



# ANNUAL REPORT 2021



## Call to action for Human Rights

*Our shared human condition and values must be a source of unity, not division. We must give people hope and a vision of what the future can hold. The human rights system helps us to meet the challenges, opportunities and needs of the 21st century; to reconstruct relations between people and leaders; and to achieve the global stability, solidarity, pluralism and inclusion on which we all depend. It points to the ways in which we can transform hope into concrete action with real impact on people's lives. It must never be a pretext for power or politics; it is above both .....*

**UN Secretary General Antonio Guterres**

**Human rights are critical for the response and the recovery**

**They put people at the centre and produce better outcomes**

Human rights are key in shaping the pandemic response, both for the public health emergency and the broader impact on people's lives and livelihoods. Human rights put people centre-stage. Responses that are shaped by and respect human rights result in better outcomes in beating the pandemic, ensuring healthcare for everyone and preserving human dignity. But they also focus our attention on who is suffering most, why, and what can be done about it. They prepare the ground now for emerging from this crisis with more equitable and sustainable societies, development and peace.

**COVID-19 AND HUMAN RIGHTS: WE ARE ALL IN THIS TOGETHER**

## **Cover photos**

All photos are by LST staff and consultants:

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# Who we are and what we do

**The Law & Society Trust (LST) is a not-for-profit organisation engaged in legal research, advocacy and human rights documentation.**

The late Dr. Neelan Tiruchelvam founded the Law & Society Trust in 1982 in Colombo, Sri Lanka under the Trust Ordinance. LST was subsequently incorporated in 1992 under the Companies Act No. 17 of 1982 and given Registration No. N(A) 211. LST has since re- registered as required by law under the new Companies Act No.07 of 2007.

LST's goals are the promotion of legal reforms for access to justice, judicial enforcement of rights, and public accountability.

LST aims to use rights-based strategies in order to promote and protect human rights, enhance public accountability and strengthen respect for the rule of law.

LST has built strong networks across communities by implementing effective programmes and engaging in human rights advocacy. LST's advocacy is based on sound research and LST operates to expand democratic spaces wherever they exist. It does so by strengthening institutions, promoting equal access and upholding good governance through the practice of honesty, transparency and persistent inquiry.

## Vision

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

## Mission

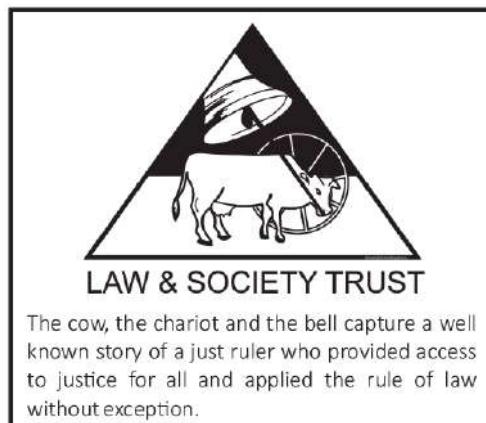
To utilise rights-based strategies in research, documentation and advocacy, and to promote the full realization of the rule of law, justiciability of rights and public accountability.

## Goals

1. To be a leader in national level policy and legislative changes
2. To be a change maker in perceptions, attitudes and traditions which affect rights
3. To be a space maker for human rights discourse
4. To advocate for effective accountability ensuring good governance, transparency, equality and social justice
5. To empower and build the capacity of rights holders

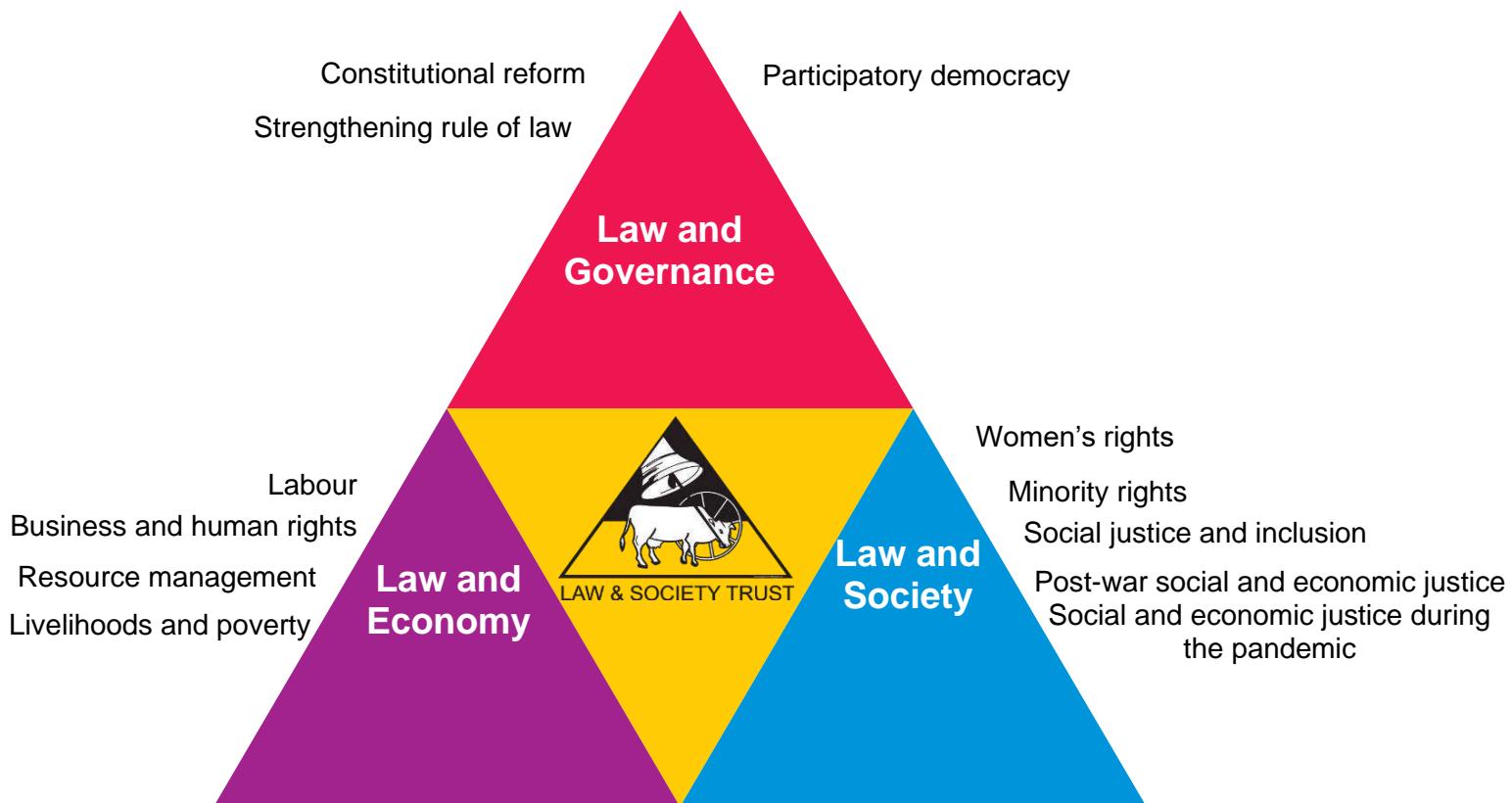
The programme interventions have included human rights education, advocacy, training and engagements with community-based organisations and duty bearers at the district and national levels. It also engages with judges, lawyers and opinion leaders.

The organization also focuses on building networks and coalitions of human rights activists and defenders at the national and international level. The knowledge gained through these efforts has shaped the strategies and approaches adopted in all of LST's programmes.



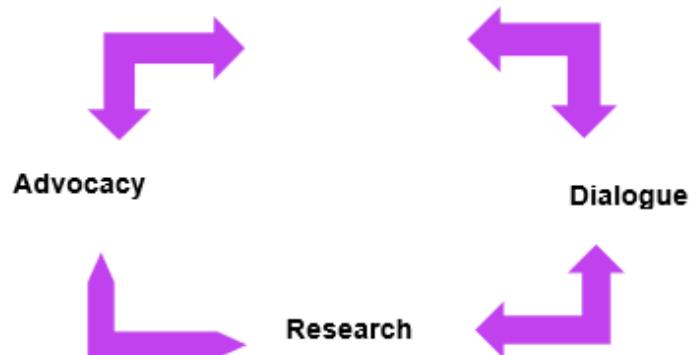
The cow, the chariot and the bell capture a well known story of a just ruler who provided access to justice for all and applied the rule of law without exception.

## LST's interconnected work clusters



## How we work

### Networks



### The focus of our work in 2021

Protection  
of  
human rights  
during the pandemic

Ensuring that  
social and economic justice  
and  
political rights  
are not compromised during the pandemic

## **Board of Directors and Staff**

### **Board of Directors**

Dr. J A S Felix - Chairman

Mr. Geoffrey J.T. Alagaratnam PC

Ms. Anushya Coomaraswamy

Prof. Fathima Farzana Haniffa

Mr. Tissa Jayatilaka

Prof. Jayadeva Uyangoda (upto 12.08.2021)

### **Company Secretary**

Secretarius (Private) Ltd

### **Auditors**

KPMG - External Auditors

### **Internal Auditors**

Jayasinghe and Company

### **Senior Management Team**

Dr. Sakuntala Kadirgamar - Executive Director

Mr. Sandun Thudugala - Director of Programmes

Ms. Hasara Fernando - Head of Finance and Administration

## **Program and Research Staff**

Ms. Amalini De Sayrah - Communications Officer from 01.10.2019

Ms. Chathurika Sewwandi – Project Co-ordinator from 01.10.2020

Mr. Madasamy Vijeyakanth – project Co-ordinator & Researcher from 01.08.2020

Ms. Minoli Natasha Van-Hoff - Project Co-ordinator

Mr. P. M. Senarathna - Project Manager

Mr. Vidura Munasinghe- Senior Researcher

## **Consultants**

Ms. Anuradhi Jayasinghe – Researcher from 03.02.2021

Ms. Anusha Selvendran – Research Assistant – 16.07.2021

Mr. Amila Udagedara – Videographer & Editor – from 10.08.2021

Mr. Gamini Bandaranayake – Media Coordinator from 15.03.2021 to 15.09.2021

Ms. Inoma Karunatilake – Project Coordinator

Ms. Ishara Danasekera – Media Advisor from 01.02.2021

Ms. Kajanthini Navarathnarajah – Project Assistant

Ms. Krijah Sivakumar – Researcher

Mr. Kalanther Issadeen – Project Assistant from 15.10.2021

Mr. Malinga Prasad Jayaratne -Research Assistant

Mr. Mark Schubert – Legal Researcher from 06.09.2021

Ms. Marisa De Silva- PARL Coordinator

Mr. Michael Mendis - Researcher

Mr. Prabath Hemantha Kumara -Research Assistant

Mr. Rasika Bandara Gunawardena – Media Coordinator from 15.03.2021

Mr. Sakuna Gamage – Researcher

Mr. T. Suvirthan – Research Assistant – from 20.01.2021

Ms. Sulochana Wijayasinghe – Researcher from 17.05.2021 to 30.09.2021

Ms. Tharmika Sivarajah – Researcher

Ms. Vraie Cally Balthazaar – Researcher

Ms. Vyshnavi Manogaran – Research Assistant from 08.02.2021 to 31.10.2021

## **Interns**

Ms. Keshya Varia – from 01.11.2021

Mr. Paramananthan Rageeban – from 01.09.2021

Mr. Sritharan Sriluxman – from 01.09.2021

## **Human Resources and Administration**

Ms. Janaki Kamani Dharmasena - Human Resources and Administrative Officer

## **Finance Unit**

Ms. Dharshika Anthonyraj - Accounts Assistant

Mr. Prasanna Kaminde Gajaweera - Accounts Assistant & Logistic Officer

Ms. Sagarika Nilmini - Accounts Assistant

## **Publications**

Ms. Dilhara Pathirana - Editor

## **Library**

Ms. Dilani Wickramasinghe - Librarian

## **Support Staff**

M. Chandran – Office Assistant

# **2021: Sri Lanka braces for the storm before the tempest**

As 2021 unfolded, Sri Lanka grappled with:

## **The impact of COVID**

Sri Lanka, along with the rest of the world was devastated by Covid – 19. Covid decimated Sri Lanka's tourist industry, disrupted the flow of migrant labour to the Gulf states and their remittances and severely impacted the lives of daily wage earners.

Sri Lanka commenced the COVID-19 vaccination in January 2021, and although there was displeasure at the initial inequity in the access to vaccinations, Sri Lanka quickly developed a plan and by September 2021 over 50% of the population was vaccinated covering over 10 million persons with both doses. Sri Lanka's effective roll out of the vaccination was a remarkable accomplishment and was attributed to Sri Lanka's strong primary health care foundation that adapted quickly for COVID-19 vaccine readiness in a whole of Government and whole of society approach.

Despite impressive strides in vaccination, over 14,000 lives were lost due to the pandemic. The successes of the vaccination drive were also undermined by the government's decision to bring in over 1,400 tourists from Ukraine at a time when daily COVID-19 cases in Ukraine were rising. This caused the infections to spread.

## **Rising inter-ethnic tensions**

Inter-ethnic and inter-religious relations were greatly strained by the government's stubborn refusal to recognise the advice of the World Health Organisation and other authorities that affirmed the view that burying the deceased, even those infected with covid did not pose a threat to the soil or water tables. The government insisted on the cremation of all dead bodies, causing great distress to the Muslim community.

Furthermore, ethnic tensions were exacerbated by President Gotabaya Rajapaksa's appointment of controversial monk, Galabodaaththe Gnanasara Thero to lead a 13-member task force come up with proposals to implement one law for all Sri Lankans, abolishing all other personal laws including the Muslim Marriage and Divorce Act and some other regional laws that had existed for centuries. 'One Country, One Law' became emblematic of the government's attitude towards de-legitimising the status of the minorities within Sri Lanka's pluri-national state. The project was particularly suspect as the government of Sri Lanka's actions were increasingly criticised both nationally and internationally, for violating notions of the rule of law.

However, the increasingly frequent attacks on the minority communities generated a sense of solidarity among the Muslim and Tamil communities, with thousands of Sri Lanka's Tamils and Muslims embarking on a massive, five-day march from Pothuvil in the Eastern Province through Mannar to Polikandi in the northern peninsula. Organisers noted that the march, known as P2P, convened in February 2021, "re-imagined resistance amidst ethnic polarisation" and was noteworthy in highlighting 10 key issues that offended the minorities. These included: the on-going government projects to change the demography and identity of the north and east, the oppressive militarisation of the regions, the ban on burying the covid infected dead, the pay raise for the Malayala Tamils, justice for the families of the disappeared and the continued detention of Tamil political prisoners.

On February 17, the Attorney General ordered the Police Department to produce detained lawyer Hejaaz Hizbullah before a Magistrate's Court on charges filed under the Prevention of Terrorism Act (PTA) and the

International Covenant on Civil and Political Rights Act (ICCPR Act). Hizbulah and Mohamed Shakeel, a Principal of a Madrassa school were remanded for their alleged role in Easter Bomb attacks. The PTA and ICCPR Act continue to be criticised as Draconian laws and the arrest of Hizbulah has heightened concerns regarding its indiscriminate use.

A communiqué was eventually issued in December 2021 by Sri Lanka's Ministry of Health pointing to a decision reinstate Dr Shafi Shihabdeen of the Kurunegla Teaching Hospital who was sent on compulsory leave over unproven allegations of forced sterilisation. The treatment of Dr. Shafi by the state, the medical establishment and his vilification in the media, denying him of due process stand as a blot on all principles of natural justice and is also indicative of the underlying prevalence of anti- Muslim sentiment that enabled such a story to gain the traction that it did.

### **A parlous human rights record that remains under the spotlight**

On March 23, Sri Lanka lost a vote at the United Nations Human Rights Council (UNHRC) as the 47 member states voted 22 to 11 to impose a resolution that would empower the UN to collect and store information that could lead to international criminal proceedings.

On September 13, the United Nations Human Rights chief raised concerns over Sri Lanka's conduct over addressing past alleged human rights violations and said the world body will initiate maximum information gathering this year over these rights violations.

### **The bitter harvest of a failed agriculture policy**

The havoc caused to the economy and to people's livelihoods by covid was compounded by a series of bad decisions,

and further compounded by authoritarian arrogance characterised by the president's refusal to heed expert advice and retract flawed decisions where needed. This was especially the case in the of decisions impacting agriculture, the environment, and the economy.

In April 2021 the president made a historic agriculture policy blunder, in banning the import and use of all chemical fertiliser and pesticides. This decision was made without consultations with agricultural experts or the farmers themselves. As we will reap what we sow, the country is braced for a food crisis and the degradation of the both the rural and plantation economies. The rationale for this decision was not the altruistic decision to support organic farming. It was a desperate move to save foreign exchange on fertiliser imports, as it was becoming clear that the country's foreign exchange reserves were depleted.

Nevertheless, it led to dire results for the economy and although it was reversed several months later, the damage had been done to the harvest and to the farmers' livelihoods. It also eroded the confidence of the farmers in the government, with the farmers protesting and publicly regretting the support that many of them had given to the government.

### **A mismanaged maritime disaster**

In May 2021 the X-press Pearl a cargo ship carrying chemicals caught fire off the coast of Sri Lanka - leaving in its wake an environmental disaster that Sri Lanka will likely have to live with for decade. It has devastated the fisheries sector and the government was ill-equipped to negotiate the full compensation required to clean up the beaches and compensate the fishing communities that have lost their livelihoods.

## **The gaining momentum of the politics of protest**

Although many CSOs complained of the progressive shrinking civic spaces, under the Rajapaksa government, the many hardships experienced by ordinary people gave rise to vocal public reactions against the government and 2021 heralded the season of protests against the government. First the port workers and trade unions, then the farmers, and then the teachers protested against several government measures and launched strikes. The protests of these workers were part of a resurgence of class struggle action against the government and big business for their attacks on jobs and the depressed social conditions faced by workers in Sri Lanka and a fear of the future, where national assets would be controlled and prices fixed by foreign entities.

In January 2021, unionized workers at the Port of Colombo protested over the proposed involvement of Indian and Japanese companies in the operation of the Eastern Container Terminal. Participating workers launched a "work-to-rule" agitation limiting operations to official hours only. Organizers, together with other allied organizations such as labor unions across the country and political parties, participated in demonstrations and strikes.

For over two months, about 250,000 public school teachers were on strike to demand higher salaries. Previously, workers in health, postal, railway, ports, power, tourism and garment sectors have held strikes and protests against economic hardship and unsafe health conditions in the pandemic. Unrest was mounting among petroleum workers over cuts to overtime and wages

In November 2021, Sri Lankan power, port and petroleum workers protested against privatisation. Thousands of workers from the Ceylon Electricity Board (CEB), the Sri Lanka Port Authority (SLPA) and the Ceylon Petroleum Corporation (CPC) demonstrated

against the Rajapakse government's agreement to sell the Kerawalapitiya power station to the US-based company, New Fortress Energy. About 4,000 CEB workers from all grades participated in the campaign, including 3,000 who travelled from districts across the island to join a protest outside the CEB's head office in Colombo City.

On the same day, almost 300 Colombo Port workers demonstrated outside the Port Authority's main office while about 200 CPC staff protested in front of the Kolonnawa oil storage facility in the Colombo suburbs. Dozens of Sapugaskanda oil refinery workers also rallied outside the facility in Colombo's north-eastern suburbs.

Workers demanded that the government "Stop selling CEB" and "Stop the privatisation of national assets." The separate protests were organised by the Joint Trade Union Alliance (JTUA) of the CEB, SLPA and CPC unions. Although the CEB chairman issued a circular cancelling the leave of all workers and threatening disciplinary action against any employee responsible for disrupting power supplies these threats were defied by CEB workers who joined the campaign by taking sick leave.

The media, which had been a pliant cheerleader of the regime, covered these protests, giving them wide publicity. Despite the protests, the Rajapakse government's privatisation agreement with the New Fortress Energy (NFE) was secretly signed on September 17. It included the sale of the government's 40 percent share of the West Coast Power Limited ("WCP"), the owner of the 310 MW Yugadanavi Power Plant based in Colombo which currently controls the LNG power station at Kerawalapitiya. NFE will have the rights to the production and supply of liquefied natural gas (LNG) and supply power stations built in the future.

## **Emergency proclamations: Double-edged swords**

On 27<sup>th</sup> May., President Rajapakse enacted repressive laws which banned strikes in virtually the entire public sector, or nearly one million workers. He also appointed several former and in-service military officers to senior civilian posts. While schools are closed, most workplaces, especially export industries such as the garment industry, were considered “essential” and remained open, even as the island faced a Delta-variant driven surge of COVID-19 infections.

On 30th August, the draconian state of emergency proclaimed by the President. While Rajapakse claimed that the state of emergency will ensure “public security and well-being, and the maintenance of supplies and services essential to the life of the community,” it in fact authorized an extraordinary crackdown on workers and the rural poor, protesting at the rise in the cost of living, the havoc that they faced in their daily lives and their apprehension for the future of their children.

Sri Lanka has been ruled under emergency law for much of the three-quarters of a century since it became formally independent from Britain in 1948. Successive governments have imposed a state of emergency to forestall or try to crush resistance by workers and the rural poor and minorities. The current state of emergency has been imposed under qualitatively changed conditions, with the country facing a far more intense economic and political crisis.

## **A geo-political crisis in the making**

Ever since Sri Lanka unilaterally cancelled an agreement with India and Japan over the East Container Terminal (ECT) of Colombo port., diplomatic relations with Japan and India frayed and the row intensified. As a win-win solution the Adani Group apparently suggested changing the port terminal to

resolve protests, with Sri Lanka offering to India the West Container Terminal for investment, but with same equity ratio given to China to develop the Colombo Cargo Container Terminal (CCIT). The Container Terminal investment attracted the ire of worker and nationalists and also provoked high-level diplomatic intervention from India with many analysts fearing that the unilateral cancellation of the Memorandum of Understanding by Sri Lanka damaged relations with India and Japan.

Sri Lanka’s preferences for engaging with China, the number of loans it has received from China in recent years and the number of Sri Lankan infrastructure projects that are now controlled by China have raised concerns with India, which believes that these actions have brought China too close to the borders of India.

## **Public scepticism towards Port City Economic Commission as the Bill is passed amidst protest and misgivings**

On 27<sup>th</sup> May, Speaker Mahinda Yapa Abeywardena signed the Port City Economic Commission Bill. The controversial bill was passed in parliament on May 20 subject to amendments following a Supreme Court decision, amid protest from opposition parties, activists and members of the clergy. The Act creates an entity that may acquire and develop historic buildings and valuable real estate outside the confines of the Port City as well and it is likely to be a flashpoint for discontent and agitation.

## **Challenges to an established education system**

In May, Sri Lanka closed down all schools, preschools and monastic schools) in the island to contain the spread of COVID-19. This pushed teachers and schools to conduct on-line education which not all schools and teachers were capacitated to undertake and not all students were able to access.

There is realisation that education, the traditional means to social and economic mobility, would not be accessible to all, giving rise to frustration among, teachers, principals, students and their parents.

Compelling images of children climbing on trees to get better connections and many children huddled around a mobile phone to receive their lectures, demonstrated the inadequacies of online education.

### **Teachers on strike**

In the midst of the collapse of the educational system due to the pandemic, the teachers went on strike protesting their low wages as well as the privatisation of education at the cost of the free education system that was established in Sri Lanka.

On July 08, Sri Lanka police arrested over 45 people including Sri Lanka Teachers' Union General Secretary Joseph Stalin for engaging and demonstrations and protests in violation of a COVID-19 ban on protests and public meetings. The protest was held against the proposed Kotellawala Defence University (KDU) Bill at the parliament roundabout in Sri Jayawardenapura, Kotte. The KDU Bill has raised additional fears that education too will be militarised

On July 12, Teachers' and Principals' Trade Unions withdraw from all online classes, in protest of the arrest and "forced quarantine" of activists and union leader Joseph Stalin.

Sri Lanka's school teachers returned to work on Oct 25 but their Trade Union campaign continued. The alliance of school teacher and principal trade unions in Sri Lanka who had been on strike for over three months demanding higher pay, resumed duties but continued to agitate and refrain from non-academic work.

### **The return of the Lone Ranger**

On 23<sup>rd</sup> June, a full ten months after the General Elections of 2020, Sri Lanka's four-time Prime Minister Ranil Wickremesinghe was sworn in as a member of parliament for a record ninth consecutive time.

Ranil Wickremesinghe failed to secure his own seat in Parliament. His party was decimated in the polls and he lacked a party to lead in parliament. The United National Party' had a clear stance on defeated candidates entering parliament through the backdoor. Nevertheless, the ever-loyal and ever-pliant Working Committee of the United National party, apparently decided unanimously to "send to parliament a person that not just the party needs but the entire country needs."

Mr Wickremasinghe's entry into Parliament undermines the value of the plebiscite and demonstrated his, and his party's complete lack of regard for the voters who demonstrated their lack of confidence in him. His entry to parliament was welcomed warmly by the government signifying a broader disregard for democratic principles among parliamentarians themselves. This does not augur well for Sri Lanka.

### **Fissures within the ruling party**

On 20<sup>th</sup> July Sri Lanka's government defeated a no confidence motion against its energy minister with 61 voting in favor of the motion and 152 against. The motion cited an official statement by ruling Sri Lanka Podujana Peramuna (SLPP) general secretary MP Sagara Kariyawasam blaming the price hike on the energy minister. However, the minister maintained that the price increase was a collective decision made by the pricing committee, a sentiment that was then echoed by the government, in an attempt to plaster its internal fissures.

## **Extended COVID-19 lockdowns**

As COVID-19 cases raged, medical experts pleaded for movement restrictions. Eventually, on 20<sup>th</sup> August Sri Lanka announced a 10-day lockdown. Apparently, President Gotabaya Rajapaksa agreed to a request by the country's Buddhist prelates to shut down the country for one week to contain a rising wave of delta variant-led COVID-19 infections. Sri Lanka extended its COVID-19 lockdown to September 21, after pleas from various quarters including State Minister of COVID Control, Dr Sudarshini Fernadopulle. There were clearly tensions between competing centers of authority in the management of the pandemic.

## **Family exceptionalism rising to the forefront**

On 8<sup>th</sup> July, close on the heels of his appointment as a national list MP, Sri Lanka Podujana Peramuna (SLPP) architect and election campaign strategist Bail Rajapaksa was sworn in as Minister of Finance. The 20<sup>th</sup> amendment to the constitution removed restrictions on a dual citizen from entering Parliament and an obliging member of Parliament vacated his seat to enable Mr. Basil Rajapaksa to be nominated. This brought into the government, five members of the same family holding key positions and controlling 70% of the country's budget.

In September Former State Minister of Money and Capital Markets, Nivard Cabraal who resigned from parliament was appointed Governor of Sri Lanka's Central Bank with effect from September 15, a post he had held until 2014. He asserted that he will be concentrating on stability first and growth." By the end of the year, it was evident that neither of these goals were to be achieved.

## **Unchecked Mal-governance, Impunity and Thuggery**

Former Criminal Investigation Department (CID) chief Shani Abeysekara was released

on bail on June 16 following 10 months in custody. The Court of Appeal was bluntly critical of the Sri Lanka Police for using "concocted stories" to incarcerate their own top detective. Shani Abeysekara's detention sparked a censure motion against Sri Lanka at the European parliament.

Former Sri Lanka MP Duminda Silva who was serving a death sentence over murder charges was released from prison on June 24 on a "special presidential pardon". Silva was released June 24 morning in addition to 93 prisoners including 16 ex-Tamil Tiger combatants who were also pardoned by the president.

On September 15, Sri Lanka's Prison Management State Minister Lohan Ratwatte tendered his resignation from the portfolio over an incident alleged to have occurred in the Anuradhapura prison. In a letter addressed to President Gotabaya Rajapaksa, Ratwatte – short of accepting responsibility or apologising for the alleged incident – requested the acceptance of his resignation as State Minister of Prison Management and Prisoners' Rehabilitation.

And the crowning glory of the record of malfeasance, was the Attorney General's advice on 13<sup>th</sup> October, informing Sri Lanka's Court of Appeal that charges against former Navy Commander Wasantha Karannagoda over the alleged disappearance of 11 youth in 2008 would not be taken forward.

## **Deals within wheels**

Two relatives of Sri Lanka President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa were named in the "Pandora papers", a global investigative journalism group-led analysis on documents related to offshore financial companies. Investigations by the International Consortium of Investigative Journalists (ICIJ) in collaboration with the BBC, the Washington Post, the Guardian, WDR/NDR (Germany) and others revealed that

Nirupama Rajapaksa, the cousin of both Sri Lanka's president and Prime Minister, and her husband Thirukumar Nadesan were named in the leaked documents. It is uncertain if there will be an inquiry into the sources of this wealth.

### **Misplaced development priorities**

On 23<sup>rd</sup> November, six Sri Lankans including four children drowned when a ferry capsized in Kinniya, Trincomalee, November 23 morning, leading to angry protests from locals over an unfinished bridge that they claimed had to the tragedy. Angry residents burnt tires in protest following ferry tragedy in Sri Lanka

Paradoxically, on the 24<sup>th</sup> November, President Gotabaya Rajapaksa opened Sri Lanka's first cable-stayed six-lane bridge constructed with a concessionary loan of 35,020 million yen from Japan International Cooperation Agency (JAICA).

On 24<sup>th</sup> November Sri Lanka finally ended a ban on the import of chemical fertilizer and agro-chemicals on November 24. Minister Aluthgamage proudly announced that, "From today chemical fertilizer, fungicides pesticides, and weedicide imports are allowed." No reference was made to the fact that the harvest for the year was impacted, farmers incurred huge losses that they could not recover and that the price of the fertiliser was so high that it was unaffordable.

### **The realisation that the events of the year portend the future**

In December 2021 began with the Board of Investment of Sri Lanka, the state investment promotion agency, being hit by resignations of the Chairman, several board members and senior officials. A simmering row between Board of Investment (BOI) senior management and other senior government officials over a multitude of issues including costly expenses and recruiting professionals

at high salaries led to the entire board quitting this week.

BOI board members stepped down presumably in opposition to their integrity being questioned by the Parliamentary Committee on Public Enterprises (COPE) at a recent meeting. The BOI has faced criticism from COPE and the unions over efforts to undergo a costly renovation of a current floor at the World Trade Centre Office that it occupies and plans to recruit new officers in charge of promotion at high salaries.

The BOI defended both moves saying that the recruitment drive had been approved by the Cabinet, adding that professionals who would be recruited to this unit would need to possess specific skills, professional and academic qualifications. Sri Lanka had prioritised Foreign Direct Investment as the way out of its current predicament and the turmoil within the BOI does not augur well for the future of this strategy.

### **A slew of calamities**

On 3<sup>rd</sup> December there was a cascading power failure, a wave of cooking gas explosions, fires and related incidents. There was public consternation and speculation that the gas explosions were caused by the companies altering the composition of gas in the cylinders to save costs.

On 11<sup>th</sup> December, Sri Lanka's state-run Ceylon Petroleum Corporation (CPC) increased the cost of petrol to 177 rupees a litre and auto diesel by 10 rupees to 121 rupees, as money printing by the Central Bank depreciated the rupee and global commodity prices also went up due to Federal Reserve policy. Official foreign reserves had dropped to 1587 million US dollars in November. Amid continued liquidity injections mainly made to sterilize interventions, Sri Lanka's foreign reserves had reached 3.1 billion US by 29<sup>th</sup> December.

By now it was not possible to deny that Sri Lanka was cash-strapped and the ruling coalition divided over approaching the International Monetary Fund (IMF) for a bailout and even considering the sale of the country's national carrier.

### **The need for critical reflection: Looking back and looking forward**

While Covid dealt the economy and livelihoods a great blow, could Sri Lanka have managed this crisis better? Clearly the government failed in developing alternative strategies based on a realistic world view. Hankering after revenue from tourism amidst the pandemic was short sighted. Fixing the exchange rate in ways that disadvantaged migrant workers, dried up remittances from coming into the country through official channels. The agricultural policy was ill-advised and rectified belatedly. Overtures by the Opposition to form a national government were rebuffed. The government failed to diversify partnerships with traditional allies and pivoting towards China cost the government in terms of relations with India – an omnipresent neighbour

Sri Lanka was essentially controlled by a family -cabal that brooked no criticism or alternative opinions and the coalition partners within the government felt undermined and frustrated. Having amassed all powers around the executive presidency – via the 20<sup>th</sup> Amendment to the constitution

and further consolidating key cabinet portfolios among five family members, the government led by the Rajapaksa family cannot avoid responsibility

2021 was indeed a bleak year and portend significant governance and economic challenges lie ahead. The country does not require official or unofficial soothsayers to predict this.

Notwithstanding the looming crisis that Sri Lanka faces, we believe that we must continue to struggle to preserve the commitments and gains that Sri Lanka has made to achieve the Sustainable Development Goals. Successive governments in Sri Lanka and around the world have adopted these goals and we remain convinced that human rights create the foundation underpinning sustainable development, peace and prosperity. Our efforts towards economic recovery must be aligned to this framework.

I would like to thank the Board, our members, donors, partners and my colleagues who have supported me since I took up this challenging position. I look forward to continued support as I provide leadership to fulfil the mission and mandate of the Trust.

**Dr. Sakuntala Kadirgamar  
Executive Director**

## Keeping up the struggle for human rights

When we entered 2021, Sri Lankan's knew that it would be a difficult year. We were expected to live with the pandemic and its deleterious effects for the most of year 2021 and even beyond. The economy was crumpling and a major collapse was inevitable.

Apart from the crises, we also knew that we will have to deal with a highly authoritarian and militarized regime. The 20<sup>th</sup> Amendment to the constitution has concentrated power in the hands of the President and closed most of the democratic governance spaces that civil society organisations and citizens in a democracy should enjoy. A new law to control the functioning of NGOs and civil society organisations (CSOs) was proposed and a more repressive Counter Terrorism Act (CTA) was on the cards too. Surveillances and harassments on civil activism by the military and the police were widely prevalent, especially in the North and East.

These challenging political, economic and social contexts and the practical challenges posed by the restrictions due to the pandemic, such as travel restrictions and restrictions in convening physical gatherings, had in a way, presented an opportunity for LST to reflect, rethink and develop new programmatic approaches to remain relevant and effective.

During this time, LST tried to address the immediate needs of vulnerable communities most affected during the pandemic. LST also focused on addressing the structural issues which increased the vulnerabilities of most marginalized to the pandemic. In the course of our work in 2021, LST continued to emphasize the importance of fighting for the protection of fundamental rights, freedoms and democracy as foundations of sustainable and just recovery from the crises.

In line with its overall strategy, LST planned and implemented its interventions in accordance with three main pillars: reshaping public discourse, influencing policy and legal reforms and strengthening active citizenship and social movements.

During 2021, LST engaged regularly with thought leaders, civil society, communities and duty bearers on the range of issues that impacted human rights and democracy through discussions, media interviews, videos, other social media products and publications. LST also supported proactive engagements by the civil society such as public and legal actions against quarantine arrests, advocating for vaccine equality, public resource utilization and against police harassments during lockdowns.

LST's continuous research, advocacy and mobilizations on key policy and legal reforms have resulted in some significant outcomes within the year. These included: reforms to the Land Development Ordinance, lobbying to remove gender discriminatory provisions, initiatives from the Ministry of Justice to reform micro credit regulatory act, engagements with UN special procedures to address micro credit issues that impact the poor, especially poor women, the issues faced by plantation workers issues and rights of Free Trade Zone workers. LST specifically highlighted to the Ministry of Agriculture, the importance of women farmers rights in rural economy at both the national and provincial levels. LST's approach is to frame these issues as major human rights violations and this conceptual approach and the specific advocacy initiatives undertaken are some of the key achievements of LST during the year 2021.

Due to the advocacy and campaigns trade unions, CSOs and worker organizations were able to attract national and international attention on the issues and grievances and hardships faced by FTZ workers. This

resulted in significant improvement in quarantine facilities provided to them, provision of vaccination and other health and working conditions.

A Collective which comprises mainly of women working with FTZ workers, was formed and they were able to organise, call for press conferences, meet with relevant government and factory management representative and liaise with the international community, on issues pertaining to worker rights. This is particularly significant as a majority of trade union leaders and worker representatives are men, even though a majority of the workers are women.

Since 2020, two of these women's organisations have started trade unions. Factory owners, Board of Investment (BOI) and Joint Apparel Association Forum (JAAFSL) have recognized the women

organizations as legitimate representatives of workers and the importance of addressing issues specific to women.

LST continued to support People's Alliance for Right to Land (PARL), Women's Collective against Predatory Micro Credit Systems and other social movements to continue in advocating for their rights.

Looking back at 2021, we have achieved a lot. We were able to keep pushing for what we believed in some of the most challenging times. As a country we are starting to see certain changes that we didn't think was possible in early 2021. The activism of youth and the public in general, asking for political reforms and accountability is heartening to see. There is a long way to go but maybe there is hope, finally. It's all about keeping fighting for what you believe in and LST will continue to do so in coming years.

**Sandun Thudugala  
Director of Programmes**

## LSTs interconnected work clusters

LST undertook activities to support economic, social and cultural rights and political and governance reforms in Sri Lanka. Many of these activities are interconnected cutting across the spectrum of the economy, the society and politics reaffirming the understanding that there are no clear demarcations between indivisible human rights.

Our overarching goal is to ensure A society free from violent conflict, discrimination and social injustice and based upon human dignity for all.

### **Law and Governance: Engaging in rights discourses advocating for constitutional reforms, minority rights, the review of militarisation and a human rights approach to managing the pandemic.**

A priority focus in LST's work is that citizens' and civil society organizations have information, knowledge and skills to advocate or democratic governance reforms at national and local level.

Reforms in national policy, legal frameworks and local practices relating to land and micro credit

During the period of 2021, LST was able to achieve a few major positive reforms in national and local policy and legal frameworks relating to land and micro credit.

The Government has gazetted the reforms to the Land Development Ordinance removing the gender discriminatory provisions of the ordinance. This was a major reform project LST has been advocating for last three years.

The Government have also initiated a process to reform the micro-credit regulatory act to provide more security for the victims. Ministry of Justice have invited women leaders who are part of the leadership training programs to provide their inputs to the proposed reforms.

The State Ministry of Samurdhi, Household Economy, Microfinance, Self-Employment and Business Development announced a new low interest loan scheme for women who became victims of predatory micro credit systems. Women can obtain this loan through Samurdhi banks to pay off their outstanding high interest loans obtained from private companies. The ministry in partnership with Micro Credit Practitioners Association introduced a new hotline to hear complaints about the grievances and hardships faced by micro credit borrowers.

The UN special rapporteur on modern forms of slavery visited Sri Lanka in December 2021, and women activists from LSTs leadership training program met with him and presented the issues faced by plantation workers and the victims of predatory micro credit systems. The Special Rapporteur's initial report included strong recommendations to address these issues and their situation.

LST's programmes were based on the understanding that political decision making is not based on the principle of inclusion and that there is no accountability in the development processes and in decision making. There is little political will to ensure inclusion and to address reconciliation. These programme interventions focused on increased engagement with government institutions and departments to ensure broader access to public services, inclusion in decision making in development processes and strengthened CSO capacity to lobby on national questions and issues.

LST supported people's movements on land rights (especially the farmers' campaign on their land and environmental rights in Walsapugala in Hambantota) and women's struggles against predatory micro credit systems. LST's campaigns support included providing visibility for the protest campaign by creating short videos, Facebook posters and newspaper articles based on our research on these issues. These were disseminated through social media using the 'Citizens' Dialogue' Facebook page.

### **Engaging in discussions on constitutional reforms**

In the latter part of 2020, the Cabinet Appointed Experts Committee to draft a new constitution in late 2020, the committee put out a call for CSO submissions and LST engaged with other CSOs to draft a consolidated response. We found that many CSOs declined to be part of it, stating that it was an eyewash, they rejected the process and that they have been disillusioned with the numerous constitutions making processes that went nowhere.

Nevertheless, LST believed that it had to remain engaged and submitted a comprehensive set of proposals on 21st December 2020. LST was invited to meet with the committee of experts on 6th March 2021 and on the presentation of our submissions we were requested to provide additional information on specific proposals - e.g., whether and if so how, Pluralism is to be recognized and expressed in the constitution, the incorporation of Gender Commissions and how they may improve women's rights; electoral system design with a view to ensuring minority representation, regulation of political parties through the constitution, and the constitutional status of the proposed megapolis.

LST sent in the required information on the 11th May 2021 but we have not heard from the committee since then and there has not

been much public discussion on the matter since then either.

The future of the constitutional reforms process initiated by the Government is uncertain. Yet the CSO networks have mobilized and many have already submitted proposals to draft a people's constitution that can be used as a framework to influence future efforts by the Government.

### **Minority Rights**

LST is part of the South Asia Collective network and partnered with Minority Rights Group to develop annual reports on the State of Minorities in South Asia. In 2021 LST contributed to the publication of the 2021 Annual Report "Hate Speech Against Minorities", and the South Asia State of Minorities Report, 2020: Minorities and Shrinking Civic Space" which was also released in 2021. LST also contributed to: SAC Bulletin #5: Minority news from South Asia (Oct 2020-Jan 2021).

### **Research-based dialogue on militarization**

LST has initiated a research project on the militarization in Sri Lanka with the objective of to uncover the mechanisms and processes of militarization and militarism in Sri Lanka, in order to inform and enhance support for democracy and democratic values among citizens. Project will be completed in 2022 and expects to provide a sound theoretical background and evidence base to build CSO activism against increasing militarization in Sri Lanka.

LST has also played a key role in building a broad civil society collective against the militarization of education, with special focus on the proposed Kothalawala Defense University Act.

## **Advocating for a human rights approach to managing the pandemic**

**Ensuring people's rights and democracy are protected during the COVID response:** Citizens' groups engage and influence government policy formulation and implementing processes

Even with the restrictions imposed by the pandemic and suppression by the State, civil movements actively engaged in efforts in protecting the democratic spaces at various levels. Actions by teachers, farmers, women farmers, FTZ workers etc., to protect their rights during 2021, CSO engagements with EU, UN and other international mechanisms to put pressure on the Government to protect human rights and democratic systems are some examples of the impact of a vibrant and strong civil society.

LST developed an extensive programme of civic engagement during the pandemic in this respect:

**A platform for thought leaders to engage on human rights during Covid:** LST established a Civic Watch (CW) of 8 members who are thought leaders in their respective fields to guide LST and CSO's interventions;

**Expanded and strengthened civic networks:** Civic Watch members put us in contact with their networks including grass roots members and we heard and recorded their stories. In this context, LST accessed 14 organizations and nearly 95 community members including farmers, fisheries, youth, teachers, differently able groups, three-wheeler drivers, FTZ workers, military persons, government health workers. These dialogues increased awareness of the organisations and the members on how to adopt mitigating measures to survive the health and economic hardships created by the pandemic. LST has widened its networks for this and future civic dialogues.

**Strengthened public awareness on the indivisibility of political rights and social, cultural and economic rights:** Through the process of dialogues and interviews, LST created awareness among people (interviewees / participants in workshops and meetings, readers of publications) of people's inalienable social and economic rights and those political rights should be conceptualised broadly to include the right to participate and be heard beyond and between elections. LST conducted 36 phone interviews to gather a cross section of views. 21 participants attended the meeting on the stakeholder meeting on vaccine equality; 29 attended the general discussion on the impact of the COVID in Jaffna. 34 participants from the CSO supporting people with spinal cord injury shared their experiences of the challenges they faced during the lock downs.

**LST made constructive interventions to improve access to human rights in the time of covid:** During the pandemic LST worked with the CSO network and monitored and collected data on the rights violations during the pandemic; issued letters to the state authorities (Inspector General of Police) to protect the rights of the people, calling out forced quarantine, illegal arrests, suppression of the right to expression and also demanding vaccine equality.

**Materials made available to support policy makers, thought leaders and citizens to improve covid responses:** LST's publications were presented in 3 languages.

### **Publications:**

*Let's talk about the vaccine: the need for strategy, clarity and equality*

<https://lislanka.org/publications/civic-watch-on-covid-report/let-s-talk-about-the-vaccine-the-need-for-strategy-clarity-and-equality>

*Charting the path forward beyond the pandemic*

<https://lslanka.org/publications/civic-watch-on-covid-report/charting-a-path-forward-beyond-the-pandemic>

*Let's talk about the Sri Lankan state and our personal liberties in times of COVID 19*

<https://lslanka.org/publications/civic-watch-on-covid-report/let-s-talk-about-the-sri-lankan-state-and-our-personal-liberties-in-times-of-covid-19>

*Let's talk about borders: Tourism, Citizenship and COVID - the Sri Lankan Response*

<https://lslanka.org/publications/civic-watch-on-covid-report/let-s-talk-about-borders-tourism-citizenship-and-covid-the-sri-lankan-response>

*Let's talk about how we can protect the rights of children during this pandemic.*

<https://lslanka.org/publications/civic-watch-on-covid-report/let-s-talk-about-how-we-can-protect-the-rights-of-children-during-this-pandemic>

*Let's talk about children's education in Sri Lanka during the pandemic*

<https://lslanka.org/publications/civic-watch-on-covid-report/let-s-talk-about-education-in-sri-lanka-during-covid-20>

Publications were distributed to Parliamentarians, libraries, NGO, INGOs, Diplomats, and grass-root communities. The series of publications on COVID-related issues have to date registered 10000 views.

**Initiative to create a database on newspaper reports and gazettes relating to covid:** Data was collected with the view that it will be made accessible to researchers and that researchers' capacities will be improved.

**Public engagement strengthened:** Public was engaged and offered solutions on how the situation should have been managed and can be managed better if there are future lockdowns. LST linked professionals and experts to grass roots communities to hear each other's perspectives and solutions on

ways forward. In the context where health professionals and public administrators were side lined in favour of militarized task forces we created platforms for experienced professionals to be heard.

**Inclusion:** LST made a concerted effort to reach out to all the sectors and all communities during the pandemic. LST published material in 3 languages highlight the need for inclusion of all communities. The tri-lingual policy, assured through the constitution – has fallen by the way side in government communications - even on important issues relating to vaccine availability.

**Expanded regional and sectoral outreach:** LST expanded networks and reached out in different regions and sectors (free trade zone workers, disabled people, farmers, fisher communities, teachers, women and youth groups, military personnel, inter-religious groups) to understand and record their experiences during Covid and to ensure that they will be a part of future focus group discussions when public policies are conceptualised.

**A platform for open-ended conversation on issues related to COVID:** Through the "Let's talk about series ..." LST collected the narratives emerging during the pandemic period around different issues (Vaccine delivery, education, border control and personal liberty ) in a variety of ways (press reports, gazettes, interviews with citizens, professionals etc.,) and noted the capacities of communities to view these issues as rights violations This is an outcome of the LST dialogues as well as the evolving context that has energised the citizens to be proactive in claiming their rights.

**Expanded communications to reach target audiences:** Developed videos & info-graphics to promote the research and engagements.

**CSO collective:** LST took a lead role in creating a CSO network, that engaged with

the government; lobbied international community to support vaccine equality. Through regular engagement with thought leaders, civil society, communities and duty bearers on the issues related to human rights and democracy and through publications, discussions, media interviews, videos and other social media productions, LST improved the quality of civic engagements to protect human rights and democracy during the pandemic. This was evident in proactive engagements by the civil society in the forms of protest, advocacy, legal action and collective interventions against Government actions amounting to rights violations. These included: public and legal actions against quarantine arrests, vaccine inequality, discriminatory and ill-conceived utilization of public resources and police harassments during lockdowns.

### **Eyes on World Bank COVID support**

Building on LST's work on protecting people's rights and democracy during the covid response and supporting Citizens' engagement in government policy formulation and implementing processes, the Bank Information Center invited LST to partner in its work - monitoring the support provided by the World Bank to Sri Lanka as part of its COVID-19 Emergency Response and Health Systems Preparedness Project. The project will carry through to 2022 culminating in a report outlining citizen's experiences of the effectiveness of the support received.

### **Law reforms to be aligned with human rights**

LST as part of a CSO network has provided research and legal support canvassing for the repeal of the PTA. A Member of Parliament cited LST report on torture detentions in Parliament. LST supported legal representation for persons detained under the PTA in aftermath of Easter bombings. LST was part of a CSO coalition interviewing the families of persons arbitrarily detained under the of PTA in Batticaloa and a report was published highlighting the

impact that arbitrary detentions have on families and it that has received considerable traction.

As a result of ongoing advocacy against the PTA and for the release of PTA detainees, Government has started the process of reforming the PTA (LST and other CSO allies are advocating for the repeal of PTA). Group of PTA detainees have been released in 2021 and government have expressed its willingness to release others.

LST is associated in a collaborative project with the University of Edinburgh and Dignity, to contest the use of torture and to introduce State protection for torture survivors. It has culminated in a publication and materials to appraise torture survivors of their rights and modes for redress and support.

## **Law and Economy: Strengthening women's agency and participation in the economy**

**Strengthened women's agency in development:** LST facilitated two discussions with members of the women's caucus in Parliament to share the research findings and the experiences of community activists on women's land rights (based on People's Land Commission Report) and rights of women in agriculture (based on LST report on community consultations on women farmers). Women caucus members have agreed to intervene proactively on the issues within and outside the Parliament.

During the meeting, LST raised key demands such as reforms to the Land Development Bill that was published in the gazette and tabled in the Parliament. The demands are the removal of gender discriminatory provisions in the ordinance. LST and its partners are expecting the women caucus members to support it within the Parliament. Women caucus members also invited the secretary of the Ministry of Agriculture to the meeting on women farmers. The Secretary promised to include

a section on women farmers in the upcoming agriculture policy.

33 women leaders and 3 men leaders have been trained on economic, social and cultural frameworks through six training sessions. In addition, LST trained further 500 women and 50 men were trained through replication programs in Mihintale, Polannaruwa, Verugal, Kekirawa and Welioya.

16 action plans were developed by 33 women activists with guidance from LST and Savisthri, addressing the following five major issues:

- i. Rural women and micro finance,
- ii. Women land rights,
- iii. Rural marketing,
- iv. Food security and nutrition
- v. Rural agriculture and rural industry.

#### **Summaries of some action plans:**

In Matara, a woman member developed a special committee to address women and child related issues in the Weligama UC area due to the increase of violence against them. She prioritised this special committee and she expects the Urban Council to initiate it in 2022.

In Trincomalee, a woman dairy farmer noted that the main problem for her and other dairy farmers in the areas was the lack of marketing facilities. They had to take their harvest to a distant collection centre and for women farmers this was a difficult task. She set up a dairy farmers' association with 30 other women farmers and advocated with the local authority and Dairy Development Board to provide them with the milk collection centre to their village. As a result of their engagements, they now have a collection centre that is conveniently located and women farmers can now provide their harvest directly to the village collection centre.

In Polonnaruwa, two women leaders have formed a group of women activists to provide support for the victims of predatory micro

credit systems companies. They obtained services from lawyers to provide legal advice for more than 200 victims. These women leaders also filed more than 15 Right to Information (RTI) applications on issues related to women's land rights, micro credit and social welfare schemes.

In Polonnaruwa two men leaders who attended the training program have organized women farmers in the Polonnaruwa District whose land rights were violated due to the gender discriminatory provisions of the Land Development Ordinance. They set up an organization of the victims (with a membership of more than 150) and met with Land Commissioner General, Provincial Land Commissioner and other local land officers to raise their issues. Currently the Government has gazetted the reforms to the Land Development Ordinance to remove gender discriminatory provisions.

In the Nuwara Eliya District two women leaders have formed a group of 70 women activists to advocate on plantation workers land rights. They have played a key role in a larger movement named Movement for the Protection of Plantation People's Land Rights (MPPLR) to win the land rights of plantation workers.

The National Women's Movement for Economic Rights was launched in October 2021. This Forum will be a collective platform for women's rights activists and organizations to advocate for women's economic rights. Women's groups from 10 districts attended the launch. Initial discussions to establish a provincial network in the Eastern Province was conducted and four provincial networks will be launched by March 2022.

Building the leadership of women activists who are actively engaged in women's economic rights issues at community level and facilitating a national level network of women activists has enabled the building of women's leadership at the national level to advocate on reforms to ensure women's

economic rights. Their intervention at national level has already influenced positive changes on issues such as women's land rights, micro credit and women's rights in agriculture as described above.

It is envisaged that through these actions women, youth, workers and rural communities are able to influence policy, legal and system reforms to ensure economic justice and environmental sustainability and there will be an increased level of acceptance of feminist principles and leadership to support improved participation of women and others at all decision-making levels in social, economic, and political spaces.

**Supported women's participation in traditional male dominated spaces:** LST facilitated the forming of a collective of women organisations working with Free Trade Zone (FTZ) workers, and have supported them through research, information gathering and capacity building to raise worker grievances and rights violations at the national and international levels and to represent worker interests with factory management representatives.

The collective which comprises mainly of women working with FTZ workers, were able to organise themselves, call for press conferences, meet with relevant government and factory management representative and liaise with the international community, on issues pertaining to workers' rights. This is particularly significant as a majority of trade union leaders and worker representatives are men, even though a majority of the workers are women. Since 2020, two of these women's organisations have formed trade unions.

Due to the advocacy and campaigns trade unions, CSOs and worker organizations were able to attract national and international attention on the issues and grievances faced by women FTZ workers. This has resulted in significant improvement in quarantine facilities provided to them, provision of

vaccination and other health and working conditions.

On behalf of the collective of CSOs and trade unions working on FTZ workers, LST wrote to several international brands on the plight of FTZ and Manpower workers in Sri Lanka, in an attempt to lobby brands to pressure factory owners to address worker rights issues and improve worker conditions. Although there were no responses from the brands to date, the Collective of CSOs and trade unions working on FTZ workers' rights were provided opportunities to meet with the Board of Investments (BOI), the National Operation Centre for Prevention of COVID - 19 (NOCPO), Brandix (factory owners), the Labour Department and the Joint Apparel Association Forum Sri Lanka (JAAFSL) to negotiate and discuss the grievances of FTZ and Manpower workers.

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Due to the advocacy and campaigns trade unions, CSOs and worker organizations were able to attract national and international attention on the issues and grievances faced by women FTZ workers. This has resulted in significant improvement in quarantine facilities provided to them, provision of vaccination and other health and working conditions.

Since 2020, two of these women's organisations have formed trade unions. The factory owners, BOI and JAAFSL have since recognized women organizations as legitimate representatives of workers and the importance of addressing issues specific to

women participating in traditional male dominated spaces

As a result of these actions, traditional patriarchal structures, reinforced by negative religious ideologies and practices that hinder rights of women and others were challenged.

**Support for climate-friendly development:** LST supported increased engagement of civil society and rights holders with the state on policy implementation and enforcement that support adherence to climate friendly development. Comments submitted to the National Environmental Policy received positive responses by the policy makers and Government officials. Those boundary partners have well accepted the suggestions on human rights approach towards a sustainable development approach and noted to refer a human security approach as a policy principle.

This engagement was spurred by a series of environmental issues impacting the community and the associated community struggles (e.g.: Express Pearl shipwreck, human-elephant conflicts, floods in Gampaha that CSOs attribute to unsustainable development and short-sighted planning. These factors were identified, communicated and published through mainstream media and other news and social media platforms.

LST ensured that comments were submitted to the National Policy on Environmentally Sensitive Areas, the Ministry of Environment and disseminated among the other environmental rights organizations and social media for to use in their advocacy programs and in their submissions for the National Policy on Environmentally Sensitive Areas.

The COP 26 video under the theme of "Sri Lanka partners calling for action on Climate Change" & "A new deal for development models" was widely disseminated among social media platforms and reached various

national and international environmental actors.

Through its publications, articles and discussions LST was able to broaden the environmental discourse to identify it as a human rights issue and also to recognize the interconnections between environment and the development and economic policy approaches of the country. LST will remain engaged with other CSOs, activists and policy makers to develop an overall framework which captures environmental rights within a broader economic, cultural and social rights framework.

These actions increased engagement of civil society and rights holders with the state on policy implementation and enforcement that support adherence to climate friendly development.

**Research and advocacy on the job and livelihood security of women:** Although LST does not provide direct livelihood support, it has engaged in research and advocacy on the job and livelihood security of women (especially Free Trade Zone workers) during the pandemic.

LST shared information pertaining to worker grievances with local and international media and advocacy institutions, INGOs and foreign missions with the objective of ensuring that the international community will raise these issues with and their respective governments.

These actions included:

- Drafting a report and an advocacy brief on FTZ and Manpower workers impacted by the COVID-19 pandemic, raising grave concerns relating to mandatory quarantine in hostels with no proper safety protocols in place, military round ups and transportation of workers to unsanitary and unsafe quarantine centres, union busting and delays in vaccination drive for workers. This was the treatment meted to the FTZ workers even though they worked through all national lockdowns and should have been considered as frontline workers.

- Facilitated for these organisations to carry out media conferences to raise issues around the treatment of workers during the pandemic.

### **The media and research coverage includes:**

- Al Jazeera - <https://youtu.be/DAu-c76gCc>
- Forum Asia - <https://www.forum-asia.org/?p=35060>
- Human Rights Watch - <https://www.hrw.org/news/2021/07/12/sri-lanka-protect-garment-workers-rights-during-pandemic>
- Amnesty International - <https://www.amnesty.org/en/documents/asa37/4262/2021/en/>
- Clean Clothes Campaign - <https://cleanclothes.org/news/2021/sri-lankan-garment-workers-need-brands-factory-owners-and-government-to-take-responsibility-for-their-plight>
- Jacobin - <https://jacobinmag.com/2021/07/sri-lanka-free-trade-zone-ftz-colombo-garment-industry-clothing-factories-covid-pandemic/>
- Asia Floor Wage - <https://asia.floorwage.org/wp-content/uploads/2021/07/Money-Heist Book Final-compressed.pdf>

At the beginning of the pandemic most of the employers were requesting government to relax existing labour laws so they could lay off workers when required. Through collective advocacy, trade Unions and CSOs were able to prevent this and hence secured the jobs of the majority of workers during the pandemic.

In 2021 LST has submitted its proposals on women farmers' livelihoods to the Central Bank of Sri Lanka, Ministry of Agriculture and Caucus of the women members of parliament. Ministry of Agriculture have already promised to include a section on women farmers in the new agriculture policy. Though the proposals for the national budget for 2022 were submitted to the Central Bank,

they were not included in the budget proposals.

LST's programme interventions were based on the understanding that rights holders and even civil society lack awareness and knowledge of existing statutes, policies, laws and regulation, and had limited engagement with the state on these issues. Rights holders in targeted areas did not have sustained family income and this increased their vulnerability and thus, supporting rights holders to engage in alternative livelihood options for sustained income, particularly women, youth, and other vulnerable groups would be beneficial to them.

### **Law and Society: Enhancing the resilience and status of women in the community**

People of all identities are working together for a society which respects plurality, equality and justice for all

**TRANSFORM project:** LST conducted participatory formative research on "Gender Discriminatory Social Norms and their impact on rights and freedoms of women." The research was conducted with the participation of 51 community-based field researchers of which 35 were women and 16 were men. Data was collected from 532 research participants and 14 focus group discussions (FGDs) covering all five districts in the North. The research identified 10 highly prevalent, key social norms and their impact on women's fundamental freedoms and rights.

The Tamil version of the report was published and launched in a symposium in Jaffna on 20th December 2021 - <https://tinyurl.com/transformLKA>

The English and Sinhala versions of the report will be launched in March 2022.

51 women and men have enhanced their capacities and knowledge on social norms,

fundamental freedoms and human rights through series of trainings and by participating in the research as data enumerators. The research participants were from diverse groups such as women councilors, CSOs, men leaders, Praja Mandala members, journalists, non-elected candidates and human rights defenders. They have shared their experience through social media:

[https://fb.watch/aG0bw8LC\\_3/](https://fb.watch/aG0bw8LC_3/),  
<https://fb.watch/aG0eGmj-hm/>,  
<https://fb.watch/aSyPwWWOGS/>

The research, the capacity building of women activists and the public dialogues stimulated through social media has enabled the formation of a group of women's rights activists in the North, empowered to engage with the community against gender discriminatory social norms and the violations of human rights and freedoms.

It is envisaged that men, women and others coming together to create an enabling environment that is against sexual and gender-based violence (SGBV) and promote access to justice and protection for everyone can have an impact. These actions can undermine the culture of silence that has resulted in high rate of incidents of gender-based violence, and low survivor rates of legal recourse.

**People's Right to Land:** To ensure that resilient communities and rights holders are supported to live in respectful coexistence, LST supported the People's Land Commission (PLC). The People's Commission on Land adopted a qualitative ethnographic approach to data collection on the broad question of peoples' experiences and expectations of ownership or possession of land and land use in Sri Lanka. All the Commissioners who conducted this study in terms of data collection and interpretation had considerable experience in working with people on land issues.

The two primary data collection methods were (a) public consultations and (b) focus

group discussions conducted with affected communities. The People's Land Commission report was presented and discussed with more than 500 Government officers in 15 districts. Land Commissioner General and Provincial Land Commissioners have expressed their commitment in implementing the recommendations of the PLC on land governance and administration at the local level.

The PLC report was presented to the Secretary of the Land Ministry at a LST conference in Colombo. Findings of the PLC report on women's land rights were presented to the Women's Caucus of the Parliament – they are actively engaged in following up on the LDO reforms.

PLC report was presented to MPs and other political party members in December 2021. Around 20 MPs and political party members participated and have promised to raise the relevant issues at the Parliament.

Initial discussions were held with the Secretary to the Ministry of Land, Land Commissioner General, MPs about the need for the national land commission to draft a national land policy.

Estate Housing and Community Infrastructure Facilities State Minister Mr. Jeevan Thondaman invited PLC to discuss the recommendations on plantation land. The Governor of the Northern Province has invited a submission based on the PLC report on Northern land issues.

Movement for the Protection of Plantation People's Land Rights (MPPLR), Ampara District Alliance for Right to Land (ADALAR), Praja Abhilashi Network, National Fisheries Solidarity Movement (NAFSO), Movement for Land and Agriculture Reforms (MONLAR), Surya Women's Network are few other CSOs and movements who have been using PLC report for their own advocacy. Findings of PLC report have been used for CSO submission on CEDAW.

The People's Land Commission report brought together the voices, concerns and suggestions of the communities who were affected by various land rights violations into a single framework. This provided a common framework for CSOs, communities and activists to advocate for their land rights, and this framework is already being used by many CSO networks and movements both nationally and internationally. This can be used as a base to advocate for a reform of the national land policy.

As a result of being a part of the entire land rights process, PARL members, community organizations and land rights activists have developed their understanding, capacities and analytical skills to lead the advocacy efforts to push for a new land policy in Sri Lanka.

The framework presented in the report will enable communities from all ethnic and religious groups, women and other marginalized groups to work together for solutions that can be acceptable for all. The report highlights some of the "success stories" resulting from programme interventions. The regular publication of analytical pieces, media products and discussions organized by LST on various aspects of the rural economy has enabled social movements who have mobilized around this issue to:

- Address specific aspects of the rural economy (micro credit, land issues of farmers, fertilizer issue)
- Broaden their understanding on the interconnectedness of their issues and their relations to the macro level economic and development agendas
- Enable them in building broader alliances across issues and build collective campaigns to address common causes of their issues.
- Enable community groups from various ethnic, social and religious backgrounds to find common ground to fight common struggles, potentially paving pathways towards reconciliation.

LST has worked with local authorities in Badulla, Ampara and Thirukkovil LGIs and citizen's forums to develop systems to ensure the participation of local communities in governance systems. As a result, all 3 LGIs community groups have submitted their proposals for LGI budgets for 2022. More than 30% of their proposals have been included in final budget proposals. Capacity building programs for LGI members were conducted on participatory budgeting, gender budgeting and participatory democracy. Although LST does not have an exclusive programme on gender budgeting, this issue is critical in its capacity building programmes targeting women in local government. Therefore, LST worked with Mr. Nawarathna Hennayaka, an expert in local governance, drawing on his expertise the main resource person for sessions on gender budgeting.

LST's land rights program, was implemented in collaboration with Provincial Land Commissioners Departments in North, East, North Central, Uva and North Western Provinces and the Land Commissioners General Department. It focused on:

- improving the knowledge of local land officers and community leaders on land law and administrative frameworks;
- facilitating linkages between authorities and communities to resolve their land issues. As a result of these interventions more than 6500 families got qualified to get land permits or grants for their land, and more than 800 common land issues were resolved ensuring the community members' ownership of their land.

Ensuring a proper ownership of land has provided the concerned people with a sense of security regarding their property as well as their livelihoods. This will enable them to invest in and develop their land and improve their livelihood. It will provide them with the identity and recognition that will enhance them socially and politically.

## Publications

LST focused on providing increased opportunities for value-based education which promotes plural, inclusive, and democratic values. These contribute to filling the gaps left by formal education, that often lacks human value-based learnings, and is not pluralistic or inclusive. LST publishes books, reports, policy briefs etc., in all 3 languages to facilitate human rights awareness raising among a wider audience and in compliance with the constitutional and language policy of Sri Lanka.

All of LST publications are digitally accessible on the Law & Society Trust website, [lstlanka.org](http://lstlanka.org).

Printed copies of publications are distributed among Board of Directors, LST members, donors, embassies, policymakers, academic and research institutes, universities, Parliament library, the secretaries of all political parties represented in Parliament and contributors

- *Let's Talk about Children's Education in Sri Lanka during the Pandemic*
- *Let's Talk about Borders: Tourism, Citizenship and Covid – The Sri Lankan Response*
- *Charting a Path forward Beyond the Pandemic*
- *Let's Talk about the Vaccine: The Need for Strategy, Clarity and Equality*
- *Let's Talk about the Sri Lankan State and personal liberty*
- *Fact-Finding Report on the Anti-Muslim Violence in the Kandy District 2018* (authored by Prof. Farzana Haniffa and research team from University of Peradeniya)
- *Role of Women Farmers in Transforming Food Systems: CSO Recommendations for a People's Food System*

- *Trade Unions and Export Processing Zone Workers: Swimming in Turbulent Waters* – by Vidura Munasinghe
- *Understanding Rule of Law, Human Security & Prevention of Terrorism in Sri Lanka* – Ermiza Tegal
- *Designing a Gender Equal Constitution that Empowers Women*
- *LST Review Vol. 30, issue 348, Nov 2021* – theme –Special Economic Zones and the Colombo Port City (Tamil, English and Sinhala)

### **Collaborative Publications:**

- *South Asia Judicial Barometer 2020* – LST and Forum Asia
- *Sri Lanka - Minority Rights Within Shrinking Civic Space 2020* (LST and South Asia Collective) (Chapter will be published in all 3 languages)
- *Introducing State Protection for Torture Survivors in Sri Lanka* (Dignity and The University of Edinburgh)

## Organisational updates

LSTs programmes are designed in alignment with the Strategic Plan which was previously developed with professional support and all staff members were engaged in its development and have ownership of the plan.

Staff meetings and project meetings are held routinely to further strengthen intuitional and programme ownership.

The organisational capacity building also provides support to strengthen core capacities.

LST has strong administrative and finance capacities that contribute to sound management and reporting capabilities

In the course of 2021, the Law and Society Trust strengthened its human resources

policies, working with the Employers Federation in this endeavour. We have revised our human resource manuals, included a Code of Conduct for staff as well as a Code of Conduct for consultants engaged with LST to ensure that they operate within a human rights framework respecting the rights of women, children, minorities including persons of other sexual orientation. The human resource manual provides on transparency in recruitment, whistle-blower policies and a grievance procedure. The code of conduct is translated into 3 languages

LST has developed the data base for the library (using the Koha system) to make the collection accessible to the public.

LST has undertaken an organizational capacity building training and adaptive management training with the support of The Asia Foundation.

The outcome of the trainings:

- Identified the capacity of the organization and developed organization staff handbook (bilateral)
- Developed a document for the organisation orientation process
- Enhanced the knowledge on how to use Theory of Change (ToC) in an appropriate way. This concept is to be applied in the monthly activity planning process to change the initial activity implementation process. (Due to long term lock down, we could not conduct many programs as we planned and we made changes to implementation using ToC)
- Identified the organizations / staff members' limitations and discussed methods of improving them through this process. The Code of Conduct has been in operation since August 2021 but as there have been no significant challenges in terms of staff relations to be able to assess its impact as yet.

In 2021 a contract was negotiated to redevelop the website and the new website is expected to be launched in 2022.

## Communications

### Awareness-raising campaigns

#### Women farmers

LST and PARL explored the relationship between women farmers and land rights in a series of infographics. These addressed how current land laws disadvantage women and restrict them from fully participating in decision-making in farming organisations.

<https://www.facebook.com/lstlanka/posts/3987312441331374>

Two videos were also prepared, examining women farmers role in ensuring food security in Sri Lanka.

<https://www.facebook.com/watch/668409573221694/220569913377146/>

#### Torture and human rights

Based on the report by Ermiza Tegal, LST formulated infographics on the impact of torture on victims, their families and their long search for justice within the legal framework.

<https://www.facebook.com/lstlanka/photos/a.668892476506737/4200674896661793>

#### Prevention of Terrorism Act (PTA)

LST created infographics summarizing the features of the PTA, that allowed readers to compare how the law works against international best practices and human rights standards.

<https://twitter.com/lstlanka/status/1420225439633641472>

## **Webinars**

Launch of the report of the fact-finding mission on the anti-Muslim violence in the Kandy district, 2018. 70 people participated on Zoom and it gained 400 views on Facebook.

<https://www.facebook.com/lstlanka/videos/256594872623423/>

## **Chapter III – LST's blog**

Throughout the year, researchers at LST regularly contributed to the blog with articles on topics of significance in their work and responding to the breaking situation.

### **Environment, Development and Farmers' Struggle in Walsapugala – Vidura Munasinghe**

English

<https://lawandsocietytrust.blogspot.com/2021/03/environment-development-and-farmers.html>

Sinhala

<https://lawandsocietytrust.blogspot.com/2021/03/blog-post.html>

### **The Toxic Ship – What Price for Environmental Devastation? – Anuradhi Jayasinghe**

<https://lawandsocietytrust.blogspot.com/2021/06/the-toxic-ship-what-price-for.html>

### **Climate Conscious Development Planning Vital for Sustainable Development – Anuradhi Jayasinghe**

<https://lawandsocietytrust.blogspot.com/2021/07/climate-conscious-development-planning.html>

### **Ban on chemical fertilizer: what do we really need? – Vidura Munasinghe**

<https://lawandsocietytrust.blogspot.com/2021/07/ban-on-chemical-fertilizer-what-do-we.html>

### **Handling the Human-Elephant Conflict with New Techniques and Technology – Anuradhi Jayasinghe**

<https://lawandsocietytrust.blogspot.com/2021/08/handling-human-elephant-conflict-with.html>

### **Dollars or human lives? Apparel workers and the Delta variant in Sri Lanka – Amalini De Sayrah**

<https://lawandsocietytrust.blogspot.com/2021/08/dollars-or-human-rights-apparel-workers.html>

### **Vertical living in Colombo - a housing design for all income categories? – Anuradhi Jayasinghe**

<https://lawandsocietytrust.blogspot.com/2021/09/vertical-living-in-colombo-housing.html>

### **Why should women own agriculture? – Vidura Munasinghe**

English

<https://lawandsocietytrust.blogspot.com/2021/11/why-should-women-own-agriculture.html>

Sinhala

<https://lawandsocietytrust.blogspot.com/2021/11/blog-post.html>

### **We are not a Monarchy, we are a Republic – will we remain so?**

English

<https://lawandsocietytrust.blogspot.com/2021/11/we-are-not-monarchy-we-are-republic.html>

Sinhala

[https://lawandsocietytrust.blogspot.com/2021/11/blog-post\\_16.html](https://lawandsocietytrust.blogspot.com/2021/11/blog-post_16.html)

Tamil

[https://lawandsocietytrust.blogspot.com/2021/11/blog-post\\_21.html](https://lawandsocietytrust.blogspot.com/2021/11/blog-post_21.html)

### **Opinion columns in local newspapers**

The Daily FT ran several op-eds by LST's Executive Director and researchers during the year.

### **LST's other social media pages**

Dedicated to the work and outreach of individual projects at LST, these social media pages also add to the awareness raising and information sharing that the organisation does.

#### **PARL Facebook –**

One part of PARL's media network, carrying content on their campaigns around land rights and sharing voices of communities engaged in land struggles.

<https://www.facebook.com/parls/>

#### **Citizens Dialogue Facebook –**

Gathering and sharing citizen voices on topics around labour, land rights, dissent and regular economic struggles.

<https://www.facebook.com/Citizensdialogue/>

#### **TRANSFORM Facebook –** Conversations around gender, social norms and stereotypes in the household and in society.

<https://www.facebook.com/transformsrilanka/>

## **Donors and Partners**

In 2021, LST was privileged to receive programme and long-term support from donors and partners committed to our values and objectives.

### **International Donors**

Asia Foundation  
Bank Information Center  
CAFOD (Catholic Agency for Overseas Development)  
Diakonia  
European Union  
Ford Foundation  
IDEA-MSI (IDEA- Increased Demand and Engagement for Accountability) - (MSI - Systems International)  
NED (National Endowment for Democracy)  
Open Society Foundation  
WE Effect

Chrysalis

Savistri Women's Movement

National Fisheries Solidarity Movement (NAFSO)

Centre for Society and Religion (CSR)

### **National Donors**

Neelan Tiruchelvam Trust

### **International Partners**

Business and Human Rights Resource Centre  
Forum Asia  
Minority Rights Group  
South Asia Collective  
ESCR-Net

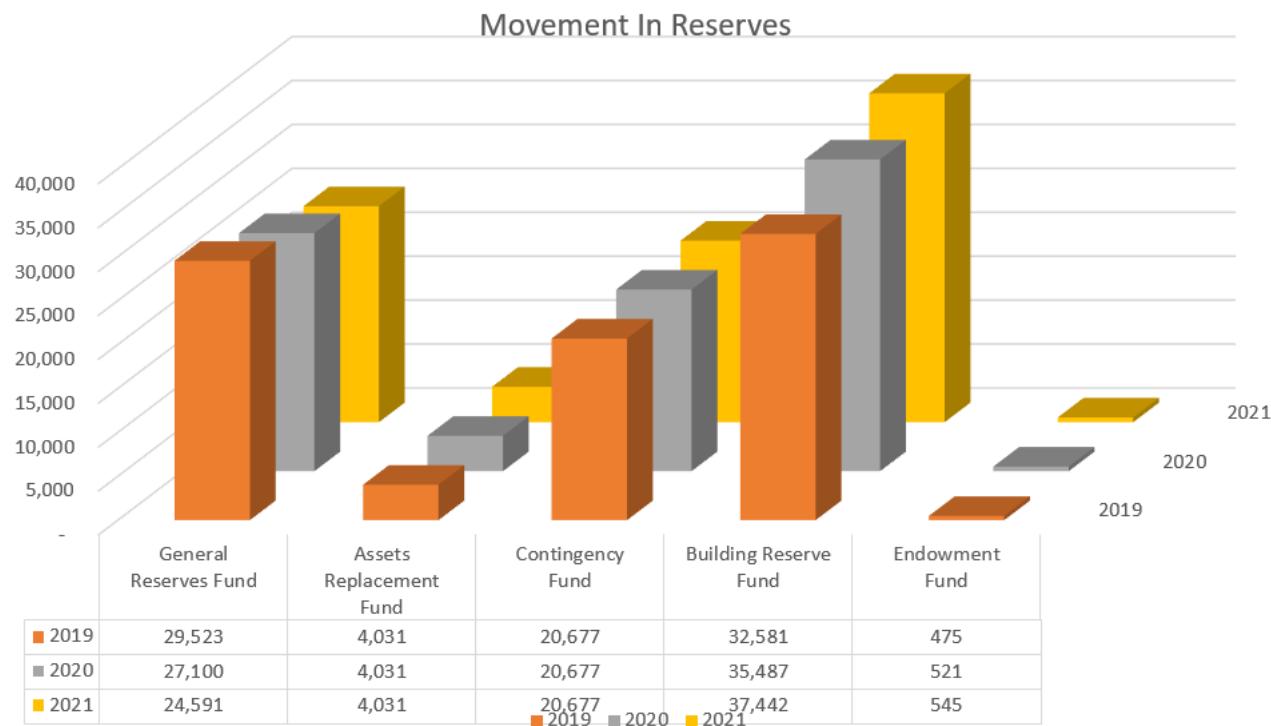
### **International Research Partners**

University of Edinburgh

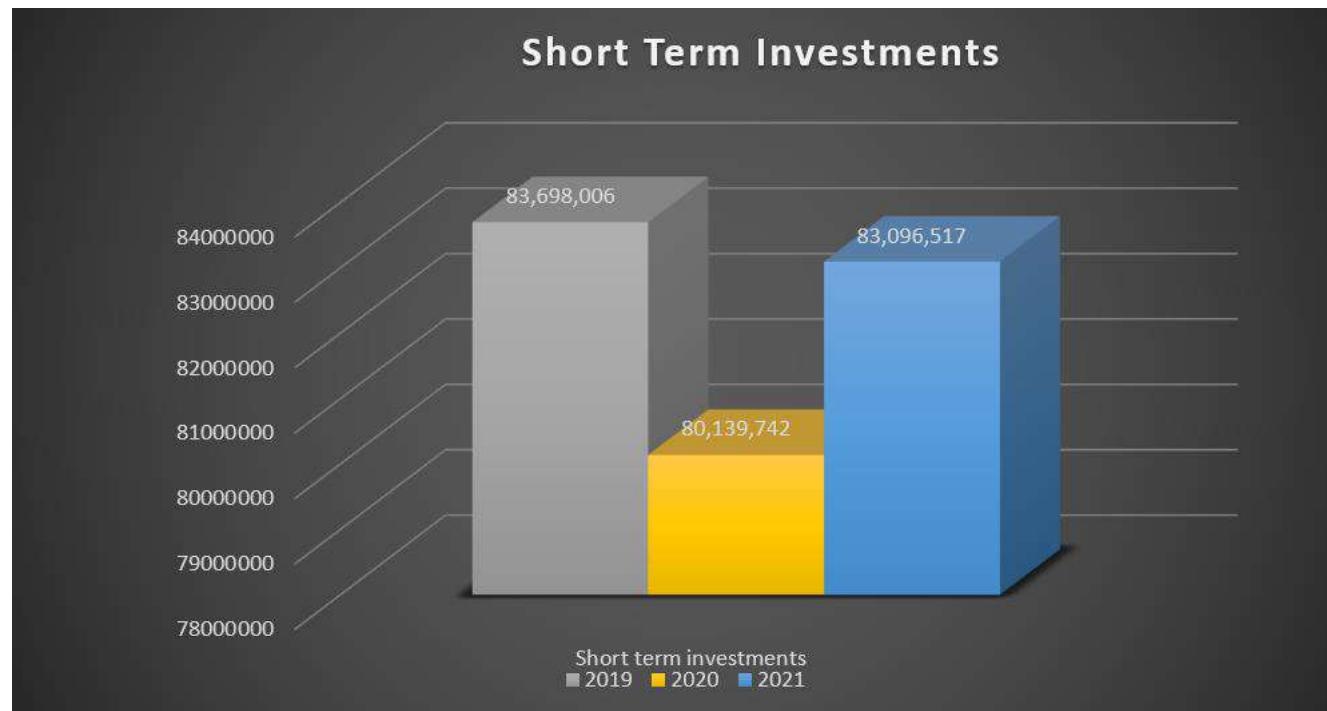
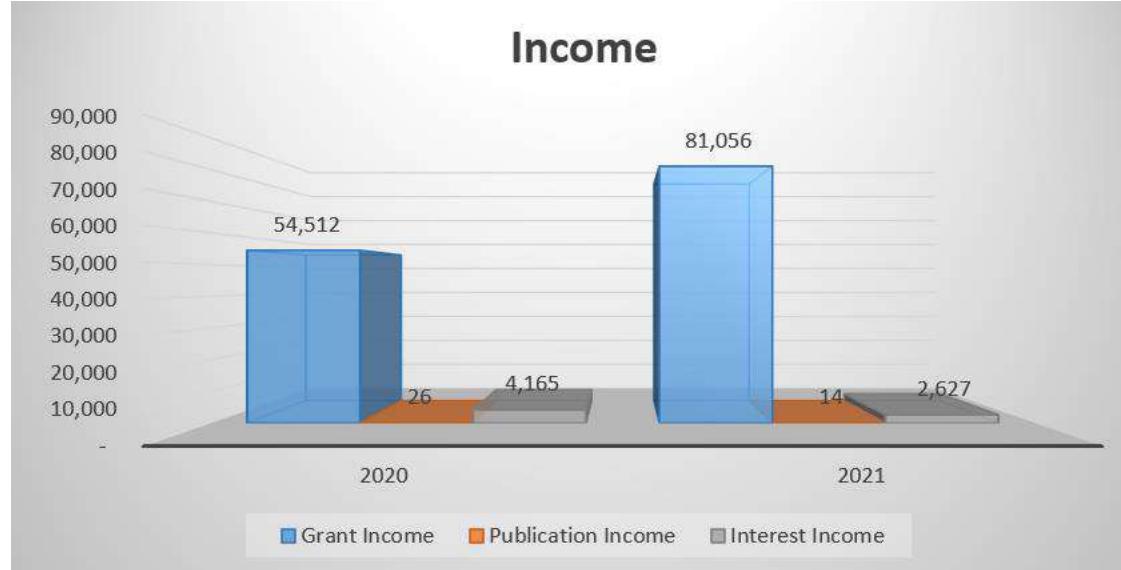
### **National Partners**

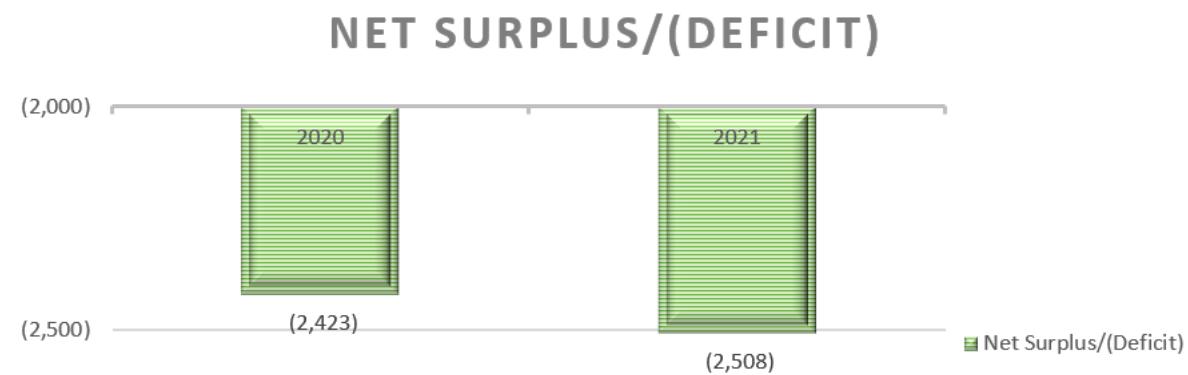
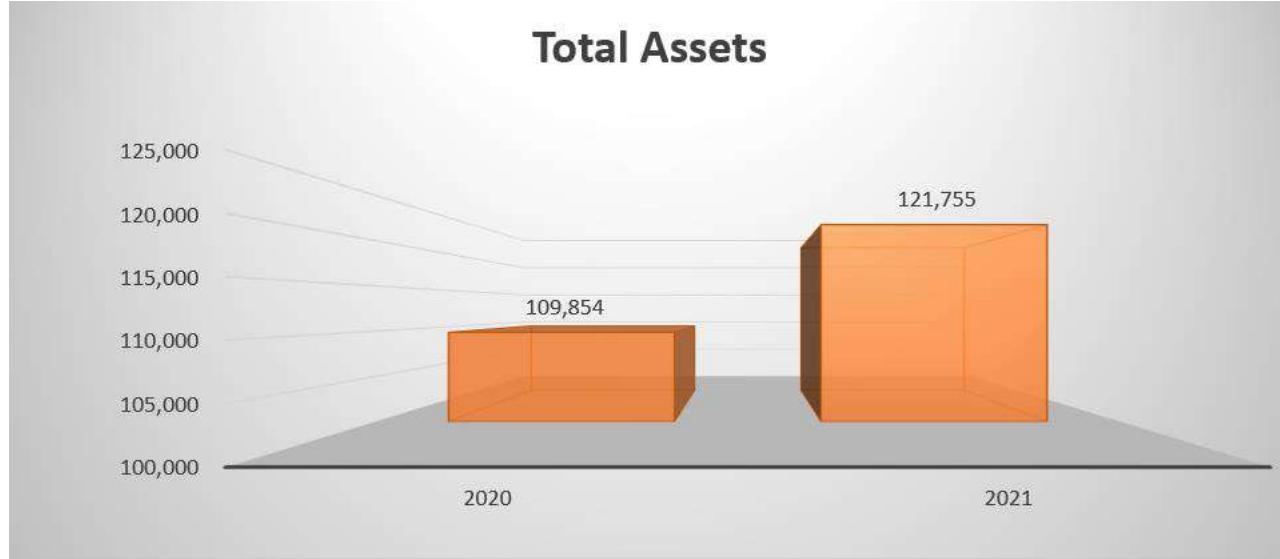
People's Alliance for Right to Land

## Financial highlights for 2021



Financial Highlights						
	*Amounts shown in Thousands					
Income	2019	Percentage increase / (decrease) year on year	2020	Percentage increase / (decrease) year on year	2021	Percentage increase / (decrease) year on year
Grant Income	77,645	28%	54,512	-30%	81,056	49%***
Publication Income	65	(-69%)*	26	-60%	14	(-46%)****
Interest Income	5,052	5%	4,165	-18%	2,627	(-37%)*****
	2019	Percentage increase / (decrease) year on year	2020	Percentage increase / (decrease) year on year	2021	Percentage increase / (decrease) year on year
Net Surplus/(Deficit)	(1,741)	(-130%)**	(2,423)	39%	(2,508)	4%
Total Assets	108,648	4%	109,854	1%	121,755	11%
*** Three new donors started to engage with LST at the end of 2020, and continuing until 2022. It has caused the increment in grant income.						
****Publication income has been decreased by 46% due to the lack of book sales in year of 2021 due to pandemic.						
*****Interest income has been decreased by 37% due to the rate fluctuation . This has caused the reduction in interest income.						





## **LAW & SOCIETY TRUST**

### **ANNUAL REPORT OF THE DIRECTORS FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2021**

The Directors present herewith the Annual Report of the Board of Directors of the Law & Society Trust for the year ended 31<sup>st</sup> December 2021.

#### **Nature of Business of the Trust**

- To promote and conduct research into the indigenous legal culture of Asia and its relationship to the religious traditions of the Continent of Asia.
- To initiate studies in order to provide legal solutions appropriate to the problems and needs of contemporary Asian society from the indigenous legal culture and concepts of Asia.
- To establish centers for research and training on all aspects of law and social change, legal theory, social theory, comparative law, anthropology and related fields.
- To sponsor or co-sponsor with other institutions, lectures, meetings, seminars and symposia in pursuance of its applied and academic work and for the diffusion of legal knowledge.
- To promote an understanding and belief in the protection of human rights and in furtherance thereof to promote international understanding and co-operation in an universal respect for the observance of human rights and fundamental freedom for all without distinction as to race, sex, language, religion, colour and creed.
- To promote and encourage, in furtherance of protection of human rights, acquisition and diffusion of knowledge among the masses.

#### **Financial Statements**

The financial statements of the Law & Society Trust for the year ended 31<sup>st</sup> December 2021 include the Income Statement, Statement of Financial Position and the notes to the financial statements as set out on pages 5 to 20 of the audited financial statements.

#### **Auditor's Report**

The Auditor's Report is set out on page 1 to 3 of the audited financial statements.

#### **Accounting Policies**

Accounting policies used are summarized in Note 1 to the financial statements and are consistent with those used in the previous year.

## **Directors Remuneration**

The Directors receive no remuneration from the Law & Society Trust.

## **Donations**

No donations were given by the Trust for the period under review.

## **Directors**

The Directors of the Law & Society Trust as at 31<sup>st</sup> December 2021 were as follows:

Dr. J A S Felix  
Mr. G J T Alagaratnam  
Prof. F F Haniffa  
Miss. Anushya Coomaraswamy  
Mr. Tissa Jayatilaka

Prof. R S Scharenguivel was appointed a Director with effect from 26<sup>th</sup> January 2022.

Prof. R S Scharenguivel who was appointed during the year resigns and offers herself for election in terms of the Articles of Association of the Trust. Prof. F F Haniffa retires by rotation in terms of the Articles of Association of the Trust and being eligible offers herself for re-election.

Resolutions for the appointment of Mr. Tissa Jayatilaka and Mr. G J T Alagaratnam who are over 70 years will be proposed at the AGM of the Trust.

## **Amounts payable to the firm holding office as External Auditor**

The remuneration payable by the Trust to the external auditor is given in Note 20 to the financial statements.

## **Auditor's relationship or any interest with the Company**

The Directors are satisfied that the auditors did not have any relationship or any interest with the Trust that would impair their independence.

## **Directors' interests in contracts**

The Directors have confirmed that none of them have conflict of interest in relation to operations and transactions or contracts and have no related party interests in any transactions or contracts of the Trust.

## **Going Concern**

The financial statements are prepared on a going concern basis. After making adequate inquiries from the management, the Directors are satisfied that the Trust has adequate resources to continue its operations in the foreseeable future as a going concern.

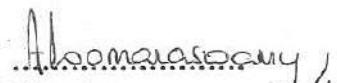
## Appointment of Auditors

The Board has recommended a change of auditors to the members at the Annual General Meeting of the Company in keeping with corporate governance best practices. Accordingly, the Board recommends the appointment of Messrs. Ernst & Young, Chartered Accountants as Auditors of the Trust.

A resolution to appoint Messrs. Ernst & Young, Chartered Accountants, will be proposed at the Annual General Meeting of the Trust.

This Annual Report of the Directors has been signed on behalf of the Board by:

  
.....  
Director

  
.....  
Director

  
.....  
Secretaries

Colombo

4<sup>th</sup> July 2022