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Report of the Special Rapporteur on Minority Issues on her Mission to Sri Lanka,
from 10-20 October 2016

Presented under the Agenda Item 3,
Interactive Dialogue with the Special Rapporteur on Minority Issues

Statement by
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Interactive Dialogue with the Special Rapporteur on Minority Issues
15 March 2017

Mr. President,

Thank you for this opportunity to share the views of the Government of Sri Lanka on the report A/HRC/34/53/Add.3 presented to this Council by the Special Rapporteur on Minority Issues, Ms. Rita Izsák, following her country visit to Sri Lanka, from 10-20 October 2016 at the invitation of the Government.

This was the very first visit to Sri Lanka by a Special Rapporteur on the subject of Minority Issues, and the Government of Sri Lanka was extremely pleased to have received the Special Rapporteur. We believe the visit was timely as the Government and the people of Sri Lanka have embarked on a historic journey to achieve durable peace, reconciliation and development.

The visit underlines the commitment of the National Unity Government towards its policy of open and inclusive engagement with the United Nations systems and procedures and with all other stakeholders both within and outside Sri Lanka. It also emphasises our firm belief that such engagement and deliberation will contribute positively to the endeavours of the Government to strengthen, promote and protect human rights, good governance and development in Sri Lanka. The standing invitation extended by the Government in December 2015 to the UN Special Procedures Mandate Holders is a gesture of this constructive spirit in which the Government seeks to work with all its partners including civil society. We have had several productive interactive dialogues in the recent past, including with the SR on Torture last week.

As this Council would recall, President Maithripala Sirisena was elected in January 2015 on a platform promising a united Sri Lanka in which ethnic, cultural and linguistic diversity is respected, celebrated and valued. Following the Parliamentary Election in August 2015, the two main political parties of the country came together to form a National Unity Government, to provide the country, especially in the post-conflict context, stability and strength for important policy-making and reform. In this regard, the Minister of Foreign Affairs, while addressing the Council last month, elaborated on some of the steps that have been taken by the Government during the short span of two years.

Sri Lanka is pleased that the Special Rapporteur in her Report has acknowledged and commended the positive developments that have taken place in the country since January 2015, that includes:

- the ongoing dialogue in the country on constitutional reforms;
- the restoration of the credibility of the National Human Rights Commission with the adoption of the 19th Amendment to the Constitution in May 2015. I wish to note that the GoSL has encouraged the NHRC to improve the current legal framework of the Commission and to obtain A grade status as soon as possible and that the GoSL is willing to provide any assistance required in this regard;
- the steps taken by the GoSL to include the general public in the ongoing reform processes;
- the “peaceful co-existence among different religious groups; temples, churches and mosques are constructed without hindrance and religious services are enjoyed without discrimination or harassment”;
- the setting up by the GoSL of mechanisms related to the reconciliation process such as the Secretariat for Coordinating Reconciliation Mechanisms, the Consultation Taskforce and the Office of National Unity & Reconciliation;
- the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances;
- the enactment of the Office of Missing Persons Act; and
- the establishment of the Ministry of Hill Country, New Villages, Infrastructure & Community Development as well as a new National Plan of Action on Social Development of the Plantation Community for the period 2016 – 2020.

We are also pleased that the Report of the Special Rapporteur acknowledges the facilitation of all official meetings that the Special Rapporteur had requested for, and the provision of unrestricted and unimpeded access for her and the delegation, to all the places that she wished to visit, throughout the country, during the visit. The Government has adopted this line of open, constructive and meaningful engagement with all the other Special Procedures as well, during the last 2 years, and will continue to do so in future.

Mr. President,

Sri Lanka is a multi-ethnic¹, multi-cultural and multi-religious², country. The Government has been focusing on engaging with minorities as an important component in the process of ensuring overall national unity and reconciliation. The Government is committed to ensure that all communities are able to practice their chosen faiths without hindrance. In keeping with Sri Lanka’s societal, cultural and historical norms, regular dialogue continues to take

¹ (74.9 % Sinhalese, 11.2 % Sri Lankan Tamils, 4.1 % Indian Tamils or Estate Tamils, 9.3% of Muslims, other ethnic groups including Burgher, Malay and Sri Lanka Chetty consisting of 0.5% of the population¹)

² (70.1% Buddhists, 12.6 % Hindus, 6.2 % Roman Catholics, 9.7 % Islam, 1.4 % Other Christian²),

place at various levels to ensure inter-ethnic harmony and understanding amongst all communities. Under the present Government, separate Ministries have been set up to look after the affairs of each religious community. The Government maintains a zero-tolerance policy on acts that target minority religious groups.

In order to promote inclusiveness and non-discrimination and national reconciliation as a whole, the first ever National Integration and Reconciliation Week was observed from 8th to 14th January 2017, with all public officials as well as school children taking a pledge, resolving to work together, hand in hand, respecting the richness of our diversity, to foster peace, understanding, and mutual trust, for a new Sri Lanka that is united in its diversity. With a view to promoting peaceful co-existence and reconciliation among the different communities, the present Government has set up a Ministry for National Integration & Reconciliation, a Ministry for National Co-existence, Dialogue & Official Languages and an Office of National Unity & Reconciliation that carry out programmes to foster reconciliation and co-existence including the strengthening of religious harmony and inter-faith dialogue.

Projects are underway to make teachers and school children aware of and appreciate the richness of the cultures of the different communities of Sri Lanka that includes the reformulation of teaching materials; twinning schools and organising 5 day residential workshops on the theme of 'brotherhood' bringing together children of different ethnic and religious backgrounds. 5000 such children and teachers have been trained last year. Reconciliation has also been included in the course material of university students. Similarly, conflict transformation programmes are conducted for professionals, religious priests, opinion leaders, public servants etc.

The Government recognizes culture as an essential component of overall planning and as a medium of national integration. Culture is viewed in the conceptual framework of building peace as well as national development. Efforts are made to protect and preserve the culture and traditions of all communities and to foster inter-cultural understanding. In recognition that language is an important symbol of culture, Tamil, the language of the Tamils and the majority of Muslims in Sri Lanka, was made an official language of the country. After 67 years since gaining Independence, the National Unity Government upheld the practice of singing the National Anthem of Sri Lanka in both Sinhala and Tamil by singing the Anthem in both languages at the Independence Day celebration in 2016. This is now a mandatory practice for all Government establishments and official functions both in Sri Lanka and overseas.

Civil servants and Police officers have been recruited and trained to serve the public in the North and the East in the language of their choice. Taking into account the barriers faced by women in the North and East in accessing law enforcement mechanisms, the Sri Lanka Police has deployed 279 female police officers to Children and Women's Desks in the North and the East. A special rapid recruitment drive has also been initiated to recruit 200 female

Tamil speaking police. Furthermore, a training centre has been exclusively established in Mahiyangana to conduct Tamil language courses for Sinhala speaking police officers. Since 2012, approximately 2,000 Sinhala speaking police officers have been trained. We appreciate the references in the Report to the steps taken by the Government to promote multilingualism and the Government's Trilingual Policy. We are cognizant of the fact that there are many challenges that need to be addressed in this area.

Mr. President,

With regard to land release, 5,515.98 acres of state land and 2,090.03 acres of private land were released in 2016 and 1,383.51 acres of state land and 30.54 acres of private land were released in January 2017. With the release of land, there are a number of socio – economic issues that need to be addressed such as housing, sanitation, water supply and other basic facilities and infrastructure including access roads, schools, hospitals and so on to provide durable solutions to the people. As such, with the implementation of resettlement and development programmes for the IDPs, the Government has:

- constructed 11,253 houses, during the year 2016, and handed them over to the needy families;
- 2,170 partly damaged houses have been renovated and 7,598 toilets have been newly constructed last year;
- Livelihood assistance has been provided for 12,050 conflict affected families;
- 171 internal roads, 29 schools, 23 hospitals and health centres have been renovated; 1,202 common wells and 29 community water supply projects have been constructed and 3,371 water connections provided in the resettled areas to facilitate the resettled people;
- A “National Policy on Durable Solutions for Conflict-Affected Displacement” was approved by the Cabinet of Ministers to provide guidance on this matter. This policy is the outcome of extensive consultations with line Ministries, National Provincial and District level stakeholders, UN agencies, Civil Society organizations and displaced communities conducted over a period of one year.

After the conflict, most of the Muslim IDPs have been resettled in their places of origin. A special Task Force has been formed to attend to the needs of the Muslim IDPs and funds have been allocated for the projects identified by the Task Force for projects related to the resettlement of Muslim IDPs. However, some IDPs are hesitant to move back to their place of origin, given that they have become accustomed to and resettled in other parts of the country.

We are proud to have as the Leader of Opposition in Parliament, a member of the Tamil community, Mr. R. Sampanthan, who is the leader of the Tamil National Alliance (TNA). We are committed to building a society where appointments to public institutions and public office

are made on the basis of merit and not influenced in any manner by extraneous considerations such as ethnicity, religion, class or gender. Currently, in Sri Lanka, there are 9 Muslim and 5 Tamil Members of Parliament who hold the rank of Minister, State Minister and Deputy Minister. After a lapse of 26 years, the Northern Provincial Council Election was held on 21 September 2013, for the first time since the introduction of the Provincial Council system in Sri Lanka in 1987. As such, today, the elected representatives of the Tamil and Muslim people have a voice not only at the Centre but also at the provincial level.

At the Presidential election held in January 2015, 81.52% of the registered voters in Sri Lanka from all parts of the island, including the former conflict affected areas in the Northern and Eastern provinces, exercised their franchise. This election recorded the highest voter-turnout in the history of the country, with all communities exercising their franchise.

The Government fully recognizes that women and girl children are a vulnerable group of the population particularly in the post-conflict context and has accorded priority to addressing their grievances. In the post-conflict phase, Sri Lanka has naturally seen an increase in women-headed households. The Government takes its responsibility towards addressing the special needs of this group of women very seriously and works with UN Women, UNFPA and other international agencies, civil society as well as bilateral partners to address their concerns and requirements. Their concerns are receiving attention at the highest levels of Government. The Cabinet approved the formulation of an Action Plan for Women Headed Households in September 2016. In the Action Plan, female ex-combatants who also form women headed households are recognised as a separate group with special vulnerabilities and with fewer prospects for education, employment and relationships due to social stigma. In addition, the NHRAP, elaborates on the measures to improve the state response and action to meet the basic needs of WHHs in a cohesive and holistic manner and to reduce poverty among WHHs.

Several livelihood and income generating programmes have been implemented by the Government to address the needs of women and their economic and social rights, particularly WHHs in the Northern and the Eastern provinces. In 2016, Rs. 75 million has been allocated under a special project for 10 districts in the Northern, Eastern and North Central provinces for war widows and low income earning WHHs selected on a priority basis. Further, Programmes have been implemented targeting widows and WHHs in the conflict affected areas as a component of the 'Divi Neguma' programme.

In relation to the land ownership issues faced by rural women and WHH, in particular those affected by the conflict, a draft amendment to the Land Development Ordinance has been submitted to the Legal Draftsman for finalization.

The Government is mindful of the concerns regarding certain personal and customary laws having a discriminatory impact on women in particular, the Kandyan law, the Thesawalamai

and the Muslim law and these aspects are being addressed, through policy interventions and legislative reforms. The application of personal laws arises only in the context of marriage, divorce, succession and property rights. The Tesawalamai, Muslim and the Kandyan laws have now been modified and restated by legislation. Tesawalamai and Kandyan laws, to a large extent, are based on a territorial application, while Muslim law is based on the principles of the Islamic faith.

Sri Lanka's legal system is a unique blend of customary and personal laws which are constantly being reviewed, but the call for change in any laws which are seen to be discriminatory require a circumspect approach from the legislators, in the long term, out of necessity, lest the communities to which the personal and customary laws apply consider it intrusive and a violation of their community rights. Accordingly, the Government has sought the assistance of eminent persons in the Muslim Community who are well versed with Muslim law and the system of Quazi Courts to consider reforms to Muslim law. This Committee is headed by a sitting Supreme Court judge. These discussions have been conducted in a positive manner and are ongoing. Regardless of the origins, race or religion, any Sri Lankan can enter into a marriage under the General Marriages Ordinance. Thus, the application of personal laws are not automatic, but a matter of choice of the individual.

The Government has given considered attention to facilitate the full exercise of economic, social and cultural rights of the people living in the plantation /estate sector. Children of the plantation community have been integrated into the national system of education starting from early 1970s. The plantation community in Sri Lanka are mainly in the Central province of the country including districts of Nuwara Eliya, Badulla, Rathnapura and Kandy. Schools in these districts benefit from special donor assisted programs with funding from international donor agencies. A National College of Education was established in the heart of the Plantation area to train plantation youth with GCE A/L qualifications as teachers for plantation sector schools. We acknowledge the issues of comparatively high levels of unemployment among the young people in this community, and the need for more investments in the education and housing in this sector.

While admitting the need to pay more attention to perceived grievances, the developments within this particular community needs to be examined in the historical context, from a 'stateless situation', where all were disenfranchised, but later given the option to either obtain Sri Lankan citizenship or to return to India, arranged through a series of bilateral Agreements with India and by legal enactments and last such move was done in 2003 under the Citizenship Act 35. It may also be noted that the UNHCR 'Good Practices Paper' - has recognized these efforts by Sri Lanka as "one of the best examples of how legal and policy reform combined with a citizenship campaign can resolve a long-standing situation of statelessness within a short period of time".

Mr. President,

In conclusion we thank the Special Rapporteur for Minority Rights for accepting the invitation of the Government and undertaking a visit to Sri Lanka. Sri Lanka considers its engagement with Special Procedures as an important component of its reconciliation efforts and steps being taken to uphold the human rights of all her citizens. Accordingly, we will continue to stay engaged closely with the Special Procedures Mandate Holders in the spirit of open and constructive engagement, for the benefit of the people of the country.

Madam Rita Izsák's Report on her visit is being studied carefully, and, with Sri Lanka's renewed commitment towards greater engagement with human rights mechanisms and the international community, and the promotion and protection of rights in the context of ensuring non-recurrence of conflict, action will be taken to implement the recommendations in consultation with the relevant stakeholders.

Thank you.