

COALITION OF CIVIL SOCIETY PROGRAMME

**PROMOTING JUSTICE AND GOOD
GOVERNANCE THROUGH HUMAN RIGHTS
BASED APPROACH**

Two Day National Workshop

November 22 & 23, 2008

Global Towers Hotel, Colombo 6



CENTRE FOR HUMAN RIGHTS AND DEVELOPMENT (CHRD)

CHRD – PROMOTE JUSTICE & GOOD GOVERNANCE THROUGH HUMAN RIGHTS BASED APPROACH.

Promote justice and good governance through Human Rights based approach

The Centre for Human Rights and Development (CHRD) organized a two day National Programme titled 'Promoting Justice and Good Governance through Human Rights Based Approach' at the Global Towers Hotel in Colombo on November 22 and 23, 2008. Identified civil society activists from the North, East and plantation sectors participated in the workshop which is part of the Coalition of Civil Society Programme of CHRD.

The residential workshop commenced with observing two minutes silence and lighting of the ceremonial oil lamp. Mr. Stephen Sunthararaj welcomed all participants, invitees and guests in his welcome speech and Mr. K.S.Ratnavale in his inaugural address to the gathering spoke on the activities of CHRD and the workshop itself. "CHRD has been actively involved in mobilizing a vibrant Coalition of Civil Society in the North, East and plantation areas under the Coalition of Civil Society Programme, since inception. The workshop will highlight the work carried out by these individuals in prevailing conditions and bring to light the current human rights issues in their respective areas. The programme thus far, has enabled the formation of effective civil society groups and reduced tension between civil society activists and stake holders in the region as well as establishing a network amongst participants for effective dissemination of information. To coincide with the objective of the Coalition of Civil Society Programme, the two day workshop in Colombo, for interested individuals will focus on enabling enable them to mobilize a vibrant civil society in their respective areas and take up issues to the authorities independently while being aware of their rights," he added.



Dr. Jehan Perera, Chairman, National Peace Council, guest speaker addressed the gathering on 'Promotion of justice and good governance.' He emphasized on matters connected to the present country situation and the ill effects in constitution, issues regarding the ethnic conflict and the future activities of civil society. He pointed out that civil society has every power to bring about a social change and such activities of civil society eventually bring peace, which is the yearning of every citizen in the country. He concluded that such activities would bring a healthy and lasting solution to the island's ethnic strife, where the ultimate goal of peaceful coexistence of mixed communities will be realized.



The programme was facilitated by Mr. S. Sornalingam, Development Consultant and Board of Governor, CHRD. Initially parameter method was tentatively used to evaluate the human rights knowledge of participants and analysis of work carried out by participants of the Coalition of Civil Society Programme in their respective districts was discussed.

We indicate the findings below.

Identified problems	District	Adopted procedures	Contacted organization	Solution	Impediment	Awareness understanding
Unlawful arrest of youth	Vavuniya	Discussion, workshop	NRC, ICRC, HRC, OIC POLICE	Aware of getting receipts from relevant authorities	permission to contact meetings	Sharing the true position with relevant officers
Telephone threats	Vavuniya	Discussion, workshop	NRC, ICRC, HRC, OIC POLICE , TELICOM	Recording of telephone calls , Obtain CLI phones		Sharing the true position with relevant officers
Experience in traveling via Madavachchiya (NGOs)	Vavuniya	Discussions Obtain data & 430 have been registered	NGOs , Army , G.A	To obtain prior approval for travel	Delay & unnecessary expenses	prepare relevant documents for travel
Non possession of birth & death certificates	Nuwara Eliya		Eksath lanka, Registrar	Obtain BC/DC via mobile service Strong social network, Loan reduction, poverty alleviation	Finance	Belief
Non encouragement to do cultivation	Kegalle	Samurthi scheme, livelihood, micro credit programme Shramadana, Athletic competition	NDTF, CSR		Different ideology Reflection on the impact of war	Poverty is not a social problems
Differences between Racial groups	Mawanalla		17 CBOs	Formed a group of religious leaders		work for public interest
Adequate awareness about	Warakapola	Training &	CHRD	Meeting with lawyers	Time	Contacts with connected people

Human Rights		workshop		& HRC		
Sexual abuse on women	Mawanalla	training & workshop on sex equality & women's rights	FORUT, CHRDR, CBO Net	Women leadership, coordination among women	still there is men domination	Perseverance needed
Religious Differences	Potuvil	Shramadana, Athletic competition, cultural programme	CBOs	Setting up of Religious Unity	still there is difference	Racial unity through public coordination
Non possession of NIC	Hatton	Obtain data & 343 registered	CBOs, State department	220 persons Obtained NIC	Birth certificate & documents	Should possess courage
Sexual abuse on women	Hatton	Counseling	individual	Got employment in private sector	Victimized	Should possess courage
Abduction	Muthur	to inquire the connected people	HRC, POLICE, ICRC	Released of arrestee, Recovery of body compensation	Threat to life	Refrain from political involvement
Cutting timber without permission	Badulla	Meeting GA, Forest Department	HRC	Permit should be obtained	Discontinuation from service	Need more relationship with relevant officers
Sexual abuse on women	Batticaloa	Create awareness	POLICE, HRC, SURIYA	7 persons arrested and produced to courts	Threat to life	Disclose the problems
Threats to Media persons	Batticaloa	get to gather Lecturers & Students of	HRC, MEDIA, SURIYA	Mediya network O/L, A/L. Students got opportunity to study	Difficult to identify the Threatened	need more relationship among HR Activists
Non standard of neighboring villages	Horowapothana	Ragaratta university	University workers union		Difficult to identify the Teachers	Unity is very important
	Heppitokolawa				Non availability of books & equipments	



Manpower and networking of groups and individuals to be effective activists have been analyzed by using Wenn Diagram method. Discussions on current issues at the national level were held and was decided that civil society groups should be in network formation at national level, which would help implement policies and laws. Functions and procedures of PTA, ER and HSZ were discussed. In spite of difference of opinions there were goal setting aims. Eight methods on how to work in the future were identified.

Diamond ranking process was applied to identify problems and setting goals for future activities.

Goal 01

Legally reasonable wages. Collection of data in related fields, analyzing and structuring

Goal 02

Assurance of economic rights during the presentation of budget at national level. People's contribution in local government budgeting.

Goal 03

Confirmation of rights of civilian during implementation of PTA, ER and HSZ. Providing relief and redress while preventing violation of those rights. Initiative in creating awareness, coalition and coordination.

Goal 04

Protecting the rights of minority communities, vulnerable people and affected people. Collecting data, analyzing, and structuring for this purpose.

Goal 05

Protection of rights of all communities during war time. Protection of recognized rights of IDPs. Taking action through network on local basis.

Goal 06

Awareness raising amongst public religious, civil and cultural rights on a rural basis.

Goal 07

Creating methods at rural level during conflict situation among racial groups. Submitting recommendations to government for implementing policies.

Goal 08

Networking, linkage and capacity building.

In the final session on day 2, legal concerns raised by the participants were discussed and remedial solutions were put forward by a panel of lawyers comprising K.S. Ratnavale, B. Thamboo, Sujeewa Dahanayake, K.D.C Kumarage, Suranga Bandara and Manel Jayamane of HRC.



Question raised by participants

1. Is there any law to safeguard the rights of IDPs? What steps can be taken by the civil society?

Although there are no laws regarding the IDPs in Sri Lanka, UNHCR has set some guidelines to protect their rights. There should be a specific guideline enforced by the Sri Lankan Government for IDPs as well. The civil society programme and the voice of civil society were endorsed and assurance was given by the Human Rights Commission to protect their rights.

2. Why are persons taken into custody under emergency regulations and detained without trial?

There are emergency regulations in other countries also, but it should not be prolonged over one month and should be re-implemented by parliamentary votes. In our country it exists over 18 years which amounts to gross human rights violations. The State of Sri Lanka has introduced a draconian legislation, PTA which means any one can be arrested and detained for unlawful activity, and this can be anything. Many are taken into custody and their families do not have any idea of their whereabouts. Currently Sri Lanka has become fascist State. Some are taken into custody due to personal vengeance. As remedies FR cases could be filed at the Supreme Court. Certain cases such as Sirisena Cooray's have been very successful. HRC at the moment can do very little since it is controlled by the Government.

3. Is it legally correct to take female suspects into custody by male officers of the armed force or the police?

When female suspects are taken into custody by female police officers should also be present. Therefore Law enforcement officers should adhere to this rule accordingly.

4. Is there transparency in acceptance of people's ideas being embodied while preparing the budget?

People's contribution and opinion should be respected. This is successful very in India. Here too certain steps have been taken to keep the proposed budget at post offices for peoples' suggestion. On the contrary, in Sri Lanka the President, presents the budget proposal and it is passed after being debated by the parliamentarians. This is not a healthy for Sri Lanka. Rule of law should be established in the island.

5. What are the measures that could be taken to solve the problem of reasonable wages amongst plantation workers and private sector?

It is the responsibility of the government to grant reasonable wages. As long as there is division amongst people the government will continue to do what it pleases. Politicians are the very people who instigate division and hatred amongst people. Earlier people worked together with trade unions. But, these days the trade unions are divided and work according to their own agenda. Cooperative agreement affects the estate plantation workers. Therefore, first the system should be abolished and the people should unanimously show their protest and unity. As for the private sector, there are laws, such as the Shop and Office Act, we must work together to amend such laws.

6. How can the civil society act on mismanagement in the government sector?

Civil society is formed to resolve matters like this. Civil society is not a combatant authority, but it is an independent organization and there is no status discrimination. Civil society should deal with the common issues affecting the society.

7. Why is it difficult to access justice when rights are violated within a limited timeframe?

Victims of human rights violations do not attain justice within a limited time frame. The reason behind this is that the Constitution of Sri Lanka has made little provision for this matter of rights.

When rights are violated it is very difficult to find redress through the legal system. Since there are few conditions such as witnesses and certificates are needed. It is quite difficult in the current context to request witnesses to come forward give evidence. However, civil society has big role to play in influencing the government and the public on such issues.

At district levels when such violations occur the only remedy is to report it to the HRC, despite the fact they are controlled by the government and are ineffective.

There are many organizations such as CHRD which provide legal assistance on behalf of victims of human rights violations and when rights are violated fundamental rights application could be filed in Supreme Court and during disappearances habeas corpus cases could be filed in courts.

Several other issues could not be addressed due to time constraints. Workshop ended with positive views and feed back by participants; we were able to come to a conclusion that when we function as a coalition of civil society, many issues could be resolved.

S. Stephen Sunthararaj

Programme Manager, and **Staff - CHRD**