

## National Human Right Action Plan and Reconciliation

*Justice Priyantha Perera, Chairman National Human Rights Commission Sri Lanka*

It is a great privilege to address this annual international symposium 2012 organized by the Kothelawala Defence University on the subject of National Human Rights Action Plan and Reconciliation. Reconciliation is something great important to examine, how and what extent The National Human Rights Action Plan has helped reconciliation in this country.



**Justice Priyantha Perera, Chairman National Human Rights Commission Sri Lanka**

Therefore I commence this address by introducing the National Action Plan for the protection and promotion of Human Rights. The government of Sri Lanka embarked on this important course of action of developing a National Action Plan in the first instance to respond to the outcry of the people of this country to take stock for the human right situations in Sri Lanka out of the reasoned experienced for prolonged armed conflict.

The National Action Plan is a response of the government of Sri Lanka to the Vienna Declaration and programme of action adapted by world Conference of Human Rights in Vienna in 1993, and it has invited states to consider the desirability of drawing up a national action plan identifying in the steps to improve the protection and promotion of human rights.

The present National Action Plan for the protection and promotion of human rights is a result of considerable fields of consultation and corporation between the government and the civil society. This document provides a detailed policy and legislative frame work to realize fundamental rights

and freedoms provided by the Constitution of Sri Lanka. This is also an opportunity to expand these rights and freedom. The National Action Plan with a specific timeframe to implement the LLRC recommendations has also been approved by a Cabinet committee headed by the President's Secretary Mr. Lalith Weerathunga, and it comprises representatives from all stakeholders, ministries and state institutions. The plan listed out implementations of recommendations according to activities of responsible agencies, key performance indicators and a settled timeframe precede these objectives. The action plan has re-arranged 285 LLRC recommendations under the following themes, International Humanitarian Law, Human Rights, Land reform and Settlement, Restitution and Compensation.

The recommendations contend in 9.48 of the LLRC call to the introduction of immediate steps to investigate against allegations of abductions, disappearances and arbitrary detention and to bring the perpetrators justice by the law enforcing authorities. The Ministry of Defence, Police Department, Legal Aid Commission and the Ministry of Justice have been entrusted with work to identify impediments as well as to build up the capacity within the Police Department for an effective surveillance mechanism. This task has been given a timeframe of two and half years. So this has to be accomplished within the period of two and half years. That is a specified time. Within the first six months, the institutions have been directed to identify the impediments and to take remedial actions.

The recommendation 9.51 of the LLRC calls upon to appoint a special commission of investigation to investigate alleged disappearances and provide material to the Attorney General to initiate criminal proceedings as appropriate. The action plan directs to invoke present procedures as available in Code of Criminal Procedure and to sensitize the public of available mechanism within the time period of three months. It is again a specified time. The key responsible institutions to implement this are the Police, Attorney General Department, The Ministry of Justice and The Information and Communication Technology Agency of Sri Lanka. In response to the recommendations. Centralized system at national level to collect data on missing persons is the action plan which is the most integrated data base of missing persons compiled by the Department of Senses and Statistics in the collaboration of Ministry of Defence. It should appear that this recommendation is already been implemented while there will be constant progress reviews. This will be given wide publicity targeting people in conflict affected areas, where the 1919 hotline is regarded to call for independent advisory committee to monitor and examine the arrest and detention of person under the Public Security Ordinance and the Prevention of Terrorism Act. The entire recommendation given under the International Human Rights Law issues will be applied for persons held for long period without charges. The LLRC proposed a special mechanism to examine their cases on a case by case basis. The action plan was proposed to identify established procedures within the existing system to address the issue and a special unit within Attorney General Department for decision making with regard to such cases. The key performance indicator of this measure is a reduction in the number of such detainees. There is a consecutive reduction. The Attorney General Department has been instructed to complete this work within the period of two years. To create awareness of Human Rights among the Masses, the Police and Army Forces, activities have been identified in the National Human Rights Action Plan for implementation.

A module developed by the National Institute of Education will be included in the Secondary School

Curriculum forthwith. The agencies responsible will be the NHRC, Education Ministry, Armed Forces and The Inspector General of Police. Under core recommendations, the Action Plan proposed to examine and the report of the feasibility and practicality of issuing a certificate on a detained person to prevent re-arrest, the same person on the same charges unless due evidence surface. Of course that would not apply if new evidence is available against the particular individual that would not prevent further arrest in that situation. To look into the laws of detention, a programme is to be formulated to diverse suspects from the criminal process to voluntary rehabilitation and enable indictment to be filled in additional number of courts to clear the backlogs. The Ministry of Justice, The Attorney General Department and the Police Department are the key agencies that will be responsible for this. The purpose is to screen detainees and to be reviewed by Commissioner General of Rehabilitation with the aim of compiling a report within a period of three months. Therefore the period is specified.

The recommendations 9.79 and 9.81 of the LLRC is no more applicable since the government has identified, rehabilitated and reintegrated all child combatants in the society. The recommendations regard to women, children, elderly and other vulnerable groups affected by the conflicts are calling for the setting up for the inter agency task force. The government has addressed the issue under the National Human Rights Action Plan. The Ministry of Lands will be responsible for the implementation of this directive.

As regard the recommendations that cover harassments of media personals and institutions, the Action plan proposed the following in response to investigation, prosecution, and disposal. In such cases, to investigate past incidents and to ensure legal action, ensure freedom of movements in the North and the East and ensure the right to information. The Ministry of Mass Media Information has been directed to effective measures to ensure media freedom strength and mechanism including court actions and complains to the National Police Commission in case of Police inaction.

Apart from the Ministry, the Police Department and the Press Council have been made key responsible agencies to take actions to remove impediments to free movements, while these agencies introduce a code of conduct to promote responsible journalism among media personals. It is also an important aspect; journalists also must act to sense of responsibility.

The view of the right to information legislation, the Cabinet of Ministers is too consulted by the Ministry of Mass Media Information for a suitable timeframe to draft legislation. The National Action Plan identified impediment if any to defective enforcement to the law. Such offences are visited to serious sanctions strengthen investigation skills of Police, strengthen access to justice, enhance the capacity of Police to put in place in more affective surveillance mechanism of the locality in corporation with the local community and. A total period of thirty months has been given for this purpose.

Full implementation of National Action Plan will benefit all the citizens of Sri Lanka by furthering long term reconciliation and lasting peace. The National Action Plan invokes the present procedure available in a Code of Criminal Procedure with priority given to such complains. The policy of openness followed by National Action Plan to the public and discussions held with diplomatic community has shown very good results. This is seen in the public debate. United States welcoming the Action Plan, stated that it believes in full implementation of the National Action Plan will benefit all

the citizens of Sri Lanka by furthering long term reconciliation and lasting peace, which remains the key policy of the Sri Lankan Government on the LLRC.

It is also assured that the corporation of Human Rights Commission of Sri Lanka would be hundred percent available to implement these various matters. The Commission is dedicated to this cause and it gives you an assurance that we shall do our very best to ensure that all these matters are implemented for the benefit of the society.