

**Statement by members of civil society associated in drafting the
National Human Right Action Plan**

We the undersigned individuals from civil society who were invited to assist in the drafting of the National Human Rights Action Plan 2017-2021 (NHRAP) voice our opposition to the alleged removal of specific issues from the NHRAP.

We were part of a consultative drafting process that was led by a Cabinet mandated Inter-Ministerial Committee on Human Rights appointed to prepare the NHRAP for the years 2017-2021. The Inter Ministerial Committee established a Steering Committee that was composed of senior officials from relevant Ministries and heads of Institutions to assist in the formulation of the NHRAP and to ensure its effective implementation. The Steering Committee approved ten thematic areas and appointed Drafting Committees consisting of experts drawn from relevant Government agencies and civil society organisations and academia. It also appointed two Co-ordinating Committees representing respectively the Government (Chaired by the Ministry of Foreign Affairs) and Civil Society (Chaired by the Head of the Centre for the Study of Human Rights) to advice and review progress of the drafting process.

The Drafting Committees were mandated to conceptualize the NHRAP as a synthesis of international standards, domestic law and local circumstances and to approve the draft NHRAP by identifying objectives, strategies, components, priorities, vulnerable groups, programmes and activities, monitoring & evaluation within clear time frames. The Inter Ministerial Committee on Human Rights in consultation with the Steering Committee finalized the NHRAP and presented it to Cabinet for approval.

This process had a number of constraints, particularly in relation to the composition of some of the drafting committees, time constraints and limited consultation with a wider public. The draft NHRAP submitted to Cabinet was the result of a process of active engagement, with contributions by key government and civil society representatives working on the identified thematic areas.

We the undersigned participated in this process because we believe it provides an important opportunity for the Government to address serious gaps and failings in the State's efforts to ensure that the rights of all its citizens are protected and promoted. The NHRAP puts forward a range of measures, from legislative reforms to policy actions, and thus offers an opportunity to ensure that measures are taken to uphold national standards and international obligations on a variety of issues.

While we are yet to receive the version of the NHRAP that was reportedly approved by the Cabinet, there have been a number of media reports quoting members of the Government stating that revisions were made to the NHRAP. We are deeply concerned both by this action, which seriously undermines the overall purpose of the plan, and the process. Reported changes highlighted in the media include:

- Revisions to Section 365 and 365a of the Penal Code that would de-criminalise adult consensual same sex activity. These sections of the Penal Code have been and continue to be used to discriminate against, persecute and harass LGBTIQ individuals.

- Revise the Vagrancy Ordinance so as to decriminalise sex work. Sex workers in this country have no protection under the law as their work is deemed illegal. In failing to redress these provisions, the Government therefore will be acquiescent in the continuing discrimination and violence against its own citizens due to laws introduced during the Colonial period.

We also wish to draw attention to the risk of the NHRAP 2017-2021 repeating the mistakes of its predecessor NHRAP 2012-2016. The information that provisions seeking to redress historic discrimination were deleted by the Cabinet and the fact that the finalising of the NHRAP is going ahead without the drafting committees being aware and consulted on the changes raises serious questions as to the inclusive nature and integrity of this process.

Furthermore, while the NHRAP sets targets and actions, the process for assessing how and whether these have been met is opaque. The NHRAP needs to include an inclusive monitoring process so as to ensure that progress can be monitored and corrective action can be taken, since unexpected obstacles may hamper implementation and therefore specific steps may need to be taken to ensure that measures and targets are adjusted accordingly.

We call upon the Government to

- **Immediately release the version of the plan that was sent to the Cabinet and the revisions made by Cabinet to individuals who accepted its invitation and were engaged in the drafting of the NHRAP.**
- **If media reports are accurate that the above provisions have been excluded, take corrective steps to ensure that those provisions are re-introduced.**
- **Establish a mechanism for monitoring the implementation of the NHRAP which includes civil society and Human Rights Commission participation, alongside the respective ministries and state authorities to ensure the process has more oversight and greater public participation. The mechanism should be able to review progress at regular intervals that allows for correction action.**

Signatories

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Dated: February 2 2017