

**Sri Lanka's review in the Working Group,**  
**Tuesday 13 May 2008, Afternoon 2.30 pm– 5.30 am**  
**Overview of the Working Group session**

**The Troika**

The Troika was composed of **Ukraine, Cameroon, Bangladesh**. Ukraine was the first delegation to take the floor (and also mentioned its membership in the Troika); Cameroon requested to take the floor but could not speak as the list of speakers had to be cut for time constraints (in its written contribution, the Cameroon mentioned its belonging to the Troika and made some recommendations); Bangladesh did not take floor nor requested to do so.

**Presentation by Sri Lanka**

*Speaker:* H.E. Mr. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights of Sri Lanka

*Speaking time:* 33 minutes

**Recognition of problems and/or concerns:** needs technical support to strengthen its National Human Rights Commission; terrorism and terrorist fund-raising; decline in the country's rankings in the World Press Freedom Index and in the Reporters Sans Frontiers' Index.

**Achievements made:** the Government's ultimate aim is to implement a **National Action Plan** on the Protection and Promotion of Human Rights, which will also include a national mapping on human rights to identify challenges, constraints and gaps in human rights promotion; strong belief in building strong and independent national institutions; independent and robust judiciary; creation of a conducive environment for democratic pluralism by facilitating the entry into the political mainstream of groups that previously resorted to violence; success of elections in the Eastern Province; sound record of media pluralism and criminal defamation is no longer part of the law; recent indictments of high ranking officials for acts of abductions; Human Rights Ministry has taken steps to establish a 24/7 hotline to receive information of arrest, detention or suspected abductions/disappearances; establishment of the Disappearance Investigation Unit; a bill on victims and witness protection is before Parliament; freedom of religion is guaranteed by a non-derogable constitutional provision; the Common Core Document and the initial report under the International Convention on the Protection of the Rights of all Migrants Workers and Members of their Families have been submitted last month.

**Other issues:** technical assistance and capacity building are welcome but are only temporary remedies; national institutions should not be replaced with international bodies; models, which are relevant elsewhere, are not relevant to Sri Lanka and should not be arbitrarily imposed (in reference to the possibility of the establishment of an Office of the High Commissioner for Human Rights with monitoring functions).

**Answers to written questions:** *Role of civil society in the preparation of the National Report* (United Kingdom); *establishment of an Office of the High Commissioner for Human Rights to monitor the human rights situation* (UK, Canada, Ireland, the Netherlands, Germany, Denmark); *National Human Rights Commission* (Ireland, UK, the Netherlands, Germany, Canada); *Seventeenth Amendment to the Constitution and establishment of the Constitutional Council* (Canada); *Cooperation with Special Procedures and Mechanisms of the UN Human Rights Council* (Latvia); *access and safety of humanitarian workers* (Ireland, the Netherlands, Canada); *existence of a political party named TMVP* (UK, Canada); *independence of the media* (Ireland, Denmark); *Human Rights Defenders* – attack and registration of NGOs (Ireland); *child recruitment for armed conflict* (Sweden, UK, Canada); *Gross human rights violations, enforced disappearances and extra-judicial executions* (Sweden, UK); *investigations before the Commission of Inquiry* (Canada); *decision to abrogate the ceasefire agreement concluded with the LTTE in 2002 and termination of the Sri Lanka Monitoring Mission* (Germany).

**Interactive dialogue**

**Number of countries that took the floor**

**56 States took the floor during the interactive dialogue (while 66 requested to do so): 26 member States of the Human Rights Council (Ukraine, Canada, India, Cuba, Russian Federation, France, China, Saudi Arabia, Mexico, Slovenia, the Philippines, Pakistan, Brazil, Romania, Germany, Italy, the Netherlands, Japan, Guatemala, Egypt, Azerbaijan, Indonesia, Malaysia, Republic of Korea, UK, Uruguay; 30 non-member States (Bahrain, Palestine, Sweden, Belgium, Portugal, Nepal, Luxembourg, Ireland, Finland, Bhutan, Holy See, Syria, Austria, Colombia, Belarus, New Zealand, Latvia, Czech Republic, Poland, Turkey, Denmark, Morocco, DPRK, Tunisia, Venezuela, Algeria, Greece, USA, Iran, Sudan).**

**The 10 States that could not take the floor due to time restrictions were: Qatar, Vietnam, Thailand, Maldives, Switzerland, Cameroon, United Arab Emirates, Lesotho, Australia, Ecuador.** However, they issued their considerations in writing.

#### Questions/issues raised

**National Human Rights Institution** – *National Human Rights Commission*: Ireland, Ukraine (Implementation of its recommendations), Canada, Brazil, France, Germany, Indonesia, Australia\*\*;  
*Withdrawal of the International Independent Group of Eminent Persons*: Finland, Canada, the Netherlands, Japan; *Ombudsman*: Morocco, Lesotho\*\* (difference with the Parliamentary Petitions Committee); **Impact of recent elections in Eastern Province** – Indonesia; **National Action Plan** – China, Pakistan; **Implementation** - Brazil (of international treaties' provisions), Indonesia (of treaty bodies recommendations and international assistance to do so); **Accession to international instruments and voluntary commitments** – Morocco; **International and independent human rights monitoring** - Canada, Sweden, Belgium, Portugal, Ireland, Finland, Germany, Denmark, Greece, USA; **Threats to humanitarian workers and human rights defenders** - Canada, the Netherlands, Ireland (constraints in NGOs registration); Czech Republic (torture), Poland, Greece, USA; **Humanitarian access** - Canada, Ireland, Indonesia, Syria (services, aids and salaries to the areas under control of the LTTE); **Abrogation of the ceasefire agreement with the LTTE** - Finland, Germany, Greece; **IDPs** - Belgium, Austria, Azerbaijan (voluntary character of return and psychological assistance), Egypt (adequacy of international aid), Iran (realization of civil, political, economic social and cultural rights); *Poor living conditions in IDP camps* (Portugal); **Child soldiers** - Portugal, Luxembourg, Finland, New Zealand, Republic of Korea; *Recruitment by TMPV* (Canada, Italy); *Recruitment by all parties* (Sweden, Belgium, Holy See, Romania, USA); *Minimum age of recruitment* (Slovenia); *Children with the LTTE* (Malaysia, Uruguay); **Children's rights** - *Child labor* (Romania); *Minimum marriageable age* (Romania); *Conformity of national laws with CRC* (Poland); *Sexual exploitation and prostitution* (Poland); *Education*: Japan (lack of security affecting access to education); *Juvenile justice*: Guatemala (low age of criminal responsibility); *Situation of children affected by the internal armed conflicts* (Iran); **Extra-judicial, summary or arbitrary killings** - Canada (of human rights defenders), New Zealand, Japan, UK, Greece, Australia\*\*; **Violations of IHL** - New Zealand; **Rule of law in state of emergency** - Brazil; *Human Rights while countering terrorism*: the Netherlands, UK, Russian Federation (also when dealing with the tsunami); **Independence of the judiciary** - Japan (technical assistance); **Impunity** - Canada, Sweden, Portugal, France, New Zealand, Japan, Greece; **Protection of witnesses and victims** - *Status of the Draft Witness and Witness Protection Bill* (Mexico, Austria, Australia\*\*); Czech Republic (access to justice for victims of torture); Japan (system for witness protection) ; **Arbitrary detention** - Finland, the Netherlands; **Enforced disappearances** - Sweden, Finland, Holy See, New Zealand, the Netherlands, Japan, Greece, Australia\*\* (abduction of Tamil business people in Colombo); *Signature and ratification of Convention* (France); **Torture** - Belgium (of former child soldiers), Portugal, Denmark, France (Special Rapporteur's recommendations); *In detention* - Czech Republic, Guatemala; **Death penalty** - *Abolition* (Italy); **Women's rights** - *Violence against women* (Colombia, Turkey); *Sexual abuse in conflict* (Portugal, Guatemala); *Domestic violence* (Luxembourg); *Unequal access to economic, social and cultural rights* (Luxembourg); *representation on politics* (Luxembourg, Colombia); *Migrants* (DPR Korea); *Discrimination in employment* : Republic of Korea; *Women affected by the internal armed conflicts* (Iran); **Freedom of expression (intimidation of journalists)** - Ireland, Finland, Poland, the Netherlands, Denmark (measures to improve press freedom); **Minorities** - Saudi Arabia (promotion of economic, social and cultural rights), Mexico; *Up-country Plantation Tamil People* (Slovenia); New Zealand (main victims of conflict), Egypt (protection against discrimination and violence from separatists); **Migrants** - Iran (realization of civil, political, economic social and cultural rights), DPR Korea; **Right to health** - Tunisia, Venezuela; **Caste-based discrimination** – Denmark.

\*\* States that could not take the floor and issued questions/recommendations in writing.

## Recommendations

### **National Human Rights Institutions and Action Plan**

- To strengthen National Human Rights Commission (**Ukraine, Republic of Korea, Cameroon\*\***) and to respect its recommendations (**Ukraine**)
- To provide for the independence of national human rights protection institutions, including through implementation of the 17<sup>th</sup> amendment (**Canada, the Netherlands**)
- To adopt concrete measures to strengthen the functioning and independence of the National Human Rights Commission (**Czech Republic, UK**)
- To ensure that the National Human Rights Commission is a pluralist and independent body and that its establishment is in compliance with the Paris Principles (**Ireland, Germany**)
- To continue building and strengthening national institutions with the help of the international community (**China**)
- To further support human rights machinery and capacity building in its national institutions to implement the human rights instruments to address its challenging situation, such as its pledge in 2006 to introduce a human rights charter (**Algeria**)
- To make all the structures created for the protection and promotion of human rights more operational (**Cameroon\*\***).
- That the National Plan of Action provide specific benchmarks within a given timeframe (**the Netherlands**)

### **Humanitarian workers and Human Rights Defenders**

- To take measures to protect civilians, including human rights defenders and humanitarian workers (**Canada, Ireland**)
- To take measures to protect Human Rights Defenders and their work and to effectively investigate allegations of attacks on human rights defenders and prosecute those responsible (**Ireland, Poland, USA**)
- To address the concerns raised by the Special Representative of the Secretary-General on Human Rights Defenders regarding the registration of NGOs, with particular regard to the need to avoid unduly constraining the activities of civil society. (**Ireland**).
- That a broad range of civil society organizations including from multi-ethnic communities and conflict affected areas in the North and East be fully involved in the follow-up to the UPR (**UK**)

### **Freedom of expression**

- To take measures to safeguard the freedom of expression and to investigate allegations of attacks on journalists and media personnel and prosecute those responsible (**Ireland, Denmark**)
- To take effective measures to ensure a full realization of the right to the freedom of expression to all persons subject to its jurisdiction (**Poland**)

### **Human Rights while countering terrorism**

- Share the experience in balancing fight against terrorism, human rights and ensuring economic development (**Sudan**)

### **Access of humanitarian assistance**

- To undertake measures to ensure access to humanitarian assistance for vulnerable populations (**Canada, Ireland, Austria**)
- To continue the existing programs and to bring assistance to areas affected by conflict (**Bhutan**)

### **Child soldiers**

- To continue taking steps to ensure that those organizations with which it is affiliated stop recruiting child soldiers and release them (**Canada**)
- To take measure to stop complicity of army and police in child recruitment in areas under its control (**Belgium**)
- To step up efforts to foster rehabilitation of child soldiers (**Belgium**)

- To take measures to reintegrate children who surrendered to governmental forces (**Luxembourg**)
- To continue to inquiry into allegations and take measures in particularly in areas held by the Government (**Luxembourg**)
- To continue the small steps taken to demobilize child soldiers and to ensure that children under arms serving with the pro-government militias whether forced or voluntary, are released and that adequate resources are available for demobilization and repatriation (**USA**).
- To investigate the involvement of the paramilitary Karuna Group in abducting children for use as soldiers (**Holy See, Slovenia**).
- To take active measures in order to put an immediate end to forced recruitment and to the use of children in armed conflicts by all fractions, including the Karun Group (**Italy**)
- To hold account any person found in violation of obligations made under the CRC and its Optional Protocol on Children and Armed Conflict (**Slovenia**)
- To take further steps to improve the effectiveness of the Government's measures to combat the recruitment of child combatants (**New Zealand**)
- To investigate the role of the security forces in child recruitment and hold those responsible accountable (**Romania**)

#### **Children's rights**

- To remove reservation to Article 3 of the Optional Protocol to the CRC and to make the required binding declaration (**Slovenia**)
- To ensure full compliance of domestic legislation with the CRC (**Poland**)

#### **Women's rights**

- To give special attention to women in promoting education and development to increase their wages and their representation in politics and public life (**Algeria**)

#### **Extrajudicial, summary and arbitrary killings**

- To investigate all allegations of extrajudicial, summary or arbitrary killings and bring the perpetrators to justice in accordance with international standards in order to combat impunity for human rights violations (**Canada, Czech Republic**)
- Recommends to seriously address this problem and put in place effective safeguards to prevent torture and extrajudicial executions and to combat impunity (**Portugal**)
- To implement the relevant recommendations made by the Special Rapporteur (**UK**)

#### **Enforced disappearances**

- To sign and ratify the International Convention on Protection against Enforced Disappearances (**France**)
- To adopt measures to shed light on allegations of enforced disappearances and comply to the request of visit by the Group (**France**)
- To strengthen the rule of law with the aim of preventing grave violations of human rights, including enforced disappearances (..) and ensuring punishment of those responsible for them (**Czech Republic**)

#### **Torture**

- That the Special Rapporteur on Torture's recommendations be implemented in a timely manner (**France, Denmark**)
- To ratify the Optional Protocol to the Convention Against Torture – OPACT (**Brazil**)
- Measures such as a systematic review of all places of detention, establishment of independent complaint mechanism in prisons, prompt and impartial investigation into allegations of torture and protection against reprisals, intimidation and threats of witnesses and others wishing to report torture and ill-treatment (**Czech Republic**)
- Encourage the Government to increase its efforts to strengthen legal safeguards for eliminating all forms of ill-treatment or torture in the prisons and detention centers (**Iran**).

#### **Detention**

- To continue the efforts in educating all the Services in charge with the liberty of people (**Cameroon\*\***)

### **Rome Statute of the International Criminal Court**

- To ratify the Rome Statute (**France**)

### **Impunity**

- To take all necessary measures to end impunity for perpetrators of violations of international human rights law and IHL (**Greece**)

### **Armed groups**

- To take steps to verifiably disarm all paramilitary groups (**UK**)

### **Minorities**

- To step up its activities to eliminate discrimination against ethnic minorities in line with comments from CESCR, CRC, CERD and CEDAW (**Mexico**)
- To take appropriate measures and award Up-Country Tamils with a full set of civil rights, including the right to vote (**Slovenia**)

### **Independent international monitoring of the human rights situation**

- Urges to give a positive response to the calls for independent international monitoring of the Human rights in Sri Lanka (**Sweden, Slovenia, the Netherlands, Greece**).
- To reconsider the establishment of a local presence of the Office of the High Commissioner with monitoring capacities (**Belgium, Portugal, Ireland, Finland, Czech Republic, Italy, Denmark, USA**)

### **Internally displaced persons**

- To take measure to ensure the return and restitution of lands to IDPs (**Belgium**)
- To increase cooperation with UNHCR and to allow unrestrictive access to international humanitarian aid, while ensuring protection and security in IDP camps (**Portugal**)
- To adopt a clear policy to provide adequate interim housing solutions for IDPs, while safeguarding their future right to return and restitution (**Portugal, Finland**).
- To take the necessary measures to safeguard the human rights of IDPs in accordance with applicable international standards, with a particular emphasis on increased information sharing and consultations efforts as a means to reduce the prevailing sense of insecurity among IDPs and facilitate reintegration and in areas of return (**Austria**)

### **Protection of witnesses and victims**

- To take measures to ensure the effective implementation of legislative guarantees and programmes for the protection of witnesses and victims (**Austria**)
- To strengthen the witness protection programme (**Cameroon\*\***)

### **Cooperation with Special Procedures of the Human Rights Council**

- Encourages cooperating actively with international mechanisms at all levels of society (**Ukraine**)
- To extend “standing invitations” to Special Procedures (**Brazil, Latvia, Greece**)
- Recommends that the Government respond timely to questionnaires sent by mandate holders (**Turkey**)

### **Cooperation with Treaty Bodies**

- To Take into account comments by the Human Rights Committee so that the new Human Rights Charter takes into account the Covenant (**Mexico**)
- Implement recommendations by various Treaty Bodies and Special Procedures so that the various emergency laws and laws to combat terrorism are in compliance with international law (**Mexico**)
- To ensure full incorporation and implementation at the national level of the provisions contained in ICCPR and CAT (**Czech Republic**)

### **Cooperation with the international community**

- To continue to work with the international community to assist with the protection of human rights, the environment, disaster risk management, HIV/AIDS, and capacity-building (**Algeria**)

**\*\* States that could not take the floor and issued questions/recommendations in writing.**

Answers provided by the delegation

**Deteriorating human rights situation (general); Impunity** (Canada, Sweden, Portugal, France, New Zealand, Japan, Greece); **Arbitrary detention** (Finland, the Netherlands); **Extra-judicial, summary or arbitrary killings** Canada, New Zealand, Japan, UK, Greece); **Enforced disappearances** (Sweden, Finland, Holy See, New Zealand, the Netherlands, Japan, Greece); **Torture** (Belgium, Portugal, Denmark, Czech Republic, Guatemala); **International and independent human rights monitoring** (Canada, Sweden, Belgium, Portugal, Ireland, Finland, Germany, Denmark, Greece, USA); **National Human Rights Commission** (downgrading and independence) (Ireland, Canada, Brazil, France, Germany, Indonesia); **Threats to humanitarian workers and human rights defenders** (Canada, the Netherlands); **Withdrawal of the International Independent Group of Eminent Persons** (Finland, Canada, the Netherlands, Japan); **Freedom of expression and intimidation of journalists** (Ireland, Finland, Poland, the Netherlands, Denmark); **Abrogation of the ceasefire agreement with the LTTE** (Finland, Germany, Greece); **Minorities - Up-country Plantation Tamil People** (Slovenia); **Main victims of conflict** (New Zealand); **IDPs** (Belgium, Austria);

Issues for follow-up

The **delegation** noted that pending reports to CERD, CEDAW, CAT and CRC are being finalized; the **National Action Plan**, as well as the Bill on **Witness Protection**.

Various recommendations were made on the **ratification of various international instruments**; on the consideration of an international and **independent monitoring body**; on the need to strengthen the **National Human Right Commission** and make it more independent; on bringing various perpetrators of human rights violations (enforced disappearances, extrajudicial killings, attacks on humanitarian workers) to justice; on the issue of **child soldiers**: the recommendation to abolish the **death penalty**; and on improving **humanitarian access to conflict zones**.

States that made solely welcoming statements

The following States made welcoming statements and did not raise questions nor made recommendations: **Palestine, Nepal, the Philippines**.

The following States made very general comments: **Bahrain** (raising a question on the experience with incorporating human rights in the teaching material); **India** (only requesting some information on the Government's initiative to encourage the study of languages of other communities from the primary level);

**Cuba** recommended that the Office of the High Commissioner work in cooperation with the Government of Sri Lanka and that it helped the latter to strengthen the Human Rights Commission.

**Belarus** also focused its intervention on whether the Government was satisfied with the level of cooperation with the international community and recommended to actively draw upon assistance.

Human Rights mentioned in the NGOs reports but not raised during the review

*Indigenous peoples, corruption, Sexual orientation, Freedom of religion or belief, Discrimination on religious grounds, Women's rights (reproductive rights, sexual exploitation), Sexual orientation, right to self-determination, Independence of the judiciary, Freedom of association, Landmines, Forced Evictions.*

Human Rights mentioned during the review but on which the delegation did not give a response

**National Human Rights Institution – National Human Rights Commission**: Ukraine (Implementation of its recommendations); **Ombudsman**: Morocco; **Impact of recent elections in Eastern Province** (Indonesia); **National Action Plan – China; Implementation** - Brazil (of international treaties' provisions), Indonesia (of treaty bodies recommendations and international assistance to do so);, **Accession to international instruments and voluntary commitments** – Morocco; **Threats to humanitarian workers and human rights defenders** Ireland (constraints in NGOs registration); Czech Republic (torture), Poland, Greece, USA; **Humanitarian access** - Canada, Ireland, Indonesia; **IDPs** - Azerbaijan (voluntary character of return and psychological assistance), Egypt (adequacy of international aid), Iran (realization of civil, political, economic social and cultural rights); **Poor living**

*conditions in IDP camps* (Portugal); **Child soldiers** - Portugal, Luxembourg, Finland, New Zealand, Republic of Korea; *Recruitment by TMPV* (Canada, Italy); *Recruitment by all parties* (Sweden, Belgium, Holy See, Romania, USA); *Minimum age of recruitment* (Slovenia); *Children with the LTTE* (Malaysia, Uruguay); **Children's rights** - *Child labor* (Romania); *Minimum marriageable age* (Romania); *Conformity of national laws with CRC* (Poland); *Sexual exploitation and prostitution* (Poland); *Education*: Japan (lack of security affecting access to education); *Juvenile justice*: Guatemala (low age of criminal responsibility); *Situation of children affected by the internal armed conflicts* (Iran); **Violations of IHL** - New Zealand; **Rule of law in state of emergency** - Brazil; *Human Rights while countering terrorism*: the Netherlands, UK; **Independence of the judiciary** - Japan (technical assistance); **Protection of witnesses and victims** - *Status of the Draft Witness and Witness Protection Bill* (Mexico, Austria); Czech Republic (access to justice for victims of torture); Japan (system for witness protection); **Enforced disappearances** - *Signature and ratification of Convention* (France); **Torture** - France (Special Rapporteur's recommendations); **Death penalty** - *Abolition* (Italy); **Women's rights** - *Violence against women* (Colombia, Turkey); *Sexual abuse in conflict* (Portugal, Guatemala); *Domestic violence* (Luxembourg); *Unequal access to economic, social and cultural rights* (Luxembourg); *representation on politics* (Luxembourg, Colombia); *Migrants* (DPR Korea); *Discrimination in employment* : Republic of Korea; *Women affected by the internal armed conflicts* (Iran); **Minorities** - Saudi Arabia (promotion of economic, social and cultural rights); Egypt (protection against discrimination and violence from separatists); **Migrants** - Iran (realization of civil, political, economic social and cultural rights), DPR Korea; **Right to health** - Tunisia, Venezuela; **Caste-based discrimination** - Denmark

### Speaking times

Overall duration of the review: 2 hours and 58 minutes

#### Of the delegation

- During its opening statement: 33 minutes
- Overall speaking time employed to respond to other States' questions during the interactive dialogue: 25 minutes
- Concluding remarks: 2 minutes

#### Of other States

As the list of speakers was very long (66 countries were on the list of speakers), the President, at the end of the morning session (after the closing of the list of speakers), announced that speaking times would have to be adjusted to **2 minutes** for everyone, in order to give the floor to all those who requested it.

However, during the review, the list of speakers was closed at **Sudan** and the remaining delegations (Qatar, Vietnam, Thailand, Maldives, CH, Cameroon, United Arab Emirates, Lesotho, Australia, Ecuador), were invited to submit their comments in writing.

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