



# General Assembly

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## Human Rights Council

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Universal Periodic Review

**Joint written statement\* submitted by Franciscans International (FI), a non-governmental organization in general consultative status, the Marist International Solidarity Foundation (FMSI), the Congregation of Our Lady of Charity of the Good Shepherd, the Dominicans for Justice and Peace (Order of Preachers), VIVAT International, non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Consideration of the UPR report for Sri Lanka**

Marist International Solidarity Foundation (FMSI), Franciscans International (FI), The Congregation of Our Lady of Charity of the Good Shepherd and the Dominicans for Justice and Peace (Order of Preachers) and VIVAT International would like to welcome the adoption of the Universal Periodic Review (UPR) and the commitment of the Government of Sri Lanka on their implementations. We would like to express our views on four key human rights issues in Sri Lanka: 1) Internally Displaced Persons (IDPs); 2) Peace and Reconciliation; 3) the Rights of the child; 4) Persons with disabilities.

### **Internally displaced persons (IDPs)**

We acknowledge that in the past four years, the Government of Sri Lanka has made some progress resettling IDPs, in particular, through their demining programmes. Furthermore, the implementation of certain safeguards aimed at protecting the human rights of IDPs, including the returning of possessions of IDPs, is also commendable. However, it is difficult to obtain the latest and reliable number of IDPs in Sri Lanka. Despite the closure of Menik Farm, the number of IDPs is estimated at 93.000 as end of November 2012. These numbers are inconsistent with the government's statement indicating that IDPs will cease to exist by the end of 2012.

We would like to draw the attention of the Council to the situation of the IDPs in Mullikulam in Mannar District. According to our source, in the beginning of January 2013, there are still 212 families mostly farmer and fishermen. They were forced to leave their villages in 2007. With the strong presence of military in their village, it is alleged that their houses are used by the military forces. Despite the end of war in 2009, they are prevented from returning to their houses. Until today, they live in temporary shelters, without proper assistance from the government. While in Vidayathalthivu, in Mannar district though the people have returned to their land the government has not started any housing projects. In another case, the fishermen who were returned to their place of origin, especially in Mannar and Jaffna regions, are obliged to obtain a pass to go fishing. This treatment is different from the fishermen in the south. These situations are examples of several in which the government of Sri Lanka has failed to produce any durable solutions for the remaining IDPs. IDPs continue to face considerable difficulties gaining access to food, housing, health care, social services and security. They are often denied access to their livelihood and often have various restrictions limiting their civil rights imposed on them by the authorities.

The continued military influence on civilian lives is one of the biggest impediments to the resettlement of IDPs. The military has imposed restrictions on the IDP's movements, rights to peaceful assembly and has limited their access to places of worship. Not only does this impinge on the fundamental rights of the IDP, it also creates insecurity and discontent among the IDPs. This in turn will inhibit national reconciliation in the future.

Although it is encouraging that the international community is aware of the situation of IDPs in Sri Lanka, many of the recommendations made by the States to uphold the human rights of IDPs lack the specificity needed for Sri Lanka to take any purposeful action.

### **Peace and reconciliation**

We welcome the Government of Sri Lanka's acceptance of recommendations to promote national reconciliation through national dialogues in which all religious and ethnic dominations are given an equal say in matters that affect them and their country. However, we are concerned over the rejection of the recommendations calling on the government to initiate an inclusive dialogue which would guarantee minority representatives on issues of

governance to take further steps to increase participation of Sri Lankan Muslims in the reconciliation process and national efforts of economic, social and cultural integration .

We believe that the reconciliation can take place if the government respect the cultural and religious diversity of each community. However, we are deeply concerned with the actions of the government in Mullaitivu district. It is alleged that in this region 89 Tamil villages were being renamed in Sinhala, 367 Hindu temples have been demolished.

The task force appointed by the Government of Sri Lanka to oversee the implementation of the recommendations made by the LLRC was making progress, the task force had, on his own admission, selected only 33 recommendations out of the 135 listed by the LLRC, for implementation at the national level. Reconciliation cannot come through as long as the armed forces are present in the north. The occupation by the armed forces affects the normal civilian activities, including resettlement, education, religious and cultural activities and free access to resources such as agricultural and fishing zones

### **Rights of the child**

On the international level, Sri Lanka has acceded to most international instruments targeted at protecting child rights, such as the UN Convention on the Rights of the Child and the UN Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. During the 2nd UPR cycle of Sri Lanka, the Council welcomed the implementing of several legislations to protect and uphold the welfare and rights of children. Sri Lanka's acceptance of most of the recommendations regarding children's rights is laudable and this reflects its commitment to defend and support the children of the country.

However, there are still some issues that require more attention from the government. The education system in Sri Lanka must be designed in a way that provides stability and consistency for the ever-changing needs of children. Most importantly, children in rural areas must be given equal opportunities and resources as their counterparts in the larger cities. In order to achieve this, teachers need to be well-trained and well paid in both rural and city schools. Financial incentives should also be provided for vulnerable and disadvantaged children as incentives for their families to send their children to school.

The increasing number of child sexual abuse cases is another matter of grave concern. It is imperative that the government of Sri Lanka educate both the children and adults on preventative and protective measures. Furthermore, reporting agencies must be set up, not only to facilitate the protection of children against all forms of sexual abuse but also to ensure that abusers can be prosecuted.

The Sri Lankan government needs to pay more attention to the psychological wellbeing of children in the country and provide assistance where needed. Three decades of ethnic conflict has no doubt had a negative impact on the mental health of children. Furthermore, children who are physically or sexually abused would be more susceptible to post traumatic stress disorders. In order for the government to engage in any meaningful long term national reconciliation process, it is crucial that it works together with civil society to facilitate the psychological, mental and spiritual recovery of children so as to help them reintegrate into society.

### **Rights of people with disabilities**

It is disappointing that Sri Lanka as once again refused to accept the recommendation to ratify the United Nations Convention on the Rights of the Persons with disabilities (128.14). The government's commitment to improve the rights of the persons with disabilities is not reflected in reality. The government must ensure that its programs and measures are not only made known to the public, but are also easily accessible. The lack of

adequate infrastructure to support the needs of disabled persons is also something that the government needs to give more attention. Most importantly, the programmes and legislations implemented by the government should not discriminate between the different ethnic groups, religions and/or provinces in Sri Lanka.

### **Recommendations**

We urge the Government of Sri Lanka:

- To accelerate the implementation of the recommendations relating to the Lessons Learnt and Reconciliation Commission (LLRC) with regards to the resettlement of IDPs by returning them to their place of origin or by providing proper shelter to enable them to rehabilitate into the new settlement area. This should be done in collaboration with human rights and humanitarian organisations to ensure the protection of their rights.
- To adopt a concrete Plan of Action on national reconciliation with timelines that involves all communities, and to provide a political solution to the grievances of minorities and ensure the realization of legitimate rights of all citizens, as recommended by LLRC.
- To provide, as a matter of urgency, financial incentives to families of vulnerable and disadvantaged children for the purpose of ensuring the children are sent to school, and to provide incentives that will attract excellent teachers to go to work in disadvantaged rural areas.
- To 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; and ensure the prosecution of perpetrators, and establish rehabilitation programs for both victims and offenders.
- To ratify without delay the Convention on the Rights of Persons with Disabilities.

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