

Universal Periodic Review for the Democratic Socialist Republic of Sri Lanka: Follow-up Report

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This document provides an overview of the recommendations concerning a number of human rights issues addressed to the Democratic Socialist Republic of Sri Lanka during the Universal Periodic Review (UPR) process on the 1 November 2012. The summary of this review is presented in the Report of the Working Group on the Universal Periodic Review (A/HRC/22/16).

In its opening statement, the delegation of Sri Lanka¹ recognised the daunting challenges the country faces in post-conflict Sri Lanka. Notwithstanding these challenges, the delegation asserted their commitment to the improvement of human rights, in the context of post-conflict peace-building and reconciliation.

The Sri Lankan government claims it has implemented a number of mechanisms, such as the Lessons Learnt and Reconciliation Commission (LLRC) and the Trilingual policy, to promote and strengthen the national reconciliation process to ensure and maintain peace and harmony in Sri Lanka. The government says it has also set up Women's Protective Units and Women's Centres around the country in a bid to advance and protect the rights of women. Sri Lanka has also increased their expenditure on humanitarian assistance and relief as well as ongoing projects aimed at restoring normality to conflict affected areas.

The Sri Lankan government has integrated the Millennium Development Goals (MDG) into its current national development agenda and the delegation stated that Sri Lanka is on track to reaching most MDG indicators.

During the interactive dialogue, 98 delegations made statements.

Recommendations:

Total recommendations made to Sri Lanka: 204

Accepted: 110

Rejected: 94

Based on the UPR submission made by FMSI, in conjunction with FI, this summary comments on the position the Democratic Socialist Republic of Sri Lanka has adopted with regard to recommendations on improving the human rights standards and pursuing peace and national reconciliation.

The following headings relate to those raised in our (FMSI) submission on Sri Lanka:

- Internally Displaced Persons
- Peace and Reconciliation
- Urban Slums and Adequate Standard of Living

¹ The Sri Lankan delegation was headed by Mahinda Samarasinghe, Minister of Plantation Industries and Special Envoy of the President for Human Rights.

- Domestic and Migrant Workers and Trafficking
- Rights of the Child
- Rights of the People with Disability

Internally Displaced Persons

Sri Lanka accepted the recommendation to

- Develop a comprehensive policy with regard to all aspects of internal displacement (Azerbaijan): 127.91
- Intensify its efforts to ensure the return of displaced persons to their places of origin and compensate them whenever return is not possible (Chile): 127.93
- Continue providing assistance to IDP returnees in particular with housing, livelihoods and economic empowerment (Cuba): 127.93
- Ensure the protection of IDP's rights to voluntary and safe return to adequate restitution by, inter alia, putting in place and implementing long-term housing and property restitution policies that comply with international standards (Finland): 127.94
- Ensure legal ownership and return or restitution of houses and lands to internally displaced persons, according to international standards (Holy See): 127.95
- Strengthen efforts to implement the recommendations of the National Reconciliation Committee and work towards the repatriation of the internally displaced affected by the war to their cities and villages, and to guarantee the means of stability for them (Sudan): 127.96
- Invest more resources towards a better service delivery mechanism that will also ensure that the remaining internally displaced citizens return to their territories (Swaziland): 127.97
- Continue the resettlement of all internally displaced persons as a result of the conflict and guarantee the transfer or compensate those people who cannot return to their places of origin (Syrian Arab Republic): 127.98
- Continue measures underway to address land issues, including amending the Prescription Ordinance, whereby displaced landowners will be able to defeat the adverse claims based on the running of time (Bhutan): 127.99
- Take continuous measures to secure social infrastructure and means of livelihood at resettlement sites as this is expected to become more vital (Japan): 127.58

Comments from FMSI

The Sri Lankan government has made some progress resettling IDPs, in particular, through their demining programmes. The implementation of certain safeguards that protects the human rights of IDPs, including the returning of possessions to IDPs, is also commendable. However, the extent of the IDPs' access to human rights and humanitarian organizations is unclear. The Sri Lankan government needs to hasten the implementation of the LLRC, especially with regards to the IDPs.

It is worthy to note, that despite the long list of recommendations made by States to uphold the rights of IDPs, many of these recommendations only require minimal or

continuing action. The generality of the type of recommendation makes it difficult to assess what clear actions should be taken.

Peace and Reconciliation

Sri Lanka accepted the recommendations to:

- Take action to facilitate greater participation by citizens and civil society in helping to implement human rights action plans (Australia): 127.41
- Consolidate its reconciliation efforts to ensure that durable peace prevails in the country (Zimbabwe): 127.43
- Strengthen the cooperation with the relevant human rights stakeholders including the Human Rights Council (Angola): 127.44
- Maintain and strengthen cooperation with various United Nations mechanisms, as well as financial institutions, in order to overcome the challenges faced in the peace and national reconciliation process (Benin): 127.47
- Maintain its efforts in upholding national dialogue that would bring the country to a lasting peace, as well as its commitment to continue guaranteeing full exercise of human rights to all its citizens (Nicaragua): 127.52
- Strengthen further the capacity within the public institutions to enable the effective implementation of the trilingual policy (Ethiopia): 127.55
- Promote national reconciliation taking into account and protecting Sri Lanka's ethnic and religious pluralism, ensuring that all religious denominations are granted equal treatment and enjoy their fundamental rights (Holy See): 127.56
- Step up efforts to protect freedom of religion and promote inter-religious dialogue as a tool to foster tolerance and peaceful co-existence (Italy): 127.57
- Pursue the process of reconciliation and consolidate the peace building measures embarked on since the end of the conflict (Lebanon): 127.59
- Continue human rights education for police and security forces to ensure better protection and maintenance of human rights standards (Democratic People's Republic of Korea): 127.80
- Design training programs on human rights for police and security forces, to guarantee better protection of human rights standards (Oman): 127.81
- Continue to carry out the policy aimed at improving the judicial system, reforming law enforcement bodies and decreasing the level of crime and corruption (Russian Federation): 127.82
- Work on building the capacity of law enforcement officials in the area of human rights and provide them with the necessary education to guarantee the best standards in this regard (Sudan): 127.83
- Continue human rights education for police and security forces aiming at better protection and preservation of human rights principles (Syrian Arab Republic): 127.86

Comments from FMSI

FMSI welcomes the acceptance of the above recommendations by the Sri Lankan government and sees it as a reflection of the government's commitment to improve the human rights standards in Sri Lanka and to promote national reconciliation

through national dialogues in which all religious and ethnic denominations are given an equal say in the process. However, there seems to be a lack of willingness, on the part of the government, to uphold freedom of expression and to protect the rights of human rights defenders and journalists in the country. It is also disappointing that the government has refused to reduce military influence on civilian life. Furthermore, it seems contradictory that Sri Lanka should reject both Switzerland's recommendation to initiate an "[i]nclusive dialogue which would guarantee minority representatives a fair joint-decision power on the basis of the four previous proposals (APRC Expert Majority Report, All Party Representative Committee Report, Proposals for Constitutional Reforms, and Mangala Report) (128.35) and Egypt's more specific recommendation to '[t]ake further steps to ensure more participation of Sri Lankan Muslims in the reconciliation process and national efforts of economic, social and cultural integration' (128.54).

Urban Slums and Adequate Standard of Living

Sri Lanka accepted the recommendations to

- Redress housing shortage by adopting a national strategy and a plan of action (Djibouti): 127.88
- Take continuous measures to secure social infrastructure and means of livelihood at resettlement sites as this is expected to become more vital (Japan): 127.58
- Further improve the living standard of the people by reducing poverty and economic disparity (Myanmar): 127.103
- Continue efforts in enhancing the welfare of all segments of society and their rights based on national context and characteristics (Nepal): 127.104

Comments from FMSI

Sri Lanka recognises the problems arising out of the slums. However, FMSI strongly urges the government to prioritise its efforts to provide for the basic needs of the people living in the slums. It is imperative that Sri Lanka ensures that its policies aimed at addressing these problems are sustainable and beneficial for all dwellers.

With the exception of the first recommendation made by Djibouti, the recommendations made by the other States lack the specificity needed for Sri Lanka to take any meaningful action.

Domestic and Migrant Workers and Trafficking

Sri Lanka accepted the recommendation to

- Consider ratifying the Palermo Protocol² on human trafficking (Philippines): 127.2

Comments from FMSI

² <http://www2.ohchr.org/english/law/protocoltrafficking.htm>

With regard to migrant workers, Sri Lanka has yet to complete many of the pledges it sought to undertake during its first UPR cycle. It has also rejected the recommendation to consider ratifying ILO Convention 189 on Decent work for domestic workers (128.18). Given the high levels of trafficking and exploitation amongst migrant workers, especially women, FMSI is concerned about the government's commitment to implement adequate protective measures that will help safeguard the rights, livelihood and dignity of these workers.

Rights of the Child

Sri Lanka accepted the recommendations to

- Share with the international community its experiences in rehabilitating and reintegrating former LTTE child soldiers (Cuba): 127.49
- Continue to prioritize the rehabilitation and reintegration of former child soldiers (Italy): 127.50
- Intensify its policies and programs undertaken to ensure the protection of women and children: 127.62
- Increase its efforts on strengthening protection of children's rights in such areas as child labour, domestic violence, trafficking and sexual exploitation (Iran (Islamic Republic of)): 127.70
- Formulate a comprehensive national strategy for the protection of the rights of children, with a view to ensuring compliance with the Convention on the Rights of the Child, following the review of national laws (South Africa): 127.71
- Take measures to guarantee full protection of children's human rights by rehabilitating the ex-combatants and eliminating and reducing among others, child trafficking, child sexual abuse and violence against children (Holy See): 127.72
- Work on the elimination of the causes of minor's recruitment by armed groups and guarantee full rehabilitation, social reintegration and school reintegration of those children who participated or were affected by the conflict, including those who had to be accommodated in internal displaced camps and to take into account the linguistic, cultural and religious diversity in Sri Lanka (Uruguay): 127.73
- Continue to improve accessibility to education, especially in post-conflict and underdeveloped areas (Singapore): 127.89

Comments from FMSI

Sri Lanka has acceded to most international instruments targeted at protecting child rights, such as the Convention on the Rights of the Child, Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. On the national level, a number of States at the UPR have indicated that Sri Lanka has implemented several legislations to protect and uphold the welfare and rights of children. In particular, it has made good progress rehabilitating and reintegrating child soldiers back into society. Sri Lanka's acceptance of most of the recommendations regarding children's rights is laudable and this reflects its commitment to support and defend the children of the country.

However, there are a few areas that require more attention from the government. First, the education system in Sri Lanka must be designed in a way that provides stability and consistency for the children. Most importantly, children in rural areas must be given equal opportunities and resources as their counterparts in the larger cities. Second, the increasing number of child sexual abuse cases is a matter of grave concern. Sri Lanka must educate both children and adults on preventative and protective measures. Lastly, it is crucial that the Sri Lankan government pays attention to the psychological wellbeing of children in the country and provide assistance where needed.

Rights of the People with Disability

Sri Lanka accepted the recommendation to

- Continue its efforts to promote access by persons with disabilities to the labour market by strengthening the system of job reserve for persons with disabilities (Djibouti): 127.90

Comments from FMSI

Sri Lanka has once again refused to accept the recommendation to ratify the UN Convention on the Rights of Persons with disabilities (128.14). The government's commitment to improve the rights of persons with disabilities is not reflected in reality. The government must ensure that its programs and measures are not only made known to the public, but are also easily accessible. The lack of adequate infrastructure to support the needs of disabled persons is also something that the government needs to give more attention.

Concluding Remarks

Although FMSI focuses primarily on the rights of the child, it is imperative that we bring other social issues, such as those relating to IDPs, urban dwellers, rights of the disabled as well as migrant workers, and the issue of trafficking to the government's attention. Although some of these issues may not affect children directly, most of the issues mentioned above have negative impacts on the broader rights of children. As such, it is imperative the government take swift action to resolve these issues.