

**Human Rights Council**

**Universal Periodic Review (UPR)**  
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**Democratic Socialist Republic of Sri Lanka**

**Joint Stakeholders' Submission on:**

**Human Rights Situation in Sri Lanka**

**Submitted by:**

**Franciscans International (FI)**

**Marist International Solidarity Foundation (FMSI)**

**(NGOs in Consultative Status with ECOSOC)**

**Geneva, 23 April 2012**

1. This stakeholders' report is a joint submission of Franciscans International (FI) and Marist International Solidarity Foundation (FMSI). The report highlights key concerns related to: **1) Internally Displaced Persons (IDPs); 2) peace and reconciliation; 3) urban slums and adequate standards of living; 4) domestic and migrant workers and trafficking in persons; 5) the rights of the child; and 6) the rights of persons with disabilities.**

2. FI is a faith-based International Non-Governmental Organization (INGO) in General Consultative Status with the United Nations Economic and Social Council. It was founded in 1982 to bring to the UN the concerns of the most vulnerable.

3. FMSI is a faith-based International Non-Governmental Organization (NGO) in Special Consultative Status with the United Nations Economic and Social Council. This NGO has a special focus on promoting the rights of children. The Organization was established in 2007 in Italy as a Not-for-Profit Organization with a Social Purpose (FMSI-ONLUS) and has a presence in eighty countries.

## **I. Internally Displaced Persons**

### **Background**

4. In 2008, the Government of Sri Lanka accepted the UPR recommendation to ensure the return and restitution of the housing and lands of IDPs.<sup>i</sup> Sri Lanka also agreed to ensure the protection and safety of IDPs while safeguarding the right to return and to restitution<sup>ii</sup>. However, the situation regarding IDPs continues to be a concern, especially with regards to the resettlement scheme, essential social services, housing, health care, food, maternal and child malnutrition, physical security of IDPs, access to livelihoods and restrictions imposed by the authorities.

### **Current Challenges**

5. We recognize that the Government has made efforts to address IDP issues. However, there are concerns regarding the absence of clear policy development and the implementation of welfare, return, relocations and resettlement of IDPs. There is lack of transparent consultation with the affected populations and civil society organizations. As a result, some of the IDPs are claiming that they are forced to resettle in locations other than their place of origin. In certain cases, IDPs have been unable to visit their places of origin which are currently occupied by the state for military or economic purposes, or due to land mine contamination.

6. To date there are still around 120,000 IDPs who live either in camps, welfare centers or with host communities. The reason for ongoing displacement is the slow release of land for de-mining purposes, the occupation of vast tracts of land by the state for military and economic purposes, the low levels of infrastructural development in return areas and feelings of insecurity and lack of services and social welfare in return areas. The Government says that IDPs will cease to exist by the end of 2012. This claim is inconsistent with the ongoing occupation of 17.5 GN divisions in the Northern Province, as well as in Trincomalee, and as yet no timeframe has been established for the release and return of the land to its original occupants. The Government also fails to give adequate attention and resources to alternative solutions for those who do not wish to return, forcing them instead to accept current resettlement options.

7. The Government has proposed relocation to a new site in Thimbili, Kombavil for the remaining 5,000 IDPs in Menik Farm camp, despite the fact that the large majority of them do not want to relocate there. Instead, they would like to return to their places of origin as soon as possible. In the meantime, they would like to have the freedom to move in and out of Menik Farm without applying for passes and to receive visitors from outside. Families that had been relocated to Kombavil are now afraid that they have missed the opportunity to return to their places of origin. It is difficult for the IDPs to make a decision whether or not to accept the proposal from the Government since they are not

provided with full information about the possibility of returning to their homes. This resettlement policy is supposed to fulfill the Government's target before the end of 2012. It is alleged that the Government has also put pressure on these families and made commitments for assistance which have not yet been met.

8. While commending the construction of permanent houses for IDPs, we note that the progress to date has been slow. There are some other concerns regarding the distance between resettlement to schools and hospitals, as in the case of Thimbili, Kilvely GS division and Puthukudiyiruppu AGA division, Mullaittivu. The traditional livelihood of IDPs is not taken into account in deciding the resettlement area and small, elderly and landless families are not given equal consideration in the allocation of settlements.

9. The military is dominating the reconstruction of the Northern Province with an increased role in the local economic life, control of land, growing involvement in agricultural and commercial activities and heavy militarization of the province<sup>iii</sup>. The expansion of military control has created a situation of fear and insecurity among the people in the displaced communities.

10. Displaced communities have alleged that rather than their property being protected, it has been allowed to be looted and destroyed. As an example, this was reported across Mannar district including in Andankulam GN division, that even after the returnees saw their property, during their stay in transit locations the tiles, doors, window frames and other properties were taken from their houses. The military was also observed to be transporting sand out of return villages, taken from land where people's homes used to stand, The military in some cases rounded up boats, painted over the identifying marks and then re-distributed them.

11. The report of the *Lessons Learnt and Reconciliation Commission* (LLRC) has made concrete recommendations linked to the IDPs in Chapter 6: Observation and Recommendations on Land Issues: Return and Resettlement<sup>iv</sup>.

## **12. We recommend the Government of Sri Lanka to:**

1. Make the return of IDPs to their houses and lands a priority in compliance with international standards, otherwise provide them with adequate interim housing and facilitate their reintegration in the new resettlement areas;
2. Adopt necessary measures to safeguard the human rights of IDPs, including women and children, and provide full access to human rights and humanitarian organizations in assisting them;
3. Adopt a policy to establish stabilization measures within IDP host communities and ensure protection and security in IDP camps;
4. Provide information in the language understood by IDPs to reduce any sense of insecurity due to lack of information about various policies and ongoing plans for their resettlement;
5. Implement the recommendations of the *Lessons Learnt and Reconciliation Commission* (LLRC) with regards to IDPs, especially on the inalienable right to land<sup>v</sup> based on the bipartisan understanding that 'restitution of land to displaced persons in Wannai and Jaffna and persons who lost agricultural land in the Northern Province, and in the Eastern Province and homes in the Threatened Villages' is recognized as a national issue and would not be used as a tool by political parties<sup>vi</sup>.

## **II. Peace and Reconciliation**

### **Background**

13. In its UPR in 2008, the Government of Sri Lanka accepted recommendations and gave commitments with regards to peace and reconciliation, especially with regard to the eradication of discrimination against ethnic minorities in the full enjoyment of human rights,<sup>vii</sup> the implementation of

a bilingual policy for the security forces, police and public service,<sup>viii</sup> and the introduction and development of a human rights curriculum in the educational system to nurture a culture of human rights<sup>ix</sup>. Sri Lanka also gave a commitment to implement the 13<sup>th</sup> amendment to the Constitution<sup>x</sup>. LLRC reiterates that any credible and sustainable process of reconciliation requires the creation of an environment which respects, promotes and protects people's right to freely engage in observing their religion and other freedoms, including access to places of religious worships within the High Security Zones.<sup>xi</sup> The LLRC recognizes the marginalization felt by the Tamil people due to deficiencies in the implementation of the language policy. Therefore, LLRC recommends that Sinhala and Tamil languages should be made a compulsory part of the school curriculum. It has also pointed out that in order for Sri Lanka to be a trilingual nation by the year 2020, necessary budgetary provisions must be made available for teacher training as a priority.<sup>xii</sup>

### **Current Challenges**

14. Though identified as a priority, the adoption of the National Action Plan (NAP) on the Protection and Promotion of Human Rights 2011-2016<sup>xiii</sup> has fallen short of full and proper engagement of civil society groups. There was no concurrence of the civil society participants who were involved in the process of formulation.<sup>xiv</sup> Pledges were made to develop human rights machinery and capacity-building in its national institutions to implement the human rights instruments, such as the introduction of a human rights charter as a pledge in 2006. However, there seems to be no progress on this from the Government, including engagement of the public and all the relevant stakeholders in developing the charter.<sup>xv</sup>

15. As in March 2012, Sinhala Patriotic songs are played in the camps each morning and can be heard by the surrounding villages. The army is also present in all aspects of life such as religious ceremonies, commercial and agricultural activity, and even on the welcome signs in villages. They are also present in the newly established high security zones, where they conduct regular patrols after 6pm. At times the army has taken over the powers and functions of the police in the north. The Governors of North and East Provinces are retired army personnel appointed by the president, while the GA of Trincomalee district is a Navy officer. The Army's Civil Affairs Department continues to carry out the civil administration of the area. The Civil Administration in the north is not yet restored. The people in northern areas require permission from the army for any gathering or function. There is continued presence of security forces in all villages in the north. There has been an increase in the fortified camps of the armed forces which indicates an increase of militarization.

16. While commending the government's efforts to hold local elections in the north and east, the 13<sup>th</sup> amendment to the Constitution is not yet effectively implemented. The majority of people do not have adequate information regarding all the candidates in the appropriate language. Some candidates were not allowed to campaign. The local population could not express concerns regarding armed groups terrorizing and intimidating the civilians. Such conditions are not conducive to free and fair elections. Despite the complaint of the Chief Minister of the Eastern province that they have no powers in the administration of the province, one can note the reduced financial allocations for development of the provinces. In addition, Urban Development authorities are kept under the Defense Minister and most of the development plans are made by the Defense Secretary and Presidential Task Force. Together they control all development projects in the area. There is little consideration for the rule of law and its application as elected bodies have no decision-making powers.<sup>xvi</sup>

17. Even though Tamil is recognized as a national and official language of Sri Lanka, the people of the North and East provinces still face barriers in accessing services from public institutions. Sinhala is still used as the main language of communication in Tamil-speaking areas. This is against the Constitutional obligation to recognize the equal status of Sinhala and Tamil as official languages, with English as the link language.<sup>xvii</sup> Yet government departments and institutions in Tamil speaking areas do not receive letters, communications and information in Tamil. It has been further noted that in Colombo, while holding meetings for mixed groups of education officers and principals, all instructions

and communications are delivered in Sinhala only without any interpreter available. At public functions the National Anthem, announcements, police work, names of villages and road directions are very often carried out only in Sinhala.

**18. We recommend the Government of Sri Lanka to:**

1. Engage all relevant stakeholders in the implementation process of the NAP on Human Rights, and ensure that it is developed within a timeline with clearly delineated roles and responsibilities for each stakeholder in compliance with international human rights principles;
2. Engage all relevant stakeholders in the drafting of a Charter of Human Rights;
3. Take action to implement fully the 13<sup>th</sup> Amendment of the Constitution with a commitment to restore powers of administration to the proper civil authorities, including the restoration of responsibility for law and order to the police;
4. Withdraw the armed forces from all political appointments, civil administration and commercial activities in Northern and Eastern Provinces;
5. Ensure the use of Sinhalese and Tamil as the official languages in all public administrations, including in all public services;
6. Ensure the freedom of movement and the freedom of assembly for all citizens and remove the existing restrictions for human rights and humanitarian organizations to access and work in the conflict-affected areas.

**III. Urban Slums and Adequate Standard of Living**

**Background**

19. In the UPR in 2008, Sri Lanka made voluntary commitments to continue its development strategy which provides for social protection while promoting local values, people-oriented development<sup>xviii</sup> and respect for human rights.<sup>xix</sup> The government also stated that Free Education has provided people in rural areas and in socio-economically disadvantaged areas with greater access to employment, and that the overall aim of the national education policy is to ensure universal access to quality education. The adult literacy rate in the country is relatively high at 90.7 per cent. Education at primary and secondary level is free and compulsory throughout the country, and third level education is also free.

20. In spite of these commitments, the slum<sup>xx</sup> dwellers in Sri Lanka continue to live in poverty and their basic needs are not met. In 1975, during the Non Aligned Summit Conference, the slum dwellers living within the vicinity of Colombo Airport through to the Bandaranaike Conference Hall where the Non Aligned Summit Conference was held were removed and dumped in a swamp area in squalid conditions unfit for human habitation. Eviction was carried out with no prior notice. As of today, this unhealthy environment has grown into a densely populated slum area called 'Summitpura' in Colombo 15, and has become a breeding ground for corruption range of criminal activities, including drug dealing, prostitution, violence and contract killing.

21. Slum dwellers also include people who have drifted from villages to the city driven by utter poverty due to the lack of any means of livelihood. This is a result of inadequate development of agriculture and infrastructure as well as a lack of rural livelihoods outside the agricultural sector. Rather than making much needed rural investment, the Government supports big business in the form of fertilizer companies according to whose instructions the Irrigation Department controls the water supply to the farmers and provides only for a limited period which is inadequate for the control of weeds so farmers are compelled to purchase weedicides from the fertilizer companies. These slum dwellers face multiple displacements due to the Government's development plans. They are of diverse ethnicities and religions and represent the various languages spoken in Sri Lanka.

**Current Challenges**

22. The Government has failed to provide for the basic needs of the people living in the slums. As a consequence, children living in the slums drop out of school at very early stages and become

labourers along with their parents working in whole-wale market, fish markets, tea packing factories and as domestic workers. The basic human rights of these people to housing, education, health and sanitation, security, economic and social rights are being neglected. They have documents to prove their residency in these slum dwellings. Some of our members have been in contact with these people for more than ten years.

23. In 2008, the slum dwellers in Colombo 2 (Slave Island) were evicted with assurances of better housing in Colombo 9 and put in temporary shelters in Colombo 15. Only those who were able to pay Sri Lankan Rs. 200,000 were given flats in Dematagoda Colombo 9. This was intimated to them only after they were evicted and resettled. The rest still remain in temporary shelters and shanty houses in Colombo 15, near the Kelaniya Bridge, left to fend for themselves and in a worse situation than before. Slum dwellers in Colombo 15, Dematagoda Colombo 9, Kolonnawa and in many other areas have been given verbal notices since October 2011 to vacate the land for development projects for Colombo's improvement with promises of better living conditions. However, there is no further written information provided to the slum dwellers and no ministry or officials have conducted any public hearing for these people and their housing needs.

**24. We recommend the Government of Sri Lanka to:**

1. Settle the existing slum dwellers and those previously evicted with proper adequate and accessible facilities for housing, health, education and means for income generation;
2. Adopt a policy for sustainable and participatory development of urban as well as rural areas in both industrial and agricultural sectors so as to prevent drifting of rural folk to the urban areas.

**IV. Domestic and Migrant Workers and Trafficking**

**Background**

25. In the UPR in 2008, the Government of Sri Lanka accepted the recommendation to enter into further agreement with host countries of its migrant workers.<sup>xxi</sup> In this regard, we commend the adoption of the National Labour Migration Policy for Sri Lanka in 2009 which aims to develop a long-term vision on labour migration, minimize the negative impact and work towards the fulfillment and protection of all human and labour rights of migrants. With regard to the voting rights of migrant workers, the Sri Lankan Constitution guarantees<sup>xxii</sup> that all citizens over the age of 18 years are entitled to voting rights. The 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which was ratified by Sri Lanka in 1996, provides for the right of migrant workers and members of their families to participate in public affairs in their State of origin. Sri Lanka also gave a commitment to address human rights violations related to trafficking<sup>xxiii</sup>.

**Current Challenges**

26. There is a 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 has also noted that there is exploitation by recruiting agents/sub-agents and the existence of poor working conditions. Women in particular are increasingly vulnerable when they migrate and are subject to abuse and sometimes killed. Women are frequently trafficked into the Gulf countries and they do not even have basic migrant workers' rights. Women employees in Free Trade Zones are often compelled to work overtime without consent and suffer from physical stress due to the intensity of the work which affects their ability.

27. We draw the attention of the Government of Sri Lanka to the situation of Sri Lankan migrant workers in the Gulf countries. In 2005, a young girl, Rizana Nafeek aged 17 years, went to Saudi Arabia to work as a domestic worker. Three months later the baby under her care choked while she was feeding it. In June 2007, she was sentenced to death. All efforts nationally and internationally

were made to obtain a pardon for her, but failed. She now remains in prison awaiting the death sentence. Rizana was alleged to be a victim of trafficking. The agent who was responsible for her trafficking was identified and arrested under the Criminal Investigation Branch of the Police in August 15, 2011. He was sentenced to only two years in prison, while she was given a death sentence.

**28. We recommend the Government of Sri Lanka to:**

1. Ratify immediately the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
2. Ratify and implement ILO Convention No. 189 on Decent work for domestic workers;
3. Take measures to effectively implement the National Labour Migration Policy and include the rights of domestic and migrant workers in the National Plan of Action on Human Rights;
4. Engage in bilateral talks and agreements with countries hosting its migrant workers and provide uniform support and services to them all, especially to women workers, and provide financial compensation when domestic migrant workers' rights are breached;
5. Adopt legislation to give the voting rights for overseas and domestic migrant workers, upholding their right to participate in free and fair elections.

**V. Rights of the Child**

**Background**

29. During the UPR in 2008, Sri Lanka undertook a voluntary commitment to continue to take steps to safeguard and advance the rights of children through national mechanisms such as the National Child Protection Authority and the Ministry of Child Development and Women's Empowerment, and actively support international agencies providing such assistance<sup>xxiv</sup>. The Government of Sri Lanka has the important responsibility to revitalize its 'free education for all' policy. Many years of war has impacted on the education curriculum and infrastructure especially in the Northern and Eastern regions. Improving school infrastructure, basic school supplies, adequate teacher training and well paid teachers will create interest in teaching and learning and enhance school performance. Special attention should be given to underprivileged children in both city slums and rural schools which are gravely affected by lack of resources. In a post-war period, displacement, poverty and mobility have affected the education of children. This would require financial incentives to enable displaced poor families to send their children to school.

*Children's Education*

30. 'Education for all' is a promise made by all political parties who aspire to form a government in Sri Lanka. However despite the political manifestoes and the commitments made towards children's rights, the reality in the country is a lack of equal opportunities, availability and acceptability in quality education for those in rural and remote areas.

31. The schools in the cities are generally more privileged in infrastructures and resources than in the rural locations. Children in rural areas suffer from low quality of education where some teachers are more concerned about their personal and professional improvement by applying for a position in a city school rather than focusing on their classes. Additionally, due to the highly competitive nature of the education system, parents are obliged engage extra-help in the form of extra-tuitions. As result, the children are deprived of their right to "rest, leisure and play" (article 31, CRC).

32. There is a lack of a visionary planning, implementation and stability within the education system in Sri Lanka, because every time there is a change in the government with a new minister of education, changes are carried out to the existing educational system. This results in the children facing several changes in the system during their schooling career and they develop a lack of interest in learning due to these changing education patterns. While free education up to the university level is offered by the government, in reality children do not enjoy its benefits due to the various disruptions they endure.

33. The impact of the war on children from Northern and Eastern provinces continues to impact the little ones with post-traumatic stress disorders. These Post-Traumatic Stress Disorders (PTSDs) are hampering the children's normal mental growth, experiencing fear in situation of darkness, especially when alone, suffering from nightmares and disturbance during sleep, they are very easily startled and frightened at the sound of fire crackers or the sight of a helicopter, coupled with lack of concentration. There is very little help provided for these children to help them.

**34. We urge the Government of Sri Lanka to:**

1. Develop a consistent National Education Policy (NEP) to address the challenges and changing needs in providing quality education which includes infrastructure and human resources, especially in the rural areas and areas affected by the conflicts, along with financial incentives for poor families to send their children to school;
2. Ensure school teachers are well-trained and well paid in both rural and city schools;
3. Implement the Lessons Learnt and Reconciliation Commission (LLRC) recommendations made towards Children, especially in their education and in providing schools, teachers, school supplies, financial and other forms of support;
4. Provide medical support to children suffering Post-Traumatic Stress Disorders, the consequence of armed conflicts.

*Child Sexual Abuse*

35. We are gravely concerned about the increasing cases of child sexual abuse in Sri Lanka. Report from the National Child Protection Authority indicates that nearly 20% of boys and 10% of girls are sexually abused in their own homes at the hands of parents, relatives and in schools. Sexual abuse is attributed to reasons such as: the absence of mothers from home because they working abroad, lack of sex education, proliferation of pornography on the internet and, media, tourism, prostitution, alcohol or drug addiction and stress.

36. The low level of child protection, high level of family fragmentation and strong promotion of tourism have contributed to the growth of an industry that has resulted in the sexual exploitation of children. In Sri Lanka, the exploitation of boys appears to be greater than that of girls, and the majority of boys being exploited in prostitution serve the tourism industry. Yet child sexual abuse is not discussed openly. Girls are blamed for being 'loose' or having unreliable parents, and boys who are abused are generally ignored. Families are reluctant to report their children's sexual abuse because of shame, reluctance to get involved in court proceedings or pressure from influential people to ignore the offence.

37. We are concerned that in spite of rampant sexual exploitation of children, there is scanty information available on sex abuses in this post-war period. This makes it difficult to assess what achievement Sri Lanka has made in combating child sexual abuse and what challenges it still faces. Formal research outside academia has been scarce and of mixed quality. Relatively little research has been conducted, and most of it is not recent. In spite of efforts by the Sri Lankan Tourist Board in collaboration with UNICEF, to launch a zero tolerance policy action plan against child sex tourism, not much has been achieved.

**38. We urge the Government of Sri Lanka to:**

1. Conduct a comprehensive reporting and recording system for child sexual abuse cases to facilitate the protection of children against sexual abuse in all its forms.
2. Protect children who report being abused and ensure the prosecution of abusers, and establish rehabilitation programmes for both victims and offenders



3. Introduce campaigns against child-sex tourists; launch national programmes that draw attention to child sexual abuse, and train medical staff, law enforcement officials, lawyers and judges in proper handling of victims of sexual abuse or exploitation.

#### *Physical abuse*

39. Although corporal punishment is prohibited in the education Circular No. 11/2001 of 30 March 2001<sup>xxv</sup> the legislation has not been amended accordingly. The incidence of the physical abuse of children in Sri Lanka occurs in multiple situations: at home and by parents as a form of punishment to the child for something they have done wrong; by a parent under the influence of alcohol and by parents who vent their frustration and anger on the child. At school corporal punishment is commonly carried as a corrective measure.

40. In the South Asia Forum for ending violence against children, the Commissioner of the Probation and Child Care Services of Sri Lanka stated that physical abuse was the type mostly commonly seen in Sri Lanka and while it did not belong to one particular ethnic group, it was seen mostly within families faced with internal conflict and low social and economic background.

#### **41. We urge the Sri Lanka Government to:**

1. Put an end to corporal punishment and find alternative corrective measures that promote respect and the dignity of the child;
2. Encourage the reporting of physical abuse cases and ensure they are investigated and offenders prosecuted.
3. Implement without delay General Comment No. 8 of the Committee on the Rights of the Child, relating to corporal punishment (para.42)

#### *Post Traumatic Stress Disorders*

42. Three decades of ethnic conflict in Sri Lanka is noticeable in the prevalence of psychological illness among people in the Northern and Eastern regions. The Tsunami in 2004 has also traumatized the inhabitants of the Southern coastal belt and the Eastern region. The effect of these incidences is seen in children, adults, families, and in the communities. Epidemiological surveys show that civilians have experienced widespread trauma displaying high levels of anxiety, fear, depression, Post-traumatic Stress Disorder (PTSD), relationship problems, alcohol, drug abuse and suicide. At the community level, the cumulative effect of war is collective trauma, with a general tendency to mistrust, dependence, silence, withdrawal, passivity, and lack of motivation. Socially, there is evidence of deterioration in values and ethics with marked increases in child abuse, violence against women, crime, and brutalization.

43. We are concerned that post conflict programmes do not give priority to psychological assistance to children, who are most severely affected by the conflict. As a state party to CRC, Sri Lanka is bound to promote the physical and psychological recovery and social integration of children who have been victims of any form of neglect, violence, exploitation, torture or any other degrading treatment or punishment. There is the need to promote the physical and psychological recovery and social integration of these traumatized.

#### **44. We urge the Sri Lanka Government to:**

1. Acknowledge that Post Traumatic Stress resulting from the conflict is a significant problem and collaborate with NGOs, religious leaders, therapists, family and friends to facilitate the psychological, mental and spiritual recovery of children and their reintegration into society.
2. Prioritize children's needs in any long term national reconciliation process and ensure children's needs are taken into consideration during the process.
3. Pay particular attention to most vulnerable children in displacement camps.

## **VI. Rights of the People with Disability**

### **Background**

45. During the UPR 2008, Sri Lanka made the voluntary commitment to “Uphold the rights of persons with disabilities in conformity with the principles of the Convention on the Rights of persons with Disabilities. Measures will also be taken to rescue the rights of persons with mental disabilities.”<sup>xxvi</sup>

### **Current Challenges**

46. The Government of Sri Lanka has formed and created many protective, empowering and uplifting measurements<sup>xxvii</sup> for Persons with Disabilities (PWD) in Sri Lanka, but there are limitations and ineffectiveness in the practical situations. The government has signed the Convention on Rights of Persons with Disabilities (30 Mar 2007) but it has not been ratified.

47. The government has planned many supportive programmes<sup>xxviii</sup> for the PWDs in the country. Most of the PWDs receive assistance from the Government as PMA assistance. However, many programmes remain unknown to PWDs and some are not yet implemented.<sup>xxix</sup> In fact each programme concentrates on a selected number of people. The multiplicity of programmes does not address the whole of PWDs cohesively. As well, many PWDs are not aware of the programmes planned/implemented by the civil authorities in the Districts of Kilinochchi, Mullaitivu and Vavuniya.

48. Although the government has passed an extra-ordinary gazette<sup>xxx</sup> in the Parliament, the practical implications are not yet evident. Most government buildings<sup>xxxi</sup> and administration centres remain without proper measures taken for the PWDs’ accessibility, especially in the North and East. Public transportation is not disability-friendly.

49. It is evident that most of the children with mental disabilities still remain without proper effective Government programmes. The districts of Kilinochchi and Mullaitivu do not have any schools for special-needs children. There are no programmes to support the special-needs children or disturbed persons in these two districts.<sup>xxxii</sup> The district hospitals of Vanni area do not have the capacity or facilities to give assistance to special-needs children’s health requirements.

### **50. We recommend the Government of Sri Lanka to:**

1. Ratify immediately the UN Convention on the Rights of Persons with disabilities;
2. Adopt a national policy and action plan for persons with disabilities without racial, provincial or linguistic discrimination;
3. Provide adequate infrastructures and facilities in public buildings for persons with disabilities, especially in the North and East provinces.

<sup>i</sup> A/HRC/8/46, Conclusion and Recommendation para 82.33

<sup>ii</sup> A/HRC/8/46, Conclusion and Recommendation para 82.35

<sup>iii</sup> International Crisis Group, Sri Lanka’s North II: Rebuilding under the Military, Asia Report N°220 – 16 March 2012

<sup>iv</sup> Sri Lanka Lessons Learnt and Reconciliation Commission (LLRC) Report November 2011, especially recommendations 9.121 to 9.152.

<sup>v</sup> LLRC Report November 2011, Section 9, para 9.124

<sup>vi</sup> LLRC Report November 2011, Section 9, para 9.152

<sup>vii</sup> A/HRC/8/46, Conclusion and Recommendation, para 82.38

<sup>viii</sup> A/HRC/8/46, Voluntary Commitments of the state under review, para 82.105

<sup>ix</sup> A/HRC/8/46, Voluntary Commitments of the state under review, para 82.112

<sup>x</sup> A/HRC/8/46, Voluntary Commitments of the state under review, para 82.103

<sup>xi</sup> LLRC Report November 2011, Section 9, para 9.116, 9.117, 9.118, 9.119.

<sup>xii</sup> LLRC Report November 2011, Section 9, para 9.238, 9.239, 9.240, 9.241, 9.242, 9.243, 9.244, 9.245, 9.246, 9.247, 9.248, 9.249, 9.250.

<sup>xiii</sup> Formally released in December 2011, NAP addresses eight areas: civil and political rights, economic, social and cultural rights, children’s rights, labor and migrant workers rights, and the prevention of torture.

<sup>xiv</sup> Sri Lanka National Report - A/HRC/WG.6/2/LKA/1, para 98. Also read Examining Sri Lanka’s Diplomacy Machine, Gibson Bateman, 23 Jan, 2012 available at <http://groundviews.org/2012/01/23/examining-sri-lankas-diplomacy-machine/>

<sup>xv</sup> Sri Lanka Universal Periodic Review – Report of the Working Group – A/HRC/8/46, para 93.

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- <sup>xvi</sup> Sri Lanka Lessons Learnt and Reconciliation Commission (LLRC) Report November 2011, Section 9, para 9.229, 9.230, 9.231, 9.233. Further, LLRC has also emphasized on the need for devolution of power for the purpose of establishing a framework for ensuring sustainable peace and security in the post-conflict environment and a political settlement based on devolution must address the ethnic problem as well as other serious problems that threaten the democratic institutions. LLRC has stated that the political process should culminate in a constitutional foundation and mechanisms that provide opportunities for development and implementation of necessary socio-economic policies and that it should essentially promote greater harmony and unity, while protecting and appreciating rich diversity and that people belonging to all communities are empowered at every level especially in all tiers of Government...all parties should recognize that the real issue of sharing power and participating in government is the empowerment of the people and making the political leaders accountable to the people.
- <sup>xvii</sup> Sri Lanka National Report - A/HRC/WG.6/2/LKA/1, para 86. Further more government committed itself in the last UPR to continue to strengthen its activities to ensure there is no discrimination against ethnic minorities in the enjoyment of the full range of human rights, in line with the comments of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women, read Sri Lanka Universal Periodic Review – Report of the Working Group – A/HRC/8/46, para 82, Section 38.
- <sup>xviii</sup> [A/HRC/8/46, Voluntary Commitments of the state under review, para 82.95](#)
- <sup>xix</sup> A/HRC/8/46, Voluntary Commitments of the state under review, para 82.94
- <sup>xx</sup> ‘Slum’ means the temporary settlers and shanty dwellers. The Sri Lankan Government has no definition for the word ‘slum’.
- <sup>xxi</sup> A/HRC/8/46, Conclusion and Recommendation, para 82.31
- <sup>xxii</sup> See provisions in Articles 3 and 4 of Sri Lanka Constitution
- <sup>xxiii</sup> A/HRC/8/46, Voluntary Commitments of the state under review, para 82.99
- <sup>xxiv</sup> A/HRC/8/46, Voluntary Commitments of the state under review, para 82.97
- <sup>xxv</sup> <http://www.endcorporalpunishment.org/pages/pdfs/reports/Report-SouthAsia.pdf>
- <sup>xxvi</sup> UPR/2008/ voluntary commitment of the Sri Lankan Government- No 111.
- <sup>xxvii</sup> According to the “*Mahintha Chinthana*”- the Presidential plan for the country- promises Rs 3000/= for each families with PWDs as monthly support. See: page 193 <http://www.treasury.gov.lk/publications/mahindaChintanaVision-2010full-eng.pdf>
- <sup>xxviii</sup> The PWDs in Kilinochchi and Mullaittivu Districts get the assistance of Sri Lankan Rupees 200-300, after affirmed through the Government Servant (GS). It is called by the local people as PMA allowance.
- <sup>xxix</sup> A Boy with disability reported that in his village- i.e- Kumulamunai, Karaithuraiptru (AGA) , Mullaittivu (District)- all the PWDs were registered, but till now They have not received the support, except the initial support for the injured persons Rs. 2000/=
- <sup>xxx</sup> Protection of the Rights of the Persons with Disabilities ACT, No.28 of 1996 – No. 1,467/15- October 17, 2006
- <sup>xxxi</sup> The Vavuniya Kachchery is one of the examples. Most of the Government buildings with double story do not provide accessibility for the wheel chair users. The Persons with visual impairments need the support of others for communication, in spite of their knowledge in Braille.
- <sup>xxxii</sup> The PTF approval for such activities was granted with many restrictions for Few NGOs.