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SRI LANKA

Statement by
Hon. Mahinda Samarasinghe,
Minister of Disaster Management and Human Rights
at the
High-Level Segment of the
7th Session of the UN Human Rights Council
Geneva, 3 March 2008

Permanent Mission of Sri Lanka to the UN, Geneva

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Mr. President,
Distinguished delegates,
Ladies and Gentlemen,

At the outset, let me congratulate you, Mr. President, on your able leadership and the professionalism with which you have guided the early, and sometimes challenging, years of this Council to meet the expectations of all peoples and nations in the world. My delegation assures you our full cooperation and constructive engagement at all levels in bringing the work of this Seventh Session to a successful conclusion.

Mr. President,

Sri Lanka is today facing a number of critical challenges.

Most important among these is the need to secure, guarantee and advance the rights all Sri Lankans to live in an environment free from fear and want, enabling them to achieve their full potential and to live in dignity. When I speak of all Sri Lankans, I speak of people who belong to every ethnic, linguistic, religious and cultural background, which makes up the rich and colourful mosaic that is the Sri Lankan nation.

The greatest impediment we face, in meeting this challenge, Mr. President, is the armed conflict forced upon us by a separatist terrorism that seeks to sow the seeds of discord, mayhem and disunity amongst our people and to dismember our nation. We note that the Sri Lanka monitoring Mission has ruled 3,830 violations by the LTTE in five years while a cease-fire agreement was meant to be in force – representing well over 90 per cent of all the determined violations.

The Government of Sri Lanka therefore stands firm in its unwavering determination to continue to oppose the use of terrorism as a means of achieving political gains. We are, Mr. President, equally firm in our resolve to uphold the sovereignty and territorial integrity of the country while, at the same time, preserving the fundamental freedoms of all.

Mr. President,

The Sri Lankan polity has been dominated for a quarter of a century by an ethnic issue, which requires a political solution as a means to resolve our problems; not terrorism.

This is why, Mr. President, while we continue our fight against terrorism, we also endeavour to find a sustainable political solution acceptable to all. This solution must not only guarantee social equity and fundamental freedoms but also empower every citizen through power sharing; bringing government closer to the people.

The All Party Representatives Committee (APRC) launched by President Rajapakse is tasked with formulating a comprehensive set of proposals to resolve the ethnic issue. On the eve of the 60th Anniversary of our independence on 4 February, this Committee recommended several key measures for expansion of language rights and for the full implementation of the 13th Amendment to the Constitution, enacted in 1987, which provided for far-reaching devolution measures to the Provinces. These measures have been welcomed by India, which assisted in the initial development of the power sharing arrangement via the Indo-Lanka Accord, and also by other friendly nations, as representing a valuable first step in the process of securing sustainable peace.

Now that the Eastern Province is freed from the clutches of the separatist terrorists, we are able to reinvigorate the democratic institutions at provincial and local levels. This is especially significant as the Eastern Province is one in which all three communities are represented.

Given the willingness of political actors in this Province to engage in the electoral process, and in the institutions of representative democracy, the Government of Sri Lanka strongly believes that the proposal to implement the 13th Amendment is all the more important. Subsequent to the abrogation of the 2002 cease-fire, Sri Lanka has been able to proceed with such a measure, which has been welcomed by several Tamil political parties that had eschewed violence and joined the democratic process but been left out of discussions because of the polarising nature of the Cease-Fire Agreement as initially negotiated.

As a first step towards the implementation of police powers under the 13th Amendment, the first induction of 175 persons of Tamil ethnic origin, including 50 women, into the police service in the Eastern Province took place recently and 400 more police officers of Tamil origin are to be recruited shortly. The people recruited are from the local area; they speak the local language and come from similar communities that they serve. The principle of recruitment of officers of Tamil ethnic origin underlines the Government's commitment to ensure that police officers deployed in these areas can communicate with the local community and thereby better fulfil their responsibilities.

Mr. President, Language has been one of the most important issues underlying the ethnic problem. The Government has taken concerted action to ensure language rights in accordance with Constitutional obligations. The Sri Lankan legislature recently enacted the National Institute of Language Education and Training Act which puts in place a framework for structured training, research and archiving and dissemination of information relating to language training. The Government has also adopted administrative measures that will encourage the acquisition of bi-lingual skills by all sectors in public service, particularly in the Police service. With regard to training of the Police, I may also mention that the Inter Ministerial Committee on Human Rights is engaged in an effort to develop better training for Police officers on human rights law. We are also looking at the enhancement of human rights education in the secondary school system.

Mr. President,

We were pleased to have welcomed the High Commissioner for Human Rights Louise Arbour, Under Secretary-General for Humanitarian Affairs Sir John Holmes, the Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons Walter Kälin and the Special Rapporteur on Torture Manfred Nowak to our shores during the second half of 2007, as a part of our sustained policy of open and constructive engagement with the international human rights mechanisms which was reflected in key pledges made during our successful campaign for the membership of this august body in 2006. Furthermore, just last week we facilitated the visit of Angela Kane, UN Assistant Secretary-General for Political Affairs, to Sri Lanka. Several other requests for visits have also been made – these will also be considered and facilitated in due course and will further demonstrate our commitment to continuing dialogue.

These high-level UN dignitaries have acknowledged that the Government facilitated their visits and that they were provided with access to sites and people in the North and East of Sri Lanka. Whenever requests were made for confidential meetings, the Government also facilitated such requests. We are currently engaged in a process of reviewing and prioritising the several recommendations made by these high-level dignitaries. We will then coordinate, facilitate and support the necessary capacity building, training and reforms needed to resolutely tackle the outstanding issues identified by these visitors. We have canvassed the support of UN agencies in Sri Lanka to complement Government efforts in this regard. We are firmly committed to fully implementing all constructive recommendations that can realistically be fulfilled.

Our openness to fair and objective scrutiny on human rights has been exemplified, Mr. President, by our continued engagement with UN special procedures. My own visits to Geneva have given me the opportunity to conduct an on-going dialogue with regional groups and interested parties on developments in Sri Lanka. We are also opening ourselves up to the Universal Periodic Review process in May when we will candidly discuss the underlying realities we face in the context of guaranteeing human rights while engaging in a conflict against a ruthless and increasingly desperate adversary.

As highlighted earlier, let me stress the fundamental principle upon which we engage and cooperate with international actors both in and outside this Council. We do not hold ourselves above criticism from well meaning and genuine friends and partners; when such constructive criticism is made in order to further promote the democratic values and fundamental freedoms that the people of Sri Lanka have upheld for the last six decades of our independence. What we do not, however, welcome are efforts to denigrate and weaken us in the eyes of the international community to achieve propaganda gains and to fulfil narrow politically motivated objectives.

Furthermore, Mr. President, we do not believe in the imposition of external structures, which could undermine the very democratic national institutional framework upon which any national human rights promotion and protection system should be founded. Any effort, therefore, by this Council in the promotion and protection of human rights should be based on the primary aim of assisting and facilitating the strengthening and capacity-building of national institutions of States, which seek such assistance in good faith, and in accordance with their needs and priorities.

Mr. President,

With regard to several legislative measures we have initiated recently, perhaps the most important is our on-going effort to strengthen the legal framework of the Human Rights Commission of Sri Lanka through the modality of a Parliamentary Select Committee. The strengthening of the Human Rights Commission in order to enable it to fulfil its recently published Strategic Plan is of the highest priority. We also believe that the expansion of its regional network, staffing and training of its officers deserves the attention of our international partners. This Parliamentary Select Committee will also inquire into the sphere of post-enactment judicial review of legislation which would contribute further to the protection of human rights. We hope to accomplish these measures in the coming months.

The fundamental rights guaranteed in our Constitution, as well as other laws that protect and promote human rights, have been supplemented by legislative incorporation of certain rights under the ICCPR.

Mr President, in the context of on-going investigations into alleged violations of human rights, the Government has now approved a draft law on the protection of witnesses to and victims of crime and has taken the decision to bring this important bill as an urgent bill before Parliament. There was a consultative process in the formulation of this bill, including consultations with civil society. Useful suggestions made by the International Independent Group of Eminent Persons (IIGEP) in respect of the bill have also been incorporated. We expect that with the passage of this bill, public confidence in the law enforcement process will be enhanced resulting in greater participation in investigations and prosecutions.

There is also an on-gong process of drafting a new Constitutional Bill of Rights through a deliberative process involving government and civil society actors. The proposed Bill, which is being drafted, will be mindful of international obligations not only under civil and political rights but also economic, social and cultural rights.

We have recently amended the Commissions of Inquiry Act to enable Commissions such as the Presidential Commission of Inquiry appointed to inquire into a selected number of alleged serious violations of human rights, to function with greater ease and also to be able to expeditiously complete their mandates. The Commission is proceeding apace with inquiries into three high profile cases.

Intensive investigations and inquiries by the Commission have achieved a fair degree of progress under the scrutiny of the International Independent Group of Eminent Persons. This very day sees the commencement of public inquiries before the Commission into the deplorable incident in which 17 young aid workers of *Action Contre La Faim* lost their lives. Investigations are nearing completion and we expect an outcome that upholds the principles of justice once the Commission completes its deliberations. The public inquiry into the killing of five youths in Trincomalee, commenced in January. Arrangements have been made to record video evidence of witnesses who are overseas. Investigations are underway into the massacre of 10 Muslim civilians in Pottuvil in the East and also other incidents within the Commission's mandate. Allegations of impunity, made by certain vested interests, against Government forces, are therefore, Mr. President, premature and ill-conceived.

Mr. President,

My Ministry is, at present, engaged in a discussion with the UNDP and the Senior Human Rights Advisor to the UN Country Team on future cooperation between the UN and the Government of Sri Lanka. The main thrust of this initiative is to formulate a National Plan of Action on the Promotion and Protection of Human Rights as envisaged in the Vienna Declaration and Programme of Action.

We anticipate that the proposed Plan of Action will be able to address the existing gaps in order to build a stronger national protection framework in the further promotion and protection of human rights in the country.

In addition to the UN mechanisms, my Ministry also interacts with several other international organisations and a range of bilateral partners to improve good governance and human rights protection system. For instance, recently the Inter Parliamentary Union sent a high-level team to Sri Lanka, which recommended the establishment within Parliament of a series of multi-partisan oversight committees. The envisaged committees would be tasked with in-depth investigation of issues within their specific thematic mandates. I am pleased to announce that the Government is in agreement with the setting up of a Parliamentary Committee on Human Rights, Rule of Law and Humanitarian Issues. The Government will be taking steps with the assistance of the Inter Parliamentary Union to discuss this proposal with other political party leaders in Parliament. When implemented, this committee, which will include opposition Members of Parliament, can act as an influential oversight body.

With regard to the vexed and seemingly intractable problem of children and armed conflict, let me assure you Mr. President and this Council that we are working actively and constructively to fully implement the recommendations of the Security Council Working Group and the Special Representative, complemented by our own Treaty obligations as a Party to both CRC and its relevant Optional Protocol.

Our well-established zero tolerance policy encompasses not only preventive measures but also larger and more complex issues of rehabilitation and reintegration. Sri Lanka was one of the first countries to set up a National Task Force, as required by SC resolution 1612 and I have also appointed a high-level committee that will probe allegations relating to abduction of children for use in armed conflict, as well as to implement plans for rehabilitation and reintegration. Just last week, Mr. President, a senior Sri Lankan delegation engaged in an open dialogue on progress achieved so far with the SC Working Group on Children and Armed Conflict in New York.

Mr. President,

As you aware, one the biggest consequences of the conflict is the displacement of people. I personally chair a number of forums tasked with developing national policy, and coordinating humanitarian efforts to provide internally displaced persons with relief, shelter and a means to recovery, including eventual resettlement. I can report that to date we have successfully resettled approximately 120,000 IDPs in the East. We are now focused on economic recovery, livelihood development and infrastructure projects to ensure that return is sustainable. We look to our international partners to assist us in this regard and appreciate the assistance and cooperation received so far. The Government has, in partnership with UNHCR, developed a comprehensive strategy on confidence-building and stabilisation measures, which we feel, will assist in overcoming challenges in the post-return phase and ensure sustainability of resettlement by restoring confidence amongst and between former displaced and host communities.

Against the above mentioned backdrop Mr. President, Sri Lanka is proud to announce its candidature for the continued presence in this Council at the forthcoming elections to be held in New York in May. We have made concerted efforts to fulfil in good faith the pledges we made during our successful campaign in 2006. I am proud to point-out that the Ambassador and Permanent Representative of Sri Lanka in Geneva is presently holding one of the Vice Presidencies of this Council and let me assure you Mr. President that we will continue to contribute to the effective fulfilment of the mandate of this august body. We will also continue our efforts to further undertake measures at national and international level in the continued promotion and protection of human rights in Sri Lanka as well at international level, in the sprit of cooperation and constructive engagement.

I wish to inform you that my Ministry will launch a national human rights awareness campaign to commemorate the 60th Anniversary of the Universal Declaration of Human Rights. Sri Lanka is also pleased to be one of the co-sponsors of the resolution initiated by the delegation of Brazil and adopted by consensus at the last session of this Council on the elaboration of human rights voluntary goals to be launched on the occasion of the celebration of the 60th Anniversary of the UDHR in December 2008.

Mr. President,

Securing an environment of peace, prosperity and thereby creating a better future for all Sri Lankans, while guaranteeing their fundamental freedoms within a multi-ethnic, multicultural, multi-religious and multi-lingual nation, is our main goal. I hope therefore that all our international partners will assist the Government of President Mahinda Rajapakse to achieve this goal.

Despite all our efforts which I have just described, we regret one or two statements made here, that fly in the face of all concrete evidence, that the situation in Sri Lanka is deteriorating, when we have dealt more firmly with terrorism, with far less damage to civilians, than in any comparative situation.

Mr. President,

Sri Lanka may be a small country, but nevertheless it is a country that is proud of its heritage and democratic values which it has upheld and continues to uphold under extreme adversity. We will not be pressurized by subjective criticism, however powerful the source may be, which seems influenced by parochial agendas. If similar energies and anxieties were directed towards the LTTE as the energies and anxieties displayed vis-à-vis Sri Lanka, Mr. President, it will greatly precipitate the realization of a durable and lasting solution. Sri Lanka knows that we can count on our many friends in this Council who understand and appreciate the complexities of the situation we face, and the progress we are making in putting an end to terrorism and uniting our people.

Thank you, Mr. President!