

CORI

country of origin research and information

CORI Country Report Sri Lanka, April 2010

Commissioned by the United Nations High Commissioner for Refugees, Division of International Protection.

Any views expressed in this paper are those of the author and are not necessarily those of UNHCR.



Preface

Country of Origin Information (COI) is required within Refugee Status Determination (RSD) to provide objective evidence on conditions in refugee producing countries to support decision making. Quality information about human rights, legal provisions, politics, culture, society, religion and healthcare in countries of origin is essential in establishing whether or not a person's fear of persecution is well founded.

Categories of COI included within this report are based on the most common issues arising from asylum applications made by Sri Lankan nationals. This report covers events up to March 2010.

CORI Country Reports are prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issues, however as COI is reliant on publicly available documentation there may be instances where the required information is not available. The reports are not, and do not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

CORI is an independent centre providing specialist research resources to support Refugee Status Determination.

CORI works internationally with all parties to RSD, including governments, legal representatives and NGOs, producing commissioned research reports and providing knowledge management services. CORI works to improve standards of COI production through capacity building and training.

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A. Background Information

Sri Lanka, formerly known as Ceylon, is an island in the Indian Ocean approximately 28 kilometres off the southeastern coast of India.¹ Its population is estimated to be approximately 20 million². The commercial capital is Colombo and the administrative capital is Sri Jayawardenepura.³ Sri Lanka is a constitutional multiparty republic,⁴ currently led by President Mahinda Rajapaksa who was re-elected in 2010.⁵

Sri Lanka gained independence from the United Kingdom in 1948 after nearly 450 years colonisation by various western powers.⁶ Since independence national politics have been dominated by ongoing tension between the Sinhalese ethnic majority and the Tamil minority.⁷ The Liberation Tigers of Tamil Eelam (LTTE) undertook military and terrorist operations in pursuit of an independent homeland in north and east Sri Lanka for the Tamil ethnic minority from the early 1980s until the defeat of their leadership in fighting on the Jaffna peninsula in northern Sri Lanka in May of 2009.⁸

1. Historical overview

It is believed that both Sinhalese and Tamil settlements existed on the island of Sri Lanka by the third century BC.⁹ Buddhism arrived from the subcontinent in the third century BC, "and spread rapidly."¹⁰ According to the USDOS,

"Beginning in 1505, Portuguese traders, in search of cinnamon and other spices, seized the island's coastal areas and spread Catholicism. The Dutch supplanted the Portuguese in 1658. Although the British ejected the Dutch in 1796, Dutch law remains an important part of Sri Lankan jurisprudence. In 1815, the British defeated the king of Kandy, last of the native rulers, and created the Crown Colony of

¹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

² United Nations, Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2008 Revision*, 2008, <http://esa.un.org/unpp>, accessed 10 April 2010

³ BBC, Country Profile; Sri Lanka, 16 March 2010, http://news.bbc.co.uk/1/hi/world/south_asia/country_profiles/1168427.stm, accessed 10 April 2010

⁴ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁵ BBC, Country Profile; Sri Lanka, 16 March 2010, http://news.bbc.co.uk/1/hi/world/south_asia/country_profiles/1168427.stm, accessed 10 April 2010

⁶ International Crisis Group, Sri Lanka overview, undated, http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=100, accessed 16 March 2010

⁷ International Crisis Group, Sri Lanka overview, undated, http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=100, accessed 16 March 2010

⁸ Venkataramanan, K, Tigers extinct, now what lies ahead for Tamils in Sri Lanka?, *The Times of India*, 19 May 2009, <http://timesofindia.indiatimes.com/LTTE-chief-Prabhakaran-killed-Lanka-govt/articleshow/4546294.cms>, accessed 31 March 2010

⁹ Ross, Russell R., and Savada, Andrea Matles, eds. *Sri Lanka: A Country Study, Rise of Sinhalese and Tamil Ethnic Awareness*, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/6.htm>, accessed 27 March 2010

¹⁰ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

Ceylon. They established a plantation economy based on tea, rubber, and coconuts. In 1931, the British granted Ceylon limited self-rule and a universal franchise. Ceylon became independent on February 4, 1948.”¹¹

In its 2009 country report the USDOS stated that, “Sri Lankan politics since independence have been strongly democratic. Two major parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), have generally alternated rule.”¹² Three UNP prime ministers held power from 1948-56.¹³ After his SLFP failed to win power in the 1952 parliamentary elections, S.W.R.D. Bandaranaike “unite[d] many disparate groups into his People's United Front (Mahajana Eksath Peramuna--MEP), a political coalition under the leadership of his SLFP formed to defeat the UNP. In addition, he was able to forge a no-contest pact with two Marxist parties, the LSSP and the CPSL.”¹⁴ The MEP campaigned on a radically pro-Sinhalese platform, and the “central and most explosive issue of the 1956 election was a linguistic one,”¹⁵ the MEP’s pledged to replace English as the language of administration with Sinhalese only, to the exclusion of Tamil.¹⁶ Notwithstanding the ruling UNP’s “last-minute” switch to a Sinhalese-only platform, the SLFP won 51 of the 95 seats in parliament, to 8 for the UNP.¹⁷

The USDOS states that the SLFP held power until 1965, “with a short hiatus in 1960,” followed by the UNP until 1970.¹⁸ Bandaranaike led the SLFP until his assassination in 1959, when his widow Sirimavo succeeded him.¹⁹ Mrs. Bandaranaike became prime minister again in 1970, and in 1971 “an insurrection by followers of the Maoist “Janatha Vimukthi Peramuna” (JVP, or “People's Liberation Front”) broke out.”²⁰ The USDOS further states that the “government suppressed the revolt[,] declared a state of emergency that lasted 6 years,” and in 1972

“introduced a new constitution, which changed the country's name from Ceylon to Sri Lanka, declared it a republic, made protection of Buddhism a constitutional principle, and created a weak president appointed by the prime minister. [The government’s] economic policies during this period were highly socialist and

¹¹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹² US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹³ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹⁴ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Emergence of the Sri Lanka Freedom Party, 1988, <http://countrystudies.us/sri-lanka/24.htm>, accessed 25 March 2010

¹⁵ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Emergence of the Sri Lanka Freedom Party, 1988, <http://countrystudies.us/sri-lanka/24.htm>, accessed 25 March 2010

¹⁶ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Emergence of the Sri Lanka Freedom Party, 1988, <http://countrystudies.us/sri-lanka/24.htm>, accessed 25 March 2010

¹⁷ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Emergence of the Sri Lanka Freedom Party, 1988, <http://countrystudies.us/sri-lanka/24.htm>, accessed 25 March 2010

LankaNewspapers.com, 1956 General Election Results, undated,

http://www.lankanewspapers.com/news/election/general_election1956.jsp, accessed 28 March 2010

¹⁸ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹⁹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

²⁰ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

included the nationalization of large tea and rubber plantations and other private industries.”²¹

The USDOS reports that J.R. Jayewardene led the UNP back into power in 1977.²² According to the USDOS, the new “government opened the economy and, in 1978, introduced a new constitution based on the French model, a key element of which was the creation of a strong executive presidency. J.R. Jayewardene was elected President by Parliament in 1978 and by nationwide election in 1982. In 1982, a national referendum extended the life of Parliament another 6 years.”²³ Meanwhile, the BBC reports, “[t]he growth of a more assertive Sinhala nationalism after independence fanned the flames of ethnic division until civil war erupted in the 1980s between Tamils pressing for self-rule and the government.”²⁴ The war would last until May 2009, when government forces overran the stronghold of the rebel Liberation Tigers of Tamil Eelam (LTTE) in northern Sri Lanka.²⁵

According to the USDOS, the UNP retained power in 1988, when “Ranasinghe Premadasa, Prime Minister in the Jayewardene government, narrowly defeated Mrs. Bandaranaike (SLFP) in the 1988 presidential elections. The UNP also won an absolute majority in the 1989 parliamentary elections.”²⁶ The LTTE assassinated Premadasa in 1993.²⁷ In 1994 the SLFP returned to power at the head of the People's Alliance (PA) coalition, with Chandrika Bandaranaike Kumaratunga as Prime Minister.²⁸ The USDOS states that

“Prime Minister Kumaratunga later won the November 1994 presidential elections and appointed her mother (former Prime Minister Sirimavo Bandaranaike) to replace her as Prime Minister. . . . In December 2001, the UNP assumed power, led by Prime Minister Ranil Wickremasinghe. Chandrika Kumaratunga remained as President. In November of 2003, President Kumaratunga suddenly took control of three key ministries, triggering a serious cohabitation crisis.”²⁹

Mahinda Rajapaksa became prime minister when the SLFP returned to power in 2004, “and was praised for his handling of the aftermath of the tsunami of the year.”³⁰ He was

²¹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

²² US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

²³ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

²⁴ BBC, Sri Lanka country profile, updated 16 March 2010, http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1168427.stm, accessed 2 April 2010

²⁵ International Crisis Group, Conflict history: Sri Lanka, updated February 2010, http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=100, accessed 2 April 2010

²⁶ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

²⁷ BBC News, Sri Lanka timeline, updated 16 March 2010, <http://news.bbc.co.uk/2/hi/1166237.stm>, accessed 16 March 2010

²⁸ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

²⁹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

³⁰ BBC, Sri Lanka country profile, updated 16 March 2010, http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1168427.stm, accessed 2 April 2010

elected president the following year,³¹ “and Ratnasiri Wickramanayake became Prime Minister. In January 2010 Mahinda Rajapaksa won a landslide victory in elections which he called after declaring victory in the 25 year war with the Tamil Tiger separatists.³² Several of the President’s relatives hold top positions within his government.³³ The Times reports,

“Mahinda President, Minister of Finance, Media, Religious Affairs & Moral Upliftment, Highways and Road Development

Gotabaya (younger brother) Secretary of ministries of Defence, Public Security, and Law and Order

Basil (older brother) MP and senior presidential adviser on economic and international affairs

Chamal (older brother) Minister of Ports and Aviation and Minister of Irrigation and Water Management

Shashindra (Chamal’s son) MP and Chief Minister of Uva province

Jaliya Wickramasuriya (Mahinda’s first cousin) Sri Lankan Ambassador to the United States

Udayanga Weeratunga (Mahinda’s first cousin) Sri Lankan Ambassador to Russia

Kapila Dissanayake (Mahinda’s cousin) councillor of Southern Province and President’s co-ordinating secretary in Hambantota”³⁴

a. Brief background and history of internal armed conflict

According to the Council on Foreign Relations (CFR), “Sri Lanka has been mired in ethnic conflict” since it became independent.

“In the years following independence, the Sinhalese, who resented British favoritism toward Tamils during the colonial period, disenfranchised Tamil migrant plantation workers from India and made Sinhala the official language. In 1972, the Sinhalese changed the country's name from Ceylon and made Buddhism the nation's primary religion. As ethnic tension grew, in 1976, the LTTE [Liberation Tigers of Tamil Eelam] was formed under the leadership of Velupillai Prabhakaran, and it began to

³¹ BBC, Sri Lanka country profile, updated 16 March 2010, http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1168427.stm, accessed 2 April 2010

³² BBC, Sri Lanka country profile, updated 16 March 2010, http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1168427.stm, accessed 2 April 2010

³³ BBC, Rajapaksas out in force for Sri Lanka election, 7 April 2010, http://news.bbc.co.uk/1/hi/world/south_asia/8607301.stm, accessed 10 April 2010. The Times, Rise of Sri Lankan President’s son sparks concern, 22 February 2010,

<http://www.timesonline.co.uk/tol/news/world/asia/article7035564.ece>, accessed 10 April 2010

³⁴ The Times, Rise of Sri Lankan President’s son sparks concern, 22 February 2010, <http://www.timesonline.co.uk/tol/news/world/asia/article7035564.ece>, accessed 10 April 2010

campaign for a Tamil homeland in northern and eastern Sri Lanka, where most of the island's Tamils reside.”³⁵

In 1983, a LTTE attack on an army convoy killed 13 soldiers, triggering riots in which at least hundreds of Tamils died, and leading to civil war.³⁶ The USDOS states that from 1983, northern and eastern Sri Lanka “became the scene of bloodshed as security forces attempted to suppress the LTTE and other militant groups. Terrorist incidents occurred in Colombo and other cities. Each side in the conflict accused the other of violating human rights.”³⁷ The government “accused India of supporting the Tamil insurgents.”³⁸

According to the Council on Foreign Relations, India “deployed a peacekeeping force in 1987 that left three years later amidst escalating violence.”³⁹ The USDOS reports that India first intervened

“by air-dropping supplies to prevent what it felt was harsh treatment and starvation of the Tamil population in the Jaffna Peninsula caused by an economic blockade by Colombo. Under a July 29, 1987, accord . . . the Sri Lankan Government made a number of concessions to Tamil demands, which included devolution of power to the provinces, merger--subject to later referendum--of the northern and eastern provinces, and official status for the Tamil language. India agreed to establish order in the north and east with an Indian Peace-Keeping Force (IPKF) and to cease assisting Tamil insurgents. Militant groups, although initially reluctant, agreed to surrender their arms to the IPKF.”⁴⁰

The LTTE, however, refused to disarm, and the IPKF “found itself engaged in a bloody police action.”⁴¹ According to the USDOS,

“Further complicating the return to peace was a burgeoning Sinhalese insurgency in the south. The JVP, relatively quiescent since the 1971 insurrection, began to reassert itself in 1987. Capitalizing on opposition to the Indo-Lankan Accord in the Sinhalese community, the JVP launched an intimidation campaign against supporters of the accord. Numerous UNP and other government supporters were assassinated. The government, relieved of its security burden by the IPKF in the north and east, intensified its efforts in the south. The JVP was crushed but at a high cost in human lives.”⁴²

³⁵ Bajoria, Jayshree, Background: The Sri Lankan Conflict, Council on Foreign Relations, updated 18 May 2009, <http://www.cfr.org/publication/11407/>, accessed 16 March 2010

³⁶ Bajoria, Jayshree, Background: The Sri Lankan Conflict, Council on Foreign Relations, updated 18 May 2009, <http://www.cfr.org/publication/11407/>, accessed 16 March 2010 (“2,500 Tamils died” in the riots) BBC News, Sri Lanka timeline, updated 16 March 2010, <http://news.bbc.co.uk/2/hi/1166237.stm>, accessed 16 March 2010 (the riots led “to the deaths of several hundred Tamils”)

The Guardian, Timeline of Sri Lanka’s conflict with Tamil Tigers, 23 February 2009, <http://www.guardian.co.uk/world/2009/jan/02/sri-lanka-tamil-tiger-timeline>, accessed 16 March 2010

³⁷ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

³⁸ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

³⁹ Bajoria, Jayshree, Background: The Sri Lankan Conflict, Council on Foreign Relations, updated 18 May 2009, <http://www.cfr.org/publication/11407/>, accessed 16 March 2010

⁴⁰ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁴¹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁴² US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

As talks continued between the government and the LTTE leadership from April 1989 through June 1990, according to the USDOS, fighting in the north between the IPKF and the LTTE escalated.⁴³ Fighting between the government and the LTTE resumed after India withdrew the last of its forces in early 1990.⁴⁴ In the course of the renewed fighting, “the LTTE and government forces committed serious human rights violations.”⁴⁵ The LTTE expelled thousands of Muslims from northern Sri Lanka in 1990, according to the BBC, and in 1991 was “implicated in [the] assassination of Indian premier Rajiv Gandhi.”⁴⁶ In 1993 Sri Lankan president Premadasa was killed by a LTTE bomb attack.⁴⁷

President Kumaratunga assumed power in 1994 pledging to end the war, and peace talks began with the LTTE.⁴⁸ A “cessation of hostilities” was agreed in January 1995 “as a preliminary step in a government-initiated plan for peace negotiations,” according to the USDOS, but within three months,

“the LTTE unilaterally resumed hostilities. The government then adopted a policy of military engagement with the Tigers, with government forces liberating Jaffna from LTTE control by mid-1996 and moving against LTTE positions in the northern part of the country called the Vanni. An LTTE counteroffensive begun in October 1999 reversed most government gains and by May 2000 threatened government forces in Jaffna. Heavy fighting continued into 2001.”⁴⁹

According to the Council on Foreign Relations in 2002 “Norway brokered a cease-fire agreement between the LTTE and the Sri Lankan government,” but “[p]eace talks broke down the following year.”⁵⁰ The International Crisis Group states that “talks broke down due to misunderstandings, lack of will on both sides, and the LTTE’s numerous violations of the ceasefire.”⁵¹ Notwithstanding the failure of the talks, according to the Council on Foreign Relations, “experts posit the fragile truce held in large part because of devastation related to the 2004 tsunami, which caused thirty thousand deaths on the island.”⁵² The Council on Foreign Relations reports that “[i]n August 2005, the assassination of Sri Lanka’s foreign minister, Lakshman Kadirgamar, reignited the conflict. For the next two years, both the government and rebels repeatedly violated the cease-fire agreement.”⁵³

⁴³ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁴⁴ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁴⁵ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁴⁶ BBC News, Sri Lanka timeline, updated 16 March 2010, <http://news.bbc.co.uk/2/hi/1166237.stm>, accessed 16 March 2010

⁴⁷ BBC News, Sri Lanka timeline, updated 16 March 2010, <http://news.bbc.co.uk/2/hi/1166237.stm>, accessed 16 March 2010

⁴⁸ BBC News, Sri Lanka timeline, updated 16 March 2010, <http://news.bbc.co.uk/2/hi/1166237.stm>, accessed 16 March 2010

⁴⁹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁵⁰ Bajoria, Jayshree, Backgrounder: The Sri Lankan Conflict, Council on Foreign Relations, updated 18 May 2009, <http://www.cfr.org/publication/11407/>, accessed 16 March 2010

⁵¹ International Crisis Group, Sri Lanka overview, undated, http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=100, accessed 16 March 2010

⁵² Bajoria, Jayshree, Backgrounder: The Sri Lankan Conflict, Council on Foreign Relations, updated 18 May 2009, <http://www.cfr.org/publication/11407/>, accessed 16 March 2010

⁵³ Bajoria, Jayshree, Backgrounder: The Sri Lankan Conflict, Council on Foreign Relations, updated 18 May 2009, <http://www.cfr.org/publication/11407/>, accessed 16 March 2010

The International Crisis Group states that

“The ceasefire agreement was effectively over by early 2006, and full-scale military conflict began again in July of that year. Government forces took back control of the entirety of Eastern Province by mid-2007, and fighting escalated in early 2008 when the government formally withdrew from the ceasefire and expanded its offensive into LTTE-controlled territory in the Northern Province.”⁵⁴

During the “endgame and aftermath” of the conflict between the government and the LTTE, states Human Rights Watch, numerous and severe human rights abuses took place in the conflict zone, and “the overall human rights situation in the country continued to deteriorate as the government adopted increasingly repressive policies.”⁵⁵ According to HRW,

“Forced to retreat by government offensive operations, the LTTE drove civilians into a narrow strip of land on Sri Lanka’s northeastern coast, effectively using several hundred thousand people as human shields. The LTTE shot at and injured or killed many of those trying to flee from the war zone to government-held territory. LTTE forces also deployed near densely populated areas, placing civilians in increased danger of attack. As the fighting intensified, the LTTE stepped up its practice of forcibly recruiting civilians, including children, into its ranks and, to hazardous forced labor on the battlefield.

Government forces repeatedly and indiscriminately shelled densely populated areas, sometimes using heavy artillery and other area weapons incapable of distinguishing between civilians and combatants. As the LTTE-controlled area shrank, the government unilaterally declared “no-fire zones” or “safe zones” on three different occasions, calling upon civilians to seek shelter there; nevertheless, government forces continued attacking these areas. In disregard of the laws of war, government forces also fired artillery at or near hospitals on at least 30 occasions. .

Civilians in the war zone also suffered from lack of food, water, shelter, and medicines. The government’s decision in September 2008 to order humanitarian agencies out of the LTTE-controlled area greatly exacerbated their plight. Ongoing fighting, lack of oversight, and the manipulation of aid delivery by government and LTTE forces contributed to the deepening humanitarian crisis.”⁵⁶

Sources consulted in this research agreed that relatively little is yet known about the details of the campaign that ended in the annihilation of the LTTE leadership in May 2009. According to the USDOS,

“The government and the LTTE did not allow any independent observers, media, or international staff of humanitarian organizations to work in the conflict zone.

⁵⁴ International Crisis Group, Sri Lanka overview, undated, http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=100, accessed 16 March 2010

⁵⁵ Human Rights Watch, World Report 2010, p. 347, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁵⁶ Human Rights Watch, World Report 2010, pp. 347-48, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

Eyewitness accounts of the end of the conflict were difficult to obtain because most of the involved civilians remained confined in large IDP camps with little access to independent observers.”⁵⁷

The New York Times reported in March 2008, “[t]he government has refused entry to United Nations human rights monitors.”⁵⁸ Human Rights Watch states that in September 2008 “the government ordered the United Nations and other international agencies to withdraw foreign and non-resident local staff and suspend their aid operations in the LTTE-controlled Vanni region.”⁵⁹ The government did not allow journalists to access the conflict zone, “which added to the difficulties of obtaining an independent assessment of the way the war was being fought.”⁶⁰

Human Rights Watch estimates that by the time the government declared victory on 18 or 19 May 2009 the conflict “had caused between 80,000 and 100,000 deaths.”⁶¹ The UN reportedly estimated that 7,000 or more civilians were killed in the final phase of fighting, from January until May 2009.⁶² The Times cited Defence Secretary Gotabaya Rajapaksa as indicating the “death toll for the Army, Navy, Air Force, police and civil defence force since July 2006 was 6,261, with 29,551 wounded. The total number of military deaths since 1981 was 23,790.”⁶³ According to the Times, the LTTE “admitted in November [2008] that they had lost more than 22,000 fighters since 1982.”⁶⁴ A database maintained by the South Asia Terrorism Portal indicates 22,577 terrorists died in Sri Lanka during 2000-2009, of which 3,139 in 2009 and 9,426 in 2008.⁶⁵ Since March 2000, South Asia Terrorism Portal reports 5,250 deaths among security forces, about half of them in 2008-09, and 13,503 civilian fatalities, of which over 11,000 in 2009.⁶⁶ In May 2009, according to South Asia Terrorism Portal, 7,197 civilians and 749 terrorists died, whereas the security

⁵⁷ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁵⁸ Sengupta, Somini, Ethnic Divide Worsens as Sri Lanka Conflict Escalates, New York Times, 8 March 2008, <http://www.nytimes.com/2008/03/08/world/asia/08lanka.html>, accessed 30 March 2010

⁵⁹ Human Rights Watch, World Report 2009, p. 308, <http://www.hrw.org/world-report-2009>, accessed 30 March 2010

⁶⁰ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 148, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

Sengupta, Somini, Ethnic Divide Worsens as Sri Lanka Conflict Escalates, New York Times, 8 March 2008, <http://www.nytimes.com/2008/03/08/world/asia/08lanka.html>, accessed 30 March 2010

⁶¹ Human Rights Watch, World Report 2010, p. 347, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010 (19 May)

US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010 (18 May)

⁶² Human Rights Watch, World Report 2010, p. 348, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010 (“The UN estimated that at least 7,000 people were killed and 13,000 injured during the last five months of the war.”)

Page, Jeremy, Sri Lanka says it lost 6,000 troops in final phase of war, Times Online, 22 May 2009, <http://www.timesonline.co.uk/tol/news/world/asia/article6340392.ece>, accessed 27 March 2010

(“Unconfirmed UN estimates suggest that 7,000 civilians have been killed since January 20.”)

⁶³ Page, Jeremy, Sri Lanka says it lost 6,000 troops in final phase of war, Times Online, 22 May 2009, <http://www.timesonline.co.uk/tol/news/world/asia/article6340392.ece>, accessed 27 March 2010

⁶⁴ Page, Jeremy, Sri Lanka says it lost 6,000 troops in final phase of war, Times Online, 22 May 2009, <http://www.timesonline.co.uk/tol/news/world/asia/article6340392.ece>, accessed 27 March 2010

⁶⁵ South Asia Terrorism Portal, Fatalities in Terrorist Violence in Sri Lanka since March 2000, updated 29 March 2010, http://www.satp.org/satporgtp/countries/shrilanka/database/annual_casualties.htm, accessed 30 March 2010

⁶⁶ South Asia Terrorism Portal, Fatalities in Terrorist Violence in Sri Lanka since March 2000, updated 29 March 2010, http://www.satp.org/satporgtp/countries/shrilanka/database/annual_casualties.htm, accessed 30 March 2010

forces suffered no fatalities.⁶⁷ From June 2009 through March 2010, South Asia Terrorism Portal reports a total of 11 terrorists killed, as well as 3 civilians and 3 security force members.⁶⁸

2. Political development since the end of hostilities

According to Human Rights Watch, after defeating the LTTE,

“The government detained more than 10,000 displaced persons at checkpoints and from the camps on suspicion of LTTE involvement, in many cases citing vague and overbroad emergency laws still in force after the end of the war. Many arrests were carried out in violation of domestic and international law. The authorities failed to inform families of their relatives’ fate and whereabouts. . . The authorities also specifically targeted key witnesses to the final stages of the war. They arrested and held for several months several government doctors who had been working in areas under LTTE control and had reported on government shelling and resulting civilian casualties. While in detention the doctors retracted wartime statements, raising suspicion of undue pressure and ill-treatment.”⁶⁹

According to the International Crisis Group, since the war ended “President Rajapaksa’s primary interest has been to consolidate his power,” which International Crisis Group argue is reflected in the decision to call early presidential elections in January 2010.⁷⁰ The organisation further states that,

“the government has worked hard to undermine the autonomy and independent character of Tamil and Muslim parties. Former LTTE commander, V. Muralitharan, better known as Karuna, was pressured to leave the party he had founded, the Tamil Makkal Vidulthalai Puligal (TMVP), and join the ruling Sri Lanka Freedom Party (SLFP). Similarly, the pro-government Eelam People’s Democratic Party (EPDP) was forced to contest the August 2009 Jaffna and Vavuniya municipal elections as part of the president’s United People’s Freedom Alliance (UPFA), after first being pressured to disband and integrate into the SLFP. The TMVP, now led by Eastern Province Chief Minister Sivanesanathurai Chandrakanthan, or Pillayan, is unhappy enough with the limited power granted by the central government to be contemplating not supporting President Rajapaksa’s re-election bid.”⁷¹

After President Rajapaksa sought to reassign the army commander, General Sarath Fonseka, as chief of defence staff, Fonseka, announced his candidacy against Rajapaksa in November 2009, with “backing by a diverse range of political parties, led by the leftist-

⁶⁷ South Asia Terrorism Portal, Fatalities in Terrorist Violence in Sri Lanka since March 2000, updated 29 March 2010, http://www.satp.org/satporgtp/countries/shrilanka/database/annual_casualties.htm, accessed 30 March 2010

⁶⁸ South Asia Terrorism Portal, Fatalities in Terrorist Violence in Sri Lanka since March 2000, updated 29 March 2010, http://www.satp.org/satporgtp/countries/shrilanka/database/annual_casualties.htm, accessed 30 March 2010

⁶⁹ Human Rights Watch, World Report 2010, p. 350, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁷⁰ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 16, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

⁷¹ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 14, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

nationalist JVP and their bitter rivals the conservative-internationalist UNP.”⁷² Both the United National Front coalition and the JVP supported “abolishing the executive presidency and reverting to a Westminster-style parliamentary system with an executive prime minister, the appointment of the Constitutional Council and independent commissions, the protection of media freedom, and the end of the state of emergency.”⁷³ The Times states that both Rajapaksa and Fonseka have reputations as Sinhalese nationalists, and Fonseka’s candidacy “split the Sinhalese vote, forcing both candidates to reach out to Tamils as kingmakers.”⁷⁴ On January 2010 the TNA endorsed Fonseka’s candidacy, after they mutually agreed on a ten-point relief plan for those affected by the war.⁷⁵

According to the Commonwealth Secretariat, the election campaign “degenerated into personal accusations and counter-accusations This charged atmosphere, fed in no small part by the state-owned media, created a pre-election environment full of rumour, speculation and uncertainty.”⁷⁶ The ICG stated there were “frequent attacks on JVP offices and campaigners” during 2009 provincial election campaigns as well as the presidential campaign.⁷⁷ CNN stated that the lead-up to the election saw “escalating violence,” citing sources indicating “more than 700 reports of violence ahead of the election” and at least four deaths.⁷⁸ According to the official results, President Rajapaksha was re-elected in January 2010 by about 58% of 10.4 million votes cast, to 40% for General Fonseka, his nearest challenger.⁷⁹ According to the New York Times, “Independent Sri Lankan election monitors said there was no evidence of major fraud in the voting. . . . More broadly, election observers and advocacy groups have questioned the fundamental fairness of the campaign, accusing Mr. Rajapaksa of using state resources to run his campaign. State-owned news media all but shut out opposition candidates.”⁸⁰

Military police arrested General Fonseka in early February 2010.⁸¹ Al Jazeera cited

⁷² International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 16, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

⁷³ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 20, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010 (“The UNF is comprised of the UNP, the SLMC, the SLFP splinter group headed by Mangala Samaraweera, the Democratic People’s Front headed by Tamil activist Mano Ganesan, and a handful of smaller parties,” footnote 140)

⁷⁴ Michael, Ralph, Sri Lanka locked in dirtiest election for years as poll violence rises, Times Online, 23 January 2010, <http://www.timesonline.co.uk/tol/news/world/asia/article6999273.ece>, accessed 11 April 2010

⁷⁵ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 16, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

⁷⁶ Commonwealth Secretariat, Report of the Commonwealth Expert Team: Sri Lanka Presidential Election, 26 January 2010, <http://www.thecommonwealth.org/files/220094/FileName/FINALREPORT-CET2010PrintVersion.pdf>, accessed 1 April 2010

⁷⁷ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 18, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

⁷⁸ CNN, Sri Lankan candidate alleges intimidation, 27 January 2010, <http://edition.cnn.com/2010/WORLD/asiapcf/01/26/srilanka.election/index.html>, accessed 28 March 2010

⁷⁹ Department of Elections of Sri Lanka, Presidential Election 2010: Official Results, undated, <http://www.slelections.gov.lk/presidential2010/AIVOT.html>, accessed 16 March 2010

⁸⁰ Polgreen, Lydia, President of Sri Lanka Is Re-elected by Wide Edge, New York Times, 20 January 2010, <http://www.nytimes.com/2010/01/28/world/asia/28lanka.html>, accessed 19 March 2010

⁸¹ Al Jazeera, Sri Lanka arrests General Fonseka, 9 February 2010, <http://english.aljazeera.net/news/asia/2010/02/20102816287441879.html>, accessed 22 March 2010
Page, Jeremy, Sri Lanka opposition leader held for ‘plotting coup,’ Times Online, 9 February 2010, <http://www.timesonline.co.uk/tol/news/world/asia/article7019554.ece>, accessed 22 March 2010

defence officials as indicating the arrest was “on charges of plotting to overthrow the country’s government.”⁸² The BBC states that “just hours before his arrest, the general said he was prepared to give evidence in an international court on any war crime charges against the state.”⁸³ The arrest triggered clashes between government supporters and “thousands of opposition activists” in Colombo, in which at least 8 people were injured.⁸⁴ According to the BBC, police arrested “[a]t least 53 supporters of Gen Fonseka, many of them serving or retired military officials,” after he lost the election, although at least 23 had been released by late February.⁸⁵ On 17 March 2010 the BBC reported that the second of two court-martials convened to try Fonseka had adjourned.⁸⁶ According to the BBC, a spokesman for Fonseka “said it was a delaying tactic aimed at preventing him from campaigning for 8 April general elections.”⁸⁷

In March 2010, according to the BBC, the Tamil National Alliance (TNA), the largest political grouping representing Tamils, which “was generally seen as a proxy for the Tamil Tigers,” formally dropped its demand for an independent Tamil homeland.⁸⁸ Instead, the TNA platform now calls for “the two Tamil-majority provinces to be merged back into one, and significant devolution of powers on issues like land and taxes. And it mentions self-determination.”⁸⁹

In the April 2010 parliamentary elections, according to the Guardian, President Rajapaksa’s United People’s Freedom Alliance (UPFA) “is expected to win the two-thirds majority the president needs to push through constitutional changes.”⁹⁰ The Guardian stated,

“Local and international monitors have logged nearly 400 incidents of election-related violence. More than 50 have involved firearms. One man has been killed by gunfire.

About two thirds of complaints are against the ruling UPFA. Many incidents were between supporters of UPFA candidates who, under Sri Lanka’s complex voting system, compete against one another for seats though in some places, such as the north-eastern port of Mannar, a tight contest between government candidates and the fragmented opposition has led to clashes.

Opposition politicians accused the government of misusing state resources to gain an unfair advantage in the polls and said the media had been intimidated.”⁹¹

⁸² Al Jazeera, Sri Lanka arrests General Fonseka, 9 February 2010, <http://english.aljazeera.net/news/asia/2010/02/20102816287441879.html>, accessed 22 March 2010

⁸³ Haviland, Charles, Leaderless Sri Lankan opposition faces uphill task, BBC, 9 February 2010, http://news.bbc.co.uk/2/hi/south_asia/8506912.stm, accessed 22 March 2010

⁸⁴ BBC, Sri Lanka clashes erupt over former army chief’s arrest, 10 February 2010, http://news.bbc.co.uk/2/hi/south_asia/8509216.stm, accessed 25 March 2010

⁸⁵ BBC, Sri Lanka army officers remanded over ‘coup plot,’ 26 February 2010, http://news.bbc.co.uk/2/hi/south_asia/8539785.stm, accessed 22 March 2010

⁸⁶ BBC, Trial of Sri Lanka ex-army chief Fonseka adjourned, 17 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8572586.stm, accessed 27 March 2010

⁸⁷ BBC, Trial of Sri Lanka ex-army chief Fonseka adjourned, 17 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8572586.stm, accessed 27 March 2010

⁸⁸ Haviland, Charles, Sri Lanka Tamil party drops statehood demand, 13 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8566114.stm, accessed 25 March 2010

⁸⁹ Haviland, Charles, Sri Lanka Tamil party drops statehood demand, 13 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8566114.stm, accessed 25 March 2010

⁹⁰ Burke, Jason, Sri Lanka votes in elections set to tighten president’s grip on power, 8 April 2010, <http://www.guardian.co.uk/world/2010/apr/08/sri-lanka-election>, accessed 11 April 2010

⁹¹ Burke, Jason, Sri Lanka votes in elections set to tighten president’s grip on power, 8 April 2010, <http://www.guardian.co.uk/world/2010/apr/08/sri-lanka-election>, accessed 11 April 2010

The BBC reported that preliminary results showed the UPFA had won 117 out of the 225 seats in parliament, and “[t]he main opposition party has won 46 seats, making it unlikely the [UPFA] will win the two-thirds majority needed to make constitutional changes.”⁹² General Fonseka, still detained, was one of two people to win seats from Colombo for the Democratic National Alliance.⁹³ According to the BBC, poll monitors said turnout was low, and “many war-displaced Tamils in the north had been denied voting rights.”⁹⁴

3. Lingering impact of hostilities in relation to security and displacement

UNHCR estimates the operations that ended in May 2009 displaced about 280,000 people, adding to an existing population of about 300,000 IDPs.⁹⁵ According to the UK Foreign and Commonwealth Office (FCO), “the Sri Lankan government had transferred approximately 280,000 civilians from the former conflict areas to camps in the north of Sri Lanka.”⁹⁶ The FCO stated that “significant protection concerns” remain “for both displaced and returning civilians, as well as for at least 11,500 suspected ex-combatants to whom the ICRC has no access and who themselves have no access to due legal process regarding their detention.”⁹⁷

UNHCR reports that the majority of the IDPs who fled due to the offensive against the LTTE that ended in May 2009

“live in closed camps in Vavuniya district, as well as in camps in Mannar, Jaffna and Trincomalee. . . . The IDPs originate mainly from the Mannar, Vavuniya, Kilinochchi, Mullaitivu and Jaffna districts in northern Sri Lanka, as well as from some areas in the east of the country. Though the end of hostilities has paved the way for the voluntary return of displaced people, some key obstacles to return remain. For instance, many of the areas of return are riddled with mines and unexploded ordnance. . . . Other key obstacles to return include the need to re-establish administrative structures in areas formerly held by the Liberation Tigers of Tamil Eelam; the destruction or damaged condition of public infrastructure and private homes; and the breakdown of the economy - including agriculture and fisheries.”⁹⁸

UNHCR expressed its hope that, due to recent progress, “a substantial number of IDPs will be able to return to their places of origin in the latter half of 2009, but a large portion of new IDPs are also likely to remain in the camps and with host families until well into 2010.”⁹⁹

⁹² BBC, Sri Lanka ruling party wins majority in parliament, 9 April 2010, http://news.bbc.co.uk/2/hi/south_asia/8610705.stm, accessed 11 April 2010

⁹³ BBC, Sri Lanka ruling party wins majority in parliament, 9 April 2010, http://news.bbc.co.uk/2/hi/south_asia/8610705.stm, accessed 11 April 2010

⁹⁴ BBC, Sri Lanka ruling party wins majority in parliament, 9 April 2010, http://news.bbc.co.uk/2/hi/south_asia/8610705.stm, accessed 11 April 2010

⁹⁵ UNHCR Global Appeal 2010-11, p. 40, <http://www.unhcr.org/4b0426839.pdf>, accessed 16 March 2010

⁹⁶ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 149, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁹⁷ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 149, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁹⁸ UNHCR Global Appeal 2010-11, p. 40, <http://www.unhcr.org/4b0426839.pdf>, accessed 16 March 2010

⁹⁹ UNHCR Global Appeal 2010-11, p. 40, <http://www.unhcr.org/4b0426839.pdf>, accessed 16 March 2010

In January 2010, the International Crisis Group (ICG) reported “[t]he return by the end of 2009 of most of the displaced to their home districts, and the increased freedom of movement for the nearly 100,000 still in military-run camps,” but stated,

“the resettlement process has failed to meet international standards for safe and dignified returns. There has been little or no consultation with the displaced and no independent monitoring; many returns have been to areas not cleared of mines and unexploded ordnance; inadequate financial resources have been provided for those returning home; and the military continues to control people’s movements. These and other concerns also apply to the estimated 80,000 Muslims forcibly expelled from the north by the LTTE in 1990, some of whom have begun to return to their homes.”¹⁰⁰

According to the UK Foreign and Commonwealth Office (FCO), a UK official “visited twice, in April and October [2009], to witness the conditions in the camps and to press for improvements.”¹⁰¹ During the second visit, he announced that “in line with funding decisions undertaken by other bilateral donors,” the UK would from December “cease funding for all new works in the existing camps” due to “concerns about the length of time that the closed camps were remaining in place and lack of progress on freedom of movement or the returns process.”¹⁰² The FCO stated in March 2010, “[c]onditions have now improved to the extent that basic needs are being met.”¹⁰³

In January 2010 the International Crisis Group reported that

“Since the decisive military victory over the Liberation Tigers of Tamil Eelam (LTTE), Sri Lanka has made little progress in reconstructing its battered democratic institutions or establishing conditions for a stable peace. Eight months later, the post-war policies of President Mahinda Rajapaksa have deepened rather than resolved the grievances that generated and sustained LTTE militancy.”¹⁰⁴

In February 2010, according to the BBC, the European Union declared its intent to “suspend Sri Lanka’s preferential trade benefits” due to “significant shortcomings in Sri Lanka’s implementation of international human rights conventions.”¹⁰⁵

Land seizures “remained a problem across the country,” according to the USDOS, particularly

¹⁰⁰ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 1, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

¹⁰¹ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 149, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

¹⁰² UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, pp. 149-50, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

¹⁰³ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 149, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

¹⁰⁴ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 1, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

¹⁰⁵ BBC, EU punishes Sri Lanka for rights abuses, 16 February 2010, <http://news.bbc.co.uk/2/hi/europe/8518054.stm>, accessed 26 March 2010

“in the north and east. Significant amounts of land were seized during the war by the military to create security buffer zones around military bases and other high-value targets which the government called HSZ. The declaration of HSZs resulted in a number of displaced persons, particularly in the Jaffna Peninsula, and rendered inactive approximately 40 square kilometers of agricultural lands. While the government discussed reducing the size of these HSZs towards the end of the year, there was no action taken by year's end.

Paramilitary actors were often cited as being responsible for other land seizures. While a legal process exists for private landowners to contest such seizures, in practice it proved very slow, and many victims did not take advantage of it for fear of violent reprisals by those who had seized the property in question.”¹⁰⁶

¹⁰⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

B. Ethnic Groups

According to the U.S. Library of Congress Sri Lanka Country Study,

“There is some debate among historians as to whether settlement by Indo-Aryan speakers preceded settlement by Dravidian-speaking Tamils, but there is no dispute over the fact that Sri Lanka, from its earliest recorded history, was a multiethnic society. Evidence suggests that during the early centuries of Sri Lankan history there was considerable harmony between the Sinhalese and Tamils.”¹⁰⁷

The 2001 Sri Lanka census showed Sinhalese represented 82%, Sri Lanka Moor 7.9%, Indian Tamil 5.1%, Sri Lanka Tamil 4.3%, Burgher 0.2%, Malay 0.3%, and others 0.2%, out of a population of nearly 17 million.¹⁰⁸ Minority Rights Group International notes, however, that this census “was not carried out in 7 districts in the conflict area which are all minority populous areas.”¹⁰⁹

1. Domestic legal framework

Article 14(1)(f) of the Constitution guarantees each citizen “the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language.”¹¹⁰ Sinhala and Tamil are official languages with equal standing under the Constitution in matters such as legislation, administration, education, and justice.¹¹¹

2. Treatment of ethnic groups

According to the Council on Foreign Relations, when Sri Lanka was under British rule “most Sri Lankans regarded the Tamil minority as collaborators with imperial rule and resented the Tamil's perceived preferential treatment. But since Sri Lanka became independent in 1948, the Sinhalese majority has dominated the country.”¹¹²

¹⁰⁷ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/>, accessed 25 March 2010

¹⁰⁸ Department of Census and Statistics Sri Lanka, Census of Population and Housing 2001, Number and percentage of population by district and ethnic group, <http://www.statistics.gov.lk/PopHouSat/PDF/Population/p9p8%20Ethnicity.pdf>, accessed 24 March 2010 (population 16,929, 689)

¹⁰⁹ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples: Sri Lanka Overview, undated, <http://www.minorityrights.org/3998/sri-lanka/sri-lanka-overview.html>, accessed 11 March 2010

¹¹⁰ Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

¹¹¹ Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978 (as amended up to 20 December 2000), Chapter IV – Language, available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_04_Amd.html, accessed 11 March 2010. US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹¹² Bhattacharji, Preeti, Backgrounder: LiberationTigers of Tamil Eelam, Council on Foreign Relations, updated 20 May 2009, http://www.cfr.org/publication/9242/liberation_tigers_of_tamil_eelam_aka_tamil_tigers_sri_lanka_separatists.html, accessed 15 March 2010

a. Tamils

The Council on Foreign Relations states that, “Tamils are an ethnic group that lives in southern India (mainly in the state of Tamil Nadu) and on Sri Lanka.”¹¹³ There are two main groups of Tamils in Sri Lanka, referred to as the ‘Sri Lanka Tamils’ (also ‘Ceylon’ or ‘Jaffna’ Tamils) and the ‘Indian Tamils’ (also ‘up country’ or ‘estate’ Tamils).¹¹⁴ According to Minority Rights Group International (MRG), both “groups are predominantly Hindu with a small percentage of Christians. They also speak their own distinct language called Tamil,¹¹⁵ which is part of the South Indian Dravidian linguistic group.”¹¹⁶

Minority Rights Group International describes the Sri Lankan and Indian Tamils, respectively, as descended from “south Indians who were amongst the first settlers in Sri Lanka who arrived as early as the 5th century BC,” and as “descendants of comparatively recent immigrants.”¹¹⁷ The USDOS refers to the Sri Lankan Tamils as “citizens whose South Indian ancestors have lived on the island for centuries . . . live throughout the country, and predominate in the Northern Province.”¹¹⁸ According to MRG, “[b]oth Tamil groups are predominantly Hindu. Tamil strongholds are established in the northern and eastern parts of the island.”¹¹⁹ According to a US Library of Congress Country Study, Tamil settlements have existed on Sri Lanka for more than 2,000 years.¹²⁰ According to the USDOS, the Indian Tamils arrived when the “British brought them to Sri Lanka in the 19th century as tea and rubber plantation workers, and they remain concentrated in the “tea country” of south-central Sri Lanka.”¹²¹

Minority Rights Group International report that “at the dawn of independence,” the Indian Tamils “were made stateless and deprived of their political rights through the Citizenship Acts of 1948-9. Agreements with the Indian government, providing for repatriation or the awarding of Sri Lankan citizenship, were not fully implemented.”¹²² The USDOS states that

¹¹³ Bhattacharji, Preeti, Backgrounder: Liberation Tigers of Tamil Eelam, Council on Foreign Relations, updated 20 May 2009, http://www.cfr.org/publication/9242/liberation_tigers_of_tamil_eelam_aka_tamil_tigers_sri_lanka_separatists.html, accessed 15 March 2010

¹¹⁴ Department of Census and Statistics Sri Lanka, Census of Population and Housing 2001, Number and percentage of population by district and ethnic group, <http://www.statistics.gov.lk/PopHouSat/PDF/Population/p9p8%20Ethnicity.pdf>, accessed 24 March 2010

Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Tamils, undated, <http://www.minorityrights.org/4002/sri-lanka/tamils.html>, accessed 11 March 2010

¹¹⁵ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples: Sri Lanka Overview, undated, <http://www.minorityrights.org/3998/sri-lanka/sri-lanka-overview.html>, accessed 11 March 2010

¹¹⁶ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹¹⁷ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Tamils, undated, <http://www.minorityrights.org/4002/sri-lanka/tamils.html>, accessed 11 March 2010

¹¹⁸ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹¹⁹ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Tamils, undated, <http://www.minorityrights.org/4002/sri-lanka/tamils.html>, accessed 11 March 2010

¹²⁰ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/6.htm>, accessed 25 March 2010

¹²¹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹²² Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Tamils, undated, <http://www.minorityrights.org/4002/sri-lanka/tamils.html>, accessed 11 March 2010

“In accordance with a 1964 agreement with India, Sri Lanka granted citizenship to 230,000 "stateless" Indian Tamils in 1988. Under the pact, India granted citizenship to the remainder, some 200,000 of whom now live in India. Another 75,000 Indian Tamils, who themselves or whose parents once applied for Indian citizenship, chose to remain in Sri Lanka and have since been granted Sri Lankan citizenship.”¹²³

According to Minority Rights Group International,

“In the 70's India and Sri Lanka entered into a pact where India agreed to grant citizenship to 600,000 Tamils who wanted to return back. Sri Lanka agreed to grant citizenship to 470,000 Tamils who decided to stay on. . . In the 1980's there were some 86,000 applications for Indian citizenship pending when India informed Sri Lanka that previous agreements were not binding because the implementation period had ended.”¹²⁴

Minority Rights Group International state that by the year 2000 “there were still some 300,000 Tamils who were stateless and living in Sri Lanka. In 2003 in a new act, citizenship was granted to all persons of Indian origin.”¹²⁵

According to the USDOS,

“By December [2009] approximately 30,000 Hill Tamils, versus 70,000 at the beginning of 2008, lacked identity cards and citizenship documents. Those lacking identity cards remained at higher risk for arbitrary arrest and detention. Reliable sources estimated that approximately 70 such persons were arrested under Emergency Regulations by October. It was not known how many of those persons remained detained at year's end.”¹²⁶

Human Rights Watch reports that, “[s]ince March 2008 the government has confined displaced Tamils fleeing the fighting. The population of the detention camps skyrocketed to over a quarter million people after the LTTE's defeat in May.”¹²⁷ The USDOS states that “outside of the conflict zone the overwhelming majority of victims of human rights violations, such as extrajudicial killings and disappearances, were young male Tamils, while Tamils were estimated to be only 16 percent of the overall population.”¹²⁸ The USDOS reports that “Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups.”¹²⁹ In January 2010 the International Crisis Group reported that “more than 12,000 Tamils [were] held in irregular detention centres on

¹²³ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹²⁴ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Tamils, undated, <http://www.minorityrights.org/4002/sri-lanka/tamils.html>, accessed 11 March 2010

¹²⁵ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Tamils, undated, <http://www.minorityrights.org/4002/sri-lanka/tamils.html>, accessed 11 March 2010

¹²⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

¹²⁷ Human Rights Watch, World Report 2010, p. 347, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

¹²⁸ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

¹²⁹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

suspicion of ties to the LTTE.”¹³⁰

The USDOS states that in 2009,

“[b]oth local and Indian origin Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the [Sri Lankan Human Rights Commission], Tamils also experienced discrimination in housing. Landlords were required to register any Tamil tenants and report their presence to the police.”¹³¹

The BBC reported in March 2010 that the Colombo police force had opened four special units in Colombo suburbs able to take statements in Tamil, with plans for more.¹³² Previously, “Tamil-speaking Sri Lankans had to rely on a friend to translate their complaints into Sinhala.”¹³³ The article also stated, “[p]eople living in cities in the north and east of Sri Lanka, where Tamils are in a majority, have told the BBC that in recent months Tamil-language facilities in police stations have expanded markedly.”¹³⁴

b. Sinhalese

According to the USDOS, the “origins of the Sinhalese are shrouded in myth.”¹³⁵ Most Sinhalese believe they came from northern India, settling the dry north-central regions of Sri Lanka as early as the sixth century B.C.¹³⁶ The Sinhala language “is related to the languages of northern India including Sanskrit,” according to a US Library of Congress Sri Lanka Country Study.¹³⁷ “Buddhism arrived from the subcontinent 300 years later and spread rapidly,” according to the USDOS.¹³⁸ Buddhism and a sophisticated irrigation system “became the pillars of classical Sinhalese civilization (200 BC-1200 AD) that flourished in the north-central part of the island,”¹³⁹ and was “centered around the cities of

¹³⁰ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 1, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

¹³¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

¹³² BBC, Colombo police reaches out to Tamil community, 19 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8576330.stm, accessed 23 March 2010

¹³³ BBC, Colombo police reaches out to Tamil community, 19 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8576330.stm, accessed 23 March 2010

¹³⁴ BBC, Colombo police reaches out to Tamil community, 19 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8576330.stm, accessed 23 March 2010

¹³⁵ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹³⁶ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/58.htm>, accessed 25 March 2010

US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹³⁷ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/58.htm>, accessed 25 March 2010

¹³⁸ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹³⁹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/58.htm>, accessed 25 March 2010

Anuradhapura and later Polonnaruwa.”¹⁴⁰ Over time, according to the USDOS, “[i]nvasions from southern India, combined with internecine strife, pushed Sinhalese kingdoms southward.”¹⁴¹ Today, Sinhalese “are concentrated in the densely populated southwest.”¹⁴²

According to a US Library of Congress Sri Lanka Country Study, “[r]eligion has defined Sinhalese identity over the centuries far more than race.”¹⁴³ The study’s authors argue that modern political Buddhism emerged from an “implicitly anti-Western and anti-Christian” temperance movement in the early 20th century.¹⁴⁴ According to the BBC, “the majority Buddhist Sinhalese community resented what they saw as favouritism towards the mainly-Hindu Tamils under British administration.”¹⁴⁵ The US Library of Congress Sri Lanka Country Study states that,

“Buddhist activism was increasingly preoccupied with Sinhalese “majority rights,” including the “Sinhala Only” language policy backed by SLFP leader S.W.R.D. Bandaranaike (who was assassinated by a Buddhist monk on September 26, 1959), and the agitation to give Buddhism special status in the 1972 constitution. But the equation of nation and religion also meant that any issue involving the welfare of the Sinhalese community, including issues of social equity, were fair game for activist monks and their supporters.”¹⁴⁶

According to the US Library of Congress Country Study the elevation of Tamil to official status under the 1978 Constitution left Sinhala the higher-status official language, “inductees into the civil service were expected to acquire proficiency in it.”¹⁴⁷ During the 1970s, the government implemented a preferential university admissions system that had the effect of increasing the proportion of Sinhalese to more closely reflect their proportion of the general population.¹⁴⁸ The power of individual elected leaders to award civil service posts increased from the 1970s, according to the Country Study, with the effect that Tamil numbers in the civil service declined as well.¹⁴⁹ The government also sponsored Sinhalese settlement in the northern and eastern, predominantly Tamil, regions.¹⁵⁰ The BBC stated

¹⁴⁰ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/>, accessed 25 March 2010

¹⁴¹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹⁴² US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹⁴³ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/58.htm>, accessed 25 March 2010

¹⁴⁴ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/58.htm>, accessed 25 March 2010

¹⁴⁵ BBC, Sri Lanka country profile, updated 16 March 2010, http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1168427.stm, accessed 12 March 2010

¹⁴⁶ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/58.htm>, accessed 25 March 2010

¹⁴⁷ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/71.htm>, accessed 27 March 2010

¹⁴⁸ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/71.htm>, accessed 27 March 2010

¹⁴⁹ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/71.htm>, accessed 27 March 2010

¹⁵⁰ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/71.htm>, accessed 27 March 2010

that in 2010, the Colombo police force remained overwhelmingly Sinhalese, despite the city being 55% Tamil-speaking.¹⁵¹

c. Muslims

There three main groups of Muslims in Sri Lanka; Sri Lankan Moors, Indian Moors and the Malays, there are also smaller communities of Boras and Kolas.¹⁵²

The US Library of Congress Sri Lanka Country Study states that Sri Lankan Moors “make up 93 percent of the Muslim population They trace their ancestry to Arab traders who moved to southern India and Sri Lanka some time between the eighth and fifteenth centuries, [and] adopted the Tamil language that was the common language of Indian Ocean trade.”¹⁵³ Under Portuguese rule, “the Moors suffered from persecution, and many moved to the Central Highlands, where their descendants remain.”¹⁵⁴

According to Minority Rights Group International,

“The Moors make up the larger majority of Muslims in Sri Lanka. Out of the total population of more than 1.5 million Muslims in Sri Lanka, over one-third lives in the north and east. The majority of these live in the East, where they constitute about a third of the population, which has roughly equal proportion of Sinhalese, Muslims and Tamils. The remaining Muslim community is dispersed throughout the urban centres of Sri Lanka. Muslims are also divided between mainly agriculturists living in the east, and traders who are dispersed across the island. Muslims of the eastern region speak Tamil”¹⁵⁵

Minority Rights Group International describes the Malays as “Muslim immigrants from South Asia who arrived in the country during Dutch colonial rule in the 17th century.”¹⁵⁶

Minority Rights Group International states that the “increasing radicalization of Tamil politics . . . drastically affected Tamil-Muslim relations. Muslims are strongly opposed to becoming a minority within a Tamil-speaking and Tamil-dominated homeland consisting of the Northern and Eastern provinces.”¹⁵⁷ Minority Rights Group International further states that “sandwiched between the Tamils rebels and government forces, the Muslims have been excluded from either a share in self-governance or an adequate social and political representation.”¹⁵⁸

¹⁵¹ BBC, Colombo police reaches out to Tamil community, 19 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8576330.stm, accessed 23 March 2010

¹⁵² Minority Rights Group International, World Directory of Minorities and Indigenous Peoples: Sri Lanka Overview, undated, <http://www.minorityrights.org/3998/sri-lanka/sri-lanka-overview.html>, accessed 11 March 2010

¹⁵³ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/38.htm>, accessed 27 March 2010

¹⁵⁴ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/38.htm>, accessed 27 March 2010

¹⁵⁵ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Muslims, undated, <http://www.minorityrights.org/4003/sri-lanka/muslims.html>, accessed 12 March 2010

¹⁵⁶ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Muslims, undated, <http://www.minorityrights.org/4003/sri-lanka/muslims.html>, accessed 12 March 2010

¹⁵⁷ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Muslims, undated, <http://www.minorityrights.org/4003/sri-lanka/muslims.html>, accessed 12 March 2010

¹⁵⁸ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Muslims, undated, <http://www.minorityrights.org/4003/sri-lanka/muslims.html>, accessed 12 March 2010

Minority Rights Group International report that during the conflict

“Despite the Muslims gaining political clout they continued to be affected by the conflict. The Muslims often found themselves trapped between both warring factions. They were particularly targeted by the LTTE for human rights violations including abductions, extortions and killings. The LTTE have also been responsible for taking over large amounts of lands from Muslims agriculturalists. Muslims were also affected by a spate of abductions and extortions conducted in the south of Sri Lanka that targeted big businessmen.”¹⁵⁹

Minority Rights Group International states that throughout the conflict, “Muslims in the east faced attacks, land loss, intimidation, harassment, abductions and extortion by the LTTE.”¹⁶⁰ According to Minority Rights Group International in 1990 the LTTE sought to purge all Muslims living in the north, displacing 70,000 in 1990.¹⁶¹ In the same year 290 Muslims died in two mosque attacks, in Kattankudy and Eravur.¹⁶² According to the USDOS by 2009 many of the displaced Muslims

“remained in camps in Puttalam. During the year the government announced these Muslims would be allowed to return to Jaffna. A small number had reportedly moved back by the end of the year, but many others were either unaware yet of the change in policy, or had younger family members who felt more at home in Puttalam.”¹⁶³

According to IRIN, “[m]any of the IDPs were fishermen, farmers or butchers before fleeing but they now mostly work as labourers or masons.”¹⁶⁴ The USDOS stated in 2009 that Muslims were underrepresented in Sri Lanka’s police forces, with 971 Muslim Tamil speakers out of a force totalling 80,000.¹⁶⁵

d. Veddhas/Veddhas

The Veddhas, also known as Waaniy-a-Laato (forest dwellers),¹⁶⁶ comprise “a very small community of indigenous peoples,”¹⁶⁷ who’s culture has been traced back to

¹⁵⁹ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Muslims, undated, <http://www.minorityrights.org/4003/sri-lanka/muslims.html>, accessed 12 March 2010

¹⁶⁰ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Muslims, undated, <http://www.minorityrights.org/4003/sri-lanka/muslims.html>, accessed 12 March 2010

¹⁶¹ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Muslims, undated, <http://www.minorityrights.org/4003/sri-lanka/muslims.html>, accessed 12 March 2010

¹⁶² Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Muslims, undated, <http://www.minorityrights.org/4003/sri-lanka/muslims.html>, accessed 12 March 2010

¹⁶³ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹⁶⁴ IRIN, Sri Lanka: Difficult homecoming for Muslim IDPs, 22 March 2010, <http://www.irinnews.org/Report.aspx?ReportId=88503>, accessed 1 April 2010

¹⁶⁵ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

¹⁶⁶ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Veddhas, undated, <http://www.minorityrights.org/4004/sri-lanka/veddhas.html>, accessed 11 March 2010

¹⁶⁷ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples: Sri Lanka Overview, undated, <http://www.minorityrights.org/3998/sri-lanka/sri-lanka-overview.html>, accessed 11 March 2010

approximately 15,000 BC or earlier.¹⁶⁸ According to the Minority Rights Group International,

“Veddhas are distinguished by their hunting and gathering way of life, by their unwritten language, which is closely related to but distinct from Sinhalese, by their beliefs in traditional gods and ancestor spirits, and by the importance of ancestral lands to all aspects of their life. They live mostly as nomadic forest-dwellers in the remote eastern parts of the country. . . . The numerical strength of the Veddhas is fast dwindling, primarily because many of them are being assimilated into Sinhalese and Tamil society. Although no precise figures are available, the estimated population in 2006 is just below 2000.”¹⁶⁹

Minority Rights Group International further states,

“The majority Sinhalese, both as part of their culture and as a result of the island's mythical and legendary history, however, regard Veddhas as ‘evil’ and unwanted... Veddhas have experienced drastic changes in their means of livelihood since the 1930s, when colonization schemes involving a massive influx of Sinhalese and Tamil settlers encroached on their homeland, the forests. This process has continued with large irrigation projects, the Gal Oya in the 1950s and the Accelerated Mahaweli Development Scheme in 1977.

Government policies have favoured assimilation and conversion of Veddhas into settled agriculturists as a means to their economic and social enhancement and as a way to bring them into the national mainstream. The rights of the Veddhas have lately been eroded as a result of environmental policies that have involved the conversion of their traditional land into a national park. On 9 November 1983 the traditional Veddha lands, comprising 51,468 hectares, were designated a combined ‘catchment area’ and a forest and wildlife reserve. This project, conducted under the auspices of the Department of Wildlife Conservation, has meant the exclusion and separation of the Veddhas from their own lands and the loss of their traditional hunting grounds and honey sites. Amid conflicts between the majority Sinhalese and minority Tamils, ever since the independence of Sri Lanka, the plight of the Veddhas has been all but ignored.”¹⁷⁰

In 2009, according to the USDOS, the Veddhas

“by some estimates numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are nominally protected by the law. There were no legal restrictions on their participation in political or economic life. However, lack of legal

US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

Vedda.org, Who are Sri Lanka's Indigenous Wanniya-laeto, undated, <http://www.vedda.org/1-who.htm>, accessed 23 March 2010

¹⁶⁸ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Veddhas, undated, <http://www.minorityrights.org/4004/sri-lanka/veddhas.html>, accessed 11 March 2010 (“dating from at least 14,000 BC”)

Vedda.org, Who are Sri Lanka's Indigenous Wanniya-laeto, undated, <http://www.vedda.org/1-who.htm>, accessed 23 March 2010 (“dating from at least 16,000 BC and probably far earlier”)

¹⁶⁹ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Veddhas, undated, <http://www.minorityrights.org/4004/sri-lanka/veddhas.html>, accessed 11 March 2010

¹⁷⁰ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Veddhas, undated, <http://www.minorityrights.org/4004/sri-lanka/veddhas.html>, accessed 11 March 2010

documents was a problem for many. Vedda communities complained that they were pushed off their lands by the creation of protected forest areas, which deprived them of traditional livelihoods.”¹⁷¹

Minority Rights Group International states that the Veddas “continue to face discrimination and harassment,” including “forcible inter-marriages with Tamil and Sinhalese people. Another problematic area is that of the continue exposure of forced relocation and marginalisation of the Veddahs. . . . Veddah leaders complain[] that the government has continued to encourage encroachment and grabbing of their lands.”¹⁷²

¹⁷¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

¹⁷² Minority Rights Group International, World Directory of Minorities and Indigenous Peoples - Sri Lanka: Veddhas, undated, <http://www.minorityrights.org/4004/sri-lanka/veddhas.html>, accessed 11 March 2010

C. Freedom of Religion

1. Domestic legal framework

The majority of the population in Sri Lanka is Buddhist (70%) the other three main religions are: Hinduism (15%), Christianity (8%) and Islam (7%)¹⁷³. Buddhism is the religion of the majority of the Sinhalese and is practiced in most parts of the country, except in areas of Tamil predominance of the North and East¹⁷⁴. Most Tamils, who constitute the largest ethnic minority and are concentrated in the North, are Hindus¹⁷⁵. Christians are distributed throughout the country, but tend to be concentrated in the West¹⁷⁶. Most Christians are Roman Catholics (80%), other denominations include Anglicans and other Protestant churches such as Seventh-day Adventists, Jehovah's Witnesses, Methodists, Baptists, Dutch Reformed, Pentecostals, and the Assemblies of God¹⁷⁷. The USDOS states that "Evangelical Christian groups have grown in recent years, although membership is small"¹⁷⁸.

The Muslim population lives mainly in the East of the country¹⁷⁹. The majority are Sunnis, although other minority groups are present, including Shi'as, Sufi Muslims and an Ahmadiyya community.¹⁸⁰ In 2005 the UN Special Rapporteur on Freedom of Religion or Belief stated that "a particular characteristic of the Muslim community in Sri Lanka is that it is also recognized as a separate ethnic identity"¹⁸¹. Bahà'ì also form a religious minority in Sri Lanka¹⁸².

The UN Special Rapporteur reported that

¹⁷³ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

¹⁷⁴ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

¹⁷⁵ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

¹⁷⁶ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

¹⁷⁷ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

¹⁷⁸ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

¹⁷⁹ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

¹⁸⁰ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

¹⁸¹ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

¹⁸² United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

“Sri Lanka did not offer any legal framework for those citizens who do not believe in any religion. In this regard, the obligation to follow religious education at school may constitute an infringement on the right to freedom of religion, which includes the right not to believe.”¹⁸³

The Constitution provides Buddhism a “foremost place” under Sri Lankan law, committing the government to protecting it although it is not recognized as the state religion.¹⁸⁴ Article 9 of the Constitution states that,

“[t]he Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14(1)(e).”¹⁸⁵

The Constitution provides for freedom of religion and association to manifest religion or belief in its articles 10 and 14.¹⁸⁶ According to the USDOS, “the government generally respected this right in practice.”¹⁸⁷ Sri Lanka has been a signatory to the International Covenant on Civil and Political Rights (ICCPR) since 1980.¹⁸⁸

The Ministry of Religious Affairs and Moral Upliftment has a different department for each of the main religions in the country.¹⁸⁹ The USDOS states that “according to the legislation defining their mandates, each department should formulate and implement programs that inculcate religious values and promote a virtuous society.”¹⁹⁰

Religion is a mandatory subject in public schools, the USDOS states that “parents and children may choose to study Buddhism, Islam, Hinduism, or Christianity. Students who belong to other religious groups can pursue religious instruction outside the public school system.”¹⁹¹

¹⁸³ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

¹⁸⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 12 March 2010; United States Department of State International Religious Freedom Report 2008: Sri Lanka, 18 September 2008, <http://www.state.gov/g/drl/rls/irf/2008/108506.htm>, accessed 12 March 2010

¹⁸⁵ Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978, available from <http://www.unhcr.org/refworld/docid/3ae6b51d0.html>, accessed 5 April 2010

¹⁸⁶ Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978, available from <http://www.unhcr.org/refworld/docid/3ae6b51d0.html>, accessed 5 April 2010

¹⁸⁷ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010 <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 12 March 2010

¹⁸⁸ United Nations High Commissioner for Human Rights (UNHCHR) Treaty Body Database, Ratifications and Reservations, Status by Country, undated, <http://www.unhchr.ch/tbs/doc.nsf/Statusfrset?OpenFrameSet>, accessed 30 March 2010

¹⁸⁹ Official website of the Government of Sri Lanka, Ministry of Religious Affairs and Moral Upliftment, http://www.priu.gov.lk/Ministries_2007/Min_religious_aff_and_moral_upliftment.html, accessed 10 April 2010

¹⁹⁰ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

¹⁹¹ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

In 2009, Freedom House reported that “religious freedom is respected, and members of all faiths are generally allowed to worship freely.”¹⁹² However, Freedom House also reported that “there is some discrimination and occasional violence against religious minorities.”¹⁹³ According to the 2009 USDOS report, “discrimination based on religious differences was much less common than discrimination based on ethnicity. In general, members of the various religious groups tended to be tolerant of each other's religious beliefs.”¹⁹⁴

In 2009 the US Commission on International Religious Freedom reported that it “has remained concerned in recent years about religious freedom in Sri Lanka because of attacks targeting members of religious minorities and their places of worship”¹⁹⁵ including of “churches, ministers, and other Christian individuals in the past few years, reportedly carried out by members of, or persons affiliated with, extremist groups espousing Buddhist nationalism.”¹⁹⁶

According to the US Commission on International Religious Freedom,

“in the context of the civil war, violence against civilians based on ethnicity and/or religion has occurred throughout the country. Reports indicate that both sides in the conflict fail to take steps to prevent or stop incidents of communal violence between or among Buddhist Sinhalese, Hindu Tamils, Muslims, and Christians in Sri Lanka. Places of worship from various faith communities have been targeted by both government and LTTE forces. Attacks have occurred on religious holidays or during festivals. Moreover, for years, entire communities of Sri Lankan Muslims in the north and north-eastern parts of the country have been displaced by LTTE forces seeking to consolidate Tamil hold over certain areas.”¹⁹⁷

Regarding the government's response to attacks on religious minorities, in 2005 the UN Special Rapporteur on Freedom of Religion or Belief noted that although

“interlocutors at the official level all condemned the attacks, the reports received claimed that the measures taken by the authorities to bring the perpetrators to justice and to remedy the situation have been either insufficient or non-existent.”¹⁹⁸

According to Freedom House and USDOS a current religion-based tension in Sri Lanka exists between Christian groups and the Buddhist community who allege “unethical” or

¹⁹² Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 12 March 2010

¹⁹³ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 12 March 2010

¹⁹⁴ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

¹⁹⁵ US Commission on International Religious Freedom, Annual Report 2009, May 2009 <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

¹⁹⁶ US Commission on International Religious, Freedom Annual Report 2009, May 2009 <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

¹⁹⁷ US Commission on International Religious Freedom, Annual Report 2009, May 2009 <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

¹⁹⁸ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010, accessed 12 March 2010

forced conversions.¹⁹⁹ The issue has been particularly relevant since the aftermath of the December 2004 tsunami, when humanitarian foreign NGOs arrived in the country and have been accused of taking advantage of the disaster to promote the Christian faith.²⁰⁰

Members of the Buddhist community have accused Christian minorities, and in particular evangelical groups, of promoting “unethical” or forced conversions,²⁰¹ as well as aggressive proselytism and taking advantage of vulnerable people.²⁰² According to the US Commission on International Religious Freedom “these practices allegedly have included, for example, the offering of money, employment, access to education or health care, or some other material good as an incentive to convert or join a particular church.”²⁰³

Buddhist groups have promoted the drafting of new legislation aimed at criminalising such “unethical” conversions, and a bill was first presented to the Parliament in 2004 by the Jathika Hela Urumaya Party (JHU), which is comprised of nationalist Buddhist monks.²⁰⁴ The Supreme Court ruled in August 2004 that some parts of a proposed bill would be unconstitutional.²⁰⁵ In January 2009 the JHU submitted an amended version of the bill to the Parliament.²⁰⁶

According to the US Commission on International Religious Freedom,

“The bill, if enacted, would provide for prison terms of up to five years for anyone who, by the use of force or by allurements or by any fraudulent means, converts or attempts to convert a person from one religion to another, or aids or abets such conversion. The bill defines allurements as the offer of any temptation for the purpose of converting, including any gift, gratification, or material benefit. It describes force as including not only threat of physical harm, but also the threat of religious disgrace or condemnation of any religion for the purpose of converting. The bill defines fraudulent as any wilful misinterpretation or any other fraudulent contrivance.”²⁰⁷

¹⁹⁹ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 12 March 2010; United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

²⁰⁰ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

²⁰¹ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 12 March 2010; United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

²⁰² United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

²⁰³ US Commission on International Religious Freedom, Annual Report 2009, May 2009 <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²⁰⁴ US Commission on International Religious Freedom, Annual Report 2009, May 2009 <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²⁰⁵ US Commission on International Religious Freedom, Annual Report 2009, May 2009 <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²⁰⁶ US Commission on International Religious Freedom, Annual Report 2009, May 2009 <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²⁰⁷ US Commission on International Religious Freedom, Annual Report 2009, May 2009 <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

The proposed legislation has raised concerns regarding the upholding of freedom of religion, thought and conscience in the country. Its opponents argue that the broad language used would affect all conversions and criminalise the charitable activities practiced by religious groups.²⁰⁸ In 2005 the UN Special Rapporteur on Freedom of Religion or Belief highlighted that “the bills allow anyone to complain even if the victim may be unwilling to do so. It thus leaves the door wide open for overzealous people to create further polarisation and to generate an atmosphere of fear among religious minorities.”²⁰⁹ The US Commission on International Religious Freedom reported that both government and opposition party leaders have challenged the contents of the proposed legislation.²¹⁰

The issue of religious conversions has also affected other religious groups. According to the BBC, in March 2010 a Sri Lankan woman residing in Bahrain was arrested while on holiday in Colombo. She had written a book about her conversion from Buddhism to Islam. She was arrested under emergency laws under allegations of involvement in anti-government or anti-state activities.²¹¹

2. Treatment of religious groups

a. Buddhists

Different sources have reported the tensions between Buddhists and Christian denominations regarding “unethical” or forced conversions.²¹² In 2005 the UN Special Rapporteur on Freedom of Religion or Belief reported that Buddhists believed that the practice of aggressive proselytism could “violate or otherwise limit the freedom of conscience of Buddhists, in particular those in a vulnerable situation.”²¹³

Buddhists have complained about the improper use of religious images and symbols, considered to be offensive and insulting and constituting persecution of the Buddhist community. According to UN Special Rapporteur on Freedom of Religion or Belief, in most cases these complaints referred to the commercial use of symbols of Buddha.²¹⁴ In 2005

²⁰⁸ US Commission on International Religious Freedom, Annual Report 2009, May 2009
<http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²⁰⁹ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

²¹⁰ US Commission on International Religious Freedom, Annual Report 2009, May 2009
<http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²¹¹ BBC News, Sri Lankan Muslim convert accused of being 'anti-state', 26 March 2010,
http://news.bbc.co.uk/2/hi/south_asia/8588611.stm, accessed 5 April 2010

²¹² Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009,
<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 12 March 2010; United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

²¹³ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

²¹⁴ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

the UN Special Rapporteur observed that Sri Lankan legislation includes provisions that criminalize acts of defilement or desecration of religious symbols.²¹⁵

b. Hindus

We were not able to identify any information concerning religious persecution against Hindus within the sources consulted. In previous years (2007, 2008) USDOS reported incidents such as killings inside Hindu temples and the murder of Hindu leaders. However, USDOS stated that such incidents were a product of the conflict, rather than religiously motivated.²¹⁶

c. Muslims

The International Crisis Group states that tension between the Muslim community and Tamils in the Eastern part of the country date back the 1990s, when the LTTE expelled Muslims from the region as part of the civil conflict rather than due to religion based motivations.²¹⁷ The International Crisis Group report that although some Muslims started returning to the area in 2002, “as military confrontation began again in mid-2006, these returnees were again forced out by LTTE threats.”²¹⁸ In 2010, the International Crisis Group reported that

“any returns by northern Muslims are likely to raise complicated property rights and political issues”, and “many Muslims attempting to return to Mannar district are already complaining that they are not being treated fairly by Tamil government officers who control access to government assistance and public facilities and who are seen as giving priority to Tamils more recently displaced.”²¹⁹

The International Crisis Group also stated that when the conflict restarted in mid-2006, most fighting happened in the East, where Muslims are particularly vulnerable.²²⁰ The International Crisis Group noted that “as before, they are not party to the conflict and have little influence over events. But as usual, they are among its primary victims.”²²¹ The International Crisis Group reports that in May 2006 the LTTE ordered a mass expulsion of

²¹⁵ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

²¹⁶ United States Department of State International Religious Freedom Report 2007: Sri Lanka, September 2007, <http://www.state.gov/g/drl/rls/irf/2007/90234.htm>, accessed 12 March 2010; United States Department of State International Religious Freedom Report 2008: Sri Lanka, 18 September 2008, <http://www.state.gov/g/drl/rls/irf/2008/108506.htm>, accessed 12 March 2010

²¹⁷ International Crisis Group, Sri Lanka’s Muslims: caught in the crossfire, Asia Report N°134, 29 May 2007 <http://www.crisisgroup.org/home/index.cfm?id=4868&l=1>, accessed 12 March 2010

²¹⁸ International Crisis Group, Sri Lanka’s Muslims: caught in the crossfire, Asia Report N°134, 29 May 2007 <http://www.crisisgroup.org/home/index.cfm?id=4868&l=1>, accessed 12 March 2010

²¹⁹ International Crisis Group, Sri Lanka: a Bitter Peace, Asia Briefing N°99, 11 January 2010, <http://www.crisisgroup.org/home/index.cfm?id=6462&l=1>, accessed 12 March 2010

²²⁰ International Crisis Group, Sri Lanka’s Muslims: caught in the crossfire, Asia Report N°134, 29 May 2007, accessed 12 March 2010

²²¹ International Crisis Group, Sri Lanka’s Muslims: caught in the crossfire, Asia Report N°134, 29 May 2007 <http://www.crisisgroup.org/home/index.cfm?id=4868&l=1>, accessed 12 March 2010

Muslims from Mutur and that many Muslims were killed and more than 100 men were forcedly disappeared.²²² In the following days, the USDOS reports that,

“3,000 Muslims in Eravur closed their shops and demonstrated against recent shootings of Muslims in the area. On June 2, the Muslim communities in Kattankudy and Eravur conducted a general strike following the funeral of a Muslim killed in Kallady a day earlier.”²²³

Attacks on Muslims by pro-government Tamil armed groups in the East were reported in 2009, although the USDOS states that “these appeared to be due to ethnic and political tensions rather than to the Muslim community's religious beliefs.”²²⁴ In March 2009 15 people were killed and another 60, including a government minister, were wounded in a suicide bombing at a Muslim celebration in Akuessa. The government and Tamil armed groups blamed each other for the attack, the Sydney Morning Herald stated that “Sri Lankan authorities ban most journalists and aid workers from the entire north, meaning such claims and counter-claims cannot be verified.”²²⁵

Tensions are also reported between Muslim groups in Sri Lanka. Freedom House states that “the minority Ahmadiyya Muslim sect has faced increased threats and attacks from members of the Sunni Muslim community, who accuse Ahmadis of being apostates.”²²⁶

According to the International Crisis Group, intra-Muslim tensions are also due to the rise, since the late 1980s, of “ultra-orthodox interpretations of Islam that have provoked conflicts with other sects, notably Sufism.”²²⁷ According to the International Crisis Group, tension between Salafi and Sufi groups has escalated since late 2006, it noted that

“this type of violence is a concern but must be placed in context. The real causes are very complex, with religious beliefs, local politics and the particular history and identity of Kattankudi all playing a role. There is clearly an escalation in intra-faith tension among Muslims but it has not provoked this level of violence in other parts of the island, although there have been tensions between Sufis and Salafis elsewhere.”²²⁸

The emergence of ultra-orthodox groups in Sri Lanka has been a matter of concern for the government. The USDOS reports that “the Ministry of Religious Education and Moral Uplift Islamic section monitored the doctrinal content of Islamic teachings at mosques in an effort

²²² International Crisis Group, Sri Lanka's Muslims: caught in the crossfire, Asia Report N°134, 29 May 2007 <http://www.crisisgroup.org/home/index.cfm?id=4868&l=1>, accessed 12 March 2010

²²³ United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 12 March 2010

²²⁴ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

²²⁵ The Sydney Morning Herald, Fifteen dead in Sri Lanka mosque attack, 11 March 2010, <http://news.smh.com.au/breaking-news-world/fifteen-dead-in-sri-lanka-mosque-attack-20090311-8uc1.html>, accessed 5 April 2010

²²⁶ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 12 March 2010; Freedom House, Freedom in the World 2008: Sri Lanka, 2 July 2008, <http://www.freedomhouse.org/template.cfm?page=363&year=2008&country=7493>, accessed 12 March 2010

²²⁷ International Crisis Group, Sri Lanka's Muslims: caught in the crossfire, Asia Report N°134, 29 May 2007 <http://www.crisisgroup.org/home/index.cfm?id=4868&l=1>, accessed 12 March 2010

²²⁸ International Crisis Group, Sri Lanka's Muslims: caught in the crossfire, Asia Report N°134, 29 May 2007 <http://www.crisisgroup.org/home/index.cfm?id=4868&l=1>, accessed 12 March 2010

to prevent "extremist" viewpoints from gaining traction among Muslim congregations."²²⁹ Muslims have complained that such concern with Islamic extremism has also caused public misconceptions, especially by the media, which can lead to discrimination or persecution. The UN Special Rapporteur on Freedom of Religion or Belief reported in 2005 that Muslims "claim that, on a regular basis, the Muslim community or their religion is depicted in a very wrong or negative way. Moreover, while they usually take advantage of a right to reply, their statements are allegedly never published."²³⁰

d. Christians

In 2009 the USDOS reported that there were continued tensions and attacks on Christians by Buddhist extremists who feel their religion is threatened by what they considered to be "unethical" conversions, especially those practiced by evangelical groups.²³¹ According to the UN Special Rapporteur on Freedom of Religion or Belief, reporting in 2005, there was a general feeling that the new Christian communities represented an external interference that is often linked to a new form of colonialism and that "religious sensitivity is thus very often coupled with nationalism, and the words "Sinhalese" and "Buddhist" were increasingly becoming interchangeable."²³²

The Special Rapporteur also stated that there was a lack of knowledge among not only the general population, but also among authorities, about the differences between Christian denominations or groups, which causes the stigmatisation of Christian minorities.²³³

Opposition to Christianity has taken both non-violent and violent forms. The USDOS reported anti-Christian demonstrations led by Buddhist monks throughout 2008. Those included the mounting of anti-Christian banners, speeches and rallies. For example, "on June 22, an estimated 5,000 lay persons and Buddhist monks participated in an anti-Christian rally where a cross and picture of the Virgin Mary were burned."²³⁴ Occasionally, the protests included threats and physical abuse. According to the USDOS, in Mathugama, Kaluthara District, "the protesters stated they did not object to Christians living in the village, but did not want them to gather to worship. Police later advised the pastor to stop holding services since any further demonstrations might turn violent. The pastor eventually agreed to close the church."²³⁵

²²⁹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 12 March 2010

²³⁰ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

²³¹ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

²³² United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

²³³ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

²³⁴ United States Department of State International Religious Freedom Report 2008: Sri Lanka, 18 September 2008, <http://www.state.gov/g/drl/rls/irf/2008/108506.htm>, accessed 12 March 2010

²³⁵ United States Department of State International Religious Freedom Report 2008: Sri Lanka, 18 September 2008, <http://www.state.gov/g/drl/rls/irf/2008/108506.htm>, accessed 12 March 2010

Several sources have reported physical attacks on Christian individuals, symbols, churches and other places of worship by Buddhists.²³⁶ The USDOS states that

“the National Christian Evangelical Alliance of Sri Lanka reported numerous attacks on Christian churches, organizations, religious leaders, or congregants, many of which were reported to the police. Credible sources confirmed some of these attacks.”²³⁷

The US Commission on International Religious Freedom reports that “there were about 400 incidents against Christian institutions or persons between 2000 and 2005; approximately half of those involved violence of varying levels and half were verbal threats.”²³⁸ The US Commission further states that,

“arson attacks on church properties and assaults on Christians leaving church services were also reported. In February 2008, two men killed Neil Sampson Edirisinghe, pastor of the House Church Foundation in Ampara District. According to news reports, the pastor was ordered killed by a man whose wife converted to Christianity.”²³⁹

In 2005 the UN Special Rapporteur on Freedom of Religion or Belief stated that

“among the acts complained of are attacks, destruction or burning of places of worship and other properties targeted because of the religious affiliation of their owners, desecration of religious symbols or objects, assaults and beatings of members of Christian communities, threats and insults, distribution of leaflets and other publications inciting religious hatred, and disruption of religious ceremonies. It is claimed that the perpetrators of these acts of religious intolerance are generally members of the Buddhist community and, in many cases, Buddhist monks.”²⁴⁰

The 2009 USDOS report states that some Christian groups claimed that the government tacitly condoned harassment and violence aimed at them.²⁴¹ It also reported that the police provided protection upon request, but in some cases police officers were reluctant to take legal action against individuals involved in the attacks.²⁴² According to the USDOS, persecution of Christian groups by authorities has also occurred through the manipulation

²³⁶ United States Department of State International Religious Freedom Report 2008: Sri Lanka, 18 September 2008, <http://www.state.gov/g/drl/rls/irf/2008/108506.htm>, accessed 12 March 2010; United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010; US Commission on International Religious Freedom Annual Report 2009, May 2009, <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²³⁷ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

²³⁸ US Commission on International Religious Freedom Annual Report 2009, May 2009, <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²³⁹ US Commission on International Religious Freedom Annual Report 2009, May 2009, <http://www.uscirf.gov/images/AR2009/additionally%20monitored%20countries.pdf>, accessed 12 March 2010

²⁴⁰ United Nations Special Rapporteur on Freedom of Religion or Belief, Civil and Political Rights, Including the Question of Religious Intolerance – Addendum 3: Mission to Sri Lanka, Report submitted by the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5/Add.3, 12 December 2005, <http://www2.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm>, accessed 5 April 2010

²⁴¹ United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

²⁴² United States Department of State, International Religious Freedom Report 2009: Sri Lanka, 26 October 2009 <http://www.state.gov/g/drl/rls/irf/2009/127371.htm>, accessed 12 March 2010

of rules to prevent registration of new Christian denominations or construction or expansion of worship facilities, although this right is provided for by the Constitution.²⁴³

²⁴³ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 12 March 2010

D. Women/Children

1. Domestic legal framework

Article 12 (2) of the national Constitution provides that “no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds.”²⁴⁴ The 2009 USDOS report states that

“women had equal rights under national, civil, and criminal law. However, adjudication according to the customary law of each ethnic or religious group of questions related to family law, including divorce, child custody, and inheritance, resulted in de facto discrimination.”²⁴⁵

Sri Lanka ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1981 without any reservations. The Sri Lankan government presented its first report to the CEDAW Committee in 1986 which was followed by a second report in 1992. The third and fourth reports were submitted in 1999.²⁴⁶

The Sri Lanka government has adopted a series of measures, including the creation of specific bodies, concerning women’s rights.²⁴⁷ Those include the creation of the Women’s Bureau in 1978, the National Committee on Women in 1994 and the Ministry of Women’s Affairs in 1997. The latter was incorporated by the Ministry for Child Development and Women’s Empowerment in 2005,²⁴⁸ which includes two departments dealing specifically with women’s issues: the Women’s Bureau of Sri Lanka and the National Committee on Women.²⁴⁹ According to the government’s National Committee on Women, “other State structures working to address Gender Based Violence (GBV) are the Human Rights Commission, the Legal Aid Commission, the Ministry of Justice, and Diri Payasa.”²⁵⁰

In 1993 the government adopted a Women’s Charter incorporating many of CEDAW’s provisions, as well as “specific provisions on the right to protection from gender-based violence including rape, incest, sexual harassment, physical and mental abuse, torture and cruel, inhuman or degrading treatment.”²⁵¹ In 1995 the government in consultation with the civil society formulated a National Plan of Action for Women in Sri Lanka - Towards Gender Equality.²⁵²

²⁴⁴ Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978, available from <http://www.unhcr.org/refworld/docid/3ae6b51d0.html>, accessed 5 April 2010

²⁴⁵ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁴⁶ Committee Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Country Reports, <http://www.un.org/womenwatch/daw/cedaw/reports.htm#s>, accessed 5 April 2010

²⁴⁷ National Committee on Women, Plan of Action Supporting the Prevention of Domestic Violence Act 2005, 2005, http://www.apwld.org/pdf/srilanka_dv2005.pdf, accessed 30 March 2010

²⁴⁸ National Committee on Women, Plan of Action Supporting the Prevention of Domestic Violence Act 2005, 2005, http://www.apwld.org/pdf/srilanka_dv2005.pdf, accessed 30 March 2010

²⁴⁹ Government of Sri Lanka Official Website, undated, http://www.priu.gov.lk/Ministries_2007/Min_Child_Dev_womens_empower.html, accessed 30 March 2010

²⁵⁰ National Committee on Women, Plan of Action Supporting the Prevention of Domestic Violence Act 2005, 2005, http://www.apwld.org/pdf/srilanka_dv2005.pdf, accessed 30 March 2010

²⁵¹ World Organisation Against Torture (OMCT), Violence Against Women in Sri Lanka: Report prepared for the Committee on the Elimination of Discrimination against Women, November 2002, <http://www.omct.org/pdf/VAW/SriLankaEng2002.pdf>, accessed 30 March 2010

²⁵² National Committee on Women, Plan of Action Supporting the Prevention of Domestic Violence Act 2005, 2005, http://www.apwld.org/pdf/srilanka_dv2005.pdf, accessed 30 March 2010

In 1996 the Sri Lankan Penal Code was amended to redefine the offence of rape and also to criminalise incest, trafficking in women and children and sexual harassment.²⁵³ However, according to the USDOS, “marital rape is considered an offence only in cases of spouses living under judicial separation,” provided that the wife is not underage.²⁵⁴

In 2005 the Sri Lankan government passed new legislation addressing domestic violence. The Prevention of Domestic Violence Act N^o 34/2005’s provides for Protection Orders by the Magistrate’s Court to prevent an aggressor from inflicting harm to persons within defined relationships within the home environment or outside.²⁵⁵ According to the National Committee on Women,

“It does not seek to introduce new criminal offences or to punish persons for criminal offences, but rather provides a civil remedy that seeks to protect persons from coming to harm due to aggressive and abusive conduct of members of the household. The Act does not affect the criminal process which can continue to be used by law enforcement authorities to prosecute and punish perpetrators of domestic violence.”²⁵⁶

With regard to reproductive rights, the USDOS states that “couples and individuals were generally free to decide the number, spacing, and timing of their children.”²⁵⁷ According to the World Organisation Against Torture (OMCT) “abortion is illegal in Sri Lanka except if it is done in ‘good faith’ for the purposes of ‘saving the life of the mother.’”²⁵⁸ The abortion of pregnancies resulting from rape or incest is also considered illegal.²⁵⁹ The United Nations Population Division (UNPD) states that the penalties for illegal abortion include a payment of a fine and/or three to seven years of imprisonment, depending on the stage of the pregnancy interrupted.²⁶⁰ However, in 2005 the UNPD reported that “in practice, indictments for criminal abortion rarely occur and convictions are even rarer.”²⁶¹ In 2005 a rural survey conducted by the United Nations Population Division estimated the yearly abortion rate at 54 per 1,000.²⁶² However, the United Nations Population Division believe

²⁵³ Parliament of the Democratic Socialist Republic of Sri Lanka, Penal Code (Amendment) Act, No.16 of 2006, 28 April 2006, available from <http://www.hsph.harvard.edu/population/trafficking/srilanka.traf.06.pdf>, accessed 10 April 2010

²⁵⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁵⁵ Ministry of Justice and Law Reforms, New Legislation, 16 December 2005, <http://www.justiceministry.gov.lk/NEW%20LEGISLATION/vm.htm#Prevention%20of%20Domestic%20Violence>, accessed 30 March 2010

²⁵⁶ National Committee on Women, Plan of Action Supporting the Prevention of Domestic Violence Act 2005, 2005, http://www.apwld.org/pdf/srilanka_dv2005.pdf, accessed 30 March 2010

²⁵⁷ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁵⁸ World Organisation Against Torture (OMCT), Violence Against Women in Sri Lanka: Report prepared for the Committee on the Elimination of Discrimination against Women, November 2002, <http://www.omct.org/pdf/VAW/SriLankaEng2002.pdf>, accessed 30 March 2010

²⁵⁹ World Organisation Against Torture (OMCT), Violence Against Women in Sri Lanka: Report prepared for the Committee on the Elimination of Discrimination against Women, November 2002, <http://www.omct.org/pdf/VAW/SriLankaEng2002.pdf>, accessed 30 March 2010

²⁶⁰ United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka: undated (last modified 23 November 2005), <http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc>, accessed 30 March 2010

²⁶¹ United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka, undated (last modified 23 November 2005), <http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc>, accessed 30 March 2010

²⁶² United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka, undated (last modified 23 November 2005),

that the number of abortions is “considerably higher than is commonly acknowledged.”²⁶³ A 2009 article in the Sri Lankan newspaper, Sunday Times estimated that 1,000 illegal abortions are carried out in Sri Lanka every day, 700 of which in Colombo.²⁶⁴

The Social Institutions and Gender Index reports that “female genital mutilation is not a general practice in Sri Lanka, although it is known to occur among some segments of the Muslim population. At present, there is no legislation against FGM.”²⁶⁵

In relation to civil, political and economic rights, as well as gender inequality, Sri Lanka’s Gender Empowerment Measure (GEM) ranked 102 out of 182 countries in 2009.²⁶⁶ The Social Institutions and Gender Index reports that

“the civil liberty of Sri Lankan women is hampered by the ongoing conflict and by long-standing social practices. The law grants women freedom of movement, but this right is limited in conflict-affected areas. Traditions and customs that place the burden of domestic chores on women also confine women to their homes to varying degrees. Restrictions on female mobility and autonomy are strongest among Muslim and Indian Tamil communities.”²⁶⁷

The USDOS states that in 2009 “there were 13 women in the 225-member parliament, five female ministers, and two women out of 11 justices on the Supreme Court. There were 34 Tamils and 25 Muslims in the parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities.”²⁶⁸

The USDOS states that economically, the law ensures that women and men have equal employment opportunity in the public sector, but there is no similar provision concerning the private sector.²⁶⁹

UNIFEM reports that,

“the quality of employment opportunities available to women has decreased, and women’s unemployment rates are almost double those of men. Job insecurity, exposure to occupational hazards, long hours, and a gendered division of labor are characteristic of women’s employment in Sri Lanka.”²⁷⁰

<http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc>, accessed 30 March 2010

²⁶³ United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka, undated (last modified 23 November 2005),

<http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc>, accessed 30 March 2010

²⁶⁴ Sunday Times, Anti-abortion law spurs abortions, 3 November 2009,

<http://sundaytimes.lk/031109/plus/4.htm>, accessed 5 April 2010

²⁶⁵ Social Institutions and Gender, Gender Equality and Social Institutions in Sri Lanka, undated,

<http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

²⁶⁶ United Nations Development Programme (UNDP), Human Development Report 2009 - Gender empowerment measure (GEM) rank, 5 October 2009, <http://hdrstats.undp.org/en/indicators/125.html>, accessed 30 March 2010

²⁶⁷ Social Institutions and Gender, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

²⁶⁸ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010,

<http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁶⁹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010,

<http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁷⁰ United Nations Development Fund for Women (UNIFEM), Gender Profile of the Conflict in Sri Lanka, 1 February 2008, http://www.womenwarpeace.org/webfm_send/1400, accessed 30 March 2010

According to the USDOS, “the demand for female labour was mainly for casual and low-paid, low-skill jobs.”²⁷¹ Freedom House states that “female employees in the private sector face some sexual harassment as well as discrimination in salary and promotion opportunities.”²⁷²

According to the Social Institutions and Gender Index “women have a moderate degree of financial independence in Sri Lanka. They have access to land in general, but face some discrimination in rural areas.”²⁷³ Most women have acquired their assets through inheritance, rather than purchase. Women also have equal access to bank loans, mortgages and credit.²⁷⁴

Freedom House and USDOS report that issues concerning family law may be adjudicated by the customary law of different ethnic or religious groups.²⁷⁵

“Although women have equal rights under civil and criminal law, matters related to the family—including marriage, divorce, child custody, and inheritance—are adjudicated under the customary law of each ethnic or religious group, and the application of these laws sometimes results in discrimination against women.”²⁷⁶

In 1995 the minimum age for marriage in Sri Lanka was raised from 12 to 18 years, although Muslim women “may follow their customary marriage practices and marry at the age of 15.”²⁷⁷ The Social Institutions and Gender Index states that polygamy is illegal, although Islamic law allows Muslim men to take up to four wives. In practice, however, very few men have multiple wives.²⁷⁸

Regarding divorce and child custody, the Social Institutions and Gender Index states that,

“Parental authority is not equally shared in Sri Lanka. Fathers are regarded as the natural guardians of children while mothers are viewed as custodians and are usually responsible for the daily activities related to child-rearing. Recent judicial developments have reduced discrimination against women in the event of divorce. In the past, men enjoyed preferential custody rights. New legislation emphasises the well-being of children, who may be placed with either parent.”²⁷⁹

²⁷¹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁷² Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 30 March 2010

²⁷³ Social Institutions and Gender, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

²⁷⁴ Social Institutions and Gender, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

²⁷⁵ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 30 March 2010; United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁷⁶ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 30 March 2010

²⁷⁷ United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 30 March 2010

²⁷⁸ Social Institutions and Gender, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

²⁷⁹ Social Institutions and Gender, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

The Constitution ensures equal inheritance rights, but it can be superseded by other legal systems.²⁸⁰ According to the Social Institutions and Gender Index,

“Islamic law discriminates against women in the area of property in that Muslim women are typically granted smaller inheritance shares than male heirs. Daughters, for example, inherit half as much as sons. Following the death of a father, Kandyan law ties the inheritance rights of daughters to marital practices: daughters who marry in diga (i.e. the bride is taken into the groom’s home) must transfer any inherited property to their brothers or to sisters who have married in binna (i.e. the groom is taken into the bride’s home).”²⁸¹

The USDOS reports that there are problems with the implementation of laws protecting against gender-based violence in practice.²⁸² The USDOS stated that “while the law could ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary.”²⁸³

Sri Lanka has been a signatory of the UN Convention on the Rights of the Child (UNCRC) since 1991 and it has also ratified its optional protocols on the involvement of children in armed conflicts in 2000 and on the sale of children, child prostitution and child pornography in 2002.²⁸⁴

Article 27 (13) of the Sri Lankan Constitution determines that the State should

“promote with special care the interest of children and youth so as to ensure their full development, physical, mental, moral, religious, and social, and to protect them from exploitation and discrimination.”²⁸⁵

Freedom House reported that “the government remains committed to ensuring that children have good access to free education and health care, and it has also taken steps to prosecute those suspected of sex crimes against children.”²⁸⁶

The International Labour Organisation states that education is compulsory for children between 5 and 14 years old.²⁸⁷ The USDOS states that “the government provided

²⁸⁰ Social Institutions and Gender, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

²⁸¹ Social Institutions and Gender, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

²⁸² United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁸³ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁸⁴ United Nations High Commissioner for Human Rights (UNHCHR) Treaty Body Database, Ratifications and Reservations, Status by Country, undated, <http://www.unhchr.ch/tbs/doc.nsf/Statusfrset?OpenFrameSet>, accessed 30 March 2010

²⁸⁵ International Labour Organisation, National Legislation and Policies Against Child Labour in Sri Lanka, 11 September 2009, <http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/national.htm>, accessed 30 March 2010

²⁸⁶ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 30 March 2010

²⁸⁷ International Labour Organisation, National Legislation and Policies Against Child Labour in Sri Lanka, 11 September 2009, <http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/national.htm>, accessed 30 March 2010

extensive systems of public education and medical care. Education was free through the university level. Health care, including immunization, was also free and available equally to boys and girls.²⁸⁸

The age of criminal responsibility is 8 years old, although courts have the discretion to extend it to 12 according to the level of maturity.²⁸⁹ The minimum age for voluntary enlistment into the armed forces is 18 years old²⁹⁰ and the voting age is 18.²⁹¹ The age of consent is 16 years and the minimum age of marriage is 18, although Muslim girls may follow customary practices and marry at the age of 15.²⁹² The Employment of Women, Young Persons and Children Act (N^o 47) was amended in 1999, raising the minimum age for employment of children to 14 years.²⁹³ However, employment of younger children is permitted by their parents or guardians in limited family agriculture work or to engage in technical training.²⁹⁴ The penalties for employing minors include a fine and 12 months imprisonment.²⁹⁵

Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, cruelty to children and their involvement in war. The use of children in exploitative labour or illegal activities or in any act contrary to compulsory education regulations is also prohibited.²⁹⁶

According to the USDOS,

“the law prohibits sexual violations against children, defined as persons less than 18 years of age, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years of imprisonment. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine.”²⁹⁷

²⁸⁸ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁸⁹ UNICEF Comments to the UN's Universal Periodic Review of Sri Lanka, 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF_LKA_UPR_2008_UnitedNationsChildrensFund_uprsubmission.pdf, accessed 30 March 2010

²⁹⁰ UNICEF Comments to the UN's Universal Periodic Review of Sri Lanka, 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF_LKA_UPR_2008_UnitedNationsChildrensFund_uprsubmission.pdf, accessed 30 March 2010

²⁹¹ CIA World Factbook: Sri Lanka, 23 March 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>, accessed 30 March 2010

²⁹² United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 30 March 2010

²⁹³ International Labour Organisation, National Legislation and Policies Against Child Labour in Sri Lanka, 11 September 2009, <http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/national.htm>, accessed 30 March 2010

²⁹⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁹⁵ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁹⁶ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

²⁹⁷ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

The USDOS states that “the government pushed for greater international cooperation to bring those guilty of paedophilia to justice. The penalties for paedophilia range from five to 20 years imprisonment and an unspecified fine.”²⁹⁸

An amendment to the Penal Code in 2006 provided that the recruitment of children in armed conflict was criminalised, even if such recruitment was not forced or compulsory.²⁹⁹

The 2006 amendments to the Penal Code also criminalised all forms of trafficking in persons, including for sexual exploitation and for exploitative employment, following international standards such as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons and the International Labour Organisation Convention No 182.³⁰⁰ Penalties for trafficking include 2 to 20 years’ imprisonment and a fine.³⁰¹

The USDOS reports that although the Sri Lankan government has made attempts to arrest and prosecute traffickers, they did not result in any convictions during the 2009 reporting period.³⁰²

According to the USDOS,

“while the government conducted over 400 raids of fraudulent foreign recruiting agencies and took legal action against 80 of them, which resulted in their licenses being suspended and the initiation of two prosecutions – the majority had not yet been prosecuted criminally for trafficking-related offenses. The government canceled the licenses of 32 agencies and imposed fines on them. The police made 29 arrests of suspected trafficking offenders under the 2006 antitrafficking statute. In addition, the Attorney General’s Department has started prosecutions against 12 people for trafficking-related offenses. There were no reported trafficking convictions during the reporting period.”³⁰³

²⁹⁸ United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 30 March 2010

²⁹⁹ International Labour Organisation, National Legislation and Policies Against Child Labour in Sri Lanka, 11 September 2009,

<http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/national.htm>, accessed 30 March 2010. Parliament of the Democratic Socialist Republic of Sri Lanka, Penal Code (Amendment) Act, No.16 of 2006, 28 April 2006, available from

<http://www.hsph.harvard.edu/population/trafficking/srilanka.traf.06.pdf>, accessed 10 April 2010

³⁰⁰ International Labour Organisation, National Legislation and Policies Against Child Labour in Sri Lanka, 11 September 2009,

<http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/national.htm>, accessed 30 March 2010. Parliament of the Democratic Socialist Republic of Sri Lanka, Penal Code (Amendment) Act, No.16 of 2006, 28 April 2006, available from

<http://www.hsph.harvard.edu/population/trafficking/srilanka.traf.06.pdf>, accessed 10 April 2010

³⁰¹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010; United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009,

<http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010. Parliament of the Democratic Socialist Republic of Sri Lanka, Penal Code (Amendment) Act, No.16 of 2006, 28 April 2006, available from <http://www.hsph.harvard.edu/population/trafficking/srilanka.traf.06.pdf>, accessed 10 April 2010

³⁰² United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

³⁰³ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

2. Gender-based violence

Although Sri Lanka has a body of legislation protecting women against violence, the USDOS states that “sexual assault, rape, and spousal abuse were pervasive societal problems,” further “while the law could ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary.”³⁰⁴ Freedom House reports that “authorities weakly enforce existing laws.”³⁰⁵ In 2002 the World Organisation Against Torture (OMCT) reported that, although systemic data were scarcely available,

“based on information contained in press reports and police records, the incidence of sexual violence, rape of girl children, rape of adult women, domestic violence and murder appear to have increased in recent years. It is unclear whether this increase is due to higher levels of reporting of violent crime against women and to the impact of the 1995 reforms to the Sri Lankan Penal Code or if there has, in fact, been a real rise in the number of violent crimes being committed against women.”³⁰⁶

In 2009 the United Nations Population Fund (UNFPA) stated that the combination of the effects of the prolonged conflict, the tsunami and the traditional restrictions to women have intensified the marginalization of women and girls.³⁰⁷ The Gender Based Violence Forum (a collective of UN, international and local organisations) reported that women living in conflict zones in the north and east of the country, in post-tsunami shelters and institutions such as orphanages and detention centres, faced the highest risk of abuse.³⁰⁸ In 2008 UNIFEM stated that “incidents of violence against women have been on the rise over the past few years throughout the country, although there is a lack of systematic data collection in this area.”³⁰⁹ In 2008 the UNDP Sri Lankan country representative stated that

“The prevalence of gender-based violence is reported to be high and widespread, cutting across class, race, ethnicity and religion,”³¹⁰

According to USDOS, the Bureau for the Protection of Children and Women (BPCW) within the Sri Lankan police force initiated an awareness raising programme prompting women to file complaints. 714 complaints of grave violent crimes and 2,391 minor crimes against women were received by the BPCW in 2009.³¹¹ During 2008, it received 723 complaints of grave violent crimes and 1,908 minor crimes through October, which

³⁰⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁰⁵ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 30 March 2010

³⁰⁶ World Organisation Against Torture (OMCT), Violence Against Women in Sri Lanka: Report prepared for the Committee on the Elimination of Discrimination against Women, November 2002, <http://www.omct.org/pdf/VAW/SriLankaEng2002.pdf>, accessed 30 March 2010

³⁰⁷ United Nations Population Fund (UNFPA), Programming to Address Violence Against Women: 8 Case Studies – Volume 2, 2009, <http://www.unfpa.org/public/publications/pid/1913>, accessed 30 March 2010

³⁰⁸ IRIN, Sri Lanka: Violence against women on the rise, 27 November 2008, <http://www.irinnews.org/Report.aspx?ReportId=81693>, accessed 30 March 2010

³⁰⁹ United Nations Development Fund for Women (UNIFEM), Gender Profile of the Conflict in Sri Lanka, 1 February 2008, http://www.womenwarpeace.org/webfm_send/1400, accessed 30 March 2010

³¹⁰ IRIN, Sri Lanka: Violence against women on the rise, 27 November 2008, <http://www.irinnews.org/Report.aspx?ReportId=81693>, accessed 30 March 2010

³¹¹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

represented a decrease from 2007³¹². However, in 2008 IRIN reported that “police stations nationwide routinely record between 8,000 and 10,000 cases of violence against women per month.”³¹³

In 2009 Freedom House stated that the most prevalent types of violence against women in Sri Lanka are rape and domestic violence,³¹⁴ IRIN reports in addition, sexual harassment, sexual violence, forced prostitution and trafficking are also among the most common types of gender-based violence.³¹⁵ Specific violence in the context of, or as a consequence of the conflict is also widespread.³¹⁶

The USDOS reports that,

“There were reports that individual cases of gender-based violence perpetrated by members of the security forces occurred more frequently during the conflict, but others stated that military officials were responsive to reports of such incidents and showed a willingness to prosecute the offenders. However, the government did not release any details about prosecutions or punishments for offenses during the conflict. Statistics on numbers of such cases were unavailable because few victims reported such incidents. Human rights groups in northern districts alleged that the wives of men who had been killed as a result of the conflict often fell victim to prostitution because of their economic vulnerability.”³¹⁷

The Sri Lankan news paper Daily News reported in 2009 that the Child Development and Women’s Empowerment Minister Sumedha G. Jayasena, stated

“apart from murder, rape and sexual abuse other forms of violations take place in public transport. Verbal and mental abuses are also on the rise. In State universities, female students are abused and harassed in the name of ragging and some of have even committed suicide and some become permanently disabled after jumping from top floors to escape abuse.”³¹⁸

The officer in charge of the Bureau for the Prevention of Abuse of Children and Women of the Sri Lanka Police Department told IRIN in 2008 that,

““One of the fastest growing trends is abuse using mobile technology,” he told IRIN. “There is a trend where women have been recorded in intimate or private environments, and the clips have been used as blackmail or been circulated or uploaded on the internet.””³¹⁹

³¹² United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 30 March 2010

³¹³ IRIN, Sri Lanka: Violence against women on the rise, 27 November 2008, <http://www.irinnews.org/Report.aspx?ReportId=81693>, accessed 30 March 2010

³¹⁴ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 30 March 2010

³¹⁵ IRIN, Sri Lanka: Violence against women on the rise, 27 November 2008, <http://www.irinnews.org/Report.aspx?ReportId=81693>, accessed 30 March 2010

³¹⁶ United Nations Development Fund for Women (UNIFEM), Gender Profile of the Conflict in Sri Lanka, 1 February 2008, http://www.womenwarpeace.org/webfm_send/1400, accessed 30 March 2010

³¹⁷ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³¹⁸ Daily News, Laws exist, People unaware – Minister, 9 March 2009, <http://www.dailynews.lk/2009/03/09/news20.asp>, accessed 30 March 2010

³¹⁹ IRIN, Sri Lanka: Violence against women on the rise, 27 November 2008, <http://www.irinnews.org/Report.aspx?ReportId=81693>, accessed 30 March 2010

In 2008 the Head of NGO, Protecting Environment and Children Everywhere stated that

"Violence, especially domestic and sexual abuse, still tends to remain under-reported due to various social stigmas that are attached,"

USDOS stated that although illegal, prostitution was prevalent, as well as trafficking in women for prostitution and forced labour.³²⁰

a. Rape

The USDOS reports that in 2009, "according to the BPWC, 175 reported incidents of rape occurred through August, but reported incidences of rape were unreliable indicators of the degree of this problem, as most victims were unwilling to file reports.³²¹ In the previous year the same source informed of 253 reported cases of rape through October.³²² The USDOS adds that "services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding."³²³

There are reports of civilian women being raped at in refugee camps and checkpoints and female fighters raped whilst being held in detention centres.³²⁴

b. Domestic Violence

Quoting data from the GBV Forum, a collective of UN and other international and local organisations, IRIN reported that at least 60 percent of women in Sri Lanka have experienced domestic violence and that "specialists believe such abuse is on the increase."³²⁵ Child Development and Women's Empowerment Minister Sumedha G. Jayasena told the Daily News in 2009

"that since even some sections of the judiciary are not aware of the Domestic Violence Act, her Ministry has made arrangements to educate them and the law enforcement officers on new laws available to ensure the safety of women. According to Minister Jayasena strict laws are not adequate to protect women. A drastic change in the attitudes of the society is also required. The Sri Lankan society is full of this 'Mind own business' attitude which is not healthy for women."³²⁶

³²⁰ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³²¹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³²² United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 30 March 2010

³²³ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³²⁴ International Crisis Group, Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 30 March 2010

³²⁵ IRIN, Sri Lanka: Violence against women on the rise, 27 November 2008, <http://www.irinnews.org/Report.aspx?ReportId=81693>

³²⁶ Daily News, Laws exist, People unaware – Minister, 9 March 2009, <http://www.dailynews.lk/2009/03/09/news20.asp>

According to the USDOS there are a lack of shelters and support services to support victims of domestic violence.³²⁷

c. Conflict areas

In Sri Lanka, violence against women increases in conflict areas³²⁸ and UNFPA claimed that “women and girls caught up in the ongoing warfare in northern Sri Lanka are at grave risk.”³²⁹ The Social Institutions and Gender Index reported that “throughout this conflict, women have experienced harassment at checkpoints, detainment, rape and other violations of their personal security.”³³⁰ According to UNIFEM,

“Sri Lankan women have experienced rape, detainment, harassment at checkpoints and other violations of their personal security in the two decades of civil war. According to reports of incidents of violence against women in the conflict areas of the north and east, women and young girls have been raped by government security forces at check-points in several instances.”³³¹

The USDOS also informed that

“there were reports that individual cases of gender-based violence perpetrated by members of the security forces occurred more frequently during the conflict, but others stated that military officials were responsive to reports of such incidents and showed a willingness to prosecute the offenders. However, the government did not release any details about prosecutions or punishments for offenses during the conflict. Statistics on numbers of such cases were unavailable because few victims reported such incidents.”³³²

In a 2010 report the International Crisis Group also reported violence against women perpetrated by security forces, claiming that “former LTTE female fighters have been raped while held in detention centres. The women involved are reportedly too afraid to report the crimes.”³³³

There is little data or information available on the prevalence of violence against women within irregular armed groups. UNIFEM reported that “women made up a third of the fighting force of the Liberation Tigers of Tamil Eelam, which experts estimate to be 15,000, and have undertaken suicide bombings.”³³⁴

³²⁷ United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 30 March 2010

³²⁸ Freedom House, Freedom in the World 2009: Sri Lanka, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707>, accessed 30 March 2010

³²⁹ United Nations Population Fund (UNFPA), UNFPA: Caring for the Needs of Women Caught in Sri Lanka’s Crisis, 20 February 2009, <http://asiapacific.unfpa.org/public/cache/offonce/pid/2760>, accessed 30 March 2010

³³⁰ Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

³³¹ United Nations Development Fund for Women (UNIFEM), Gender Profile of the Conflict in Sri Lanka, 1 February 2008, http://www.womenwarpeace.org/webfm_send/1400, accessed 30 March 2010

³³² United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³³³ International Crisis Group, Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 30 March 2010

³³⁴ United Nations Development Fund for Women (UNIFEM), Gender Profile of the Conflict in Sri Lanka, 1 February 2008, http://www.womenwarpeace.org/webfm_send/1400, accessed 30 March 2010

Yasmin Tambiah, a senior research fellow at the International Centre for Ethnic Studies, published an article in the journal *Reproductive Health Matters* in a 2004 claiming that in the context of the conflict some parents were forcing young women into marriage “in the belief that marriage will provide protection against increased sexual vulnerability.”³³⁵

The Social Institutions and Gender Index and UNIFEM estimate that there are some 40,000 war widows in Sri Lanka.³³⁶ UNIFEM adds that “the loss of male breadwinners has created a new group of women vulnerable to economic hardship. There are approximately 30,000 female-headed families in the north and east of Sri Lanka.”³³⁷ The USDOS report that “human rights groups in northern districts alleged that the wives of men who had been killed as a result of the conflict often fell victim to prostitution because of their economic vulnerability.”³³⁸

Different sources highlighted the vulnerable situation of pregnant women in conflict-affected areas.³³⁹ In February 2009 UNFPA reported that

“some 32,000 displaced persons have reached Vavuniya district this month, including an estimated 700–800 women at different stages of pregnancy. Pregnancy-related disabilities and death often rise in conflict situations when reproductive health services, including prenatal care, assisted delivery and emergency obstetric care, are disrupted and often unavailable.”³⁴⁰

In April 2009 IRIN called attention to the unmet health needs of “thousands of pregnant women caught up in the fighting between government forces and the Liberation Tigers of Tamil Eelam (LTTE)”.³⁴¹ The International Crisis Group report that “in late September 2009, scores of pregnant women were abruptly released from the camps and told to make their own way home without assistance.”³⁴²

Displaced women are at particular risk in conflict zones, the International Crisis Group reported that “women have suffered in distinctive ways both in the camps and since resettlement.”³⁴³

³³⁵ Tambiah, Yasmin, *Sexuality and Women's Rights in Armed Conflict in Sri Lanka*, in *Reproductive Health Matters*, Volume 12, 1 May 2004, <http://www.jstor.org/pss/3775974>, accessed 30 March 2010

³³⁶ Social Institutions and Gender, *Gender Equality and Social Institutions in Sri Lanka*, undated, <http://genderindex.org/country/sri-lanka>, accessed 30 March 2010

³³⁷ United Nations Development Fund for Women (UNIFEM), *Gender Profile of the Conflict in Sri Lanka*, 1 February 2008, http://www.womenwarpeace.org/webfm_send/1400, accessed 30 March 2010

³³⁸ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³³⁹ United Nations Population Fund (UNFPA), *UNFPA: Caring for the Needs of Women Caught in Sri Lanka's Crisis*, 20 February 2009, <http://asiapacific.unfpa.org/public/cache/offonce/pid/2760>, accessed 30 March 2010

³⁴⁰ United Nations Population Fund (UNFPA), *UNFPA: Caring for the Needs of Women Caught in Sri Lanka's Crisis*, 20 February 2009, <http://asiapacific.unfpa.org/public/cache/offonce/pid/2760>, accessed 30 March 2010

³⁴¹ IRIN, *Pregnant women at greater risk in conflict*, 6 April 2009, <http://www.unhcr.org/refworld/docid/49db17a926.html>, accessed 30 March 2010

³⁴² International Crisis Group, *Sri Lanka: A Bitter Peace*, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 30 March 2010

³⁴³ International Crisis Group, *Sri Lanka: A Bitter Peace*, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 30 March 2010

The International Crisis Group further states that

“there have also been regular reports from a variety of credible sources that significant numbers of women held in the camps have been raped or sexually assaulted. According to some, women have been removed from the camps with police and military assistance and then assaulted. With levels of fear so high and with no independent monitors allowed access to the camps, it has not been possible to confirm or disprove these accusations.”³⁴⁴

UNIFEM has reported that displaced women have been victims of forced prostitution or survival prostitution in areas of conflict.³⁴⁵ Similarly, a January 2010 report by the International Crisis Group stated that,

“there have been numerous credible reports of prostitution networks in the camps which function with the knowledge and involvement of Sri Lankan security forces. Many women, with no other means of financial support, have found themselves forced into selling sex for money and supplies. The large number of female-headed households among those families being resettled raises additional protection concerns given that many are returning to isolated areas patrolled by large numbers of Sri Lankan police and military.”³⁴⁶

3.Children

In 2008, the population under 18 in Sri Lanka was 5,836,000 and under 5 years, 1,784,000.³⁴⁷ In 2007 UNICEF estimated that there were 330,000 orphans aged between 0 and 17 years old.³⁴⁸ According to UNICEF, the under-5 mortality rate in 2008 was 15 per 1,000 live births, placing the country in 120th place for child mortality rates in the world. This represented a decrease from 2000, when mortality rates were 21 per 1,000 births.³⁴⁹ UNICEF reported that an average of 29.4% of children were underweight, but in some deprived districts average estimates are 37.4%.³⁵⁰ The immunization of children against diseases including TB, DPT, Polio, Measles and Hepatitis B, varies between 98 and 99%.³⁵¹

³⁴⁴ International Crisis Group, Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 30 March 2010

³⁴⁵ United Nations Development Fund for Women (UNIFEM), Gender Profile of the Conflict in Sri Lanka, 1 February 2008, http://www.womenwarpeace.org/webfm_send/1400, accessed 30 March 2010

³⁴⁶ International Crisis Group, Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 30 March 2010

³⁴⁷ United Nations Children’s Fund (UNICEF), Statistics for Sri Lanka, last updated 2 March 2010, http://www.unicef.org/infobycountry/sri_lanka_statistics.html, accessed 30 March 2010

³⁴⁸ United Nations Children’s Fund (UNICEF), Statistics for Sri Lanka, last updated 2 March 2010, http://www.unicef.org/infobycountry/sri_lanka_statistics.html, accessed 30 March 2010

³⁴⁹ United Nations Children’s Fund (UNICEF), Statistics for Sri Lanka, last updated 2 March 2010, http://www.unicef.org/infobycountry/sri_lanka_statistics.html, accessed 30 March 2010

³⁵⁰ UNICEF, Regional Disparities, undated, http://www.unicef.org/srilanka/overview_1645.htm

³⁵¹ United Nations Children’s Fund (UNICEF), Statistics for Sri Lanka, last updated 2 March 2010, http://www.unicef.org/infobycountry/sri_lanka_statistics.html, accessed 30 March 2010

The net primary school enrolment rate is 96.4%, according to UNICEF, there are no significant gender differences.³⁵² The conflict, and in particular its intensification after 2006, have affected education in the country and several schools have been made military targets, destroyed or turned into shelters for displaced people.³⁵³ Regarding children living in camps, the USDOS stated that “school facilities were set up by the government early on, but were rudimentary and lacked many basic supplies.”³⁵⁴ In February 2010 IRIN reported that over 48,000 children, most of whom living in camps for displaced people, have returned to the Northern Province, where several schools were either damaged by the conflict or gradually shut down.³⁵⁵ The USDOS added that “although many children are now back at school, there are still thousands in the IDP camps in the north, where there is a serious shortage of teachers.”³⁵⁶ According to the governing council of the Northern Province, “a survey has ascertained that over 4,000 children do not go to school.”³⁵⁷ In early 2010 the local government started a programme to ensure education for these internally displaced children living outside welfare camps³⁵⁸. According to the Northern Provincial Council, “the Government has taken this measure to provide equal access to education for all children after receiving complaints that the children of displaced families living with their relations outside the welfare centers have been denied school education.”³⁵⁹

The government’s institution responsible for overseeing children’s protection is the National Child Protection Authority (NCPA), which comprises representatives from the education, medical, police, and legal sectors and reports directly to the president.³⁶⁰ Investigation of crimes against children falls under the responsibility of the police’s Bureau for the Protection of Children and Women (BPCW)³⁶¹. According to the USDOS “the Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter.”³⁶² The

³⁵² UNICEF, Regional Disparities, undated, http://www.unicef.org/srilanka/overview_1645.htm, accessed 30 March 2010

³⁵³ Watchlist on Children and Armed Conflict, No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka, April 2008, http://www.watchlist.org/reports/pdf/sri_lanka/ENGLISH%20REPORT%20LR%20p.pdf, accessed 30 March 2010

³⁵⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁵⁵ Irin, Sri Lanka: Re-opening schools a priority as thousands return to class, 24 February 2010, <http://www.irinnews.org/Report.aspx?ReportId=88218>, accessed 30 March 2010

³⁵⁶ Irin, Sri Lanka: Re-opening schools a priority as thousands return to class, 24 February 2010, <http://www.irinnews.org/Report.aspx?ReportId=88218>, accessed 30 March 2010

³⁵⁷ Northern Provincial Council, [Education of internally displaced children addressed](http://www.np.gov.lk/index.php?option=com_content&view=article&id=405:education-of-internally-displaced-children-addressed-), 11 February 2010, http://www.np.gov.lk/index.php?option=com_content&view=article&id=405:education-of-internally-displaced-children-addressed-, accessed 30 March 2010

³⁵⁸ Northern Provincial Council, [Education of internally displaced children addressed](http://www.np.gov.lk/index.php?option=com_content&view=article&id=405:education-of-internally-displaced-children-addressed-), 11 February 2010, http://www.np.gov.lk/index.php?option=com_content&view=article&id=405:education-of-internally-displaced-children-addressed-, accessed 30 March 2010

³⁵⁹ Northern Provincial Council, [Education of internally displaced children addressed](http://www.np.gov.lk/index.php?option=com_content&view=article&id=405:education-of-internally-displaced-children-addressed-), 11 February 2010, http://www.np.gov.lk/index.php?option=com_content&view=article&id=405:education-of-internally-displaced-children-addressed-, accessed 30 March 2010

³⁶⁰ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁶¹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁶² United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

2009 USDOS report stated that “NGOs attributed the problem of exploitation of children to the lack of enforcement, rather than to inadequate legislation.”³⁶³

The USDOS reported that during 2009 “the BPWC [Bureau for the Protection of Children and Women] received 1,974 complaints of grave violent crimes and 986 of minor crimes against children.”³⁶⁴ USDOS further states that

“by the end of the year [2009] the government opened 1,575 files, of which 497 resulted in indictments for sexual assault and exploitation of children, including kidnapping, cruelty to children, rape and statutory rape; 299 cases were dismissed, and 303 cases were referred to the police for further investigation.”³⁶⁵

a. Child Labour

According to UNICEF, between 1999 and 2008 8% of children aged between 5 and 14 years old were victims of child labour, affecting more boys than girls.³⁶⁶ According to the USDOS, in 2009

“there were no reports of children employed in the EPZs, the garment industry, or any other export industry. Children sometimes were employed in the plantation sectors and in nonplantation agriculture during harvest periods. Sources indicated that many thousands of children (between 14 years and 18 years of age) were employed in domestic service in urban households, although this situation was not regulated or documented. Some child domestics reportedly were subjected to physical, sexual, and emotional abuse. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. There were cases of underage children recruited to serve as domestics abroad, primarily in the Middle East.”³⁶⁷

The Department of Labour, the Department of Probation and Child Care Services, and the police’s Children’s and Women’s Desk are responsible for the enforcement of child labour laws.³⁶⁸ USDOS reported that in 2009 there were 220 complaints of child employment through November, compared to 257 complaints the previous year.³⁶⁹ The government has identified 49 occupations considered hazardous, and out of these 40 are unconditionally prohibited for children under 18 years old.³⁷⁰

³⁶³ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁶⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁶⁵ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁶⁶ United Nations Children’s Fund (UNICEF), Statistics for Sri Lanka, last updated 2 March 2010, http://www.unicef.org/infobycountry/sri_lanka_statistics.html, accessed 30 March 2010

³⁶⁷ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁶⁸ United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 30 March 2010

³⁶⁹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁷⁰ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

b. Child Marriage

UNICEF reports that between 2000 and 2008, the rate of child marriage was 12%.³⁷¹ However, in a 2001 publication the same source praised Sri Lankan attitudes towards child marriage compared to other countries in the region. The publication affirmed that the country has a relatively high age of first marriage due to the prioritization of education for both men and women, which has changed the perception of gender roles.³⁷² It added that

“in Sri Lanka, where age at marriage has traditionally been low, average age at marriage is now 25 years. This country’s success in raising marriage age has been driven by the introduction of legislative reforms requiring that all marriages be registered and that the consent of both marriage partners be recorded. Moreover, Sri Lankan courts have ruled that specific cases of non-consensual marriages arranged by parents on behalf of their children are invalid. The positive impact of these legislative changes have been supported by social policies on health and education (including free education from primary to university level) to create an environment in which the practice of early marriage is in steep decline.”³⁷³

c. Sexual exploitation

According to the USDOS,

“commercial sexual exploitation of children remained a problem in coastal resort areas. Private groups estimated that approximately 6,000 children were exploited for commercial sex in the country, and that local citizens were responsible for much of the exploitation. Other groups believed foreign tourists were more frequently the exploiters of thousands of children, especially boys, for commercial sex, most of whom were reportedly forced into prostitution by traffickers. There was little solid data to elucidate these reports.”³⁷⁴

According to the International Labour Organization (ILO)’s Committee of Experts on the Application of Conventions and Recommendations, “at least 5,000 children in the age bracket of 8-15 years were exploited as sex workers, particularly in certain coastal resort areas.”³⁷⁵ The Committee also reported that “the police records had revealed that 70 per cent of child trafficking cases for commercial sexual exploitation concerned boys.”³⁷⁶ The

³⁷¹ United Nations Children’s Fund (UNICEF), Statistics for Sri Lanka, last updated 2 March 2010, http://www.unicef.org/infobycountry/sri_lanka_statistics.html, accessed 30 March 2010

³⁷² United Nations Children’s Fund (UNICEF), Early Marriage: Child Spouses, Inocenti Digest N° 7, March 2001, <http://www.unicef-irc.org/publications/pdf/digest7e.pdf>, accessed 30 March 2010

³⁷³ United Nations Children’s Fund (UNICEF), Early Marriage: Child Spouses, Inocenti Digest N° 7, March 2001, <http://www.unicef-irc.org/publications/pdf/digest7e.pdf>, accessed 30 March 2010

³⁷⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁷⁵ International Labour Organization (ILO), Committee of Experts on the Application of Conventions and Recommendations (CEACR), CEACR: Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Sri Lanka (ratification: 2001), 2010, <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=798&chapter=3&query=%28Sri+Lanka%29@ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>, accessed 11 April 2010

³⁷⁶ International Labour Organization (ILO), Committee of Experts on the Application of Conventions and Recommendations (CEACR), CEACR: Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Sri Lanka (ratification: 2001), 2010, [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=798&chapter=3&query=\(Sri+Lanka\)%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=798&chapter=3&query=(Sri+Lanka)%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0), accessed 11 April 2010

Watchlist on Children and Armed Conflict stated that “children’s vulnerability to trafficking has likely increased as a result of the armed conflict. Children who have been separated from their families or orphaned during armed conflict are more vulnerable to trafficking, as they lack the traditional protection given by their families and communities.”³⁷⁷

d. Unaccompanied children (IDPS, Orphans, separated children)

The internal conflict has made children particularly vulnerable regarding their freedom of movement, physical integrity and displacement. According to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, children in Sri Lanka “have suffered trauma through multiple forced displacements, proximity to heavy fighting and generalized insecurity. A significant number have been separated from their parents or traditional care givers.”³⁷⁸ It added that

“to date, 1,221 separated, unaccompanied and orphaned children have been identified in the North of the country. Of these, 517 have been reunified with their families or relatives and 704 have been placed in residential homes. In addition, 162 parents have reported to probation officers that their children are missing.”³⁷⁹

The tracing of family members and missing children is carried out by the Department of Probation and Child Care Services³⁸⁰.

According to the Amnesty International,

“in July [2009], the conflict shifted to the north-eastern Wanni region, displacing over 300,000 people, mostly Tamils, including 30,000 children trapped between approaching Sri-Lankan security forces and LTTE, which imposed restrictions on their ability to leave and used them as an involuntary pool of recruits and labourers.”³⁸¹

In 2009 USDOS reported that people living in camps have limited access to education and medical care, which has a greater impact on children³⁸². According to UNHCR, as of June 2009 there were 504,800 internally displaced people (IDPs) and 20,800 returned IDPs in

³⁷⁷ Watchlist on Children and Armed Conflict, No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka, April 2008, http://www.watchlist.org/reports/pdf/sri_lanka/ENGLISH%20REPORT%20LR%20p.pdf, accessed 30 March 2010

³⁷⁸ United Nations, Office of the Special Representative of the Secretary-general for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

³⁷⁹ United Nations, Office of the Special Representative of the Secretary-general for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

³⁸⁰ United Nations, Office of the Special Representative of the Secretary-general for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

³⁸¹ Amnesty International, [Amnesty International Report 2009: State of the World’s Human Rights – Sri Lanka](http://www.amnesty.org/en/region/sri-lanka/report-2009), 26 May 2009, <http://www.amnesty.org/en/region/sri-lanka/report-2009>, accessed 30 March 2010

³⁸² United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

Sri Lanka.³⁸³ According to the Special Representative of the Secretary-General for Children and Armed Conflict, 40% of IDPs in Sri Lanka “are children under the age of 18 years of age, with a significant number of children below the age of 5 years.”³⁸⁴

e. Child soldiers

According to the Special Representative of the Secretary-General for Children and Armed Conflict, “children have been associated with the Liberation Tigers of Tamil Eelam (LTTE) practically since its inception.”³⁸⁵ It has been reported by different sources that the recruitment of children by the LTTE has increased dramatically towards the end of the fighting with the government in May 2009. The Special Representative of the Secretary-General for Children and Armed Conflict informed that children “were forced, some abducted, in the last stages of the conflict weeks or days before the final military defeat of the LTTE.”³⁸⁶ According to the USDOS, “from January to May [2009] the LTTE dramatically increased its forced recruitment of child soldiers. Reports from the conflict zone during these months stated that both boys and girls as young as 12 were forced to join the fighting.”³⁸⁷ In its 2009 Annual Report the Amnesty International also reported such increase in child recruitment in LTTE-controlled areas of the Wannai region.³⁸⁸

UNICEF has recorded more than 6,000 cases of child recruitment by the LTTE between 2003 and 2008.³⁸⁹ The Special Representative of the Secretary-General for Children and Armed Conflict reported that “of special note regarding the recruitment of children by the LTTE is their reliance on the recruitment of girls as well as boys. Over one third of the documented LTTE child recruits are girls, which poses special challenges for their reintegration into traditional Tamil communities.”³⁹⁰ The Watchlist on Children and Armed Conflict also reported that “over the years, the LTTE has recruited a considerable number of girls into its armed forces. According to 2007 UNICEF statistics, 40 percent of the LTTE’s child soldiers are female. Girls who escape have been particularly fearful of re-

³⁸³ United Nations High Commissioner for Refugees (UNHCR), 2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons - Annexes, 16 June 2009, http://www.unhcr.org/statistics/08-TPOC-TB_v5_external_PW.zip, accessed 30 March 2010

³⁸⁴ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

³⁸⁵ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

³⁸⁶ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

³⁸⁷ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁸⁸ Amnesty International, *Amnesty International Report 2009: State of the World's Human Rights – Sri Lanka*, 26 May 2009, <http://www.amnesty.org/en/region/sri-lanka/report-2009>, accessed 30 March 2010

³⁸⁹ United Nations Children’s Fund (UNICEF), Sri Lanka: More children victims of the conflict, says UNICEF, 17 January 2009, http://www.unicef.org/media/media_48044.html, accessed 30 March 2010

³⁹⁰ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

recruitment by the LTTE because their short military hair cuts may expose them as former soldiers, as Tamil girls in rural areas generally grow their hair long.”³⁹¹

The Tamil Makkal Viduthalai Pulikal (TMVP) has also recruited and used children.³⁹² Using numbers from the UNICEF’s child recruitment database, the Watchlist on Children and Armed Conflict stated that 453 cases of child recruitment by the TMVP/Karuna faction were registered between April 2004 and December 2007.³⁹³ It highlighted, however, that “UNICEF relies exclusively on voluntary reporting by parents and communities, therefore it is likely that the actual numbers are much higher.”³⁹⁴ The Special Representative of the Secretary-General for Children and Armed Conflict presented a higher number in 2009, affirming that “the TMVP has been documented as recruiting and using 596 children under the age of 18 years of age since the UN began documenting cases in 2006. All documented cases of recruitment are boys except two girls one 17 and one 16 year old.”³⁹⁵

Several sources, including the United Nations, have reported that the Sri Lankan government has made significant progress towards the elimination of child soldiers.³⁹⁶ The government has established internal regulations addressing the elimination and rehabilitation of child soldiers through the enactment of the Emergency Regulation 1580/5 of 15 December 2008 under the Section 2A of the Public Security Ordinance. It defined that the Commissioner General of Rehabilitation is responsible for establishing “centers to care for children who have been subjected to forced recruitment, forced labor, debt bondage and other crimes.”³⁹⁷ The regulation also creates a procedure to define the

³⁹¹ Watchlist on Children and Armed Conflict, No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka, April 2008, http://www.watchlist.org/reports/pdf/sri_lanka/ENGLISH%20REPORT%20LR%20p.pdf, accessed 30 March 2010

³⁹² United Nations, Office of the Special Representative of the Secretary-general for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, http://www.un.org/children/conflict_documents/SriLankavisitReport09.pdf, accessed 30 March 2010

³⁹³ Watchlist on Children and Armed Conflict, No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka, April 2008, http://www.watchlist.org/reports/pdf/sri_lanka/ENGLISH%20REPORT%20LR%20p.pdf, accessed 30 March 2010

³⁹⁴ Watchlist on Children and Armed Conflict, No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka, April 2008, http://www.watchlist.org/reports/pdf/sri_lanka/ENGLISH%20REPORT%20LR%20p.pdf, accessed 30 March 2010

³⁹⁵ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, http://www.un.org/children/conflict_documents/SriLankavisitReport09.pdf, accessed 30 March 2010

³⁹⁶ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, http://www.un.org/children/conflict_documents/SriLankavisitReport09.pdf, accessed 30 March 2010; United Nations Human Rights Council, Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development: Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, A/HRC/9/3, 27 June 2008, available from <http://unispal.un.org/UNISPAL.NSF/0/EBAD864413E2C86D852574AA006835EC>, accessed 30 March 2010; United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

³⁹⁷ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, http://www.un.org/children/conflict_documents/SriLankavisitReport09.pdf, accessed 30 March 2010

child's custody. Upon his/her identification, a child who was recruited must be brought before a Magistrate within 24 hours. After a social inquiry to determine the immediate and long term needs of the child, the Magistrate may decide to either return the child to the custody of his/her parents or guardians or to place him/her in a Protective Child Accommodation Centre.³⁹⁸

However, international observers have identified two main issues still to be addressed by the Sri Lankan government regarding child soldiers. First, although the recruitment of children under 18 years old is criminalised, the Watchlist on Children and Armed Conflict and Coalition to stop the Use of Child Soldiers stated in February 2010 that "there are no known investigations or prosecutions against those accused of recruiting children (i.e., persons under 18 years of age) for use in conflict under the relevant provisions of the Penal Code (Amendment) Act, No.16 of 2006."³⁹⁹

Secondly, the Special Representative of the Secretary-General for Children and Armed Conflict has drawn attention to the fact that,

"all cases of children associated with armed groups have been registered in a fashion which does not identify them as perpetrators of any crime, but as victims. However, the status of these children is still not completely clear. The Attorney General, Mr. Mohan Peiris, reassured me that these children will not be pursued for any crimes and that their dossiers before the court would not lead to criminal prosecution. However, given the fact that the applicable law under emergency Regulation 1462/8 of September 12 2006, Sections, 12, 13 and 14 specifically provides for prosecution and since emergency Regulation 1580/5 of December 2008, that focus on children does not repeal or amend the above sections, prosecution remains indeed an option."⁴⁰⁰

In January 2007 the TMVP/Karuna faction set the minimum recruitment age as 18 years old and established that recruitment was conditional to the provision of a birth certificate and the person's explicit consent.⁴⁰¹ Following the recommendations of the UN Security Council Working Group, the government of Sri Lanka, the TMVP and the UN signed on 1 December 2008 a tri-partite Action Plan containing measures to eliminate child recruitment by the TMVP and to release all children in its ranks within three months.⁴⁰² According to the Special Representative of the Secretary-General for Children and Armed Conflict, "the TMVP has made great strides in meeting its commitments to implement the Action Plan

³⁹⁸ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009,

<http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

³⁹⁹ Watchlist on Children and Armed Conflict and Coalition to stop the Use of Child Soldiers, Children affected by Armed Conflict in Sri Lanka: Recommendations to the Security Council Working Group, February 2010, http://www.watchlist.org/advocacy/SCWG_Briefing_SriLanka_Feb10_Final.pdf

⁴⁰⁰ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009,

<http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

⁴⁰¹ Human Rights Watch, Complicit in Crime: State Collusion in Abductions and Child Recruitment by the Karuna Group, 23 January 2007, <http://www.hrw.org/en/reports/2007/01/23/complicit-crime-0>, accessed 30 March 2010

⁴⁰² United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009,

<http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

and has released a [sic] almost all children.”⁴⁰³ According to the USDOS, “by December 31 [2009], the UN Children’s Fund reported that the number of child soldiers still involved in the TMVP was down to five. TMVP officials claimed they did not know where these five individuals were located, and the government was actively working to find them.”⁴⁰⁴

Regarding the LTTE, the Special Representative of the Secretary-General for Children and Armed Conflict informed that the group “resisted all efforts to implement a verifiable Action Plan with the United Nations as called for by the Security Council Working Group in its recommendations of 2007 (S/AC.51/2007/9) and 2008 (S/AC.51/2008/11).”⁴⁰⁵ According to the Watchlist on Children and Armed Conflict, “the LTTE formally agreed to end child recruitment and release all child soldiers in its ranks under the Action Plan signed with the GoSL [government of Sri Lanka] in June 2003, the Child Protection Act of January 1, 2007, and the new Action Plan signed on October 15, 2007.”⁴⁰⁶ In October 2007 the group formally raised the recruitment age to 18 years.⁴⁰⁷ However, commitments to release recruited children have been criticised by international organisations. In a 2008 report the UN Human Rights Council stated that “the plan does not yet, however, meet minimum standards on several fronts, such as by allowing full access to the United Nations for verification, formalizing principles and time-bound measures for the safe release of children, accountability and prevention of re-recruitment.”⁴⁰⁸

According to the USDOS, in 2009 “the numbers of children killed in fighting were unknown, but the government reported 527 former LTTE child soldiers in its custody several months after the end of the war. These children were being held in government-run detention centers but were undergoing rehabilitation in accordance with international standards at year’s end.”⁴⁰⁹ In February 2010, the Watchlist on Children and Armed Conflict and the Coalition to stop the Use of Child Soldiers also reported that over 500 children were detained in rehabilitation centres for former child soldiers.⁴¹⁰ The Commissioner General

⁴⁰³ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

⁴⁰⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴⁰⁵ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, <http://www.un.org/children/conflict/documents/SriLankavisitReport09.pdf>, accessed 30 March 2010

⁴⁰⁶ Watchlist on Children and Armed Conflict, No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka, April 2008, http://www.watchlist.org/reports/pdf/sri_lanka/ENGLISH%20REPORT%20LR%20p.pdf, accessed 30 March 2010

⁴⁰⁷ Watchlist on Children and Armed Conflict, No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka, April 2008, http://www.watchlist.org/reports/pdf/sri_lanka/ENGLISH%20REPORT%20LR%20p.pdf, accessed 30 March 2010

⁴⁰⁸ United Nations Human Rights Council, Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development: Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, A/HRC/9/3, 27 June 2008, available from <http://unispal.un.org/UNISPAL.NSF/0/EBAD864413E2C86D852574AA006835EC>, accessed 30 March 2010

⁴⁰⁹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴¹⁰ Watchlist on Children and Armed Conflict and Coalition to stop the Use of Child Soldiers, Children affected by Armed Conflict in Sri Lanka: Recommendations to the Security Council Working Group, February 2010, http://www.watchlist.org/advocacy/SCWG_Briefing_SriLanka_Feb10_Final.pdf, accessed 30 March 2010

of Rehabilitation, Brigadier Sudantha Ranasinghe, has told the Agence France Press (AFP) in February 2010 that these children were undertaking a one-year rehabilitation programme that included education and vocational training.⁴¹¹

As of January 2010, all but two children in TMVP's ranks had been released following the signature of the Action Plan in December 2008.⁴¹² However, the Watchlist on Children and Armed Conflict and Coalition to stop the Use of Child Soldiers remained concerned that "recruitment and re-recruitment of children is continuing in Ampara district in the Eastern Province, according to the Special Envoy's report."⁴¹³ In early 2010 AFP reported that the government "plans to release all detained Tamil Tiger child soldiers by the end of May and re-unite them with their families."⁴¹⁴

International observers have highlighted particular groups that require attention during the process of rehabilitation of former child soldiers in Sri Lanka. The first one comprises personnel that were recruited when they were minors, but who are presently over 18 years old and mostly detained in adult "surrendee" centres.⁴¹⁵ The Special Representative of the Secretary-General for Children and Armed Conflict stressed that "the Paris Principles and Commitments on children associated with armed groups and forces (2007), of which Sri Lanka is a signatory, call for special consideration for these former child combatants."⁴¹⁶ Additionally, the Special Representative stated in December 2009 that "there are 1,380 individuals who were under 18 at the time of recruitment, out of whom 33 are still under 18, that are still open cases in the UNICEF database and their whereabouts need to be established."⁴¹⁷

4. Trafficking in persons

The USDOS stated that "Sri Lanka is primarily a source and, to a much lesser extent, a destination for men and women trafficked for the purposes of forced labor and commercial

⁴¹¹ Agence France-Presse (AFP), S.Lanka to release all child soldiers by May, 19 February 2010, available from <http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-82THZZ?OpenDocument&rc=3&cc=lka>, accessed 30 March 2010

⁴¹² Watchlist on Children and Armed Conflict and Coalition to stop the Use of Child Soldiers, Children affected by Armed Conflict in Sri Lanka: Recommendations to the Security Council Working Group, February 2010, http://www.watchlist.org/advocacy/SCWG_Briefing_SriLanka_Feb10_Final.pdf, accessed 30 March 2010

⁴¹³ Watchlist on Children and Armed Conflict and Coalition to stop the Use of Child Soldiers, Children affected by Armed Conflict in Sri Lanka: Recommendations to the Security Council Working Group, February 2010, http://www.watchlist.org/advocacy/SCWG_Briefing_SriLanka_Feb10_Final.pdf, accessed 30 March 2010

⁴¹⁴ Agence France-Presse (AFP), S.Lanka to release all child soldiers by May, 19 February 2010, available from <http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-82THZZ?OpenDocument&rc=3&cc=lka>, accessed 30 March 2010

⁴¹⁵ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, http://www.un.org/children/conflict_documents/SriLankavisitReport09.pdf, accessed 30 March 2010

⁴¹⁶ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, http://www.un.org/children/conflict_documents/SriLankavisitReport09.pdf, accessed 30 March 2010

⁴¹⁷ United Nations, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict, to Sri Lanka, 05-11 December 2009, http://www.un.org/children/conflict_documents/SriLankavisitReport09.pdf, accessed 30 March 2010

sexual exploitation” and that “children are trafficked within the country for commercial sexual exploitation and, very infrequently, for forced labor.”⁴¹⁸

In a 2009 report the United Nations Office for Drugs and Crime (UNODC) reported that “there are no clear statistics on the number of victims identified by State authorities. However, most (if not all) victims are Sri Lankan, according to the Ministry of Child Development and Women’s Empowerment, the Sri Lanka Bureau of Foreign Employment and informal information from NGOs.”⁴¹⁹ It added that “fourteen cases of trafficking in persons were recorded by the police in 2005 and 35 were recorded in 2006. Through June 2007, 16 cases were reported for that year.”⁴²⁰

a. Forced Labour

In its Trafficking in Persons 2009 Report the USDOS reported that

“Sri Lankan men and women migrate willingly to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates, Oman, Bahrain, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers find themselves in situations of involuntary servitude when faced with restrictions on movement, withholding of passports, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large pre-departure fees imposed by labor recruitment agencies and their unlicensed sub-agents.”⁴²¹

According to the Bureau of Foreign Employment (BFE), which is responsible for protecting and assisting Sri Lankan citizens who go abroad to work, there were approximately 1.8 million Sri Lankans working abroad in 2009.⁴²² The BFE is also responsible for licensing recruitment agencies, receiving and mediating complaints, prosecuting unlicensed agencies and developing awareness campaigns.⁴²³ The USDOS reported that in 2008 the BFE received 9,664 complaints, out of which 17% related to the non-payment of due wages.⁴²⁴

⁴¹⁸ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴¹⁹ United Nations Office for Drugs and Crime (UNODC), Global Report on Trafficking in Persons, 12 February 2009, http://www.unodc.org/documents/human-trafficking/Country_profiles/South_South_West_Asia.pdf<http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴²⁰ United Nations Office for Drugs and Crime (UNODC), Global Report on Trafficking in Persons, 12 February 2009, http://www.unodc.org/documents/human-trafficking/Country_profiles/South_South_West_Asia.pdf<http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴²¹ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴²² United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴²³ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴²⁴ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

b. Sexual exploitation

According to the USDOS, “women and children were reportedly trafficked internally for domestic and sexual servitude. No statistics were available on the extent of this problem.”⁴²⁵ The National Child Protection Authority is responsible for preventing trafficking of children for commercial and sexual exploitation, as well as receiving and investigating complaints. The USDOS informed that in 2009 “the NCPA had several cases pending against child traffickers, but no trials were completed by the end of the year. Trials were slow, taking as long as 10 years.”⁴²⁶ It has been reported that Thai, Chinese, Russian and women from the former Soviet Union were trafficked into the country for sexual exploitation.⁴²⁷

According to the USDOS Trafficking in Persons Report 2009,

“the Sri Lankan government undertook modest efforts on trafficking prevention during the last year. The government conducted several trafficking awareness raising activities, including the Women and Children’s Bureau of the Police’s sponsorship of a series of television docudramas that highlighted violence and crime against women and children, including the sex trafficking of Sri Lankan women and girls. The SLBFE launched an awareness campaign in October 2008 to inform the public of the dangers of using non-registered employment agencies.”⁴²⁸

The USDOS 2009 Human Rights Report stated that “the government continued its programs to monitor the movements of suspected traffickers or sex tourists, including a cyberwatch project to monitor suspicious Internet chatrooms.”⁴²⁹ In collaboration with the International Organisation for Migration (IOM), the government has included trafficking in the training curriculum for new police recruits. According to the USDOS, “520 police officers have received training on the new trafficking module.”⁴³⁰

Sri Lanka has had specific legal provisions on trafficking in persons since 1995 and in 2006 the Penal Code was amended to criminalise all forms of trafficking as listed in the Article 3 of the UN Trafficking Protocol.⁴³¹ The USDOS states that “Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.”⁴³²

⁴²⁵ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴²⁶ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴²⁷ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴²⁸ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴²⁹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴³⁰ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴³¹ UNODC, Global Report on Trafficking in Persons, 12 February 2009, http://www.unodc.org/documents/human-trafficking/Country_profiles/South_South_West_Asia.pdf, accessed 30 March 2010. Parliament of the Democratic Socialist Republic of Sri Lanka, Penal Code (Amendment) Act, No.16 of 2006, 28 April 2006, available from

<http://www.hsph.harvard.edu/population/trafficking/srilanka.traf.06.pdf>, accessed 10 April 2010

⁴³² United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

Regarding prosecution of people involved in human trafficking, the UNODC informed that there were no convictions for trafficking in persons in Sri Lanka between 2005 and June 2007.⁴³³ The USDOS reported that in 2009 the police arrested 29 people suspected of trafficking and had started prosecutions against 12 of them, however, no conviction had been recorded by the end of the year.⁴³⁴ The USDOS further states that,

“although the Government of Sri Lanka made strides in arrests and prosecutions of alleged traffickers, it did not demonstrate adequate law enforcement efforts in addressing human trafficking cases over the reporting period. While the government conducted over 400 raids of fraudulent foreign recruiting agencies and took legal action against 80 of them, which resulted in their licenses being suspended and the initiation of two prosecutions – the majority had not yet been prosecuted criminally for trafficking-related offenses. The government canceled the licenses of 32 agencies and imposed fines on them.”⁴³⁵

The USDOS stated that the authorities allowed and encouraged the participation of victims in the investigation and prosecution of trafficking-related offenders, although very few victims came forward due to the slow pace of Sri Lankan judicial system and to protect their reputation.⁴³⁶ It added that “the government generally did not penalize victims of trafficking for unlawful acts committed as a direct result of their being trafficked, though some sex trafficking victims could have been penalized because the government failed to identify them among persons arrested for prostitution offenses.”⁴³⁷

Regarding protection and provision of services for victims of trafficking, the government, NGOs and international organisations offer legal protection, medical and psychosocial support, as well as housing and shelter.⁴³⁸ The National Child Protection Authority (NCPA) runs six resource centres for vulnerable children, including victims of trafficking, targeting populations affected by the war, the 2004 tsunami and economic challenges.⁴³⁹ These centres provided shelter, counselling, legal assistance, and career guidance for victims, and a Probation Department worked to reintegrate children with their families.⁴⁴⁰ Additionally, the Bureau of Foreign Employment (BFE) “runs an overnight shelter for international trafficking victims returning from overseas at Sri Lanka’s only international airport.”⁴⁴¹

⁴³³ United Nations Office for Drugs and Crime (UNODC), Global Report on Trafficking in Persons, 12 February 2009, http://www.unodc.org/documents/human-trafficking/Country_profiles/South_South_West_Asia.pdf<http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴³⁴ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴³⁵ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴³⁶ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴³⁷ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴³⁸ United Nations Office for Drugs and Crime (UNODC), Global Report on Trafficking in Persons, 12 February 2009, http://www.unodc.org/documents/human-trafficking/Country_profiles/South_South_West_Asia.pdf<http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

⁴³⁹ United States Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 30 March 2010

⁴⁴⁰ United States Department of State, 2008 Human Rights Report: Sri Lanka, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>, accessed 30 March 2010

⁴⁴¹ United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

The USDOS states that police lack formal procedures for identifying trafficking victims,

“although government personnel did not employ formal procedures for proactively identifying victims and referring them to service providers, some *ad hoc* referrals were made during the year. Police did not attempt to identify trafficking victims among 16 foreign women who were arrested on prostitution charges during the year; all were placed in detention until they could pay for their departure from Sri Lanka. The government provided no legal alternatives for the removal of foreign victims to countries where they may face hardship or retribution.”⁴⁴²

⁴⁴² United States Department of State, 2009 Trafficking in Persons Report: Sri Lanka, 16 June 2009, <http://www.state.gov/documents/organization/123365.pdf>, accessed 30 March 2010

E. Lesbian, Gay, Bisexual and Transgender (LGBT) Persons

1. Domestic legal framework

Articles 365 and 365A of the Sri Lankan Penal Code criminalise homosexual acts.⁴⁴³ Article 365 of the Penal Code punishes “voluntarily carnal intercourse with man, woman or animal against the order of nature” with “imprisonment for a term which may extend to ten years.”⁴⁴⁴

Article 365A, which was introduced by Amendment No. 22 of 1995, states,

“Any person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of any act of gross indecency with another person, shall be guilty of an offence and shall be punished with imprisonment of either description for a term which may extend to two years or with a fine, or with both and where the offence is committed by a person over eighteen (18) years of age in respect of any person under sixteen (16) years of age shall be punished with rigorous imprisonment for a term not less than 10 years and not exceeding 20 years and with a fine and shall also be ordered to pay compensation of amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such a person.”⁴⁴⁵

Human Rights Watch reports that the amendment in 1995 extended criminal penalties to sexual acts between women.⁴⁴⁶

According to the USDOS, Sri Lankan law criminalising homosexual activity is not officially enforced.⁴⁴⁷ The Gay Times also reports that “the law is not enforced and there have been no prosecutions for 50 years but in a largely Buddhist country homosexuality is seen as a sin.”⁴⁴⁸ The USDOS further states that there are no legal safeguards against discrimination based on sexual orientation or gender identity.⁴⁴⁹

The USDOS further reports that LGBT organisations exist in Sri Lanka and events promoting LGBT rights were held in 2009, but some NGOs working on LGBT issues did

⁴⁴³ Sri Lankan Penal Code, Chapter 25, 1st January 1885, http://www.commonlii.org/lk/legis/consol_act/pc25130.pdf, accessed 10 April 2010
ILGA, State Sponsored Homophobia, a world survey of laws prohibiting same sex activity between consenting adults, May 2009, http://ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2009.pdf, accessed 5 April 2010

⁴⁴⁴ Sri Lankan Penal Code, Chapter 25, 1st January 1885, http://www.commonlii.org/lk/legis/consol_act/pc25130.pdf, accessed 10 April 2010
Homophobia, a world survey of laws prohibiting same sex activity between consenting adults, May 2009, http://ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2009.pdf, accessed 5 April 2010

⁴⁴⁵ ILGA, State Sponsored Homophobia, a world survey of laws prohibiting same sex activity between consenting adults, May 2009, http://ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2009.pdf, accessed 5 April 2010

⁴⁴⁶ Human Rights Watch, This Alien Legacy: the origins of “sodomy laws” in British colonialism, 17 December 2008, <http://www.hrw.org/en/node/77014/section/2>, accessed 5 April 2010

⁴⁴⁷ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁴⁴⁸ Gay Times, Gay - Sri Lanka, 27 February 2007, <http://www.gaytimes.co.uk/gt/listings.asp?CID=884&action=ShowCountry>, accessed 9 April 2009

⁴⁴⁹ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

not register with the government.⁴⁵⁰ According to IPS news, organisations promoting the rights of LGBT persons in Sri Lanka include Companions of a Journey, Equal Ground and Women's Support Group.⁴⁵¹ The worldwide gay travel website, Globalgayz.com, reports that LGBT organisations in Sri Lanka have organized conferences, yearly pride festivals, promoted AIDS-HIV education and lobbied for LGBT civil rights.⁴⁵²

2. Treatment of LGBT persons

The USDOS states

“In recent years human rights organizations reported that while not actively arresting and prosecuting LGBT activity, police harassed, extorted money, or sexual favours from, and assaulted gays and lesbians in Colombo and other areas. This led to many incidents of crimes against members of the LGBT community going unreported.”⁴⁵³

The USDOS further states that there is significant societal pressure against members and organisations of the LGBT community.⁴⁵⁴

In 2005 the BBC reported that Gay support groups Companions on a Journey have drop in centres in Colombo, Kandy and Anuradhapura.⁴⁵⁵ Gay Times reports that this organisation has “suffered harassment including assaults on its founders, death threats and the stoning of its offices.”⁴⁵⁶

According to Human Rights Watch, the 1995 amendment to the Penal Code criminalising sexual acts between women “led to an increased atmosphere of stigma and menace.”⁴⁵⁷ Human Rights Watch states that a leader of an LGBT organisation subsequently left the country after receiving death threats.⁴⁵⁸

Human Rights Watch further reports that following the holding of a lesbian conference in 2000, a newspaper reproduced a letter to the editor urging that the participants of the conference be raped. After a complaint was lodged with the state Press Council against the newspaper, the Press Council rejected the complaint, stating,

⁴⁵⁰ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁴⁵¹ IPS news, Rights-Sri Lanka, Gay community takes heart in Indian ruling, 27 July 2009, <http://ipsnews.net/news.asp?idnews=47814>, accessed 5 April 2010

⁴⁵² Globalgayz.com, Sri Lanka, <http://globalgayz.com/country/Sri%20Lanka/LKA>, accessed 5 April 2010

⁴⁵³ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁴⁵⁴ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁴⁵⁵ BBC, Sri Lanka's gay's share their journey, 20 May 2005, http://news.bbc.co.uk/1/hi/world/south_asia/4551903.stm, accessed 9 April 2010

⁴⁵⁶ Gay Times, Gay - Sri Lanka, 27 February 2007, <http://www.gaytimes.co.uk/gt/listings.asp?CID=884&action=ShowCountry>, accessed 9 April 2009

⁴⁵⁷ Human Rights Watch, This Alien Legacy: the origins of “sodomy laws” in British colonialism, 17 December 2008, <http://www.hrw.org/en/node/77014/section/2>, accessed 5 April 2010

⁴⁵⁸ Human Rights Watch, This Alien Legacy: the origins of “sodomy laws” in British colonialism, 17 December 2008, <http://www.hrw.org/en/node/77014/section/2>, accessed 5 April 2010

“Homosexuality is an offence in our law. Lesbianism is at least an act of gross indecency and unnatural.”⁴⁵⁹

According to the Sri Lanka NGO Women’s Support Group, one of the main obstacles lesbian, bisexual and transgender women face is stigma and discrimination.⁴⁶⁰ According to the group, “many women who are afraid of openly associating with the group due to the possibility of exposure and reprisals, reach out to the group at different moments for different reasons.”⁴⁶¹

The Gay Times reports that,

“There is a sizeable gay population in Sri Lanka but many gays and lesbians cannot come to terms with themselves due to family pressures and behavioral expectations imposed by Sri Lankan culture. A gay identity does not make much sense to many homosexuals. Male homosexuality in any event is illegal. There is no gay scene in the western sense in Sri Lanka but there are several gay groups who lobby for reform and provide support and counseling to gays and lesbians.”⁴⁶²

⁴⁵⁹ Human Rights Watch, This Alien Legacy: the origins of “sodomy laws” in British colonialism, 17 December 2008, <http://www.hrw.org/en/node/77014/section/2>, accessed 5 April 2010

⁴⁶⁰ Women’s Support Group Sri Lanka website, About us, <http://www.wsglanka.com/scripts/about.html>, accessed 5 April 2010

⁴⁶¹ Women’s Support Group Sri Lanka website, About us, <http://www.wsglanka.com/scripts/about.html>, accessed 5 April 2010

⁴⁶² Gay Times, Gay - Sri Lanka, 27 February 2007, <http://www.gaytimes.co.uk/gt/listings.asp?CID=884&action=ShowCountry>, accessed 9 April 2009

F. Freedom of Expression and Association

1. Domestic legal framework

Article 14(1) of the Constitution provides that,

- “(1) Every citizen is entitled to -
- (a) the freedom of speech and expression including publication;
 - (b) the freedom of peaceful assembly;
 - (c) the freedom of association;
 - (d) the freedom to form and join a trade union;
 - [. . .]
 - (g) the freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise.”⁴⁶³

Article 15, however, stipulates that these rights are conditional.⁴⁶⁴ Freedom of speech and expression is “subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence.”⁴⁶⁵ Freedom of peaceful assembly and association are subject to the same condition regarding “racial and religious harmony.”⁴⁶⁶ Freedom of association is also subject to restriction in the interest of “national economy.”⁴⁶⁷ The freedom of enterprise described in article 14(1)(g) is

- “subject to such restrictions as may be prescribed by law in the interests, of national economy or in relation to -
- (a) the professional, technical, academic, financial and other qualifications necessary for practising any profession or carrying on any occupation, trade, business or enterprise, and the licensing and disciplinary control of the person entitled to such fundamental right, and
 - (b) the carrying on by the State, a State agency or a public corporation of any trade, business, industry, service or enterprise whether to the exclusion, complete or partial, of citizens or otherwise.”⁴⁶⁸

All rights enumerated in Article 14 are

⁴⁶³ Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁴⁶⁴ Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁴⁶⁵ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 15(2), 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁴⁶⁶ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 15(3), (4), 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁴⁶⁷ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 15(4), 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁴⁶⁸ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 15(5), 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

“subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph " law " includes regulations made under the law for the time being relating to public security.”⁴⁶⁹

The USDOS states that in practice, the government generally respected the right for freedom of assembly provided for in law, albeit with some restrictions.⁴⁷⁰ Regulation 13 of the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005 (2005 Emergency Regulations) empowers the president to issue orders to “prohibit the holding of public processions or public meetings,”⁴⁷¹ or to “give directions prohibiting the holding of any procession or meeting in any area in Sri Lanka, the holding of which would be in the opinion of the President likely to cause a disturbance of public order or promote disaffection.”⁴⁷² Police officers may “use such force as may be reasonably necessary” to ensure compliance.⁴⁷³ According to the USDOS, “the government generally granted permits for demonstrations, including those by opposition parties and minority groups.”⁴⁷⁴ The BBC reports that in March 2010 the outgoing parliament voted to extend the Emergency Regulations until after the April 2010 legislative elections.⁴⁷⁵

Similarly, according to the USDOS, the law “provides for freedom of association, and the government generally respected this right in practice; however, some restrictions existed, such as those under the emergency regulations. The government often used informants to target individuals for arrests and interrogation based on their association.”⁴⁷⁶ The USDOS reports that prior to the end of the conflict between the government and the LTTE, the LTTE did not allow free association in areas under its control.⁴⁷⁷

⁴⁶⁹ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 15(7), 7 September 1978 (as amended up to 20 December 2000), available at

http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁴⁷⁰ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁴⁷¹ Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, Regulation 13(1), consolidated version available at <http://www.unhcr.org/refworld/pdfid/471712342.pdf>, accessed 18 March 2010

⁴⁷² Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, Regulation 13(2), consolidated version available at <http://www.unhcr.org/refworld/pdfid/471712342.pdf>, accessed 18 March 2010

⁴⁷³ Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, Regulation 13(3), consolidated version available at <http://www.unhcr.org/refworld/pdfid/471712342.pdf>, accessed 18 March 2010

⁴⁷⁴ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁴⁷⁵ BBC, Sri Lanka emergency laws extended ahead of election, 9 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8557778.stm, accessed 31 March 2010

⁴⁷⁶ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁴⁷⁷ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

2. Journalists and media professionals

Reporters Without Borders states that “[o]f the world’s democratically-elected governments, Sri Lanka’s is the one that respects press freedom least.”⁴⁷⁸ Reporters Without Borders placed Sri Lanka at number 162 out of 175 countries in its 2009 Press Freedom Index.⁴⁷⁹ Several sources reported harassment and suppression of media during 2009.⁴⁸⁰ According to the USDOS,

“The law provides for freedom of speech and of the press but in practice this was not always supported. The government owned the country’s largest newspaper chain, two major television stations, and a radio station. However, private owners operated a variety of independent newspapers, journals, and radio and television stations. The government imposed no political restrictions on the establishment of new media enterprises. While foreign media outlets operated in the country, some foreign journalists had their visas revoked or were asked to leave the country when they reported on sensitive issues in a manner that the government disliked.”⁴⁸¹

The UK Foreign and Commonwealth Office reported in March 2010 that “Tamil-language newspapers (such as Sudar Oli, Uthayan and Valampuri) continue to operate in extremely difficult conditions, with their staff regularly receiving anonymous threats.”⁴⁸²

In 2009, according to the USDOS, “[m]edia freedom deteriorated in the Colombo area, as well as in the [conflict]-affected north and east. Most journalists practiced self-censorship,” and “[s]enior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to run stories that portrayed the government in a positive light. Lawyers who defended journalists were also threatened and pressured by defense and government officials.”⁴⁸³ The Committee to Protect Journalists reports that in the summer of 2009, “the official Web site of the Ministry of Defense carried an article headlined, “Traitors in Black Coats Flocked Together,” which identified five lawyers who represented the Sunday Leader newspaper at a July 9 hearing in a Mount Lavinia court as having “a history of appearing for and defending” LTTE guerrillas. The article included pictures of three of the lawyers.”⁴⁸⁴

Human Rights Watch reports that in 2009,

⁴⁷⁸ Reporters Without Borders, Sri Lanka, http://www.rsf.org/en-rapport79-Sri_Lanka.html, accessed 1 April 2010

⁴⁷⁹ Reporters Without Borders, Press Freedom Index 2009, <http://www.rsf.org/en-classement1001-2009.html>, accessed 1 April 2010

⁴⁸⁰ Amnesty International Report 2009, pp. 305-06, <http://thereport.amnesty.org/sites/report2009.amnesty.org/files/documents/air09-en.pdf>, accessed 15 March 2010

Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁴⁸¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁴⁸² UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 150, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁴⁸³ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁴⁸⁴ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

“The government continued to use anti-terror laws and emergency regulations against peaceful critics. On August 31 the Colombo High Court, in a deeply flawed trial, sentenced J.S. Tissainayagam, a journalist who had written critically of the government’s military campaign, to 20 years’ hard labor under the Prevention of Terrorism Act. He and his publishers had been arrested and detained in March 2008, but he was not formally charged for nearly six months.”⁴⁸⁵

According to the USDOS and the Committee to Protect Journalists, Tissainayagam’s was the first conviction of a journalist for his writings under the Prevention of Terrorism Act.⁴⁸⁶ The USDOS states that a “number of witnesses testified that his articles did not incite intercommunal tension, the primary charge against him, and there were doubts about the source of changes made to his written confession.”⁴⁸⁷ the Committee to Protect Journalists adds that Tissainayagam was arrested in March 2008 when he went to the offices of the news organisations he worked for “to inquire about the arrests of colleagues the previous day,” and was eventually charged and convicted based on articles he had written three years previously in a different journal, and for raising funds to publish that journal.⁴⁸⁸ The UK Foreign and Commonwealth Office (FCO) reported in March 2010 that Mr. Tissainayagam is appealing the decision.⁴⁸⁹ In January 2010 the Hindustan Times published an Agence France-Presse bulletin that indicated Tissainayagam “was told to surrender his passport and to post 50,000 rupees (437 dollars) in bail pending a full appeal hearing.”⁴⁹⁰

The USDOS reports that on 9 July 2009,

“the government officially reactivated the Press Council Act of 1973. This act, which includes power to fine and/or impose punitive measures including lengthy prison terms, proscribed the publishing of articles that discussed internal communications of the government and decisions of the cabinet, matters relating to the military that could affect national security, and details of economic policy that could lead to artificial shortages or speculative price increases. Several demonstrations by journalists took place throughout the latter part of the year against the resurrection of this council.”⁴⁹¹

In 2009, according to the USDOS, “[t]here appeared to be some limited government restrictions on access to the Internet, including suspicions that the government was behind

⁴⁸⁵ Human Rights Watch, World Report 2010, p. 351, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁴⁸⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010
Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁴⁸⁷ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁴⁸⁸ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁴⁸⁹ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 150, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁴⁹⁰ Hindustan Times, Sri Lanka court frees Tamil editor on bail, 11 January 2010, <http://www.hindustantimes.com/rssfeed/srilanka/Sri-Lanka-court-frees-Tamil-editor-on-bail/Article1-496211.aspx>, accessed 11 April 2010

⁴⁹¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

the blocking of Internet access to several Tamil news Web sites, including the pro-LTTE TamilNet.”⁴⁹² The Committee to Protect Journalists reports that in July 2009, “domestic access to the independent *Lanka News Web* site was shut down,” and its managers “suspected the shutdown stemmed from a story reporting that the president’s son had been the target of stone throwers at a Tamil refugee camp.”⁴⁹³

According to the Committee to Protect Journalists, both the government and LTTE barred the press from conflict zones, and obstructed reporters who tried to report on the humanitarian situation; for example, a British Channel 4 team was ordered to leave the country after Channel 4 “aired footage filmed secretly in a Tamil refugee camp in the northern city of Vavuniya.”⁴⁹⁴ According to the USDOS, several times over the course of 2009 the government confiscated copies of *The Economist* issues containing articles critical of its policies at the airport, preventing their release to the local distributor.⁴⁹⁵ The Committee to Protect Journalists states that “by mid-year it was clear that, even with its victory in the war against the LTTE, the government was not going to back away from its policies of intimidation.”⁴⁹⁶

2009 saw a number of attacks against media members and institutions. According to the Committee to Protect Journalists,

“Escalating attacks on independent journalists coincided with the government’s 2006 decision to pursue an all-out military victory. . . . Ethnic Tamil journalists seen by the government as supporting independence had long been under murderous assault, but physical and verbal attacks on Sinhalese and Muslim journalists critical of the government’s military operations began accelerating in 2006 as well. These attacks—which in 2009 included a murder, a bombing, and several assaults—occurred with complete impunity.”⁴⁹⁷

On 2 January, according to the USDOS,

“men in an unregistered white van burned the broadcasting station of MTV/MBC in Pannipitiya. The police failed to respond to requests for additional security, and four days later armed men, arriving in unregistered vans, destroyed the studio with guns, clubs, grenades, and a claymore mine. Five suspects were arrested two weeks later, but the magistrate granted them bail and alleged misconduct in the police investigation of the attack. No progress had been made in the case at year’s end.”⁴⁹⁸

The Committee to Protect Journalists reports “as many as 20 assailants” took part in the 6 January attack, which took seven TV and radio stations belonging to the country’s largest

⁴⁹² US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁴⁹³ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁴⁹⁴ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁴⁹⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁴⁹⁶ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁴⁹⁷ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁴⁹⁸ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

independent broadcaster off the air.⁴⁹⁹ They further report that “the blast came after state media criticized the broadcaster for its coverage of military operations.”⁵⁰⁰

The Committee to Protect Journalist’s research indicated “acts of intimidation and the absence of substantive government response drove at least 11 Sri Lankan journalists into exile between June 2008 and June 2009.”⁵⁰¹

According to Human Rights Watch,

“[o]n numerous occasions unidentified perpetrators attacked journalists and media outlets critical of the government. In one of the most brazen attacks, unidentified armed men in January assassinated Sunday Leader newspaper editor Lasantha Wickremetunga, a senior journalist acclaimed for his investigative reporting.”⁵⁰²

The Committee to Protect Journalists places Wickremetunga among 10 journalists murdered since 1992, with no convictions yet obtained in any of the cases.⁵⁰³ According to the Committee to Protect Journalists, the government “said a comprehensive inquiry would be carried out to find” those responsible for Wickremetunga’s murder and two other January attacks against journalists, but such “inquiries had been promised in the past; as in the past, the 2009 cases led to no conclusive government action by late year.”⁵⁰⁴ The Committee to Protect Journalists reported that on 23 January, like Wickremetunga, “Upali Tennakoon, editor of the Sinhala-language, pro-government weekly *Rivira*,” was forced to a halt in his car and violently attacked by unidentified motorcyclists.⁵⁰⁵

According to the USDOS “On February 27, three men in civilian clothes and three men in police uniforms in a van abducted Nadesapillai Vidyatharan, editor of the *Sudar Oli*, a leading Tamil-language newspaper.”⁵⁰⁶ According to the UK Foreign and Commonwealth Office “Mr Vidyatharan . . . was arrested in February at a family funeral in a manner that led his family initially to report the incident as an abduction.”⁵⁰⁷ The USDOS reports that following inquiries by “senior foreign diplomats,” the police announced he had been arrested.⁵⁰⁸ He was released without charges on 25 April.⁵⁰⁹

⁴⁹⁹ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁵⁰⁰ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁵⁰¹ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁵⁰² Human Rights Watch, World Report 2010, p. 351, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁵⁰³ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁵⁰⁴ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁵⁰⁵ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁵⁰⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁵⁰⁷ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 150, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁵⁰⁸ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁵⁰⁹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

On 1 June 2009, Poddala Jayantha, general secretary of the Sri Lanka Working Journalists Association, was abducted, severely beaten, and released.⁵¹⁰ According to the USDOS, “[t]he attack seemed to have been encouraged by the government, which had aired photos of journalists--including a close-up of Jayantha--during comments by the Inspector General of Police Jayantha Wickramaratne, who called journalists traitors who would be dealt with.”⁵¹¹ CPJ reports that Jayantha

“was abducted on a busy road in Colombo during rush hour, beaten, and dropped by the side of a road in a suburb. Witnesses at the scene said six unidentified men in a white Toyota Hi Ace van with tinted glass windows had grabbed him; the same type of vehicle has been used to pick up antigovernment figures in the past. No arrests had been made by late year.”⁵¹²

In February 2010 the BBC reported that Prageeth Eknaligoda, an online journalist who “wrote articles in favour of” General Fonseka during his presidential candidacy, “went missing two days before the presidential election” and remained missing nearly a month later.⁵¹³ The same article stated that Chandana Sirimalwatte, a newspaper editor “who is supportive of the opposition JVP” was released without charges in mid-February “after 18 days in detention under the country’s emergency regulations.”⁵¹⁴

[See also Section G. Human Rights Defenders, Activists and Humanitarian Organisations]

3. Political parties and opposition

According to the USDOS, “Sri Lanka has a multi-party democracy that enjoys considerable stability despite relatively high levels of political violence during its 26-year civil conflict.”⁵¹⁵

In February 2010 the Ministry of Elections listed 66 recognized political parties.⁵¹⁶

The USDOS reports, “Sri Lankan politics since independence have been strongly democratic. Two major parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), have generally alternated rule.”⁵¹⁷ According to the USDOS, the UNP and the SLFP “embrace democratic values, international nonalignment, and

⁵¹⁰ Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

Human Rights Watch, World Report 2010, p. 351, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁵¹¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁵¹² Committee to Protect Journalists, Attacks on the Press 2009: Sri Lanka, 16 February 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>, accessed 14 March 2010

⁵¹³ Anbarasan, Ethirajan, Missing Sri Lanka journalist’s wife appeals for help, 22 February 2010, http://news.bbc.co.uk/2/hi/south_asia/8527798.stm, accessed 22 March 2010

⁵¹⁴ Anbarasan, Ethirajan, Missing Sri Lanka journalist’s wife appeals for help, 22 February 2010, http://news.bbc.co.uk/2/hi/south_asia/8527798.stm, accessed 22 March 2010

⁵¹⁵ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010 (noting several attacks by the LTTE on political figures during 1999-2008)

⁵¹⁶ Department of Elections, Political Parties, 18th February 2010, <http://www.slelections.gov.lk/pp.html>, accessed 10 April 2010

⁵¹⁷ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

encouragement of Sinhalese culture. The SLFP, however, envisions a broader role for the state in general.”⁵¹⁸

a. United National Party

The United National Party (UNP) was founded in 1946,⁵¹⁹ by D.S. Senanayake.⁵²⁰ A US Library of Congress describes the UNP as

“a partnership of many disparate groups formed during the Donoughmore period, including the Ceylon National Congress, the Sinhala Maha Sabha, and the Muslim League. The UNP easily won the 1947 elections, challenged only by a collection of small, primarily leftist parties. On February 4, 1948, when the new constitution went into effect (making Sri Lanka a dominion), the UNP embarked on a ten-year period of rule.”⁵²¹

Senanayake became the first post-independence prime minister, and led the UNP until his accidental death in 1952.⁵²² The “UNP has remained, since independence, a party of the moderate right,” and although its main power base is in the Sinhalese majority regions, “it is less closely identified with Sinhalese chauvinism than its major rival, the SLFP.”⁵²³

b. Sri Lankan Freedom Party

In July 1951, S.W.R.D. Bandaranaike, another UNP leader and the country’s fourth prime minister, led a left-of-centre bloc out of the UNP to form the Sri Lankan Freedom Party (SLFP).⁵²⁴ According to a US Library of Congress Country Study, SLFP electoral platforms have emphasised “appealing to the sentiments of the Sinhalese masses in rural areas. To this basis has been added the antiestablishment appeal of nonrevolutionary socialism.”⁵²⁵

⁵¹⁸ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁵¹⁹ United National Party, Vision, 6 September 1946, http://www.unp.lk/portal/index.php?option=com_content&task=view&id=14&Itemid=26, accessed 2 April 2010

⁵²⁰ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Independence, 1988, <http://countrystudies.us/sri-lanka/22.htm>, accessed 28 March 2010

⁵²¹ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Independence, 1988, <http://countrystudies.us/sri-lanka/22.htm>, accessed 28 March 2010. The “Donoughmore period” refers to the constitution promulgated in 1931 following the report of a royal commission led by the Earl of Donoughmore. Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, The Donoughmore Commission, US Library of Congress, 1988, <http://countrystudies.us/sri-lanka/19.htm>, accessed 4 April 2010

⁵²² Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, United National Party “Majority” Rule, 1948-56, 1988, <http://countrystudies.us/sri-lanka/23.htm>, accessed 25 March 2010

⁵²³ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Sinhalese Parties, 1988, <http://countrystudies.us/sri-lanka/68.htm>, accessed 30 March 2010

⁵²⁴ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, United National Party “Majority” Rule, 1948-56, 1988, <http://countrystudies.us/sri-lanka/23.htm>, accessed 25 March 2010

⁵²⁵ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Sinhalese Parties, 1988, <http://countrystudies.us/sri-lanka/68.htm>, accessed 30 March 2010

c. *Janatha Vimukthi Peramuna/ People's Liberation Front*

The Janatha Vimukthi Peramuna (JVP; People's Liberation Front) "was founded in 1965 with the aim of providing a leading force to the socialist revolution of Sri Lanka."⁵²⁶ A US Library of Congress Country Study describes the JVP as "an ultra-leftist organization established in the late 1960s by Rohana Wijeweera [that] attracted the support of students and poor Sinhalese youth in rural areas."⁵²⁷ It led an armed uprising in 1971 "that resulted in the death of thousands of the rebels at the hands of the security forces."⁵²⁸ Legalised in 1977 and banned again in 1983,⁵²⁹ the JVP returned to electoral politics in the 1994 general elections.⁵³⁰

d. *Tamil National Alliance*

The Tamil National Alliance (TNA) is the main Tamil party.⁵³¹ Founded in 2001, it "was generally seen as a proxy for the Tamil Tigers," according to the BBC.⁵³² The 2010 TNA election manifesto calls for a "[f]ederal solution based on shared sovereignty and right to self-determination in a contiguous north and east of Sri Lanka."⁵³³ The BBC states that the TNA has "dropped a demand for a separate Tamil homeland."⁵³⁴

e. *Jathika Hela Urumaya/ National Heritage Party*

The International Crisis Group describes Jathika Hela Urumaya (JHU or National Heritage Party) as a Sinhala nationalist party that "first came onto the scene in 2000 in the form of the Sinhala Urumaya (Sinhala Heritage) Party (SU)."⁵³⁵ Reborn as the JHU at the 2004 parliamentary election, the party "fielded a full slate of candidates, all of them Buddhist monks. Nine were elected."⁵³⁶ According to the Times, the JHU, led in parliament by

⁵²⁶ Janatha Vimukthi Peramuna, History of the Janatha Vimukthi Peramuna, undated, http://www.jvpsrilanka.com/index.php?option=com_content&view=article&id=49&Itemid=37, accessed 2 April 2010

⁵²⁷ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Extremist Groups, 1988, <http://countrystudies.us/sri-lanka/70htm>, accessed 29 March 2010

⁵²⁸ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Extremist Groups, 1988, <http://countrystudies.us/sri-lanka/70htm>, accessed 29 March 2010

⁵²⁹ Ross, Russell R., and Savada, Andrea Matles, eds. Sri Lanka: A Country Study, US Library of Congress, Extremist Groups, 1988, <http://countrystudies.us/sri-lanka/70htm>, accessed 29 March 2010

⁵³⁰ LankaNewspapers.com, JVP – Janatha Vimukthi Peramuna, undated, <http://www.lankanewspapers.com/news/profiles/jvp.jsp>, accessed 3 April 2010

⁵³¹ Tran, Mark, and Samarasinghe, Dinuk, Sri Lankan presidential election sparks fears of rising violence, The Guardian, 24 January 2010, <http://www.guardian.co.uk/world/2010/jan/24/sri-lanka-presidential-election-violence>, accessed 28 March 2010

⁵³² Haviland, Charles, Sri Lanka Tamil party drops statehood demand, 13 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8566114.stm, accessed 25 March 2010

⁵³³ TamilNet, TNA releases election manifesto, 12 March 2010, <http://www.tamilnet.com/art.html?catid=13&artid=31348>, accessed 3 April 2010

⁵³⁴ Haviland, Charles, Sri Lanka Tamil party drops statehood demand, 13 March 2010, http://news.bbc.co.uk/2/hi/south_asia/8566114.stm, accessed 25 March 2010

⁵³⁵ International Crisis Group, Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus, Asia Report No. 141, 7 November 2007, p. 14, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/sri_lanka_sinhala_nationalism_and_the_elusive_southern_consensus.pdf, accessed 4 April 2010

⁵³⁶ International Crisis Group, Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus, Asia Report No. 141, 7 November 2007, p. 14, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/sri_lanka_sinhala_nationalism_and_the_elusive_southern_consensus.pdf, accessed 4 April 2010

Venerable Athuraliye Rathana, “is controlled by Buddhist monks from the majority Sinhalese community. The party is regarded as having exerted a strong influence over” President Rajapaksa.”⁵³⁷

f. United People's Freedom Alliance

The USDOS states that in 2004, “the SLFP and the JVP formed a political grouping known as the United People's Freedom Alliance (UPFA).”⁵³⁸ The United People's Freedom Alliance (UPFA) describes itself as “the broadest coalition of progressive forces in the country. This coalition, which came into being in 2004 upon a platform of new liberal socio economic programme and a resolve to defeat separatist terrorism, has since mobilized people around a social democratic agenda.”⁵³⁹ According to the Sunday Observer, a Sri Lanka newspaper, the UPFA consists of over 30 parties, including the Ceylon Workers' Congress (CWC), the Mahajana Eksath Peramuna (MEP), and the Jathika Hela Urumaya (JHU).⁵⁴⁰

Despite not achieving a majority of seats in the April 2004 parliamentary elections, the UPFA “was able to form a government and appoint a cabinet headed by Prime Minister Mahinda Rajapaksa. The JVP later broke with the SLFP and left the government, but has often supported it from outside.”⁵⁴¹

4. Elections

The USDOS reports that “[i]nternational observers generally characterized the 2005 national elections as free and fair, but the LTTE “enforced a boycott” of the 2005 presidential election by Tamils in the north and east, “and many observers believed that this affected the electoral outcome in favor of [President Rajapaksa].”⁵⁴² According to the USDOS, the LTTE “conducted seven grenade attacks in the north and east.”⁵⁴³ In LTTE-controlled regions, less than one percent of those eligible voted, and “[p]ersistent allegations of a preelection agreement and bribe between the Rajapaksa campaign and the LTTE to suppress Tamil votes remained.”⁵⁴⁴

⁵³⁷ Bosleigh, Robert, Victorious war monk Athuraliye Rathana turns on Britain, Times Online, 21 May 2009, <http://www.timesonline.co.uk/tol/news/world/asia/article6329871.ece>, accessed 3 April 2010

⁵³⁸ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁵³⁹ www.sandanaya.lk, About Us, undated, http://www.sandanaya.lk/sub_pgs/english/aboutus.html, accessed 1 April 2010

⁵⁴⁰ Sunday Observer, Political parties finalise nominations, 14 February 2010, <http://www.sundayobserver.lk/2010/02/14/pol01.asp>, accessed 2 April 2010

⁵⁴¹ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

⁵⁴² US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁵⁴³ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010 (an investigation “was opened in 2007, but Soori Yarachchi, the member of parliament who was placed in charge of the investigation, was killed in a car accident in 2008, and the investigation did not advance any further”)

⁵⁴⁴ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010 (an investigation “was opened in 2007, but Soori Yarachchi, the member of parliament who was placed in charge of the investigation, was killed in a car accident in 2008, and the investigation did not advance any further”)

The USDOS stated that “ethnic Tamil-based parties not aligned with the government faced severe restrictions on traveling to Jaffna to campaign prior to” August 2009 municipal council elections there, while “EPDP candidates ran under the governing coalition's party symbol and enjoyed frequent campaign visits from top government officials, who announced major infrastructure projects and the reduction of security restrictions while speaking at campaign events.”⁵⁴⁵

According to the USDOS, provincial council elections in August 2009 in Uva Province and in October 2009 in Southern Province led to

“widespread allegations that government officials used state resources, including vehicles, offices, and state employees in their personal and party campaigns. For a number of months, several opposition parties were prevented by security forces from visiting the large Manik Farm IDP camps, while figures from government allied parties were under no such restrictions.”⁵⁴⁶

According to the Guardian In the 2010 presidential elections both President Rajapaksa and his main challenger General Sarath Fonseka courted the Tamil minority.⁵⁴⁷ The TNA supported Fonseka “despite his ruthless conduct of the campaign against the [LTTE].”⁵⁴⁸ The Guardian states that the TNA considered Rajapaksa “the greater evil” due to “the government's human rights abuses and its inability to achieve reconciliation between the Sinhalese and minority Tamil communities following the end of the 25-year civil war.”⁵⁴⁹

President Rajapaksa won the 2010 election by a 58% to General Fonseka's 40%.⁵⁵⁰ General Fonseka contested the results, he alleged intimidation⁵⁵¹ and in February 2010 was arrested under suspicion of using his military post to advance his political career.⁵⁵² His supporters claim that his detention is an attempt to prevent his involvement in upcoming parliamentary elections. President Rajapaksa dissolved parliament in February, election laws require a poll to be held within six to eight weeks of dissolution.⁵⁵³

The UNP is now the main constituent of the United National Front (UNF), which also

⁵⁴⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁵⁴⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁵⁴⁷ Tran, Mark, and Samarasinghe, Dinuk, Sri Lankan presidential election sparks fears of rising violence, The Guardian, 24 January 2010, <http://www.guardian.co.uk/world/2010/jan/24/sri-lanka-presidential-election-violence>, accessed 28 March 2010

⁵⁴⁸ Tran, Mark, and Samarasinghe, Dinuk, Sri Lankan presidential election sparks fears of rising violence, The Guardian, 24 January 2010, <http://www.guardian.co.uk/world/2010/jan/24/sri-lanka-presidential-election-violence>, accessed 28 March 2010

⁵⁴⁹ Tran, Mark, and Samarasinghe, Dinuk, Sri Lankan presidential election sparks fears of rising violence, The Guardian, 24 January 2010, <http://www.guardian.co.uk/world/2010/jan/24/sri-lanka-presidential-election-violence>, accessed 28 March 2010

⁵⁵⁰ New York Times, Turnout low at Sri Lanka Parliamentary elections, 8 April 2010, <http://www.nytimes.com/2010/04/09/world/asia/09lanka.html>, accessed 15 April 2010

⁵⁵¹ BBC, General Fonseka rejects Sri Lanka election with for Rajapaksa, 27 January 2010, <http://news.bbc.co.uk/1/hi/8482963.stm>, accessed 10 April 2010

⁵⁵² BBC, Sri Lanka President Rajapaksa dissolves parliament, 9 February 2010, <http://news.bbc.co.uk/1/hi/8506563.stm>, accessed 10 April 2010. New York Times, Turnout low at Sri Lanka Parliamentary elections, 8 April 2010, <http://www.nytimes.com/2010/04/09/world/asia/09lanka.html>, accessed 15 April 2010

⁵⁵³ BBC, Sri Lanka President Rajapaksa dissolves parliament, 9 February 2010, <http://news.bbc.co.uk/1/hi/8506563.stm>, accessed 10 April 2010

includes the Sri Lanka Muslim Congress and two “single-member parties.”⁵⁵⁴ The UNF’s 2010 election manifesto “center[s] on political freedom, national harmony and peace and gives priority to national issues.”⁵⁵⁵ It “aims at solving unemployment and providing people’s welfare,” as well as prioritising education.⁵⁵⁶

In February 2010 the Sunday Observer reported that “UNP leader Ranil Wickremesinghe, SLMC leader Rauf Hakeem, JVP leaders Somawansa Amarasinghe and General Secretary Tylvin Silva, TNA leader R. Sampanthan and Western People’s Front Mano Ganeshan are having discussions about the formation of an alliance to contest the election as a common Opposition.”⁵⁵⁷

On 13 April 2010 President Pajapaksa claimed victory for his ruling coalition in parliamentary elections. However the Economist reports that,

“The election commissioner put off declaring the final result until April 20th, after reports of malpractice and violence forced him to annul the outcomes of several polling stations and suspend counting at others. Two districts, Kandy and Trincomalee, will have to wait till April 20th before they can be polled again.”⁵⁵⁸

On 9 April 2010 the BBC reported that “with 180 seats determined in the chamber of 225, 117 have gone to the governing coalition and only 46 to the next biggest party, according to the department of elections.”⁵⁵⁹

General Fonseka’s party won 5 seats, including one for himself,⁵⁶⁰ the Economist reports that “General Sarath Fonseka, was forced to conduct his group’s campaign from under heavy guard in a navy camp. Mr Fonseka is in military detention and faces two court-martials. Despite securing more than 4m votes in a presidential election in January.”⁵⁶¹

⁵⁵⁴ ColomboPage, UNF to go under elephant, JVP hangs on to Fonseka for Sri Lanka general elections, 22 February 2010, http://www.colombopage.com/archive_10/Feb1266825458CH.html, accessed 30 March 2010

⁵⁵⁵ United National Party, UNF launches its manifesto, 16 March 2010, http://www.unp.lk/portal/index.php?option=com_content&task=view&id=3957&Itemid=1, accessed 31 March 2010

⁵⁵⁶ United National Party, UNF launches its manifesto, 16 March 2010, http://www.unp.lk/portal/index.php?option=com_content&task=view&id=3957&Itemid=1, accessed 31 March 2010

⁵⁵⁷ Sunday Observer, Political parties finalise nominations, 14 February 2010, <http://www.sundayobserver.lk/2010/02/14/pol01.asp>, accessed 2 April 2010

⁵⁵⁸ The Economist, Sri Lanka’s parliamentary election: How great was my victory, 13 April 2010, http://www.economist.com/world/asia/displaystory.cfm?story_id=15900204, accessed 15 April 2010

⁵⁵⁹ BBC Sinhala.com, Ups and downs in Sri Lanka elections, 9 April 2010, http://www.bbc.co.uk/sinhala/news/story/2010/04/100409_preferential_votes.shtml, accessed 15 April 2010

⁵⁶⁰ BBC Sinhala.com, Ups and downs in Sri Lanka elections, 9 April 2010, http://www.bbc.co.uk/sinhala/news/story/2010/04/100409_preferential_votes.shtml, accessed 15 April 2010

⁵⁶¹ The Economist, Sri Lanka’s parliamentary election: How great was my victory, 13 April 2010, http://www.economist.com/world/asia/displaystory.cfm?story_id=15900204, accessed 15 April 2010

G. Human Rights Defenders, Activists and Humanitarian Organisations

According to Human Rights Watch, in 2009, “threats, physical attacks, and arbitrary arrests against journalists, human rights defenders, and humanitarian workers continued unabated, causing significant numbers to leave the country.”⁵⁶²

1. Human Rights Defenders and Activists

According to the USDOS, the Sri Lankan authorities have been responsible for human rights violations in the conflict with the LTTE in the North and East of the country and outside the conflict zone.⁵⁶³ The USDOS reported credible reports of “unlawful killings by paramilitaries and others believed to be working with the awareness and assistance of the government, assassinations by unknown perpetrators, politically motivated killings, and disappearances”, and that the government was “credibly accused” of “harassment of journalists and lawyers critical of the government.”⁵⁶⁴ Human Rights Watch also stated that threats and attacks against outspoken and critical civil society actors continued in 2009, including after the end of the war.⁵⁶⁵

According to the USDOS, the government criticized local NGOs critical of government actions, and put pressure on activists who sought assistance from the government. The USDOS cites as an example that “the government failed to investigate a death threat in August against one prominent civil society leader and instead opened an investigation of those who signed a public petition calling for an investigation.”⁵⁶⁶

The USDOS reported in 2009 that human rights defenders and NGO workers were victims of enforced disappearances in 2009, however they state that disappearances declined compared to previous years.⁵⁶⁷

The USDOS states that on 7 May 2009, Stephen Sunthararaj, project manager at the Center for Human Rights and Development was abducted by four persons in a white van and wearing SLA uniforms. His abduction occurred just after the human rights defender had been released by the courts, who ruled that there was no evidence against him after he had been held without charge by police since February 2009. According to the USDOS, Sunthararaj's wife received ransom demands in the weeks after his abduction, but was unable to win his release and received no further news about her husband.⁵⁶⁸

⁵⁶² Human Rights Watch, World Report 2010, Sri Lanka, January 2010, <http://www.hrw.org/en/world-report-2010/sri-lanka>, accessed 6 April 2010

⁵⁶³ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁶⁴ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁶⁵ Human Rights Watch, World Report 2010, Sri Lanka, January 2010, <http://www.hrw.org/en/world-report-2010/sri-lanka>, accessed 6 April 2010

⁵⁶⁶ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁶⁷ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁶⁸ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

The USDOS further reports the abduction on 29 October 2009 of Sankarapillai Shantha Kumar, a member of the non-government organization consortium in Akkaraipattu, Ampara District. He remains missing.⁵⁶⁹

According to the USDOS, the Sri Lankan government did not publish any investigations into past disappearances except for releasing some statistics, and no one was held responsible for disappearance cases.⁵⁷⁰ The USDOS states that “there was no progress on several high profile killings; for example, the January 8 killing of the chief editor of the Sunday Leader and Morning Leader newspapers, Lasantha Wickrematunga, by four assailants.”⁵⁷¹ The USDOS further reports that a commission set up under retired Supreme Court justice Tillekeratne to investigate abductions, disappearances, killings, and unidentified bodies completed its mandate on 31 December 2009, with a final report to the president due in early 2010.⁵⁷²

The USDOS reports that lawyers who defend human rights cases are sometimes physically and verbally threatened. The USDOS further states that on 28 January 2009, police officers made death threats against Amitha Ariyaratne, a lawyer in past prominent human rights cases, and on 30 January, his house was burned; that in July 2009, the website of the Defence Ministry labelled as “traitors” five lawyers representing editors of the newspaper The Sunday Leader in a case against the secretary of defence; that lawyers defending journalist J.S. Tissainayagam [See also Section F] received anonymous threats; and that in 2008 there was a grenade attack on the home of J.C. Weliamuna, a human rights lawyer and Executive Director of Transparency International (Sri Lanka).⁵⁷³ The International Federation for Human Rights (FIDH) reports that the government has engaged in a defamation campaign against Weliamuna, with a series of articles alleging misuse of TISL funds. The FIDH state that “the articles also portray TISL in the framework of a wider campaign carried out by the Government against national and international non-governmental organisations, accusing them of trying to destabilise the country and announcing that the Act dealing with these organisations will be amended to take proper action against them whenever it is necessary.”⁵⁷⁴ FIDH reports that a list of 35 Human rights Defenders and Journalists supportive of the opposition was published in an article, which they report was alleged to have been produced by the Sri Lankan security services.

Amnesty International and FIDH reported the abduction on 11 February 2010 of human rights defender Pattani Razeek, the head of the Community Trust Fund (CTF), a Sri Lankan NGO based in the town of Puttalam in North Western Province and member of the Executive Committee of the Asian Forum for Human Rights and Development (FORUM-ASIA). FIDH states that it was an enforced disappearance.⁵⁷⁵ FIDH reported that in 2009

⁵⁶⁹ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁷⁰ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁷¹ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁷² US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁷³ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010. International Federation for Human Rights, Defamation campaign against Mr J. C. Weliamuna, 12 March 2010, <http://www.fidh.org/Defamation-campaign-against-Mr-J-C-Weliamuna-LKA>, accessed 5 April 2010

⁵⁷⁴ International Federation for Human Rights, Defamation campaign against Mr J. C. Weliamuna, 12 March 2010, <http://www.fidh.org/Defamation-campaign-against-Mr-J-C-Weliamuna-LKA>, accessed 5 April 2010

⁵⁷⁵ Amnesty International, Sri Lanka: Human rights defender missing: Pattani Razeek, 18 February 2010, <http://www.amnesty.org/en/library/asset/ASA37/004/2010/en/62b83d07-4cd9-46ef-af0b->

Dr. Paikiasothy Saravanamuttu, Executive Director of the Centre for Policy Alternatives received death threats.⁵⁷⁶ In 2009 FIDH reported the enforced disappearance of Mr. Sinnavan Stephen Sunthararaj, Project Manager at the Centre for Human Rights and Development (CHRD), who was well known for documenting cases of child abuse in Jaffna.⁵⁷⁷

Amnesty International and Human Rights Watch denounced in March 2010 a “witch hunt against the media and the NGOs” by the government, stating that “since the January 2010 presidential election, the government has engaged in a campaign to silence and discredit journalists and nongovernmental organizations.”⁵⁷⁸ The two organisations further state that they are worried for the safety of more than 30 journalists and activists whose names appear on a leaked document, which appears to be a government surveillance list, and that the list includes the names of the directors of the Centre for Policy Alternatives (CPA) and Transparency International Sri Lanka (TISL), both of whom had previously received death threats.⁵⁷⁹

According to the USDOS, the Sri Lanka Human Rights Commission (SLHRC), an independent state body was downgraded to observer status in 2007 by the International Coordinating Committee of National Human Rights Institutions, because of government interference in the work of the SLHRC.⁵⁸⁰

2. Journalists

According to the USDOS, press freedom deteriorated in 2009, particularly in Colombo and the conflict-affected north and east, and national and international organisations criticised the Ministry of Defence for harassing and intimidating journalists and their lawyers.⁵⁸¹ The USDOS states

“Senior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to run stories that portrayed the government in a positive light.”⁵⁸²

According to Amnesty International, at least 14 media workers have been unlawfully killed in Sri Lanka since the beginning of 2006, while others have been arbitrarily detained,

d7624e9f2284/asa370042010en.html, accessed 6 April 2010. International Federation of Human Rights Defenders, Enforced disappearance of Mr Pattani Razeek, 19 February 2010, <http://www.fidh.org/Enforced-disappearance-of-Mr-Pattani-Razeek-LKA>, accessed 5 April 2010

⁵⁷⁶ International Federation of Human Rights, LKA 005 0809 OBS 121 Death Threats, 21 August 2009, <http://www.fidh.org/LKA-005-0809-OBS-121-Death-threats>, accessed 5 April 2010

⁵⁷⁷ International Federation of Human Rights, LKA 004 0509 OBS 077, 28 July 2009, <http://www.fidh.org/LKA-004-0509-OBS-077-Enforced-disappearance-Fear>, accessed 5 April 2010

⁵⁷⁸ Human Rights Watch and Amnesty International, Sri Lanka: End witch hunt against the media and NGOs”, 10 March 2010, <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-end-witch-hunt-against-media-and-ngos-2010-03-11>, accessed 6 April 2010

⁵⁷⁹ Human Rights Watch and Amnesty International, Sri Lanka: End witch hunt against the media and NGOs”, 10 March 2010, <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-end-witch-hunt-against-media-and-ngos-2010-03-11>, accessed 6 April 2010

⁵⁸⁰ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁸¹ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁸² US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

tortured and allegedly disappeared while in the custody of security forces and more than 20 journalists have left the country in response to death threats.⁵⁸³

The USDOS and Amnesty International report that on 8 January 2009, the chief editor of the Sunday Leader and Morning Leader newspapers, Lasantha Wickrematunga, was killed by four assailants.⁵⁸⁴ According to Amnesty International, the Sunday Leader newspaper had carried articles exposing political interference and corruption in privatisation deals, as well as human rights abuses in the context of intensified fighting.⁵⁸⁵ Amnesty International further states that “there are no signs of any investigation that has led to the arrest and prosecution of those believed responsible for the killing of journalists and other media workers.”⁵⁸⁶

The USDOS reports several cases of threats against journalists in 2009 [See also Section F].

On 2 January, men in an unregistered white van burned the broadcasting station of MTV/MBC in Pannipitiya. Four days later armed men destroyed the studio with guns, clubs, grenades, and a mine. Five suspects were arrested but were granted bail, as the judge alleged misconduct in the police investigation of the attack.⁵⁸⁷

On 27 February, three men in civilian clothes and three in police uniforms in a van abducted Nadesapillai Vithyatharan, editor of the Sudar Oli, a Tamil-language newspaper. After foreign diplomats enquired, the police announced that he had been arrested. They held the journalist until 25 April, and then released him without charges.⁵⁸⁸

On 1 June, the head of the Sri Lanka Working Journalists Association Poddala Jayantha was abducted and severely beaten near Colombo. Prior to the attack, the government had aired photos of journalists, including a close-up of Jayantha, when the Inspector General of Police called journalists “traitors”.⁵⁸⁹

On 30 August, journalist J.S. Tissainayagam was sentenced to 20 years in prison with hard labour under the Prevention of Terrorism Act. He was convicted of intercommunal tension, despite witnesses testified that his articles did not incite this. There were also doubts about the source of changes made to his written confession.⁵⁹⁰ According to

⁵⁸³ Amnesty International, No freedom – Journalists stopped from doing their jobs, 3 May 2009, <http://www.amnesty.org/en/news-and-updates/feature-stories/no-freedom-journalists-stopped-doing-their-jobs-20090502>, accessed 6 April 2010

⁵⁸⁴ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010; Amnesty International, No freedom – Journalists stopped from doing their jobs, 3 May 2009, <http://www.amnesty.org/en/news-and-updates/feature-stories/no-freedom-journalists-stopped-doing-their-jobs-20090502>, accessed 6 April 2010

⁵⁸⁵ Amnesty International, No freedom – Journalists stopped from doing their jobs, 3 May 2009, <http://www.amnesty.org/en/news-and-updates/feature-stories/no-freedom-journalists-stopped-doing-their-jobs-20090502>, accessed 6 April 2010

⁵⁸⁶ Amnesty International, No freedom – Journalists stopped from doing their jobs, 3 May 2009, <http://www.amnesty.org/en/news-and-updates/feature-stories/no-freedom-journalists-stopped-doing-their-jobs-20090502>, accessed 6 April 2010

⁵⁸⁷ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁸⁸ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁸⁹ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁹⁰ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

Amnesty International, the journalist was released on bail in January 2010, but the charges against him were not quashed.⁵⁹¹

Amnesty International reports that two female journalists of the Sunday Leader received death threats on 22 October 2009, after the newspaper reported on a video allegedly showing Sri Lankan soldiers executing Tamil prisoners.⁵⁹²

According to Amnesty International, Sri Lankan journalist and government critic Prageeth Eknaligoda went missing on 24 January 2010 after leaving the office of the Lanka-e-News in Homagama, near Colombo. The journalist had previously been abducted for a day in August 2009.⁵⁹³

3. Humanitarian Organisations

According to the USDOS, the government and the LTTE did not allow any independent observers, media, or international staff of humanitarian organizations to work in the conflict zone.⁵⁹⁴ Human Rights Watch states that civilians in the war zone suffered from lack of food, water, shelter, and medical care, particularly since the government's decision in September 2008 to order humanitarian agencies out of the LTTE-controlled area.⁵⁹⁵

The USDOS and Amnesty International report that civilians fleeing the conflict between the government and the LTTE in 2009 have been confined in IDP camps with little access to independent observers and humanitarian organisations.⁵⁹⁶

Amnesty International states,

“By restricting access to the conflict zone by UN agencies, humanitarian, human rights and other non-governmental organizations, as well as by national and international journalists, the Sri Lankan government effectively denied urgent critical humanitarian assistance to civilians and hampered the free flow of information and thus, among other things, the ability of both national and international agencies to adequately prepare for what turned out to be a large number of displaced people fleeing the fighting and in need of assistance.”⁵⁹⁷

⁵⁹¹ Amnesty International, Jailed Sri Lankan journalist released on bail, 12 January 2010, <http://www.amnesty.org/en/news-and-updates/good-news/jailed-sri-lankan-journalist-released-bail-20100112>, accessed 6 April 2010

⁵⁹² Amnesty International, Sri Lanka must investigate death threats against two more journalists, 28 October 2009, <http://www.amnesty.org/en/news-and-updates/news/sri-lanka-must-investigate-two-more-journalists-receive-death-threats-20091028>, accessed 6 April 2010

⁵⁹³ Amnesty International, Sri Lanka: Demand investigation into missing journalist, 26 January 2010, <http://www.amnesty.org/en/library/asset/ASA37/003/2010/en/3f9e0324-96b2-452a-83f9-abfc954a3154/asa370032010en.html>, accessed 6 April 2010

⁵⁹⁴ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁵⁹⁵ Human Rights Watch, World Report 2010, Sri Lanka, January 2010, <http://www.hrw.org/en/world-report-2010/sri-lanka>, accessed 6 April 2010

⁵⁹⁶ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010; Amnesty International, Unlock the camps in Sri Lanka, 10 August 2009, <http://www.amnesty.org/en/library/info/ASA37/016/2009/en>, accessed 6 April 2010

⁵⁹⁷ Amnesty International, Unlock the camps in Sri Lanka, 10 August 2009, <http://www.amnesty.org/en/library/info/ASA37/016/2009/en>, accessed 6 April 2010

According to Human Rights Watch, threats against aid workers included accusations by government officials that international agencies, including the UN and the ICRC, were being LTTE supporters.⁵⁹⁸

The USDOS reports that in July 2009, the government prevented the International Committee of the Red Cross (ICRC) from accessing the Eastern Province and detention camps holding former LTTE combatants in July 2009, and from conducting protection work in IDP camps in the conflict zone, leaving the ICRC unable to provide protection support in the camps.⁵⁹⁹ According to the USDOS, the government also continued to refuse the request by the UN High Commission for Refugees for an expanded mission and an independent presence in the country and cancelled the visas of two UN employees after they made public remarks perceived to be critical of the government.⁶⁰⁰

The USDOS reports that “the government accepted assistance from NGOs and international actors for the IDP camps but management of the camps and control of assistance was under the military rather than civilian authorities.”⁶⁰¹ According to the USDOS, food, water, and medical care were all insufficient in the first several weeks after the end of the war, but by July 2009 observers reported that basic needs were being met.⁶⁰² However, the USDOS also states that the government released IDPs arbitrarily and “did not effectively coordinate with local or international aid agencies who were asked to provide assistance on short notice.”⁶⁰³

In August 2006, 17 aid workers from the humanitarian organisation Action Against Hunger (Action Contre la Faim, ACF) were killed in Muttur, in what remains “the biggest single attack on humanitarian workers ever to occur in Sri Lanka”, according to Amnesty International.⁶⁰⁴ Amnesty International states that,

“On 6 August 2006 the bodies of 15 aid workers with the French aid agency, Action Against Hunger (Action contre la Faim, ACF) were discovered lying face-down on the front lawn of ACF’s Muttur office, with bullet wounds to the head and neck, indicating that they had been shot at close range, execution style. The bodies of two more staff members were found on 8 August in a car nearby. They may have been killed while trying to escape. In all, 17 ACF staff members, four women and 13 men, were killed on 4 or 5 August 2006, shot by unidentified attackers, thought to be members of the security forces. A number of international organizations voiced

⁵⁹⁸ Human Rights Watch, World Report 2010, Sri Lanka, January 2010, <http://www.hrw.org/en/world-report-2010/sri-lanka>, accessed 6 April 2010

⁵⁹⁹ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁶⁰⁰ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁶⁰¹ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁶⁰² US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁶⁰³ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

⁶⁰⁴ Amnesty International, Twenty years of make-believe, Sri Lanka’s Commissions of Inquiry, June 2009, <http://www.amnesty.org/en/library/asset/ASA37/005/2009/en/c41db308-7612-4ca7-946d-03ad209aa900/asa370052009eng.pdf>, accessed 6 April 2010

strong suspicions that the state security forces were involved in the ACF massacre. The government attributed the killings to the LTTE.”⁶⁰⁵

Amnesty International reports that investigations into the ACF killings were unsatisfactory: the police failed to secure the crime scene, and there was political interference, including in the workings of a state-appointed Commission of Inquiry into killings and disappearances.⁶⁰⁶

According to the USDOS,

“In June the Commission of Inquiry (COI), set up under retired Supreme Court justice Udagama to investigate high profile killings and disappearances, ceased operation. The COI did not issue a public report and reportedly investigated only seven of the 17 cases it was asked to review. One of the cases the COI did complete involved the 2006 killing of 17 local staff of the French NGO Action Against Hunger (ACF), but COI's methods raised serious concerns about its fairness. The COI reportedly determined that ACF was to blame for the deaths for having allowed their employees to work in an area where violence was likely to occur. The COI also exonerated all government security forces by saying the LTTE had killed the workers, contrary to many independent analyses of available evidence that pointed toward involvement in the killings by police, Muslim Home Guard, and Special Task Force members. Security forces visited the victims' families and asked them to sign letters blaming ACF for the deaths and calling for a foreign government to provide further compensation. It was unclear how many families had agreed to sign the letters.”⁶⁰⁷

⁶⁰⁵ Amnesty International, Twenty years of make-believe, Sri Lanka's Commissions of Inquiry, June 2009, <http://www.amnesty.org/en/library/asset/ASA37/005/2009/en/c41db308-7612-4ca7-946d-03ad209aa900/asa370052009eng.pdf>, accessed 6 April 2010

⁶⁰⁶ Amnesty International, Twenty years of make-believe, Sri Lanka's Commissions of Inquiry, June 2009, <http://www.amnesty.org/en/library/asset/ASA37/005/2009/en/c41db308-7612-4ca7-946d-03ad209aa900/asa370052009eng.pdf>, accessed 6 April 2010

⁶⁰⁷ US Department of State, Country Reports on Human Rights Practices, 2009, Sri Lanka, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 5 April 2010

H. Security Forces, Armed Groups and Military Service

1. Domestic legal framework

The Sri Lanka military is governed by the Army,⁶⁰⁸ Navy,⁶⁰⁹ and Air Force Acts.⁶¹⁰ The army consists of a regular force, a regular reserve, a volunteer force, and a volunteer reserve.⁶¹¹ Parliament has the power to decide “from time to time” the strength of the army to “be raised and maintained.”⁶¹² The president appoints the commander in chief and other officers,⁶¹³ who “hold [their] appointment[s] during the President’s pleasure.”⁶¹⁴ Regular officers “may be allowed by the President” to resign;⁶¹⁵ volunteers do not require permission, although they must give three months’ written notice.⁶¹⁶ The reserve forces consist of members of the regular forces transferred to the reserves.⁶¹⁷ The regular force is always “liable to be employed on active service,” while the president may call the reserves and volunteers to active service for national defence, against civil disturbances, or to perform non military duties “necessary for the maintenance of supplies and services essential to the life of the community.”⁶¹⁸ The president must communicate the reason for calling out the reserves or volunteers to Parliament.⁶¹⁹

The Constitution permits restriction of certain fundamental rights of “members of the Armed Forces, Police Force and other Forces charged with the maintenance of public order . . . as may be prescribed by law in the interests of the proper discharge of their duties and the maintenance of discipline among them,”⁶²⁰ including equal protection of law (Article 12(1)),

⁶⁰⁸ Ministry of Defence of Sri Lanka, Army Act, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶⁰⁹ Ministry of Defence of Sri Lanka, Navy Act, http://www.defence.lk/main_pub.asp?fname=navyact, accessed 1 April 2010

⁶¹⁰ Ministry of Defence of Sri Lanka, Air Force Act, http://www.defence.lk/main_pub.asp?fname=airfact, accessed 1 April 2010

⁶¹¹ Ministry of Defence of Sri Lanka, Army Act, article 2(2), http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶¹² Ministry of Defence of Sri Lanka, Army Act, article 2(1), http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶¹³ Ministry of Defence of Sri Lanka, Army Act, articles 8, 9(1), http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶¹⁴ Ministry of Defence of Sri Lanka, Army Act, article 10, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶¹⁵ Ministry of Defence of Sri Lanka, Army Act, article 11(1), http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶¹⁶ Ministry of Defence of Sri Lanka, Army Act, article 11(3), http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶¹⁷ Ministry of Defence of Sri Lanka, Army Act, articles 4, 6, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶¹⁸ Ministry of Defence of Sri Lanka, Army Act, articles 19, 23, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶¹⁹ Ministry of Defence of Sri Lanka, Army Act, articles 19(3), http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶²⁰ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 15(8), 7 September 1978 (as amended up to 20 December 2000), http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

protection against arbitrary arrest or punishment, or “retroactive penal legislation” (Article 13), and free “[s]peech, assembly, association, movement, &c” (Article 14).⁶²¹

The military Acts regulate military justice.⁶²² Military justice applies to all members of the regular forces, and to reserves and volunteers during training or active service.⁶²³ Courts martial may impose the death penalty for cowardice in combat or aiding the enemy,⁶²⁴ mutiny,⁶²⁵ treason or murder.⁶²⁶ Courts martial may also sentence officers or soldiers to “rigorous” or “simple” imprisonment, discharge, reduction in rank, forfeiture of pay and other punishments for these or lesser offences.⁶²⁷ Civil courts retain concurrent jurisdiction with courts martial “to try or to punish for any civil offence any person subject to military law.”⁶²⁸

The 2005 Emergency Regulations empower the Secretary to the Ministry of Defence to order detention for up to one year to prevent any person “from acting in any manner prejudicial to the national security or to the maintenance of public order, or to the maintenance of essential services,” or from committing offences such as injuring people through the use of explosives, or damaging property.⁶²⁹ Such a detention order is not subject to “question in any court on any ground whatsoever.”⁶³⁰ According to the USDOS, the Emergency Regulations were “put in place to counter LTTE terrorism and [] remain in force.”⁶³¹

According to the International Crisis Group,

“Parliament enacted the PTA [Prevention of Terrorism Act] in 1979 as a temporary response to growing unrest in the Northern Province. It was made permanent in 1982.

⁶²¹ Constitution of the Democratic Socialist Republic of Sri Lanka, Articles 12(1), 13, 14, 15(8), 7 September 1978 (as amended up to 20 December 2000),

http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁶²² Ministry of Defence of Sri Lanka, Air Force Act, http://www.defence.lk/main_pub.asp?fname=airfact, accessed 1 April 2010

Ministry of Defence of Sri Lanka, Army Act, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

Ministry of Defence of Sri Lanka, Navy Act, http://www.defence.lk/main_pub.asp?fname=navyact, accessed 1 April 2010

⁶²³ Ministry of Defence of Sri Lanka, Army Act, articles 34, 3(3), http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶²⁴ Ministry of Defence of Sri Lanka, Army Act, article 95, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶²⁵ Ministry of Defence of Sri Lanka, Army Act, article 98, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶²⁶ Ministry of Defence of Sri Lanka, Army Act, article 131, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶²⁷ Ministry of Defence of Sri Lanka, Army Act, articles 133-34, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶²⁸ Ministry of Defence of Sri Lanka, Army Act, article 77, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁶²⁹ Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, Regulations 19(1), 25, consolidated version available at <http://www.unhcr.org/refworld/pdfid/471712342.pdf>, accessed 18 March 2010

⁶³⁰ Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, Regulations 19(10), consolidated version available at <http://www.unhcr.org/refworld/pdfid/471712342.pdf>, accessed 18 March 2010

⁶³¹ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 151, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

Its provisions apply regardless of whether there is a declared emergency. Section 9 allows the justice minister to order a person detained without judicial review for renewable periods of three months, up to a total of eighteen months, if the minister “has reason to believe or suspect that any person is connected with or concerned in any unlawful activity”. The person is to be presented to a magistrate, however, within 72 hours of their initial detention under Section 7 of the ordinance.

The PTA differs from emergency regulations in that it requires ministerial involvement in detention decisions. Like emergency regulations, however, the PTA deprives judges of any authority to release prisoners on bail. Section 6 allows police to arrest persons and detain them for three days without judicial supervision, and to search their home without a warrant. Section 16 deviates from the standard criminal procedure code by making confessions to judges admissible. No provision of the PTA requires the detaining authorities to inform a prisoner of the reasons for the detention. The PTA also restricts free speech by criminalising certain forms of political expression and requiring prior approval for certain publications.”⁶³²

2. Security forces and armed groups

a.. Police

The Sri Lanka Police Service (SLPS) traces its foundation to September 1866, when G.W.R. Campbell “assumed duties as the Chief Superintendent of Police,” tasked by the colonial governor to reorganise the police on Sri Lanka.⁶³³ Today the SLPS is part of the Ministry of Public Security, Law and Order.⁶³⁴ It is headed by the Inspector General of Police and has approximately 80,000 members, according to the USDOS.⁶³⁵ The Inspector General of Police reports “to the minister of defense, public security and law and order (in a separate chain of command from that of the armed forces and other military units).”⁶³⁶ The USDOS states that the SLPS conducts “civilian police functions such as enforcing criminal and traffic laws, enhancing public safety, and maintaining order.”⁶³⁷

The seventeenth amendment to the Constitution, enacted in 2001, created a Constitutional Commission including the prime minister, speaker, and the leader of the opposition, and

⁶³² International Crisis Group, Sri Lanka’s Judiciary: Politicised Courts, Compromised Rights, 30 June 2009, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/172_sri_lankas_judiciary_politicised_courts_compromised_rights.pdf, accessed 8 April 2010

⁶³³ Sri Lanka Police Service, Police History, updated 3 April 2010, <http://www.police.lk/divisions/history.asp>, accessed 4 April 2010

⁶³⁴ Ministry of Public Security, Law and Order, Departments & Institutions, undated, http://www.moi.gov.lk/Departments_Institutions.htm, accessed 4 April 2010

⁶³⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶³⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶³⁷ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

seven appointees.⁶³⁸ The amendment required that Commission to appoint, among other bodies, a National Police Commission (NPC) with broad supervisory and disciplinary powers over all police except the Inspector General.⁶³⁹ The NPC would then “establish procedures to entertain and investigate public complaints and complaints of any aggrieved person made against a police officer or the police service, and provide redress in accordance with the provisions of any law enacted by Parliament for such purpose.”⁶⁴⁰ A 2007 report prepared for the Swedish International Development Cooperation Agency stated that the amendment had not been fully implemented, in that no properly constituted Council was in place, and the president had unilaterally “appointed persons to most of the independent Commissions recognised by the 17th Amendment as having to be appointed on the recommendation of or with the approval of the Constitutional Council.”⁶⁴¹

In 2009, states the USDOS, “[t]here was no independent authority to investigate complaints. Senior officials in the police force handled complaints against the police.”⁶⁴² The UK Foreign and Commonwealth Office reported in March 2010 that “[w]hile there are some positive signs that the government is tackling the culture of impunity, no action has been taken in cases alleging police malpractice in relation to suspected LTTE members.”⁶⁴³

According to the USDOS,

“Of the police officers serving in Tamil majority areas, few were Tamil and most did not speak Tamil or English. There were 791 ethnic Tamils on the police force and 971 Muslim Tamil speakers. The government hired 50 new Tamil-speaking police in Jaffna including two women, however, there was concern by some observers that many of these were members of Tamil paramilitary groups. Impunity, particularly for cases of alleged police torture and the disappearances of civilians within High Security Zones (HSZs), was a serious problem, as was corruption.”⁶⁴⁴

In February 2010, the UN Special Rapporteur on torture described several recent incidents in which SLPS officers reportedly detained, beat, and severely mistreated people.⁶⁴⁵ In some

⁶³⁸ Constitution of the Democratic Socialist Republic of Sri Lanka, Amendment Seventeen, article 41A(1), <http://www.priu.gov.lk/Cons/1978Constitution/SeventeenthAmendment.html>, accessed 11 March 2010

⁶³⁹ Constitution of the Democratic Socialist Republic of Sri Lanka, Amendment Seventeen, article 155A(1), 155G(1)(a), <http://www.priu.gov.lk/Cons/1978Constitution/SeventeenthAmendment.html>, accessed 11 March 2010

⁶⁴⁰ Constitution of the Democratic Socialist Republic of Sri Lanka, Amendment Seventeen, article 155G(2), <http://www.priu.gov.lk/Cons/1978Constitution/SeventeenthAmendment.html>, accessed 11 March 2010

⁶⁴¹ Olander, Knud, et al., Review of Development Cooperation Between Sri Lanka Police and Swedish National Police Board, Swedish International Development Cooperation Agency, December 2007, p. 12, available at <http://www.oecd.org/dataoecd/36/59/41426870.pdf>, accessed 2 April 2010

⁶⁴² US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶⁴³ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 148, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁶⁴⁴ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶⁴⁵ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 25 February 2010, paras. 233-41, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/115/14/PDF/G1011514.pdf>, accessed 18 March 2010

cases, the suspects were released without having been charged.⁶⁴⁶ In others, suspects were neither formally charged nor released.⁶⁴⁷ Mistreatment included being shackled in an uncomfortable posture and hung upside down for extended periods, kochchi (hot pepper) juice in the eyes and nostrils, beatings with sticks or metal rods, and denial of medical treatment.⁶⁴⁸ Complaints made to the National Police Commission yielded no results.⁶⁴⁹

On 11 and 13 June 2009, according to the Special Rapporteur, two Sri Lankan UN employees were taken for questioning, in “a dark blue Pajero Jeep (Registration No. 61-7068),” and interrogated at local police stations.⁶⁵⁰ They were told to identify terrorists and LTTE facilitators in the IDP population and in international organisations, threatened with death when they denied knowledge, and “subjected to prolonged interrogations by several police officers and beatings.”⁶⁵¹ After two weeks the ICRC was granted access, along with colleagues, relatives, and lawyers, but the day after the ICRC examination both men “were forced to sign a statement in Sinhala language which they did not understand. They are still being held at the Borella Police Station, and it is believed that they were arrested for “actively engaging in LTTE activities”.”⁶⁵²

The UK Foreign and Commonwealth Office reported an incident, in which a “Sinhalese student was abducted, tortured and subsequently released in August following a dispute with the son of a senior police officer.”⁶⁵³

In August 2009, police arrested two young men in Angulana, in southern Sri Lanka,⁶⁵⁴ according to the USDOS, “[n]o formal charges were filed and the men's relatives were not allowed to see them. Their bodies were found the following morning with fatal gunshot

⁶⁴⁶ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 25 February 2010, paras. 235, 238, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/115/14/PDF/G1011514.pdf>, accessed 18 March 2010

⁶⁴⁷ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 25 February 2010, paras. 236-37, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/115/14/PDF/G1011514.pdf>, accessed 18 March 2010

⁶⁴⁸ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 25 February 2010, paras. 233-41, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/115/14/PDF/G1011514.pdf>, accessed 18 March 2010

⁶⁴⁹ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 25 February 2010, paras. 233, 235, 239, 240, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/115/14/PDF/G1011514.pdf>, accessed 18 March 2010

⁶⁵⁰ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 25 February 2010, para. 237, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/115/14/PDF/G1011514.pdf>, accessed 18 March 2010

⁶⁵¹ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 25 February 2010, para. 237, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/115/14/PDF/G1011514.pdf>, accessed 18 March 2010

⁶⁵² UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 25 February 2010, para. 237, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/115/14/PDF/G1011514.pdf>, accessed 18 March 2010

⁶⁵³ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 148, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁶⁵⁴ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 151, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

wounds.”⁶⁵⁵ The government opened an investigation,⁶⁵⁶ the USDOS reports nine members of the Angulana police were arrested as suspects.⁶⁵⁷ According to the UK Foreign and Commonwealth Office, however, “there has been no investigation into allegations that the police deliberately killed a number of leading underworld criminals while in custody in July and August.”⁶⁵⁸

The USDOS further reports that

“According to official accounts, other deaths occurred when security forces took the suspects to the scenes of their alleged crimes, and shot and killed them while they allegedly were trying to escape. On March 13, six persons were arrested in connection with the killing of a schoolgirl in the Trincomalee area. Police reported that two of the six were killed in the jungle near Kanniya by LTTE forces; the police shot and killed one person who tried to escape as he was being transferred to court; and a fourth suspect died in police custody.”⁶⁵⁹

b. Security and armed forces

In mid-2009, the BBC stated that the army numbered 200,000 personnel, and that the army chief intended to increase this by 50%.⁶⁶⁰ The Sri Lankan news agency Sinhalaya stated in December 2009 that the navy “has approximately 50,000 personnel on active duty.”⁶⁶¹ The navy states it deploys “a sea going force of more than fifty combat and support ships and inshore patrol craft.”⁶⁶² A Sri Lankan Air Force publication quotes the Chief of the Air Staff as stating there are “28,000 people serving the SLAF but this will be increased to 35,000 by end of next year.”⁶⁶³ According to the Ministry of Defence, a separate Home Guard Service had 20,260 members at the end of 2002, “protecting border affected villages and the Main Supply Routes.”⁶⁶⁴

⁶⁵⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶⁵⁶ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 151, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶⁵⁷ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶⁵⁸ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 151, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁶⁵⁹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶⁶⁰ Haviland, Charles, Sri Lanka’s expanding peacetime army, BBC, 29 June 2009, <http://news.bbc.co.uk/2/hi/8121385.stm>, accessed 29 March 2010

⁶⁶¹ Sinhalaya, Sri Lanka Navy: The First Guardian of the Emerald Island, 9 December 2009, <http://www.sinhalaya.com/news/eng/2news2lanka2.php?go=fullnews&newsid=630>, accessed 31 March 2010

⁶⁶² Sri Lanka Navy, Our fleet, undated, <http://www.navy.lk/index.php?id=94>, accessed 31 March 2010

⁶⁶³ Warnes, Alan, Taming the Tigers, Air Forces Monthly, June 2009, p. 77, http://www.airforce.lk/pdf/news%20paper/slaf/srilanka_ariforce.pdf, accessed 1 April 2010

⁶⁶⁴ Ministry of Defence, Public Security, Law and Order of Sri Lanka, Home Guard Service, undated, http://www.defence.lk/main_abt.asp?fname=homeguard, accessed 6 April 2010

A report by the US Congressional Research Service stated the Sri Lankan military budget was

“believed to exceed \$1 billion in 2007, is comprised of about 151,000 active personnel. The quality of equipment (mostly outdated Soviet- and Chinese-made weaponry) and training has generally been poor. Morale has suffered with a past inability to decisively defeat a long-running insurgency and with sometimes embarrassing tactical level defeats at the hands of tenacious Tamil Tiger forces.”⁶⁶⁵

According to the BBC, “Sri Lanka’s defence expenditure has soared in recent years - to 166.4bn rupees (\$1.48bn) in 2008. This amounts to about 5% of GDP.”⁶⁶⁶

The US Congressional Research Service, reporting in June 2009, states

“The Sri Lankan army is armed with 62 tanks, 217 armored personnel carriers, and 157 towed artillery tubes. The navy operates 123 patrol and coastal combatants, most of them inland and riverine, but also possesses 2 missile boats, along with a very modest amphibious capability. The air force flies 2 fighter/ground attack squadrons—one notable for its 4 MiG27s, another made up of 10 Israeli-made Kfir jets—as well as 14 Russian-made Hind and attack helicopters and 28 American-made Bell utility helicopters. Paramilitary forces include a 30,000-person active police force and a 13,000-person home guard.”⁶⁶⁷

According to the US CIA, service in the Sri Lankan military is voluntary, with both men and women over the age of 18 eligible.⁶⁶⁸ Enlistment incurs a five-year service obligation.⁶⁶⁹ According to the CRS Beginning in 2002 the Colombo government focused on efforts to improve its defense capabilities. Morale was also bolstered, likely contributing to battlefield successes in 2006 and 2007, which themselves further burnished the military’s self-image. Over the decades of Sri Lankan independence, the country’s military has become increasingly dominated by ethnic Sinhalese, meaning that in much of the northern and eastern provinces it is now widely regarded as a foreign force.”⁶⁷⁰

In its report to the US Congress on the 2009 fighting between the Sri Lanka military and the LTTE, the USDOS reported numerous alleged incidents that might indicate international humanitarian law was breached.⁶⁷¹ According to the USDOS, the No Fire Zone (NFZ)

⁶⁶⁵ Kronstadt, K. Alan, and Vaughn, Bruce, Sri Lanka: Background and U.S. Relations, US Congressional Research Service, 4 June 2009, p. 8, <http://www.fas.org/sgp/crs/row/RL31707.pdf>, accessed 4 April 2010

⁶⁶⁶ BBC, Q&A: Post-war Sri Lanka, 7 April 2010, http://news.bbc.co.uk/2/hi/south_asia/2405347.stm, accessed 11 April 2010

⁶⁶⁷ Kronstadt, K. Alan, and Vaughn, Bruce, Sri Lanka: Background and U.S. Relations, US Congressional Research Service, 4 June 2009, p. 9, <http://www.fas.org/sgp/crs/row/RL31707.pdf>, accessed 4 April 2010

⁶⁶⁸ US Central Intelligence Agency, World Factbook: Sri Lanka, <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>, accessed 13 March 2010

⁶⁶⁹ US Central Intelligence Agency, World Factbook: Sri Lanka, <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>, accessed 13 March 2010

⁶⁷⁰ Kronstadt, K. Alan, and Vaughn, Bruce, Sri Lanka: Background and U.S. Relations, US Congressional Research Service, 4 June 2009, p. 8, <http://www.fas.org/sgp/crs/row/RL31707.pdf>, accessed 4 April 2010

⁶⁷¹ US Department of State, Report to Congress on Incidents During the Recent Conflict in Sri Lanka, 2009, <http://www.state.gov/documents/organization/131025.pdf>, accessed 4 April 2010

declared by the government was repeatedly violated, and “sources alleged that the majority of shelling in the NFZ was from GSL [Government of Sri Lanka] forces.”⁶⁷² The GSL twice announced a 48-hour ceasefire to allow civilians to move “into areas in which they would not be subject to shelling. Incident reports suggest, however, that the GSL may have begun shelling before the end of the second 48-hour ceasefire.”⁶⁷³ The USDOS also reports allegations “that the GSL committed unlawful killings. Multiple reports alleged that in the final few days of fighting, senior LTTE leaders contacted international representatives in an effort to broker a surrender but were killed after they allegedly reached a surrender agreement with the GSL.”⁶⁷⁴ According to the International Crisis Group in a newspaper interview on 13 December 2009, former army chief Gen. Sarath Fonseka “accused defence secretary Gotabhaya Rajapaksa of ordering, without Fonseka’s knowledge or consent, the May 2009 battlefield executions of LTTE leaders, along with some 60 of their family and staff, as they emerged with white flags in a prearranged surrender.”⁶⁷⁵

According to the USDOS, “GSL forces or GSL-supported paramilitaries abducted and in some instances then killed Tamil civilians, particularly children and young men.”⁶⁷⁶ Since March 2008, according to Human Rights Watch, “Security forces also detained, in many cases in violation of domestic and international law, more than 10,000 people suspected of LTTE involvement or sympathies.”⁶⁷⁷

Human Rights Watch states,

“Despite government promises, including in a May 23, 2009 joint statement by President Mahinda Rajapaksa and UN Secretary-General Ban Ki-moon, no serious steps have been taken to investigate allegations of human rights and laws-of-war violations during the war’s final months. On the contrary, high-ranking government officials, including the president, repeatedly dismissed such allegations, claiming that there had been no violations by the armed forces. A committee of experts established by Rajapaksa in October to look at United States government allegations of war crimes in Sri Lanka does not have the mandate, resources, or independence to conduct an adequate investigation. The government’s refusal to address accountability for serious abuses continues a longstanding pattern of impunity for rights violations by state security forces.”⁶⁷⁸

⁶⁷² US Department of State, Report to Congress on Incidents During the Recent Conflict in Sri Lanka, 2009, p. 3, <http://www.state.gov/documents/organization/131025.pdf>, accessed 4 April 2010

⁶⁷³ US Department of State, Report to Congress on Incidents During the Recent Conflict in Sri Lanka, 2009, p. 4, <http://www.state.gov/documents/organization/131025.pdf>, accessed 4 April 2010

⁶⁷⁴ US Department of State, Report to Congress on Incidents During the Recent Conflict in Sri Lanka, 2009, p. 4, <http://www.state.gov/documents/organization/131025.pdf>, accessed 4 April 2010

⁶⁷⁵ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 20, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

⁶⁷⁶ US Department of State, Report to Congress on Incidents During the Recent Conflict in Sri Lanka, 2009, p. 4, <http://www.state.gov/documents/organization/131025.pdf>, accessed 4 April 2010

⁶⁷⁷ Human Rights Watch, World Report 2010, p. 347, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

BBC News, Sri Lanka timeline, updated 16 March 2010, <http://news.bbc.co.uk/2/hi/1166237.stm>, accessed 16 March 2010

⁶⁷⁸ Human Rights Watch, World Report 2010, p. 352, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

c. Liberation Tigers of Tamil Eelam

Following increasing ethnic tensions in the early 1970s, according to the Council on Foreign Relations (CFR), the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers) were formed in 1976, under the leadership of Velupillai Prabhakaran, “since the 1980s, the LTTE have been agitating for a homeland for ethnic Tamils, who feel persecuted by Sri Lanka's ethnic majority, the Sinhalese.”⁶⁷⁹

The South Asia Terrorism Portal describes the LTTE's organisation and command structure,

“The LTTE leadership is organized along a two-tier structure: a military wing and a subordinate political wing. Overseeing both is a central governing committee, headed by the LTTE chief, Velupillai Prabhakaran. This body has the responsibility for directing and controlling several specific subdivisions, including, an amphibious group (the Sea Tigers headed by Soosai), an airborne group, (known as the Air Tigers), an elite fighting wing (known as the Charles Anthony Regiment, named after Anthony, a close associate of Prabhakaran and is headed by Balraj), a suicide commando unit (the Black Tigers headed by Pottu Amman), a highly secretive intelligence group and a political office headed by Thamilselvam and Anton Balasingham, widely regarded to be the political advisor and ideologue of the LTTE. The central governing committee also has an International Secretariat, which is in charge of the outfit's global network.”⁶⁸⁰

Up until the town was recaptured by the Sri Lankan army in January 2009, Kilinochchi was the administrative capital of the Tamil Tigers.⁶⁸¹

The US Congressional Research Service (CRS) states,

“During the last phase of open fighting LTTE forces were estimated at up to 7,000-15,000 armed combatants, with roughly half of them trained in combat. The actual number may have been considerably lower, especially given significant battlefield losses in 2007. Arms include long-range artillery, mortars, anti-aircraft weaponry, and captured armored vehicles. A small but effective naval contingent, known as the Sea Tigers, includes speedboats, fishing vessels, mini-submersibles of indigenous construction, and underwater demolition teams. The LTTE air wing also reportedly constructed an airstrip at Iranamadu in the North and had acquired at least two light aircraft to go along with a few pre-existing helicopters and gliders.”⁶⁸²

⁶⁷⁹ Bhattacharji, Preeti, Backgrounder: Liberation Tigers of Tamil Eelam, Council on Foreign Relations, updated 20 May 2009, http://www.cfr.org/publication/9242/liberation_tigers_of_tamil_eelam_aka_tamil_tigers_sri_lanka_separatists.html, accessed 15 March 2010

⁶⁸⁰ South Asia Terrorism Portal, Liberation Tigers of Tamil Eelam (LTTE), undated, <http://www.satp.org/satporgtp/countries/shrilanka/terroristoutfits/LTTE.HTM>, accessed 5 April 2010

⁶⁸¹ Burke, Jason, One year on, life slowly returns to the Tamil Tigers' shattered stronghold, *The Guardian*, 11 April 2010, <http://www.guardian.co.uk/world/2010/apr/11/tamil-tigers-former-stronghold-kilinochchi-first-report-jason-burke>, accessed 11 April 2010

⁶⁸² Kronstadt, K. Alan, and Vaughn, Bruce, Sri Lanka: Background and U.S. Relations, US Congressional Research Service, 4 June 2009, p. 9, <http://www.fas.org/sgp/crs/row/RL31707.pdf>, accessed 4 April 2010

In February 2009 Jane's Naval Force News reported that after capturing the LTTE's last "urban stronghold of Mullaittivu on 28 January," the Sri Lanka Army discovered a "construction facility containing four underwater vehicles...An armour-plated submersible, measuring about 35 ft (10.7 m) in length, and three smaller vessels were found at an LTTE base in Udayarkattukulam. The smaller craft were "pedal-type suicide boats", according to the Sri Lanka Media Centre of National Security (MCNS). It is unclear whether the submersibles were used in operations. The Sri Lanka Navy lost two vessels to underwater explosions in 2008."⁶⁸³

According to the US Congressional Research Service,

"The LTTE's weapons reportedly were obtained through illegal arms markets in Burma, Thailand, and Cambodia, and from captured Sri Lankan forces. Financial support for the LTTE reportedly comes from the worldwide diaspora of some 600,000-800,000 Tamil émigrés (especially the Tamils in Canada and Western Europe), as well as from smuggling and legitimate businesses. There are numerous reports that the government of North Korea has provided arms and possibly training to Tiger forces. The LTTE has been criticized for alleged campaigns to extort and coerce funds from overseas Tamils, especially in Canada and Britain. International efforts to restrict financial flows to terrorist groups have contributed to a reported 70% decline in overseas fund-raising by the LTTE. It was estimated that the Tigers were able to raise \$200-300 million per year from various licit and illicit businesses."⁶⁸⁴

The Council on Foreign Relations describes the LTTE as "notorious for having pioneered the suicide bomb jacket, as well as the use of women in suicide attacks. They are blamed for a dozen high-level assassinations, over two hundred suicide attacks."⁶⁸⁵ According to the US Federal Bureau of Investigation (FBI), the LTTE "[i]nvented the suicide belt."⁶⁸⁶ The Economist describes the LTTE as "[b]rutal towards the very Tamils they claimed to represent at home," and states that they "also put heavy pressure on exiles, threatening to harm their relatives."⁶⁸⁷

According to the Council on Foreign Relations, targets of LTTE suicide attacks

"have included transit hubs, Buddhist shrines, and office buildings...LTTE fighters wear cyanide capsules around their necks so they can commit suicide if they are captured. Beyond suicide bombings, the LTTE has used conventional bombs and Claymore mines to attack political and civilian targets, and has gunned down both Sri Lankan

⁶⁸³ Fish, Tim, Sri Lankan troops uncover LTTE submersibles, Jane's Naval Force News, 18 February 2009, extract available at http://www.janes.com/news/defence/naval/jni/jni090218_1_n.shtml, accessed 5 April 2010

⁶⁸⁴ Kronstadt, K. Alan, and Vaughn, Bruce, Sri Lanka: Background and U.S. Relations, US Congressional Research Service, 4 June 2009, p. 9, <http://www.fas.org/sgp/crs/row/RL31707.pdf>, accessed 4 April 2010

⁶⁸⁵ Bhattacharji, Preeti, Background: Liberation Tigers of Tamil Eelam, Council on Foreign Relations, updated 20 May 2009, http://www.cfr.org/publication/9242/liberation_tigers_of_tamil_eelam_aka_tamil_tigers_sri_lanka_separatists.html, accessed 15 March 2010

⁶⁸⁶ US Federal Bureau of Investigation, Taming the Tamil Tigers, 10 January 2008, http://www.fbi.gov/page2/jan08/tamil_tigers011008.html, accessed 6 April 2010

⁶⁸⁷ The Economist, Next year in Jaffna, 21 January 2010, http://www.economist.com/world/asia/displaystory.cfm?story_id=15331115, accessed 28 March 2010

officials and civilians.”⁶⁸⁸

The Council on Foreign Relations lists a number of attacks allegedly carried out by the LTTE against public officials since 1991,

“The May 1991 assassination of former Indian Prime Minister Rajiv Gandhi at a campaign rally in India; the May 1993 assassination of Sri Lankan President Ranasinghe Premadasa; the July 1999 assassination of a Sri Lankan member of parliament, Neelan Thiruchelvam, an ethnic Tamil involved in a government-sponsored peace initiative; a pair of December 1999 suicide bombings in Colombo that wounded Sri Lankan President Chandrika Kumaratunga; the June 2000 assassination of Sri Lankan Industry Minister C.V. Goonaratne; the August 2005 assassination of Foreign Minister Lakshman Kadirgamar; the January 2008 assassination of a member of parliament from the opposition United National Party (UNP), T. Maheswaran; the January 2008 assassination of Sri Lankan Nation-Building Minister D. M. Dassanayake; the February 2008 assassination of two cadres of the political party and paramilitary group Tamil Makkal Viduthalai Pulikal (TMVP); and the April 2008 assassination of Sri Lankan Highway Minister Jeyaraj Fernandopulle.”⁶⁸⁹

The USDOS states that “[i]n October 1997, the U.S. Government designated the LTTE as a foreign terrorist organization under provisions of the Anti-Terrorism and Effective Death Penalty Act of 1996 and has maintained this designation since then, most recently redesignating the group in October of 2003.”⁶⁹⁰

The US Congressional Research Service reports,

“In March 2004 there was a major rupture within the LTTE ranks: Vinayagamoorthis Muralitharan, alias Colonel Karuna (who, as Special Commander, Batticaloa-Amparai District, was in charge of the LTTE’s military operations in the Eastern Province) split with the Northern command of the LTTE headed by the supreme commander of the LTTE (Velupillai Prabhakaran) and took an estimated 6,000 soldiers with him. Colonel Karuna then called for a separate truce with the government. Factional fighting ensued between Karuna’s splinter group and the Northern faction of the LTTE, resulting in Prabhakaran’s reassertion of control over the eastern areas where Karuna had previously operated. The Karuna faction’s ongoing influence did much to damage the longstanding LTTE claim to be the sole representative of Sri Lanka’s Tamil people. After the 2004 schism, Colonel Karuna and those loyal to him apparently fought in cooperation with government forces. Karuna himself was arrested in London in November 2007 while traveling on a forged passport possibly supplied by the Colombo

⁶⁸⁸ Bhattacharji, Preeti, Backgrounder: Liberation Tigers of Tamil Eelam, Council on Foreign Relations, updated 20 May 2009, http://www.cfr.org/publication/9242/liberation_tigers_of_tamil_eelam_aka_tamil_tigers_sri_lanka_separatists.html, accessed 15 March 2010

⁶⁸⁹ Bhattacharji, Preeti, Backgrounder: Liberation Tigers of Tamil Eelam, Council on Foreign Relations, updated 20 May 2009, http://www.cfr.org/publication/9242/liberation_tigers_of_tamil_eelam_aka_tamil_tigers_sri_lanka_separatists.html, accessed 15 March 2010

⁶⁹⁰ US Department of State, Country Profile: Sri Lanka, July 2009, <http://www.state.gov/r/pa/ei/bgn/5249.htm>, accessed 12 March 2010

government. The Karuna group (along with the LTTE and sometimes government forces) is widely accused of abusing human rights in the course of its struggle, especially through the recruitment of child soldiers.”⁶⁹¹

In 2009, according to the USDOS,

“human rights groups implicated the LTTE in a number of attacks on political opponents and civilians. For example, on February 9, an LTTE female suicide bomber killed 28 persons and injured 64 others at an internally displaced persons (IDP) rescue center. Civilians accounted for 25 of those killed and 40 of those injured. On February 20, two LTTE airplanes launched a suicide attack on Colombo. One of the planes struck the Inland Revenue building, exploding on impact and killing two civilians. On March 10, a LTTE suicide bomber attacked a local mosque's parade in Akuess, Matara District, killing 15 persons and injured dozens of others, including several government ministers and local officials.”⁶⁹²

According to The Hindu newspaper, the Sri Lankan Defence Ministry reported the head of LTTE's “artillery wing,” Manniwannan, and “Adithyan, LTTE's former in-charge of Welioya,” were killed in fighting around the town of Puthukkudiyirippu around 5 April 2009.⁶⁹³ According to the same article, the Ministry stated that leaders named “Pottu Amman, Theepan and Bhanu have led the LTTE fighting formations.”⁶⁹⁴ Communications intercepts indicated Bhanu was injured and Pottu Amman, “LTTE's shadow chief cum intelligence wing head,” had signalled to trapped LTTE forces his inability to provide reinforcements.⁶⁹⁵ The International Crisis Group (ICG) cites “reports from numerous diplomatic and other sources” indicating that “the LTTE political wing leader, B. Nadesan, and the head of the LTTE peace secretariat, S. Puleedevan, are known to have secured a [surrender] agreement from the highest levels of the Sri Lankan government and military,” but were shot to death on the battlefield.⁶⁹⁶

In July 2009 the Guardian reported that newly appointed LTTE leader Selvarasa Pathmanathan, who “was previously the movement's head of international relations and allegedly ran an international weapons smuggling ring,” had “pledged to turn the insurgent group into a non-violent separatist movement.”⁶⁹⁷ The Guardian stated that Pathmanathan had “promised the group would reorganise itself on democratic principles.”⁶⁹⁸ According to the

⁶⁹¹ Kronstadt, K. Alan, and Vaughn, Bruce, Sri Lanka: Background and U.S. Relations, US Congressional Research Service, 4 June 2009, pp. 7-8, <http://www.fas.org/sqp/crs/row/RL31707.pdf>, accessed 4 April 2010

⁶⁹² US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁶⁹³ Reddy, B. Muralidhar, Top LTTE leaders felled, says Sri Lanka, The Hindu, 6 April 2009, <http://www.thehindu.com/2009/04/06/stories/2009040654341400.htm>, accessed 28 March 2010

⁶⁹⁴ Reddy, B. Muralidhar, Top LTTE leaders felled, says Sri Lanka, The Hindu, 6 April 2009, <http://www.thehindu.com/2009/04/06/stories/2009040654341400.htm>, accessed 28 March 2010

⁶⁹⁵ Reddy, B. Muralidhar, Top LTTE leaders felled, says Sri Lanka, The Hindu, 6 April 2009, <http://www.thehindu.com/2009/04/06/stories/2009040654341400.htm>, accessed 28 March 2010

⁶⁹⁶ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, pp. 20-21, note 147, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010 (“The government claimed afterwards that they were shot from behind by LTTE fighters as they left their bunkers.”)

⁶⁹⁷ Tran, Mark, Tamil Tiger leader vows to abandon armed struggle, The Guardian, 23 July 2009, <http://www.guardian.co.uk/world/2009/jul/23/tamil-tigers-abandon-armed-struggle>, accessed 11 April 2010

⁶⁹⁸ Tran, Mark, Tamil Tiger leader vows to abandon armed struggle, The Guardian, 23 July 2009, <http://www.guardian.co.uk/world/2009/jul/23/tamil-tigers-abandon-armed-struggle>, accessed 11 April 2010

International Crisis Group, “the LTTE’s international leader, and would-be successor to Prabhakaran, S. Pathmanathan, or K.P.” was arrested in August 2009.⁶⁹⁹ The UK Foreign and Commonwealth Office reports there “has been little LTTE activity in Sri Lanka following the end of the fighting in May [2009].”⁷⁰⁰ The South Asia Terrorism Portal’s list of incidents involving the LTTE reports no attacks in 2010, and numerous seizures of weapons and equipment during “search and clear operations.”⁷⁰¹

d. Paramilitaries

According to the USDOS, “civilian authorities generally maintained effective control of the security forces, [but] observers linked the government closely to paramilitary groups believed responsible for serious human rights violations.”⁷⁰² The USDOS reports “[t]he 5,850-member paramilitary Special Task Force (STF) is within the structure of the SLPS, although joint operations with military units in the recent defeat of the LTTE led to questions among observers over who actually was directing the STF.”⁷⁰³

The UK Foreign and Commonwealth Office states that following the apparent demise of the LTTE,

“a number of other armed groups continue to operate. The Tamil Makkal Viduthalai Pulikal (TMVP) and cadres loyal to Muralitharan (aka Karuna), a Tamil government minister and former senior LTTE member, are reported to continue to carry arms in the east. The People’s Liberation Organisation of Tamil Eelam and other Tamil paramilitary groups are alleged to have been active in IDP camps in Vavuniya. And in Jaffna in the far north, Eelam People’s Democratic Party, a government-aligned Tamil political party, is reported to be continuing to engage in paramilitary activity and to threaten political opponents. There have been claims that some of these groups disarmed in the latter stages of 2009 but there has been no verifiable disarmament process. Reported instances of paramilitary activity have decreased in the last few months of 2009 but allegations persist that these groups are perpetrating human rights abuses and pursuing criminal activity.”⁷⁰⁴

During 2009, according to the USDOS,

⁶⁹⁹ International Crisis Group, Update Briefing: Sri Lanka: A Bitter Peace, 11 January 2010, p. 14, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf, accessed 28 March 2010

⁷⁰⁰ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 151, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁷⁰¹ South Asian Terrorism Portal, Incidents involving Liberation Tigers of Tamil Eelam (LTTE) 2010, updated 27 March 2010, http://www.satp.org/satporqtp/countries/shrilanka/terroristoutfits/LTTE_tl.htm, accessed 1 April 2010

⁷⁰² US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁰³ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁰⁴ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 151, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

“unknown actors suspected of association with paramilitary groups reportedly assisting government military forces committed numerous killings and assaults of civilians. These included the Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway LTTE eastern commanders Vinayagamurthi Muralitharan, alias "Karuna," and Sivanesathurai Chandrakanthan, alias "Pillaiyan," in the east as well as the Eelam People's Democratic Party (EPDP), led by Minister of Social Services and Social Welfare Douglas Devananda, in Jaffna. Other progovernment paramilitaries increasingly were active in Mannar and Vavuniya. The TMVP increasingly became a political organization but with armed and allegedly criminal elements.”⁷⁰⁵

e. Other armed groups

The South Asia Terrorism Portal lists 37 militant groups in Sri Lanka, but states that some of them “have withered away while the others have come over-ground to join in the democratic mainstream consequent to a renunciation of militant means. The Liberation Tigers of Tamil Eelam (LTTE) is currently the only active militant organisation.”⁷⁰⁶ The UK Foreign and Commonwealth Office, however, names at least one of these groups (the “People’s Liberation Organisation of Tamil Eelam and other Tamil paramilitary groups”) as possibly still active in IDP camps.⁷⁰⁷ Sources consulted during this research did not discuss any other armed groups in Sri Lanka except for the LTTE, and other paramilitaries that appear to be aligned with the Sri Lankan government or armed forces.

3. Conscientious objectors

Sources consulted during this research yielded little information about conscientious objection in the Sri Lankan military system. According to a 1998 summary by War Resisters International, “[t]here is no known legal provision for conscientious objection.”⁷⁰⁸

4. Draft evaders/deserters

No source consulted during this research indicated that a draft exists in Sri Lanka. The Army Act prescribes varying punishments for desertion or fraudulent enlistment, or for helping others to commit those acts.⁷⁰⁹ The most severe punishment is for desertion when on active duty, which carries a maximum penalty of “rigorous imprisonment for a term not less than

⁷⁰⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁰⁶ South Asia Terrorism Portal, Sri Lanka Terrorist Groups, undated, <http://www.satp.org/satporgtp/countries/shrilanka/terroristoutfits/index.html>, accessed 3 April 2010

⁷⁰⁷ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 151, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁷⁰⁸ War Resisters International, Country report and updates: Sri Lanka, 25 July 1998, http://www.wri-irg.org/programmes/world_survey/country_report/en/Sri%20Lanka, accessed 2 April 2010

⁷⁰⁹ Ministry of Defence of Sri Lanka, Army Act, articles 103-06, http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

three years.”⁷¹⁰ According to the USDOS, “[t]he president granted amnesty to a number of military deserters on several occasions throughout [2009], including more than 500 in June and more than 1,900 in July.”⁷¹¹

5. Forced recruitment

Sources consulted during this research did not contain any recent reports of forced recruitment, except for LTTE abduction of children for military uses. The South Asia Terrorism Portal) describes an extensive LTTE recruitment and training program in the 1990s aimed at children.⁷¹² According to the South Asia Terrorism Portal report on the LTTE, estimates based on LTTE combat deaths “reveal that 40 per cent of its fighting forces - including both males and females - were between 9 and 18 years of age.”⁷¹³ According to the USDOS, from January to May 2009, “the LTTE dramatically increased its forced recruitment of child soldiers. Reports from the conflict zone during these months stated that both boys and girls as young as 12 were forced to join the fighting.”⁷¹⁴

The UK Foreign and Commonwealth Office states,

“A tripartite agreement signed by the TMVP, the Sri Lankan government and UNICEF in December 2008 has led to the release of the majority of child soldiers recruited in the east in the past few years. During the latter stages of the conflict, the LTTE continued to actively recruit children but following the war’s end child recruits have been placed in government-led rehabilitation programmes.”⁷¹⁵

6. Extra-judicial killings, torture, enforced disappearances/abductions

The USDOS reports that

“Disappearances continued to be a significant problem, but declined from previous years, in particular after the end of the war. Reliable statistics on the number of disappearances were difficult to obtain, but estimates from some sources ranged from 300 to 400, with the majority occurring in the north and east. Government reports on disappearances often claimed that most cases actually involved persons who had left the country for foreign employment and had not informed family members; however,

⁷¹⁰ Ministry of Defence of Sri Lanka, Army Act, article 103(1),

http://www.defence.lk/main_pub.asp?fname=armyact, accessed 1 April 2010

⁷¹¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010,

<http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷¹² South Asia Terrorism Portal, Child Soldiers of LTTE, undated,

http://www.satp.org/satporgtp/countries/shrilanka/terroristoutfits/child_soldiers.htm, accessed 6 April 2010

⁷¹³ South Asia Terrorism Portal, Liberation Tigers of Tamil Eelam (LTTE), undated,

<http://www.satp.org/satporgtp/countries/shrilanka/terroristoutfits/LTTE.HTM>, accessed 5 April 2010

⁷¹⁴ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010,

<http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷¹⁵ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 151,

<http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

civil society organizations disputed this interpretation.”⁷¹⁶

According to Human Rights Watch, “[e]nforced disappearances and abductions, a longstanding and widespread problem in Sri Lanka, continued, especially in the north and east. From January to June 2009, 16 enforced disappearances were reported in Trincomalee district alone.”⁷¹⁷ The UK Foreign and Commonwealth Office states that “[a]lthough fewer in number, reports of abductions have continued throughout the latter stages of” 2009.⁷¹⁸

The USDOS states that

“During the year the government did not publish any investigations into past disappearances aside from releasing some statistics, nor did it indict or convict anyone of involvement in disappearance-related cases. There were several high profile disappearances during the year. . . . Witnesses and victims who were released after their abductions often identified the perpetrators as Tamil-speaking armed men using white vans without license plates. The government generally failed to investigate these incidents.”⁷¹⁹

The aftermath of the conflict with the LTTE led to allegations of extrajudicial killings. In August 2009 UK television “broadcast mobile-phone footage purporting to show a Sri Lankan army soldier carrying out a number of extrajudicial killings. On 7 January 2010, Philip Alston, the UN Special Rapporteur on extra judicial summary or arbitrary executions, stated that initial investigations suggested the video was genuine. The Sri Lankan government maintain that the footage is fake.”⁷²⁰

Human Rights Watch states,

“Reflecting the continuing impunity for even the most egregious human rights violators, the government in April 2009 appointed as minister of national integration V. Muralitharan, who as LTTE-leader Colonel Karuna was implicated in the execution of hundreds of police officers in the early 1990s and the recruitment of thousands of children into LTTE ranks and, later, his splinter group.”⁷²¹

⁷¹⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷¹⁷ Human Rights Watch, World Report 2010, p. 351, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁷¹⁸ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 150, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁷¹⁹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷²⁰ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 148, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁷²¹ Human Rights Watch, World Report 2010, p. 352-53, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

I. Freedom of Movement

Article 14(1)(h) of the Constitution guarantees each citizen “the freedom of movement and of choosing his residence within Sri Lanka.”⁷²² This right is “subject to such restrictions as may be prescribed by law in the interests of national economy,”⁷²³ as well as to restriction “in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.”⁷²⁴

In 2009, the USDOS states,

“The government required Tamils who wished to move within the country, especially those Tamils living in Jaffna, to obtain special passes issued by security forces. Ethnic Tamils' national identification cards were the only cards printed in both Sinhala and Tamil. For most of the year, citizens of Jaffna were required to obtain permission from the army's civil affairs unit, or in some cases from the EPDP, to leave Jaffna, but the requirement was lifted in December. Curfews imposed by the army also restricted the movement of Jaffna's citizens, although this curfew was reduced after the end of the war.”⁷²⁵

Freedom House reports that “[i]n March 2008, the government began detaining civilians who fled rebel-held areas at special “welfare centers.” Although authorities said the measure was intended to protect civilians from LTTE reprisals, it also allowed the army to screen the refugee population for LTTE infiltrators.”⁷²⁶ According to the UK Foreign and Commonwealth Office, “[t]he government denied the IDPs in the camps in Vavuniya their right to freedom of movement. They also initially imposed restrictions on access to the camps for humanitarian agencies although these have now eased.”⁷²⁷ The USDOS states that IDPs in the largest camp, Manik Farm, “were not given freedom of movement until December, when a system of temporary exit passes was implemented for those who had not yet been returned to their districts of origin and remained in Manik Farm. Some observers said this exit pass system still did not qualify as freedom of movement.”⁷²⁸

⁷²² Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁷²³ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 15(6), 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁷²⁴ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 15(7), 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁷²⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷²⁶ Freedom House, Freedom in the World – Sri Lanka, 2009, <http://www.freedomhouse.org/template.cfm?page=22&country=7707&year=2009>, accessed 22 March 2010

⁷²⁷ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 149, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁷²⁸ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

After the April 2010 release of about 1100 ex-LTTE fighters who were deemed no longer to pose a threat due to physical disability, according to The Guardian, “around 9,000 former LTTE supporters remain in closed camps like that at Vavuniya. About 75,000 people with no link to the separatist organisation, just over 25% of the total held in the immediate aftermath of the conflict, are still in "open" camps where a system of passes permits movement.”⁷²⁹

According to the USDOS,

“The government released IDPs arbitrarily and did not effectively coordinate with local or international aid agencies who were asked to provide assistance on short notice. The government failed to coordinate with military personnel in the IDPs' home locations. In September several small groups of IDPs were released from Manik Farm but were detained for several weeks in closed "transit" camps until the local military officials had rescreened them.”⁷³⁰

Six months after the main fighting ended, Human Rights Watch reports, “the government continued to hold more than 129,000 people (more than half of them women and girls) in the camps. Over 80,000 of these were children.”⁷³¹ The camps were severely overcrowded, many of them “holding twice the number recommended by the UN. As a result, access to basic requirements such as food, water, shelter, toilets, and bathing, has been inadequate. These conditions imposed particular hardships on the elderly, children, and pregnant women.”⁷³² The camps were under military administration, and effective monitoring by humanitarian agencies was lacking.⁷³³ Human Rights Watch states that “[t]he authorities failed to provide camp residents with sufficient information about the reason for their continued detention, the whereabouts of relatives, or the criteria and procedure for their return home.”⁷³⁴

According to the 2009 USDOS Human Rights Report, however,

“The government accepted assistance from NGOs and international actors for the IDP camps but management of the camps and control of assistance was under the military rather than civilian authorities. Food, water, and medical care were all insufficient in the first several weeks after the end of the war, but by July the situation had stabilized and observers reported that basic needs were being met. In June the military withdrew from inside the camps but continued to provide security around the barbed wire-enclosed perimeter.”⁷³⁵

⁷²⁹ Burke, Jason, Sri Lanka's Tamils freed – but future bleak for those who backed Tigers, The Guardian, 5 April 2010, <http://www.guardian.co.uk/world/2010/apr/05/tamils-sri-lanka-freed-tigers>, accessed 11 April 2010

⁷³⁰ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷³¹ Human Rights Watch, World Report 2010, p. 350, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁷³² Human Rights Watch, World Report 2010, p. 350, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁷³³ Human Rights Watch, World Report 2010, p. 350, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁷³⁴ Human Rights Watch, World Report 2010, p. 350, <http://www.hrw.org/world-report-2010>, accessed 15 March 2010

⁷³⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

Declared High Security Zones (HSZs) presented another obstacle to free movement. According to the USDOS, “[t]he government had not permitted other IDPs, primarily Tamils, to return home because their places of origins were declared HSZs, despite announcements during the year that these HSZs would soon be reduced or eliminated.”⁷³⁶

During 2009, access was limited in areas near military bases, and civilians were prohibited from entering the HSZs. The USDOS states,

“The HSZs extended in an approximately 2.5-mile radius from the fences of most military camps. Some observers claimed the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. There were allegations after the war ended that the government was allowing non-Tamil businesses to locate inside HSZs, taking over valuable land before local citizens were allowed to return.”⁷³⁷

1. Landmines

Sri Lanka is not party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Mine Ban Treaty).⁷³⁸ According to the 2009 Landmine Monitor Report of the International Campaign to Ban Landmines (ICBL),

“Both government forces and the Liberation Tigers of Tamil Eelam (LTTE) used antipersonnel mines extensively until the February 2002 cease-fire. . . . In October 2002, the government announced its willingness to accede to the Mine Ban Treaty contingent on reaching an agreement with the LTTE prohibiting the use of mines. . . . The LTTE resumed using antipersonnel mines in 2006, and apparently laid large numbers of mines in 2008 and early 2009. There were allegations of government use of mines in 2007 and 2008, which Sri Lanka strongly denied.”⁷³⁹

In April 2010, the Guardian reported from Killinochchi that alongside the main highway, the A9, “[m]ilitary engineers and a bevy of international NGOs are steadily clearing the mines that are strewn throughout the forests and swamps of these fertile plains.”⁷⁴⁰

2. Checkpoints and searches

⁷³⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷³⁷ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷³⁸ International Campaign to Ban Landmines, Mine Ban Treaty: States Parties, undated, <http://www.icbl.org/index.php/icbl/Universal/MBT/States-Parties>, accessed 11 March 2010

⁷³⁹ International Campaign to Ban Landmines, Landmine Monitor Annual Report 2009, October 2009, p. 1101, http://lm.icbl.org/lm/2009/res/Landmines_Report_2009.pdf, accessed 11 March 2010

⁷⁴⁰ Burke, Jason, One year on, life slowly returns to the Tamil Tigers' shattered stronghold, The Guardian, 11 April 2010, <http://www.guardian.co.uk/world/2010/apr/11/tamil-tigers-former-stronghold-killinochchi-first-report-jason-burke>, accessed 11 April 2010

In 2009, according to the USDOS, “additional checks on travelers from the north and the east and on movement to and in Colombo remained in effect.”⁷⁴¹ Tamils were frequently harassed at army checkpoints in Colombo, and “[a]fter the government assumed effective control of the east, both the government and the TMVP operated checkpoints that impeded the free movement of residents, especially Tamils.”⁷⁴² The USDOS stated “[t]here were reports that persons among the IDP population had disappeared on their way to an initial military checkpoint at Omanthai.”⁷⁴³

There were reports that women had “experienced rape, detainment, harassment” at checkpoints.⁷⁴⁴

In the north, according to the USDOS,

“The government maintained a partial closure of the A-9 highway leading to Jaffna for most of [2009], requiring special authorization from security forces for any vehicles traveling the road north of Vavuniya. These restrictions were largely lifted in December, although there were still restrictions in place at the end of the year on private vehicles traveling on the A-9 at night. The government continued security checks on movements in all directions north of a key junction near Medawachiya, although they were less stringent by the end of the year than existed during and immediately following the war.”⁷⁴⁵

3. Police registration

Emergency Regulation 23 empowers the head of local police stations to require anyone living in the area to report the “names of all the persons residing with him in his household, distinguishing the members of his family from other residents, whose stay may be of a temporary or permanent nature, and servants.”⁷⁴⁶ In Colombo, however, according to the USDOS, “police refused to register Tamils from the north and the east...sometimes forcing them to return to their homes in areas affected by the conflict.”⁷⁴⁷

4. Entry and exit procedures

⁷⁴¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁴² US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁴³ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁴⁴ United Nations Development Fund for Women (UNIFEM), Gender Profile of the Conflict in Sri Lanka, 1 February 2008, http://www.womenwarpeace.org/webfm_send/1400, accessed 30 March 2010

⁷⁴⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁴⁶ Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, Regulation 23(1), consolidated version available at <http://www.unhcr.org/refworld/pdfid/471712342.pdf>, accessed 18 March 2010

⁷⁴⁷ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

According to a report prepared for the UN Expert Group Meeting on Measuring international migration,

“The responsibility of border control is vested with the Department of Immigration and Emigration of Sri Lanka, which was established in 1949. The Immigrants and Emigrants Act No 20 of 1948 provided comprehensive regulations of the flow of persons to and from the country. There are only a few exit and entry points through which departures and arrivals of visitors to Sri Lanka could take place. There is only one international airport viz. Colombo airport at Katunayake. Colombo and Trincomalee harbours are used very rarely by international travellers.”⁷⁴⁸

The same report states,

“Administrative registration system in general to register the movements of citizens does not exist in Sri Lanka. However every Sri Lankan leaving for employment outside Sri Lanka shall register with Sri Lanka Bureau of Foreign Employment (SLBFE). No special clearance is needed to travel abroad for citizens unless there is an order from courts.”⁷⁴⁹

The SLBFE maintains “databases of migrants, foreign employers, and Sri Lankan recruiters,” operates pre-departure orientation centres, negotiates memoranda of understanding with receiving countries, and otherwise facilitates Sri Lankans who wish to work abroad.⁷⁵⁰ The sanction for failure to register with the SLBFE is lack of access to its services.⁷⁵¹

The USDOS states “[t]he government did not expel citizens from one part of the country to another, nor did it forcibly exile any citizens abroad.”⁷⁵²

⁷⁴⁸ Gunasekera, H.R., Development of international migration statistics in Sri Lanka, UN Secretariat Department of Economic and Social Affairs Statistics Division, November 2006, p. 3, <http://mdgs.un.org/unsd/demographic/meetings/egm/migrationegm06/DOC%2011%20Sri%20Lanka.pdf>, accessed 9 April 2010

⁷⁴⁹ Gunasekera, H.R., Development of international migration statistics in Sri Lanka, UN Secretariat Department of Economic and Social Affairs Statistics Division, November 2006, p. 4, <http://mdgs.un.org/unsd/demographic/meetings/egm/migrationegm06/DOC%2011%20Sri%20Lanka.pdf>, accessed 9 April 2010

⁷⁵⁰ Sri Lanka Bureau of Foreign Employment, About Us: Bureau, undated, <http://www.slbfe.lk/article.php?article=23>, accessed 9 April 2010

⁷⁵¹ Gunasekera, H.R., Development of international migration statistics in Sri Lanka, UN Secretariat Department of Economic and Social Affairs Statistics Division, November 2006, p. 4, <http://mdgs.un.org/unsd/demographic/meetings/egm/migrationegm06/DOC%2011%20Sri%20Lanka.pdf>, accessed 9 April 2010

⁷⁵² US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

J. Further Human Rights Considerations

According to the 2009 USDOS Human Rights Report,

“The government was credibly accused of arbitrary arrests and detentions, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of freedom of movement, harassment of journalists and lawyers critical of the government, and discrimination against minorities. Human rights observers alleged that progovernment paramilitary groups and security forces participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. During the year there were no indications or public reports that civilian or military courts convicted any military, police, or paramilitary members for human rights abuses. In some cases the military turned over military members to the civilian judicial system for processing. The executive failed to appoint the Constitutional Council, which is required under the constitution, thus obstructing the appointment of independent representatives to important institutions such as the Human Rights Commission, Bribery Commission, Police Commission, and Judicial Service Commission.”⁷⁵³

The USDOS states that the Sri Lanka Human Rights Commission (SLHRC),

“had wide powers and resources and could not be called as a witness in any court of law or be sued for matters relating to its official duties. However, in practice the SLHRC rarely used its powers. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the government. From January to September, 116 cases were reported to the SLHRC Jaffna Branch. While all the cases underwent an initial investigation, by October only 11 cases were resolved, and the remaining 105 were pending. The SLHRC had a tribunal-like approach to investigations and declined to undertake preliminary inquiries in the manner of a criminal investigator. In 2007 the International Coordinating Committee of National Human Rights Institutions downgraded the SLHRC to observer status, citing government interference in the work of the SLHRC.”⁷⁵⁴

1. Prison conditions

The International Centre for Prison Studies states that in mid-2008 the prison population in Sri Lanka was 26,326, or 129 per 100,000 population.⁷⁵⁵ Of these, 4.8% were female, 0.04% were below age 18, and 51.5% were pre-trial detainees or remand prisoners.⁷⁵⁶ There were 59 custodial institutions in Sri Lanka in 2005, with an aggregate official capacity in 2004 of

⁷⁵³ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁵⁴ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁵⁵ International Centre for Prison Studies, World Prison Brief: Sri Lanka, undated, http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=111, accessed 8 April 2010

⁷⁵⁶ International Centre for Prison Studies, World Prison Brief: Sri Lanka, undated, http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=111, accessed 8 April 2010

10,692.⁷⁵⁷ In 2004 this resulted in an average occupancy level of 193% of official capacity.⁷⁵⁸ The International Centre for Prison Studies lists the total prison population every third year since 1992, showing that the number of people incarcerated has risen monotonically since then, both in the absolute and relative to the population.⁷⁵⁹

The USDOS reports that in 2009 prison conditions in Sri Lanka

“did not meet international standards due to acute overcrowding and lack of sanitary facilities. According to prison official and civil society sources, prisons designed for approximately 10,000 inmates held an estimated 26,000 prisoners. Approximately 1,400 of these were women. Some 12,000 of these total prisoners were convicted, while the remaining 14,000 were in detention, either awaiting or undergoing trial. In some cases juveniles were not held separately from adults. Pretrial detainees were often not held separately from those convicted.”⁷⁶⁰

According to the UN Special Rapporteur on torture’s February 2008 mission report,

“the total capacity of all prisons amounts to 8,200, [but] the actual prison population has reached 28,000... In Sri Lanka, the combination of severe overcrowding with the antiquated infrastructure of certain prison facilities places unbearable strains on services and resources, which for detainees in certain prisons, such as the Colombo Remand Prison, where the lack of space was most obvious, amounts to degrading treatment. The lack of adequate facilities also leads to a situation where convicted prisoners are held together with pretrial detainees...Although the conditions are definitely better in prisons with more modern facilities, such as Polonnaruwa and the Female Ward of the New Magazine Prison, the prison system as a whole is in need of structural reform.”⁷⁶¹

In police stations, according to the Special Rapporteur, “detainees are locked up in basic cells, sleep on the concrete floor and are often without natural light and sufficient ventilation,” and that under the Emergency Regulations, suspects may be kept in such conditions for as long as one year.⁷⁶² The Special Rapporteur stated “[t]his applies both for smaller police stations, such as at Mount Lavinia, and especially for the headquarters of CID and TID in Colombo, where detainees are kept in rooms used as offices during the daytime, and forced to sleep on desks in some cases.”⁷⁶³ The Special Rapporteur welcomed the government’s

⁷⁵⁷ International Centre for Prison Studies, World Prison Brief: Sri Lanka, undated, http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=111, accessed 8 April 2010

⁷⁵⁸ International Centre for Prison Studies, World Prison Brief: Sri Lanka, undated, http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=111, accessed 8 April 2010

⁷⁵⁹ International Centre for Prison Studies, World Prison Brief: Sri Lanka, undated, http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=111, accessed 8 April 2010

⁷⁶⁰ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁶¹ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to Sri Lanka, 26 February 2008, para. 83, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf>, accessed 5 April 2010

⁷⁶² UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to Sri Lanka, 26 February 2008, para. 84, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf>, accessed 5 April 2010

⁷⁶³ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or

request for ICRC advice “with regard to specifying minimum standards relating to space, ventilation and light for detainees” in a proposed new detention facility.⁷⁶⁴

The Special Rapporteur stated that “the detention facilities in the Female Ward of the New Magazine Prison in general [are] more adequate than the male detention facilities in Colombo,” and that male and female detainees are kept strictly separate, with female guards for female prisoners, but that “the female detainees are also living in overcrowded conditions and some of the women reported fights between the prisoners without proper intervention by the prison guards.”⁷⁶⁵ The USDOS states, “some human rights groups alleged that isolated incidents of degrading treatment, including corporal punishment, overcrowding, maltreatment, or abuse of female prisoners occurred.”⁷⁶⁶ The Special Rapporteur “met eight children (four girls and four boys) who were being held on account of being child soldiers for the LTTE.”⁷⁶⁷

The International Committee of the Red Cross (ICRC) visited 24,433 detainees in Sri Lanka in 2008, of whom 3,340 were individually monitored (335 females and 131 minors).⁷⁶⁸ In 2009, according to the USDOS, the government ceased allowing

“ICRC access to detention camps near Vavuniya for former LTTE combatants in July and withdrew permission for the ICRC to work in the Eastern Province. The government requested the ICRC to negotiate a new, postwar mandate covering their operations throughout the country before continuing such work. The government did not provide access to any detention facilities operated by military intelligence, stating that none existed. The ICRC was not allowed to visit suspected illegal detention facilities operated by paramilitaries.”⁷⁶⁹

The Constitution prohibits torture or “cruel, inhuman or degrading treatment.”⁷⁷⁰ Torture is a crime under Sri Lankan law, carrying a minimum sentence of seven years’ imprisonment.⁷⁷¹ According to the USDOS, “rights groups alleged that some security forces believed torture to

degrading treatment or punishment, Manfred Nowak, Mission to Sri Lanka, 26 February 2008, para. 84, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf>, accessed 5 April 2010

⁷⁶⁴ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to Sri Lanka, 26 February 2008, para. 85, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf>, accessed 5 April 2010

⁷⁶⁵ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to Sri Lanka, 26 February 2008, para. 86, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf>, accessed 5 April 2010

⁷⁶⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁶⁷ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to Sri Lanka, 26 February 2008, para. 87, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf>, accessed 5 April 2010

⁷⁶⁸ International Committee of the Red Cross, Annual Report 2008, p. 213, [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/annual-report-2008-sri-lanka/\\$File/icrc_ar_08_sri_lanka.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/annual-report-2008-sri-lanka/$File/icrc_ar_08_sri_lanka.pdf), accessed 9 April 2010

⁷⁶⁹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁷⁰ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 11, 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁷⁷¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

be allowed under specific circumstances.”⁷⁷² The Special Rapporteur on torture reported to the UN Human Rights Committee that torture was “widely practiced” in Sri Lanka,

“and had become routine in the context of counter-terrorism operations. Consistent and credible allegations from detainees about ill-treatment by the police had been received by the Special Rapporteur. Similar allegations about the army had also been reported. While the recent abolition of corporal punishment in Sri Lanka was welcome, disturbing complaints of cases of such punishment in prisons had been received and corroborated by medical evidence.”⁷⁷³

The USDOS reports various methods of torture used against detainees,

“Civil society groups and former prisoners reported on several torture cases. For example, former detainees of the Terrorist Investigation Division (TID) at Boosa Prison in Galle confirmed earlier reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions, abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.

In the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. There were cases reported of detainees being released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention. There were also reports of secret government facilities where suspected LTTE sympathizers were taken, tortured, and often killed.”⁷⁷⁴

The USDOS further stated that it was difficult to document torture within Sri Lanka,

“According to human rights organizations, obtaining medical evidence of torture was difficult, since there were fewer than 25 forensic specialists, equipment was lacking, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases police intimidated doctors responsible for collecting evidence, and any potential victim receiving a medical examination usually was accompanied by his or her detainer, often the person who had allegedly committed the torture. At [the end of 2009] there was no functioning witness protection program.”⁷⁷⁵

⁷⁷² US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁷³ UN General Assembly, Sixty-second General Assembly Third Committee, 28th & 29th Meetings, 29 October 2007, <http://www.un.org/News/Press/docs/2007/gashc3896.doc.htm>, accessed 30 March 2010

⁷⁷⁴ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁷⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

According to the USDOS individuals were permitted to file human rights cases, however there was some delays in seeking redress,

“Citizens were allowed to file fundamental rights cases to seek redress of human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these types of cases, and plaintiffs were awarded damages in a number of instances. Observers cited bureaucratic inefficiencies in this system, leading to delays in the resolution of many cases, and cases filed by persons suspected of having ties to the LTTE appeared to be subject to delays much more frequently. Where damages were awarded, there were relatively few problems in enforcing the court orders.”⁷⁷⁶

The USDOS states that the government did not generally pursue security force personnel allegedly responsible for human rights violations,

“In cases when security force personnel were alleged to have committed human rights abuses, the government generally did not seek to identify those responsible or bring them to justice. Case law generally failed to uphold the doctrine of command responsibility for human rights abuses. Human rights organizations noted that some judges appeared hesitant to convict on cases of torture because of a seven-year minimum mandatory sentence with no room for issues of severity or duress.”⁷⁷⁷

2. Administration of justice

Article 13 of the Constitution prohibits arbitrary arrest or punishment, provides for judicial oversight of detention and trial in court with a presumption of innocence, and prohibits punishment for an act that did not constitute an offence at the time of its commission.⁷⁷⁸

The Constitution also provides for an independent judiciary.⁷⁷⁹ Freedom House reports that Sri Lankan governments have respected this provision, “and judges can generally make decisions without overt intimidation from the political branches.”⁷⁸⁰ In practice, however, according to the USDOS, “the judiciary at lower levels remained reliant on the executive. The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the chief justice and two Supreme Court judges,

⁷⁷⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁷⁷ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁷⁸ Constitution of the Democratic Socialist Republic of Sri Lanka, Article 13, 7 September 1978 (as amended up to 20 December 2000), available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_03_Amd.htm, accessed 11 March 2010

⁷⁷⁹ Constitution of the Democratic Socialist Republic of Sri Lanka, 7 September 1978 (as amended up to 20 December 2000), article 107, available at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_15_Amd.html, accessed 12 March 2010 (judges of the Supreme Court and Court of Appeal may only be removed for “proved misbehaviour or incapacity,” and “by an order of the President made after an address of Parliament supported by a majority of the total number of Members of Parliament (including those not present)”)

⁷⁸⁰ Freedom House, Freedom in the World – Sri Lanka, 2009, <http://www.freedomhouse.org/template.cfm?page=22&country=7707&year=2009>, accessed 22 March 2010

appoints and transfers lower court judges.”⁷⁸¹

“In recent years,” according to Freedom House, “there has been growing concern about the politicization of the judiciary, particularly with respect to the chief justice of the Supreme Court, Sarath Nanda Silva; during 2006, for example, there were several questionable rulings in favor of the government, and two senior Supreme Court judges resigned.”⁷⁸² In 2008, however, the Supreme Court ruled against the executive in several cases regarding detention and other government actions it deemed arbitrary.⁷⁸³ According to Freedom House, “[c]orruption is fairly common in the lower courts, and those willing to pay bribes have better access to the legal system.”⁷⁸⁴

The USDOS states,

“since 2005 the government has failed to appoint the Constitutional Council, whose function was to ensure the independence of constitutional bodies such as the Judicial Service Commission. As a result a series of important checks on executive power were absent. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament.”⁷⁸⁵

According to the USDOS, the law requires that an arrested person be informed of the reason for arrest, and brought before a magistrate within 24 hours. In practice, however, “it often took several days and sometimes weeks or months before detained persons appeared before a magistrate.”⁷⁸⁶ All suspects “have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases,” and “[p]rivate legal aid organizations assisted some defendants.”⁷⁸⁷ Criminal trials take place in public, before juries, except in cases brought under the Prevention of Terrorism Act (PTA).⁷⁸⁸

The USDOS states,

“Confessions obtained by coercive means, including torture, are inadmissible in criminal courts, except in PTA cases. Defendants bear the burden of proof, however, to show that their confessions were obtained by coercion. Defendants have the right to

⁷⁸¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁸² Freedom House, Freedom in the World – Sri Lanka, 2009, <http://www.freedomhouse.org/template.cfm?page=22&country=7707&year=2009>, accessed 22 March 2010

⁷⁸³ Freedom House, Freedom in the World – Sri Lanka, 2009, <http://www.freedomhouse.org/template.cfm?page=22&country=7707&year=2009>, accessed 22 March 2010

US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁸⁴ Freedom House, Freedom in the World – Sri Lanka, 2009, <http://www.freedomhouse.org/template.cfm?page=22&country=7707&year=2009>, accessed 22 March 2010

⁷⁸⁵ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁸⁶ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁸⁷ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁸⁸ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

question prosecution witnesses during their trials, and are allowed access to the prosecution's evidence. Subject to judicial review, in certain cases defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions usually were made relatively quickly.

The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most courts outside of Jaffna and the northern parts of the country conducted business in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing in many locations, but trials and hearings in the north were in Tamil and English. Few legal textbooks existed in Tamil.”⁷⁸⁹

According to the USDOS, people “convicted and undergoing appeal did not receive credit towards their original sentence for time served in prison while the appeal was ongoing. Appeals often took several years to resolve.”⁷⁹⁰ The USDOS further states,

“Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow legal safeguards.”⁷⁹¹

According to Human Rights Watch,

“The authorities frequently arrest LTTE suspects without regard to the requirements of domestic or international law. Eyewitnesses to arrests told Human Rights Watch that plainclothes members of the security forces have taken persons into custody without identifying themselves or informing those arrested or their families of the grounds for arrest. They frequently failed to provide arrest receipts to the family, as required by Sri Lankan law, and, when they did, the arrest receipts often did not specify the reasons for detention or the location where the person was being taken.”⁷⁹²

In June 2009, according to the USDOS, “the Commission of Inquiry (COI), set up under retired Supreme Court justice Udagama to investigate high profile killings and disappearances, ceased operation. The COI did not issue a public report and reportedly investigated only seven of the 17 cases it was asked to review.”⁷⁹³ There are no procedures “to address the legal status of the approximately 11,700 former LTTE combatants held in detention centers after the end of the war.”⁷⁹⁴ According to the 2009 UK Foreign and

⁷⁸⁹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁹⁰ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁹¹ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁹² Human Rights Watch, Legal Limbo, February 2010, pp. 6-7, <http://www.hrw.org/en/reports/2010/02/02/legal-limbo>, accessed 10 March 2010

⁷⁹³ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

⁷⁹⁴ US Department of State, 2009 Human Rights Report: Sri Lanka, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136093.htm>, accessed 11 March 2010

Commonwealth Office (FCO) Human Rights Report, “[w]itness and victim protection is rudimentary and there are credible reports that witnesses to crimes allegedly committed by the security forces have been killed or threatened to prevent them giving evidence.”⁷⁹⁵

In 1999, the BBC reported that the death penalty in Sri Lanka had “been in abeyance since 1977, because successive presidents declined to sign the death orders.”⁷⁹⁶ The article stated that the then-president, Chandrika Kumaratunga, would no longer commute death sentences in cases of murder or drug trafficking, in response to a crime wave.⁷⁹⁷ In 2003, Amnesty International stated that this policy change had not been implemented, and that no executions had been carried out since 1976, but that parliament would soon debate “a possible resumption of executions.”⁷⁹⁸ The Hindu reported in July 2009 that “Justice and Law Reforms Minister Milinda Moragoda is slated to discuss the possibility of implementing the death penalty with President Mahinda Rajapaksa as a result of increase in number of crimes in the country.”⁷⁹⁹ According to the article, Sri Lanka then had 273 prisoners under sentence of death by hanging.⁸⁰⁰ The UN Special Rapporteur on torture stated in 2007 that “[n]o death sentence has been carried out in Sri Lanka since 1977,”⁸⁰¹ but The Hindu reported that “[t]he last person to be executed in Sri Lanka was Maru Sira in 2003.”⁸⁰²

3. Health care

The World Health Organisation (WHO) states that Sri Lanka “has achieved [] relatively high standards of social and health development compared with countries with similar economic development around the world.”⁸⁰³ Life expectancy at birth in 2007 was 68 years for males, and 75 for females.⁸⁰⁴ Mortality under age 5 was 21 per 1000 live births, and maternal mortality was 58 per 100,000 live births.⁸⁰⁵ On these and most other standard measures of

⁷⁹⁵ UK Foreign and Commonwealth Office, Annual Report on Human Rights 2009, March 2010, p. 148, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 19 March 2010

⁷⁹⁶ BBC, Sri Lanka revives death penalty, 13 March 1999, http://news.bbc.co.uk/2/hi/south_asia/296124.stm, accessed 7 April 2010

⁷⁹⁷ BBC, Sri Lanka revives death penalty, 13 March 1999, http://news.bbc.co.uk/2/hi/south_asia/296124.stm, accessed 7 April 2010

⁷⁹⁸ Amnesty International, Sri Lanka: Appeal to members of parliament to oppose resumption of executions, 19 May 2003, <http://www.amnesty.org/en/library/asset/ASA37/001/2003/en/840d9a23-d6ed-11dd-b0cc-1f0860013475/asa370012003en.pdf>, accessed 16 March 2010

⁷⁹⁹ The Hindu News Update Service, Sri Lanka mulls reintroducing death penalty, 26 July 2009, <http://www.hindu.com/thehindu/holnus/003200907261521.htm>, accessed 7 April 2010

⁸⁰⁰ The Hindu News Update Service, Sri Lanka mulls reintroducing death penalty, 26 July 2009, <http://www.hindu.com/thehindu/holnus/003200907261521.htm>, accessed 7 April 2010

⁸⁰¹ UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to Sri Lanka, 26 February 2008, para. 88, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf>, accessed 5 April 2010

⁸⁰² The Hindu News Update Service, Sri Lanka mulls reintroducing death penalty, 26 July 2009, <http://www.hindu.com/thehindu/holnus/003200907261521.htm>, accessed 7 April 2010

⁸⁰³ World Health Organisation, 11 health questions about the 11 SEAR countries, July 2007, p. 221, http://www.searo.who.int/LinkFiles/Country_Health_System_Profile_11health-questions.pdf, accessed 8 April 2010

⁸⁰⁴ World Health Organisation (WHO), World Health Statistics 2009, p. 42, http://www.who.int/whosis/whostat/EN_WHS09_Full.pdf, accessed 1 April 2010

⁸⁰⁵ World Health Organisation (WHO), World Health Statistics 2009, pp. 14, 17, http://www.who.int/whosis/whostat/EN_WHS09_Full.pdf, accessed 1 April 2010

public health, Sri Lanka's results were either the best, or among the best, in the 11-country South East Asian Region.⁸⁰⁶ Nutrition presented an exception to this picture, with 22.8% of children under age 5 underweight,⁸⁰⁷ and in the year 2000, 47% of adults receiving less than recommended daily nutrition.⁸⁰⁸

According to the World Health Organisation's 2005 National Health System Profile of Sri Lanka,

"There have been significant increases in the number of various categories of manpower in the public sector. The government is absorbing all the medical graduates passing out from the medical faculties. The total number of medical officers rose from 6994 in 1999 to 8384 in 2001. Accordingly, persons per doctor improved to 1996 in 2000 from 2431 in 1999. The number of nurses per 100 000 population increased from 75 in 1997 to 77 in 1998 and gradually decreased to 76 in 2000 but again increased to 89 in 2002. It is estimated that there is a shortage of over 3000 nursing staff in government hospitals. Also, a shortage of qualified paramedical staff, such as pharmacists, Medical Laboratory Technicians, Radiographers, Physiotherapists and ECG Technicians, still exists."⁸⁰⁹

a. HIV

According to the WHO's 2005 National Health System Profile of Sri Lanka, "Sri Lanka is considered a low prevalence country for HIV infection. Prevalence of HIV among pregnant mothers and orphan of HIV related deaths are negligible in the country."⁸¹⁰ The WHO estimates the prevalence of HIV/AIDS in the population of Sri Lanka as below 1/10 of 1% for people at least 15 years old.⁸¹¹ The WHO's National Health System Profile states,

"The National STD/AIDS Control Programme (NSACP) is responsible for the implementation and coordination, at the central and regional levels, of the activities related to prevention and control of STDs, and AIDS. Early case detection and management, partner notification, contact tracing, health education, counselling, condom promotion, surveillance and dissemination of information are the major

⁸⁰⁶ World Health Organisation (WHO), World Health Statistics 2009, http://www.who.int/whosis/whostat/EN_WHS09_Full.pdf, accessed 1 April 2010 (the other countries in the region are Bangladesh, Bhutan, Democratic People's Republic of Korea, India, Indonesia, Maldives, Myanmar, Nepal, Thailand, and Timor-Leste)

⁸⁰⁷ World Health Organisation (WHO), World Health Statistics 2009, pp. 91, http://www.who.int/whosis/whostat/EN_WHS09_Full.pdf, accessed 1 April 2010

⁸⁰⁸ World Health Organisation, 11 health questions about the 11 SEAR countries, July 2007, p. 228, http://www.searo.who.int/LinkFiles/Country_Health_System_Profile_11health-questions.pdf, accessed 8 April 2010

⁸⁰⁹ World Health Organisation, Sri Lanka National Health System Profile, January 2005, p. 12, http://www.searo.who.int/LinkFiles/Sri_lanka_CountryHealthSystemProfile-SriLanka-Jan2005.pdf, accessed 7 April 2010

⁸¹⁰ World Health Organisation, Sri Lanka: National Health System Profile, January 2005, p. 27, http://www.searo.who.int/LinkFiles/Sri_lanka_CountryHealthSystemProfile-SriLanka-Jan2005.pdf, accessed 7 April 2010

⁸¹¹ World Health Organisation, WHO Statistical Information System, Core Health Indicators: Sri Lanka, http://apps.who.int/whosis/database/core/core_select_process.cfm?countries=lka&indicators=HIVPrevAdults, accessed 26 March 2010

strategies adopted by the NSACP. During 2001, 19 full-time STD clinics and 14 branch clinics functioned in the island.”⁸¹²

In 2007, official figures held that 862 citizens were thought to have HIV in Sri Lanka, however UNAIDS estimates that the real figure is between 2800 - 5100.⁸¹³

According to UNAIDS in 2007 global coverage of ART was 31%.⁸¹⁴ The percentage of HIV-positive pregnant women who received antiretroviral therapy to reduce the risk of mother-to-child transmission was 33%. In 2007 the Percentage of adults and children with HIV known to be on treatment 12 months after initiation of antiretroviral therapy was 64%.⁸¹⁵

In 2007 the Centre for Policy Alternatives reported that there was no finalised national policy on HIV/AIDS, however a “National Strategic Plan for Prevention and Control of HIV/AIDS in Sri Lanka for 2007-2011 (Strategic Plan) guides the national response”.⁸¹⁶

In 2007 the Centre for Policy Alternatives reported that provisions had been made for 100 recipients to receive free ARTs, however these were distributed only in Colombo, restricting access for some people.⁸¹⁷

Although Sri Lanka has a low prevalence rate of less than 0.1%⁸¹⁸ a study by the Centre for Policy Alternatives concluded that the country is “vulnerable to an impending epidemic due to a number of risk factors: the country has large numbers of at risk groups such as sex workers, migrant workers, military personnel, Internally Displaced Persons (IDPs), refugees and drug users and a high incidence of unsafe sexual practices, which includes low condom use and escalating rates of STDs.”⁸¹⁹

In June 2008 IRIN PlusNews reported that HIV positive Sri Lankan’s face societal stigma,

⁸¹² World Health Organisation, Sri Lanka: National Health System Profile, January 2005, p. 26, http://www.searo.who.int/LinkFiles/Sri_lanka_CountryHealthSystemProfile-SriLanka-Jan2005.pdf, accessed 7 April 2010

⁸¹³ IRIN PlusNews, Sri Lanka: Low prevalence but high risk, 3 June 2008, <http://www.plusnews.org/report.aspx?ReportID=78542>, accessed 10 April 2010. UNAIDS, Sri Lanka Country Profile, 6 November 2008, http://www.unaids.org/en/CountryResponses/Countries/sri_lanka.asp, accessed 10 April 2010

⁸¹⁴ UNAIDS, Sri Lanka: Progress towards Universal Access and the Declaration of Commitment on HIV/AIDS, undated, http://cfs.unaids.org/country_factsheet.aspx?ISO=SRL, accessed 10 April 2010

⁸¹⁵ UNAIDS, Sri Lanka: Progress towards Universal Access and the Declaration of Commitment on HIV/AIDS, undated, http://cfs.unaids.org/country_factsheet.aspx?ISO=SRL, accessed 10 April 2010

⁸¹⁶ Centre for Policy Alternatives, HIV/AIDS in Sri Lanka: A profile on policy and practice, August 2007, <http://www.cpalanka.org/page.php?id=0&pubid=350&key=9bdd5f06c37bdab66735ca41a9457925>, accessed 10 April 2010

⁸¹⁷ Centre for Policy Alternatives, HIV/AIDS in Sri Lanka: A profile on policy and practice, August 2007, <http://www.cpalanka.org/page.php?id=0&pubid=350&key=9bdd5f06c37bdab66735ca41a9457925>, accessed 10 April 2010

⁸¹⁸ IRIN PlusNews, Sri Lanka: Low prevalence but high risk, 3 June 2008, <http://www.plusnews.org/report.aspx?ReportID=78542>, accessed 10 April 2010.

⁸¹⁹ Centre for Policy Alternatives, HIV/AIDS in Sri Lanka: A profile on policy and practice, August 2007, <http://www.cpalanka.org/page.php?id=0&pubid=350&key=9bdd5f06c37bdab66735ca41a9457925>, accessed 10 April 2010

“Living with the HIV virus can be extremely frustrating in Sri Lanka, just ask those infected by it. “You are totally shunned,” Princy Mangalika, an HIV-positive Sri Lankan, told IRIN/PlusNews. “You can’t attend family functions, work or live in your own village; your children can’t even go to school.””⁸²⁰

A study by the Centre for Policy Alternatives found that high levels of discrimination and stigma were experienced by people living with HIV/AIDS. With regard to health care discrimination included a “lack of confidentiality, lack of informed consent, discrimination against the patients and their families by the hospital staff, Lack of basic services, Refusal to treat”⁸²¹

4. Food security and livelihoods

In April 2010, the Guardian reported,

“Inflation is now under control and the International Monetary Fund is predicting 6% growth for Sri Lanka this year, rebounding sharply from an eight-year low of 3.5% in 2009. The end of the civil war has already boosted tourism and has sparked a property boom in some parts. Much of the north, however, remains devastated by the conflict.”⁸²²

According to the World Health Organisation, in 2002 23% of Sri Lankans lived below the international poverty line of US \$1 per day.⁸²³ IRIN reports that there is a severe shortage of housing in the north as a result of the prolonged and severe conflict there: “Along the A9 highway running through the north, few homes or buildings escaped unscathed.”⁸²⁴ In April 2010, The Guardian became the first international media allowed to enter the former LTTE territories, and observed:

“A year after the end of the war, some life is slowly returning to Kilinochchi. Though devastated during the fighting, around a third of its population has now come home. Many more former residents remain in the refugee camps further south and make trips to the town to rebuild their houses. Much of the town remains ruined and by far the highest structures are military communication masts.”⁸²⁵

⁸²⁰ IRIN PlusNews, Sri Lanka: Low prevalence but high risk, 3 June 2008, <http://www.plusnews.org/report.aspx?ReportID=78542>, accessed 10 April 2010

⁸²¹ Centre for Policy Alternatives, HIV/AIDS in Sri Lanka: A profile on policy and practice, August 2007, <http://www.cpalanka.org/page.php?id=0&pubid=350&key=9bdd5f06c37bdab66735ca41a9457925>, accessed 10 April 2010

⁸²² Burke, Jason, Sri Lanka votes in elections set to tighten president's grip on power, 8 April 2010, <http://www.guardian.co.uk/world/2010/apr/08/sri-lanka-election>, accessed 11 April 2010

⁸²³ World Health Organisation, 11 health questions about the 11 SEAR countries, July 2007, p. 220, http://www.searo.who.int/LinkFiles/Country_Health_System_Profile_11health-questions.pdf, accessed 8 April 2010

⁸²⁴ IRIN, Sri Lanka: housing tops returnees' wish-list, 30 March 2010, <http://www.irinnews.org/Report.aspx?ReportId=88614>, accessed 2 April 2010

⁸²⁵ Burke, Jason, One year on, life slowly returns to the Tamil Tigers' shattered stronghold, The Guardian, 11 April 2010, <http://www.guardian.co.uk/world/2010/apr/11/tamil-tigers-former-stronghold-kilinochchi-first-report-jason-burke>, accessed 11 April 2010

The Guardian states that “around the town are the huts, roofed with corrugated tin given along with mosquito nets and basic kitchen and washing utensils to “returnees” when they leave the refugee camps.”⁸²⁶

According to the World Food Programme,

“Sri Lanka is a low-income, food-deficit country where 25 years of civil conflict have had a major impact on economic and social development, aggravated by the 2004 tsunami. Twenty-three percent of the population lives in poverty, with major disparities among regions. Malnutrition levels among children under 5 are high, especially in the main conflict areas of the north and east, where 40 percent of children are underweight, 31 percent are stunted and 28 percent suffer from wasting.”⁸²⁷

The World Food Programme further stated,

“Sri Lanka’s welfare policies include poverty alleviation and government food assistance. These have been eroded by increasing prices and local inflation, and now provide a maximum of less than US\$3/person/month. Responding to high global food prices, the Government has commissioned an advisory committee on accelerated food production. It has also established a high-level task force to examine social welfare policies and safety nets for those most affected by soaring food prices, but households will not see gains in the short term.”⁸²⁸

In March 2010 the Internal Displacement Monitoring Centre estimated that there were approximately 380,000 IDPs in Sri Lanka.⁸²⁹

In March 2010 the UN reported that “as of 11 March, 185, 127 people have been resettled in Vavuniya, Mannar, Kilinochchi, Mullaitivu, Trincomalee, Batticaloa, Ampara, Polonnaruwa and Kandy”⁸³⁰

The Government of Sri Lanka reports that,

⁸²⁶ Burke, Jason, One year on, life slowly returns to the Tamil Tigers’ shattered stronghold, The Guardian, 11 April 2010, <http://www.guardian.co.uk/world/2010/apr/11/tamil-tigers-former-stronghold-kilinochchi-first-report-jason-burke>, accessed 11 April 2010

⁸²⁷ World Food Programme, Project: Protracted Relief and Recovery Operation Sri Lanka 10756.0, p. 5, 3 October 2008, http://one.wfp.org/operations/current_operations/project_docs/107560.pdf, accessed 7 April 2010

⁸²⁸ World Food Programme, Project: Protracted Relief and Recovery Operation Sri Lanka 10756.0, p. 7, 3 October 2008, http://one.wfp.org/operations/current_operations/project_docs/107560.pdf, accessed 7 April 2010

⁸²⁹ Internal Displacement Monitoring Centre, Sri Lanka Country Page, Population Figures and Profile, 11 March 2010, <http://www.internal-displacement.org/idmc/website/countries.nsf/%28httpEnvelopes%29/7E8CFF727BBFB54DC12576B3002DEBD9?OpenDocument#44.2.1>, accessed 10 April 2010

⁸³⁰ Office of the United Nations Resident and Humanitarian Coordinator for Sri Lanka, Sri Lanka: North East Joint Humanitarian Update –Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, and Trincomalee Districts, Report No.21, 27 Feb – 12 March 2010, 12 March 2010, available from [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/JBRN-83VJ87-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/JBRN-83VJ87-full_report.pdf/$File/full_report.pdf), accessed 10 April 2010

“The District Secretaries have been directed to assist in their smooth return to normalcy and their livelihoods. For instance, farmer families are provided with free seed material and fertilizer while fisher families are given fishing tackle free of charge. Each IDP family is given dry rations provided by the World Food Program which are sufficient for six months while they are provided with kitchen utensils and other materials like textiles to re-start their normal lives. They are also given Rs.25, 000 to repair their houses.”⁸³¹

In April 2010 the UN reported that,

“The past few months have seen an increase in humanitarian needs in the Northern Province owing to the accelerated return of communities displaced by the final stages of the conflict in Sri Lanka. The North has only just begun to recover from the widespread damage caused by the war and returnees are still finding it difficult to meet their basic needs. As of mid-March, close to 192,000 individuals have been released or returned and the demand for immediate humanitarian assistance has become most urgent. At the same time 88,000 remain displaced in camps, and unable to return home because of the work remaining on demining operations and establishing safe conditions for resettlement.”⁸³²

The United Nations Central emergency Response Fund states that

“The Sri Lankan Government is strongly focused on returning people displaced in 2008 and 2009 in the northern province as their areas of origin are progressively released for resettlement following mine action operations. Nearly 300,000 people had fled the fighting to areas surrounding the conflict zone by May 2009, when the government declared the end of the conflict. They were accommodated in several camps, the largest concentration of IDPs being at Menik Farm in Vavuniya District. In September 2009 the Government launched an accelerated resettlement programme, under which around 192,000 individuals (62,000 families) have been released from the camps or returned to their districts of origin as of mid-March 2010. As a result, there has been an exponential increase of humanitarian needs in the return areas, where basic services and reconstruction are still in the early stages. A further 84,000 IDPs (about 26,000 families) remain in the camps, with 50,000 people targeted for resettlement between April and June 2010. In this context, urgent funding is sought to enhance the ongoing response to life-threatening needs in the resettlement areas, while maintaining critical services for IDPs in camps still awaiting return as their areas of origin are yet to be cleared of landmines and unexploded ordnance (UXO).”⁸³³

The Food and Agriculture Organization of the United Nations states that

⁸³¹ Government of Sri Lanka, Ministry of Defence, IDP settlement expedited, 27 March 2010, http://www.defence.lk/new.asp?fname=20100327_01, accessed 10 April 2010

⁸³² United Nations in Sri Lanka, UN humanitarian fund to give USD 13.75 million to boost Sri Lanka's aid efforts in the North, 1 April 2010, http://www.un.lk/media_centre/press_releases.php?id=99#, accessed 10 April 2010

⁸³³ United Nations Central Emergency Response Fund, CERF allocates \$13.7 million for returnees and IDPs in Sri Lanka, 26 March 2010, <http://ochaonline.un.org/CERFaroundtheWorld/SriLanka2010/tabid/6607/language/en-US/Default.aspx>, accessed 10 April 2010

“Crop cultivation, livestock and fisheries are the primary livelihood for an estimated 80 percent of the people in the northern Sri Lanka and urgent action is needed to boost crop, livestock and fisheries production.”⁸³⁴

⁸³⁴ Food and Agriculture Organization of the United Nations, Regional Office for Asia and the Pacific, Asia Pacific Food Update, February 2010, available from [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SKEA-83CEAM-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SKEA-83CEAM-full_report.pdf/$File/full_report.pdf), accessed 10 April 2010