

SRI LANKA

Follow-up - State Reporting

i) Action by Treaty Bodies, Including Reports on Missions

CCPR A/59/40 vol. I (2004)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

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260. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Of the 27 States parties (detailed below) that have been before the Committee under the follow-up procedure over the last year, only one (Republic of Moldova) has failed to provide information at the latest after dispatch of a reminder. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

261. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State party</u>	<u>Date information due</u>	<u>Date reply received</u>	<u>Further action</u>
...			
<i>Seventy-ninth session</i> <i>(October 2003)</i>			
...			
Sri Lanka	7 November 2004	-	-

CCPR, A/60/40 vol. I (2005)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

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233. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the comprehensive table presented below. Since 18 June 2004, 15 States parties (Egypt, Germany, Kenya, Latvia, Lithuania, Morocco, the Netherlands, the Philippines, Portugal, the Russian Federation, Serbia and Montenegro, Slovakia, Sweden, Togo and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only six States parties (Colombia, Israel, Mali, Republic of Moldova, Sri Lanka and Suriname) have failed to supply follow-up information that had fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

224. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State Party</u>	<u>Date Information Due</u>	<u>Date Reply Received</u>	<u>Further Action</u>
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...

*Seventy-ninth session
(October 2003)*

Sri Lanka	7 November 2004	Advised of forthcoming reply.	
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CCPR, CCPR/C/SR.2367 (2006)

Human Rights Committee

Eighty-sixth session

Summary record of the 2367th meeting

Held at Headquarters, New York, on Friday, 31 March 2006, at 10 a.m.

Chairperson: Ms. Chanet

Follow-up on concluding observations on State reports

Progress report of the Special Rapporteur for Follow-up on Concluding Observations

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10. Mr. Rivas Posada (Special Rapporteur for Follow-up on Concluding Observations) said that...

11. In the case of Sri Lanka, the State party had finally submitted a written reply, but it did not include an answer to paragraph 10 of the concluding observations (CCPR/CO/79/LKA) concerning investigation and prosecution of the large number of enforced or involuntary disappearances during the time of the armed conflict. Since that was an issue of some importance, he was recommending that the Committee should request a complete response to supplement the partial reply.

...

CCPR, CCPR/C/SR.2392 (2006)

HUMAN RIGHTS COMMITTEE

Eighty-seventh session

SUMMARY RECORD OF THE 2392nd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 26 July 2006, at 11 a.m.

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FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO
VIEWS UNDER THE OPTIONAL PROTOCOL (agenda item 7)

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Report of the Special Rapporteur for follow-up on concluding observations
(CCPR/C/87/CRP.1/Add.7)

...

Mr. RIVAS POSADA, speaking as Special Rapporteur for follow-up on concluding
observations]

49. Sri Lanka had submitted an incomplete reply in October 2005 to the Committee's request at its seventy-ninth session in October 2003 for additional information on four paragraphs of its concluding observations. A full response had been requested but none had been received to date and a reminder had been sent on 6 July 2006.

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CCPR, A/61/40 vol. I (2006)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

234. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/60/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2006.

235. Over the period covered by the present annual report, Mr. Rafael Rivas Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions on a State-by-State basis.

236. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, since 1 August 2005, 14 States parties (Albania, Belgium, Benin, Colombia, El Salvador, Kenya, Mauritius, Philippines, Poland, Serbia and Montenegro, Sri Lanka, Tajikistan, Togo and Uganda) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 11 States parties (Equatorial Guinea, Greece, Iceland, Israel, Mali, Moldova, Namibia, Suriname, the Gambia, Uzbekistan and Venezuela) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

237. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

State party	Date information due	Date reply received	Further action
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...

*Seventy-ninth session
(October 2003)*

...

Sri Lanka
Fourth and fifth
periodic reports
examined

7 November 2004
Paras. 8, 9, 10
and 18

24 October 2005
(partial reply with
respect to paras. 8
and 10)

A reminder was dispatched on
11 October 2005.

At its eighty-fifth session, the
Special Rapporteur met with a
representative of the State
party who submitted a written
reply.

A complete response to
supplement the partial reply,
including on paras. 8 and 10
was requested. Last reminder
was dispatched on 6 July
2006.

Consultations have been
scheduled for the
eighty-eighth session.

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CCPR, A/62/40 vol. I (2007)

CHAPTER VII. FOLLOW-UP ON CONCLUDING OBSERVATIONS

220. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/61/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2007.

221. Over the period covered by the present annual report, Mr. Rafael Rivas-Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State. In view of Mr. Rivas-Posada's election to the Chair of the Committee, Sir Nigel Rodley was appointed the new Special Rapporteur for follow-up on concluding observations at the Committee's ninetieth session.

222. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹ Over the reporting period, since 1 August 2006, 12 States parties (Albania, Canada, Greece, Iceland, Israel, Italy, Slovenia, Syrian Arab Republic, Thailand, Uganda, Uzbekistan and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 12 States parties (Brazil, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Mali, Moldova, Namibia, Surinam, Paraguay, the Gambia, Surinam and Yemen) and UNMIK have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

223. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided before 1 August 2006 to take no further action prior to the period covered by this report.

...

Seventy-ninth session (October 2003)

State party: Sri Lanka

Report considered: Fourth and fifth periodic (due since 1996), submitted on 18 September 2002.

Information requested:

Para. 8: Bringing article 15 of the Constitution into line with articles 4 and 14 of the Covenant.

Para. 9: Action to prevent torture and ill-treatment; bring the National Police Commission complaints procedure into effect as soon as possible; investigation of witness intimidation and introduction of witness protection programmes; boosting capacity of the National Human Rights Commission (arts. 2, 7 and 9).

Para. 10: Effect given to relevant recommendations by the United Nations Working Group on Enforced or Involuntary Disappearances and by the Presidential Commissions for Investigation into Enforced or Involuntary Disappearances; allocation of sufficient resources to the National Human Rights Commission (arts. 6, 7, 9 and 10).

Para. 18: Action to prevent reporters from being harassed; prompt, impartial investigation and trial of those responsible (arts. 7, 14 and 19).

Date information due: 7 November 2004

Date reply received: NONE RECEIVED

Action taken:

7 March 2005 A reminder was sent.

11 October 2005 A further reminder was sent.

6 July 2006 A further reminder was sent.

20 September 2006 A further reminder was sent.

5 February 2007 A further reminder was sent.

29 June 2007 A further reminder was sent to the State party.

17 March 2005 The State party informed the Committee that it was finalizing the follow-up replies, which would be forwarded shortly.

24 October 2005 (Incomplete reply with regard to paragraphs 8 and 10.)

Recommended action: Consultations should be scheduled for the ninety-first session.

Next report due: 1 November 2007

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Note

1/ The table format was altered at the ninetieth session.

CCPR, CCPR/C/SR.2533 (2008)

Human Rights Committee
Ninety-second session
Summary record of the 2533rd meeting
Held at Headquarters, New York,
on Wednesday, 2 April 2008, at 11 a.m.

...

Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Progress report of the Special Rapporteur for follow-up on concluding observations

1. Sir Nigel Rodley (Special Rapporteur for follow-up on concluding observations), introducing an updated English version of his earlier report (CCPR/C/92/R.1) tracking the changes made in the light of developments since its publication, said that he had consulted with representatives of the Central African Republic, Mali, Namibia, Sri Lanka and Suriname and would soon be meeting with representatives of the Democratic Republic of the Congo. Regrettably, it had not been possible to meet with representatives of the Gambia and Namibia, which had not been forthcoming in making the necessary arrangements.

2. The Special Rapporteur's role was to urge States to provide prompt feedback on the points raised by the Committee in its concluding observations. Such efforts were counter-productive, however, if requests for information were made year after year and a subsequent periodic report of the State party was due or overdue. In those cases, the State party should be encouraged to submit a report rather than respond to concerns paragraph by paragraph. Nevertheless, failing the submission of a report, a response to the individual paragraphs would be better than nothing.

3. He hoped that the updated version of his report could be reformatted to make it more reader-friendly. Concerning overdue responses to concluding observations, he recommended, with respect to Moldova and Uzbekistan, that no further action should be taken in view of the States parties' submission of periodic reports.

...

23. Sir Nigel Rodley, turning to the concluding observations on Mali, pointed out that alternative recommended actions were proposed, but in the document under consideration; however, in the light of the consultations held with the State party during the current session, he suggested that action should be limited to a further reminder. The same option should be recommended for Sri Lanka, notwithstanding the omission of any wording to that effect from his report.

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33. *The recommendations contained in the progress report of the Special Rapporteur for follow-up on concluding observations, as amended, were approved.*

The meeting was suspended at 12.30 p.m. and resumed at 12.35 p.m.

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CCPR, CCPR/C/SR.2564/Add.1 (2008)

HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 2564th MEETING

Held at the Palais Wilson, Geneva,

on Wednesday, 23 July 2008 at 11.25 a.m.

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FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO
VIEWS UNDER THE OPTIONAL PROTOCOL

...

Report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/93/R.1)

1. Sir Nigel RODLEY, Special Rapporteur for follow-up on concluding observations, introduced his report contained in document CCPR/C/93/R.1.

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4. ...If no information was received from Sri Lanka before the ninety-fourth session, a further reminder should be sent...

5. He summarized additional information received under a number of headings. In the case of Sri Lanka, the following information should be inserted under "Date information received": "16 July 2008: partial reply (response incomplete with regard to paragraph 8 concerning the national police complaints procedure and paragraph 10 concerning implementation of the recommendations made by the United Nations Working Group on Enforced and Involuntary Disappearances in 1999)."

...

39. The draft report of the Special Rapporteur for follow-up on concluding observations was adopted.

...

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

194. In chapter VII of its annual report for 2003,²⁰ the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/62/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2008.

195. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-first, ninety-second and ninety third sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

196. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.²¹ Over the reporting period, since 1 August 2007, 11 States parties (Bosnia and Herzegovina, Brazil, Hong Kong Special Administrative Region (China), Mali, Paraguay, Republic of Korea, Sri Lanka, Suriname, Togo, United States of America and Ukraine), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 10 States parties (Barbados, Central African Republic, Chile, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Honduras, Madagascar, Namibia and Yemen) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

197. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2007 to take no further action prior to the period covered by this report.

198. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

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Seventy-ninth session (October 2003)

State party: Sri Lanka
Report considered: Fourth and fifth periodic (due since 1996), submitted on 18 September 2002.
Information requested: Para. 8: No excessive restrictions on the exercise of fundamental rights; no derogation from the prohibition of retroactive punishment (arts. 14 and 15). Para. 9: Measures to prevent torture and ill-treatment; bring the National Police Commission complaints procedure into effect as soon as possible; investigate cases of suspected intimidation of witnesses; introduce witness protection programmes; strengthen the capacity of the National Human Rights Commission to investigate and prosecute alleged human rights violations (arts. 2, 7 and 9). Para. 10: Give effect to recommendations by the United Nations Working Group on Enforced or Involuntary Disappearances and by the Presidential Commissions for Investigation into Enforced or Involuntary Disappearances; allocation of sufficient resources to the National Human Rights Commission to monitor the investigation and prosecution of all cases of disappearances (arts. 6, 7, 9 and 10). Para. 18: Prevent harassment of journalists; prompt and impartial investigation and prosecution of those responsible (arts. 7, 14 and 19).
Date information due: 7 November 2004
Date information received: <u>17 March 2005</u> The State party informed the Committee that it was finalizing the follow-up replies, which would be forwarded shortly. <u>24 October 2005</u> Partial reply (response incomplete with regard to paragraphs 8 and 10).

16 October 2007 Partial reply (response incomplete with regard to paragraphs 8 and 10).

16 July 2008 Partial reply (response incomplete with regard to paragraph 8 as regards the National Police Commission complaints procedure and paragraph 10 as regards the implementation of the recommendations made by the United Nations Working Group on Enforced or Involuntary Disappearances in 1999).

Action taken:

~~Between March 2005 and September 2007 seven reminders were sent. In his reminder of~~

Recommended action: The State party should be informed that the outstanding information on paragraphs 9 and 10 should be included in its sixth periodic report which is overdue and should be submitted promptly.

Next report due: 1 November 2007

...

VII. FOLLOW UP TO CONCLUDING OBSERVATIONS

237. In chapter VII of its annual report for 2003,²⁰ the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/63/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2009.

238. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-fourth, ninety-fifth and ninety-sixth sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

239. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.²¹ Over the reporting period, since 1 August 2008, 16 States parties (Austria, Barbados, Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, France, Georgia, Honduras, Hong Kong Special Administrative Region (China), Ireland, Libyan Arab Jamahiriya, Madagascar, Tunisia, Ukraine and United States of America), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 11 States parties (Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Panama, Sudan, the former Yugoslav Republic of Macedonia, Yemen and Zambia) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.²²

240. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2008 to take no further action prior to the period covered by this report.

241. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

...

Seventy-ninth session (October 2003)

State party: Sri Lanka

Report considered: Fourth and fifth periodic (due since 1996), submitted on 18 September 2002.

Information requested:

Para. 8: No excessive restrictions on the exercise of fundamental rights; no derogation from the prohibition of retroactive punishment (arts. 14 and 15).

Para. 9: Measures to prevent torture and ill-treatment; bring the National Police Commission complaints procedure into effect as soon as possible; investigate cases of suspected intimidation of witnesses; introduce witness protection programmes; strengthen the capacity of the National Human Rights Commission to investigate and prosecute alleged human rights violations (arts. 2, 7 and 9).

Para. 10: Give effect to recommendations by the United Nations Working Group on Enforced or Involuntary Disappearances and by the Presidential Commissions for Investigation into Enforced or Involuntary Disappearances; allocation of sufficient resources to the National Human Rights Commission to monitor the investigation and prosecution of all cases of disappearances (arts. 6, 7, 9 and 10).

Para. 18: Prevent harassment of journalists; prompt and impartial investigation and prosecution of those responsible (arts. 7, 14 and 19).

Date information due: 7 November 2004

Date information received:

17 March 2005 The State party informed the Committee that it was finalizing the follow-up replies, which would be forwarded shortly.

24 October 2005 Partial reply (response incomplete with regard to paragraphs 8 and 10).

16 October 2007 Partial reply (response incomplete with regard to paragraphs 8 and 10).

16 July 2008 Partial reply (response incomplete with regard to paragraph 8 as regards the National Police Commission complaints procedure and paragraph 10 as regards the implementation of the recommendations made by the United Nations Working Group on Enforced or Involuntary Disappearances in 1999).

Action taken:

Between March 2005 and September 2007 seven reminders were sent. In his reminder of

Recommended action: The follow-up procedure with respect to the fourth and fifth periodic reports is terminated. A note verbale will be sent to the State party reminding it that its sixth periodic report is overdue and should be submitted promptly, and that the requested follow-up information should be included in the periodic report.

Next report due: 1 November 2007

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20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

22/ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Mali, Sri Lanka, Suriname, Namibia, Paraguay, and the Democratic Republic of the Congo.

CCPR, CCPR/C/SR.2738/Add.1 (2010)

Human Rights Committee
Ninety-ninth session

Summary record of the second part (public) of the 2738th meeting
Held at Palais Wilson, Geneva,
on Wednesday 28 July 2010, at 11:25 am

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Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Report of the Special Rapporteur for Follow-up on Concluding Observations (CCPR/C/99/2/CRP.1)

...

3. Introducing his report (CCPR/C/99/2/CRP.1), he drew attention to the footnote on the first page. In the cases of the Democratic Republic of the Congo, Mali, Namibia, Paraguay, Sri Lanka, Suriname and Yemen, the follow-up procedure had been suspended despite the fact that those States parties had not provided sufficient information. That decision had been taken because there remained one year or less before the States were due to submit their next reports. The current dilemma facing the Committee was that those States' reports were now overdue. He asked whether colleagues agreed that, under those circumstances, the follow-up procedure should remain suspended.

4. **The Chairperson** said that, if there was no objection, he took it that the Committee agreed with that conclusion.

5. *It was so decided.*

...

...

Chapter VII: Follow-up to Concluding Observations

203. In chapter VII of its annual report for 2003,¹⁶ the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report,¹⁷ an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2010.

204. Over the period covered by the present annual report, Mr. Abdelfattah Amor acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-seventh, ninety-eighth and ninety-ninth sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

205. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹⁸ Over the reporting period, since 1 August 2009, 17 States parties (Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, Denmark, France, Georgia, Japan, Monaco, Spain, the former Yugoslav Republic of Macedonia, Sudan, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zambia), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, 12 States parties (Australia, Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Nicaragua, Panama, Rwanda, San Marino and Yemen) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.¹⁹

206. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, the report does not cover those States parties with respect to which the Committee has completed its follow-up activities, including all States parties which were considered from the seventy-first session (March 2001) to the eighty-fifth session (October 2005).

207. The Committee emphasizes that certain States parties have failed to cooperate with it in

the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Equatorial Guinea, Gambia).

¹⁶ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40*, vol. I (A/58/40 (vol. I)).

¹⁷ *Ibid.*, *Sixty-Fourth Session, Supplement No. 40*, vol. I (A/64/40 (vol. I)).

¹⁸ The table format was altered at the ninetieth session.

¹⁹ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Austria, Brazil, Central African Republic, Democratic Republic of the Congo, Hong Kong (China), Mali, Namibia, Paraguay, Republic of Korea, **Sri Lanka**, Suriname and Yemen.

Follow-up - State Reporting
ii) Action by State Party

CCPR, CCPR/CO/79/LKA/Add.1 (2007)

Comments by the Government of Sri Lanka on the Concluding Observations of the Human Rights Committee

[17 October 2007]

(I) Provisions of Chapter III of the Constitution

The Government of Sri Lanka is in the process of enacting enabling legislation to give effect to the certain articles in the ICCPR that are not provided for in Chapter III of the Constitution. The Bill that was presented to Parliament in this regard was passed by Parliament on 10 October 2007.

Other issues relating to validity of existing laws, notwithstanding their incompatibility with the provisions of the Constitution relating to fundamental rights [Article 16 (1)] and the limitation of one month, to institute an application for infringement or imminent infringement of fundamental rights, need to be addressed through a comprehensive constitutional reform package.

(II) Full implementation of the right to life and physical integrity of all persons

The Constitution of Sri Lanka, in Article 11, guarantees that no person shall be subjected to torture cruel, inhuman or degrading treatment or punishment while Article 13 (4) of the Constitution provides that, no person shall be punished with death or imprisonment except by order of a competent court, made in accordance with procedure established by law.

The right to life has not been expressly recognized under the Constitution. However, the Supreme Court of Sri Lanka in several important fundamental rights actions, (**Silva Vs Iddamalagoda, 2003 (2) SLR, 63. Wewalage Rani Fernando and others Vs OIC, Minor Offences, Seeduwa Police Station, Seeduwa and eight others, SC (FR) No. 700/2002, SCM 26/07/2004**) in recent times has implicitly recognized the right to life. Thus, the provisions of Chapter III of the Constitution has been creatively interpreted by the Supreme Court on these occasions and recognized this right as an implied right guaranteed under the Constitution.

The Supreme Court in interpreting Article 13 (4) of the Constitution, which provides that no person shall be punished with death or imprisonment except by an order of a competent Court, recognized and asserted the right to life of a person or the right not to be deprived of life arbitrarily.

In (**Silva Vs Iddamalagoda, 2003 (2) SLR, 63,**) the Supreme Court held that, "Article 11 and 13 (4) by necessary implication recognize the right to life. Hence if a person died by reason of torture or unlawful death (by the executive) the right of any person to complain against violation of a fundamental right guaranteed by Article 17 read with Article 126 (2) should not be

interpreted to make the right illusory; but Article 126 (2) should be interpreted broadly especially in view of Article 4(d) which requires the court to "respect, secure and advance" fundamental rights."

The interpretation of the concept of Right to life, was further advanced to include the right not to be "disappeared" in a judgment of the Supreme Court (**Kanapathipillai Machchavalan Vs OIC, Army Camp, Plantain Point, Trincomalee and Others, SC Appeal No. 90/2003, SC (Spl) L.A. No. 177/2003, SCM 31.03.2003**).

In *Kanapathipillai Machchavalan Vs OIC, Army Camp, Plantain Point, Trincomalee and Others, SC Appeal No. 90/2003, SC (Spl) L.A. No. 177/2003, SCM 31.03.2003*, whilst granting leave to appeal from the decision of the Court of Appeal dismissing an application of Habeas Corpus, the Supreme Court decided that at the time when the Court of Appeal has made its order, there has been prima facie evidence of an infringement of the fundamental rights of the corpus under Article 13 (4) of the Constitution for which the State or a State officer was liable, necessitating therefore a referral of the case by the Court of Appeal to the supreme Court under Article 126 (3) of the Constitution.

Therefore, the right to life in the present context is part of the rights recognized and guaranteed under the provisions of the Constitution, according to the interpretation placed by the Supreme Court of Sri Lanka.
