



Sri Lanka

Statement by Professor Rajiva Wijesingha, Secretary to the Ministry of Disaster Management and Human Rights of Sri Lanka during the consideration and adoption of the Report of the Working Group on the Universal Periodic Review of Sri Lanka by the UN Human Rights Council, 13 June, 2008

Mr President,

1. It gives me great pleasure to participate on behalf of the Sri Lankan delegation at this consideration of the Universal Periodic Review (UPR) outcomes. As we near the conclusion of the Review of Sri Lanka, permit me to highlight some of the matters for attention of this august body.

Mr President,

2. Sri Lanka, voluntarily and in a spirit of openness and cooperation, subjected itself to the Universal Periodic Review. This process was led from the inception by the Sri Lankan Minister of Disaster Management and Human Rights – the Hon Mahinda Samarasinghe – who headed our delegation to the Sessions of the UPR Working Group last month. Our comprehensive national report which was prepared by our Ministry, after wide consultation with national stakeholders, was welcomed by most delegations in the Working Group. Our candid presentation and open engagement with the members of the working group on 13 May and thereafter with the troika of rapporteurs and secretariat in preparing the Report of the Working Group indicated, I believe, our firm resolve to constructively discuss critical issues connected with the human rights situation in our country.

3. We expressed our concerns relating to the reflection of the interactive dialogue in the report of the Working Group and wish to place on record our recommendation that all countries who make interventions are given equal weightage when such interventions are recorded in the Report. Sri Lanka was the recipient of a record number of recommendations and comments numbering almost eighty. Our delegation acknowledged the keen interest shown by the fellow members of the Working Group and sought to respond to as many of the issues that it could within the time allotted. Sri Lanka, in the Report adopted on 19 May, demonstrated its commitment to engage with the international community by seriously addressing every one of those interventions. We accepted forty-five recommendations, we also undertook to further consider eleven others and found ourselves unable to support twenty-six.

Mr President,

4. We have submitted a document which presents our reaction and response to the eleven points raised by Portugal, France, the Holy See, Mexico, Brazil, the Netherlands,

the United Kingdom and the United States. We are generally in agreement with a majority of the recommendations which ranged from action against torture, to action to prevent the use of child soldiers. We also reiterate our commitment to engage with and implement recommendations of treaty bodies and special procedures and mechanisms of the Council. With a view to acceding to further ratification of international human rights instruments in areas such as enforced disappearances and the optional protocol to the Torture Convention, we have undertaken a thorough review of the requirements of these instruments and wish to further study the implications of participation. As a State Party to the seven core international human rights instruments and several protocols and as a State that is making legislative preparations to pave the way for ratification of the Disabilities Convention, we have to focus keener attention on domestic legislative incorporation and implementation of existing obligations. In relation to purely domestic issues such as the re-establishment of the Constitutional Council, we have already made our position clear and we await the outcome of a Parliamentary body tasked with proposing measures to rectify the deficiencies in the Seventeenth Amendment to the Constitution. As I will elaborate upon later, I am pleased to report that Parliament has agreed to take up important legislation on the protection of victims of crime and witnesses, on the 19th of this month.

Mr President,

5. We gave our close consideration to the twenty-six recommendations made by several countries which, unfortunately, we could not support as reflected in the Report of the Working Group. These recommendations contained several common features relating to the expanded presence of an office of the High Commissioner for Human Rights in Sri Lanka with a monitoring mandate. Sri Lanka has already made its position very clear and has consistently done so on several occasions. Some countries also made recommendations relating to a standing invitation. Given Sri Lanka's openness to visits by special procedures and successful missions conducted late last year, we have amply demonstrated our willingness to engage with these procedures. Indeed, given the helpful approach adopted by the Special Rapporteur on Torture and the Special Representative on the Human Rights of Internally Displaced Persons, we expect productive outcomes from this engagement which will support Sri Lanka's efforts to better its human rights record. We will welcome Dr Kälin back later this year for a workshop on durable solutions for IDPs and are working closely with UNHCR to ensure the success of this engagement. We welcome Special Rapporteur Manfred Nowak's assurance of his support of our efforts to reform our custodial facilities. We trust that his interventions on our behalf will bear fruit in the not-too-distant future in improving conditions for detention and humane treatment of detainees.

Mr President,

6. Of the twenty-six recommendations, twelve recommended action in relation to which initiatives have already commenced. Our difficulty in relation to these was more in terms of the language used which implied that little or no action had been taken. We disagreed with a further six on the basis that the underlying premise was flawed or not

factual. We asked for further time for consideration in respect of one and, in relation to three others, we did not support the recommendations because comprehensive measures are already in place to adequately cater to the issues raised in these recommendations. Mr President, I went into such detail to establish that the twenty-six recommendations really did not address twenty-six disparate issues which Sri Lanka did not agree with.

7. We also made, Mr President, twenty-six voluntary pledges and commitments which we hope will assist us in making a significant improvement to our human rights record. We do this in recognition of our standing as a democratic nation that is committed to ensuring the welfare of our people. Promoting and protecting human rights takes pride of place in ensuring this welfare.

8. We are attempting to do this, Mr President, whilst facing increasingly brutal and vicious atrocities from one of the most deadly terrorist forces in the contemporary world. The increasing attacks on civilians – ordinary folk going about their day-to-day business – have left us with 23 dead and dozens more injured just in the last two attacks over the past ten days. Attempts to destabilize and to achieve a backlash in the southern part of the country by launching indiscriminate attacks against non-combatants when faced with military reverses in the North and the restoration of representative democracy in the East, formerly under LTTE threat, are a measure of the desperation that characterizes the LTTE leadership at present. The Government is steadfast in its determination to defeat the forces of terror and to restore peace, democracy and development to all its peoples throughout the country, irrespective of their ethnicity, religion, linguistic or cultural background. Therefore it is reasonable and legitimate to expect the understanding and unreserved support of our international friends and partners in our endeavours to rid Sri Lanka of the scourge of terrorism.

9. Moving on to the future, Mr President, the Ministry of Disaster Management and Human Rights is taking on the task of preparing a National Action Plan for the Promotion and Protection of Human Rights. We intend working closely with UNDP and the OHCHR Human Rights Adviser to the UN Country Team in Sri Lanka in this connection. Our expectation is that the National Action Plan will be an inclusive document which brings together all segments of society and all strands of opinion. The Human Rights Commission of Sri Lanka which has its own strategic plan will be deeply involved in this process – indeed the strategic plan will form one of the key components of the National Action Plan. Other priority areas such as capacity building and effective communication of human rights concepts through education and training will form other key limbs of the Plan. Implementation of our voluntary commitments and pledges made before international fora will also form part of the Plan as will mechanisms in the follow-up process of recommendations of treaty bodies and special procedures. These are all critical aspects of our dedication to approaching the subject of human rights and their realization in a systematic, coordinated and coherent manner.

10. We have made significant strides in our efforts to train and upgrade our law enforcement machinery. The Sri Lankan Police Department has just established a task force to look into key aspects of training. We believe that a disciplined, well trained and

inclusive police force will be one of the principal change agents that will create a transformation in society and support stability, peace and reconciliation in the near future. The State relies on the Police to maintain law and order and to protect the ordinary Sri Lankan's most basic right to live without fear in a safe environment.

Mr President,

11. I wish to go into more detail in respect of the Victim and Witness Protection legislation that I referred to earlier. The Bill was presented to Parliament on 6 June and will be taken up for debate in less than a week from now - on 19 June. The Bill is in line with the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and member States are called upon to give effect to the provisions contained therein. The Bill seeks to create a new legal regime for the protection of both the victim of crime and the witnesses. The law stipulates the rights and entitlements of victims of crime and witnesses and provides for a mechanism for the promotion, protection, enforcement and enjoyment of such rights and entitlements. It recognizes that victims of crime and abuse of power and frequently their families, witnesses and others who aid them, are unjustly subjected to harassment, inconvenience, loss, damage and/or injury, when assisting in the prosecution of offenders. We see this legislation as a watershed in the development of our national legal framework. It is especially significant in aiding the prosecution of perpetrators of crime. The bill puts in place far-reaching institutional, evidentiary and funding arrangements that will, in time, lead to an all-encompassing witness and victim protection regime in Sri Lanka.

12. These are just some of the initiatives that Sri Lanka is making which will have an immediate and telling impact on rights promotion and protection. We will move forward with these initiatives and do our utmost to ensure that we overcome most of the challenges we are faced with.

13. In conclusion, let me acknowledge the involvement of those who made the UPR of Sri Lanka the valuable and productive exercise we hope it will turn out to be. The contribution of members of this Council, the Rapporteurs and the Secretariat is acknowledged with gratitude. Sri Lanka looks forward to developing this modality based on its own experience and those of the other members of the international community. We assure you of our unstinting cooperation and close collaboration in these efforts in the months and years to come.

Thank you, Mr President.