



Hon. Lakshman Kadirgamar P.C., M.P.
Minister of Foreign Affairs of Sri Lanka

Address at the
High Level Segment
of the
61st Session of the UN Commission on Human Rights
15th March, 2005

Permanent Mission of Sri Lanka to the
United Nations, Geneva

(check against delivery)

Mr. Chairman,
High Commissioner for Human Rights,
Deputy High Commissioner for Human Rights,
Distinguished delegates,
Ladies and gentlemen,

Mr. Chairman, may I congratulate you on your election to the Chair of the Sixty-First Session of the Commission on Human Rights and assure you of Sri Lanka's support and cooperation as you undertake the onerous responsibility of presiding over the deliberations of this august body. May I also extend my good wishes to the High Commissioner and to the Deputy High Commissioner who are participating in the deliberations of this Commission for the first time in their respective official capacities.

Mr. Chairman,
Since its establishment in 1946, as a functional Commission of the ECOSOC, the Commission on Human Rights has continued to heed the voices and sentiments of the countless numbers of the aggrieved as well as the representations of almost all member and observer States of the United Nations. This attention and focus have had their negative and positive repercussions. On the positive side, the goal of promotion and protection of human rights is now both a cross-cutting and integrated item on the UN agenda. No State can be oblivious to its widening ramifications and consequences. In turn, this wider focus and attention has resulted in greater calls for the Commission on Human Rights to deliver on its mandate in an equitable and fair manner. In fact, such criticism has reached a stage where the credibility of the Commission on Human Rights is now at stake. This issue has no doubt gained the attention of Secretary General Kofi Annan as evidenced by the appointment of the High Level Panel on Threats, Challenges and Change which has now submitted its report.

The report of this High Level Panel appointed by the Secretary-General has proposed far-reaching structural changes in the Commission. Sri Lanka is of the view that these proposals merit careful consideration and that any reform should be pursued in a comprehensive and balanced manner, which should also lead to the strengthening and revitalization of the principal organs of the UN such as the General Assembly and ECOSOC.

Mr. Chairman,
I am addressing this Commission at a time when my government is making a concerted and determined effort to rebuild a nation faced with a calamitous event on 26 December 2004, just over two months ago, when fatal waves suddenly struck the southern and eastern coasts of Sri Lanka with unimaginable ferocity. It took away thousands of innocent lives and massively destroyed infrastructure along the coast. The government moved into action within less than one hour and commenced the distribution of food and other relief items to

the north, south, east and west, without any discrimination whatsoever. The armed forces, the Police and the entire public service toiled unstintingly through day and night. Within a month we began to implement the reconstruction programme in rebuilding schools, hospitals, roads, power and telecommunications supply. The government apparatus for the distribution of supplies has been effectively in place.

Soon after the tsunami struck our nation, the world came to our assistance in an unprecedented manner. Many Governments, the United Nations and other inter-governmental organizations, and non-governmental organizations have offered us considerable assistance in rebuilding our nation. We are also deeply touched by the magnificent expression of solidarity and generosity of the ordinary people from every country across the globe. This has given us much courage to face the arduous challenges posed by the tragedy of 26th December. It also gives us hope in humanity, in the knowledge that humans could display the true spirit of humanity, across tens of thousands of miles, through numerous boundaries of ethnic and religious differences, at a time of calamity and vulnerability. On this occasion, I express on behalf of my Government and the people of Sri Lanka our deep and abiding gratitude for every word of sympathy and encouragement and all the assistance we have received from across the globe.

Mr. Chairman,

As a member of the Commission on Human Rights, intermittently, for long years, we have participated in its work in a spirit of cooperation and with an unreserved commitment towards promoting and protecting human rights both nationally and internationally. This policy of Sri Lanka has been based on our national ethos derived from age-old traditions as well as our commitment to democracy and freedom. Successive elected Governments in my country have therefore recognized the promotion and protection of human rights not only as a constitutional obligation but also as a fundamental duty.

Sri Lanka has assiduously followed a tradition of close and constructive cooperation with the Commission on Human Rights in a spirit of openness and we are proud of our record in this regard. This tradition continued despite the armed conflict in my country, by regularly inviting special rapporteurs, working groups and treaty bodies to visit Sri Lanka. The national human rights protection system has been strengthened further to be in line with Sri Lanka's constitutional and international obligations as a party to seventeen international human rights instruments including all seven major human rights conventions and treaties. A positive result of the close interaction between the Commission and the Government is an indication of the clear recognition of human rights values, norms and standards by the judicial and legislative systems in the country. Recent judicial decisions of the Supreme Court have in fact expanded the scope of fundamental rights by reading international human rights covenants into domestic legislation.

It is our experience that international obligations when undertaken voluntarily serve to create the necessary thrust and enabling environment for the strengthening of the capacity of national mechanisms. The ratification of the UN Convention against Torture in January 1994 and accession to the Optional Protocol to the ICCPR in October 1997 at a time when the country was confronted with an extraordinary security situation arising out of terrorism, further demonstrated Sri Lanka's commitment to openness and accountability in the promotion and protection of human rights even under difficult circumstances.

Mr. Chairman,

There is a marked decrease in the allegations of violations of human rights communicated to the Government by special procedure mechanisms of the Commission on Human Rights. The Government of Sri Lanka, taking serious note of recent allegations regarding torture while in police custody, has introduced short and long-term preventive mechanisms to address the issue, in line with recommendations of treaty bodies. The Government of Sri Lanka condemns torture without any reservation. The Human Rights Commission of Sri Lanka has also adopted a zero tolerance policy on torture. Under domestic legislation, torture is considered a serious crime, which carries a minimum mandatory sentence of seven years rigorous imprisonment. The Government looks forward to having a constructive dialogue with the Committee Against Torture when Sri Lanka's second periodic report is taken up for consideration.

The Attorney General has currently withdrawn one thousand indictments under the Prevention of Terrorism Act and over 300 persons who were held in preventive detention under the provisions of this Act have been released. It is the expectation of the Government that with the progress of the peace process, and the consolidation of peace, the Prevention of Terrorism Act will become an obsolete piece of legislation. The Government has also allowed the Emergency Regulations framed under the Public Security Ordinance to lapse in the light of the prevailing environment. The total effect of these measures is that any arrest, detention or investigation will be conducted only under the normal laws of the land.

Sri Lanka has established and strengthened a viable domestic institutional structure to provide redress to those aggrieved by alleged human rights violations, set high human rights standards and monitor situations. In this regard, the Human Rights Commission of Sri Lanka, which has a far-reaching mandate, has investigative and advisory functions as well as a conciliatory and mediatory role. The Supreme Court has also referred a large number of fundamental rights cases to the Commission for the purpose of inquiry and resolution. The Government of Sri Lanka has provided adequate resources to our Human Rights Commission to facilitate the effective discharge of its responsibilities.

The Government has also established human rights directorates in the three armed forces and the police, which are functioning under the guidance of the respective Commanders of the armed forces, and the Inspector-General of Police. The three forces and the police are also represented in the Inter Ministerial Working Group on Human Rights Issues, which has been set-up to monitor human rights violations and direct and supervise relevant authorities to take prompt action with regard to such violations.

Mr. Chairman,

Extreme poverty is one of the central challenges we face today in ensuring that globalization becomes a positive force for all the world's people, instead of leaving billions behind in squalor. The realization of economic, social and cultural rights can provide a sustainable basis to address the root causes of poverty.

Sri Lanka's early success in achieving high standards of social development, even for a comparatively poor country, continues to receive international attention today. In September 2000, Sri Lanka together with other members of the United Nations, committed itself to achieve a set of time-bound and measurable goals for combating poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women. Sri Lanka today is well on its way to achieving the Millennium Development Goals, through the involvement of a wide range of partners and stakeholders, who have succeeded in creating a broad national ownership and awareness on these goals.

Mr. Chairman,

Sri Lanka remains in the forefront of the campaign to have the use of child soldiers condemned and banned, worldwide. In 1997, I brought the question of child soldiers to the attention of the UN General Assembly by endorsing the findings of the Graca Machel Report of 1996.

Since that report the attention of the international community has been increasingly focused on the promotion and protection of the rights of children affected by armed conflict. Following the appointment of the Special Representative of the Secretary-General, the plight of children affected by armed conflict received high priority at the United Nations. However, the continuation of violations of the rights of concerned children, despite the concerted efforts of the international community, has necessitated the Security Council taking a special interest in the matter.

The Liberation Tigers of Tamil Eelam has for many years been engaged in recruiting children for armed combat. This practice has to be viewed against the undertaking given by that entity to Mr. Olara Otunnu in 1998 and the signing of an Action Plan for Children Affected by War in July 2003, by the LTTE under the aegis of UNICEF. In that Action Plan, the LTTE agreed to halt the recruitment of children and release all children within its ranks. Despite these solemn

undertakings, the group has continued the practice of recruiting thousands of children, in most cases by force – some of them as young as 11 years old. Moreover, the LTTE has engaged in re-recruiting those who had been released and even those who had escaped from training camps, through threats, intimidation, and physical attacks on the children as well as their family members. During 2004, more than 1000 cases of new recruitment and re-recruitment were reported to UNICEF, a high percentage of them being girls. The LTTE has often carried out recruitment by force, abducting children while on their way to school or during religious festivities, and beating families and teachers who resisted the seizure of children.

Against this background, Sri Lanka has supported the recommendations of the recent report of the Secretary-General submitted to the Security Council to be implemented against those who fail to cease the practice of recruiting child combatants. Sri Lanka is of the view that enforcement of these measures on a gradual scale will have a persuasive impact on all those who are deliberately violating the rights of children affected by armed conflict.

Mr. Chairman,

We are deeply committed to the continued implementation and consolidation of the Ceasefire Agreement between the Government and the LTTE and to take the peace process forward towards a logical conclusion, while safeguarding the territorial integrity and sovereignty of our country.

President Kumaratunga in her address to the National Advisory Council for Peace and Reconciliation on 4 October 2004 said that the Government was committed to do all that is required to persuade the LTTE to return to the negotiating table. She added that any agreement to bring peace should be within the framework of a united Sri Lanka, guaranteeing the sovereignty of the nation and the security of all its peoples.

Mr. Chairman,

Let me conclude by reiterating that the Government of Sri Lanka will continue to pursue its constructive engagement with the UN system and its Human Rights mechanisms. The delegation of Sri Lanka will actively seek to engage with all members of the Commission on Human Rights to narrow differences, reach consensus and to ensure that the current sessions will contribute to our common goal of promoting and protecting human rights.

Thank you.