



# General Assembly

Distr.: General  
10 August 2012

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Fourteenth session**  
Geneva, 22 October–5 November 2012

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

**Sri Lanka**

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## I. Introduction

1. Sri Lanka is pleased to submit its national report for the 14<sup>th</sup> Session of the Working Group.<sup>1</sup> As consistently maintained Sri Lanka considers the UPR to be the most appropriate forum at which human rights related matters pertaining to a country should be discussed, together with voluntary engagements under the human rights treaties and interactions with special procedures mechanisms. This is despite two unhelpful attempts to needlessly draw attention to the situation in Sri Lanka in the Council in 2009 and again this year. These ill-conceived, unwarranted, unnecessary and intrusive attempts did not result in any tangible benefits for the Sri Lankan people over and above what the Government of Sri Lanka (GoSL) set out to do and has been able to achieve for them. Sri Lanka regularly briefs the Council on gains made, challenges faced and future plans vis-à-vis the human rights situation in the country. Participation in the new interactive, collaborative and inclusive mechanism, the UPR, must be viewed as part of that ongoing effort.

2. Sri Lanka today is a stable, united and forward-looking country. Our polity has enjoyed being constitutionally governed and being part of a vibrant democracy for over 64 years as an independent nation. The nation has achieved peace and social tranquility by the military defeat of one of the worst manifestations of terrorism the world has seen in recent times – the Liberation Tigers of Tamil Eelam (LTTE). The humanitarian operation ensured for the people of the North and East their right to live in dignity and restored democratic freedoms. It also ensured for the rest of the country freedom from fear of terrorist attacks. Sri Lanka is now consolidating gains made in economic, political, social and cultural spheres and our potential for advancement has increased exponentially. Equity in economic development, eliminating regional disparities, and guaranteeing equality of opportunity for every Sri Lankan no matter where they live, their ethno-cultural background, the language spoken or religion professed, remain the national priority.

3. Sri Lanka's multi-ethnic, multi-religious, multi-lingual and multi-cultural character which has been preserved in the face of conflict and terrorism, equips us to face the unique challenges and opportunities ahead.

4. Sri Lanka's Constitution gives pride of place to Fundamental Rights in Chapter III which provides exclusive jurisdiction to the Supreme Court to ensure expeditious legal remedy. Article 3 recognizes that the sovereignty of the people is inalienable and includes the powers of government, fundamental rights and franchise. Article 4 (d) casts a positive obligation on the Executive, the Legislature and the Judiciary to respect, secure and advance fundamental rights. The Constitution *inter alia* recognizes the right to freedom of thought, conscience and religion, freedom from torture, or cruel, inhuman or degrading treatment or punishment; right to equality, freedom from arbitrary arrest, detention and punishment; prohibition against retro-operative penal legislation; freedom of speech, assembly, association, occupation and movement. The rights to freedom of thought, conscience and religion and the right to freedom from torture are enshrined as absolute and non-derogable rights.

5. Sri Lanka accords the highest priority to active participation in the multilateral treaty framework relating to human rights and is party to seven core human rights treaties. The international Conventions subscribed to by Sri Lanka have been given effect to in accordance with the constitutional process through specific constitutional provision, the enactment of substantive legislation and through subsidiary legislative instruments. Sri Lanka also continues to actively engage with the OHCHR and an invitation was extended in 2011 to the UN High Commissioner for Human Rights to visit the country.

6. Despite nearly 30 years of conflict against terrorism, we successfully sustained the wellbeing of our people. This has been confirmed by the UNDP's Human Development Report (2011) which has given Sri Lanka a value of 0.691 in its human development index.<sup>2</sup> This has been achieved by the consistent investment in public services such as health, education and the provision of economic opportunity, including the provision of public services and the payment of salaries to public servants, even in areas that were unlawfully occupied by the LTTE.

7. Notwithstanding their military defeat and being proscribed in 32 countries, the LTTE's international network and sympathizers continue to espouse the agenda of destabilization and separatism. Their attempts to misinform host governments, opinion makers including media and the Sri Lankan expatriate community by blatant falsehood, propaganda and misinformation, proceed unabated. Their financial and other links with international criminal organizations continue to pose a threat to Sri Lanka and the international community. The substantial resources they possess enable them to sustain a vicious campaign of disinformation, and destabilize peace efforts with a view to undermining the reconciliation process.

## **II. Methodology and consultation process followed in the preparation of the National Report**

8. The need for the protection and promotion of human rights was duly recognized in the very special place that human rights were accorded in the Constitution. This provision sensitized the people to their rights as citizens of the country. However, the internecine conflict prevented the full development of these rights as envisaged. Sri Lanka, in recognition of the need to give full effect to human rights, pledged at the UPR of 2008, a National Action Plan for the Promotion and Protection of Human Rights (NHRAP), giving full effect to the intent of the framers of our autochthonous Constitution. The Lessons Learnt and Reconciliation Commission (LLRC) established in 2010 further buttressed this process.

9. In the formulation of this national report, a broad and inclusive process of consultation involving Government focal points and civil society representation was followed. The substantive basis of consultation were issues pertaining to the implementation of the recommendations accepted and pledges made in 2008 as well as other matters of immediate concern. In this context, stakeholders were invited to raise matters of relevance and submit written representations to be considered by the Government. This consultative process is ongoing.

10. The formulation and implementation of the NHRAP is an integral part of Sri Lanka's national report, which, *inter alia*, sets out, in a time-bound manner, the measures being adopted in the protection and promotion of human rights, taking into consideration the recommendations of special procedures mechanisms, treaty bodies as well as national priorities. Government focal points and civil society representation were invited to participate in the formulation of the NHRAP from inception. Drafting committees that prepared the initial version of the NHRAP were, by and large, constituted from Government and non-government personnel on the basis of equal representation.

### III. Developments since the previous review

#### A. Humanitarian operation (2008/2009)

11. The GoSL repeatedly attempted to engage the LTTE in peace talks with a view to arriving at a negotiated settlement. On each occasion, the LTTE used cessation of hostilities to rearm, regroup and strengthen its offensive capabilities. A peace process facilitated by the Norwegian Government in 2002 was still nominally in place in July 2006, when the LTTE's many transgressions of the ceasefire agreement culminated in its closure of a vital sluice gate at Mavil Aru in the Eastern Province. This cut off access to water for thousands of people (9,510 Muslims, 8,013 Sinhalese and 4,439 Tamils living in 20 villages), and to vast tracts of irrigable land, resulting in an immediate and grave threat to human livelihoods and existence.

12. Faced with the prospect of an imminent humanitarian disaster, the GoSL launched a limited military operation to restore access to water. While this operation was underway, the LTTE launched attacks on Security Forces positions in the North and East of Sri Lanka. Given the immediate threat to civilian lives, the GoSL launched the Humanitarian Operation to free the people of the North and East from LTTE control and liberate all its citizens from terror.

13. The GoSL acted with restraint to protect civilians throughout the Humanitarian Operation. A "zero civilian casualty" policy was adopted, and every precaution taken to minimise collateral damage during the fighting. As the operation progressed, an increasingly isolated and desperate LTTE leadership surrounded itself with a human shield comprising many thousands of civilians for self preservation. After the liberation of Kilinochchi in January 2009, the GoSL made every effort to encourage the movement of civilians to government-controlled areas including conveying messages through the UN and the ICRC. However, the LTTE forcibly prevented most attempts by the civilians to escape.

14. The GoSL did not, at any stage, corral the civilian population in the Wannii. The forced movement and corralling of civilians was an act of the LTTE, which blatantly used civilians as a human shield.

15. For the purpose of protecting civilians held by the LTTE, the GoSL identified areas of large civilian concentrations and instructed Security Forces to avoid firing into such areas. This was how the "No Fire Zone" (NFZ) came into being. The assertion that Security Forces declared areas NFZs and forced people into them is a gross distortion. A NFZ was identified to provide a reference point for Security Forces to take precautions in planning operations. These zones were readjusted having regard to the movement of civilians under LTTE compulsion. Announcements on radio and through loudspeakers, airdropped leaflets, and requests conveyed through international agencies were used to inform civilians of safe locations and encourage them to escape from the conflict area. Through an abundance of caution, Unmanned Aerial Vehicles (UAVs) were deployed over these areas to make an accurate assessment of the ground in which civilians were held. Nearly 300,000 civilians were successfully rescued from LTTE captivity during the operation.

16. Recognizing the requirement to cater to the needs of civilians caught up in the conflict, the GoSL appointed a Commissioner General of Essential Services (CGES) and also established the Consultative Committee on Humanitarian Assistance (CCHA). What is important to note is the collective nature of the CCHA which was partnered by stakeholders, across the board, including the international community, who decided on key issues and their implementation pertaining to the delivery of humanitarian assistance, particularly the supply of food, water and medicine and the evacuation of the sick and wounded. The principal facilitators were the ICRC and the WFP. The CCHA met on 28

occasions and continued until May 2009 and proved a unique example of how humanitarian coordination between government and international partners can operate in a conflict situation to ensure that humanitarian assistance needs are met.<sup>3</sup>

17. The conduct of military operations in a manner as to avoid civilian casualties in line with GoSL policy and to rescue as many civilians from a virtual hostage situation, meant that the conflict continued for a longer duration than was necessary. The so called “humanitarian catastrophe” or “bloodbath” that was predicted by those who had called a halt to the military operations never came to pass and nearly 300,000 persons were rescued.

18. The conclusion of the humanitarian operation on 19 May 2009 gave rise to several post-conflict challenges which GoSL has been addressing.

## **B. Post conflict developments**

### **1. Demining and resettlement**

19. One of the biggest challenges the GoSL faced was the resettlement of approximately 300,000 IDPs. Prior to embarking on the resettlement process, the Government had to ensure that these areas that the IDPs were to be resettled in were free of landmines due to the extensive laying of mines by the LTTE.

20. It is therefore significant that, by the end of July 2012, just three years after the end of the conflict, the GoSL had successfully resettled more than 237,500 IDPs. A further 28,398 have chosen to live with host families in various parts of the country. It should be noted that 7,203 had left the camps on various grounds and did not return while a further 1,380 sought admission to hospitals. 802 IDPs died due to natural causes during the time they were awaiting to be resettled. Only 1,597 families remain in the last functioning welfare village. The GoSL intends to complete the resettlement process by this year. While every effort is being made to resettle persons in their original habitat, in instances in which this is not possible, they will be given alternate land. This process would have been executed much faster if not for the extensive mining of the area by the LTTE approximating to 5,000 sq.km.<sup>4</sup> While 116 sq.km of territory remain to be demined, the demining of remaining land to facilitate the return of IDPs will be completed by the end of 2012.<sup>5</sup> The demining has been done mainly by the Sri Lankan Army with international collaboration including certification of demined areas by the UN.

21. The resettlement process has been voluntary, involving informed choice of the displaced family/person through facilitation of “go and see visits” prior to resettlement. Assistance for construction of housing and livelihood development is also being provided. An initiative by the Government in constructing over 78,000 new houses in the North and East has been launched, including houses constructed with donor assistance. As at July 2012, 27,983 permanent houses have been constructed.

22. Another notable feature of the resettlement process is the family tracing programme initiated in December 2009 which facilitates the reunification of the beneficiary with the immediate or extended family. This programme, supported by UNICEF, also enables family access to the beneficiary.

### **2. Rehabilitation and reintegration**

23. Remarkable progress has been made with regard to the rehabilitation and reintegration of ex-combatants. It may be noted that from approximately 12,000 persons, at present 636 beneficiaries are undergoing rehabilitation, and 383 are under judicially mandated custody (remand). As at July 2012, 10,965 persons, which includes 594 LTTE child soldiers have been rehabilitated and reintegrated into society. The GoSL adhered to a

policy of not subjecting children to legal proceedings based on the rationale that they were victims and not perpetrators.<sup>6</sup> The child soldiers released were afforded the opportunity of a formal education and reintegrated into their families. 212 youth who were previously pursuing tertiary education were reinducted into the system to follow their undergraduate studies. Elderly persons were also released without being subject to any rehabilitative or legal processes. The rehabilitation programmes are carried out with the assistance of UNICEF, IOM and some NGOs.

24. The offer of participating in a programme of rehabilitation is available to an LTTE suspect, in detention or subject to legal process. The ambit of the programme has been further extended with the induction of rehabilitated ex-combatants in to the Civil Defence Force to participate in development programmes. This programme has been successful to the point that ex-combatants have been included in the national sports pools. Financial provision has also been made as a start-up facility in respect of each beneficiary released.

### 3. LLRC and the reconciliation process

25. The LLRC, appointed on 15 May 2010, submitted its Report and recommendations which was presented to the Parliament on 16<sup>th</sup> December 2011 and was made available to the public. This Report which is in the English language will be available in the Sinhala and Tamil languages.<sup>7</sup>

26. Action was initiated to implement many LLRC recommendations prior to a formalized plan of implementation being devised. Some of the areas in which gains have been made include resettlement of IDPs; demining; rehabilitation of ex-combatants; implementation of the language policy; recruitment of Tamil speaking police officers; removal of the military from assisting in civil administration in the North, making available land previously used for security purposes for resettlement/return; and carrying out a comprehensive enumeration in the Northern Province.

27. The Cabinet of Ministers in May 2012 decided that a Task Force headed by the Secretary to the President would monitor the implementation of the LLRC recommendations.<sup>8</sup>

28. In July, a matrix containing the National Plan of Action to implement LLRC recommendations was developed by the Task Force, presented to Cabinet and approved<sup>9</sup>. The main focus areas for implementation are International Humanitarian Law Issues, Human Rights, Land Return and Resettlement, Restitution/Compensatory Relief and Reconciliation. The Task Force has identified a corresponding activity, an implementing agency, a key performance indicator and a time frame in respect of each recommendation.<sup>10</sup>

29. Special emphasis has been given to regulating the activities regarding the management of land in the Northern and Eastern Provinces. The Ministry of Land and Land Development has decided to resolve the land disputes in these areas by implementing a special programme of work. Specific Cabinet approval has been received for policy proposals relating to the matter. Directions have been given to temporarily suspend the distribution of land. Priority is to be given to those persons who have been displaced or fled from their natural locales or lost their land.<sup>11</sup>

30. An amendment to the Prescription Ordinance is being considered whereby displaced or disadvantaged owners of land will be exempted from the rules of prescription during a period of 30 years to enable them to defeat any adverse claims based on the running of time.

31. With regard to matters of accountability, *inter alia*, the cases relating to 17 aid workers and the 5 students who met with their deaths in Trincomalee were referred to the Attorney-General to ascertain whether a prima facie case exists to launch prosecutions. The

Attorney-General has advised the Inspector-General of Police to conduct further investigations.<sup>12</sup>

32. Additionally, the Sri Lanka Army has commenced investigations, firstly, by appointing a Board of Inquiry to study the LLRC recommendations and formulate a viable action plan to implement the recommendations that are relevant to the Army and, secondly, a Court of Inquiry has been appointed to investigate allegations of civilian casualties and the Channel 4 story, irrespective of whether the video footage was genuine or not. The Sri Lanka Navy has also initiated similar measures. These boards have commenced work and several witnesses have testified.

#### **4. Restoration of civil administration, infrastructure and economic development**

33. The civil administration system in the North and East is fully functional with Government officials at the District, Divisional and grassroots levels being appointed and discharging their functions.

34. With the dawn of peace, flows of funding for development activity which the conflict affected areas were previously deprived of, increased substantially. The “Uthuru Wasanthaya” (Northern Spring) and “Neganahira Navodaya” (Eastern Reawakening) programmes designed to facilitate development work in the North and East, being implemented by the GoSL, were further accelerated to provide, *inter alia*, livelihoods for persons in the conflict affected areas.<sup>13</sup>

35. With the termination of military operations and the gradual restoration of normality, the strength of the military in the North has been reduced considerably. The present strength in the Jaffna Peninsula is approximately 15,000. Further rationalization of this presence would be considered in line with national security interests. It must be noted that the role of the military in the North today is confined solely to security related matters. The former High Security Zones (HSZs) have ceased to exist. The Palaly Cantonment is now the only area in which some security restrictions remain, but even within the Cantonment, civilians have unrestricted access to the airport and the Kankesanthurai harbour. While it is true that there are still some civilian properties included in the Cantonment, it must be stressed that civilians have not occupied these properties for the last 20 to 25 years. The Government has taken measures to pay compensation to the owners of these properties and to provide alternate land to them. It should also be noted that lands that had been forcefully taken from the people and occupied by the LTTE for many years have also been released to their legal owners. The former HSZ in the Eastern Province located in the Sampur area from 2007 has been reduced in extent by 65% and declared a Development Zone under the Board of Investment. The IDPs from this area who are to be resettled will be granted alternative land or compensation.

36. The military is no longer involved in civil administration in the North and East and the Police Department now continues its responsibility of maintaining law and order. In this context, 11 new Police Stations have been established in the North since 2009. 1,216 Tamil officers have been recruited: 789 (2005 to 2011) and 427 (Jan 2012 to date).<sup>14</sup> Tamil language training is also being provided to police personnel.<sup>15</sup> This is in line with the GoSL’s overall policy of promoting trilingual competency among public officers.<sup>16</sup>

37. These measures are indicative of GoSL’s commitment to assuring the safety and wellbeing of people in the conflict-affected area.

38. Due to GoSL efforts aimed at the revival of the provincial economy, a 22% growth has been recorded in the Northern Province, while Sri Lanka’s overall GDP recorded around 8% growth in 2011. In terms of investment promotion, the Atchchaveli Industrial Zone in the Northern Province, which is being developed in a 25 acre area is expected to attract approximately 40 local and foreign investors and to generate employment to over



6,000 persons. A further 67 acres is scheduled to be added in the second stage.<sup>17</sup> The Zone will enable small and medium enterprises to better tap into the post-conflict opportunities in the country. The reconstruction of the Northern railway line which was totally destroyed by the LTTE, is currently under way. It will provide connectivity and linkage to markets to the Northern province. A Vocational Training Institute on par with international standards and certification is being set up in Kilinochchi to enhance the skill levels and the employment opportunities of the youth in the North. Bilateral and other assistance has been received from several countries in support of these initiatives.

## 5. Constitutional and legislative reform

39. Another critical aspect to the restoration of normalcy was the holding of elections in the North and East soon after the areas were brought under Government control. Provincial Council elections were held in the Eastern Province even before the Humanitarian Operation ended, and Local Authority elections were held for the Jaffna Municipal Council and Vavuniya Urban Council as early as August 2009. Presidential and General Elections were held islandwide in 2010. Local authority elections, held last year, saw elections held throughout the country including in the North and East.<sup>18</sup> In the areas formerly occupied by the LTTE, people exercised their franchise without fear for the first time in three decades. The fact that political plurality has returned to these areas is clear from the results of these elections. The swift restoration of democracy to those parts of Sri Lanka is a significant achievement. Elections for the Northern Provincial Council are envisaged to be held in 2013.

40. Provincial-wide governance for the Northern Province poses its own unique challenges as the people in the Province have not experienced elected democratic provincial representation for several years. In the interim, the present administrative arrangement under the Governor has been restored and governance structures that transcend purely local government are being gradually strengthened.

41. The Working Group placed emphasis on the implementation of the 13<sup>th</sup> and 17<sup>th</sup> Amendments to the Constitution during the initial UPR of Sri Lanka in 2008. GoSL made it clear that it would take steps to address and remedy the practical impasse (relating to appointments, etc., to certain public bodies) created as a result of the 17<sup>th</sup> Amendment and stated that steps would be taken to address outstanding issues arising out of the 13<sup>th</sup> Amendment which deals with devolution of power to Provinces as well as its implementation. The changes wrought by the 17<sup>th</sup> Amendment in 2001 were further amended by the 18<sup>th</sup> Amendment to the Constitution which was enacted and certified as law by the Speaker of the Sri Lankan Parliament on 09 September 2010.

42. Prior to being debated in Parliament the Supreme Court was, by presidential reference, requested to determine upon its constitutionality.<sup>19</sup> A modified consultative process between the national executive and national legislature prior to making appointments to such public bodies and offices is enplaced by the said 18<sup>th</sup> Amendment to the Constitution.<sup>20</sup> Most of the bodies are reconstituted and the key personnel holding office are largely free from allegations of partisan or other bias. What is important is that these bodies and officials are enabled to function smoothly as the public expect and deserve the independent, effective and efficient exercise of their various functions under the law.

43. A central feature of the Government's approach to evolving a consensus formula to ensure preservation of identity, human dignity, security, unity, empowerment to promote development is a Parliamentary Select Committee (PSC). The objective is to achieve multi-party consensus in respect of constitutional changes, to fulfil the legitimate aspirations of the Sri Lankan people enabling them to work in unison and with a sense of national identity for a better tomorrow. Parallel to this multi-party mechanism, the Government is engaged in bilateral discussions with Tamil political parties as well as Muslim representation.<sup>21</sup>

Mindful of the fact that all previous attempts at evolving a constitutional formula failed due to lack of consensus, the GoSL remains optimistic that the PSC would help achieve such a consensus, given its inclusivity and transparency, and commitment to democratic ideals.

44. Another significant development is the lapsing of the Emergency Regulations promulgated under the Public Security Ordinance in 2005.<sup>22</sup> As early as May 2010, the GoSL reduced the scope of the Emergency Regulations in keeping with the improving ground situation.

45. By August 2011, the situation had improved to an extent that permitted the lifting of Emergency altogether. This was not done in a vacuum but with careful consideration of the needs of the country. Certain legal and regulatory arrangements were made to cater to any exigencies that could arise and these instruments are now in place with the framework of the Prevention of Terrorism Act, such as the proscription of the LTTE and the TRO, a framework for the continued holding of detainees and remandees and the rehabilitation of surrendees.

### **C. Adoption and implementation of the National Action Plan for the Promotion and Protection of Human Rights**

46. Specific measures have been adopted by the Government to safeguard and foster the promotion and protection of human rights. At the 2008 UPR, Sri Lanka pledged to devise a five-year National Action Plan for the Promotion and Protection of Human Rights. Since 2008, with the assistance of UNDP, Sri Lanka has worked on delivering on that pledge through a participatory process involving Government and civil society. The NHRAP was endorsed for implementation by the Cabinet of Ministers in December 2011. The implementation stage of the Action Plan, including monitoring and evaluation, is currently underway with the initial evaluation scheduled for December 2012/January 2013.<sup>23</sup> Progress is being made in implementation.<sup>24</sup>

## **IV. Promotion and protection of human rights on the ground: implementation of international human rights obligations**

47. Sri Lanka is party to sixteen core human rights and labour rights, United Nations and ILO Conventions. Pursuant to the ratification of the salient human rights treaties, Sri Lanka has given internal effect to the international treaties via enabling domestic legislation, to ensure the protection of sacrosanct human rights within its jurisdiction through effective implementation of the conventions.

48. The principal aim of Goal 1 of the Civil and Political Rights Chapter of the NHRAP, i.e. 'Measures to give effect to international human rights obligations' is a common thread that runs through the NHRAP. Some specific initiatives that have recently been taken with regard to the implementation of human rights obligations are:

- (a) As no comprehensive census has been carried out in the Northern Province since 1981, the Department of Census and Statistics was charged with the task of making an enumeration of persons in the Northern Province and this task was completed in 2011.<sup>25</sup> While critical for socio-economic and development planning, the enumeration, followed by an islandwide census in 2012, would provide an accurate picture of patterns of deaths, outward migration within and outside the country, caused by the conflict and other reasons. A comparison of the population data from the enumeration and from the islandwide census will enable the GoSL to gain an understanding of the causes of deaths as a result of the conflict. Causes

could include LTTE cadres killed in action, LTTE cadres and civilians who escaped the conflict and migrated to other parts of Sri Lanka/overseas, civilians likely to have been killed in the crossfire, civilians killed by the LTTE whilst escaping from LTTE control, false reporting and deaths reported but not occurring during the period of the humanitarian operation. It is expected that by the resulting statistics the unfounded allegations of ‘tens of thousands’ of civilian deaths having occurred in the first 5 months of 2009 will be conclusively refuted.

(b) The Government has made a substantial investment in development of the North and East. The *Neganahira Navodaya* programme for the East has resulted in expenditure totaling Rs. 142 billion up to 2011 with a further Rs.25 billion estimated for 2012. The *Uthuru Wasanthaya* programme for the North has seen a commitment of Rs. 117 billion up to 2011 with a further Rs 64 billion committed for 2012. In all, investment in the Northern Province under the 4-year investment plan will total nearly Rs. 300 billion. This is in line with national policy on social protection that views welfare expenditure as a means to draw vulnerable segments into the national development process. Recognising the need for social protection support for most vulnerable segments of the society, the government continues its social welfare programmes including *Samurdhi*,<sup>26</sup> fertilizer subsidy,<sup>27</sup> electricity and fuel subsidy programme. By providing a large amount of government welfare support to vulnerable groups, it is expected to build up the assets base of receiving families. In the long term, the government expects to change the dependency attitude of vulnerable groups from passive recipients of social support to active contributors to the economy. Therefore, it is expected that a significant portion of welfare support funds will be used for asset creation. Empowering women, creating opportunities for children, sharing the experience of elders and mainstreaming the differently-abled people are priority areas for government intervention made in social protection programmes. In 2011, the Government has spent Rs.98 billion towards upgrading the living standards of people.

(c) A new National Project has been launched by the Ministry of Justice and the Attorney General’s Department in partnership with the Police Department to enhance the efficacy of the criminal justice response to child abuse. The resources for the project are provided by the GoSL and UNICEF. The primary objectives of this project are to expedite the processing and the passage of cases of child abuse through the several phases of the criminal justice system and to prevent secondary victimisation of child victims of abuse in consequence of their involvement in the criminal justice system.<sup>28</sup> A secondary objective of the project is to enhance the professionalism in the conduct of criminal and forensic investigations, and the conduct of prosecutions.<sup>29</sup>

(d) The Inspector-General of Police, in December 2011, issued strict instructions to all officers regarding the treatment of detainees arrested.<sup>30</sup> Safeguards include measures for ensuring the physical safety and dignity of the arrested individual as well as reiterating internal controls with regard to handling of persons in custody. Directions have also been given enabling Attorneys-at-Law to visit their clients in custody as of right as opposed to with the leave and license of the Police.<sup>31</sup> Criminal prosecutions have been streamlined by the establishment of Divisional Prosecution Units at the Provincial level which expedites the prosecution of terrorism offences.<sup>32,33</sup>

(e) With regard to access to persons detained on suspicion of involvement in terrorist activity, a database containing details of all detainees/arrested suspects has been established in order to facilitate their Next of Kin (NoK) to obtain details. Wide

publicity has been given in all three languages regarding access to the database by the NoK and several persons have utilized the service.<sup>34</sup>

(f) The GoSL is committed to taking necessary steps to ensuring safety of media personnel and institutions. In order to ensure media freedom, the Government is seeking to strengthen grievance mechanisms which include complaints to Police, processing FR applications filed in the Supreme Court, and complaints to Press Council. The Government is also pursuing investigation into the current cases on alleged attacks on media personnel and institutions.

(g) Sri Lanka has a vibrant civil society and our Constitution guarantees the protection of every citizen's fundamental rights, including rights of members of civil society. Although no special laws have been formulated with regard to "Human Rights Defenders", any person who seeks to facilitate or vindicate human rights has the option of filing a Fundamental Rights application in the Supreme Court, or a Writ Application in the Court of Appeal, or making a complaint before the National Human Rights Commission, on their own behalf or in the public interest. The full gamut of constitutional guarantees, including effective remedies, is available to individuals or groups who wish to espouse social causes and advocacy, also encompassing the area of human rights.

(h) Sri Lanka is party to the seven core Human Rights Treaties and four Optional Protocols: The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), Convention on the Rights of the Child (CRC), Convention on the Eliminations of All Forms of Discrimination Against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, Optional Protocol to the ICCPR and the Optional Protocol to CEDAW. Sri Lanka is also signatory to the Convention on the Rights of Persons with Disabilities (CRPD). The GoSL has progressed in fulfilling its reporting obligations including submitting its periodic reports to the Committee on the Elimination of All Forms of Discrimination Against Women (2009), Committee Against Torture (2011), responses to the List of Issues to the Committee on Economic, Social and Cultural Rights (2010). Sri Lanka has also responded to the confidential communications from the UN Commission on the Status of Women (CSW) and to UN Special Procedure Mechanisms.<sup>35</sup>

(i) Sri Lanka closely works with the UN Special Procedures on Human Rights. An inter-ministerial working group to verify cases of alleged disappearances has been established. In this context, the GoSL submitted its response on 59 cases of disappearances brought to its attention by the Working Group on Enforced or Involuntary Disappearances (WGEID). Further investigations are being conducted on remaining allegations communicated by the WGEID. Arrangements have also been made for the maintenance of a database of allegedly disappeared persons. As Sri Lanka has stated on previous occasions, including to the WGEID, information sharing on the presence of some of these persons in countries which have given them asylum, is critical to making an accurate assessment of the number of supposedly disappeared.<sup>36</sup> The Police report a relatively good rate of success in tracing missing persons.<sup>37</sup>

## V. Presentation by the State concerned of the follow-up to the previous review

### A. Status of implementation of voluntary pledges (Table 1)

	<i>Voluntary commitments of Sri Lanka</i>	<i>Status</i>	<i>Further information</i>
1.	Adoption and implementation of the National Plan of Action.	Completed	NHRAP launched in December 2011.
2.	Active and constructive dialogue and cooperation with the Office of the High Commissioner for Human Rights to strengthen national mechanisms.	Ongoing	The GoSL continues to actively and constructively engage with the OHCHR on issues of mutual interest. An invitation was extended in 2011 for the High Commissioner for Human Rights to visit Sri Lanka. An advance visit of OHCHR Officials to prepare ground work for the High Commissioner's visit is expected to take place shortly.
3.	Reconstitution of the Constitutional Council which will facilitate the strengthening and effective functioning of national human rights mechanisms, including the National Human Rights Commission.	This commitment is catered for by the 18 <sup>th</sup> Amendment to the Constitution.	Human Rights Commission of Sri Lanka (HRCSL) constituted and functional.
4.	A Witness and Victim Protection Bill will be introduced in Parliament.	Ongoing	Bill presented in June 2008. Process of enactment could not be completed. Bill redrafted and scheduled to receive Cabinet consideration shortly.
5.	A national human rights awareness campaign to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights.	Completed	Campaign conducted.
6.	A regional seminar for parliamentarians on a human rights related theme.	In process	Discussions held with Inter Parliamentary Union. Local seminars conducted for MPs in 2010 and 2012.
7.	A constitutional charter on human rights that will strengthen the human rights protection framework in the country.	Ongoing	Under the provisions of the Civil and Political Rights (CPR) Chapter Goal 1 in the NHRAP the draft bill of rights will be reviewed. The process of drafting included engagement and consultations with civil society who also participated in drafting.
8.	Sri Lanka will continue to align its development strategy within the larger framework of promoting local values and social protection.	NHRAP completed, development programmes are	Extensive coverage given under NHRAP's 8 thematic areas. The NHRAP was conceived of within the overall framework of the national

<i>Voluntary commitments of Sri Lanka</i>	<i>Status</i>	<i>Further information</i>
9. Sri Lanka, will work towards the alleviation of poverty and achieving the Millennium Development Goals by 2015 through continued investment in social infrastructure, education, and health services.	ongoing Ongoing	development strategy encapsulated in the “Mahinda Chintana – Vision for the Future” (2010). Available at <a href="http://www.priu.gov.lk">www.priu.gov.lk</a>  See Chapter III, B, 4 of UPR Report with specific reference to measures taken to reduce poverty and promote equitable development under the “Mahinda Chinthana – Vision for the Future” which conceptualizes people friendly development policies, social justice and equity.
10. The Inter-Ministerial Committee on Human Rights and the Consultative Committee on Humanitarian Assistance (CCHA), Sri Lanka will continue to promote and protect human rights, coordinate humanitarian assistance and facilitate the work of local and international agencies providing such assistance.	Ongoing	To implement NHRAP the Cabinet appointed the Inter Ministerial Steering Committee and a supervisory Cabinet Sub-Committee. The Inter-Ministerial Committee and the CCHA that functioned in 2008 have been replaced by other bodies/programmes such as the Presidential Task Force on Resettlement, Development and Security, the Joint Plan of Assistance for the Northern Province and the reconstituted Human Rights Commission.
11. Steps to safeguard and advance the rights of children through national mechanisms such as the National Child Protection Authority and the Ministry of Child Development and Women's Empowerment. Sri Lanka will also continue to actively support international processes that seek to advance the rights of the child.	Ongoing	Provisions in the NHRAP Rights of Children Chapter (as well as the Action Plan of the Ministry of Child Development and Women's Affairs) covers the following: <ul style="list-style-type: none"> <li>• Health, Nutrition and Wellbeing</li> <li>• Children in need of protection and care</li> <li>• Juvenile Justice</li> <li>• Children affected by armed conflict</li> <li>• Adolescent Health and Wellbeing</li> <li>• Early childhood care and development (ECCD)</li> <li>• Education--Primary and Secondary</li> <li>• Child Labour</li> </ul>

<i>Voluntary commitments of Sri Lanka</i>	<i>Status</i>	<i>Further information</i>
		<ul style="list-style-type: none"> <li>• Alternative Care</li> <li>• Non-discrimination</li> <li>• Right to Leisure</li> <li>• Coordination and Monitoring</li> <li>• Constitutional recognition for child rights</li> </ul> <p>By circular 2359/2012 dated 22 May 2012 the Inspector General of Police issued instructions for information to be provided to Probation Officials on child victims, the safety of unprotected children and children under probation.</p>
12. Continued steps that seek to advance the empowerment of women and women's rights and gender equality at national level. Sri Lanka will support international processes that seek to advance women's rights and gender equality.	Ongoing	<p>NHRAP Chapters on Rights of Women and Economic, Social and Cultural Rights (ESCR) cover this commitment through activities in the following focus areas:</p> <ul style="list-style-type: none"> <li>• Health</li> <li>• Economic empowerment</li> <li>• Employment</li> <li>• Violence against women</li> <li>• Political representation</li> <li>• Discrimination</li> <li>• Women affected by conflict</li> <li>• Internally Displaced Women</li> <li>• Women in the Informal sector</li> <li>• Women Migrant Workers</li> </ul>
13. Sri Lanka will work closely with its partners to combat human trafficking.	Ongoing	<p>Several provisions in following NHRAP Chapters cover this pledge:</p> <ul style="list-style-type: none"> <li>• Rights of Migrant Workers (specific activities are suggested under Goals 3,4,7,8,9 &amp; 10)</li> <li>• Rights of Children (Goal 2)</li> <li>• Rights of Women</li> </ul> <p>Since 2009 to date detections have been made of approximately 785 persons who have been victims of human trafficking or subjects of human smuggling.</p>

<i>Voluntary commitments of Sri Lanka</i>	<i>Status</i>	<i>Further information</i>
		Some measures taken include: (a) Signing of MOU on Human Trafficking with Australia in 2009; (b) Establishment of Migration Intelligence Unit (MIU) in 2012, (c) Establishment of Maritime Unit in 2010 in the Police Dept. under the CID. (d) Anti Human Smuggling unit of CID specially assigned with above task. (e) Operational programmes launched by the coast guards to detect human smuggling activities (along with Police); and (f) Mechanisms put in place with CID and other Law Enforcement Agencies in liaison with Foreign Counterparts to counter human smuggling.
14. Sri Lanka will participate actively in the work of the Human Rights Council to make the Council a strong, effective and efficient body.	Ongoing	Sri Lanka will continue its engagement in order to uphold the principles in GA Res 60/251 and HRC Res. 5/1.
15. Sri Lanka will continue to work towards the submission of its periodic reports to treaty bodies.	Ongoing	Several reports submitted since 2008. Outstanding periodic reports will be submitted to ensure compliance. See Chapter IV, para. 48, (h) of this Report.
16. Sri Lanka will also work to making the treaty body system more effective and in line with present-day requirements of Member States.	Ongoing	Sri Lanka is engaged and will continue to engage in consultations with relevant stakeholders.
17. Effective implementation of the 13th Amendment to the Constitution.	Ongoing	See Chapter III, B, 5 of this Report.
18. Economic development of the Eastern Province, which will uplift standards of living and the realization of social, economic and cultural rights, and also assist strengthening and smooth functioning of democratic institutions. Sri Lanka will take measures for the rehabilitation and reintegration of ex-combatants, particularly children and young persons.	Ongoing	See: North East Housing Reconstruction Programme ( <a href="http://www.nehrp.com">www.nehrp.com</a> ) Nagenahira Navodaya Programme at Ministry of Economic Development ( <a href="http://www.med.gov.lk">www.med.gov.lk</a> ) See also Chapter III, B, 2 of UPR report



<i>Voluntary commitments of Sri Lanka</i>	<i>Status</i>	<i>Further information</i>
19. Implementation of the official languages policy and continuing encouragement of bilingualism, in particular in the security forces, police and within the public service.	Ongoing	NHRAP Goal 12 of CPR chapter and Goal 7 of the ESCR Chapter identifies language rights as a priority and sets out measures for realisation of these rights.  Also the adoption and implementation of the national Tri-Lingual Policy (2012 to 2021) by GoSL <i>See endnotes 14 and 15 above.</i>
20. Confidence-building and stabilization measures: implementation of the action plan for IDPs and conflict-affected communities, including host communities.	Ongoing	See Generally the NHRAP Chapter on Rights of IDPs and Chapter III, B, 1–5 of UPR Report.
21. Development of a comprehensive and uniform compensation policy for the displaced and dispossessed.	Ongoing	NHRAP Chapter on IDPs Goal 1 and 3.
22. Complete the process of drafting a bill on the rights of IDPs having consulted all relevant stakeholders.	Ongoing	Goal 1.1 of Chapter on Rights of IDPs.
23. Improve the capacity of the police in carrying out investigations, with additional training in interrogation and prosecution.	Ongoing	Goal 3.1 of Prevention of Torture (PoT) Chapter and other Goals and activities.  Goal 18 .2 CPR Chapter
24. Improve and upgrade detention facilities.		Goals 3 and 9.1 of CPR Chapter on Conditions of Detention.  Policy initiatives to reduce the prison population are also being contemplated.
25. Uphold the rights of persons with disabilities.	Ongoing	Goals 15 & 17 of the CPR chapter. Goals 1, 5 & 9 of ESCR Chapter.  See also Goals 1,6,7 & 9 of the Rights of Children Chapter, and  Goals 4 & 9 of the Rights of IDPs Chapter.  Gazette Extraordinary No 1619/24 of 18 Sept., 2009 was issued under the Protection of the Rights of Persons with disabilities Act (No28/1996) on access to public buildings and spaces to be provided in a time-bound manner.

<i>Voluntary commitments of Sri Lanka</i>	<i>Status</i>	<i>Further information</i>
26. Changes in both formal and non-formal educational systems to introduce and/or further develop the human rights content within these programmes.	Ongoing	Rights of Children (Goal 7.4) See also Goal 1 of ESCR Chapter Existing human rights module to be further developed in secondary school syllabus. The HRCSL has also trained 1340 human rights activists in conflict affected areas during the period 2008 to 2011.

## B. Status of follow up to recommendations received (Table 2)

<i>Conclusions and/or Recommendations</i>	<i>Status</i>	<i>NHRAP reference</i>	<i>Other information</i>
27. Continue to enhance the capacity building of its national human rights institutions with the support of the international community, including OHCHR, and seek the effective contribution of OHCHR to strengthen the NHRC.	Ongoing	Goal 4 CPR	See comment on Voluntary Pledge (VP) 2 above
28. Strengthen and ensure the independence of its human rights institutions such as the National Human Rights Commission, in accordance with the Paris Principles, including through implementation of the 17th Amendment at the earliest, and ensure its pluralist character.	NA		See comment on VP 3 above. The HRCSL is operationally independent of GoSL and is appointed in terms of applicable law.
29. Encouraged Sri Lanka to further empower the various institutional and human rights infrastructures, including by strengthening the structural and operational independence of the NHRC.	Ongoing	Goal 4 CPR	See comment on VP 2 above
30. Cooperate actively with international mechanisms in order to implement human rights at all levels of society and consider participating in core human rights treaties, as well as special procedures of the Human Rights Council.	Ongoing	Entirety of the NHRAP	Sri Lanka is party to 7 core human rights instruments and several protocols and signatory to the Convention on Disabilities and is discharging its responsibilities under these instruments.
31. Try to respond in a timely manner to the questionnaires sent by the special procedures.	Ongoing		Sri Lanka has been responding in a timely manner in the context of

<i>Conclusions and/or Recommendations</i>	<i>Status</i>	<i>NHRAP reference</i>	<i>Other information</i>
			ground realities.
32. Continue close dialogue with the United Nations human rights mechanisms, and OHCHR.	Ongoing		See comment on VP 2 above.
33. Take into account the recommendation made by the Human Rights Committee that it incorporate all substantive provisions of ICCPR into its national legislation, unless already done.	Completed		ICCPR Act No. 56 of 2007 and determination of the Supreme Court of Sri Lanka of March 2008 substantially addresses concerns re. compliance.
34. Ensure full incorporation and implementation of international human rights instruments at the national level, in particular ICCPR and CAT, unless already done.	Completed		Constitutional provision and domestic law incorporates the substance of the rights under the Conventions. Definitional issues relating to torture are being considered and will be further discussed with the Committee Against Torture.
35. Ensure that its domestic legislation is in full compliance with the Convention on the Rights of the Child.	Ongoing		Legislation being reviewed and will be amended where necessary.
36. Continue its efforts for the full implementation of international human rights instruments to which it is a party.	Ongoing	NHRAP in its entirety	See also comment on #30 above.
37. That civil society organizations, including those from multi-ethnic communities and conflict affected areas in Sri Lanka's north and east, be involved in the follow-up to the UPR process.	Ongoing		NHRAP is the outcome of UPR engagement and civil society was involved in its formulation. Implementing agencies of Government will involve their civil society partners in implementation.
38. Further support human rights machinery and capacity building in its national institutions to implement the human rights instruments, such as the introduction of a human rights charter as pledged in 2006.	Ongoing	NHRAP Goal 1	See comment on VP 7 above.
39. That the National Plan of Action provide specific benchmarks within a given timeframe.	Completed	NHRAP	All activities are time-bound.

<i>Conclusions and/or Recommendations</i>	<i>Status</i>	<i>NHRAP reference</i>	<i>Other information</i>
40. Take measures to ensure access to humanitarian assistance for vulnerable populations and take further measures to protect civilians, including human rights defenders and humanitarian workers.	Ongoing		Humanitarian access for the 1,597 IDP families still awaiting resettlement is provided.
41. Ensure the adequate completion of investigations into the killings of aid workers, including by encouraging the Presidential Commission of Inquiry to use its legal investigative powers to their full extent.	Ongoing		As per LLRC recommendations further action is under consideration by the Attorney-General including further investigation by the Criminal Investigation Division.
42. Implement the recommendations of the Special Rapporteur on the question of torture.	Ongoing	NHRAP Chapter on Prevention of Torture	Follow up action has been taken and interactions with SR have taken place in 2007 and 2012. The NHRAP Chapter was drawn up to facilitate ongoing follow up.
43. Ensure a safe environment for human rights defenders' activities and that perpetrators of the murders, attacks, threats and harassment of human rights defenders be brought to justice.	Ongoing		Human Rights Defenders are entitled to all safeguards including enjoyment of fundamental rights and protection under ordinary law together with all legal remedies. In instances where complaints have been made, impartial and comprehensive criminal investigations have been conducted and judicial proceedings initiated.
44. Increase its efforts to further prevent cases of kidnapping, forced disappearances and extrajudicial killings; ensure that all perpetrators are brought to justice; and enhance its capacity in the areas of crime investigations, the judiciary and the NHRC, with the assistance of the international community.	Ongoing	NHRAP Chapters on CPR and PoT	Capacity building of law enforcement and national institutions is contemplated. External assistance may be requested if local training capacity needs to be supplemented.
45. Increase its efforts to strengthen its legal safeguards for eliminating all forms of ill treatment or torture in the	Ongoing	NHRAP Chapter on PoT	Police circulars (2011 and 2012) are aimed at eliminating mistreatment

<i>Conclusions and/or Recommendations</i>	<i>Status</i>	<i>NHRAP reference</i>	<i>Other information</i>
prisons and detention centres.			of detainees. Practical guidelines have been adopted by the Terrorist Investigation Division for the treatment of detainees.  Introductory Workshop for the Police on Prevention of Torture. 474 Police Officials have been trained from 2009–2012.
46. Step up its efforts for the rehabilitation of former child soldiers – in particular through enhanced cooperation with the international community – and adopt measures necessary for their rehabilitation in an appropriate environment.	Completed		594 former child combatants were the final recipients of rehabilitation and have now been reunited with their families.
47. Adopt measures to investigate, prosecute and punish those responsible for serious human rights crimes such as the recruitment of child soldiers, in accordance with international norms and in a transparent manner.	Ongoing		Action will be taken on the basis of credible evidence if sufficient detail is provided. As provided for by UNSC Resolution 1612 itself, claims made without any degree of specificity and on the basis of heresay cannot be treated as anything more than unsubstantiated and uncorroborated evidence. The situation is mitigated by the fact that no alleged recruitment has taken place after 2009.
48. Take judicial and other measures to put an end to the recruitment of child soldiers in all parts of its territory, and accordingly give further appropriate directions to the security forces and police to ensure their implementation.	Completed		Penal Code provisions are in place and are part of the criminal law of the land. As such all persons are bound to obey the law.
49. Investigate allegations of forced recruitment of children and hold to account any persons found in violation of CRC and its Optional Protocol.			See comment on Recommendation 47/48 above. Sri Lanka has also been delisted by the UNSG from Annex II of the UNSC Resolution 1612.
50. Take further steps to improve the effectiveness of measures to combat the recruitment of child soldiers.			

<i>Conclusions and/or Recommendations</i>	<i>Status</i>	<i>NHRAP reference</i>	<i>Other information</i>
51. Take active measures in order to put an immediate end to forced recruitment and use of children in armed conflicts by all factions.			
52. Investigate and prosecute all allegations of extrajudicial, summary or arbitrary killings and bring the perpetrators to justice in accordance with international standards.	Ongoing	NHRAP Goal 4	Enhance judicial powers to direct investigation; The GoSL envisages taking time bound remedial action to address allegations.
53. Adopt measures to investigate, prosecute and punish those responsible for serious human rights crimes such as enforced disappearances, in accordance with international norms and in a transparent manner.	Ongoing	NHRAP Goal 4 and 7	Although current laws are sufficient to punish acts of causing enforced or involuntary disappearance, measures are contemplated to:  1) Examine the need for legislation  2) Formulate and present law to Parliament, if law reform is necessary with emphasis on the need to impose heavy penal sanctions as a deterrent).
54. Adopt measures to ensure the effective implementation of legislative guarantees and programmes for the protection of witnesses and victims.	Ongoing	NHRAP Goal 7	See also comment on VP4 above.
55. Take all necessary measures to prosecute and punish perpetrators of violations of international human rights law and humanitarian law.	Ongoing	NHRAP Chapter on CPR	All criminal acts are punishable under Sri Lankan law and special relief is granted for violation for human rights.
56. (a) Pursue the ongoing inquiries into allegations of violations of children's rights in armed conflict, such as conscriptions and abductions of children anywhere and to adopt vigorous measures to prevent such violations; and (b) take other urgent measures for the re-integration of children who have surrendered to the governmental forces asking for special protection or who are currently held in prisons.			(a) See comment on Recommendations 47/48 above.  (b) See comment on Recommendation 46 above.
57. Enter into further agreements with countries hosting its migrants	Ongoing	NHRAP Chapter on	Sri Lanka has entered into eight such bilateral

<i>Conclusions and/or Recommendations</i>	<i>Status</i>	<i>NHRAP reference</i>	<i>Other information</i>
workers.		Migrant Workers' Rights Goal 5	agreements pertaining to this area.
58. Take the measures necessary to ensure the return and restitution of housing and lands in conformity with international standards for IDPs.	Ongoing	NHRAP Chapter on Rights of IDPs	See specifically Goal 1 and 3 of NHRAP. The GoSL will take action to deal with land related issues giving particular emphasis to the rights of IDPs.
59. Take measures to protect the rights of IDPs, including long-term housing and property restitution policies that meet international standards, and protecting the rights to a voluntary, safe return and adequate restitution.	Ongoing		
60. (a) Adopt necessary measures to safeguard the human rights of IDPs in accordance with applicable international standards and that particular emphasis be given inter alia to increased information sharing as well as consultation efforts to reduce any sense of insecurity of the IDPs; (b) facilitate reintegration of IDPs in areas of return and (c) take measures to ensure the provision of assistance to IDPs and the protection of human rights of those providing such assistance.	Ongoing		
61. Ensure protection and security in IDP camps; and, while safeguarding the rights to return and to restitution, adopt a policy to provide IDPs with adequate interim housing solutions.	Completed/ongoing	NHRAP Chapter on Rights of IDPs	All IDPs have access to interim housing pending return and resettlement.
62. Give special attention to the rights of women and further promote education and development and their representation in politics and public life.	Ongoing	NHRAP Chapter on the Rights of Women	The Ministry of Child Development and Women's Affairs also has devised an institutional action plan which is undergoing a process of review.
63. (a) Pursue its programmes to develop former conflict zones in order to bring afflicted communities at par with those living in other provinces of the country; and (b) seek which tangible support the international community, particularly States in a position to do so, may extend to assist Sri Lanka in	Ongoing		See comment on VP 9 above; also the Joint Plan of Assistance of Assistance to the Northern Province 2011 and 2012 has these broad goals but the level of external funding support is approx. 35% of

<i>Conclusions and/or Recommendations</i>	<i>Status</i>	<i>NHRAP reference</i>	<i>Other information</i>
bridging these gaps in order to enhance the effective realization of the full range of human rights for all Sri Lankans.			requirements; also see information under Chapter III, B, 4 of this Report.
64. Continue to strengthen its activities to ensure there is no discrimination against ethnic minorities in the enjoyment of the full range of human rights, in line with the comments of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women.	Ongoing	NHRAP Chapters on CPR, ESCR, Rights of Children, Rights of Women	Article 12 of the Constitution has extensive provision to ensure equal treatment under the law and equal protection of the law.
65. Take measures to safeguard freedom of expression and protect human rights defenders, and effectively investigate allegations of attacks on journalists, media personnel and human rights defenders and prosecute those responsible.	Ongoing	NHRAP Chapter on CPR	Article 14 guarantees inter alia the rights of citizens to freedom of expression, the right to assembly and association. These rights have been judicially upheld.
66. Take measures to improve safeguards for freedom of the press.	Ongoing	NHRAP Chapter on CPR	Further time bound action is envisaged by the Government to protect these rights
67. Adopt effective measures to ensure the full realization of the right to freedom of expression for all persons.	Ongoing	NHRAP Chapter on CPR Goal 14	
68. Continue to work with the international community on protection of human rights, environment, disaster risk management, HIV/AIDS and capacity building.	Ongoing	8 Thematic areas of the NHRAP	These areas are also the subject of bilateral and multilateral cooperation between Sri Lanka and its partners.
69. Actively draw upon the assistance of the international community in the anti-terrorism process and in overcoming its negative consequences.	Ongoing		Sri Lanka is actively engaging with international partners in the fight against terrorism.
70. Work closely with OHCHR to build the capacity of its national institutions and seeks States' assistance on counter-terrorism strategies, especially by countering terrorist fund-raising efforts in their territories and in accordance with Security Council resolutions and international	Ongoing	Ongoing	Sri Lanka has taken action pursuant to UN SC Resolutions 1267 See Extraordinary Gazette number 1760/40 dated 31 May 2012) and 1373 (See Extraordinary Gazette number 1758/19 dated 15 May 2012) and has



<i>Conclusions and/or Recommendations</i>	<i>Status</i>	<i>NHRAP reference</i>	<i>Other information</i>
conventions.			<p>appointed national competent authority to take appropriate follow up action.</p> <p>GoSL has also established a Financial Intelligence Unit (FIU) under Central Bank to combat illicit financial transactions.</p>
71. Share its experience with regards to fighting rebellion and terrorism and how to overcome them, as well as on the measures taken to improve its social and economic development	Ongoing		<p>The following have been held/conducted by the Sri Lankan authorities:</p> <p>Defence symposium 2011. 43 countries, 93 delegates. Theme - Defeating Terrorism, June 2011.</p> <p>Defence symposium 2012. 63 countries/ 120+ delegates. Theme 5R, August 2012.</p> <p>Security forces offer training courses for foreign Officers since 2010.</p> <p>Galle Dialogue 2010. 8 countries (attended by delegates from Australia, Bangladesh, India, Kenya, Maldives, Pakistan, South Korea, USA). August 2010.</p> <p>Galle Dialogue 2011. 10 countries (attended by USA, India, Pakistan, Bangladesh, Maldives, India, Pakistan, Bangladesh, South Africa, China). November 2011.</p> <p>Sri Lanka also takes part in exchanges of visits at which information on counter-terrorism is shared.</p>

## **VI. Identification of achievements, best practices, challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situations**

49. The lessons to be drawn from Sri Lanka's national action planning experience as a follow up to the previous UPR outcome is that it enables the country to address all dimensions of human rights issues relevant to the country as well as harmonize internal processes together with external interactions in a seamless manner. A clear prioritization of activity and a collective effort mandated and led by the national Executive prevents duplication of effort and maximization of available resources for human rights promotion and protection. By basing its content on identified national priority areas while also taking into account external interactions in the field of human rights (UPR outcomes, treaty body recommendations and special procedure mechanisms' observations) this process enables Sri Lanka to adopt a holistic view of human rights related activity. It also enables the Government to more effectively monitor and evaluate progress periodically and facilitates participation in exercises such as the UPR and periodic reporting. Therefore the methodology adopted by Sri Lanka, after a suitable period of review and assessment, may be adapted and adopted as a best practice. The main challenge is that this approach requires the participation of many disparate government agencies as well as civil society input. Management and follow-up requires dedicated support and some commitment of resources.

## **VII. Key national priorities, initiatives and commitments undertaken**

50. The key national priorities in the field of human rights are to achieve a gradual improvement in the domestic promotion and protection of human rights by means of implementing the NHRAP. By way of an annual performance review, the Cabinet of Ministers will be advised of strengths and weaknesses in implementation and revisions and refinements of targets will be decided on by the Cabinet. Sri Lanka will keep the Human Rights Council apprised of latest developments on the ground as it has done since the inception of the Council in 2006. It is also expected that, at the appropriate time, the Human Rights Commission of Sri Lanka will be able to obtain Grade "A" status in light of recent legislative changes and the reconstitution of the Commission. Sri Lanka will also endeavour to meet its reporting obligations in a timely manner under the several international human rights instruments it is State Party to.

## **VIII. Expectations in terms of capacity-building and requests, if any, for technical assistance and support received**

51. The Cabinet of Ministers in its decision on implementation of the NHRAP – the overarching human rights programme in Sri Lanka – concluded that Government funds would be utilized for implementation of the Action Plan. However individual components may need to be supported, especially with regards to training and capacity building and individual implementing agencies may wish to have recourse to external support in keeping with Government policy at the relevant time and in accordance with the applicable legal/regulatory framework.

## IX. Conclusion

52. Sri Lanka views its progress in the field of promotion and protection of human rights not only as an end in itself but as an indispensable component of peace building and reconciliation after a nearly 30 year conflict against terrorism. This is readily apparent from the observations and recommendations of the LLRC. Sri Lanka is also of the view that the equal enjoyment of human rights without discrimination is the best guarantee of non-repetition of conflict. To this end the genuine and consistent commitment of the nation, her Government and her people to the realization of all rights: civil and political, economic, social and cultural including the right to development, is critical to future wellbeing and collective progress.

### Notes

- <sup>1</sup> Pursuant to paragraph D 1. 15 (a) of the Annex to HRC Resolution 5/1 “Institution-building of the United Nations Human Rights Council” and paragraph II. 2 of Decision 17/119 adopted by the Council “Follow-up to the Human Rights Council resolution 16/21 with regard to the Universal Periodic Review”.
- <sup>2</sup> Sri Lanka’s HDI value is above the mean of 0.630 for countries in the medium human development group and above the average of 0.548 for countries in South Asia. Sri Lanka has managed a consistent improvement in its HDI with values for the previous three years being: 2008 - 0.676; 2009 – 0.680; 2010 – 0.686. Sri Lanka with a value of 0.579 is also ahead in terms of inequality adjusted HDI when compared to the sub regional norm (South Asia has a value of 0.393) and countries with a similar level of medium human development (0.480). Between 1980 and 2011, Sri Lanka’s HDI value increased from 0.539 to 0.691, an increase of 28.0 per cent or average annual increase of about 0.8 per cent. The HDI is a summary measure for assessing long-term progress in three basic dimensions of human development: a long and healthy life, access to knowledge and a decent standard of living.
- <sup>3</sup> The CCHA was chaired by the Minister of Disaster Management and Human Rights with representatives from Ministries of Defence, Nation Building, Resettlement and Disaster Relief Services, Health, Education, and Foreign Affairs. The CGES and the Government Agents of the districts of the Northern Province together with the Ambassador of the United States and President of Co-chairs to the peace process, Representatives of the EU Presidency, Ambassador to Japan, UN Resident Coordinator, Heads of UN Agencies, Heads of ICRC and ECHO were also represented. The CCHA was kept fully apprised of the humanitarian situation developing on the ground and the measures taken by the Government to provide relief on an immediate, medium and a long term basis. Based on that feedback the CCHA provided policy guidelines.
- <sup>4</sup> As at 31<sup>st</sup> May 2012 more than 434,679 anti-personnel mines, nearly 1400 anti-tank mines and nearly 369,311 Unexploded Ordnance Devices had been recovered.
- <sup>5</sup> The demining programme was carefully conceived, and priority areas were chosen to maximise efficiency and enable the speedy return of the internally displaced. The first priority was to demine the towns and villages. The second priority was to demine the plantation areas and paddy fields. The last priority was accorded to the forested areas. Approximately 2% of contaminated land remains to be demined.
- <sup>6</sup> Sri Lanka has now been delisted by the UN Secretary-General from Annex II of the UN Security Council Resolution 1612, on Children and Armed Conflict. This is a result of the concerted efforts taken by the GoSL to investigate several cases on child recruitment and comply with the recommendations of the Security Council Working Group on Children and Armed Conflict and those of the UNSG’s Special Representative.
- <sup>7</sup> The Report contains annexes, compiled following interviews with over 1,000 persons who gave evidence before the Commission, and over 5,000 submissions received. The proceedings were held in public unless exceptional circumstances required in camera proceedings. The LLRC Report, records material which is verifiable.
- <sup>8</sup> The LLRC has made several core recommendations amongst a larger number of 285 “Observations and Recommendations”, which have been broadly classified into four main groups, namely,

- i. Recommendations relating to National Policy
- ii. Recommendations pertaining to the final phase of the conflict
- iii. Recommendations related to human rights and National Security concerns
- iv. Recommendations related to resettlement and development

The recommendations relating to resettlement and development have been broken up into issues pertaining to Reconciliation; Language policy; Education; Religion; Arts and culture; People to people contact; Vulnerable groups; Assistance to resettled families; Land issues; Refugees from India; Muslim IDPs; Sinhala IDPs ; Long term IDPs; Compensation and monetary relief ; Resettlement assistance; and Tamils of recent Indian origin.

- <sup>9</sup> The action plan matrix is now available at [www.priu.gov.lk](http://www.priu.gov.lk)
- <sup>10</sup> The Task Force has identified the recommendations that have actually been implemented and those in which action is required to be taken. Following the approval of the Cabinet, the Task Force will discuss the process of implementation with key government agencies and all stakeholders. A mechanism will be set up for the supervision of the implementation of the recommendations and progress reported to the Cabinet.
- <sup>11</sup> It is proposed to set in place mediation boards in terms of Mediation (Special Provisions) Law to resolve disputes between owners who have paper titles and have been displaced and those who are in unlawful occupation, as an alternate dispute resolution mechanism.
- <sup>12</sup> For the purpose of facilitating further investigations, the material collected by and the recommendations made by the Commission of Inquiry to investigate and inquire into serious violations of Human Rights (Udalagama Commission), in relation to these two cases, has been submitted to the Inspector-General.
- <sup>13</sup> These two multi-pronged regional development programmes have been implemented to address immediate requirements in the North and East. The humanitarian assistance programme includes sectoral development initiatives, resettlement, economic and social development, growth and connectivity.
- <sup>14</sup> From 2005 to 2008 recruitment of Tamil officers to the Police was 396, from 2009 to 2011 it was 393, and in the first six months of 2012 it rose to 427. The total number of Tamil speaking police officers at present is 2,582 (of whom 2,181 are deployed in the North and East). In addition, several more persons with competence in Tamil (including ex-combatants) are being inducted into the Civil Defence Force which is a localized security force comprising personnel from within the District. The Army has recruited Tamil personnel as follows: 3 officers and 86 other ranks to its regular force and 1 officer and 27 other ranks into its volunteer force.
- <sup>15</sup> Language training for the police:
  - a. 3,424 Police Officials have been given Tamil language training 2009 – 2012.
  - b. 409 Police Officials have been given English language trainings 2009 – 2012.
- <sup>16</sup> The Military has also received language training as follows:  
Army: Full time Tamil language training courses for 15 Officers and 301 Other Ranks; Navy: Full time Tamil language training course for 8 Officers and 151 Sailors; Air Force: Full time Tamil language training courses for 15 Officers and 141 Other ranks; and General: Tamil language package introduced into the tri-forces and police training.
- <sup>17</sup> The Palaly airport - which is to be upgraded, and the Kankesanthurai (KKS) harbour - are located less than 10 kilometres from the Industrial Zone, thus providing additional logistical advantages to investors.
- <sup>18</sup> Many former LTTE combatants are now in active politics. The LTTE's one time Eastern Province Commander is a junior Cabinet Minister. A former LTTE child soldier, was the Chief Minister of the Eastern Province. A number of former LTTE cadres have also become members of local government bodies.
- <sup>19</sup> The Supreme Court in its Special Determination No. 01/2010 determined that the Bill may be passed into law by being approved by the special majority required by the Constitution.
- <sup>20</sup> Multi-party discussions and analysis revealed that the arrangements under the 17th Amendment were insufficient to guarantee against political influence impacting upon appointments, as members of the erstwhile Constitutional Council were themselves nominees of leaders of political parties.
- <sup>21</sup> The motion was adopted by Parliament and Government has already nominated its members to the PSC and is awaiting the nomination of members representing the opposition, after which its sittings can commence.

- <sup>22</sup> Emergency was re-imposed after the assassination of the then Foreign Minister in August 2005.
- <sup>23</sup> The NHRAP addresses 08 areas, viz, civil and political rights (CPR), economic, social, and cultural rights (ESCR), children's rights, labour rights, migrant worker rights, the prevention of torture (PoT), women's rights and the rights of IDPs. An inter-ministerial committee on human rights has been established that will oversee its implementation and action is being taken to act upon other identified initiatives in keeping with the stipulated time frames. At the operational level, a body of senior officials of key institutions has been charged with overseeing implementation in line with their respective mandates and a dedicated unit has been established to support the various oversight mechanisms.
- <sup>24</sup> Examples of implementation of significant activities include the preparation of draft legislation on occupational safety, health and welfare at work by the Ministry of Labour and Labour Relations (Labour Rights), directives issued by the Police Department to ensure physical safety of persons taken into custody and the provision of access to legal counsel as of right (Prevention of Torture), the adoption and implementation of a national Trilingual policy as well as the enhancement of scope and reach of national vocational qualification (NVQ) by the Tertiary and Vocational Education Commission (Economic Social and Cultural Rights), accelerated demining and awareness raising among IDPs of risks due to mines and unexploded ordnance (UXO) (Rights of IDPs), implementation of the national action plan supporting the Prevention of Domestic Violence Act of 2005 (Rights of Women), strengthening capacity to support Child Helpline (Rights of Children), establishment by the Sri Lanka Police Department of a special unit to combat human smuggling and trafficking (Rights of Migrant Workers), completion of review and improvement of training syllabus and period of training for police officers including more emphasis on human rights and language training (especially Tamil language training) (Civil and Political Rights).
- <sup>25</sup> Available at [http://www.statistics.gov.lk/PopHouSat/VitalStatistics/EVE2011\\_FinalReport.pdf](http://www.statistics.gov.lk/PopHouSat/VitalStatistics/EVE2011_FinalReport.pdf) (last accessed 12 July 2012).
- <sup>26</sup> The principal poverty alleviation programme which saw a commitment of Rs. 9.5 billion benefiting approximately 1.6 million persons. Consistent investment in this programme has seen the poverty headcount ratio drop from 22 percent in 2002 to 8.9 percent by 2009/10.
- <sup>27</sup> In 2011 the Government spent approximately 42 billion on fertilizer subsidies – the biggest single item of welfare expenditure. The subsidy has important implications for agriculture, livelihoods and food security.
- <sup>28</sup> The several phases of the criminal justice system sought to be expedited are, (i) the conduct of criminal investigations by the police; (ii) conduct of forensic investigations by the judicial medical service and reporting; (iii) consideration of the institution of criminal proceedings by the Attorney-General and the institution of criminal proceedings; and (iv) the conduct of the trial. Time frames have been specified for each of these phases.
- <sup>29</sup> The project is presently being implemented as a pilot activity in the Western Province (High Court zone of Gampaha), North Central Province (HC zones of Anuradhapura and Polonnaruwa), Eastern Province (HC zone of Batticaloa) and the Northern Province (HC zone of Jaffna). The implementation of the project is monitored by a National Steering Committee headed by the Secretary Justice and involves the participation of representatives of the Attorney-General, Inspector General of Police, Chairman of the NCPA, Secretary to the Ministry of Health and a UNICEF representative.
- <sup>30</sup> IGP's Circular 2328/2011 dated 29 December 2011 (Safety of Persons in Police Custody).
- <sup>31</sup> Extraordinary Gazette Notification 1758/36 dated 18 May 2012.
- <sup>32</sup> 1,602 Police Officials have been trained on Crime Investigations and Prosecution Procedures, 2009 - 2012; Divisional Prosecution Units are headed by Assistant Superintendents of Police and have been established in the nine Provinces since 2009; three special high courts have been established in Anuradhapura, Vavuniya and Colombo to expedite terrorism related cases.
- <sup>33</sup> Training in human rights and international humanitarian law have been continuously conducted for the armed services and police. During the reporting period, some of the relevant training provided includes: Army: Dedicated IHL / HRL courses 33. 251 Officers and 346 Other Ranks; Other related programmes 1,020. 10,449 Officers and 96,087 Other Ranks; c. Other seminars (ICRC/HRCSL) - 169 attended by 2,589 Officers and 13,947 Other Ranks; Navy: 658 HR training courses during 2011. 127 Officers and 18, 532 Sailors have been trained; Air Force: 26 HR training courses in 2011. 219 Officers and 4,743 Other Ranks have been trained; Police: human rights training courses from 2009 - 2012. 1,173 Police Officials have been trained.

- <sup>34</sup> 3,073 inquiries have been made at Colombo, Boossa and Vavuniya as at 14 May 2012 – 2,582 in person, 486 by telephone and 5 by email. The number of investigations conducted to date are 401.
- <sup>35</sup> Special Rapporteur on Trafficking in Persons Especially Women and Children (2010); WGEID (2009 to 2012), Special Rapporteur on Arbitrary Detention (2010), Special Rapporteur on extrajudicial, summary or arbitrary executions (2009 to 2012).
- <sup>36</sup> Investigations reveal that among the alleged disappearances there are genuine complaints, persons later traced, deceased persons including suicides, persons who have run away, eloped or left home for other personal reasons, persons in law enforcement custody, as well as a number of false complaints/ instances of misreporting.
- <sup>37</sup> The total number of persons reported allegedly missing in 2010 was 7,940 out of which 6,653 have been found. The corresponding numbers for 2011 are 7,296 and 5,185. In 2010 the number of persons allegedly “abducted” was 225 of whom 207 were later traced. The number of allegedly abducted in 2011 was 239 of whom 226 have been traced. Investigations continue into unresolved cases.
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