



‘Human Rights abuses as precursors of conflict: Parliaments as early responders’

Hon. Speakers,
Members of Parliament,
Excellencies, Ladies and Gentlemen,

Let me at the outset greet you in our traditional Sri Lankan way, ‘Ayubowan’, which means may you have long life.

I also wish to express my sincere gratitude to the Inter-Parliamentary Union (IPU) for the arrangements made for the 135th Assembly and it is indeed a great honour and privilege for me to address this august Assembly.

All human beings are born equal. Human rights are the most fundamental and inalienable rights of all persons irrespective of their race, religion, cast or creed. Human rights are concrete legal norms and standards recognized in the international law, and enshrined in all national and regional constitutional institutions across the world. Human rights, Development, and Peace & Security are the cornerstones of the United Nations that we all belong to. It is indispensable for a safer, secure and prosperous world. Most conflicts around the world are a result of some form of deprivation or violation of the fundamental rights of individuals and societies resulting in civil-political and socio-economic, discrimination and marginalization. The ethics of human rights helps deepen democracy, promote good governance and create a just and equitable world order.

The legislatures in democracies therefore, have a primary obligation to take action to fulfill the social contract and protection of human rights. The Parliament is a vibrant component of the national governance systems, and is a key institution in the promotion of, and protection of human rights. Perceptibly Parliaments and the Parliamentarians are considered the forbearers and the prime institutions that are uniquely positioned in steering the State's actions in safeguarding and upholding human rights of all their peoples.

Parliaments must always be mindful of human rights obligations of the State both under the Constitution and under the international law. It is not only a legal requirement, but also a moral and ethical one. In particular, Parliaments must be conscious of the need to uphold equality and non-discrimination in legislation. Legislatures must be proactive on that score, rather than be reactive and similarly, there must be a proactive effort to respect and uphold the pluralistic character of a diverse society and ensure social justice. The Parliaments must adopt a human rights approach and analyze the Bills, in addition to the legal opinions and oversight from the judiciary on those Bills. Given that the Parliaments are responsible for public finance, there must be human rights audits of financial allocations, and the legislatures should be cautious when budgetary provisions and funds are curtailed for sectors such as rural development, maternal and child health, education etc. as that could have serious consequences. Consistent checks and balances are a must to maintain accountability and political stability in a country and therefore establishment of independent public institutions is also a major function of the legislature in this regard.

There must be a good coordination between the Executive, Judiciary and Legislature on all critical issues and the legislature should be more mindful in this context as it is the elected assembly of the people. It is prudent that Parliaments create mechanisms for redressing grievances, to prevent them unfolding into conflicts.

Being the people's representatives, irrespective of the fact that they belong to the Party in Office or in the Opposition side of the legislature, Parliamentarians have constructive and mutually reinforcing roles to play. It is their moral duty to protect people's rights by influencing the policies being formulated at the national level, monitor its implementation at grassroots levels and address the needs and concerns of their constituencies and empowering the people, in particular those in vulnerable situations. Protecting human rights of peoples must rise above electoral or party politics, and receive the unequivocal support of all legislators. In this context, we Parliamentarians can effectively use the "Private Members Bill" to draw early attention to issues that can give rise to tensions and conflicts in the society if unheeded.

Distinguished Delegates,

In my own country Sri Lanka, which has emerged from a thirty-years of protracted terrorist conflict, we are mindful of the necessity to rebuild trust and harmony through reconciliation which is essential in building peace and preventing the recurrence of violence and conflict. I must state that the task ahead for Sri Lanka on "how to reconcile people after such a long conflict" is a challenging one as it involves balancing the issues of reconciliation and accountability which are interdependent. Nevertheless,

as a Government, we are dedicated to strengthen the human rights of all and strengthening the rule of law, by putting in place the necessary legislations and institutional mechanisms such as establishing independent statutory bodies or commissions, Parliamentary mechanisms such as standing and oversight committees and more importantly independent appointments to the aforesaid institutions including to the Human Rights Commission of Sri Lanka.

In August 2015, following the General elections, a momentous change in the style of governance occurred with the setting up of a National Government between the two main political parties of the country that had governed the country since its independence in 1948. The President and the Prime Minister, while giving leadership to their two respective political parties heralds a new culture of consensual politics in Sri Lanka. The appointment of the leader of the Tamil National Alliance (TNA) to the office of the Leader of the Opposition was another distinct moment that demonstrated respect for equality and equity for all citizens.

In the short span of over one year in office, the unity Government enacted a number of legislations reinforcing its commitment towards protecting human rights;

- The adoption of the 19th Amendment to the Constitution with a two-thirds majority of Parliament which include positive features such as the transformation of the Presidential form of Government to a Presidential-Parliamentary system of government, Curtailing excessive powers vested with the Executive Presidency, and the

reduction in the terms of office of the President and the Parliament from six years to five years,

- The revival of the Constitutional Council and the establishment of 8 Independent Commissions.
- The passage of the Right to Information Bill which was passed unanimously in the Parliament in June 2016 was a clear manifestation of the Government's commitment to give effect to the right to access to official information for every citizen of Sri Lanka. It's a major step towards fostering a culture of transparency and accountability in public authorities which is crucial in preventing human rights abuses.
- The Parliament's passage of the Office on Missing Persons Bill (Establishment, Administration and Discharge of Functions) that followed the signing of the "International Convention for the Protection of All Persons from Enforced Disappearance" were further accomplishments in the pursuit of addressing the issue of disappearances and achieving reconciliation.

Sri Lanka's dedication to guarantee equal rights, justice and dignity for all are the underlying objectives of initiating an inclusive process of public consultations aimed at bringing a new Constitution for the country. The Cabinet of Ministers approved the appointment of a Public Representatives Committee comprising of 20 Members belonging to all ethnic and religious denominations of the country for this purpose. Significant momentum has been achieved in the process when the Parliament adopted a resolution in March 2016 by establishing the Constitutional Assembly, and in April this

year, I chaired its first Meeting. The entire Parliament will now sit as a Constitutional Council to formulate this new Constitution.

Further manifesting the Government's commitment to fulfill its obligation to protect and promote human rights consultation process on preparing a National Action Plan for the Protection and Promotion of Human Rights (NHRAP) for the period 2017-2021 is ongoing under the guidance of an Inter-Ministerial Committee on Human Rights.

Similarly, Sri Lanka ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 08th February 2016.

The Parliament of Sri Lanka in early February 2016, hosted the Commonwealth Asia Regional Human Rights Seminar on 'the Role of Parliamentarians in the Promotion and Protection of Human Rights', and adopted the "Kotte Declaration" on human rights.

Distinguished Delegates,

Violent extremism and radicalization is becoming a global concern and a threat to peace and security. No religion, nationality or ethnicity should be associated with this rising phenomenon, but all efforts must be taken, to prevent violence and using terrorist activities as a means of addressing grievances. Violent extremism can be prevented through inclusive development and the promotion of tolerance and respect for diversity. As the institution most central to democracy, Parliament should not only be the place in which political parties express their views and ideas about the present and future of the country, but also an institution that fully engages

citizens of all categories because if people lose faith in the legislature, democracy in a country becomes vulnerable. Thus legislatures should be the main elected organ of the Government that reassures the public and provides protection against tyranny and oppression and as the law-makers and as elected representatives, Parliamentarians also can play a key role in upholding the rule of law by ensuring that domestic legislation is compatible with constitutional and international human rights obligations.

As the Preamble to the Universal Declaration of Human Rights of 1948 states “It is essential if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”

In conclusion, let us all rise in unity using this august forum to face the challenge of preventing violent conflicts by being early responders in addressing the root causes and preventing human rights abuses.

Thank you.