

United Nations High Commissioner for Refugees

Sri Lanka

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations relating to issues of interest and concern to UNHCR with regards to Sri Lanka.

Treaty Concluding Observations

CAT/C/LKA/CO/2

15 December 2005

Non-refoulement

9. The Committee notes with concern that the State party has not given effect to the principle of non-refoulement contained in article 3 of the Convention.

The State party should adopt domestic legislation to implement the principle of non-refoulement contained in article 3 of the Convention.

CCPR/CO/79/LKA 79th Session

1 December 2003

7. While taking note of the proposed constitutional reform and the legislative review project currently being undertaken by the National Human Rights Commission, the Committee remains concerned that Sri Lanka's legal system still does not contain provisions which cover all of the substantive rights set forth in the Covenant, or all the necessary safeguards required to prevent the restriction of Covenant rights beyond the limits permissible under the Covenant. It regrets in particular that the right to life is not expressly mentioned as a fundamental right in chapter III of the Constitution of Sri Lanka, even though the Supreme Court has, through judicial interpretation, derived protection of the right to life from other provisions of the Constitution. It is also concerned that contrary to the principles enshrined in the Covenant (e.g. the principle of non-discrimination), some Covenant rights are denied to non-citizens without any justification. It remains concerned about the provisions of article 16, paragraph 1. of the Constitution, which permits existing laws to remain valid and operative notwithstanding their incompatibility with the Constitution's provisions relating to fundamental rights. There is no mechanism to challenge legislation incompatible with the provisions of the Covenant (arts. 2 and 26). It considers that a limitation of one month to any challenges to the validity or legality of any "administrative or executive action" jeopardizes the enforcement of human rights, even though the Supreme Court has found that the one-month rule does not apply if sufficiently compelling circumstances exist.

The State party should ensure that its legislation gives full effect to the rights recognized in the Covenant and that domestic law is harmonized with the obligations undertaken under the Covenant.

14. *The Committee is concerned about recurrent allegations of trafficking in the State party, especially of children (art. 8).*

The State party should vigorously pursue its public policy to combat trafficking in children for exploitative employment and sexual exploitation, in particular through the effective implementation of all the components of the National Plan of Action adopted to give effect to this policy.

**CRC/C/15/Add.207 33rd Session
2 July 2003**

25. *The Committee notes with concern that societal discrimination persists against vulnerable groups of children, including children with disabilities, adopted children, children displaced by conflict, children infected with and affected by HIV/AIDS, and children of ethnic and religious groups.*

26. The Committee recommends that the State party amend its legislation and increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

30. *The Committee notes the new programme for children of migrant workers undertaken by the Bureau of Foreign Employment, yet it is concerned that families of migrant workers receive little or no assistance with their child-rearing responsibilities while they are working abroad.*

31. The Committee recommends that the State party develop a comprehensive policy to support the families and caregivers of children of migrant workers in their child-rearing responsibilities and limit the institutionalization of children of migrant workers to measures of last resort, while promoting the placement of all children in need of alternative care with their extended families or other family types of care whenever possible.

45. *The Committee recommends that the State party implement the plan of action for the respect of the rights of children during the reconstruction process (2003). In particular, the Committee recommends that the State party:*

...

(b) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, which also ensures their privacy;...

CERD/C/SR.1478 59th Session

14 August 2001

333. Concern is expressed about the situation of civilians living in the north and east of the country, and particularly about those persons internally displaced by the conflict. The Committee recommends that the State party continue to provide assistance to the civilian population in the north and eastern provinces and cooperate with humanitarian agencies.

334. The Committee is concerned at the fact that a large number of Tamils of Indian origin, particularly plantation workers, and their descendants have still not been granted citizenship and that many of them even continue to be stateless. Tamils without Sri Lankan citizenship are allegedly discriminated against and do not fully enjoy their economic, social and cultural rights. The Committee recommends that early and effective measures be taken to solve this problem and that these persons should not be threatened with repatriation.

338. The State party is further invited to provide information on the following issues: (a) the content of the devolution regime for regions; (b) the scope of restrictions on the movement of Tamils living in the north and eastern provinces; (c) the situation of the Veddas; (d) measures taken to solve the problem of stateless persons in Sri Lanka; (e) measures taken to eliminate racial discrimination among Tamil and other minority groups; (f) the application of the Prevention of Terrorism Act and Emergency Regulations, particularly their application to Tamils and other ethnic groups.

- End of excerpts -

Protection Operation and Legal Advice Section

Division of International Protection Services

UNHCR

7 January 2008