

<b>Country/entity</b>	Sri Lanka
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Human Rights issues relating to the peace process
<b>Date</b>	8 Feb 2003
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict

### **Sri Lankan Civil War (1983 - 2009)**

The roots of the Sri Lanka conflict lay in British colonial policy which controlled the island from 1802 until 1948. During the early 1800s, the British brought Tamils from mainland India to work on the various plantations for tea, coffee and rubber, changing Sri Lanka's the demographic make-up. Upon independence, Sinhalese nationalism dominated the political sphere and introduced discriminatory policies against the Tamil minority straining relations and sparking protests. Armed Tamil resistance first came in the form of assassinations of moderate Tamils and opposition politicians in the mid-1970s. However, it was the Liberation Tigers of Tamil Eelam's (LTTE) attack on checkpoint Four Four Bravo, which marked the turning point, sparking pogroms against Tamils in Sinhalese majority areas. This incident, known as Black July, is widely considered to the beginning of the civil war.

The first round of peace talks were backed by India, which had deployed the Indian Peace Keeping Force (IPKF) in 1987, and led to the 1987 Indo-Sri Lanka Accord. The Accord was successful in persuading the majority of insurgency groups to lay down arms. However, the strongest Tamil insurgency group, the LTTE, was not party to the talks and refused to disarm, sparking direct conflict between the IPKF and the LTTE until IPKF withdrawal 1990. Following the withdrawal, the LTTE consolidated their power in the North and East sparking another intense and bloody war with the central government that lasted until 2002 when another peace process was launched under the auspices of Norwegian negotiators. The second round of peace talks, however, only continued until April 2003 and in March 2004, a large faction of LTTE cadres split from the main organization damaging LTTE unity. The LTTE were defeated militarily by a large-scale government assault in 2009, however, the conditions for peace remain uncertain.

Close  
Sri Lankan Civil War (1983 - 2009)

<b>Stage</b>	Pre-negotiation/process
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Sri Lanka LTTE 2002 onward process

<b>Parties</b>	Government of Sri Lanka; Liberation Tigers of Tamil Eelam (LTTE)
<b>Third parties</b>	Norway
<b>Description</b>	Agreement outlines how human rights issues will be touched on and incorporated into the peace process including provisions for IDPs; Prisoners; Women; Children, and missing/disappeared individuals. It goes on to outline the role of Human rights training among warring parties, how to maintain human rights commitments, how commitments will be monitored including by a national human rights institution as well as an international Nordic monitoring commission, and treaty incorporation.

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<b>Agreement document</b>	<a href="#">LK_030208_Human Rights issues relating to the peace process.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
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## Groups

### Children/youth

Groups→Children/youth→Rhetorical

Page 1-2, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons ... In discussions with UNHCR regarding refugee return they have noted that conditions conducive to return require physical, legal and material security, and addressing the specific protection and assistance needs of women, children and other vulnerable groups.

Groups→Children/youth→Substantive

Page 2, 4d. Children

The parties have stressed the need to improve the situation for children affected by the armed conflict. Sri Lanka is a party to the Convention on the Rights of the Child. Inspired by the international norms protecting the rights of the child, the parties have underlined that children belong with their families and other custodians and not in the workplace, whether civilian or military. The LTTE has issued written instructions to ensure no under age recruitment takes place and has reiterated its commitment to redress the problem of part under age recruitment. It is engaged in a partnership with UNICEF to draw up an action plan for restoring normalcy to the lives of children of the north and east affected by war.

Page 4, Human rights commitments and monitoring

...8. A preliminary agreement might address core rights which would enabel basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

Rights of particular relevance might include:

- Children's rights

### Disabled persons

Groups→Disabled persons→Substantive

Page 4, Human rights commitments and monitoring

...8. A preliminary agreement might address core rights which would enabel basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

Rights of particular relevance might include:

- Rights of disabled persons

### Elderly/age

Groups→Elderly/age→Substantive

Page 2, 4d. Children

... The LTTE has issued written instructions to ensure no under age recruitment takes place and has reiterated its commitment to redress the problem of part under age recruitment. It is engaged in a partnership with UNICEF to draw up an action plan for restoring normalcy to the lives of children of the north and east affected by war.

### Migrant workers

No specific mention.

**Racial/ethnic/  
national group**

Groups→Racial/ethnic/national group→Substantive

Page 2, 4b. Prisoners,

The status of Tamil prisoners held under the Prevention of Terrorism Act has been discussed.

Page 3, Training

5. ... The Human Rights Commission of Sri Lanka is mandated to promote awareness of, and provide education in relation to, human rights. Such efforts should be intensified throughout Sri Lanka, in order to contribute to reconciliation and respect for the rights of local minorities.

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enabel basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

Rights of particular relevance might include:

- Minority rights

**Religious groups**

Groups→Religious groups→Substantive

Page 1, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons: ... They have stated that the needs of the displaced Muslim population will be duly accommodated in the resettlement process. ...

**Indigenous people**

No specific mention.

**Other groups**

No specific mention.

**Refugees/displaced persons**

Groups→Refugees/displaced persons→Rhetorical

Page 1, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons: The parties have determined that an immediate priority is to accelerate the resettlement and rehabilitation of internally displaced persons. They have stated that the needs of the displaced Muslim population will be duly accommodated in the resettlement process. They have recognised the need to address ways and means to ensure the return of private property, and matters relating to the occupation and cultivation of land. In discussions with UNHCR regarding refugee return they have noted that conditions conducive to return require physical, legal and material security, and addressing the specific protection and assistance needs of women, children and other vulnerable groups. The Guiding Principles on International Displacement provide a human rights framework for continuing to address the situation of IDPs, and continuing international advice and assistance is available through UNHCR, which can recommend modalities based on experience in other post-conflict countries for resolving land and property issues.

Page 3, Training

5. ... These should utilize the expertise of different organizations in particular areas: UNICEF in child rights, UNHCR in rights pertaining to IDPs, ICRC in international humanitarian law, etc.

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

Rights of particular relevance might include:

- Rights of IDPs and refugees

Page 5, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:

- The parties could consider whether any additional ratification or lifting of reservations to international human rights treaties may be appropriate (Sri Lanka is not yet party to major treaties regarding refugees, landmines and the International Criminal Court.)

**Social class**

No specific mention.

## **Gender**

### **Women, girls and gender**

Page 1-2, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons ... In discussions with UNHCR regarding refugee return they have noted that conditions conducive to return require physical, legal and material security, and addressing the specific protection and assistance needs of women, children and other vulnerable groups.

Page 2, 4c. Women

Having acknowledged the need to ensure that the priorities and needs of women are taken into account in all aspects of the peace process, the parties have established the Sub-Committee on Gender Issues. The SGI at its first meeting proposed to formulate Gender Guidelines for the Sub-Committees and other mechanisms associated with the peace process. Sri Lanka is a party to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the rights of women should be fully reflected in the development of human rights commitments and activities.

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

Rights of particular relevance might include:

- Women's rights

### **Men and boys**

No specific mention.

### **LGBTI**

No specific mention.

### **Family**

Page 2, 4d. Children

... Inspired by the international norms protecting the rights of the child, the parties have underlined that children belong with their families and other custodians and not in the workplace, whether civilian or military.

Page 3, 4e. Missing and disappeared persons

... In accordance with the concerns of relatives, the parties may wish to identify other priority groups for special efforts requiring mutual cooperation, which the ICRC would be willing to assist.

## **State definition**

**Nature of state (general)** Page 4, Human rights commitments and monitoring  
7. ... As regards collective rights, the parties have committed themselves to explore a solution "founded on the principle of international self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka."

**State configuration** Page 3, Training  
5. ... Coordination is necessary in order that training programmes should be prioritized according to the wishes of the parties, and can reflect a degree of harmonization appropriate to an eventual federal structure within a united Sri Lanka.

Page 5, II. Transitional stage  
12. The following matters regarding human rights will need to be addressed as part of the new arrangement for a federal structure within a united Sri Lanka:  
- Entrenchment of human rights standards in the constitution and federal and local law  
- Legislative reform to ensure consistency with these standards

**Self determination** Page 4, Human rights commitments and monitoring  
7. ... As regards collective rights, the parties have committed themselves to explore a solution "founded on the principle of international self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka."

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/secession** No specific mention.

**Accession/unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** No specific mention.

## **Governance**

<b>Political institutions (new or reformed)</b>	<p>Governance→Political institutions (new or reformed)→General references</p> <p>Page 5, II. Transitional stage</p> <p>12. The following matters regarding human rights will need to be addressed as part of the new arrangement for a federal structure within a united Sri Lanka:</p> <ul style="list-style-type: none"><li>- Entrenchment of human rights standards in the constitution and federal and local law</li><li>- Legislative reform to ensure consistency with these standards</li><li>- Ensuring that institutions which will promote and protect human rights have a clear place in the new arrangements and that their operation covers all levels of government</li><li>- Arrangements for policing which is accountable, representative, responsive to local needs and trained in human rights standards</li><li>- A judiciary which is representative, trained in human rights, and with guarantees of independence.</li></ul>
<b>Elections</b>	No specific mention.
<b>Electoral commission</b>	No specific mention.
<b>Political parties reform</b>	No specific mention.



## Civil society

Page 1-2, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons ... In discussions with UNHCR regarding refugee return they have noted that conditions conducive to return require physical, legal and material security, and addressing the specific protection and assistance needs of women, children and other vulnerable groups. [...] The Guiding Principles on International Displacement provide a human rights framework for continuing to address the situation of IDPs, and continuing international advice and assistance is available through UNHCR, which can recommend modalities based on experience in other post-conflict countries for resolving land and property issues.

Page 2, 4d. Children

... It is engaged in a partnership with UNICEF to draw up an action plan for restoring normalcy to the lives of children of the north and east affected by war.

Page 3, 4e. Missing and disappeared persons

... In accordance with the concerns of relatives, the parties may wish to identify other priority groups for special efforts requiring mutual cooperation, which the ICRC would be willing to assist.

Page 3, Training

5. ... These should utilize the expertise of different organizations in particular areas: UNICEF in child rights, UNHCR in rights pertaining to IDPs, ICRC in international humanitarian law, etc.

Page 5, Human rights commitments and monitoring

10. To be regarded as effective, the mandate of any human rights monitoring mission should reflect criteria which have been relevant to the effectiveness of monitoring arrangements elsewhere. These should include authorisation to:

- Receive communications from any individual, group of individuals or body, containing reports of human rights violations
- Visit any place or establishment freely and without prior motive
- Interview freely and privately any individual, group of individuals or member of bodies or institutions
- Collect by any means it deem appropriate such information as it considers relevant
- Make recommendations to the parties on the basis of any conclusions it has reached with respect to cases of situations.

In giving their support to effective monitoring, the parties should agree:

- To ensure the security of members of the mission and of such persons as may have provided it with information, testimony or evidence of any kind
- To give their earliest consideration to any recommendations made to them.

Page 5, Human rights commitments and monitoring

11. A human rights field mission should have the dual functions of training and monitoring. Its awareness of human rights problems on the ground and its contacts with local representatives of the parties and officials would enable it to define further training needs, and to work with others to deliver such training. Together with the parties, it should also plan and carry out an educational and informational campaign on human rights to which the parties are committed by the agreement.

Page 5, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:

- The parties could encourage wider civil society, including diaspora, discussion of these issues, the study of best practice examples from other countries

<b>Traditional/ religious leaders</b>	No specific mention.
<b>Public administration</b>	No specific mention.
<b>Constitution</b>	<p>Governance→Constitution→Constitutional reform/making</p> <p>Page 1, 2. ... New constitutional arrangements should fully reflect Sri Lanka's international commitments, and should provide firm foundations for institutions to protect human rights effectively in a federal structure within a united Sri Lanka. these commitments include collective rights and individual rights, and embrace economic, social and cultural rights as well as civil and political rights.</p> <p>Page 4, Human rights commitments and monitoring</p> <p>7. Such a preliminary agreement could not be comprehensive with regard to all the international obligations which could be reflected in an eventual constitution.</p>

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## **Power sharing**

<b>Political power sharing</b>	No specific mention.
<b>Territorial power sharing</b>	<p>Power sharing→Territorial power sharing→Federal or similar sub-divided government</p> <p>Page 1, 2. ... New constitutional arrangements should fully reflect Sri Lanka's international commitments, and should provide firm foundations for institutions to protect human rights effectively in a federal structure within a united Sri Lanka. these commitments include collective rights and individual rights, and embrace economic, social and cultural rights as well as civil and political rights.</p>
<b>Economic power sharing</b>	No specific mention.
<b>Military power sharing</b>	No specific mention.

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## **Human rights/RoL general**

Page 1. At the fifth session of peace talks in Berlin 7-8 February 2003, the parties agreed to ask their international Human Rights adviser to draw up a road map for human rights issues relating to the peace process, for discussion in the sixth session of talks in Japan. It would include:

- substantive human rights activities and commitments to be implemented throughout the negotiation process
- effective mechanisms for the monitoring of human rights
- training of LTTE cadres and GOSL officials in human rights and international law

Page 1, 2. Parties have agreed that human rights will constitute an important element of a final declaration. Sri Lanka is a party to most international human rights and humanitarian law treaties. The LTTE has declared its acceptance of international human rights law. New constitutional arrangements should fully reflect Sri Lanka's international commitments, and should provide firm foundations for institutions to protect human rights effectively in a federal structure within a united Sri Lanka. these commitments include collective rights and individual rights, and embrace economic, social and cultural rights as well as civil and political rights.

Page 1, 3. ... A human rights roadmap should remain flexible and operate as a guideline for the parties and those supporting the process from outside to ensure progress on human rights activities and commitments along with other issues. It has been found in other peace processes that human rights measures can play an important confidence-building role and contribute to the overall success of the process, so progress on human rights issues should not be limited by progress in other areas.

Page 1, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions: [Summary] IDPs, prisoners, women, children, missing and disappeared persons.

Page 3, Training

5. ... These should utilize the expertise of different organizations in particular areas: UNICEF in child rights, UNHCR in rights pertaining to IDPs, ICRC in international humanitarian law, etc.

Page 3-4, Human rights commitments and monitoring

6. The human rights commitments which have already been made and are in the process of implementation are significant ones. A degree of human rights monitoring is already in effect through the general mandate of the Human Rights Commission of Sri Lanka and the work of its regional offices, and through the SLMM. Which the SLMM is primarily a ceasefire monitoring mission, its responsibility in the districts it covers includes human rights issues, primarily through article 2.1 of the Ceasefire Agreement, which provides that: "The parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment." However it is expected that the process of negotiations will be a long one, before ultimate human rights commitments and their implementation will form part of a agreed constitutional arrangements. The parties have therefore been willing to consider the proposal that commitments in the stabilization stage might be consolidated and extended in as preliminary human rights agreements. Such an agreement, which could form the basis for effective monitoring, has precedent in other peace processes where it has been judged to contribute to positive outcomes.

Page 5, II. Transitional stagePage 12 of 30

12. The following matters regarding human rights will need to be addressed as part of the new arrangement for a federal structure within a united Sri Lanka:

**Bill of rights/similar** Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- Freedom from discrimination
- the right to life
- Freedom from torture, forced disappearance and abductions
- The right to liberty
- The right to fair trial
- The right to effective remedy
- Freedom of movement, freedom to choose a residence, and the right of return
- Freedom of thought, conscience and religion
- Freedom of expression, association and peaceful assembly

Rights of particular relevance might include:

- Children's rights
- Women's rights
- Rights of IDPs and refugees
- Minority rights
- Landmines
- Rights of disabled persons

**Treaty  
incorporation**

Page 2, 4b. Prisoners,

... Past emergency regulations and the PTA have been criticized by the Human Rights Committee established under the International Covenant on Civil and Political Rights, to which Sri Lanka is party. ... The GOSL might wish to establish a process of review existing legislation with a view to its repeal and replacement by anti-terrorism provisions which conform fully to Sri Lanka's international obligations, and the parties might consider further how the cases of all remaining prisoners should be reviewed in accordance with such standards.

Page 2, 4c. Women

... Sri Lanka is a party to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the rights of women should be fully reflected in the development of human rights commitments and activities, including training.

Page 4, Human rights commitments and monitoring

7. ... As a party to the International Covenant on Economic, Social and Cultural Rights, Sri Lanka is committed to take steps, to the maximum of its available resources, and with international assistance and cooperation, to achieve progressively these rights. These rights should be reflected in all relevant sectors of the needs to be presented to the June donors' conference.

Page 5, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:  
- The parties could consider whether any additional ratification or lifting of reservations to international human rights treaties may be appropriate (Sri Lanka is not yet party to major treaties regarding refugees, landmines and the International Criminal Court.)

Page 6, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:  
... - Existing legislation which is not fully in conformity with Sri Lanka's international human rights commitments should be reviewed and amended

## Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- the right to life

Human rights and equality→Civil and political rights→Torture

Page 3-4, Human rights commitments and monitoring

6. ... its responsibility in the districts it covers includes human rights issues, primarily through article 2.1 of the Ceasefire Agreement, which provides that: "The parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment."

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- Freedom from torture, forced disappearance and abductions

Human rights and equality→Civil and political rights→Liberty and security of person

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- Freedom from discrimination

Human rights and equality→Civil and political rights→Freedom of movement

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- Freedom of movement, freedom to choose a residence, and the right of return

Human rights and equality→Civil and political rights→Freedom of association

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- Freedom of expression, association and peaceful assembly

Human rights and equality→Civil and political rights→Fair trial

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- The right to fair trial

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- Freedom of thought, conscience and religion

- Freedom of expression, association and peaceful assembly

Human rights and equality→Civil and political rights→Other

Page 1, 2. ... New constitutional arrangements should fully reflect Sri Lanka's

international commitments, and should provide firm foundations for institutions to protect human rights effectively in a federal structure within a united Sri Lanka. These

## **Socio-economic rights**

Human rights and equality→Socio-economic rights→Work

Page 4, Human rights commitments and monitoring

7. ... The parties should also express their commitment to promote economic, social and cultural rights, including the right to work, the right to an adequate standard of living including adequate food, clothing and housing, the right to health, the right to education, and the right to take part in cultural life.

Human rights and equality→Socio-economic rights→Health

Page 4, Human rights commitments and monitoring

7. ... The parties should also express their commitment to promote economic, social and cultural rights, including the right to work, the right to an adequate standard of living including adequate food, clothing and housing, the right to health, the right to education, and the right to take part in cultural life.

Human rights and equality→Socio-economic rights→Education

Page 4, Human rights commitments and monitoring

7. ... The parties should also express their commitment to promote economic, social and cultural rights, including the right to work, the right to an adequate standard of living including adequate food, clothing and housing, the right to health, the right to education, and the right to take part in cultural life.

Human rights and equality→Socio-economic rights→Adequate standard of living

Page 4, Human rights commitments and monitoring

7. ... The parties should also express their commitment to promote economic, social and cultural rights, including the right to work, the right to an adequate standard of living including adequate food, clothing and housing, the right to health, the right to education, and the right to take part in cultural life.

Human rights and equality→Socio-economic rights→Shelter/housing

Page 4, Human rights commitments and monitoring

7. ... The parties should also express their commitment to promote economic, social and cultural rights, including the right to work, the right to an adequate standard of living including adequate food, clothing and housing, the right to health, the right to education, and the right to take part in cultural life.

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

- Freedom of movement, freedom to choose a residence, and the right of return

Human rights and equality→Socio-economic rights→Cultural life

Page 1, 2. ... New constitutional arrangements should fully reflect Sri Lanka's international commitments, and should provide firm foundations for institutions to protect human rights effectively in a federal structure within a united Sri Lanka. these commitments include collective rights and individual rights, and embrace economic, social and cultural rights as well as civil and political rights.

Page 4, Human rights commitments and monitoring

7. ... The parties should also express their commitment to promote economic, social and cultural rights, including the right to work, the right to an adequate standard of living including adequate food, clothing and housing, the right to health, the right to education, and the right to take part in cultural life.

Human rights and equality→Socio-economic rights→Other

Page 1, 2. ... New constitutional arrangements should fully reflect Sri Lanka's international commitments, and should provide firm foundations for institutions to protect human rights effectively in a federal structure within a united Sri Lanka. these commitments include collective rights and individual rights, and embrace economic, social and cultural rights as well as civil and political rights.



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## Rights related issues

**Citizenship** No specific mention.

**Democracy** No specific mention.

**Detention procedures** No specific mention.

**Media and communication** Rights related issues→Media and communication→Other  
Page 5, Human rights commitments and monitoring  
10. To be regarded as effective, the mandate of any human rights monitoring mission should reflect criteria which have been relevant to the effectiveness of monitoring arrangements elsewhere. These should include authoritarian to:  
- Recieve communications from any individual, group of individuals or body, containing reports of human rights violations  
- Interview freely and privately any individual, group of individuals or member of bodies or institutions  
- Collect by any means it deem appropriate such information as it considers relevant  
- Make recommendations to the parties on the basis of any conclusions it has reached with respect to cases of situations.

Page 5, Human rights commitments and monitoring  
11. A human rights field mission should have the dual functions of training and monitoring. Its awareness of human rights problems on the ground and its contacts with local representatives of the parties and officials would enable it to define further training needs, and to work with others to deliver such training. Together with the parties, it should also plan and carry out an educational and informational campaign on human rights to which the parties and are committed by the agreement.

**Mobility/access** Page 5, Human rights commitments and monitoring  
10. To be regarded as effective, the mandate of any human rights monitoring mission should reflect criteria which have been relevant to the effectiveness of monitoring arrangements elsewhere. These should include authoritarian to:  
- Visit any place or establishment freely and without prior motive

## **Protection measures**

Rights related issues→Protection measures→Protection of groups

Page 1, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons: The parties have determined that an immediate priority is to accelerate the resettlement and rehabilitation of internally displaced persons. They have stated that the needs of the displaced Muslim population will be duly accommodated in the resettlement process. They have recognised the need to address ways and means to ensure the return of private property, and matters relating to the occupation and cultivation of land. In discussions with UNHCR regarding refugee return they have noted that conditions conducive to return require physical, legal and material security, and addressing the specific protection and assistance needs of women, children and other vulnerable groups. The Guiding Principles on International Displacement provide a human rights framework for continuing to address the situation of IDPs, and continuing international advice and assistance is available through UNHCR, which can recommend modalities based on experience in other post-conflict countries for resolving land and property issues.

Page 1-2, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons ... In discussions with UNHCR regarding refugee return they have noted that conditions conducive to return require physical, legal and material security, and addressing the specific protection and assistance needs of women, children and other vulnerable groups.

Page 2, 4d. Children

The parties have stressed the need to improve the situation for children affected by the armed conflict. Sri Lanka is a party to the Convention on the Rights of the Child. Inspired by the international norms protecting the rights of the child, the parties have underlined that children belong with their families and other custodians and not in the workplace, whether civilian or military. The LTTE has issued written instructions to ensure no under age recruitment takes place and has reiterated its commitment to redress the problem of part under age recruitment. It is engaged in a partnership with UNICEF to draw up an action plan for restoring normalcy to the lives of children of the north and east affected by war.

Rights related issues→Protection measures→Other

Page 5, Human rights commitments and monitoring

10. To be regarded as effective, the mandate of any human rights monitoring mission should reflect criteria which have been relevant to the effectiveness of monitoring arrangements elsewhere. ...

In giving their support to effective monitoring, the parties should agree:

- To ensure the security of members of the mission and of such persons as may have provided it with information, testimony or evidence of any kind.

**Other**

Page 1-2, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons ... The Guiding Principles on International Displacement provide a human rights framework for continuing to address the situation of IDPs, and continuing international advice and assistance is available through UNHRC, which can recommend modalities based on experience in other post-conflict countries for resolving land and property issues.

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## Rights institutions

### NHRI

Rights institutions→NHRI→Mentions of NHRI

Page 3, Training

5. ... The Human Rights Commission of Sri Lanka is mandated to promote awareness of, and provide education in relation to, human rights.

Page 3-4, Human rights commitments and monitoring

6. The human rights commitments which have already been made and are in the process of implementation are significant ones. A degree of human rights monitoring is already in effect through the general mandate of the Human Rights Commission of Sri Lanka and the work of its regional offices, and through the SLMM. Which the SLMM is primarily a ceasefire monitoring mission,

Page 4, Human rights commitments and monitoring

9. The parties have recognized the need for effective monitoring. This is desirable throughout Sri Lanka. In the post-transitional stage, monitoring should be undertaken by effective domestic institutions. Amendments to the mandate of the Human Rights Commission of Sri Lanka are being considered to enhance its effectiveness, and technical cooperation can assist in the development of its capacity, initially in the south. However in the context of the peace process, effectiveness requires special arrangements in both government-dominated and LTTE-dominated areas in the north and east, with international involvement. It is for the parties to consider the nature of international involvement they may wish to invite.

Page 5, Human rights commitments and monitoring

10. To be regarded as effective, the mandate of any human rights monitoring mission should reflect criteria which have been relevant to the effectiveness of monitoring arrangements elsewhere. These should include authoritarian to:

- Receive communications from any individual, group of individuals or body, containing reports of human rights violations
- Visit any place or establishment freely and without prior notice
- Interview freely and privately any individual, group of individuals or member of bodies or institutions
- Collect by any means it deem appropriate such information as it considers relevant
- Make recommendations to the parties on the basis of any conclusions it has reached with respect to cases of situations.

In giving their support to effective monitoring, the parties should agree:

- To ensure the security of members of the mission and of such persons as may have provided it with information, testimony or evidence of any kind
- To give their earliest consideration to any recommendations made to them.

### Regional or international human rights institutions

No specific mention.

## **Justice sector reform**

### **Criminal justice and emergency law** Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 2, 4b. Prisoners,

... The GOSL might wish to establish a process of review existing legislation with a view to its repeal and replacement by anti-terrorism provisions which conform fully to Sri Lanka's international obligations, and the parties might consider further how the cases of all remaining prisoners should be reviewed in accordance with such standards.

Page 6, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:

... - Existing legislation which is not fully in conformity with Sri Lanka's international human rights commitments should be reviewed and amended

### **State of emergency provisions** No specific mention.

### **Judiciary and courts**

Page 5, II. Transitional stage

12. The following matters regarding human rights will need to be addressed as part of the new arrangement for a federal structure within a united Sri Lanka:

- A judiciary which is representative, trained in human rights, and with guarantees of independence.

Page 6, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:

- Training programmes for officials, courts, police and prisons could be further designed and developed as the negotiations on new arrangements proceed

**Prisons and detention**

Page 1. At the fifth session of peace talks in Berlin 7-8 February 2003, the parties agreed to ask their international Human Rights adviser to draw up a road map for human rights issues relating to the peace process, for discussion in the sixth session of talks in Japan. It would include:

- training of police and prison officers

Page 2, 4b. Prisoners,

The status of Tamil prisoners held under the Prevention of Terrorism Act has been discussed. In the Ceasefire Agreement the parties agreed that search operations and arrests under the PTA shall not take place and that arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code. Many but not all of those held under the PTA have been released. Past emergency regulations and the PTA have been criticized by the Human Rights Committee established under the International Covenant on Civil and Political Rights, to which Sri Lanka is party. The GOSL might wish to establish a process of review existing legislation with a view to its repeal and replacement by anti-terrorism provisions which conform fully to Sri Lanka's international obligations, and the parties might consider further how the cases of all remaining prisoners should be reviewed in accordance with such standards.

Page 3, Training

5. The parties have indicated a wish to consider training for LTTE cadres and GOSL officials, and for police and prison officials. ... In the context of the peace process special efforts should be made in the north and east, focussing as agreed on LTTE cadres and GOSL officials, and on police and prison officials.

Page 6, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:

- Training programmes for officials, courts, police and prisons could be further designed and developed as the negotiations on new arrangements proceed

**Traditional Laws** No specific mention.

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**Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** Page 3, Training

5. ... The parties might invite the UN Resident Coordinator to undertake such coordination, and necessary resource mobilization, through the Human Rights Adviser to the UN Country Team, who has access to the experience and resources of the Office of the High Commissioner for Human Rights. An Immediate training needs assessment should be carried out in conjunction with both the GOSL and LTTE. If it is agreed to establish a human rights mission on the ground its functions should include training as well as monitoring.

Page 4, Human rights commitments and monitoring

7. ... As a party to the International Covenant on Economic, Social and Cultural Rights, Sri Lanka is committed to take steps, to the maximum of its available resources, and with international assistance and cooperation, to achieve progressively these rights. These rights should be reflected in all relevant sectors of the needs to be presented to the June donors' conference.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

## **Land, property and environment**

<b>Land reform/rights</b>	Land, property and environment→Land reform/rights→Property return and restitution Page 1, I. Stabilization stage: 4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions: 4a. Internally displaced persons: ... They have recognised the need to address ways and means to ensure the return of private property, and matters relating to the occupation and cultivation of land. [...] The Guiding Principles on International Displacement provide a human rights framework for continuing to address the situation of IDPs, and continuing international advice and assistance is available through UNHRC, which can recommend modalities based on experience in other post-conflict countries for resolving land and property issues.
<b>Pastoralist/ nomadism rights</b>	No specific mention.
<b>Cultural heritage</b>	Land, property and environment→Cultural heritage→Intangible Page 6, II. Transitional stage 13. To build towards such arrangements, the following preparatory steps could be taken: ... - Efforts for the full implementation of language parity should be intensified
<b>Environment</b>	No specific mention.
<b>Water or riparian rights or access</b>	No specific mention.

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## Security sector

### Security Guarantees

Page 1-2, I. Stabilization stage:

4. The parties have already discussed within the peace talks a number of issues with major human rights dimensions:

4a. Internally displaced persons ... In discussions with UNHCR regarding refugee return they have noted that conditions conducive to return require physical, legal and material security, and addressing the specific protection and assistance needs of women, children and other vulnerable groups.

Page 4, Human rights commitments and monitoring

8. A preliminary agreement might address core rights which would enable basic human rights and humanitarian law standards to be monitored in practice, together with rights of particular relevance to the peace process. Core rights might include:

Rights of particular relevance might include:

- Landmines

Page 5, Human rights commitments and monitoring

10. To be regarded as effective, the mandate of any human rights monitoring mission should reflect criteria which have been relevant to the effectiveness of monitoring arrangements elsewhere. ...

In giving their support to effective monitoring, the parties should agree:

- To ensure the security of members of the mission and of such persons as may have provided it with information, testimony or evidence of any kind

Page 5, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:

- The parties could consider whether any additional ratification or lifting of reservations to international human rights treaties may be appropriate (Sri Lanka is not yet party to major treaties regarding refugees, landmines and the International Criminal Court.)

### Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 2, 4b. Prisoners,

... In the Ceasefire Agreement the parties agreed that search operations and arrests under the PTA shall not take place and that arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code. Many but not all of those held under the PTA have been released.

Page 3-4, Human rights commitments and monitoring

6. The human rights commitments which have already been made and are in the process of implementation are significant ones. A degree of human rights monitoring is already in effect through the general mandate of the Human Rights Commission of Sri Lanka and the work of its regional offices, and through the SLMM. Which the SLMM is primarily a ceasefire monitoring mission, its responsibility in the districts it covers includes human rights issues, primarily through article 2.1 of the Ceasefire Agreement, which provides that: "The parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment."

**Police**

Page 1. At the fifth session of peace talks in Berlin 7-8 February 2003, the parties agreed to ask their international Human Rights adviser to draw up a road map for human rights issues relating to the peace process, for discussion in the sixth session of talks in Japan. It would include:  
- training of police and prison officers

Page 3, Training

5. The parties have indicated a wish to consider training for LTTE cadres and GOSL officials, and for police and prison officials. ... In the context of the peace process special efforts should be made in the north and east, focussing as agreed on LTTE cadres and GOSL officials, and on police and prison officials.

Page 5, II. Transitional stage

12. The following matters regarding human rights will need to be addressed as part of the new arrangement for a federal structure within a united Sri Lanka:  
- Arrangements for policing which is accountable, representative, responsive to local needs and trained in human right standards

Page 6, II. Transitional stage

13. To build towards such arrangements, the following preparatory steps could be taken:  
- Training programmes for officials, courts, police and prisons could be further designed and developed as the negotiations on new arrangements proceed

**Armed forces**

No specific mention.

**DDR**

No specific mention.

**Intelligence services**

No specific mention.

**Parastatal/rebel  
and opposition  
group forces**

Page 1, 2. ... The LTTE has declared its acceptance of international human rights law....

Page 2, 4d. Children

... The LTTE has issued written instructions to ensure no under age recruitment takes place and has reiterated its commitment to redress the problem of part under age recruitment. It is engaged in a partnership with UNICEF to draw up an action plan for restoring normalcy to the lives of children of the north and east affected by war.

Page 3, Training

5. The parties have indicated a wish to consider training for LTTE cadres and GOSL officials, and for police and prison officials. ... In the context of the peace process special efforts should be made in the north and east, focussing as agreed on LTTE cadres and GOSL officials, and on police and prison officials.

Page 3, Training

5. ... The parties might invite the UN Resident Coordinator to undertake such coordination, and necessary resource mobilization, through the Human Rights Adviser to the UN Country Team, who has access to the experience and resources of the Office of the High Commissioner for Human Rights. An Immediate training needs assessment should be carried out in conjunction with both the GOSL and LTTE. If it is agreed to establish a human rights mission on the ground its functions should include training as well as monitoring.

**Withdrawal of  
foreign forces**

No specific mention.

**Corruption**

No specific mention.

**Crime/organised  
crime**

No specific mention.

**Drugs**

No specific mention.

**Terrorism**

Page 2, 4b. Prisoners,

The status of Tamil prisoners held under the Prevention of Terrorism Act has been discussed.

Page 2, 4b. Prisoners,

... Past emergency regulations and the PTA have been criticized by the Human Rights Committee established under the International Covenant on Civil and Political Rights, to which Sri Lanka is party. ... The GOSL might wish to establish a process of review existing legislation with a view to its repeal and replacement by anti-terrorism provisions which conform fully to Sri Lanka's international obligations, and the parties might consider further how the cases of all remaining prisoners should be reviewed in accordance with such standards.



<b>Transitional justice general</b>	Page 6, II. Transitional stage 13. To build towards such arrangements, the following preparatory steps could be taken: - Human rights awareness should be an important element of public information campaigns by the parties and by civil society to support the peace process, and to ensure the level of public participation necessary to ensuring that the human rights abuses of the past are prevented in future.
	Page 6, II. Transitional stage 14. Measures responsive to the concerns and needs of the relatives of those missing or involuntary disappeared, and of victims of torture and other part human rights violations, should continue to be developed. The question of how issues of acknowledgement and accountability are going to be addressed will need to be considered before entering the post-transitional stage.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	Transitional justice→Courts→International courts Page 5, II. Transitional stage 13. To build towards such arrangements, the following preparatory steps could be taken: - The parties could consider whether any additional ratification or lifting of reservations to international human rights treaties may be appropriate (Sri Lanka is not yet party to major treaties regarding refugees, landmines and the International Criminal Court.)
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	Page 3, 4e. Missing and disappeared persons The Human Rights Commission of Sri Lanka has appointed a Committee to inquire into disappearances and removal of persons from their residences in the Jaffna District during the period of 1996-1998 and during the year 1990.
	Page 6, II. Transitional stage 14. Measures responsive to the concerns and needs of the relatives of those missing or involuntary disappeared, and of victims of torture and other part human rights violations, should continue to be developed. The question of how issues of acknowledgement and accountability are going to be addressed will need to be considered before entering the post-transitional stage.

<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	<p>Page 3, Training</p> <p>5. ... The Human Rights Commission of Sri Lanka is mandated to promote awareness of, and provide education in relation to, human rights. Such efforts should be intensified throughout Sri Lanka, in order to contribute to reconciliation and respect for the rights of local minorities.</p>
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<b>Implementation</b>	
<b>UN signatory</b>	No specific mention.
<b>Other international signatory</b>	No specific mention.
<b>Referendum for agreement</b>	No specific mention.
<b>International mission/force/similar</b>	<p>Page 4, Human rights commitments and monitoring</p> <p>9. The parties have recognized the need for effective monitoring. This is desirable throughout Sri Lanka. In the post-transitional stage, monitoring should be undertaken by effective domestic institutions. Amendments to the mandate of the Human Rights Commission of Sri Lanka are being considered to enhance its effectiveness, and technical cooperation can assist in the development of its capacity, initially in the south. However in the context of the peace process, effectiveness requires special arrangements in both government-dominated and LTTE-dominated areas in the north and east, with international involvement. It is for the parties to consider the nature of international involvement they may wish to invite.</p>
<b>Enforcement mechanism</b>	<p>Page 1, 3. The parties have recognised that the process will be a long and demanding one, and have stated that throughout the process they will continuously monitor the ground situation, thus enabling necessary action to be taken at all stages to ensure further progress.</p>
<b>Related cases</b>	No specific mention.
<b>Source</b>	Archived hard copy, C. Bell.
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