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the Elimination
of all forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-ninth session

SUMMARY RECORD OF THE 1478th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 August 2001, at 3 p.m.

Chairman: Mr. Sherifis

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED
BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Seventh to ninth periodic reports of Sri Lanka (CERD/C/357/Add.3; supplementary information note, document without a symbol distributed at the meeting)

1. At the invitation of the Chairman, the members of the delegation of Sri Lanka took places at the Committee table.
2. Mr. KARIYAWASAM (Sri Lanka) said that his country recognized the duty of the Committee to examine its report objectively and was confident that the resulting constructive dialogue would benefit the Sri Lankan people. He regretted that, because of unavoidable financial constraints, he had not been able to present the previous reports on the designated dates. The report under review combined the seventh, eighth and ninth periodic reports in a single document and contained information on the entire period in question (1994-1999), giving an overall view of the measures taken in the field of human rights in general and the elimination of all forms of racial discrimination in particular.
3. During the period under review, the Government of Sri Lanka had established a large number of institutional mechanisms to protect basic rights and promote ethnic relations and social harmony across all communities. It had ratified several human rights instruments and cooperated with numerous United Nations mechanisms. Sri Lanka had become a party to 16 conventions and treaties relating to the rights of the person, including the Optional Protocol to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, the Government made modest regular contributions to the Office of the United Nations High Commissioner for Human Rights.
4. The State party had received visits from several United Nations rapporteurs and working groups, including the Special Representative of the United Nations Secretary-General on Internally Displaced Persons (in 1993), the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (in 1997), the Secretary-General's Special Representative for Children and Armed Conflict (in 1998), a delegation from the Working Group on Enforced or Involuntary Disappearances (in 1999) as a follow-up to the recommendations made by that Working Group during its visits in 1991 and 1992, and a delegation of the Committee against Torture (in the year 2000). It was preparing to receive a visit in November 2001 from the Special Rapporteur on the Right to Freedom of Opinion and Expression.
5. The visits were part of a continuous process of cooperation with the international community. By subjecting its actions to strict monitoring from the international community, the State party was demonstrating its desire to continue to promote transparency and to cooperate with international organizations and mechanisms for protecting basic rights with a view to strengthening the application on its territory of contemporary human rights norms for the benefit of the population as a whole. Since the advent of universal suffrage in 1931, successive democratically elected Governments had recognized the importance of the well-being of the people for effective governance.
6. The Sri Lankan Government appreciated the valuable role played by both national and international non-governmental organizations (NGOs) in promoting and protecting human rights. There were hundreds of NGOs campaigning in Sri Lanka on issues including environmental and development issues; they operated in complete freedom and could be critical of government action.
7. As recommended by the Committee at the time of the presentation of Sri Lanka's previous report, the report under review contained a detailed description of the various mechanisms set up to promote human rights and eliminate racial discrimination. Some of the measures were provided for in the Constitution. Moreover, citizens now had the possibility of appealing to various international

mechanisms, including those related to the Optional Protocol to the International Covenant on Civil and Political Rights, and many had already done so. It had also become a norm in Sri Lanka for ordinary citizens to seek the intervention of the Supreme Court regarding violations of fundamental rights enshrined in the Constitution.

8. As the Committee had also recommended, the State party had taken a number of measures to organize training for law enforcement officers and members of the security and armed forces on the promotion and protection of fundamental rights (see paragraphs 179 to 201 of the report). The Ministry of Ethnic Affairs and National Integration also provided financial support to NGOs for campaigns to sensitize the general public.

9. Sri Lanka was composed of several ethnic and religious communities, which enjoyed equal rights and fundamental freedoms. Considering the multi-ethnic and multicultural character of the society to be an asset, the Government had established a special Ministry of Ethnic Affairs and National Integration in 1994 in order to pursue a policy based on equality and partnership among all communities and to promote the value systems necessary for ethnic groups to survive as distinct collective identities with dignity, while maintaining the territorial integrity of the country. Despite the efforts of the Government, however, it had not been possible to eliminate the ethnic and racial prejudices that bedevilled almost every society in the world.

10. For the previous two decades, an armed conflict had been raging between the Government and the Liberation Tigers of Tamil Eelam (LTTE), whose acts of violence had had a devastating impact on Sri Lankan society as a whole. Several political leaders, representing all communities, had been assassinated. The attacks of the terrorists, including one against the main Buddhist shrine, were aimed at destabilizing the country and creating a separate mono-ethnic State. The attempts had failed, however, thanks to the far-sighted policies of the Government aimed at maintaining ethnic and religious harmony. Order had been maintained and the rights of all citizens protected. Acts of terrorism by the LTTE were nevertheless the main contributor to human rights violations in Sri Lanka.

11. Those events had not discouraged the Government from seeking dialogue and reconciliation. Its efforts, notably with the assistance of the Norwegian Government, to find a solution acceptable to all parties had, unfortunately, not yet been successful, as could be seen by the attack by the LTTE in July 2001 on the international airport of Sri Lanka.

12. In spite of the acts of provocation, the authorities had made every effort to ensure protection of the basic rights of all citizens, in particular those living in the conflict-prone northern and eastern provinces. With the assistance of a number of organizations of the United Nations system and NGOs, it had been possible to maintain an acceptable level of services and supplies to the regions not yet cleared of terrorists.

13. Since the State party had presented the periodic report under review in 2000, there had been several new developments and the Government had taken a number of measures relevant to the application of the Convention. Sri Lanka had moved from position 89 in 1996 to position 81 in 2001 with regard to the Human Development Index. The Government had removed all restrictions on the media regarding the reporting of security-related news. The Ministry of Defence had decided on 15 July 2001 to abolish the system requiring journalists, irrespective of nationality, to obtain authorization to visit cleared and uncleared areas in the northern and eastern provinces.

14. Sri Lanka had become a party to or ratified 39 International Labour Organization conventions, including the Plantations Convention, the Discrimination (Employment and Occupation) Convention, the Convention concerning Minimum Age for Admission to Employment and, above all, the Worst Forms of Child Labour Convention.

15. In November 2000, the Government had established a Permanent Inter-Ministerial Standing Committee on Human Rights Issues, whose main mandate was to consider issues relating to human

rights and take policy decisions. An interministerial working group was to be established to monitor the application of those decisions and to act on urgent issues.

16. A commission had also been created by presidential decree to investigate all incidents that had occurred during the conflict with the LTTE between 1981 and 1984 so as to determine their nature and causes and the persons responsible, assess compensation and recommend measures to prevent the recurrence of such violence. The Commission was due to make its report in January 2003.

17. Following recommendations by some human rights mechanisms, the Emergency Regulations had been amended to introduce provisions requiring suspects detained or arrested to be brought before a magistrate expeditiously and in any case within 14 days. Magistrates were now empowered to inspect places of detention without advance notice. It was also proposed to bring the Prevention of Terrorism Act in line with the amendments, which had been published in the Gazette in April 2001. However, the Emergency Regulations had lapsed in June 2001 and the Government had not intended them. No one was currently being detained under the Regulations.

18. A description of the situation in 2001 and new human rights developments, as well as Sri Lanka's responses to allegations of human rights violations by government agents, was contained in the supplementary information note that had been circulated among the members of the Committee.

19. Mr. TANG (Country Rapporteur) said that Sri Lanka had had 17.6 million inhabitants in 1992, of whom 74 per cent were Sinhalese, 30 per cent Tamils, 6 per cent Indian Tamils and 7 per cent from various minorities, and that the census of 1998 had indicated a population of 18.7 million. In its report, the State party affirmed that racial discrimination was non-existent on its territory; however, certain measures taken after Sri Lanka's independence had led to the current ethnic conflict, with the Tamil Tigers in particular. That situation could not but engender manifestations of racial hatred and discrimination. Well before independence, the crisis had been fuelled by the decision in 1966 to make Sinhala the official language. The Government had made great efforts to remedy the situation, particularly by its adoption of the 1978 Constitution, which stipulated that the two official languages were Sinhala and Tamil, and by the setting up of a committee to apply that provision.

20. Regarding article 2 of the Convention, the Sri Lankan Government had undertaken to reform the Constitution to strengthen the protection of human rights, in particular through the setting up of the Human Rights Commission. It had delegated additional powers to the provinces where Tamils were in the majority and had also attempted to find a political solution to the Tamil problem by negotiating directly with the LTTE. Those measures ought to have made it possible to arrive at a peaceful settlement, but they had run into a number of obstacles that had slowed down their application. Some Sinhalese feared that the measures would encourage the desire for independence among the Tamils. In that situation, the President of Sri Lanka had issued a statement on 11 July 2001 confirming her intention to pursue a policy of decentralization, a step that could indeed help promote peace and harmony between the communities.

21. In its report published in 2000, the State Department of the United States of America had noted several problems in the functioning of the Human Rights Commission, which had been set up in 1977 with the main object of monitoring the well-being of detainees. It would be useful if the Sri Lankan delegation could provide further details on that subject.

22. Regarding the civil conflict, which had been going on for 18 years, it had to be said that, in spite of the many efforts made by the President and others, there had been little progress. It was encouraging to note that the door remained open to negotiations, particularly as far as the Government was concerned. Several NGOs nevertheless indicated that the Sinhalese majority did not recognize the rights of the Tamils living in the northern and eastern provinces and that the Tamils refused to renounce their rights. Moreover, according to the Tamil Centre for Human Rights, the Government believed that a military solution to the conflict would be preferable to a negotiated settlement. The delegation might also wish to comment on that point.

23. On the issue of article 3 of the Convention, the State party was to be commended for its active participation in numerous international meetings on combating racial discrimination and for its accession to 24 human rights instruments.

24. On article 4, the Committee had recommended that the State party should pay particular attention to the legislative provisions regarding the suppression of criminal activities. He therefore welcomed the information in the report on the legislation in force (the Prevention of Terrorism Act No. 48 and section 290 of the Penal Code in particular) and the adoption of specific criminal legislation in accordance with the Committee's General Recommendation XV. In view of the special situation resulting from the continued civil strife, however, it was possible that some provisions, being too general in nature, might not be interpreted appropriately, and consequently could not be applied. The State party should therefore endeavour to draft more specific provisions.

25. Regarding article 5, equality of treatment before the law was clearly enshrined in the Sri Lankan Constitution (art. 11). The State party had acceded to the Convention against Torture in 1994 and the Supreme Court had issued judgements criminalizing acts of torture. In 1998, a commission had been set up to investigate cases of arbitrary detention. According to information received from NGOs, however, the two parties to the conflict (Government and LTTE) had arbitrarily detained and tortured innocent persons and committed rapes, which had reinforced the mutual resentment. The team investigating extrajudicial, summary or arbitrary executions had noted serious problems (document 1997/61, para. 150) as a result of the continuation of the conflict and the fact that the right to life was often disregarded. Moreover, human rights violations committed by the army and law enforcement agencies remained largely unpunished and any compensation that had been awarded to the victims and members of their families by the courts had been found to be insufficient.

26. According to the Working Group on Enforced or Involuntary Disappearances, Sri Lanka had the second-highest number of unexplained disappearances, some of which dated back ten years. In spite of the investigations carried out, few suspects had been sentenced. International human rights instruments were not well applied and domestic law had gaps. A number of agencies had been created to supervise the implementation of those instruments and the situation had improved generally, but there remained much to be done. According to the national Human Rights Commission, the Government had amended the Emergency Regulations in 1995 to protect persons who had been arrested by requiring that their detention be notified to the authorities within 24 hours. The new regulations prohibited the non-disclosure of detention and the place of detention. In May 2000, a law had been promulgated calling for the arrest of police officers and members of the army committing crimes. The Sri Lankan Government had informed the Working Group on Enforced or Involuntary Disappearances in the year 2000 of 6,000 cases of violations in that area, which had resulted in the victims' death and had given rise to compensation. The Working Group and Amnesty International had commended the Sri Lankan Government for its efforts to combat human rights violations and to eliminate torture.

27. Regarding article 6 of the Convention, the Government was endeavouring to take measures to establish bodies to protect the fundamental rights of citizens. It would be useful if the Sri Lankan delegation could provide the Committee with details on the measures and bodies in question, and on the role of the Supreme Court in protecting fundamental rights. Details should also be provided on the activities of the ombudsman responsible for investigating human rights violations committed by public officials, on the Official Languages Commission responsible for ensuring that language rights were recognized, and on the Presidential Committee to Inquire into Undue Arrest and Harassment set up in 1998 and consisting of 10 persons including five members of the Government. Since its establishment, the Committee had dealt with 680 cases, of which 180 had been settled. Mention might also be made of the establishment of the Permanent Inter-Ministerial Standing Committee on Human Rights and the interministerial working group responsible for implementing the Committee's decisions. All those bodies contributed to preventing human rights violations, but only a political solution involving negotiations would make it possible to solve the underlying problem and put an end to the armed conflict. Indeed, the cessation of hostilities would help bring about better respect for the interests of all ethnic groups.

28. According to some sources, there were 80,000 displaced persons spread among the various reception centres or living with relatives. Every family of five persons, including, in theory, families in the northern and eastern areas of the country which were not under the direct control of the Government received a monthly allowance. In practice, the assistance did not always reach the beneficiaries, particularly in the sectors in the hands of the LTTE. The initiative taken by the authorities was a commendable one and he hoped that they would continue to work in favour of ethnic groups.

29. Mr. VALENCIA RODRÍGUEZ said that the report indicated that Sri Lanka was a multi-ethnic society in which all communities could live in conditions of security and equality, racial discrimination being prohibited by the Constitution. He hoped that the draft amendments to the Constitution currently being studied in Parliament would reaffirm the prohibition on racial discrimination, which affected a fundamental right that the Constitution should protect.

30. He welcomed the abundant information in the report and its annex on the measures taken by the Government to settle the conflict that was plaguing the north and east of the country. The ceasefire that had entered into force in 1995 was indispensable if dialogue was to be maintained, in spite of the difficulties that it had run into. The Government should concentrate on settling issues connected with employment, education and health services, since an improvement in those areas would help to facilitate a peaceful settlement. In that context, there was a need to give priority to the plantation region and facilitate the exercise of economic, social and cultural rights there. There was a problem of unemployment among young people, which was compounded by the low level of education and overcrowded housing.

31. It was essential to re-examine the territorial claims made by indigenous peoples on the basis of the Committee's General Recommendation XXIII regarding the rights of indigenous peoples to their communal lands, territories and resources.

32. The decision to give parity to majority and minority languages was a particularly important measure and it was to be hoped that the difficulties in applying it could be overcome.

33. He welcomed the abundant information on the activities of the Ministry of Justice, which was responsible for implementing the Government's policy on ethnic affairs, and looked forward to the results of the programme of consultations with the population. He also welcomed the creation of the Sudu Nelum Movement, which was devoted to protecting the rights of all inhabitants, and would be interested in hearing about the results of its activities.

34. Regarding the application of article 4 of the Convention, Act No. 48 of 1979 appeared to be in line with the provisions of subparagraph (a). However, no legislation had been promulgated with regard to subparagraph (b). He would like to know the results of the study on the possibility of drafting specific legislation in that respect (para. 51).

35. Regarding article 5 of the Convention, which raised a number of questions, he proposed to restrict himself to a few issues of particular relevance. With regard to the right to nationality, the situation of plantation workers of Indian origin left much to be desired, particularly with respect to the continuing problem of stateless persons. It was to be hoped that those questions would be settled by the new Constitution (para. 97). Regarding the public service (para. 122) and recruitment on the basis of ethnic quotas, more details were required, particularly on the results of that method of recruitment. In the field of education (para. 148), the regional imbalances in school facilities and the poor quality of the teaching called for special measures. He supported the project for the development of education in the plantations financed by the Swedish International Development Agency, which was a good example of international cooperation. He also welcomed the measures that had been taken to ensure equality in participation in cultural activities. He hoped that the Sri Lankan Government would continue to inform the Committee of the activities conducted by the Department of Hindu Religious and Cultural Affairs and the Department of Muslim Religious and Cultural Affairs that had been recently established.

36. Regarding the application of article 6 of the Convention, he welcomed the information regarding the Supreme Court, which could grant compensation to victims of racial discrimination. He took note of the existence of various administrative mechanisms such as the national Human Rights Commission, which appeared to have a balanced composition (para. 172), and the Parliamentary Commissioner for Administration (Ombudsman), responsible for investigating complaints of human rights violations. The Committee should be kept informed of the activities of those bodies.

37. Mr. PILLAI said that he understood the difficulties faced by Sri Lanka because of the ethnic conflict. In particular, he appreciated the openness shown by the Government towards investigations by the United Nations and other bodies regarding respect for human rights, and commended it for its efforts in such a difficult situation.

38. In the table showing the ethnic composition of the population in paragraph 3 of the report, a figure of 0.5 per cent—not a small number in a population of 18.3 million—was given under the heading “Others”. The Committee would no doubt appreciate more detailed information on that category than the simple enumeration of ethnic groups given in the footnote to the table.

39. Regarding the different ethnic groups and national integration, there appeared to be an inconsistency in the report. The ministry responsible was cited in paragraph 35 as the Ministry of Justice, Ethnic Affairs and National Integration but in paragraph 203 as the Ministry of Ethnic Affairs and National Integration. He would appreciate some details on the activities of the ministry concerned and, in particular, on the way in which it promoted multiculturalism and the application of the official language policy.

40. With respect to the reform of the Constitution, paragraph 12 of the report dealt with the right to apply to the Supreme Court, which had been extended to include “infringement by judicial action in respect of criminal proceedings in courts of original jurisdiction”. It would be useful to know exactly what was meant by that phrase.

41. Concerning the guarantees for detainees (paras. 72, 84 and 170), it was commendable that the protection of persons detained without judicial order had become part of Sri Lankan law and that the International Committee of the Red Cross monitored detention conditions. In its presentation, the Sri Lankan delegation had mentioned amendments to the Emergency Regulations for the purpose of better safeguarding the rights of suspects. Presumably the country’s Human Rights Commission was responsible for monitoring the situation in that respect, and he would like to have an idea of the ethnic dimensions of the detentions and the work of the Commission in that area.

42. Regarding language rights, it was stated in paragraphs 24 to 34 of the report that the Constitution gave Sinhala and Tamil the status of languages of administration and the courts. It would be useful to know the extent to which the two languages were used in practice and the provisions guaranteeing their use. There had been reports of problems faced by Tamils in court, particularly in the north and east of the country. Moreover, terrorist cases were tried in Colombo, where all police documents were apparently drawn up in Sinhala and Tamils sometimes had to sign written statements in a language they did not know. The matter was all the more worrying as the language question was at the heart of the disputes that had given rise to the conflict in the country. It would be interesting to hear the opinion of the Sri Lankan delegation on that point.

43. Concerning the right to education, great progress that had been achieved (paras. 146 to 150) but there were also continuing problems, in particular the religious imbalance in schools and poor quality of teaching. Since Sinhala and Tamil were the languages of instruction, the Sri Lankan delegation might wish to explain to the Committee how the imperfections were reflected in the use of the two languages. Was teaching in Tamil worse affected—for example, in terms of vocational courses and shortage of teachers? He would also like to know the criteria for assessing the educational disadvantages of a school district and the impact of the admission quota system on equal access by different ethnic groups to higher education or on balancing the needs of different groups.

44. Regarding the right to leave one's country and to return to it (paras. 89 to 91), the report stated that many Sri Lankans had emigrated to Europe, North America and the Middle East and mentioned bilateral agreements with several European countries for the return of rejected asylum-seekers. He would like to know how many such asylum-seekers had returned to Sri Lanka, how they were treated by the Government and how they were reintegrated in society.

45. The Human Rights Commission of Sri Lanka was a new institution established to monitor various human rights issues relevant to the Convention. The composition and tasks of the Commission were dealt with in paragraphs 167 to 172 of the report and in the supplementary information note provided by the delegation. It would be useful to have an idea of the Commission's activities relating to the elimination of racial discrimination and, in particular, to know if it was suitably informed of all arrests and detentions under the Prevention of Terrorism Act and what use it made of that information.

46. Mr. de GOUTTES said that the Committee had been provided with a wealth of information in the two reports from the Government and by various NGOs. In general, there was a discrepancy between the government reports, which emphasized the positive aspects of the fight against discrimination, and the information from NGOs, which referred to the continued existence of serious problems. Without wishing to deny the Government's efforts, particularly with regard to the reform of the Constitution, decentralization and language policy, it must be recognized that the crucial problem continued to be the armed conflict in the north and east of the country and the hostilities between the army and the LTTE. The civilian population suffered particularly and was subject to serious human rights violations, while the perpetrators often went unpunished because of the state of emergency, which gave the security forces exceptional powers.

47. In view of that situation, it would be useful if the Sri Lankan delegation could provide the Committee with the most up-to-date information in its possession on attempts to reach a negotiated settlement with the LTTE. In particular, it would be interesting to know why Norway's mediation (para. 22 of the report) had apparently failed and why the first Norwegian facilitator had had to be replaced. The delegation should also give the Committee information on the various forms of discrimination reported by various organizations, particularly against Tamils, in different fields (language, education, health, employment, housing and, according to some allegations, civil and political rights and the administration of justice). Was it true that Tamils needed a special identity card and were restricted in their movement?

48. Another form of discrimination was experienced by plantation workers (paras. 48 to 68 of the annex to the report), of whom more than 300,000 were said to be still stateless. It would be useful for the Committee to hear the comments of the Sri Lankan delegation on the allegations of inhuman treatment of those workers.

49. Regarding discrimination against the indigenous population, namely the Veddhas (chap. III of the annex), the report mentioned the establishment of a permanent body to deal with indigenous issues. It also admitted that the Government had not solved the problem of forest land that had been declared a national park and that was claimed by the Veddhas as their ancestral land. It would be useful if the Sri Lankan delegation could indicate the results of the activities carried out by the committee established in 1996 to investigate the problems of the Veddha community, some of whom had been moved and relocated in reconstructed villages. In that context, the situation of many people displaced by the war, particularly in the rural and forest region of the Vanni in the north of the country, was a cause for concern.

50. Regarding the demographic situation, the figures in the table in paragraph 3 were from 1981. They needed to be updated since, according to one Tamil NGO, the Sinhalese population had increased in the north and east of the country, representing a deliberate attempt to oust the Tamil population. The Sri Lankan delegation might wish to comment on that information and, if possible, present more recent data.

51. It appeared from paragraph 47 et seq. of the report that article 4 of the Convention was not yet being applied in full. Apparently, the only acts being penalized by law were incitements to acts of violence or racial hostility, the desecration of religious sites and religious insults. It was possibly for that reason that only one case of racial discrimination had been brought before the Supreme Court (para. 164) since the adoption of the Constitution in 1978. It would be useful to know the measures taken by the Government to take account of the Committee's General Recommendation XV (para. 51) and, in general, to hear the comments of the Sri Lankan delegation on the information provided by NGOs.

52. Ms. BRITZ said that she was surprised that the human rights violations mentioned in the supplementary information note, particularly disappearances and cases of torture and arbitrary detention, had not been mentioned in the periodic report under review, all the more so as some of the incidents dated back to 1988. She would like to know what percentage of the victims of those violations belonged to minority groups. Paragraph 8 et seq. spoke of the desire to reform the Constitution. Was the reform still planned? What would be its major features? How would power-sharing with the regions as part of the decentralization process be organized? After decentralization, would it be possible to avert new ethnic conflicts?

53. She was concerned by some of the provisions of the Emergency Regulations and the Prevention of Terrorism Act which permitted the State, to a large extent, to avoid its obligation to guarantee equity in all judiciary and administrative procedures. She wondered whether the measures taken under those laws did not discriminate against minorities. Could the delegation provide statistics on that subject? Regarding the Prevention of Terrorism Act, which made it punishable to provoke "religious disharmony", she asked what criteria were used to assess the degree of "religious disharmony". She also wished to know to which ethnic group those convicted of such offences chiefly belonged, because she imagined that minorities were more affected by the law, as was often the case in ethnic conflicts.

54. She was concerned by the question of the right to nationality of agricultural workers of Indian origin who had been brought to Sri Lanka under the colonial regime. Under the 1964 Pact governing the question of nationality, 375,000 persons had been granted Sri Lankan nationality and 600,000 Indian nationality. Repatriation and the granting of citizenship should go together, but a great many people who had obtained Indian nationality had remained in Sri Lanka. Many of them were no longer alive, but they had left behind children and grandchildren who no longer wished to leave Sri Lanka. It would be useful to know the status of those persons.

55. Regarding the granting by the Sri Lankan Government of Sri Lankan citizenship to all persons who had not applied for Indian citizenship, she wondered whether the persons concerned had expressed the desire to become Sri Lankan or whether the decision had been imposed on them by the authorities.

56. She welcomed the setting up of the national Human Rights Commission of Sri Lanka. Given the seriousness of the ethnic conflict, she wondered whether the minorities were duly represented in the Commission. Lastly, she regretted that the situation of the indigenous peoples had been described only in the annex to the periodic report, whereas those peoples were at the heart of the Committee's concerns.

57. Mr. BOSSUYT said that he welcomed the Government's desire to cooperate with the bodies responsible for the application of international instruments and the various special rapporteurs of the Commission on Human Rights, a desire also demonstrated by the invitation to the Special Rapporteur on the Right to Freedom of Opinion and Expression to visit Sri Lanka.

58. Referring to paragraph 3 of the report containing statistics on the ethnic composition of the population by province, he noted that "Indian Tamils" did not really constitute an ethnic group, and nor did "Muslims". Could the delegation explain why those two categories were shown in the table?

59. Referring to the Indian Tamils, he would like to return to the question of the repatriation of persons who had obtained Indian nationality. Was the repatriation voluntary or forced? The Indian Tamils had migrated to Sri Lanka a long time earlier and to speak of repatriation of people who had lived in the country for decades seemed contrary to the spirit of the Convention.
60. Paragraph 4 of the report indicated that the Sri Lankan Government had decided to stop “dodging” the ethnic issue. In reality, the extent of the ethnic problem resulted from procrastination by the Government, which had waited too long before taking measures. As a consequence, the measures had had no effect or had produced the opposite result to that intended, by nourishing rancour and hate among members of minorities, hence the ethnic divide between the Sinhalese and Tamil communities. In particular, the acts of violence perpetrated by the LTTE, who committed grave human rights and humanitarian law violations and pursued a policy of terror, could only be deplored.
61. The Sri Lankan Government had amended the Constitution to give recognition to the language rights of minorities by placing the majority and minority languages on an equal footing. However, in spite of the adoption of trilingualism (Sinhala, Tamil and English) in the public service, officials were still incapable of using the three languages correctly.
62. The Government had also embarked on a policy of decentralization, but it was too limited given the gulf separating the two communities. The setting up of a regional legislative assembly with federal powers, mentioned in the supplementary information note, was to be welcomed as a measure of much greater significance than the decentralization policy that had been conducted so far. In that context, he asked whether the draft Constitution under review went in the direction of a federation. A referendum was to be held in August 2001 on the need to amend the Constitution. He had a reservation in that regard: Sri Lanka being a country with two communities, the proposal to amend the Constitution might be approved by an overwhelming majority, given the fact that the Sinhalese represented 74 per cent of the population and the Tamils only 12 per cent; that was surely not the way for Sri Lanka to reconcile its communities.
63. Paragraph 42 mentioned Sri Lankan “national unity”. The term “union” would probably be more appropriate in a bi-community society, since it allowed for diversity and differing aspirations.
64. Mr. YUTZIS, referring to the table on the ethnic composition of the Sri Lankan population, said that the term “Muslim”, in principle, designated a religious group and not an ethnic group and that it should therefore be used with caution.
65. Paragraph 39 of the report mentioned the Sudu Nelum (White Lotus) movement, a mass movement to promote peace, cordiality and harmony among the diverse ethnic, religious and political groups in pursuit of the idea of one national identity. The concept “national identity” also needed to be treated with caution: it could be associated with the superiority of a race or group of persons. “National identity” was therefore acceptable only if it recognized the existence of the different ethnic identities in Sri Lanka. Could the delegation explain what the concept meant in Sri Lanka?
66. It was also stated (para. 41) that the White Lotus Movement had launched a publicity campaign as part of its programme to make all communities aware of the Government’s peace proposals. Was it to be inferred that the White Lotus was supported by the Government? If so, it could be concluded that the Government was promoting its own political proposals for putting an end to the conflict, which was worrying because in that case only the Government’s proposals would be heard. He would also like to know what was meant by “institutions which are active in and committed to promoting national unity in Sri Lanka”, as mentioned in paragraph 42 of the report.
67. Referring to the application of article 4 of the Convention, he said that the Prevention of Terrorism Act made it an offence to provoke acts of violence or religious, racial or communal disharmony, and that article 290 of the Penal Code made it punishable to destroy, damage or defile any place of worship with the intention of insulting the religion of any class of persons. On the other hand, there was no law criminalizing and banning organizations that incited to racial discrimination as provided for in article 4 of the Convention. Regarding the language question, he would like to

know whether it was true that some public officials were pressing for English to become the only official language.

68. Regarding food assistance for all displaced persons in the country, he asked the delegation to confirm or otherwise the information from the Special Rapporteur that certain population groups in the north and east of the country, particularly the Tamils, were especially affected by the United States of America's embargo. He also asked the delegation for information on the alleged massacre of 20 Tamils in a rehabilitation centre to which the Secretary-General of the United Nations had referred in a speech on 26 October 2000.

69. Freedom of the press was also a major subject of concern in Sri Lanka. According to the organization Reporters without Borders, a BBC journalist, Mr. Nimalarajan, had been murdered, and a daily newspaper, the Daily Sunday, had been closed down on 22 May 2000. Could the delegation provide further details on that matter?

70. The report said that the Cabinet had approved the establishment of an independent national media institute in August 1996, but it contained no specific information on the actual setting up of that body. What was the state of affairs? It also mentioned, in paragraph 110, the possibility of broadening the ownership base of the Associated Newspapers of Ceylon Limited (ANCL), a privatization project that raised the question of control of the media and their independence. Regarding the situation of refugees who were not the object of specific legislation, it would be useful to know the criteria on which the authorities based their decision to accept or turn back refugees at the border. With respect to the numerous refugees who had been arrested in Colombo in 2000 for security reasons, he asked whether such treatment was justified. Did not measures of that nature run the risk of discriminating against certain refugees or asylum-seekers?

71. Mr. THORBERRY noted that in paragraph 27 of the report the State party said that "The law also recognizes the right of persons to be educated in either Sinhala or Tamil", and asked the Sri Lankan delegation to give details as to whether that was still the case. Did educational establishments provide teaching in Tamil to Sinhalese pupils and in Sinhala to Tamils? What curricula, particularly in history, were taught in such establishments?

72. He also observed that some of the information provided to the Committee appeared to indicate that the education system in Sri Lanka reinforced certain stereotypes regarding ethnic communities. Education was quite often a source of conflict and could reinforce rather than attenuate an ethnocentric idea of the nation and the world. Was the Government aware of the problem or did it believe that it did not apply to Sri Lanka?

73. He was concerned about the information in paragraph 73 of the annex to the report, indicating that a small number of indigenous inhabitants known as Veddhas, had been moved so that a natural park for the protection of flora and fauna could be created. It might be desirable for the Sri Lankan authorities to remember that very often indigenous populations were in the best position to protect their habitat. There was too frequently a tendency to assume that the natural heritage would be better preserved if it was managed by persons from outside rather than the inhabitants of the sites. He hoped that the problem of delimiting the land on which the members of the Veddha community would be allowed to remain would be settled as soon as possible because of the vulnerable and unique nature of that minority.

74. Mr. KARIYAWASAM (Sri Lanka) said that the Sri Lankan armed forces had never recruited children under the age of 18 years. Those false allegations originated in a centre founded by the LTTE terrorist organization in Europe. The centre had been refused consultative status in the Economic and Social Council of the United Nations because of its links with the LTTE.

75. The CHAIRMAN said that the Sri Lankan delegation would continue to reply to questions and comments by the members of the Committee at the following meeting.

Draft concluding observations concerning the eleventh to fourteenth periodic reports of Trinidad and Tobago (CERD/C/59/Misc.14/Rev.2)

Paragraphs 1 to 4

76. Paragraphs 1 to 4 were adopted.

Paragraph 5

77. Mr. FALL, supported by Ms. BRITZ, Mr. de GOUTTES and Mr. SHAHI, proposed that the phrase “notwithstanding the assertion by the State party as to the absence of racial discrimination on its territory” in the first two lines be deleted, recalling that Trinidad and Tobago was not the first State to claim that racial discrimination did not exist on its territory and that in its earlier draft conclusions the Committee had never considered it a good thing to insist on that point.

78. Mr. ABOUL-NASR, supported by Mr. SHAHI, proposed that the phrase “with satisfaction” in the first line be deleted.

79. Mr. PILLAI (Rapporteur for Trinidad and Tobago) supported those proposals. The first sentence would then read: “The Committee notes that the State party has taken significant steps which ...”, the rest of the paragraph remaining unchanged.

80. Paragraph 5, as amended, was adopted.

Paragraph 6

81. Mr. THORNBERRY said that he would like the Committee to note that the State party had claimed that racial discrimination did not exist on its territory and to stress that it did not accept arguments of that type. The phrase deleted from paragraph 5 should therefore be reformulated and inserted in paragraph 6.

82. Mr. RESHETOV proposed that the phrase deleted from paragraph 5 should be inserted at the start of paragraph 6, which dealt with the Committee’s concerns and recommendations. The Committee had always tended to show concern when States parties claimed that racial discrimination did not exist in their countries. The first sentence of paragraph 6 could take up the idea contained in the deleted phrase in paragraph 5 and read as follows: “The assertion by the State party as to the absence of racial discrimination on its territory was not accepted by the Committee and it was recommended to it to reconsider this stand”. The remainder of the paragraph would remain unchanged.

83. Paragraph 6, as amended, was adopted.

Paragraphs 7 to 11

84. Paragraphs 7 to 11 were adopted.

Paragraph 12

85. The CHAIRMAN said that he wondered about the meaning of the expression “small but significant ethnic groups”; he proposed that the adjective “significant” be deleted.

86. Mr. PILLAI proposed that the term be replaced by “numerically small ethnic groups”.

87. Mr. DIACONU proposed that the reference to a significant period of time should be deleted in line 5, since Trinidad and Tobago might not have statistical data covering a long period.

88. Paragraph 12, as amended, was adopted.

Paragraph 13

89. Paragraph 13 was adopted subject to possible changes later.

Paragraphs 14 and 15

90. Paragraphs 14 and 15 were adopted.

Paragraph 16

91. The CHAIRMAN said that it should be verified that the wording of the paragraph complied with the model drafted by the Committee at its fifty-eighth session for the last paragraph of concluding observations.

92. Paragraph 16 was adopted subject to possible changes later.

93. The draft concluding observations concerning the eleventh to fourteenth periodic reports of Trinidad and Tobago as a whole, as amended and subject to possible later changes to paragraphs 13 and 16, was adopted.

The meeting rose at 6.10 p.m.