

# Sri Lanka: UPR 2012 fails to advance human rights agenda

Tuesday 20 November 2012, by [SKANTHAKUMAR Balasingham](#) (Date first published: 16 November 2012).

(November 16, 2012, Colombo, *Sri Lanka Guardian*) The Sri Lankan government rejected almost half of the recommendations received in Geneva from other UN member states during the Universal Periodic Review (UPR) of its human rights obligations on 1 November 2012.

Clearly some states reflected the dejection of many Sri Lankans that despite the end of the war over three years ago, substantive and structural improvements in the human rights of its peoples has not followed.

Among the recommendations not acceptable to the government are [1]: right to information legislation; country visit by the UN independent expert on freedom of opinion and expression; witness and victim protection legislation; removing humanitarian and NGO affairs from the Defence Ministry; publishing the names and places of detention of detainees; reducing the military role in civilian affairs in the North; punishing those responsible for recruitment of child soldiers; protecting labour and other human rights of domestic workers; abolishing the death penalty; decriminalising same-sex relationships; criminalising and punishing enforced disappearances; regular visits by members of the UN Committee Against Torture to detention centres; accepting jurisdiction of the International Criminal Court with respect to crimes against humanity; and an independent investigation into the August 2006 killing of 17 humanitarian workers in Mutur.

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Unsurprisingly, the government only accepted those recommendations that were supportive of its existing plans and strategies. For example, to implement the National Action for Protection and Promotion of Human Rights; to implement the Action Plan on some recommendations of the Lessons Learned and Reconciliation Commission; to strengthen the National Human Rights Commission; to rehabilitate and reintegrate former child soldiers; to improve the judicial system; to promote national reconciliation, and so on.

Several reports were made by civil society organisations within and outside of Sri Lanka, highlighting serious failures in human rights promotion and protection. A joint submission supported by 31 local organisations and dozens of individuals raised issues of ongoing concern including – on the rule of law, accountability, human rights defenders, extra-judicial killings, torture, freedom of association and assembly, freedom of expression, internally displaced persons, humanitarian issues, sexual orientation and gender identity rights, women's rights, cultural and linguistic rights, socio-economic rights, rights of migrant workers, minority rights etc. [2].

The Human Rights Commission of Sri Lanka (HRCSL) made its own submission. This report is silent on the many recommendations from the 2008 UPR (1<sup>st</sup> cycle) expressing concern for its independence and robustness. It also avoids the issue of accountability for alleged war crimes. The HRCSL chooses to flatter the government before cautiously offering observations in weak and sometimes vague language.

However, it does call on the government to accept the right of individual complaint to the UN Committee on Economic, Social and Cultural Rights; and for greater protection of the rights of persons with disabilities in line with international law. Further, the national human rights institution supports the right to information; and for affected people to be informed, consulted and compensated in land acquisitions. The HRCSL also urges victim and witness protection; elections to the Northern Provincial council; and implementation of the LLRC recommendations concerning reconciliation.

The government report focused on its reconstruction and development drive in the conflict-affected regions. Resettlement of almost 300,000 people displaced during the final phase of the war; demining; and the rehabilitation and reintegration of ex-combatants figured prominently. The report also boasted of Sri Lanka's human development indicators and achievements in meeting the Millennium Development Goals by 2015.

The mere fact that the government has adopted a national human rights action plan and formulated another action plan on some (but not all) of the LLRC recommendations was sufficient to moderate and deflect criticism of Sri Lanka's human rights record. Form and rhetoric prevailed over content and reality.

In March 2013, the UN Human Rights Council will revisit its resolution on Sri Lanka of one year before. The government of Sri Lanka will have to explain its implementation of the recommendations of the Lessons Learned and Reconciliation Commission, and how it is dealing with alleged violations of international (humanitarian and human rights) law that occurred during the war.

Will the outcome be any different from the damp squib of the Universal Periodic Review?

**B. Skanthakumar**

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**P.S.**

\* Sri Lanka Guardian on November 15, 2012 | 11:37:

<http://www.srilankaguardian.org/2012/11/sri-lanka-upr-2012-fails-to-advance.html>

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## Footnotes

[1] Sunday Times (Colombo), "Lanka rejects 100 rights recommendations", 11 November 2012, <http://www.sundaytimes.lk/121111/news/lanka-rejects-100-rights-recommendations-20010.html>.

[2] [http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/LK/JS1\\_UPR\\_LKA\\_S14\\_2012\\_JointSubmission1\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/LK/JS1_UPR_LKA_S14_2012_JointSubmission1_E.pdf)