



STATEMENT

UPR Pre-session on Sri Lanka

Geneva, 30 November 2022

Delivered by: Disability Organizations Joint Front (DOJF)

1- Presentation of the Organization

Disability Organizations' Joint Front (DOJF) is a non-profit organization established in 2001. It is an umbrella organization which consists of 36 member organizations represented all categories of disabilities. The main objective of the DOJF is to be an effective movement lobbying and advocating for the protection and promotion of the rights of people with disabilities in Sri Lanka.

2- National consultations for the drafting of the national report

Gov. of SL was not consulted us in the preparation of the national report for the 04th cycle. We as the disability population consisting 8.7% have our valid and vital points on the rights of persons with disabilities and denial of rights in every corner of the life. However, we submitted our own report for the 04th Cycle 42 session of Geneva Human Rights Council.

3- Plan of the Statement

This statement addresses the following issues: (1) Rights of Persons with Disabilities, (2) Environment Issues (3) Business and Human Rights.

4- Statement

(1) Rights of Persons with Disabilities

A. Follow-up to the third cycle review

Gov. of Sri Lanka has given a volunteer pledge in 2017 during 03rd cycle to take measures to incorporate the provisions of UNCRPD into Domestic Law.

Gov. of Guatemala has made a recommendation for Sri Lanka to “ratify swiftly the Optional Protocols to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as to the Convention on the Rights of Persons with Disabilities” (Reference 116.9)

Gov. of Azerbaijan Continue its close cooperation with the UN bodies and mechanisms to implement the National Human Rights Action Plan (Reference 116.25) which is mentioned under the chapter 06 of Human Rights Action Plan.

B. New developments since the third cycle

Sri Lanka is a state party to UNCRPD, the obligations of the state, under Articles 04 & Article 33 of the UNCRPD remain unmet and not yet fulfill its commitment to legislative enactment of Disability Rights Bill (DRB) due to the lack of political commitment.

Disability Rights Bill was drafted and submitted for National Council of Persons with Disabilities (NCPD) for approval in 2022. However, NCPD had delayed the approval.

Considering the long delay of formulating the DRB, the disability movement approached the Ministry of Justice and already convened two discussions during October 2022.

Gov. of Sri Lanka has not yet agreement to Optional Protocol that provides PwDs to communicate with the Committee on the Rights of Persons with Disabilities (CRPD) when redress in local jurisdiction has been denied for a serious violation of their rights.

C. Recommendation

(a) Urge Gov. of SL to amend the draft DRB in accordance with Article 33 of the UNCRPD during the next two years with specific provisions to establish two strong institutions namely for state coordination and independent monitoring mechanism.

(b) Gov. of SL should be taken necessary steps for accession of the Optional Protocol to UNCRPD during next two years.

(c) Implement the National Human Rights Action Plan (Chapter 6) immediately. This is common for all recommendations.

(2) Environment

A. Follow-up to the third cycle review

Gov. of Mexico has made a recommendation to ensure access of persons with disabilities to education, employment, public transportation, health and political participation, and eliminate discriminatory laws and regulations (Reference 116.167).

B. New developments since the third cycle

Sri Lanka admits the Accessibility Regulation No. 01 of 2006 has not been implemented even to the required minimum levels. Even though the 2018 Supreme Court determination named responsible institutions, there has been no positive progression on physical accessibility (built environment).

The lack of minimum accessibility in all public places and all other places is a major obstacle to living with dignity and independently in the society.

Public transport is a very important to access to public services for PwDs. However transport system does not have the minimum expected accessibility standards. Railway stations, train carriages, bus stops, buses, sidewalks, footpaths, and accessible public toilet facilities are not found.

C. Recommendation

Urge Gov. of SL and NCPD in order to address the disability accessibility issues.

(a) Designate a Focal Point for each State institution to implement the Accessible Regulation No 01 of 2006 and make necessary amendments to the relevant legislative enactments during next two years of time.

(b) During the design stage when a construction of sidewalks, paths, public toilets must be prepared in accordance with international standards and universal design.

(3) Business and Human Rights

A. Follow-up to the third cycle review

Gov. of Brunei Darussalam has made a recommendation to continue with its efforts to increase the number of persons with disabilities employed in the public service (Reference 116.169)

B. New developments since the third cycle

Quota system introduced for Public Sector employment (3% quota) in 1988 is ineffective. During 2020, under the Multi-Purpose Development Task Force Government introduced a 100,000 jobs program for low income, under-educated persons but very few PwDs had the opportunity to get employment.

Employment growth of PwDs in the private sector is insufficient. Incentives to expand and encourage private sector employment are minimal. During the Covid Pandemic, a considerable number of PwDs lost their livelihoods in self-employment as well as work and wage employments. Government has not taken any notice of this situation for remedial actions.

C. Recommendation

(a) Gov. of SL should be implemented current 3% quota and made mandatory to both state and private sectors within next three years of time.

(b) Expanding employment opportunities for PwDs in the public and private sectors and prepare them for employment and adaptive training to create a suitable work environment.

Thanks for your attention- Disability Organizations Joint Front, Sri Lanka.