

LST REVIEW

Volume 19 Issue 258 April 2009



**TEA ESTATE COMMUNITIES IN
SRI LANKA – DEFICIENCIES
IN GOVERNMENT SERVICES AND
SOCIAL SECURITY SYSTEMS**

**DISCUSSIONS AT THE DURBAN
REVIEW CONFERENCE ON THE
DURBAN DECLARATION AND
PROGRAMME OF ACTION OF THE
2001 WORLD CONFERENCE AGAINST
RACISM, RACIAL DISCRIMINATION,
XENOPHOBIA AND RELATED
INTOLERANCE**

LAW & SOCIETY TRUST

CONTENTS

LST Review Volume 19 Issue 258 April 2009

Editor's Note	i - ii
Root Causes for Poor Delivery of Government Services to the Tea Estate Communities and Present Status of their Social Security System	1 - 17
<i>- Dr. Gamini Hitinayake -</i>	
Outcome Document of the Durban Review Conference on the Durban Declaration and Programme of Action of the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Geneva, 20-24 April 2009	18 - 35
Written Statement to the Durban Review Conference	36 - 45
<i>- International Movement Against Discrimination and Racism, Asia Committee (IMADR-Asia), Human Development Organisation (HDO), Law & Society Trust (LST), Rights Now, and Inform -</i>	

Law & Society Trust
3 Kynsey Terrace, Colombo 8, Sri Lanka
(+94)11-2691228, 2684845 | fax: 2686843
lst@eureka.lk
www.lawandsocietytrust.org

ISSN 1391 - 5770

Editor's Note

This Issue of the Review publishes, in the first instance, a revealing paper written on invitation to the Review by *Dr. Gamini Hitinayake* on the poor delivery of government services and the relatively undeveloped condition of social security systems in the tea estate communities.

Based on specific empirical data, the paper elaborates on the results of a survey conducted in fifteen tea estate communities in the Nuwara Eliya district. Effects of power relations, attitudes and values of various actors in the estate environment—such as estate residents, managers, welfare workers and trade union leaders—on the delivery of government services to estates comprise an important part of the analysis.

Underlining a detailed breakdown of the problems affecting the provision of government services to the estate sector, is the author's observation that the separate evolution of the system delivering government services to rural villages as contrasted to the system delivering such services to the estate sector has resulted in a different quality of services. The author points out that in some instances, there is a recent merging of the two as in the case of education while some services such as health meanwhile also function together but without formal coordination between the two systems.

However, as differentiated from such *ad hoc* changes, it is recommended that service delivery by the two systems needs to evolve into a formalized system operating on a complementary basis, for greater effectiveness and efficiency. Responsibility for the transition of the estate sector into a sector with a better quality of life must rest with diverse change agents and interest groups who must be prepared to create a healthier environment for work, improve the work culture and the productivity of the sector as a whole. The paper contains useful recommendations in this regard.

The Review also publishes the Outcome Document of the Durban Review Conference on the Durban Declaration and Programme of Action of the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Geneva, 20-24 April 2009) as well as the Written Statement to the Durban Review Conference by the *International Movement Against Discrimination and Racism - Asia Committee (IMADR-Asia)*, *Human Development Organisation (HDO)*, *Law & Society Trust (LST)*, *Rights Now*, and *Inform*. These documents were discussed at an Open Forum discussion hosted by the Law & Society Trust on 21 May 2009.

The Written Statement outlines several important outstanding concerns relevant to Sri Lanka's disadvantaged communities such as those living in the estate sector (bringing in the theme of the first paper published in this Issue), and the indigenous *Wanniyaletto* community as well as the country's ethnic and religious minorities. A specifically vital part of this Written Statement pertains to the non implementation of constitutional and statutory rights relating to *inter alia*, discrimination, citizenship and language rights.

One major concern expressed relates meanwhile to the rights of migrant workers. Sri Lanka has acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in 1996. However, as the Written Statement observes, the delay in its incorporation into domestic law even after its entry into force in 2003 in the context of widespread stigmatization of migrant workers and their families, threats to ban mothers of under-fives from working abroad, and poorly designed and resourced reintegration schemes for returnee migrant workers, is regrettable.

The non-engagement of the Human Rights Commission of Sri Lanka with the Durban Declaration and Programme of Action as well as minority rights issues in general, and its silence and ineffectiveness in the context of current serious violations of human rights is also among the specific concerns raised. This Written Statement details a number of long standing recommendations made to the government in this regard.

Kishali Pinto-Jayawardena

ROOT CAUSES FOR POOR DELIVERY OF GOVERNMENT SERVICES TO THE TEA ESTATE COMMUNITIES AND PRESENT STATUS OF THEIR SOCIAL SECURITY SYSTEM

*Dr. Gamini Hitinayake**

1 Introduction

The plantation industry is one of Sri Lanka's major industries but its productivity is low when compared with that of Sri Lanka's competitors. The cost of production (COP) of Sri Lankan tea is considerably high when compared with that of other major producers. Almost 60 percent of COP is expended on labour wages. The current level of yield and also productivity of labour is low when compared with that of other competing countries such as Kenya and India.

There are many direct and indirect causes for this low productivity of crops and labour. The provision of government services, living conditions for plantation workers and their families as well as their social security is poor. These are considered as among some of the indirect causes for the declining productivity of Sri Lanka's plantation industry. Estate residents are isolated geographically and socially from other parts and communities of the country, and as a result, their access to basic services is relatively low.

The first part of this paper comprises analysis of a recent policy survey that was conducted to identify causes for poor delivery of government services to communities in 15 tea estates in the Nuwara Eliya district managed by three Regional Plantation Companies. Gaps in government policies related to serving the estate communities were also identified. Effects of power relations, attitudes and values of various actors in the estate environment—such as estate residents, managers, welfare workers and trade union leaders—on the delivery of government services to estates were also examined.

The social security system of the tea estate workers is analysed thereafter.

2 Background and Context

Estate labour had been brought from the impoverished villages in South India. This transfer of labour had been an organized business with labour contractors known as *Kanganies* playing a key role. Once they were brought into the estate sector, they were housed in the estates. The estate system was both work place and home for the workers who were bound by both formal and informal bonds to be permanent residents there. The estate line-room that accommodated a worker-family symbolized their captivity as they had no rights to leave the estate and in the early days they were punished harshly if they were found outside the estate/plantations. The estate management provided welfare needs including rudimentary health services and a shed to keep children occupied while parents toiled in the fields. This

* Department of Crop Science, Faculty of Agriculture, University of Peradeniya, Peradeniya.

was just sufficient to reproduce the labour power required to sustain the plantations. Hence, estate management dictated how estate residents work and live on the plantations. The latter was dependent on the estate for both work and welfare needs.

The management policies used in the estates in the past were often rigid and totally inappropriate in the present day context. Plantation workers suffered from poor morale and job dissatisfaction. Further, they lacked trust and confidence in the management. High-level estate management placed little trust on workforce and hence no responsibility was given to the workers in the field and factory. This has changed little in recent times. Entrusting responsibility is an important means of motivating any workforce to get the best out of them in terms of both quality and quantity of work.

Estate workers have a low capacity to solve their own problems. Also, no mechanism or forum exists to discuss relevant problems and issues with the management and to seek solutions collectively. Low awareness of their rights, weak collective strength to address common issues and lack of mechanisms to voice their satisfaction have aggravated the frustration in the estate work force and residents.

Expectations of the younger generations of estate workers have risen due to higher educational qualifications obtained by them. Hence they are looking for better working conditions and are increasingly looking for employment outside of the estates. Only very limited opportunities exist in respect of opportunities for advancement within the estates and hence they remain frustrated. Older generations have accepted this way of living and have less need for ownership and control. However, younger people are different in their way of thinking. Social and geographical marginalization and exclusion of estate workers from mainstream society have resulted in their future being uncertain. Due to their socio-cultural background, they find it extremely difficult to access and receive services and opportunities available to other rural and urban civilians. This situation has created voluntary unemployment and social unrest among the plantation workers and residents. This desperate situation has forced most male and female workers to turn to alcoholism.

Power relations in the estates are an important factor that influences the socialization process of the estate community. Power is the ability to control what others do. Authority is power that depends on the recognition that a person has a right to make decisions for others. Power is a necessity in organizations if objectives are to be achieved because it gives a focus to the social system that exists in the organization or a unit within it. Managers need power to do their jobs effectively, and they need to know what creates power and how to use it. Power is the capacity to affect other people's behaviour without their consent, and is a personal attribute, which has an effect on others. But managers need not be the only focus of power in units; individuals or groups may be able to exercise power formally and informally.

Authority is defined in terms of the hierarchy and structure of the organization and is dependent on its resources. It gives the right to control finance, people, information, etc., but it is legitimated only if recognized and people concede to it. Authority is therefore limited, and does not guarantee power, although it is obviously an important source of power.

Managers spend a considerable amount of time and effort in trying to expand their power and increase its legitimization. People are on the whole happy if a manager's power is used in their interest and that of the organization. But power games in organizations can be damaging to its effectiveness. Power games are however likely to be part of organizational life, and managers must be aware of their implications if they are to be effective. Bradley and James (1987) suggest two types of action in organizations, those where people are acting with honesty and in the organization's interests, and those where they are "playing games" and seeking to advance their own interests at the expense of others. There are also those who are politically aware and those who are politically naïve.

In addition to the above factors, historical events such as receiving the right to vote and participation in state council elections in 1931, forming of the first plantation trade union (All-Ceylon Estate Labour Federation) during the same time, legislation of the Citizenship Act, No.18 of 1948 and No.3 of 1949, the Ceylon Parliamentary Election Amendment Act, No.49 of 1949, the Sirima-Shastri Pact in 1964, nationalization of estates in 1972-75, ethnic violence in 1983, the ethnic conflict going on for almost two decades, granting of citizenship to Indian Tamil community in 1986, and privatization of estates in 1995, have impacted both positively and negatively on the socialization process of the estate community. After the privatization of estates in 1995, plantation companies have effected significant changes and steps to improve the management and welfare of estate residents. Plantation companies are in a better position to introduce more effective management practices and also involve plantation workers and households in decision-making and collective action.

However, even after all these changes estate residents still find it difficult to access the general services provided by the Government and other agencies on a regular basis. They are often deprived of the most basic services that are available to communities outside the estates.

This current project focuses on bridging the tea estate community and others through promoting basic services into the estates for their social security network. Information dissemination will also be a key to this goal, and conducting awareness raising campaigns about social welfare related issues among the community and service providers. The project provides the estate community with a series of training opportunities, covering facilitation and negotiation skills, participatory monitoring and evaluation, and coordination skills.

3 Poor Delivery of Government Services

3.1 Reasons for the poor delivery of government services as perceived by managers and workers in the estates

3.1.1 Managers

Some managers perceive that if workers become more independent, then managers will have lesser control over them and may find difficulties in getting work done. Most managers are in the view that if people become independent, the cost of production of tea will be reduced. If they become independent, some services provided to them by the estate may not be required. For example, estates have employed line-sweepers and if workers become independent then

the money spent on line-sweepers can be saved. Some managers said that workers always like to be dependent on the estate for their needs.

Most managers perceive that union leaders are a big problem for the development of the estate. Often they do not seem to strive for the real needs of the estate workers. Union leaders are not clear about their role and also possess very poor leadership qualities. However, often workers consider union leaders as their saviours. Hence workers always seek advice from union leaders when they are faced with a problem. Often workers request union leaders to accompany them whenever they want to discuss any matter with the management or let the union leaders to discuss it on their behalf.

General causes for estate poverty as perceived by managers

- Due to a low level of education, estate workers find it difficult to understand things and also they forget things fast
- Limited knowledge about health issues
- Not used to follow a routine in their day-to-day affairs
- Mothers have no time to relax and to eat due to busy work schedules and heavy work load
- Alcoholism, which is a serious social issue in the estates, has led to poor physical fitness of workers, domestic violence and consumption of low-quality diets as money is largely spent on purchasing alcohol
- Lack of cash, poor physical fitness and stress due to domestic violence have contributed to diminishing the 'thinking ability' of the estate workers
- Early marriages and pregnancies
- Politics of the trade unions
- Many social problems emerge as a result of the poor conditions of housing in the congested line-rooms
- Poor attitudes and values of estate workers, and
- High level of dependency.

3.1.2. The Welfare Officer

Workers of earlier generations do not consider it important to have birth certificates and identity cards as they do not use them; they require birth certificates only when they are claiming EPF and ETF after retirement. One main reason for the non realization of estate workers' voting rights is their inability to fill up the voter registration forms provided by the GN. However, over 90 percent of estate workers have obtained citizenship.

Lack of facilities for leisure and recreation is a primary deficiency in terms of social welfare for estate residents. Facilities for sports and entertainment are inadequate. A community shop, libraries, reading rooms and sport facilities need to be urgently developed in the estates.

Low levels of income and poor living standards have caused much competition and rivalry among families. Furthermore, they have become extremely selfish due to this competition.

One of the difficulties faced by the estate welfare system over the years when providing toilet facilities for estate families is that, once the fittings are provided by the estate they will sell them for a small amount of cash.

3.1.3. Midwives

Lack of cleanliness is a serious problem in the estates. Estate residents often forget health clinic dates and also do not follow the prescribed schedules when taking drugs prescribed to them by the Estate Medical Assistants (EMA). Low standards of education and a lack of awareness about these issues may be attributed as the causes for the above patterns of behaviour. Mothers in the estates have been advised to attend a hospital to deliver their first baby. But they do not like this practice as it is too expensive. Further, they complain that they are not treated with due regard by the hospital staff. If a mishap occurs in regard to pregnant mothers even as a result of their own fault, the mothers always tend to blame the midwife, Estate Medical Assistants/Practitioners (EMA) and welfare officers of the estate.

3.1.4. Union leaders

During the discussions with union leaders, it became evident that they are highly concerned about the following issues:

- Low standards of facilities at the estate dispensaries
- High level of child mortality
- Poor postal facilities, where in some cases it takes 3-5 days to receive telegrams and registered letters
- Limited water supply during dry periods
- Difficulties in communicating with government officials due to language differences when visiting the divisional secretary's office and other government offices seeking certain services
- High level of unemployment of estate residents, and
- Unfavourable responses by the estate management with regard to the issue of permanency for casual workers.

Union leaders were also of the view that plantation companies do not allocate reasonable budgets for providing welfare for the workers although the companies earn high profits.

3.1.5. Workers

Poor housing and toilet facilities, problems related to water supplies, low facilities available at estate dispensaries and unemployment of estate residents were the main concerns highlighted by the workers. They also mentioned that they cannot become economically independent as

their salaries are too small. The young generation is always looking for jobs outside of the estate (e.g., in garment factories, in Colombo) as estate work is considered a 'low social status' job.

3.2 Main reasons for government services for not getting into estates

Based on the analysis of the results of the survey, the following reasons can be identified as the major causes for the poor delivery of basic services to the estate residents.

1. **Geographical/physical factors:** Some estates/divisions are difficult to access (reasons were mentioned earlier). In some cases, officials have to cover large areas, and they then cannot perform an effective job.
2. **Resistance of managers:** Managers do not like to make estate residents completely independent. They like to exercise their authority and control.
3. **Language barriers:** Some doctors and other officials in the government establishments cannot speak Tamil. Also, the language used in these offices in some cases is Sinhala. Hence, estate residents are reluctant to meet these officials due to difficulties in communication/and filling forms, etc.
4. **Social factors:** Some government officials do not take much notice of estate residents as they are of a poor social status. The attitudes of estate people and attitudes of some government officials have become a barrier to have good working relationships between the two groups. There are occasions in which workers avoid and ignore officials, or vice versa, ultimately resulting in poor service delivery to estate workers.
5. **Politicians:** Some politicians like to keep workers always under a certain level of dependency. They do not like them becoming empowered. Hence politicians and union leaders remain at the top level of a hierarchy of power in the estate sector with inevitable polarization effects.
6. **The authority of managers, welfare staff and trade unions:** Estate managers and officials are vested with a lot of authority which in some cases are equivalent to that of a divisional secretary or a District Medical Officer (DMO). They like to continue this role and also do not like government officials being involved in providing services to estate residents. For example, in the case of identity cards, the estate manager can certify the forms and requests be sent directly for issuing identity cards (certification of GN is not essential); with regard to the registration of deaths, certification by the EMA is adequate; birth certificates are often arranged by the welfare officer with the assistance of GN; citizenship status is arranged by unions through the district headquarters of unions; and voting rights is organized by unions with the assistance of GN.

3.3 Other issues that prevent improving the social security network of estate residents

1 Habits and life style

Some estate residents are used to living under poor conditions as they have been subjected to such conditions for most of their lives. Hence it is very difficult to change their behaviour even when they are provided with better facilities. As a result, cleanliness and hygiene is very poor among some families and individuals. This also tends to affect other residents in the 'line houses'. For example, some families do not clean the area around their line-rooms and dump garbage near the line-house. They always expect the estate to employ line-sweepers (*wasakutti*) to clean the line-houses and the surrounding area. On the other hand, estate workers do not like themselves to perform the job of a line-sweeper.

2 Alcoholism

This is a major root cause for most social and economic problems faced by estate residents including poverty, poor health and education of the children. Most men and a large proportion of women drink alcohol regularly. In some estates, women are involved in selling liquor. Also, there are some estates where liquor is sold in the line-rooms.

3 Attitudes and behaviour of estate residents

Most estate workers still think that they are outsiders who are here to provide a specific service and hence they expect the estate to look after them. They rarely feel that they are independent citizens like ordinary villagers. This is a major barrier in changing attitudes and behaviour of estate workers to become independent of the estate management and access the services and benefits provided to the wider community. This attitude is largely embedded in the historical background of estate workers. They were fully dependant upon the estate for accessing basic needs. Also the estate management had been exercising tight control over the lives of estate residents for the past so many decades.

The education they receive in the schools and training and guidance provided by the estate management have had little impact on changing such attitudes and behaviour of estate residents. It is also reported that more often gangsters and other unruly individuals develop from among the educated youth rather than the less-educated youth in the estates. Educated youth in the estate sector seem to be often stubborn. They possess high levels of anger and get involved in disputes with the management more often than others with some even involved in selling liquor and other drugs. This may be due to the frustration they feel as a result of the high expectations generated after reaching higher educational levels but realizing the disadvantageous situation that they are in when compared with other communities.

4 Culture and Hindi movies

Watching Hindi and South Indian movies has become a habit of the estate communities. This has exerted a significant influence on the culture and behaviour of this people. Most of them are addicted to watching TV as this is the only source of entertainment available to them.

5 *Low wages and the package of welfare services*

Estate residents receive little cash as wages but receive a whole package of services free of charge through the estate, the trust and other donor agencies. In this regard it is very important to consider whether the majority of estate residents avail themselves of these services or even value these services. If they do not use such services, that is, if the services are not up to the standard or if they can access the services available to the wider community, then it may be worth considering increasing their wages instead of spending a lot of money on some of the welfare activities. This will make them more independent and will open up more options for them. However, such salary revisions need to be effected with much care as this might worsen the situation of health care and other services in estates that are located far away from the town or inaccessible due to various reasons. It is also very important to conduct programmes for estate residents on planning and managing finances and on career guidance, in order to help them plan their budgets and to promote a saving habit.

3.4 Actions proposed for improving the social security network of estate residents

1 *Reducing alcoholism*

Alcoholism in both men and women is a serious barrier to economic and social advancement of estate residents in the region. This has been identified by many studies conducted in the estates. Hence it is important to identify root causes in regard to alcohol addiction and take necessary action to reduce alcohol dependency. This will require a comprehensive social development programme involving empowerment and economic advancement of workers, and legal action to stop selling alcohol in line-rooms and nearby villages. Estate management and workers must take the leadership and initiative in this programme. Religious and union leaders as well as the police should participate in this programme.

2 *Establishing 'estate village secretariats'*

The establishment of estate village secretariats within the estate premises is a useful option in setting up government services such as general administration, agriculture and rural credit schemes, and savings accounts to the estate communities. This will create better interaction between estate residents and the GN and other government officials.

3 *Postal services*

It is important to consider whether the government postal department can extend their services to the estates by establishing sub-post offices. Another option is to establish postal services by the estates following the model adopted by one of the estates as mentioned earlier. This model (sponsored by the estate itself) is working well.

4 *Land ownership*

The issue of land ownership has to be resolved. Some estates have made a lot of progress in this regard and provided land to workers for extending line-houses, building a new house and for setting up home gardens.

5 *Counseling and career guidance*

It is essential to conduct training programmes especially with the youth, to plan the career of estate workers. It is also important to further strengthen and expand the counseling services conducted by the welfare officer, EMA, midwife and crèche attendant. Plantation companies must consider providing more opportunities to estate workers to advance their careers in the estates.

6 *The role of managers*

Managers and assistant managers should be given some general training and awareness on understanding and solving social problems and issues in the estates. Most of them lack the social skills and understanding to provide the necessary leadership and guidance to the work force. Since women perform most of the work in the estates, it is necessary to have women and female perspectives considered when management decisions are made. Every estate must have a certain proportion of women recruited at all levels of management.

7 *Mechanization of estate work*

Partial mechanization of estate work and establishing engineering divisions at estates should be considered as an important step. Such efforts will assist in overcoming the labour shortages by making estate work more attractive as workers like to work with machines rather than use hands or conventional tools. Further, it will assist in maintaining the machinery used in the estates. All estates are facing labour shortages and the problem is going to be a lot more acute in the future. Hence more mechanization will be necessary in the future.

8 *Creating awareness about rights and responsibilities and also the importance of having basic documents*

The study found that very few knew about their rights and responsibilities as an estate worker or a citizen of Sri Lanka. Hence it is important to conduct programmes to create awareness and dialogue with regard to services available to them through different agencies, their rights (voting and citizenship, etc.) and also their responsibilities. They must be made aware of services provided to them by the estate and also the expenditure for providing those. Furthermore, they must be educated to understand the importance of having basic documents such as the identity card, and birth and marriage certificates.

9 *Power relations*

It is important to consider the power relations of different actors that influence the estate environment (managers, workers, unions, politicians, villagers). It is important to understand such relations as it affects the social and physical advancement of the estate communities.

10 *Trade unions*

Educating and developing leadership qualities of estate union leaders are essential. This is because on some occasions, the unions have posed serious obstacles to the social and physical advancement of the estate environment.

11 The road network

Improving the road network in the estates is an essential factor to increase the access to and from the estates.

12 Remote and geographically isolated estates

Some estates are remote and highly inaccessible. Their situation should be approached differently when considering development in comparison to other areas. More support should be given to infrastructure development and welfare in such remote estates, and also provide more incentives to staff working in such estates.

3.5 Efforts of the Ministry of Estate Housing, Infrastructure and Community Development

The Ministry of Estate Housing, Infrastructure and Community Development has developed a three-year plan to develop estate infrastructure. The key development programmes under this plan are stated below:¹

- Plantation Human Development Trust (PHDT) which is responsible for social development, health and housing is now placed under the Ministry of Estate Housing, Infrastructure and Community Development
- Construction of 50,000 houses in order to abolish line-rooms. It is also expected to obtain foreign assistance to introduce low cost housing technologies (Rs.225 million has been allocated for building 700 houses under this project). Self-Help Housing Programme (SHHP) will be continued where 120,000 rupees would be given as aid and balance would be loans granted by the National Housing Development Authority (NHDA)
- About 70 electrification schemes would be implemented and 100 million rupees set a side for future schemes in Moneragala, Badulla and other plantation areas
- Construction of access roads to estates (a sum of Rs.100 million is allocated for this). After construction these roads will be handed over to the *Pradeshiya Sabha* for maintenance
- Water supply schemes will be constructed at a cost of 40 million rupees
- Fifty-one estate hospitals have been identified for amalgamation with the national network and 18 of them have already been taken over
- It has been proposed to open more dispensaries in the estates (this will be undertaken with the assistance of the Ministry of Health)

¹ *Sunday Observer* (Colombo), "Transforming Estate into village" by S.P. Muttiah, 20 February 2005.

- It has been proposed also to construct quarters for medical personnel and mortuaries at a cost of 39 million rupees
- It is proposed to establish 451 new sub-post offices and appoint peons to deliver letters direct to the home address (this will be undertaken with the assistance of the Posts, Telecommunications and Udarata Development Ministry)
- It is proposed to appoint 2,500 Liaison Officers to assist the plantation community to conduct their day-to-day activities in the Tamil language
- Two hundred and seventy estate schools will be upgraded with the assistance of the Swedish development aid agency (SIDA). SIDA has provided the education ministry with 700 million rupees to develop estate schools
- A cabinet memorandum has been submitted to appoint 3,179 trainee teachers to the plantation sector

4 The Present Status of Government Services to the Tea Estate Communities

4.1 Housing

Poor housing facilities are a major problem in the estate sector. In some cases 2-3 families live in a small line-house. Re-roofing, painting and other repairs to line-houses are undertaken by the estate in most cases with the assistance of the Trust.

Self-help housing projects are implemented in all estates. It is proposed that estate residents will receive about 6-10 perches of land from the estate and a housing loan for 49,000 rupees (in installments based on the progress of the construction) from the National Housing Development Authority to build new (single) houses. This money will be provided to the selected estate residents through the Welfare Officer. Roofing sheets will be provided from the Trust through a grant aid. The Welfare Officer or Estate Manager and Union Leaders will embark on the selection of estate residents for this project. The general selection criteria used to select families include: (a) Number of families in the house; (b) Number of members in the family; and (c) Size and condition of the line-house.

In the stages of this project underway, it is reported that many irregularities have taken place during the selection of families. Twenty-five houses are normally constructed at a time with the next lot being selected after the successful completion of these houses. However, the rate of the execution of this project is considered low by estate workers, measured against the huge demand for houses. It was also found that some of these newly built single houses have been sold to others and the estate families are still living in the line-houses. Furthermore, some estate residents who still live in line-houses do not seem to understand the advantages of living in a single house, as they are used to living in line-houses.

4.2 Health care

The study shows that health care provided by the estates to their residents seems satisfactory. However, there are many shortcomings with respect to both providers and receivers as far as health facilities are concerned.

Estate residents expect better-qualified doctors to be recruited to the estates in order to get treatment for most illnesses. However, the role expected of the Estate Medical Assistants/Practitioners (EMAs) is to treat common illnesses, provide first aid and initial diagnosis, and conduct disease prevention activities in the estates. When certain illnesses cannot be handled by them, they will refer the patient to a nearby government hospital. EMAs, though some times referred to as “doctors” in the estate context, have received only a relatively short training. However, their role in the estates is crucial because in most cases government hospitals are located far away and not easily accessible from the estates. It was found that most EMAs are doing a very good job in serving estate residents. They conduct community awareness programmes in their estates including disease prevention and family planning clinics.

However, they feel handicapped in some instances due to poor facilities at the dispensaries and due to a lack of training. Some “doctors” stated that the lack of drugs and instruments in the estate hospitals is the main challenge that they face when performing their duties. Drugs are provided mainly by the Trust. The estate also provides a small quantity of drugs for the dispensary. Although drugs are expensive, estate residents do not seem to value or make note of their importance. Hence very often drugs given by the “doctors” for various illnesses are not taken as prescribed by them. The patients tend to take the drugs only for a few days and the remainder is thrown away (after the main symptoms disappear).

Estate dispensaries and hospitals also provide family planning services. However, these programmes have been less effective or abandoned in certain estates. Some organizations have spread the message that family planning is done to control the Tamil population. Family planning services and surgeries have been temporarily stopped in some estates due to such rumours. Some people are shy to use family planning methods while some do not understand the importance of birth control as a family planning method. Lack of awareness and training on the use and mode of actions of family planning methods may be identified as other reasons for the low level of adoption of family planning methods.

The estate provides vehicles for taking patients to the hospital. In most cases the estate provides a lorry to take patients. This mode of transport however is not suitable for taking pregnant mothers and people with heart disease to the hospital as these patients have to be transported with much care.

Most *doctors* are of the view that lack of time to rest and relax is a major concern in maintaining good health among estate workers. Poor ventilation, dampness and low standards of cleanliness in their dwelling have also aggravated this situation. This is very serious in the case of women, as they do not have time to rest even after an illness or during

pregnancy. Pregnant mothers in the estate sector receive sufficient medical treatment and care but they do not receive sufficient care at home and during work, and a good diet during the pregnancy. They do not get a balanced diet as mothers often give priority to the children when consuming and allocating food at the household. Same habits continue even when they are pregnant again. Mothers do not also have time to rest physically and mentally. This is because in addition to the job in the estate, all domestic affairs are still left for the mother even during pregnancy, as is the case during normal days. Even during the pregnancy they only have one hour as the lunch break, during which time they have to prepare food for the family, and feed children and herself. They receive very little support from their husband. Low family income, high expenditure on alcohol, domestic violence, a high number of children, and narrow gap between childbirths, are some of the other factors that affect pregnant mothers.

Pregnant mothers receive training and awareness about pregnancy and family planning programmes at hospitals and estate clinics. They get duty leave for attending these clinics. They also receive transport to the hospital for the delivery of the baby. A set of children's clothes and 5,000 rupees are also provided by the estate after childbirth. The midwife does regular checks and also she takes care of the necessary vaccination. Pregnant mothers also receive iron and calcium tablets free of charge. Anemia is the most common problem faced by estate mothers. Children kept in the crèche will receive *Thripasha*, vitamins and drugs regularly.

Estate residents consider that reminding vaccination dates is a duty of the *doctor* and welfare staff. The situation regarding health and nutrition is generally poor in some estates. This is largely seen at very remote and inaccessible estates. Poor road network and low staff availability (due to difficulties in retaining staff as a result of remoteness and poor access) have contributed to this situation.

Although workers are not provided with health insurance, estates assist the workers in many ways by providing health care. *Doctors* and others are of the view that workers do not seem to value health services and drugs provided by the estates since these are provided free of charge.

4.3 Education

Most estate schools are in very poor condition. The estate management does not feel responsible for schools because they know that schools are under government management. Supervision and filling vacancies of teachers at these schools are frequent problems faced by the Department of Education due to difficult access and lack of Tamil medium teachers.

Lack of teachers is the main problem contributing to the low standard of education in the estate schools. In some cases, the number of teachers is less than even the number of classrooms. But the staff-to-student ratio is acceptable according to government approved level (i.e., 1 teacher per 20 students). This is because the number of students per class is very low. For example, one of the schools only had three teachers for five classes. The school building is 24 feet by 35 feet and it is not provided with electricity, water or toilet facilities.

It is also found that some schools are not provided with a sufficient number of desks and chairs. Some teachers in these schools are not qualified or do not have sufficient training. Some teachers come to school very late. This is at times due to negligence by some teachers. In the case of others, it is due to the long distances they have to travel as schools are not easily accessible or because no public transport is available.

Another important reason for low levels of education in the estate sector is the little support that the estate children receive from their parents. The reasons for this include lack of time for parents to look after children and lack of concern about their children. Some do not see the importance of education. Alcoholism of one or both parents is also a significant factor. Although some children are willing to continue their education, they have to leave school at an early age and find a job as they have to support their families.

Some managers are of the view that, if estate workers become more educated, then the estate management will find it difficult to control and manage such a workforce, as they become more violent, forceful and fight for their rights. The other impact of education will be that educated estate youth will look for jobs with better social status than estate work. If the estates cannot meet these demands then it will lead to out-migration of estate workers leading to a further reduction in the estate workforce.

The education system in the estate sector as in the case of rural areas has been neglected. A detailed review has to be done on the effectiveness of service delivery in estate schools. Career prospects of most students are bleak and the future a daunting one on account of the complexity of problems.

4.4 Basic documents

A lack of basic documents for some workers is another problem faced by estate residents. The Welfare Officer or manager usually gets involved in this. Except for a small percentage (10-30%) of the population over 50 years of age, others have basic documents such as the Birth Certificate and the National Identity Card. These may be easily obtained by applying to the relevant government agencies. In most cases, estate welfare officers and trade unions act as facilitators in the process of obtaining such documents. When records related to bio-data are absent, the check roll and records maintained by the Estate Medical Assistant, Midwife and Welfare Officer are considered as acceptable for submitting applications for getting such documents.

Some estate residents do not consider it important to have a birth certificate for themselves. However, they take care in getting such documents for the next generation. This is because such documents are essential today for getting most things done, including registering for employee benefits such as EPF and for admitting children to schools. Negligence by some workers and a lack of responsibility by some Grama Niladharis (GNs) have contributed to a situation where some estate residents still do not have these essential documents.

4.5 Government Assistance (Samurdhi)

Samurdhi is the island wide social security programme carried out by the government. It is found that the *Samurdhi* programme rarely provides assistance to estate residents. During the survey, it was found that about 25 worker families in one of the estates and a few in another estate receive *Samurdhi*. The reason for this is the very low level of implementation of the *Samurdhi* programme in the estate sector, because estate worker families receive a higher monthly income than the limit specified for providing *Samurdhi* support. Hence, among estate residents only families consisting of retired estate workers qualify to receive assistance under this scheme.

4.6 Voting rights

It is also found that some estate residents do not have the basic rights such as voting during an election. About 30 percent of residents in some estates were found not to have registered to vote. It is found, that this is largely due to the inability of estate residents to fill the forms provided by the GN for registering them as voters. It is also found that some GNs do not issue and collect these forms in time.

4.7 Postal services

Of the estates studied in the survey, only one had a post office run by the estate. This estate also has allocated a labourer to distribute letters to houses. In some estates, mail is delivered to the estate office by the postman. In other estates, a labourer will collect letters from the post office and the letters then delivered to the estate office. These letters are then distributed by the field officer at the muster or leaf weighing shed.

4.8 Grama Niladari (GN)

GNs have been provided an office in two of the estates. Hence they have been able to provide better services to these estate communities when compared with services at other estates. It is also found that in two of the estates studied, the GN had never visited the estate and therefore the estate management has to perform all of these services. In some cases, the GN had too large an area to cover. Some GNs expect people to visit them to get things done.

4.9 Agricultural support

There is no direct support extended by Government Institutions in supporting small-scale agricultural activities such as vegetable cultivation and rearing dairy cattle and goats.

4.10 Banking and savings

The habit of saving a part of their earnings is very rare among estate workers. They do not also deal with the banking system to fulfill their day-to-day financial needs.

4.11 Water supply

Water for domestic uses is provided by a pipes system. Water outlets are often provided at the rate of two taps per line-house or one tap per five families. Some families and individuals do not know how to use the taps and waterlines properly and therefore tend to break them often. As a result all residents have to suffer until the taps get repaired.

4.12 Access to line-houses

Poor road infrastructure in the estates is a serious limitation that minimizes the estate communities interacting with the outside world. Accessibility to and from some estates are poor. This has been due to the remoteness, narrow and hilly access roads, and the presence of physical barriers such as rocks, rivers and streams. Hence residents living in line-houses of these estates find it extremely difficult to access towns, hospitals, schools, etc.

4.13 Labour unions

Estate workers are among the most politicized groups of people in Sri Lanka. Many trade unions operate in these estates. They have political 'idols'. Their actions, attitudes and behaviour are highly dependent on directions given by the union leaders. Union leaders in the estates closely associate with politicians. They seek advice and assistance from the political hierarchy when there is a conflict between estate workers and the management. However, in most cases, decisions taken during this political process do not address the real issues of the workers.

The trade unions must be able to work independently to address the specific needs of the estates and these efforts should receive blessings from the political hierarchy. Hence constructive support (and not the encouragement of a dependency syndrome), is needed from the political parties to improve the political system in the estates, as this change is so vital to achieve the social development goals in the estate sector.

4.14 Employment opportunities

Lack of suitable jobs for educated youth in the estates is a problem. A large proportion of youth, especially women work as housemaids in Colombo and other cities. This has reduced the workforce in the estate sector. Diversification of land use in the estates has benefited the estate communities immensely as they have more opportunities to find work in close proximity.

4.15 Funeral expenses

Estates provide some financial assistance to cover the expenses during a funeral of an estate resident.

5 Conclusion

As indicated through the analysis, some problems and circumstances related to service delivery of government services as well as the social security system were found to be location-specific. Factors identified as important included distance and accessibility to the town, and attitudes and cultural differences of estate residents and managers.

The role of the *Grama Niladhari* (GN) in the estate sector has to be reviewed to identify causes for poor service delivery, resulting from the *ad hoc* nature of contacting residents. GN should deal directly with the residents rather than contact them through the estate management. Estates would have to provide offices to the GNs and persuade them to be in this office for easy access.

The survey also covered gaps related to government policies and their adoption. Significant gaps were identified concerning the development of infrastructure facilities essential to improve the quality of life of estate residents on a sustainable basis. Poor standard of infrastructure was identified as one of the main causes for poor service delivery. Some of these problems would be solved with the launching of the 3-year programme scheduled for implementation by the Ministry of Estate Housing, Infrastructure and Community Development.

Development of a comprehensive programme addressing the needs of women, pregnant mothers and children is considered essential. Intensive counseling and career guidance programmes have to be conducted for men in order to change their attitudes and behaviours, as the estate sector is plagued with malnutrition, alcoholism as well as child and women abuse. A detailed study on the role of women and social/family life of estate residents is further proposed.

Importantly, this study makes the point that the Government system, which caters to rural villages, is different to the one providing services to the estate sector. These two have evolved separately. In the recent past, the two systems have merged and that could be seen in the case of education. Some services such as health meanwhile also function together but without formal coordination between the two systems. However, the process of change that has commenced in the recent past relating to service delivery by the two systems is still not complete and needs to evolve into a formalized system operating on a complementary basis, for greater effectiveness and efficiency.

Diverse change agents and interest groups responsible for the transition of the estate sector into a sector with a better quality of life must be prepared to create a healthier environment for work, improve the work culture and the productivity of the sector as a whole.

OUTCOME DOCUMENT OF THE DURBAN REVIEW CONFERENCE ON THE DURBAN DECLARATION AND PROGRAMME OF ACTION OF THE 2001 WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE*

SECTION 1

Review of progress and assessment of implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance.

1. *Reaffirms* the Durban Declaration and Programme of Action (DDPA), as it was adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;
2. *Reaffirms* the commitment to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance that was a basis for convening the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;
3. *Takes note* of the efforts undertaken at all levels and welcomes the progress achieved since the adoption of the Durban Declaration and Programme of Action to implement its provisions;
4. *Expresses concern* that challenges and obstacles identified in the Durban Declaration and Programme of Action remain to be addressed and overcome in order to effectively prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance and that there are still many areas where achievements have not been gained or further improvements have to be attained;
5. *Emphasizes* the need to address with greater resolve and political will all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, in all spheres of life and in all parts of the world, including all those under foreign occupation;
6. *Reaffirms* that all peoples and individuals constitute one human family, rich in diversity, and that all human beings are born free and equal in dignity and rights; and strongly rejects

* In 2001, from 31 August to 7 September, the UN World Conference against Racism (WCAR) was convened in Durban, South Africa. Governments committed to combat racism, discrimination and xenophobia in all its forms. In the Durban Declaration and the Programme of Action (DDPA) governments articulated a comprehensive, ambitious, international framework that defines concrete actions to be taken by governments and other institutions to tackle the intolerance that continues to plague society. Eight years later, from 20 to 24 April 2009, the international community gathered again at the UN Durban Review Conference (DRC) in Geneva to critically assess the progress made thus far in realizing the DDPA on the ground. This Outcome Document is the result of the sessions.

any doctrine of racial superiority along with theories which attempt to determine the existence of so-called distinct human races;

7. *Reiterates* that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies;

8. *Reiterates* that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty;

9. *Reaffirms* the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups or agents of the State;

10. *Condemns* legislation, policies and practices based on racism, racial discrimination, xenophobia and related intolerance which are incompatible with democracy, transparent and accountable governance;

11. *Reaffirms* that democracy and transparent, responsible, accountable and participatory governance at the national, regional and international levels, responsive to the needs and aspirations of the people, are essential to effectively prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

12. *Deplores* the global rise and number of incidents of racial or religious intolerance and violence, including Islamophobia, anti-Semitism, Christianophobia and anti-Arabism manifested in particular by the derogatory stereotyping and stigmatization of persons based on their religion or belief; and in this regard urges all the UN Member States to implement paragraph 150 of the DDPA;

13. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law; reaffirms further that all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts shall be declared offence punishable by law, in accordance with the international obligations of states and that these prohibitions are consistent with freedom of opinion and expression;

14. *Recognizes* that racism, racial discrimination, xenophobia and related intolerance are still among the root causes of armed conflict and very often one of its consequences and deplores the occurrences of armed conflicts as well as ethnic or religious violence, and notes relevant provisions of the 2005 World Summit outcome, in particular paragraphs 138 and 139;

15. *Reaffirms* that the principles of equality and non-discrimination are fundamental principles of international human rights law and international humanitarian law that are essential in the fight against racism, racial discrimination, xenophobia and related intolerance;
16. *Expresses its appreciation* for progress made in addressing the situation of the victims of racism, racial discrimination, xenophobia and related intolerance identified in the Durban Declaration and Programme of Action, while regretting that racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, still persist;
17. *Acknowledges* that all victims of racism, racial discrimination, xenophobia and related intolerance should receive the same necessary attention and protection and accordingly appropriate treatment;
18. *Recognizes* that prevention, combating and eradication of racism, racial discrimination, xenophobia and related intolerance are of crucial importance and key elements for the promotion of cohesion and peaceful resolution of community tensions;
19. *Stresses the need* to increase appropriate preventive measures to eliminate all forms of racial discrimination, and emphasizes the important role that Governments, international and regional organizations, national human rights institutions, the media, non-governmental organizations and civil society can play in developing such measures;
20. *Notes with appreciation* the activities at the local and national levels of various information networks on racism, racial discrimination, xenophobia and related intolerance which collect relevant information and develop strategies, while also highlighting and disseminating good practices which could assist national bodies and institutions in the development of strategies to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;
21. *Welcomes* preventive initiatives to tackle discrimination in employment such as, *inter alia*, programmes for training and counselling of excluded persons belonging to a minority to help them in the labour market, programmes for employers to combat discrimination or to raise cultural awareness, some examples of mentoring and of positive action in recruitment, and some further experiments with contract compliance and anonymous job applications;
22. *Recognizes* steps taken at national level to promote human rights education in all parts of the world after the adoption in 2001 of the Durban Declaration and Programme of Action, particularly in order to sensitize the public at large and to foster respect for cultural diversity;
23. *Notes with appreciation* the increasing number of initiatives to promote intercultural dialogue and affirms the need to intensify engagement between all interested parties in a constructive and genuine dialogue rooted in mutual respect and understanding;

24. *Welcomes* the numerous awareness-raising activities involving states aimed at the fight against racism, racial discrimination, xenophobia and related intolerance, including through financial support for the projects of civil society;

25. *Notes with concern* the precarious situation of human rights defenders and non-governmental organizations, including anti-racist non-governmental organizations—which situation undermines the struggle against racism, racial discrimination, xenophobia and related intolerance;

26. *Welcomes* the adoption of legislation, at the national and regional levels, to address discrimination and victimization, as defined in the DDPA, in employment and training, the provision of goods, facilities and services, education, housing and public functions;

27. *Recalls* the importance of a competent, independent and impartial judiciary to determine in a fair and public procedure whether allegations and facts before it constitute acts of racism, racial discrimination, xenophobia and related intolerance according to international human rights law in order to ensure effective remedies and adequate redress for the victims;

28. *Reaffirms* its call upon states to implement all commitments resulting from international and regional conferences in which they participated, and to formulate national policies and action plans to prevent, combat, and eradicate racism, racial discrimination, xenophobia and related intolerance;

SECTION 2

Assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them.

29. *Takes note with appreciation* of the efforts to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance, undertaken by all mechanisms established following the request of the World Conference Against Racism (WCAR), namely the Intergovernmental Working Group on the effective implementation of the DDPA, the Working Group of Experts on People of African descent and the Independent Eminent Experts Group, and of the contributions they have made to implement the DDPA;

30. *Welcomes* the important role played by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and all other relevant special procedures and mechanisms in the fight against racism, racial discrimination, xenophobia and related intolerance and calls on states to cooperate fully with these mechanisms;

31. *Acknowledges the need* to enhance further the effectiveness of the mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance,

with a view to achieving better synergy, coordination, coherence and complementarity in their work;

32. *Reaffirms its support* for the mandate of the Special Adviser of the Secretary-General on the Prevention of Genocide, who acts, *inter alia*, as an early warning mechanism to prevent potential situations that could result in genocide;

SECTION 3

Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination (CERD).

33. *Reaffirms* that the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

34. *Affirms* that full implementation of the Convention is fundamental for the fight against all forms and manifestations of racism and racial discrimination occurring today worldwide;

35. *Takes note* of the interpretation given by the Committee on the Elimination of Racial Discrimination to the definition of the concept of racial discrimination as contained in the Convention, so as to address multiple or aggravated forms of discrimination;

36. *Welcomes* the ratification of the ICERD by a number of countries since the 2001 World Conference, while regretting that the goal of universal ratification by 2005 was not achieved;

37. *Renews* in this context its call to states that have not yet done so to consider ratifying or acceding to the Convention as a matter of high priority;

38. *Reiterates* its call to States Parties to the Convention to consider making the declaration under its Article 14 to enable victims to resort to the envisaged remedy, and requests States Parties that made the declaration under Article 14 to increase awareness of this procedure so as to fully exploit its potential;

39. *Urges* States Parties to the Convention to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

40. *Expresses its concern* at the delays in the submission of reports by the States Parties to the CERD, which hinder the effective implementation of the Convention and hamper the Committee's operation and monitoring function and reiterates that timely submission of

reports by States Parties is an obligation under Article 9 of the Convention, and urges States Parties to comply with their reporting obligations;

41. *Encourages* the States Parties to include in their periodic reports information on action plans or other measures to implement the Durban Declaration and Programme of Action;

42. *Acknowledges* that the reporting process should encourage and facilitate, at the national level, public scrutiny of government policies and constructive engagement with relevant civil society actors, conducted in a spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all of the rights protected by the Convention, and in this context encourages States Parties to engage with national human rights institutions and civil society while preparing their periodic reports and their follow-up;

43. *Encourages* non-governmental organizations to continue to provide the Committee with relevant information for the reporting process;

44. *Notes with appreciation* the early warning and urgent action procedure, as well as the follow-up procedure established by the CERD, which, applied in cooperation with states concerned, can play a conducive role for a proper implementation of the Convention;

45. *Emphasizes the importance* of setting up effective national monitoring and evaluation mechanisms to ensure that all appropriate steps are taken to follow up on the concluding observations and general recommendations of the Committee;

46. *Emphasizes*, while acknowledging the primary responsibility of states to implement their obligations under the Convention, that international cooperation and technical assistance play an important role in assisting countries with the implementation of their obligations under it and the follow-up to the recommendations of Committee, and calls on the Office of the High Commissioner for Human Rights (OHCHR) to provide, upon request, timely assistance to countries which have capacity and other constraints;

47. *Stresses* the importance of and invites States Parties to ratify the amendment to its Article 8, on the financing of the Convention, and requests that sufficient additional resources be allocated for that purpose from the regular budget of the United Nations, so that the Committee may discharge its mandate fully;

SECTION 4

Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance.

48. *Takes note with interest* of examples of best practices at all levels provided by Governments, regional and international organizations and other stakeholders, including, *inter*

alia, institutions, provisions and legislation to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance;

49. *Recognizes* that a broad sharing of best practices in all regions of the world, aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance, can assist Governments, Parliaments, the judiciary, social partners and civil society with the effective implementation of the provisions of the DDPA, when considered appropriate to adapt or replicate best practices, including international cooperation;

50. *Recommends* that examples of best practices provided for by Governments, regional and international organizations and other stakeholders be placed on the website of the OHCHR and linked to the section on the outcome of Durban Review Conference, with a view to their adaptation and replication, and recommends that the website be duly and timely updated by OHCHR;

SECTION 5

Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the DDPA and to address challenges and impediments hereto, including in light of developments since its adoption in 2001.

51. *Stresses the need* for a comprehensive and universal approach to preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance in all its forms and manifestations in all parts of the world;

52. *Emphasizes* its determination and commitment to ensure the full and effective implementation of the Durban Declaration and Programme of Action, which constitute a solid foundation for the struggle against racism, racial discrimination, xenophobia and related intolerance;

53. *Stresses the need* for mobilizing the political will of relevant actors at all levels which is essential to eliminate racism, racial discrimination, xenophobia and related intolerance;

54. *Reaffirms* the positive role that the exercise of the right to freedom of opinion and expression, as well as the full respect for the freedom to seek, receive and impart information can play in combating racism, racial discrimination, xenophobia and related intolerance, in line with relevant provisions of international human rights law, instruments, norms and standards;

55. *Calls* on states to undertake effective media campaigns to enhance the struggle against all manifestations of racism, racial discrimination, xenophobia and related intolerance, *inter alia*, by disseminating and giving adequate visibility to the DDPA and its follow-up mechanisms;

- 56.** *Calls* on states to take effective, tangible and comprehensive measures to prevent, combat and eradicate all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance;
- 57.** *Calls* on states to combat impunity for acts of racism, racial discrimination, xenophobia and related intolerance, to secure expeditious access to justice, and to provide fair and adequate redress for victims;
- 58.** *Stresses* that the right to freedom of opinion and expression constitutes one of the essential foundations of a democratic, pluralistic society and stresses further the role these rights can play in the fight against racism, racial discrimination, xenophobia and related intolerance worldwide;
- 59.** *Invites* Governments and their law enforcement agencies to collect reliable information on hate crimes in order to strengthen their efforts to combat racism, racial discrimination, xenophobia and related intolerance;
- 60.** *Urges* states to punish violent, racist and xenophobic activities by groups that are based on neo-Nazi, neo-Fascist and other violent national ideologies;
- 61.** *Reiterates its call* on developed states, the United Nations and its specialized agencies, as well as international financial institutions, to take tangible steps to honour the commitments contained in paragraphs 157, 158 and 159 of the Durban Declaration and Programme of Action;
- 62.** *Recalls* that slavery and the slave trade, including the transatlantic slave trade, Apartheid, colonialism and genocide must never be forgotten and in this regard welcomes actions undertaken to honour the memory of victims;
- 63.** *Notes* actions of those countries that have, in the context of these past tragedies, expressed remorse, offered apologies, initiated institutionalized mechanisms such as truth and reconciliation commissions and/or restituted cultural artefacts since the adoption of the Durban Declaration and Programme of Action, and calls on those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so;
- 64.** *Urges* all states to implement General Assembly resolutions 61/19, 62/122 and 63/5 on the transatlantic slave trade;
- 65.** *Urges* states to combat impunity for crimes of genocide in accordance with international law, in particular the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and in this context urges states to cooperate with international criminal tribunals as stipulated in paragraph 82 of the DDPA;

66. *Recalls* that the Holocaust must never be forgotten, and in this context urges all Member States to implement General Assembly resolutions 60/7 and 61/255;
67. *Calls upon* states to ensure that any measures taken in the fight against terrorism are implemented in full respect of all human rights, in particular the principle of non-discrimination and in this context urges all Member States to implement relevant provisions of the General Assembly resolutions 60/288 and 62/272;
68. *Expresses its concern* over the rise in recent years of acts of incitement to hatred, which have targeted and severely affected racial and religious communities and persons belonging to racial and religious minorities, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources;
69. *Resolves to*, as stipulated in Article 20 of the International Convention on Civil and Political Rights (ICCPR), fully and effectively prohibit any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence and implement it through all necessary legislative, policy and judicial measures;
70. *Urges* states to bolster measures to eliminate the barriers and to broaden access to opportunities for greater and more meaningful participation by people of African and Asian descent, indigenous peoples and persons belonging to national or ethnic, religious and linguistic minorities in the political, economic, social and cultural spheres of society, and to grant special attention to the situation of women, in particular their practical incorporation into the labour market and in income and employment-generation programmes;
71. *Urges* states to adopt a social and human rights perspective when tackling the violence experienced by indigenous youth and youth of African descent, particularly in the peri-urban areas of major cities, and to focus on strengthening social capital, granting assistance to, and building the capacity of indigenous youth and youth of African descent;
72. *Urges* states to direct their special measures, including affirmative or positive measures, and strategies or actions, as well as new investments in health care, public health, education, employment, electricity, drinking water and environmental control, to communities of African descent and indigenous peoples;
73. *Welcomes* the adoption of the UN Declaration on the rights of indigenous peoples which has a positive impact on the protection of victims and, in this context, urges states to take all necessary measures to implement the rights of indigenous peoples in accordance with international human rights instruments without discrimination;
74. *Welcomes* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and urges states to step up efforts to protect the human rights of all migrants regardless of their immigration status;

75. *Urges* states to prevent manifestations of racism, racial discrimination, xenophobia and related intolerance at country border entry areas, in particular *vis-à-vis* immigrants, refugees and asylum seekers, and in this context encourages states to formulate and implement training programmes for law enforcement, immigration and border officials, prosecutors and service providers, with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance;
76. *Urges* states to take measures to combat the persistence of xenophobic attitudes towards and negative stereotyping of non-citizens, including those by politicians, law enforcement and immigration officials and in the media, that have led to xenophobic violence, killings and the targeting of migrants, refugees and asylum seekers;
77. *Urges* states to adopt a comprehensive and balanced approach to migration, including by strengthening the international dialogue on migration, by developing real partnerships between countries of origin, transit and destination, and by exploring all possible synergies between the management of migration and the promotion of development, while fully taking into account the human rights of migrants;
78. *Renews the call* on all states to review and, if necessary, to revise immigration policies inconsistent with international human rights obligations, with a view to eliminating all discriminatory policies and practices;
79. *Urges* states that have not yet done so to adopt and enforce legislation to protect migrant domestic workers, regardless of their immigration status, in particular women, and to grant migrant workers in domestic service access to transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish migrant workers, and calls on states to promptly investigate and punish all abuses, including ill-treatment;
80. *Reiterates* that the national, regional and international response and policies, including financial assistance, towards refugee and internal displacement situations in different parts of the world, should not be guided by any form of discrimination prohibited by international law and urges the international community to take concrete action to meet the protection and assistance needs of refugees, and to contribute generously to projects and programmes aimed at alleviating their plight and finding durable solutions;
81. *Urges* states to step up their efforts to combat racism, racial discrimination, xenophobia and related intolerance and to protect the human rights of internally displaced persons, to use comprehensive and rights-based strategies to discharge their obligations, and to provide internally displaced persons with protection, assistance and specialized public care; and further urges states to seek lasting solutions for the internally displaced, which may include their safe return, resettlement or reintegration in dignified conditions and in accordance with their own will;

82. *Affirms* that the existence and the national or ethnic, cultural, religious and linguistic identity of minorities shall be protected, and that the persons belonging to these minorities should be treated equally and enjoy human rights and fundamental freedoms without discrimination of any kind;
83. *Urges* states to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality, especially if such measures and legislation render a person stateless;
84. *Recognizes* with deep concern the persistence of racism, racial discrimination, xenophobia and related intolerance against Roma/Gypsies/Sinti/Travellers, and the violence affecting these communities and urges states to take concrete measures to prevent, combat and eradicate these scourges and to provide access to just and effective remedies and special protection to the victims;
85. *Notes with concern* the increased instances of multiple or aggravated forms of discrimination and reiterates that such discrimination affects the enjoyment of human rights and can lead to particular targeting or vulnerability and urges states to adopt or strengthen programmes or measures to eradicate multiple or aggravated forms of discrimination, in particular by adopting or improving penal or civil legislation to address these phenomena;
86. *Expresses concern* at the persistence of discrimination against women and girls on the grounds of race, racial discrimination, xenophobia and related intolerance and stresses the urgent need to combat such discrimination by prioritizing the development of a systematic and consistent approach to identifying, evaluating, monitoring and eliminating such discrimination against women and girls, in accordance with the DDPA;
87. *Stresses*, in the context of multiple discrimination, the need to treat all forms of violence against women and violence against children as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies, and the importance of providing specialized assistance and rehabilitation to victims, including medical and psychological assistance and effective counselling;
88. *Calls upon* states to review, as a matter of priority, the extent to which they have adopted and implemented policies, programmes and specific measures to incorporate a gender² perspective in all programmes and plans of action to combat racism, racial discrimination, xenophobia and related intolerance and invites states to include an assessment of the effectiveness of such programmes and plans of action in reports to relevant treaty bodies;
89. *Acknowledges* that although all children are vulnerable to violence, some children, because of, *inter alia*, their gender, race, ethnic origin, physical or mental ability, or social

² The footnote in the Durban Declaration and Programme of Action is also relevant for the outcome document of the Durban Review Conference.

status, are especially vulnerable, and in this context calls upon states to address the special needs of unaccompanied migrant and refugee children and to combat the sexual exploitation of children;

90. *Recognizes* that victims of slavery, slavery-like practices, contemporary forms of slavery, debt bondage, sexual exploitation or labour exploitation, are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girls often suffer multiple forms of discrimination, victimization, and violence; and stresses, in this regard, that contemporary forms and manifestations of slavery need to be investigated by different stakeholders and given greater prominence and priority if these practices are to be eradicated once and for all;

91. *Urges* states to enact and implement legislation, and to devise, enforce, and strengthen national, regional and global action plans that integrate a human rights perspective, in particular accounting for gender and age, to combat and eliminate all forms of trafficking in persons, particularly of women and children and other vulnerable groups, taking into account the practices that endanger human lives or lead to various forms of slavery and exploitation, such as debt bondage, child pornography and sexual exploitation and forced labour;

92. *Urges* states to strengthen bilateral, sub-regional, regional and international cooperation on trafficking in persons, especially women and children, and to facilitate the work of the Special Rapporteur on trafficking in persons, especially in women and children, and of non-governmental organizations that provide assistance to victims;

93. *Urges* states in which the victimization of trafficked persons occurs to ensure the protection of and assistance to the victims of trafficking with full respect for their human rights, and to actively promote the rehabilitation of the victims of trafficking by providing them with access to adequate physical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance and helplines, and to facilitate their safe and dignified return to the countries of origin;

94. *Notes* progress in the adoption of policies and programmes to improve the prevention and treatment of HIV/AIDS, especially among populations at higher risk of exposure, and to eradicate multiple discrimination against persons living with and affected by HIV/AIDS, and recommends that states guarantee universal and effective access to all health services, including medications at affordable prices, particularly those required for the prevention, diagnosis, and treatment of HIV/AIDS, malaria, tuberculosis and other pandemics, and intensify research in vaccines as appropriate;

95. *Welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and urges states to effectively address the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination;

96. *Urges* states to consider signing and ratifying or acceding to all instruments mentioned in paragraph 78 of the Durban Declaration and Programme of Action;

97. *Urges* states to consider signing and ratifying or acceding to all instruments adopted after the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including:

(a) Convention on the Rights of Persons with Disabilities and its Optional Protocol;

(b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(c) Convention on the Protection and Promotion of the Diversity of Cultural Expressions;

98. *Urges* states to combat impunity for crimes with racist or xenophobic motivations, including through adopting appropriate legislation, as well as amending, rescinding or nullifying any laws and regulations which create or perpetuate racism, racial discrimination, xenophobia and related intolerance;

99. *Calls upon* states, in accordance with their human rights obligations, to declare illegal and to prohibit all organizations based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote national, racial and religious hatred and discrimination in any form, and to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination;

100. *Urges* states to ensure that everyone within their jurisdiction, including victims of racism, racial discrimination, xenophobia and related intolerance enjoys access to justice, as well as access to appropriate state institutions and mechanisms in order to seek recognition of wrong-doing and just, fair and adequate reparation or satisfaction for any damage suffered, and stresses the importance of providing specialized assistance to victims, including medical and psychological assistance, as well as necessary counselling and draws attention to the need to increase awareness of judicial recourse and other existing legal remedies and for these to be readily and easily accessible;

101. *Calls on* states to ensure that investigations of all acts of racism and racial discrimination, in particular those committed by law enforcement officials, are carried out in an impartial, timely and exhaustive manner, that those responsible are brought to justice in accordance with the law, and that victims receive prompt, just and adequate reparation or satisfaction for any damage;

102. *Calls upon* states not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds and prohibit it by law;

103. *Recommends* that states that have not yet done so establish mechanisms to collect, compile, analyze, disseminate and publish reliable and disaggregated statistical data, and

undertake all other related measures necessary to regularly assess the situation of all victims of racism, racial discrimination, xenophobia and related intolerance, in accordance with the Durban Declaration and Programme of Action;

104. *Recommends* states to develop a system of data collection, including equal opportunity and non-discrimination indicators that, upholding the right to privacy and the principle of self-identification, makes it possible to assess and guide the formulation of policies and actions to eradicate racism, racial discrimination, xenophobia and related intolerance, and to consider, where appropriate, seeking the assistance of OHCHR;

105. *Urges* states to establish national programmes that facilitate the access of all to basic social services without discrimination;

106. *Reaffirms* that the eradication of racism, racial discrimination, xenophobia and related intolerance should aim not only at promoting equality and eliminating discrimination but also at promoting interaction, social harmony and integration, respect for tolerance and diversity among ethnic, cultural and religious communities;

107. *Encourages* states to develop national capacity for human rights education, training activities and public information, by involving national human rights institutions, non-governmental organizations and other relevant stakeholders in order to combat racism, racial discrimination, xenophobia and related intolerance, in line with the Plan of Action of the World Programme for Human Rights Education;

108. *Encourages* all states and relevant international organizations to initiate and develop cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance and enhancing mutual understanding among various cultures and civilizations;

109. *Calls upon* states to implement cultural rights through the promotion of intercultural and inter-religious dialogue and cooperation at all levels, especially the local and grassroots levels;

110. *Urges* states to encourage political parties to work towards fair representation of national or ethnic, religious and linguistic minorities within and at all levels of their party system, to ensure that their political and legal systems reflect the multicultural diversity of their societies, and to develop more participatory democratic institutions in order to avoid the discrimination, marginalization and exclusion of specific sectors of society;

111. *Urges* states to improve democratic institutions, to increase participation, and to avoid marginalization, exclusion of and discrimination against specific sectors of society;

112. *Encourages* Parliaments to regularly address the issue of racism, racial discrimination, xenophobia and related intolerance, with a view to consolidating their

legislation, including anti-discrimination legislation, and to enhance policies to fight racism, racial discrimination, xenophobia and related intolerance;

113. *Encourages* states to adopt strategies, programmes and policies, including, *inter alia*, special measures, including affirmative or positive measures, strategies or actions, to enable the victims of racism, racial discrimination, xenophobia and related intolerance to fully realize their civil, cultural, economic, political, and social rights, including through improved access to political, judicial and administrative institutions, and to grant them greater opportunity to participate fully in all spheres of life of the societies in which they live;

114. *Urges* all states that have not developed and/or implemented national action plans to combat racism, racial discrimination, xenophobia and related intolerance to elaborate such plans and monitor their implementation in consultation with relevant stakeholders, including in particular national human rights institutions and civil society;

115. *Calls on* states, when implementing paragraph 90 of the DDPA, to ensure that national human rights institutions have focal points on racism, racial discrimination, xenophobia and related intolerance, as well as the capacity to contribute to effective remedies to victims;

116. *Calls on* states that have not yet done so to establish and equip specialized bodies and mechanisms for the implementation of public policies to eradicate racism, racial discrimination, xenophobia and related intolerance, and to promote racial equality with suitable financial resources, capability and capacity to survey, investigate, educate and undertake public awareness raising activities;

117. *Requests* all states to protect human rights defenders, in particular those working on racism, racial discrimination, xenophobia and related intolerance, to lift any impediments to their effective functioning which are inconsistent with international human rights standards and norms, and to allow them to work freely for the promotion and protection of human rights;

118. *Invites* states to provide and, where appropriate, to increase funding for civil society organizations, *inter alia*, those working on racism, racial discrimination, xenophobia and related intolerance, to bolster their work against this scourge;

119. *Recognizes* the valuable role played by regional and sub-regional organizations, institutions and initiatives in the struggle against racism, racial discrimination, xenophobia and related intolerance, including through their complaint mechanisms, and encourages the establishment or strengthening of regional mechanisms to examine the effectiveness of measures taken to prevent, combat and eradicate these scourges;

120. *Recommends* that states, regional and international organizations establish independent bodies, where they do not already exist, to receive complaints from victims of

racism, racial discrimination, xenophobia and related intolerance, *inter alia*, regarding discrimination in housing, education, health, employment, or access hereto, as well as other human rights;

121. *Commends* media organizations that have elaborated voluntary ethical codes of conduct aimed at, *inter alia*, meeting the goals defined in paragraph 144 of the Durban Programme of Action, and encourages consultations among media professionals through relevant associations and organizations at the national, regional and international levels, with the assistance of OHCHR, with a view to exchanging views on this subject and sharing best practices, taking into account the independence of the media and international human rights standards and norms;

122. *Re-emphasizes the importance* of enhancing international cooperation to achieve the goals identified in the DDPA with a view to combating, preventing and eradicating racism, racial discrimination, xenophobia and related intolerance;

123. *Encourages* states to include in their national reports to the universal periodic review mechanism of the Human Rights Council information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance;

124. *Requests* the Human Rights Council to consider the necessary measures to enhance the effectiveness of the follow up mechanisms to the DDPA and to ensure better synergy and complementarities in the work of these mechanisms. In this regard, recommends that the Human Rights Council enhance the interface among and focus of follow up mechanisms with a view to achieve greater synchronization and coordination at all levels, within their respective mandates, including through restructuring and reorganization of their work if deemed appropriate by the Human Rights Council, and to allow joint discussions and meetings;

125. *Takes note* that the Ad Hoc Committee on the Elaboration of International Complementary Standards convened its first session and agreed upon a road map, with a view to achieving full implementation of paragraph 199 of the Durban Programme of Action;

126. *Invites* the Human Rights Council, its special procedures and mechanisms, as well as relevant treaty bodies, within their respective mandates, to take fully into account the Durban Declaration and Programme of Action and the outcome of the Review Conference;

127. *Requests* the Human Rights Council to continue promoting inter-cultural and inter-religious dialogue with enhanced participation of all stakeholders, including from the grassroots level;

128. *Urges* all international sporting bodies to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance;

129. *Invites* the Fédération Internationale de Football Association (FIFA), in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football and requests the High Commissioner for Human Rights in her capacity as Secretary General of the Durban Review Conference to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies;
130. *Invites* the High Commissioner for Human Rights to further increase awareness of the struggle against racism, racial discrimination, xenophobia and related intolerance, including the awareness of the relevant mechanisms and bodies, through the appropriate activities and programmes of OHCHR;
131. *Reiterates its call* on OHCHR to continue its efforts to increase awareness and support for the work of the Committee on the Elimination of Racial Discrimination, as part of the overall endeavour to strengthen the work of the treaty bodies;
132. *Encourages* OHCHR to continue to provide support to the mechanisms of the Human Rights Council to monitor the implementation of the DDPA;
133. *Requests* the High Commissioner for Human Rights to continue fully and effectively implement the mandate given to OHCHR in the DDPA;
134. *Takes note* of the proposal of the OHCHR, in cooperation with regional stakeholders in all parts of the world, to organize in light of the OHCHR Expert Seminar on the links between Articles 19 and 20 of the ICCPR a series of expert workshops to attain a better understanding of the legislative patterns, judicial practices and national policies in the different regions of the world with regard to the concept of incitement to hatred, in order to assess the level of implementation of the prohibition of incitement, as stipulated in Article 20 of the ICCPR, without prejudice to the mandate of the Ad Hoc Committee on the Complementary Standards;
135. *Encourages* OHCHR to intensify its collaboration with international and regional bodies dealing with the fight against racism, racial discrimination, xenophobia and related intolerance;
136. *Welcomes* the proposal of the High Commissioner for Human Rights to incorporate the implementation of the Durban Declaration and Programme of Action in the human rights mainstreaming in the whole UN system and, in this regard, takes note with appreciation of the plan of the High Commissioner to make its implementation a standing agenda item in her high-level consultations with United Nations partners with due regard to her entire mandate, to be followed up at the working level by an inter-agency task force;
137. *Emphasizes the need* for the relevant UN bodies and specialized agencies to provide, within the mainstreaming of the implementation of the DDPA, technical cooperation to

enhance its effective implementation, and in this context encourages states to seek assistance to establish or improve national policy frameworks, administrative structures and practical measures to give effect to the Durban Programme of Action;

138. *Requests* the Secretary-General to provide OHCHR with adequate necessary resources to continue to implement the Durban Declaration and Programme of Action and to implement the outcome of the Review Conference in full, including by strengthening and enhancing its anti-discrimination unit with a view to, *inter alia*, increasing national capacity to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance through the provision of technical assistance, upon request;

139. *Encourages* Member States to increase their voluntary contributions to OHCHR to enhance its capacity to ensure the effective implementation of the DDPA at the national, regional and international levels;

140. *Calls* on OHCHR to continue to support states, at their request, in the process of establishing and strengthening national human rights institutions in compliance with the Paris Principles, and in implementing national plans of action against racism, racial discrimination, xenophobia and related intolerance;

141. *Calls* on Member States to contribute to the Trust Fund for the Programme of the Decade to Combat Racism and Racial Discrimination for, *inter alia*, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the work of the Intergovernmental Working Group on the effective implementation of the DDPA;

142. *Welcomes* the important role of the United Nations Educational Scientific and Cultural Organization (UNESCO) and encourages it to pursue its work aimed at mobilizing municipal authorities and local governments against racism, racial discrimination, xenophobia and related intolerance, particularly through its Coalition of Cities against Racism, Discrimination, Xenophobia and Related Intolerance initiative and its integrated strategy to combat racism, racial discrimination, xenophobia and related intolerance;

143. *Calls* on the United Nations system, in particular the Department of Public Information of the Secretariat, to undertake effective media campaigns to enhance the visibility of the message of the Durban Declaration and Programme of Action and its follow up mechanisms.

**WRITTEN STATEMENT TO THE DURBAN REVIEW CONFERENCE ON
THE DURBAN DECLARATION AND PROGRAMME OF ACTION OF
THE 2001 WORLD CONFERENCE AGAINST RACISM, RACIAL
DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

*International Movement Against Discrimination and Racism - Asia Committee
(IMADR-Asia), Human Development Organisation (HDO), Law & Society
Trust (LST), Rights Now, and Inform**

Introduction

1. *Recalling* the importance of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR); the adoption by consensus of the Durban Declaration and Programme of Action (DDPA) as a framework for action by governments, non-governmental organisations and other institutions in efforts to combat racism, racial discrimination, xenophobia and related intolerance; and its support by the Government of Sri Lanka.
2. *Noting* the relevance of the Durban Declaration and Programme of Action to combat racism in all its manifestations, including strengthening education, fighting poverty, securing development, improving the remedies and resources available to victims of racism, and bolstering respect for the rule of law and for human rights, in the protection of minority rights and for justice, peace and reconciliation in Sri Lanka.
3. *Welcoming* the opportunity of the Durban Review Conference (DRC), 20-24 April 2009, to assess and accelerate progress on implementation of measures adopted at the 2001 World Conference against Racism, including in Sri Lanka.
4. *Recording* with concern the unsatisfactory progress in Sri Lanka towards the implementation of the Durban Declaration and Programme of Action and drawing the attention of the Government of Sri Lanka to selected issues of concern.

Context

5. *Affirming* that Sri Lanka is a multi-ethnic and multi-religious society comprising one large ethnic group (Sinhala) and several much smaller ethno-religious groups such as the Colombo Chetties, Malays, Burghers, Borahs, Memons, Parsees, Malayalees, Telugus, Wanniyaletto etc.; that the three numerically largest minorities and their proportion in the

* Constituting the 'Progress Report' for the Durban Review Conference, 20-24 April 2009. LST hosted an Open Forum discussion chaired by Coordinator, Economic, Social and Cultural Rights Programme at LST, B. Skanthakumar on 21 May 2009 where Nimalka Fernando, President of the International Movement against all forms of Discrimination and Racism (IMADR) addressed relevant issues emerging from the 2001 World Conference against Racism in Durban, South Africa.

population are North-Eastern Tamils (12.7%), Muslims (7.3%) and Up-Country Tamils (5.5%)¹, and that Tamil is their first language.

6. *Affirming* that racism and racial discrimination are root causes of conflict in Sri Lanka, and are also among its consequences; and that women from minority communities confront multiple forms of discrimination including gender-based violence, discriminatory personal laws,² unequal access to land and public resources, etc.

7. *Recognising* that some 75,000 people have been killed as a result of the war since 1983; that hundreds of thousands of people have been displaced on multiple occasions; that as of mid-April 2009, upwards of 100,000 people are trapped in a small corner of the Vanni, where they are subject to forced LTTE conscription, denied freedom of movement,³ under constant shelling and receive insufficient water, food and medical care.⁴

8. *Reiterating* that “military means will not solve the conflict and that only a negotiated political solution, which includes the participation of all parties, will lead to peace and harmony among ethnic communities in the island.”⁵

Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

9. *Recognising* that since decolonisation in 1948, there has been legal, political and economic discrimination of minorities as well as racist violence against them: for example, the disenfranchisement and de-citizenization of Up-Country Tamils; the ‘Sinhala Only’ language policy; anti-Tamil riots such as that in 1958, 1977 and 1983; discrimination in access to state lands and development funds;⁶ poor quality of housing, health and education in the estates, etc.⁷

10. *Deploring* that since the July 1983 anti-Tamil riots, there has been full-blown armed conflict between North-Eastern Tamil militants and the Government of Sri Lanka and that during this period, in addition to massacres of Sinhala, Muslim and Tamil civilians; there

¹ Central Bank of Sri Lanka, *Economic and Social Statistics of Sri Lanka 2008*, p.11. These figures are from the last all-island census in 1981. As a result of the war there has been considerable out-migration from Sri Lanka of Tamils of North-Eastern origin, partly compensated in numbers by population increase and better enumeration of the Muslim and Up-Country Tamil communities.

² Ramani Muttetuwegama, “But I am Both: Sri Lankan Women under Parallel Legal Systems” in *Men’s Law, Women’s Lives, Women Unlimited*, Indira Jaisingh (ed.), New Delhi, 2005, pp.173-189.

³ UN News Centre, “Sri Lanka: UN relief chief reiterates concern over civilians trapped by fighting”, 26 March 2009 (<http://www.un.org/apps/news/story.asp?NewsID=30310&Cr=sri+lanka&Cr1=>).

⁴ ICRC, “Sri Lanka: ICRC continues to help civilians as crisis escalates”, 17 March 2009 (<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/sri-lanka-update-170309?opendocument>).

⁵ UNHCHR, Para.323, *Concluding observations of the Committee on the Elimination of Racial Discrimination: Sri Lanka*, A/56/18, 14 September 2001 ([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/A.56.18.paras.321-342.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.56.18.paras.321-342.En?Opendocument)).

⁶ Elizabeth Nissan, *Sri Lanka: A Bitter Harvest*, Minority Rights Group, London 1996.

⁷ M. Sinnathamby, “Bonded Tea Estate Workers: Still Waiting at the Gates” in *Sri Lankan Society in an Era of Globalization*, S. H. Hasbullah and Barrie M. Morrison (eds.), Vijitha Yapa Publications, Colombo, 2004, pp.182-195.

have also been extra-judicial killings, 'disappearances', torture and preventive detention largely of North-Eastern Tamils; that Northern Muslims were forcibly evicted from their homes and lands by the Liberation Tigers of Tamil Eelam (LTTE) in 1990; and that Up-Country Tamils have been harassed under emergency regulations and detained without charge for long periods under the Prevention of Terrorism Act, as well as victims of racist violence⁸ leading to their continuing displacement in some instances.

11. *Regretting* that intolerance of minorities and of minorities' assertion of their rights is found in the highest echelons of the State, and in public discourse, and that the mass media have not exercised responsibility in their reportage and analysis of controversial events but rather reproduced uncritically anti-minority stereotypes and popular prejudices and stereotypes.

12. *Noting* with concern that in September 2008, Army Commander Lt. General Sarath Fonseka said: "I strongly believe that this country belongs to the Sinhalese but there are minority communities and we treat them like our people.... We being the majority of the country, 75 percent, we will never give in and we have the right to protect this country.... [Minorities] can live in this country with us. But they must not try to, under the pretext of being a minority, demand undue things".⁹

13. *Noting* with concern that the Environment and Natural Resources Minister Champika Ranawaka said in October 2008: "The Sinhalese are the only organic race of Sri Lanka. Other communities are all visitors to the country, whose arrival was never challenged out of the compassion of Buddhists. But they must not take this compassion for granted. The Muslims are here because our kings let them trade here and the Tamils because they were allowed to take refuge when the Moguls were invading them in India. What is happening today is pure ingratitude on the part of these visitors".¹⁰

14. *Regretting* with deep concern that neither of these statements has been condemned or rebutted by the Government of Sri Lanka; and underlining that sentiments of racial superiority from persons in authority when not denounced by state authorities and politicians, legitimise racist ideologies and practices among other state actors, within public institutions, and in society.

Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels

⁸ For example, see Sunday Leader (Colombo), "Revenge top priority in hill country" by Wilson Gnanadas, 9 May 2004 (<http://www.thesundayleader.lk/20040509/issues-5.htm>).

⁹ National Post (Toronto), "Inside Sri Lanka: A life given over to war", 23 September 2008 (<http://www.nationalpost.com/news/story.html?id=832374>).

¹⁰ Daily Mirror (Colombo), "South India has no moral right to criticize the war", 16 October 2008 (http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=29270).

15. *Recognising* that 75,000 Muslims were forcibly removed from the North by the LTTE in October 1990 and that most settled in IDP camps in Puttalam where they continue to be dependent on food rations, and continue to face problems of access to employment and credit, stigmatisation by the host community and neglect by state authorities; and that they have not been compensated for the assets and properties lost.¹¹

16. *Highlighting* that ethnic minorities remain under-represented in public sector employment in relation to their proportion in the population, such that Up-Country Tamils constitute 0.31 percent, Muslims 3.29 percent and North-Eastern Tamils 5.26 percent of state sector employees;¹² and in the provincial public sector Up-Country Tamils constitute 1.94 percent, Muslims 5.87 percent while North-Eastern Tamils constitute 13.7 percent.¹³

17. *Recognising* that poverty in the estate sector (which is almost exclusively made of Up-Country Tamil ethnicity) is “endemic” according to the World Bank, such that the poverty headcount in the estates is 7 percentage points higher than the national average.¹⁴

18. *Recognising* that there have been reverses in human development indicators in the North and East, such that 46 percent of children aged 3-59 months are underweight in the North and East in comparison to 29 percent in the rest of the country; and only 46 percent of the population in the North and East have access to safe drinking water when compared with 62 percent in the rest of the country.¹⁵

19. *Recognising* that the indigenous *Wanniyaletto* community is discriminated against in their access to quality housing, education and health services as well as cultural freedoms; not represented in decision-making processes; most do not have birth and/or marriage certificates;¹⁶ they are stigmatised as ‘backward’ and ‘uncivilised’ in the wider society; are largely dependent on cash transfers (*Samurdhi* payments) for income; and are not allowed to freely enter, forage, hunt and cultivate in customary lands now designated as the Maduru Oya National Park.

20. *Noting* with concern the rise of intolerance against religious minorities through the burning of Christian churches and impunity for such acts; restrictions on construction and/or

¹¹ S.H. Hasbullah, “Justice for the Dispossessed: The Case of a Forgotten Minority in Sri Lanka’s Ethnic Conflict” in *Sri Lankan Society in an Era of Globalization*, S.H. Hasbullah and Barrie M. Morrison (eds.), Vijitha Yapa Publications, Colombo, 2004, pp.221-240.

¹² Department of Census and Statistics, *Census of Public and Semi-Government Sector Employment – 2006*, Colombo (http://www.statistics.gov.lk/CPSGSE06/State/Table3_1.pdf).

¹³ Department of Census and Statistics, *Census of Public and Semi-Government Sector Employment – 2006*, Colombo 2006 (http://www.statistics.gov.lk/CPSGSE06/ProvPub/Table3_2.pdf).

¹⁴ World Bank, *Sri Lanka Poverty Assessment*, Colombo, 2007, E6 and E8.

¹⁵ World Bank, *Sri Lanka Poverty Assessment*, Colombo, 2007, E7.

¹⁶ *Sunday Times* (Colombo), “Veddahs’ world is a no man’s land”, 16 November 2008 (http://www.sundaytimes.lk/081116/News/sundaytimesnews_21.html).

expansion of places of worship of religious minorities; and restrictions on freedom of religion through proposed legislation on unethical conversions.¹⁷

21. *Noting* with regret the absence of legislative, policy or institutional measures by the Government of Sri Lanka since the Durban Declaration and Programme of Action in 2001 in the adoption of preventive measures for the elimination of all forms of racial discrimination.

Provision of effective remedies, recourse, redress, and compensatory and other measures at all levels

22. *Welcoming* the Constitutional prohibition in Article 12(2) against discrimination “on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds”; while regretting that this protection is extended only to “citizens”. It is further regretted that there has been no equal opportunity legislation enacted to strengthen protection including from acts of discrimination by non-state actors and to offer non-judicial remedies for victims of discrimination.

23. *Welcoming* the criminalisation of caste-based discrimination in the 1957 Prevention of Social Disabilities Act (as amended in 1971); while regretting that caste-based discrimination remains prevalent in Sri Lanka, though unacknowledged by state authorities, as reflected in the absence of recent prosecutions, absence of public education campaigns, and absence of legal, institutional and policy measures to root out discrimination based on work and descent in the public and private spheres.¹⁸

24. *Welcoming* the Citizenship (Amendment) Act, No.16 of 2003 that has restored citizenship rights to stateless Up-Country Tamils; while regretting that some public officials continue to frustrate its application and enjoyment, thereby preventing voter registration, national identity card registration and therefore the economic, political and social integration of Up-Country Tamils in Sri Lankan society.

25. *Welcoming* the recognition of Tamil as an official language, through the 13th Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka in 1987; while regretting with concern that over 20 years later, the official languages law is respected only in the breach in public institutions outside of the North and East,¹⁹ including in divisional

¹⁷ US Department of State, *International Religious Freedom Report 2008 – Sri Lanka* (<http://www.state.gov/g/drl/rls/irf/2008/108506.htm>); and *Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir – Mission to Sri Lanka (2-12 May 2005)*, E/CN.4/2006/5/Add.3, 12 December 2005 (<http://daccessdds.un.org/doc/UNDOC/GEN/G05/166/64/PDF/G0516664.pdf?OpenElement>).

¹⁸ K.T. Silva, P.P. Sivapragasam, P. Thanges (eds.), *Casteless or Caste Blind? Dynamics of Concealed Caste Discrimination, Social Exclusion and Protest in Sri Lanka*, International Dalit Solidarity Network, Indian Institute of Dalit Studies and Kumaran Book House, Colombo and Chennai, 2009.

¹⁹ Foundation for Co-Existence, *Language Discrimination to Language Equality: Report of an Audit on the status of the implementation of the Official Language Policy in Sri Lanka*, Colombo, 2006.

secretariats expressly designated by Executive Order as bilingual administrative divisions;²⁰ and noting with regret that Tamil speakers outside of the North and East are often unable to transact official business with state authorities in the Tamil language, either through correspondence or in person; signage and information materials in the Tamil-language are scarce; and the Official Languages Commission is under-resourced, unable to inspect and monitor implementation of the official languages law, and unwilling to take legal action against recalcitrant public institutions.²¹

26. *Welcoming* the Public Administration Circular Nos.3 and 7 of 2007 towards bilingualization of the public service; and it is of concern that no positive action is envisaged for the recruitment of Tamil-language speakers to central and provincial government outside of the North and East to redress their under-representation in the public sector and to include minority communities in public administration.

27. *Welcoming* recent orders of the Supreme Court of Sri Lanka against arbitrary eviction of hundreds of Tamil lodgers from Colombo in June 2007,²² and against arbitrary detention of Tamils in Colombo following an LTTE bombing in November 2007;²³ while noting with concern its judgements in other instances, for example, the North-East province de-merger case.

28. *Welcoming* Sri Lanka's accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in 1996; while regretting the delay in its incorporation into domestic law even after its entry into force in 2003; in the context of widespread stigmatisation of migrant workers and their families, threats to ban mothers of under-fives from working abroad, and poorly designed and resourced reintegration schemes for returnee migrant workers.

29. *Regretting* that the draft equal opportunities legislation prohibiting discrimination on grounds of ethnicity, gender, religious or political opinion, language, caste, age or disability, in employment, education, access to public places and means of transportation, in the provision of accommodation, goods and services, and creating an equal opportunity tribunal, was shelved by government in 1999; and that subsequently there has been no effort, interest or support for its revival and adoption.

30. *Welcoming* the creation of the Human Rights Commission of Sri Lanka in 1997; while regretting its non-engagement with the Durban Declaration and Programme of Action

²⁰ Official Languages Commission, *Memorandum of Recommendations*, Paras.2.5 & 2.6, Colombo, 2005, p.5.

²¹ Official Languages Commission, *Annual Report 2005*, Colombo, 2006, p.21.

²² *The Island* (Colombo), "SC restrains IGP, eight others from evacuating Tamils", 9 June 2007 (<http://www.island.lk/2007/06/09/news1.html>).

²³ *The Island* (Colombo), "SC orders Tamil suspects in custody enlarged on bail", 11 December 2007 (<http://pdfs.island.lk/2007/12/11/p2.pdf>).

as well as minority rights issues in general; and its silence and ineffectiveness in the context of current serious violations of human rights.²⁴

31. *Noting* the Interim Report of the Parliamentary Select Committee on Electoral Reforms, while regretting its neglect of the under-representation of minorities in elected

government at central, provincial and local level, especially in areas where minorities are dispersed.

32. *Regretting* the absence of a Minority Rights Commission with administrative and legal powers to promote the Durban Declaration and Programme of Action and protect victims of racism and racial discrimination.

33. *Welcoming* the All-Party Representative Committee process on achieving a Southern consensus on power-sharing with minorities; while regretting the non-invitation or non-participation of some political parties, the delay in finalisation of its conclusions, and the lack of government support for constitutional reforms beyond the 13th Amendment.

Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance

34. *Welcoming* the development of a National Action Plan for the Promotion and Protection of Human Rights in Sri Lanka and the identification of women, children, IDPs and migrants as priority groups requiring special attention; it is regretted that in the Consultations to date there has not been focused attention on ethnic and religious minorities nor mainstreaming of the Durban Declaration and Programme of Action in its thematic areas.

Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination

35. *Welcoming* Sri Lanka's accession to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1982; while regretting that it has not made a declaration under Article 14 of CERD enabling individuals and groups to communicate with the Committee on the Elimination of Racial Discrimination.

²⁴ *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston – Follow-Up to Country Recommendations, A/HRC/8/3/Add.3, 14 May 2008, Para.37* (<http://www2.ohchr.org/english/bodies/hrcouncil/docs/8session/A.HRC.8.3.Add.3.doc>).

36. *Noting* that Sri Lanka last submitted its state report to the Committee on the Elimination of Racial Discrimination in 2000; and regretting with concern the delay in submission of the 10th, 11th, 12th, 13th and 14th periodic reports.

37. *Regretting* the lack of national monitoring and evaluation of state obligations under the CERD and concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination.

38. *Regretting* that the Government of Sri Lanka has not extended on its own volition an invitation to the Committee on the Elimination of Racial Discrimination to undertake a fact-finding country visit.

Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the DDPA and to address challenges and impediments hereto, including in light of developments since the adoption of the DDPA in 2001

39. *Noting* with alarm the sharp deterioration in the exercise of the right to freedom of opinion and expression in Sri Lanka since 2001, through abductions and enforced disappearances, extra-judicial killings of media workers including from minorities, arson of media institutions, threats and intimidation of media workers, and lack of independent media access to conflict areas;²⁵ as the freedom to see, receive and impart information is fundamental to combating racism and racial discrimination.

40. *Regretting* that the Government of Sri Lanka has not responded to the request since 2007 for a country visit by the Independent Expert on Minority Issues;²⁶ and has not invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to undertake a fact-finding country visit.

Recommendations to the Government of Sri Lanka

41. Disaggregate data collected by state agencies, especially the Department of Census and Statistics and the Central Bank of Sri Lanka, on the basis of gender, ethnicity, religion and caste, so as to establish the effects of racism and racial discrimination, and to formulate appropriate policy responses.

²⁵ International Press Freedom and Freedom of Expression Mission to Sri Lanka, *Media under fire: Press freedom lockdown in Sri Lanka, 2008* (http://www.i-m-s.dk/files/publications/1400%20Sri%20Lanka_web.v4.pdf).

²⁶ Office of the United Nations High Commissioner for Human Rights, *Country Visits by Special Procedures Mandate Holders since 1998* (<http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm>).

42. Ensure that anti-poverty and development programmes have a targeted focus on the needs and rights of minority communities.
43. Enact equal opportunity legislation that protects access to social services, employment, housing, education, and healthcare by those who are or may be victims of racism and racial discrimination.
44. Ensure recruitment of groups that are or may be affected by racism and racial discrimination to all public services especially in areas where they are dispersed minorities.
45. Formulate policies, laws and administrative measures for the eradication of discrimination based on work and descent.
46. Devise in consultation with Internally Displaced Persons durable solutions for their voluntary return to their homes and properties, or integration in their present area of displacement, or relocation to another area under conditions of safety and dignity.
47. Direct and sensitise state officials to expedite electoral registration of formerly stateless Up-Country Tamils and to recognise their status as citizens as provided for by the Citizenship Act of 2003.
48. Create appropriate mechanisms in consultation with the *Wanniyaletto* for their participation in decision-making processes that affect them, in order to promote and protect their full and equal enjoyment of civil, political, economic, social and cultural rights.
49. Ensure the protection and security of all religious groups and their freedom of belief, including protection from non-state actors.
50. Vigorously implement the Official Languages Act and strengthen the independence and effectiveness of the Official Languages Commission.
51. Enact domestic legislation in conformity with the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families that recognises their economic contribution and accords them dignity and rights including that of franchise.
52. Incorporate a gender perspective in all relevant policies, strategies and programmes of action against racism and racial discrimination.
53. Ensure that Tamil medium education is available, accessible and is of good quality, in areas outside of the North and East where there are large Tamil populations, for example, Up-Country areas.

- 54.** Revise school textbooks and curricula to eliminate elements that may promote racism and racial discrimination or reinforce negative stereotypes of minorities.
- 55.** Strengthen the Human Rights Commission's independence and effectiveness also by building its capacity to inquire, investigate and take action, through human rights education, and through specific awareness raising campaigns on intolerance and on discrimination against ethnic and religious minorities.
- 56.** Submit without delay the combined periodic state report to the Committee on the Elimination of Racial Discrimination and consult widely with civil society organisations during its preparation.
- 57.** Adopt constructive and mutually respectful engagement with civil society organisations and human rights defenders that recognises their contribution in combating racism and racial discrimination.
- 58.** End impunity for violations of human rights and fundamental freedoms of individuals and groups of individuals who are victimised by racism and racial discrimination by ensuring that all relevant state agencies investigate and prosecute complaints and abuses.
- 59.** Devolve power through territorial and non-territorial structures for the protection of minority identities and cultures and for their effective participation in public life as a means of combating racism and racial discrimination.
- 60.** Publicise the Durban Declaration and Programme of Action in Sinhala and Tamil as a component of activities towards elimination of racism, racial discrimination, xenophobia and related intolerance.

Subscriptions

The annual subscription rates of the LST Review are as follows:

Local: Rs. 2,000.00 (inclusive of postage)

Overseas:	South Asia/Middle East	US\$ 40
	S.E.Asia/Far East/Australia	US\$ 45
	Europe/Africa	US\$ 50
	America/Canada/Pacific Countries	US\$ 55

Individual copies at Rs.220/- may be obtained from LST, 3 Kynsey Terrace, Colombo 8, and BASL Bookshop 153, Mihindu Mawatha, Colombo 12.

For further details, please contact;

Law & Society Trust
3 Kynsey Terrace, Colombo 8, Sri Lanka
(+94)-11 2691228 / 2684845 / 2686843
lst@eureka.lk

Now Available

LEGAL DEVELOPMENT, GOOD GOVERNANCE AND THE RULE OF LAW
SRIYAN R. DE SILVA
(LST Occasional Paper Series 2009)

This paper covers some of the critical issues and conditions which underpin the development of an entire legal system. A legal system includes not only the substantive laws themselves but also the system of administration of justice and the enforcement of laws. The existence of the conditions that should be satisfied to ensure legal development are assumed or taken for granted in countries with advanced legal systems, but in several developing countries there is substantial scope for improvement especially in the area of the Rule of Law. Although legal development is a part of the title, the Paper does not address the subject in relation to particular branches of the law, but the legal system as a whole.

ISBN: 978-955-1302-20-7 | Price: Rs 225.00

New Reprinted Editions

- ❖ Fundamental Rights and The Constitution -
Case Book I and Case Book II
- R K W Goonesekere
- ❖ Select Laws on State Lands
- R K W Goonesekere



Law & Society Trust

3 Kynsey Terrace, Colombo 8, Sri Lanka
Tel: (+94)11-2691228, 2684845 | Fax: (+94)11-2686843
Email: lst@eureka.lk | Web: www.lawandsocietytrust.org