

Sri Lanka: Lawyers for Human Rights and Development

LAKMALI CABRAL

Lawyers for Human Rights and Development (LHRD) is a nonprofit, nongovernmental organization dedicated to the promotion and protection of human rights in Sri Lanka. It was set up in June 1986 to provide free legal aid to victims of human rights violations. It conducts legal and human rights awareness programs. It also conducts research on laws, procedures, and practices with a view to influencing legislation.

Sri Lanka has witnessed the worst forms of human rights violations for more than two decades. Thousands of lives were lost during two violent youth uprisings in the south in 1971 and 1987-1991. The youths who took part in the uprisings committed unbelievable atrocities against innocent civilians. They brutally massacred entire families. The state suppressed the uprisings using equally brutal methods. Over 60,000 youths were extrajudicially killed. Thousands of young men and women were held in illegal custody for years without trial. Most were tortured. Political prisoners were detained and tried under draconian laws. Meanwhile, a war has been going on in the north since 1983. In the 50 years of independence from the British, Sri Lanka has been subjected to 20 years of emergency laws, which restrict democratic rights and freedoms.

The main tasks of LHRD are the following:

- prevent human rights violations;
- protect human rights;
- assist victims of human rights violations to seek justice through the judicial process;
- generate public awareness of legal and human rights; and
- strengthen the capacity of organizations and their activists to protect human rights.

LHRD has conducted 50 legal-literacy seminars all over the country with over 100 participants each; 75 legal-awareness workshops to educate women in the free trade zones on their legal and labor rights; and 48 five-day residential paralegal training programs to train NGO activists and community-based organizations. It has provided free legal advice and legal aid to over 10,000 people whose legal and human rights were violated.

Children's Desk

Children have always been an important target group of our activities, both directly and indirectly. LHRD has appeared on their behalf in courts, held seminars and workshops on improving their legal protection, and trained NGO child-rights activists as paralegals. In 1993 and 1994, LHRD held an essay and poster competition on human rights for schoolchildren in the hope that it would awaken in them an interest in human rights. A large number of children from all parts of the country participated, many of them displaying a high level of awareness of human rights.

Yet LHRD did not conduct special educational programs for schoolchildren until 1997,

when it set up its Children's Desk to streamline its children-related activities, which became necessary as child abuse had become a serious problem. Moreover, there were signs that a reign of terror—similar to that which engulfed the country in 1988-1991, where children were either perpetrators or victims of abuse—was on the rise. LHRD believed it was important to educate children on human and child rights and to enlist their support in promoting and protecting human rights and in combating child abuse. Through its Children's Desk, LHRD embarked on a three-pronged program of

- educating schoolchildren on human and child rights,
- creating community awareness on the need to protect and promote child rights, and
- protecting human and child rights by enforcing the law.

Objectives of the Program

As citizens of tomorrow, children may either be future violators of human rights or victims of human rights violations. Especially in view of the violent youth uprisings of the last two decades, respect for human rights should be inculcated in the minds of children at a young age. Children should study the International Convention on the Rights of the Child and know their rights and duties as children and future citizens. Children who know their rights will better appreciate their value when, as adults, they acquire positions of authority. Such knowledge can also give them self-confidence, direction in life, as well as ability to play a role in a democratic society.

Target Group

We began our human and child rights program for schoolchildren in 1997. It includes the teaching of ethical values. Our target group is schoolchildren in the Ordinary Level and Post Ordinary Level grades (15 years old and above)

since they are reasonably mature and aware of basic rights or their denial in some form (irrespective of whether they perceive it as such) and have encountered some aspects of rights in social studies. As lawyers who strive to encourage people not only to know their rights but also to exercise them, we designed our program not as an academic exercise but as a practical guide. We project the law as an agent of societal change and people as having the power to effect changes.

Since we cannot educate all the students in a school, we educate student leaders or school prefects, who then impart their knowledge to other students. We choose students by inviting 10 schools in an educational zone to send 10 student leaders and 2 teachers each. Each program thus has a minimum of 100 students and 20 teachers.

Implementation

Initially, we envisaged a 3-4 hour program for about 75 schoolchildren and 25 teachers. We also intended to conduct these programs on a district basis. Sri Lanka is divided into 9 provinces and 26 administrative districts. We have no programs in the war-torn north and east, where of the eight administrative districts seven are affected by the war and one remains a high-risk area.

The children were not sensitized to rights but were keen to learn. However, it became clear that the 3-4 hour program was too short as it was the children's first exposure to a program that invited, and challenged, them to think. The education system is heavily teacher-centered and encourages passivity. Although the children had encountered the concept of human rights in social studies, the curriculum treats the topic as something to be crammed and regurgitated for examinations. It also presents human rights like a list from a fairy tale and not as something won through hard work or as threatened and needing protection. It is also highly unlikely that the topic of human

rights is subjected to critical evaluation or related to actual circumstances that children can identify within the school. Consequently, children lack the seriousness and attention that discussions on human rights deserve. Thus our program is an entirely new experience to children and we now allocate a whole day for it.

The program is organized for us by the Department of Education. Before long, the directors of education in several districts were informing us that more children wished to participate. Now we accommodate a minimum of 100 children and 25 teachers per program. Once held only at the district level, the programs are now held at the zone level. A district has several zones. We felt that educating 100 students in a vast area such as a district would not create much impact. Since the program's second year, we have therefore conducted the program at the zone level.

Sri Lanka has a provincial system of governance, with the provinces responsible for education or sharing responsibility with the central government. Most schools are governed by a Provincial Council, which can decide to allow the program at any level in the Provincial Council System, be it provincial, district, or zone. If LHRD is able to convince the provincial educational authorities that the program should be held, it naturally gains access to a large number of schools in the whole province. Administrative structures are politicized from top to bottom, yet we have not met opposition to the program. Some directors of education are so convinced of the program's importance that they take a personal interest in organizing it, finding venues for it, or even scheduling it in the future. Overall, the government authorities have been very supportive.

School authorities have also been supportive. Some even inquire about the possibility of conducting the program in their schools. While a few teachers have raised questions on the propriety of teaching children their rights, their concerns stem mainly from the fear that the program will cause a breakdown of discipline

at home, in school, and in society in general. However, we are happy to note that even teachers commend our program.

In 1997, we conducted the program 10 times; in 1998, 16; and in 1999, 15; 3,765 students and 837 teachers representing 433 schools in 37 educational zones in 10 districts participated in the program. Next year we intend to continue to conduct a few direct training programs for schoolchildren. We also hope to train teachers as master trainers to enable them to carry out programs under our direction and/or supervision. This, we believe, is a more sustainable way of conducting the program.

Program Content

The program primarily focuses on child rights as an integral part of human rights. It critically assesses (i) international human rights instruments and their relevance and importance to the realization of human rights, (ii) the role we can play in promoting and protecting human rights, and (iii) our duty to society.

Topics are (i) human rights law, (ii) the Convention on the Rights of the Child and its importance, (iii) child rights protected in law, and (iv) health as a right of children.

Under the topic of human rights law, we discuss (i) the definition of human rights, (ii) the struggle for human rights, and (iii) the development and significance of international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. We also discuss the growth and expansion of the concept of human rights as evidenced in (i) the Convention on the Elimination of Discrimination Against Women, (ii) the fundamental rights guaranteed by the Constitution of Sri Lanka, and (iii) the difference between human rights and fundamental rights. The program stresses the use of examples that will help children identify the prac-

tical aspects of rights. This topic is led by an LHRD resource person.

In discussing the International Convention on the Rights of the Child and its importance, educators touch on (i) the origin of the convention, (ii) obligations arising from ratification, (iii) the nature of the obligations, (iv) how the UN monitors compliance with the convention, (v) steps Sri Lanka has taken to fulfill its obligations, and (vi) the content of the convention, with special emphasis on the rights to identity, education, nutrition, and parental care, and the right to be heard. A resource person from Save the Children (UK) or LHRD leads the discussion.

During the session on child rights protected in law, discussions focus on (i) laws that protect children and (ii) their enforcement and enforcement mechanisms. Students also learn how to access the various institutions and how to seek remedial measures. A resource person from LHRD or the Attorney General's Department discusses these topics.

The program's ethical-values component discusses (i) fundamental rights and duties, and (ii) ethical and moral values supported by religious teaching and traditions. The discussion is led by a retired director of education.

In the first two years of the program, the children discuss topics in the first session and do group work in the second session. In the third year, they discuss the right to health in place of group work in order to save time, as the children must be home before dark. Another reason is that group work is not feasible when there are more than 100 participants in a one-day program.

During discussions on the right to health, the children explore (i) what health means, (ii) existing norms of health, (iii) health myths, (iv) discriminatory health practices, and (v) reproductive health. Health is presented not as mere physical health, but also as mental and spiritual health. An expert from the Health Education Bureau of the Department of Public Health discusses these topics.

Methodology

To deal with the high number of participants, we usually adopt an interactive discussion with the use of audio-visuals—a method that encourages children to actively participate in the sessions. Children are also given an opportunity to pose questions or present their views and observations at the end of the discussion. Perhaps fearing censure from adults (teachers being present), the children also write down their queries, which are then discussed in an open forum. The children's queries are not necessarily limited to the matters discussed. They mirror the children's awareness of social issues, their eagerness to learn, and their willingness to contribute to the betterment of children.

Random samples of questions show the nature and range of children's interests:

- Why is child abuse on the rise in spite of all the conventions and laws in place?
- What can a child do when punishment is extreme or disproportionate to the offense? Examples of such punishment are the withholding admission cards to sit for an exam or suspension from school for having a romantic relationship with a fellow student, proof of which is usually love letters discovered by school authorities.
- If the right to life is a human right, why is the death sentence to be reintroduced?
- Does the granting of a presidential pardon to a person sentenced to death undermine the judiciary's independence?
- Is it fair for the President to be granted immunity from suit?
- Why does labor misuse its right to organize by engaging in frequent strikes?
- Does having all the rights listed in the International Convention on the Rights of the Child encourage children to grow to their fullest potential? Should children be allowed so many rights?
- When officials tasked with the protection of adults and children abuse their authority, what recourse is available? What steps

can be taken in the face of official inaction or partiality in respect of a complaint?

- Does the legal system in Sri Lanka deliver justice?
- When children engage in prostitution of their own free will, how can society be protected from it?
- The children also ask questions on forced marriage of girls, sexuality, sexual orientation, the need to stipulate the age of marriage, the lack of social justice, and unequal opportunities for education.

In almost all the programs, children express their willingness to help the disadvantaged or those in difficult situations and wanted practical information on how it could be done.

In the group work, participants are divided into seven groups. (Teachers meet as a separate group.) Separate files on different topics are given to group members for discussion. Discussion ensues after a group member presents observations and viewpoints on a given topic. A group file generally contains a number of press clippings relating to specific incidences that can be classified under a particular topic. It also contains a questionnaire. Some of the topics discussed by students are physical punishment as a disciplinary measure, teenage suicides (Sri Lanka has the highest suicide rate in the world), child labor, sexual abuse, adults infringing on the rights of children, children infringing on the rights of other children, etc. For example, in the file on the last topic we include press clippings relating to “ragging.” (Initially started as a form of welcome to newcomers to institutes of higher education, it has now become an oppressive system of untold harassment, and has even resulted in deaths. Ragging has now spread to schools.) We also include clippings on children who have been disabled as a result of physical violence that erupted over trivial matters, and so on.

The children’s response to the questionnaire shows the many nonphysical ways children can deprive other children of their rights. Not re-

turning or defacing a library book is an example. In the file on adults violating the rights of children, we include press clippings about acts of cruelty (both physical and emotional), sexual abuse, and employment of minors under slavery-like conditions by persons who are generally expected to protect children: parents and other close relatives, teachers, education authorities, religious leaders, and social activists, etc. Apart from wanting to elicit responses from the children, we also want to make them aware that abuses are more than likely to be committed by individuals in whom they naturally trust.

The duplicate files given to the group of teachers contain appropriate press clippings reporting teachers’ involvement in the promotion or violation of rights. The teacher group is not expected to report to the participants, but to reflect on and discuss the promotion of child rights.

During group work, children’s responses are naturally channeled through the topics. Once their responses are made known in the open forum, children and teachers discuss and debate them.

All the lecture-discussions are directed at achieving practical results, enlisting the participants’ support for imparting their knowledge to more students and teachers, and protecting human and child rights by bringing violations to the attention of the authorities.

Assessment of the Program

At the end of the program, two students—a girl and a boy—and a teacher are asked to express their opinions on the program. They almost always highly praise the program. Although poor transportation makes it difficult to attend the program and although they must walk long distances, sometimes in bad weather or in darkness, the participants all remain until the program ends at around 3:30 or 4 p.m.

We are concerned that this is not the most satisfactory system of evaluating the program’s

impact. But considering the volume of work handled by LHRD and the high number of participants in the program annually, it is not possible to actively pursue a follow-up. In the first year, we gave all participants a questionnaire for purposes of evaluation, but time constraints demand that we come up with an alternative.

Several students (and even parents and teachers) have brought incidents of child abuse to our attention and sought our intervention. Sometimes they write to us to discuss issues affecting them or to seek legal assistance, for themselves or someone else. Most of the letters focus on legal rights they have been denied or seek clarification on rights. Sometimes children seek our direct intervention in some matter directly affecting them, be it at home, school, or some other place. These to us are indicators of the impact the program has had on children.

Other indicators are the participants' suggestions to improve the quality of the program. Upon their request, we now include in their files a synopsis of the day's program and a simplified version of the International Convention on the Rights of the Child. Allocating almost an entire day for the program was also their idea, as was including more practical aspects of the topics discussed. We never intended to formalize the program by awarding certificates, but the children and even teachers repeatedly asked for them. That to us was an indicator that they valued the training. They also repeatedly ask for adult education. Although we do have many educational programs for adults on the same themes (with different emphasis), they are not held in the same areas as the children's program since we do not want to geographically limit our areas of activity.

We are now at the stage where we can move away from conducting direct programs. In

2000, we hope to bring down the number of direct programs to six and to conduct five training-of-trainers programs in order to allow a more sustainable program to evolve. The trainers will be supported and guided for a limited period, and thereafter they will be responsible for continuing activities that promote human and child rights. The direct programs will use the 1998 program as a model, while the training of trainers will be conducted at a two-day workshop.

Annex

Contents of the Program

- Definition of human rights.
- The historical struggle for human rights.
- The Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights, and their relevance to the protection and promotion of human rights.
- Convention on the Elimination of Discrimination Against Women and the growth and expansion of the concept of human rights.
- Right to life.
- Fundamental rights guaranteed by the Constitution.
- International Convention on the Rights of the Child.
- Laws protecting child rights, and their enforcement.
- Role of the community in preventing child abuse and protecting child rights.
- Fundamental rights and fundamental duties.
- Ethical and moral values supported by religious teachings and traditions.