

**STATEMENT OF THE HUMAN RIGHTS COMMISSION OF SRI LANKA TO THE  
FOURTH UNIVERSAL PERIODIC REVIEW OF SRI LANKA.**



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இலங்கை மனித உரிமைகள் ஆணைக்குழு  
Human Rights Commission of Sri Lanka

**Social and Economic Rights and  
Establishment of a National Preventive Mechanism**

**30<sup>th</sup> November 2022**

Address: 14 R.A. De Mel Road, Colombo 04, Sri Lanka  
Email: [chair.hrcsl@gmail.com](mailto:chair.hrcsl@gmail.com), [justicemarasinghe@gmail.com](mailto:justicemarasinghe@gmail.com)  
Phone Number: +94 11 2505451  
Web page: [www.hrcsl.lk](http://www.hrcsl.lk)

2022 saw Sri Lanka in its worst economic crisis since its independence in 1948. Several shortsighted government decisions contributed to this crisis, such as the 2021 decision to impose a complete ban on using chemical fertilizers and agrochemicals. The resultant drop in the agricultural yield was drastic, had devastating consequences for the farmers, and drove food inflation up. The loss of government revenue due to tax concessions, the country's foreign debt, and the depletion of foreign reserves led the country into a further crisis.

The shortage of foreign exchange caused acute fuel and other essential supplies shortages. At this time, there were also mandatory power cuts for extended periods throughout the island, which further exasperated the people. Despite brutal crackdowns, thousands of people gathered in all parts of the country to protest the bleak economic situation and call for the President's resignation. Public protests, especially in the capital, Colombo, met with resistance from the police and escalated into force against non-violent protesters.

The Human Rights Commission of Sri Lanka (HRCSL) investigated the use of force by the police and security forces during the public protests, which led to the resignation of the then President.

The Government changed with the resignation of the President in July 2022. The incumbent Government would not tolerate protests of any form. It imposed a police curfew, proclaimed an Emergency and gazetted High-Security Zones, all to restrict the peaceful protests. The military violently removed the protesters from the Presidential Secretariat area on 22<sup>nd</sup> July.

Large-scale arrests are made. Some protesters are produced under the PTA and arrested for destroying public property, described as an offence under PTA. But now, all detainees except two remain under PTA.

The country needs stability claimed the Government. The Government is making every effort to bring much-needed stability to the country with better economic reforms. The fuel shortage is under control, and the shortage of gas issue is solved. The power cut is minimized, and schools are open. Food inflation dropped although slightly. The Government introduced well-discussed tax proposals to bring revenue to the country.

The Commission forwarded several recommendations for implementation to the Government after the investigation into the use of force by law enforcement officials. However, a perennial concern for the HRCSL has been the non-implementation of recommendations by government authorities. The time has therefore come to consider significant amendments to the Human Rights Commission of Sri Lanka Act No. 21 of 1996 to arm it with powers of enforcement vis-à-vis its recommendations.

## **Recommendations from Slovenia, South Africa, France, Thailand, Belgium, and Mexico.**

The establishment of institutions characterizes the Transitional Justice efforts of the Government to address the issue of accountability during the period of the civil war.

Accordingly, the Office of Missing Persons (OMP), the National Unity and Reconciliation (ONUR), and the office of Reparation (OR) have been established and robustly functional since 2018.

The Government is planning to constitute a truth and reconciliation mechanism and is seeking advice to have a model similar to South Africa. What is essential is, before the TRC is formulated, meaningful dialogue with the victim's families and recreate the trust. If not, that TRC will end up a public sham.

## **Accelerate the restitution of lands confiscated by the army recommended by France and Haiti.**

Access to land in the North and East remains a significant issue in post-conflict Sri Lanka. Against conflict-related displacement and forced migration, the return and resettlement of people in the North and East encounter numerous challenges.

The Government has already released some of the lands back to the owners. There remain 275 acres of State Land and 3000 acres of private land yet to be released, claim the people in the North. To recreate the trust, the Government must address the North and East land issues further. The occupation by large military contingents is not necessary for the North and East now.

At the same time, it is incumbent on the Government to provide a sustainable, rights-based policy framework to resolve the issue of land in the North and the East regarding the needs of the affected communities.

## **Establishment of the National Preventive Mechanism**

Portugal, Poland, Denmark, Senegal, New Zealand, Ghana, the U.K., Afghanistan, and Cote d'Ivoire for safeguards against arbitrary arrests and torture or other cruel, inhumane or degrading treatment made a recommendation. Consequent to such a recommendation, the National Preventive Mechanism was established in the Human Rights Commission and made functional in 2022.

It had made 543 visits to police stations and 34 to prisons, and 20 to detention centres. At the start of the visits, there were 46 detainees, and now only two are in the detention centres. (1 LTTE and 1 Easter Sunday attack)

The Commission has formally advised the Government to repeal the draconian PTA and investigate such offences under the general law of the country. The next amendment to the PTA is now under consideration by the Government. The HRCSL has advised the Government to pursue the recommendations of the HRCSL in this regard.

#### Recommendations.

1. To amend the PTA and the relevant laws to accommodate the offence of terrorism with a comprehensive definition of terrorist.
2. Establish a Truth and Reconciliation Commission after meaningful dialogue with the families of the victims.
3. Amend section 15(8) of the Human Rights Commission Act 21 of 1996 to include "the President who shall cause a copy of such report to be placed before Parliament within three months of receipt of such report and dependent on the urgency as requested by the Commission.