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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX TO
HUMAN RIGHTS COUNCIL RESOLUTION 5/1

Sri Lanka

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	18 February 1982	None	Individual complaints (art. 14): No
ICESCR	11 June 1980	None	-
ICCPR	11 June 1980	None	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	3 October 1997	Yes (art 1)	-
CEDAW	5 October 1981	None	-
OP-CEDAW	15 October 2002	None	Inquiry procedure (art. 8 and 9): No
CAT	3 February 1994	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): No
CRC	12 July 1991	-	-
OP-CRC-AC	8 September 2000	Yes (art. 3 §2)	-
OP-CRC-SC	22 September 2006	None	-
ICRMW	11 March 1996	Yes (arts. 8 §2, 29, 49, 54)	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
<i>Core treaties to which Sri Lanka is not a party: ICCPR-OP2, OP-CAT, CPD (signature only, 2007), CPD-OP and CED.</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		No	
Palermo Protocol ³		No	
Refugees and stateless persons ⁴		No	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵		Yes, except the three Additional Protocols	
ILO fundamental conventions ⁶		Yes	
UNESCO Convention against Discrimination in Education		Yes	

1. The Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions recommended respectively that Sri Lanka ratify OP-CAT⁷ and the Rome Statute of the ICC.⁸ The Committee on the Elimination of Racial Discrimination (CERD) and the Committee against Torture (CAT) further recommended that the State make the declarations respectively under article 14 of ICERD⁹ and articles 21 and 22 of CAT.¹⁰ As reported by the Special Representative of the Secretary-General on human rights defenders, a state of emergency is imposed since August 2005 and renewed on a monthly basis.¹¹ In 2006, the Special Rapporteur on extrajudicial, summary or arbitrary executions, as reiterated by the High Commissioner for Human Rights in January 2008¹², highlighted that international human rights law and international humanitarian law continued to apply.¹³ The Special Rapporteur further noted that the Liberation Tigers of Tamil Eelam (LTTE) had formally taken upon itself obligations under the Geneva Conventions and that the Koruna Group is a party to the conflict within the meaning of humanitarian law.¹⁴

B. Constitutional and legislative framework

2. In 2003, while taking note of proposed constitutional reform, the HR Committee remained concerned that the domestic legal system did not contain provisions covering all substantive rights of the ICCPR.¹⁵ Sri Lanka pledged in 2006 that it would introduce a

Human Rights Charter.¹⁶ As noted by the High Commissioner for Human Rights in 2007, the application of treaties in domestic law has been questioned by the Supreme Court and the Government's proposed legislation only partially addresses the issues and risks confusing further the status of different rights in national law.¹⁷ While appreciating the enactment of the Torture Act No. 22 (1994)¹⁸, the Special Rapporteur on torture noted that the definition did not expressly include "suffering".¹⁹ The 2006 CCA noted the enactment in 2005 of a law on the prevention of domestic violence.²⁰

C. Institutional and human rights infrastructure

3. CERD, CRC and the HR Committee welcomed the establishment of the National Human Rights Commission of Sri Lanka (NHRC).²¹ In 2007, CAT requested clarification regarding the independence and impartiality of commissioners following their appointment by the President.²² In October 2007, the NHRC was downgraded²³ from "A" to "B status",²⁴ which was noted by the Special Rapporteur on torture as a regrettable development.²⁵ CERD and CAT welcomed the establishment of the Permanent Inter-Ministerial Standing Committee on Human Rights.²⁶ The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged the establishment of the National Commission on Women.²⁷ The Special Rapporteur on torture noted that the legitimacy and credibility of the National Police Commission (NPC)²⁸ had been questioned because of the presidential appointments of the commissioners.²⁹ CAT recommended, inter alia, the establishment of human rights directorates in armed and police forces.³⁰ The United Nations Secretary-General commended the establishment of a multidisciplinary task force on children and armed conflict.³¹

D. Policy measures

4. CEDAW welcomed, inter alia, the adoption of a range of policies and programmes for women.³² CRC recommended the development of a National Plan of Action on Commercial Sexual Exploitation of Children.³³ UNICEF also informed of the National Action Plan for the Children of Sri Lanka 2004-2008.³⁴ In 2006, Sri Lanka informed of the measures adopted in the field of human rights education.³⁵

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty Body</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD ³⁶	2000	Aug 2001	-	10 th -13 th reports overdue since 2003, 2005 and 2007 respectively
CESCR ³⁷	1996	Apr 1998	-	2 nd , 3 rd and 4 th reports overdue since 1995, 2000 and 2005 respectively
HR Committee ³⁸	2002	Nov 2003	Submitted in Oct 2005 and 2007	5 th report overdue since 2007
CEDAW ³⁹	1999	Jan 2002	-	5 th , 6 th , 7 th reports overdue since 1998, 2002 and 2006 respectively. 8 th report due 2010
CAT ⁴⁰	2004	Nov 2005	Submitted in Nov 2006	3 rd , 4 th reports overdue since 2007
CRC ⁴¹	2000	June 2003	-	3 rd , 4 th report due in 2008

<i>Treaty Body</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
OP-CRC- AC	-	-	-	Initial report overdue since 2004
OP-CRC- SC	-	-	-	Initial report due 2008
CMW ⁴²	-	-	-	Initial report overdue since 2004

5. CAT undertook an enquiry under article 20 from 20 April 1999 to May 2002 and included a summary of its results in its 2002 annual report.⁴³

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions – (24 Aug.-5 Sept. 1997). ⁴⁴ Working Group on Enforced or Involuntary Disappearances (25-29 Oct. 1999). ⁴⁵ Special Rapporteurs on freedom of religion or belief (2-12 May 2005); ⁴⁶ on extrajudicial, summary or arbitrary executions (28 Nov-6 Dec. 2005) ⁴⁷ on the question of torture (1-8 Oct. 2007) ⁴⁸ . Representative of the Secretary-General on internally displaced persons (14-21 Dec. 2007) ⁴⁹ .
<i>Visits agreed upon in principle</i>	Special Rapporteur on the right to freedom of opinion and expression
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on independence of judges and lawyers. Independent Expert on minority issues (requested in 2007). Working Group on enforced disappearances (requested in 2006, follow-up in 2007)
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on freedom of religion or belief thanked the authorities for the cooperation extended to her, despite the still difficult circumstances related to the post-tsunami period ⁵⁰ . The Special Rapporteur on extrajudicial, summary or arbitrary executions noted that Sri Lanka maintained an open and constructive attitude towards his visit, and placed no restrictions on his access to all places and persons, including LTTE representatives ⁵¹ . While expressing his appreciation for the respect of the terms of reference for the visit ⁵² , the Special Rapporteur on torture highlighted that prior to the commencement of the visit, the Government denied him permission to travel to LTTE-controlled areas ⁵³ , that did not provide him with a letter of authorisation to visit any facilities of the armed forces ⁵⁴ , and that the conditions for independent fact-finding were impeded by instances where detainees were hidden or brought away shortly before he arrived ⁵⁵ . He was pleased to report that the Government had already indicated that it would appoint a high level task force to study his recommendations ⁵⁶ . The Representative of the Secretary General on internally displaced persons appreciated the cooperation and support in the conduct of his mission, and regretted that he was unable to visit Kilinochchi to discuss humanitarian and protection concerns with the LTTE ⁵⁷ .
<i>Follow-up to visits</i>	None
<i>Responses to letters of allegations and urgent appeals</i>	Between 01.01.2004 and 31.12.2007, a total of 94 communications were sent to Sri Lanka. Apart from communications sent for particular groups (e.g. a media, a NGO) 208 individuals were covered by these communications, including 14 women. Between 01.01.2004 and 31.12.2007, Sri Lanka replied to 45 communications, which represents replies to 48 % of the communications sent. Between 01.01.2004 and 31.12.2007, three communications were sent to the LTTE. No responses were received.
<i>Responses to questionnaires on thematic issues</i> ⁵⁸	Sri Lanka responded to none of the 12 questionnaires sent by special procedures mandate holders ⁵⁹ between 1 January 2004 and 31 December 2007, within the deadlines.

3. Cooperation with the Office of the High Commissioner for Human Rights

6. In October 2007, the High Commissioner undertook an official visit to Sri Lanka. In her dialogue with the Government she stressed the critical need for independent public reporting on the human rights situation and the readiness of her Office to assist in this regard.⁶⁰ A senior Human Rights Adviser has been working with the UN Country Team since

June 2004, advising and supporting the UN Resident Coordinator and UN agencies. In response to the deteriorating human rights situation since December 2005, OHCHR has explored ways to reinforce its presence in the country. While the Government has not favoured an independent OHCHR presence, the creation of a new Ministry for Human Rights and Disaster Management in 2006 presented new opportunities for increased engagement with the Government.⁶¹ In 2007, Sri Lanka contributed to the Voluntary Fund for Technical Cooperation.

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

7. In 2003, the HR Committee commended legislation designed to improve the condition of women, but expressed concern about certain aspects of personal laws discriminating against women.⁶² In 2007, an ILO Committee of Experts noted the absence of a general provision protecting against discrimination in employment and occupation in the private sector⁶³ and noted the preparation of a Women's Rights Bill.⁶⁴ The Special Rapporteur on violence against women sent a communication in 2007 relating to an alleged proposed regulation that would ban mothers with children under five years from emigrating for work.⁶⁵

8. In 1998, the Committee on Economic, Social and Cultural Rights (CESCR) regretted that its dialogue with the State regarding the root causes of the armed conflict had been inconclusive and that the question of discrimination in relation to the economic, social and cultural rights of some ethnic groups remained the central issue in the armed conflict.⁶⁶ In 2003, the CRC expressed concern about persisting societal discrimination against vulnerable groups of children.⁶⁷ In 2001, CERD was concerned, also highlighted by UNHCR,⁶⁸ that a large number of Indian Tamils and their descendants have not been granted citizenship, that many continue to be stateless, and at alleged discrimination against Tamils without Sri Lankan citizenship who do not fully enjoy their economic, social and cultural rights.⁶⁹ In 2005, an ILO Committee of Experts noted that the Constitution provides protection against discrimination only for citizens.⁷⁰ In 2007, an ILO Committee welcomed the naturalization of Indian Tamils under the Grant of Citizenship to Persons of Indian Origin Act.⁷¹

2. Right to life, liberty and security of the person

9. The Special Rapporteur on extrajudicial, summary or arbitrary executions noted that the conflict involved the intentional targeting of both combatants and civilians.⁷² In relation to conflict-related political killings, while noting that it is impossible to determine with precision their numbers⁷³, he stressed that many people - most notably Tamil and Muslim civilians - faced a credible threat of death for exercising freedoms of expression, movement, association, and participation in public affairs⁷⁴, for not supporting one or the other factions fighting the Government, in retaliation or because they are deemed sympathizers⁷⁵. He further stated that killings are symptomatic of the widespread use of police torture, of the failure to rein in abuses committed or tolerated by the military, and of systematic efforts by various armed groups, particularly the LTTE to kill Tamils who refuse to support the LTTE and to provoke military retaliation.⁷⁶ Communications sent by the Special Rapporteur on freedom of expression and the Special Representative of the Secretary-General on human rights defenders relate to alleged murders, attacks, threats to and harassment of journalists⁷⁷, parliamentarians and political party members⁷⁸, human rights defenders⁷⁹ and individuals who had filed complaints of human rights violations⁸⁰. Where the Government responded, it provided information about the ensuing investigations⁸¹. The Special Rapporteur on extrajudicial,

summary and arbitrary executions wrote to the LTTE about reported assassinations of members or supporters of other Tamil parties or paramilitary formations, government officials, and persons who may have come into conflict with the LTTE, which had allegedly been committed by the LTTE since the entry into force of the Ceasefire Agreement (CFA).⁸²

10. The Special Rapporteur on summary executions was troubled that the police was engaged in summary executions, stating that reportedly, from November 2004 to October 2005 the police shot at least 22 criminal suspects after taking them into custody.⁸³ He noted that torture was the other main cause of deaths in police custody⁸⁴ and that the vast majority of custodial deaths were caused not by rogue police but by ordinary officers taking part in an established routine⁸⁵. CAT expressed concern at continued allegations of sexual violence and abuse in custody.⁸⁶

11. The Special Rapporteur on summary executions also referred to alleged death threats and fear of imminent extrajudicial executions in cases where an individual had testified against security forces⁸⁷ or filed complaints against the police.⁸⁸ Where the Government replied, it provided information regarding proceedings.⁸⁹ The Representative of the Secretary-General on internally displaced persons also expressed concern in December 2007 about cases of threats, abductions and killings of humanitarian workers, and the slow response by police authorities in some cases⁹⁰. In a communication sent in 2006, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on human rights defenders wrote to the LTTE regarding death threats against the Vice Chancellor of Jaffna University and his family, allegedly carried out by individuals possibly linked to the LTTE.⁹¹

12. In 2006, Sri Lanka informed CAT in its follow-up comments, that the President had appointed one Commission to investigate alleged disappearances and another one to investigate serious violations of human rights.⁹² In its reply, CAT requested clarification, inter alia, on topics investigated by the NHRC since April 2006.⁹³ The Working Group on enforced or involuntary disappearances noted at the end of 2007 the 5516 outstanding cases under review.⁹⁴ It stated that it was gravely concerned at the increase in reported cases of recent enforced disappearances, which seems to indicate a widespread pattern of disappearances.⁹⁵

13. The Special Rapporteur on torture was encouraged that capital punishment has not been imposed for more than three decades⁹⁶, but observed that courts continued to sentence persons to death, leading to a considerable number of prisoners living under the strict conditions of death row.⁹⁷

14. In 2005, CAT expressed concern about well-documented allegations of widespread torture and ill-treatment, mainly committed by the police.⁹⁸ In 2007, the Special Rapporteur on torture stated that there is a clear indication that torture is widely practised.⁹⁹ He noted that in the context of detention orders under the Emergency Regulations, a broad variety of torture methods were allegedly used and that several elements led him to conclude that torture has become a routine practice in the context of counter-terrorism operations, both by the police and the armed forces¹⁰⁰.

15. CEDAW and the HR Committee expressed concern at the high incidences of violence against women by the police and security forces in the conflict areas.¹⁰¹ In 2003, CRC and the HR Committee also expressed concern that corporal punishment was permitted as a disciplinary measure in schools,¹⁰² and in prisons.¹⁰³ CAT noted the abolition of corporal punishment by Act No. 23 of 2005.¹⁰⁴ In 2007, the Special Rapporteur on torture noted receiving disturbing complaints of corporal punishment in prisons.¹⁰⁵

16. CAT expressed serious concern about allegations of continued abduction and recruitment of child soldiers by the LTTE.¹⁰⁶ UNICEF stated that children continue to be recruited or re-recruited by the LTTE and the Tamileela Makkal Viduthalai Pulikal (TMVP).¹⁰⁷ The United Nations Secretary-General noted that both groups continued to abduct children, direct attacks against civilians and impede the access of humanitarian actors and urged the interdisciplinary committee to report on allegations that elements of the Government security forces are supporting the forced recruitment of children by the TMVP/Karuna faction.¹⁰⁸

17. In 2007, the Special Rapporteur on torture noted that severe overcrowding and antiquated infrastructure of certain prison facilities placed unbearable strains on services and resources, which in certain prisons amounted to degrading treatment¹⁰⁹. He noted that detention conditions in police stations become inhuman for suspects held under detention orders pursuant to the Emergency Regulations for periods of several months up to one year¹¹⁰. He was pleased that the strict division between female and male detainees was observed.¹¹¹ He recommended that Sri Lanka establish a truly independent monitoring mechanism to visit all places of detention and carry out private interviews.¹¹² In its reply to the State under its follow-up procedure in 2007, CAT requested clarification on whether a central registry of detainees has been established and the impact of such a registry.¹¹³

18. In 2003, the HR Committee expressed concern, as highlighted also by UNHCR,¹¹⁴ about the recurrent allegations of trafficking, especially of children.¹¹⁵ CRC welcomed the Penal Code (Amendment) Act No. 22 of 1995, but expressed concern that existing legislation had not been effectively enforced.¹¹⁶

3. Administration of justice and the rule of law

19. The HR Committee expressed concern about the considerable control by Parliament of the procedure for the removal of judges.¹¹⁷

20. The Special Rapporteur on torture noted that many necessary elements to prevent torture and to combat impunity were in place.¹¹⁸ In 2006, the High Commissioner welcomed the Sri Lankan President's establishment of a Commission of Inquiry into extrajudicial killings and disappearances, but expressed concern over several shortcomings in the legal system that may hamper its effectiveness.¹¹⁹ She also noted that many recommendations of past commissions of inquiry had not yet been fully implemented and that a broader international mechanism is still needed to monitor and ultimately prevent human rights violations.¹²⁰ While Sri Lanka has many of the elements needed for a strong national protection system, in the context of the armed conflict and of emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming.¹²¹

21. The Special Rapporteur on torture was encouraged by the 34 indictments under the 1994 Torture Act, but regretted that they have led so far only to 3 convictions. He noted that 8 cases led to acquittals, and was further concerned about the long duration of investigations and allegations of threats against complainants and torture victims.¹²² Similar concerns were echoed by the HR Committee¹²³ and by the Special Rapporteur on extrajudicial, summary or arbitrary executions.¹²⁴ The Special Rapporteur also noted that the Government has failed to effectively investigate most political killings, due to various factors such as the fact that the police is unable to enter LTTE-controlled areas.¹²⁵ In November 2005, the Special Rapporteur on sale of children wrote to the LTTE about police officers who were allegedly arrested and held by the LTTE, after they had crossed into LTTE-held territory to reportedly arrest a

suspect.¹²⁶ The Special Rapporteur on summary executions recommended inter alia that the Government and the LTTE initiate and regularize contact between their police forces.¹²⁷

22. In 2005, CAT recommended investigations into cases of intimidation and reprisals of witnesses and others wishing to report torture and ill-treatment.¹²⁸ In 2007, it requested clarification regarding the drafting of a witness protection bill.¹²⁹ UNICEF noted that there is likely a degree of under-reporting of grave violations¹³⁰, due to, inter alia, fear of reprisals.¹³¹

23. CAT expressed concern at allegations that fundamental legal safeguards for persons detained by the police were not being observed.¹³² Regarding detention under Emergency Regulations, the Special Rapporteur on torture noted with great concern that many of the legal safeguards contained in the Code of Criminal Procedure do not apply¹³³ or are disregarded¹³⁴. Further to the HR Committee's Views in a case where violations of provisions of fair trial were found, the State replied that implementing the recommendations would be contrary to the Constitution and interfere with the independence of the judiciary. In another case where violations of provisions related to arbitrary arrest and detention were found, the State replied that it was unable to give effect to the recommendations¹³⁵ because when becoming party to ICCPR-OP, it was not envisaged that the HR Committee's competence would be extended to the consideration, review or comment of any judgment given by a competent Court.¹³⁶

24. The Special Rapporteur on torture noted that confessions extracted through torture were not allowed in courts, but that this rule was not applicable to persons detained under Emergency Regulations.¹³⁷ The Working Group on arbitrary detention issued an opinion relating to 13 ethnic Tamils who had allegedly been arrested and kept in judicial custody under the provisions of the Prevention of Terrorism Act (PTA) without charges or trial for several months, before being charged under the PTA and obliged to sign self-incriminatory statements sometimes under torture, in a manner contrary to article 14 ICCPR¹³⁸.

25. In 2005, CAT recommended the establishment of a reparation programme with adequate resources.¹³⁹ While welcoming the Supreme Court jurisprudence that both the State and individuals may be liable to pay compensation to the victim of torture, the Special Rapporteur on torture highly regretted that, given the high standard of proof applied in those cases, they did not trigger more convictions by criminal courts.¹⁴⁰

26. CRC reiterated serious concern regarding the low level of minimum age of criminal responsibility¹⁴¹, also noted by UNICEF.¹⁴²

4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

27. In 2005, the Special Rapporteur on freedom of religion or belief noted, inter alia, a high level of tolerance and religious harmony and that the Government generally respects freedom of religion or belief. Nevertheless, the recent deterioration of religious tolerance and the absence of appropriate action by the Government had brought respect for freedom of religion or belief to an unsatisfactory level¹⁴³. The Special Rapporteur stated that the draft legislation on the criminalization of "unethical conversions" was not an appropriate response to religious tensions¹⁴⁴ and that it would lead to violations of the right to freedom of religion or belief.¹⁴⁵

28. In 2003, the HR Committee recommended, inter alia, to protect media pluralism¹⁴⁶ 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.¹⁴⁷ In 2005, the Special Representative of the Secretary-General on human rights defenders expressed concern about new administrative orders in relation to the registration of NGOs.¹⁴⁸

29. In 2002, CEDAW expressed concern regarding the very low level of representation of women in politics and public life.¹⁴⁹ The 2006 CCA noted that women are also under-represented at decision-making levels in the public and private sector.¹⁵⁰

5. Right to work and to just and favourable conditions of work

30. CESCR expressed concern that the Constitution does not expressly recognize the right to strike and impose restrictions on the right to form trade unions.¹⁵¹

31. In 2002, CEDAW expressed concern at the low level of women's economic participation, their high unemployment rate, the inadequate protection for women working in the informal sector and the weak enforcement of laws to protect women workers in export processing zones.¹⁵² CRC also expressed concern at the high proportion of children, including very young children, working as domestic servants or in the plantation sector, on the street or in other parts of the informal sector.¹⁵³

6. Right to social security and to an adequate standard of living

32. In 1998, CESCR appreciated progress in providing essential social services including, free health care, and food subsidies and supplements for targeted vulnerable groups,¹⁵⁴ but noted the high percentage of the population living in poverty.¹⁵⁵ UNICEF informed that maternal and child malnutrition, neonatal mortality and wide disparities in the health and nutritional conditions of children living in conflict-affected and poorer areas represent the country's most pressing health issues.¹⁵⁶ The HR Committee expressed concern at the high number of unsafe abortions and that abortion remained a criminal offence except where performed to save the mother.¹⁵⁷

33. While noting that many organisations enjoy full humanitarian access to areas of return, the Representative of the Secretary-General on internally displaced persons stated that others do not.¹⁵⁸ UNICEF informed that humanitarian access has been limited in certain divisions, directly impeding the regular provision of essential services to children by humanitarian agencies.¹⁵⁹

7. Right to education and to participate in the cultural life of the community

34. CRC was encouraged by the education reforms initiated, but expressed concern that the reforms were not consistently implemented.¹⁶⁰ A 2005 UNESCO report mentioned that Sri Lanka is progressing in both access to education and quality education, and that the exclusion from education of Tamil children in the country's tea plantation area is being addressed.¹⁶¹ UNICEF informed that lack of security and restricted movement continue to affect access to education for children. It noted that schools being used by internally displaced persons (IDPs), and extended absence coupled with disruptions in schools during resettlement, resulted in, inter alia, an increased number of children dropping out of school.¹⁶²

8. Migrants

35. The 2006 CCA noted the need for the Government to address the problem of human rights violations and exploitation faced by migrant workers both prior to departure and in receiving countries. It noted, inter alia, the exploitation by recruiting agents/sub-agents and

the poor working conditions.¹⁶³ CEDAW already expressed concern in 2002 about the increasing number of women who migrate and find themselves in vulnerable situations, often subjected to abuse and sometimes death.¹⁶⁴

9. Internally displaced persons

36. A 2007 UNHCR report indicated that in September 2007, the total number of IDPs stood at some 503,000 and informed of measures to undertake a country-wide individual registration of IDPs.¹⁶⁵ The Representative of the Secretary-General on internally displaced persons noted that Sri Lanka, with the crucial support of the international community had not only rehabilitated the majority of victims of the 2004 tsunami, but also made considerable efforts to assist those displaced since the escalation of hostilities in 2006. However, the Representative of the Secretary-General, noted major concerns such as physical security of IDPs, and access to livelihoods, highlighting restrictions imposed by authorities.¹⁶⁶

10. Human rights and counter-terrorism

37. CERD in 2001 and the HR Committee in 2003 expressed concern at the PTA and Emergency Regulation restrictions. CERD was concerned about the restrictions placed on civil and political rights and in particular, at the alleged discriminatory application of such restrictions on Tamils and other ethnic groups. The HR Committee welcomed “a decision of the Government”, consistent with the CFA, not to apply the provisions of the PTA. However, the HR Committee noted that the PTA remained legally enforceable. It was concerned that such continued existence allows arrest without a warrant and permits detention for an initial period of 72 hours without the person being produced before the court, and thereafter for up to 18 months on the basis of an administrative order issued by the Minister of Defence.¹⁶⁷

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

38. The Special Rapporteur on torture fully appreciated the challenges faced by the Government from the violent and long-lasting conflict with the LTTE.¹⁶⁸ While CAT also acknowledged the difficult situation arising from the internal armed conflict, it however pointed out that no exceptional circumstances whatsoever may be invoked as a justification of torture.¹⁶⁹ CEDAW, CRC and CERD recognized that the armed conflict in the north and east had not been conducive to the effective and full implementation of respective Conventions.¹⁷⁰ In 2007, the High Commissioner was also struck by the fact that broader human rights issues affecting all communities have largely been eclipsed by the immediate focus on issues related to the conflict, including issues of discrimination and exclusion, gender inequalities, the rights of migrant workers and press freedom. These challenges will remain before and after any peace settlement, and they are deserving of greater and more focused attention.¹⁷¹ UNICEF noted that responding to internally displaced families and children from renewed conflict and the tsunami remains a challenge.¹⁷² The UNDAF 2007-2010 noted the Government’s “Ten Year Horizon Development Framework 2006-2016” recognizing the high level of poverty, regional disparities, employment, marginalized and vulnerable groups and plantation workers as major development challenges.¹⁷³

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

39. In its pledges, Sri Lanka informed that it would, inter alia, build the capacity of the NHRC, take appropriate implementation measures in respect of recommendations made by

the human rights treaty bodies, cooperate with treaty monitoring bodies by submitting future periodic reports on time.¹⁷⁴

B. Specific recommendations for follow-up

40. CAT requested that the State provide, by November 2006, information on the implementation of its recommendations¹⁷⁵ concerning, inter alia, the following issues: the functioning of the NHRC and the NPC; measures to ensure fundamental safeguards be respected; systematic review of all places of detention; prompt and impartial investigations into allegations of torture and impunity; as well as steps taken to ensure persons reporting torture and ill-treatment do not face reprisals, intimidation and threats. In 2006, Sri Lanka provided responses on the follow-up measures taken to implement CAT's recommendations. In 2007, CAT requested the State to provide further clarification on a number of areas where sufficient information had not been provided.¹⁷⁶ In addition, the Special Rapporteur on torture recommended, inter alia, that the Government end impunity for members of the TMVP Karuna Group, ensure that detainees are given access to legal counsel within 24 hours of arrest and that the period of police custody is drastically reduced under emergency regulations, that an independent complaints system in prisons is established, as well as a number of measures relating to conditions of detention.¹⁷⁷ He also recommended that a field presence of the Office of the High Commissioner for Human rights be established with a mandate for both monitoring the human rights situation in the country and providing technical assistance particularly in the field of judicial, police and prison reform.¹⁷⁸

41. The HR Committee requested that the State provide, by November 2004, information on its response to its concluding observations concerning its recommendation to bring chapter III of the Constitution in line with articles 4 and 15 of ICCPR referring to states of emergencies and non-retroactivity of criminal offences, investigations and prosecutions with regard to allegations of torture, abductions and illegal confinement, impunity and disappearances, harassment of media personnel and journalists.¹⁷⁹ The State replied in October 2005. The HR Committee requested for further information with regard to impunity and its previous request concerning the Constitution, noting that the replies received had been incomplete.¹⁸⁰ The State provided further information in October 2007.¹⁸¹

42. The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended that the ceasefire agreement be strengthened and that human rights and humanitarian law be respected.¹⁸² He recommended that the Government renounce any form of collaboration with the Karuna Group¹⁸³; and that the police be unambiguously instructed to investigate all killings vigorously¹⁸⁴. The Special Rapporteur also recommended that the LTTE unequivocally denounce and condemn any killing attributed to it for which it denies responsibility¹⁸⁵; refrain from violating human rights, including those of non-LTTE-affiliated Tamil civilians¹⁸⁶; and refrain from providing arms, training and encouragement to groups such as the "People's Army" civilian proxies and self-defence organizations.¹⁸⁷

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

43. The UNDAF 2008-2012 identified four expected outcomes.¹⁸⁸ Cross-cutting issues include the protection of human rights, environment, disaster risk management, HIV/AIDS, and equity for and inclusion of vulnerable groups.¹⁸⁹ UNICEF submitted information on its capacity-building and cooperation programs.¹⁹⁰

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Protection of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Protection of Persons with Disabilities
CED	Convention on the Protection of Persons from Enforced Disappearance

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁷ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 94(w). See also CAT/C/LKA/CO/2, para 18;

⁸ Special Rapporteur on extrajudicial, summary or arbitrary executions E/CN.4/2006/53/Add.1, para. 83.. See also CAT/C/LKA/CO/2, para 18

⁹ E/C.12/1/Add.24, 339

¹⁰ CAT/C/LKA/CO/2, para 18

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- ¹¹ Special Representative of the Secretary-General on the situation of human rights defenders, E/CN.4/2006/95/Add.5, para. 1476.
- ¹² High Commissioner for Human Rights, Press release, Geneva, 15 January 2008.
- ¹³ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 24.
- ¹⁴ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 30.
- ¹⁵ HR Committee, 2003, Concluding Observations, CCPR/CO/79/LKA para. 7
- ¹⁶ Sri Lanka's voluntary pledge submitted in support of its candidacy to the membership of the HRC, New York, 10 April 2006, pp. 2-3 accessible at: <http://www.un.org/ga/60/elect/hrc/srilanka.pdf>
- ¹⁷ Press Statement by High Commissioner for Human Rights on Conclusion of her visit to Sri Lanka, Colombo, 13 October 2007
- ¹⁸ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 77.
- ¹⁹ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 25.
- ²⁰ United Nations Common Country Assessment on Sri Lanka, 2006, p. 21, available at <http://www.undg.org/docs/7622/Final%20CCA%20October%202006.zip> (accessed on 25 February 2008).
- ²¹ E/C.12/1/Add.24, para 324; CRC/C/15/ADD.207, para 7 (a) and 15; CCPR/CO/79/LKA, para 4.
- ²² Letter of 21 November 2007 by the Rapporteur for follow-up on conclusions and recommendations of CAT, http://www2.ohchr.org/english/bodies/cat/docs/35SriLanka_reminder280208.pdf
- ²³ A/HRC/7/70, para. 5.
- ²⁴ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.
- ²⁵ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 61.
- ²⁶ E/C.12/1/Add.24, para 325; CAT/C/LKA/CO/2, para 3 (d).
- ²⁷ A/57/38 (PART I), para 277.
- ²⁸ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para.56.
- ²⁹ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para.57.
- ³⁰ CAT/C/LKA/CO/2, para 3 (e)
- ³¹ Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007, S/2007/758. UNICEF submissions to the UPR on Sri Lanka, p. 3.
- ³² A/57/38 (PART I), para 269.
- ³³ CRC/C/15/ADD.207, para 48.
- ³⁴ UNICEF submissions to the UPR on Sri Lanka, p. 1. See also, United Nations Common Country Assessment on Sri Lanka, 2006, pp. 19-20, available at <http://www.undg.org/docs/7622/Final%20CCA%20October%202006.zip> (accessed on 25 February 2008).
- ³⁵ Letter from Permanent Mission of Sri Lanka dated 17 February 2006.
- ³⁶ Committee on the Elimination of Racial Discrimination.
- ³⁷ Committee on Economic, Social and Cultural Rights.
- ³⁸ Human Rights Committee.
- ³⁹ Committee on the Elimination of Discrimination Against Women.
- ⁴⁰ Committee against Torture.
- ⁴¹ Committee on the Rights of the Child.
- ⁴² Committee on Migrant Workers.
- ⁴³ A/57/44, paras. 117-196.
- ⁴⁴ Report E/CN.4/1998/68/Add.2
- ⁴⁵ Report E/CN.4/2000/64/Add.1
- ⁴⁶ Special Rapporteur on freedom of religion or belief, E/CN.4/2006/5/Add.3.
- ⁴⁷ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5.
- ⁴⁸ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6.
- ⁴⁹ UN RSG on IDPs, Press Release: "UN expert emphasizes sustainable and durable solutions for Sri Lanka's internally displaced persons", 27 December 2007.
- ⁵⁰ Special Rapporteur on freedom of religion or belief, E/CN.4/2006/5/Add.3, para. 7.
- ⁵¹ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 1.
- ⁵² Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 4.
- ⁵³ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 9
- ⁵⁴ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 10.

⁵⁵ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 11.

⁵⁶ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 6.

⁵⁷ UN RSG on IDPs, Press Release: "UN expert emphasizes sustainable and durable solutions for Sri Lanka's internally displaced persons", 27 December 2007.

⁵⁸ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

⁵⁹ See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (iii) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (vi) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (viii) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003; (xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

⁶⁰ High Commissioner for Human Rights, Press release, Geneva, 15 January 2008. See also Press Statement by High Commissioner for Human Rights on Conclusion of her visit to Sri Lanka, Colombo, 13 October 2007.

⁶¹ SMP 2008-9, p.76

⁶² CCPR/CO/79/LKA, para 19. See also United Nations Common Country Assessment on Sri Lanka, 2006, pp. 21-22, available at <http://www.undg.org/docs/7622/Final%20CCA%20October%202006.zip> (accessed on 25 February 2008).

⁶³ ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, Doc. No. 062007LKA111, para. 1.

⁶⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, Doc. No. 062007LKA111, para. 1.

⁶⁵ Special Rapporteur on violence against women, A/HRC/7/6/Add.1, para. 471-472.

⁶⁶ E/C.12/1/Add.24, para 11.

⁶⁷ CRC, 2003, Concluding Observations, CRC/C/15/Add.207, para. 25.

⁶⁸ UNHCR submission to the UPR on Sri Lanka, p. 3, citing CERD/C/SR.1478, para. 334.

⁶⁹ CERD, 2001, Concluding Observations, CERD/C/SR.1478, para. 334.

⁷⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, 2005, Geneva, Doc. No. 092005LKA111, para. 1.

⁷¹ ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, Doc. No. 092007LKA111, para. 1.

⁷² Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 4.

⁷³ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 10.

⁷⁴ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para.5.

⁷⁵ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, page 2. para.1.

⁷⁶ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 3.

⁷⁷ Rapporteur on freedom of expression, A/HRC/4/27/Add.1, para. 582, 583, 581, 584, 586, E/CN.4/2005/64/Add.1, para. 810

⁷⁸ Rapporteur on freedom of expression, A/HRC/4/27/Add.1, 580. SRSR human Rights Defenders, A/HRC/4/37/Add.1, para. 598.

- ⁷⁹ Rapporteur on freedom of expression, A/HRC/4/27/Add.1, 587, 588. E/CN.4/2005/64/Add.1, para.814, SRS human Rights Defenders, A/HRC/4/37/Add.1, para. 592, 593, 594, 595, 597, 599
- ⁸⁰ Rapporteur on freedom of expression, E/CN.4/2005/64/Add.1, para. 808.
- ⁸¹ Rapporteur on freedom of expression, A/HRC/4/27/Add.1, 589- 595. E/CN.4/2005/64/Add.1, para. 811, 815. SRS human Rights Defenders, A/HRC/4/37/Add.1, para. 600, -603
- ⁸² Special Rapporteur on summary, arbitrary and extrajudicial executions, E/CN.4/2006/53/Add.1, page 319-321.
- ⁸³ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 53.
- ⁸⁴ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 55.
- ⁸⁵ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para.54.
- ⁸⁶ CAT/C/LKA/CO/2, para 13.
- ⁸⁷ Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/4/20/Add.1, page 300-302.
- ⁸⁸ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.1, page 217-219.
- ⁸⁹ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.1 page 219.
- ⁹⁰ UN RSG on IDPs, Press Release: “UN expert emphasizes sustainable and durable solutions for Sri Lanka’s internally displaced persons”, 27 December 2007. See also UNDG, Resident Coordinators Annual Report Sri Lanka, 2006, p. 1.
- ⁹¹ Special Rapporteur on summary, arbitrary and extrajudicial executions, A/HRC/4/20/Add.1, page 385-386.
- ⁹² CAT/C/LKA/CO/2/Add.1, para 20.
- ⁹³ Letter of 21 November 2007 by the Rapporteur for follow-up on conclusions and recommendations of CAT, http://www2.ohchr.org/english/bodies/cat/docs/35SriLanka_reminder280208.pdf, responding to the Comments by Sri Lanka, CAT/C/LKA/CO/2/Add.1, para 20.
- ⁹⁴ Working Group on enforced or involuntary disappearances, A/HRC/7/2, page 73.
- ⁹⁵ Working Group on enforced or involuntary disappearances, A/HRC/7/2, para. 344.
- ⁹⁶ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 80.
- ⁹⁷ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 89.
- ⁹⁸ CAT/C/LKA/CO/2, para 12. See also CCPR/CO/79/LKA, para 9
- ⁹⁹ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 70. See also Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para.54.
- ¹⁰⁰ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 70.
- ¹⁰¹ A/57/38 (PART I), para 286.
- ¹⁰² Education Ordinance of 1939, CRC/C/15/Add.207, para 28-29.
- ¹⁰³ Ministry of Education in 2001, CCPR/CO/79/LKA, para 11.
- ¹⁰⁴ CAT/C/LKA/CO/2, para 3 (g).
- ¹⁰⁵ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 80.
- ¹⁰⁶ CAT/C/LKA/CO/2, para 17.
- ¹⁰⁷ UNICEF submissions to the UPR on Sri Lanka, p. 3. See also UNDP, Human Development Report 2005, New York, 2005, p. 161.
- ¹⁰⁸ Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007, S/2007/758.
- ¹⁰⁹ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 80.
- ¹¹⁰ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 84.
- ¹¹¹ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 86.
- ¹¹² Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 94(w).
- ¹¹³ Letter of 21 November 2007 by the Rapporteur for follow-up on conclusions and recommendations of CAT, http://www2.ohchr.org/english/bodies/cat/docs/35SriLanka_reminder280208.pdf
- ¹¹⁴ UNHCR submission to the UPR on Sri Lanka, p. 1, citing, CCPR/CO/79/LKA para. 7.
- ¹¹⁵ HR Committee, 2003, Concluding Observations, CCPR/CO/79/LKA, para. 14.
- ¹¹⁶ CRC/C/15/Add.207, para 47.
- ¹¹⁷ CCPR/CO/79/LKA, para 16.
- ¹¹⁸ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 90.
- ¹¹⁹ High Commissioner for Human Rights, Press release, Geneva, 6 November 2006.
- ¹²⁰ High Commissioner for Human Rights, Press release, Geneva, 6 November 2006.
- ¹²¹ Press Statement by High Commissioner for Human Rights on Conclusion of her visit to Sri Lanka, Colombo, 13 October 2007. See also Address of the High Commissioner for Human Rights to the Human Rights Council, 2nd session, 18 September 2006 and CCPR/CO/79/LKA, para 10.
- ¹²² Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 51. See also para. 77.
- ¹²³ CCPR/CO/79/LKA, para 9.
- ¹²⁴ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 59. See also Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.1, page. 221-224
- ¹²⁵ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 34.

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- ¹²⁶ Special Rapporteur on the sale of children, E/CN.4/2006/67/Add.1, para. 131
- ¹²⁷ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 36.
- ¹²⁸ CAT/C/LKA/CO/2, para 15.
- ¹²⁹ Letter of 21 November 2007 by the Rapporteur for follow-up on conclusions and recommendations of CAT, http://www2.ohchr.org/english/bodies/cat/docs/35SriLanka_reminder280208.pdf
- ¹³⁰ See also Working Group on enforced or involuntary disappearances, A/HRC/7/2, para. 345 and CCPR/CO/79/LKA, para 10.
- ¹³¹ UNICEF submission to the UPR on Sri Lanka, p. 3.
- ¹³² CAT/C/LKA/CO/2, para 8.
- ¹³³ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 78.
- ¹³⁴ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 92.
- ¹³⁵ HR Committee adopted its views on 31 March 2005.
- ¹³⁶ A/62/40 (Vol. I)
- ¹³⁷ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 40.
- ¹³⁸ Working Group on Arbitrary Detention, E/CN.4/2006/7/Add.1, page 33-36.
- ¹³⁹ CAT/C/LKA/CO/2, para 16.
- ¹⁴⁰ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 65.
- ¹⁴¹ CRC/C/15/Add.207, para 51.
- ¹⁴² UNICEF submission to the UPR on Sri Lanka, p. 2.
- ¹⁴³ Special Rapporteur on freedom of religion, E/CN.4/2006/5/Add.3, para. 109.
- ¹⁴⁴ Special Rapporteur on freedom of religion, E/CN.4/2006/5/Add.3, para. 121.
- ¹⁴⁵ Special Rapporteur on freedom of religion, E/CN.4/2006/5/Add.3, para. 122.
- ¹⁴⁶ CCPR/CO/79/LKA, para 17.
- ¹⁴⁷ CCPR/CO/79/LKA, para 18.
- ¹⁴⁸ SRSG on HRD, E/CN.4/2006/95/Add.5, para. 1480.
- ¹⁴⁹ A/57/38 (Part I), para 278-279.
- ¹⁵⁰ United Nations Common Country Assessment on Sri Lanka, 2006, p. 5, available at <http://www.undg.org/docs/7622/Final%20CCA%20October%202006.zip> (accessed on 25 February 2008).
- ¹⁵¹ E/C.12/1/Add.24, para 17
- ¹⁵² A/57/38 (Part I), para 290.
- ¹⁵³ CRC/C/15/Add.207, para 49.
- ¹⁵⁴ E/C.12/1/Add.24, para 4.
- ¹⁵⁵ E/C.12/1/Add.24, para 15.
- ¹⁵⁶ UNICEF submission to the UPR on Sri Lanka, p. 5.
- ¹⁵⁷ CCPR/CO/79/LKA, para 12.
- ¹⁵⁸ UN RSG on IDPs, Press Release: "UN expert emphasizes sustainable and durable solutions for Sri Lanka's internally displaced persons", 27 December 2007.
- ¹⁵⁹ UNICEF submission to the UPR on Sri Lanka, p. 4. See also, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007, S/2007/758.
- ¹⁶⁰ CRC/C/15/Add.207, para 42-43.
- ¹⁶¹ UNESCO, Education For All Global Monitoring Report 2005, Paris, 2004, p. 53.
- ¹⁶² UNICEF submissions to the UPR, p. 4.
- ¹⁶³ United Nations Common Country Assessment on Sri Lanka, 2006, p. 15, available at <http://www.undg.org/docs/7622/Final%20CCA%20October%202006.zip> (accessed on 25 February 2008).
- ¹⁶⁴ A/57/38 (PART I), para 292-293.
- ¹⁶⁵ UNHCR, Global Appeal Report 2008-2009, Strategies and Programmes, Geneva, 2007, p. 237-238.
- ¹⁶⁶ UN RSG on IDPs, Press Release: "UN expert emphasizes sustainable and durable solutions for Sri Lanka's internally displaced persons", 27 December 2007.
- ¹⁶⁷ CCPR/CO/79/LKA, para 13.
- ¹⁶⁸ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 13.
- ¹⁶⁹ CAT/C/LKA/CO/2, para 4
- ¹⁷⁰ A/56/18, para 323; A/57/38 (Part I), para 273; CRC/C/15/Add.207, para 3 and 8.
- ¹⁷¹ Press Statement by High Commissioner for Human Rights on Conclusion of her visit to Sri Lanka, Colombo, 13 October 2007
- ¹⁷² UNICEF submission to the UPR on Sri Lanka, p. 4.
- ¹⁷³ United Nations Development Assistance Framework (UNDAF) – Sri Lanka 2008-2012, p. 4, available at <http://www.undg.org/docs/8494/UNDAF-2007.pdf>.
- ¹⁷⁴ Sri Lanka's voluntary pledge submitted in support of its candidacy to the membership of the HRC, New York, 10 April 2006, pp. 2-3 accessible at: <http://www.un.org/ga/60/elect/hrc/srilanka.pdf>

¹⁷⁵ In the original document CAT make reference to recommendations contained in paragraphs 6, 7, 8, 11, 12 and 15 of its concluding observations, para 21.

¹⁷⁶ Letter of 21 November 2007 by the Rapporteur for follow-up on conclusions and recommendations of CAT, http://www2.ohchr.org/english/bodies/cat/docs/35SriLanka_reminder280208.pdf, sent in response to CAT/C/LKA/CO/2/Add.1, 22 November 2006.

¹⁷⁷ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 94.

¹⁷⁸ Special Rapporteur on the question of torture, A/HRC/7/3/Add.6, para. 94 (y). See also, Special Rapporteur on summary executions, E/CN.4/2006/53/Add.5, para. 73.

¹⁷⁹ Annual Report HR Committee, A/62/40 (Vol. I).

¹⁸⁰ A/62/40 (Vol. I).

¹⁸¹ CCPR/CO/79/LKA/Add.1

¹⁸² Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 71-73.

¹⁸³ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 74. See also para. 75.

¹⁸⁴ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.5, para. 76. See also 77-79.

¹⁸⁵ Special Rapporteur on summary executions, E/CN.4/2006/53/Add.5, para. 84

¹⁸⁶ Special Rapporteur on summary executions, E/CN.4/2006/53/Add.5, para. 85

¹⁸⁷ Special Rapporteur on summary executions, E/CN.4/2006/53/Add.5, para. 86

¹⁸⁸ United Nations Development Assistance Framework (UNDAF) –Sri Lanka 2008-2012, pp. 5-7, available at <http://www.undg.org/docs/8494/UNDAF-2007.pdf>.

¹⁸⁹ United Nations Development Assistance Framework (UNDAF) –Sri Lanka 2008-2012, pp. 5-7, available at <http://www.undg.org/docs/8494/UNDAF-2007.pdf>.

¹⁹⁰ UNICEF submission to the UPR on Sri Lanka, pp. 5-6.