



**International covenant  
on civil and  
political rights**

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HUMAN RIGHTS COMMITTEE  
Seventy-eighth session

**List of issues to be taken up in connection with the consideration of the  
fourth periodic report of SRI LANKA (CCPR/C/LKA/2002/4), adopted  
by the Human Rights Committee on 17 July 2003**

**Constitutional and legal framework within which the Covenant  
is implemented (art. 2)**

1. What progress has been made in the constitutional reform process and what steps have been taken to ensure compatibility of the draft Constitution with the Covenant? What steps have been taken to abolish the time limit of two years, proposed in the draft Constitution, for challenging the constitutional validity of enacted legislation?
2. What measures have been taken to ensure compatibility of the State party's laws with the Constitution in the light of article 16, paragraph 1, which stipulates that all existing laws remain valid and operative, notwithstanding any inconsistency with the Constitution's provisions relating to fundamental rights?
3. What specific measures have been taken to fight impunity for violations of the Covenant committed by State agents? What steps have been taken to ensure that State agents guilty of human rights violations are brought to justice? To what extent have offences been investigated and guilty parties prosecuted and punished under the Prevention of Organized Crime Act of 2003?
4. How are human rights being protected in the context of the implementation of the Peace Agreement reached on 24 February 2002? To what extent has the protection of human rights been a part of the negotiations between the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka?

5. What measures has the State party taken to implement the Views of the Human Rights Committee with regard to case 916/2000 (*Jayawardena v. Sri Lanka*), adopted on 26 July 2002?

**Gender equality and the right of children to be protected (arts. 3 and 24)**

6. What steps have been taken to ensure that there are no discriminatory provisions in the laws governing marriage, inheritance and succession?

7. What steps have been taken by the State party to ensure that violence against women is adequately dealt with by the authorities and with what results?

**Derogation in time of public emergency (art. 4)**

8. Please provide information regarding the current applicability of Emergency Regulations and the Prevention of Terrorism Act (paras. 136 and 137). Please provide detailed information on declarations of a state of emergency and the rights that were limited in each case during the reporting period.

**Right to life; prohibition of cruel, inhuman or degrading treatment; and right to be free of arbitrary arrest and detention (arts. 6, 7 and 9)**

9. What steps have been taken towards conducting an inquiry into human rights violations and summary executions that occurred between 1984 and 1988?

10. What measures have been taken to investigate extrajudicial killings such as those of Neelan Tiruchelvam in July 1999 and G.G. Ponnambalam in January 2000?

11. Please provide details on criminal proceedings resulting from investigations conducted by the Disappearances Investigations Unit established in November 1997 (para. 157).

12. Please indicate the results of the work of the Board of Investigation (para. 166). Have steps been taken to punish those found responsible for disappearances on the basis of the Board's investigations and to compensate the families of the disappeared victims?

13. To what extent has the establishment of a hotline and Central Police Registry assisted family members of detainees in obtaining information on the detention (para. 185)?

14. What steps have been taken or are being envisaged to bring the State party's anti-torture legislation in conformity with the Covenant?

15. What steps have been taken with regard to prevention, investigation, prosecution and punishment in response to allegations of torture, extrajudicial executions, disappearances and other violations of human rights?

16. Is it envisaged to repeal legislation which allows for the imposition of corporal punishment?

17. What additional measures have been taken to protect the rights of detainees held by order of the Secretary of Defence under the Prevention of Terrorism Act? What progress has been made towards the release of detainees held for prolonged periods of time without trial under the Act?

**Rights of persons deprived of liberty to be treated with humanity and right of juveniles to be afforded treatment appropriate for their age (art. 10)**

18. Please describe the results of the application of the Prisons Ordinance and the findings of the Board of Prison Visitors (paras. 234 and 246).

19. Please describe the results of the monitoring activities of the Sri Lanka Human Rights Commission in relation to prison conditions. Have any penal sanctions been applied with regard to conditions of detention under the Act establishing the Human Rights Commission (para. 82)?

20. What measures have been taken to abolish unofficial places of detention?

21. Please explain the results of the Law Commission's review of laws relating to juvenile justice (para. 475). What steps are being taken to raise the age of criminal responsibility from its current minimum, i.e. eight years?

**Right to fair trial (art. 14)**

22. What measures have been taken towards ensuring the independence of the judiciary in the light of article 107 of the Constitution, read together with the Standing Orders issued by Parliament? Is the dismissal of a member of the judiciary subject to judicial scrutiny (paras. 302- 303)? Please give concrete examples, if available.

**Right to freedom of expression (art. 19)**

23. What progress has been made with regard to amending the Parliamentary (Powers and Privileges) Act to ensure freedom of expression (paras. 358-359)? What is the status of the proposed amendment to the Constitution that restricts the right to freedom of expression "in the interest of the authority of Parliament"?

24. In the light of reports that State radio and television programmes enjoy broader dissemination than privately owned stations, what steps have been taken to ensure freedom of the press? What has been done, or is envisaged to be done, to repeal Section 27 of the Sri Lanka Broadcasting Corporation Act of 1966 and the Sri Lanka Rupavahini Corporation Act of 1982?

25. What measures have been taken to sanction individuals who harass media personnel and journalists?

26. The Committee has been informed that government officials do not consistently implement judicial orders relating to violations of the right to freedom of expression. Please comment.

**Right of children to be protected (art. 24)**

27. What progress has been made to ensure that legal procedures adequately protect children against economic and sexual exploitation?

28. What measures are being taken to eliminate the trafficking of children in the State party?

29. What steps have been taken to establish juvenile courts, for the purpose of trying juveniles (para. 474)?

**Dissemination of the Covenant and Optional Protocol**

30. Describe the measures taken to disseminate information on the submission of reports and on their consideration by the Committee, particularly on the Committee's concluding observations.

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