

PRESIDENTIAL ELECTION 2010

Monitoring the misuse of public property

With the announcement of the 2010 Presidential Election, TISL set up the Program for Protection of Public Resources (PPPR) to monitor the misuse of public property in an effort to minimize the waste of the taxpayer's money through such abuse. Under the PPPR, TISL invited the public to report instances of misuse of public resources by using government vehicles, helicopters and other forms of transport, government buildings and other services, or by providing special loan facilities by state banks. The misuse of state print and electronic media could also be reported. Public response was overwhelming with people from all walks of life providing information regularly. Verified information was released to the public periodically through media releases and reports.

Advertising costs unprecedented

Cost of advertising campaigns escalated to unprecedented levels at the 2010 Presidential Election. The costs increased tremendously towards the latter part of the election campaign.

From 31st December 2009 to 15th January 2010 the cost of General Fonseka's campaign increased from Rs. 7,054,000 to nearly Rs. 80 million while the cost of UPFA and *Thunaryata Hetak* campaigns together in support of President Rajapaksa, increased from Rs. 200 Million to nearly Rs. 378 Million during the same period. This cost only covered the cost of publishing, broadcasting or telecasting advertisements in print and electronic media excluding the cost of production. Thus the actual cost could be much higher given the high quality of the advertisements produced for the campaign.

PROTECTION OF PUBLIC RESOURCES DURING ELECTION

Transparency International Sri Lanka has commenced its programme to monitor and investigate abuses of public property by Political Parties, Candidates and other Officials or public institution during the forthcoming Parliamentary Election.

A similar programme was conducted during the Presidential Election in January 2010. That exercise exposed the extent of the colossal losses to public resources as a result of such misuse. The diabolical practice of misusing state resources in the forthcoming Parliamentary election is showing its ugly face again.

Misuse of public property

A large number of complaints were received on the misuse of state resources during the Election campaign.

PPPR held confirmed information about the use of more than 1000 SLTB buses for six meetings of the President. This was an abuse of nearly 1/9 of the SLTB buses of the total number of 9,149 buses. The use of the SLTB buses to transport party supporters was a violation of the Elections Commissioner's Directive No 4 against the misuse of public property.

Many instances of public institutions being used for political purposes and public officials misusing their authority were also reported.

PPPR Reports are available on TISL website www.tisrilanka.org

Commitment to eliminate corruption lauded

TISL congratulated the two main Presidential candidates President Mahinda Rajapaksa and General Sarath Fonseka on their commitment towards eliminating fraud and corruption from Sri Lanka. In their Election Manifestos, both had recognized this need as a priority.

While pledging its support for any serious effort and commitment to fight corruption and promote integrity in the country, TISL cautioned that commitments for good governance during an election campaign are not often taken seriously after winning the election.

011 5769769 011 5654654

Our present program is a continuation of Programme for Protection of Public Resources which commenced in 2001. Our aim is to prevent misuse of public resources by all branches of the government, political parties, candidates and other officials or public institutions.

We invite the public to contact us with any information on misuse of public resources on the 02 hotlines 0115769769 or 0115654654 fax 0112512287, 0115627423 email ppr2010@gmail.com



INTEGRITY IN FOREIGN EMPLOYMENT EXAMINED

A report on 'Integrity in Foreign Employment' was released by TISL on International Migrants Day which fell on 18 December. It is based on a study commissioned by TISL on corruption in recruitment to foreign employment to the Centre for Women's Research (CENWOR) in late 2008. The study profiles corruption risks faced by migrant workers when seeking overseas employment as well as risks arising from governance structures in the institutions and agencies set up to protect them.

A key factor in Sri Lanka's economy, foreign employment is the second most important foreign exchange earner. Remittances from migrant workers amounted to US\$ 2.9 billion in 2008. Nearly one-fourth of Sri Lanka's labour force (of an estimated eight million) is employed overseas.

The survey has revealed that a major shortcoming of the current legislation relating to this vital sector is the lack of regulation of sub-agents operating in Sri Lanka who act as a link between the job seeker and the licensed agencies. A sub-agent may work for several agencies and earn a commission for each worker who is recruited but the survey showed that they charge additional amounts from the prospective workers.

In addition to 626 agencies licensed by the Sri Lanka Bureau of Foreign Employment (SLBFE), there are an estimated 400 non-registered recruiters operating in Sri Lanka. The process of licence-renewal also appears to be flawed, with an estimated 25% of registered agencies not being operative.

With members of recruitment agencies sitting on the SLBFE's Board of Directors, conflict of interest is hampering its effectiveness, the findings reveal.

Migrant workers have to pay illegal fees with the survey showing that the payments made by the respondents had gone up to Rs.1.3m. This is despite the fact that Sri Lanka labour is in high demand. In an environment where both institutions and law enforcement seem to be weak, it is ironic that migrant workers, who are the most important

resource in the foreign employment sector, become victims of exploitation and corruption.

The study found that all intermediaries in the migration process -- the state, licensed agencies, informal networks and illegal/unlicensed agencies -- presented corruption risks to job seekers. Political patronage and lack of transparency in state recruitment led to public perceptions of corruption. The range of malpractices by licensed agencies included advertising before obtaining job approval; concealment from the SLBFE and the worker of the wages negotiated with the foreign principal; falsification of documents; charging of unauthorized fees; allowing the worker to leave without signing the contract; contract and job substitution; letting the worker be stranded at the destination; change of destination; recruitment to banned destinations; withholding of wages of domestic workers in the first three months; closure of agency after collection of recruitment fees; and shifting of premises after defrauding workers. Some malpractices were perpetrated by local recruiters in collusion with the employer or foreign agent. Some medical examinations of domestic workers were allegedly conducted in an unethical manner.

The Report concludes that as in other sectors, the consequences of corruption cannot be underestimated: The victim of corruption in recruitment is the migrant worker, who bore most of the cost despite being the resource most in demand. Sri Lankan recruitment agencies also become victims of corruption when duped by labour recruiters in destination countries. The foreign employment industry suffers if large amounts of money are siphoned for corrupt purposes.

"Reducing and controlling corruption require strong political will and leadership to institute reforms in the recruitment process. An essential stakeholder in this long-term effort is civil society and the political establishment must work with all stakeholders to ensure safe migration," it states.

Full Report available on TISL website: tisrilanka.org

AT RTI SEMINARS

Arvind Kejriwal addressed public officials and media personnel at seminars organized by TISL in Colombo and Badulla to discuss the struggle for right to information in India and to explain how the Right to Information Act operates.



'Towards a public service with integrity' was the theme of a seminar attended by 85 top officials of the Department of Inland Revenue comprising commissioners and assistant commissioners.



The second seminar for public officials was held at the Badulla Public Library auditorium where over 400 provincial public officials in the district attended.



He also addressed media personnel at a seminar held at the Sri Lanka Press Institute.



A group of media activists listen to Kejriwal's speech

HOW RTI WORKS

A few examples of the type of power RTI law gives an ordinary individual in India.

Teachers play truant

The sister of a small boy fed up with the teacher who comes at 11 o'clock and goes off at 2 (although she is supposed to teach from 10 a.m. to 4 p.m) filed an RTI application requesting to inspect the teacher's work. She was given a date and asked to come at 11 o'clock but she insisted that she would come just before 4 o'clock. When she went, the head master took her to all the classes and she was amazed to see that all teachers were present, at least on that day.

The lost ration card

Nannu, a poor village labourer in a village near Delhi lost his ration card which entitled him to get subsidized foodstuff. He applied for a duplicate ration card, which, according to the rules he should have got in ten days' time. For three months he didn't get it. He went to the department several times but he was not even allowed to enter because he was a very poor person and in appearance was very shabby. He decided to file a Right to Information (RTI) application. Within four days, the Food & Supplies Inspector came to his house and said, "Nannuji, your ration card is ready. Please come and collect it." When Nannu went to collect his card, the officer, who is the head of his district escorted Nannu to his room, offered him tea, gave him his card and said, "This is your card. please take back your RTI application." How did this magic happen? Nannu had asked four simple questions in his application - the name of the officer concerned; the reason for the delay, the progress made on it and when will he get his card. Now the law says that they have to give this information within 30 days or the salary will be deducted. So the officers do not want to give details in writing that it was not attended to, since as soon as they write the name of the officer, the responsibility gets fixed and also it will become a written confession.

Passport delivered home

Prem Sharma applied for a passport. He was asked to give a bribe. He refused. Although he should have got the passport within 45 days, for six months he did not get it. He drafted his RTI application and handed over to the Regional Passport Office. An officer telephoned Sharma and gave his phone number and wanted him to ring if he didn't get the passport within a few days. Within a week the passport was delivered to his house.

Think no more. Just ask. use the Right To Information act to rightfully demand information from the government

Why is garbage found lying openly on the road near where I live?

Why is the road in front of my home not repaired?

Why do I need to pay a bribe to get my driving license?

Why do I need to pay a bribe to get my passport?

Where does my tax money go?

NATIONAL INTEGRITY AWARD GIVEN FOR SIXTH YEAR

For the sixth successive year, TISL held the National Integrity Award (NIA) presentation on 9 December 2009 to mark the UN Anti-Corruption Day. A large gathering was present at the ceremony held at the BMICH Committee Room B. Welcoming the guests, TISL Executive Director, J Weeliamana pointed out that the UN Anti-Corruption day was being commemorated in Sri Lanka at a time warranting serious commitments from the leadership to eradicate corruption. "What is required is not mere lip service or futile promises by politicians, who have failed so far to lead this country free of corruption. Our international obligations under the UNCAC, our constitutional obligations to establish good governance and our moral obligations to establish integrity within and around us are all interwoven," he said.



Bribery Commission Chairman, Justice Ameer Ismail receives a copy of Governance Report 2009 from TISL Executive Director, J.C. Weeliamana

Commenting that it is no easy task for any civil society organization to continue with an event of this nature in an environment of suppression of civil liberties, particularly when media freedom and free engagement of civil society is threatened, he said that as an organization that stands firmly for integrity TISL has always been optimistic that one day - sooner than later - there will be sufficient democratic space for individuals and organisations with integrity to make Sri Lanka a truly working democracy.

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NIA WINNER

Joining the State organization Milco (Pvt) Ltd as its first Human Resources Manager, W M Chandana Jayatissa found the place fraught with corruption and malpractices. From the day he joined Milco in 2004, he fought a lone battle against corruption. Unmoved by pressure and intimidation, he continued his mission. His efforts paid dividends when he succeeded in transforming Milco into a profitable organization earning a monthly profit of around Rs 80 million.

Mr Jayatissa took the initiative in forming the 'United Front to Protect Milco' bringing together trade unions belonging to the UNP, JVP and PA. This strengthened his hand and he succeeded in exposing the corrupt activities at top management level at Milco which included financial frauds, promotions, transfers and increments through sexual benefits and other pressures, and appointments for unqualified persons. He uncovered instances of wasting valuable assets on projects set up purely for political purposes. He succeeded in mobilizing the support of politicians, media persons, officials of the Presidential Investigation Unit and other high officials in his struggle to rid Milco of corruption.

Once he prepared an internal audit report exposing frauds and illegal transactions amounting to Rs 130 million and submitted it direct to the President. This led to a complete investigation by the Presidential Investigation Unit after which illegal payments were stopped and a few top officials were sent home.

Mr Jayatissa faced death threats and harassment at the hand of high officials who ultimately succeeded in removing him from office forcing him to seek justice through legal means. Amidst all this, he met with a serious train accident and narrowly escaped death. The father of two children, he is unemployed at present but is committed to his mission to contribute towards elimination of corruption in Sri Lanka.

"The first ever international Integrity Award Winner Lasantha Wickramatunga, was brutally murdered in broad daylight on 7th January 2009. Another Integrity Award winner, Poddala Jayantha, was forced to live in exile due to real threats on his life. Let us hope that there will be at least fair, transparent and independent investigations by law enforcement authorities - at least now. We know that the only crime they committed was to expose corruption at high levels. This leaves the question whether this country at this juncture is serious about fighting against corruption. Our constitution and other legal instruments guarantee all the possible liberties," he added.

Stressing on the need to mould our country for the youth and for the next generation to live in an environment of integrity, he was happy that there are committed, uncorrupt youth in all parts of the country who are willing at any time to challenge corruption and commit themselves to build a nation of integrity. He urged everyone not to corrupt our youth and to learn from them to get rid of corruption from our society.

Seventy three nominations were received for the National Integrity Award 2009. An independent panel of judges selected the winners. Serving on the panel were renowned educationist, Deshamanya Jezima Ismail, former High Court Judge Samith de Silva, Eagle Insurance PLC Managing Director Deepal Sooriyaarachchi and well known chemist Dr Douglas A Nettsinghe.

SPECIAL MENTION

Iranganie de Silva, President of the Sri Lanka Animal Welfare Trust formed to protect the rights of animals was awarded a Special Mention. She has been in the forefront in identifying the loopholes in the legislation relating to animals and agitating to remedy the deficiencies. Her mission has been to find ways and means of minimizing cruelty to animals and promoting good governance.

Over several decades she had been active in exposing racket in illegal transport and slaughter of cattle which is happening on a large scale. She has found that powerful political elements, public officials and racketeers are involved in these deals.

She has taken the initiative in getting the archaic animal laws amended and the legal provisions incorporated in fresh legislation have been solely due to her effort. She did not sit back after getting the legislation passed. She created awareness among officials involved in implementing the legislation of the new provisions. She prepared a model for the effective use of the legislation and distributed it among all police stations in the country.

Mrs de Silva recalled how when she was about five years old, the police came to her house and tried to shoot their dog. "I hid the dog under the bed and cried and saved the dog. That incident made a huge impact on me. That's how I began to love animals."

She has realized that it not easy to implement the laws relating to the welfare of animals in Sri Lanka. "Politicians do not show any interest. We struggled for seven years and got a bill drafted on animal welfare. But it has still not seen the light of day. It is stuck in Parliament," she said.

INTEGRITY

NEWSLETTER OF TRANSPARENCY INTERNATIONAL SRI LANKA

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RIGHT TO INFORMATION a powerful tool

"Right to Information is a very powerful tool in the hands of ordinary people in India. In the post-independence period, it has empowered them in challenging bribery, corruption and injustice," said Indian social activist Arvind Kejriwal at the National Integrity Award presentation held at BMICH on 9 December 2009 organized by TISL.

Tracing the history of Right to Information (RTI) in India, he said it was the Supreme Court which, in 1976, pointed out for the first time that right to information is a part of Fundamental Rights because Article 19 of the constitution mentions freedom of expression.

"The Supreme Court said that one cannot speak and cannot express oneself unless he or she knows. It said that the people pay taxes; even a beggar in the street pays tax when he goes to buy a cake of soap. The people are the masters. So the people have a right to know how their money is utilized. In a democracy the people being the masters have a right to know how their servants function."

Once the Supreme Court said that people have the right to information, it was found that there had to be a machinery to implement it and the Indian Parliament passed the Right to Information Act in 2005.

Mr. Kejriwal then described how agitation for right to information started in 1990 under the leadership of Mrs. Aruna Roy, an IAS officer, in the streets of Rajasthan when the people started demanding minimum wages. Although the people had to be paid a minimum wage of Rs 22 per day by law, the farmers and peasants were paid only Rs. 11/- per day.

When the officers insisted they were entitled to only Rs. 11, the people demanded to see the master roll. They were told the master roll was a secret document. The demand for the inspection of the master roll became a fully fledged campaign with several organizations joining the struggle. In the end the Government of India passed the Right to Information Act in the year 2005. There are more than 70 countries in the world which has the RTI Act and India is one of the best in the world.

The law gives five rights to the people. They are: i) Information from government department/officer; ii) inspection of any government document; iii) ask for photocopies of any government document; iv) inspection of any government work; v) ask for sample of materials used in government works.

Anyone can pay ten rupees and file an application asking for information. If the information is not given within 30 days the officer's salary is deducted at the rate of Rs. 250/- per day of delay. This is the penalty clause and if he provides you false information, incomplete information, or misleading information, he is fined Rs. 25,000/- (see page 2)

MALICIOUS CAMPAIGN AGAINST TISL

There have been malicious misrepresentations of TISL activities and financial integrity by certain media since 20 February 2010. Facts and figures disclosed on TISL website (www.tisrilanka.org) have been subject to misinterpretation.

The objective of this malicious campaign is to discourage TISL from functioning as an independent organisation committed to integrity.

As the national chapter of a global coalition against corruption, TISL has consistently adhered to the highest standards of transparency and accountability

in implementing several multi sectoral, geographically diverse and multifaceted activities towards "Building a Nation of Integrity".

TISL is fully aware that its task is an arduous one. Many are the threats we will have to face. Yet amidst all challenges we will continue to perform the tasks we are committed to.

TISL is an independent, self fundraising organization autonomously developing its strategic direction and programmes. These programmes are implemented in a non partisan and apolitical manner.

Having clearly demonstrated TISL's commitment to Right to Information, we have placed in public domain all funding received since inception, the respective funding sources, annual accounts and a comprehensive narration of programmes implemented with these funds.

TISL requests the public NOT to be misled by these deliberate misinterpretations of our organizational motives and conduct of TISL.

YOUTH KEEN ON WEEDING OUT CORRUPTION

Genuine interest among the youth to weed out corruption was most visible from the response from undergraduates and students of higher educational institutions at the anti-corruption assignment competition organised by TISL to encourage the youth to work towards a society with integrity.

Many hundreds showed interest in participating in the competition. Of them 452 were selected having met the criteria to enter the competition which was held in all three languages. While 254 Tamil students qualified to take part, there were 157 participating in the Sinhala medium and 41 in English.

TISL held 13 seminars to explain in detail how

the participants should structure their entries. These were held in Ampara, Batticaloa, Colombo, Jaffna, Kandy and Mataira.

University undergraduates won the main prizes. Three from the Peradeniya University, two from Colombo and two from Jaffna and one each from Moratuwa and Ruhuna were the winners and runners-up in the three language categories.

The winner in the English medium category was Bhikku Upali Sramon (Arts Faculty - (Peradeniya) while the second and third places were won by Padmanadam Shivashankar (Agriculture - (Peradeniya) & Sithivaniyagam Kokulakumaran (Engineering-Moratuwa) respectively.

In the Sinhala category, Nazeemdeen Ziyana (Law-Colombo) won the first place with Rangana de Silva (Law-Colombo) & Nimeshka de Silva (Social Science-Ruhuna) won the other two places.

Jeyabiraba Jegatheeswaran (Geography-Jaffna) won the first place in the Tamil category. Rosany Srisanthan (Geography-Jaffna) & Planiyandy Sivakumar (Political Science-Peradeniya) secured the second and third places).

Serving on the panel of judges were Professor Sarath Wijesuriya, Attorney-at-law and newspaper columnist S G PUNCHIHEWA, senior researcher Sarjana Hattotuwa, social worker Sithara Shreen and Attorney-at-law V T Thamilmaran.

'A REWARDING EXPERIENCE'

"It was a rewarding experience" said Bhikku Upali Sramon addressing the gathering at the NIA awards presentation after collecting the first prize of Rs 50,000 in the anti-corruption assignment competition.

"Standing here as the winner among the English medium competitors, I feel proud specially because my ideas could be used not only for my academic pursuits but also to combat some of the evils of humanity such as corruption," he said.

"As you all know, we live in an age of advanced science and technology. Life appears to be so easy at times, yet it is so difficult. It is because of our ignorance and misuse of the opportunities and things we have. We persistently corrupt ourselves, the environment and the whole humanity", he added.



Commending TISL's effort in combating corruption by analyzing it extensively and formulating practical strategies, he felt that the issues should go beyond the level of academicians. "Corruption is not a subject for specialists or a particular set of intellectuals."

Pointing out that everyone is affected by corruption one way or another, he stressed on the need to stop corruption not for the benefit of somebody else but for ourselves. "Why? Because we want peace and happiness; because we cannot deceive our conscience even though we may seem to deceive others; and because we all know honesty is the best policy, not corruption. Yet there are influences from our surroundings - influences that are so powerful, one may feel it is impossible to avoid corruption. We have to sympathise with these people who are misled and who fail to make use of their human potential and the power of their mind. Any measures for reform should aim at reforming their minds so that they can combat evil mental forces themselves."



At a seminar