

ADVANCE QUESTIONS TO SRI LANKA

CANADA

- Canada understands that the 17th amendment to the Constitution requires that the President appoint a Constitutional Council, with a view to ensuring the independence of key protection institutions such as the Sri Lankan Human Rights Commission, police and prison oversight bodies, and others. Could the government of Sri Lanka provide an update on the government's implementation of the 17th amendment? Canada recommends that Sri Lanka take steps to safeguard the independence of key protection institutions, including through implementation of the 17th amendment.
- Various international and domestic observers such as the High Commissioner for Human Rights, the High Commissioner for Refugees, and Sri Lankan civil society have noted with concern threats to humanitarian workers and the need for safe and unhindered humanitarian access to populations in need. In the government of Sri Lanka's assessment, what are the key obstacles to ensuring protection of civilians? Canada recommends that the Government of Sri Lanka take all necessary steps to ensure the protection of civilians and humanitarian workers, and safe and unhindered humanitarian access to populations in need.
- National Human Rights Institutions play an important role in the promotion and protection of human rights. Canada notes that the Human Rights Commission of Sri Lanka has been accredited by the International Coordinating Committee at the observer level ("level B"). The International Coordinating Committee's rules of procedure indicate that observer status is granted where a National Human Rights Institution is not fully in compliance with the Paris Principles, or insufficient information has been provided to make a determination. What steps are being taken to bring the Sri Lankan Human Rights Commission into conformity with the Paris Principles? Canada recommends that the Government of Sri Lanka take the necessary steps to ensure the independence of the Sri Lankan Human Rights Commission, and that it has the independence and funding required to ensure that it is able to effectively carry out its mandate.
- The Office of the High Commissioner for Human Rights (OHCHR) offers considerable assistance on human rights issues to countries around the world. Could the Government of Sri Lanka provide an update on the status of any assistance offered to it by the OHCHR? Canada recommends that the Government of Sri Lanka accept the assistance of the Office of the High Commissioner for Human Rights and allow it a mandate to report on human rights throughout the country. While hostilities are ongoing, a mechanism that is fully independent is all the more critical.
- The TVMP with which the Government of Sri Lanka has a close affiliation continues to have child soldiers within its ranks. What are the Government of Sri Lanka's plans and timetable to ensure that all groups with which it is to release all child soldiers and stop recruiting minors?

- The Defence Secretary has stated that all armed groups in the East will be disarmed. Can the Government of Sri Lanka provide information on its plan of action and timetable to fulfil the Defence Secretary's undertaking, especially given the upcoming May 10 provincial council elections?
- Evidence given during public hearings of the Presidential Commission of Inquiry has implicated members of the Government and security forces in the ACF and Trinco Five murders. What steps is the Government of Sri Lanka taking as a result of the Commission?

DENMARK

- When is the government ready to accept the UN High Commissioner for Human Rights' request for the establishment in Sri Lanka of an Office of the High Commissioner for Human Rights (OHCHR)?
- What measures will the Government take to secure the freedom of the media and effectively stop the continuing occurrence of disappearances and abductions of journalists?
- Sri Lanka has dropped from a position as no. 51 on the World Press Freedom Index in 2005 to no. 156 in 2007. How will the government ensure that the press can again be free on Sri Lanka?

GERMANY

- Germany deeply regrets the Sri Lankan Government's decision to abrogate the ceasefire agreement concluded with the LTTE in 2002 as well as the decision to terminate the Sri Lanka Monitoring Mission (IIGEP) by the end of March 2008. Which concrete measures does the Government of Sri Lanka intend to take to compensate for the void created by these developments in terms of monitoring and effectively addressing human rights violations committed in the wake of ongoing civil war hostilities and in anti-terror strategies ?
- With regard to chapter I, number 3 of the OHCHR's compilation (A/HRC/WG.6/2/LKA/2) Germany notes the regret expressed by the Special Rapporteur on torture on the decision by the sub-committee on accreditation of the International Coordinating Committee (ICC) of National Human Rights Institutions to downgrade the status of Sri Lanka's National Human Rights Commission NHRC (from "A" to "B" status) resulting inter alia in a loss of the right to participate in the Human Right Council (HRC) and other HR fora: What is being done to restore the
- credibility of the Sri Lankan domestic institutions for the protection and enforcement of human rights ?

- With regard to chapter II, number 3 of the OHCHR compilation (A/HRC/WG.6/2/LKA/2) Germany takes note of the ongoing efforts of the OHCHR to explore ways to reinforce its presence in the country. Is the Government of Sri Lanka prepared to reconsider its position to accept UN human rights monitors/ an independent office of the OHCHR on the ground as essential prerequisites to better address the deteriorating human rights situation and to support Sri Lanka in fulfilling its treaty obligations to protect the civilian population from human rights violations and to put an end to the culture of impunity for the perpetrators of HR violations?

IRELAND

- The Special Rapporteur on Freedom of Expression and the Special Representative of the UN Secretary General on Human Rights Defenders (HRDs) have sent communications to the Government of Sri Lanka relating to alleged murders, attacks, threats to, and harassment of journalists. In addition, in 2003 the Human Rights Committee recommended, inter alia, to protect media pluralism and raised concern about persistent reports of harassment against media personnel and journalists, and that the majority of such allegations had been ignored or rejected by competent authorities. What measures has the Government put in place to uphold its responsibility to guarantee the right to freedom of expression?
- The Special Rapporteur on Freedom of Expression and the SRSG on Human Rights Defenders have also referred to alleged murders, attacks, threats to and harassment of human rights defenders. What measures has the Government taken to ensure that those who carry out such attacks are brought to justice? What measures are in place to protect human rights defenders from such attacks?
- What is the current status of the National Human Rights Commission?
- In 2005, the SRSG on Human Rights Defenders expressed concern about new administrative orders in relation to the registration of NGOs. Have these concerns been addressed?
- The High Commissioner for Human Rights has emphasised the critical need for independent public reporting on the human rights situation. Has the Government given further consideration to establishing an independent OHCHR presence in Sri Lanka?
- Humanitarian actors have expressed concern regarding difficulties in accessing certain vulnerable populations, in particular the effect that this has had on the provision of essential services for children. The SRSG on IDPs also expressed concern in December 2007 about cases of threats, abductions and killings of humanitarian workers. The 2008 Common Humanitarian Action Plan (CHAP) for Sri Lanka notes that a total of 16 humanitarian

workers were killed in 2007. What measures is the Government taking to facilitate and improve humanitarian access?

LATVIA

- According to the information of the Office of the UN High Commissioner for Human Rights 59 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering the cooperation of Sri Lanka with the special procedures (visits of Special Rapporteur on extrajudicial, summary or arbitrary executions in 1997, Working Group on Enforced or Involuntary Disappearances in 1999, Special Rapporteur on freedom of religion or belief in 2005, Special Rapporteur on extrajudicial, summary or arbitrary executions in 2005, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2007, Representative of the Secretary-General on the human rights of internally displaced persons in 2007) – would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

NETHERLANDS

- We welcome the National plan of action the GoSL has mentioned in the National Report. Which measures will the Government take to ensure the effectiveness and independence of these institutions?
- How will the GoSL ensure the ability of existing relevant institutions to adequately safeguard against violations of human rights and serious violations of international humanitarian law in the short and longer term?
- During the visit of the EU-Troika the following subjects were discussed: progress in addressing human rights abuses including prosecution of offenders; humanitarian access for NGO's; access to Kilinochchi for Co-Chairs and UN. Which steps will the GoSL undertake to see to these issues?

SWEDEN

- What measures are the Government of Sri Lanka taking to effectively investigate and bring to justice perpetrators of the growing number of enforced disappearances in Sri Lanka, including the several hundred cases of enforced disappearances that were reported in 2007?
- The forced recruitment of children and the use of child combatants have long been associated with Sri Lanka's violent ethnic conflict. In spite of assurances given to the UN, and despite international scrutiny, the LTTE and the Karuna Group have not ceased to recruit children nor kept their commitments to release those children already in their ranks. What measures has the

Government of Sri Lanka taken to fulfil its pledge to investigate the role of the security forces in child recruitment and other abductions by the Karuna group, and to hold all those responsible accountable?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate on the role civil society in Sri Lanka played in the preparation of your national report for this process?
- How does the Government of Sri Lanka intend to address concerns expressed in paragraph 4 of the summary of stakeholders information about the lack of capacity of Sri Lanka's National Human Rights Commission and perceived lack of government support for its work. What steps is the Government taking to ensure that the SLHRC is fully independent both politically and financially as required by Paris principles?
- Why is the Government of Sri Lanka not willing to accept an independent monitoring body such as the UN to monitor the human rights situation?
- What is the legal status and political justification for the existence of the armed wing of the Tamileela Makkal Viduthalai Pulikal (TMVP) under Sri Lankan law and what steps is the Government of Sri Lanka taking to disarm it and/or ensure it fully complies with international human rights norms?
- The UK welcomes the commitment to a zero tolerance approach on child recruitment. What estimate has the government made of the number of child soldiers still being held by a) the Liberation Tigers of Tamil Eelam (LTTE) and b) TMVP? What steps is it taking to address this?
- Is proposed legislation on "unethical conversions" consistent with a commitment to religious freedom referred to in paragraph 56 of the National Report? If not how will the Government of Sri Lanka seek to address this?
- What assessment does the Government of Sri Lanka make of the concerns raised by the Special Rapporteur on extrajudicial, summary or arbitrary executions that many people - most notably Tamils and Muslims - faced a credible threat of death for exercising freedoms of expression, movement, association and participation in public affairs? How will Government of Sri Lanka seek to address these concerns? And how does the government intend to address the other concerns expressed by the Special Rapporteur?
- What financial and human resources are being made available to the police to resolve outstanding disappearance cases? How will witness protection be guaranteed if the accused are serving members of the police or armed forces?