



# **Statement**

by

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&

Leader of the Sri Lanka Delegation

at the High Level Segment of  
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Mr. President,

Madam High Commissioner,

Excellencies,

Ladies and Gentlemen,

I am pleased to deliver this statement on behalf of the Government of Sri Lanka. May I at the outset congratulate you Mr. President, as well as Members of the Bureau on your election as office bearers of this Council. I pledge my delegation's support to you at all times in the discharge of your office. Sri Lanka also reiterates its continued support to the High Commissioner in the discharge of her mandate as contained in GA Resolution 48/141, to the OHCHR, and to the work of this Council.

Mr. President,

It is imperative that the Human Rights Council remains a credible and independent arbiter in dealing with global human rights situations. All human rights are universal, indivisible, interdependent and interrelated, and must be treated in a fair and equitable manner, without the privileging of one set of rights over another. It is for these reasons, that economic, social and cultural rights which are at the core of sustainable development need to gain the same level of emphasis and legitimacy as civil and political rights. As we celebrate the 28<sup>th</sup> anniversary of the adoption by the United Nations General Assembly of the Declaration on the Right to Development, there needs to be a more robust approach to promote effective international cooperation with regard to the right to development and the elimination of obstacles to its enjoyment.

Sri Lanka shares the concern of the High Commissioner as well as States on the challenges faced by her Office on account of resource constraints. At the same time, we remain deeply concerned that the lack of financial independence of the OHCHR leads to the erosion of independence in its overall functioning. For example, the disproportionate attention being paid to country-specific action in the Council which selectively targets some countries, while situations, human rights violations and restrictive practices in other parts of the world that warrant more urgent and immediate attention and action remain conveniently ignored, is a matter of serious concern. The stark reality is that the continuation and proliferation of the practice of the selective adoption of country-specific resolutions in the Council is a tool that exploits human rights for political purposes. Regrettably, a similar pattern is evident in the case of continued action on Sri Lanka in this Council. We reiterate that such politicized action is contrary to the high purposes and principles of the Council and must be arrested. We believe that additional budgetary allocations from regular funding would lessen the OHCHR's dependence on voluntary contributions and earmarked funding and thus would allow it to function in an independent manner.

Mr. President, notwithstanding Sri Lanka's non-recognition of the country-specific action taken against our country at the behest of a few countries in this Council, without basis, and without the consent of the country concerned, Sri Lanka has continued its proactive engagement with the UN, this Council and the OHCHR, in a spirit of transparency, cooperation and dialogue. My delegation has consistently shared with this body continued progress in the reconciliation process, regrettably in a politicised environment due to vested interests of a few. There has been significant progress in the reconciliation process over the past 12 months and approximately 19 months since the National Plan of Action (NPoA) to implement the domestic reconciliation mechanism, the Lessons Learnt and Reconciliation Commission (LLRC), became operational.

Mr. President, in July 2012, the Government accepted 91 recommendations of the LLRC for implementation within the framework of the NPoA. In July 2013, an additional 53 recommendations were accepted by the Government, making the total number of LLRC recommendations under implementation 144, out of the 285 Paragraphs contained in Chapter 9 of the LLRC Report titled 'Summary of the Principal Observations and Recommendations', the latter comprising the sum total of observations and recommendations of the LLRC.

The implementation of the LLRC recommendations clustered by the Government under five themes - {(IHL issues (07 recommendations), Human Rights (54 recommendations), Land Return & Resettlement (24 recommendations), Restitution/Compensatory relief (09 recommendations), Reconciliation (50 recommendations)} -- is overseen by an Inter-Ministerial Task Force under the supervision of the Secretary to the President. The implementation of the LLRC NPoA is a dynamic process which continues to evolve over time to culminate in the accomplishment of the recommendations. This process is envisaged to incorporate additional measures and modifications of the activities as and when required to fulfill the respective recommendations.

When these achievements are juxtaposed with the nearly 30 long years of terrorist conflict, any objective observer would agree Sri Lanka's achievements would indeed match, if not surpass those of any country emerging from similar conditions. This is no mean feat for a developing country.

Allow me to take this opportunity to elucidate the Council on the post-conflict developments in the country.

The Commission on Disappearances was appointed on 12 August 2013 for a term of six months to conduct inquiries and investigations as necessary, and to submit a report containing its findings and recommendations. The Commission requested an extension to its mandate and has been granted a further six months until 12 August 2014 in order to undertake a comprehensive inquiry and complete its work.

The hearings of the Commission commenced in January 2014, following two extensions granted to the public to make submissions (i.e., deadline of 31 October 2013 was extended to 30 November 2013 and 31 December 2013, respectively). The extensions were granted, both to accommodate complaints received, and in response to (a) requests made by persons in the North and East.

Since the establishment of the Commission on Disappearances on August 12, 2013, it has issued Public Notices on three occasions (i.e., October, November and December 2013) in all three languages and in all major newspapers calling on relatives of missing persons to submit their complaints to the Commission. The final Public Notice for receiving complaints lapsed on December 31, 2013. However, the Commission continues to receive complaints, all of which are acknowledged, and will be investigated.

As per information obtained from the Commission, nearly 16,000 complaints have been received thus far. The Commission is scheduled to conduct public sittings in the Batticaloa District in the Eastern Province later in March 2014, covering 56 *Grama Niladhari* Divisions (Village level Administrative Units) in the district. Previously, the Commission conducted public sittings and heard oral evidence in the Kilinochchi District in the Northern Province in January 2014, and in Jaffna District in February 2014. All Commission hearings are open to public and they have always been facilitated full access to the hearings.

The Commission conducts public sittings on a regular basis in the Northern and Eastern provinces in order to hear evidence from relatives of missing persons. Once the Commission has sufficient material, it will submit a report to the Government.

It must be pointed out that on behalf of the Commission, the Government sought the assistance of countries host to Sri Lankan asylum seekers for their details in order to process the information on alleged disappearances. However, we have been informed by these countries that for reasons of privacy they are unable to accede to the request. Undoubtedly this position hampers the progress of the work by the Commission in reaching finality in regard to its investigations. With regard to the General Allegation letter dated 14<sup>th</sup> February 2014 by the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances on the conduct and implementation of this Commission of Inquiry to investigate alleged abductions or disappearances, the Government has provided a detailed response on 1<sup>st</sup> March 2014, substantively refuting all unsubstantiated allegations contained therein. We have requested that our response be circulated as a UN document of this Council session, given its relevance and importance.

The ICRC which has been working in Sri Lanka since the 1990s, continues to be engaged in the country's post-conflict phase on residual issues of relevance. The ICRC continues its engagement with Sri Lanka on matters relating to alleged disappearances and missing persons, including work with regard to enumeration of disappearances, support to people with disabilities and female-headed households, and issues related to detention. The collaboration with the ICRC on the issue of disappearances includes studying practical methodologies adopted by other countries in dealing with cases of alleged disappearances.

Issues pertaining to families of persons identified as "missing" or "disappeared" are being addressed through a mechanism to implement the findings of a "Family Needs Assessment" conducted by the ICRC in 2013.

Sri Lanka also benefits from technical assistance from the ICRC in the said areas. The ICRC has met on two occasions with the Commission of Inquiry on Disappearances where, inter alia, their experience in comparable situations in other countries has been shared. The Government's cooperation with the ICRC is also in fulfillment of the LLRC's recommendations 9.48, 9.50 "that the law enforcement authorities, in cooperation with relevant agencies, especially the ICRC, to trace the whereabouts of missing persons and ensure reunification with their families".

Processing of data of the Island-wide Census to gather information on deaths/injuries to persons and property damages that have occurred from 1982 to date as a direct or indirect result of the internal conflicts is in progress. The Preliminary Report, based on the enumerator summaries, is anticipated to be released in a few weeks' time. An additional budgetary allocation of Rs 150 million was granted in January 2014 to the Department of Census and Statistics to complete the Census.

Non-Summary Inquiry commenced with regard to the Five Students of Trincomalee case on 9 September 2013. As at present, the evidence of 14 witnesses is concluded. The witnesses include members of the Police, Army, Navy and a relative of one of the deceased. Affidavits of 07 official witnesses have been tendered as evidence. Summons have been issued on 14 witnesses to appear on the next date of inquiry on 06 March 2014. In addition, as 07 persons listed as witnesses for the prosecution are at present living overseas, steps have been taken to locate their present whereabouts to serve summons. With regard to the Muttur (ACF) case, following instructions by the Attorney-General, action has been taken to identify and record statements of army commandos and civil society members. A further statement had been recorded from a Member of the Local Council and an employee of the council. The Criminal Investigation Department (CID) has obtained copies of photographs and a report prepared by the Additional Director of the Consortium of Humanitarian Agencies (CHA) to clarify the issue of the number of bodies found at the crime scene. In addition, 12 employees of ACF have been interviewed and their statements recorded. Further investigations are being conducted under the guidance of the Attorney General.

The First Part of the Army Court of Inquiry (COI), investigating allegations on civilian casualties concluded in February 2013. The inquiry concluded that instances of shelling referred to in the LLRC Report were not caused by the Sri Lanka Army and that civilian casualties may have occurred due to unlawful acts by the LTTE. These acts include targeting civilians fleeing to the safety of Army-held areas and likely routes of escape, dropping of artillery rounds fired by ill-trained LTTE gunners on to civilian concentrations. The COI has indicated that further evidence, if presented, will be examined.

The Court of Inquiry appointed by the Army is now addressing the second part of their mandate, comprising the Channel 4 allegations, which commenced in March 2013. The identification of potential witnesses is currently in progress and, once identified, they would be formally called as witnesses. It may be noted that the LLRC, in its Observations/Recommendations on the Channel 4 video, *inter alia* expressed its regret at "the fact that the broadcaster did not respond positively to the request made by the Commission to provide more comprehensive information", and noted that "greater cooperation by the organisation that provided to the television stations these video images and by the producers/broadcasters that aired this footage is essential to establish the facts of the case".

Sri Lanka has initiated action to prepare legislation with regard to Witness and Victim Protection. Consequent to extensive consultation in this regard, including examination by the Cabinet Sub-Committee on Legislation and action being taken thereon by the Legal Draftsman, finalization of legislation is in progress. The need for legislation for the criminalization of disappearances is being examined by a Committee appointed by the Ministry of Justice, in consultation with the Attorney General.

A total area of 1,980 sqkm, which is 96 % of the areas identified for demining have been cleared as at the end of December 2013. 70 % of the demining was carried out by the Sri Lanka Army.

This paved the way for the expeditious resettlement of internally displaced persons. 297,000 Internally Displaced Persons who were housed at Menik Farm Welfare Village immediately after the conflict in 2009 have now been fully resettled and this facility was closed in September 2012. Action is being taken to expedite resettlement of the remaining 7,094 IDP families in the North and the East. Of this, 5,585 are currently staying with host families. The Government is also working towards finding durable solutions to resettle approximately 75,000 Muslim who were forcibly evicted from the Northern Province by the LTTE in an ethnic cleansing exercise, over 20 years ago. Further, a study is underway with the collaboration of the UNHCR to establish whether there are any hitherto unreported displaced persons and the report is expected by end March 2014.

As recommended by the LLRC, the Government has mobilized funding for restitution and the provision of compensatory relief for those affected by the conflict. SLRs. 392 million has been provided for the payment of compensation from 2010 to 2012, and SLRs. 204 million in 2013. The 2014 budget has allocated SLRs. 475 million to continue the implementation of this recommendation. While the bulk of funding for these activities was provided by the Government, the support of international partners also needs to be acknowledged. Compensation schemes have also been implemented by the Rehabilitation Authority to provide relief for the next of kin affected by the death or injury of those involved with the LTTE. Such relief is also provided in cases of property damage due to the conflict, including religious places.

In line with the LLRC recommendations, persons with disabilities in conflict affected areas receive benefits from Government schemes providing housing and livelihood support. Under the "Housing Assistance Programme for persons with disabilities", 152 families in

the North and 502 families in the East have been provided Rs 250,000 each to construct houses with accessibility facilities. A sum of Rs 76 million has been incurred by the Government for this purpose.

With regard to livelihood support, nearly 4,000 families in the North and East having a disabled member receive a monthly cash allowance under the "Monthly Livelihood Assistance Programme". Also, 209 persons in the Eastern Province and 539 disabled persons in the Northern Province have been assisted to set up self-employment ventures under the "Self Employment Assistance Programme for persons with disabilities". Fifty disabled youth from Kilinochchi have been selected for training in job-oriented vocational disciplines by the Social Services Department.

Land is one of the most complex and sensitive residual issues of the conflict and continues to be addressed. In line with the LLRC recommendation, the Government is implementing the Land Commissioner General's Special Land Circular which provides for the granting of legal ownership of land to those IDPs who have been resettled. In January 2014 alone, 3,623 land requests have been received in the Northern Province. Of this, 2,321 have been resolved, making a total of 24,389 resolutions of 147,504 land requests to date. In the Eastern Province, 490 land requests have been received in January (total 11,662 to date) and 83 have been resolved (total 1,260 to date).

The former High Security Zones (HSZ) have ceased to exist. Palaly cantonment is now the only area in which some security restrictions remain although civilians have unrestricted access to Palaly airport and KKS harbour. Similarly, former HSZ in the Eastern Province, located in the Sampoor area from 2007 has been reduced in extent by 65 per cent and declared a Licensed Zone under the Board of investment.

As at January 2014 the Government has released 19,322 acres of private land and 2,518 acres of State owned land in the Northern Province which were hitherto used by the military. In the East, the Government has released 689 acres of private land and 3,222 acres of State land. Therefore the total figure of lands released in the North and the East amounts to 20,011 acres of private land and 5,740 acres of State land.

The Terms of Reference for a Fourth Land Commission are under preparation. Amendment to the Prescription Ordinance will be presented in Parliament by April, 2014. Steps are being taken to Gazette the necessary Orders under the Special Mediation Boards Act, to establish relevant Boards in certain areas where the armed conflict prevailed, and address certain identified land disputes that have arisen in those areas. This amply demonstrates that allegations of 'land grabbing' taking place in the former conflict-affected areas are entirely unfounded.

Housing programmes to reconstruct and renovate houses have been implemented by the Government in the Northern and Eastern Provinces. Some of these programme are being carried out with the assistance of bilateral partners.

The Northern Province has recorded a Provincial GDP (PDGP) growth rate of 23.6 per cent in 2013 contributing 4.3 per cent to the National Economy up from 3.7 per cent in 2011 while the Eastern Province registered the second growth of 26.6 per cent in the PGDP with an increase in its GDP share to 6.9 in 2013 from 5.8 per cent in 2011.

Unemployment rates have declined significantly in the Northern and Eastern provinces in the post-conflict phase. This is illustrated by the fact that the unemployment rate in the Northern Province has declined from 6.1 per cent to 5.2 per cent, and in the Eastern provinces from 15.5 per cent to 4.9 per cent in the period 2005 - 2012. Food ratio is one of the principle indicators used to measure living standards of a population. Food ratios for Northern and Eastern provinces have declined from 59 per cent to 44.8 per cent and 57 per cent to 55 per cent respectively.

Under the Urban Development Programme (*Pura Neguma*), 84 per cent of total investment in the North and 77 per cent of total investment in the East were channelled to create access to rural roads.

The reconstructed railway line from Omanthai to Kilinochchi was commissioned and dedicated to the public of Sri Lanka on 14 September 2013. The second segment, Kilinochchi - Pallai, of approximately 30 kilometres, was added to the rail network yesterday.

The Chunnakam Grid substation was opened connecting the Jaffna peninsula with the national grid after a lapse of two decades. Over 63 Mw of power is to be transmitted to the Jaffna peninsula through the substation for which the Government has spent SLRs. 1,800 million.

The new Oluvil Port Development project in the East, constructed at a cost of Rs. 7,000 million, was opened in September 2013.

A 10-year National Plan for a Trilingual Sri Lanka was launched in January 2012 for the implementation of the Trilingual Policy. In line with this Plan, the Government has initiated a program to make public sector workers bilingual, with the ability to converse in both Sinhala and Tamil. Civil servants and Police officers have been recruited and trained to serve the public in the North and the East in the language of their choice. Special focus is being placed on enabling police personnel serving in the North to have a sound knowledge of Tamil. The Police Department has deployed 900 Tamil police officers and 1,500 Sinhala police officers fluent in the Tamil language in police stations in the Northern and Eastern Provinces. Preparations are also under way to recruit 150 Tamil speaking Women Police Officers in 2014 to augment all Units of the Women and Children Bureau at all Police Stations in the Northern and Eastern Provinces. In addition, Government officers are regularly encouraged, and participate in language competency training.

The National Department for Registration of Persons has taken measures to issue computerized bilingual identity cards in the two national languages, Sinhala and Tamil. While identity cards of minority communities are already being issued in two languages for their convenience, the new decision will be applicable to all identity cards, as a corrective measure and to ensure equity for all citizens.



There have been allegations on changing the demography of the Northern areas by resettling people other than Tamils. In the early 1980s, before the ethnic cleansing by the LTTE, over 75,000 Muslims and over 35,000 Sinhalese co-existed peacefully in the North of Sri Lanka. When the conflict escalated, almost all these civilians either left or were forcibly evicted by the LTTE. Today, 51 per cent of the population in Colombo city is non-Sinhalese which is testimony to the fact that the people of Sri Lanka can freely choose where they want to live, and there are no efforts to create mono-ethnic niches within the country. This is further substantiated by the fact that only 32 per cent of the Tamil population live in the North while the remainder live among other communities in the rest of the country.

Of the 12,288 former LTTE combatants that have surrendered or came under court order, 96.9 per cent have been rehabilitated and integrated into society as of 03 March 2014. Only 157 are currently undergoing rehabilitation and 85 remain under legal proceedings.

Following the termination of military operations against the LTTE in 2009, the Government has undertaken a gradual process of reduction of military presence in former conflict affected areas. It may be noted that the total strength of the military in the Northern Province has been reduced by approximately 30 per cent from 2009 to October 2013, a process which is continuing to take place. In addition, in the Eastern Province approximately 26 per cent reduction of troop presence has been undertaken.

There have been repeated attempts to draw a non-existent correlation between the presence of the military and vulnerability of women to sexual harassment and violence in the North. This position is not borne out by available statistics. It must be categorically stated that Sri Lanka has a zero tolerance policy on sexual harassment and abuse of women and children. The Government has taken concrete action in all reported cases where Sri Lankan security forces personnel have been involved and will continue to do so.

The military has no involvement in civilian administration. The civil administration system in the North and East is fully functional. The culmination of this process was the successful conclusion of Provincial Council elections in the North in September 2013 and the establishment of the Northern Provincial Council. However, it is regrettable that external entities think it fit to pressurize the Government with regard to that Councils staffing, and even on the appointment of the Governor, which is the prerogative of the Executive. Such pressure on the conduct of governance are unacceptable and not in keeping with the conduct of international relations.

The Parliamentary Select Committee (PSC) was set up to arrive at a final political solution with participation by 21 political parties who are represented in Parliament. The terms of reference for the PSC were formulated jointly with the Tamil National Alliance (TNA). It is unfortunate that the TNA persistently refuses to participate in this process. It should be recognized that this approach by the TNA is a hindrance to any settlement. However, despite the non-participation of the TNA, the PSC continues with its deliberations.

All people living in Sri Lanka enjoy freedom of religion, which is a constitutionally guaranteed right. The Government of Sri Lanka remains committed to ensuring that this right is protected. This is demonstrated by the action taken to address reported incidents of disturbances in the recent past.

The four major religions have co-existed side by side in Sri Lanka for centuries. Regrettably, there is an effort to project the sporadic incidents of attacks aimed at religious places; as a sign of religious hatred and intolerance. It should be noted that these incidents have targeted places of worship of all four religions. The Government does not condone any of those activities. With regard to reported attacks, 16 relate to Buddhist, 41 to Christian/Catholic and 20 Muslim places of worship during the period from June 2009 to December 2013. Judicial inquiries are in progress with regard to 62 per cent of the attacks, and 22 cases have been concluded. In all such instances where police complaints have been lodged, police have taken legal steps to produce suspects before Magistrates. Whenever credible information relating to incidents has been made available, the Government has taken appropriate action.

The recent incident in Hikkaduwa in southern Sri Lanka is a case in point. Police complaints were lodged regarding the incident which caused damage to buildings of the Assembly of God and Holy Calvary Sectors during a public protest. Police forthwith initiated legal proceedings and twenty one persons including Buddhist monks have surrendered responding to the Court Order. The case is scheduled to be called on 17 March 2014 for further hearings.

Additionally, in keeping with Sri Lanka's societal, cultural and historical norms, regular dialogue continues to take place at various levels to ensure interfaith harmony and understanding amongst its diverse populace.

Administration of justice, inclusive of independence of the judiciary is constitutionally enjoined, and any infringement of these entrenched rights is visited with sanctions. Judges hold office during good behavior, and proven misbehavior or incapacity triggers constitutionally entrenched disciplinary proceedings. Any procedure adopted in this regard has been in accordance with the Constitution and such action in compliance with constitutional provisions cannot be regarded as undermining the independence of the judiciary.

The Government of Sri Lanka is fully committed to the protection of human rights defenders. The wide range of interactions that the High Commissioner had with civil society during her visit, as well as the active engagement of civil society from Sri Lanka in successive Council sessions is testimony to the vibrant nature of Sri Lanka's civil society and the freedoms they enjoy.

Mr. President, during the period under review Sri Lanka has continued its proactive engagement with the Council, the OHCHR and the international community in a spirit of transparency, cooperation and dialogue. The past year has also witnessed the visit of High Commissioner Navi Pillay to Sri Lanka on a week-long, comprehensive visit which included

travel to the former theatre of conflict in the North and the East, as well as the visit of the Special Rapporteur on the Human Rights of IDPs Dr. Chaloka Beyani whose visit too included travel to the North. Sri Lanka also hosted the Commonwealth Heads of Government Meeting in Colombo last November where 54 of the states in this august gathering participated. These comprehensive visits and exposure enabled Sri Lanka to demonstrate first hand the very tangible progress on the ground with regard to reconciliation.

Sri Lanka has consistently interacted with the United Nations system and the wider international community in a spirit of goodwill and cooperation. It is in this context that Sri Lanka remains committed to a positive engagement with the Council and its mechanisms, including special procedures.

Sri Lanka's Ambassador / Permanent Representative in Geneva has engaged in regular dialogue with special procedures mandate holders including, inter alia, the Special Rapporteur on Truth, Justice, Reparation and Guarantees of Non-recurrence and the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions.

Sri Lanka has also conducted regular meetings with the Working Group on Enforced or Involuntary Disappearances (WGEID), including with the participation of senior representation from the Attorney General's Department. Since January 2012, the Government has transmitted responses on 1,042 cases to the WGEID. Additionally, an Inter-Agency Task Force established comprising the Ministries of External Affairs, Defence and the Attorney General's Department continues to respond to the Working Group and provide clarification on cases. It is pertinent to note that 80 per cent of the caseload of the WGEID under consideration dates back over 20 years to the pre-1990 period.

Similarly, Sri Lanka has proactively engaged with the Working Group on Arbitrary Detention (WGAD). During the period from January 2012 to date, the Government has responded to 9 of the 11 communications transmitted by the Working Group with regard to issues of alleged detention. Additionally, Sri Lanka also responded by its communication dated 28 February 2014 to the Questionnaire transmitted to delegations by the Working Group on the 'Right to anyone deprived of his or her liberty by arrest or detention' inclusive of examples containing detailed information on cases applicable.

From January 2013 to date, Sri Lanka has responded to 20 communications from special procedures (both country specific and general) excluding communications by the WGEID and the WGAD, the latter having been collated separately as indicated earlier. From 2012 to date, Sri Lanka has responded to 71 per cent of the communications received from special procedures addressed to the Government on various issues with specific and detailed information, excluding communications from the WGEID and the WGAD. The Government continues to endeavour to respond to all communications by special procedures in a spirit of cooperation, transparency and dialogue.

The request for visit by the Working Group on Enforced or Involuntary Disappearances is under consideration as with other similar requests from special procedures, which will be processed as mutually convenient and taking into account national imperatives and initiatives. It is relevant to recall the continuation of the mandate of the Commission on Disappearances. This domestic mechanism needs to be given adequate time. As we have previously informed this august body, we will continue to schedule pending visits of special procedures mandate holders following the visit of the High Commissioner. In line with this commitment, the Government has, as of now, extended three invitations to special procedures since August 2013 including to the Special Rapporteur on the Human Rights of IDPs, the Special Rapporteur on Education, and the Special Rapporteur on the Human Rights of Migrants. The Special Rapporteur on Education has informed of his inability to undertake this visit this year.

In line with its treaty body commitments, Sri Lanka continues to engage and submit its periodic reports to the respective treaty bodies. Sri Lanka's 3<sup>rd</sup> and 4<sup>th</sup> Report to the Committee Against Torture came under consideration in November 2011. Sri Lanka submitted its 5<sup>th</sup> report under the International Covenant on Civil and Political Rights (ICCPR) in October 2012, and in September 2013, its response to the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW). Currently, the Government's 5th report under the International Covenant on Economic, Social and Cultural Rights (ICESCR) is under preparation. The Government is also engaged in initial preparations to submit its reports in 2015 under the Convention on the Rights of the Child (CRC), the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention Against Torture (CAT).

As previously committed at its UPR second cycle in November 2012, the Government agreed to implement recommendations of the LLRC in line with the LLRC National Plan of Action (NPoA), and also to make available financial and other resources to meet this objective. Additionally, Sri Lanka made 19 voluntary commitments in relation to the UPR, of which 12 have direct relevance to the reconciliation process and implementation of the recommendations of the LLRC.

Sri Lanka remains open to consideration of technical cooperation from the OHCHR in some key areas in reconciliation, in line with the needs of the country, in the context of implementing the NPoA of the LLRC, as well as the accepted recommendations of Sri Lanka's UPR 2<sup>nd</sup> cycle. In keeping with HRC Resolution 5/1, offers of technical assistance need to be made in consultation with and with the concurrence of the receiving State. Sri Lanka has also undertaken commitments on technical cooperation under the UN Development Assistance Framework 2013-2017.

Further, to identify the specific needs of those who have returned or resettled but are still having specific needs linked to their displacement and to reconcile the discrepancies in relation to the number of remaining IDPs to be resettled in the country, action has already been initiated to conduct a Joint Needs Assessment (JNA) by OCHA in consultation with the Presidential Task Force for Resettlement, Development and Security in the Northern Province. This issue was also referred to during the visit of the Special Rapporteur on the

Human Rights of IDPs to Sri Lanka in December 2013. Consequent to a series of meetings, formal approval for the Joint Needs Assessment (JNA) has been communicated to the UNOCHA. A letter of Agreement is being prepared between the Government and the UN Country Team to give effect to the JNA. UNOCHA has already appointed consultants to plan out and monitor the whole process.

A key UNDP supported program, Strengthening Enforcement of Law, Access to Justice and Social Integration (SELAISI) which is a joint initiative of the Ministries of National Languages and Social Integration; Justice; Rehabilitation and Prison Reforms; and Child Development and Women's Affairs was launched by the UN Assistant Secretary-General, Regional Bureau for Asia and the Pacific of the UNDP in February 2014. The programme aims at ensuring that gains in the justice sector are institutionalized, systemised and scaled-up.

Ministry of Justice is implementing a programme in collaboration with UNICEF and relevant government stakeholders and civil societies to strengthen and enhance child protection by establishing special Child Friendly Children's Courts.

Additionally, several international organizations are engaged by the Government to provide assistance to war-affected persons through focal line Ministries. Examples include World Bank collaboration with the Ministry of Social Services under "*Diri Saviya* Project" to provide financial assistance to the disabled; UNICEF assistance to implement the concept of Social Care Centers in the Northern and the Eastern provinces; UNICEF assistance to the Ministry of Education to implement the "Be Safe" awareness programme to protect children from abuse in schools in the Northern Province; UNICEF assistance for vocational training in Mannar and Mullaitivu Training Centres; GIZ assistance to the Ministry of Education to create awareness on psycho-social care for Education Directors, Principals and Teachers in Northern and Eastern Provinces; GIZ assistance to set up vocational training centres in Northern province; Canadian Government assistance to the National Languages Project; World University Services of Canada support to set up 03 Vocational Centres and 03 Recognition of Prior Learning Centres for re-settled people in Northern province; ICRC assistance to rehabilitated LTTE members under the ICRC livelihood assistance programme; INGO and NGO collaboration with the Ministry of Health to promote awareness on mental health and nutrition among women and children in conflict affected areas; and Government, UN agencies, INGOs, NGOs collaboration in constructing and renovating houses for returnees, etc.

Notwithstanding these achievements, judging by the persistent demands made on Sri Lanka, as well as the assertion that domestic mechanisms have failed, it is clear that there is no acknowledgement of this very tangible progress.

Regrettably, as much as Sri Lanka has endeavoured to cooperate with the OHCHR, there have been a series of actions, in particular the introduction of country specific action on Sri Lanka in this Council, that have shown lack of sensitivity in dealing with delicate situations and exposed the unfair and biased manner in which issues pertaining to Sri Lanka have been addressed.

Detailing of two of the most recent examples suffice.

- In September 2013, in contravention of HRC resolution 5/1, specifically Rule 14 (47) and Paragraph 117 which casts a duty on the OHCHR that acts as the Secretariat of the Council to prepare and circulate documents for consideration by the Council in a timely manner, the text of the Oral Update of the High Commissioner was made available to Sri Lanka for response as the state concerned, with less than 20 hours remaining for its consideration in the Council.
- In February 2014, the non-adherence by the OHCHR to the request by Sri Lanka to publish the Comments by the State on the Report of the High Commissioner (A/HRC/25/23) as an Addendum to the Report in the current session in spite of existence of clear precedent in this regard and no rule to the contrary governing Addenda and submission of comments by the State on HC / SG Country Reports, is again in contravention of the Methods of Work of the Council which clearly state at Paragraph 110 of the IB package that "The methods of work, pursuant to General Assembly resolution 60/251 should be transparent, impartial, equitable, fair, pragmatic; lead to clarity, predictability, and inclusiveness. They may also be updated and adjusted over time."

Mr. President, regrettably, these are examples of patent bias demonstrated by the OHCHR in addressing issues in relation to Sri Lanka. The OHCHR's most recent act of placing the Comments of the Government of Sri Lanka on the Report A/HRC/25/23 under 'Communications from Governments', has seriously impeded the visibility and integrity of between the Report and the Comments by the State. It not only reflects a lack of transparency, but also clearly denies Sri Lanka a level playing field to present its point of view. The unequal treatment meted out to Sri Lanka by the OHCHR in the above instance defeats the very principles upheld by the Council.

The procedural concerns that Sri Lanka has raised with the President of the Council with regard to the above anomalies have wider relevance to member and observer states of the Council. They also raise serious questions on politicization and collusion of interests against Sri Lanka.

Mr. President, the Government of Sri Lanka categorically rejects the High Commissioner's Report (A/HRC/25/23) emanating from resolution 22/1. It may be recalled that from the adoption of resolution 22/1, we upheld its contravention of GA resolution 60/251 as well as the Council resolutions 5/1 and 5/2 which guide the work and method of engagement of the Council.

Sri Lanka will share its observations on the substantive content of the Report (A/HRC/25/23), including the considerable factual inaccuracies and misperceptions contained therein, during its consideration on 26 March. However, for purposes of record there are some aspects to which, I wish to draw your attention to at this juncture.

The High Commissioner's Report has exceeded its mandate by making reference to and recommendations on numerous issues extraneous to the resolution. Additionally, the recommendations contained in the Report are arbitrary, intrusive and of a political nature, and are not placed within the ambit of the LLRC, as demonstrated by the call to establish an international inquiry mechanism. Further, this recommendation is in contravention of her mandate granted by GA Resolution 48/141, particularly Articles 3(a) and 4(g). In the Government's detailed "Comments" on the Report, it has also regretted that the High Commissioner has raised concerns regarding a range of issues based on information of questionable veracity and arrived at conclusions in a selective and arbitrary manner. Sri Lanka's Comments have attempted to address some of the errors and misperceptions contained in the Report.

The references made in the Council welcoming the High Commissioner's Report on Sri Lanka, even at the highest level of the UN are regrettable particularly considering that it is based on questionable and baseless material including those which have been processed outside the UN framework. The Council may recall in this regard that the Panel of Experts Report which was the culmination of a private consultation that the Secretary General sought for his own advice, and is not the product of any intergovernmental process, has been extensively resorted to by the High Commissioner in her Report to the Council, in a bid to legitimise it within the UN framework despite the lack of mandate in this regard.

It is universally accepted that the High Commissioner and the OHCHR must remain transparent, objective and be guided solely by the mandate given by the UN. However, if the initiatives taken on Sri Lanka at this juncture by the OHCHR is to be the basis on which the country is to be judged, it will clearly be a travesty of justice.

It is in this context that we greatly value the sentiments expressed in the Council by countries who have similar experiences with regard to reconciliation, that Sri Lanka be provided with the requisite time and space to address their own process domestically in a comprehensive manner as opposed to those who continue to pay disproportionate attention to Sri Lanka, based on agendas driven by political motives.

The Government of Sri Lanka therefore reiterates its rejection of resolution 22/1, as well as the High Commissioner's Report in its entirety which are fundamentally flawed. These initiatives disregard the substantial progress made by the Government during the five years which have elapsed since the end of the thirty year war against terrorism. They also pay scant regard to the complexities and local nuances of a sensitive reconciliation process, while eroding confidence of the people of Sri Lanka by the constant changing of unjustifiable demands. Moreover, they persist in an attitude which is clearly disproportionate to the circumstances and inconsistent with the treatment of comparable situations. It is much to be regretted that the High Commissioner's Report and those who exalt its virtues only seek to inflict harm on the reconciliation process by bringing about a polarisation of the Sri Lankan society.

In conclusion, Mr. President, Sri Lanka reiterates its continued cooperation and engagement with the work of the Council.

Thank You