



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**INTERNATIONAL COVENANT ON CIVIL AND
POLITICAL RIGHTS (ICCPR)**

A

BILL

**to give effect to certain articles in the International Covenant on Civil and
Political Rights (ICCPR) relating to human rights which have not been given
recognition through legislative measures and to provide for matters
connected therewith or incidental thereto.**

*Presented by the Minister of Foreign Affairs on
09th October, 2007*

Ordered by Parliament to be printed

[Bill No. 269]

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*International Covenant on Civil and Political
Rights (ICCPR)*

L. D. — O. 30/2007.

AN ACT GIVE EFFECT TO CERTAIN ARTICLES IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) RELATING TO HUMAN RIGHTS WHICH HAVE NOT BEEN GIVEN RECOGNITION THROUGH LEGISLATIVE MEASURES AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS Sri Lanka is a State party to the International covenant on civil and political rights which was adopted by the General Assembly of the United Nations on 16th December, 1966 and entered into force on 23rd March, 1976: Preamble.

5 AND WHEREAS Sri Lanka has acceded to the aforesaid Covenant on 11th June, 1980:

AND WHEREAS a substantial part of the civil and political rights referred to in that Covenant have been given legislative recognition in the Constitution of Sri Lanka, as well as in certain other legislation enacted by Parliament: 10

AND WHEREAS it has become necessary for the Government of Sri Lanka to enact appropriate legislation to give effect to those civil and political rights referred to in the aforesaid Covenant, for which no adequate legislative recognition has yet been granted: 15

NOW THEREFORE be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the International Covenant on Civil and Political Rights (ICCPR) Act, No. of 2007. Short title.

20 2. Every person shall have the right to recognition as a person before the law. Right to be recognized as person before the law.

3. (1) No person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. No person should propagate war.

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(2) Every person who—

- (a) attempts to commit;
- (b) aids or abets in the commission of; or
- (c) threatens to commit,

5 an offence referred to in subsection (1), shall be guilty of an offence under this Act.

(3) A person found guilty of committing an offence under subsection (1) or subsection (2) of this section shall on conviction by the High Court, be punished with rigorous
10 imprisonment for a term not exceeding ten years.

(4) An offence under this section shall be cognizable and non bailable, and no person suspected or accused of such an offence shall be enlarged on bail, except by the High Court in exceptional circumstances.

15 (5) A trial in the High Court against any person for the commission of an offence under this section shall be taken up before any other business of that Court and shall be held on a day to day basis and shall not be postponed, unless due to any unavoidable circumstances which shall be recorded.

20 (6) For the purpose of subsection (2) of this section “abet” shall have the same meaning as in section 100 of the Penal Code.

4. (1) A person charged of criminal offence under any written law, shall be entitled— Entitlement
of an alleged
offender.

25 (a) to be afforded an opportunity of being tried in his presence;

(b) to defend himself in person or through legal assistance of his own choosing and where he does not have any such assistance, to be informed of that
30 right;

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- 5 (c) to have legal assistance assigned to him in appropriate cases where the interest of justice so requires and without any payment by him, where he does not have sufficient means to pay for such assistance:
- (d) to examine or to have examined the witnesses against him and to obtain the attendance of witnesses on his behalf, under the same conditions as witnesses called against him;
- 10 (e) to have the assistance of an interpreter where such person cannot understand or speak the language in which the trial is being conducted; and
- (f) not to be compelled to testify against himself or to confess guilt.
- 15 (2) Every person convicted of a criminal offence under any written law, shall have the right to appeal to a higher court against any such conviction and any sentence imposed.
- (3) No person shall be tried or punished for any criminal offence for which such person has already been convicted or
20 acquitted according to law.

5. (1) Every child has the right to—

Rights of a child.

- (a) have his or her birth registered and to have a name from his or her date of birth;
- (b) acquire nationality;
- 25 (c) be protected from maltreatment, neglect, abuse or degradation; and
- (d) have legal assistance provided by the State at State's expense in criminal proceedings affecting the child, if substantial injustice would otherwise
30 result.

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(2) In all matters concerning children, whether undertaken by public or private social welfare institutions, courts, administrative authorities or legislative bodies, the best interest of the child shall be of paramount importance.

5 6. Every citizen shall have the right and the opportunity to—
Right of access to benefits provided.
(a) take part in the conduct of public affairs, either directly or through any representative; and
(b) have access to services provided to the public by
10 the State.

7. (1) A person shall be entitled to apply by way of petition addressed to the High Court, against the infringement or imminent infringement by executive or administrative action of any human right to which such person is entitled to
15 under sections 2, 4, 5 and 6 of this Act and plead for such relief or redress as shall be prayed for in such petition.
High Court to exercise jurisdiction over the enforcement of the human rights recognized under this Act.

(2) The jurisdiction of the High Court may be invoked under subsection (1) by a person, who alleges that any of the human rights provided for by the sections referred to in
20 subsection (1) is infringed or is about to be infringed, by himself or through any other person on his behalf, within three months of the alleged infringement or imminent infringement, as the case may be.

(3) Notwithstanding the provisions of any other law to
25 the contrary, the High Court may where it considers it appropriate at any stage of the proceeding relating to a petition made to it under subsection (1) of this section, refer such matter to the Human Rights Commission of Sri Lanka for an inquiry and report and request such Commission to
30 submit its report to the High Court within such time as shall be stipulated by the Court for that purpose.

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(4) The High Court shall have the power to grant the relief prayed for in a petition made to it under subsection (1), or grant such other relief or make such direction as it may consider just and equitable, in the circumstances of the case.

5 (5) For the purpose of subsection (1) of this section, a “person” includes a child.

8. (1) The Minister may make regulations for the purpose of giving effect to the principles and provisions of this Act. Regulations.

10 (2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in such regulation.

15 (3) Every regulation made by the Minister, shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval, Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

20 (4) Notification of the date of which any regulation is so deemed to be rescinded, shall be published in the *Gazette*.

9. In this Act, unless the context otherwise requires — Interpretation.

“child” means a person under the age of eighteen years;

25 “High Court” means the High Court of the Republic of Sri Lanka;

“Human Rights Commission of Sri Lanka” means the Human Rights Commission of Sri Lanka established by the Human Rights Commission of Sri Lanka Act, No. 21 of 1996.

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10. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency.

ENDORSEMENT UNDER ARTICLE 122 OF THE
CONSTITUTION

It is hereby certified that in the view of the Cabinet of Ministers the above Bill is urgent in the National interest.

Secretary to the Cabinet of Ministers.

21st September, 2007

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