciability of rights and public accountability”



## INTRODUCTION

The Law & Society Trust (LST) takes great pleasure in the release of its Annual Report spanning 1<sup>st</sup> April 2008 until 31<sup>st</sup> March 2009.

Over the course of the year, our programmes and organisation were expanded and strengthened, through an increase in funding secured, in particular, through new partnerships with Cordaid and the Humanist Institute for Development Cooperation (HIVOS), both based in the Netherlands, as well as our existing partnership with Diakonia (Sweden).

The Civil and Political Rights programme researched on Sri Lanka's past experiences with Commissions of Inquiry in response to renewed interest in domestic human rights mechanisms. It also conducted field research on gender-discriminatory land laws; and organised 14 island-wide Consultations on the functioning and public perceptions of two statutory institutions: the National Human Rights Commission and National Police Commission. A monograph on the judicial response to the right to freedom from torture and cruel, inhuman and degrading treatment in Sri Lanka was also published.

The Human Rights in Conflict programme responded to the deteriorating human rights environment through organising and participating in public actions and events; monitoring the rights of internally displaced persons in the North and East; documenting human rights violations; organising and participating in trainings for human rights defenders; and advocacy and lobbying at home and abroad including around sessions of the United Nations Human Rights Council in Geneva.

The Economic, Social and Cultural Rights programme raised issues of trade justice through national and provincial-level activities. A Consultation was convened on the implementation of the official languages policy in relation to the Tamil language, leading to a book publication in Sinhala, Tamil and English. The programme also organised a South Asian workshop on issues of globalisation in trade and production focused on free trade agreements, export promotion zones, and migrant labour among other activities. The *LST Review*, *Appellate Law Recorder* and *Sri Lanka: State of Human Rights* report continue to be well received by legal practitioners, students, academics, foreign and local researchers, civil society activists and members of the public.

Mr. Walter Laduwahetty stepped down from our Board of Directors in October 2008, and we take this opportunity to recognise his long service and contribution. Meanwhile, we are pleased to welcome Dr. Shivaji Felix, Attorney-at-Law, academic and constitutional expert, as the newest member of our Board.

We hope through this *Annual Report* to share the range of LST's programmes and interventions that strive to promote respect for all human rights and the human rights of all.



## PROGRAMMES

### CIVIL & POLITICAL RIGHTS (CPR) PROGRAMME

The Civil & Political Rights Programme completed 3 main projects within the period under review, namely the project regarding the functioning of Constitutional Institutions which included monitoring the performance of the National Human Rights Commission and the National Police Commission of Sri Lanka; the research on Sri Lanka's Prosecutorial/Judicial System and research in regard to the effective functioning of Commissions of Inquiry. In addition a comprehensive research and analytical survey was carried out during the period under review on the aspects of discriminatory land laws in Sri Lanka. Research activities were also conducted in regard to aspects of discriminatory customary laws.

#### 1. The Functioning of Constitutional Institutions

##### A. The National Police Commission (NPC)/the National Human Rights Commission (NHRC)

2 The Civil & Political Rights Programme conducted fourteen consultations at Nuwara Eliya, Kandy, Galle, Baddegama, Ratnapura, Puttalam and Anamaduwa during September-December 2008 with the participation of the public, and another consultation with the officers and heads of the Provincial Public Complaints Division (PCID) of the National Police Commission during this period.

The main theme and focus of the consultations was to generate public awareness on the status, mandate and performance of the Human Rights Commission (HRC) and the National Police Commission (NPC) of Sri Lanka consequent to the non-implementation of the 17<sup>th</sup> Amendment to the Constitution and to ascertain the public perceptions on these oversight bodies with a view to monitoring their performance. The aim was also to bring about a consensus in the provinces regarding the need to ensure the adherence of the government to the 17<sup>th</sup> Amendment to the Constitution. A total number of 183 participants, representing various fields, professions and organisations attended the consultations.

A further consultation was hosted by the Law & Society Trust in collaboration with the Consortium of Humanitarian Agencies, which included officials of the National Police Commission in Colombo on 13<sup>th</sup> March 2009. The objectives of conducting the consultation were to share the information and civil society input in order to assist the improvement of NPC's Public Complaints Procedure and the functioning of the NPC.



Based on the feedback received at the above consultations a report titled “*Monitoring the Performance of the Human Rights Commission & the National Police Commission of Sri Lanka*” was finalised on the functioning of the Human Rights Commission and the National Police Commission of Sri Lanka. The enormity of public agitation and public opinions in regard to the functioning of these institutions are extensively analysed in this report. The general public perception identified through the analysis was that the public is dissatisfied with the performance of the HRC and the majority was unaware of the existence of the Public Complaints Procedure under the NPC.

**B. Research in regard to Sri Lanka's Prosecutorial/Judicial System**

The law and procedures applicable in regard to the criminal justice system in Sri Lanka were studied. The contrasting provisions of the repealed Criminal Procedure Code Ordinance, the repealed Administration Justice Law No. 44 of 1974 and the currently applicable Code of Criminal Procedure Act No.15 of 1979 were analysed. In addition, the study was supplemented with an examination of pertinent Sri Lankan cases and cases from other jurisdictions.

The specific focus of the Study was the judicial role in the prosecution of grave crimes, such as enforced disappearances and extra judicial executions. The study concluded with several recommendations been made for the improvement of the legal/judicial system in order to better serve victims of grave human rights violations and to ensure the effective functioning of the criminal justice system.

**C. Research in regard to the Effective Functioning of Commissions of Inquiry**

Fourteen Commissions of Inquiry, appointed under the Commission of Inquiry Act No. 17 of 1948, and two special mechanisms were examined by the Civil and Political Rights Programme during March 2008 - March 2009. The final outcome of the study was the preparation of a compilation titled “*A Reference Guide: Presidential Commissions of Inquiry, Sri Lanka*”. This report comprises summaries of various mechanisms created by the Government of Sri Lanka in order to inquire into human rights violations. The commissions selected for the study, examine an assassination of a former prime minister, ethnic violence, an incident of reprisal killings, the establishment of and violations at an unofficial place of detention, a massacre at a government rehabilitation centre, and disappearances. The two special mechanisms discussed are the Board of Investigation established under the Ministry of Defence and the Committee established under the Human Rights Commission of Sri Lanka.



### *Commissions of Inquiry Examined*

- Report of the Commission to Inquire into and Report on the Assassination of S.W.R.D. Bandaranaike
- Report on Incidents which Took Place between 13<sup>th</sup> August and 15<sup>th</sup> September, 1977 (Sansoni Report)
- Report of the Presidential Commission of Inquiry into the Kokkadicholai Incident
- Disappearances Commissions
- Presidential Commissions of Inquiry into Involuntary Removals of Persons: President Premadasa
- Presidential Commission of Inquiry into Involuntary Removals of Persons: President Wijetunga
- Report of the Commission of Inquiry into the Involuntary Removal or Disappearance of Persons in the Central, North Western, North Central and Uva Provinces
- Report of Commission of Inquiry into the Involuntary Removal or Disappearance of Persons in the Northern & Eastern Provinces
- Report of the Commission of Inquiry into the Involuntary Removal or Disappearance of Persons in the Western, Southern and Sabaragamuwa Provinces
- Report of the Commission of Inquiry into Involuntary Removal and Disappearance of Certain Persons (All Island)
- Report of Unlawful Detention and Torture at the Batalanda Housing Scheme



- Report of the Massacre at Bindunuwewa Rehabilitation Centre
- Report of the Presidential Truth Commission on Ethnic Violence (1981 - 1984)

*Other Mechanisms:*

- Ministry of Defence Board of Investigation into Disappearances
- National Human Rights Commission Committee on Disappearances

The study established that the functions of these bodies are overwhelmingly *ad hoc* in nature as they are appointed with little forethought about substance and process, with scant reference to the work of prior commissions, and with insufficient funding, facilities and independence. It was found that the mechanisms are driven by the personality or personalities of their members. The report accompanied a Compilation of Recommendations, which combines the recommendations from all of the commissions under consideration. The study discloses the fact that most of the recommendations are rendered redundant due to non-implementation.

## **2. Examination of Sri Lanka's Discriminatory Land Laws**

This is a twenty two month project funded by the Asian Development Bank (which commenced in mid 2007), encompassing critical analysis of the legal framework relating to property and land rights in Sri Lanka from the standpoint of gender equality as well as the collection of empirical data in this regard. This project envisages the formation of a coherent and comprehensive body of recommendations in respect of and amendments to the identified laws. This project was coordinated by, Head, Department of Law, Open University, Dr. Rohana Ratnayake. Dr J de Almeida Guneratne, P.C. acted as Consultant.

As a result of this project a seventy four page Research Report with relevant annexure and draft amendments will be compiled and published.



## ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ESCR) PROGRAMME

The objective of the ESCR programme is to increase awareness and respect for economic, social and cultural rights as well as promote their justiciability in Sri Lanka.

### 1. **Linkages between Trade, Development and Poverty**

LST is the Sri Lankan advocacy partner of an international project on 'Linkages between Trade, Development and Poverty Reduction' (TDP). The TDP project is a multi-country project involving 15 countries from South and South East Asia, Eastern and Southern Africa and Europe.

It is coordinated by the Consumer Unity & Trust Society (CUTS) in Jaipur, India and is funded by the Department for International Development, UK, and the Ministry of Foreign Affairs, Netherlands. The project began in March 2005 and ended in August 2008.

The aims of the project are to facilitate the cross-fertilisation of experiences and lessons learnt on the linkages between trade, development and poverty reduction in the developing countries to develop appropriate policy responses as well as to advocate development-oriented trade policies, based on learning from research and other activities by taking into account the interests and priorities of the poor.

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### *National Dialogue*

The annual National Consultation was held on 7 August 2008 at Sri Lanka Foundation Institute in Colombo. The theme of this Dialogue was 'Coherence between National and International Initiatives on Trade Development and Poverty Reduction'.

Twenty three participants from Government and the public sector such as the Ministry of Finance, Board of Investment of Sri Lanka, Export Development Board, and Consumer Affairs Authority; private sector such as the Federation of Chambers of Commerce and Industries of Sri Lanka, International NGOs such as Oxfam GB, the United Nations Development Programme – Regional Centre in Colombo, local NGOs, and journalists attended the event as well as Supreme Court Justice Saleem Marsoof P. C. in his personal capacity.

Four presentations on 'Trade, Development and Poverty Nexus' by Mr. Ruwan Jayatilleke of the Institute of Policy Studies, 'The Gender Aspect of Poverty: A Major Impediment for Development' by Dr. Subhangi Herath of Department of Sociology, University of Colombo, 'Global Agreements as a tool of Development' by Mr. Gomi Senadhira, Director-General of the

Department of Commerce and 'Global Food Crisis and its Impact on Sri Lanka's Agriculture' by Dr. W. G. Somaratne of Oxfam Australia Sri Lanka office were made, followed by discussions on all presentations.

The event succeeded in providing a rare opportunity for diverse stakeholder groups to meet and discuss matters relating to trade, development and poverty. A news report on the Dialogue appeared in the *Asian Tribune* on 29 August 2008.

(<http://www.asiantribune.com/?q=node/12968>).

### ***Provincial Workshop***

The 2<sup>nd</sup> residential 'Trade Justice' workshop was held on 13 and 14 November at Mayura Hotel in Matara in the Southern Province.

The objective of this workshop, similar to its predecessor in Kandy (Central Province) in March 2008, was to identify civil society organisations working on trade justice issues; draw connections between local issues and national and international policies and institutions; and encourage provincial and even national level networking between civil society organisations.

Twenty four participants from 13 organisations such as Jeewashakthi Foundation, Agromart Foundation, Women's Centre – Koggala, Ruhunu Govi Kantha Sanvidhanaya, Dakune Deewara Sangamaya, Deewara Diriya Kantha Sansadaya and Sarvodaya were present.

The workshop succeeded in raising awareness of the activists working at grass roots level on globalisation issues and to relate global processes to many of the issues that local communities face. There were requests from participants for more workshops on these themes in other provincial towns.

### ***Public Information and Education***

As a component of awareness-raising on linkages between trade, development and poverty, articles are regularly commissioned for newspaper publication as a means of informing the general public and encouraging their interest in these issues. These articles are also translated into Sinhala and Tamil.

An article titled 'Poverty and Development and the Sri Lankan Dilemma' by V. Karunathileke was published in the *Daily Mirror* on 30 May 2008. 'Remittances and Impacts on Development and



Poverty Reduction' by H. M. P. Sanjeewanie appeared in Tamil on 22 January 2009 in *Virakesari* and in English in the *Daily Mirror* on 1 March 2009.

Three further articles, 'Rethinking Development' by Hasini Weerathunga, 'End of the Era of Globalisation and the Beginning of the New One?' by Dileepa Witharana, as well as 'Trade Agreements and Developing Countries' by Wipula Karunathileka were commissioned and received.

Regrettably, newspaper editors appear not to be interested in topics of this kind and it is difficult to secure publication in any language, despite the quality of the content and its free provision. However, the articles are uploaded onto the CUTS (Jaipur) website (<http://www.cuts-citee.org/tdp-documents.htm#nd>).

### ***Regional Networking***

As this is an international project, it is necessary to exchange experiences and information as well as to be briefed on current developments. Therefore, TDP Project Officer, Anushaya Collure participated in the CUTS – Federation of Indian Chambers of Commerce (FICCI) Conference on 'Global Partnership for Development: Where do we stand and where to go?' in New Delhi, India between August 12-13, 2008; and also represented LST at the CUTS – South Asia Network on Economic Modelling (SANEM), 'Conference on Mainstreaming International Trade into National Development: Some perspectives from South Asia' in Dhaka, Bangladesh between February 1 and 2, 2009.

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## **2. Community Workshops**

As part of the ESCR programme out-reach to local communities, a number of workshops on rights-based approaches were conducted in partnership with community-based organisations.

In collaboration with the Ja-ela based *Manava Himikum Piyasaa* (Human Rights Centre) directed by Father Sarath Iddamalgoda and Sister Christine Perera, trainings of community leaders were conducted with the assistance of external resource persons on topics of local importance ranging from Human Rights and Environment to Women's Rights and Domestic Violence.

During these sessions such as the seminars on Women's Rights and the Domestic Violence Act conducted by Ms. Sumika Perera of Women's Resource Centre – Kurunegala and Mr. Vincent Bulathsinghe, an Attorney-at-Law respectively, on 10 and 24 May 2008, available remedies and mechanisms for redress of human rights violations were identified.

Using the forum theatre method, Colombo-based youth group 'Beyond Borders', raised issues of poverty and gender through role play on 26 April 2008, to provoke debate and self-reflection among participants.

A Legal Aid Clinic on environmental issues in the community (water pollution, industrial waste etc.) was conducted on 24 November 2008 with the participation of relevant officers from the Central Environmental Authority (CEA).

This series of workshops, which had begun in November 2007, was formally concluded with a simple ceremony in November 2008 where certificates of participation were presented to 16 participants, of whom 11 were women.

On the invitation of the Women's Centre in Ekala, Ja-Ela, a talk was arranged on 'Women Workers Gender Rights' followed by a question and answer session for 35 women workers from Biyagama, Katunayake and Koggala Free Trade Zones on 23 November 2008.

Ms. Malkanthi de Silva, Attorney-At-Law, spoke to an enthusiastic audience on issues ranging from domestic violence protection, sexual assault, promise of marriage, bigamy, contract of marriage and formalities of divorce.

This was the first opportunity of most to seek information on their rights and entitlements on issues that affect them as women and outside of the workplace. Clearly, women workers desire legal advice on these issues, and in all parts of the country.

### 3. Right to Health

Over the past few years LST has been collaborating with the People's Movement for the Rights of Patients (PMRP) to advocate (i) the adoption and implementation by Government of the National Medicinal Drugs Policy; (ii) the Charter of Patients Rights and Duties; and (iii) constitutional protection of health as a human right.

#### *Patients Rights Charter*

LST was invited by the Ministry of Health and Nutrition to its consultations with civil society organisations on the preparation of a Patients Rights Charter.

On 24 July 2008, the Minister of Health and Nutrition, Hon. Nimal Siripala de Silva M. P., outlined his Ministry's intention to adopt a Charter on Patients Rights and Patients Safety as



recommended by the World Health Organisation. He invited submission of drafts and comments. The PMRP and LST submitted the joint draft previously prepared (published in *LST Review* Vol. 16 Issue 219 January 2006).

On 17 October 2008, ESCR staff attended a further meeting at the Ministry of Health and Nutrition to elect a civil society representative to the steering committee that is preparing the Charter. Health rights advocate Dr. K. Balasubramaniam was chosen, with PMRP activist Mr Weerapriya as his alternate.

#### *National Medicinal Drugs Policy*

Despite assurances from the Ministry of Health and Nutrition in early 2008, that it intended to swiftly enact a National Medicinal Drugs Policy there was no progress. On the initiative of the Peoples Movement for the Rights of Patients a number of civil society meetings were held to begin public awareness raising and education on the benefits of such legislation including the promotion of generics, reducing cost, and increasing safety and certainty.

#### *National Colloquium on Health*

ESCR Programme staff were invited to the Panos South Asia & World Health Organisation, Colombo national colloquium, 'Have Your Say in Health' on 29 August 2008 at the Sri Lanka Foundation Institute in Colombo. B. Skanthakumar was also invited to speak on a panel on "Workers' Rights and Accountability in the Health Sector". This event was reported in *The Island* newspaper <http://www.island.lk/2008/10/11/features2.html>.

### **4. Language Rights**

LST has long been engaged with the issue of linguistic minority rights in Sri Lanka within its broader interest in minority rights protection. LST founder, Dr. Neelan Tiruchelvam, proposed the creation of the Official Languages Commission and helped draft its enabling law.

In April 2008, The Asia Foundation (TAF) approached LST to undertake research and advocacy on the issue of linguistic rights of Tamil speakers as part of a TAF project on Barriers to Access to Justice.

On 24 June 2008 LST organised a stakeholder consultation on "Ending Linguistic Discrimination of Tamil Speakers: Translating Rights from Rhetoric to Reality" at Global Towers Hotel in Colombo.

The objectives included fostering dialogue on linguistic inequality in Sri Lanka and discriminatory treatment of linguistic minorities; as well as to identify problems in implementation of the official languages law.

The Chief Guest was the Hon Minister for Constitutional Affairs and National Integration, D. E. W. Gunasekera M. P., who also spoke on the work of his Ministry in this area.

Other speakers were the Dean of the Faculty of Law at Colombo University, Mr. N. Selvakkumaran; Chairman of the Official Languages Commission, Mr Raja Collure; Chairman of the Foundation for Co-Existence, Dr Kumar Rupesinghe; and Consultant to The Asia Foundation, Mr Kiran Kothari.

Their respective discussants were Prof KNO Dharmadasa, Editor of the Sinhala Encyclopaedia; Dr Devanesan Nesiah, formerly Secretary to the Ministry of Transport, Environment and Women's Affairs; Mr S. Balakrishnan, Civil Society Activist, Trainer and Consultant; and Mr Bradman Weerakoon, Concerned Citizens Group on Language Rights and former Secretary to several Prime Ministers and Presidents.

Participants included the Parliamentary Commissioner for Administration (Public Ombudsman), Dr Ranjith Ranaraja; former Parliamentarian and High Commissioner to India and the United Kingdom, Mr Mangala Moonesinghe; and Official Languages Commissioner, Prof S. Thillainathan, among others.

Arising from the Consultation, the Law & Society Trust commissioned papers for publication in book and compact disc (CD) format; as well as translated the papers, and selected legal and policy documents into Sinhala and Tamil.

*Language Rights in Sri Lanka: Enforcing Tamil as an Official Language* is available in English, Sinhala and Tamil language editions and reasonably priced, with the aim of making it more accessible and affordable.

The books and CDs have been widely disseminated among policymakers, administrators, academics, researchers and civil society activists and well received because of its analysis of the current situation faced by Tamil speakers as well as the comprehensive collection of documents pertaining to the official languages issue in Sri Lanka. Additional copies were requested by the Official Languages Commission (OLC) and the Secretariat for the Coordination of the Peace Process (SCOPP) to use in their activities.



The Commissioner of the Official Languages Department, Mr Senarath Gunasena, described the book as “very valuable as only a very few documents have been published so far on that subject”.

The Municipal Commissioner of Jaffna on behalf of the Jaffna Public Library commented, “This is a valuable document ... [and] is a very useful book to analyse the present situation ...”

Bernice See of the Forum-Asia Secretariat in Bangkok welcomed the publication “in the greater interest of promoting the rights of minorities and combating discrimination”. See observed, “Surely this will enrich our knowledge especially on efforts on the ground to seize what opportunities are offered and stretch them to the limits”.

## **5. People's SAARC 2008**

People's SAARC is an annual regional convergence of people's organisations and movements in parallel to the annual inter-governmental South Asian Association for Regional Cooperation (SAARC) summit, with the aim of raising a peoples' agenda for South Asia as well as strengthening civil society networks across the region. The South Asia Alliance for Poverty Eradication (SAAPE) and the Sangat feminist collective are among the regional networks that have been leading this process.

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Peoples' SAARC 2008, also known as the South Asian Peoples Assembly, on the theme 'Towards a South Asian People's Union' was held from 18 to 20 July 2008 in and around Vihara Mahadevi Park in Colombo.

As B. Skanthakumar is a Sri Lankan representative on the Regional Steering Committee, while Anushaya Collure is a member of the Sri Lanka Host Committee, the ESCR programme was actively involved in the months of preparation. Many LST staff assisted as volunteers during Peoples SAARC itself and participated in workshops.

Some 400 participants from Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal and Pakistan joined over 1 000 participants from Sri Lanka in a rare opportunity for Sri Lankan civil society activists to interact with other South Asians and draw inspiration from their struggles. Through this process and the peoples' assembly the exclusion of civil society from SAARC was highlighted, and as was the injustices of the neo-liberal growth model favoured by SAARC states.

The Opening Ceremony at the New Town Hall was addressed by global justice analyst and advocate Prof Walden Bello, Bangla poet and writer Selina Hossain, former Pakistani Senator

Iqbal Haider, and Sri Lankan women's rights activist Sunila Abeysekera among others. It also included musical items including drum performances.

Workshop discussions on 18 July were on issues ranging from national security ideology to democracy and governance to refugees and internally displaced persons to the SAARC Convention on 'Trafficking of Women and Children. LST researcher, Dulani Kulasinghe, moderated the workshop on 'Conflict, Human Rights and Transitional Justice'.

On 19 July, workshops were held on food sovereignty and the agrarian crisis, debt-cancellation, climate justice, caste-based discrimination, men, masculinity and gender-based violence as well as on migration, right to health, right to housing, labour rights, media freedom and right to information and so on.

A caucus of SAARC legislators was organised as an opportunity for their networking as well as to share civil society concerns with them. A South Asian film festival took place concurrently with the workshops.

On the 20<sup>th</sup> July after a demonstration and rally attended by over 4,000 people, the Colombo Declaration (<http://www.peoplespacesl.org/images/Declaration.pdf>) was released condensing the perspectives and demands of participants during their workshops and addressed to the governments and peoples of South Asia.

Speakers at the closing rally included *Veddah* chief Uruwarige Wanniyaletto and Bala Tampoe, General Secretary of the Ceylon Mercantile Industrial and General Workers Union (CMU).

B. Skanthakumar was interviewed by Radio Australia (<http://www.abc.net.au/ra/program/guide/stories/200808/s2321319.htm>) on 31 July 2008 on South Asian regionalism and civil society perspectives. A short article on Peoples SAARC 2008 by him is uploaded on the *Europe Solidaire San Frontières* website <http://www.europe-solidaire.org/spip.php?article11016>. He also edited, in a voluntary capacity, the final report on the proceedings for publication and dissemination.

Through its involvement in this regional process, the ESCR programme at LST has been able to strengthen its relationship with social justice civil society organisations in Sri Lanka and other parts of South Asia, as well as raise the visibility and profile of LST in the region.



## 6. Aid and Debt

In 2008/09 there were several opportunities to participate in capacity-building workshops on issues of aid effectiveness and debt with the aim of future research and advocacy in a neglected area of human rights activism critical to indebted and aid-dependent countries such as Sri Lanka.

B. Skanthakumar was nominated by Diakonia Asia to participate in the Reality of Aid network meeting on 'Current Issues and Trends in Development Finance' in Manila, The Philippines on 14 and 15 July 2008.

Subsequently he also participated in the 'Multi-Stakeholder National Consultation Workshop on the Paris Declaration on Aid Effectiveness' at Renuka Hotel in Colombo on 21 July 2008 organised by the Green Movement of Sri Lanka.

B. Skanthakumar was invited by Reality of Aid Asia to the 'South Asian Civil Society Organisations Consultation on Aid Effectiveness' between 22 and 23 November 2008 in Bangalore, India.

Between 14 and 16 January 2009, B. Skanthakumar was invited to make the Sri Lanka country presentation at the '2<sup>nd</sup> South Asian Workshop on International Financial Institutions and Debt' hosted by *Vikas Adhyayan Kendra* (VAK), Mumbai; the Brussels-based Committee for the Cancellation of Third World Debt (CADTM); and the South Asia Alliance for Poverty Eradication (SAAPE), in Kathmandu, Nepal.

The presentation made by him has been uploaded on the SAAPE website ([http://www.saaape.org.np/news\\_events/workshop\\_on\\_ifis/IFIs%20and%20Debt%20in%20Sri%20Lanka%20Jan%202009.pdf](http://www.saaape.org.np/news_events/workshop_on_ifis/IFIs%20and%20Debt%20in%20Sri%20Lanka%20Jan%202009.pdf)). The report of the workshop appears on the CADTM website at <http://www.cadtm.org/spip.php?article4364>.

## 7. GLOPES South Asia Workshop

LST was invited by Diakonia Asia to facilitate the first South Asian workshop of its thematic network on Global Political and Economic Structures (GLOPES). Between 1<sup>st</sup> and 5<sup>th</sup> September 2008, Diakonia country representatives and selected partners from Bangladesh and India joined some Diakonia partners and staff from Sri Lanka at a residential workshop at Tamarind Trees Hotel, Katunayake.

The objectives of the workshop included the capacity-building of Diakonia partners and staff on

globalisation issues within the overall concerns of the GLOPES network; to facilitate networking and exchange of experiences among partners across South Asia; and to strengthen the GLOPES network in South Asia through identifying common issues and opportunities for collaboration and joint initiatives in 2009.

The three main themes of the workshop were Trade Agreements in South Asia; Special Economic Zones and Workers' Rights; and Migrant Work and Workers Rights.

Apart from inputs received by the resource persons (3 of the 4 were women and all were Sri Lankans), the participants also made presentations on country and case studies. Group work and discussions following the presentation comprised the formal sessions. An exposure tour of Katunayake Free Trade Zone and dialogue with Board of Investment officials there was arranged. There was also a street theatre performance by Free Trade Zone workers followed by a dialogue between the participants and actors. Short documentaries from Bangladesh were also screened.

Arising from the group work and discussions participants identified certain issues for internal capacity-building, research and publication, as well as awareness-raising and advocacy.

As a direct outcome of the workshop, the ESCR programme has undertaken two research studies in 2009: on the India-Sri Lanka Free Trade Agreement and on the costs and benefits of Free Trade Zones in Sri Lanka.

#### **8. Asian NGOs Network on National Human Rights Institutions (ANNI)**

The Law & Society Trust has been the Sri Lankan partner of the Asian NGOs Network on National Human Rights Institutions (ANNI), whose secretariat is Forum-Asia, since its inception in December 2006.

ANNI members and partners are Asian human rights NGOs that monitor national human rights institutions in their own countries in their efforts to strengthen domestic human rights protection mechanisms in accordance with international human rights standards and best practice norms.

LST has monitored and reported on the Human Rights Commission of Sri Lanka (HRCSL) and participated in related advocacy and lobbying in collaboration with Rights Now – Collective for Democracy.

ESCR Programme Head, B. Skanthakumar was invited to the '1<sup>st</sup> ANNI Training Workshop'



between 26 and 28 November 2008 in Bangkok, Thailand.

Among the objectives of the workshop were to exchange experiences on the issues and challenges faced in monitoring and reporting on national human rights institutions; to receive inputs from former and current members of national human rights institutions; and to refine indicators and themes in the preparation of the 2009 ANNI report that will be used for lobbying and advocacy including during and after the Asia-Pacific Forum for National Human Rights Institution (APF) annual conference in Amman, Jordan in August 2009.

The Human Rights Commission of Sri Lanka's status was reviewed by the Sub-Committee on Accreditation (SCA) of the International Coordinating Committee on National Human Rights Institutions (ICC) in March 2009.

LST submitted a memorandum to the ICC in February 2009 drawing attention to the HRCSL's failure to implement the SCA's recommendations of 2007, when it was downgraded from 'A' to 'B' status confirming its non-compliance with the 1993 Paris Principles on national institutions for the promotion and protection of human rights. Subsequently the SCA reaffirmed the HRCSL's present status.

#### Staff Publications

- B. Skanthakumar (Ed.), *Language Rights in Sri Lanka: Enforcing Tamil as an Official Language*, Law & Society Trust: Colombo 2008, 204pp.
- B. Skanthakumar, 'Opening the Door to Tamil/s? Linguistic Minority Policy and Rights' in *Language Rights in Sri Lanka: Enforcing Tamil as an Official Language*, Law & Society Trust: Colombo 2008, pp. 59-110.
- B. Skanthakumar, "'The Enemy Within': Human Rights Defenders in Sri Lanka", *LST Review*, Vol. 19, Issue 253, November 2008, pp. 1-15.
- B. Skanthakumar, 'Peoples Liberation Front (JVP) of Sri Lanka' in Ness, Immanuel (ed.), *International Encyclopaedia of Revolution and Protest: 1500 to the Present*, Blackwell Publishing: New York 2009, pp. 2631-2634.
- B. Skanthakumar, 'Wijeweera, Rohana (1943-1989)' in Ness, Immanuel (ed.), *International Encyclopaedia of Revolution and Protest: 1500 to the Present*, Blackwell Publishing: New York 2009, pp. 3526-3527.

## HUMAN RIGHTS IN CONFLICT (HRC) PROGRAMME

With hostilities increasing between the Government and the LTTE, as Government forces forged ahead capturing LTTE controlled areas, including its headquarters in Kilinochchi, the period under review saw the human rights situation in the country worsen, with increasing restrictions placed upon dissenting voices and human rights defenders and the media.

Human rights violations continued in the North and East, despite the so-called normalisation signalled through provincial elections in the Eastern Province. The human rights and humanitarian situation that the HRC programme sought to address, was much worse at the end of the reporting period than at the beginning.

The sensitive nature of much of the work of the programme, particularly monitoring and documentation of human rights violations as well as protection of human rights defenders, in an environment of hostility towards non-governmental organisations, and verbal and physical attacks on human rights organisations and their staff, restricts their full discussion.

### 1. Public Actions and Events in Defence of Human Rights

- i. Peoples SAARC 2008 – including facilitation of a workshop
- ii. Monitoring the Magistrates' court hearings on cases related to journalists and human rights defenders
- iii. Felicitation for award won by peace activist
- iv. Discussion and briefing on humanitarian situation in Mannar
- v. Prayer services, protests and discussions on Madhu shrine – in Colombo and in Mannar
- vi. Vigil and protests in support of press freedom
- vii. Commemorative events on Black July
- viii. Prayer service on the humanitarian crisis in Vanni
- ix. Musical show on humanitarian crisis in Vanni



## 2. Monitoring rights of internally displaced persons and resettlement

The HRC programme undertook regular field visits to the North, including some joint visits to monitor issues related to displacement and resettlement. LST staff visited camps and resettled villages, and talked with displaced persons, agencies assisting displaced persons including NGOs, Church groups and UN agencies as well as government officials and other civil society groups. LST published some reports and articles on findings and conclusions.

## 3. Interventions and advocacy at the United Nations bodies

### *UN Human Rights Council in Geneva:*

LST staff participated in the 8<sup>th</sup> session of the UN Human Rights Council in June 2008, as part of a broader delegation of human rights defenders from Sri Lanka. LST facilitated the participation of Sri Lankan human rights defenders and a leading journalist / press freedom activist to the Human Rights Council 10<sup>th</sup> session in March 2009, by coordinating with regional and international groups and arranging meetings with UN officials.

### *Engagement with Special Procedures of the UN Human Rights Council:*

LST also continued to use the Special Procedures mechanism of the Human Rights Council. In January 2009, LST together with FORUM-ASIA, organised an informal consultation for Sri Lankan human rights defenders with the UN Special Rapporteur on Human Rights Defenders and facilitated the participation of human rights defenders from Mannar, Kandy and Batticaloa in the regional (Asian) Consultation on human rights defenders.

### *Advocacy with the UN in New York*

LST staff together with partners in the United States undertook an initial advocacy engagement in New York, in November 2008, meeting with several Permanent Missions to the UN and UN officials working on Sri Lanka.

## 4. Monitoring and Advocacy related to in National Human Rights Commission (NHRC)

LST facilitated the participation of a HRD from Sri Lanka at the Asia Pacific Forum of National Human Rights Institutions (APF) annual meeting in Kuala Lumpur, in July 2008. The HRC programme also supported the CPR and ESCR programmes of LST to submit a report to the

APF, which was included in the official APF documentation and formed part of the report put out for the event by the Asian Network on National Institutions (ANNI) facilitated by FORUM-ASIA. In March 2009, LST together with FORUM-ASIA, made a submission to the International Coordination Committee on NHRIs, regarding the review of status of Sri Lankan NHRC.

**5. Participation in regional (Asian) and international fora to highlight in human rights situation in Sri Lanka**

At the invitation of various partner Organisations, LST staff participated and made presentations in several international and regional fora, as part of its advocacy on human rights concerns in Sri Lanka. These included;

- o Asian Conference on Counter Terrorism Measures and Policy Dialogue – Davao & Manila, Philippines, May 2008
- o Solidarity for Asian People's Advocacy (SAPA) Working Group on UN Human Rights Council – Bangkok, Thailand, July 2008
- o The Rise of Religion based Political Movements in Asia – Kedah, Malaysia, July 2008
- o Consultation on the Role of Civil Society in Preventing Violent Extremism, New York, United States, October 2008
- o Asian Consultation with the UN Special Rapporteur on Human Rights Defenders, Bangkok, Thailand, January 2009
- o Meeting of Jesuit Refugee Service, Singapore, February 2009
- o International Visitor Leadership Program, Washington DC and other states, United States, March 2009

**6. Advocacy inside Sri Lanka**

LST staff were also invited to make presentations and provide briefings to various groups and people in Sri Lanka.



## 7. Consultations and training programs for human rights defenders

Several trainings and consultations were held in 2008 regarding the use of UN human rights mechanisms in Jaffna, Mannar, Kandy and Colombo.

- March – April: Training for Catholic Priests in the Diocese of Mannar
- April: Training for staff of SETIK, Kandy
- April: Training for volunteers of CPR, Jaffna
- May: Consultation with civil society and religious leaders in Mannar regarding the UN Human Rights Council session in June
- May: Consultation with human rights defenders from across the country in Colombo regarding updates on local campaigning and international advocacy
- June: Input on international mechanisms in combating Torture, Kandy
- August: Training on UN system for the certificate course on HR conducted by University of Jaffna
- August: Training on UN system for local NGO representatives in Jaffna

In October 2008, LST assisted Visura Foundation a local organisation in Matara, Southern Province, to organise training on human rights for a group of NGO workers, religious leaders and students. It was a good opportunity to discuss about human rights issues affecting the minority Tamil community and the situation in the North, with a predominantly Sinhalese community in the South.

LST also facilitated the participation of a human rights defender from Mannar in Asian level training in Bangkok, Thailand. HRC program staff was also invited to deliver lectures at the Diploma Course on Human Rights conducted by the Institute of Human Rights in Colombo.

In January 2009, as part of its capacity building initiatives for human rights defenders in the conflict zones, LST hosted two young human rights workers from Jaffna. This initiative unfortunately had to be suspended due to their insecurity in Colombo.

HRC staff were also invited and contributed to consultations convened by Action Asia, HIVOS and Misereor on new civil society peace initiatives. LST staff provided input on the present day human rights and humanitarian crisis and key interventions needed in the short term.

The Head of LST's HRC programme was also invited as resource person for two regional (Asian) human rights trainings.

## **8. Documentation on Human Rights and Conflict**

LST attempted to store and systematically organise reports, statements and papers on Human Rights and conflict issues by various local and international organisations. This is still work in progress, but an initial draft is uploaded to the LST webpage, with reports and documents for 2008.

## **9. Urgent Actions and Rapid Responses**

In an environment where the human rights and humanitarian situation worsened day by day, LST, together with other human rights defenders was compelled to undertake a number of unexpected interventions.

Below are some of the interventions LST was involved in:

- Support to civilians under threat and those arrested and detained
- Support to human rights defenders facing threats and dangers
- Public seminar with Trade Unions, Media groups and civil society groups, on attacks on lawyers and other dissenting voices
- Coordinated a meeting with Minister of Fisheries and representatives from Mannar regarding problems faced by fisher-folk in Mannar
- LST was also part of a civil society collective that obtained "standing" at the Presidential Commission of Inquiry addressing 16 specific cases of serious human rights violations, in order to support and protect the interests and rights of victims, family members and witnesses. LST participated by monitoring the public hearings and contributing towards submissions made by the collective.



- LST closely monitored developments related to the draft Witness Protection Bill. LST's Researcher's paper critiquing the draft bill was well received by many interested and concerned parties and was also published in full in a mainstream newspaper "Daily Mirror".
- HRC programme staff also joined in election observer missions – within Sri Lanka, for the Eastern Provincial Council and outside Sri Lanka, as part of the International Election Observer team for elections in Nepal.

#### 10. Interviews and Articles to media

LST staff gave a number of interviews to local and international media, and also published several articles related to human rights and the humanitarian situation.

#### 11. International Solidarity

Despite an overwhelming human rights and humanitarian crisis, the HRC programme also engaged in some international solidarity work, especially by organising events promoting democratisation in Burma.

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#### Human Rights Awards

- The Human Rights Office in Kandy conferred an Human Rights Defenders Award to the Head of LST's HRC programme
- The Tji Hak-Soon Foundation in Korea chose the Head of LST's HRC programme as the 12<sup>th</sup> winner of the Tji Hak-Soon Justice and Peace Award, becoming the 1<sup>st</sup> Sri Lankan to receive the award.

## INFORMATION AND DOCUMENTATION UNIT

The Information and Documentation Unit, which is open to the public, can be described as one of Sri Lanka's extensive collections of materials on Law and Human Rights. As in the previous years, the information centre continued to increase its acquisitions. The LST Information Unit consists of approximately 8,500 volumes of books, includes a rare collection of early Sri Lankan Legal literature as well as contemporary archival material, such as the New Law Reports, Sri Lanka Law Reports, Legislative Enactments, Acts of Sri Lanka, The Parliamentary Debates and Government Gazettes. The reference collection is particularly rich in historical material related to Sri Lankan Legal system.

During the year several new additions were made in the areas of peace, governance, human rights, poverty and development relating to the socio-economic issues in Sri Lanka.

The Library contains 60 titles of Sri Lankan and International Journals, including bulletins and newsletters which are relevant to existing research programmes. Besides direct purchasing, the library obtained publications through exchange basis of the LST Review and by gifts from various local, regional and international organisations.

The LST Review, our monthly publication and Sri Lanka State of Human Rights our annual publication, which contains articles contributed by leading professionals, is available on an exchange or request for any professional journal or annual publication of interest and relevance to us.

New Law Reports, Sri Lanka Law Reports, Indian Law Reports and Recently Reported and Unreported Supreme Court Judgments were the main library material that was in great demand. A substantial amount of Indian Supreme Court Cases (2003-2008) back volumes were added to the library collection during this period. Also during the year under review, Reports on disappearances, and Reports from UN Agencies as well as Amnesty International and International Bar Association, UTHR (J), reports/documents obtained by LST staff who participated in local and international conferences were added to the library collection.

Newspaper clippings on selected issues (conflict related issues) are also available at the Information Centre. Referral services are available to users through contact with other libraries and queries are directed to other organisations like the Nadesan Centre, Centre for Policy Alternatives, and International Centre for Ethnic Studies.



Special collections include the Sam Kadirgamar collection, acquired in 1991 consisting of a substantial number of legal texts, Indian, English, South African & Sri Lankan Law Reports and several areas of law. The Canada section, set up with the assistance of the Canadian International Development Agency (CIDA), is a collection of the Dominion Law Reports (1956 -1990) & collection of the Osgoode hall Law Journals (1958-1989). The Library also holds US Law Reports (1882-1984) and Indian Supreme Court Cases up to 2008.

The Documentation Unit continues its current awareness services by sending out a list of new book acquisitions and contents of current journals on a monthly basis to LST's contact list.

The unit is not only used by staff of the Trust, but by a number of scholars, academics, researchers, legal practitioners, lecturers, law students, government officials, and other human rights organizations and those engaged in varied assignments pertaining to legal issues. Foreign visitors also continued to use the information unit, particularly those studying in universities abroad, visiting Sri Lanka temporarily for research work.

The photocopying service provided by us continued to be extremely popular among library users, law students and researchers as they did much research to complete their assignments and needed photocopies of the reference material.

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The Information and Documentation Unit continued information sharing through Civil Society Network of Information Sharing (CSNIS). Members of the network share knowledge, pool resources and co-ordinate the dissemination of information through the CSNIS web portal [www.csnis.lk](http://www.csnis.lk) which is accessible entirely free of charge.

The LST Information Centre was promoted and its publications publicised through the CSNIS book stall at the International book fair at the BMICH on September 2009. It was a good opportunity to promote the publications of member organizations belonging to the Network. Library staff have participated in several book launches, including the launch of the report on the Legal Aid Sector in Sri Lanka (under the Equal Access to Justice Project) which was held at the SLFI, Colombo.

## **PUBLICATIONS**

### **Appellate Law Recorder**

The Appellate Law Recorder is published twice a year on relevant judgments by Sri Lankan courts in public, civil, criminal and constitutional law. Novel features of this publication include the summaries of the judgments in Sinhala and Tamil, a glossary of words and phrases as well as the inclusion of critical reflections on the judgments published.

The aim of this publication is to bring the development of law closer to Sinhala and Tamil legal practitioners.

*Ed: Dr J de Almeida Guneratne, P.C.*

### **LST Review**

The LST Review is edited by Ms. Kishali Pinto-Jayawardena, Head, Civil & Political Rights Programme and Deputy Director LST. The Trust published 12 issues (two double issues) carrying papers, articles and case-law focusing on a range of issues which included: Protection of Victims of Crime and Witnesses in Sri Lanka; Relevance of International Remedies for Rights Violations; The Right to Education in Sri Lanka and Reforms thereto; Internally Displaced Persons in Puttalam, Mission Report by The Representative of The United Nations Secretary General on Internally Displaced Persons in Sri Lanka; The Death Penalty and Rising Crime, The Escalation Of Grave Human Rights Violations; Defending Human Rights Defenders; Evaluating the Judicial Role in Decision Making, The Continuing struggle towards Freedom of Information; In Tribute to a Judicial Colossus; and The Singarasa Case: Quis Custodiet?

### **Language Rights in Sri Lanka: Enforcing Tamil as an Official Language**

*Ed.: B. Skanthakumar*

This book is a compilation of papers from a Consultation on the enforcement of Tamil as an Official Language. It includes analysis of Tamil language needs of the public and proficiency in Tamil of public officers in Colombo, Nuwara Eliya, Puttalam, Trincomalee and Vavuniya; elaboration of recent measures by the Government of Sri Lanka to bilingualise the public service; the role of civil society organisations in enforcement of language rights; and rights-based critiques of the official language policy as well as recommendations for its improvement and better application. It also includes a valuable compendium of Constitutional and statutory provisions.



The contributors are DEW Gunasekera, N Selvakkumaran, Raja Collure, Kumar Rupesinghe and B Skanthakumar

## **SRI LANKA: THE RIGHT NOT TO BE TORTURED**

### **A Critical Analysis of the Judicial Response.**

Eds. Kishali Pinto-Jayawardena & Lisa Kois

This Study investigates the judicial response to the right to freedom from torture and cruel/inhuman & degrading treatment in Sri Lanka. Its broad focus is on an examination of the judicial response of the Supreme Court to alleged infringements of Article 11 during the years 2000-2006 and, an examination of the judicial response of the High Court to prosecutions under the Convention Against Torture and Other Inhuman and Degrading Punishment Act No 22 of 1994 and the prosecutorial and investigative process relevant thereto.

The research interrogates why practices of torture, cruel, inhuman or degrading treatment are yet so commonly resorted to in Sri Lanka despite stringent constitutional and statutory safeguards. Some lacunae are easily identifiable. The fact that enforcement authorities, (i. e. the police), do not take judgments of the Court seriously is an identified problem. Disciplinary action is not imposed in regard to individual police officers found culpable of human rights violations. Oversight agencies such as the Human Rights Commission of Sri Lanka and the National Police Commission have been demonstrably ineffective in checking this trend. In recent times, their independence and integrity have been seriously compromised as a result of appointments of their members being made by the President without the constitutionally mandated approval by the Constitutional Council as stipulated in the 17th Amendment to the Constitution.

### **SRI LANKA: STATE OF HUMAN RIGHTS (SHR)**

The position of Publications Manager changed staff during the period under review and therefore, after grasping the complex process of 'SHR production', the new Manager continued to get completed chapters reviewed and edited, and in early 2009 sought external support with layout, indexing and preparing the electronic format for the printer, in an effort to expedite the production.

While SHR2007 English was being finalised and prepared for the printer during this period, the SHR2006 Sinhala was printed and distributed. The SHR2006 Tamil translation too was in the process of being printed.

## LST EVENTS

### LST FORUM

LST Forum is a platform for public discussion on current socio-legal and political issues hosted at our premises and convened by the Economic, Social and Cultural Rights programme.

- On 24 April 2008, Dr Sujata Gamage, Coordinator of the Sri Lanka Education Forum, spoke on the “New Education Act: Issues and Proposed Recommendations”.
- On 15 May 2008, Dr Rohini Hensman, political commentator, and Dr Jayampathy Wickremaratne PC, former Consultant to the Ministry of Constitutional Affairs and National Integration, led a round-table discussion on the “All Party Representative Committee Process: Moving On, Moving Beyond”.
- On 26 June 2008, Mr Sandun Thudugala of the Movement for National Land and Agricultural Reform (MONLAR) made a presentation on “Global Food Price Crisis and Sri Lanka”.
- On 16 October 2008, “EU GSP+: Overcoming the Hurdle” was the topic of discussion led by Mr. S. H. A. Mohamed of the Friedrich-Ebert-Stiftung in Colombo.

### LST IN THE NEWS

- Quintus Perera, “Trade, growth and development has no direct relationship with poverty reduction”, Asian Tribune 29 August 2008.  
<http://www.asiantribune.com/?q=node/12968>
- Prasanna Cooray, “National Colloquium on Health generates a 'Healthy Debate'”, The Island (Colombo), 11 October 2008.  
<http://www.island.lk/2008/10/11/features2.html>



## REPORTS AND STATEMENTS FROM/ENDORSED BY LST

### REPORTS

- LST Position Paper on Witness Protection Bill: June 2008
- UN Human Rights Committee - Submission by the Civil and Political Rights Programme of the Law & Society Trust: October 2008

### STATEMENTS

- Food Prices: May Day Declaration 01 May 08
- The Law & Society Trust requests the Attorney General (AG) to file appeal on Gerald's torture judgement.
- Civil Society Statement Remembering Maheswary Velayutham: August 2008

### CONFERENCES & SEMINARS & PUBLIC EVENTS

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- B. Skanthakumar participated in CENWOR's 11<sup>th</sup> Annual Convention on Women's Studies in Sri Lanka between 4 and 7 April 2008 in Colombo.
- Several LST staff participated in a picket of the Burmese embassy in Colombo on 27 May 2008 to mark the 18<sup>th</sup> anniversary of the 1990 Referendum and in solidarity with the victims of Cyclone Nargis, organised by Friends of the Third World and others.
- Anushaya Collure and B. Skanthakumar attended the 'International Conference on Trade-Poverty Nexus in South Asia' organised by the Institute of Policy Studies and the Friedrich-Ebert-Stiftung in Colombo on 28 and 29 May 2008.
- B. Skanthakumar was a panellist at the 'One World? A Critical Analysis of Globalization and Development' conference organised by the Social Policy Analysis and Research Centre (SPARC), University of Colombo and Practical Action Sri Lanka on 16 June 2008 in Colombo.
- Anushaya Collure attended the training-of-trainers seminar on 'Women's Rights and Leadership' including gender budgeting, organised by Mothers and Daughters of Lanka in Colombo between June 21-22 2008.

- B. Skanthakumar was invited to an International Centre for Ethnic Studies, Colombo seminar by Prof Gowher Rizvi (John F. Kennedy School of Government, Harvard University, USA) on 'Strengthening Democracy through Building Trust in Government' in Colombo on 28 July 2008.
- B. Skanthakumar participated at the International Centre for Ethnic Studies, Colombo 25<sup>th</sup> Anniversary Conference on 'Co-Existence in a Pluralistic Society' in Colombo between 6 and 8 August 2008.
- B. Skanthakumar was invited to the Future Forum on 'Food Security in Sri Lanka' organised by the Presidential Secretariat and The Asia Foundation in Colombo on 27 August 2008.
- B. Skanthakumar represented LST at the 2008 South Asia Human Rights Defenders Forum, on the theme of 'Right to Food', organised by Forum Asia in Trivandrum, India between 18 and 21 September 2008.
- Several LST staff participated in the solidarity picket of the Burmese embassy in Colombo on 25 September 2008 to mark the 1<sup>st</sup> anniversary of the 2007 'Saffron Revolution', organised by the Burmese Student Monks Association in Sri Lanka.
- Several LST staff participated at a meeting in solidarity with JC Weliamuna, Attorney-At-Law, organised by the Citizens Collective to Promote the Rule of Law at the New Town Hall in Colombo on 15 October 2008.s
- Dilhara Pathirana and Manori Yapa participated in a seminar on 'Realising Housing Rights through Law and Policy Reform' organised by the Centre on Housing Rights and Evictions (COHRE) at the Trans-Asia Hotel in Colombo on 27 November 2008.
- Anushaya Collure, Kanchana Hettiarachchi, and Manori Yapa participated in the Women's March from Borella Cemetery to Lipton Circus to celebrate International Human Rights Day on December 10 2008.
- Anushaya Collure, Dilhara Pathirana, B. Skanthakumar, and Pushpa Tennakoon represented LST at Sri Lanka's first Solidarity Games for the LGBT community organised by Companions on a Journey (CoJ) and Women's Support Group (WSG), in Colombo on December 13 2008.



- B. Skanthakumar was an invited discussant to the 'Democracy and Governance in South Asia' workshop, organised by the South Asia Alliance for Poverty Eradication (SAAPE) in Vagamon in India between 30 and 31 December 2008.
- Several LST staff members participated in the funeral procession of the assassinated editor-in-chief of *The Sunday Leader* newspaper, Mr. Lasantha Wickrematunge, on 12 January 2009.
- B. Skanthakumar made a presentation on 'A South Asian Regional Human Rights Mechanism' at the 3<sup>rd</sup> Asian Regional Human Rights Defenders Forum in Bangkok, Thailand hosted by Asia-Pacific Women in Law and Development and Forum-Asia between 18 and 20 January 2009.
- B. Skanthakumar was invited to a Consultation organised by Prof George Frerks (Wageningen University, The Netherlands) on 'Discourses of Conflict' in Colombo on 12 February 2009.
- Anushaya Collure attended the presentation of findings of research on 'Women Migrant Workers and Trafficking in Women' by Prof. Ramani Jayathileke, organised by WERC, February 25 2009.
- Anushaya Collure with the support of a partial scholarship as well as funding from Diakonia Sri Lanka followed the 3<sup>rd</sup> Residential Training Workshop on 'Migration, Globalisation, Security and Development' organised by South Asia Migration Resource Network (SAMReN), in Kathmandu, Nepal between March 8-15 2009.
- Pushpa Tennakoon and Dilhara Pathirana attended the launch of the report on the 'Legal Aid Sector in Sri Lanka: Searching for Sustainable Solutions', organised by the UNDP, UNHCR and the Asia Foundation on 16 March 2009 at the Sri Lanka Foundation Institute in Colombo.
- Anushaya Collure attended the inter-generational meeting convened by Women and Media Collective in Colombo to discuss effective contemporary ways to tackle issues and problems affecting women in the conflict areas on March 23 2009.
- Anushaya Collure attended the IPS & UNDP-RCC International Conference on 'Broadening Economic Integration in South Asia: Incorporating Services Liberalisation at a Time of Global Economic Crisis', at in Colombo, between March 30-31 2009.

## **BOARD OF DIRECTORS AND STAFF**

### **BOARD OF DIRECTORS**

Mr. R. K. W. Goonesekere

Justice P.N. Bhagwati

Mr. Kanag Isvaran, P.C

Mr. Walter Laduwahetty (*up to 29.10.2008*)

Dr. G. Usvatte-Aratchi

Dr. Deepika Udagama

Dr. Shivaji Felix (*from 06.10.2008*)

### **COMPANY SECRETARY**

Ms. Sumangalie Atulugama (*up to 23.06.2008*)

Secretarius (Private) Limited (*from 30.10.2008*)

### **EXECUTIVE DIRECTOR**

Mrs. Damaris Wickremesekera

### **CIVIL & POLITICAL RIGHTS**

#### **Head / Deputy Director / Editor – LST Review**

Ms. Kishali Pinto Jayawardena

LL.B (Hons.) (Colombo),

Attorney-at-Law

#### **Consultant to the Civil & Political Rights Programme**

Dr. Jayantha de Almeida Guneratne, P.C.

LL.B, M.A (Int.Rel), LL.M (Colombo), P.D.B.S, M.A (Bud.St) Kelaniya, Ph.D (Hwi, Pw)

#### **Advisor to the Civil & Political Rights Programme**

Mr. Basil Fernando

LL.B (Col.), Attorney-at-Law

#### **Project Coordinator - Good Governance Project**

Ms. Malkanthi De Silva (*up to 30.04.2008*)

LL.B (Colombo), Attorney-at-Law



## **ECONOMIC SOCIAL & CULTURAL RIGHTS**

### **Head**

Mr. B. Skanthakumar

LL.B (Hons), LL.M (Lon)

### **Programme Officer**

Ms. Anushaya Collure

## **HUMAN RIGHTS IN CONFLICT**

### **Head**

Mr. Ruki Fernando

### **Consultant, Human Rights in Conflict**

Ms. Ramani Muttetuwegama

### **Consultant, Human Rights in Conflict**

Dr. Farzana Haniffa

BA, MA, Ph.D

### **Researcher**

Ms. Dulani Kulasinghe (*up to August 2008*)

BA (Bryn Mawr College) MA (Hons) (University of New Mexico)

### **Programme Assistant**

Ms. Malarmathy Tharmaratnam (*up to 30.04.2009*)

LL.B (Colombo)

Ms. Manori Boralessa (*up to 10.02.2009*)

## **INFORMATION AND DOCUMENTATION CENTRE**

### **Information and Documentation Centre Officer**

Ms. Pushpa Tennekoon

B.A (Peradeniya), Dip. Library Science Documentation & Information Science

### **Library Assistant**

Ms. Dilhara Pathirana

LL.B (Colombo), Attorney-at-Law

## **OPERATIONS MANAGER**

Ms. Judy Pietersz

## **PUBLICATIONS MANAGER**

Mr. Dilshan Muhajarine (*from 16.07.2008*)

Ms. Sunila Galappatti (*up to 15.07.2008*)

## **Publications Assistant**

Ms. Achala Fernando (*up to 30.04.2008*)

## **General Clerk**

Kanchana Hettiarachchige (*from 02.06.2008*)

## **ADMINISTRATION**

### **Senior Accountant**

Ms. Sivayogachelvy Premarajah

### **Accounts & Administrative Officer**

Ms. Janaki Dharmasena

### **Accounts Officer**

Mr. K. Ravikumar

### **Accounts Assistant**

Mr. Prasanna Gajaweera

### **Transport Assistant**

Mr. N. D. K. B. Navaratne

### **Office Aide**

Mr. M. Mahendran (*up to 30.04.2008*)

## **INTERNS**

Ms. Thiagi Piyadasa

Ms. Senani Karunaratne (*from 18.08.2008*)

Ms. Ashani Gunawardena (*from 30.05.2008 to 04.09.2008*)

Ms. Gayathri Sewwandi (*from 30.05.2008 to 04.09.2008*)

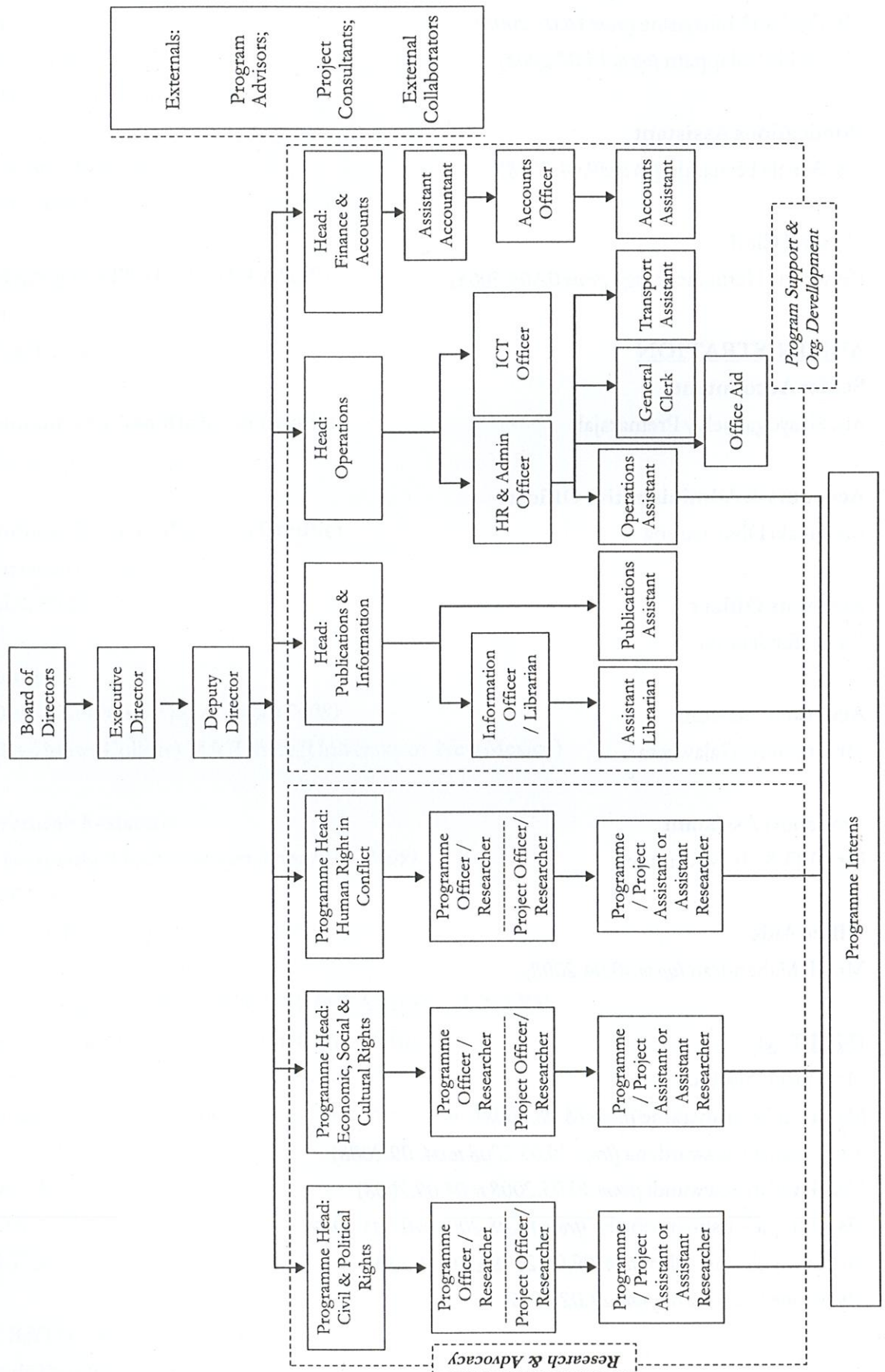
Ms. Durgga Krishnamoorthy (*from 18.08.2008 to 07.05.2009*)

Ms. Evangeline de Silva (*from 09.09.2008 to 30.11.2009*)

Ms. Vadivel Suganthi (*from 24.02.2009*)



# Law & Society Trust (LST) Organigram



## GRANTS AND ACCOUNTS

# SJMS.

ASSOCIATES  
Independent Chartered Accountants  
Deloitte Touche Tohmatsu

SJMS Associates  
Chartered Accountants  
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Website: www.sjmsassociates.lk

### INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF LAW & SOCIETY TRUST

#### Report on the Financial Statements

We have audited the accompanying financial statements of Law & Society Trust, which comprise the balance sheet as at 31<sup>st</sup> March 2009, and the related statement of financial activities, statement of changes in accumulated fund and cash flow statement for the year ended, and a summary of significant accounting policies and other explanatory notes.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Sri Lanka Statement of Recommended Practices for Not-for-profit Organisations.. This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies, and making accounting estimates that are reasonable in the circumstances.

#### Scope of Audit and Basis of Opinion

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Sri Lanka Statement of Recommended Practices for Not-for-Profit-Organisations. Those standards require that we plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.


We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purposes of our audit. We therefore believe that our audit provides a reasonable basis for our opinion.

#### Opinion

In our opinion, so far as appears from our examination, the Trust maintained proper accounting records for the year ended 31<sup>st</sup> March 2009, and the financial statements give a true and fair view of the state of affairs of the Trust as at 31<sup>st</sup> March 2009 and of the results of its operations and changes in accumulated funds and its cash flows for the year then ended in accordance with Sri Lanka Statement of Recommended Practices for Not-for-Profit Organisations.

#### Report on Other Legal Requirements

In our opinion, these financial statements also comply with the requirements of Section 151(2) of the Companies Act No. 07 of 2007.



SJMS ASSOCIATES

Chartered Accountants

Colombo

21<sup>st</sup> September 2009



**LAW & SOCIETY TRUST**  
**BALANCE SHEET AS AT 31ST MARCH 2009**

	Note	31.03.2009 Rs.	31.03.2008 Rs.
<b>Assets</b>			
<b>Non Current Assets</b>			
Equipment	8	5,188,547.10	5,332,732
<b>Current Assets</b>			
Accounts receivable	9	1,475,342.02	1,349,284
Deposits, advances and prepayments	10	981,500.00	926,500
Short term investments	11	40,711,344.04	41,292,934
Cash & cash equivalents	12	7,488,392.54	1,015,471
		<u>50,656,578.60</u>	<u>44,584,189</u>
<b>Total Assets</b>		<u>55,845,125.70</u>	<u>49,916,921</u>
<b>Funds and Liabilities</b>			
Unutilized specific purpose grants	13	5,759,938.18	4,202,599
Revenue reserves and other reserves		<u>46,579,764.15</u>	<u>43,374,145</u>
<b>Total Funds</b>		<u>52,339,702.33</u>	<u>47,576,744</u>
<b>Non Current Liabilities</b>			
Defined benefit obligations	14	2,310,493.56	1,595,306
<b>Current Liabilities</b>			
Accounts payable	15	<u>1,194,929.81</u>	<u>744,871</u>
<b>Total Liabilities</b>		<u>3,505,423.37</u>	<u>2,340,177</u>
<b>Total Funds and Liabilities</b>		<u>55,845,125.70</u>	<u>49,916,921</u>

I certify that the financial statements have been prepared in compliance with the requirements of the Companies Act No. 07 of 2007

*S. Premarajah*  
Accountant

The Board of Directors is responsible for the preparation and presentation of these financial statements.

Signed for and on behalf of the Board

*[Signature]*  
Executive Director  
Date: 21st September 2009

*[Signature]*  
Director  
Date: 21st September 2009

The accounting policies and notes from 01 to 19 form an integral part of these financial statements.



**LAW & SOCIETY TRUST**  
**STATEMENT OF FINANCIAL ACTIVITIES**  
**FOR THE YEAR ENDED 31ST MARCH 2009**

	Note	2008/2009 Rs.	2007/2008 Rs.
Incoming resources	3	29,749,617.11	19,878,352
Project expenditure	4	<u>(29,361,506.00)</u>	<u>(19,505,723)</u>
Excess income over expenditure		388,111.11	372,629
Other income	5	6,565,755.62	5,322,450
Administrative expenses	6	<u>(3,450,055.18)</u>	<u>(4,370,339)</u>
Net surplus on operating activities		3,503,811.55	1,324,739
Finance cost	7	<u>(85,076.98)</u>	<u>(38,418)</u>
Net surplus		<u><u>3,418,734.57</u></u>	<u><u>1,286,321</u></u>

The accounting policies and notes from 01 to 19 form an integral part of these financial statements.





## Grants Received 2008-2009

1. CUTS (India) for Linkages between Trade, Development and Poverty Reduction project - Final instalment	1,118,017.32
2. Cordaid/Hivos (Netherlands) for Civil & Political Rights & Human Rights in Conflict Programmes - 1st instalment	11,821,600.00
3. Diakonia (Sweden) as institutional support for all Programmes 2008/2009	7,534,386.49
4. Asian Development Bank (Sri Lanka office) for Reform of Gender-Discriminatory Land Laws project - 2nd instalment	3,285,207.87
5. The Asia Foundation (Sri Lanka office) for Language Rights Project	938,235.00
6. Swedish International Development Cooperation Agency (Sri Lanka office) for Monitoring of Human Rights in the Context of Ongoing Conflict project	2,530,000.00
7. Catholic Committee against Hunger and for Development - CCFD (France) to support the Campaign against Detention of Journalists	169,248.22
8. Diakonia (Sweden) for Participation and Networking at Reality of Aid Asia Regional Workshop on Aid, Debt, and Donor-Recipient Relations	132,038.00
9. Diakonia (Sweden) for GLOPES South Asia Globalisation of Trade and Production Workshop	368,660.00
10. Diakonia (Sweden) for India-Sri Lanka Free Trade Agreement and Free Trade Zones project	1,225,837.25
11. United States Agency for International Development / Association for Rural Development – USAID/ARD (United States) for analysis of the Judicial / Prosecutorial System Regarding the Right to Life and Liberty in Sri Lanka	465,000.00
12. The Asia Foundation (Sri Lanka office) for Reducing Effects and Incidence of Torture project – Final instalment	1,117,500.00

**Total**

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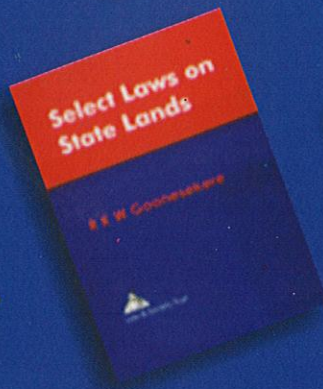
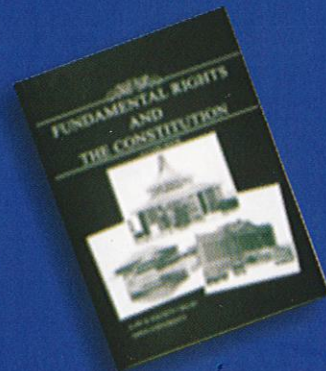
**30,705,730.15**

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**Law & Society Trust (LST)**

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