

Statement by

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**Third Cycle of the Universal Periodic Review of Sri Lanka
Geneva, 15 November 2017**

Mr. Vice President,
Excellencies,
Distinguished delegates,

- I am pleased to be here today, leading the Sri Lanka delegation to our country's third Universal Periodic Review. Sri Lanka's delegation includes senior officials of the Ministry of Foreign Affairs, the Attorney-General's Department, the Office of the President, and the Permanent Mission to the UN in Geneva.

Mr. Vice President,
Distinguished delegates,

- Sri Lanka participates in this review, in the backdrop of a renewed and transformed local setting led by the people of Sri Lanka at two historic elections that took place on the 8th of January and the 17th of August, in 2015. The people of our country voted for strengthening, promoting, protecting and upholding human rights; strengthening democracy, good governance, and the rule of law; reconciliation and sustainable peace; equality and dignity for all; upholding the pluralistic nature of society; and for inclusive and equitable growth and development of the country.
- The victory of President Maithripala Sirisena at the January 8th 2015 Presidential Election enabled a fundamental shift in the political culture in our country, which facilitated the uniting of the two main political parties – the Sri Lanka Freedom Party led by President Sirisena and the United National Party led by Prime Minister Ranil Wickremesinghe. The National Unity Government that was thus formed, shifted Sri Lanka away from the earlier isolationist approach to dealing with matters pertaining to human rights, towards greater openness and engagement locally with Sri Lanka's own citizens, and with the United Nations and the international community.

- Today, therefore, the Sri Lanka that participates in this 3rd cycle of the UPR is a country that is heading in a new, positive and progressive direction, where human rights are concerned. We participate in this session with,

-a renewed spirit of engagement;

-a renewed sense of confidence and commitment to promote, protect and uphold human rights of all citizens in the country, and internationally as well;

-greater openness to listen to the views of others including criticism, as criticism helps us introspect, learn, and make changes for the wellbeing of our citizens; and

-firm determination to transform our nation to a reconciled, stable, peaceful and prosperous country, where the rights of all citizens are protected, and the dignity of all are upheld.

Distinguished delegates,

- As you all know, there is no nation that does not have challenges, and no nation is perfect. Promoting and protecting human rights, we recognise, is constant work in progress. It is not something that can be done overnight despite the most sincere of commitments and the most fervent sense of determination. The UPR to us, is a process that recognizes this fact, and a process that is aimed at helping each other self-assess, share best practice, and support one another to take steps to more effectively address the concerns of individuals in our respective countries. There are many, both in Sri Lanka and overseas, who question the commitment of the National Unity Government to addressing concerns of human rights. Of course it is natural to be impatient; it is natural to question; and it is natural to feel a sense of frustration. We all know very well that some who criticize do so with the best intentions as they want Sri Lanka to do well.

In a democracy, however, it is not easy to always make changes at great speed, or navigate change in a rapid manner, or along a straight and preconceived path. Shifts and changes in the international domain, economic impacts, natural disasters, political developments, all this affects and impacts on our best intentions. Our institutions are not perfect. We recognize this; and we are making constant efforts to identify administrative and training requirements, and reform that is necessary to be undertaken, to make our institutions stronger. We are also taking steps to inspire personnel to make necessary positive changes required to optimize the service of our institutions, to our citizens. Our broad vision, and our determination to make changes for the benefit of all our citizens remains firm, and

we are open to listen to others with equanimity, heed advise, and take positive steps towards change.

- We appreciate the interest shown by States to engage Sri Lanka at the current session, and I thank all those States that have sent questions in advance, permitting a more focused and constructive discussion.
- As you are aware, significant progress has been made in Sri Lanka since the last UPR in 2012. You would all notice that much of this progress has been achieved during a brief period of roughly 2 years and 10 months since the Presidential Election in January 2015, and the Parliamentary Election in August 2015, that enabled the formation of the National Unity Government. It facilitated policy coherence and stability that enabled decision-making required to make the Government's pledge to its people a reality. In particular, to build a country that is modern and sustainable in its economy, inclusive and transparent in its governance, and one that respects rights and equality for all.

2. National Report: setting new benchmarks

Mr. Vice President,

- The path that was followed in preparing our national report for the UPR that was submitted in August, which is before you today, was fundamentally different from the practice of the past two cycles in 2008 and in 2012.
- Manifesting our **commitment to open and transparent processes, and respect for engagement with our citizens**, and **bottom-up approaches to policy-making**, we embarked on an extensive and inclusive consultation process involving ministries and departments; civil society representatives; and experts in different fields. In doing so, we have now set a new benchmark for Sri Lanka's national reports for the UPR. The process involved two stages:

The first stage involved consultations through which the new National Human Rights Action Plan (NHRAP) was developed, as the recommendations of both UPR cycles were incorporated into the Plan. The preparation of the Action Plan itself involved wide consultations with two coordinating committees being established representing government and civil society to provide guidance to the process; ten drafting committees comprising government and civil society representatives to develop the thematic chapters; obtaining public recommendations online; public consultations for civil society and citizens to submit recommendations and views; and circulating the Action Plan among ministries, the Human Rights Commission of Sri Lanka, as well as UN

agencies to obtain feedback before submission to the Cabinet of Ministers for approval.

The second stage involved the preparation of the draft National Report; its placement online for obtaining comments; placement of advertisements in newspapers seeking views; and the holding of direct consultations in five different cities – Colombo, Kandy, Galle, Jaffna, and Kalmunai – respecting and recognising the diversity of the country.

3. Dealing with the past to address human rights of all, and renewed engagement with the Human Rights Council and UN systems and procedures

Mr. Vice President,

- Manifesting the Government's commitment to restoring the human rights of all citizens, and recognising the need to investigate allegations and any past violations that may have occurred as a means of strengthening institutions and building the trust and confidence of all citizens, in the rule of law, the National Unity Government, as you know, committed to a process of truth-seeking, justice, reparation and guarantees of non-recurrence.
- Ending the acrimonious relationship that the former Government maintained with the Human Rights Council, by calling for repeated votes every year, the National Unity Government proceeded to place its proposals for dealing with the past before the Council, and worked with all parties concerned to adopt by consensus, Resolution 30/1, on 1 October 2015, which Sri Lanka co-sponsored.
- As proposed by the Government, this envisages the setting up by Acts of Parliament, following a process of consultations, a permanent office on missing persons, a truth-seeking commission, a judicial mechanism with a special counsel, and a reparations office. Sri Lanka also worked with the Council members to have the timeline of Resolution 30/1 extended by two years, through the adoption by consensus, of Resolution 34/1 in March this year.
- The reconciliation mechanisms that are being set up are for the entire people of Sri Lanka, and are intended to benefit all in an equal manner. Investigations into allegations pertaining to human rights and humanitarian law violations during the conflict are unfortunately misperceived by some in my country, as specifically targeting the security forces, which is completely erroneous. As the President of Sri Lanka recently stressed, security forces will not be unfairly targeted or punished. But, we are committed to investigations being carried out in respect of violations of the law, through judicial processes, respecting due process.

Distinguished delegates,

- Sri Lanka has **intensified** its engagement and cooperation with UN **Special Procedures** as well as **Treaty Bodies**.

For example, since the last UPR, Sri Lanka has participated in **6 Treaty body reviews**, and the review on the Convention on the Rights of the Child is scheduled for January 2018.

Once again most of these reviews were carried out in 2016 and 2017, manifesting the Government's clear commitment to these processes. We are determined to never slip back on reporting obligations again, and we are currently discussing ways to strengthen internal systems for this purpose, as well as the effective examination and follow-up of implementation of recommendations of treaty bodies, special procedures, and the UPR.

We will work with the UN Country Office and OHCHR, as well as 'UPR Info' in addressing the requirements for setting up and strengthening internal processes for this purpose, along with civil society.

-In December 2015, Sri Lanka extended a **Standing Invitation** to all thematic Special Procedures.

-**Eight** thematic **Special Procedure Mandate Holders and Working Groups** have visited Sri Lanka since the last UPR, with 6 of them being received in the last two years since January 2015.

-Moreover, the Working Group on Arbitrary Detention (WGAD) will visit from 4-15 December this year, and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression will visit early next year.

We in fact wonder whether so many Special Procedures may have ever been received by any other country, in such a short span of time.

Additionally, we had the previous and current High Commissioners for Human Rights visit Sri Lanka in 2013 and in February 2016 respectively; and the UN Secretary-General visited us in September 2016.

- During the period under review, Sri Lanka became a **State Party to a number of international instruments**. These include:

-the International Convention on the Rights of Persons with Disabilities (CRPD) in *February 2015*,

-the Palermo Protocol on Prevention of Trafficking in Women and Children in *June 2015*,

-the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in *May 2016*,

-the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled in *September 2016*, and

-the Paris Agreement on Climate Change in *September 2016*.

- **Today**, I am pleased to announce that just yesterday, 14 November, the Cabinet of Ministers approved **Sri Lanka's accession to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**. The Human Rights Commission of Sri Lanka will be appointed as the **National Preventive Mechanism** in terms of the Optional Protocol. We see this as an important step that will help us further our firm objective of effectively preventing and combating torture.
- Sri Lanka formally **withdrew its reservation** to Article 29 of the Convention on the Rights of Migrants Workers, and the depository notification in this regard was circulated by the UN Secretary-General on 16 August 2016.
- Sri Lanka also withdrew all derogations notified under the **ICCPR** by November 2015.
- A declaration was made under Article 22 of the **CAT** recognizing the competence of the Committee to receive individual communications.

4. Milestones in furthering Civil, Political, Economic, Social and Cultural Rights

Mr. Vice President,

- I will now speak of milestones we have achieved in furthering civil, political, economic, social and cultural rights.
- The Parliament enacted the **19th Amendment to the Constitution** in May 2015.

-This important Constitutional Amendment reduced the powers of the Executive President and strengthened the independence of key institutions with the objective of depoliticizing the public service.

-Executive presidential authority to make appointments to independent commissions such as the Election Commission, Judicial Service Commission, Public Service Commission, National Police Commission, Finance Commission, Human Rights Commission of Sri Lanka, and Commission to Investigate Allegations of Bribery or Corruption, has now been subject to the approval of the Constitutional Council established through the 19th Amendment.

-The Constitutional Council comprises representatives from the ruling and opposition parties in Parliament, as well as independent persons with no political affiliations.

-The President's term of office stipulated in the Constitution as 6 years prior to the 19th Amendment, was reduced to five years.

-The two-term limit of the Executive Presidency was restored.

-Parliament's term was reduced from six to five years; and the President's power to dissolve Parliament was curtailed and the President cannot now dissolve Parliament until the expiration of four-and-a-half years of its term, unless requested by a resolution with a two-thirds majority.

-These provisions strengthen the separation of powers by establishing fixed presidential and parliamentary terms, restores the independence of constitutionally appointed institutions and reduces the power of the Executive President over Parliament.

- The independence of the **Human Rights Commission of Sri Lanka** was strengthened following the enactment of the 19th Amendment.

-It is empowered to investigate complaints of infringement or imminent infringement of fundamental rights, advise the government in formulating legislation, and make recommendations on ensuring that national laws comply with international human rights standards and on subscribing or acceding to human rights treaties.

-The Commission has been active in the recent Treaty Body reviews of Sri Lanka by submitting shadow reports, and we also welcome the Commission's

contribution to the current UPR Session. The Government has increased financial resources to be allocated to the Commission for next year.

- The unanimous enactment by Parliament of **the Assistance to and Protection of Victims of Crime and Witnesses Act** in February 2015, and the subsequent full operationalization of the law, is a significant milestone that has provided for a fine balance between the rights and entitlements of victims of crime on the one hand, and suspects and accused on the other.

-This Act enables a paradigm shift in the criminal justice system. The Act sets out rights and entitlements of victims of crime and witnesses.

-It provides for the payment of compensation to victims of crime, and establishes a special fund for that purpose.

-On 8 January 2016, the National Authority established under the Act was inaugurated by the President. The proposed Budget allocation in this regard for 2018, has been increased.

-The Inspector General of Police established the Witness Protection Division of the Sri Lanka Police, which is dedicated to provide protection to victims of crime and witnesses, and to investigate offences that may be committed against victims and witnesses.

-An amendment to the Act was passed by Parliament this month on 7 November, to provide for the victims and witnesses of a crime to record evidence or a statement through audio-visual linkage, from anywhere outside Sri Lanka, without personally attending Court, and to facilitate such process through Sri Lanka diplomatic Missions abroad.

- Following the **Right of access to Information** being recognized as a fundamental right through the 19th amendment to the Constitution, the **Right to Information (RTI) Act** was enacted.

-The Act came into operation on 3 February, 2017.

-It seeks to foster a culture of transparency and accountability of public authorities, and to combat corruption.

-By giving effect to the public's right to access information, we are seeking to promote a society in which citizens would be able to fully participate in public life.

-The RTI Commission, set up to facilitate the implementation of the Act, is operational, and the public has already begun to benefit, with their requests for information from various public authorities being facilitated.

- Recognizing the importance of addressing issues faced by **women and children**, the Government continues to accord priority to this aspect.

-Measures taken include addressing sexual and gender based violence.

-Action envisaged, for which discussion and consultations are proceeding, include legal reforms affecting discriminatory laws and practices, and amendment to personal laws deemed discriminatory.

-Regulations and measures have been made to eradicate the scourge of child labour to ensure the full enjoyment of the rights of the child. Since January 2016, a Special Presidential Task Force for the Protection of Children has been functioning under the direct purview of the President. In June 2016, demonstrating commitment at the highest level of Government, the President signed a pledge on '**Zero Tolerance of Child Labour**' during an event held to commemorate the 'Day against Child Labour'.

- The Government has paid special attention to the wellbeing and livelihood support for **Internally Displaced Persons** in Sri Lanka. The number of IDPs at the end of the conflict in 2009 was over 300,000. Today, the number of IDPs in welfare centres in Jaffna is less than 3000 individuals, belonging to 765 families. The Government has, and continues to make efforts to **provide IDPs with durable solutions**. The Cabinet of Ministers approved the 'National Policy on Durable Solutions for Conflict-Affected Displacement' in August 2016, which was developed based on wide-ranging consultations with key stakeholders, including in the conflict-affected areas.

- A **sound economy**, combined with **sustainable development policies** is central to ensuring the rights of our people. The promotion and protection of human rights and their long-term sustenance, especially in the context of sustainable peace, reconciliation and non-recurrence of conflict that we envisage, necessitates economic growth and equitable and inclusive development in line with the aspirations of our people. This is state responsibility. The economy that the National Unity Government inherited in January 2015 was one that was beset by a heavy debt burden, and we have and continue to take steps to address this.

-The **Budget for 2018**, that was presented in Parliament last week on 7 November, was prepared based on the principles of the Sustainable Development Goals; and titled '**Blue-Green Budget: the Launch of Enterprise Sri Lanka**'. It is intended to

reawaken the entrepreneurial spirit, enabling Sri Lanka to be a vibrant trading hub and encouraging all Sri Lankans to become co-owners of a country enriched.

-The pursuit of a 'Blue-Green Economy and Development Strategy' is not only in line with our international commitments to the Paris Agreement for instance, or the 2030 Development Agenda, but more importantly, a responsibility we discharge to ourselves and generations to come, not only in our own country, but as a responsible member of the global community and co-inhabitants of this one Planet that we all call home.

-We have managed to sustain a **steady GDP growth rate** of 4 and ½%; and in 2018, we envisage a growth of 5%.

-We are working towards the implementation of the 17 **Sustainable Development Goals (SDGs)** in the 2030 Agenda, by incorporating them into Government policies and programmes.

-The passage of the '**Sri Lanka Sustainable Development Act**' by Parliament in October 2017 is a step forward in upholding the Government's pledge to abide by the UN's Sustainable Development Agenda. We understand that Sri Lanka is one of the few countries thus far to provide legislation to facilitate this process.

The Act makes provision for the country to prepare its National Policy and Strategies with its own national interests, but guided by the 17 Sustainable Development Goals.

- As for **language and cultural rights**, in March 2015, the Government issued a circular to all government institutions that no prohibition exists for the national anthem to be sung in the Tamil language. For the first time in 68 years, on 4th February 2016, the National Anthem was sung in both official languages, that is, Sinhala and Tamil, at the National Independence Day celebrations. This practice continues at other events as well.

-Recognising language barriers faced by people in the Northern and Eastern Provinces in accessing law enforcement mechanisms, 216 male Tamil-speaking Police Officers, 26 Tamil-speaking female Police officers and 14 Tamil-speaking sub-inspectors were recruited in 2016.

- **Public Consultations** as explained earlier, that were held in the process of formulating the National Human Rights Action Plan (NHRAP) and the National Report for the UPR are **followed in all important processes in the country**, as the Government believes firmly in the need for **bottom-up approaches** for reforms to be sustainable.

-A **Consultation Task Force (CTF)** comprising eleven eminent civil society members conducted nation-wide consultations on reconciliation mechanisms. The input received through this process has been used in preparing the initial design and contours of the TRC and Reparations Office, and are also being constantly looked into for other reconciliation process related work. Regular consultations with the CTF members and the Zonal Task Force members continue through the Secretariat for Coordinating Reconciliation Mechanisms.

-The reconciliation mechanisms themselves, once set up, will use the reports, data and material produced by **previous processes** including presidential commissions such as the LLRC, the Presidential Commissions of Inquiry into the Involuntary Removal or Disappearances of Persons established during the 1990s; the Presidential Commission to Investigate into Complaints regarding Missing Persons also known as the Paranagama Commission; as well as reports of the UN and its agencies, individuals, and human rights organisations, both in the country and overseas.

-A wide process of public consultations was also conducted in relation to **Constitutional Reform**, by the **Public Representations Committee** set up for this purpose. The Constitution Reform process is prioritised as a measure for guaranteeing non-recurrence of conflict. A Special Session of Parliament was convened on 9 January 2016, to mark the 1st anniversary of the formation of the National Unity Government following the Presidential Election, in order to commence work on adopting a Framework Resolution on the formation of the Constitutional Assembly and to commence work on the process of Constitutional Reform. The resolution was adopted unanimously in March. A Steering Committee and six sub-committees were accordingly appointed to make recommendations on specific thematic issues related to fundamental rights, judiciary, law & order, public finance, public service and centre-periphery relations. The Interim Report of the Steering Committee was presented to the Constitutional Assembly by the Prime Minister on 21 September this year, and it was debated in the Constitutional Assembly for 5 days from 30 October to 3 November. Further consultations will continue before the final Report of the Steering Committee is presented. The passage of a new Constitution will require a two-thirds majority in Parliament, followed by approval by the People at a referendum.

5. Operationalisation of Resolutions 30/1 and 34/1 and Reconciliation

Mr. Vice President,

- In response to the several advance questions that have been submitted in relation to implementation of the commitments in Resolutions 30/1 and 34/1, I wish to

reaffirm our firm commitment to ensuring their implementation. We are working consistently and methodically towards that goal, including with assistance from many of you.

-The **Office on Missing Persons (OMP)** which became operational on 15 September this year, is the first of the reconciliation mechanisms to be set up, with **Rupees 1.4 billion** proposed to be allocated for its establishment in our budget for 2018 that was presented to Parliament last week.

Distinguished delegates,

-For the very first time in our history, **a section of the National Budget for 2018, is expressly dedicated to reconciliation.** We consider investments in reconciliation and peace as sound economic policy as they strengthen security and stability and foster a fertile environment to attract investment. Likewise, sound economic policy that fosters income growth and employment helps us to build the conditions necessary for long-term peace, security, stability and reconciliation.

6. CONCERNS AND CHALLENGES

Mr. Vice President,

- We have been open and transparent in sharing with this Working Group, the progress we have achieved in our human rights commitments, much of which has been achieved within a brief period since the Presidential and Parliamentary Elections in 2015.
- Our vision is long-term. We want to see the changes and progress we have achieved become firmly entrenched in our nation's institutions and structures; and ensure that our public engages in processes in the exercise of their rights through greater awareness and understanding. It is such change, we believe, that will be lasting and sustainable.

We will, Excellencies, also share some of our concerns and challenges.

-Sri Lanka has accomplished much. Yet, we do not consider it a reason to be complacent. Neither are we, as some tend to allege, indifferent or uncaring about human rights. We remain acutely aware and conscious that there is much more to be done, to ensure that all our citizens enjoy the rights due to them to their full extent. We firmly believe that citizens empowered by their individual rights will strengthen our nation.

-Our achievements over the past 35 months, we feel, should be viewed in the context of a developing nation that is firmly committed to taking steps to:

- ensure non-recurrence of conflict through reform, including administrative, institutional, constitutional, legal, economic, as well as human rights;
- heal the mistrust among communities and restore faith in state institutions that has been eroded through long years of violence and neglect, that has affected all communities at different times and in different ways, including two youth insurrections in the south; and
- restore the standards and norms of good governance, transparency and efficiency in the functioning of institutions at all levels.

-Unfortunately, each step taken to reconcile the nation and acknowledge the legacies of our difficult past is contested. Our efforts to protect and promote human rights are often attacked by opponents as inviting foreign interference. Our efforts to ensure harmonious relations between the different ethno-religious communities, and our commitment to constitutional reform, are often attacked by opponents as attempts to create divisions. Yet, we persevere with strong determination.

-As a democratic country, we welcome robust criticism and debate about our journey towards the full enjoyment of human rights, and sustainable peace and reconciliation. But we are aware that our public sphere, like that of many other democracies, features some degree of misinformation, manipulation and prejudice. It is for this reason that we have sought to tread cautiously and prudently with a view to building and sustaining national consensus on the importance of protecting and promoting human rights, and advancing reconciliation. As a nation, we have been through much strife for long years. At this historic moment when the two main political parties are working together, we want to ensure that we tread cautiously to take steps that would ensure that the reform that we initiate is sustained in the long-term.

7. CONCLUSION

- In conclusion Mr. Vice President, I want to thank each and every individual including all civil society groups and representatives, and the Human Rights Commission of Sri Lanka for their contributions and cooperation during the preparatory process of the UPR National Report, and also, for their shadow reports.

- I also thank the Working Group and all of the UN Member States present today.
- I wish to also thank you Mr. Vice President, and the Working Group Secretariat for their technical support and the Troika for the Sri Lanka Review - Burundi, Republic of Korea and Venezuela for their cooperation.
- We will now listen to the member states, and my delegation and I will respond, as required.

Thank you.