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| **UPR Pledges/Recommendations** | **The Government of Sri Lanka claim** | **We claim** |
| **71 Voluntary Pledges and**  **Accepted Recommendations**  **(a further 33 recommendations were rejected and are not discussed here)** | **12 Completed**  **59 Ongoing** | **4 Complete**  **15 Partly Completed**  **52 Incomplete** |

**Of 104 pledges and recommendations, only 71 were accepted. The government claims to have completed 12 twelve and in fact has only completed 4. The government claims progress towards the other 59 (or 67 by our count) is ongoing but has only shown even partial progress in 15 cases.**

**Thursday 1st November: Universal Periodic Review (UPR) of Sri Lanka**

**Monday 5th November: Adoption of report on Sri Lanka**

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|  | ***Voluntary Pledges of Sri Lanka*** | ***Status*** | ***Further information offered by GoSL*** | ***Truth*** | ***Info and/or recommendations from human rights organisations etc.*** |
| 1. | Adoption and implementation of the National Plan of Action. | **Completed** | NHRAP (National Plan of Action on Human Rights) launched in December 2011. | **INCOMPLETE**  **The Cabinet appointed a sub-committee to oversee its implementation in February 2012, but there has been little progress on implementation.** | * Amnesty International (AI): extremely slow progress on improving HR mechanisms. NHRAP must not become another vehicle to evade international scrutiny and delay necessary reform. JS1[[1]](#footnote-1) expressed a similar concern. * JS15[[2]](#footnote-2): the adoption of the Action Plan had fallen short of full and proper engagement of civil society groups |
| 2. | Active and constructive dialogue and cooperation with the Office of the High Commissioner for Human Rights to strengthen national mechanisms. | **Ongoing** | The GoSL continues to actively and constructively engage with the OHCHR on issues of mutual interest. An invitation was extended in 2011for the High Commissioner for Human Rights to visit Sri Lanka. An advance visit of OHCHR Officials to prepare ground work for the High Commissioner’s visit is expected to take place shortly. | **INCOMPLETE**  **In September 2012, a team of technical experts from the OHCHR visited Sri Lanka ahead of a proposed visit by High Commissioner Navanethem Pillay. It is unclear whether any such visit will take place, or if it would constitute constructive dialogue and cooperation if it did, as other agents within the High Commissioner’s Office have been turned down in their requests to visit the country.**  **Outstanding requests by the OHCHR for Special Procedure vists on enforced, summary or arbitrary executions and on freedom of association and assembly have not been addressed by the GoSL.** | * British Tamils Forum (BTF) and Centre for War Victims and Human Rights (CWVHR) recommend: the establishment of an OHCHR field office in Sri Lanka. JS6[[3]](#footnote-3) and JS14[[4]](#footnote-4) made a similar recommendation. |
| 3. | Reconstitution of the Constitutional Council which will facilitate the strengthening and effective functioning of national human rights mechanisms, including the National Human Rights Commission. | **This commitment is catered for by the 18th Amendment to the Constitution** | Human Rights Commission of Sri Lanka (HRCSL) constituted and functional. | **INCOMPLETE**  **In September 2010, Sri Lanka enacted the 18th Amendment to the Constitution, which abolished the Constitutional Council and replaced it with an advisory Parliamentary Council, empowering the President to make direct appointments to the HRCSL and other key institutions, including the Judicial Service Commission, the Public Services Commission and the National Police Commission.**  **Whilst the mandate of the HRCSL is strong, its commitment to promoting awareness of and providing education in relation to human rights is highly limited and critiqued, particularly in regards to issues of torture and enforced disappearances.**  **The HRCSL’s lack of independence from the government, as a result of the 18th Amendement to the Constitution, limits its strength and ability to function effectively in its stated role as a national human rights mechanism.** | * AI: this amendment has destroyed the political independence of these commissions. JS1[[5]](#footnote-5) expressed a similar concern. The HRCSL is weak or weaker than it was in 2008. AI recommend: strengthening and guaranteeing its independence. * JS7[[6]](#footnote-6): the HRCSL had not proved capable of effectively investigating into torture complaints. Tamil Information Centre (TIC) expressed a similar concern. * HRCSL: the government is yet to ratify and reflect in the national legal system the international human rights treaties to strengthen the human rights framework in the country. Recommend: ratifying Optional Protocol of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Under which communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State Party). |
| 4. | A Witness and Victim Protection Bill will be introduced in Parliament. | **Ongoing** | Bill presented in June 2008. Process of enactment could not be completed. Bill redrafted and scheduled to receive Cabinet consideration shortly. | **PARTLY COMPLETED**  **There is still nothing on the books. Such a Bill was drafted and tabled in 2008 as the Bill on Assistance and Protection to Victims of Crime and Witnesses (APVCW). The Supreme Court of Sri Lanka suggested changes to the draft law of which many were incorporated by the Ministry of Justice into an “Amended Version” issued on 28 July 2009. It is unclear what changes were made and the amended version of the drafted Bill has not yet been made available to the public for the appropriate pre-enactment discussion and consultation.**  **The International Commission of Jurists wrote to the Minister of Justice for Sri Lanka earlier this year regarding the adoption of such a Bill. They have critiqued the government’s initial draft of the Bill on several counts, including its definition of witnesses, its proposals for institutional structures and its terms for the invitation and termination of protection and assistance. The full letter can be seen here:** [**http://transcurrents.com/news-views/archives/10835**](http://transcurrents.com/news-views/archives/10835)  **The introduction of a Witness and Victim Protection Bill is vital in Sri Lanka, as demonstrated by the fact that many people who participated in the LLRC went on to become targets of the security forces and the intelligence service.**  **The following are some examples of instances in which witnesses faced mortal danger as a result of their testimonies:**  **On 20 September 2008, the complainant Mr. S. K. A. S. Nishanta Fernando in a torture case**  **before the Supreme Court was shot and killed by unidentified gunmen.**  **In November 2010, in Hatton, Devarathnam Yogendra cooperated with the Bribery Commission to catch a police officer who had been accepting bribes. A representative from the Bribery Commission watched as the police officer accepted a bribe, and arrested him on charges of bribery. Later Yogendra was harassed, accused of fabricated offenses, assaulted, and threatened with death as a result of his involvement -- by the Sri Lankan police. Police repeatedly abused the judicial system, filing false charges against Yogendra.** | * AI: continued lack of witness protection legislation has had a grave impact on accountability. Recommend: effective witness protection be provided to all witnesses. * JS14[[7]](#footnote-7) recommend: Sri Lanka review all procedures, legal regulations and national legislations to ensure that the rights of victims to timely, prompt and effective remedies are respected and strengthened. |
| 5. | A national human rights awareness campaign to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights. | **Completed** | Campaign conducted. | **PARTLY COMPLETED**  **The Ministry of Disaster Management and Human Rights apparently did conduct such an event in 2011. However, it seems unlikely, given the strained nature of the relationship between the Sri Lankan government and civil society, that it would have been particularly effective in raising awareness of human rights issues in the country.** |  |
| 6. | A regional seminar for parliamentarians on a human rights related theme. | **In process** | Discussions held with Inter Parliamentary Union. Local seminars conducted for MPs in 2010 and 2012. | **PARTLY COMPLETED**  **We don’t know this not to be true. With regards to contact with the IPU, nothing has been mentioned on the IPU website since a delegation visited Sri Lanka in February 2008, after which it published this critical report on the human rights situation of parliamentarians in the country:**  [**http://www.ipu.org/hr-e/srilanka08.pdf**](http://www.ipu.org/hr-e/srilanka08.pdf) |  |
| 7. | A constitutional charter on human rights that will strengthen the human rights protection framework in the country. | **Ongoing** | Under the provisions of the Civil and Political Rights (CPR) Chapter Goal 1 in the NHRAP the draft bill of rights will be reviewed. The process of drafting included engagement and consultations with civil society who also participated in drafting. | **INCOMPLETE**  **A bill in draft form does not constitute meeting the requirement. A Bill of rights has been in draft stages since President Rajapaksa’s government came into office in 2005 and despite some apparent developments in human rights structures in the country, has still not come into force. As has been mentioned, the nature of the relationship between the Sri Lankan government and civil society makes it hard to believe that they have been substantially involved in any drafting processes that have taken place.** |  |
| 8. | Sri Lanka will continue to align its development strategy within the larger framework of promoting local values and social protection. | **NHRAP completed, development programmes are ongoing** | Extensive coverage given under NHRAP’s 8 thematic areas. The NHRAP was conceived of within the overall framework of the national development strategy encapsulated in the “Mahinda Chintana – Vision for the Future” (2010). Available at www.priu.gov.lk  See Chapter III, B, 4 of UPR Report with specific reference to measures taken to reduce poverty and promote equitable development under the “Mahinda Chinthana – Vision for the Future” which conceptualizes people friendly development policies, social justice and equity. | **INCOMPLETE**  **Whilst the NHRAP has indeed been completed, the extent to which development programmes promoting ‘people friendly policies, social justice and equity’ are ongoing is highly questionable.**  **This critical report by an international fact finding mission into the Dutch Bay development shows how little regard Government of Sri Lanka-led development has for people friendly policies:**  [**http://foodsov-southasia.org/downloads/international-fact-finding-mission-visits-kalpitiya-islands.pdf**](http://foodsov-southasia.org/downloads/international-fact-finding-mission-visits-kalpitiya-islands.pdf) | * Society for Threatened Peoples (STP): since the end of the war, the north of Sri Lanka had seen a wide range of large-scale development initiatives, including infrastructure and tourist projects. The acquisition of land is problematic and land grabbing is common. * Minority Rights Group International (MRG): there is concern among minorities at the lack of consultation and participation of local people in the projects. * CWVHR: the army is engaged in competitive small businesses, including coffee shops, hotels and tourist services in the Northern Province and is illegally farming in farmlands which Tamils had traditionally cultivated. |
| 9. | Sri Lanka, 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. | **Ongoing** |  | **PARTLY COMPLETED**  **There has been substantial economic growth since the end of the war.. It is certainly true that the government could do more to work towards achieving the UN’s Millennium Development Goals.**  **Some areas of particular concern, as indicated by the submissions of human rights groups to this review, include access to education, food security, gender equality and land rights.** | * JS15[[8]](#footnote-8) recommend: resettling the existing slum dwellers and those previously evicted in proper adequate and accessible facilities for housing, health, education and means for income generation. * JS1[[9]](#footnote-9) : food security is a problem in most parts of Sri Lanka but acute in areas that had been directly affected by the war. * HRCSL: the Government needs to take measures to ensure legal awareness and free legal aid for people living with HIV and target communities to ensure dignified life with access to health and legal services. * JS1[[10]](#footnote-10) note: a shortage of Tamil-language teachers, especially in the hill country, and reduced access and availability of education in the Tamil-language within those communities, which in turn impacted on the socio-economic opportunities available to these communities and their cultural identity. * CWVHR recommend: providing Northern and Eastern people with self-governance mechanisms, language rights, land rights and all other political, human rights cultural rights. |
| 10. | The Inter-Ministerial Committee on Human Rights and the Consultative Committee on Humanitarian Assistance (CCHA), 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. | **Ongoing** | To implement NHRAP the Cabinet appointed the Inter Ministerial Steering Committee and a supervisory Cabinet Sub-Committee. The Inter-Ministerial Committee and the CCHA that functioned in 2008 have been replaced by other bodies/programmes such as the Presidential Task Force on Resettlement, Development and Security, the Joint Plan of Assistance for the Northern Province and the reconstituted Human Rights Commission. | **INCOMPLETE**  **The bodies and programmes that have replaced the CCHA are functional but far from implementing human rights in Sri Lanka they often contribute to the problem.**  **The Presidential Task Force is headed by Senior Presidential Advisor Basil Rajapaksa- President Rajapaksa’s brother. He is generally perceived to have far too much power over the governance of the North, and is seen to be an extremely poor substitute for a democratically appointed administration - elections for the northern provincial council have still not been held.**  **The limitations of the effectiveness of the HRCSL have been discussed above under Voluntary Pledge 3.**  **Follow this link for access to the most up to date Joint Plan of Assistance for the Northern Province, published this April:** [**http://www.unocha.org/cap/appeals/sri-lanka-joint-plan-assistance-northern-province-jpa-2012**](http://www.unocha.org/cap/appeals/sri-lanka-joint-plan-assistance-northern-province-jpa-2012) | * JS4[[11]](#footnote-11) recommend: Sri Lanka remove the obstacles to implementing the recommendations of the Human Rights Committee in relation to individual communications by citizens. |
| 11. | 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. | **Ongoing** | Provisions in the NHRAP Rights of Children Chapter (as well as the Action Plan of the Ministry of Child Development and Women’s Affairs) covers the following:  Health, Nutrition and Wellbeing  Children in need of protection and care  Juvenile Justice  Children affected by armed conflict  Adolescent Health and Wellbeing  Early childhood care and development (ECCD)  Education--Primary and Secondary  Child Labour  Alternative Care  Non-discrimination  Right to Leisure  Coordination and Monitoring  Constitutional recognition for child rights  By circular 2359/2012 dated 22 May 2012 the Inspector General of Police issued instructions for information to be provided to Probation Officials on child victims, the safety of unprotected children and children under probation. | **INCOMPLETE**  **The rights of children, whilst undoubtedly covered in numerous chapters of the government’s NHRAP, are still inadequately addressed by the country’s legal system.**  **For example, the Penal Code does not include a definition of sexual exploitation and lacks provisions to punish clients who have sex with children.**  **A recent case demonstrating the need for stronger action on child rights is that of the rape and murder of Jesudasan Lakshini (13), allegedly at the hands of former paramilitary cadre, Kanthasami Jegatheswaran (alias Kiruba) (31), from the Delft Island, Jaffna in March of this year. The case was a typical example of police negligence, followed by incompetence, to the point of locals assuming political factors were at play.** | * JS5[[12]](#footnote-12) recommend: the revision of the current legislation to provide clear and comprehensive provisions relating to trafficking, child prostitution and child pornography and adequate penalties for those offences and strengthening and enforcing legislation addressing the commercial sexual exploitation of children in travel and tourism. JS5 also recommend: adopting legal provisions prohibiting early and forced marriages and raising the minimum legal age for marriage to 18 years for both boys and girls. * Global Initiative to End All Corporal Punishment of Children recommend: enacting legislation to prohibit explicitly corporal punishment of children in all settings, including the home. |
| 12. | Continued steps that seek to advance the empowerment of women and women’s rights and gender equality at national level. Sri Lanka will support international processes that seek to advance women's rights and gender equality. | **Ongoing** | NHRAP Chapters on Rights of Women and Economic, Social and Cultural Rights (ESCR) cover this commitment through activities in the following focus areas:  Health  Economic empowerment  Employment  Violence against women  Political representation  Discrimination  Women affected by conflict  Internally Displaced Women  Women in the Informal sector  Women Migrant Workers | **INCOMPLETE**  **As with the rights of children, the fact that women’s rights and gender equality are covered so extensively in the government of Sri Lanka’s NHRAP does little to dispel a general consensus that very little progress has been made in the field of women’s rights. The sheer quantity of organisation submissions on this issue alone is a good indication of the ongoing human rights violations many Sri Lankan women are still confronted by.** | * Human Rights Watch (HRW) note: hundreds of thousands of Sri Lankan women migrated as domestic workers to other countries, where they are excluded from labour law protections and often work excessive hours, and endure physical, psychological violence, unpaid wages and other abuses. Recruitment agents in Sri Lanka may provide false or incomplete information about jobs abroad, recruit children, and impose illegal fees. * Canadian Tamil Congress (CTC) recommend: developing ways in which Tamil women can explore and develop forms of economic enterprise. * European Center for Constitutional and Human Rights (ECCHR) recommend: cooperation with the Special Rapporteurs on Violence against Women, the Working Group on the Issue of Discrimination against Women in Law and in Practice, and the Special Representative of the Secretary General on Sexual Violence in Conflict. * JS8[[13]](#footnote-13) recommend: issuing a policy document regarding housing schemes ensuring that while participation by beneficiaries is encouraged, single women are provided with additional support. * Tamil Centre for Human Rights (TCHR) : Tamil women prisoners underwent physical and mental torture at the hands of guards and some became victims to sexual violence perpetrated by the male guards. * ECCHR note: female ex-combatants had limited mobility and freedom, diminished status in villages, faced a higher risk of rape and violence, and almost no recourse to justice. They were not allowed to move outside of their district without permission. ECCHR expressed similar concerns highlighting the fact that the Prevention of Terrorism Act perpetuated a climate of fear and intimidation where women are vulnerable to gender-based violence and the worst form of discrimination, as noted by Global Tamil Forum (GTF). * JS8[[14]](#footnote-14) recommend: issuing a policy document regarding housing schemes ensuring that while participation by beneficiaries is encouraged, single women are provided with additional support. * TCHR: violence against women, sexual harassment, rape, especially Tamil women continues with impunity. |
| 13. | Sri Lanka will work closely with its partners to combat human trafficking. | **Ongoing** | Several provisions in following NHRAP Chapters cover this pledge:  Rights of Migrant Workers (specific activities are suggested under Goals 3,4,7,8,9 & 10)  Rights of Children (Goal 2)  Rights of Women  Since 2009 to date detections have been made of approximately 785 persons who have been victims of human trafficking or subjects of human smuggling.  Some measures taken include:  (a) Signing of MOU on Human Trafficking with Australia in 2009;  (b) Establishment of Migration Intelligence Unit (MIU) in 2012,  (c) Establishment of Maritime Unit in 2010 in the Police Dept. under the CID.  (d) Anti Human Smuggling unit of CID specially assigned with above task.  (e) Operational programmes launched by the coast guards to detect human smuggling activities (along with Police); and  (f) Mechanisms put in place with CID and other Law Enforcement Agencies in liaison with Foreign Counterparts to counter human smuggling. | **INCOMPLETE**  **A National Steering Committee on Trafficking in Persons was established in May 2010 in collaboration with the International Labour Organisation and was subsequently integrated into the National Anti-Trafficking Task Force (NTF).**  **The 2012 US State Department Trafficking in Persons (TIP) report report notes, “The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government did not convict any trafficking offenders. Serious problems remain, particularly in protecting victims of trafficking in Sri Lanka and abroad, and not addressing official complicity in human trafficking.”**  **The lack of convictions related to human trafficking is generally seen to be a result of a failure to report cases and little evidence being available to use for prosecution, often because of fear of reprisals on the part of victims.**  **For more information on the issues of human smuggling and trafficking currently facing Sri Lanka, in particular with respect to asylum seekers leaving for Australia, see this article covering the contents of a press conference held by the Sri Lanka Press Institute in July this year:** [**http://groundviews.org/2012/07/18/growing-concern-over-human-smudging-and-trafficking-in-sri-lanka-interview-with-ilo/**](http://groundviews.org/2012/07/18/growing-concern-over-human-smudging-and-trafficking-in-sri-lanka-interview-with-ilo/) | * Canadian Tamil Youth Alliance (CTYA) recommend: Sri Lanka become party to the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children. * JS1[[15]](#footnote-15) note: the national migration policy has yet to be effectively implemented and monitored. |
| 14. | Sri Lanka will participate actively in the work of the Human Rights Council to make the Council a strong, effective and efficient body. | **Ongoing** | Sri Lanka will continue its engagement in order to uphold the principles in GA Res 60/251 and HRC Res. 5/1. | **INCOMPLETE**  **Sri Lanka has been obstructionist in the extreme in its approach to the Human Rights Council. They were censured by the President of the HRC for intimidating activists in Geneva and have so far made no attempt to engage with either the letter or the spirit of HRC resolution 19/2** |  |
| 15. | Sri Lanka will continue to work towards the submission of its periodic reports to treaty bodies. | **Ongoing** | Several reports submitted since 2008. Outstanding periodic reports will be submitted to ensure compliance. See Chapter IV, para. 48, (h) of this Report. | **PARTLY COMPLETED**  **Sri Lanka has been more consistent in submitting reports as requested by the treaty bodies it is signatory to, however there have still been cases of delayed submission.**  **For instance, in its submissions to two UN treaty bodies:**  **Its 2009 CAT report was submitted 18 months late and then ‘lacked statistical and practical information on the implementation of the provisions of the Convention’.**  **Its 2011 CEDAW report was submitted over 10 years late and then ‘was not prepared in a participatory process involving a wide range of national civil society organizations, including women’s organizations’.**  **For details on more submissions to treaty bodies see:**  [**http://www.ohchr.org/en/countries/asiaregion/pages/lkindex.aspx**](http://www.ohchr.org/en/countries/asiaregion/pages/lkindex.aspx) |  |
| 16. | Sri Lanka will also work to making the treaty body system more effective and in line with present-day requirements of Member States. | **Ongoing** | Sri Lanka is engaged and will continue to engage in consultations with relevant stakeholders. | **PARTLY COMPLETED**  **The Government of Sri Lanka does make recommendations to Member States of treaty bodies within the field of human rights. Its contributions to the UPR process are a good example of this. However, it seems that such action can hardly be praised as contributing to the enhancement of human rights around the world when so many recommendations made are shamelessly hypocritical.**  **For example, in the 12th UPR session in October 2011, Sri Lanka recommended that Ireland ‘Continue action including legislation to remove gender-based inequalities in the workplace, including wage disparities between men and women’. During this UPR process, Sri Lanka rejected New Zealand’s recommendation to ‘Enact urgent legislative amendments to the Penal Code to ensure that the rights of women from all religious and ethnic communities are safeguarded’.**  **For a record of all the recommendations made by the Government since the UPR began in 2008, see:**  [**http://www.upr-info.org/database/**](http://www.upr-info.org/database/) |  |
| 17. | Effective implementation of the 13th Amendment to the Constitution. | **Ongoing** | See Chapter III, B, 5 of this Report. | **INCOMPLETE**  **The President’s brother Gotabhaya, one of the most powerful men in the country, has repeatedly called for the abolition of the 13th amendment. No one from within the Government has challenged him. President Rajapaska himself was quoted in the Sri Lankan media saying he is not serious about the 13th amendment.**  **The 13th Amendment came as a part of the 1987 India-Sri Lanka Accord in which the government of Sri Lanka made a commitment to India and the international community to devolve powers to the provincial councils, especially in the Tamil-dominated north of the country.**  **The successful integration and rehabilitation of Sri Lanka's Tamils requires meaningful devolution of political and administrative powers but recently, movement against the Amendment has been championed from within the ruling party. Minister Wimal Weerawansa has written to President Mahinda Rajapaksa requesting a referendum to repeal the constitutional provision..** |  |
| 18. | 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 take measures for the rehabilitation and reintegration of ex-combatants, particularly children and young persons. | **Ongoing** | See: North East Housing Reconstruction Programme (www.nehrp.com)  Nagenahira Navodaya Programme at Ministry of Economic Development ([www.med.gov.lk](http://www.med.gov.lk))  See also Chapter III, B, 2 of UPR report | **PARTLY COMPLETED**  **Economic development of the East began in 2006, but its administration has been largely counter-productive in terms of social services and the improvement of living standards for the local population. Until September of this year, ‘development’ of the region was headed by former LTTE-cadre Chief Minister Sivanesathurai Chandrakanthan alias Pillayan.**  **Rather than rehabilitating former-combatants, the government detained over 11,000 suspected LTTE members after the war, many of whom are yet to be released. Reports of “disappearances” and abductions in the north and the east continue to emerge, some linked to political parties and others to criminal gangs.**  **There are also huge problems caused by increased militarisation of the Province, in a similar manner to that of the North. See comments on Recommendation 37.** | * CWVHR recommend: providing Northern and Eastern people with self-governance mechanisms, language rights, land rights and all other political, human rights cultural rights. |
| 19. | Implementation of the official languages policy and continuing encouragement of bilingualism, in particular in the security forces, police and within the public service. | **Ongoing** | NHRAP Goal 12 of CPR chapter and Goal 7 of the ESCR Chapter identifies language rights as a priority and sets out measures for realisation of these rights.  Also the adoption and implementation of the national Tri-Lingual Policy (2012 to 2021) by GoSL See endnotes 14 and 15 above. | **INCOMPLETE**  **Even the most basic language based aspects of the LLRC report have not been implemented. The national anthem is still sung exclusively in Sinhala - in violation of the LLRC recommendation - and figures from within the government have publicly ridiculed the idea of the anthem being sung in Tamil. Even the LLRC itself has not been officially translated into Tamil or Sinhala.** | * JS1[[16]](#footnote-16) note: Tamil was an official language in law but the relevant provisions of the 13th and 16th Amendments to the Constitution have not been fully implemented, particularly within the public service, police and security forces. |
| 20. | Confidence-building and stabilization measures: implementation of the action plan for IDPs and conflict-affected communities, including host communities. | **Ongoing** | See Generally the NHRAP Chapter on Rights of IDPs and Chapter III, B, 1–5 of UPR Report. | **PARTLY COMPLETED**  **More than 115,000 people are estimated to still be displaced as of September this year, with many more having been returned without access to durable solutions. For detailed figures on the current situation of IDPs in Sri Lanka, see:** [**http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/D19BC2605A15FBF2C1257816004B8C9D?OpenDocument#45.2.1**](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/D19BC2605A15FBF2C1257816004B8C9D?OpenDocument#45.2.1)  **In September of this year, the final 1,179 IDPs were moved out of the government-run Menik Farm camp in Northern Sri Lanka. The UN Humanitarian Coordinator welcomed the closure, while expressing specific concern for 110 families who are unable to return to their homes, which are occupied by the military. Aid agencies have raised concerns that some IDPs may have been moved against their will or on false premises to third locations with even fewer basic facilities.**  **For further insight into the situation typically faced by the thousands of IDPs now housed ‘informally’; with relatives, in independent camps or literally in the middle of the jungle, see our blogpost on the people of Mullikkulam:**  [**http://blog.srilankacampaign.org/2012/07/homeless-for-six-years-nafso.html**](http://blog.srilankacampaign.org/2012/07/homeless-for-six-years-nafso.html) |  |
| 21. | Development of a comprehensive and uniform compensation policy for the displaced and dispossessed. | **Ongoing** | NHRAP Chapter on IDPs Goal 1 and 3. | **INCOMPLETE**  **There is no comprehensive national restitution and compensation policy that is in force to**  **provide a framework for determining assistance measures for IDPs. As a result, such issues have not received the attention they deserve, and those affected and aggrieved have not been provided with the assistance and support they need.**  **The specific problem of properties being occupied by the military is particularly common in areas of Jaffna still legally identified as ‘High Security’. In these cases, house owners have been provided minimal rent and been provided assurances that the property will be returned in some individual cases, whereas in others even the assurance of the property being returned is still not clear and there is a lack of clarity over compensation in case of such an outcome.**  **For a detailed analysis on the legal issues surrounding Sri Lanka’s IDPs, see this report by South Asian Rights:**  [**http://www.southasianrights.org/wp-content/uploads/2012/03/IDP-SL2.pdf**](http://www.southasianrights.org/wp-content/uploads/2012/03/IDP-SL2.pdf) |  |
| 22. | Complete the process of drafting a bill on the rights of IDPs having consulted all relevant stakeholders. | **Ongoing** | Goal 1.1 of Chapter on Rights of IDPs. | **INCOMPLETE**  **The IDP unit of the Human Rights**  **Commission developed an IDP Bill which was presented to the Human Rights Ministry in**  **August 2008, but this bill was never presented to cabinet. There are concerns that the processes to draw up such legislation**  **have not been inclusive or participatory. The future of the Bill is very much in doubt, as it was introduced just prior to the visit of the UN Special Representative on IDPs, Walter Kaelin to Sri Lanka in December 2007 and there has been no follow up since then.**  **Also, see comments on Recommendation 21.** |  |
| 23. | Improve the capacity of the police in carrying out investigations, with additional training in interrogation and prosecution. | **Ongoing** | Goal 3.1 of Prevention of Torture (PoT) Chapter and other Goals and activities.  Goal 18 .2 CPR Chapter | **INCOMPLETE**  **The Government of Sri Lanka’s strategies in this area are not working. This is clear from what the Asian Human Rights Commission call a “police torture epidemic” in the country.**  **For a more detailed analysis of ongoing human rights abuses by the police forces see:** [**http://www.humanrights.asia/resources/videos/AHRC-VID-002-2012**](http://www.humanrights.asia/resources/videos/AHRC-VID-002-2012) | * JS4[[17]](#footnote-17) recommend: Sri Lanka implement the 2011 recommendations of the Convention against Torture (CAT). * International Commission of Jurists (ICJ) recommended: amend section 12 of the Sri Lanka CAT Act to include the term “suffering” within the definition of torture, and enacting a non-refoulement provision (those seeking asylum that would be persecuted by their government will not be handed over to them) in the Act in conformity with obligations under article 3 of the CAT (the subjection of any person on the order of a competent court to any form of punishment recognised by written law shall be deemed not to constitute illegal torture). * Freedom from Torture (FT) note: torture perpetrated by state actors within both the military and police has continued following the end of the conflict in May 2009 and was still occurring in 2011. Those at particular risk included Tamils who have an actual or perceived association with the Liberation Tigers of Tamil Eelam (LTTE). A wide range of different forms of torture had been used, often in combination, to inflict severe suffering on victims of torture with devastating psychological and physical consequences. JS1[[18]](#footnote-18) and JS9[[19]](#footnote-19) expressed similar concerns. * FT recommend: taking immediate and effective measures to investigate all acts of torture and ill-treatment, and prosecuting and punishing those responsible with penalties consistent with the gravity of the acts, and ensuring that torture is not used by law enforcement personnel and members of the military. |
| 24. | Improve and upgrade detention facilities. |  | Goals 3 and 9.1 of CPR Chapter on Conditions of Detention.  Policy initiatives to reduce the prison population are also being contemplated. | **INCOMPLETE**  **The Prison conditions in Sri Lanka remain poor. A report by the Asian Human Rights Commission highlights the terrible conditions in some detention centres ()http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&cad=rja&ved=0CE8QFjAF&url=http%3A%2F%2Fwww.humanrights.asia%2Fnews%2Furgent-appeals%2FAHRC-UAC-192-2012%2FasPlainPDF%3Fconverter%3Dpdf-pisa%26resource%3Dahrc%26template%3Dahrc\_pdf\_template&ei=2g6cUIPkBsLC0QX90oDADA&usg=AFQjCNE\_yUcqCA06dquU9dIhFjiTziog-g)**  **The latest CAT report on Sri Lanka, from November 2011, expressed concern that ‘about reports received from non-governmental sources regarding secret detention centres run by the Sri Lankan military intelligence and**  **paramilitary groups where enforced disappearances, torture and extrajudicial killings have allegedly been perpetrated’.** |  |
| 25. | Uphold the rights of persons with disabilities. | **Ongoing** | Goals 15 & 17 of the CPR chapter.  Goals 1, 5 & 9 of ESCR Chapter.  See also Goals 1,6,7 & 9 of the Rights of Children Chapter, and  Goals 4 & 9 of the Rights of IDPs Chapter.  Gazette Extraordinary No 1619/24 of 18 Sept., 2009 was issued under the Protection of the Rights of Persons with disabilities Act (No28/1996) on access to public buildings and spaces to be provided in a time-bound manner. | **PARTLY COMPLETED** | * HRCSL recommend: ratify Convention on the Rights of Persons with Disabilities, as recommended by Joint Submission JS15. [[20]](#footnote-20) * JS15[[21]](#footnote-21) recommend: adopting a national policy and action plan for persons with disabilities without racial, provincial or linguistic discrimination; and providing for adequate infrastructures and facilities in public building for persons with disabilities especially in the North and East Provinces |
| 26. | Changes in both formal and non-formal educational systems to introduce and/or further develop the human rights content within these programmes. | **Ongoing** | Rights of Children (Goal 7.4)  See also Goal 1 of ESCR Chapter  Existing human rights module to be further developed in secondary school syllabus.  The HRCSL has also trained 1340 human rights activists in conflict affected areas during the period 2008 to 2011. | **PARTLY COMPLETED**  **In 2009, the secretary to the Ministry of**  **Disaster Management & Human rights facilitated a meeting with the Ministry of Education, the NIE, the HRCSL and other involved institutions concerning education to prepare and work jointly on a human**  **rights education program. The HRCSL**  **undertook the formulation of guidelines/handbooks for teachers, university and school students as supplementary materials for the curriculum-based human rights education, which allocated only a limited number of hours for human rights education .**  **It is obviously hard to know how thorough any government-backed curriculum covering human rights will be, given its own disastrous and yet to be investigated human rights record.** |  |

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|  | ***Conclusions and/or Recommendations of the 2008 Universal Periodic Review*** | ***Status*** | ***NHRAP reference*** | ***Other information*** | ***Truth*** | ***Info and/or recommendations from human rights organisations etc.*** |
| 1. | Continue to enhance the capacity building of its national human rights institutions with the support of the international community, including OHCHR, and seek the effective contribution of OHCHR to strengthen the NHRC. | **Ongoing** | Goal 4 CPR | See comment on Voluntary Pledge (VP) 2 above | **INCOMPLETE**  **See comments on Voluntary Pledge 2.** | * See notes on Voluntary Pledge 2. |
| 2. | Strengthen and ensure the independence of its human rights institutions such as the National Human Rights Commission, in accordance with the Paris Principles, including through implementation of the 17th Amendment at the earliest, and ensure its pluralist character. | **NA** |  | See comment on VP 3 above. The HRCSL is operationally independent of GoSL and is appointed in terms of applicable law. | **INCOMPLETE**  **The President has authority to make direct appointments to the HRCSL.**  **See comments on Voluntary Pledge 3.** | * See notes on Voluntary Pledge 3. |
| 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. | **Ongoing** | Goal 4 CPR | See comment on VP 2 above | **INCOMPLETE**  **See comments on Voluntary Pledge 3.** | * See notes on Voluntary Pledge 3. |
| 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. | **Ongoing** | Entirety of the NHRAP | Sri Lanka is party to 7 core human rights instruments and several protocols and signatory to the Convention on Disabilities and is discharging its responsibilities under these instruments. | **INCOMPLETE**  **See comments on Voluntary Pledges 2 and 15.** | * See notes on Voluntary Pledge 2. |
| 5. | Try to respond in a timely manner to the questionnaires sent by the special procedures. | **Ongoing** |  | Sri Lanka has been responding in a timely manner in the context of ground realities. | **INCOMPLETE**  **At least in regards to requests for special procedures to visit the country. Since 2008, these have included requests for Working Groups on enforced or involuntary disappearances and for Special Rapporteurs on human rights defenders, on freedom of expression, on enforced, summary or arbitrary executions and on freedom of association and assembly.**  **For a full record of all communications and visits made to Sri Lanka by OHCHR special procedures see:**  [**http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm**](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm) | * ECCHR recommend: cooperation with the Special Rapporteurs on the Promotion and Protection of Human Rights while Countering Terrorism and Torture. |
| 6. | Continue close dialogue with the United Nations human rights mechanisms, and OHCHR. | **Ongoing** |  | See comment on VP 2 above. | **INCOMPLETE**  **See Voluntary Pledges 2 and 15.** | * See notes on Voluntary Pledge 2.. |
| 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. | **Completed** |  | ICCPR Act No. 56 of 2007 and determination of the Supreme Court of Sri Lanka of March 2008 substantially addresses concerns re. compliance. | **INCOMPLETE**  **The UPR recommendation was made in May 2008. Citing an act passed in 2007 and a supreme court decision of March 2008 does nothing to answer the question of what progress has been made on this since May 2008.** |  |
| 8. | Ensure full incorporation and implementation of international human rights instruments at the national level, in particular ICCPR and CAT, unless already done. | **Completed** |  | Constitutional provision and domestic law incorporates the substance of the rights under the Conventions. Definitional issues relating to torture are being considered and will be further discussed with the Committee Against Torture. | **INCOMPLETE**  **With regards to ICCPR, see Recommendation 7.**  **With regards to CAT, see Recommendation 24.** |  |
| 9. | Ensure that its domestic legislation is in full compliance with the Convention on the Rights of the Child. | **Ongoing** |  | Legislation being reviewed and will be amended where necessary. | **INCOMPLETE**  **The latest report on Sri Lanka by the Committee on the Rights of the Child**  **was published in October 2010. Point 9 highlights the committee’s concern over matters of legislation.**  **It ‘notes with concern that the**  **Convention has still not been fully domesticated in national legislation […] to make it**  **applicable in the State party. The Committee is also concerned that the enjoyment of child**  **rights continues to be negatively affected by the application of emergency regulations and**  **the three different sources of law: national laws, Kandyan laws and Muslim laws’**  **For the text of the full report, see:** [**http://www.unhcr.org/refworld/publisher,CRC,,LKA,4cdcfb112,0.html**](http://www.unhcr.org/refworld/publisher,CRC,,LKA,4cdcfb112,0.html) |  |
| 10. | Continue its efforts for the full implementation of international human rights instruments to which it is a party. | **Ongoing** | NHRAP in its entirety | See also comment on Recommendation 4 above. | **INCOMPLETE**  **See Voluntary Pledges 2 and 15.** | * See notes on Voluntary Pledge 2. |
| 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. | **Ongoing** |  | NHRAP is the outcome of UPR engagement and civil society was involved in its formulation. Implementing agencies of Government will involve their civil society partners in implementation. | **INCOMPLETE**  **The strained nature of the relationship between the Government and civil society, as mentioned repeatedly in this report, is clear from the number of critical submissions made by Sri Lankan civil society in this UPR process. In particular that of Joint Submission 1. It is highly evident that these organisations have not been involved in the follow-up to the 2008 UPR.** |  |
| 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. | **Ongoing** | NHRAP Goal 1 | See comment on VP 7 above. | **INCOMPLETE**  **See comments on Voluntary Pledges 3 and 7.** |  |
| 13. | That the National Plan of Action provide specific benchmarks within a given timeframe. | **Completed** | NHRAP | All activities are time-bound. | **INCOMPLETE**  **Whilst the Plan does have a timeframe, this isn’t being kept to.** |  |
| 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. | **Ongoing** |  | Humanitarian access for the 1,597 IDP families still awaiting resettlement is provided. | **INCOMPLETE.**  **Human Rights Defenders are far more likely to be the victims of disappearance and extrajudicial killing than members of the public. The sad case of Pattani Razeek, where the alleged killers were allowed to walk free, is a case in point, see:**  [**http://blog.srilankacampaign.org/search/label/Pattani%20Razeek**](http://blog.srilankacampaign.org/search/label/Pattani%20Razeek)**.**  **Furthermore the Government of Sri Lanka themselves have been at the forefront of attempts to intimidate HRDs with the Minister for Information publicly threatening to break HRD's legs:** [**http://www.youtube.com/watch?v=BEIi9d-nJAw&feature=youtu.be**](http://www.youtube.com/watch?v=BEIi9d-nJAw&feature=youtu.be)  **As well as state TV branding HRDs as traitors:** [**http://www.guardian.co.uk/media/greenslade/2012/mar/23/journalist-safety-srilanka?CMP=twt\_fd**](http://www.guardian.co.uk/media/greenslade/2012/mar/23/journalist-safety-srilanka?CMP=twt_fd)  **And the Sri Lankan Government's delegation to Geneva intimidating HRDs in the Palais de la Nations itself to such an egregious degree that they had to be censured by the President of the Human Rights Council:**  [**http://www.ndtv.com/video/player/news/sri-lankan-delegates-intimidated-activists-says-un-human-rights-chief/227231**](http://www.ndtv.com/video/player/news/sri-lankan-delegates-intimidated-activists-says-un-human-rights-chief/227231)**.** | * CIVICUS recommend: the extension of a standing invitation to the Special Procedures, and inviting the Special Rapporteurs on Human Rights Defenders, Freedom of Expression, and Right to Peaceful Assembly. CIVICUS, a number of members of civil society organizations and individual activists exposing human rights violations committed during the civil war by the Sri Lankan security forces have been abducted to prevent them from continuing their work. The state media and news outlets controlled by the Government had been running a slanderous campaign against human rights defenders engaged in activities at the UN Human Rights Council accusing them of being traitors and aligned to the LTTE. HRW and TYO express a similar concern. * JS1[[22]](#footnote-22) state: human rights defenders had been systematically denigrated and their work disrupted, which made the climate for engaging in human rights work both challenging and dangerous. * CIVICUS recommend: that Sri Lanka adopt a national policy on the protection of human rights defenders to ensure investigation of complaints regarding attacks on them by an independent investigative agency and/or senior police officers. * FLD recommended: conducting an independent inquiry into the source of threats, ill-treatment, and all forms of intimidation and harassment directed towards all human rights defenders. |
| 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. | **Ongoing** |  | As per LLRC recommendations further action is under consideration by the Attorney-General including further investigation by the Criminal Investigation Division. | **INCOMPLETE**  **The failure of Sri Lanka to safeguard humanitarian aid workers is ably demonstrated by the case of the murder of the Muttur 17 as has been shown in JS14.** | * HRW and JS14[[23]](#footnote-23): despite strong evidence of involvement by state security forces in the execution-style slayings of five students and 17 aid workers in 2006, government inquiries have languished and no one had been arrested for the crimes. JS14 recommend: the publication of the full report by the Presidential Commission of Inquiry. |
| 16. | Implement the recommendations of the Special Rapporteur on the question of torture. | **Ongoing** | NHRAP Chapter on Prevention of Torture | Follow up action has been taken and interactions with SR have taken place in 2007 and 2012. The NHRAP Chapter was drawn up to facilitate ongoing follow up. | **INCOMPLETE**  **Whilst some interaction with the Special Rapporteur on torture has indeed taken place, the situation as reported as it stands today is the best indication of the measures the government has actually taken on this issue.**  **The November 2011 Committee against Torture report on Sri Lanka identified a number of major concerns in regards to the country’s human rights record. These included: a lack of investigation into the many reports of torture, the existence of secret detention centres, enforced disappearances, the dubious regulations of the Prevention of Terrorism Act, coerced confessions, the non-registration of all detainees, impunity, the lack of witness and victim protection and violence against women and children.**  **The report draws attention to Article 2 of the Convention against torture which states: ‘no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture’.**  **See the full text of the latest CAT report on Sri Lanka here:**  [**http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4\_en.pdf**](http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4_en.pdf) | * AI: the PTA, which permits extended administrative detention, had been retained. The authorities introduced new regulations under the PTA to continue detention of LTTE suspects without charge or trial, and that the PTA reversed the burden of proof where torture and ill-treatment was alleged and restricted freedom of expression and association, as also noted by MRG. ECCHR expressed similar concerns, highlighting the fact that the PTA perpetuated a climate of fear and intimidation where women are vulnerable to gender-based violence and the worst form of discrimination, as noted by GTF. |
| 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. | **Ongoing** |  | Human Rights Defenders are entitled to all safeguards including enjoyment of fundamental rights and protection under ordinary law together with all legal remedies. In instances where complaints have been made, impartial and comprehensive criminal investigations have been conducted and judicial proceedings initiated. | **INCOMPLETE**  **See comments on Recommendation 14.** | * See notes given on Recommendation 14. |
| 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. | **Ongoing** | NHRAP Chapters on CPR and PoT | Capacity building of law enforcement and national institutions is contemplated. External assistance may be requested if local training capacity needs to be supplemented. | **INCOMPLETE**  **There have been a large number of extrajudicial killings reported since 2008, many of which have been directly linked to the government and armed forces and have gone un-investigated.**  **One high profile example of such activity was the October 2011 killing of Bharatha Lakshman Premachandra, an adviser on trade union affairs to the Sri Lankan president. Premachandra and three of his supporters died on the spot in broad daylight during a shoot-out with a group led by another parliamentarian, Duminda Silva, a Colombo district MP who had worked closely with Gotabhaya Rajapaksa and the Ministry of Defence. Silva sustained injuries to the head and was immediately taken abroad ‘for treatment’, having not been identified as a suspect. The government has demonstrate limited will to investigate the murder on any level, and Silva remains absent from the country.** | * Freedom from Torture (FT) recommend Sri Lanka welcome visits by the Working Groups on Arbitrary Detention, and Enforced and Involuntary Disappearances * AI note: continuing reports of extrajudicial killings by alleged military operatives and suspicious deaths in police custody. In addition, Joint Submission 6 alleged that most extrajudicial killings and disappearances were carried out by paramilitary groups directly under the control of the armed forces in counter-insurgency efforts to eliminate all Tamil activism.   AI continued to receive reports of enforced disappearances, including activists protesting human rights violations by the authorities. |
| 19. | Increase its efforts to strengthen its legal safeguards for eliminating all forms of ill treatment or torture in the prisons and detention centres. | **Ongoing** | NHRAP Chapter on PoT | Police circulars (2011 and 2012) are aimed at eliminating mistreatment of detainees. Practical guidelines have been adopted by the Terrorist Investigation Division for the treatment of detainees.  Introductory Workshop for the Police on Prevention of Torture. 474 Police Officials have been trained from 2009–2012. | **INCOMPLETE**  **Reports of torture are rife and the fact that circulars are seen to be an adequate measure of addressing such a serious offense and violation of international law is a good indication of the lack of political will to eradicate this practice.**  **Also, see comments on Recommendation 16.** | * See notes on Recommendation 16. * AI note: reports that torture and other cruel, inhuman and degrading treatment or punishment of detainees, remain common and widespread in Sri Lanka. Legal and procedural shortcomings contribute to this failure, as does the lack of political will on the part of the authorities to eradicate the use of torture and ill-treatment and to bring those responsible to justice in fair trials. * JS9[[24]](#footnote-24) recommend: enacting an act on codifying the rights of the arrestees at the time of arrest and after the arrests, including the right to know the reason of arrest, procedural steps to be followed by officers, protection of the detainee, the right to a fair trial without delay, medical facilities, if necessary, for detainees, and permission for lawyers and relatives to visit detainees in prison * AI note: the PTA, which permits extended administrative detention, had been retained. According to AI, the authorities introduced new regulations under the PTA to continue detention of LTTE suspects without charge or trial, and that the PTA reversed the burden of proof where torture and ill-treatment was alleged and restricted freedom of expression and association, as also noted by MRG. ECCHR expressed similar concerns highlighting the fact that the PTA perpetuated a climate of fear and intimidation where women are vulnerable to gender-based violence and the worst form of discrimination, as noted by GTF |
| 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. | **Completed** |  | 594 former child combatants were the final recipients of rehabilitation and have now been reunited with their families. | **PARTLY COMPLETED**  **While the rehabilitation process has processed some 11,000 former LTTE cadres, at least 500 of whom were children - there are thought to be a number still detained without trial. It is not known how many, how many of these are children, or what fate befell the many children who entered the "Rehabilitation Of Ex-combatants/ Misguided Youth And Children" scheme. This is because the government of Sri Lanka refuses to publish a list of all those in detention. What is known is that there are concerns over the methodology used to rehabilitate children, see:**  [**http://groundviews.org/2012/06/16/post-war-sri-lankas-thought-police-the-rehabilitation-of-ex-combatants-and-the-denigration-of-tamil-identity/**](http://groundviews.org/2012/06/16/post-war-sri-lankas-thought-police-the-rehabilitation-of-ex-combatants-and-the-denigration-of-tamil-identity/)  **And that many were, in effect, detained without trial for nearly three years (this article talks about child soldiers being released in March 2012 having been picked up in May 2009 at the latest:** [**http://www.ceylontoday.lk/35-4353-news-detail-new-life-new-hope.html**](http://www.ceylontoday.lk/35-4353-news-detail-new-life-new-hope.html) | * MRG recommend: ensuring the protection of rehabilitated child soldiers, who might be subject to discrimination and surveillance. * HRW recommend: continuing to work with UNICEF on the rehabilitation and reintegration of former child soldiers. |
| 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. | **Ongoing** |  | Action will be taken on the basis of credible evidence if sufficient detail is provided. As provided for by UNSC Resolution 1612 itself, claims made without any degree of specificity and on the basis of heresay cannot be treated as anything more than unsubstantiated and uncorroborated evidence. The situation is mitigated by the fact that no alleged recruitment has taken place after 2009. | **INCOMPLETE**  **The chief recruiter of Child soldiers was Vinayagamoorthy Muralitharan AKA Col Karuna, see:**  [**http://www.hrw.org/news/2007/01/23/sri-lanka-karuna-group-abducts-children-combat**](http://www.hrw.org/news/2007/01/23/sri-lanka-karuna-group-abducts-children-combat)**.**  **He is a cabinet minister and vice President of the ruling SLFP. No action has been taken against him.** |  |
| 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. | **Completed** |  | Penal Code provisions are in place and are part of the criminal law of the land. As such all persons are bound to obey the law. | **PARTLY COMPLETED**  **While Sri Lanka has been delisted by the UN Secretary-General from Annex II of the UN Security Council Resolution 1612, on Children and Armed Conflict this is arguably premature given the chief recruiter of Child Soldiers (see below) remains a cabinet minister. Without any censure of former recruiters of child soldiers we can have limited confidence that the practice will not be resumed in the future.** |  |
| 23. | Investigate allegations of forced recruitment of children and hold to account any persons found in violation of CRC and its Optional Protocol. |  |  | See comment on Recommendation 47/48 above. Sri Lanka has also been delisted by the UNSG from Annex II of the UNSC Resolution 1612. | **INCOMPLETE**  **See comments on Recommendation 21.** |  |
| 24. | Take further steps to improve the effectiveness of measures to combat the recruitment of child soldiers. |  |  |  | **PARTLY COMPLETED**  **See comments on Recommendation 22.** |  |
| 25. | Take active measures in order to put an immediate end to forced recruitment and use of children in armed conflicts by all factions. |  |  |  | **PARTLY COMPLETED**  **See comments on Recommendation 22.** |  |
| 26. | Investigate and prosecute all allegations of extrajudicial, summary or arbitrary killings and bring the perpetrators to justice in accordance with international standards. | **Ongoing** | NHRAP Goal 4 | Enhance judicial powers to direct investigation; The GoSL envisages taking time bound remedial action to address allegations. | **INCOMPLETE**  **See comments on Recommendation 18.** | * AI note: continuing reports of extrajudicial killings by alleged military operatives and suspicious deaths in police custody. * JS6[[25]](#footnote-25) allege: most extrajudicial killings and disappearances were carried out by paramilitary groups directly under the control of the armed forces in counter-insurgency efforts to eliminate all Tamil activism. |
| 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. | **Ongoing** | NHRAP Goal 4 and 7 | Although current laws are sufficient to punish acts of causing enforced or involuntary disappearance, measures are contemplated to:  1) Examine the need for legislation  2) Formulate and present law to Parliament, if law reform is necessary with emphasis on the need to impose heavy penal sanctions as a deterrent). | **INCOMPLETE**  **The UN Panel of Experts has identified serious rights violations perpetrated by the Government of Sri Lanka itself and senior members of the LTTE - none of these people have been brought to justice. Even the LLRC identifies serious violations and disappearances linked to Douglas Devananda - a cabinet minister, see:** [**http://www.priu.gov.lk/news\_update/Current\_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf**](http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf) **- Paragraph 5.72.**  **Perhaps the most clear case of failure to prosecute and punish perpetrators of violations of international human rights law and humanitarian law is the case of Tharmalingam Kumaran (alias KP). He is wanted for numerous crimes relating to violations of international human rights law and humanitarian law, and yet he is living at large in Sri Lanka and is even in the running to be the next chief minister of the northern province, see:** [**http://www.island.lk/index.php?page\_cat=article-details&page=article-details&code\_title=1185**](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=1185)  **As a result of this state of affairs Interpol have relisted him on their "at large" list:** [**http://www.sundaytimes.lk/110529/News/nws\_05.html**](http://www.sundaytimes.lk/110529/News/nws_05.html)  **With specific regards to disappearances, the Government of Sri Lanka's failure to deal with the problem is evident from the fact there is one disappearance every five days , see:** [**http://groundviews.org/2012/08/30/a-disappearance-every-five-days-in-post-war-sri-lanka/**](http://groundviews.org/2012/08/30/a-disappearance-every-five-days-in-post-war-sri-lanka/)  **And from the fact that WGEID have been refused permission to visit Sri Lanka in over six years. Sri Lanka's lack of interest in prosecuting those involved in such violations is clear from the case of Mr Ramasamy Prabaharan, who disappeared two days before a case he had brought against the police for torturing him was to be heard:** [**http://www.omct.org/urgent-campaigns/urgent-interventions/sri-lanka/2012/02/d21648/**](http://www.omct.org/urgent-campaigns/urgent-interventions/sri-lanka/2012/02/d21648/) | * Freedom from Torture (FT) recommend: Sri Lanka welcome visits by the Working Groups on Arbitrary Detention, and Enforced and Involuntary Disappearances. |
| 28. | Adopt measures to ensure the effective implementation of legislative guarantees and programmes for the protection of witnesses and victims. | **Ongoing** | NHRAP Goal 7 | See also comment on VP4 above. | **INCOMPLETE**  **See comments on Voluntary Pledge 4.** | * See notes on Voluntary Pledge 4. |
| 29. | Take all necessary measures to prosecute and punish perpetrators of violations of international human rights law and humanitarian law. | **Ongoing** | NHRAP Chapter on CPR | All criminal acts are punishable under Sri Lankan law and special relief is granted for violation for human rights. | **INCOMPLETE**  **The CPR section of the NHRAP actually says very little on this subject. See the whole text here:**  [**http://issuu.com/lpsl/docs/national\_human\_rights\_action\_plan\_sri\_lanka?mode=window&backgroundColor=%23222222**](http://issuu.com/lpsl/docs/national_human_rights_action_plan_sri_lanka?mode=window&backgroundColor=%23222222)  **Also, see comments on Recommendation 27.** | * See notes on Recommendation 27. |
| 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. |  |  | (a) See comment on Recommendations 47/48 above.  (b) See comment on Recommendation 46 above. | **INCOMPLETE**  **See comments on Recommendation 21.** | * See notes on Recommendation 21. |
| 31. | Enter into further agreements with countries hosting its migrants workers. | **Ongoing** | NHRAP Chapter on Migrant Workers’ Rights Goal 5 | Sri Lanka has entered into eight such bilateral agreements pertaining to this area. | **INCOMPLETE**  **Around 90% of all Sri Lankan migrants work in the Gulf States, in particular the countries of Saudi Arabia, Kuwait, UAE, Qatar, and Jordan.**  **Whilst such agreements may well have been entered into, high profile cases of gross human rights abuses against female Sri Lankan migrant workers continue to emerge. For example, the recent case of Rizana Nafeek, who is awaiting execution in Saudi Arabia. Nafeek was found guilty of killing a baby who had choked to death while in her care. She was sentenced in 2007 at the age of 17.** | * JS1[[26]](#footnote-26) note: the national migration policy had yet to be effectively implemented and monitored. |
| 32. | Take the measures necessary to ensure the return and restitution of housing and lands in conformity with international standards for IDPs. | **Ongoing** | NHRAP Chapter on Rights of IDPs | See specifically Goal 1 and 3 of NHRAP. The GoSL will take action to deal with land related issues giving particular emphasis to the rights of IDPs. | **INCOMPLETE**  **Several administrative, legal and access issues still contribute to disputes over land in Sri Lanka. These include: issues over documentation, ineffective/unfair administration, landlessness, war-related abandonment and non-usage, encroachment, land-grabbing and the involvement of the State in land acquisition on the grounds of military necessity, development, tourism and land settlement.**  **Also, see comments on Recommendation 21.** | * The National Council of Canadian Tamils state: the military perpetuated the continued displacement of tens of thousands of Tamils by seizing large amounts of public and private Tamil lands to build military bases.      * The HRCSL recommend: the Government implement due process in the distribution of lands to the poor and landless people and the second generation of IDPs as an approach to poverty alleviation. It also observed the acquisition of land for security establishment and development purposes and that some areas acquired as high security zones during the conflict were being turned into Special Economic Zones. It also reported on a total of 317,790 new IDPs and 304,000 long-term IDPs at the beginning of 2010. While the Government claimed the majority of IDPs had been resettled, it needed to consider the situation of IDPs living with host families and who are in need of a durable solution. * JS8 [[27]](#footnote-27)note: thousands of IDPs had lost their title deeds and other land documents. However, the Government had been slow in providing them with relevant documents or mechanisms for those whose records cannot be found. instead proposing measures to register their land within a stipulated period. |
| 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. | **Ongoing** |  |  | **INCOMPLETE**  **See comments on Recommendations 20-22 and 32.** | * See notes on Recommendations 20-22 and 32. * JS1[[28]](#footnote-28) note: after the end of the war, there had been significant progress at least in terms of number of “resettled” IDPs. Although there was progress in some areas, there were continuing problems, including the issue of who was classified as an IDP and lack of durable solutions for those officially resettled. * Both CCT and GTF allege: thousands of IDPs were not allowed to go back to their homes, while a group of people were being moved from camp to camp continuously. |
| 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. | **Ongoing** |  |  | **INCOMPLETE**  **See comments on Recommendations 20-22 and 32.** | * See notes on Recommendations 20-22 and 32. * JS1[[29]](#footnote-29) state: the Government and the LTTE were accused of carrying out a series of violations, including forced movement of and restrictions on movement of IDPs, shortages of food, medicine and other essential goods to displaced population and other human rights violations against IDPs, including forcible recruitment and the abduction of individuals.      * CCT state: the IDPs who are mainly Tamil Hindus and Catholics had been systematically denied their access to religious observance. they also note: thousands of school children in the IDP camps are without proper education/schooling. Few schools have facilities for their continuous education. Most of the teachers appointed are volunteers from the IDP camps themselves. |
| 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. | **Completed/ongoing** | NHRAP Chapter on Rights of IDPs | All IDPs have access to interim housing pending return and resettlement. | **INCOMPLETE**  **See comments on Recommendations 20-22 and 32.** | * See notes on Recommendations 20-22 and 32. |
| 36. | Give special attention to the rights of women and further promote education and development and their representation in politics and public life. | **Ongoing** | NHRAP Chapter on the Rights of Women | The Ministry of Child Development and Women’s Affairs also has devised an institutional action plan which is undergoing a process of review. | **PARTLY COMPLETED**  **See comments on Voluntary Pledge 12.** | * See notes on Voluntary Pledge 12.      * ECCHR recommend: revoking the parts of the Prevention of Terrorism Act (PTA) that de facto discriminate against women. JS10[[30]](#footnote-30) made a siimilar recommendation. * HRW recommend: expanding sexual, reproductive, and mental health programmes for survivors of gender-based violence in the North and East. * JS1[[31]](#footnote-31) state: despite the advances made in women’s rights, there remained a number of concerns, including an increasing regressive socio-political environment in which it is difficult to advance women’s issues and that, despite very low representation of women in all levels of government, which adversely impacts the design and implementation of policy, no affirmative action measures had been initiated. JS16[[32]](#footnote-32) highlighted recommendations contained in the NHRAP for targeting a 30 per cent minimum representation of women in Parliament, Provincial Council and local authorities and the elimination of discriminatory laws, including Land Development Ordinance and the Vagrants Ordinance. |
| 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. | **Ongoing** |  | See comment on VP 9 above; also the Joint Plan of Assistance of Assistance to the Northern Province 2011 and 2012 has these broad goals but the level of external funding support is approx. 35% of requirements; also see information under Chapter III, B, 4 of this Report. | **PARTLY COMPLETED**  **Whilst some development has undoubtedly taken place in the North and throughout former conflict zones, local populations have seen little or no improvement to their lives.**  **The military has dramatically increased its economic role in the Province and controls a significant proportion of land and industry. Heavy militarisation too often serves as a disguise for ‘development’.**  **In regards to seeking the help of the international community, government restrictions on aid has only further exacerbated the problem of insufficient regional social services. Local civil administrations have been unable to significantly improve the social or economic failings of the region, marginalised as they are by the military and influence of the Presidential Task Force.**  **For a more detailed account of the flaws in the government’s ‘development’ of the North, see the following report by the International Crisis Group:**  [**http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/220-sri-lankas-north-ii-rebuilding-under-the-military.aspx**](http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/220-sri-lankas-north-ii-rebuilding-under-the-military.aspx) | * CWVHR note: the army was engaged in competitive small businesses, including coffee shops, hotels and tourist services in the Northern Province and it was illegally farming in farmlands which Tamils had traditionally cultivated. * JS1[[33]](#footnote-33) stated that food security was a problem in most parts of Sri Lanka but was acute in areas that had been directly affected by the war. * While noting that in 2008, the slum dwellers in Colombo 2 (Slave Island) were evicted with assurances of better housing in Colombo 9 and put in temporary shelters in Colombo 15, JS15 recommend: Sri Lanka resettle the existing slum dwellers and those previously evicted in proper adequate and accessible facilities for housing, health, education and means for income generation. * JS8[[34]](#footnote-34) recommend: issuing a policy document regarding housing schemes ensuring that while participation by beneficiaries is encouraged, single women are provided with additional support |
| 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. | **Ongoing** | NHRAP Chapters on CPR, ESCR, Rights of Children, Rights of Women | Article 12 of the Constitution has extensive provision to ensure equal treatment under the law and equal protection of the law. | **INCOMPLETE**  **Article 12 of the Constitution has ensured equal treatment and protection under Sri Lankan law since 1978, which is hardly enough to reassure anyone of its commitment to equality. The number of submissions on this topic indicate the extent to which the government is failing in this commitment to its citizens.** | * JS11[[35]](#footnote-35) addressed grave breaches of treaty-based and customary humanitarian law between February 2009 and 19 May 2009. JS11 was particularly concerned at the repeated military action against Tamil people in the “no fire zones” established by the Government at the beginning of January 2009. * GTF note: some Hindu temples, the places of worship of the majority of religious Tamils had been desecrated and destroyed, whilst a number of Buddhist structures had been built in the Northern and Eastern region since the end of the war. * TAG state: Tamil civilians were targeted during the final stages of the war in 2009; were interned in camps for months; and that the Government continued to engender a climate of fear among the Tamil population of the North and East of Sri Lanka. IIPJHR expressed similar concerns. * CWVHR note: the majority Tamil Northern province of Sri Lanka was under intense militarization. According to MRG, in the Jaffna peninsula, there are some 40,000 army personnel, a ratio of approximately 1:11 of military personnel to civilians. The situation in Vanni is much worse with the ratio reportedly being 1:3. The military has been given key civilian administrative positions, including the Governors of the Northern and Eastern Provinces. GTF expressed a similar concern. * The National Council of Canadian Tamils stated that the military perpetuated the continued displacement of tens of thousands of Tamils by seizing large amounts of public and private Tamil lands to build military bases. * CIVICUS note: religious and cultural events organized by the Tamil minority continued to be subjected to undue restrictions. GTF stressed that the marginalization of the Tamils was exemplified by the fact that they only constitute 2% of the police in Sri Lanka and 6% of the civil service, despite comprising almost 20% of the country’s population.      * JS1[[36]](#footnote-36) noted the shortage of Tamil-language teachers, especially in the hill country, and reduced access and availability of education in the Tamil-language within those communities, which in turn impacted on the socio-economic opportunities available to these communities and their cultural identity. * TAG state: white van abductions, disappearances from street corners and the discovery of bodies was commonplace in Sri Lanka. While all ethnic groups had been victimized, Tamils continued to be more heavily targeted than other populations. Tamil Centre for Human Rights (TCHR) expressed a similar concern. * FT note: torture perpetrated by state actors within both the military and police had continued following the end of the conflict in May 2009 and was still occurring in 2011. Those at particular risk included Tamils who have an actual or perceived association with the LTTE. A wide range of different forms of torture had been used, often in combination, to inflict severe suffering on victims of torture with devastating psychological and physical consequences. JS1[[37]](#footnote-37) and JS9[[38]](#footnote-38) expressed similar concerns. FT recommend: taking immediate and effective measures to investigate all acts of torture and ill-treatment, and prosecuting and punishing those responsible with penalties consistent with the gravity of the acts, and ensuring that torture is not used by law enforcement personnel and members of the military. |
| 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. | **Ongoing** | NHRAP Chapter on CPR | Article 14 guarantees inter alia the rights of citizens to freedom of expression, the right to assembly and association. These rights have been judicially upheld.  Further time bound action is envisaged by the Government to protect these rights | **INCOMPLETE**  **See comments on Recommendation 14.** | * See notes on Recommendation 14. * CIVICUS recommend: the extension of a standing invitation to the Special Procedures, and inviting the Special Rapporteurs on Human Rights Defenders, Freedom of Expression, and Right to Peaceful Assembly. * International Movement Against All Forms of Discrimination and Racism (IMADR) recommend: Sri Lanka clarify its position regarding the statement made by the former Attorney-General, Mr. Peiris, during its CAT review in November 2011 that the disappeared journalist, Prageeth Eknaligoda, had taken refuge in a foreign country to assist the relating court proceedings in Sri Lanka. |
| 40. | Take measures to improve safeguards for freedom of the press. | **Ongoing** | NHRAP Chapter on CPR |  | **INCOMPLETE**  **Many of the challenges faced by Sri Lanka's journalists are the same as those faced by their HRDs (see comments on Recommendations 14, 17 and 39). But Sri Lanka has an amazingly poor record when it comes to freedom of expression even by these low standards. The CPJ ranks Sri Lanka the fourth worst country in the world to be a journalist according to its "impunity index", see:**  **(**[**http://cpj.org/reports/2012/04/impunity-index-2012.php**](http://cpj.org/reports/2012/04/impunity-index-2012.php)**..**  **Websites are repeatedly closed down :** [**http://blog.srilankacampaign.org/2012/05/banned-websites-go-to-supreme-court.html**](http://blog.srilankacampaign.org/2012/05/banned-websites-go-to-supreme-court.html)**.**  **Since the current government took office at least 37 media workers have been killed:** [**http://www.jdslanka.org/index.php/killed-media-workers**](http://www.jdslanka.org/index.php/killed-media-workers)  **and 65 forced into exile:** [**http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/LK/JS3\_UPR\_LKA\_S14\_2012\_JointSubmission3\_E.pdf**](http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/LK/JS3_UPR_LKA_S14_2012_JointSubmission3_E.pdf)  **For more information see our media freedom campaign:**  [**http://www.scribd.com/doc/61158268/Sri-Lanka-Press-Freedom-Final**](http://www.scribd.com/doc/61158268/Sri-Lanka-Press-Freedom-Final) | * CIVICUS state: journalists critical of official policies remained at heightened risk and continued to be subjected to physical attacks and abductions with inadequate investigations to bring perpetrators to justice. PEARL and JS1[[39]](#footnote-39) expressed a similar concern.      * CIVICUS expressed concern that on 5 November 2011, the Sri Lankan Ministry of Information issued orders requiring news websites with any content relating to the country to register without delay. JS12[[40]](#footnote-40) expressed similar concerns. * JS13[[41]](#footnote-41) recommend: ceasing harassment, threats, attacks, and murders of media workers. JS3[[42]](#footnote-42) and Article 19 also recommend: Sri Lanka create an autonomous and independent public service broadcaster; ensure that the state-owned media are independent and impartial; improve the transparency of media ownership and refrain from using advertising contracts to influence media content; introduce a competition commission to safeguard media pluralism; ensure that media regulation is kept free from political interference; cease requiring licenses for news websites; and abstain from blocking and filtering internet-based media. |
| 41. | Adopt effective measures to ensure the full realization of the right to freedom of expression for all persons. | **Ongoing** | NHRAP Chapter on CPR Goal 14 |  | **INCOMPLETE**  **See comments on Recommendation 40.** | * See notes on Recommendation 40. * CWVHR state: people were not permitted to assemble freely without prior permission from the military for non-religious activities in Jaffna. The military continually interfered with, disrupted and threatened events organized by civic groups. PEARL and CIVICUS expressed a similar concern. * CIVICUS recommend: training be given to members of security forces on the UN Basic Principles on the Use of Force and Firearms. |
| 42. | Continue to work with the international community on protection of human rights, environment, disaster risk management, HIV/AIDS and capacity building. | **Ongoing** | 8 Thematic areas of the NHRAP | These areas are also the subject of bilateral and multilateral cooperation between Sri Lanka and its partners. | **COMPLETE**  **On the issue of human rights, see comments on Voluntary Pledges 2 and 15.** | * On the issue of human rights, see notes on Voluntary Pledge 2. |
| 43. | Actively draw upon the assistance of the international community in the anti-terrorism process and in overcoming its negative consequences. | **Ongoing** |  | Sri Lanka is actively engaging with international partners in the fight against terrorism. | **COMPLETE** |  |
| 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. | **Ongoing** | Ongoing | Sri Lanka has taken action pursuant to UN SC Resolutions 1267 See Extraordinary Gazette number 1760/40 dated 31 May 2012) and 1373 (See Extraordinary Gazette number 1758/19 dated 15 May 2012) and has appointed national competent authority to take appropriate follow up action.  GoSL has also established a Financial Intelligence Unit (FIU) under Central Bank to combat illicit financial transactions. | **COMPLETE** |  |
| 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. | **Ongoing** |  | The following have been held/conducted by the Sri Lankan authorities:  Defence symposium 2011. 43 countries, 93 delegates. Theme - Defeating Terrorism, June 2011.  Defence symposium 2012. 63 countries/ 120+ delegates. Theme 5R, August 2012.  Security forces offer training courses for foreign Officers since 2010.  Galle Dialogue 2010. 8 countries (attended by delegates from Australia, Bangladesh, India, Kenya, Maldives, Pakistan, South Korea, USA). August 2010.  Galle Dialogue 2011. 10 countries (attended by USA, India, Pakistan, Bangladesh, Maldives, India, Pakistan, Bangladesh, South Africa, China). November 2011.  Sri Lanka also takes part in exchanges of visits at which information on counter-terrorism is shared. | **COMPLETE**  **Sri Lanka loves to share its experience with regards to fighting rebellion and terrorism which, given their methods of doing so, is extremely worrying for the future of the world.**  **A recent such seminar entitled ‘Towards lasting Peace and Stability’ was held in Colombo on August 8th and attended by 19 countries. Headed by Defence Secretary Gotabhaya Rajapaska (a brother of the President), the seminar acted as a PR campaign for the country and the government and failed to cover any of the allegations of war crimes being held against the army and government for their ‘rebellion fighting’ tactics.**  **At one point, Rajapaksa stated ‘Sri Lanka today is one of the most peaceful and stable countries in the world and is in the midst of a national revival’. If only this were true.** |  |

1. Joint Submission 1 submitted by Centre for Human Rights & Development, Centre for Policy Alternatives, Centre for Promotion & Protection of Human Rights, Centre for Women and Development, Jaffna (Sri Lanka), Dabindhu Collective, Equal Ground, Families of the Disappeared, Home for Human Rights, Human Rights Organization, Kandy (Sri Lanka), INFORM Human Rights Documentation Center, International Movement Against Discrimination and Racism (Asia Group) (Japan), Janaawaboda Kendrya, Law and Society Trust, Lawyers for Democracy, Mothers and Daughters of Lanka, Movement for Defense of Democratic Rights, national Fisheries Solidarity Movement, National Peace Council, Praja Abhilasha Network, Puravasi Kamituwa, Red Flag Women’s Movement, Right to Life Human Rights Centre, Rights Now Collective for Democracy, Savisthri Women’s Movement, South Asia Network for Refugees, IDPs and Migrants Sri Lanka (SANRIM Sri Lanka), Stand-Up Movement (SUM), Women Action Network, Women and Media Collective, Women Support Group, and Women’s Centre. [↑](#footnote-ref-1)
2. Joint Submission 15 submitted by Franciscans International and Marist International Solidarity Foundation, Geneva (Switzerland); [↑](#footnote-ref-2)
3. Joint Submission 6 submitted by United States Tamil Political Action Council (USTPAC, Washington D.C., USA) and Pasumai Thaayagam Foundation (Chennai, India) [↑](#footnote-ref-3)
4. Joint Submission 14 submitted by Action Contre la Faim (France) and SPEAK Human Rights & Environmental Initiative (USA) [↑](#footnote-ref-4)
5. See footnote 1. [↑](#footnote-ref-5)
6. Joint Submission 7 submitted by Asian Legal Resource Centre (Hong Kong, China), Rehabilitation and Research Centre for Torture Victims (Copenhagen, Denmark), and Action by Christians Against Torture France (ACAT, Paris France) [↑](#footnote-ref-6)
7. See footnote 4. [↑](#footnote-ref-7)
8. See footnote 2. [↑](#footnote-ref-8)
9. See footnote 1. [↑](#footnote-ref-9)
10. See footnote 1. [↑](#footnote-ref-10)
11. Joint Submission 4 submitted by Janasanasaya (Panadura, Sri Lanka) and The Citizens Committee of Gampaha District (Ekala, Sri Lanka); [↑](#footnote-ref-11)
12. Joint Submission 5 submitted by PEaCE/ECPAT Sri Lanka and ECPAT International. [↑](#footnote-ref-12)
13. Joint Submission 8 submitted by The North East Women’s Action Network (Sri Lanka) and the Centre for Human Rights and Development (Sri Lanka). [↑](#footnote-ref-13)
14. See footnote 13. [↑](#footnote-ref-14)
15. See footnote 1. [↑](#footnote-ref-15)
16. See footnote 1. [↑](#footnote-ref-16)
17. See footnote 11. [↑](#footnote-ref-17)
18. See footnote 1. [↑](#footnote-ref-18)
19. Joint Submission 9 submitted by Asian Human Rights Commission (Hong Kong, China) and Rule of Law Forum (Colombo, Sri Lanka). [↑](#footnote-ref-19)
20. See footnote 2. [↑](#footnote-ref-20)
21. As above. [↑](#footnote-ref-21)
22. See footnote 1. [↑](#footnote-ref-22)
23. See footnote 4.. [↑](#footnote-ref-23)
24. See footnote 19.. [↑](#footnote-ref-24)
25. See footnote 3. [↑](#footnote-ref-25)
26. See footnote 1. [↑](#footnote-ref-26)
27. See footnote 13.. [↑](#footnote-ref-27)
28. See footnote 1. [↑](#footnote-ref-28)
29. See footnote 1. [↑](#footnote-ref-29)
30. Joint Submission 10 submitted by CREA, Equal Ground, The Sexual Rights Initiative and The Women’s Support Group. [↑](#footnote-ref-30)
31. See footnote 1. [↑](#footnote-ref-31)
32. Joint Submission 16 submitted by Consortium of Humanitarian Agencies and Institute of Human Rights. [↑](#footnote-ref-32)
33. See footnote 1. [↑](#footnote-ref-33)
34. See footnote 13. [↑](#footnote-ref-34)
35. Joint Submission 11 submitted by International Development Inc., a non-governmental organisation on the roster and The Association of Humanitarian Lawyers. [↑](#footnote-ref-35)
36. See footnote 1. [↑](#footnote-ref-36)
37. See footnote 1. [↑](#footnote-ref-37)
38. See footnote 19. [↑](#footnote-ref-38)
39. See footnote 1. [↑](#footnote-ref-39)
40. Joint Submission 12 submitted by the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World

    Organisation Against Torture (OMCT). [↑](#footnote-ref-40)
41. Joint Submission 13 submitted by Networking for Rights in Sri Lanka, Free Media Movement, Sri Lanka and INFORM Human Rights Documentation Center, Sri Lanka. [↑](#footnote-ref-41)
42. Joint Submission 3 submitted by Committee to Protect Journalists, International Federation of Journalists, International Media Support, Journalists for Democracy in Sri Lanka, PEN International and Reporters Without Borders. [↑](#footnote-ref-42)