

PARLIAMENT WATCH – SRI LANKA*

FEBRUARY 2012



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Overview

As the February Parliamentary sessions began, the United Nations Human Rights Council (UNHRC) sessions were drawing nearer. Therefore, the discourse in Parliament revolved around issues of human rights, with opposition politicians in particular, paying attention to the subject. Government lawmakers used their often repeated defense to side step human rights violation issues by blaming it all on being part of an international conspiracy against the government while accusing opposition legislators of being in part of this conspiracy.

National Action Plan on Human Rights

Opposition Leader Ranil Wickremesinghe brought up, by way of a Question by Private Notice, in Parliament as to why the Government has failed to brief the legislature on the National Action Plan for Human Rights on February 22, 2012. *“It is reported that a National Action Plan for Protection and Promotion of Human Rights will be circulated at the United Nations Human Rights Council Sessions in Geneva. The upcoming sessions of UN Human Rights Council (UNHRC) is crucial for Sri Lanka. While the Government has the right to present whatever document they want in Geneva, it is necessary to keep the House informed and table such document in this House. Neither has this National Action Plan been placed before Parliament nor have you kept this House informed as to why this report is being circulated. It is our complaint that the House must be informed”*, said Wickremesinghe.¹ He also accused the Government of bypassing Parliament by presenting a document, which has not been placed before Sri Lanka’s legislature, before the UNHRC in Geneva.

Minister & Chief Government Whip, Dinesh Gunawardena responded saying that the Government embarked on the formulation of the National Action Plan in response to a call from the people of the country. He also said that according to the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in Austria in 1993, the Government of Sri Lanka is obliged to draw up a National Action Plan, identifying the steps that it would take to improve the protection and promotion of human rights in Sri Lanka.²

“It is important to remember that in the course of the Universal Periodic Review held before the UNHRC sessions in May 2008, Sri Lanka made a voluntary pledge to develop a National Action Plan to reaffirm its commitment to protect and promote the human rights of all our citizens,” Minister Gunawardena explained.³

Minister Gunawardena also informed the House that several areas have been identified as national priority areas. These deal with safeguarding Civil and Political Rights,

¹ Hansard, Volume 207 - No. 1, 22nd February, 2012, p. 66-67 United Nations, The Vienna Declaration and Programme of Action, as adopted at the World Conference on Human Rights, June 1993.

² Hansard, Volume 207-No. 2, 23rd February, 2012, p.223

³ Hansard, Volume 207-No2, 23rd February, 2012, p. 225- 226

Economic, Social and Cultural Rights, preventing torture, rights of Children, Labour rights, as well as rights of Migrant Workers, Women and Internally Displaced Persons.⁴

“The National Action Plan has been formulated after many months of consultation in which the Government and civil society played an active role. The Government recognizes the need to allocate adequate financial and other resources for implementation of the Plan. It is committed to providing necessary funds in view of the significance of the issues covered by the Action Plan and the need to realize its goals for the betterment of all the people of Sri Lanka,” added Minister Gunawardena.⁵

The assurance that a National Plan of action for Human Rights would be put in place was made by the Sri Lankan Government back in May 2008 in Geneva, when Sri Lanka’s human rights situation came under review under the Universal Periodic Review (UPR) mechanism of the UNHRC. Minister of Plantation Industries and Special Envoy of the President on Human Rights Mahinda Samarasinghe who led Sri Lanka’s delegation to the 19th Session of the UNHRC on February 2012, recalled in his address to the assembly how at Sri Lanka’s last engagement with the UPR process in 2008, it pledged to devise a five-year National Action Plan for the Promotion and Protection of Human Rights. *“We have worked hard on delivering on that pledge through a participatory process involving Government and civil society. The result is the National Action Plan for the Promotion and Protection of Human Rights which was approved by the Cabinet of Ministers in September 2011”*, he said.⁶

The Action Plan aside, the violation of the people’s fundamental rights, enshrined in the Constitution, was raised in Parliament on February 22, 2012 by Democratic National Alliance MP, Anura Kumara Disanayake. He alleged that law enforcement authorities were using undue force to crackdown on protests. *“When university students protested against the setting up of private universities, they were dispersed in a brutal manner. When there were protests against the fuel hike, people were intimidated and threatened by the authorities. The Government is misusing power to punish people who rise up against it,”* MP Disanayake charged.⁷

Disanayake went on to list a number fundamental rights enshrined in the Constitution, particularly ones that allow for freedom of assembly and for free speech. The Sri Lanka Constitution, under its Fundamental Rights chapter guarantees a host of rights associated with freedom of assembly and expression, to its citizens.⁸ *“Does the Government accept*

⁴ Hansard, Vol 207-No 2, February 23, 2012, p.223

⁵ Hansard, Volume 207-No223rd February, 2012, p. 225- 226

⁶ Statement by the Hon. Mahinda Samarasinghe MP Minister of Plantation and Industries and Special Envoy of the President on Human Rights, Leader of the Sri Lanka delegation to the 19th Session on the UNHCR High Level Segment, 27th Feb 2012, Geneva. <<http://www.mea.gov.lk/index.php/media/3345-statement-by-the-hon-mahinda-samarasinghe-mp-minister-of-plantation-industries-and-special-envoy-of-the-president-on-human-rights-leader-of-the-sri-lanka-delegation-to-the-19th-session-of-the-unhcr-high-level-segment-27th-february-2012-geneva>>

⁷ Hansard, Volume 207-No.2, 23 February, 2012, p. 70.

⁸ The Constitution of the Democratic Socialist Republic of Sri Lanka. Chapter 3, Article 14 (1) Every citizen is entitled to:

*and endorse the right of the people to engage in peaceful protests to win their rights and is it constitutional to use the police and the military to quell such protests, Dissanayaka further queried.*⁹

In response Chief Government Whip Dinesh Gunawardena said that the peoples' right to peaceful assembly is clearly stated in the Constitution and while the government will uphold these rights, such protests have to be done within the confines of the law. *"When protests are held in a manner that they become a hindrance to members of the public, when traffic is obstructed and people are inconvenienced, and then the law enforcement authorities have to deal with them in the prescribed manner"*, Minister Gunawardena said.¹⁰

It was amidst all the talk on people's rights that MP of the ruling United People's Freedom Alliance (UPFA) A.H.M. Azwar moved an adjournment motion, "Defeating National and International Conspiracies against the Government", on February 24, 2012. The motion read, *"This House is of the opinion that every concerted effort must be made to defeat the national and international conspiracies hatched against the President who has been twice elected by popular mandate, and also the Government of Sri Lanka. An extensive media blitz should be launched globally to enlighten the international community of the massive development programmes which are presently in progress island-wide."*¹¹

In his submissions, MP Azwar accused the West of conspiring to topple the Government and trying to bring about a Syria-like situation in Sri Lanka. *"Our country is a "Bowl of Democracy." We sustain, protect and nurture the principles of democracy. After 30 years of a prolonged war of terrorism, the country today is marching towards the launch of a massive development programme, unprecedented in its history. President Mahinda Rajapaksa occupies a unique position among the world leaders today. I would suggest the Western powers, on behalf of the entire nation, to recommend the name of Mahinda Rajapaksa for the coveted Nobel Prize for Peace and Democracy, rather than resorting to their iconoclastic ventures,"* MP Azwar said.

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- (a) The freedom of speech and expression including publication
 - (b) The freedom of peaceful assembly;
 - (c) The freedom of association;
 - (d) The freedom to form and join a trade union;
 - (e) The freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice or teaching;
 - (f) The freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;
 - (g) The freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise;
 - (h) The freedom of movement and of choosing his residence within Sri Lanka; and
 - (i) The freedom to return to Sri Lanka.

⁹ Hansard, Volume 207-No.1, February 22,2012, p.71

¹⁰ Hansard, Volume 207 –No 1, February 22, 2012, p. 71

¹¹ Hansard, Volume 207- No 3, February 24, 2012, p. 504

UNP Kurunegala District MP, Dayasiri Jayasekera responded by saying that there was talk of conspiracies against the Government, but no one knew who was conspiring. *“The country is in this predicament today because after the war ended in May 2009; the government made many false promises to the people to bring about reconciliation and restore democracy but has yet to fulfill them”*, added Jayasekera.¹²

Conclusion

While there was extensive talk of the human rights situation in Sri Lanka in February, the failure of the Government to submit the National HR Action Plan to the House is of concern. If the Government were genuine about implementing the Action Plan, it would be better served if the document is made public and discussed in a more transparent manner, so as to make its implementation smoother.

¹² Hansard, Volume 207- No 3, February 24, 2012, p. 510.