



Introductory Statement

At the Presentation of
Sri Lanka's 5th Periodic Report (CAT/C/LKA/5) submitted under the
International Convention against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment

by

**Hon. Jayantha Jayasuriya, PC, Attorney-General, Leader
and the Members of the Sri Lanka Delegation**

59th Session of the Committee Against Torture (CAT)

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**The Permanent Mission of Sri Lanka to the United Nations
and other International Organizations in Geneva**

Part I – Hon. Jayantha Jayasuriya, Attorney General, Leader of the Delegation

1. Introduction

Mr. Chairman and distinguished members of the Committee,

Members of the UN and other international organizations,

Representatives of civil society,

The Sri Lanka delegation is pleased to have this interaction with the Committee Against Torture to present Sri Lanka's 5th Periodic Report under the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). We see this as a manifestation of our commitment towards our continued yet renewed engagement with the UN human rights system and processes since the Presidential and Parliamentary elections in Sri Lanka in January and August last year.

The Sri Lanka delegation expresses its sincere appreciation to the Committee for the constructive and valuable concluding observations on the 3rd and 4th Periodic Reports discussed in 2011 and for the list of issues arising from the 5th Periodic Report, on which we will provide further information and clarifications during this review. We in particular wish to thank the two Country Rapporteurs on Sri Lanka in the Committee for the preparatory work that has been done.

We are encouraged by the recognition and acknowledgement by his Committee of the progressive steps taken by Sri Lanka so far, and we would like to use this opportunity to affirm our commitment to continue working on the important areas highlighted by the Committee that require our attention. We look forward to engaging with you and hearing your comments and observations, which we guarantee will receive the due serious attention of the Government.

We also acknowledge the presence of the international organizations and the civil society organizations especially those from Sri Lanka who are observing this review today. We also thank the civil society organisations in Sri Lanka who provided their observations leading up to this review. In the preparation of our 5th Periodic Report, concerns expressed by different stakeholders were taken into consideration. Yet keeping with the current policy of striving to uphold higher standards of human rights, processes of this nature in Sri Lanka will have even wider consultations.

I am joined today by the following who comprise the Sri Lanka delegation:

- H.E. Dr. Rohan Perera, PC, Ambassador, Permanent Representative of Sri Lanka to the United Nations in New York;
- H.E. Mr. Ravinatha Aryasinha, Ambassador, Permanent Representative of Sri Lanka to the United Nations in Geneva;
- Mr. Sarath Jayamanne, PC, Addl. Solicitor General, Attorney General's Department;
- Mr. Nerin Pulle, Deputy Solicitor General, Attorney General's Department,
- Mrs. Samantha Jayasuriya, Deputy Permanent Representative of the Permanent Mission of Sri Lanka in Geneva;
- Mr. Ajith Rohana, Deputy Inspector General, Legal Division, Department of Police,
- Mr. Sisira Mendis, Chief of National Intelligence, Ministry of Defence,
- Ms. Shashika Somaratne, Counsellor, Permanent Mission of Sri Lanka in Geneva;
- Ms. Dilini Gunasekera, Second Secretary, the Permanent Mission of Sri Lanka in

Geneva and

- Mrs. Mafusa Lafir, Second Secretary, the Permanent Mission of Sri Lanka in Geneva.

2. Legislative and Policy framework for the implementation of the Convention

Mr. Chairman,

It has been 22 years since Sri Lanka became a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and over the years, Sri Lanka has developed its **legislative framework** to strive to effectively combat torture.

The supreme law of the country, **the Constitution in its Article 11 of the Fundamental Rights Chapter III** guarantees that *“no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”*, which is non-derogable.

The Act No. 22 of 1994 *“Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”* was enacted to give effect to the country’s obligations under this Convention.

Since Sri Lanka’s Report being reviewed in 2011, in particular pursuant to the 8 January 2015 Presidential election, the country witnessed considerable changes in its socio-political landscape, laying emphasis on upholding, promoting and protecting human rights, strengthening good governance and the rule of law, and renewing engagement with the international community and the UN system. Strengthening human rights and good governance are fundamental components of the Government’s agenda and several improvements have been already introduced since January 2015 and thereafter the Parliamentary Election in August 2015 which saw the National Unity Government receive the endorsement of the public. Achievements include substantive improvements in the national legislative frameworks and also the policy approaches of the Government, in particular in complying with its international commitments including prevention of torture and other cruel, inhuman or degrading treatment or punishment.

My delegation wishes to draw your attention to the question raised as to **whether the definition in Act No. 22 of 1994 “Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” has been adequate and is in line with the Convention.**

In this context, let me quote Professor Manfred Nowak (former Special Rapporteur on Torture),

“The Special Rapporteur notes that the definition in article 12 is in conformity with definition of article 1 of CAT; however, it does not expressly include “suffering.”¹

¹ The Special Rapporteur has stated the above in his Report (A/HRC/7/3/Add.6, para 25) published pursuant to his Mission to Sri Lanka in 2007.

On the specific reference that the Act does not contain the word “suffering”, I wish to emphasize that in the Act No. 22 of 1994, the words “severe pain, whether physical or mental”, invariably encompasses “suffering”, both in its physical and mental form.

Therefore, with regard to the question on the definition of torture, we wish to reiterate that Act 22 of 1994 is sufficiently broad to cover the aspect of “suffering”.

The Supreme Court in its Judgment delivered in Romesh Cooray v Jayalath, Sub-Inspector of Police and Others², having considered the UN GA resolution in its 30th session in 1975 and Article 7 of the ICCPR recognized that a particular ‘act’ should be ‘*qualitatively of a specially reprehensible kind*’ for such act to fall within the ambit of ‘torture’. It further observed that “*it would not be an easy task for the court to decide and conclude as to what actions and conduct would constitute torture or cruel, inhuman treatment*”.

However having recognized that conduct that has not caused any physical harm also could constitute ‘torture’, Court observed;

“ It has to be borne in mind that torture, cruel, inhuman and degrading treatment or punishment could take many forms, viz., psychological and / or physical and the circumstances of each case would have to be carefully considered to decide whether the acts in question had led to a violation of Article 11 of the constitution”.

This illustrates the fact that the Supreme Court has taken due cognizance of the definition of torture, stipulated in Article 1 of the Convention in its interpretation of Article 11 of the Constitution and ensured that the definition of torture encompasses the aspect of ‘mental suffering.’ Further, the Supreme Court held that since the enactment of the Act No. 22 of 1994 “Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, on the basis of the UN Convention Against Torture, any ambiguity concerning the element of “suffering” in the definition of torture does not exist.

Another significant legislative measure taken by the Government is the passage of the **19th Amendment**³ to the Constitution, which re-introduced the two-term limit for the post of Executive President, with each term also limited to 5 years instead of 6 years. The 19th Amendment also saw the strengthening of independent Commissions including the Judicial Service Commission, National Police Commission, Public Service Commission and the Human Rights Commission.

In order to ensure that victims of crime and witnesses are protected, inter alia, against ill-treatment, intimidation, any possible harm, reprisals or retaliations, **the Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015** was passed by the Parliament and certified on 7 March 2015. This Act provides, inter alia, for the setting out of rights and entitlements of victims of crime and witnesses and the protection and promotion of such rights and entitlements

²(2008) 2 SLR 43.

³Following its passage in Parliament on 28 April 2015, the 19th amendment to the Constitution was certified on 15 May 2015.

and to give effect to appropriate international norms, standards and best practices relating to the protection of victims of crime and witnesses.

As a further step to enhance the protection of witnesses and victims, a **National Authority for the Protection of Victims of Crimes and Witnesses**, which is entrusted with the task of giving effect to the relevant provisions of the Act, has been established. The Cabinet has approved a draft Amendment to the Protection of Victims of Crime and Witnesses Act, intending to facilitate the leading of evidence from remote locations outside Sri Lanka. Police Victim and Witness Protection Division under the Authority was inaugurated on 3 November 2016.

In the context of the 19th Amendment to the Constitution, which guarantees the Right of Access to Information in Article 14 A of the Constitution, the **Right to Information Act** was passed by the Parliament unanimously (without a vote) on 24 June 2016, and certified on 4 August 2016. This Act ensures the need to foster a culture of transparency and accountability in public authorities by giving effect to the right of access of information and thereby promoting a society in which the people of Sri Lanka would be able to more fully participate in public life through combatting corruption and promoting accountability and good governance.⁴ Through a circular issued by the Secretary to the Ministry of Parliamentary Reforms and Mass Media dated 10 October 2016, issued to all Secretaries to Ministries, Chief Secretaries of Provincial Councils and Heads of Departments, preliminary activities have been initiated in order to implement the provisions of the Right to Information Act.

As a further step in the process to strengthen good governance and rule of law, following the enactment of the 19th Amendment, a **Constitutional reform process** has been set in motion to ensure the sustainability of the reconciliation mechanisms and all other efforts to ensure equal rights and individual rights and justice for all, and ensure durable peace and non-recurrence of conflict.

In this context, the Parliament, by a resolution for the appointment of the Constitutional Assembly has resolved that there shall be a *“Committee, which shall have the powers of a Committee of the whole Parliament consisting of all Members of Parliament, for the purpose of deliberating, and seeking the views and advice of the People, on a Constitution for Sri Lanka, and preparing a draft of a Constitution Bill for the consideration of Parliament in the exercise of its powers under Article 75 of the Constitution”*.

A Public Representations Committee tasked with seeking the views of the public for the Constitution submitted its report on 31 May 2016. The report is publicly available including online in all three languages. The Steering Committee chaired by the Prime Minister is currently finalising its report on the proposals for Constitutional Reform for submission to the Constitutional Assembly.

The Government, keeping in line with its constructive engagement with the Human Rights Treaty mechanisms has taken several progressive **policy measures** over the last two

⁴Preamble of the Right to Information Act No. 12 of 2016, certified on 4 August 2016.

years, recognizing the **importance of a transparent and independent mechanism for investigation into alleged incidents of torture in custody.**

A declaration was made under Article 22 of the Convention Against Torture recognizing the competence of the Committee against Torture to receive individual communications in August 2016;

Issuing **directives to the Armed Forces and the Police by H. E the President who is the Commander-in-Chief of the Armed Forces**, requiring the Armed Forces and the Police (1) to ensure that fundamental rights of persons arrested or detained are respected and that such persons are treated humanely; and (2) to assist and facilitate the Human Rights Commission of Sri Lanka to exercise and perform its powers, functions and duties. (June 2016)

Issuing **instructions to all Armed Forces personnel that strict action will be taken against human rights violations.** The instructions have been issued by the Commanders of the Army, Navy and Air Force to members of their respective forces in March and April 2016.

Copies of the above directives have been circulated in our response to the list of issues raised by this Committee.

The Government is firm in its commitment of a **zero tolerance policy on torture.** In June this year, President Maithripala Sirisena, joined by the Minister of Law and Order, joined an initiative of the National Human Rights Commission to march against Torture, sending a message at the highest level of Government regarding the Government's commitment to zero tolerance on torture.

Continuing its commitment to the pledge given to the people of the country to uphold, promote and protect the human rights of all, and in keeping with international treaty obligations as well, the Government has undertaken a voluntary process of introducing a **National Human Rights Action Plan (NHRAP)** for the period 2017-2021. In May 2016 the Cabinet approved an Inter-Ministerial Committee tasked with drafting the National Human Rights Action Plan for 2017-2021, assisted by a Steering Committee of officials and experts and drafting committees working on each of the thematic areas. Prevention of Torture is one of the thematic areas focused in developing the National Human Rights Action Plan for 2017 – 2021.

The drafting committee on the NHRAP chapter on torture conducted consultations with various stakeholders including civil society to obtain their input for the draft chapter. A narrative chapter was subsequently prepared and forwarded to the Steering Committee for the NHRAP. The drafting committee is due to meet government representatives shortly in order to obtain their views and observations on the draft chapter.

These legislative and policy frameworks have created an environment conducive to strengthen the existing institutions as well as in establishing new institutions and practical mechanisms in order to comply with the provisions of the Convention.

3. Institutional measures and practical measures in implementation of the Convention

The 19th Amendment to the Constitution, amongst several other progressive reforms, also introduced a number of **constitutional safeguards to uphold the independence of the judiciary and the Bar;**

- The Chief Justice, the President of the Court of Appeal and every other judge of the Supreme Court and of the Court of Appeal can be appointed by the President only upon **the approval of the said appointments by the Constitutional Council.**⁵
- In the discharge of its functions relating to the appointment of judges to the Supreme Court and the Court of Appeal, the Constitutional Council is required to obtain the views of the Chief Justice.
- The appointment of the Attorney General (who is considered the leader of the Bar and the Chief law officer of the State) by the President is subject to the approval of the Constitutional Council. The independence and the tenure of the office of the Attorney General's Department is constitutionally guaranteed and protected by law. Further, matters of establishment pertaining to the Attorney General's Department falls within the purview of the Ministry of Justice.
- **The Judicial Services Commission (JSC), which is vested with authority over the appointment, transfer, dismissal and disciplinary control of judicial officers in the lower courts has been further strengthened by the 19th Amendment.** The **Judicial Services Commission** comprises the Chief Justice and the two most senior judges of the Supreme Court appointed by the President subject to approval by the Constitutional Council.
- **Judges of the High Court are appointed by the President on the recommendation of the JSC and the Attorney General.**
- The President is now required to obtain the approval of the Constitutional Council to remove any members of the JSC for cause assigned.

Further strengthening of the **National Police Commission (NPC)** through the 19th Amendment to the Constitution has infused independence and non-interference in the processes involving the police. In terms of the 19th Amendment, the members of the Police Commission are appointed by the Constitutional Council.

Further, the **Human Right Commission of Sri Lanka (HRCSL)** has been strengthened as an independent institution of which the members are appointed by the Constitutional

⁵ The **Constitutional Council** consists of 10 members.

These comprise the Prime Minister, the Speaker, the Leader of the Opposition, a Member of Parliament nominated by the President, 2 Members of Parliament and 3 civil society members (reflecting the pluralistic nature of the Sri Lankan society) nominated by the Prime Minister and the Leader of the Opposition, and a Member of Parliament nominated by other political parties/groups represented in Parliament which the Prime Minister and the Leader of the Opposition do not represent. The Council is headed by the Speaker.

Council.⁶ It is expected that it will meet the criteria of the Paris Principles in full to obtain a Grade 'A' status in time to come.

With a view to facilitating the effective discharge of the mandated functions of the HRCSL, the Government has, during the last 2 years, taken steps to increase the resources allocated to the HRCSL.

In May 2016 the HRCSL has issued Directives to be followed by officers arresting persons under the PTA to ensure the fundamental rights of persons arrested or detained and to ensure such persons are treated humanely. The Directives clearly state that torture, cruel and inhuman and degrading treatment or punishment is an offence and prohibited at all times. The Directives are based on the Directives on Arrest and Detention issued by previous Heads of State and binding human rights law standards.

All detainees can challenge the lawfulness of their detention by way of habeas corpus in the High Court or Court of Appeal and also challenge such detention in the Supreme Court by way of a Fundamental Rights Application.

The Government has also initiated a process to develop the policy and the legal framework of a new counter terrorism legislation for Sri Lanka. The new legal framework focuses on **reviewing the provisions of the PTA** in line with international human rights norms and standards. We will elaborate on this aspect later during this presentation.

Part II – H.E. Dr. Rohan Perera, Ambassador/Permanent Representative of Sri Lanka to the United Nations in New York

4. Review of the Prevention of Terrorism Act (PTA) and other several processes relevant to the Convention

Mr. Chairman,

Following the consideration of a proposal submitted by the Law Commission of Sri Lanka, the Government on 21st April 2016 appointed a Committee to develop the policy and the legal framework on new Counter Terrorism Legislation in Sri Lanka. This was consistent with the policy of the present Government to restore good governance and respect for human rights and the rule of law.

Among the objectives to be achieved by the proposed legislation is the need to ensure that the proposed law will conform to related international norms and standards including human rights law and other applicable human rights norms and standards. It is also sought to ensure that the proposed law is consistent with principles of democracy, good governance and the rule of law. The draft policy and legislative framework also seeks to

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effectively and comprehensively respond to contemporary manifestations and threats of terrorism and attacks on the national security of Sri Lanka.

The Committee has engaged with the United Nations Counter Terrorism Executive Directorate (CTED) and other agencies such as the UNODC, as it proceeded with its work. The CTED provided technical assistance through an expert who studied a preliminary version of the Draft framework and expressed his preliminary views. The draft policy and legal framework was thereafter presented to the Cabinet of Ministers for its consideration. The Cabinet decided, inter alia, to request the Hon. Prime Minister to forward the policy and legal framework to the Parliamentary Sectoral Oversight Committee on national security seeking its views prior to approval being granted by the Cabinet.

The deliberations of the Committee appointed to formulate the draft framework resulted in a series of drafts emerging from these deliberations, which, while progressively developing the drafts, also brought to surface some of the key issues that need to be further addressed, such as the scope of offences sought to be covered under the draft law; powers of arrest, investigation and detention; issues relating to the production of suspects before a Magistrate, and questions of admissibility of evidence.

With a view to further engaging on these issues with international experts, a High Level Dialogue on counter terrorism and the proposed Counter Terrorism Act of Sri Lanka was convened last week on 8th and 9th November in Colombo with the cooperation of the Office of the UN Resident Coordinator.

The high-level dialogue had the participation of a number of international experts including those from the UNODC Terrorism Prevention Branch, OHCHR, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr. Ben Emmerson QC (and presented through Skype) and experts from the United Kingdom. The dialogue resulted in an in-depth discussion on key areas, such as International Norms and Standards relating to counter terrorism; Sri Lanka's proposed Counter Terrorism Act in the context of human rights standards, ensuring respect for human rights when countering terrorism and also United Kingdom's experience in countering terrorism and lessons for Sri Lanka.

The discussions with the international experts resulted in bringing into focus some of the key issues that need to be further addressed as the work on the draft legal and policy framework progresses, in order to ensure that international norms and standards related to counter terrorism are taken due account of, when the new legislation takes final form. The International experts appreciated the opportunity offered to make their inputs while the draft legal and policy framework was still an ongoing process, prior to finalizing the legislation.

The Parliamentary Oversight Committee on National Security also commenced their deliberations on the draft law last week and the members of the Oversight Committee as well as other members of Parliament also had the opportunity to participate at a Workshop held in Parliament on 10th November, and to listen to presentations given by the experts of the UNODC, OHCHR as well as experts from the United Kingdom.

The Sectoral Oversight Committee on National Security is also expected to engage with members of Civil Society. At the end of these deliberations views of the Oversight Committee will be submitted to the Cabinet of Ministers.

The Government of Sri Lanka expects to continue its collaboration on providing technical assistance with the CTED as the work on the draft counter terrorism legislation progresses.

Part III – H.E. Mr. Ravinatha Aryasinha, Ambassador/Permanent Representative of Sri Lanka to the United Nations in Geneva

5. The GoSL's engagement with the UN system, Human Rights Council and the OHCHR

Sri Lanka continued its proactive engagement with the UN system, Human Rights Council and the OHCHR since the review of our last Periodic Report in November 2011.

Since early last year and the Government's renewed engagement with the UN system, several **high-level UN officials have visited** Sri Lanka, demonstrating the commitment to engage and take steps to improve human rights:

The **High Commissioner for Human Rights**, Mr. Zeid Ra'ad Al Hussein visited Sri Lanka from 6-9 February 2016.

The **UN Secretary-General**, Mr. Ban Ki- Moon undertook a three day visit to Sri Lanka from 31 August – 2 September 2016.

The UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence Mr. Pablo de Greiff has visited Sri Lanka 4 times since early last year, at the invitation of the Government, in a technical advisory capacity. His most recent visit took place last week when Sri Lanka hosted the regional consultation on transitional justice for Asia-Pacific countries. Besides the above-mentioned visits, Sri Lanka has been engaging in a proactive manner with the UN Human Rights Council and its regular mechanisms.

Sri Lanka **participated in its UPR second cycle in November 2012**, where it accepted a number of recommendations for implementation and Sri Lanka will participate in the third cycle of the UPR in November 2017.)

Consistent with the HRC resolution 30/1, the Government has embarked on an inclusive process with the objective of **ensuring the right to truth, justice, reparations and guarantees of non- recurrence**. A Secretariat for Coordinating Reconciliation Mechanisms (SCRM) is already consulting experts and is working on obtaining the required training and capacity building for the relevant mechanisms. A Task Force consisting entirely of civil society representatives has been appointed to seek the views of the public that will inform the designing of the mechanisms. This Task Force has now completed its work and their Report is to be handed over to the President and the Prime Minister this month.

In line with its **Treaty Body** commitments, the Government continues to engage constructively with the respective Treaty Bodies:

From 7-8 October 2014, Sri Lanka presented its **5th Periodic Report under the International Covenant on Civil and Political Rights (ICCPR)** and engaged in a constructive dialogue with the Human Rights Committee members.

Following a policy decision taken by the Government **to respond to new communications from the UN Human Rights Committee**, the Government informed the OHCHR on 20th January 2016 that it will consider communications with a view to conveying a response or observation. The practice of cooperating with the Committee in terms of Article 4(2) of the Optional Protocol i.e., to provide written explanations or statements clarifying the matter and the remedy (if any) that may have been taken by Sri Lanka has now been restored.

From 15-16 August 2016 Sri Lanka presented its **10th - 17th Periodic Reports under the International Convention on the Elimination of All forms of Racial Discrimination (CERD)** and engaged in a constructive dialogue with the Committee members.

From 1-2 September 2016 Sri Lanka presented its **second Periodic report under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)** and engaged in a constructive dialogue with the Committee members.

In addition to our present engagement with this Committee Against Torture, Sri Lanka will also present its **8th Periodic Report under the Convention on Elimination of Discrimination against Women (CEDAW)** in early 2017.

In continuation of the Government's engagement with **Special Procedures Mandate Holders**, several visits have been undertaken since November 2011 as follows:

Sri Lanka received the **Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs)** who visited Sri Lanka from 2-6 December 2013. The Government extended unfettered access to the SR and facilitated all his meetings including interactions with civil society, and field visits to the North. The GoSL also engaged in a constructive dialogue with the Special Rapporteur when he presented the report of his Mission to Sri Lanka during the HRC 26th Session held in June 2014.

The Government has developed a *Policy on Durable Solutions for the Displaced and Persons Affected by Conflict Displacement* through wide consultations with technical assistance from UNHCR. The Policy received the approval of the Cabinet this year. **This is one of the recommendations⁷ made by the Special Rapporteur himself when he visited Sri Lanka.**

In May 2014, Sri Lanka received the **Special Rapporteur on the Human Rights of Migrants**, Mr. François Crépeau, who visited Sri Lanka from 19-26 May 2014. The Government extended its cooperation to the Special Rapporteur throughout and after the visit.

The **Working Group on Enforced or Involuntary Disappearances (WGEID)** undertook a visit to Sri Lanka after 16 years, from 9-18 November 2015, at the

⁷ Para 56 of the Report of the SR on IDPs on his visit to SL, (A/HRC/26/33/ Add.4) mentions "In collaboration with international partners, significantly revise the current draft Framework for Resettlement Policy to make it a comprehensive policy on internal displacement, including on durable solutions,..."

invitation of the Government. The Working Group was welcomed, and all requests were facilitated including providing unhindered and unrestricted access to all places that the Group sought to visit.

Also with regard to the issue of **disappearances**, which is also related to the mandate of this committee, Sri Lanka has been working very closely with the **Working Group on Enforced or Involuntary Disappearances (WGEID)**

Following the visit of the Working Group, several important steps were:

Sri Lanka ratified the **International Convention for the Protection of All Persons from Enforced Disappearance** (CED) on 25 May 2016 and the process of promulgating enabling legislation has been set in motion. **Once enacted, the new law on enforced disappearances will significantly strengthen Sri Lanka's legal system in terms of prosecuting and punishing perpetrators and preventing enforced disappearances in the future.**

The Parliament, on 11 August 2016, passed without a vote, legislation to establish an independent '**Office on Missing Persons**' (OMP). Following its certification by the Speaker on 23 August 2016, the legislation has now been gazetted as the Act. No. 14 of 2016. Steps have been taken to allocate funds for the Office on Missing Persons in the Budget for 2017, which is to be presented to Parliament this month.

The Office on Missing Persons is one of the truth-seeking mechanisms that has the main objectives of: searching and tracing of missing persons; clarifying the circumstances in which such persons went missing and their fate making recommendations to relevant authorities in order to reduce incident of missing and disappeared persons; making recommendations to relevant authorities in order to reduce incident of missing and disappeared persons; and identifying proper avenues of redress. The Office will also have its own victim and witness protection unit. The OMP Act does not compromise the victims and their families' 'Right to Justice.'

It is also to be noted that the OMP has the authority vested in it by law, to receive funds from entities outside Government, both local and foreign. The OMP will also have its own witness and victim protection unit in accordance with the legislation approved by Parliament.

On 25th August this year, the Parliament approved the (Temporary Provisions) Act No 16 of 2016 for the issuance of '**Certificates of Absence**'. This enables the families of missing persons to apply for benefits under social welfare schemes; temporarily manage, under the supervision of the District Court, the property and assets of the missing person and act as a provisional guardian for dependent children of the missing person. The issuance of this certificate will not halt any investigations to determine the fate of a missing person.

In all these processes, the Government and Government institutions work closely and in consultation with the United Nations system and the OHCHR as well as other international experts. We are also **working closely with ICRC**, especially in the area of dealing with the missing, including the technicalities of the establishment of the Office on Missing Persons, the training and capacity building requirements as well as obtaining expertise and sharing experiences of other countries that have similar mechanisms.

Following the Government's extension of a **Standing Invitation** to all UN thematic Special Procedures Mandate Holders to visit Sri Lanka on 17 December 2015, a number of thematic special procedures mandate holders have visited Sri Lanka in 2016:

The UN Special Rapporteur on Torture and other cruel, inhuman and degrading treatment, Mr. Juan E. Mendez and Special Rapporteur on the Independence of Judges and Lawyers, Ms. Monica Pinto undertook a joint visit to Sri Lanka from 29 April to 7 May 2016.

At the conclusion of his visit, The Special Rapporteur on Torture in particular mentioned that he and his team were given '**unrestricted access to all places of detention and unimpeded access to interview detainees in private.**' During his visit, Mr. Mendez conducted visits to numerous police stations, detention facilities and military camps throughout the country, including to the Boossa TID detention center and the Trincomalee Naval Base.

The Special Rapporteur on Minority Issues, Ms. Rita Izsák visited Sri Lanka from 10-20 October 2016.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye, will visit in the first quarter of year 2017.

Finally, I would like to recall the **Joint visit of the UN Special Rapporteur on Torture and other cruel, inhuman and degrading treatment, Mr. Juan E. Mendez and Special Rapporteur on the Independence of Judges and Lawyers, Ms. Monica Pinto to Sri Lanka from 29 April to 7 May 2016.**

Following up on the visit of the Special Rapporteur on Torture, a decision was made by the Ministry of Law and Order to establish a Committee to visit/examine and take preventive measures on allegations of torture. This Committee which was established in July 2016 consists of **Experts on torture prevention, the Bar Association of Sri Lanka, the Attorney General's Department and senior members of Sri Lanka Police are represented in the Committee.**

During the 2016 UN Pledging Conference for Development Activities, held on 7 November 2016 in New York, adhering to its policy of positive engagement with the UN the GoSL announced its pledge for the voluntary contributions for the year 2017, which included a token **contribution to the UN Voluntary Fund for Victims of Torture (USD 5,000).**

Through the above measures, the Government has demonstrated its will to cooperate with international organizations and mechanisms with a view to strengthening human rights for the benefit of the population as a whole.

Part IV – Hon. Jayantha Jayasuriya, Attorney General

7. Conclusion

Mr. Chairman,

- We look forward to a fruitful dialogue with the distinguished members of this Committee.

- We will be glad to further expand on any of the matters mentioned, or clarify on any other specific issues that you might have.
- We believe firmly that your recommendations will assist the Government of Sri Lanka to carry forward the progressive steps taken so far in the promotion and protection of human rights of all Sri Lankans.
- We thank the Chairman and the members of this Committee and we also wish to thank the Secretariat for their kind technical assistance provided to our delegation during this review process.
- We would also like to hear about best practices elsewhere, especially with regard to creating awareness and publicity campaigns that may be of help particularly in combating torture, and avenues for obtaining technical assistance in this regard.

Thank you.
