



**Centre for the Study of Human Rights (CSHR)
University of Colombo**



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CSHR proudly celebrates its 25th Anniversary

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UPCOMING EVENTS

- Call for Applicants/Scholarships – Master of Human Rights and Democratisation (Asia Pacific Regional Programme) 2016 – 2017 (Page. 13)
- International Conference on Human Rights, Citizenship and Democratisation – 26th to 28th August 2016 in Colombo , Sri Lanka to celebrate the 25th Anniversary of the CSHR (Page. 14)

VISION

***To create a nation
with a rights
consciousness in
which the dignity and
rights of all people are
respected***



MISSION

***To be a centre of
excellence for human
rights education and
research using a
multidisciplinary
approach***

Inauguration of the Asia Pacific Master of Human Rights and Democratisation Programme 2015/ 2016



*Professor Ravindra Fernando,
Director, CSHR welcoming the
gathering*



Distinguished guests at the Inauguration

The inauguration of the sixth intake of the Asia Pacific Master of Human Rights and Democratisation Degree programme –2015/2016– was held on 29 January 2016 at the University of Colombo.

Mr. Saliya Peiris, Commissioner of the Human Rights Commission of Sri Lanka delivered the keynote address. The inauguration was graced by Ms. Edwina Sinclair, Second Secretary (Political), Australian High Commission, Colombo; Prof. Lakshman Dissanayake, Vice Chancellor of the University of Colombo; Ms. Indira Nanayakkara, Dean, Faculty of Law; Prof. Sharya Scharenguivel, former Director of the Centre for the Study of Human Rights (CSHR); Prof. Ravindra Fernando, Acting Director of CSHR; Ms. Wasantha Seneviratne, Acting Deputy Director of CSHR; Mr. K A S Edward, Registrar of the University of Colombo; Board Members of CSHR; lecturers of the Faculty of Law; and teaching staff of the Master's programme.

Six international students from the Asia Pacific region joined with thirteen local students for their second semester of the programme at CSHR this year.

The Asia Pacific Master's Degree programme was launched in 2010, in partnership with The University of Sydney (Australia), Kathmandu

School of Law (Nepal), Mahidol University (Thailand) and Gadjah Mada University (Indonesia), at The University of Sydney, Australia. In 2014, a new partner, Ateneo De Manila University (the Philippines), joined the programme.

This Master's programme is co-funded by the European Union through the European Inter-University Centre for Human Rights and Democratisation.



*Mrs. Wasantha Seneviratne, Deputy Director
CSHR, delivering the vote of thanks*

CSHR News and Events

KEYNOTE ADDRESS: INAUGURATION OF THE ASIA PACIFIC MASTERS DEGREE PROGRAMME ON HUMAN RIGHTS AND DEMOCRATISATION CONDUCTED BY THE CSHR



"At a time when we in Sri Lanka are going through an exciting period in our history and in the arena of Human Rights and Democracy this programme gains value more than ever before."

Mr Saliya Pieris - Commissioner, Human Rights Commission of Sri Lanka

Vice Chancellor, Senior Professor Lakshman Dissanayake, Ms Indira Nanayakkara, Dean, Faculty of Law, Professor Ravindra Fernando, Acting Director, CSHR, Ms. Wasantha Seneviratne, Deputy Director, Ladies and Gentlemen, I am privileged to have been invited to deliver the keynote address on this occasion, the inauguration of the Asia Pacific Master's Degree Programme on Human Rights and democratisation of the University of Colombo in collaboration with The University of Sydney. At a time when we in Sri Lanka are going through an exciting period in our history and in the arena of Hu-

man Rights and Democracy this programme gains value more than ever before. Many of the problems faced in these areas are shared by the countries of the Asia and Pacific. A year after a paradigm shift in democracy and human rights in our country, we live in an era where the hopes and fears of different peoples are coming into play. There are many challenges ahead in Human Rights and Democratisation, especially since there continues to be a large divide between the aspirations of the different communities in our country, or at least perceived aspirations of the different communities. At this important period in history it is

important that the lessons learnt and the experiences shared through this programme help in contributing to the never ending struggle to strengthen human rights and democracy. I say never ending because in the countries with the best of records, there continue to be threats and challenges to human rights and democracy especially in the context of national security. Increasingly we understand the importance of strengthening and empowering the institutions in our country, rather than placing reliance on individual saviours to protect and foster democracy and human rights. Sri Lanka now more than

ever before has an excellent opportunity to strengthen its democratic framework and human rights. It is my firm belief that human rights and democratization can only be fulfilled when we as a nation recognize the need to establish a plural Sri Lanka, where the diversity of its people are accepted and encouraged. Black's Law Dictionary refers to Democracy as "the form of government in which the sovereign power resides in and is exercised by the whole body of free citizens directly or indirectly through a system of representation, as distinguished from a monarchy, aristocracy or oligarchy".

CSHR News and Events

The word democracy is derived from the Greek words demos (the people) and kraton (to rule). So where democracy prevails the people rule or at least the people ought to rule. The rule of the people or democracy is paramount in Sri Lanka's Constitution and The First Chapter titled "The People, The State and Sovereignty" as we all know vests sovereignty in the people.

It is based on this premise that in the Waters' Edge case as well as in the Eppawela Phosphate case the courts have developed the doctrine of 'Public Trust' holding that the rulers exercise their powers in trust for the people of this country. The rulers are not the owners of this land and its resources but merely hold them in trust for the benefit of the people. Yet we have to ask ourselves whether democracy and the rule of the people really exist within our system. As those students of human rights and democracy we must examine ways and means to vest real power in the people of Sri Lanka. As people of this country we must ask ourselves "Is power really vested

in the people? Have we the people of Sri Lanka been content to let go of that power which has been vested in us by the Constitution, even though the Constitution says that power cannot be taken away from the people? Are the sovereign powers given under the Constitution- really and truly exercised by a free body of citizens? Have we as a people abdicated or abandoned that responsibility and let our rulers exercise uncontrolled and unchecked powers?" The answers to these questions are not found in the events of the last few years alone but over several decades where we the people have gradually abandoned our sovereign power to the politicians and the bureaucracy of this country. We have become content to exercise our sovereignty merely at election time at voting but beyond mere voting we have become disinterested in government, disinterested in the powers that are really ours and disinterested in the long-term wellbeing of this country. Pluralism recognizes the diversity of that society- be it the ethnic, cultural or religious diversity of its people and the accep-

tance of different views and ideas that people hold. Pluralism recognizes that the people in a country have a right to have different ideas and views which others may not necessarily agree with. Our Constitution recognizes the pluralistic nature of this country where there are different communities, religions and cultures. Ranging

"The word democracy is derived from the Greek words demos (the people) and kraton (to rule). So where democracy prevails the people rule or at least the people ought to rule."

from Article 9 which while recognizing the foremost place of Buddhism recognizes the rights of all religions, going on to Articles 10, 12 and 14, the Constitution expresses the pluralistic nature of our nation. In this context it is important that we in Sri Lanka recognize the diversity of our people. As a practicing lawyer I have come across cases where people including State Organisations refuse to recognize the diversity of people. Currently in the Supreme Court there are two cases filed by students of a

State University where they have been refused entry on the grounds that they were wearing the face veil- the niqab- even though they agreed to remove them at all academic activities and security checkpoints. Often I hear the argument raised against personal and territorial laws exclusive to sections of the community such as the Muslim and Thesawalamai Law.

I recall some decades ago the then President of Sri Lanka referred to the minorities as being the vines growing around the tree which he equated the majority. It is disturbing to yet hear only the majoritarian views being expressed and people seeing the problems of the minorities as being simply economic. It is equally disturbing to hear that even now we are unable to agree to sing the national anthem of our nation in both official languages on national day. Those who refuse to recognize the diversity of our country and those who fail to see all people as equal have a lesson to learn from one of the greatest jurists this country has produced.

CSHR News and Events

As Dr. C G Weeramantry in his work "An Invitation to the Law" said "There was a timewhen what has been described as the 'melting pot' theory held sway.

Adherents of this theory believed that it was both the interest and duty of minorities living with a majority community to give up their individuality as a group, in the interests of harmony with the majority and to work their way towards absorption in the larger group.

The wheel has turned a full circle in this regard and the growing value attached to individuality has meant a realization also that it is valuable to retain individual differences in a free society. There is a growing belief that the richness of a society depends on variety rather than uniformity. No longer is there a general desire to shape everyone in a common image." In this context it is my firm view that if we are to encourage plurality we must recognize that racial and religious extremism is a threat to the democratic fabric of our society, it is time that the State deals with the issue of hate speech. I am not talking of those

views on different issues, however unpalatable they may be. I believe the right to disagree or dissent is an important right in any society. However this should not be extended to instances where raw hatred and incitement to violence is spread among people against communities, religions and those who hold differing views.

One has to only look at social media such as Facebook, to understand the level of intolerance and hatred

"I am firmly of the belief that it is time that the provisions of the ICCPR Act which has criminalized hate speech and incitement to violence on ethnic and religious grounds be implemented by the State including the police and the Attorney General. "

which exist among many people - ranging from ethnic and religious hatred to political hatred. One year after the Aluthgama incident we have yet to deal with the perpetrators of that incident. I am firmly of the belief that it is time that the provisions of the ICCPR Act which has criminalized hate speech and

incitement to violence on ethnic and religious grounds be implemented by the State including the police and the Attorney General. It is also opportune for me to speak on the protection of the rights of the people. There is a fundamental duty of every citizen to uphold and defend the Constitution and the law. This duty is very much related to upholding the rule of law in Sri Lanka and in ensuring that the Constitution and the law are respected. No country can have a future if the Constitution and its laws are not upheld and defended and if the Constitution is observed in the breach. In this regard in the last thirty or more years we have seen the failure of those holding high political office to observe and respect the spirit of the Constitution and the law. One can see many people blaming the 1978 Constitution for the many ills in our country, but the fault lies not in the Constitution, but in the men and women who have failed to operate the Constitution in the correct spirit. In this context we have to admit that key sectors in our country including the police, the public service and the justice system have faced sys-

temic failures.

These failures need to be recognized and remedied. When the integrity of the police force or the public service is affected, when their independence is diminished, the public are affected adversely. In respect of the police, the past decades have seen increased allegations of brutality and lack of integrity and professionalism. This is directly attributable to the fact that for many decades there was no independent authority to monitor their discipline and professional conduct. While the establishment of the independent Police Commission is a significant step in tackling police indiscipline and brutality, nevertheless much more needs to be done. It is no secret that many of the deaths in custody are highly questionable. In most instances there has been no serious investigation nor any serious effort to stem the tide. One suggestion put forward by the Rule of Law Committee of the Bar Association of Sri Lanka is to establish a special mechanism to investigate deaths in custody.

CSHR News and Events

There is an urgent need to raise the level of consciousness among the public of these issues, which go to the very heart of the protection of the Constitution and the rule of law. One of the greatest failures of our justice system has been the laid back attitude demonstrated towards fundamental rights violations.

One of the most significant failures of the justice system was the failure to deal with deaths in prison custody and the cases of the IDPs who were held in the different camps and whose challenges went unanswered.

In one Fundamental Rights matter relating to the violent death of a prisoner in custody, filed by his father, the then Chief Justice

asked me 'How else do you want terrorists to be dealt with?' I was compelled to reply 'My Lord, we expect them to be dealt with according to law'. The application was dismissed.

A word about the Human Rights Commission. The HRC has in the past seen to be largely ineffective. Many people saw the HRC as a post box to file a complaint to stop time bar from running when filing a Fundamental Rights Application in the Supreme Court. One significant problem posed is the lack of an implementation mechanism. At the moment the HRC can only make recommendations but there is no mechanism to deal with failure to honour recommendations.

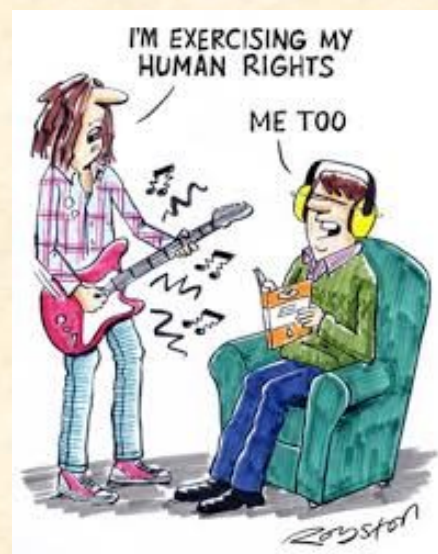
However we do feel there is a moral obligation on the part of the State and its institutions to honour and implement the recommendations of the Human Rights Commission, established as an independent institution. As a vibrant national human rights institution in Sri Lanka, the HRC is tasked with advising the state on implementing international human rights standards in legislation and administrative practices. It is this function which the Commission exercised when in January 2016, it wrote to His Excellency the President recommending that Sri Lanka accede to the 2nd Optional Protocol to the ICCPR and abolishes the death penalty. In the course of my work, one issue which I have observed is the

lack in many institutions of a mechanism to remedy grievances of ordinary people.

Even in the HNDA case it was observed that the violence could have been avoided had the students' grievances been properly heard and a timely remedy granted. In the words of Jane Adams "Justice can only be worked out upon this earth by those who will not tolerate a wrong to the feeblest member of the community, and that it will become a social force only in proportion as men steadfastly strive to establish it."

Human rights is a universal standard. It is a component of every religion and every civilization.

- Shirin Ebadi -



Ongoing Projects

All-inclusive Reconciliation and Development in Eastern Sri Lanka (AiRD) in collaboration with World Vision Lanka, funded by European Union

On 20th January the certificate awarding ceremony of the two Advanced Training Programmes - *The Law and the Citizen and Women's and Children's Rights*, was conducted by CSHR. 100 persons from Seruvila and Verugal DS Divisions successfully completed the above two 60 hour programmes.



Two Legal Resource Centres for the Trincomalee District

The CSHR established two Legal Resource Centres at Valaithottam Rural Development Society building and Poomarathadichchenai Rural Development Society building on 23rd February and 28th March respectively. 30 selected and trained community members (Referral Coordinators) will offer their services to the community at these two Resource Centres. Community members can meet the Referral Coordinators at these centres and communicate their issues and grievances to them. Thereafter, the Referral Coordinators will refer these issues to the relevant institutions/officers and follow up each case. Community members from Elangathurai, Elangathurai Mugaththuvaram, Poonagar, Poomarathadichchenai, Verugal, Verugal Mugaththuvaram, Asnaithivu, Thanganagar, Lingapuram, Selvanagar, Seruvila and Kavanthissapura will benefit from the establishment of these centres.

Ongoing Projects

A Legal Aid Fair for community members of Verugal DS Division in Trincomalee District was organised by CSHR. This was conducted on 27th January 2016 at the Verugal Divisional Secretariat Conference Hall. During the Legal Aid Fair, 214 National Identity Card applications were submitted, 176 copies of Birth Certificates, 36 Marriage Certificates and 17 copies of Death Certificates were issued. 629 land issues and 33 other legal issues were referred to the relevant officers and lawyers. 29 Police complaints were lodged. By the end of the day a total of 1,134 community members had benefited from the Legal Aid Fair.



Legal Aid Fair for community members of Verugal DS Division, Trincomalee District



It has long been recognized that an essential element in protecting human rights was a widespread knowledge among the population of what their rights are and how they can be defended.

-- Boutros Boutros-Ghali, Sixth UN Secretary-General, 1992-1996

Ongoing Projects

Youth Empowerment Programme at Watareka Youth Rehabilitation Centre 2015/2016

Youth offenders face many challenges in society, which have led them to withdraw from their families and society. The Centre for the Study of Human Rights (CSHR) in collaboration with the Department of Prisons, identified the need to reach out to youth offenders in the Watareka Youth Rehabilitation Centre towards enabling them to live a life of dignity and value. Most of these youth are school dropouts who have not been able to continue their studies due to various problems at home which have resulted in them going astray. Robbery and drugs being the main offences. They have lost the love and affection of their parents and the society. CSHR is conducting diverse activities under the above mentioned project for the wellbeing of these youth offenders.

Programme on Leadership Skills Development



This programme was held on 11 March and was facilitated by Mr Prasanna Perera, Trainer and Senior Psychological Counsellor/Psychotherapist at the Career Guidance Unit of the University of Colombo



Activities carried out in the leadership programme

Educational Programmes

E-Diploma in Human Rights

E-Diploma in Human Rights 2013/14 Batch

The Certificate Awarding Ceremony for the 2013/14 batch was held on 12 February at the University of Colombo. Six Students received the E-Diploma in Human Rights at this ceremony.



Ms. Nishara Mendis Academic Coordinator of the E-Diploma in Human Rights addressing the gathering



Lighting of the Oil lamp by Senior Prof. Lakshman Dissanayake, Vice Chancellor, University of Colombo

E Diploma in Human Rights 2016/17 Batch

The inauguration and orientation for the 2016/17 batch was held on March 12 at the Faculty of Law. We should mention how many joined the programme and participated in the inauguration/orientation.

Distance Learning Diploma in Human Rights and Democracy (DLDHRD)

Distance Learning Diploma in Human Rights and Democracy (DLDHRD) 2013/14

The Certificate Awarding Ceremony of the 2013/14 batch of the DLDHRD was held on 12 February at the University of Colombo. 26 students received the Distance Learning Diploma in Human Rights and Democracy at this ceremony.



Distance Learning Diploma in Human Rights and Peace Studies

The Certificate Awarding Ceremony of the DLD in Human Rights and Peace Studies (Repeat Batch) was held on 12 February at the University of Colombo. 11 students received the Distance Learning Diploma in Human Rights and Peace Studies at this ceremony.



Human Rights and International Humanitarian Law Programme for Armed Forces

The first programme for the year 2016 (no need) was conducted from 28-30 March at the CSHR. 21 Junior Commanders participated in the programme, while resource persons were those who are experts in the relevant fields. Each team comprised of Junior Commanding Officers of Sri Lanka Air Force and Sri Lanka Navy who completed their Management Module at Air Force Training Academy in China Bay.



“The power of human empathy, leading to collective action, saves lives, and frees prisoners. Ordinary people, whose personal well-being and security are assured, join together in huge numbers to save people they do not know, and will never meet....Unlike any other creature on this planet, humans can learn and understand, without having experienced. They can think themselves into other people’s places....We do not need magic to change the world, we carry all the power we need inside ourselves already: we have the power to imagine better.”

J.K. Rowling, author, philanthropist, and founder of the children’s charity, Lumos

Upcoming Events



CALL FOR APPLICANTS/SCHOLARSHIPS

MASTER OF HUMAN RIGHTS AND DEMOCRATISATION (ASIA PACIFIC REGIONAL PROGRAM)

2016 -2017



MHRD 2013-14 cohort | MAHIDOL UNIVERSITY | Bangkok, Thailand

FOR WHOM:

- Early to mid-career professionals in the human rights and democratisation field
- Highly motivated graduates

ADMISSION REQUIREMENTS:

- Bachelors degree (or equivalent from a recognised university)
- High English language proficiency (500 TOEFL / 6.0 IELTS)

IMPORTANT DATES

- First round of applications: before 1 April 2016
- Second round of applications: before 13 May 2016

Scholarship applicants will be competitively assessed based on:

- Demonstrated interest in and commitment to human rights and democratisation
- Relevant professional experience and academic background
- Prospective contribution to the field of human rights and democratisation in the Asia Pacific region

Enquiries/requests for application forms: ihrpoutreach@mahidol.ac.th

Centre for the Study of Human Rights, Faculty of Law, University of Colombo, No.94, Cumaratunga Munidasa Mawatha, Colombo 3

Tel: 011 2500879 Fax: 011 2598462

Email: cshr@sltnet.lk | Website: cshr.cmb.ac.lk

Upcoming Events**CALL FOR APPLICATIONS****MASTER OF
HUMAN RIGHTS AND DEMOCRATISATION****Local Programme 2016 -2017****FOR WHOM:**

- Early to mid-career professionals in the human rights and democratisation field
- Highly motivated graduates

Degree Structure :**First Semester**

August to December

Second Semester

January to July

With international students following the Asia Pacific Regional MHRD Programme

IMPORTANT DATES

- First round of applications:
before 24 May 2016
- Second round of applications:
before 24 June 2016

Eligibility:

- * Bachelor's Degree in humanities, social sciences or law OR
- * Bachelor's Degree in any other area and with relevant work experience in the field of human rights and democratisation

AND

- * Excellent knowledge of English

Applications can be obtained by providing the paying voucher of Rs.1000/- to any branch of the People's Bank, in favour of 'University of Colombo – Main Collection Account' to Account No: 335021800000. Alternatively, applications can be downloaded from the CSHR website and submitted with the paying voucher.

Completed applications along with copies of certificates can be submitted by post, email or hand delivered to:

The Director

Centre for the Study of Human Rights, Faculty of Law, University of Colombo

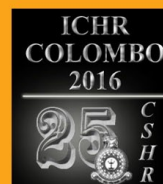
94 Cumaratunga Munidasa Mawatha, Colombo 3

Tel: 011 2500879 Fax: 011 2598462

Email: cshr@sltnet.lk | Website: cshr.cmb.ac.lk**Enquiries: mhrd@cshr.cmb.ac.lk**

Upcoming Events

INTERNATIONAL CONFERENCE ON HUMAN RIGHTS, CITIZENSHIP AND DEMOCRATISATION



ICHR Colombo 2016

26 - 28 August 2016 in Colombo, Sri Lanka

In Commemoration of the

25th Anniversary of the Centre for the Study of Human Rights
University of Colombo

Sub Themes:

- Critical and Emerging Issues in Human Rights
- International Human Rights Framework
- Citizenship, Democratisation and Peacebuilding
- Human Rights and Society
- Domestic Human Rights Framework in Sri Lanka
- Human Rights of Specific Groups

Keynote Speaker:

Professor Danielle Celermajer
The University of Sydney, Australia

Conference Secretary

Email: ichr2016@cshr.cmb.ac.lk

Phone: +94 (0)11-2500879
+94 (0)11-2503017

Centre for the Study of Human Rights
Faculty of Law
University of Colombo
94, Cumaratunga Munidasa Mawatha
Colombo 7
Sri Lanka

Important Dates

30 April 2016

Deadline for Abstract
Submission

15 May 2016

Notification of
Acceptance

15 June 2016

Registration of the
Attendees

15 June 2016

Deadline for Full Paper
Submission

15 July 2016

Deadline for Registration

26 August 2016

Inauguration

27 & 28 August 2016

International Conference

For more information visit:

cshr.cmb.ac.lk/ichr2016

Information**RESOURCE CENTRE**

Located at CSHR premises, Faculty of Law
University of Colombo

Open: Monday to Friday

8.30 am - 4.00 pm

Saturday: 9.00 am -12.30 pm

(Closed on Sundays and Public Holidays)

A Reference Facility with:

- Approximately 2975 books in Sinhala, Tamil and English (175 new books)
- 30 titles of journals, pamphlets, bulletins and newsletters
- UN, Amnesty International, ICRC and other reports
- Photocopy service available
- Database available online
- Donations
 - Books, Acts and past papers donated by Student Union of the Faculty of Law in 2012/13
 - 30 Books donated by The Asia Foundation in 2015

More info: http://cshr.cmb.ac.lk/?page_id=519

COURSES CONDUCTED BY CSHR

- Master of Human Rights and Democratisation (Local Programme) (conducted in English)
- Asia Pacific Masters Degree in Human Rights and Democratisation (in collaboration with The University of Sydney) (conducted in English)
- Distance Learning Diploma in Human Rights and Democracy (conducted in Sinhala and Tamil)
- E-Diploma in Human Rights (conducted in English)
- Distance Learning Advanced Certificate in Human Rights Approach to Prison Administration (conducted in Sinhala)
- Certificate Course on Human Rights and Fundamental Rights (conducted in Sinhala and Tamil)
- Certificate Course on The Law and The Citizen (conducted in Sinhala and Tamil)
- Advanced Certificate Course on Human Rights and International Humanitarian Law (conducted in English)

Information

Please contact us if you require further information relating to the CSHR E-newsletter.

Your comments and feedback are greatly appreciated.

If you are interested in receiving the CSHR Newsletter please send an email to:

cshr@sltnet.lk

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Faculty of Law
University of Colombo
94 Cumaratunga Munidasa Mawatha
Colombo 3
Sri Lanka

Tel: + 94 112500879

: + 94 112503017

Fax: + 94 11 2598462

E-mail: cshr@sltnet.lk

Web: cshr.cmb.ac.lk



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