



**Human Rights Council**  
**40<sup>th</sup> Regular Session**

**Interactive Dialogue with the Special Rapporteur on the  
promotion and protection of human rights and fundamental  
freedoms while countering terrorism**

Statement by

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**The Permanent Mission of Sri Lanka to the United Nations  
and other International Organizations in Geneva**

## **Clustered ID with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

**1 March 2019**

Mr. President,

Sri Lanka thanks the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for the report (A/HRC/40/52/Add.3) presented to this Council today, following the visit to Sri Lanka by her predecessor, Mr. Ben Emerson, in July 2017. We appreciate the opportunity provided to Sri Lanka to comment on the report, and thank the Special Rapporteur's mandate for publishing the comments shared by Sri Lanka in document A/HRC/40/52/Add.8. At this interactive dialogue, we wish to speak on building up progress achieved in key areas since the Special Rapporteur's visit in July 2017.

Mr. President,

As pointed out by the Special Rapporteur on countering terrorism and protecting human rights, effective counter terrorism measures and the protection of human rights are complementary and mutually reinforcing objectives which must be pursued together.

As a country that has suffered from terrorism, we realize and recognize that the promotion, protection and respect of human rights and rule of law are essential in countering terrorism. We recognize that effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing. We also recognize that, considering the nature of terrorism, especially international terrorism, States not only have a right but a duty to take effective counter terrorism measures in keeping with its duty to protect individuals and the stability of the state as well as ensure the full enjoyment of rights of citizens.

Mr. President,

Sri Lanka receives the contents of the report of the Special Rapporteur in a constructive spirit, and looks forward to continuing the engagement with the current Special Rapporteur in our journey towards achieving the desired balance between counter-terrorism measures and human rights.

I'm pleased to inform you that, since the Special Rapporteur's visit in 2017, the Government of Sri Lanka has either completed or is in an advanced stage of completing a majority of the recommendations contained in the report.

-The Counter Terrorism Bill (CTA), which was in the initial stage of 'a draft legal framework' at the time of the Special Rapporteur's visit in 2017, has since been formulated into a Bill, approved by the Cabinet of Ministers, and placed before the Sri Lanka Parliament for enactment. The Bill was tested before the Supreme Court, and the Parliamentary Sectorial Oversight Committee has had four rounds of consultations so far on 23 January, 6 February, 20 February and 22 February

2019. The views of civil society to further enhance human rights safeguards including the incorporation of an Independent Review Panel are under consideration. Once these consultations are concluded, Parliament will consider this Bill that will be consistent with international human rights and safeguards, for enactment.

The Government has engaged with several international stakeholders as well, including the UN Counter-terrorism Executive Directorate, OHCHR, ICRC and the European Union in the process of formulation of the Bill. We are also thankful to both the current and previous Special Rapporteurs for their observations on different versions of the draft, which have informed the drafting process of the Bill.

-Upon ratifying the International Convention on the Protection of all persons from Enforced Disappearance, the government enacted enabling legislation in March 2018 which provides the Human Rights Commission of Sri Lanka (HRCSL) the right to access places where persons are deprived of liberty. Therefore, the Commission's authority to visit a place of detention is now statutorily guaranteed. The Commission is also mandated under the Human Rights Commission of Sri Lanka Act to monitor the welfare of persons detained, by regular inspection of their places of detention, and to make such recommendations as may be necessary for improving their conditions of detention.

-The Government entered into an agreement with the ICRC on 7th June 2018 to, *inter alia*, ensure that the ICRC gains access to all detainees at all stages of their detention, and to places of detention, and to speak to detainees privately and freely. This agreement is expected to strengthen independent monitoring of detention conditions, and to ensure further safeguards against ill treatment of persons held in custody.

-In November 2017, Sri Lanka acceded to the Optional Protocol to the Convention against Torture, and designated the Human Rights Commission of Sri Lanka as the National Preventive Mechanism in terms of the Optional Protocol on 5 December 2017. In terms of the OPCAT, the UN Sub Committee on Prevention of Torture can access places of detention, receive information concerning persons deprived of their liberty, as well as ascertain their conditions of detention. The Sub Committee is scheduled to visit Sri Lanka shortly from 31 March to 11 April 2019.

-It may also be noted that Sri Lanka has made a declaration under Article 22 of the Convention against Torture accepting the competence of the Committee against Torture to receive individual communications. The Government has thus ensured that persons alleged to have been subjected to torture or other cruel, inhuman, degrading treatment have access to treaty body's communications procedure after exhausting domestic processes.

-While taking these confidence building measures, Mr. President, the Government has also initiated processes to strengthen national-level mechanisms for preventing and combating torture.

In consideration of the recommendation to ensure that complaints relating to torture are inquired into by an independent body, the National Police Commission, which is an independent body under the Constitution, has set in motion a procedure to investigate complaints against Police Officers or the Police Force.

-With regard to standards of detention, Mr. President, concrete steps are being taken by the Government of Sri Lanka to enhance conditions of detention, which is a general issue across all prisons and detention facilities and not confined to detainees under the PTA. A Task Force chaired by the Secretary to the Ministry of Justice on Judicial Causes for Prison Overcrowding addresses issues and options related to prison overcrowding with technical assistance from ICRC.

-In addition, processes on achieving sustainable peace through reconciliation are ongoing. Sri Lanka military forces released 1200 acres of land, including 1100 acres of farm land in January 2019. Expediting the resettlement process is also underway. The OMP is in full operation while relevant legislation to establish the Office for Reparations was approved by Parliament in October 2018. The draft Framework on the establishment of the Truth and Reconciliation Commission was also submitted to the Cabinet of Ministers and awaits approval.

Mr. President

In conclusion, we reiterate our commitment to remain engaged with the Special Rapporteur as well as the UN Human Rights Systems and Procedures to promote and protect the rights of our citizens while also taking steps to counter violent extremism and terrorism while safeguarding rights.

Thank you.