



**General Assembly**

Distr.  
GENERAL

A/HRC/8/46  
5 June 2008

Original: ENGLISH

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HUMAN RIGHTS COUNCIL  
Eighth session  
Agenda item 6

**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review**

**Sri Lanka \***

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\* Previously issued under the document symbol A/HRC/WG.6/2/L.12; minor revisions have been added under the authority of the secretariat of the Human Rights Council, on the basis of editorial changes made by States through the ad referendum procedure. The annex is circulated as received.

GE.08-14144

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its second session from 5 to 19 May 2008. The review of Sri Lanka was held at the 12th meeting on 13 May 2008. The delegation of Sri Lanka was headed by Hon. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights. For the composition of the delegation, composed of 17 members, see annex below. At its 17th meeting held on 19 May 2008, the Working Group adopted the present report on Sri Lanka.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Sri Lanka: Ukraine, Cameroon and Bangladesh.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Sri Lanka:
  - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/2/LKA/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/2/LKA/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/2/LKA/3).
4. A list of questions prepared in advance by Canada, Denmark, Germany, Ireland, Latvia, Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Sri Lanka through the troika. These questions are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 12th meeting, on 13 May 2008, Hon. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights of Sri Lanka, introduced the national report of Sri Lanka, which, he stressed, presents a descriptive and accurate picture of the prevailing human rights situation and identifies national priorities and capacity-building needs. He said that the national report highlights strengths and identifies challenges Sri Lanka faces as a nation in its efforts to promote and protect human rights. He welcomed the opportunity to candidly discuss vital human rights issues pertaining to Sri Lanka. He said that Sri Lanka is committed to full cooperation with the Human Rights Council and views its voluntary participation in this process as a further indication of this commitment. Sri Lanka has taken an active part in institution-building initiatives of the Council. Sri Lanka has worked to develop the UPR process. He stated that Sri Lanka expects the process to be cooperative in nature, based on an open dialogue with Sri Lanka's full involvement, involving also due consideration to capacity-building needs. Hon. Samarasinghe said that all rights are mutually reinforcing and interdependent, and the Government believes equal attention should be given to civil and political and economic, social and cultural rights as well as the right to development. It is the Government's primary duty to safeguard the human rights of all Sri Lankan people. A positive obligation is cast upon the branches of Government to safeguard those rights, which find expression in Sri Lanka's Constitution. The Government has fulfilled international obligations through

participation in most key human rights instruments and labour conventions, the full implementation of which is also one of its goals.

6. The Government's ultimate aim is to implement a National Action Plan on the Protection and Promotion of Human Rights (NAP).

7. The Government firmly believes in building strong and independent national institutions which can sustain and deliver on their mandates to promote and protect human rights. The Government welcomes technical assistance and capacity-building initiatives but view them as temporary remedial measures. The Government does not want to supplant national institutions with international bodies, as the best guarantee of sustainable progress in any field is through generation of national ownership.

8. Hon. Samarasinghe said that he would like to respond to two interlinked themes noted in some of the questions put in advance. The first is the establishment in Sri Lanka of an Office of the High Commissioner for Human Rights. He said that in fact, the Office is already represented since June 2004 in Sri Lanka by a Human Rights Adviser within the United Nations Country Team, supported by a national legal officer and an assistant. The Government is not in agreement with the suggestion for the establishment of a monitoring mission. The imposition of foreign institutions will stifle the potential for growth of national institutions charged with these functions at present. Sri Lanka cherishes and wishes to nurture national institutions which benefits all its people.

9. The second theme related to the National Human Rights Commission (NHRC) of Sri Lanka. This national commission is a vital cog in the human rights promotion and protection machinery. It is a vibrant, independent institution of the State and supports and buttresses the range of institutional frameworks outlined in the national report. It can do with technical support. An initiative has been taken to propose to Parliament that it should focus attention on strengthening the constituting enactment of the Commission. A Parliamentary Select Committee will look into this and propose legislative measures to ensure that lessons learned are taken heed of and any shortcomings are corrected.

10. The 17th Amendment to the Constitution created a multi-party body – the Constitutional Council – that contributes to the appointment of certain independent national institutions and offices of Sri Lanka. The Parliamentary Select Committee on the 17th Amendment has drafted an interim report, which makes recommendations for the reformulation of the Amendment so as to overcome perceived deficiencies and avoid impasses such as those which prevented the formation of the Constitutional Council in the past. Once the report is endorsed by Parliament, the President of Sri Lanka has stated that he will take immediate steps to place before the Cabinet of Ministers the relevant constitutional amendments, so as to bring them before the legislature to overcome such roadblocks to the effective functioning of the Constitutional Council.

11. Sri Lanka has maintained a record of openness and constructive engagement with the special procedures associated with the United Nations human rights system. Over the years, Sri Lanka has not hesitated to invite special procedure mechanisms even under difficult circumstances brought about by the grave threat of terrorism. They all acknowledged the Government's facilitation of their visits and engaged in free and frank dialogue with the Government and other stakeholders. In the context of the policy of constructive engagement, Sri Lanka will consider each request for an invitation on its merits, and so the question of a standing invitation does not arise.

12. The Government of Sri Lanka has taken several measures to ensure the safety of humanitarian workers and has given them access to populations in need. Restrictions, if any, are to ensure that these persons are not caught up in the conflict or its fallout. All fatalities and incidents

where these workers have been harmed in any way are being and will be investigated and any breaches of the law punished.

13. The Tamil Makkal Viduthalai Puligal (TMVP) is a lawfully and validly registered political party under the electoral laws of Sri Lanka. It took part in two highly competitive electoral campaigns, the second of which has just successfully concluded with 65.78% of voters exercising their franchise. The Government has thus successfully created a conducive environment for democratic pluralism and facilitated the entry into the political mainstream of groups who hitherto resorted to armed violence in the pursuit of a separate State. This constitutes the first step in the realization of effective devolution of power based on the 13<sup>th</sup> Amendment to the Constitution. The high voter turnout in the Eastern Province also demonstrates not only an interest in protecting democratic rights, denied for two decades by the forces of terror, but also confidence in the commitment of the Government to devolve far-reaching powers to the provinces to address the genuine grievances of the people in these areas. The induction of groups who have previously resorted to terror into the mainstream of politics is a gradual process which cannot be achieved overnight. This development, which is entirely salutary in the context of re-democratization of the Eastern Province, should not be confused with the existence of armed paramilitary groups. Complete disarming of paramilitaries will take place when normality is restored, sporadic threats from the Liberation Tigers of Tamil Eelam (LTTE) die down and democracy takes a firmer foothold.

14. Hon. Samarasinghe said that a very important factor confronting States in fighting terrorism is the phenomenon of terrorist fund-raising. It is universally acknowledged that such fund-raising, both direct and indirect through so-called charitable fronts, provides a vital resource to sustain terrorist campaigns that destabilize democracies and lead to violations of human rights. It is therefore imperative that the States of the international community effectively discharge its obligations in terms of relevant Security Council resolutions and international conventions by taking effective measures to counter fund-raising efforts in their territories and the transmission of such funds to other States to perpetrate acts of terror.

15. Sri Lanka believes that a strong, independent and vigilant media is a sine qua non for democracy to thrive. The Constitution enshrines the freedom of thought, the right to hold opinions and the freedom of expression. Courts have gone further in holding that this also encompasses the right to receive and impart information. The Government is perturbed by the alleged attacks on media workers and especially repulsed by the killing of media workers. The Government in no way condones or endorses any such attacks. All complaints will be impartially and thoroughly investigated.

16. As regards the issue of child soldiers, the Hon. Samarasinghe stated that the Government of Sri Lanka reiterates the position taken in its national report and emphasizes its zero-tolerance policy supported by strong legislative measures. The Government was encouraged that the TMVP facilitated the release in April of 39 children held by the paramilitary group known as the Karuna Faction. The Government is pleased to note that UNICEF has recorded a drop of children held by the Karuna Faction from 164 in January 2008 to 76 at the end of April. Unfortunately the figures for the LTTE are not as encouraging. The Government has called on all groups that have used children in armed conflict to cease the practice immediately and to release all minors in their custody.

17. In respect of the rights of freedom of religion, Sri Lanka has a non-derogable constitutional provision guaranteeing freedom of religion. This is the standard against which all proposed legislation, including anti-conversion legislation, is assessed. The question of unethical conversion

has been examined by a committee of experts appointed by the Minister of Human Rights to assess the recommendations of the Special Rapporteur on freedom of religion or belief.

18. The Sri Lanka Monitoring Mission (SLMM) was established under the Ceasefire Agreement, which was terminated by the Government for the reason that it was continuously being breached by the LTTE. With the termination of the Ceasefire Agreement (CFA) the SLMM automatically ceased to exist. Conversely, the International Independent Group of Eminent Persons (IIGEP) was the outcome of an attempt of the Government to synthesize the domestic inquiry process with an international observer group with a defined mandate with respect to specific cases in order to ensure the observance of international norms and standards. It would be evident therefore that the mandate of these two mechanisms were specific and not of a general nature to monitor human rights.

### **B. Interactive dialogue and responses by the State under review**

19. During the ensuing interactive dialogue, statements were made by 56 delegations. A number of delegations praised Sri Lanka for the quality of its national report, which identified national priorities, capacity-building and technical assistance needs. The open and positive approach taken in the preparation of the review was also commended. A number of delegations also highlighted Sri Lanka's meaningful contributions to the Human Rights Council, Sri Lanka's ratification of most core international human rights instruments, its cooperation with United Nations mechanisms; its democratic standing; the well developed institutional framework to promote human rights; inter alia the establishment of the Permanent Inter-Ministerial Standing Committee on Human Rights and of the NHRC; the adoption of the NAP. Delegations further stressed Sri Lanka's valuable commitments and efforts made despite a number of long lasting challenges; including prolonged armed conflict and natural disasters. Remarkable achievements were also noted in the advancement of economic, social and cultural rights, including women's health and survival.

20. Ukraine encouraged the cooperation with international mechanisms in order to implement human rights at all levels of society and to participate in the core human rights treaties as well as special procedures of the Human Rights Council. It welcomed the establishment in 2006 of the NHRC, but expressed concern about the lack of implementation of the Commission's recommendations. It recommended that Sri Lanka strengthen the NHRC with the purpose of implementing all its recommendations.

21. Canada noted that the human rights situation in Sri Lanka continues to deteriorate and that the IIGEP has pointed to the fact that a year-long history of its recommendations remains unaddressed. It recommended that Sri Lanka (a) provide for the independence of national human rights protection institutions, including through implementation of the 17th Amendment; (b) take measures to ensure access to humanitarian assistance for vulnerable populations and to protect civilians, including human rights defenders and humanitarian workers; (c) continue to take steps to ensure that those organizations, with which it is affiliated, like the TMVP, stop recruiting child soldiers and release them, and (d) investigate all allegations of extrajudicial, summary or arbitrary executions and bring the perpetrators to justice in accordance with international standards in order to combat impunity for human rights violations. Canada specifically referred to the public hearings of the Commission of Inquiry which implicated members of the Government and security forces in the murder of workers of *Action Contre le Faim* and of five boys in Trincomalee.

22. Bahrain noted Sri Lanka's continuous efforts to eliminate poverty and strengthen the right of health and education. It requested additional information on the human rights concepts included in the school curricula and their impact on the quality of teaching.

23. India noted that Sri Lanka has identified its own national priorities and technical assistance needs. It sought further information about the laudable initiative to facilitate greater communication amongst communities through language study. It also noted the success achieved by Sri Lanka in providing free education to its people and the establishment of the Steering Group to draft a constitutional charter of rights, as well as the country's cooperation with the United Nations system.

24. Cuba noted the difficult situation Sri Lanka faced, with prolonged internal conflict, and that a solution was sought through national reconciliation and development of a structure to restore national security and social welfare. It welcomed the considerable success achieved in the areas of health and education and recommended that OHCHR work in coordination with the Government to develop capacity and strengthen the national institutions; and that OHCHR make an effective contribution to strengthen the NHRC.

25. Palestine congratulated Sri Lanka for conducting the first ever elections of the Eastern Provincial Council, which is a vivid indication of its commitment to human rights and democracy. It encouraged Sri Lanka to enter into further agreements with countries hosting Sri Lankan migrant workers.

26. Sweden raised the issue of numerous disappearances and child recruitment, not only related to the LTTE. In spite of numerous national efforts, impunity persists. Calls made for independent international monitoring of the situation has not yet been accepted by Sri Lanka. Sweden urged that (a) measures against impunity in relation to disappearances and child recruitments as well as (b) an acceptance of independent international monitoring be taken up as recommendations.

27. Belgium condemned the continued recruitment of child soldiers by the LTTE troops. TMPV, which remains close to the Government, also recruits child soldiers. It recommended to Sri Lanka to take judicial and other measures to put an end to the complicity of the army and police in the recruitment of child soldiers in zones under its control. It noted efforts underway with the assistance of the international community for the rehabilitation of child soldiers. The Special Rapporteur on the question of torture noted cases of child soldiers who were arrested and remain under the authority of the anti-terrorist department. Belgium recommended to Sri Lanka to (a) step up its efforts for the rehabilitation of child soldiers – in particular through enhanced cooperation with the international community – and to adopt measures necessary for their rehabilitation in an appropriate environment, (b) allow OHCHR to strengthen its presence in Sri Lanka in order to reinforce its cooperation and monitoring given the particular serious human rights situation and (c) take the necessary measures to ensure the return and restitution of housing and lands in conformity with international standards for internally displaced persons.

28. Portugal noted the visits of two Special Rapporteurs who reported the widespread practice of torture and extrajudicial killings, and enquired about the measures taken to combat impunity; that Sri Lanka lacks an effective international human rights monitoring system and has ignored the High Commissioner's request to establish an independent OHCHR presence; security problems, sexual abuse, child recruitment, and poor living conditions with respect to housing, health care and education in IDP camps. It recommended to Sri Lanka: (a) to address torture and implement safeguards to prevent torture and extrajudicial executions and (b) combat impunity; (c) reconsider establishing a local OHCHR presence with monitoring capacities; (d) increase its cooperation with UNHCR, provide unrestricted access for international humanitarian aid, (e) ensure protection and security in IDP camps; and while safeguarding the rights to return and restitution, adopt a policy to provide IDPs with adequate interim housing solutions.

29. Nepal noted that despite the difficult situation resulting from the armed conflict, Sri Lanka has deployed resources in the fields of education, health, women's empowerment and the protection

of children. Nepal noted with satisfaction the impressive rank of Sri Lanka in the global Human Development Index and the efforts made in resolving the ethnic conflict through a negotiated settlement. It also noted that Sri Lanka's judiciary is independent.

30. Luxembourg noted numerous concerns regarding violations of children's rights, as well as conscriptions and abductions of children in the immediate vicinity of the official security sites. Luxembourg recommended to Sri Lanka to (a) pursue the ongoing inquiries into allegations of violations of children's rights, such as conscriptions and abductions of children in the near vicinity of official security sites, and to adopt vigorous measures to prevent such grave violations, in particular in areas held by the government; and (b) take other urgent measures for the re-integration of children who have surrendered to the governmental forces asking for special protection and that are currently held in prisons. Luxembourg also noted the weak representation of women in political decision-making bodies, and regretted a drastic increase in domestic violence and inquired about the measures envisaged in this regard.

31. The Russian Federation asked how Sri Lanka took into account the need to protect human rights during anti-terrorist operations and in dealing with the consequences of the Tsunami. Also, noting the considerable needs for technical assistance with regards to human rights capacity, it asked whether Sri Lanka had sent any request to OHCHR, and with what result.

32. Ireland recommended that Sri Lanka (a) take measures to safeguard the freedom of expression and effectively investigate allegations of attacks on journalists and media personnel and prosecute those responsible; (b) take measures to protect human rights defenders and their work and effectively investigate allegations of attacks on human rights defenders and prosecute those responsible; (c) ensure that the NHRC is a pluralist and independent body and that its establishment is in compliance with the Paris Principles; (d) address the concerns raised by the Special Representative of the Secretary-General on the situation of human rights defenders regarding the registration of NGOs with particular regard to the need to avoid unduly constraining the activities of civil society; and (e) permit the establishment of an OHCHR presence to monitor the human rights situation in the country as well as to take measures to improve the humanitarian access, with particular regards to ensuring that access to vulnerable populations and ensuring the safety of humanitarian workers.

33. France asked what measures are envisaged to ensure the independence of the NHRC and how it will ensure follow-up to the recommendations of the Special Rapporteur on the question of torture. France recommended that Sri Lanka (a) sign and ratify the International Convention for the Protection of All persons from Enforced Disappearance, (b) adopt measures to shed light on a number of existing enforced disappearances and comply with the request to visit by the Working Group on Enforced or Involuntary Disappearances. France enquired what steps were intended to address impunity and recommended (c) that Sri Lanka ratify the Rome Statute on the International Criminal Court and (d) that the recommendations of the Special Rapporteur on the question of torture be implemented in accordance with a set timetable.

34. Finland enquired how protection of civilians is ensured during the conflict and expressed particular concern for the situation of journalists and abducted children. It noted the departure of the SLMM and how the discontinuation of IIGEP has created a gap in the monitoring and reporting of the human rights situation. It recommended to Sri Lanka (a) to accept an independent OHCHR presence and allow the entry of international human rights monitors; (b) to 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.

35. Bhutan noted and commended Sri Lanka on the success in the area of economic, social and cultural rights, manifested through the achievement of the highest Human Development Index ranking in the sub-region. It recommended that Sri Lanka further continue its programmes to develop former conflict zones in order to bring afflicted communities at par with those living in other provinces. It recommended that the international community, particularly those in a position to do so, consider how support may be extended to assist Sri Lanka in bridging existing gaps in order to enable them to move closer to the effective realization of the full range of human rights for all Sri Lankans.

36. The Holy See commended Sri Lanka on the numerous national human rights mechanisms put in place and attention was drawn to the plight of the many child soldiers who are enrolled by the Tigers, but also, as confirmed by many reports, by the Karuna group, which seems close to the Government. The Holy See encouraged the authorities of Sri Lanka to investigate the involvement of the paramilitary Karuna Group of abducting children for use as soldiers. The Holy See requested Sri Lanka to share the findings of the special bodies created to stop the persistent pattern of enforced disappearances and the measures put into place to address this problem.

37. China noted the setting up of the NHRC and the inter-ministerial committee on human rights, and the active cooperation with human rights mechanisms. Good progress has also been made with regard to the Millennium Development Goals, as well as in the Human Development Index. China also noted the continuous efforts to promote and protect human rights despite huge difficulties due to terrorism and armed conflict, and asked about the status of the preparation of the NAP and recommended that Sri Lanka, with the support of the international community, continue to enhance the capacity-building of its national human rights institutions.

38. Saudi Arabia commended the efforts made to ensure conformity with international civil and political rights as well as the Universal Declaration of Human Rights, and noted that inter alia the adoption of the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) proves its commitment to promote and protect human rights for all its citizens. Saudi Arabia asked about steps taken to protect social, political, cultural, and economic rights of minorities in Sri Lanka.

39. Mexico noted the moratorium on capital punishment, asked for additional information on the bill for the protection of victims and witnesses, and enquired whether there is a timeframe for its approval and whether it will apply to victims of human rights violations. Mexico recommended that (a) Sri Lanka step up its activities to eliminate discrimination against ethnic minorities in terms of enjoyment of the full range of human rights, in line with the comments of the Committee on Economic, Social and Cultural Rights (CESCR), Committee on the Elimination of Racial Discrimination (CERD), Committee on the Rights of the Child and Committee on the Elimination of Discrimination against Women (CEDAW). Mexico also noted the drafting of a human rights charter under the Constitution and recommended that (b) Sri Lanka take into account the comments of the Human Rights Committee that it include all the substantive provisions of the ICCPR within its national legal structure. Finally, Mexico urged Sri Lanka to (c) implement various recommendations made by treaty bodies and special procedures to ensure that security measures adopted in the context of armed violence including the state of emergency the 2005 emergency laws and measures to combat terrorism comply with international human rights law.

40. The Syrian Arab Republic noted the progress made in vital sectors, in particular social services, education, and the empowerment of women, in addition to the establishment of the NHRC and the possible introduction of a human rights charter. It recalled, also, that the Special Rapporteur on freedom of religion and belief had previously indicated that Sri Lanka enjoys a high level of religious harmony and freedom of belief. Syria enquired, however, about how Sri Lanka could

provide services, aid and salaries to areas under the control of the LTTE and the challenges it is facing in this respect.

41. Austria highlighted the high number of IDPs and asked for additional information about their situation as well as Sri Lanka's strategy to find durable solutions, in particular for those remaining in camps and whose return to their places of origin is impeded by the designation of High Security Zones. Austria recommended that necessary measures be taken to safeguard the human rights of IDPs in accordance with applicable international standards and that particular emphasis should inter alia be given to increased information-sharing as well as consultation efforts as a means to reduce the prevailing sense of insecurity among IDPs and facilitate reintegration in areas of return. Austria furthermore recommended that measures be taken to ensure the provision of assistance to IDPs and the protection of human rights of those providing such assistance. Austria lastly recommended that measures be taken to ensure the effective implementation of legislative guarantees and programmes for the protection of witnesses and victims.

42. Colombia requested information about the results of the campaign to eradicate violence against women as well as about measures taken to ensure greater representation of women in public life.

43. Slovenia asked for clarification on the situation of Up-Country Plantation Tamil and what Sri Lanka is doing to alleviate their difficult situation, especially in regard to the denial of rights to register on voter lists or have Tamil recognized as an official language. Slovenia enquired what the minimum age for voluntary recruitment into Sri Lanka's armed forces exist, and if so what it is, and about safeguards to ensure that recruitment is not forced. Slovenia recommended to Sri Lanka to: (a) take measures to award Up-Country Tamils with the full set of civil rights, including the right to vote; (b) investigate allegations of forced recruitment of children by the TMVP/Karuna faction and hold accountable persons found in violation of CRC and its Optional Protocol; and (c) promptly invite the United Nations to establish a presence in Sri Lanka, the mandate of which would include protection, monitoring, investigation and reporting.

44. The Philippines appreciated that, despite major challenges such as a separatist group that sows terror and an unforgiving nature, Sri Lanka improved its ranking in Gender Equality, Global Competitiveness and other indexes, particularly ranking first in terms of women's health and survival, which indicates Sri Lanka's consistent progress in political, cultural, social and economic spheres, and has built up an environment conducive to the promotion and protection of human rights.

45. Belarus noted that the fight against terrorism has been diverting Sri Lanka's resources. It asked whether Sri Lanka is satisfied with its cooperation with international organizations on anti-terrorism measures, and asked what the international community could do to increase the effectiveness of the fight against terrorism. Belarus recommended that Sri Lanka actively draw upon the assistance of the international community in the anti-terrorism process and in overcoming its negative consequences.

46. Pakistan enquired about the proposed Constitutional Charter of Rights and the status of the 13th Amendment to the Constitution. Pakistan recommended to OHCHR work closely with Sri Lanka to build the capacity of its national institutions and the international community to assist Sri Lanka's counter-terrorism strategies, especially by countering terrorist's fund-raising efforts in their territories and in accordance with Security Council resolutions and international conventions.

47. New Zealand expressed concern about the reported increase in enforced disappearances, extra judicial killings and violations of international humanitarian law since the resumption of

hostilities, and about the little concerted efforts to effectively investigate such violations. It asked about steps to protect the human rights of victims from minority communities which are disproportionately affected. While noting the zero-tolerance policy for child recruitment and steps made to rehabilitate former child soldiers, New Zealand remained concerned at reports that child recruitment continues. New Zealand recommended that Sri Lanka take further steps to improve the effectiveness of its measures to combat the recruitment of child combatants and welcomed Sri Lanka's comments on this proposed recommendation.

48. Brazil, while welcoming the adoption of institutional measures, expressed concern about the implementation of international human rights treaties and about integration and harmonization of its national legislation therewith. Brazil enquired about measures taken to strengthen the independence, impartiality and effectiveness of the NHRC and to guarantee the rule of law, particularly in the context of the 'Emergency Regulations.' Brazil recommended to Sri Lanka to (a) extend standing invitations to the special procedures and (b) ratify the Optional Protocol to the Convention against Torture.

49. Romania noted the creation of a commission to investigate allegations of abduction and recruitment of child soldiers by various forces, and enquired about how it operates, results achieved, and other measures Sri Lanka will take to fully implement its obligations under Optional Protocol to CRC on the involvement of children in armed conflict. It recommended to Sri Lanka to investigate the role of security forces in child recruitment and hold those responsible accountable. Romania requested information on Sri Lanka's intentions to combat child labour, the results achieved, and the lack of minimum age for marriage.

50. Addressing the Working Group, the Permanent Representative of Sri Lanka to the United Nations Office at Geneva, Dr. Dayan Jayatilaka, stated that, the political component of the Government's approach to the resolution of the ethnic conflict is the maximum devolution of power within a unitary constitutional framework. The 13th Amendment, strives precisely to achieve political autonomy. Having militarily liberated the Eastern Province, the Government has just concluded the elections which has re-empowered the eastern Provincial Council. The Government intended to do the same in the northern province. The President of Sri Lanka has promised that the north, just like the east, will be militarily liberated and politically empowered by the holding of elections to an autonomous provincial council in the north. The President has appointed a high-level National Task Force for the northern province which will implement the programme of reconstruction and rehabilitation. The Government is attempting to revive, restore and re-activate the 13th Amendment which provides for full devolution of powers within a unitary State.

51. Responding to questions raised by States, Sri Lanka's Attorney General Hon. C.R. De Silva, PC, stated that notwithstanding the serious nature of the security situation prevailing in Sri Lanka resulting from a reign of terror unleashed by the most ruthless terrorist organization in the world, the LTTE, it is not the policy of the State to adopt and enforce extraordinary measures that are outside the framework of the law. The Government has steadfastly insisted that all agents of the State should necessarily carry out arrests, detentions and investigations including interrogations, in accordance with the due process of the law and in a manner that would not infringe human rights.

52. As regards the issue of disappearances, it is not safe to consider the nature and the magnitude of the problem on the basis of unsubstantiated statistics. The Government is studying credible reports and information so as to identify the nature of the problem, its magnitude, possible reasons, and the identities of those who are responsible. It is not the policy of the State to illegally and surreptitiously arrest persons and detain them in undisclosed locations or to extrajudicially eliminate arrested and detained suspects. He said that the Government is determined to ensure that all complaints are comprehensively and impartially investigated into, perpetrators identified, and

evidence against them collected, so that such persons can be prosecuted. During the past decade, criminal proceedings have been instituted against 599 members of the security forces and the police with regard to their alleged involvement in abducting persons, detaining them unlawfully and extrajudicially eliminating persons in custody. The process of investigation and prosecution may not be as expeditious as one would like it to be. What is important is that the due process of the law and justice has been set in motion and is moving in the correct direction. The allegation of torture is also one that concerns our Government. Both the Committee against Torture (CAT) and the Special Rapporteur on the question of torture concluded that the practice of torture was not systematic in Sri Lanka. Unfortunately torture may be possibly occasionally used by certain overzealous investigators on certain occasions as an investigative tool to extract the truth from persons under interrogation. Perpetrating torture is a violation of an important fundamental right enshrined in the Constitution and an offence under the criminal law of Sri Lanka, which imposes very serious punishment. A special agency of the police has been specially mandated to carry out criminal investigations into all complaints of torture. During the last 12 months alone, criminal proceedings have been instituted against 61 police officers with regard to their alleged use of torture in the course of criminal investigations. All alleged perpetrators of human rights violations would be prosecuted. Measures necessary to expedite the process of investigation, launch prosecutions and conduct trials would be adopted. The Government refutes the allegation of impunity.

53. Latvia commended Sri Lanka on its decision to let a certain number of the Special Rapporteurs to visit Sri Lanka and encouraged Sri Lanka to build on these visits and to issue standing invitations and to agree to all outstanding requests by the special procedures of the Human Rights Council.

54. Germany regretted the abrogation of the ceasefire agreement with the LTTE, which led to the termination of the SLMM in March 2008. Clarifications were sought about concrete measures intended to compensate for the void created in terms of monitoring and effectively addressing human rights violations committed in the wake of ongoing civil war hostilities and in anti-terrorist strategies. Germany recommended that Sri Lanka restore and ensure the independence of its National Human Rights Commission, in accordance with the Paris Principles.

55. The Czech Republic enquired about the measures Sri Lanka has adopted to eliminate torture, especially regarding human rights defenders and detained persons, and ensure torture victim's access to justice, including witness protection and assistance programmes. The Czech Republic recommended to Sri Lanka to: (a) adopt measures to strengthen the rule of law; prevent human rights violations, including enforced disappearances, extrajudicial executions and torture; ensure punishment of those responsible; and include, inter alia, systematic review of all detention areas; establish an independent complaint mechanism in prisons, and prompt, impartial investigation into allegations of torture as well as protection for witnesses and others alleging torture or ill-treatment against reprisals, intimidation and threats; (b) ensure full incorporation and implementation of the provisions of international human rights instruments at the national level, in particular ICCPR and CAT; (c) adopt concrete measures to strengthen the function and independence of the National Human Rights Commission; and (d) ratify the Optional Protocol to CAT and, (e) support the recommendation of the Special Rapporteur on the question of torture and establish an OHCHR field presence with the mandate to monitor Sri Lanka's human rights situation and provide technical assistance, particularly regarding judicial, police and prison reform.

56. Italy (a) recommended that Sri Lanka take further active measures in order to put an immediate end to forced recruitment and to the use of children in armed conflicts by all factions, including the Karuna Group; It enquired whether Sri Lanka was considering to take further steps towards a complete abolition of the death penalty, and recommended that (b) Sri Lanka allow

United Nations human rights mechanisms and OHCHR to establish and reinforce their presence in the country in order to guarantee an independent monitoring of the human rights situation in Sri Lanka.

57. The Netherlands emphasized that the fight against terrorism has to remain within the boundaries enshrined in the international human rights instruments. The Netherlands welcomed the national plan of action and recommended (a) that the national plan of action provide specific benchmarks within a given timeframe, (b) that it establish the Constitutional Council as foreseen by 17th Amendment to the Constitution as soon as possible, and that this Council be mandated to appoint a number of commissioners to public Commissions, such as the NHRC and the Police Commission. The Netherlands remained concerned at allegations of serious human rights violations and recommended that (c) Sri Lanka agree to the re-establishment of an international human rights monitoring presence in the country.

58. Poland noted that freedom of expression is subjected to restrictions, which seems to give rise to cases of violence and intimidation of representatives of the media. Poland enquired about steps taken to implement the recommendations made by the Human Rights Committee in 2003 and recommended to Sri Lanka undertake effective measures to ensure full realization of the right to freedom of expression by all persons. It enquired about steps taken to combat sexual exploitation of children and child prostitution, especially in coastal resorts. Poland recommended to Sri Lanka to ensure that its domestic legislation is in full compliance with the Convention on the Rights of the Child. It also recommended to Sri Lanka to ensure a safe environment for human rights defenders and that perpetrators of these crimes are brought to justice.

59. Turkey noted the achievements made in the political, economic and social development fields and appreciated steps taken on human rights training, gender equality and the empowerment of women's status. Turkey enquired if Sri Lanka is considering taking the necessary steps to shorten the worrying number of trial proceedings on violence against women and encouraged Sri Lanka to try to respond in a timely manner to questionnaires sent by the special procedures.

60. Japan regretted the IIGEP's decision to terminate its mission in April. It underlined the importance for Sri Lanka to implement the recommendations made by the IIGEP to establish a workable, effective and permanent system for victims and witness protection, to ensure that all State bodies provide cooperation and the provision of immediate and necessary financial resources to the Commission of Inquiry. Japan noted the existence of fewer cases of kidnappings, forced disappearances and extrajudicial killings compared to before and expressed its hope that Sri Lanka would double its efforts to prevent similar cases and to ensure bringing all perpetrators to justice. Japan also attaches importance to Sri Lanka's efforts to resolve its human rights problems and expected it to enhance its capacity in the areas of crime investigations, the judiciary and NHRC, with the assistance of the international community.

61. Denmark was pleased to hear that Sri Lanka wants to focus attention on improving freedom of the press and enquired about the measures taken to that end. It recommended that (a) Sri Lanka undertake measures to improve safeguards for freedom of the press; it also recommended that (b) Sri Lanka accept the presence of an OHCHR field office. Noting steps taken by Sri Lanka to combat torture, torture is still widely practiced and, referring to 25 recommendations made by the Special Rapporteur on the question of torture, enquired what steps will be taken to implement them. Denmark recommended that (c) Sri Lanka immediately implement the Special Rapporteur's recommendations. It further enquired about the measures Sri Lanka employs to combat caste-based discrimination.

62. Guatemala welcomed the self-critical character of the national report. It enquired what measures are being adopted to combat cases of abuse by authorities and torture by members of the police and the armed forces, in particular cases of abuse against women in areas of conflict in Sri Lanka. Guatemala also enquired whether there are any plans to alter the minimal age of criminal responsibility.

63. Egypt commended Sri Lanka on the maintenance of its vibrant democracy, as well as on its genuine commitment to upgrade its national human rights architecture and requested information on internally displaced persons, and the adequacy of support from international organizations and donors on this matter. Egypt further enquired about steps taken to uphold and guarantee the rights of its minorities and afford them protection from military operations, and legal framework to protect them from discrimination.

64. Azerbaijan expressed its full support to efforts to preserve its territorial integrity and to completely wipe out terrorism and aggressive separatism. Sri Lanka tries to protect human rights in the conflict-affected areas and called upon Sri Lanka to continue its efforts to better ensure it. Close and frank cooperation with relevant United Nations agencies and human rights mechanisms, including the special procedures, is crucial in this process. Azerbaijan asked how the voluntary character of the return of internally displaced is ensured in the resettlement process and secondly, measures taken to address psychological trauma caused by armed conflict.

65. Indonesia stressed that Sri Lanka has maintained a continuous supply of essential goods and services to “uncleared areas”, thereby ensuring that basic needs of people are met even in times of conflict. It welcomed the restoration of democracy in parts of the country. It asked about measures taken to ensure facilitated humanitarian access to local and international agencies to enhance protection of civilians in conflict-affected areas. And, while applauding the engagement with special procedures and mechanisms, it asked about steps taken to follow up on and implement their recommendations. Regarding the downgrading of the NHRC, Indonesia asked what measures the Government intends taking to strengthen the mandate and powers of the NHRC.

66. Malaysia noted that Sri Lanka demonstrated unreserved commitment to enhancing the wellbeing of its people and in addressing challenges, constraints and gaps in human rights protection. It enquired about Sri Lanka’s legislation providing for protection of witnesses and victims and asked how child soldiers are dealt with and re-integrated into society.

67. Morocco noted that Sri Lanka’s national report was in harmony with the Human Rights Council Guidelines and that the Government consulted with stakeholders in its preparation. It encouraged Sri Lanka to continue its efforts to full implement international human rights instruments, and requested clarification about its intention to include additional voluntary commitments. Additional information was also requested about the administrative parliamentary commission and the competencies of the Ombudsman.

68. The Democratic People’s Republic of Korea noted progress made in providing essential services as well as the efforts to reach its Millennium Development Goals, especially to increase the literacy rates, school enrolment and health care outcomes. It encouraged Sri Lanka to continue with its efforts and requested to elaborate further on its plans to protect migrant workers, including women.

69. Tunisia encouraged the parties to seek a lasting peace in the conflict zones. It welcomed the results shown in the right to health and asked for more information on Sri Lanka’s efforts to ensure the right to health for all citizens.

70. Venezuela noted with appreciation the efforts made to promote and protect human rights and to mitigate poverty levels. Sri Lanka's national plans to promote social cultural and political rights were highlighted, in particular the right to health and implementation of the national health plan, on which it requested more information.

71. The Republic of Korea welcomed efforts made by the Government to promote and protect human rights, as reflected by the establishment of human rights infrastructure, despite the challenge of armed conflict. It asked about concrete measures taken to prevent the alleged abductions and recruitment of child soldiers. In addition, Sri Lanka was asked about measures taken to address the issues of discrimination against women in employment and occupation in the private sector. Sri Lanka was encouraged to continue close dialogues with the United Nations human rights mechanisms and OHCHR.

72. The United Kingdom condemned all terrorism and noted that counter-terrorism measures must be in accordance with human rights norms. It recommended that Sri Lanka (a) strengthen and ensure the independence of its human rights institutions in accordance with the Paris Principles, including the NHRC. The United Kingdom recognized a decrease in abductions and extrajudicial killings in some areas of Sri Lanka, and a strong, independent system to bring those responsible to justice, protecting against the resurgence of such activities. Sri Lanka was recommended to (b) implement the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions and take steps to verifiably disarm all paramilitary groups. The United Kingdom also recommended that (c) 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.

73. Algeria recommended that Sri Lanka further support human rights machinery and capacity-building in its national institutions to implement the human rights instruments, and that special attention be given to women in promoting education and development to increase their wages and their representation in politics and public life. It also recommended the continued work with the international community to assist with the protection of human rights, the environment, disaster risk management, HIV/AIDS and capacity-building.

74. Greece raised concern about the ending of the ceasefire agreement and the renewed military campaign and recommended that (a) Sri Lanka accept an independent international human rights mechanism on the ground as soon as possible; Greece also recommended that (b) Sri Lanka issue a standing invitation to all special procedures. It expressed concern about the increased number of reported enforced disappearances and unlawful killings, including of humanitarian workers, and requested more information on measures taken to investigate these cases. It recommended to Sri Lanka (c) to take all necessary measures to end impunity for perpetrators of violations of international human rights law and humanitarian law.

75. The United States of America noted Sri Lanka's struggle against terrorism and recommended the following: (a) re-engage with international human rights monitoring and assistance mechanisms by agreeing to establish an OHCHR field presence, whose mandate would allow unfettered access to monitor, investigate and report human rights violations and promote remedial measures, including criminal investigation, prosecution and capacity-building of domestic human rights mechanisms; (b) ensure the adequate completion of investigations into the killings of aid workers, including by encouraging the Presidential Commission of Inquiry to use its legal powers to their full extent; (c) demobilize child soldiers by assuring children serving with pro-government militias (forced or voluntary) are released and adequate resources allocated for disarmament, demobilization, reintegration, repatriation and other activities to halt the unlawful

recruitment of children; (d) Sri Lanka's plan to address the forcible recruitment of child soldiers should be publicized and (e) Sri Lanka should work with international and domestic non-State actors to halt the recruitment and use of child soldiers.

76. The Islamic Republic of Iran noted with interest a number of measures adopted to enhance the promotion and protection of human rights and to consolidate cooperation with United Nations human rights mechanisms. It encouraged Sri Lanka to increase its efforts to strengthen its legal safeguards to eliminate all forms of ill-treatment or torture in the prisons and detention centres.

77. Uruguay hoped that the recommendations made by special procedures are taken in account and duly applied. Uruguay asked about measures to ensure that detained children, including those suspected of belonging to the LTTE and those who were forcibly recruited and escaped, are separated from adults and receive special care and attention.

78. Sudan noted that terrorism is an exceptional circumstance, which impacts on the right to development and other economic and social rights. It recommended that Sri Lanka share its experience with regard to fighting rebellion and terrorism and how to overcome them, as well as on measures taken to improve its social and economic development.

79. The Secretary General of the Secretariat for the Coordinating of the Peace Process in Sri Lanka, Prof. Rajiva Wijesinha, welcomed questions regarding education and language policy, since these would serve to make clear the commitment of the Government to pluralism and equitable development. Though for many years the Official Languages Act had not been implemented properly, this was now being promoted apace and over the last decade bilingualism through education had been implemented, while making English more widely available for reasons of equity. With regard to the abrogation of the Ceasefire Agreement, it had proved positive in allowing for action based on discussion with moderate Tamils. The situation had not got worse inasmuch as for instance with regard to IDPs, United Nations figures showed that the number of displaced had risen altogether by just 149 between the end of December and the end of April 2008. Though there were about 2,500 more in the North, these were offset by nearly the same number being resettled in the east. With regard to civilian casualties, the majority of those killed in the last four months had been civilians in the South due to terrorist suicide attacks etc. With regard to journalists, freedom of speech was total, with media outlets being extremely critical of the Government in the crudest terms. The real danger had been for Tamil language journalists due largely to rivalries between Tamil groups. Former Tamil militants who had accepted previous peace agreements had been decimated by the LTTE when they were disarmed under the Ceasefire Agreement. These violations had reduced considerably in 2007, and the Government was committed to preventing them totally.

80. The Deputy Solicitor General, Mr. Yasantha Kodagoda, responding to questions raised by States submitted that the IIGEP was appointed by the President of Sri Lanka to observe the functioning of the Commission of Inquiry established to investigate and inquire into serious violations of human rights. The IIGEP was not established to monitor the overall situation of human rights in Sri Lanka. Its mandate was only to observe the functioning of the Commission of Inquiry, and to comment on its observance with internationally accepted norms and standards. It is unfortunate that certain members of the IIGEP who were seldom present at sessions of the Commission of Inquiry, proceeded to comment publicly on matters outside the mandate of the IIGEP. However, the former Chief Justice of India the Hon. Justice P.N. Bhagawatie who functioned as the Chairman of the IIGEP in a written communication dated 26 April 2008 stated that, 'the IIGEP has not accused the GoSL of any lack of political will in so far as the functioning of the CoI is concerned. In so far as the Commission of Inquiry is concerned, it has been doing very good work and Members of the IIGEP have had the best of cooperation from the Chairman and

Members of the CoI. I have no doubt that the CoI will continue to carry on its work with the same zeal and dedication as it has been doing so far.' Mr. Kodagoda said that the Commission of Inquiry continues to function independently and is presently engaged in the conduct of public inquiries into two high profile cases. Mr. Kodagoda stated that the proposed new law on Victim and Witness Assistance and Protection has received constitutional clearance from the Supreme Court and is now before Parliament. Once enacted it will put in place a legislative framework to provide assistance and protection to not only victims of conventional crimes and witnesses of such incidents, but also to victims of human rights violations and witnesses of such violations. The proposed law will also establish a mechanism for compensation to victims of crime and facilitate the providing of treatment, including medical treatment, rehabilitation and counselling.

81. To conclude the interactive dialogue, the Human Rights Minister Hon. Mahinda Samarasinghe said Sri Lanka would continue to work with the OHCHR. Sri Lanka is a multi cultural, multi lingual, multi ethnic and multi religious society. The Government of Sri Lanka will continue its efforts to secure unity amongst all people of Sri Lanka and harness their contribution to the national reconstruction and development efforts and to the final objective of achieving lasting peace. The Minister thanked the President of the Working Group and the representatives of States members and observers of the Council for their participation in the review, and for comments and recommendations made.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

**82. The recommendations formulated during the interactive dialogue have been examined by Sri Lanka and the following recommendations enjoy the support of Sri Lanka:**

- 1. Continue to enhance the capacity building of its national human rights institutions with the support of the international community (China), including OHCHR, and seek the effective contribution of OHCHR to strengthen the NHRC (Cuba);**
- 2. Strengthen and ensure the independence of its human rights institutions such as the National Human Rights Commission (Czech Republic, Ukraine), in accordance with the Paris Principles (United Kingdom of Great Britain and Northern Ireland, Germany, Ireland), including through implementation of the 17<sup>th</sup> Amendment at the earliest (Canada), and ensure its pluralist character (Ireland);**
- 3. Encouraged Sri Lanka to further empower the various institutional and human rights infrastructures, including by strengthening the structural and operational independence of the NHRC (Republic of Korea);**
- 4. 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 (Ukraine);**
- 5. Try to respond in a timely manner to the questionnaires sent by the special procedures (Turkey);**
- 6. Continue close dialogue with the United Nations human rights mechanisms, and OHCHR (Republic of Korea);**

7. **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 (Mexico);**
8. **Ensure full incorporation and implementation of international human rights instruments at the national level, in particular ICCPR and CAT, unless already done (Czech Republic);**
9. **Ensure that its domestic legislation is in full compliance with the Convention on the Rights of the Child (Poland);**
10. **Continue its efforts for the full implementation of international human rights instruments to which it is a party (Morocco);**
11. **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 (United Kingdom of Great Britain and Northern Ireland);**
12. **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 (Algeria);**
13. **That the National Plan of Action provide specific benchmarks within a given timeframe (The Netherlands);**
14. **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 (Canada, Ireland);**
15. **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 (United States of America);**
16. **Implement the recommendations of the Special Rapporteur on the question of torture (Denmark, France);**
17. **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 (Poland);**
18. **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 (Japan);**
19. **Increase its efforts to strengthen its legal safeguards for eliminating all forms of ill treatment or torture in the prisons and detention centres (Islamic Republic of Iran);**
20. **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 (Belgium);**

- 21. 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 (Sweden);**
- 22. 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 (Belgium);**
- 23. Investigate allegations of forced recruitment of children and hold to account any persons found in violation of CRC and its Optional Protocol (Slovenia);**
- 24. Take further steps to improve the effectiveness of measures to combat the recruitment of child soldiers (New Zealand);**
- 25. Take active measures in order to put an immediate end to forced recruitment and use of children in armed conflicts by all factions (Italy);**
- 26. Investigate and prosecute all allegations of extrajudicial, summary or arbitrary killings and bring the perpetrators to justice in accordance with international standards (Canada);**
- 27. 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 (Sweden);**
- 28. Adopt measures to ensure the effective implementation of legislative guarantees and programmes for the protection of witnesses and victims (Austria);**
- 29. Take all necessary measures to prosecute and punish perpetrators of violations of international human rights law and humanitarian law (Greece);**
- 30. (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 (Luxembourg);**
- 31. Enter into further agreements with countries hosting its migrants workers (Palestine);**
- 32. Take the measures necessary to ensure the return and restitution of housing and lands in conformity with international standards for internally displaced persons (Belgium);**
- 33. 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 (Finland);**

34. (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 (Austria);
35. 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 (Portugal);
36. Give special attention to the rights of women and further promote education and development and their representation in politics and public life (Algeria);
37. (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 bridging these gaps in order to enhance the effective realization of the full range of human rights for all Sri Lankans. (Bhutan);
38. 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 (Mexico);
39. 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 (Ireland);
40. Take measures to improve safeguards for freedom of the press (Denmark);
41. Adopt effective measures to ensure the full realization of the right to freedom of expression for all persons (Poland);
42. Continue to work with the international community on protection of human rights, environment, disaster risk management, HIV/AIDS and capacity building. (Algeria);
43. Actively draw upon the assistance of the international community in the anti-terrorism process and in overcoming its negative consequences (Belarus);
44. 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 conventions (Pakistan);

- 45. 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 (Sudan).**
- 83. Recommendations noted in paragraphs 28 (a); 33 (a); 36; 39 (c); 48 (b); 57 (b); 72 (b) and 75 (c), (d) and (e) in section I above, will be examined by Sri Lanka which will provide responses in due time. The response of Sri Lanka will be included in the outcome report to be adopted by the Human Rights Council at its eighth session.**
- 84. Other recommendations noted in the report in paragraphs 21 (c); 26 (b); 27 (b); 28 (b), (c) and (d); 32 (d) and (e); 33 (b) and (c); 34 (a); 43 (a) and (c); 48 (a); 49; 53; 55 (a), (d) and (e); 56 (b), 57 (c); 61 (b); 74 (a) and (b); 75 (a) in section I above did not enjoy the support of Sri Lanka.**
- 85. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**

### **III. VOLUNTARY COMMITMENTS OF THE STATE UNDER REVIEW**

**86. In pursuit of its commitment to the further promotion and protection of human rights, Sri Lanka voluntarily makes the following commitments:**

87. Sri Lanka will continue its efforts to strengthen its national mechanisms and procedures to promote and protect the human rights and fundamental freedoms of all its citizens through the adoption and implementation of the proposed National Plan of Action which will set targets to be achieved during the five years commencing 2009, facilitate a holistic approach to human rights protection and promotion and lead to greater cooperation between Government and civil society.
88. Sri Lanka will continue its active and constructive dialogue and cooperation with the Office of the High Commissioner for Human Rights to strengthen national mechanisms in all aspects.
89. Sri Lanka will take necessary measures to enable the reconstitution of the Constitutional Council which will facilitate the strengthening and effective functioning of national human rights mechanisms, including the National Human Rights Commission.
90. A Witness and Victim Protection Bill will be introduced in Parliament shortly and measures will be taken to implement the legislation including the establishment of the necessary institutions.
91. The Ministry of Disaster Management and Human Rights will launch a national human rights awareness campaign to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights in 2008.
92. The Ministry of Disaster Management and Human Rights will organize a regional seminar for parliamentarians on a human rights related theme in 2008.
93. Sri Lanka has commenced work on drafting a constitutional charter on human rights that will strengthen the human rights protection framework in the country and bring Sri Lanka's constitutional human rights guarantees in line with its international obligations. The process includes engaging in consultations with civil society. The draft charter and the process of consultation will foster a national discourse on human rights.

94. As a part of its commitment to guarantee civil and political rights as well as economic, social and cultural rights of its people, Sri Lanka will continue to align its development strategy within the larger framework of promoting local values and social protection for women, children, elderly and differently-abled people and other vulnerable groups in society and respect for human rights and good governance.
95. Sri Lanka, manifesting its commitment to promote people-oriented development, 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 in line with the vision of the Government of Sri Lanka for social and economic development.
96. Through modalities including the Inter-Ministerial Committee on Human Rights and the Consultative Committee on Humanitarian Assistance, 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.
97. Sri Lanka will continue to take 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.
98. Sri Lanka will continue to take steps that seek to advance the empowerment of women and women's rights and gender equality at national level through the Ministry of Child Development and Women's Empowerment as well as other national mechanisms. Sri Lanka will, at the same time, support international processes that seek to advance women's rights and gender equality.
99. Trafficking of human beings, particularly women and children, is emerging as one of the most urgent issues of today and involves the gross violation of human rights of vulnerable segments of the society. In line with Sri Lanka's policy of open and constructive engagement with the international community and its commitment to enforce global standards, Sri Lanka will work closely with its partners to combat this heinous activity.
100. Sri Lanka will continue its traditional role of consensus builder and participate actively in the work of the Human Rights Council to make the Council a strong, effective and efficient body – capable of promoting and protecting the human rights and fundamental freedoms of all – and will continue to participate in the work of the Council in norm-setting in the field of human rights.
101. Sri Lanka will continue to work towards the submission of its periodic reports to treaty bodies.
102. Sri Lanka will also work with Member States and relevant United Nations bodies to assist the Office of the High Commissioner for Human Rights to formulate proposals for treaty body reforms, with a view to making the treaty body system more effective and in line with present-day requirements of Member States.
103. Sri Lanka will take measures for the effective implementation of the 13th Amendment to the Constitution.
104. Sri Lanka will continue to work towards the 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 also promote the dissemination and inculcation of best practices, good governance and political

pluralism, as well as take measures for the rehabilitation and reintegration of ex-combatants, particularly children and young persons.

105. Implementation of the official languages policy and continuing encouragement of bilingualism, in particular in the security forces, police and within the public service.

106. Confidence-building and stabilization measures: implementation of the action plan for IDPs and conflict-affected communities, including host communities.

107. Development of a comprehensive and uniform compensation policy for the displaced and dispossessed.

108. Complete the process of drafting a bill on the rights of IDPs having consulted all relevant stakeholders.

109. Improve and upgrade detention facilities.

110. Improve the capacity of the police in carrying out investigations, with additional training in interrogation and prosecution.

111. Uphold the rights of persons with disabilities in conformity with the principles of the Convention on the Rights of Persons with Disabilities. Measures will also be taken to secure the rights of persons with mental disabilities.

112. Sri Lanka will introduce changes in both formal and non-formal educational systems to introduce and/or further develop the human rights content within these programmes with a view to nurturing a culture of human rights in society.

## **Annex**

### **Composition of the delegation**

The delegation of Sri Lanka was headed by Hon. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights, and composed of 17 members:

Hon. C.R. De Silva, Attorney-General;

H.E. Dr. Dayan Jayatileka, Ambassador/Permanent Representative of Sri Lanka to the United Nations, Geneva;

Mr. Suhada Gamalath, Secretary, Ministry of Justice and Law Reform;

Ms. Malkanthi Wickremasinghe, Secretary, Ministry of Constitutional Affairs and National Integration;

Mr. Mohan Peiris, P.C., Legal Advisor, Ministry of Defence;

Prof. Rajiva Wijesinha, Secretary General, Secretariat for Co-ordinating the Peace Process;

Mr. W.J.S. Fernando, Deputy Solicitor-General;

Mr. Yasantha Kodagoda, Deputy Solicitor-General;

Mr. Asoka Wijetilake, Deputy Inspector-General of Police;

Maj. Gen. Ms. Mohanthy Peiris, Director-General/Legal, Sri Lanka Army;

Mr. G.K.D. Amarawardena, Additional Secretary, Ministry of Disaster Management and Human Rights;

Mr. Sisira Mendis, Deputy Inspector-General of Police;

Ms. Shirani Goonetilleke, Director/Legal, Secretariat for Co-ordinating the Peace Process;

Mr. Sumedha Ekanayake, Counsellor, Permanent Mission of Sri Lanka to the United Nations, Geneva;

Mr. O.L. Ameerajwad, Counsellor, Permanent Mission of Sri Lanka to the United Nations, Geneva;

Mr. Ravindra Wickremasinghe, Documentation Officer, Permanent Mission of Sri Lanka to the United Nations in Geneva;

Dr. Subhashinie Punchihetti, Research Assistant, Permanent Mission of Sri Lanka to the United Nations in Geneva.

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