

## Responses to Recommendations

### SRI LANKA

Review in the Working Group: 13 May 2008

Adoption in the Plenary: 13 June 2008

Sri Lanka's responses to recommendations (as of 12.08.2009):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
52 REC accepted; 25 rejected, 8 pending	The 8 REC pending were commented but no clear position was given	No additional information provided	None	Accepted: 52 Rejected: 25 No clear position: 8 Pending: 0

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/8/46:

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

A - 1. Continue to enhance the capacity building of its national human rights institutions with the support of the international community (China), including OHCHR, and seek the effective contribution of OHCHR to strengthen the NHRC (Cuba);

A - 2. Strengthen and ensure the independence of its human rights institutions such as the National Human Rights Commission (Czech Republic, Ukraine), in accordance with the Paris Principles (United Kingdom of Great Britain and Northern Ireland, Germany, Ireland), including through implementation of the 17th Amendment at the earliest (Canada), and ensure its pluralist character (Ireland);

A - 3. Encouraged Sri Lanka to further empower the various institutional and human rights infrastructures, including by strengthening the structural and operational independence of the NHRC (Republic of Korea);

A - 4. Cooperate actively with international mechanisms in order to implement human rights at all levels of society and consider participating in core human rights treaties, as well as special procedures of the Human Rights Council (Ukraine);

A - 5. Try to respond in a timely manner to the questionnaires sent by the special procedures (Turkey);

- A - 6. Continue close dialogue with the United Nations human rights mechanisms, and OHCHR (Republic of Korea);
- A - 7. Take into account the recommendation made by the Human Rights Committee that it incorporate all substantive provisions of ICCPR into its national legislation, unless already done (Mexico);
- A - 8. Ensure full incorporation and implementation of international human rights instruments at the national level, in particular ICCPR and CAT, unless already done (Czech Republic);
- A - 9. Ensure that its domestic legislation is in full compliance with the Convention on the Rights of the Child (Poland);
- A - 10. Continue its efforts for the full implementation of international human rights instruments to which it is a party (Morocco);
- A - 11. That civil society organizations, including those from multi-ethnic communities and conflict affected areas in Sri Lanka's north and east, be involved in the follow-up to the UPR process (United Kingdom of Great Britain and Northern Ireland);
- A - 12. Further support human rights machinery and capacity building in its national institutions to implement the human rights instruments, such as the introduction of a human rights charter as pledged in 2006 (Algeria);
- A - 13. That the National Plan of Action provide specific benchmarks within a given timeframe (The Netherlands);
- A - 14. Take measures to ensure access to humanitarian assistance for vulnerable populations and take further measures to protect civilians, including human rights defenders and humanitarian workers (Canada, Ireland);
- A - 15. Ensure the adequate completion of investigations into the killings of aid workers, including by encouraging the Presidential Commission of Inquiry to use its legal investigative powers to their full extent (United States of America);
- A - 16. Implement the recommendations of the Special Rapporteur on the question of torture (Denmark, France);
- A - 17. Ensure a safe environment for human rights defenders' activities and that perpetrators of the murders, attacks, threats and harassment of human rights defenders be brought to justice (Poland);
- A - 18. Increase its efforts to further prevent cases of kidnapping, forced disappearances and extrajudicial killings; ensure that all perpetrators are brought to justice; and enhance its capacity in the areas of crime investigations, the judiciary and the NHRC, with the assistance of the international community (Japan);
- A - 19. Increase its efforts to strengthen its legal safeguards for eliminating all forms of ill treatment or torture in the prisons and detention centres (Islamic Republic of Iran);
- A - 20. Step up its efforts for the rehabilitation of former child soldiers – in particular through enhanced cooperation with the international community – and adopt measures necessary for their rehabilitation in an appropriate environment (Belgium);
- A - 21. Adopt measures to investigate, prosecute and punish those responsible for serious human rights crimes such as the recruitment of child soldiers, in accordance with international norms and in a transparent manner (Sweden);
- A - 22. Take judicial and other measures to put an end to the recruitment of child soldiers in all parts of its territory, and accordingly give further appropriate directions to the security forces and police to ensure their implementation (Belgium);

A - 23. Investigate allegations of forced recruitment of children and hold to account any persons found in violation of CRC and its Optional Protocol (Slovenia);

A - 24. Take further steps to improve the effectiveness of measures to combat the recruitment of child soldiers (New Zealand);

A - 25. Take active measures in order to put an immediate end to forced recruitment and use of children in armed conflicts by all factions (Italy);

A - 26. Investigate and prosecute all allegations of extrajudicial, summary or arbitrary killings and bring the perpetrators to justice in accordance with international standards (Canada);

A - 27. Adopt measures to investigate, prosecute and punish those responsible for serious human rights crimes such as enforced disappearances, in accordance with international norms and in a transparent manner (Sweden);

A - 28. Adopt measures to ensure the effective implementation of legislative guarantees and programmes for the protection of witnesses and victims (Austria);

A - 29. Take all necessary measures to prosecute and punish perpetrators of violations of international human rights law and humanitarian law (Greece);

A - 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;

A - (b) take other urgent measures for the re-integration of children who have surrendered to the governmental forces asking for special protection or who are currently held in prisons (Luxembourg);

A - 31. Enter into further agreements with countries hosting its migrants workers (Palestine);

A - 32. Take the measures necessary to ensure the return and restitution of housing and lands in conformity with international standards for internally displaced persons (Belgium);

A - 33. Take measures to protect the rights of IDPs, including long-term housing and property restitution policies that meet international standards, and protecting the rights to a voluntary, safe return and adequate restitution (Finland);

A - 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;

A - (b) facilitate reintegration of IDPs in areas of return

A - (c) take measures to ensure the provision of assistance to IDPs and the protection of human rights of those providing such assistance (Austria);

A - 35. Ensure protection and security in IDP camps; and, while safeguarding the rights to return and to restitution, adopt a policy to provide IDPs with adequate interim housing solutions (Portugal);

A - 36. Give special attention to the rights of women and further promote education and development and their representation in politics and public life (Algeria);

A - 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;

A - (b) seek which tangible support the international community, particularly States in a position to do so, may extend to assist Sri Lanka in bridging these gaps in order to enhance the effective realization of the full range of human rights for all Sri Lankans. (Bhutan);

A - 38. Continue to strengthen its activities to ensure there is no discrimination against ethnic minorities in the enjoyment of the full range of human rights, in line with the comments of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women (Mexico);

A - 39. Take measures to safeguard freedom of expression and protect human rights defenders, and effectively investigate allegations of attacks on journalists, media personnel and human rights defenders and prosecute those responsible (Ireland);

A - 40. Take measures to improve safeguards for freedom of the press (Denmark);

A - 41. Adopt effective measures to ensure the full realization of the right to freedom of expression for all persons (Poland);

A - 42. Continue to work with the international community on protection of human rights, environment, disaster risk management, HIV/AIDS and capacity building. (Algeria);

A - 43. Actively draw upon the assistance of the international community in the anti-terrorism process and in overcoming its negative consequences (Belarus);

A - 44. Work closely with OHCHR to build the capacity of its national institutions and seeks States' assistance on counter-terrorism strategies, especially by countering terrorist fund-raising efforts in their territories and in accordance with Security Council resolutions and international conventions (Pakistan);

A - 45. Share its experience with regards to fighting rebellion and terrorism and how to overcome them, as well as on the measures taken to improve its social and economic development (Sudan).

**83. Recommendations noted in paragraphs 28 (a); 33 (a); 36; 39 (c); 48 (b); 57 (b); 72 (b) and 75 (c), (d) and (e) in section I above, will be examined by Sri Lanka which will provide responses in due time."**

Paragraph 28 (a) (Portugal):

A - "To address torture and implement safeguards to prevent torture and extrajudicial executions"

Paragraph 33 (a) (France):

NC - "To sign and ratify the International Convention for the Protection of All persons from Enforced Disappearance"

Paragraph 36 (Holy See):

NC - "To investigate the involvement of the paramilitary Karuna Group of abducting children for use as soldiers."

NC - "To share the findings of the special bodies created to stop the persistent pattern of enforced disappearances and the measures put into place to address this problem."

Paragraph 39 (c) (Mexico):

A - "To implement various recommendations made by treaty bodies and special procedures to ensure that security measures adopted in the context of armed violence including the state of emergency the 2005 emergency laws and measures to combat terrorism comply with international human rights law"

Paragraph 48 (b) (Brazil):

NC - "To ratify the Optional Protocol to the Convention against Torture"

Paragraph 57 (b) (the Netherlands):

NC - "To establish the Constitutional Council as foreseen by 17th Amendment to the Constitution as soon as possible, and that this Council be mandated to appoint a number of commissioners to public Commissions, such as the NHRC and the Police Commission"

Paragraph 72 (b) (United Kingdom):

A - "To implement the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions and take steps to verifiably disarm all paramilitary groups"

Paragraph 75 (c) (United States):

NC - "To demobilize child soldiers by assuring children serving with pro-government militias (forced or voluntary) are released and adequate resources allocated for disarmament, demobilization, reintegration, repatriation and other activities to halt the unlawful recruitment of children"

NC - (d): "Sri Lanka's plan to address the forcible recruitment of child soldiers should be publicized"

NC - (e): "Sri Lanka should work with international and domestic non-State actors to halt the recruitment and use of child soldiers."

**"84. Other recommendations noted in the report in paragraphs 21 (c); 26 (b); 27 (b); 28 (b), (c) and (d); 32 (d) and (e); 33 (b) and (c); 34 (a); 43 (a) and (c); 48 (a); 49; 53; 55 (a), (d) and (e); 56 (b), 57 (c); 61 (b); 74 (a) and (b); 75 (a) in section I above did not enjoy the support of Sri Lanka."**

Paragraph 21 (c) (Canada):

R - "To continue to take steps to ensure that those organizations, with which it is affiliated, like the TMVP, stop recruiting child soldiers and release them"

Paragraph 26 (b) (Sweden):

R - "An acceptance of independent international monitoring be taken up as recommendations"

Paragraph 27 (b) (Belgium):

R - "To allow OHCHR to strengthen its presence in Sri Lanka in order to reinforce its cooperation and monitoring given the particular serious human rights situation"

Paragraph 28 (b) (Portugal):

R - "To combat impunity"

R - (c): "To reconsider establishing a local OHCHR presence with monitoring capacities"

R - (d): "To increase its cooperation with UNHCR, provide unrestricted access for international humanitarian aid"

- Paragraph 32 (d) (Ireland):

R - "To address the concerns raised by the Special Representative of the Secretary-General on the situation of human rights defenders regarding the registration of NGOs with particular regard to the need to avoid unduly constraining the activities of civil society"

R - (e): "To permit the establishment of an OHCHR presence to monitor the human rights situation in the country as well as to take measures to improve the humanitarian access, with particular regards to ensuring that access to vulnerable populations and ensuring the safety of humanitarian workers"

Paragraph 33 (b) (France):

R - "To adopt measures to shed light on a number of existing enforced disappearances and comply with the request to visit by the Working Group on Enforced or Involuntary Disappearances"

R - (c): "To ratify the Rome Statute on the International Criminal Court"

Paragraph 34 (a) (Finland):

R - "To accept an independent OHCHR presence and allow the entry of international human rights monitors"

Paragraph 43 (a) (Slovenia):

R - "To take measures to award Up-Country Tamils with the full set of civil rights, including the right to vote"

R - (c): "To promptly invite the United Nations to establish a presence in Sri Lanka, the mandate of which would include protection, monitoring, investigation and reporting"

Paragraph 48 (a) (Brazil):

R - "To extend standing invitations to the special procedures"

Paragraph 49 (Romania):

R - "To investigate the role of security forces in child recruitment and hold those responsible accountable."

Paragraph 53 (Latvia):

R - "To build on Special Rapporteurs' visits and to issue standing invitations and to agree to all outstanding requests by the special procedures of the Human Rights Council"

Paragraph 55 (a) (Czech Republic):

R - "To adopt measures to strengthen the rule of law; prevent human rights violations, including enforced disappearances, extrajudicial executions and torture; ensure punishment of those responsible; and include, inter alia, systematic review of all detention areas; establish an independent complaint mechanism in prisons, and prompt, impartial investigation into allegations of torture as well as protection for witnesses and others alleging torture or ill-treatment against reprisals, intimidation and threats"

R - (d): "To ratify the Optional Protocol to CAT"

R - (e): "To support the recommendation of the Special Rapporteur on the question of torture and establish an OHCHR field presence with the mandate to monitor Sri Lanka's human rights situation and provide technical assistance, particularly regarding judicial, police and prison reform"

Paragraph 56 (b) (Italy):

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

Paragraph 57 (c) (the Netherlands):

R - "To agree to the re-establishment of an international human rights monitoring presence in the country."

Paragraph 61 (b) (Denmark):

R - "To accept the presence of an OHCHR field office"

Paragraph 74 (a) (Greece):

R - "To accept an independent international human rights mechanism on the ground as soon as possible"

R - (b): "To issue a standing invitation to all special procedures"

Paragraph 75 (a) (United States):

R - "To re-engage with international human rights monitoring and assistance mechanisms by agreeing to establish an OHCHR field presence, whose mandate would allow unfettered access to monitor, investigate and report human rights violations and promote remedial measures, including criminal investigation, prosecution and capacity-building of domestic human rights mechanisms"

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