

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Sri Lanka

I. Introduction

Background

1. Sri Lanka recently underwent an important transition that impacted the advancement of human rights in the country. A democratic transition took place in January 2015, where a new coalition government was formed following a presidential election. The present government was thereafter elected following the parliamentary election of August 2015.

2. Since the elections in 2015, greater democratic space has been created in Sri Lanka through a series of constitutional and administrative reforms. These measures include restoring media freedom and enacting the Nineteenth Amendment to the Constitution, which restored the independence of key public institutions. The new government made a firm commitment to finding solutions to national issues including complex post-war political challenges of peace and reconciliation.

3. Sri Lanka welcomes the opportunity to participate in the third cycle of the Universal Periodic Review (UPR). The present report aims to outline the progress made in the promotion and protection of human rights in Sri Lanka since Sri Lanka's second UPR cycle in 2012, and in the light of the change of government in 2015. This report is structured so as to present the implementation of recommendations made to Sri Lanka during the first and second UPR cycles in 2008 and 2012 respectively.

Demographic data

4. Sri Lanka's population as at mid-year 2013 was 20,483,000. The gender distribution of the population was 51.5 percent women and 48.5 percent men respectively. The population is also multi-ethnic and multi-religious. Sinhalese constitute 74.9 percent of the population, while Tamils and Moors constitute 11.2 percent and 9.3 percent of the population respectively. A Tamil community of Indian origin living in the plantation sector constitutes a further 4 percent of the population. Meanwhile, 70 percent of the population is Buddhist. Hindus, Muslims and Christians respectively constitute 12.6 percent, 9.7 percent and 7.6 percent of the population.

5. Sri Lanka's population growth rate at present is 0.8 percent. By age distribution of the population, 5.1 million are between 0 and fourteen years. 13.7 million fall within the

age category of 15-64 years, while 1.6 million are above the age of 65 years. The population density in 2014 was 332 persons per Sq. Km.

6. Sri Lanka has a high literacy rate. In 2012, it recorded an average of 95.6 percent, with male literacy at 96.8 percent and female literacy at 94.6 percent. Meanwhile, as at 2014, universal primary education in Sri Lanka had reached 99.7 percent.

7. Sri Lanka's health statistics are also promising. The average life expectancy at birth is 75 years. Moreover, infant mortality (per thousand live births in 2012) at the neonatal, infant and under-five age categories was 6.8, 9.2 and 10.4 respectively. Maternal mortality (per 100,000 live births) was 33 in 2010, a significant improvement since 1990 when the mortality rate was 100.

II. Methodology and Consultations

8. The methodology adopted in the preparation of this Report was twofold: first relevant government agencies gathered and synthesized information; second, public consultations with non-governmental stakeholders were held to seek their views and to address issues pertinent to civil society.

Data gathering and synthesis

9. An inter-ministerial working group comprising officials from relevant government ministries and departments met and synthesised information on the status of implementation with respect to the recommendations Sri Lanka received during the two previous UPR cycles. A focal point at the United Nations (UN) Division of the Ministry of Foreign Affairs (MFA) was appointed to gather information and liaise with relevant stakeholders.

10. Specific attention was paid to Sri Lanka's voluntary pledges and the recommendations that were accepted by Sri Lanka during the 2012 UPR cycle. Further information on the implementation of the remaining recommendations received in 2012, and the voluntary pledges made and recommendations received during the 2008 UPR cycle was collected. Two sources of information were considered in this regard:

- a. First, the MFA liaised with relevant line ministries and departments to obtain information on the implementation of relevant recommendations.
- b. Second, the MFA undertook a review of the recently finalised NHRAP 2017-2021 to ascertain the extent to which UPR recommendations have been accommodated in the Plan. The process through which the Plan was developed in 2016 specifically included a commitment to integrate UPR recommendations into the various thematic chapters of the Plan.

National consultations

11. National consultations for the purpose of formulating this Report were held in two stages. First, the process through which the current NHRAP was developed was considered as the first stage of consultations, as the recommendations of both UPR cycles were incorporated into the Plan. This process included the following features:

- a. A Government Coordinating Committee and a Civil Society Coordinating Committee were established to provide overall guidance to the drafting process.
- b. Government officials and civil society actors were appointed to the ten drafting committees tasked with developing the thematic chapters of the NHRAP.
- c. An official webpage was created for the purpose of receiving public recommendations on action points to be included in the NHRAP.
- d. Public consultations were held whereby members of the general public and civil society were invited to submit their observations and recommendations with respect to human rights conditions in the country, and the action points to be included in the NHRAP.
- e. The draft NHRAP was circulated among line ministries, the Human Rights Commission of Sri Lanka (HRCSL), UN agencies and several high-level human rights experts for the purpose of obtaining feedback. Such feedback was incorporated into the draft Plan after which the draft Plan was presented to the Cabinet of Ministers for approval.

12. Based on the information obtained through government data gathering and synthesis, and the NHRAP consultations, a draft National Report was prepared. The Office of the High Commissioner for Human Rights (OHCHR), through the senior human rights advisor of the OHCHR based in Sri Lanka, was consulted in determining the structure and presentation of the Report.

Finalisation of the National Report

13. Once all information was gathered and consultations completed, the National Report was prepared in compliance with the guidelines issued by the UNHRC through resolution 16/21 dated 19 July 2011.

III. Legal and Institutional Framework

A. Constitutional and Statutory Framework

Constitution

Voluntary pledge set forth in paragraph 93 UPR Working Group Report (2008)¹

14. The Constitution of Sri Lanka adopts a dualist model. Thus the fulfilment of Sri Lanka's obligations under international treaties is facilitated *vis-à-vis* the provisions of the Constitution, domestic legislation, and regulations made under the principal laws.

International conventions to which Sri Lanka is a party have been recognised through legal, constitutional and judicial processes prevailing in Sri Lanka.

15. The Sri Lankan Constitution contains a separate Chapter on Fundamental Rights. The Chapter contains, *inter alia*, the freedom of thought, conscience and religion, the freedom from torture, the right to equality and non-discrimination, the freedom from arbitrary arrest, detention and punishment, and the freedoms of speech, assembly, association and movement. The right to life is not explicitly included in the fundamental rights chapter of the Constitution. However, in *Sriyani Silva v. Iddamalgoda* [2003] 2 Sri.L.R. 63, the Supreme Court of Sri Lanka recognised that the right to life is implicitly included in the Constitution.

16. A new Bill of Rights is currently being considered as part of constitutional reforms. A parliamentary Sub-Committee on Fundamental Rights, which was tasked with recommending reforms to the Constitutional Assembly, has already presented its final report. The report included explicit rights to life and privacy and extended the right to non-discrimination by including additional grounds on which discrimination is prohibited. E.g. sexual orientation, gender identity and disability.

Torture Act and ICCPR Act

17. Certain core human rights treaties have been incorporated into Sri Lanka's national legal system through enabling legislation. For example, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Act, No. 22 of 1994 incorporates the CAT into domestic law. Moreover, the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007 incorporates specific provisions of the ICCPR that are not already explicitly or implicitly recognised by the Constitution. For instance, section 5(2) of the ICCPR Act entrenches the 'best interests of the child' principle into Sri Lanka's national legal system by providing: 'In all matters concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interest of the child shall be of paramount importance'.

18. Individuals in Sri Lanka have a number of avenues through which to seek remedies for violation of their rights. The Supreme Court of Sri Lanka has jurisdiction to inquire into fundamental rights violations by executive or administrative actions of the State. Any aggrieved party or his or her legal representative may file a petition before the Supreme Court within one month of an actual or imminent infringement of a fundamental right. Moreover, the High Court of Sri Lanka has jurisdiction to try offences under the CAT and ICCPR Acts.

Assistance to and Protection of Victims of Crime and Witness Act

Recommendations set forth in paragraph 128 of the UPR Working Group Report (2012)ⁱⁱ – 25; voluntary pledge set forth in paragraph 90 (2008)

19. In March 2015 Sri Lanka enacted the Assistance to and Protection of Victims of Crime and Witness Act, No. 4 of 2015. The Act sets out rights and entitlements of victims of crime and witnesses, and the protection and promotion of such rights and entitlements. Moreover, it provides for the payment of compensation to victims of crime and establishes the Victims of Crime and Witnesses Assistance and Protection Fund. It also establishes the National Authority for the Protection of Victims of Crime and Witnesses, and the Victims of Crime and Witnesses Assistance and Protection Division of the Sri Lanka Police. On 8th January 2016, H.E. President Maithripala Sirisena inaugurated the Authority. For the year 2016, the Ministry of Justice allocated Rs. 2 million for the initial work pertaining to the setting up of the Authority. This allocation will be increased for 2017 in order to facilitate the Authority to commence its work. Meanwhile, a Board of Management of the Authority developed a programme of action, and the Inspector General of Police has initiated action aimed at establishing the Witness Protection Division.

New domestic enabling legislation

20. Sri Lanka ratified the Convention on the Rights of Persons with Disabilities on 8th February 2016 and signed the International Convention for the Protection of All Persons from Enforced Disappearance on 10th December 2015, following which measures have been taken to introduce comprehensive legislation that incorporates the provisions of the Conventions into domestic law. Under the proposed legislation on the Rights of Persons with Disabilities, a new authority with oversight functions with respect to disability rights will be established. Moreover, a draft Bill on the International Convention for the Protection of All Persons from Enforced Disappearance received the approval of Cabinet and was placed on the Order Paper of Parliament for debate and enactment.

B. Mechanisms established for Implementation

Human Rights Commission of Sri Lanka

Recommendations set forth in paragraph 127 (2012) – 30, 31, 32, 23, 34, 36, 37, 38, 39, and 40, and 128 (2012) – 14 and 28; and voluntary pledge set forth in paragraph 89 (2008)

21. The independence of the HRCSL has been strengthened following the enactment of the Nineteenth Amendment to the Constitution on 15th May 2015. This constitutional amendment restricts the discretionary authority that was previously conferred on the President to appoint members to statutory authorities including the HRCSL. These appointments are now recommended by the Constitutional Council – a body that includes parliamentarians from multiple political parties, and non-political actors of high repute. Dr. Deepika Udagama, a highly acclaimed human rights advocate was accordingly appointed the new chairperson of the HRCSL in October 2015.

22. The HRCSL has the authority to entertain complaints regarding infringements or imminent infringements of fundamental rights, and to provide for resolution by conciliation and mediation. It also has the power to investigate infringements of fundamental rights and to monitor the welfare of persons in detention. Moreover, the Commission has the authority to advise and assist the government in formulating legislation and policy relating to promotion and protection of fundamental rights. It can also make recommendations to the government regarding measures that should be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards.

Ministry of Women and Child Affairs

23. The Ministry of Women and Child Affairs (MWCA) is responsible for the implementation of policies relating to women and the implementation of obligations under CEDAW. Moreover, Women's Development Officers (WDOs), Women and Children Police Help Desks, and Children and Women Units at the Divisional Secretariat level perform important functions with respect to the empowerment of women, and protecting and promoting women's rights.

24. The MWCA is also at the apex of governing children's issues and the implementation of the CRC. The departments and statutory institutions assigned to MWCA include the National Child Protection Authority (NCPA) and the Department of Probation and Childcare Services (DPCCS). Furthermore, specific matters relating to child welfare and child protection are handled by a number of line ministries, including the Ministry of Social Empowerment and Welfare, Ministry of Justice, the Ministry of Education and the Ministry of Health. At the provincial level, the DPCCS has its provincial departments in the nine provinces headed by a Provincial Commissioner. The provincial departments of probation receive funds channelled to them through the central DPCCS. At the district level, District Child Development Committees have been set up to monitor all aspects in relation to the advancement of child rights in each district. These Committees consist of specified government officials drawn from different sectors, as well as representatives from non-governmental organisations (NGOs) and religious leaders involved in children's affairs.

Official Languages Commission

25. The Official Languages Commission was established in 1991 and is vested with a range of powers to ensure implementation of provisions in the Constitution relating to language. It is mandated to recommend language policy, promote the use and appreciation of official languages and conduct inquiries in response to any complaint on the violation of language laws.

NGO oversight

Recommendations set forth in paragraph 128 (2012) – 85

26. The NGO Secretariat, which is the state agency responsible for the regulation of NGOs in Sri Lanka, was assigned to the Ministry of Coexistence, Dialogue and Official Languages. The Secretariat was formerly under the Ministry of Defence. Hence NGO oversight is now assigned specifically to a civilian authority.

C. National Human Rights Action Plan

Recommendations set forth in paragraph 127 (2012) – 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 29, 41; voluntary pledge set forth in paragraph 4.2 (2013)ⁱⁱⁱ

27. The National Action Plan for the Protection and Promotion of Human Rights 2011-2016 was adopted by the Cabinet of Ministers in May 2011 upon formulation and submission by the former Ministry of Human Rights and Disaster Management. A Cabinet sub-committee was thereafter appointed to monitor its implementation. However, the previous government encountered significant challenges in the implementation of the Plan – including the lack of specifically allocated resources and the lack of a permanent focal agency to ensure implementation. In this context, measures to disseminate and implement the Plan were discontinued under the previous government.

28. However, following the change in government in January 2015, the present government identified the following action points in the previous Action Plan, and have integrated them into the current reform agenda:

- a. Review the Prevention of Terrorism Act (PTA) of 1979 to meet international standards;
- b. Amend the Code of Criminal Procedure Act to ensure that acknowledgment of an arrest is communicated to family members, to enable Magistrates to visit places of detention; and to grant prompt access to lawyers;
- c. Criminalize enforced disappearances;
- d. Enact and fully implement a Witness and Victim Protection law;
- e. Adopt legislation on the right to information;
- f. Introduce reforms to address delays in the administration of justice; and
- g. Review and implement an anti- sexual harassment policy in government sector institutions.

29. The critical lessons learnt during the process of implementing the previous Action Plan have been incorporated into the development, dissemination and implementation of the current NHRAP 2017-2021.

30. The NHRAP 2017-2021 has received the approval of the Cabinet of Ministers and is currently being translated into Sinhala and Tamil languages. The Plan contains relevant, measurable and feasible action points relating to the promotion and protection

of human rights in ten thematic areas.^{iv} The Plan will be implemented through an Inter-Ministerial Committee with the Ministry of Foreign Affairs as the lead ministry.

D. Human Rights Education

Recommendations set forth in paragraph 127 (2012) – 35, 80, 81, 86 and 87; and voluntary pledges set forth in paragraphs 91, 92 and 112 (2008)

31. The Ministry of Education has ensured that the subject of ‘human rights’ is included in the secondary school education curriculum. Moreover, human rights education forms part of the training of all law enforcement officers, members of the armed forces and prison officers. Such training includes lectures on the fundamental rights guaranteed by the Constitution, international human right norms, the law of criminal procedure, the rights of a citizen, and the duties and obligations of law enforcement officers.

32. The Sri Lanka Army has a Directorate of Human Rights and International Humanitarian Law (IHL) that is tasked with providing human rights and IHL training to all ranks. Furthermore, the ICRC conducts regular IHL training programmes for Sri Lankan military personnel. Human rights forms part of the basic training of all new recruits at the Sri Lanka Police College, and part of examinations at the Police Higher Training Institute, where promotional and refresher courses are provided.

33. Steps have also been taken to enhance public awareness of human rights. For example, the Parliament of Sri Lanka and the Commonwealth Parliamentary Association hosted a Commonwealth Regional Seminar on the Role of Parliamentarians in the Promotion and Protection of Human Rights in February 2016. Members of Parliament, ministers and human rights experts from Sri Lanka and other Commonwealth countries in Asia including Bangladesh, India, Pakistan and the Maldives attended the seminar.

IV. Implementation of Recommendations and Voluntary Pledges

A. Cross-cutting Issues

Equality and non-discrimination

Recommendations set forth in paragraph 128 (2012) – 53

34. Article 12 of the Sri Lankan Constitution guarantees the rights to equality and non-discrimination. The guarantees of equality and equal protection of the law under article 12(1) are not subject to any exception. Moreover, the prohibited grounds of discrimination expressly included in article 12(2) are not exhaustive.

35. The final report of the parliamentary Sub-Committee on Fundamental Rights, however, recommended that the Fundamental Rights Chapter in the Sri Lankan

Constitution include express guarantees of non-discrimination on the grounds of sexual orientation, gender identity and disability. Moreover, the current NHRAP 2017-2021 commits to eliminating any discriminatory provisions in Sri Lanka's Penal Code.

36. Article 16(1) of the Constitution provides that 'all existing written law and unwritten law shall be valid and operative' notwithstanding the fundamental rights chapter of the Constitution. Sri Lanka has, however, clarified before the UN Committee on Economic, Social and Cultural Rights that this article does not authorise the unequal or discriminatory application of Penal Code or other criminal law provisions against any particular individual or community. Post-enactment judicial review of legislation is meanwhile precluded under article 80(3) of the Constitution.

37. These specific provisions of the Constitution are currently being considered in the context of constitutional reform. Both the Public Representations Committee on Constitutional Reform and the parliamentary Sub-Committee on Fundamental Rights recommend reform of article 16(1) of the Constitution, and the introduction of post-enactment judicial review of legislation. These recommendations are currently under consideration by the Parliamentary Steering Committee on Constitutional Reform.

Reconciliation and accountability

Recommendations set forth in paragraph 127 (2012) – 8, 9, 21, 22, 23, 25, 26, 27, 28, 42, 45, 46, 52, 59, 75, 76, 77, 78, 82, 85, 89

38. The GOSL co-sponsored UNHRC resolutions 30/1 and 34/1 titled 'Promoting reconciliation, accountability and human rights in Sri Lanka' in September 2015 and March 2017 respectively. The resolutions set out Sri Lanka's broad commitments to promote reconciliation, ensure accountability for alleged abuses of international human rights law and IHL during the war, and improve the human rights situation in the country. The constructive recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) form part of the substance of the resolutions. The LLRC report was also a core document in the formulation of the NHRAP 2017-2021. Hence the government has sought to implement the recommendations of the LLRC via the fulfilment of its commitments under the resolution and the action points in the NHRAP. The resolutions specifically commit to the establishment of transitional justice mechanisms including an Office on Missing Persons, a truth-seeking commission, an Office on Reparations, and a special court with independent counsel.

39. Sri Lanka established three new agencies namely, the Ministry of National Integration and Reconciliation (MNIR) with H.E. the President as the Minister, the Ministry of National Co-existence, Dialogue and Official Languages, and the Office for National Unity and Reconciliation (ONUR) as an agency of the MNIR, to spearhead programmes to usher in unity and reconciliation in the country. In consultation with the two relevant Ministries, the ONUR developed a draft National Policy on Reconciliation through a one-year process of consultations with multiple stakeholders, and through revisiting previous national initiatives on reconciliation including the LLRC's report. The Policy provides direction to the process of reconciliation in the country, and steers all

stakeholders working on reconciliation towards a uniform and coherent approach to national reconciliation. Consequent to a joint Cabinet Memorandum submitted by H.E. the President as the Minister of National Integration and Reconciliation, and the Minister of National Co-existence, Dialogue and Official Languages, the Cabinet of Ministers approved the Policy for adoption in May 2017. ONUR, in collaboration with state and private media, and through social media, has meanwhile commenced a nationwide media campaign to foster the vision of a plural and inclusive Sri Lanka.

40. In December 2015, the government established the Secretariat for Coordinating Reconciliation Mechanisms (SCRM) under the Prime Minister's Office to ensure that the commitments under UNHRC Resolution 30/1 are met. The SCRM was tasked with the design and facilitating implementation of the government's transitional justice mechanisms, and also serves to facilitate and provide support to achieving the non-recurrence agenda via ONUR.

41. Since its establishment, SCRM has entered into partnerships with the UN Country Team to ensure that international best practices are adopted in the design of the reconciliation mechanisms in Sri Lanka. These partnerships include those with UNDP, OHCHR, UN DPA, IOM, UNICEF, and UN Women. A Peace-building Priority Plan was accordingly formulated to provide support to actionable areas in the government's reconciliation agenda. The SCRM is currently engaged with the UN in finalising the monitoring and evaluation components of the Plan in addition to finalising the concept notes which have been developed in close coordination with key government stakeholders and UN agencies.

42. A high-level Steering Committee on Reconciliation was established to provide overall direction to all activities concerned with reconciliation and non-recurrence in Sri Lanka. The Chairperson of ONUR, former President Chandrika Bandaranaike Kumaratunga, chairs this Committee, and the Secretary General of the SCRM serves as the convenor of the Committee.

43. In January 2016, the government also appointed a Consultation Task Force (CTF) on processes relating to reconciliation and transitional justice. The CTF comprised reputed civil society representatives and was assisted by a Committee of Experts, and a Representatives Committee, which connected the task force to relevant stakeholders. The CTF carried out nationwide consultations and received over 7,000 submissions. Its final report was presented to government in January 2017, and is being considered in the process of preparing draft legislation to establish transitional justice mechanisms.

44. The government has taken steps to establish the four transitional justice mechanisms committed to under Resolutions 30/1 and 34/1. First, in August 2016, it enacted legislation to establish the Office on Missing Persons. Second, a Working Group comprising senior academics, government officials and transitional justice experts was appointed to draft legislation on a truth-seeking mechanism. The recommendations of the abovementioned CTF were fully considered in the drafting process. Third, a Reparations Technical Committee was appointed to draft legislation on the establishment of an Office

of Reparations. The report of the Task Force, and the views of a number of state ministries and public officials with experience in granting reparations were considered in the drafting process. The draft laws on a truth-seeking mechanism and Office of Reparations will be presented to Cabinet once the drafts are vetted by the Attorney-General for constitutional compliance.

45. The government has also sought to promote reconciliation through short and medium term confidence building measures in the areas of land, education, livelihoods, language and psychosocial support. Many of these measures were in fact recommended by the LLRC.

46. The release of private land occupied by the military is another major priority of the government. 24,336.25 acres of private land have been released since the end of the war in 2009, out of which 4,190.58 acres have been released since January 2015. A total of 6051.36 acres of private land occupied by the military remain to be released.

47. In the conflict-affected North and Eastern provinces, schools have been re-opened since the conclusion of the conflict in 2009. Children, including former child combatants recruited by the LTTE, are currently attending school. Meanwhile, since 2009 female ex-child combatants whose education was disrupted by the LTTE have sat for General Certificate of Education (GCE) Ordinary Level (O/L) and Advance Level (A/L) examinations conducted by the Department of Examination of Sri Lanka.

48. Since women head 23.4 percent of households in the North and East, in March 2015, the government set up a National Committee on Female-Headed Households (FHHs) and a National Centre for FHHs in Kilinochchi. These Committees have enabled FHHs to integrate into the workforce and access sustainable livelihoods.

49. Following the change of government in January 2015, the government introduced the practice of singing the national anthem in both national languages (Sinhala and Tamil). The national anthem was accordingly sung in both languages at the 4th February Independence Day celebrations in 2015, 2016 and 2017.

50. The government has taken steps to strengthen the framework for the provision of psychosocial care to war-affected communities. For example, ONUR has worked with consultant psychiatrists and psychologists to hold ‘training of trainers’ workshops in the Northern Province. The workshops aim to train over a thousand Development Officers in the provision of support to traumatised individuals in their respective communities.

B. Civil and Political Rights

Right to life, liberty and security of persons

Recommendations set forth in paragraph 127 (2012) – 54, 74, 79, 83, 84, 110, paragraph 128 (2012) – 57, 94; voluntary pledge set forth in paragraphs 4.9 (2013)

51. The NHRAP 2017-2021 includes a commitment to introduce appropriate reforms to explicitly recognise the right to life in the Sri Lankan Constitution. Given the fact that the parliamentary Sub-Committee on Fundamental Rights has recommended the inclusion of the right to life in the fundamental rights chapter of the Constitution, it is expected that the constitutional reform process will result in such inclusion.

52. The government has taken steps to investigate past occurrence of extra-judicial killings. For example, the government has informed certain witnesses residing abroad and who have been summoned to give testimony in pending judicial proceedings that they will be afforded maximum safeguards under the Assistance to and Protection of Victims of Crime and Witnesses Act including airport-to-airport security. A Bill to amend section 31 of the Act to enable witnesses to give testimony through audio-video linkage from an authorised 'remote location' outside Sri Lanka has been approved by the Cabinet of Ministers. Moreover, a military official suspected of having ordered the shooting of protestors in Rathupaswala in 2013 was arrested by the Criminal Investigations Department of the Police in May 2017.

53. Sri Lanka has abolished the practice of execution upon judicial order within the territory of Sri Lanka since 1976. Furthermore, Sri Lanka had voted in favour of the periodic UN General Assembly Resolution on the moratorium on the use of the death penalty.

54. The government has taken steps to respect, protect and promote the right to life, liberty and security of persons in specific areas including prison reforms, access to legal counsel, and counter-terrorism.

55. A new Prisons Administration Bill is currently being finalised with a view to enhance the efficiency of the prisons system in Sri Lanka and mitigate the issue of prison overcrowding. A draft Bill was submitted to Cabinet, and amendments suggested by Cabinet are currently being incorporated. Moreover, an Urban Prisons Relocation Programme was introduced to mitigate prison overcrowding.

56. The Prison's Department has also taken steps to mainstream the UN Nelson Mandela Rules and Bangkok Rules into prisons administration. Telephone facilities are provided to prisoners to contact their families in the Welikada Prison. Such facilities will be provided in other prisons in the future. Furthermore, a Prison Information Management System has been introduced to effectively keep records of prisoners from their registration to their discharge.

57. A suspect's right to access legal counsel was strengthened through Regulations issued in 2012 by the Inspector General of Police (IGP) under section 55 of the Police Ordinance. The Regulations provide that a lawyer representing the interest of a suspect held in police custody is entitled to meet with the Officer in Charge of the police station in which the suspect is being held, to ascertain the reasons for the arrest, and to make representation to the police officer on behalf of the suspect. Meanwhile, the Cabinet of Ministers approved a Criminal Procedure (Special Provisions) Amendment Bill, which

aims to convert the provisions of the IGP's Regulations into statute form. The Bill is due to be presented to Parliament after the incorporation of further improvements based on feedback from the HRCSL, UN agencies, and civil society.

58. The Minister of Justice appointed two special committees, chaired by Supreme Court judges alongside the participation of eminent legal practitioners, to review the Criminal Procedure Code and Penal Code. These committees are expected to recommend appropriate reforms to the criminal justice system in compliance with international standards.

59. In December 2015, the government took a policy decision to reduce the number of detainees held without charge (under the PTA and previous Emergency Regulations) to zero. Consequently, at the time of the submission of this report, there were no suspects in executive detention under special security laws. Measures have meanwhile been taken to expedite pending cases against suspects investigated and prosecuted under these laws. Special High Courts in Colombo and Anuradhapura were accordingly established to expedite cases filed in terms of the PTA and under the previous Emergency Regulations.

60. The government decided to review and repeal the PTA, and replace it with new counter-terrorism legislation that is compatible with international human rights standards. A draft policy and legal framework for a proposed counter-terrorism law was accordingly prepared by a committee of experts and has received the approval of the Cabinet of Ministers. The inputs of the UN Counter-Terrorism Committee Executive Directorate were considered during the deliberations relating to the drafting process.

Freedom from torture

Recommendations set forth in paragraph 128 (2012) – 60, 61, 62, 63 76

61. The GOSL is cognizant of the continued challenges encountered with respect to combating torture in the country. It maintains a 'zero tolerance policy' on torture and takes very seriously the allegations made against state officials in terms of their involvement in the practice. In this context, several positive developments have taken place during the past two years. These developments have a direct bearing on the GOSL's policy on torture.

62. First, the independence of the HRCSL has been strengthened. This has now ensured that the premier national human rights institution of the country is afforded the space and opportunity to accurately report on the human rights situation and, where appropriate, constructively engage the government on introducing necessary improvements. The current HRCSL's reporting on torture is a direct result of this renewed independence. The overall strategy for combating torture is sustainably strengthened through the HRCSL's interventions.

63. Second, victims have been provided with a further international mechanism to seek redress in cases of torture. On 6th August 2016, Sri Lanka submitted a declaration under article 22 of the CAT recognising the competence of the Committee against

Torture to receive and consider communications from or on behalf of individuals subject to Sri Lanka's jurisdiction who claim to be victims of a violation by Sri Lanka of the provisions of the Convention. Thus any individual may submit communications to the Committee against Torture. The GOSL has accordingly undertaken to cooperate with the Committee, and implement its recommendations in accordance with the laws of the country. The recognition of the competence of the Committee enhances the remedies available to victims of torture when domestic remedies are exhausted. It therefore strengthens the overall framework with respect to combating torture in Sri Lanka.

64. Third, directives with respect to the arrest and detention of suspects have been issued in view of eradicating the occurrence of torture. H.E. the President and the HRCSL have issued directives to the security forces and to the police with respect to standards and procedures to be followed when arresting and detaining suspects under the PTA. These directives were respectively issued in June and May 2016. They specifically include prohibitions on the practice of torture, thereby reinforcing the political will to investigate, prosecute and punish offenders under the Torture Act of 1994.

Enforced disappearance

Recommendations set forth in paragraph 127 (2012) – 3, 4, 60, and paragraph 128 (2012) – 1, 2, 3, 4, 5

65. The GOSL has taken positive measures to investigate disappearances in the past, and to ensure non-recurrence of disappearances in the future. It has made progress in investigating the disappearance of journalists including Prageeth Eknaligoda. Several suspects have been arrested, and granted bail; prosecutions are expected to begin once investigations are completed.

66. Sri Lanka ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in May 2016. Following the ratification, a committee of experts prepared legislation to incorporate the provisions of the Convention into domestic law. The ICPPED Bill accordingly received Cabinet approval and was placed on the Order Paper of Parliament in March 2017. The Bill proposes to criminalise enforced disappearance, and to provide the families of victims with effective remedies to obtain compensation and to seek information on the whereabouts of victims.

67. The GOSL has responded to 1,688 cases of disappearances referred by the UN Working Group on Enforced or Involuntary Disappearances. Moreover, the Working Group undertook a visit to Sri Lanka from 9th to 18th November 2015, and noted the cooperation of the government in providing unimpeded access to places of detention.

68. In many disappearance cases, the families of the disappeared believe that the person concerned is still living. In this context, in 2016, the government enacted an amendment to the Registration of Deaths (Temporary Provisions) Act, No. 19 of 2010 in order to issue Certificates of Absence in lieu of death certificates which would enable the families of the disappeared to access the right to utilise land and withdraw funds from bank accounts belonging to the missing person. ONUR has facilitated the activation of

this process, and the Registrar General of Births and Deaths has called for applications for issuance of Certificates of Absence.

Freedom of speech and expression

Recommendations set forth in paragraph 128 (2012) – 27, 49, 83, 87

69. In August 2016, the government enacted the Right to Information Act, No. 12 of 2016. The new law advances the freedom of speech and expression, and media freedom in Sri Lanka. Under the law, every public authority is obliged to appoint an Information Officer to provide information to the public on request. Moreover, the new law calls upon public authorities to proactively disclose information in order to advance a culture of openness. The new law also establishes an independent Right to Information Commission to ensure the implementation of the new law and to receive and dispose of complaints from citizens. The law was operationalised in February 2017, and citizens have begun to utilise the law to access information.

70. The climate of media freedom in Sri Lanka has improved significantly since January 2015. All restrictions on news websites were lifted in January 2015 following presidential instructions sent to the Telecommunication Regulation Commission. Accordingly, news websites, including those critical of the state, can operate freely without restrictions. Furthermore, restrictions on the freedom of journalists including foreign journalists to visit the North and East have been lifted.

71. Law enforcement authorities are currently investigating past attacks on journalists. For example, the investigation into the murder of Lasantha Wickrematunge, chief editor of the Sunday Leader newspaper in 2009 has been reopened. In February 2017, several suspects were arrested in connection with the murder.

Freedom of thought, conscience and religion

Recommendations set forth in paragraph 127 (2012) – 56, 57, paragraph 128 (2012) – 91

72. The freedom of religion has been an issue of focus during the post-war period in Sri Lanka due to allegations of inter-religious tensions in the country. The NHRAP 2017-2021 contains a firm commitment to enforce section 3(1) of the ICCPR Act, which criminalises the advocacy of religious hatred.

73. ONUR's mandate includes a particular focus on promoting religious coexistence. It conducts events for students of all religions to promote inter-religious understanding. In 2016, 133 cultural and religious festivals were celebrated on a multi-cultural basis, with the participation of over 47,500 students in 1,009 schools in 21 districts.^v Moreover, the Cabinet-approved National Policy on Reconciliation contains policy commitments to maintain the rule of law, and promote co-existence between religious communities.

74. ONUR has identified geographic locations with particular vulnerabilities to inter-religious violence, and has conducted interactive training in conflict transformation in

these areas. The training was supported by UNDP, and serves as an early warning system for religious violence. Over 12,000 persons, including Buddhist, Islamic, Hindu and Christian clergy, professionals, opinion leaders and public servants were trained in 2016.

75. Meanwhile, over 200 Police reports have been filed in the magistrate's courts against persons suspected of being involved in the violence that took place in Aluthgama in July 2014. Charges will be framed against suspects based on the evidence contained in these reports.

Language

Recommendations set forth in paragraph 127 (2012) – 55; voluntary pledge set forth in paragraph 105 (2008); voluntary pledge set forth in paragraph 4.1 (2013)

76. The GOSL has prioritised the implementation of the Official Language Policy of Sri Lanka, and the Ten Year National Plan for a Trilingual Sri Lanka. The implementation of this Policy and Plan is considered vital to the promotion of reconciliation in the country and to ensure that citizens are afforded meaningful access to state services. In 2016, the National Coexistence Action Plan for Social Integration was prepared to allow inclusive and sustainable peace and development, co-existence and reconciliation through the three pillars of ethics, education and empowerment.

77. In this context, the GOSL has taken several constructive steps towards achieving its targets with respect to language rights. First, it has aimed to build national capacities through a Language Road Map.^{vi} Over 4,861 language/co-existence societies, registered with the Ministry of National Coexistence, Dialogue and Official Languages (MCDOL) have been established in communities. Presently 600 language classes are being held to teach official languages to over 15,000 persons.

78. Second, the government has launched platforms for public feedback and education. It established a Call Centre to receive public complaints. Since its establishment in 2012, the centre has received 100-150 calls per month. The website *www.bashawa.lk* was launched to address the problems caused by the gap in communication between the Sinhala and Tamil communities. The website aims to enable those in need of the services of a translator to access bilingual or trilingual translators.

79. Third, model sites in selected municipal councils, urban councils, police stations, and general hospitals, and 72 Bilingual facilitation cells in bilingual district and divisional secretariat divisions, have been established to improve local service delivery. These sites will be replicated in other locations. Measures are also being taken to ensure that every police station in the country has a bilingual officer on duty 24 hours of the day.

80. In addition to the steps already taken to ensure the proper implementation of official language policy, the Cabinet of Ministers on 9th May 2017 decided that all public and semi-government institutions as well as public places should display bilingual-trilingual signboards for the guidance and convenience of the general public. Recent legislative reform also reflects the implementation of this policy. For example, section

120(5) of the National Medicines Regulatory Authority Act, No. 5 of 2015 provides: ‘The Pharmacist shall when dispensing the medicine, medical device or borderline product provide the customer with a description of such medicine, medical device or borderline product, in the language requested for by such customer.’

Economic, Social and Cultural Rights

Right to health

Voluntary pledge set forth in paragraph 95 (2008)

81. Sri Lanka made a voluntary pledge to work towards the alleviation of poverty and achieving the Millennium Development Goals through continued investment in health services. It has made significant progress in this regard, as it reached its targets for universal child immunization with immunization coverage of children under three years reaching above 98.5 percent. The OPV/DT (Immunization against Diphtheria, Tetanus and Poliomyelitis) coverage of five-year-old children is 86.6 percent. Meanwhile, polio has not been reported in Sri Lanka since 1996. Moreover, the neo-natal mortality rate has declined from 22.2 deaths per 1,000 live births in 1991 to 6.5 in 2013.

82. The proportion of births attended by skilled birth attendants was 99.8 percent in 2013. According to the Ministry of Health Emergency Obstetric Care Survey (2012/2013), almost all births in Sri Lanka are institutional deliveries with trained care, and over 70 percent in specialised units.

83. The National Health Master Plan (2012-2017) has prioritised the need to increase both human and financial resources at the national and provincial levels. The Plan aims to increase the number of Public Health Midwives up to 1 per 3,000 persons by 2017 and increase DPT3 immunization up to a 100 percent by 2017.

Right to education

Voluntary pledge set forth in paragraph 95 (2008)

84. Sri Lanka made a voluntary pledge on the alleviation of poverty through education. In this context, the state provides free education from Grade 1 to university level, and also offers many other incentives to ensure equity and equality in access to education. Sri Lanka accordingly has a high primary education completion rate of 99.5 percent. The primary enrolment rate is 98.26 percent and the primary dropout rate is 0.23 percent. The survival rate at Grade 5 is currently 98.5 percent and the survival rate at Grade 9 is 97.8 percent. Meanwhile, the secondary education enrolment rate is 98.5 percent and the secondary education completion rate is also 98.5 percent.

85. The Ministry of Education has prepared the current National Education Plan covering the period 2012-2017 in consultation with national level education agencies and

the Provincial Education Authorities (PEAs). It is a comprehensive plan based on national education policies, international commitments, government policy declarations on education, and the concerns of PEAs. Meanwhile, the Primary Education Unit of the Ministry of Education developed Child-Friendly Guidelines in 2009 in collaboration with the Australian Government and UNICEF. The Child-Friendly School Approach was piloted in 1,500 schools in five provinces, and key elements of the approach have now been incorporated into education policy for all 9,905 schools in the country.

86. The GOSL has also taken steps to improve the child's experience within the education system. It has provided students with mid-day meals, uniforms and learning materials.^{vii} Moreover, a Circular has been issued to all state schools directing them to establish child protection committees.

87. The government has meanwhile identified the need to increase the number of Tamil medium teachers in Sri Lanka. 2,631 Tamil medium teachers have accordingly been recruited for several provinces.

Right to housing

Recommendations set forth in paragraph 127 (2012) – 88

88. The initial needs assessment conducted in November 2015 by the government revealed that there is an outstanding requirement of 137,500 houses in war-affected areas. Of the total requirement, 65,000 houses are to be constructed by the GOSL with concessionary financial arrangements in line with Cabinet decisions. This programme will provide IDPs and refugee returnees with affordable and appropriate housing solutions with social infrastructure and livelihood protection. GOSL budgetary provisions have been allocated to construct 8,000 housing units in the Northern and Eastern provinces to meet the immediate and urgent requirements. Further, 1,000 partially damaged houses will be repaired in the Northern and the Eastern provinces.

89. In the meantime, a housing programme to build 46,000 houses was previously launched with the financial support of the Indian government. 33,145 houses have been completed thus far under this programme. Moreover, 518 houses are being constructed for displaced persons in Mannar with the financial support of the Governments of Pakistan, Kazakhstan and Bahrain. Additionally, 3,000 houses are to be constructed under the EU grant programme in Mullaitivu, Kilinochchi and Batticaloa.

90. The housing situation and living conditions of approximately 169,000 families residing in plantations are being addressed through several initiatives undertaken by line ministries through the Plantation Human Development Trust (PHDT). A cluster based housing programme with water supply, sanitation, access roads, electricity, community centres, child development centres and temples and other common facilities was formulated and implemented to restore and improve the dignity of the plantation community.^{viii} Meanwhile, an Indian government grant project for 4,000 houses commenced in January 2015 in Badulla, Nuwara Eliya and Hatton. The project will be completed in 2017. Moreover, the National Plan of Action for the Social Development of

the Plantation Community (2015-2025) was launched to uplift the economic, social and living conditions of the plantation community.

Livelihoods and alleviation of poverty

Recommendations set forth in paragraph 127 (2012) – 58, 67, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109; voluntary pledges set forth in paragraphs 4.6, 4.16 (2013)

91. The government has accorded high priority to the alleviation of poverty, which is the first objective of the Sustainable Development Programme proclaimed by the UN. The new economic policy orientation of the government is taking into account issues relating to social security, disparities in income distribution, the plight of economically and socially marginalised sectors, and the prevailing developmental inequalities at the provincial and district levels.

92. On a proposal made by H.E. the President, the government decided in August 2016 to declare the year 2017 as the ‘Year of Alleviation of Poverty’. It also decided to appoint a high powered committee, chaired by H.E. the President and comprising the Hon. Prime Minister and relevant ministers, to provide necessary guidance, and to implement a national policy on poverty alleviation with the participation of all ministers, provincial councils, statutory bodies and corporations, the private sector and non-governmental partners. The overall objective of this policy is to ensure that Sri Lanka is free of poverty by the year 2030. Accordingly, a Bureau directly under H.E. the President has been established to coordinate the state and private sectors as well as the public in the reduction of poverty and in the implementation of a community-driven collaborative rural development approach. Meanwhile, the ‘*Gramashakthi* People’s Movement’, a programme initiated in a bid to fulfil the basic requirements of residents in 15,000 villages by 2020, was launched on 4th May 2017. The aim of the Movement is to build an economically prosperous citizenry capable of understanding their rights and fulfilling their duties.

93. The Ministry of Planning and ONUR have jointly developed detailed District Development Programme plans for the Northern and Eastern provinces of Sri Lanka. The plans were drafted in consultation with the district secretaries, development agencies and community leaders. They cover roads, irrigation channels, rural clinics, schools, housing and the restoration of tanks.

94. Several livelihood schemes are currently being implemented to alleviate poverty. For example, two model farms, one in Kilinochchi under the supervision of the University of Jaffna, and one in Hambantota under the supervision of the University of Ruhuna are being built to teach 300 small farmers dry land farming to grow vegetables and fruits using drip irrigation. This method will enable them to conserve water and fertiliser, and double their yield and income.^{ix}

95. The Rehabilitation Authority has taken measures to provide means of livelihood to 6,286 formerly displaced families under the self-employment loan programme. Moreover, the Rehabilitation Authority has provided compensation to over 60,000

families, supported self-employment for over 4,000 families, and provided housing loans to over 500 families in resettlement areas.

96. Meanwhile the GOSL continues to collect statistical information relating to socioeconomic conditions to enable identification of social and economic rights issues.^x

Right to work and protection of human rights in the workplace

Voluntary pledge set forth in paragraph 4.19 (2013)

97. The GOSL has taken steps to introduce legislation and regulations to ensure occupational safety, health and welfare at work in preparation for the ratification of ILO Convention 155. Occupational safety and health is generally covered by the Factories Ordinance, No. 45 of 1942. In addition to this law, an Occupational Safety, Health and Welfare Act is being drafted and will be presented to the Cabinet of Ministers.

98. A National Occupational Safety and Health Policy for Sri Lanka was developed by the Ministry of Labour in collaboration with the Ministry of Health in June 2014. The policy applies to all sectors including agriculture, industry, construction, tourism and transport. The main objective of the Policy is to establish a national occupational safety and health system and programmes to improve the working environment.

99. Moreover, the National Institute of Occupational Safety and Health was established in 2009. The Institute conducts programmes to educate and train employees, employers, trade unions and government officers, and to reduce the number of work-related injuries and diseases.

C. Rights of Specific Persons or Groups

Women

Recommendations set forth in paragraph 127 (2012) – 2, 61, 62, 63, 64, 65, 66, 68, 69, paragraph 128 (2012) – 55; voluntary pledges set forth in paragraph 98, 99 (2008); voluntary pledges set forth in paragraphs 4.10, 4.11, 4.12 (2013)

100. The GOSL has taken positive measures to protect and promote the rights of women. It has recently endorsed key international instruments that further the rights of women. For example, it ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol) on 15th June 2015. The GOSL also adopted the Strategic Plan on Trafficking of Persons submitted by the Ministry of Justice in February 2016.

101. Furthermore, on 12th January 2016, the GOSL endorsed the Declaration of the Commitment to End Sexual Violence in Conflict. The government thereby recognised that the prevention of sexual violence in conflict is critical to peace, security and

sustainable development, and reiterated its commitment to ending impunity for such crimes.

102. Several measures have been taken to combat gender-based violence (GBV) in Sri Lanka. First, Women and Children's Police Desks, staffed with female officers, have been established in Police Stations, including in the Northern and the Eastern Provinces. Specially trained police officers function at such desks, which provide an enabling and protective environment for children, women and girls, and their parents to report incidents of abuse and exploitation. This network is also linked to the National Child Protection Authority. Meanwhile, GBV help desks are located in hospitals in the districts affected by the conflict.
103. Second, the Women and Child Bureau of the Sri Lanka Police operates a hotline to receive complaints from women around the country with regard to GBV, and to facilitate prompt response to such complaints.
104. Third, a new referral system with a multi-sectoral approach was introduced for better response to and prevention of GBV – particularly, domestic violence. Meetings were held with law enforcement officers, medical personnel, health care workers, village leaders and representatives from schools to review the GBV response mechanisms.
105. Fourth, at the legislative and policy level, a group of experts have drafted amendments to the Prevention of Domestic Violence Act, No. 34 of 2005 (PDVA) in response to the need to strengthen the implementation of the Act. Moreover, the Ministry of Women and Child Affairs has taken the lead in developing a National Action Plan to address GBV in Sri Lanka. The Plan is now being refined through a process of national consultations. Meanwhile, the Cabinet has approved the establishment of the National Women's Commission, which would investigate complaints into the violation of the rights of women.
106. These measures have facilitated the investigation and prosecution of incidents of GBV. The Sri Lanka Police investigates alleged incidents of GBV, and evidence is thereafter submitted to the Attorney-General's Department for consideration of indictments. On 7th October 2015, the Jaffna High Court convicted four members of the security forces for the rape of a woman and sexually harassing another woman in Visvamadu. Meanwhile, the PDVA provides a quasi-judicial remedy in the form of protection orders in cases of domestic violence. The Police mainly receive complaints on domestic violence. Thus police officers have been provided training on women's rights and GBV including domestic violence.
107. Other measures to advance women's rights include vocational training of ex-combatants, access to justice, and legislative reform. Special vocational training programmes have been organised in view of the need to make rehabilitated women ex-combatants employable. These programmes have facilitated the employment of women ex-combatants both in country and overseas. Meanwhile, gender focal points

have been established in each line ministry to ensure gender responsiveness at all levels of governance and policymaking.

108. Tamil speaking female Police officers have been deployed in the Northern and Eastern provinces to facilitate women's access to law enforcement. Referral services such as counselling, legal aid and providing shelter for the victims have been strengthened.
109. The NHRAP 2017-2021 contains special provisions to give effect to the rights guaranteed under CEDAW. It recommends the enactment of urgent legislative amendments to the criminal law and relevant legislation to ensure that the rights of women are safeguarded. For example, it contains action points on law reforms pertaining to medical termination of pregnancies, marital rape, discriminatory personal laws, and domestic violence.
110. Moreover, positive measures have been taken to increase the participation of women in politics. For example, the Local Authorities Elections (Amendment) Act, No. 1 of 2016 reserves 25 percent of the total number of seats in a local authority for women candidates.

Children

Recommendations set forth in paragraph 127 (2012) – 70, 71, 72, 73; voluntary pledge set forth in paragraph 97 (2008); voluntary pledges set forth in paragraphs 4.8, 4.13, 4.19 (2013)

111. The GOSL has taken positive measures to eradicate child labour, and expedite cases involving allegations of child abuse and exploitation.
112. The GOSL has taken positive steps to eliminate child labour. Such measures include adoption of a list of 51 hazardous occupations or working conditions in which the employment of children is prohibited. Moreover, the employment of children under the age of fourteen years is prohibited under law. A National Policy on the Elimination of Child Labour in Sri Lanka has meanwhile been prepared, and has received Cabinet approval. An action plan is also being prepared to implement the Policy. Meanwhile, the minimum age of education has been increased from fourteen years to sixteen years through regulations issued under the Education Ordinance, No. 31 of 1939.
113. The Department of Labour under the Ministry of Labour and Trade Union Relations is responsible for strengthening the protection of children's rights in the area of child labour. The Department has taken steps to enforce the country's zero tolerance of the worst forms of child labour. For example, child labour was successfully eradicated in the Ratnapura District, where the first child labour free zone programme was initiated. The experience in Ratnapura is being replicated in similar programmes in all 25 districts in the country.

114. Public awareness with respect to child labour has been increased through campaigns such as the ‘No to Child Labour and Yes to Quality Education’ campaign conducted with the technical and financial support of the International Labour Organisation (ILO) in 2015. Moreover, ‘public walking programmes’ were organized in Jaffna, Colombo and Badulla to raise public awareness on the issue. Additionally, in June 2016, H.E the President signed a pledge on ‘Zero Tolerance of Child Labour’ during an event held to commemorate the ‘Day against child labour’.
115. With the assistance of ILO, workshops for media personnel were conducted to raise awareness on the zero tolerance policy on child labour in the country. Similar workshops were also conducted for police officers attached to Women and Child Affairs Desks.
116. The complaints received on child labour by the National Child Protection Authority, and directly by the Department of Labour, are investigated by Labour Officers of the Department. The work of the Department has resulted in a significant decrease in child labour in the country. Recent statistics indicate that only 1% of the estimated child population of the country (age 5-17) engage in child labour.
117. The GOSL has taken note of the challenges that prevail with respect to processing cases involving child abuse and exploitation. According to Sri Lanka’s law, the evidence-in-chief of child witnesses may be led in the form of video recorded evidence. Thus measures are being taken to ensure that police stations and courthouses are equipped with video facilities. Meanwhile, a special High Court in Anuradhapura has been established to hear cases involving child abuse and exploitation so as to expeditiously dispose of such cases.
118. Moreover, the government is in the process of finalising the Child Protection & Justice Bill, which proposes to repeal the Children & Young Persons Ordinance, No. 48 of 1939, and seeks to bring Sri Lanka’s legal system into conformity with international standards pertaining to the best interest of the child. The Bill proposes to introduce special protections to children in conflict with the law and children in need of care and protection. The Ministry launched the ‘National Partnership to End Violence Against Children’ (NPEVAC) on 2nd June 2017. Sri Lanka has also volunteered its commitment to become one of twelve Pathfinder Countries to the ‘Global Partnership to End Violence Against Children’ (GPEVAC). As a Pathfinder Country, Sri Lanka has pledged to develop and implement a new strategy in line with the SDG 2030 agenda in order to deliver the vision of a world where all children grow up free from violence and exploitation.

Persons with disabilities

Recommendations set forth in paragraph 127 (2012) – 1, 90; voluntary pledge set forth in paragraph 111 (2008); voluntary pledge set forth in paragraph 4.15 (2013)

119. Sri Lanka ratified the Convention on the Rights of Persons with Disabilities in February 2016. Enabling legislation is being drafted, and will be presented for approval to the Cabinet of Ministers by the end of September 2017.
120. A number of state agencies including the Ministry of Social Empowerment and Welfare, Ministry of Labour and Trade Union Relations, Ministry of Public Administration and Management, and the Department of Social Services, have made special provisions for persons with disabilities to access employment.
121. Public Administration Circular No. 27/88 of 18 August 1988 recognises the need for affirmative action to increase employment opportunities for persons with disabilities. The Ministry of Public Administration has accordingly instructed all ministries, departments and corporations to fill at least 3% of vacancies in the public service by recruiting persons with disabilities possessing the requisite qualifications, and whose disability would not be a hindrance to the performance of their duties.
122. The 2012 National Human Resources and Employment Policy recognises that persons with disabilities face issues and challenges in accessing education, vocational training, employment, and development assistance programmes. The Policy provides for specific action to assist persons with disabilities to obtain employment by, for example, creating an enabling physical environment and granting incentives to employers to recruit persons with disabilities.
123. The Department of Social Services provides free vocational training to persons with disabilities through specialised training centres. Successful trainees receive toolkits relevant to the employment in their trained field. Moreover, self-employment assistance is granted to persons with disabilities through the National Secretariat for Persons with Disabilities. Grants of up to Rs. 25,000 are given to low-income persons with disabilities to begin a new self-employment initiative, or to enhance an existing one.
124. An employment database has been created by the Ministry of Labour and Trade Union Relations to assist persons with disabilities to connect with prospective employers. Any person with disabilities can access the website www.employmentforpws.org, and register in anticipation of an employment opportunity.
125. The Disabled Persons (Accessibility) Regulations of 2006 were issued in October 2006 to enhance accessibility to all public buildings, public places, and places where common services are available.

Internally displaced persons and refugees

Recommendations set forth in paragraph 127 (2012) – 91, 92, 93, 94, 95, 96, 97, 98, 99; voluntary pledges set forth in paragraph 106, 107 (2008); voluntary pledge set forth in paragraph 4.4 (2013)

126. By the end of 2016, the GOSL resettled a total of 253,231 families consisting of 882,392 individuals in the Northern and the Eastern Provinces in their original places of living. 35 welfare camps still house 1,608 families consisting of 5,732 persons in the Northern Province. A further 172 families consisting of 486 persons remain in welfare camps in the Eastern Province. Moreover, about 11,073 families in the Northern Province and 1,498 families in the Eastern Province live with host families and therefore remain displaced. Meanwhile, 4,870 refugees of Sri Lankan origin have returned to Sri Lanka – mainly from India. A further 102,000 refugees remain outside Sri Lanka.
127. One of the critical challenges faced by long term IDPs and refugees is the risk of losing their land title to secondary occupiers due to ‘prescription’ i.e. the loss of legal entitlement to one’s land due to the adverse possession of such land by another party over a period of ten years. However, the Prescription (Special Provisions) Act, No. 5 of 2016 exempts those displaced due to the activities of any armed group from the application of prescription. Meanwhile, regulations have been issued under the Mediation (Special Categories of Disputes) Act, No. 21 of 2003 in order to facilitate the resolution of land disputes. Jaffna, Kilinochchi, Trincomalee, Batticaloa and Anuradhapura have been gazette as areas in which special mediation boards can operate for land mediation.
128. The Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs has developed a Policy on Durable Solutions for Displaced and Persons Affected by Conflict Displacement. The Policy has received Cabinet approval. It aims to guarantee the rights of the displaced, and to promote measures to address their immediate, medium and long-term protection and assistance needs, with a view to facilitating durable solutions to their displacement.^{xi}

Ex-combatants

Recommendations set forth in paragraph 127 (2012) – 48, 49, 50; voluntary pledge set forth in paragraph 4.5 (2013)

129. 12,156 ex-combatants, including 594 child combatants, who surrendered to the security forces at the conclusion of the conflict in May 2009, have undergone a one-year rehabilitation programme designed to assist reintegration. The rehabilitated ex-combatants and child combatants have been reintegrated into society. The strategies and activities for rehabilitation included improving their physical and mental state through spiritual, socio-physiological, personality and leadership training for six months, followed by six months of vocational and technical training in fields including masonry, carpentry and IT.
130. The Rehabilitation Authority of Sri Lanka has granted Self-employment Loans to 1,799 ex-combatants who had been rehabilitated by the Commissioner General of Rehabilitation in the years 2012 and 2013. A sum of Rs. 302 Million has been disbursed for this purpose.

131. 212 out of 361 ex-combatants who sat for the GCE O/L examinations passed the examinations. 65 candidates were female ex-combatants. 37 ex-combatants meanwhile qualified for entering university in 2010 following success at the GCE A/L examinations. 29 of these candidates were female ex-combatants. Hence the process of reintegrating ex-combatants, including child and women ex-combatants, into society has seen notable progress. A total number of six ex-combatants remain to be rehabilitated, and will be released and reintegrated into society upon completion of the rehabilitation programme in December 2017. Further cases of rehabilitation are anticipated in light of the option given to suspects under the PTA to voluntarily undergo rehabilitation in lieu of prosecution.

V. Emerging Issues, and Support of the International Community

Emerging issues

132. Several important issues pertaining to human rights have emerged since Sri Lanka's second UPR cycle in 2012. First, the global sustainable development agenda, which culminated in the Sustainable Development Goals (SDGs), has shaped Sri Lanka's policies on human rights promotion and protection. SDG 16 is particularly relevant in this regard, as it aims to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.' The SDG contains targets specifically relevant to human rights, such as:

- a. Ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements; and
- b. Strengthening relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

133. The actions and programmes described in this National Report contribute towards the achievement of SDG 16. A noteworthy development in this connection is the decision made by the GOSL to design, develop and implement a national policy and strategy on sustainable development and facilitate all responsible agencies to follow up and monitor the progress with regard to the 17 Sustainable Development Goals and 169 associated targets adopted by the UN in 2015. Accordingly, a draft law to provide for the development and implementation of a national policy and strategy on sustainable development was approved by the Cabinet of Ministers in July 2016. The draft Sri Lanka Sustainable Development Act will be considered by Parliament shortly.

134. Second, the issue of constitutional reform has emerged in Sri Lanka since 2012. The current constitutional reform agenda focuses on reforming the powers of the executive presidency, delivering meaningful power-sharing arrangements through the devolution of power, and improving the electoral system by moving from a

proportional representation system to a mixed system. These reforms aim to improve democratic accountability, advance the autonomy of people in governance, and enhance the right to vote. These priorities are currently reflected in the NHRAP 2017-2021.

135. Third, climate change, and its relationship to human rights, has emerged as a major priority area for the GOSL. At the 71st Session of the UN General Assembly, H.E. the President highlighted the importance of environmental sustainability. The GOSL is thus committed to integrating human rights protection and promotion into its environmental policies and disaster response strategies in view of the impact of climate change on human rights.
136. Pursuant to the policy decision taken by the GOSL, Sri Lanka joined the Open Government Partnership in 2015, and adopted a National Plan of Action aimed at strengthening democracy, governance, transparency, rule of law and anti-corruption.

UN cooperation and assistance

Recommendations set forth in paragraph 127 (2012) – 43, 44, 47, and paragraph 128 (2012) – 43, 44, 45, 46, 47, 48, 50, 51, 52; voluntary pledge set forth in paragraph 88 (2008); voluntary pledge set forth in paragraphs 4.7 (2013)

137. The GOSL has sought and received the support of the international community and the UN. In November 2015, Sri Lanka became eligible to receive financial support from the UN Peace-building Fund's longer term Peace-building and Recovery Facility. The UN and the government have since moved forward in developing and implementing a Peace-building Priority Plan.
138. Cooperation between the GOSL and UN institutions and processes has increased significantly over the last two years. Apart from the historic co-sponsorship of UNHRC Resolutions 30/1 and 34/1, the GOSL has met UN treaty reporting obligations,^{xii} and has cooperated with UN special procedures and the UN High Commissioner for Human Rights. The High Commissioner, Zeid Ra'ad al Hussein, visited Sri Lanka from 6th to 9th February 2015 on an invitation extended by the GOSL. Moreover, the Special Rapporteurs on the Promotion of Truth, Justice, Reparations and Guarantees of Non-recurrence, on the Independence of Judges and Lawyers, and on Torture and other Cruel, Inhuman or Degrading Treatment and Punishment, and the UN Working Group on Enforced or Involuntary Disappearances have visited Sri Lanka in the last two years. Meanwhile, a standing invitation has been extended to all special procedure mandate holders on 17th December 2015.

Notes

ⁱ From the Report of the Working Group on the Universal Periodic Review, 5 June 2008, (A/HRC/8/46).

ⁱⁱ From the Report of the Working Group on the Universal Periodic Review, 18 December 2012 (A/HRC/22/16).

ⁱⁱⁱ From the Report of the Working Group on the Universal Periodic Review (Addendum) – Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 21 February 2013 (A/HRC/22/16/Add.1).

^{iv} These areas include (1) civil and political rights, (2) economic social and cultural rights, (3) torture, (4) women’s rights, (5) child rights, (6) rights of migrant workers, (7) rights of internally displaced persons (IDPs), (8) rights of persons with disabilities, (9) labour rights, and (10) environmental rights.

^v Similar multi-cultural and multi-religious festivals will be celebrated in 2017 to ensure that children of different ethnic and religious backgrounds appreciate the values and customs of their compatriots.

^{vi} The Ministry of National Co-existence, Dialogue and Official Languages has completed conversational workshops for secretaries of ministries, district secretariats (25 districts) and divisional secretariats (331 divisions) and for heads of the local government institutions.

^{vii} The Ministry of Education allocates 10% of its budget for subsidies to provide free textbooks to all students from grade 1 to grade 11. Furthermore, vouchers for school uniform material are provided to all students. 72,480 bursaries are meanwhile provided to children of low-income families to enhance access to secondary education. Additionally, school nutrition programmes are implemented in approximately 8,023 focus schools in underprivileged areas.

^{viii} The PHDT extends support to the Ministry of Plantation Industries to initially issue ‘possessional’ deeds and thereafter the title deeds to both spouses to ensure co-ownership, gender equality and empowerment. Thus far, 1,098 deeds have been issued to these families.

^{ix} Additionally, the Ministry of Rural Economy has developed projects to support livestock farming, which plays a major role in alleviating poverty and increasing the nutritional level of rural communities. Several livestock projects are being implemented island-wide, in collaboration with the Provincial Department of Animal Production and Health, to promote and upgrade dairy, goat, sheep, swine and poultry farming. The GOSL has also played a facilitating role by establishing livestock farmer training centres in Kilinochchi and Vavuniya in the Northern Province and at Uppuveli and Batticaloa in the Eastern Province.

^x See Annex 2.

^{xi} The Policy delineates the roles and responsibilities of relevant government institutions and their national and international partners, describes the challenges that must be addressed as a matter of urgency, sets out a process for monitoring implementation of the Policy, and provides for redress through grievance mechanisms.

^{xii} Including with respect to the ICCPR, CEDAW, Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination.