



**22<sup>nd</sup> Session of the HRC**  
**Statement by Sri Lanka - Item 3**  
**ID with the Special Rapporteur on Human Rights Defenders**

Mr. President,

Sri Lanka notes the report of the Special Rapporteur on the situation of human rights defenders (A/HRC/22/47), and welcomes her emphasis on the role played by national human rights institutions in the promotion and protection of human rights. We take particular note of the acknowledgement in her Report of the national human rights institution of Sri Lanka having maintained regular contact and meetings with human rights defenders and civil society networks.

Sri Lanka's Human Rights Commission was established under Act No. 21 of 1996, and under this Act, the Commission has powers to entertain complaints with regard to violation of any fundamental right recognised as made by **any aggrieved person, or a person or a group of persons** acting on behalf of such person. The Commission is empowered to investigate, on its own, or pursuant to complaints, of such alleged violations or imminent violations.

The wide mandate of the Commission envisaged under the said law facilitates and enables human rights defenders to collaborate with the Commission in promotion and protection and advancing human rights.

In Sri Lanka, all persons are equal before the law and entitled to the equal protection of the Law. Accordingly, human rights defenders who seek to vindicate violations or imminent violation have recourse to several remedies provided for in the Constitution and other laws through a process of:

- (i) a Fundamental Rights application in the Supreme Court under Article 126 of the Constitution;
- (ii) a writ application in the Court of Appeal under Article 140 of the Constitution; and
- (iii) a complaint before the Human Rights Commission;
- (iv) by invoking the epistolary jurisdiction by a communication to the Supreme Court.

The full gamut of Constitutional guarantees including effective remedies is available to individuals or groups of individuals who wish to espouse social causes. Fundamental Rights guaranteed by Article 14(1) (a) to (i) of the Constitution may be exercised by Sri Lankan human rights defenders subject to Constitutional restrictions.

Cognizant of the spirit of the provisions of the UN Declaration on Human Rights Defenders A/RES/53/144, adopted by the General Assembly on 9

December 1998, Sri Lanka acknowledges the important role played by civil society in the promotion and protection of human rights, and condemns acts of intimidation or reprisal alleged to have been committed against such individuals or groups. The Government has made every endeavour to address any concerns brought to its notice.

Sri Lanka also welcomes the observations by some delegations recorded in the Summary of 'the Council panel discussion on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights' (A/HRC/22/34): (i) that facts relating to alleged acts of reprisal and intimidation be established on the basis of objective and reliable information from credible sources that have been duly cross-checked to the greatest extent possible, and information be gathered from multiple sources to avoid a unilateral approach; (ii) that states concerned be consulted when an allegation of reprisal is made; (iii) that the review of all policies and practices of the UN and mechanisms with regard to reprisals be done in an objective and impartial manner and in consultation with states; and (iv) the concern expressed at the increasing tendency to manipulate human rights mechanisms for political purposes. We also wish to recall that the ECOSOC Resolution 1996/31 of 25 July 1996 is the basis and the guide for the conduct of the participation of NGOs in the Council.

In conclusion Mr. President,

We reiterate our support to the Special Rapporteur in her efforts in fulfilling her mandate in accordance, inter alia, with resolution 5/2 of 18 June 2007.

I thank you.