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Draft report of the Working Group on the Universal Periodic Review*

Sri Lanka

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourteenth session from 22 October to 5 November 2012. The review of Sri Lanka was held at the 16th meeting on 1 November 2012. The delegation of Sri Lanka was headed by Mahinda Samarasinghe, Minister of Plantation Industries and Special Envoy of the President for Human Rights. At its 18th meeting held on 5 November 2012, the Working Group adopted the report on Sri Lanka
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Sri Lanka: Benin, India and Spain
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Sri Lanka:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/LKA/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/14/LKA/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/14/LKA/3).
4. A list of questions prepared in advance by Australia, Canada, Cambodia, China, Cuba, Czech Republic, Denmark, Ethiopia, Germany, Ireland, Liechtenstein, Netherlands, Norway, Mexico, Pakistan, Slovenia, Spain, Sweden, United Kingdom, United States was transmitted to Sri Lanka through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Sri Lanka elaborated on plans to achieve improvements in human rights in the context of post-conflict peace-building and reconciliation.
6. Noting that as a result of the 2008 Review, a National Action Plan for the Promotion and Protection of Human Rights (NHRAP), a principal pledge, has been formulated; based on recommendations, accepted pledges made, recommendations of treaty bodies and special procedures. Civil society was co-opted having near equal representation on the drafting committees.
7. The NHRAP was approved by Cabinet in September and the implementation strategy was approved in December 2011. Implementation was on-going and the process was nationally owned and driven. As to implementation of the NHRAP, specific examples of implementation were outlined which demonstrate clear commitment and progress.
8. After defeat of the LTTE in 2009, measures to ensure a return to civilian life progressed. After the 2008 Review, the final phase of the humanitarian operation was launched to rescue civilians held by the LTTE in the North. In May 2009 nearly 300,000 civilians were rescued. Post-conflict Sri Lanka, faced a range of daunting challenges stemming from the conflict, while maintaining sustainable economic growth and preventing

acts of destabilization, had placed primacy on non-repetition of past mistakes and genuine reconciliation.

9. On the allegedly disappeared, on-going engagement with the Working Group on Enforced and Involuntary Disappearance, and recent progress to clear the backlog, was outlined. The relatively small number of cases reported by the WGEID was relatively small. post-2005 laid to rest the canard of increasing disappearances. The addressing of this challenge could be better addressed if countries receiving asylum seekers would cooperate by identifying names of such persons. Sri Lankan authorities had successfully resolved many of the supposed disappearances and outstanding allegations would be thoroughly investigated.

10. Civil society's rights had received constitutional recognition. They had freedom to form non-governmental and community-based organizations. Regarding allegations of intolerance or attacks against these organizations or their leadership, it was noted that there was no Government policy to stifle criticism, activism or dissent, and that the Government did not condone such attacks.

11. The President had appointed the Lessons Learnt and Reconciliation Commission (LLRC) in May 2010 to strengthen the national reconciliation process and ensure the dividends of peace to Sri Lankans. In May 2012, the Cabinet decided that a Task Force would monitor the implementation of LLRC recommendations. In July, a matrix containing the National Plan of Action to implement the recommendations was developed, approved and published by the Task Force. Noting that the primary focus of the ill-conceived March 2012 Resolution had been the implementation of the LLRC Report, Sri Lanka recalled that it had repeatedly assured the Council of its commitment to implement the domestic process and requested time and space.

12. A time frame for implementation was in process. Thematic sub-committees had been created under the task force for better coordination and implementation. Recommendations were further sub-divided and related to: National Policy; final phase of the conflict; Human Rights and National Security concerns; and re-settlement and development. Certain matters of broad national policy in the Action Plan are referred to the proposed Parliamentary Select Committee (PSC). On the Action Plan, specific examples of completion or substantial progress on activities were provided. Suggestions that only some of the recommendations were addressed for implementation and that there was no progress were unfounded. Detailing progress in relation to ex-combatants, specific information of persons rehabilitated and reintegrated into society (including child combatants), as well as those being processed, were provided.

13. Regarding resettlement, the delegation stressed that resettled persons must be provided with "durable solutions". With closure of the last welfare centre in September, Sri Lanka will deal with IDPs residing with host families and in protracted displacement. Sri Lanka had resettled 501,194 persons by October. The "older caseload" of IDPs includes tens of thousands of Muslim residents of the North, forcibly evicted by the LTTE in 1990/1991 in pursuance of their policy of ethnic cleansing and thousands of Sinhalese similarly evicted. The total number of houses constructed in the Northern and Eastern Provinces up to September is 124,184 was at the cost of Rs. Billion 33.34 from 2005.

14. Progress was achieved in demining to enable resettlement. As at October 2012, about 98% of the areas identified were cleared. The Army was responsible for demining approximately 75% of the land. Management of land in the North and East is a priority. A programme to resolve land disputes has been implemented. Steps that will enable the Government to gain an understanding of the magnitude and ramifications of the conflict and which will conclusively lay to rest the unfounded allegations of 'tens of thousands' of civilian deaths alleged to have occurred in the first five months of 2009, were taken.

15. On accountability, a Court of Inquiry was appointed in January 2012 by the Army Commander, tasked with inquiring into the observations of the LLRC in its report on alleged civilian casualties during the final phase of the Humanitarian Operation and a probe into the Channel-4 video footage. Progress of the Court of Inquiry investigating more than 50 incidents referred to in the LLRC report was referred to. The Army had appointed a Board of Inquiry to study the LLRC recommendations and formulate a viable action plan to implement relevant recommendations. The Sri Lanka Navy had also initiated similar measures.

16. With regard to allegations of torture, several avenues for investigation and prosecution of offenders as well as preventive measures taken, were explained. The current status of the Bill on the protection of victims and witnesses was also elaborated on. Regarding military presence in the former theatre of conflict, there has been a significant reduction of the military strength in the North since the end of the conflict and there is no intrusive presence impacting on civilian life – in Jaffna or in the Wannu. On the contrary, the military had assisted civilians resume their normal lives. Livelihood assistance has been facilitated by the armed forces, contributing to restoration of normality. Functions have now been taken over by the civilian administration.

17. On the supposed increase in sexual violence in the North, Women's Protection Units with female police officers and Women's Centres were established in the welfare centres and counselling services are provided. Action has been taken to combat sexual violence. Any correlation between military presence and sexual violence is unfounded. Protection of women and advancement of their rights has been a cornerstone of Government policy in the post-conflict phase. Several projects have been initiated including a focus on conflict-affected women and female-headed households. Sri Lanka ratified CEDAW and acceded to the Optional Protocol. Its periodic report was considered by the Committee and responses on concluding observations have been submitted.

18. Language policy was a key issue which impacted upon the reconciliation process. Steps had been taken in relation to the Trilingual Policy (2012 to 2020), and its implementation. On the way ahead as a nation and the institutional and other arrangements to unify the people and work together for a mutually beneficial future, the Government's approach to evolving a consensus formula remains the establishment of a PSC, aimed at achieving a multi-party consensus. Government has already nominated its members and the opposition nomination of members was awaited, to commence sittings.

19. The Government had taken steps to restore normality to the conflict affected areas - committing USD 2.8 billion to on-going projects in 2011, in addition to expenditure on humanitarian assistance and relief. The economy in the Northern Province had grown by 22% [as against 7 % nationally] in 2010 and 27% in 2011[as against 7.5% nationally]. The Millennium Development Goals are integrated into the national development agenda. Sri Lanka has achieved some and is on track to reach most indicators. The UN Development Assistance Framework, applicable from 2013, reflects this approach towards developing a stable and prosperous Sri Lanka. Sri Lanka requested an objective assessment of what has been done.

B. Interactive dialogue and responses by the State under review

21. During the interactive dialogue, 98 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

22. Thailand recognised Sri Lankan efforts to address alleged human rights violations, especially enforced disappearance and its establishment of an inter-ministerial working

group. It appreciated steps taken to ensure physical safety and dignity of individuals, including elimination of all forms of ill-treatment or torture. It made recommendations.

23. Timor Leste commended Sri Lanka for launching the Human Rights Action Plan and welcomed Sri Lanka's openness in cooperating with UN Human Rights Mechanisms, in particular the Working Group on Enforced or Involuntary Disappearances. It made recommendations.

24. Tunisia encouraged Sri Lanka to step up its efforts in fighting against all acts of torture and ill-treatment, against poverty and to ensure the prosperity of all its citizens. It made recommendations.

25. Turkey welcomed the efforts of Sri Lanka to consolidate the hard won peace following the defeat of terrorism and noted the holding of elections in Sri Lanka's Eastern Province. It appreciated Sri Lanka's efforts to resettle the many IDPs and its implementation of a programme to resolve land disputes. It made recommendations.

26. Uganda highlighted the Sri Lankan Government's commitment to addressing LLRC recommendations. It noted the OHCHR team visit to Sri Lanka at the latter's invitation. It made a recommendation.

27. Ukraine noted the positive developments in Sri Lanka since 2008 and encouraged it in successful implementation of the National Plan of Action in all its thematic areas. It made a recommendation.

28. United Arab Emirates noted that three decades of devastating conflict had been overcome by Sri Lanka's efforts. It asked what measures Sri Lanka has taken to ensure return of displaced persons.

29. The United Kingdom of Great Britain and Northern Ireland welcomed progress in normalising conditions in Sri Lanka and supported swift implementation of LLRC recommendations. It was concerned about attacks on and intimidation of journalists, human rights defenders and legal professionals. It made recommendations.

30. Australia welcomed Sri Lanka's commitment to protect human rights and agreed that it is now important for Sri Lanka to achieve measurable, concrete improvements as a result of implementing the NAPHR and the LLRC Action Plan. It made recommendations.

31. Uruguay highlighted Sri Lanka's establishment of the LLRC, its adoption of its NAPHR and its efforts to combat impunity and prevent international crime. It made recommendations.

32. Venezuela (Bolivarian Republic of) welcomed Sri Lanka's implementation of the Charter on Women and its establishment of the NAPHR. It made recommendations.

33. Viet Nam acknowledged Sri Lanka's efforts in achieving normality and noted that progress now depended on Sri Lanka's systematic, concrete measures in implementing its NAPHR and its engagements with the international community.

34. Zimbabwe applauded Sri Lanka's engagement and dialogue with UN Human Rights mechanisms. It referred to Sri Lanka's 2011 invitation to the High Commissioner for Human Rights. It made recommendations.

35. Algeria commended Sri Lanka's engagement in the UPR process and its efforts to achieve and mainstream MDGs. It noted that the Constitution contained provisions to promote advancement of vulnerable social groups. It made recommendations.

36. Angola commended the Sri Lankan Government's decision to establish a NAPHR. It made recommendations.

37. Argentina commended Sri Lanka for adopting the National Plan of Action for the Promotion and Protection of Human Rights. It made recommendations.
38. The United States of America stated that it has provided full comments in writing on its websites. It made recommendations.
39. Austria acknowledged the adoption of the NHRAP and the LLRC recommendations. Austria requested Sri Lanka to respond to allegations concerning limitations to freedom of assembly and expression and to reports of rape and sexual assault by security forces on Tamil women. It made recommendations.
40. Azerbaijan noted that Sri Lanka has integrated MDGs into its national development agenda. It asked whether it is considering the adoption of conventions on the refugee protection. It welcomed IDP's resettlement measures. It made recommendations.
41. Bahrain commended the Government's efforts to strengthen women's rights, its amendments to the penal code for sexual assault and its international cooperation to stop trafficking in persons. It made recommendations.
42. Bangladesh called upon the international community to provide assistance and cooperation to Sri Lanka's efforts towards domestic reconciliation solutions based on equity, inclusiveness and its specificities. It made recommendations.
43. Belarus regretted the unbalanced nature of the information prepared for the UPR by the OHCHR and the Special Procedures' on Sri Lanka, which had reaffirmed its openness to re-engage in dialogue by issuing an official invitation to the OHCHR.
44. Belgium congratulated positive actions taken by Sri Lanka for displaced persons and adoption of the LLRC report and its plan of action but raised concerns about forced disappearances. It made recommendations.
45. Benin commended Sri Lanka on its measures on protecting the rights of children and IDPs including the return of the latter's possessions in compliance with relevant international regulations. It made recommendations.
46. Bhutan appreciated measures taken on human rights and fundamental freedoms of its citizens and commended the NAPHR. It hoped the international community will extend its full cooperation and support. It made a recommendation.
47. Bolivia (Plurinational State of) recognised that Sri Lanka is on the verge of achieving MDG 6, which includes among others eradicating extreme poverty, universal primary education and gender equality. It made a recommendation.
48. Botswana asked the Government how it intended to respond to alleged violations of humanitarian and human rights law and to serious concerns, including from the UN Secretary General, of abuse and harassment of human rights defenders. It made a recommendation.
49. Brazil commended Sri Lanka for its IDP resettlement and de-mining programmes and welcomed the National Plan of Action for the Promotion and Protection of Human Rights and for implementation of the LLRC. It made recommendations.
50. Brunei Darussalam congratulated Sri Lanka on its commitment to promoting and protecting human rights. It welcomed Sri Lanka's efforts to combat poverty, achieve MDGs and uphold the rights of children and persons with disabilities.
51. Burkina Faso noted Sri Lanka's establishment of the LLRC, constitutional and legislative reforms and the NAPHR, but that it has not yet ratified a number of international instruments. It made recommendations.

52. Cambodia recognised Sri Lanka's efforts to address all challenges, especially its legislative, institutional steps and measures towards national rehabilitation and development. It encouraged Sri Lanka to pursue its demining efforts, thereby enabling the return of IDPs to their origin. It made a recommendation.
53. Canada made recommendations.
54. Chile welcomed resettlement of about 300,000 IDPs and its efforts to tackle the issue of disappearances. It recognised Sri Lanka's commitment to investigating complaints of extrajudicial, summary or arbitrary executions. It made recommendations.
55. China congratulated Sri Lanka for its socio-economic developments and national reconciliation, its establishment of national human rights instruments and its progress in resettling IDPs and combatting poverty. It made a recommendation.
56. Congo noted Sri Lanka's advances since the 1st UPR, including implementation of LLRC recommendations, especially relating to demining, return of IDPs and educational reform. It congratulated Sri Lanka on efforts to reconstruct the North and East, re-launch its economy and reorganise civil administration.
57. Costa Rica commended Sri Lanka's willingness for dialogue. It understood that it is still in a process of transition, however, it was concerned about continued persecution of human rights defenders, discrimination of ethnic minorities and allegations of torture. It made recommendations.
58. Cuba congratulated Sri Lanka for implementing recommendations accepted in 2008, rehabilitating and re-integrating LTTE ex-combatants, not subjecting former child soldiers to judicial procedures and swiftly resettling IDPs. It made recommendations.
59. Cyprus acknowledged Sri Lanka's steps in the areas of development, poverty reduction, rehabilitation and reintegration of the NAPHR and its Task Force for implementing LLRC recommendations.
60. Czech Republic recognised the Sri Lankan Government's efforts and the remaining challenges in the processes of reconciliation and strengthening of the rule of law. It made recommendations.
61. Democratic People's Republic of Korea commended Sri Lanka for its achievements, including integration of MDGs into national development. It made recommendations.
62. Denmark appreciated the NHRAP and the LLRC Action Plan, and was concerned over reports of impunity for perpetrators of serious human rights violations in Sri Lanka, which has not yet implemented previously accepted UPR recommendations, including on extrajudicial killings and torture. It made recommendations.
63. In his reply Mohan Pieris, Senior Legal Advisor to the Cabinet and Vice Chairman of the LLRC Task Force of Sri Lanka stated that measures taken uphold standards required for examining accountability. The LLRC Report states there were no preconceived policies to target civilians and the protection of civilian life was a key factor in military operations. It nonetheless concluded that there is evidence warranting investigation
64. A Court of Inquiry with a comprehensive mandate was convened and proceedings and investigations are progressing, looking into whether there were any deliberate attacks on civilians; if affirmative, it will seek to identify locations, dates and details. Were the actions proportional and in relation to military targets? Persons responsible and measures to avoid future occurrences are to be identified.
65. Djibouti called upon the international community to accompany Sri Lanka in effectively implementing recommendations made during this interactive dialogue. It made recommendations.

66. Ecuador welcomed Sri Lanka's efforts to establish responsibilities for human rights violations and the inter-ministerial working group on cases of alleged disappearance. It made recommendations.
67. Egypt noted positive development in Sri Lanka after the end of hostilities. It welcomed the Government's decision to lift the state of emergency and implement LLRC recommendations. It made recommendations.
68. Estonia welcomed Sri Lanka's action plans for human rights and implemented recommendations of LLRC and its implementations to date. It underlined that all recommendations by the LLRC and past commissions of inquiry need to be fully implemented. It made recommendations.
69. Ethiopia welcomed the Sri Lankan Government's plan to implement LLRC recommendations and to translate the text into the two official languages. It asked the Government to explain the measures taken on implementing recommendations of the national reconciliation mechanism. It made recommendations.
70. Finland indicated that Sri Lanka has committed itself to complete drafting of a bill on IDP rights and was encouraged by positive steps taken in the return process of the IDPs, Finland noted the LLRC report. It was interested in hearing about measures taken to protect IDP rights. It made recommendations.
71. France recognised Sri Lanka's few advances in human rights, but remained concerned about the general internal situation. It recalled that 17 humanitarian workers were murdered in 2006: the most serious crime ever against NGO personnel. No legal action has been launched to date. It made recommendations.
72. Germany noted that Sri Lanka's national report was encouraging. It underlined the importance of independent judiciary and impeachment procedures to be conducted with diligence. It made recommendations.
73. The Holy See highlighted the multi-ethnic, multi-religious, multi-lingual and multi-cultural character of Sri Lanka. It appreciated Sri Lanka's human rights and peace accomplishments. It made recommendations.
74. India looked forward to speedy resolution of the residual issues in resettlement and rehabilitation. It called for credible investigations into allegations in the LLRC report. It noted the action plan for time-bound implementation of LLRC recommendations.
75. Indonesia was encouraged by Sri Lanka's human rights continued progress. It emphasised that continued transparency and engagement with the international community was essential to sustained progress. It made recommendations.
76. Iran (Islamic Republic of) commended Sri Lanka for considerable achievements in restoration of civil administration, infrastructure and economic development in the north and east of Sri Lanka affected by the internal conflict. It made recommendations.
77. Iraq praised measures taken to adopt the 5-year NHRAP and welcomed its accession to the majority of human rights instruments in particular the CRC. It welcomed the step taken to protect elderly and strengthening religious freedoms. Iraq made recommendations.
78. On the judiciary, Minister Samarasinghe of Sri Lanka said that the Constitution provided for the impeachment of a judge. One third of the Members of Parliament have to sign a resolution identifying grounds for removal which has to be handed over to the Speaker. Thereafter a Select Committee of Parliament was constituted from among Members of both sides of the House and a resolution had to be then adopted by Parliamentary majority, after which removal is permitted. Due process will be followed.

79. On elections, Minister Samarasinghe said that Sri Lanka wanted to give democratic rights to people of the North. 32 Out of 34 local government authorities in the North have been elected. An elected Provincial Council for the North was envisaged for 2013.
80. Ireland commended Sri Lanka on progress in implementing commitments made during 2008 UPR and urged that remaining detainees be tried or begin reintegration process. It expressed concern about the prevention against terrorism act. It urged full respect for the independence of the judiciary. Ireland made recommendations.
81. Italy recognised progress achieved by Sri Lanka, however, several human rights concerns still remain, such as forced disappearances and torture, etc. and asked Sri Lanka which policies and initiatives it envisages to address these challenges. Italy made recommendations.
82. Japan welcomed the NHRAP and the National Plan of Action to implement LLRC recommendations. It expressed hope that Sri Lanka would continue efforts to engage with the international community including a visit by the High Commissioner. Japan made recommendations.
83. Kazakhstan recognised Sri Lanka's implementation of Prevention of Domestic Violence Act and the establishment of the National Child Protection Authority to secure rights of women and children. It made recommendations.
84. Kenya commended ratification of seven core international human rights instruments. It asked what steps Sri Lanka was taking to address concerns on access to full enjoyment of religious freedom for certain religious minority groups. Kenya made a recommendation.
85. Kuwait commended the efforts to implement the NHRAP. It recognised the important developments in spite of 30 years of conflict and the stability brought to all segments of society, such as the resettlement of IDPs, clearing the land mines and achieving part of the MDGs. Kuwait made recommendations.
86. The Lao People's Democratic Republic congratulated Sri Lanka on integrating MDGs into their national development agenda. It noted accession to seven core human rights treaties and implementation of domestic legislation.
87. Latvia noted Sri Lanka's efforts to improve cooperation with the Special Procedures of the Human Rights Council, yet noted that a number of requests by mandate holders to visit Sri Lanka had not yet been accepted. It made recommendations.
88. Lebanon commended Sri Lanka on establishing the national action plan. It noted Sri Lanka's commitment to safeguarding human rights. It made a recommendation.
89. Malaysia expressed hope that Sri Lanka's claims of efforts to protect human rights were sincere. It called for genuine effort at reconciliation. It called for both communities to work out the problem without interference from outsiders. It made recommendations.
90. Maldives expressed understanding of the enormous challenges faced by Sri Lanka and the need for accountability for violations of human rights committed by all sides. It welcomed the NAPHR to implement LLRC recommendations. It made recommendations.
91. Mauritania welcomed measures to combat violence against women and children. It recognised the reconciliation process underway in Sri Lanka. It requested information on the difficulties encountered in this process and the progress made
92. Mexico took note of Sri Lanka's actions to address serious human rights violations. It highlighted the enormous challenges faced by Sri Lanka and recognised efforts made to improve the living standard of the Sri Lankan people. Mexico made recommendations.

93. Morocco acknowledged Sri Lanka's adoption of the NHRAP in line with the 1993 Vienna Conference. It requested further information on the objectives and the areas covered in the plan. It made recommendations.
94. Myanmar commended Sri Lanka for restoring peace, stability and harmony. It called for recognition by the international community of Sri Lanka's success in resettling IDPs and rehabilitating former combatants. It made recommendations.
95. Nepal noted Sri Lanka's socio-economic achievements and progress toward meeting MDGs. It welcomed the NHRAP and efforts to implement LLRC recommendations. It made recommendations.
96. The Netherlands found the situation in Sri Lanka changed from four years ago. It expressed belief that the Sri Lankan government could further normalise the situation by implementing the report from the LLRC. It made recommendations.
97. New Zealand raised concerns over lack of progress on human rights. It saw progress on women's rights but raised concern over remaining substantial challenges. It noted current moratorium on executions. It made recommendations.
98. Nicaragua recognised Sri Lanka's commitment to build the rule of law and strengthen democracy. It highlighted implementation of the NHRAP, adopted after a participatory process. It made a recommendation.
99. Nigeria acknowledged gains under the LLRC process and welcomed progress in the implementation of the NHRAP. It urged Sri Lanka to continue its reconciliation process.
100. Norway acknowledged noted Sri Lanka's 2008 pledge to investigate attacks on human rights defenders and expressed concern over lack of progress in this area. It raised concerns over the low number of elected women. It noted the importance of independent civilian institutions to ensure democracy. Norway made recommendations.
101. Sri Lanka's Permanent Representative to the UN in Geneva Ravinatha Aryasinha, observed that Sri Lanka accords priority to participation in the human rights treaty framework, and engagement with special procedure mechanisms. The 5th periodic report on the ICCPR was submitted. Sri Lanka established a mechanism to verify cases of alleged disappearance and has submitted its responses on 159 cases in March and October 2012 to the WGEID.
102. Sri Lanka interacted with members of the WGEID and continued to actively engage the OHCHR. An invitation was extended in April 2011 to the High Commissioner to visit Sri Lanka. In this context, a preparatory team from the OHCHR visited in September and had unfettered access to all locations, interacting with a range of stakeholders including representation from Government, Opposition and civil society. A field visit was made to the Northern Province. Sri Lanka awaited the High Commissioner's visit.
103. Oman noted the enormous efforts made at the national, regional and international levels with setting a plan of action to rehabilitate and reintegrate victims and ex-combatants. It made a recommendation.
104. Pakistan called upon recognition by the international community for Sri Lanka's 2009 victory against terrorism. It welcomed the National Action Plan and the Task Force to monitor its implementation of LLRC recommendations. Pakistan made a recommendation.
105. Palestine noted the accession to most international human rights instruments that protect child rights, and the constitutional protection to freedom of religion. It noted adoption of major measures to protect and promote women rights, and the protection of workers' rights. Palestine made a recommendation.

106. The Philippines noted the unfinished implementation of many of Sri Lanka's pledges during the 1st UPR. It welcomed its concern for the protection of migrant workers but noted that articles 76 and 77 of the ICRMW remain unaccepted. It made recommendations.

107. Poland acknowledged Sri Lanka's efforts but raised concerns about independence and integrity of the judiciary and reports of disappearances. It requested information on measures to ensure independence of the judiciary. Poland made recommendations.

108. Qatar noted the adoption of a plan of action for promotion of human rights. It highlighted efforts to bring about national reconciliation and rebuild damaged regions affected by the conflict. Qatar made recommendations.

109. The Republic of Korea acknowledged progress in the reconciliation process, including resettlement of IDPs, reintegration of former combatants, and reconstruction of social infrastructure. It made recommendations.

110. Romania acknowledged Sri Lanka's cooperation with the UN technical missions on human rights which visited Sri Lanka in September 2012. It asked what Sri Lanka's plans are for further ratification of several key human rights conventions and what are the current mechanisms to investigate and if necessary prosecute reported cases of human rights violations.

111. The Russian Federation noted Sri Lanka's active role in the Human Rights Council and the invitation extended to the High Commissioner to visit Sri Lanka. It expressed sympathy for Sri Lanka's difficulties in assuring human rights. Russia made a recommendation.

112. Rwanda welcomed specific measures taken by Sri Lanka to deal with post-conflict period. It appreciated establishment of the Task Force to monitor implementation of LLRC recommendations. It made a recommendation.

113. Saudi Arabia highlighted Sri Lanka's commitment to international human rights treaties and legislation to implement them in compliance with UN standards. It noted Sri Lanka's effort to improve living standards despite decades of conflict. It made recommendations.

114. Serbia recognised human rights challenges facing Sri Lanka. It saluted achievements including implementation of the National Plan of Action, rehabilitation of former child soldiers and others. It encouraged Sri Lanka to pursue confidence building in former conflict zones.

115. Singapore acknowledged Sri Lanka's efforts at national reconciliation and affirmed rule of law as the key to ensuring stability, social justice and equality. It recognised Sri Lanka's progress in improving the well-being of its people. It made recommendations.

116. Slovakia expressed its awareness of the vast human rights challenges faced by Sri Lanka due to decades-long civil conflict. Slovakia made recommendations.

117. Slovenia noted CEDAW's call for inclusion of a gender perspective in national Development Agenda and reports on attacks of human rights defenders. Slovenia made recommendations.

118. South Africa was encouraged by Sri Lanka's initial steps to address extreme poverty, achieve MDGs, elaborate a National Human Rights Action Plan, resettle IDPs and conduct demining. It raised the challenges associated with armed conflict and protecting children's rights. It made recommendations.

119. South Sudan acknowledged Sri Lanka's achievements in demining, integration of ex-combatants, resettlement of IDPs, education policy and achievement of MDGs in health and education. It commended post-conflict progress and made recommendations.

120. Spain applauded progress made in promoting and protecting human rights. It made recommendations.

121. Sudan noted challenges to human rights resulting from armed conflict, an experience shared by Sudan. It paid tribute to Sri Lanka's efforts to restore stability. Sudan noted the plan of action approved by the government last July to implement the recommendations of the LLRC. Sudan made recommendations.

122. Swaziland was encouraged by Sri Lanka's focus on development of the Northern Eastern provinces. It acknowledged the 2010 establishment of the LLRC as a human rights safety net to encourage dialogue and compromise. It made a recommendation.

123. Sweden noted the decrease in reports of enforced disappearances; however it noted questions by civil society organisations about the impartiality of the parties investigating enforced disappearances. It raised concern over the absence of criminal convictions related to recruitment of child soldiers. It made recommendations.

124. Switzerland noted lack of proper follow-up to reports from experts mandated by the UN Secretary General. It raised concerns over continued forced disappearances. It raised concerns over legitimate grievances of minorities and need for an inclusive dialogue. Switzerland made recommendations.

125. Syrian Arab Republic acknowledged Sri Lanka's rapid emergence from spiral of violence yet noted huge challenges remaining. It welcomed implementation of recommendations from the reconciliation commission in particular rehabilitation of former soldiers. It made a recommendation.

126. Minister Samarasinghe of Sri Lanka thanked the President of the Council for the manner in which she conducted the proceedings. He appreciated the many interventions by delegations. Sri Lanka is encouraged by the acknowledgment of positive developments and has noted concerns expressed by the international community. Progress has been achieved on many fronts. He assured that Sri Lanka will work to ensure that challenges are overcome and report further progress at the next Council session.

127. The Minister reiterated that Sri Lanka's progress should be acknowledged. Sri Lanka be given time and space and the international community should constructively engage with Sri Lanka. Sri Lanka was a multi-cultural, multi-lingual, multi-religious country and is proud of its diversity- a source of strength. Sri Lanka will ensure that its diversity is protected and nurtured and through this cultivate a true Sri Lankan identity.

II. Conclusions and/or recommendations

128. **The recommendations formulated during the interactive dialogue/listed below enjoy the support of Sri Lanka**

128.1. **Consider ratifying the CRPD (Egypt, Turkey);**

128.2 Consider ratifying the Palermo Protocol on human trafficking (Philippines);

128.3 Make further efforts to ratify other relevant international instruments that are vital to the promotion and protection of Human Rights, in keeping with its national capacity and priority (Cambodia);

- 128.4 Continue giving consideration to ratify the other remaining (human rights) instruments in a progressive manner (Kenya);
- 128.5 Full dissemination of the NAPHR and the strengthening of governmental agencies at national, provincial and local level to guarantee its full implementation (Venezuela (Bolivarian Republic of));
- 128.6 Accelerate capacity building in order to effectively implement the NAPHR (Zimbabwe);
- 128.7 Continue efforts to implement the National Action Plan for the protection and promotion and human rights (Bahrain);
- 128.8 Continue to work on implementing the accepted recommendations by the LLRC Reconciliation (Bahrain);
- 128.9 Expedite action to implement the agreed Action Plan in line with the spirit of the LLRC through a process inclusive of all people belonging to all ethnicity (Bangladesh);
- 128.10 Pursue its efforts to implement the National Plan of Action for the promotion and protection of human rights (Burkina Faso);
- 128.11 Disseminate the NAPHR amongst general population in local languages so as to ensure wider participation in the implementation process, thereby empowering claim holders in asserting and protecting their rights (Ethiopia);
- 128.12 Continue its efforts in launching the NAPHR (Iran);
- 128.13 Steady implementation of the National Action Plan for the Promotion and Protection of Human Rights as well as the National Plan of Action to implement the recommendations of the Lessons Learnt and Reconciliation Commission (Japan);
- 128.14 Continue its efforts to follow-up on the implementation of the National Action Plan for the Promotion and Protection of Human Rights (Kuwait);
- 128.15 Continue its efforts of implementing the recommendations of the National Plan of Action (Maldives);
- 128.16 Continue to implement the National Action Plan for the Promotion and Protection of Human Rights (Syrian Arab Republic);
- 128.17 Persevere in implementing its Action Plan and ensure its wide dissemination among the local population, in all the official languages of the country (Morocco);
- 128.18 Complete the implementation of the National Action Plan for the promotion and Protection of Human Rights (Palestine);
- 128.19 Continue efforts to accelerate the pace of implementation of the National Plan of Action and the promotion of development, and support economic and social rights in all parts of the country (Qatar);
- 128.20 Strengthen cooperation between government agencies with Human Rights National Commission and civil society to coordinating, planning and implementing the National Human Rights Action Plan (Venezuela (Bolivarian Republic of));

- 128.21 Take all possible steps in strengthening the capacity of Government Agencies identified for the implementation of the recommendations of the LLRC Action Plan (Pakistan)¹;
- 128.22 Continue addressing accountability issues and implementation of the LLRC Action Plan as planned (Uganda)²;
- 128.23 Continue its efforts to implement the LLRC's recommendations of the National Action Plan (Timor-Leste)³;
- 128.24 Continue progressing in the implementation of the recommendations of the Action Plan of the National Reconciliation Mechanism (Venezuela)⁴;
- 128.25 Continue implementing the LLRC recommendations through the Action Plan (Malaysia)⁵;
- 128.26 Immediate implementation of recommendations of LLRC Action Plan including on accountability process, through Sri Lanka's National Plan of Action on Human Rights and other relevant mechanisms (Indonesia)⁶;
- 128.27 Facilitate the implementation of the recommendations of the LLRC Action Plan and provide necessary funds for its implementation (Iraq)⁷;
- 128.28 Inform the Human Rights Council as part of the reporting process outlined in the National Report, of implementation of LLRC Action Plan recommendations (Ireland)⁸;
- 128.29 Disseminate in different languages the National Action Plan for the Promotion and Protection of Human Rights (South Sudan);
- 128.30 Ensure adequate resources to the Human Rights National Commission to further improve its capacity, geographical scope and its mandate (Venezuela);
- 128.31 Continue the efforts to strengthening the capacity building of national institutions in field of human rights promotion and protection (Angola);
- 128.32 Take all steps to strengthen and ensure the independence of the National Human Rights Commission (Germany);

¹ The recommendation originally made in the room stated: "Take all possible steps in strengthening the capacity of Government Agencies identified for the implementation of the recommendations in this regard".

² The recommendation originally made in the room stated «Continue its efforts to implement the LLRC's recommendations as planned».

³ The recommendation originally made in the room stated «Continue its efforts to implement the LLRC's recommendations».

⁴ The recommendation originally made in the room stated «Continue progressing in the implementation of the recommendations of the National Reconciliation Mechanism»

⁵ The recommendation originally made in the room stated: "Continues implementing the LLRC recommendations".

⁶ The recommendation originally made in the room stated: "Immediate implementation of recommendations of LLRC including on accountability process, through Sri Lanka's National Plan of Action on Human Rights and other relevant mechanisms."

⁷ The recommendation originally made in the room stated: "Facilitate the implementation of the recommendations of the LLRC and provide necessary funds for its implementation".

⁸ The recommendation originally made in the room stated; Inform the Human Rights Council as part of the reporting process outlined in the National Report, of implementation of LLRC recommendations."

- 128.33 Ensure structural and operational independence of the national human rights institution in accordance with the Paris Principles (Maldives);
- 128.34 Adopt necessary legal measures to ensure that the National Human Rights Commission of Sri Lanka is in line with Paris Principles (Mexico);
- 128.35 Continue to promote and protect human rights through education and institutional reforms (Myanmar);
- 128.36 Continue efforts to strengthen national human rights institutions (Nepal);
- 128.37 Continue the efforts at strengthening its national institutions for the promotion and protection of human rights and encourage awareness among its people of the importance of fairness and justice (Malaysia);
- 128.38 Strengthen the independence of institutions such as the Human Rights Commission of Sri Lanka, the Police Commission and Election Commission (Norway);¹
- 128.39 Recognizing that the operational independence of the National Human Rights Commission has been enhanced take the necessary measures to further ensure its institutional independence (Republic of Korea);
- 128.40 Enable additional resources to strengthen the Human Rights Commission (South Sudan);
- 128.41 Take action to facilitate greater participation by citizens and civil society in helping to implement human rights action plans (Australia);
- 128.42 Consolidate its reconciliation efforts to ensure that durable peace prevails in the country (Zimbabwe);
- 128.43 Continue its engagement with the relevant UN agencies in achieving the overall objective of the UN Development Assistance Framework for 2013-2017 (Algeria);
- 128.44 Strengthen the cooperation with the relevant human rights stakeholders including the Human Rights Council (Angola);
- 128.45 Continue its efforts in advancing human rights and freedoms in the country and especially in the conflict-affected areas (Azerbaijan);
- 128.46 Intensify its actions for a greater enjoyment by the people of fundamental human rights (Benin);
- 128.47 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);
- 128.48 Continue assisting former-combatants through livelihood schemes (Cuba);
- 128.49 Share with the international community its experiences in rehabilitating and reintegrating former LTTE child soldiers (Cuba);
- 128.50 Continue to prioritize the rehabilitation and reintegration of former child soldiers (Italy);²
- 128.51 Implement the announced voluntary commitments and the UPR accepted recommendations (Egypt);

- 128.52 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);
- 128.53 Continue its efforts to complete the implementation of the voluntary pledges (Philippines);
- 128.54 Ensure on-going protective measures to maintain and advance the levels of human rights developments (South Sudan);
- 128.55 Strengthen further the capacity within the public institutions to enable the effective implementation of the trilingual policy (Ethiopia);
- 128.56 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);
- 128.57 Step up efforts to protect freedom of religion and promote inter-religious dialogue as a tool to foster tolerance and peaceful-coexistence (Italy);
- 128.58 Take continuous measures to secure social infrastructure and means of livelihood at resettlement sites as this is expected to become even more vital (Japan);
- 128.59 Pursue the process of reconciliation and consolidate the peace building measures embarked on since the end of the conflict (Lebanon 1);
- 128.60 Continue and provide greater cooperation to the Working Group on Enforced or Involuntary Disappearances to accomplish its work (Ecuador);
- 128.61 Provide training and promote capacity building among its institutions to guarantee the effective application of the Women's Charter (Venezuela);
- 128.62 Intensify its policies and programs undertaken to ensure the protection of women and children (Algeria);
- 128.63 Ensure women's participation in the post-conflict, reconstruction and peace building process (Finland);
- 128.64 Adopt appropriate and concrete measures to prevent the disadvantageous and unequal status of women and girls (Rwanda);
- 128.65 Encourage women's participation in the public life of the country (South Sudan);
- 128.66 Adopt necessary measures to ensure that gender equality is a legal and practical reality, combating particularly gender violence (Spain);
- 128.67 Increase its endeavors in promotion of equity in economic development, poverty eradication, eliminating regional disparities, and guaranteeing equality of opportunity for all Sri Lanka citizens (Iran);
- 128.68 Criminalize all forms of violence against women and hold the perpetrators of such violence accountable (South Africa);
- 128.69 Carry on its measures in the implementation of the act on Prevention of Domestic Violence as a means to improve and protect the rights of women (Iran);
- 128.70 Increase its efforts on strengthening protection of children's rights in such areas as child labor, domestic violence, trafficking and sexual exploitation (Iran);

- 128.71 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);
- 128.72 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);
- 128.73 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);
- 128.74 Consider incorporating the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the "Bangkok Rules" as part of its work on the treatment of prisoners (Thailand);
- 128.75 Strengthen efforts to investigate allegations of serious violations of international humanitarian law and the international human rights during the conflict and to hold those responsible to account (Ukraine);
- 128.76 Fully and transparently investigate alleged grave breaches of international humanitarian law during the conflict (UK);
- 128.77 Pursue its efforts to fight against impunity for serious human rights violations committed during the internal armed conflict (Argentina);
- 128.78 Take the necessary measures to bring into justice and prosecute perpetrators of violations of the international human rights law and humanitarian Law (Chile);
- 128.79 Take the necessary steps to ensure that all detainees are afforded a fair trial within a reasonable period (Ireland);
- 128.80 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);
- 128.81 Design training programs on human rights for police and security forces, to guarantee better protection of human rights standards (Oman);
- 128.82 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);
- 128.83 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);
- 128.84 Continue its efforts in enhancing the rule of law to ensure long-term stability and sustainable development (Singapore);
- 128.85 Carry out an independent and credible investigation on the allegations of violations of human rights and international humanitarian law (Switzerland);
- 128.86 Continue human rights education for police and security forces aiming at better protection and preservation of human rights principles (Syrian Arab Republic);

- 128.87 Strengthen its efforts to integrate human rights and peace education in the school curricula (Djibouti);
- 128.88 Redress housing shortage by adopting a national strategy and a plan of action (Djibouti);
- 128.89 Continue to improve accessibility to education, especially in the post-conflict and underdeveloped areas (Singapore);
- 128.90 Continue its efforts to promote access by persons with disabilities to the labor market by strengthening the system of job reserve for persons with disabilities (Djibouti);
- 128.91 Develop a comprehensive policy with regard to all aspects of internal displacement (Azerbaijan);
- 128.92 Intensify its efforts to ensure the return of displaced persons to their places of origin and compensated them whenever return is not possible (Chile);
- 128.93 Continue providing assistance to IDP returnees in particular with housing, livelihoods and economic empowerment (Cuba);
- 128.94 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);
- 128.95 Ensure legal ownership and return or restitution of houses and lands to internally displaced persons, according to international standards (Holy See);
- 128.96 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);
- 128.97 Invest more resources towards a better service delivery mechanism that will also ensure that the remaining internally displaced citizens return safely to their territories (Swaziland);
- 128.98 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);
- 128.99 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);
- 128.100 Continue action towards the alleviation of poverty (Bangladesh);
- 128.101 Continue its efforts in reducing poverty (Saudi Arabia);
- 128.102 Redouble its efforts in fighting poverty with a view to maintain the level of development achieved so far and contribute to attain the MDGs (Morocco);
- 128.103 Further improve the living standard of the people by reducing poverty and economic disparity (Myanmar);
- 128.104 Continue efforts in enhancing the welfare of all segments of society and their rights based on national context and characteristics (Nepal);
- 128.105 Continue with its plans to enhance economic development in all regions of Sri Lanka (Saudi Arabia);

128.106 Continue working to achieve all the Millennium Development Goals (Bolivia);

128.107 Remain committed to the sustainable economic and social development, further promote national reconciliation, and achieve stability and development in the country (China);

128.108 Ensure on-going social welfare and protection measures to ensure the maintenance of levels of human development already achieved and realization of the Millennium Development Goals (Democratic People's Republic of Korea);

128.109 Attain the remains of the Millennium Development Goals (Kuwait);

128.110 Take steps to protect people from acts of terrorism, through domestic legislation (Kazakhstan);

129. The recommendations below did not enjoy the support of Sri Lanka:

129.1 Examine the possibility of ratifying OP-CAT and the Rome Statute (Tunisia);

129.2 Accede to the Rome Statute of the International Criminal Court (ICC) and draft a law on cooperation between the State and the Court (Uruguay);

129.3 Accede to the Rome Statute of the International Criminal Court (Costa Rica, Ecuador);

129.4 Ratify the Rome Statute of the International Criminal Court and fully align its legislation with all the obligations under the Rome Statute, including incorporating the Rome Statute definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court (Latvia);

129.5 Accede to the Rome Statute of the International Criminal Court, including accession to its Agreement on Privileges and Immunities (Slovakia);

129.6 Ratify the Rome Statute of the ICC as well as OP-CAT and establish a National Torture Prevention Mechanism (Austria);

129.7 Ratify the OP-CAT (Brazil);

129.8 Ratify at the earliest the OP-CAT (Maldives);

129.9 Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Czech Republic);

129.10 Ratify the Second Optional Protocol to ICCPR (Turkey);

129.11 Continue its efforts to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

129.12 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Belgium, Iraq)

129.13 Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (France);

129.14 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Rights of Persons with Disabilities and the Statute of the International Criminal Court (Spain);

129.15 Sign the International Convention for the Protection of All Persons from Enforced Disappearance (Sweden);

- 129.16 Fully incorporate the Convention on the Elimination of Discrimination against Women into its domestic system (Slovenia);³
- 129.17 Accept Articles 76 and 77 of the ICRMW (Philippines);
- 129.18 Consider ratifying ILO Convention 189 (Philippines);
- 129.19 Consider the possibility of abolishing the death penalty from its legal framework (Argentina);
- 129.20 Consider the definite abolishment of the death penalty in its internal legislation and accede (Ecuador);**
- 129.20 Abolish definitely death penalty (Spain);
- 129.21 Seriously consider the possibility to abolish capital punishment (Italy);
- 129.22 Take immediate steps towards the abolition of the death penalty in law (New Zealand);
- 129.23 Decriminalize consenting homosexual relationships between persons over the age of consent by repealing Section 365A of the penal code (Canada);
- 129.24 Adopt the draft bill on witness and victim protection (Germany);⁴
- 129.25 Adopt legislation on appointments that would ensure the independence of the Human Rights Commission (New Zealand)⁵;
- 129.26 Enact the legislation to ensure the Right to Information and bring it in line with international human rights standards (Norway);⁶
- 129.27 Enact urgent legislative amendments to the Penal Code to ensure that the rights of women from all religious and ethnic communities are safeguarded (New Zealand)⁷;
- 129.28 Fully implement the recommendations of the LLRC, in particular steps to ensure independent and effective investigations into all allegations of serious human rights violations , in the context of Sri Lanka's civil war and its aftermath (Austria)^{8*};
- 129.33 Rapidly implement the recommendations of the Lessons Learnt and Reconciliation Commission (France);^{9*}
- 129.34 Continue implementing the recommendations of the LLRC report and the report of the Panel of Expert in accordance with the Human Rights Council Resolution 19/2 (Germany);
- 129.35 Accelerate the process of putting into practice its National Action Plan for the promotion and protection of human rights launched in 2011, and its Action Plan for the implementation of the recommendations of the Commission of Inquiry and Reconciliation adopted in July 2012, and fully cooperate with the UN mechanisms in order to rapidly turn the page on the atrocities of the civil war (Tunisia);
- 129.36 Implement the constructive recommendations of the LLRC, including the removal of the military from civilian functions, creation of mechanisms to address cases of the missing and detained, issuance of death certificates, land reform; devolution of power; and disarming paramilitaries (USA);^{10*}
- 129.37 Ensure the concrete implementation of the report of the Lessons Learnt and Reconciliation Commission and the National Strategy as envisaged by the Plan of Action (Belgium);^{11*}

129.39 Initiate an inclusive dialogue which would guarantee minority representatives a fair joint-decision power on the basis of the four previous decisions (APRC Expert Majority Report, All Party Representative Committee Report, Proposals for Constitutional Reforms, and Mangala Report) (Switzerland 3)¹²;

129.42 Closely cooperate with the international community in implementing the recommendations by the LLRC and the National Action Plan for the Promotion and Protection of Human Rights in the context of promoting reconciliation and accountability (Republic of Korea);

129.43 Seek assistance of the international community, including relevant experiences, for the implementation of the Lessons Learnt and Reconciliation Commission recommendations (Botswana);

129.44 Take advantage fully and effectively from the technical assistance provided by the international community in the field of training and capacity-building of national institutions on human rights (Qatar);

129.45 Guarantee access to the North and the East of the country to international and local humanitarian organizations specialized on family tracing and reunification programs (Uruguay);

129.46 Expedite implementation of reconciliation measures in the North. This would include removing oversight of humanitarian and NGO activities from the purview of Ministry of Defense to a civilian body, reducing the intrusiveness of military presence on civilian life in the North and setting a specific date for free and fair Northern Provincial Council elections (Canada);

129.47 Strengthen the capacities of its National Human Rights Commission, make it more independent and bring it in conformity with the Paris Principles (Tunisia)¹³

129.48 Adopt a national policy to provide human rights defenders with protection and ensure investigation and punishment of threats or attacks against them (Czech Republic);¹⁴

129.49 Fully cooperate with United Nations Human Rights mechanisms (Burkina Faso)¹⁵;

129.50 Continue its constructive engagement and cooperation with the international human rights mechanism, including through technical cooperation (Indonesia);

129.51 Intensify its cooperation with the Working Group on Enforced and Involuntary Disappearances to establish the fate of those who may have not been accounted for at the end of the armed conflict (Timor-Leste)¹⁶;

129.52 Invite the Working Group on Enforced or Involuntary Disappearances (France, Uruguay),¹⁷

129.53 Continue its constructive engagement with the United Nations Special Procedures, including the Working Group on Enforced or Involuntary Disappearances, by inviting the Working Group to visit the country (Brazil);¹⁸

129.54 Accept the Working Group on Enforced or Involuntary Disappearances request for visit (Chile);¹⁹

129.55 Ensure a climate in which all citizens are able to freely express their opinions and beliefs, without fear of reprisal or retribution and invite the Special Rapporteur on freedom of opinion and expression to visit (UK)²⁰;

- 129.56 Extend a standing invitation to the United Nations Special Rapporteurs and normalize its relations and cooperation with United Nations Human Rights mechanisms (Belgium);
- 129.57 Step up its cooperation with the Special Procedures of the Human Rights Council by responding positively to the pending visit requests of the Special Procedures mandate holders and eventually consider extending a standing invitation to all the Special Procedures mandate holders of the Human Rights Council (Latvia);
- 129.58 Further strengthen cooperation with the UN human rights mechanisms, particularly Special Procedures and try to respond in a timely manner to the questionnaires sent by the Special Procedures (Kazakhstan);
- 129.59 Strengthen the measures to eliminate all discriminatory treatment based on sexual orientation or gender identity (Argentina);²¹
- 129.60 Take further steps to ensure more participation of Sri Lankan Muslims in the reconciliation process and national efforts of economic, social, and cultural integration (Egypt);²²
- 129.61 Take concrete measures in implementing the 30 percent quota for women in the nomination lists at national, provincial and local elections as pledged in the National Human Rights Action Plan (Norway)²³;
- 129.62 Continue to focus on establishing and strengthening institutions of governance with a view to contributing towards adequate protection of human rights and fundamental freedoms for all, provisions of adequate remedies where violations occur, and zero tolerance for impunity (South Africa);²⁴
- 129.63 Create a reliable investigation commission consisting of professional and independent investigators to identify, arrest and prosecute the perpetrators of the Muttur murders (France);²⁵
- 129.64 Create an independent mechanism to look into the issue of disappeared persons with its own unique database (France);
- 129.65 Publish the names and places of detention of all the imprisoned persons (France)²⁶;
- 129.66 Take action to reduce and eliminate all cases of abuse, torture or mistreatment by police and security forces (Australia);²⁷
- 129.67 Adopt further measures to prevent torture and ill-treatment in particular in prison and detention centers (Czech Republic);
- 129.68 Establish an effective independent monitoring mechanism to investigate complaints of torture (Poland);²⁸
- 129.69 Carry out independent investigations into possible cases of torture as well as reprisals related to cooperation with international human rights bodies (Poland);²⁹
- 129.70 Determine the whereabouts of children whose fate is unknown (Uruguay);
- 129.71 Take action to reduce and eliminate all cases of abductions and disappearances (Australia);³⁰
- 129.72 Establish immediately a publicly accessible central register for all persons missing or in custody (Germany);³¹

129.73 Establish a National Mechanism, as requested in the report of the Lessons Learnt and Reconciliation Commission, in order to shed light on the fate of all disappeared persons and detained persons and to cooperate with the ICRC and the Working Group on Enforced or Involuntary Disappearance (Switzerland)³²;

129.74 Maintain a public and accessible list of all detainees in the country, including those that were detained for incidents related with the armed conflict (Mexico)³³;

129.75 Strengthen relevant legislations and administrative measures to ensure transparency and non-impunity in the judicial process on all alleged enforced disappearance cases including investigation , prosecution and reparation , which would help contribute towards its national reconciliation (Thailand);³⁴

129.76 End impunity for human rights violations and fulfill legal obligations regarding accountability (USA);

129.77 Take all necessary steps to fully commit to end impunity for international crimes by acceding to the Rome Statute of the ICC and to fully align its national legislation with all obligations under the Rome Statute (Sweden);

129.78 Hold accountable all persons who are liable for the violation of human rights and humanitarian law (Estonia);

129.79 Investigate and prosecute those responsible for abductions and forced disappearances and increase awareness of the State security services about these offences (Belgium);

129.80 Make every effort to ensure that those responsible for crimes against children, and in particularly concerning the recruitment of child soldiers, are brought to justice as soon as possible (Sweden);³⁵

129.81 Implement the recommendations of the UN Panel of Experts on accountability, bringing all those allegedly responsible for violations of international human rights law and international humanitarian law to justice in compliance with international standards (Slovakia);

129.82 Improve detention conditions and respect for judicial guarantees for inmates, fighting against torture and inhuman and degrading treatment in detention centers in line with commitments taken during the May 2008 UPR session (Spain);

129.83 Strengthen judicial independence by ending government interference with the judicial process, protecting members of the judiciary from attacks and restoring a fair, independent and transparent mechanism (USA);

129.84 Take all necessary measures to ensure the independence and the integrity of the judiciary and oversight bodies (Poland);

129.85 Safeguard the independence of its judiciary (Slovakia);

129.86 Conduct impartial investigations and prosecutions against members of the security forces, regardless of rank, implicated in violations of human rights and international humanitarian law, including sexual violence (Denmark);

129.87 Grant due process rights to all detainees held in both military and police facilities, including those held in administrative detention; disclose all unofficial detention sites; and facilitate effective and independent monitoring of detainees (Denmark);³⁶

129.88. Allow the International Committee of the Red Cross unrestricted access to detention centres (Costa Rica);³⁷

129.89 Undertake measures that would allow citizens to have access to public information, in particular on alleged violations of human rights (Mexico);³⁸

129.90 Accelerate the improvement of the judicial, police, military and prison systems in line with international human rights standards and to investigate all allegations of extrajudicial, summary or arbitrary killings and enforced disappearances and follow-up according to justice requirements (Holy See);

129.91 Transfer NGO oversight to a civilian institution and protect freedom of expression (USA);

129.92 Adopt a National Policy on the protection of human rights defenders and journalists in order to prevent harassment and intimidation and to ensure effective investigation of such acts and prosecution of perpetrators (Austria);³⁹

129.93 Refrain from restricting access to and banning from websites and withdraw the Order of 5 November 2011 with requires news sites to be registered (Netherlands);⁴⁰

129.94 Desist from campaigns and threats against human rights defenders and ensure the investigation by an independent police commission into missing persons from this group, in line with the LLRC report recommendations on involuntary disappearances in a wider context (Netherlands);

129.95 Ensure that all human rights defenders, including individuals cooperating with UN HR mechanisms, are protected effectively from unjustified criminalization, harassment or intimidation and can perform freely their legitimate duties (Slovakia) ⁴¹;

129.96 Take immediate steps to prevent attacks on the human rights defenders and media and take action to investigate such acts (Slovenia);

129.97 Increase efforts aiming to guarantee the right to freedom of religion and belief (Spain 5)⁴²;

129.98 Continue to expand its social security coverage (South Africa);⁴³

129.99 Create a mechanism to ensure that all internally displaced persons, including 66,151 “Old IDPS” and further 37,123 living with host communities, receive a written statement detailing their entitlements and plans for return to their original homes (Canada);

129.100 Repeal Sections 9 (1) and 15 (A) (1) of the Prevention of Terrorism Act to ensure that detainees are held only in recognized places of detention, with regularized procedures and safeguards to protect detainees including access to legal representation and systematic notification to families of detainee whereabouts (Canada);

130. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Sri Lanka was headed by Mahinda Samarasinghe, Minister of Plantation Industries and Special Envoy of the President for Human Rights and composed of the following members:

- Hon. Mahinda Samarasinghe
- Minister of Plantation Industries and Special Envoy of H.E. the President on Human Rights
- Hon. Sajin de Vass Gunawardena Monitoring MP, Ministry of External Affairs
- H.E. Mr. Ravinatha Aryasinha PRUN/Permanent Mission of Sri Lanka
- Ms. Kamalini de Silva Secretary, Ministry of Justice
- Mr. Mohan Pieris, PC Senior Legal Advisor to the Cabinet
- Major General R.M.D. Ratnayake, RWP RSP USP psc Chief of Staff, Sri Lanka Army
- Mr. S.K. Gamalath, PC Additional Solicitor General, Attorney General's Department
- Ms. Manisha Gunasekera, DPR/Permanent Mission of Sri Lanka
- Mr. Majintha Jayasinghe, Chief of Protocol, Ministry of External Affairs
- Mr. B.P. Aluwihare, Deputy Solicitor General, Attorney General's Department
- Mr. A.N.R. Pulle, Senior State Counsel, Attorney General's Department
- Ms. Sashikala Premawardena, Director/UN, MA & HR, Ministry of External Affairs
- Ms. Priyanga Wickramasinghe, Counsellor, Permanent Mission of Sri Lanka
- Mr. Nishan Muthukrishna, Coordinator (Human Rights), Ministry of Plantation Industries
- Mr. Zuraish Hashim, Private Secretary to Hon. MMP, Ministry of External Affairs.

¹ These are special mechanisms created by the provisions of the Constitution and therefore enjoy functional and institutional independence. Capacity building is being given highest priority. It is to be noted that the Commissioner of Elections is now vested with the powers of the Election Commission by the 18th Amendment to the Constitution.

² Task already completed

³ Further consideration is required in view of the constitutional and legislative processes in the country.

⁴ Enactment is the prerogative of Parliament. Draft Bill is before Cabinet

⁵ Action completed. These are special mechanisms created by the provisions of the Constitution and therefore enjoy functional and institutional independence.

⁶ Cabinet to decide the suitable time frame

⁷ Articles 10, 12 of the Constitution ensure the protection of these rights.

⁸ Sri Lanka has undertaken to implement the National Action Plan on the implementation of the LLRC recommendations

- ⁹ Sri Lanka has undertaken to implement the National Action Plan on the implementation of the LLRC recommendations
- ¹⁰ Sri Lanka has undertaken to implement the National Action Plan on the implementation of the LLRC recommendations
- ¹¹ Sri Lanka has undertaken to implement the National Action Plan on the implementation of the LLRC recommendations
- ¹² Matter to be placed before the Parliamentary Select Committee for consideration.
- ¹³ This is an ongoing process given the highest priority as it is a Constitutional mechanism
- ¹⁴ The Government of Sri Lanka has a policy of protecting such persons as enshrined in the Fundamental Rights Chapter in the Constitution
- ¹⁵ Action is in progress
- ¹⁷ Request for visit under consideration
- ¹⁸ Request for visit under consideration
- ¹⁹ Request for visit under consideration
- ²⁰ Invitation under consideration
- ²¹ The matter is presently under consideration
- ²² The Muslim community is already engaged in relevant discussions, and will also be represented in the proceedings of the Parliamentary Select Committee.
- ²³ Matter is under consideration in the context of relevant judicial pronouncements
- ²⁴ Action already undertaken.
- ²⁵ Two special teams have been established within the Police and Attorney General's Department to examine the relevant material
- ²⁶ Procedure is governed by the rules under the Prison's Ordinance
- ²⁷ The Government of Sri Lanka subscribes to a zero tolerance policy on Torture
- ²⁸ Government of Sri Lanka has a zero tolerance policy on Torture. Special mechanisms are currently in place to enhance the protectionary measures by the circulars issued by the Executive.
- ²⁹ Government of Sri Lanka has a zero tolerance policy on Torture. Special mechanisms are currently in place to enhance the protectionary measures by the circulars issued by the Executive.
- ³⁰ Action underway
- ³¹ Database accessible to NOK is already available
- ³² Under consideration
- ³³ Database accessible to NOK is already available
- ³⁴ Insufficient clarity of language
- ³⁵ Sri Lanka has been de-listed from Annex II of the UN Security Council Resolution 1612 on Children and Armed Conflict
- ³⁶ Unofficial detention sites are non-existent in Sri Lanka
- ³⁷ The Government of Sri Lanka maintains a working relationship with the ICRC
- ³⁸ Cabinet to decide the suitable timeframe
- ³⁹ The Government of Sri Lanka has a policy of protecting such persons as enshrined in the Fundamental Rights Chapter in the Constitution
- ⁴⁰ The freedom of expression does not include the license to defame or vilify persons who have no effective redress and such media do not qualify for any special protection
- ⁴¹ They enjoy equal protection of the law as mandated by the Constitution
- ⁴² Article 10 of the Constitution ensures and affords protection of these rights which are entrenched. It is further guaranteed by Article 14 (1) (e)
- ⁴³ Recommendation not clear