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I. GENERAL INFORMATION ABOUT THE STATE OF SRI LANKA

A. History, geography, demography, economy, government, social infrastructure, post-tsunami reconstruction

1. History

1. Recent investigations show that around c. 30000 B.C. the earliest inhabitants of Sri Lanka were the Mesolithic prehistoric people. They were Stone Age communities and were hunter-gatherers. The Early Iron Age communities arrived from India and introduced the use of metal, ceramics, paddy cultivation and rudimentary irrigation around 1000 B.C.

2. During the reign of King Devanampiya Tissa, Buddhism was introduced in 247 B.C. by Arahata Mahinda, the son of Emperor Asoka of India. This is a significant event, which influenced the country's political and socio-cultural evolution as well as its agricultural economy. Of the early settlements, Anuradhapura grew into a powerful kingdom engaged in foreign trade and diplomacy.

3. The Middle historic period is marked by remarkable architectural and hydraulic achievements. This period also witnessed the development of the island as the primary entrepôt for international trade in the Indian Ocean rim and its connections to the Mediterranean and the Far East. From the post 9th century AD, Sri Lanka experienced a number of invasions from neighbouring nations and the capital was moved constantly to different locations.

4. In the modern period, the Portuguese arrived in 1505, when the capital was established at Kotte, in the western lowlands. The Portuguese arrived to trade in spices and were displaced by the Dutch. The Dutch rule lasted from 1656 to 1796, and they were displaced in turn by the British. During this period the highland Kingdom, with its capital in Kandy, retained its independence despite repeated assaults by colonial powers who ruled parts of the country. In 1815 the Kingdom of Kandy was annexed by the British who established their rule over the whole island. Modern communications, Western medical services, education in English, as well as the plantation industry (coffee followed by tea, rubber and coconut) developed during British rule. By a process of peaceful, constitutional evolution, Sri Lanka regained its independence in 1948 and is now a sovereign republic, with membership in the Commonwealth of Nations and the United Nations Organization.

2. Geographical features

5. Sri Lanka, an island in the Indian Ocean is located to the south of the Indian subcontinent. It lies between 5° 55' and 9° 55' north of the Equator and between the eastern longitudes 79° 42' and 81° 52'. The total land area is 65,610 sq. km. and is astonishingly varied. A length of 445 km. and breadth of 225 km. encompasses tropical beaches, rainforests, grass plains and other mini eco-systems. The relief features of the island consist of a mountainous mass somewhat south of the centre, rising to heights exceeding 2,500 metres, surrounded by broad plains. Palm fringed beaches surround the island and the sea temperature rarely falls below 27°C.

3. Demography

6. Sri Lanka has a population of 19.8 million of whom the majority are Sinhalese (74 per cent). Other ethnic groups are made up of Sri Lankan Tamils (12.6 per cent), Indian Tamils (5.5 per cent), Moors, Malays, Burghers (of Portuguese and Dutch descent) and others (7.9 per cent). Sri Lanka is a multi-religious country; Buddhists constitute 69.3 per cent, Hindus 15.5 per cent, Christians 7.6 per cent and Muslims 7.5 per cent (source: Central Bank, Country Profile 2006).

4. Economy

7. Sri Lanka's economy is expected to have grown by 6.7 per cent in 2007. With this performance, economic growth has been above 6 per cent in three consecutive years for the first time. As a result, the gross domestic product (GDP) per capita, which was US dollars 979 in 2003, has increased by 65 per cent since then to reach US dollars 1,615 in 2007. Along with this growth performance, unemployment declined to the hitherto lowest level of 5.6 per cent in the third quarter of 2007. Though the growth in 2007 was slower than the growth of 7.7 per cent recorded in 2006, the high growth in 2007 indicates the continuing resilience of the economy; its ability to grow amidst a number of challenges. The major challenges were the high international oil prices, the adverse weather conditions experienced in the first half of the year, intense competition for apparel exports in the major destinations and the unsettled security situation in the country.

8. The growth was reasonably broad based across the three major sectors viz. Agriculture, Industry and Services. As per the sectoral composition of the economy, the services sector accounted for 60 per cent of the GDP while the industrial and agricultural sectors accounted for 28 per cent and 12 per cent, respectively. The services sector is estimated to have made a significant contribution to the overall growth. Among the subsectors, post and telecommunications; cargo handling, ports and civil aviation; and banking, insurance, real estate and other financial services performed well in 2007. However, the hotels and restaurants subsector suffered due to lower tourist arrivals in 2007.

9. The agriculture sector grew moderately by 3.2 per cent, mainly due to weather setbacks impacting on tea and paddy cultivation. Performance in the rubber, coconut, minor export crops and livestock sectors were on par with expectations. The complete recovery in the fisheries sector to the pre-tsunami level contributed largely to the growth of the agriculture sector.

10. The industrial sector recorded a healthy growth of 7.4 per cent in 2007, benefiting from both external and domestic demand. All major sub sectors, namely, mining and quarrying; manufacturing; electricity, gas and water and construction, contributed positively to this growth. The manufacturing subsector, which is the largest sub sector of the industrial sector, contributed more than 60 per cent of the total industrial output. This sector mainly benefited from the apparel industry. Special concessions available under the European Union Generalised System of Preferences (EU-GSP+) scheme supported the commendable growth in the apparel sector in 2007.

11. To contain inflationary pressures on prices from excess demand, a relatively tight monetary policy was implemented in 2007. Consequent to the increases in policy rates by 300 basis points during the period 2004-2006, the Central Bank raised its policy interest rates by a further 50 basis points in February 2007. Further, the Central Bank continued to conduct aggressive open market operations on both overnight and permanent basis to maintain market liquidity at a level consistent with the reserve money targets. The Central Bank was able to achieve tight quarterly reserve money targets during 2007, containing the demand driven component of inflation. However, inflation that was on a downward trend during the first half of 2007, increased thereafter due to several factors, including the prices of oil and other commodities, which reached historically high levels and led to a substantial upward adjustment in prices of many domestic goods and services. The adjustment of domestic commodity prices such as that of oil to reflect market prices also adversely impacted on inflation, but considering the resultant price pass-through adjustments, they were considered the appropriate policy actions, on medium and long term bases.

12. The external sector displayed an impressive performance in 2007. Exports grew by 12.5 per cent in 2007 mainly supported by enhanced trading opportunities derived through trading agreements, improvements in the quality of exports and initiatives taken by the government and major exporters a few years ago. Persistently strong demand for apparel and tea had provided a basis for the strong trade performance in 2007. Tea exports crossed the US dollars 1.0 billion mark for the first time in 2007. Concessions received by way of the EU-GSP+ scheme helped diversify markets and exported products as well as to expand backward integration in the apparel industry. Meanwhile, imports grew by 10.2 per cent, mainly reflecting the higher expenditure on oil and investment goods. The increased spending on investment goods was underpinned by the accelerated development projects launched by the government and projects undertaken by the private sector especially in the construction, telecommunication and information technology sectors. The trade deficit was US dollars 3,560 million in 2007. The sharp rise in worker remittances, which increased by 15.8 per cent to US \$ 2,501 million, helped contain the current account deficit in 2007.

13. During the year, a remarkable increase was also seen in the foreign inflows to the government and foreign direct investment. This was mainly due to the government raising US dollars 500 million from its debut international bond issue and allowing investment by foreigners in Treasury bonds up to a sum of 10 per cent of the outstanding Treasury Bond stock. Increased inflows to the capital and financial accounts helped record a projected surplus in the overall Balance of Payments of around US dollars 550 million, in 2007. It may be noted that the successful completion of Sri Lanka's debut international bond issue was a remarkable achievement as this bond was issued in the midst of several political and economic challenges. The country's external reserves increased to US dollars 3,062 million in 2007.

14. The fiscal strategy of the Government continued to be in the direction enunciated in the "*Mahinda Chintana*" policy document, which was the forerunner to the "Ten-year Vision" framework of the Government. The gradual reduction of the overall budget deficit to a sustainable level is the centrepiece of the fiscal policy framework. The government debt to GDP ratio continued to decline to 86 per cent by end 2007. The revenue to GDP ratio has continued in its favourable trend for the third consecutive year in 2007, thereby confirming the success of the strenuous efforts made by the Government. Strengthening tax administration

further, streamlining tax incentives and exemptions, enhancing tax compliance and strengthening enforcement would be among the major policy actions that need to be pursued with commitment over the next few years as well.

15. In 2007, the Central Bank took several measures to strengthen and improve the efficiency of the financial sector, improve risk management and enhance access to finance. With these initiatives, the outlook for financial system stability remains favourable, as the capacity of the financial system to withstand and manage risks at the institutional and infrastructure level is being continuously strengthened (*Source*: Central Bank).

5. Government

16. Before the colonial period, Sri Lanka was a monarchy. Thereafter administrative and governmental reforms were introduced under the Portuguese, Dutch and British rulers. According to the recommendations of the Colebrook-Cameron Commission, the Executive Council and the Legislative Council- the first legislative bodies of colonial Ceylon - were set up by the Governor, Sir Robert Horton, in 1833. Universal Franchise was granted in 1931.

17. Sri Lanka regained its independence from the British in 1948. A Westminster system of parliamentary governance was then installed under the Soulbury Constitution of 1948. In 1972, a Republican Constitution was adopted with a single legislative body, the National State Assembly, the executive power being vested in the Prime Minister and a President as the Constitutional Head of State. Following the enactment of a new Constitution of the Democratic Socialist Republic of Sri Lanka in 1978, an Executive Presidential form of Government was introduced. The President is both Chief Executive as well as Head of State, and is elected directly in a national vote for a 6-year term of office.

18. The supreme national legislative body is the Parliament. It consists of 225 members. Sri Lanka enjoys a multiparty system and representatives of many political parties are in the present Parliament representing varying political philosophies, approaches as well as different communities and religions.

19. The 1978 Constitution introduced a radical departure to the previously existing electoral system and electoral districts. The previous system was based on constituencies with individual candidates nominated by recognized political parties or independent candidates. The candidate obtaining the highest number of votes in respect of the constituency was declared elected. This system, commonly described as the first-past-the-post (FPTP) system, was changed in 1978 into a system of proportional representation.

20. Sri Lanka is divided into nine provinces to be administered by a Governor, appointed by the President and a Chief Minister and Board of Ministers, who are elected.

21. The people of Sri Lanka have succeeded in maintaining strong democratic traditions with regular elections since independence. Voter participation at elections is generally high and at the last general election in 2005 it was 75 per cent.

22. The overall authority for the conduct of the elections is vested in the Commissioner General of Elections which is an independent office under the Parliamentary Elections Act as amended. The 17th Amendment to the Constitution introduced a set of new provisions to the Constitution described as Chapter XIV A. Article 103, paragraph 1, of this chapter provides that there shall be an Election Commission consisting of five members appointed by the President on the recommendation of the Constitutional Council. The President is also empowered to nominate one such member as the Chairman of the Commission, also on the recommendation of the Constitutional Council. The Commissioner General of Elections continues to exercise the powers and functions vested in the Election Commission in terms of an interim provision contained in section 27 (2) of the 17th Amendment to the Constitution.

23. The conduct of the election in respect of each electoral district is entrusted to a person designated as the "Returning Officer" who, in turn appoints a Presiding Officer to be in charge of each polling station within his electoral district.

24. The counting of votes and the declaration of results at general elections is contained in Part IV of the Parliamentary Elections Act. A Returning Officer of the district is in charge of the count within such a district and is empowered to appoint a counting officer to be in charge of each counting centre (section 49). The Returning Officer declares the result in terms of section 60 of the Act.

25. Sri Lanka has the practice of inviting foreign election observers to ensure free and fair elections.

6. Social infrastructure

26. Sri Lanka's achievements in the area of social infrastructure are well recognized. Sri Lanka's education and health indicators such as high literacy, maternal and infant mortality rates and life expectancy have shown a steady improvement over the years and have reached levels comparable even to high-income countries. The intervention of successive governments since independence to maintain universal access to free health care and education and to implement comprehensive social welfare safety net programmes have provided the foundation to realize these achievements. Programmes such as Janasaviya, Food Stamps and the present Samurdhi Scheme were not conceived purely as measures of social welfare; however in their totality, they have helped citizens of the country to realize their full potential consistent with the enjoyment of fundamental rights, including political and civil rights, economic, social and cultural rights, as well as the right to development. State policies have also helped to reduce income disparities among different socio-economic groups in the country. The Human Development Report 2006 of the United Nations Development Programme (UNDP) places Sri Lanka at 93 on the human development index (HDI) significantly above other States in the South Asian region.

27. It is a little known fact that throughout the years of conflict, humanitarian and developmental needs of the civilian population of the North and the East, including in conflict areas, were continuously met by the Government of Sri Lanka together with some assistance from the donor community. The administrative machinery including the free national health,

education and infrastructure facilities in conflict areas are continuing to be maintained by the Government despite the fact that the Liberation Tigers of Tamil Eelam (LTTE) siphons off such funding for its own illegal purposes.

Education

28. The education system of Sri Lanka is renowned for having achieved near universal primary education and high levels of literacy. Successive Governments since independence have maintained high levels of expenditure on education, averaging about 5 per cent of GNP or more than 15 per cent of total government expenditure. This has resulted in adult literacy rising from 58 per cent in 1946 to 78 per cent in 1971, to 86 per cent in 1984 and to 89.3 per cent in 1992. The literacy rate for 2003/04 was 92.5 per cent comparable for males and females alike.

29. An important outcome of provision of free education is that for the first time, the large masses of people in the rural areas had access to education. After 1960, most of the entrants to the universities were from schools in the rural areas. As a result, people from the rural areas and the underprivileged have had greater access to jobs, thereby contributing to greater social equity as well as a more equitable distribution of income as a wider segment of the population gained access to employment and higher incomes.

30. Quantifying the benefits of the free education system is a complex process. However, there is little doubt that the broad-basing of literacy and civic awareness through free education is a prerequisite for enhancing the quality of life of the population and promoting democratic governance and public accountability. Free education has also contributed substantially to the other achievements of Sri Lanka in health, including fertility reduction and gender empowerment, which in turn has led to increasing productivity in various sectors of the economy.

31. The development of the education system to explore new frontiers of knowledge and match it with dynamic needs of the labour market is vital to achieve sustainable high economic growth and development. Key issues in the education system related to equity, quality, efficiency and effectiveness, are incorporated in the Ten-year Vision framework which plans to transform the education system into one that will promote both knowledge and technological skills required for rapid economic growth and development, as well as promoting values, and attitudes needed for building social peace and harmony.

Health care

32. The national health policy of Sri Lanka from the early 1950s has been governed by a commitment to provide comprehensive and free health care to the entire population. This policy has applied to both preventive and curative programmes. Successive Governments have maintained reasonably high levels of expenditure on health, averaging about 6 per cent of total government expenditure until the 1970s. In 1982, about 1.3 per cent of GNP (Gross national product) or 3.2 per cent of total expenditure was on health. The expenditure on health services rose from Rs. 50.2 million in the financial year 1949/50 to Rs. 104 million in 1956/57 and to Rs. 210 million in 1968/69. In 1974 the amount spent was Rs. 288.9 million and in 1984 Rs. 1,751 million. As noted in the Human Development Report 1995, public expenditure on

health as a percentage of the Gross Domestic Product (GDP) in 1990 was 1.8 per cent and percentage of (GDP) in 2003 was 1.6 %. In 2006, the total health budget increased by 29 per cent to Rs. 58 billion, about 2 per cent of the GDP.

33. It is generally recognized that free medical care contributed to an appreciable decline in the death rate from the late 1940s. Today, Sri Lanka has probably one of the lowest death rates among developing countries. Improved medical care has contributed to an increase in life expectancy in the country. For both males and females life expectancy has increased appreciably. In 1946, life expectancy for males was only 43.9 years, by 1953 it had risen to 61.9 years, to 66.9 years in 1977 and by 1984 to 67.5 years. In 2004 life expectancy was 74.3 years according to the Human Development Report. The life expectancy rate for females has been slightly higher throughout and in 2004 it was 77 years.

34. Similarly, the infant mortality rate has fallen from 264 per thousand in 1935 to 140 per thousand in 1950, to 46 per thousand in 1973 and to 33 per thousand in 1984. The Human Development Report 1995 registered the infant mortality rate in Sri Lanka as 18 per thousand live births in 1992 and 12 per thousand live births in 2004.

35. Two distinctive aspects of Sri Lanka's health system are that while it has an extensive coverage of the population through primary health-care facilities staffed by paramedical workers, it also provides a strong back-up referral system of clinics and hospitals staffed by both physicians and paramedical workers. The World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) have focused on the primary health-care strategy of Sri Lanka as a cost-effective and successful model for developing countries to emulate.

36. Free health care based on the primary health-care system has led to the expansion and the availability of medical services and very high health awareness in all parts of the country. Along with free education, the Government has continued the development of medical schools that have maintained high standards and has provided the basis for the advancement of medical education and research. Sri Lanka has been able to develop a functional partnership of health work infrastructure combining governmental, intergovernmental and non-governmental institutions to project and implement an island-wide primary health-care network which is perhaps unique in the developing world.

37. Furthermore, the Western-type health-care system coexists with a government regulated system of traditional Ayurvedic medicine. All economic groups make use of the Ayurvedic system. The traditional system complements the Western-type health facilities and has broadened the choice for the consumer.

38. The health sector Master Plan covering 2007 - 2016 highlights the policy and strategic framework for developing an innovative health-care system in the country. The policy ensures easy access to quality and modern healthcare services for all with emphasis on needs of the lower income groups and those most vulnerable in the society. There are 606 government hospitals with 61,835 beds in the country, which accounts to 3.1 beds per 1,000 persons. There were 9,648 qualified doctors in the state health sector, a doctor for every 2,061 persons and 20,549 qualified nurses, a nurse for every 968 persons. The health policy framework also recognizes the role of the private sector for providing an efficient and cost effective healthcare

service. Sri Lanka has been successful in controlling communicable diseases such as malaria, encephalitis, measles, polio, leprosy, etc. Several health projects were in progress in 2006. A modern blood bank was set up. An ultra modern Neuro Trauma Treatment unit is under construction at the National Hospital, Colombo. A “Linear Accelerator” for cancer treatment has been established at Maharagama. Under the post-tsunami reconstruction programme 285 projects have been identified for development. A total of 97 projects had been completed by end 2006. In the budget 2007, it has been proposed to upgrade all health centres in the estate sector as a special project. Under the Suwa Udana programme, mobile health clinics as well as health promotion and educational programmes, were conducted at divisional levels. Further, action has been taken to upgrade 17 hospitals located in rural areas. The “amazing health infrastructure” of Sri Lanka was complimented by WHO as ensuring that there were no epidemics and no victim was left uncovered, during the unprecedented Tsunami crisis in 2004.

Housing

39. Sri Lanka had taken the lead in highlighting the international importance of housing through such initiatives as 1987 as the International Year of Shelter for the Homeless Year (IYSH) which was adopted by the United Nations.

40. The long-term housing development policy, as indicated in the Ten-year Vision, envisages meeting a large part of the backlog and growing demand for houses. The policy aims at providing government assistance for needy groups as well as ensuring planned human settlements. There are several government institutions engaged in facilitating housing development for targeted groups. The National Housing Development Authority (NHDA), the main public sector institution that implements housing programmes especially targeting low-income households, has introduced several new housing programmes. NHDA completed 46,021 housing units under various housing development programmes in 2006. Real Estate Exchange Ltd. (REEL) is planning to uplift the living standards of shanty dwellers of about 66,000 in urban centres within the next 10 years by providing them with better housing and other infrastructure facilities. The REEL has initiated construction of 910 housing units during 2006.

Social equity and social protection programmes

41. Sri Lanka enjoys the most extensive social protection coverage in the South Asian region. Safety net programmes are aimed at helping the low income families to cope with poverty. The Samurdhi programme is the main safety net programme currently implemented by the Government to support the poor to maintain their living standards, while also helping them to emerge from poverty. The Samurdhi programme was further strengthened in 2006. The Samurdhi Authority of Sri Lanka (SASL) launched various income generation programmes, community development programmes as well as capacity building programmes during the year to support the Samurdhi beneficiaries to escape from poverty and low standard of living. The Janapubudu programme issued 97,068 loans amounting to Rs. 1,369 million to finance small scale enterprises. The Gampubudu programme aimed at upgrading infrastructure facilities of villages, the Diriya Piyasa to address the shelter problem of the beneficiaries and the agricultural development programmes to increase the income levels of beneficiaries were implemented by the SASL in 2006. The cash grants to Samurdhi beneficiaries were increased by 50 per cent in 2006. The value of nutrition pack given to pregnant women was increased to Rs. 500 and a special nutrition programme was launched for children of Samurdhi and other under-privileged

families through the supply of a glass of fresh milk daily to each child aged between 2 to 5. Safety net programmes need to be further streamlined aiming at empowering the poor to extend their contribution to the development of the economy. Population in conflict affected areas also has to be protected by providing effective relief, rehabilitation and reconstruction services.

42. Compared to several other developing countries, Sri Lanka has been successful in achieving reasonable levels of income distribution and raising the living standards of the poorer section of the community, thereby harmonizing limited economic growth with redistribution. The use of conventional statistical indicators such as growth rates and per capita income to assess the progress of Sri Lanka seems to be inadequate in the light of achievements in social welfare and income distribution. What is of significance in the case of Sri Lanka is that there has been equitable distribution of income promoting equality even as a relatively poor country.

43. Government policies in the past three decades have contributed to the transference of income to the domestic agricultural sector in many ways including extensive land reform, government resettlement and land distribution, etc.

44. The wages of plantation workers, in the earlier period, were always lower than those of their counterparts in the urban areas. However, family income in the estate sector was considerably higher than in the rural sector. Affirmative action deriving from the general welfare policies of the Government was responsible for this. Although the estate population, as a whole, has been poor, subsidies and government welfare expenditure have helped to sustain reasonable levels of nutrition and health standards. Furthermore, plantation workers have been assured of work throughout the year, unlike in other occupations where there is greater uncertainty in regard to the number of days of work available.

45. Changes in income and the ownership of wealth have also been effected through tenurial reforms and the creation of institutions for the development of agriculture. The Paddy Lands Act of 1958 constituted a significant landmark in rural rehabilitation and economic development. The system of tenure of paddy lands which prevailed before 1958 had been in operation in Sri Lanka from time immemorial. Of the total paddy land, nearly 400,000 acres were cultivated by 300,000 tenant farmers. The system of tenancy that prevailed before was unsatisfactory because adequate incentives for cultivation were lacking in view of the fact that landlords ultimately received the bulk of the crop, very often even without bearing any part of the cost of production. The Paddy Lands Act gave security of tenure to tenant farmers. The Act has, to some extent, relieved indebtedness because farmers have enjoyed a bigger share of the crop and have been in a better position to repay their debts.

46. The diffusion of wealth has figured as a vital component of economic policy in Sri Lanka because income from property has constituted a major share of total income. Hitherto, property had been owned by a relatively small segment of the total population. When the first phase of the land reform programme was initiated in 1972 only some 5,000 landowners in a population of 13 million were affected by the ceiling on land ownership. These figures are an index of the concentration of land ownership. In the rural areas, paddy lands constituted the most important form of wealth and about 33 per cent of these lands were cultivated by tenant farmers who did not own the land. This implied that the bulk of the paddy lands in the country were owned by cultivators.

47. The concentration of economic power that arose from the ownership of land weakened with the introduction of land reform in 1972. Land reform was found necessary to diffuse the ownership of land and property in order to provide a base for the further development of the country's agricultural economy. The Land Reform Law of 1972 stipulated a ceiling on the amount of agricultural land which could be owned by persons in Sri Lanka. The ceiling was 25 acres of paddy land or 50 acres of other agricultural land. After 26 August 1972, any land owned in excess of this ceiling was automatically vested in the Land Reform Commission. The total extent of agricultural land declared to the Commission was in the region of 1.2 million acres. Of this, about 638,000 acres were under the major crops, tea, rubber, coconut and paddy. Of the declared total, the Land Reform Commission acquired under the law 559,377 acres; approximately one third of this acreage was uncultivated land, while tea accounted for nearly one fourth, rubber about 15 per cent and coconut about 10 per cent of the area under cultivation.

48. The Government income distribution strategies have been put into operation through labour legislation and the minimum wage machinery. The minimum wages are determined by the Wages Boards established under the Wages Boards Ordinance. Today there are 43 Wage Boards covering vital trades and substantial part of the working population of the country. In addition to the minimum wages determined by the Wages Boards, over the years, there were many instances of Government intervention by way of legislation or Emergency Regulations in increasing wages. The latest legislation was enacted in 2005, and consequently, each worker became entitled to a salary increase of Rs. 1,000 per month.

49. In addition to the minimum wages there are productivity linked wages such as: bonuses linked to profits/production; incentives for exceeding norms; attendance bonuses; buy back of leave; special increments etc. Some workplaces also offer fringe benefits, which include risk allowances, subsidized travel; additional holidays and leave with pay; overtime and better terms and conditions.

50. In terms of the Industrial Disputes Act, the employers and the workers in the organized sector could enter into collective agreements in order to pay higher wages than the minimum wage, and to make the workers entitled to better terms and conditions of employment. The said Act also empowers the Minister of Labour to extend the terms and conditions of employment agreed between employers and workers in certain establishments in a trade, to cover all the workers in that trade.

51. The legislation also provides protection for different contingencies the workers encounter during their employment, and after retirement. The Employees Provident Fund Scheme and the Employees Trust Fund scheme are the largest social security schemes in the country which provide coverage to all formal sector workers. The Employees Provident Fund scheme provides contributory lump-sum payment to workers at the time of retirement, total disablement etc., while the Employees Trust Fund Board provides benefits at the time of retirement, change of employment, disablement, and medical coverage for critical illnesses.

52. For the benefit of the informal sector workers contributory pension schemes, namely, Farmers Pension and Social Security Benefits Scheme, Fishermen's Pensions scheme, tea small holders "Tea Shakthi Pension Scheme", and for self-employed and low income earners, Pension and Social Security Scheme, are in operation.

53. In respect of female workers, maternity protection is ensured through the Maternity Benefits Ordinance and the Shop and Office Employees Act. The law provides income support, required leave and health protection to the mother and the child.

54. Since independence, successive Governments in Sri Lanka have continued policies of providing extensive benefits to all segments of the population. These have included safety net programmes, free education, free medical care and subsidized prices for public transportation and housing. Since these liberal welfare measures have been available over a long period, Sri Lanka occupies an advanced position in terms of the quality of life of the population, even as a comparatively poor country (see Physical Quality of Life index first developed by the Overseas Development Council as well as the more recent Human Development Report).

7. Post-tsunami reconstruction

55. The 2004 Tsunami was catastrophic. It claimed 35,322 human lives, displaced over 500,000 persons, damaged or destroyed about 100,000 homes and resulted in over 150,000 persons losing their livelihoods. The cost of Tsunami damage to the economy has been estimated at around 4.5 per cent of the GDP.

56. Notwithstanding the enormous negative impacts of the Tsunami, the reconstruction process presented opportunities for building back better. The Government was able to quickly restore basic services. The power supply to affected areas was restored within two months after the Tsunami. Emergency water supplies were provided to affected areas and immediate repairs were completed. Housing, including transitional and permanent housing remains one of the most complex areas of post-tsunami reconstruction. 73,697 fully and partially damaged houses had been reconstructed by December 2007 and 13, 127 are in progress. Restoration of infrastructure is on-going. Progress of reconstruction is being monitored in order to address any inadequacies.

57. The Ministry of Health has been successful in preventing the outbreak of disease among affected populations in the initial Tsunami aftermath and over the past two years. School attendance of children previously enrolled at Tsunami damaged schools and schools damaged through use as internally displaced persons (IDP) camps was quickly normalized. Support for reconstruction of directly damaged schools was successfully mobilized and 57 per cent of schools are in various stages of construction. The Government has recently accessed funding to repair the four damaged universities. To date livelihoods restoration has been via cash grants, cash for work, asset replacement and microfinance systems.

58. Mechanisms and campaigns for strengthening the prevention of abuse, exploitation and neglect of children and women in Tsunami affected areas were developed and Disaster Relief Monitoring Units Helpdesks have been established in nine Tsunami affected districts to monitor services and address grievances.

59. A number of initiatives were launched to strengthen disaster risk management capacity at all levels including the enactment of the Sri Lanka Disaster Management Act in the Parliament in May 2005 and a Cabinet Minister being tasked with the portfolio of Disaster management. A Disaster Management framework was created that led to a policy shift from response based

mechanisms to a proactive approach towards risk. At the community level, risk reduction was encouraged through awareness campaigns and a number of initiatives to encourage volunteerism in disaster management.

B. Constitutional, political and legal structure of the State

1. Constitutional, political and legal structure

60. Sri Lanka is a sovereign state within the Commonwealth of Nations. The Constitution in article 1 states that “Sri Lanka is a Free, Sovereign, Independent and Democratic Socialist Republic and shall be known as the Democratic Socialist Republic of Sri Lanka”. Upon gaining independence from Britain in 1948, Sri Lanka (then known as Ceylon) became a dominion within the British Commonwealth of Nations, a loose alliance of mostly former British colonies. The Head of State was formerly the British monarch, represented by a Governor General.

61. In 1972 the country adopted a new Constitution that formally changed its name from Ceylon to Sri Lanka and established it as a Republic. An appointed President replaced the British monarch as the Constitutional Head of State. In 1978 Sri Lanka enacted a new Constitution that established the popular direct election of an Executive President.

62. For all its years as an independent country, Sri Lanka has had an active multiparty system, democratically elected Governments, and peaceful transfers of power. Universal adult suffrage has been in place since 1931. Women were given the right to vote as far back as 1931. The minimum voting age is 18.

63. The 1978 Constitution changed the formal name of the country from the Republic of Sri Lanka to the Democratic Socialist Republic (DSR) of Sri Lanka and established a presidential form of Government similar to that operating in France under the Fifth Republic. The Constitution contains 172 articles divided into 24 chapters. The Constitution of Sri Lanka establishes a Democratic Socialist Republic in Sri Lanka, which is also a unitary state. The Government is a mixture of the presidential system and the parliamentary system. The President of Sri Lanka is the Head of State, the Commander in Chief of the armed forces, as well as Head of Government, and is popularly elected for a six-year term. In the exercise of duties, the President is responsible to the Parliament of Sri Lanka, which is a unicameral 225-member legislature. The President appoints and heads a Cabinet of Ministers composed of elected members of Parliament.

64. The President appoints the Prime Minister, who leads the ruling party in parliament and shares many executive responsibilities, mainly in domestic affairs.

65. Members of Parliament are elected by universal (adult) suffrage based on a modified proportional representation system by district, for a six-year term. The party that receives the largest number of valid votes in each constituency gains a unique “bonus seat”. The President may summon, prorogue, or end a legislative session and dissolve Parliament any time after it has served for one year. The Parliament reserves the power to make all laws.

66. The Constitution recognizes and guarantees a broad range of fundamental rights including: freedom of thought and conscience; religious freedom; freedom from discrimination on the basis of race, religion, sex or caste; freedom of speech; basic legal protection including freedom from arbitrary arrest or detention; freedom to engage in any lawful occupation; and freedom of movement and travel. These rights are guaranteed to stateless persons who have been resident in Sri Lanka for 10 years following promulgation of the Constitution. Exercise of the fundamental rights, however, can be restricted in situations where national security is at risk or when the otherwise lawful actions of persons (such as speech or publication) detract from racial or religious harmony or endanger “public health and morality.” As per article 15, paragraph 7, exercise and operation of all the fundamental rights declared and recognized by articles 12, 13, paragraphs 1 and 2, and 14 shall be 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.

67. The Constitution contains a section devoted to directive principles of state policy. These encompass a broad range of policy goals, including the establishment of a “democratic socialist society” and a just distribution of wealth; economic development; and the raising of cultural and educational standards. The directive principles also include a commitment of decentralizing the country’s administration and promoting national unity by eliminating all forms of discrimination. The duties of citizens (including the fostering of national unity) are also enumerated.

68. Amendment of the Constitution requires the vote of two-thirds of Parliament. In addition, measures that affect “the independent, unitary, and democratic nature of the State,” the Buddhist religion, fundamental rights, or the length of the term of office of President or Parliament must be approved by a popular referendum. Bills judged “inconsistent with the Constitution” cannot become law unless two-thirds of Parliament approve.

69. Under the Constitution, the highest court is the Supreme Court, headed by a Chief Justice and eleven associate judges. The Supreme Court, Court of Appeal and High Court judges are appointed by the President. Supreme Court and Court of Appeal judges can be removed on grounds of incompetence or misdemeanour by a majority of Parliament, whereas High Court judges can be removed only by the Judicial Service Commission consisting of the Chief Justice and two Supreme Court judges. The Supreme Court has the power of judicial review of Bills; it can determine whether an Act of Parliament is consistent with the principles of the Constitution and whether a referendum must be taken on a Bill.

70. Sri Lanka has the framework of a presidential representative democratic republic, whereby the President of Sri Lanka is both Head of State and Head of Government, and of a multi-party system. Executive power is exercised by the Government. Legislative power is vested in Parliament. The Judiciary is independent of the Executive and the Legislature.

71. The Thirteenth Amendment to the Constitution which came into effect on 19 November 1987 provides for a considerable degree of devolution to the Provincial Councils. The Thirteenth Amendment (Ninth Schedule) provides for three lists of subjects and functions, for purposes of devolution, i.e. Provincial Council List, List reserved by the Centre and the Concurrent List. Every Provincial Council may, subject to the provisions of the

Constitution, make statutes applicable to the Province for which it is established, with respect to any matter set out in the Provincial Council List. Parliament may make laws with respect to any matter set out in the Concurrent List after such consultation with all Provincial Councils as Parliament may consider appropriate in the circumstances of each case. A Provincial Council has no power to make statutes on any matter set out in the Reserved List.

72. On 22 January 2008, the All Party Representative Committee (APRC) identified a course of action to achieve maximum and effective devolution of power to the provinces in the short term. This envisaged an interim arrangement on restoration of democratically elected Provincial Councils in the North and the East. One of the key areas identified by the APRC was that under the Thirteenth Amendment, Provincial Councils were set up throughout Sri Lanka and powers were devolved to the Council under a Provincial List and a Concurrent List.

73. The APRC observed that the implementation of subjects and functions devolved on the provinces through the Concurrent List had not taken place due to the fact that most of these subjects and functions were retained by the Centre as if they also belonged to the Reserved List which contained subjects and functions exclusively assigned to the Centre. Although the Constitution under article 154 had envisaged a consultative process between the Provincial Councils and the Centre with regard to devolution of powers under the Concurrent List, there had been shortcomings. Accordingly, the APRC recommended that the Government should endeavour to implement the Thirteenth Amendment in respect of legislative, executive and administrative powers overcoming these existing shortcomings. The APRC also recommended immediate elections for the Provincial Council in the Eastern Province. Accordingly nominations for Provincial Council Elections in the East have been fixed for 27 March 2008. It was also recommended, taking into account the existing conditions in the Northern Province, an alternative arrangement for the people in that part of the island to enjoy the fruits of devolution through an interim council that reflects the ethnic character of the area and which will aid and advise the Governor.

2. Statutory and customary law

74. Sri Lanka has been subject to centuries of Portuguese, Dutch and British domination. From the time of independence in 1948, the legal system of Sri Lanka has developed into a rich, varied complex system comprising a mixture of Roman Dutch law which is the Common Law, the English law which applies in commercial matters and personal laws namely Muslim Law, Kandyan Law, and Thesavalamai law (Jaffna Tamils). The basis of Criminal Law and procedure is the English common law included in statutory provisions, while the basis for resolving civil matters is governed by Roman Dutch Law. After Sri Lanka was colonized by the British Empire, British laws were gradually applied throughout the nation. Sri Lanka has an adversarial system of justice. The Attorney-General is the principal law officer of the State. Sir Richard Ottley, Chief Justice, in 1830 answering a question addressed to him by a Royal Commission of Inquiry said that “the laws, in the Island are multifarious”. In *Casim vs. Dingihamy* (1906) 9 NLR at p. 274, Middleton PJ, it was mentioned that “Ceylon is a polygenous country with diverse systems of law”. In any such legal system there are bound to be some disparities in the interplay of different legal principles and values.

75. In 1997, the Government introduced legislation to the effect that no marriage will be valid unless both parties to the marriage have completed 18 years of age. However, the provision regarding consent to the marriage of a minor was not changed. Courts have interpreted the law to effect an absolute prohibition on the marriage of any person who has not completed the age of 18. The National Child Protection Authority (NCPA) forwards complaints regarding underage marriages to the Registrar General to take action against Registrars who solemnize these marriages. The Registrar General has issued a circular to all Registrars of Marriages to check the intended partners' identity cards or birth certificates to ascertain the age (Age of Majority (Amendment) Act No. 17 of 1989).

76. Thus no person under the age of 18 can contract a legal marriage even with the consent of the parents or guardians. This has given rise to some social problems since there are instances where girls and boys under the age of 18 have sexual intercourse with the consent of both parties, sometimes resulting in pregnancy. Even where the parties are willing to marry in such cases the law presently in force does not allow them to do so and reports from the police indicate that the girl is left with an illegitimate child and left to manage all attendant social, financial and other problems on her own.

77. Sri Lankan law decrees that a man who has sexual intercourse with a woman with or without her consent when she is under 16 years of age commits rape, unless the woman is his wife who is over 12 years of age and is not judicially separated from him. The reference to 12 year-old here is a result of the Muslim Customary Law which allows a woman of 12 to contract a legal marriage.

78. Under the Muslim Marriage and Divorce Act, which is a codification of customary Muslim laws and practices, it is not necessary to obtain in writing the consent of a Muslim bride.

79. Therefore though the law conforms to international standards regarding the minimum age for marriage except in the case of Muslims, there are attendant problems that call for considered action and resolution, while taking into account the sensitivities of particular ethnic or religious groups.

80. The Sri Lankan legal system has long recognized the equality of married women being able to enjoy the status of an equal partner (*femme sole*) in terms of full rights relating to ownership of property independent of their spouses and also independent capacity to contract. Non-discrimination on the grounds of sex is a seminal principle underlying the *corpus* of human rights law in Sri Lanka. In the area of inheritance, some discrimination against women still exists in certain personal laws, entrenched in the customs, traditions and culture of the various ethnic groups of Sri Lanka. Several initiatives taken by the Government to create awareness on the subject as a prelude to changing the personal law has met with resistance from those very ethnic groups.

3. Administration of justice

81. The structure of the Courts of Law:

- (a) Supreme Court;
- (b) Court of Appeal;

- (c) High Court exercising Civil Appellate Jurisdiction;
- (d) High Court exercising original criminal jurisdiction;
- (e) District Courts;
- (f) Magistrate's Courts;
- (g) Primary Courts.

82. The Constitution prescribes in article 105 that institutions for the administration of justice which protect and enforce the rights of the people, shall be the Supreme Court, the Court of Appeal, the High Court, and the other courts of first instance, tribunals or such institutions as Parliament may from time to time establish. The Supreme Court and the Court of Appeal are each a superior court of record.

83. Articles 107-117 of the Constitution contain provisions guaranteeing the independence of the judiciary. They provide, inter alia, for the appointment of the Chief Justice, the President of the Court of Appeal and every other judge of the Supreme Court and the Court of Appeal, by the President. Every such judge holds office during "good behaviour" and shall not be removed except by an order of the President, made after an address of Parliament, supported by the majority of the total number of the members of the Parliament, has been presented to the President for such removal on a finding of proved misbehaviour or incapacity.

84. For further details on the constitution of the above courts, judges, appointment procedure, jurisdiction of courts, sittings, rules of courts, etc. please see Ministry of Justice and Law Reforms website: www.justiceministry.gov.lk.

Human rights

85. The Ministry of Disaster Management and Human Rights was established in terms of the gazette notification issued on 20 February 2006. The Ministry of Foreign Affairs works in close coordination with the Human Rights Ministry in promoting human rights in the country and also coordinate in activities with the United Nations High Commissioner for Human Rights and other international and regional human rights institutions.

86. Please see Ministry of Justice and Law Reforms website: www.justiceministry.gov.lk for the following additional information:

- (a) Development of Human Rights in Sri Lanka;
- (b) Constitution of 1972;
- (c) Constitution of 1978;
- (d) Fundamental Rights recognized in the Constitution;
- (e) Language Rights;
- (f) Institutions responsible for the protection and promotion of Fundamental Rights;
- (g) Proposed reforms.

Sri Lanka police service

87. Please see the official website of the Sri Lanka Police service (www.police.lk) for a comprehensive, history, organizational chart, crime statistics and also information concerning their Human Rights Division, Women and Child Bureau, etc.
88. The Sri Lanka Police has placed great emphasis in recent years on striving to enhance capacity building and the professionalism of the Service. The importance of policing in any peace process is widely acknowledged.
89. Swedish assistance was sought and a programme to enhance capacity in civilian policing, crime scene investigation and related areas was initiated in 2005. Training in human rights and professionalism is given high priority. Another important area of focus is community policing and training in aspects of community policing has been undertaken in the United Kingdom of Great Britain and Northern Ireland.
90. In January 2008 a newly built child-friendly District Head Office for the Children and Women's Bureau in Anuradhapura was handed over to the Police. It will become the coordinating head office of the Children and Women Desks of 23 police stations in the district. It was built with the assistance of non-governmental organizations (NGO) involving all stakeholders.
91. Yet another significant step in the 141 year old history of the Sri Lanka Police was taken recently when the Service welcomed its first ever batch of Tamil stream Police at a passing out parade of 175 new police constables (125 men and 50 women) trained at the Kallady Police Training College in Batticaloa. The college is the first training school to be established in the Eastern Province of the country. This batch of recruits were Tamil Sri Lankans from Batticaloa and Ampara Districts, the first recruits taken specifically from these areas and trained in the Tamil medium. They were deployed back into their communities.
92. It has been a matter of regret in recent years that the Sri Lankan security forces have not been clearly multi-ethnic in composition. Though applications have always been called from all citizens of the country, for various reasons, including diffidence caused by previous language policies, very few Tamils have joined in the recent past. More recently, there have been fears amongst Tamils, given the strategy of terrorist groups that Tamils serving in security forces were specifically to be targets of attack, being denigrated as traitors. Tamil officers serving in the Department were threatened by the LTTE to force them to leave the service, and renewed attempts by the Government to recruit Tamil officers to the service did not have desired results. It seemed likely then that Sri Lanka's proud record of a multi-ethnic police force, with two recent Inspectors General of Police being Tamil, would not easily be maintained.
93. The Government however is committed to the attainment of such objective and in the short term it is certainly essential to have Tamil officers serving in Police Stations in North and East as per the ratio of the population in the respective areas. Another important aspect is to give an opportunity to Tamil youth in these areas to serve their own communities, which will more easily allow the force to show the required concern and commitment. These new training policies are in keeping with the commitment of the Government to fully implement the official languages

policy, and develop confidence in all citizens that they are full stakeholders in government institutions. They will provide the backbone of the reawakening that the Government brings to the East now, and which it is hoped will soon be extended to the North.

94. Training of these new recruits commenced on 8 October 2007 at Kallady Training Centre and the trainees were provided four months of training which included community policing aspects and language training. The intake of Tamil youths into the service, to transform them into sensitive and skilled Police officers for work in their respective areas, will immensely help the full implementation of the Thirteenth Amendment to the Constitution which the Government has decided on. The next intake of 250 men and women will take place shortly and a similar programme would also shortly target the Estate Sector area in the middle of the country too.

Legal Aid Commission

95. The Legal Aid Commission of Sri Lanka was established by Law, No. 27 of 1978. The Commission comprises nine members, three of whom are appointed by the Minister of Justice and six members nominated by the Bar Council of Sri Lanka. The Legal Aid Commission offers legal aid to the needy people island wide irrespective of nationality, cast, creed, religion, locality or political affinity.

96. The Legal Aid Commission gives legal advice and provides representation in litigation and assistance for and on behalf of deserving persons including the services of Attorneys-at-Law and also other assistance as may be necessary for the conduct of legal proceedings. The powers and functions of the Legal Aid Commission include areas such as research in respect of legal aid, making of submissions to law reform agencies both in Sri Lanka and abroad and also to the State, provision of information to the public on the availability of legal aid, cooperating with institutions and bodies responsible for the education and training of persons providing legal aid, etc.

97. The Legal Aid Commission at its inception carried out its functions on a small state grant supplemented with limited funding from funding agencies. However, the year 2006 ushered in a new era for legal aid with the Commission receiving for the first time an enhanced grant of Rs. 27 million from the State. Additional funds were also received from certain funding sources.

98. The number of Legal Aid centres increased in 2006 from a mere 12 to 33 and further in 2007. The introduction of developmental legal aid desks and the legal aid page in the newspapers have been two important areas in the work of the Legal Aid Commission. The statistics given below reveal the nature of cases filed in 2006.

Litigation - Summary of court cases	
Pending cases brought forward from 2005	19 332
Total No. of cases filed in 2006	3 902
Total No. of cases concluded	739
No. of cases pending at end of year 2006	11 308

Source: Legal Aid Commission.

Statistics based on nature of cases 2006	
Sup. Court/App. Court/High Court	390
Quazi	26
Bail	283
Maintenance	1 120
S 66/S 81 Applications/MC matters	24
Divorce	466
Victims of crime	130
Accident compensation motor traffic	331
Guardianship	20
Labour	180
Domestic violence	46
Partition	16
Land	388
Special/Miscellaneous	247
Testamentary/Child abuse 1 + 3	04
Money	231
Total	3 902

Source: Legal Aid Commission.

99. Each Legal Aid Centre has a Panel of Lawyers who are paid on a case by case by basis. The developmental legal aid is a novel concept concentrating on sectors of society that need special protection. Thus the Legal Aid Commission has the following desks:

- (a) Traditional desks:
 - (i) Human Rights Bureau;
 - (ii) Prisoners Rights Desk;
 - (iii) Apprentices Training Programme Desk;
 - (iv) Bench and Bar Programme and Young Lawyers Training Programme Desk;
 - (v) Awareness Programme for Public, Janadiviyata Neethiya Programme Desk;
- (b) Newly introduced Developmental Legal Aid Desks:
 - (i) Migrants Workers Rights Desk;
 - (ii) School Programme Desk (Awareness Programmes, Essay Competition, Establishment of Legal Circles etc.);
 - (iii) Women Rights Desk;
 - (iv) Child Rights Desk;
 - (v) Elders Rights Desk;

- (vi) Anti-Corruption Desk;
- (vii) Internally Displaced Persons Desk (2007);
- (viii) Labour and Industrial Disputes Desk (2007);
- (ix) Consumer Protection Desk;
- (x) Disabled Persons Rights Desk;
- (xi) Additionally there is a desk comprising lawyer who handle the question/answer pages of the *Daily News* and *Lankadeepa* news papers.

100. Thus in totality there are 16 desks established in the head office. Their work is implemented via the head-office and island wide centres.

Witness protection

101. Intensive work involved in drafting national legislation on Assistance and Protection for Victims and Witnesses of Crime began in mid 2006. The Attorney-General's Department, presented a preliminary draft of a proposed bill to the Law Commission of Sri Lanka in late 2006. Consultations were held with a number of stakeholders and the Law Commission began considering the proposals in early 2007. The preliminary draft bill went through a number of modifications and since then a cabinet paper submitted by the President has been approved by the Cabinet. The Legal Draftsman has sent the draft bill to the Ministry of Justice which is in the process of finalizing it. It is expected to be enacted in the near future.

102. It is important to note that Victim and Witness Assistance and Protection programmes established by legislation are a rare phenomenon in the context of developing countries. Such systems have been introduced in the developed world in the last two decades, with the allocation of high levels of resources and funding which developing countries can ill afford. It is therefore significant that Sri Lanka, a developing country, facing terrorism and all the consequent problems associated with combating it, is striving to ensure that human rights and the rule of law prevails and is making every possible effort to introduce such a system.

103. The Bill seeks to establish a National Authority for the Protection of Victims of Crime and Witness and an Advisory Commission. The Authority is charged with the duty of promoting inter alia, the recognition of, and respect for, the rights and entitlements of victims of crime and witnesses and protecting such rights and entitlements.

104. A high powered Advisory Commission on Victims of Crime and Witnesses is established to advise the Board and the Director General of the Authority on the policy and overall direction to be adopted by the Authority, the general performance and discharge of duties and functions of the Authority and the manner in which the duties and functions of the Authority should be given effect to.

105. The Bill seeks to establish the Victims of Crime and Witnesses Assistance and Protection Division of the Sri Lanka Police Department.

106. The Bill also seeks to establish the Victims of Crime and Witnesses Protection Fund for the purpose of paying compensation to victims of crime, dependants of victims of crime who had died as a result of such crime, and for the purpose of paying the expenses incurred by a victim of crime in receiving medical treatment and necessary assistance, and also for the purpose of paying monies necessary to provide protection and for the performance and discharge of the functions of the Authority under the Act.

4. Non-governmental organizations

107. The National Secretariat for Non-Governmental Organization was established to ensure that all the NGOs which are functioning in Sri Lanka are duly registered. Since NGOs were expected to play a complementary role to that of the Government, and in recognition of its selfless nature, the presence and operation of NGOs was welcomed by the Government.

108. There were, however, no specific laws and regulations governing the operation of NGOs in Sri Lanka. In 1980 the Government enacted the Voluntary Social Services Organizations (Registration and Supervision) Act which sought to introduce a system of registration and supervision of activities of NGOs. However, this Act was not strictly implemented and the registration of NGOs was not strictly followed.

109. Following public concerns and complaints against certain NGOs by their employees, in 1990, the then President appointed a Commission to go into the activities of NGOs and to make recommendations for their proper functioning. Pursuant to the recommendations made by this Commission, regulations were passed under the Public Security Ordinance obligating compulsory registration of NGOs which have a turnover of Rs. 50,000 and above. However, with the lapse of the Emergency Regulations, this system too lapsed. In 1995 the Ministry of Health, Highways and Social Services proposed certain amendments to the 1980 Act. The draft legislation provided for the establishment of an NGO Advisory Council and appointment of Interim Boards of Management to administer the affairs of NGOs. In 1998 the draft legislation was approved by the Parliament. (Act No. 8 of 1998). A Secretariat for NGOs was established in 1996 in the Ministry of Health, Highways and Social Services.

110. A Parliamentary Select committee is inquiring into a range of allegations against NGOs/international non-governmental organizations (INGO) particularly relating to irregular disbursement of funds intended for Tsunami victims. The NGO secretariat is presently functioning under the purview of the Ministry of Social Services and Social Welfare. Please see the NGO secretariat website www.ngosecretariat.gov.lk for details.

II. GENERAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Acceptance of international human rights norms

1. Core human rights instruments and their optional protocols

111. Sri Lanka has become a party to all seven core international human rights instruments and several optional protocols. Please see information on the status of ratification at annex I.

Reservations and declarations

112. Sri Lanka has made declarations in respect of three conventions as follows (see <http://www2.ohchr.org/english/bodies/ratification/1.htm>).

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

113. Sri Lanka is a State party to the above Convention (entry into force 1 July 2003) which seeks to ensure minimum international guarantees relating to the human rights of migrant workers and their families. However, major labour recipient countries are yet to become parties to this Convention. Since Sri Lanka is a labour exporting country, it is vital in the interest of Sri Lankan migrants that labour recipient countries accede to the above Convention in order to ensure a strong legal framework for the protection of the rights of migrant workers through adherence to international minimum standards.

114. Sri Lanka has made following declaration:

Article 8, paragraph 2

“The right of non-Sri Lankans to enter and remain in Sri Lanka shall be subject to existing visa regulations.”

Article 29

“According to the Citizenship Act No. 18 of 1948, citizenship rights flow from the father and in the event a child is born out of wedlock, from the mother. A child will be deemed to be a citizen of Sri Lanka if he and his father were born in Sri Lanka before 1.11.49 or if at the time of his birth the father was a Sri Lankan.” This position is now changed by the Citizenship (Amendment) Act No. 16 of 2003. This Act recognizes the right of a mother who is a Sri Lankan citizen to pass citizenship to her children irrespective of the nationality of the father. Hitherto, only a father could pass Sri Lankan citizenship to his children. According to the Act, children born even before the passing of the legislation but after November 15, 1948 will have the right to Sri Lanka citizenship even if only the mother is a Sri Lankan citizen.

Article 49

“Resident visas to expatriate workers are allowed in respect of identified professions where there is a dearth of qualified personnel. Existing visa regulations do not permit migrant workers either to change their professions or the institutions in which they have been authorized to work, which is the basis on which the visa is issued.”

Article 54

“Protection against dismissal, quantum of remuneration, period of employment, etc., are governed by the terms of individual contracts entered into between the worker and the organization which employs him. A visa issued to an expatriate worker under the visa regulations is limited to a pre-identified job assignment.”

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

115. The following declaration has been made:

“The Democratic Socialist Republic of Sri Lanka [...] declares in accordance with article 3 (2) of the Protocol that under the laws of Sri Lanka:

- (a) There is no compulsory, forced or coerced recruitment into the national armed forces;
- (b) Recruitment is solely on a voluntary basis;
- (c) The minimum age for voluntary recruitment into national armed forces is 18 years.”

Optional Protocol to the International Covenant on Civil and Political Rights

116. Sri Lanka was one of the few countries in the Asian region to become a party to the Optional Protocol. In 1997 Sri Lanka acceded to the Optional Protocol as the Government was committed to continue to honour its international treaty obligations in the area of human rights, including the Optional Protocol.

117. The declaration made by Sri Lanka at the time of accession is as follows:

“The Government of the Democratic Socialist Republic of Sri Lanka pursuant to article 1 of the Optional Protocol recognize the competence of the Human Rights Committee to receive and consider communications from individuals subject to the jurisdiction of the Democratic Socialist Republic of Sri Lanka, who claim to be victims of a violation of any of the rights set forth in the Covenant which results either from acts, omissions, developments or events occurring after the date on which the Protocol entered into force for the Democratic Socialist Republic of Sri Lanka or from a decision relating to acts, omissions, developments or events after that date. The Democratic Socialist Republic of Sri Lanka also proceeds on the understanding that the Committee shall not consider any communication from individuals unless it has ascertained that the same matter is not being examined or has not been examined under any other procedure of international investigation or settlement.”

Derogations, restrictions, or limitations

118. In *Sinharasa vs. AG* (SC Case 182/99), the Supreme Court in its judgement held that Sri Lanka subscribing to the International Covenant on Civil and Political Rights in 1980, while per se not inconsistent with the provisions of the Constitution or written law of Sri Lanka, the “accession to the Covenant binds the Republic qua state, but no legislative or other measures have been taken to give effect to the rights recognized in the Covenant as envisaged in article 2. Hence the Covenant does not have internal effect and the rights under the Covenant are not rights under the law of Sri Lanka. A substantial part of the civil and political rights referred to in the Covenant have been given legislative recognition in the Constitution of Sri Lanka, as well as in

certain other legislation enacted by the Parliament. Hence Sri Lanka as a State Party to the Convention took immediate steps to enact appropriate legislation to give effect to those civil and political rights referred to in the aforesaid Covenant, for which no adequate legislative recognition was hitherto given. Enabling legislation has been enacted to give effect to the Covenant, by way of International Covenant on Civil and Political Rights Act No: 56 of 2007. The Supreme Court in its judgement also held that the accession to the Optional Protocol to the International Covenant was unconstitutional. The Attorney-General is examining the Supreme Court judgement with a view to regularizing the position with regard to the Optional Protocol.

B. Legal framework for the protection of human rights at the national level

1. Constitutional provisions

119. The preamble to the Constitution of Sri Lanka assures to “all peoples, freedom, equality, justice, fundamental human rights, and the independence of the judiciary, as the intangible heritage that guarantees the dignity and well-being of succeeding generations of the People of Sri Lanka, and of all the people of the world” who strive for “the creation and preservation of a just and free society”.

120. Articles 10 to 16 of the Constitution set out the fundamental rights which the people and citizens of Sri Lanka enjoy under constitutional protection. The Constitution is structured to promote and preserve the best democratic features which have gained universal acceptance. Almost all the important rights enumerated in the International Bill of Human Rights have been incorporated in the Constitution in chapter III entitled “Fundamental rights”:

(a) Article 10: Provides for freedom of thought, conscience and religion to every person in Sri Lanka;

(b) Article 11: Provides for freedom from torture or cruel, inhuman or degrading treatment or punishment;

(c) Article 12: Provides that all persons are equal before the law and entitled to equal protection under the law;

(d) Article 12, paragraph 3: Provides that no person shall be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of worship of his own religion on grounds of race, religion, language, caste or sex;

(e) Article 14: Provides for the right of freedom of speech and expression including right to publication, freedom of peaceful assembly, freedom of association, freedom to form and join trade unions, freedom to manifest a person’s religion or belief by practise, teaching, worship or observance, whether in public or private, freedom to promote a person’s culture and language, freedom to engage in any profession, trade, occupation, business or enterprise, freedom of movement and residence within Sri Lanka and the right of return to Sri Lanka.

121. For the first time in the history of Sri Lanka, the 1978 Constitution made fundamental rights enforceable before the highest Courts in the land. Under article 126 of the Constitution the

Supreme Court has the sole and exclusive jurisdiction to hear and determine any question relating to the infringement or imminent infringement by executive or administrative action of any fundamental rights declared and recognized by the Constitution (arts. 17,126). Furthermore, if in the course of any hearing, the Court of Appeal, which is next to the Supreme Court in the hierarchy of courts, is of the view that fundamental rights have been violated, then the Court is required to refer forthwith the matter for determination by the Supreme Court.

122. Where any person alleges that any fundamental right has been infringed or is about to be infringed by executive or administrative action, he may himself or by an attorney-at-law on his behalf, within one month, apply to the Supreme Court by way of a petition asking for relief or redress in respect of such infringement. The Supreme Court is vested with the power to grant such relief or make such directions as it may deem just and equitable in the circumstances. The Court has held that its jurisdiction to grant relief is very wide and extensive. Further, the Supreme Court has constantly, including in the recent past, expanded the fundamental rights jurisdiction by broad interpretations to the rights recognized in the Constitution. Article 11 of the Constitution guarantees that no person shall be subjected to torture, cruel, inhuman or degrading treatment or punishment while article 13, paragraph 4 provides that, no person shall be punished with death or imprisonment except by order of a competent court, made in accordance with procedure established by law. Though the right to life has not been expressly incorporated under the Constitution, Supreme Court of Sri Lanka in several important fundamental rights actions (*Silva vs. Iddamalgoda, 2003 (2) SLR, 63., Wewalage Rani Fernando and others, SC (FR) No. 700/2002, SCM 26/07/2004*) in recent times has implicitly recognized the right to life. Thus the provisions of Chapter III of the Constitution has been creatively interpreted by the Supreme Court on these occasions and recognized this right as an implied right guaranteed under the Constitution. The interpretation of the concept of Right to Life, was further advanced to include the right not to be “disappeared” in a judgement of the Supreme Court (*Kanapathipillai Machchavalan vs. OIC, Army Camp, Plantation Point, Trincomalee and Others, SC appeal No: 90/2003, SC (Spl) L.A. No: 177/2003, SCM 31.0.2003*).

123. The High Court of Sri Lanka as per article 7 of the International Covenant on Civil and Political Rights Act No. 56 of 2007, exercises jurisdiction over the enforcement of the human rights recognized under the Act. Any person aggrieved by such order made by the High Court in any petition filed under section 7 of this Act, shall have a right of appeal to the Supreme Court against such order.

124. The Constitution also empowers the Court of Appeal to issue writs of habeas corpus, mandamus, quo warranto, certiorari and procedendo. The availability of such remedies acts as a powerful deterrent against the unbridled abuse and misuse of power by the State and its agencies.

2. National Human Rights Commission (See paragraphs 143 to 152 below)

3. Special protection systems

125. With the passage of enabling legislation with regard to the International Conventions signed or acceded to, special protection systems/mechanisms have been put into place, i.e. the National Child Protection Authority, Probation and Child Care Authority, Women’s Bureau, Foreign Employment Bureau, etc.

4. Sri Lanka Law Commission

126. The review of legislation already in force and the consideration of amendments or enactment of new legislation in order to bring the legal system in accordance with international standards of human rights is undertaken by the Sri Lanka Law Commission. The Commission is charged with the general duty of keeping under review the law, both substantive and procedural with a view to its systematic development and reform, the codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally the simplification and modernization of the law. It is also the duty of the Commission to keep under constant review the exercise by bodies other than Parliament of the power to legislate by subsidiary legislation with a view to ensuring that they conform to all established principles and to the rule of law. The question of supplementing the existing legislation in the light of Sri Lanka's accession to international instruments relating to human rights is also considered by the Commission.

5. Proposed Human Rights Charter

127. Sri Lanka has commenced work on drafting a Human Rights Charter that will strengthen the human rights protection framework in the country and bring Sri Lanka's human rights guarantees in line with its international obligations. The process includes engaging with community-based organizations, NGOs and members of the public. The draft Charter and the process of consultation will foster a national discourse on human rights.

6. Commission of Inquiry

128. The Commission of Inquiry Act No. 17 of 1948 provides for the appointment of commissions of inquiry into various matters. Presidential commissions of inquiry have been appointed under the terms of this act as and when significant human rights violations have been alleged to have been committed. Some recent Commissions are listed below:

(a) Presidential Commission of Inquiry (COI) was established by President Mahinda Rajapaksa in November 2006 to inquire into alleged serious violations of human rights occurring in Sri Lanka since August 2005;

(b) The work of the COI is observed by a group of international observers (International Independent Group of Eminent Persons, IIGEP) established in February 2007. The Office of the High Commissioner on Human Rights (OHCHR) was associated with defining the mandate and terms of reference of the COI and IIGEP according to international norms and standards.

129. The work undertaken by the COI, in this regard, particularly in the absence of subject specific legislation in Sri Lanka, pioneered the development of the concept of Witness Protection and is regarded as pivotal both for the work of the COI and in the national scheme in the long term.

130. The COI has established a Victim and Witness Assistance and Protection Unit (VWAPU) which is seen as critical in terms of giving witnesses sufficient confidence in the proceedings to come forward and testify without undue hindrance, fear of reprisals, intimidation, harassment and retaliation.

131. Following the November 2006 establishment of the COI, the nomination of an International Independent Group of Eminent Persons (IIGEP) by February 2007 the COI developed the VWAPU by finalizing and adopting a number of constitutional documents relating to the unit as follows:

(a) The Mandate, Organizational Structure and the Rules of Procedure of the Victim and Witness Assistance and Protection Unit;

(b) The Scheme for providing Assistance and Protection to Victims and Witnesses.

132. The VWAPU is now fully staffed and also draws upon the assistance of legal advisors and a multi disciplinary team in relevant areas of expertise. They have also developed working methodologies to provide assistance and protection to victims and witnesses. The COI and staff from the VWAPU have visited several scenes of crime in the Eastern and North Central provinces where they have met with victims and witnesses and explained the scheme of assistance and protection to them.

133. A phased fast track training proposal was developed and senior members of the VWAPU were funded by the Government to undergo the first phase which involved a comprehensive training programme in NSW Australia where they were able to have practical and personal interaction with related legal/judicial and law enforcement agencies involved in assistance and protection of victims and witnesses. The training was enhanced by the fact that the members of the delegation are drawn from those working in agencies in the Criminal Justice System which have direct links with victims and witnesses i.e. the Attorney-General's department, the Police, the Legal Aid Commission and the National Centre for Victims of Crime.

134. It is also opportune that (OHCHR) as September 2007, advised through its representative in Colombo, that in response to the initial request from the Minister of Human Rights for assistance in March 2007 and after perusing the VWAPU Phased Fast Track Programme, it was in a position to confirm support and contribute to the funding for Phase 2 of the programme. This phase envisages facilitation of a mentoring programme. Mahanama Thilakarathne Commission was established in 2006 to inquire into allegations of disappearances. The mandate given to the Commission by the President was to probe incidents of abductions, disappearances and unexplained killings throughout Sri Lanka in the recent past.

C. Framework within which human rights are promoted at the national level

1. Parliament of Sri Lanka

135. The Constitution vests the legislative power of the people in Parliament consisting of elected representatives of the people for a period of six years at a time. Parliament has the power to make laws, including laws repealing or amending the Constitution. However, certain provisions in the Constitution need the approval of the people at a referendum before they can be repealed or amended.

136. The President may from time to time summon, prorogue and dissolve Parliament. However, he cannot dissolve Parliament until a year has lapsed after the previous general elections.

137. Please see the official website of the Parliament of Sri Lanka www.parliament.lk for details.

Constitutional Council

138. In terms of article 41 (A) (1) of the Seventeenth Amendment to the Constitution, the Constitutional Council should consist of the following:

- (a) The Prime Minister;
- (b) The Speaker of Parliament;
- (c) The Leader of the Opposition;
- (d) One person appointed by the President;
- (e) Five persons appointed by the President, on the nomination of both the Prime Minister and Leader of Opposition;
- (f) One person nominated upon agreement by the majority of the Members of Parliament belonging to political parties or independent groups other than the respective political parties or independent groups to which the Prime Minister and the Leader of the Opposition belongs and appointed by the President.

139. The tenure of office of the members appointed under article (41) (A) (1) (e) and (f) above terminated in late 2004 and early 2005.

140. In terms of the article 41 (A) (5), the President should make the respective appointments upon receipt of written communication of the nominations by the Speaker under subparagraphs (e) and (f) above.

141. However, no nomination was received under subparagraph (f), resulting in the non-constitution of the Constitutional Council. Therefore in April 2006, the President appointed the Public Service Commission, the National Police Commission and the National Human Rights Commission, as it was essential that these Commissions had to be operational, out of necessity to facilitate the smooth running of the administration, while upholding the rule of law.

142. A Select Committee of Parliament was appointed in July 2006 with a mandate of assessing the operation of the Seventeenth Amendment to the Constitution, and making recommendations to resolve its procedural shortcomings and further strengthening of its objectives. The Committee is still sitting and the final report is awaited. It is expected that some anomalies in the Seventeenth Amendment can be rectified, once the report is submitted to Parliament, through an amendment to the Constitution.

2. National Human Rights Commission

143. The National Human Rights Commission of Sri Lanka (HRCSL) was established by the Human Rights Commission Act No. 21 of 1996 and came into operation on 1 July 2000. It is vested with monitoring, investigative and advisory powers in relation to human rights. It has been set up as a permanent national institution to investigate any infringement or imminent infringement of a fundamental right declared and recognized by the Constitution and to grant appropriate relief. The powers of the Commission will complement the existing national framework for the protection of human rights. Unlike Supreme Court jurisdiction, there are no time limits for filing a complaint before the National Human Rights Commission.

144. The Commission has a network of 10 Regional offices to facilitate the discharge of its functions throughout the island. It has developed a Strategic Plan 2007-2009 which gives priority to:

(a) To protect human rights and uphold the rule of law, strengthen the monitoring mechanisms through efficient and effective visiting mechanisms, various fact finding missions, researches, public hearings, meetings, etc.;

(b) To improve and adopt new investigating and inquiring techniques to handle fundamental rights cases;

(c) Strengthening the Human Rights Commission Act No. 21 of 1996;

(d) Formation of a team on *bill's watch*, to evolve a mechanism on the human rights aspect of any law;

(e) Special attention will be given to vulnerable groups; especially IDPs who were affected by the armed conflict and Tsunami, elders, migrant workers, disabled, women and children;

(f) Develop an appropriate human rights education system through developing a strong human rights network among government institutions and INGOs, impartial and non-controversial NGOs and United Nations Agencies, providing public awareness on fundamental rights and other human rights issues, introducing human rights in schools, establishing human rights units in schools, preparation of HRCSL manuals, documents and leaflets, annual reports;

(g) Strengthening labour rights through discussions and extending human rights education for the government sector as well as to the private sector;

(h) Improve the administrative efficiency through capacity building of the Commission;

(i) As necessitate assisting the peace process.

145. The vision of the Commission is to ensure human rights for all, and promote and protect the rule of law.

146. The Mission of the Commission is to develop a better human rights culture in Sri Lanka through protecting and promoting human rights adhering to universally recognized human rights norms and principles with a special emphasis on the fundamental rights guaranteed under the Sri Lanka Constitution, for the citizens of Sri Lanka, with the coordination and cooperation of all stakeholders that work towards protecting and promoting human rights for all.

147. In the area of dispute resolution, the Commission has the jurisdiction to inquire into any allegation regarding the infringement or imminent infringement of administrative and executive action of fundamental rights at its own initiatives, or on receiving a complaint from a person aggrieved or a body of persons concerned with the protection of human rights, acting bona fide.

148. There is provision to enable the Supreme Court to refer to the Commission such complaints pertaining to the violation of fundamental rights as they deem appropriate and, conversely, for the Commission to refer allegations of a serious nature to the Supreme Court.

149. In the year 2007 (1 January-31 August), the Head Office of the Commission received 5,054 cases and had investigated 3,031 while the balance did not fall within the mandate of the Human Rights Commission.

150. The Constitutional Council (see paragraphs 138 to 142 above) established by the Seventeenth amendment to the Constitution has not been fully constituted and, according to a ruling by the Supreme Court and the advice of the Attorney-General, such a body cannot function until all its members are in place. Accordingly, in response to what is obviously a flaw in the Act, Presidential appointments were made in the way in which such appointments had been made by previous Presidents before the Seventeenth Amendment was passed. Meanwhile a Parliamentary Select Committee has made recommendations to render the Seventeenth Amendment more practicable, so that the situation that has arisen because of the Speaker's inability to make a selection will be avoided henceforth.

151. It is worth noting that UNDP in a recent stock-taking report says, "While all of the Commission's stakeholders would prefer (some strongly so) that the appointments had been made in accordance with the Constitution, no-one was able to identify any instances where the failure to do so had demonstrably affected Commissioner's performance of their responsibilities. Some commentators did observe that the current Commission exhibited a much lower profile than its predecessor. That in itself might indicate a reluctance to challenge the Executive. There is another, perhaps more likely, explanation for this, however. The Commission comprises three retired judges and two lawyers. The judicial tradition is to 'listen, not talk', lest the judge compromise the need to appear non-partisan and free from bias." (SCOPP report of 8 January 2008, website ref: www.peaceinsrilanka.org.)

152. The Ministry for Disaster Management and Human Rights has made it clear that assistance in strengthening national human rights mechanisms is eminently desirable, and has suggested areas in which technical assistance might be forthcoming.

3. Ministry of Disaster Management and Human Rights

153. Please see the official website of the Ministry of the Disaster Management and Human Rights www.dmhr.gov.lk for details.

154. The Ministry of Disaster Management and Human Rights (M/DM&HR) was established in 2006 and, for the first time in the nation's history, provided an institutional focal point in the executive branch of Government for the promotion of human rights. Its delineated mandate (Government Gazette *Extraordinary* No. 1482/9 of 29 January 2007 at pp. A33, A34 issued in terms of article 44, paragraph 1 (a) of the Constitution) in relation to human rights is:

- (a) Supervision of the activities of non-governmental organizations and social welfare voluntary agencies in relation to disaster management, provision of relief and promotion of human rights;
- (b) Facilitation of and assistance to non-governmental organizations and social welfare voluntary agencies, in the fields of disaster management and human rights;
- (c) Promotion of human rights; and
- (d) Coordination with OHCHR and other international and regional human rights bodies.

155. Due to inadequate staffing at the initial stages, an *ad hoc* human rights Unit was established which is gradually supporting the establishment of a fully-fledged, permanent Human Rights Division in the Ministry. Some of the work of the Unit to date involved:

- (a) Supporting the development of an overall strategic framework, an action plan, programmes and projects for the Ministry's work on human rights;
- (b) Substantive, organisational and logistical support to human rights mechanisms established by or under the Ministry, including those described below.

Inter-ministerial committee on human rights (IMCHR)

156. The IMCHR, chaired by Minister for Disaster Management and Human Rights, consists of the high-level representatives from the Ministries of Defence, Public Security, Law and Order; Foreign Affairs; Justice and Law Reforms; Constitutional Affairs and National Integration, Disaster Management and Human Rights, Attorney-General's Department, the Secretariat for Coordination of the Peace Process, Human Rights Commission, Armed Forces, Police, and Prisons. In addition relevant line-ministries are requested to attend meetings when required. Its main functions are to:

- (a) Direct relevant law enforcement authorities to investigate into alleged violations of human rights reported to the Committee and call for reports on such investigations;
- (b) Direct law enforcement authorities and other Government officials to implement decisions of the Committee and to report on action taken;
- (c) Initiate regular consultations, as appropriate, with the HRC, and civil society; and
- (d) Make recommendations with regard to the promotion and protection of human rights in Sri Lanka and implement such recommendations through appropriate government agencies;

(e) Through issue-specific subcommittees, discuss and recommend measures on human rights related policy issues. (A subcommittee on the Official Languages Policy has been established, and subcommittee on developing a database collating information on alleged gross violations of human rights - killings, abductions, disappearances).

Advisory Body to the Minister of Human Rights

157. The Advisory Body to the Minister of Human Rights, which consists of members of civil society and key government officials, was established to prevent, mitigate and/or respond to alleged violations of human rights. The mandate of the Body includes:

(a) Reporting violations, imminent violations or alleged violations of human rights with a view to addressing such violations and/or taking steps to prevent such violations from occurring or being continued to be perpetrated;

(b) Assisting the Ministry in verifying the above and if necessary, engage in fact finding missions for this purpose;

(c) Visiting places of detention, ascertaining the welfare of detainees, and reporting to the Minister of steps to be taken;

(d) Conducting field missions to places where there is civil unrest or tension; assisting to defusing and mitigating such conflicts or potential conflicts and recommending measures that can be taken to mitigate such conflict or tension;

(e) Advising the Minister of any laws, regulations, directives, procedures, administrative and other practices which need to be implemented in order to protect human rights;

(f) Advising the Minister of any international human rights treaty obligations and instruments which the Government needs to comply with, and measures that could be taken to give effect to such obligations.

Coordination of humanitarian assistance

158. The Government of Sri Lanka has been providing humanitarian assistance to IDPs through the respective District Secretaries. The M/DM&HR has been complementing the efforts of the Government by coordinating assistance from international humanitarian agencies, including the United Nations agencies and the International Committee of the Red Cross (ICRC).

National IDP Coordination Meetings

159. M/DM&HR has been holding regular IDP Coordination Meetings at a national level, which are chaired by Mr. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights. The meetings are attended by representatives of key government ministries and agencies, District Secretaries, the armed forces (Sri Lanka Army, Navy, Air force and the Police), United Nations agencies, ICRC, INGOs and NGOs. Some of the key issues that have been/are being addressed are as follows:

- (a) Facilitation of issues/constraints raised by government agents with Ministry of Defence (MOD) and other line Ministries;
- (b) Facilitation of funding, assistance needed for IDPs by raising the needs with the United Nations, I/NGO and donor community;
- (c) Issues of access for United Nations and I/NGOs to the cleared and uncleared areas;
- (d) Ministry of Defence clearance for expatriate staff of I/NGOs;
- (e) Facilitating requests for clearance of restricted items such as fuel, cement, steel and other construction material required for IDP related and development projects with Commissioner General of Essential Services (CGES), MOD and Joint Operations Headquarters (JOH);
- (f) Issues arising on registration of IDPs;
- (g) Ensuring safety and security of IDPs in camps;
- (h) Issues rising from resettlement of IDPs;
- (i) Facilitating between the United Nations, I/NGOs and Government agents, Ministry of Nation Building and Estate Infrastructure Development (M/NB&EID) with regard to the supply of essential services, (e.g., food, medicine, non-food relief items, etc.);
- (j) Confidence-building and stabilization measures for IDPs, e.g., protection and security, livelihood, civil-military liaison, etc.

Consultative Committee on Humanitarian Assistance (CCHA)

160. A decision was made in October 2006, following the President's meeting with the Ambassadors of the Co-Chair countries, that a Consultative Committee on Humanitarian Assistance (CCHA) be chaired by Mr. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights and meet once a month to discuss issues concerning humanitarian assistance.

161. The CCHA deals with important policy issues and its membership is limited. Secretaries from the following ministries are represented: Defence; Foreign Affairs; Nation Building and Estate Infrastructure Development; and Resettlement and Disaster Relief Services. Presidential Advisor Mr. Basil Rajapakse, Commissioner General of Essential Services, and Secretary-General of the Secretariat for the Coordination of the Peace Process also attend.

162. The international community is represented by the Head of the co-chairs, the United Nations Resident and Humanitarian Coordinator (RC/HC); the Representative of the United Nations High Commissioner for Refugees (UNHCR); the Head of Office for the Office for the Coordination of Humanitarian Affairs (OCHA); the Head of Office of the European Community Humanitarian Office (ECHO); ICRC Head of Delegation, and Consortium of Humanitarian Agencies.

163. Five subcommittees have been formed under the apex body of the CCHA. These subcommittees are co-chaired by a representative of the Government and a United Nations agency, and address the following areas:

- (a) Logistics and essential services (co-chairs: CGES and World Food Programme (WFP));
- (b) IDPs: Resettlement and welfare (co-chairs: Ministry of Resettlement and Disaster Relief Services and UNHCR);
- (c) Livelihoods (co-chairs: Ministry of Fisheries and Aquatic Resources and International Labour Organizations);
- (d) Education (co-chairs: Ministry of Education and UNICEF);
- (e) Health (co-chairs: Ministry of Health and WHO).

164. The subcommittees meet regularly, discuss and resolve all operational issues that fall within their respective area, and submit a monthly report to the CCHA indicating policy areas that the CCHA needs to address as well as any issues that cannot be implemented by the respective subcommittee.

165. The CCHA has been instrumental in gaining access and providing humanitarian assistance to IDPs in the north and the east of Sri Lanka. It provides a forum for key decisions to be made and implemented as all relevant stakeholders attend the meeting. Moreover, the subcommittees established under the CCHA allow for broader consultation with specialised agencies.

166. Though the National Coordination Meeting on IDPs and the Consultative Committee on Humanitarian Assistance focus on providing assistance to recently displaced persons; both have been used as a platform to lobby for Tsunami related activities and long-term development projects.

Mode of Operations for all stakeholders involved in humanitarian and development work in Sri Lanka (a subcommittee established under the CCHA)

167. A subcommittee, developed under the CCHA and consisting of government, donor, United Nations and I/NGO representatives was convened in order to agree on and draft the terms of reference [highlighting the scope, and laying the framework] for the development of a Mode of Operations for all stakeholders involved in humanitarian and development work in Sri Lanka. The Mode of Operations is currently being drafted.

Steering group and six subcommittees to draft a new human rights charter for Sri Lanka (Committee and subcommittees appointed under the IMCHR)

168. In accordance with an election pledge made by the President, the Inter-Ministerial Committee on Human Rights appointed an expert committee - representing both Government and civil society - to draft a new constitutional Human Rights Charter for Sri Lanka.

169. The expert committee has held many meetings to deliberate over key human rights protections that should form part of the constitutional framework. In order to draft specific provisions of the Charter, and bring on board more experts, the group created the following six subcommittees:

- (a) Civil and Political Rights;
- (b) Economic, Social, Cultural and Environmental Rights;
- (c) Women, Children and Marginalised/Vulnerable Groups;
- (d) Criminal Justice;
- (e) Group Rights;
- (f) Enforcement.

170. As part of a national process of consultation, to ultimately express the will of the people of Sri Lanka, the Ministries of Disaster Management and Human Rights, and Constitutional Affairs and National Integration have committed to a national consultation process on the draft Charter. Once a draft is finalized, a notice will be published in newspapers in all three languages calling for public representations. Workshops will also be held throughout the country to inform the public about the proposed Charter, and secure a draft which reflects the will, aspirations and vision of the people.

Working Group to study the implementation of the recommendations of the Special Rapporteur on freedom of religion or belief (WG appointed under the IMCHR)

171. The Working Group was set up under the Inter-Ministerial Committee on Human Rights to study the recommendations highlighted in the report of Asma Jahangir, Special Rapporteur on freedom of religion or belief (E/CN.4/2006/5/Add.3). The Working Group has met on a number of occasions and identified specific policy recommendations. It is currently in the final stages of its deliberations and will report its findings/recommendations in the form of a report.

172. Other areas of focus:

- (a) Strengthening the Ministry's partnerships and programmes with the United Nations and other donor agencies, I/NGOs and community-based organizations involved in human rights work and disaster management. This includes drafting of project proposals, MOUs and progress/final reports for collaboration between the Ministry and donors/agencies;
- (b) Conducting substantive research and providing policy guidance advisory service on key areas, including legislative reform - reviewing draft bills, drafting briefings, etc.;
- (c) Coordinating and facilitating collaboration of UNDP with the Ministry on human rights. This includes, facilitating collaboration of UNDP with the Ministry under the umbrella proposal for "strengthening human rights in post-tsunami recovery";

(d) Providing capacity-development to Ministry officials on relevant human rights themes and on human rights based approaches (HRBA) to recovery and development with a view to advancing a more rights-friendly and rights-based approach to the Ministry's work;

(e) Working in collaboration with other government agencies and institutions to identify and give effect to international treaty obligations, including support to working group on treaty body recommendations;

(f) Providing advice on and responding to public complaints and communications from United Nations agencies, I/NGOs, donors and community-based organizations on specific human rights issues;

(g) Providing human rights messaging and communication material for the Minister and Ministry, including public information;

(h) Research and coordination for parliamentary select-committees, namely on man-made disasters, and the forthcoming select committee on: the revision of the act constituting and enabling the HRC; and the constitutional jurisdiction of the Court under Chapter XVI of the Constitution especially the consideration of post-enactment legislative review by the Supreme Court.

173. Apart from continuing with this existing work, in 2008 the Ministry will attempt to devise for the first time an overarching human rights promotion and protection framework for the country for the period 2009 to 2013. This will be done under a programme of assistance currently under discussion with and utilizing the expertise of UNDP and OHCHR. One main objective of the envisaged technical cooperation is the development of a National Action Plan on Human Rights in keeping with the Vienna Declaration and Programme of Action of 1993.

174. The National Action Plan (and its process of preparation) is expected to:

(a) Enable the Government to assess Sri Lanka's human rights needs, leading to the development of a broad vision and strategy on the advancement of human rights;

(b) Set realistic goals and targets for the promotion and protection of human rights;

(c) Strengthen the human rights protection system in Sri Lanka by enhancing the capacity of national institutions engaged in human rights-related work to address human rights concerns;

(d) Support and advance sustainable peace in the country by strengthening institutions that enable people to channel their grievances in a non-violent manner and thus reduce the risk of social tension;

(e) Ensure better protection of economic, social and cultural rights which will lead to the concerns of minority and vulnerable groups being addressed;

(f) Improve rule of law, strengthen the administration of justice and strengthen the independence of the judiciary;

(g) Raise awareness - leading to a greater understanding of human rights and their value to individuals and communities (raise awareness amongst government officials, security forces, grass roots civil society organizations and the general public placing a primary focus on duty-bearers);

(h) Mainstream human rights in government planning: policy, programming and process - and ensure conflict sensitive planning;

(i) Increase coordination amongst government ministries and agencies - thereby avoiding duplication of effort and at the same time raising general awareness of the human rights initiatives being supported by different agencies leading to responsive institutions of the state that protect and promote human rights;

(j) Develop tools to plan the management of resources for the promotion and protection of human rights;

(k) Provide the country with a modality for evaluating performance with regard to human rights obligations;

(l) Inform donor agencies and governments of the implementation of projects and create a consolidated and strategic basis for national development frameworks that has human rights at its core leading to improved linkages between human rights and development;

(m) Enable Sri Lanka to better meet its international obligations - treaty implementation and improved frequency of submission of reports to treaty monitoring bodies, leading to an expansion of human rights protection for all Sri Lankans.

4. Ministry of justice and law reforms

175. The Constitution prescribes in article 105 that institutions for the administration of justice which protect and enforce the rights of the people, shall be the Supreme Court, the Court of Appeal, the High Court, and the other courts of first instance, tribunals or such institutions as Parliament may from time to time establish. The Supreme Court and the Court of Appeal are each a superior court of record.

176. Articles 107-117 of the Constitution contain provisions guaranteeing the independence of the judiciary. They provide, inter alia, for the appointment of the Chief Justice, the President of the Court of Appeal and every other judge of the Supreme Court and the Court of Appeal, by the President. Every such judge holds office during “good behaviour” and shall not be removed except by an order of the President, made after an address of Parliament, supported by the majority of the total number of the members of the Parliament, has been presented to the President for such removal on a finding of proved misbehaviour or incapacity.

5. Ministry of Constitutional Affairs and National Integration

177. The Ministry of Constitutional Affairs and National Integration is mandated to implement the Official Languages Policy enshrined in “the Constitution of the Democratic Socialist Republic of Sri Lanka (Chapter IV).

178. The Ministry has taken the following measures towards the effective implementation of this Policy.

179. Bilingualization of the Public Service, Public Administration Circular Number 3/2007 dated 9 February 2007, provides incentives for Public Officers presently in services to acquire competency in the Second Language.

180. In terms of Public Administrative Circular No 7/2007, dated 28 May 2007, officers joining the Public Service on or after 1st July 2007 are required to acquire the competency in the Second Language within a period of five years from the date of joining the Public Service.

181. The National Institute of Language Education and Training has been established by Act No. 26 of 2007, with the objective of producing:

(a) Competent teachers to teach Sinhala, Tamil and English to those who are desirous of acquiring such knowledge;

(b) Competent translators and interpreters in the Sinhala, Tamil and English languages who shall constitute the National Translators Service and the National Interpreters Service to be established by written law;

(c) Qualified trainers to train language teachers, translators and interpreters in the Sinhala, Tamil and English Languages;

(d) Trained persons with trilingual capabilities for the efficient provision of services to the public.

182. The Ministry during the period 15 September 2007 to 30 October 2007 held Mobile Services in all Divisional Secretariat Divisions in the Eastern Province, (Trincomalee 11, Baticaloa 12 and Ampara 22) in collaboration with other ministries and agencies and provided the following services to the people in Eastern Province. The services provided included the issuance of free national identity cards, birth certificates, marriage and death certificates, free legal advice, identity cards to senior citizens and conducted awareness programmes to the youth on the availability of vocational training and as to the opportunities for youth to engage in development activities.

183. Eighty programmes have been conducted in the year 2007 in all parts of the country to promote ethnic harmony and as a confidence building measure among the different communities. The programmes carried out included youth camps, joint shramadana activities and awareness programmes addressing students, religious leaders and civil society, drawing of posters and pictures promoting peace, etc.

6. Attorney-General's Department

184. The Attorney-General's Department is headed by the Attorney-General who is the Chief Law Officer of the State. The Department functions with a cadre of 199 professionals which includes the Attorney-General, the Solicitor General, 5 Additional Solicitors General, 20

Deputy Solicitors General, 40 Senior State Counsel, and 80 State Counsel, 2 State Attorneys, 5 Senior State Attorneys, 10 Assistant State Attorneys and 1 Accountant. In the year 1884 this office was established by law consequent to a decision of the Supreme Court.

185. The Department continues to perform its traditional role of advising Government and its Institutions and representing Government and its Institutions in litigation. In the performance of its work, the Department operates in distinct branches. These are the civil branch, the criminal branch, the State Attorneys branch, the Supreme Court branch, and the Corporation branch. There are also special units to which specially identified responsibilities have been assigned. These are, the Missing Persons Unit (which handles matters relating to persons who are alleged to have disappeared), Non-Summary Unit (which was set up to expedite non-summary inquiries in Magistrate's Courts), the EER Unit (which handles cases under Emergency Regulations), the Habeas Corpus Unit (which handles cases filed in relation to missing persons) Child Abuse Unit and the Public Petitions Unit (which handles public petitions).

186. The major functions of the Department are:

- (a) Institution and defence of civil actions for and on behalf of the Republic, Ministers and Public Officers;
- (b) Institution and conduct of criminal proceedings for and on behalf of the Republic;
- (c) Examination of Bills for their consistency with the provisions of the Constitution;
- (d) Providing on request, legal advice or opinions to State institutions;
- (e) Appearance before the Supreme Court in proceedings in the Supreme Court in its exercise of jurisdiction in relation to constitutional, fundamental rights, consultative and breach of parliamentary privilege matters;
- (f) Appearance in court and assisting court in respect of disciplinary proceedings against members of the Bar.

7. Parliamentary Commissioner for Administration (Ombudsman)

187. The Constitution of Sri Lanka also provides that Parliament shall by law provide for the establishment of the Office of the Parliamentary Commissioner for Administration (Ombudsman), charged with the duty of investigating and reporting upon complaints or allegations of the infringement of fundamental rights and other injustices by public officers and officers of public corporations, local authorities and other like institutions, in accordance with and subject to the provisions of such law.

188. The Parliamentary Commissioner for Administration Act No. 17 of 1981 established the Office of the Parliamentary Commissioner for Administration. Under the provisions of this Act, if the Committee of Parliament set up to consider petitions presented by members of Parliament is of the view that any petition presented to it by a member of Parliament discloses an infringement of a fundamental right or other injustice by a public officer or an officer of a public corporation, local authority or other like institution, it may refer such petition to the Commissioner for investigation and report.

189. Under the Parliamentary Commissioner for Administration Act No. 17 of 1981, when a petition is presented by the Public Petitions Committee of Parliament, the Parliamentary Commissioner will investigate the matter and upon the conclusion of the investigation, he will determine whether there has been or there is likely to be an infringement of a fundamental right or other injustice. The Commissioner will then report his determination together with his reasons to the Public Petitions Committee with a recommendation for appropriate relief. The Public Petitions Committee may, after consideration of a report made to it by the Commissioner, report to Parliament its opinion on the action to be taken.

190. Apart from the Constitution itself, there are other mechanisms which supplement the fundamental rights jurisprudence.

8. Human rights directorates in the armed forces and the police

191. A Directorate on Human Rights and Humanitarian Law of the Sri Lanka Army conducts awareness programmes on human rights and humanitarian law for the security personnel. Up to the end of 2007, 95 per cent of Army personnel have received such training. Based on this model, the other armed services have developed training programmes for service personnel, whilst this model, which has widely been deemed successful, has been suggested for police training too. The IMCHR is currently discussing measures to enhance levels of training in cooperation with other state institutions as well as the ICRC. Focal points for this initiative will be the human rights cells in all 3 armed services which report directly to the respective service commanders. Furthermore Civil and Military Liaison Officers (CMLOs) have also been appointed for all conflict-affected areas and the Government is looking into the establishment of a CML Directorate at the central level. A National Committee on International Humanitarian Law has also been established under the chairmanship of the Legal Advisor of the Ministry of Foreign Affairs to examine, inter alia, the necessity for domestic laws to implement international humanitarian law conventions and possible subscription to international humanitarian law conventions. The National Committee has wide participation of relevant line ministries and departments, such as the Ministry of Defence, the armed services, the Attorney-General's Department and the Legal Draftsman's Department, etc. A direct outcome of the work of the National Committee was the framing of legislation to give effect to the Geneva Conventions of 12 August 1949 in the form of the Geneva Conventions Act No. 4 of 2006 and Sri Lanka's ratification of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Representatives of ICRC are also invited to participate in the discussions of the National Committee when required.

192. The Sri Lanka Police Department operates a Human Rights Division which seeks to strengthen the role of the law enforcement authorities in protecting human rights. With this goal the police has embarked on a programme to train staff on intelligence led policing, enhancing capacity building and establishing guiding policies of transparency, development of human rights/humanitarian law and legal processes and policing with the community. A Special Investigation Unit has been established to inquire into and prosecute alleged instances of torture. Women's and Children's Desks have been opened in almost all Police Stations in the country. These Desks are opened throughout the day, under the charge of a female officer and are expected to provide speedy redress to victims.

D. Education programmes and public information

1. Sri Lanka Foundation

193. The Sri Lanka Foundation was established by statute by the Government with the aim and object of protecting human rights, promotion of international understanding and cooperation and universal respect for the observance of human rights and fundamental freedoms for all without distinction.

194. The Human Rights Centre of the Foundation is directly involved in human rights education and dissemination of information. The Centre as early as 1983 together with the National Institute of Education introduced human rights concepts into the school curriculum. International agreements and covenants form part of the reference material. In addition to the formal education programme the Centre has also undertaken to introduce the World Council for curriculum and Instruction Project on human rights to a number of selected schools in Sri Lanka. The programme envisages the improvement of awareness of human rights among schoolchildren.

195. The “Social justice through legal literacy” programme of the Centre holds seminars for adults - peasants, workers, women’s groups and local council members - on the law and its procedures concerning problems encountered by these groups in their daily life. The Centre has also from time to time conducted seminars of the armed forces on the need to adhere to human rights norms.

196. In commemoration of the World Conference on Human Rights in Vienna in 1993, the Centre published a compilation of United Nations instruments on human rights in all these languages. This collection will serve as a valuable guide to which easy reference could be made. A project to promote human rights through the electronic media is also under way.

197. Apart from the efforts of the State, a number of NGOs are involved in promoting awareness among the public and relevant authorities of international human rights norms. A half page is devoted to raising awareness on human rights in the Daily News, a leading newspaper, free of charge.

2. United Nations Information Centre (UNIC)

198. The United Nations Information Centre in Sri Lanka serves as a focal point in the dissemination of United Nations-related information. Its responsibilities include maintaining a close relationship with the Government, Ministries, research institutions and officials and responding to the different needs for information on the United Nations. The UNIC also assists the press and broadcasting media in producing news about the United Nations. It also works closely with the education system providing supplementary material to help in teaching about the United Nations system. It also organizes seminars and workshops for master teachers and students. Its reference library is a source of United Nations official documents and is open to the public and researchers.

3. United Nations Association of Sri Lanka

199. The United Nations Association of Sri Lanka has published Sinhala and Tamil versions of the Charter of the United Nations which is now being circulated to all public libraries and high school libraries, universities and libraries of institutions.

4. International Committee of the Red Cross in Sri Lanka

200. The International Committee of the Red Cross in Sri Lanka conducts lectures and seminars for the armed forces on international humanitarian law and the law of war.

5. Centre for the Study of Human Rights

201. The Centre for the Study of Human Rights of the University of Colombo, which has been in operation since October 1991, works closely with local and international NGOs and educational institutions to design and facilitate human rights education and research. The Centre is in the process of translating important human rights documents into Sinhala and Tamil as most of the literature is only available in English. The pilot project on human rights education for the armed forces and police undertaken by the Centre hopes to further sensitize service personnel to human rights issues. The Centre initiated a Human Rights Outreach Education Project for the community which promotes human rights awareness in a manner which integrates human rights into the thinking process of the participants. The current programmes are given in their Annual Report 2006 and in the website: www.cshr.org.

6. Human Rights Commission of Sri Lanka

202. The Human Rights Commission has undertaken the following activities.

Raising human rights awareness among public officials and other professionals

203. The series of continuous programmes are being conducted to create awareness among law enforcement officers and detention centres. There is a “hot line” operative for 24 hours to handle cases of allegations on violations of human rights.

Promotion of human rights awareness through educational programmes and Government-sponsored public information

204. A series of training programmes are being carried out all over the country. In addition Research Programmes have been undertaken on topics of importance to the well being of the society. Police Officers, Prison Officers, Senior School Children and Principals and Teachers of Schools are given education on Human Rights. These programmes have increased the intake of petitions over and above 100 per day. Public Hearings on economic and social issues are being conducted.

Promotion of human rights awareness through the mass media

205. The Commission participates at the discussions sponsored by TV and Radio. Short films have been displayed on Women’s and Children’s Rights. TV spots have been developed. There is a difficulty in obtaining prime time for such spots and assistance of the Government media is looked for.

7. International observers

206. Sri Lanka has also afforded many opportunities to United Nations special procedure mechanisms and international human rights organizations to visit Sri Lanka in order to evaluate and make implementable recommendations on the observance of human rights in the country. The International Committee of the Red Cross has been afforded facilities to operate in the north and east and in other areas stricken by the conflict. Sri Lanka has also regularly afforded parliamentary teams from the Commonwealth, the European Union and other organizations the opportunity of monitoring the conduct of presidential, parliamentary and local government elections.

8. All Party Representative Committee (APRC)

Seeking a political and peaceful settlement of conflict

207. The Government of Sri Lanka has taken a number of initiatives to facilitate the realization of a negotiated settlement to resolve the national problem. Significant among them is the endeavour to develop constitutional proposals with broad support. The main aim has been to find an indigenous solution to end decades of internal strife, and enable all people to live in dignity and peace in Sri Lanka.

208. President Mahinda Rajapaksa has emphasized the fact that the task of finding a political solution to the national question requires a multi-party effort and an inclusive approach. President Rajapaksa invited representatives of 15 political parties on 19 January 2006 at the Presidential Secretariat in an All Party Conference on the peace process. The President in explaining the objectives of the deliberation emphasized the importance of developing a consensus among political parties represented in Parliament with a view to commencing peace talks.

209. Unity through discussion was apparent in the first report of the All Party Representatives Committee (APRC) which was presented to President Rajapaksa on 23 January 2008. The report, entitled "Action to be taken by the President to fully implement relevant provisions of the present constitution as a prelude to the APRC proposals", was signed by representatives of all but one of the 14 parties that constitute the APRC. The fourteenth member, the representative of the Western Peoples Front has confirmed the party will remain in the APRC and participate in the final stages of the deliberations which will lead to the APRC proposals for the long term.

210. The first of the measures recommended is to recognize the shortcomings in the implementation of subjects and functions devolved on the Provinces through the Concurrent List and to endeavour to implement the Thirteenth Amendment to the Constitution in order to overcome the existing shortcomings, secondly the recommendation of immediate elections for the provincial Council in the Eastern Province, thirdly, the recommendation of an alternative arrangement for the people in the Northern Province of the island to enjoy the fruits of devolution through an Interim Council which will aid and advise the Governor, fourthly, the full implementation of Chapter IV of the Constitution on language.

211. Though a wide divergence of views were prevalent at the initial meetings, after lengthy negotiations in which various viewpoints were put forward, and listened to with respect, the

APRC has achieved a level of consensus not seen before in political discussion. The possibility of achieving the goal of a political solution to the national question is enhanced through this process.

212. The President in accepting to fully implement the relevant provisions of the Thirteenth Amendment and in presenting the APRC document to the Cabinet requested full cooperation to implement it urgently. This makes clear the current political will, missing in successive Governments since 1987, to make a success of the Thirteenth amendment which should, had it not been for the initial intransigence of the LTTE, laid the foundation for settling the problems that had arisen.

213. The APRC and its chairman have strived to actively seek within a united country, ways of meeting the aspirations of the Tamil speaking people, in particular in the North and East of the country. These people suffered worst from the failure to take their interests into account in national decision making, though it is also true that people in all areas outside decision making centres did not have their interests adequately considered in many instances. Stress laid in the report on satisfactory implementation of constitutional provisions regarding language rights indicates the importance of ensuring that all citizens feel they are adequately empowered in the context of a united country.

214. APRC members were unanimous in opting to continue their deliberations soon after they presented their first report to the President on the 23 January 2008. They met on 28 January as scheduled for the 64th meeting and pledged to work together in the same spirit of cooperation and to continue with the process of confidence building which had enabled them to overcome mutual distrust and reach consensus on many issues under discussion. This is in keeping with their aim to finalize the set of proposals that would be the basis for a new Constitution and provide a final solution to the National question. It is important to note in this connection that for the first time, proposals have emerged from within a multiparty consultative process.

9. Civil society

215. There are many NGOs working on human rights related work, however very few are registered. According to the Human Rights Commission, there is no bar for any organization to report on any violation and they are entertained, investigated and recommendations made. The Ministry of Disaster Management and Human Rights has several working committees where NGOs are represented and active.

10. Budget allocation and assistance

216. Ministry of Disaster Management and Human Rights has advised that given the relative paucity of public funding for human rights promotion and protection, there is a need to buttress funds and local capacities through technical cooperation and capacity building including making requests for such assistance from bilateral and multilateral sources.

217. The Human Rights Commission comments on their budget that the Government meets about 40 per cent of expenditure and 60 per cent received from the donor agencies. Donor agencies such as UNDP have signed agreements of cooperation. However the funds are forthcoming on piecemeal basis and follow a procedure of reimbursement, which has caused some inconvenience in initiating programmes and for their continuity.

11. Reporting process at the national level

218. With regard to national reporting in respect of treaty bodies, the Ministry of Foreign Affairs coordinates action with the Ministries of Justice and Disaster Management and Human Rights. The consultation process for such reporting will also include concerned line Ministries, national institutions, academia and civil society organizations. A treaty body reporting working group is currently engaged in finalizing Sri Lanka's periodic reports under the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to Convention on the Rights of the Child on the involvement of children in armed conflict.

Follow-up to concluding observations of human rights treaty bodies

219. The Ministry of Foreign Affairs usually summons a meeting of all relevant stakeholders as a first step to follow up on the concluding observations of human rights treaty bodies. In addition, key issues are also taken up at the Inter-Ministerial Committee on Human Rights chaired by the Minister of Disaster Management and Human Rights, which is a regular standing body, at which any issue could be raised. The Ministry of Disaster Management and Human Rights also has an Advisory Committee including several civil society leaders who may also bring up any key issue with regard to the concluding observations of human rights treaty bodies.

220. At the request of the Government, the OHCHR conducted a workshop on this subject in Colombo from 26 -28 April 2005, which was welcomed by all participants.

III. INFORMATION ON NON-DISCRIMINATION AND EQUALITY AND EFFECTIVE REMEDIES

221. Sri Lanka has signed the following treaties and conventions having a bearing on the Principle of non discrimination:

- (a) Universal Declaration of Human Rights;
- (b) International Covenant on Civil and Political Rights;
- (c) International Covenant on Economic, Social and Cultural Rights;
- (d) International Convention on the Elimination of All Forms of Racial Discrimination;
- (e) ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;
- (f) ILO Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation.

222. The right not to be discriminated is enshrined in the Constitution as a fundamental right.

Article 12

(a) All persons are equal before the law and are entitled to the equal protection of the law.

(b) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds:

“Provided that it shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public, Judicial or Local Government Service or in the service of any public corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office.

Provided further that it shall be lawful to require a person to have sufficient knowledge of any language as a qualification for any such employment of office where no function of that employment or office can be discharged otherwise than with knowledge of that language.”

(c) No person shall, on the grounds of race, religion, language, caste, sex or any one such ground, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.

(d) Nothing in this Article shall prevent special provision being made, by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons.

223. The Supreme Court is vested with sole and exclusive jurisdiction under article 126, paragraph 1 of the Constitution to hear and determine any question relating to the infringement or imminent infringement by executive or administrative action of any fundamental right recognized under the Constitution.

224. Under article 126, paragraph 4, the Supreme Court has the power to grant relief or make directions in a just and equitable manner when its jurisdiction is invoked.

225. In addition to the Constitution vesting in the highest Court, namely the Supreme Court jurisdiction pertaining to allegations of violations of fundamental rights including the right not to be discriminated, the following institutions are also vested with statutory power to deal with allegations of such violations:

- (a) The National Human Rights Commission;
- (b) The Parliamentary Commissioner for Administration (Ombudsman);
- (c) The National Police Commission (deals with complaints against Police officers).

226. In addition to the above, constitutional and statutory mechanisms, administratively the Government of Sri Lanka has also set up an Inter-Ministerial Committee on Human Rights and an Inter-Ministerial Working Group on Human Rights to monitor the human rights situation in the country. A Human Rights Ministry has been set up to ensure that the Constitutional obligation on all organs of Government to respect, secure, and advance Fundamental Rights is carried out. Under the said Ministry an Advisory Committee has been established which consists of several representatives of civil society. The Advisory Committee can give advice to the Government of Sri Lanka on any issue relating to human rights.

227. The above clearly demonstrates that the Government of Sri Lanka has taken steps to give Constitutional recognition to the right of non-discrimination and equality. Further, it has entrusted the highest court with jurisdiction to make determinations in this regard. In addition, various statutory as well as administrative bodies have been established to ensure that those who are aggrieved by alleged violations of discrimination or inequality have been provided with an effective remedy within the domestic framework.

228. Please also see at Annex IV an analysis of conformity of Sri Lankan law with key international instruments on human rights and labour rights of which Sri Lanka is a State Party. Each initial report submitted by Sri Lanka under the different international instruments also contains a detailed article by article review of such conformity.

Annex I

**TREATY RATIFICATION AND REPORTING HISTORY
SRI LANKA**

Human Rights Treaty	Ratification/ Accession (a)	Reporting History
International Covenant on Civil and Political Rights	11 June 1980 (a)	<p>Human Rights Committee</p> <p><u>Initial report:</u> Due September 1981, submitted March 1983 (CCPR/C/14/Add.4; CCPR/C/14/Add.6), examined October 1983.</p> <p><u>Second periodic report:</u> Due September 1986, submitted March 1990 (CCPR/C/42/Add.9); examined April 1991.</p> <p><u>Third periodic report:</u> Due September 1991, submitted July 1994 (CCPR/C/70/Add.6; CCPR/C/116), examined July 1995.</p> <p><u>Fourth and fifth periodic report:</u> Due September 1996, submitted September 2002 (CCPR/C/LKA/2002/4); examined October 2003.</p> <p><u>Sixth periodic report:</u> Due September 2007.</p>
First Optional Protocol to the International Covenant (individual complaints procedure)	3 October 1997 (a)	
Second Optional Protocol to the International Covenant (Abolishing the death penalty)	-	
International Covenant of Economic, Social and Cultural Rights	11 June 1980 (a)	<p>Committee on Economic, Social and Cultural Rights</p> <p><u>Initial report:</u> Due June 1990, submitted March 1996 (E/1990/5/Add.32), examined April 1998.</p> <p><u>Third periodic report:</u> Due June 2000.</p>

Human Rights Treaty	Ratification/ Accession (a)	Reporting History
<p>International Convention on the Elimination of All Forms of Racial Discrimination</p>	<p>18 February 1982 (a)</p>	<p>Committee on the Elimination of Racial Discrimination</p> <p><u>Initial report:</u> Due March 1983, submitted January 1984 (CERD/C/101/Add.6), examined August 1984.</p> <p><u>Second periodic report:</u> Due March 1985, submitted July 1985 (CERD/C/126/Add.2), examined March 1986.</p> <p><u>Third, fourth, fifth and sixth periodic report:</u> Due March 1987, submitted August 1993 (CERD/C/234/Add.1), examined March 1995.</p> <p><u>Seventh, eight and ninth periodic report:</u> Due March 1995, submitted September 2000 (CERD/C/357/Add.3), examined August 2001.</p> <p><u>Tenth and eleventh periodic report:</u> Due March 2003.</p> <p><u>Eleventh and twelfth periodic report:</u> Due March 2005.</p>
<p>Declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination allowing for individual complaints</p>	<p>-</p>	
<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p>	<p>3 January 1994 (a)</p>	<p>Committee against Torture</p> <p><u>Initial report:</u> Due February 1995, submitted October 1997 (CAT/C/28/Add.3), examined May 1998.</p> <p><u>Second periodic report:</u> Due February 1999, submitted March 2004 (CAT/C/48/Add.2), examined May 2005.</p> <p><u>Third periodic report:</u> Due February 2003.</p>

Human Rights Treaty	Ratification/ Accession (a)	Reporting History
Declaration under article 22 of the Convention against Torture allowing for individual complaints	-	
Optional Protocol to the Convention against Torture (allowing in-country inspections of places of detention)	-	
Convention on the Elimination of All Forms of Discrimination against Women	5 October 1981	<p>Committee on the Elimination of Discrimination against Women</p> <p><u>Initial report:</u> Due November 1982, submitted July 1985 (CEDAW/C/5/Add.29; CEDAW/C/5/Add.29/Amend.1), examined April 1987.</p> <p><u>Second periodic report:</u> Due November 1986, submitted December 1988 (CEDAW/C/13/Add.18); examined January 1992.</p> <p><u>Third and fourth periodic report:</u> Due November 1990/94, submitted October 1999 (CEDAW/C/LKA/3-4); examined January 2002.</p> <p><u>Fifth periodic report:</u> Due November 1998.</p> <p><u>Sixth periodic report:</u> Due November 2002.</p>
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women allowing for individual complaints	15 October 2002 (a)	

Human Rights Treaty	Ratification/ Accession (a)	Reporting History
Convention on the Rights of the Child	12 July 1991	Committee on the Rights of the Child <u>Initial report:</u> Due August 1993, submitted March 1994 (CRC/C/8/Add.13), examined June 1995. <u>Second periodic report:</u> Due August 1998, submitted September 2000 (CRC/C/70/Add.17), examined May 2003. <u>Third and fourth periodic report:</u> Due August 2008.
Optional Protocol on the involvement of children in armed conflict	8 September 2000	<u>Initial report:</u> Due February 2004.
Optional Protocol on the sale of children, child prostitution and child pornography	8 May 2002 (signed)	
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	11 March 1996 (a)	Committee on Migrant Workers <u>Initial report:</u> Due July 2004.
Declaration under article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families allowing for individual complaints	-	

For declaration and reservations, please consult:

<http://untreaty.un.org/ENGLISH/bible/englishinternebibble/partI/chapterIV/chapterIV.asp>.

Annex II**PARTIAL LIST OF MAJOR INTERNATIONAL CONVENTIONS
RELATING TO ISSUES OF HUMAN RIGHTS**

Sri Lanka is a State party to the following:

A. Main international human rights conventions and protocols

1	International Covenant on Economic, Social and Cultural Rights, 1966
2	International Covenant on Civil and Political Rights, 1966
3	International Convention on the Elimination of All Forms of Racial Discrimination, 1965
4	Convention on the Elimination of All Forms of Discrimination against Women, 1979
5	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
6	Convention on the Rights of the Child, 1989
7	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990
8	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000
9	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, 2000
10	Optional Protocol to the International Covenant on Civil and Political Rights, concerning individual petition, 1966
11	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, concerning individual complaints and inquiry procedures, 1999

B. Other United Nations human rights and related conventions

1	Convention on the Prevention and Punishment of the Crime of Genocide, 1948
2	Slavery Convention, 1926 as amended 1955
3	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
4	United Nations Convention against Transnational Organized Crime, 2000, and its Protocols against the Smuggling of Migrants by Land, Sea and Air, and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

C. Conventions of the International Labour Organization ratified by Sri Lanka as at 12.07.2007

Convention	Ratification date	Status	Reservations made at the time of ratification
No. 4 (1919) concerning Employment of Women during the Night	08.10.1951	Denounced on 16.02.1954	Nil
No. 5 (1919) Fixing the Minimum Age for Admission of Children to Industrial Employment	27.09.1951	Denounced on 11.02.2000	Nil
No. 6 (1919) concerning the Night Work of Young Persons Employed in Industry	26.10.1950	Denounced on 16.02.1954	Nil
No. 7 (1920) Fixing the Minimum Age for Admission of Children to Employment at Sea	02.09.1950	Denounced on 11.02.2000	Nil
No. 8 (1920) concerning Unemployment Indemnity in Case of Loss or Foundering of the Ship	25.04.1951	Ratified	Nil
No. 10 (1921) concerning the Age for Admission of Children to Employment in Agriculture	29.11.1991	Denounced on 11.02.2000	Nil
No. 11 (1921) concerning the Rights of Association and Combination of Agricultural Workers	25.08.1952	Ratified	Nil
No. 15 (1921) Fixing the Minimum Age for the Admission of Young Persons to Employment as Trimmers or Stokers	25.04.1951	Denounced on 11.02.2000	Nil
No. 16 (1921) concerning the Compulsory Medical Examination of Children and Young Persons Employed at Sea	25.04.1951	Ratified	Nil
No. 18 (1925) concerning Workmen's Compensation for Occupational Diseases	17.05.1952	Ratified	Nil
No. 26 (1928) concerning the Creation of Minimum Wage-Fixing Machinery	09.06.1971	Ratified	Nil
No. 29 (1930) concerning Forced or Compulsory Labour	05.04.1950	Ratified	Nil

Convention	Ratification date	Status	Reservations made at the time of ratification
No. 41 (1934) concerning Employment of Women during the Night	02.09.1950	Denounced on 31.03.1966	Nil
No. 45 (1935) concerning the Employment of Women on Underground Work in Mines of all Kinds	20.12.1950	Ratified	Nil
No. 58 (1936) Fixing the Minimum Age for the Admission of Children to Employment at Sea	18.05.1959	Ratified	Nil
No. 63 (1938) concerning Statistics of Wages and Hours of Work in the Principal Mining and Manufacturing Industries, Including Building and Construction, and in Agriculture	25.08.1952	Denounced on 01.04.1993	Nil
No. 80 (1946) for the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at its First Twenty-eight Sessions for the Purpose of Making Provision for the Future Discharge of Certain Chancery Functions Entrusted by the Said Conventions to the Secretary-General of the League of Nations and Introducing therein Certain Further Amendments Consequential upon the Dissolution of the League of Nations and the Amendment of the Constitution of the International Labour Organisation	19.09.1950	Ratified	Nil
No. 81 (1947) concerning Labour Inspection in Industry and Commerce	03.04.1956	Ratified	Nil
No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise	15.09.1995	Ratified	Nil
No. 89 (Revised 1948) concerning Night Work of Women Employed in Industry	31.03.1966	Denounced on 25.01.1982	Nil
No. 90 (Revised 1948) concerning the Night Work of Young Persons Employed in Industry	18.05.1959	Ratified	Nil
No. 95 (1949) concerning the Protection of Wages	27.10.1983	Ratified	Nil
No. 96 (Revised 1949) concerning Fee-Charging Employment Agencies	30.04.1958	Ratified	Nil

Convention	Ratification date	Status	Reservations made at the time of ratification
No. 98 (1949) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively	13.12.1972	Ratified	Nil
No. 99 (1951) concerning Minimum Wage Fixing Machinery in Agriculture	05.04.1954	Ratified	Nil
No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value	01.04.1993	Ratified	Nil
No. 103 (Revised 1952) concerning Maternity Protection	01.04.1993	Ratified	Nil
No. 105 (1957) concerning the Abolition of Forced Labour	07.01.2003	Ratified	Nil
No. 106 (1957) concerning Weekly Rest in Commerce and Offices	27.10.1983	Ratified	Nil
No. 108 (1958) concerning Seafarers' National Identity Documents	24.11.1995	Ratified	Nil
No. 110 (1958) concerning Conditions of Employment of Plantation Workers	24.04.1995	Ratified	Nil
No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation	27.11.1998	Ratified	Nil
No. 115 (1960) concerning the Protection of Workers against Ionising Radiations	18.06.1986	Ratified	Nil
No. 116 (1961) concerning the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at its First Thirty-two Sessions for the Purpose of Standardising the Provisions regarding the Preparation of Reports by the Governing Body of the International Labour Office on the Working of Conventions	26.04.1974	Ratified	Nil
No. 131 (1970) concerning Minimum Wage Fixing, with Special Reference to Developing Countries	17.03.1975	Ratified	Nil
No. 135 (1971) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking	16.11.1976	Ratified	Nil

Convention	Ratification date	Status	Reservations made at the time of ratification
No. 138 (1973) concerning Minimum Age for Admission to Employment	11.02.2000	Ratified	Nil
No. 144 (1976) concerning Tripartite Consultations to Promote the Implementation of International Labour Standards	17.03.1994	Ratified	Nil
No. 160 (1985) concerning Labour Statistics	01.04.1993	Ratified	Nil
No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	01.03.2001	Ratified	Nil

D. Conventions of the Hague Conference on Private International Law

1	Convention on the Civil Aspects of International Child Abduction, 1973
2	Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993

E. Geneva Conventions and other treaties on international humanitarian law

1	Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949
2	Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949
3	Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949
4	Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949

Annex III

INDICATORS FOR ASSESSING THE IMPLEMENTATION OF HUMAN RIGHTS

A. Demographic indicators

The last census of population and housing was taken on 17 July 2001. The census in 2001 which is the 13th in the series was conducted after a time-lag of 20 years. The census enumeration was able to carry out completely in 18 districts. These include all the 17 districts in Western, Central, Southern, North Western, North Central, Uva and Sabaragamuwa provinces and Ampara district in Eastern province. In Jaffna, Mullaitivu and Kilinochchi districts no enumeration was done. In Mannar district, out of 5 Divisional Secretariat (D.S.) divisions only one was enumerated partially. In Vavuniya district, out of 4 D.S. divisions, one was enumerated completely and 2 were enumerated partially. In Batticaloa district, out of 12 D.S. divisions, 5 were enumerated completely and 6 were enumerated partially. In Trincomalee district out of 11 D.S. divisions, 7 were enumerated completely and 2 were enumerated partially.

Population size, growth rate, density

Year	Mid-year population (thousands)			Population growth rate (%)	Density persons/km ²
	Total	Male	Female		
2001 ^a	18 797	9 359	9 438	1.2	300
2002 ^b	19 007	9 392	9 615	1.3	303
2003 ^b	19 252	9 510	9 742	1.2	307
2004 ^b	19 462	9 615	9 847	1.2	310
2005 ^b	19 668	9 718	9 950	1.2	314
2006 ^b	19 886	9 826	10 060	1.2	317

Source: Department of Census and Statistics.

^a Estimated.

^b Provisional.

Proportion of population in rural and urban areas

	2001	2002	2003	2004	2005
Urban	16.30				
Rural	83.70				

Source: Department of Census and Statistics.

**Population distribution by religion and ethnicity,
in rural and urban areas**

(i) Population by ethnic group and sector based on census of population and housing 2001^a

	Total	Urban	Rural	Estate
All Ethnic groups	16 929 689	2 467 301	13 547 710	914 678
Sinhala	13 876 245	1 570 364	12 197 794	108 087
Sri Lanka Tamil	732 149	342 748	292 851	96 550
Indian Tamil	855 025	47 592	106 834	700 599
Sri Lanka Moor	1 339 331	448 712	883 252	7 367
Burgher	35 283	15 227	19 643	413
Malay	54 782	25 362	28 654	766
Other	36 874	17 296	18 682	88

Source: Department of Census and Statistics.

(ii) Population by religion and sector

	Total	Urban	Rural	Estate
All Religions	16 929 689	2 467 301	13 547 710	914 678
Buddhist	12 986 548	1 303 026	11 574 68	108 883
Hindu	1 312 970	290 161	302 042	720 767
Islam	1 435 896	494 446	931 159	10 291
Roman Catholic	1 035 740	316 925	664 753	54 062
Other Christian	150 182	59 404	70 873	19 905
Other	8 353	3 339	4 194	820

Source: Department of Census and Statistics.

^a Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed are not included here.

Age composition

Age	Population (in thousands)			
	2003	2004	2005	2006
Total	19 252	19 462	19 668	19 886
0-4	1 663	1 683	1 701	1 719
5-9	1 712	1 732	1 750	1 769
10-14	1 750	1 770	1 789	1 809
15-19	1 844	1 897	1 917	1 938
20-24	1 770	1 791	1 809	1 830
25-29	1 502	1 519	1 535	1 552
30-34	1 444	1 459	1 475	1 491
35-39	1 424	1 440	1 455	1 472
40-44	1 319	1 333	1 348	1 362
45-49	1 165	1 178	1 190	1 204
50-54	1 048	1 061	1 072	1 084
55-59	771	779	787	795
60-64	568	574	580	587
65-69	472	477	483	438
70-74	347	350	354	358
75 and over	414	419	423	428

Source: Department of Census and Statistics.

Estimated mid-year population by age and sex

Age	Population (in thousands)							
	2003		2004		2005		2006	
	Male	Female	Male	Female	Male	Female	Male	Female
0-4	846	817	856	827	865	836	874	845
5-9	865	847	875	857	884	866	894	875
10-14	84	856	904	866	913	876	924	885
15-19	60	924	971	926	982	935	992	946
20-24	875	895	885	906	894	915	904	926
25-29	723	779	731	788	739	796	747	805
30-34	704	740	711	748	719	756	727	764
35-39	694	730	702	738	709	746	717	755
40-44	647	672	654	679	661	687	668	694
45-49	571	594	577	601	583	607	590	614
50-54	513	535	519	542	525	547	531	553
55-59	371	399	375	404	379	408	383	412
60-64	276	292	279	295	282	298	285	302
65-69	219	253	221	256	224	259	226	262
70-74	162	185	163	187	165	189	167	191
75 and over	190	224	192	227	194	229	197	231

Source: Department of Census and Statistics.

Dependency ratio (in percentage)

	2003	2004	2005	2006
Young		25.2		
Old		6.5		
Ratio (Per 100 working population)		46.5		

Source: Department of Census and Statistics.

Statistics on births and deaths

Year	Crude rate per 1,000 population	
	Birth rate	Death rate
2001	18.9	6.0
2002	19.1	5.8
2003	18.9	5.9
2004	18.5	5.8
2005	18.1	6.5
2006	15.51	6.5

Source: Department of Census and Statistics.

Number of deaths by sex

Year	Male	Female
2001	76.46	42.212
2002	67.988	42.649
2003	69.794	44.516
2004	68.279	44.289

Source: Department of Census and Statistics.

Live birth by sex, sex ratio at births

Year	Male	Female	Mail birth per 1,000 female births
2000	178 254	169 495	1 052
2001	183 409	175 174	1 047
2002	185 714	177 835	1 044
2003	185 886	177 457	1 047
2004	183 807	176 413	1 042

Source: Department of Census and Statistics.

Life expectancy at birth by sex

Sex	2001	2002	2003	2004	2005	2006
Male	71		71.5	71.7	71.7	
Female	76		76.8	77	76.4	

Source: Department of Census and Statistics.

Fertility rate

	2000-2004 average	2005	2006
Total	1.9		1.84

Source: Department of Census and Statistics.

Average household size

Sector	2001	2002	2003	2004	2005	2006
All	4.2		4.31	4.31		
Urban	4.5					
Rural	4.1					
Estate	4.2					

Source: Department of Census and Statistics.

Proportion of single parent households and households headed by women

20.3 per cent (*Source:* Census of Population and Housing 2001).

B. Social economic and cultural indicators**1. Income distribution****Share of household consumption expenditure on food, housing, health and education - 2005****By sector**

Expenditure item	Average monthly Rs.				Average monthly (percentage)			
	Sri Lanka	Sector			Sri Lanka	Sector		
		Urban	Rural	Estate		Urban	Rural	Estate
Total expenditure	1 915	26 529	18 292	12 688	100.0	100.0	100.0	100.0
Food	7 593	9 471	7 326	6 738	39.6	35.7	40.1	53.1
Housing	2 054	4 431	1 735	663	10.7	16.7	9.5	5.2
Health	827	787	867	262	4.3	3.0	4.7	2.1
Education	473	812	431	209	2.5	3.1	2.4	1.7

Source: Department of Census and Statistics.

By main population groups

Expenditure item	Average monthly Rs.				Average monthly (percentage)			
	Sinhala	Tamil	Muslim	Other	Sinhala	Tamil	Muslim	Other
Total expenditure	19 744	15 051	19 538	21 207	100	100	100	100
Food	7 766	8 463	10 348	9 336	39.3	56.2	53.00	44.00
Housing	2 123	1 034	2 034	2 694	10.8	6.9	10.4	12.7
Health	918	330	707	821	4.6	2.2	3.6	3.9
Education	513	322	312	382	2.6	2.1	1.6	1.8

Source: Department of Census and Statistics.

Proportion of population below the national poverty line

Population below income poverty line - 25 per cent (1990-2003) (*Source:* Human Development Report 2006).

Proportion of population below the minimum level of dietary consumption

Proportion - 51.3 per cent (2002) (*Source:* Millennium Development Goals Country Report - 2005).

By sector - poverty head count ratio (in percentage)

	Urban	Rural	Estate	Total
2002	7.9	24.7	30	22.7

Source: Department of Census and Statistics.

By sex - poverty head count ratio (in percentage)

	2002	2003	2004	2005	2006
Male	23				
Female	22.4				

Source: Department of Census and Statistics.

Gini coefficient (relating to distribution of income or household consumption expenditure)

	2002	2003	2004	2005	2006
Total	0.47	0.46	0.46	0.47	
Urban	0.48			0.48	
Rural	0.45			0.45	
Estate	0.34			0.34	

Source: Department of Census and Statistics.

2. Health

Prevalence of malnutrition under five years of age (percentage based on the data collected in 2000)

Height for age - stunted	13.5
Weight for height - wasted	14
Weight for age - underweight	29.4

Source: Department of Census and Statistics.

Infant and maternal mortality rates

	Per 1 000 population		
	Maternal death rate	Under-5 mortality rate	Infant mortality rate
2001	0.2	14.74	12.2
2002	0.1	13.39	11.2
2003		12.00	11.2
2004		14.00*	12.0*
		Male - 16/ Female - 12	
2005			12.0
2006			Male - 15.18/Female - 12.70

Source: Department of Census and Statistics.

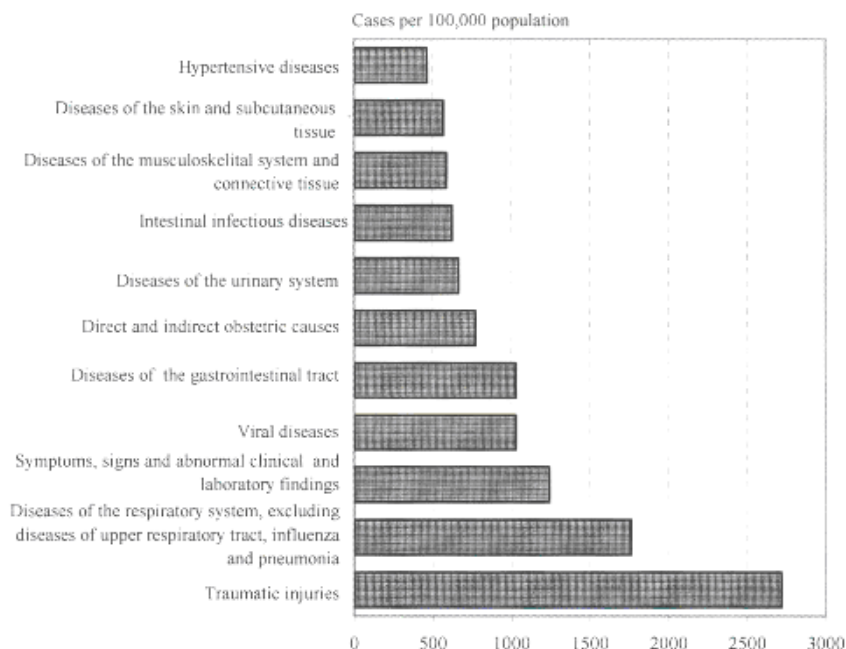
* Human Development Report 2006.

Percentage of contraceptive prevalence

	1996-2004
% of Married women ages 15-49	70

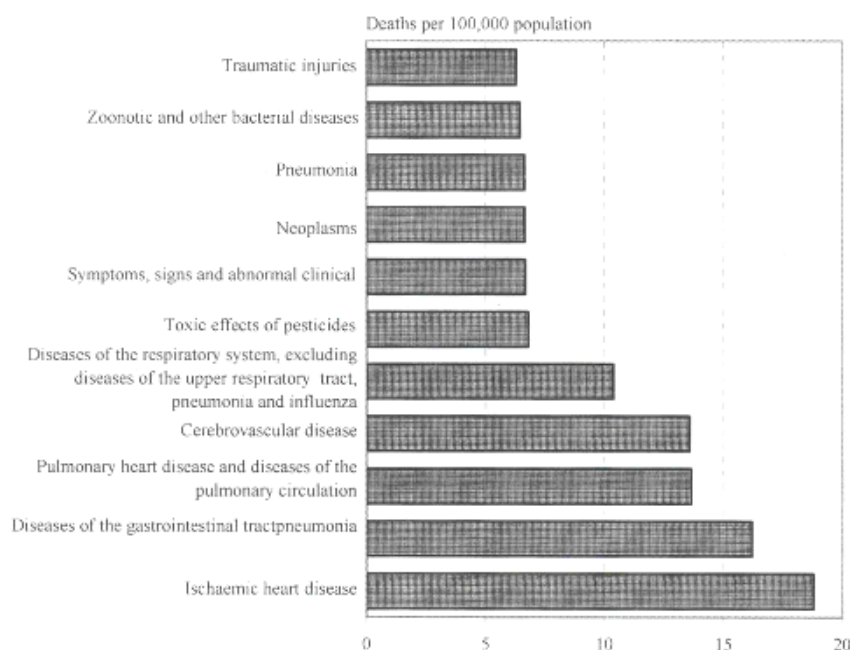
Source: Human Development Report 2006.

Fig 3.2 - Leading Causes of Hospitalization, 2003



Excludes single spontaneous delivery, false labour and those admitted and discharged before delivery.

Fig 3.2 - Leading Causes of Hospital Deaths, 2003



Source: Ministry of Healthcare and Nutrition.

HIV/AIDS statistics

Reported HIV/AIDS cases National STD/AIDS control programme 2006									
Quarter	Cumulative HIV cases at the beginning quarter	HIV/cases reported during the quarter	Cumulative HIV cases at the end of the quarter	Cumulative HIV cases by gender		Cumulative AIDS cases at the end of the quarter	Cumulative AIDS cases by gender		Reported AIDS deaths
				M	F		M	F	
1st Quarter	743	28	771	450	321	213	152	61	3
2nd Quarter	771	14	785	457	328	213	152	61	3
3rd Quarter	785	30	815	473	342	220	156	64	3
4th Quarter	815	23	838	487	351	226	159	67	2

Source: Ministry of Healthcare and Nutrition.

Reported HIV/AIDS cases National STD/AIDS control programme 2007									
Quarter	Cumulative HIV cases at the beginning quarter	HIV/cases reported during the quarter	Cumulative HIV cases at the end of the quarter	Cumulative HIV cases by gender		Cumulative AIDS cases at the end of the quarter	Cumulative AIDS cases by gender		Reported AIDS deaths
				M	F		M	F	
1st Quarter	838	24	862	501	361	232	164	68	6
2nd Quarter									
3rd Quarter									
4th Quarter									

Source: Ministry of Healthcare and Nutrition.

- Male to female ratio of reported HIV cases - 1.4:1
- Cumulative AIDS deaths reported - 161
- Cumulative vertically transmitted HIV cases reported - 27
- Cumulative foreign HIV cases reported - 63
- Number of HIV tests carried out during 2006 - 319,614
- HIV seropositivity rate for 2006 - 0.03 %

Source: Ministry of Healthcare and Nutrition.

3. Education

Net enrolment ratio in primary and secondary education

	2002		2003		2004		2005		2006	
	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary
Total	96.3		98.4		98.5		97.1	97		
Male	97.1				99					
Female	95.6				98					

Source: Department of Census and Statistics.

Education attainment (2003)

	%
Non Schooling	7.4
Primary	29.1
Secondary	42.2
Tertiary	21.3
Excluding North and East Province	

Source: Millennium Development Goals Country Report - 2005.

Pupil teacher ratio in public funded schools

	2002	2003	2004	2005	2006
Total	22	21	21	21	19

Source: Ministry of Education.

Literacy rate (2003/04)

	2003/04
Total	92.5
Male	94.5
Female	90.6

Source: Central Bank Annual Report 2006.

4. Labour statistics

Labour force, labour force participation and unemployment rate

	1990	2002	2003	2004	2005	2006(a)
Labour force ('000 persons)	6,001	7,145	7,654 (c)	8,061 (d)	8,141 (e)	7,599 (f)
Labour force participation rate (per cent)	51.9	50.3	48.9 (c)	48.6 (d)	48.3 (e)	51.2 (f)
Unemployment rate (per cent of labour force)	15.9	8.8	8.4 (c)	8.3 (d)	7.7 (e)	6.5 (f)

Source: Central Bank Annual Report 2006.

Household population, labour force and labour force participation

Item	2004(a)	2005(b)	2005(b)(c)	2006(c)				
				Q1	Q2	Q3	Q4	Annual
Household Population (d) '000 Persons	16,593	16,871	14,838	14,759	14,779	14,989	14,967	14,834
Labour Force '000 Persons	8,061	8,141	7,312	7,628	7,549	7,602	7,629	7,599
Employed	7,394	7,518	6,788	7,081	7,074	7,112	7,150	7,105
Unemployed	667	623	524	546	476	490	479	493
Labour Force Participation Rate (e) per cent	48.6	48.3	49.3	51.7	51.1	50.7	51.0	51.2
Male	66.7	67.1	67.3	69.3	68.4	68.0	67.0	68.1
Female	31.5	30.9	32.6	35.5	35.4	35.0	36.1	35.7

(a) Mullaitivu and Kilinochchi districts were excluded for 2004 annual estimates.

(b) QLFS was conducted as a one off survey in August 2005.

(c) Data exclude both Northern and Eastern provinces.

(d) Age 10 years and above.

(e) Labour force as a percentage of household population aged 10 years and above.

Source: Department of Census and Statistics

Source: Central Bank Annual Report 2006.

Labour Force Participation Rate^(a)

Fourth Quarter

Category	1997	1998	1999	2000	2001	2002	2003(b)	2004(c)	2005(c)(d)	2006(e)(f)
By Age Group										
10 - 14 Years	1.2	3.0	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
15 - 19 Years	27.0	29.3	29.9	25.6	21.8	25.3	24.7	23.2	21.4	23.1
20 - 24 Years	68.5	71.0	68.6	64.3	67.1	66.6	65.5	64.4	62.3	64.4
25 - 29 Years	69.1	70.9	69.4	71.4	70.6	67.5	68.7	68.6	68.0	69.4
30 - 34 Years	68.9	72.6	72.9	71.5						
35 - 39 Years	67.3	72.8	70.6	70.4						
40 - 44 Years	73.2	75.6	70.9	71.5						
45 - 49 Years	65.9	74.3	67.7	70.5						
50 - 54 Years	62.8	61.9	65.9	62.4	51.9	54.1	52.2	52.9	51.3	55.2
55 - 59 Years	49.1	49.8	50.8	53.0						
60 Years & above	24.7	29.1	23.4	24.3						
By Sex										
Male	64.8	67.7	67.5	66.7	66.0	68.5	68.0	67.0	67.1	68.0
Female	32.3	35.5	33.6	32.5	32.4	33.9	32.0	31.7	30.9	35.0
By Sector										
Urban	43.9	44.7	45.4	44.7	43.2	46.4	46.0	43.8	45.5	45.1
Rural	49.2	53.0	51.1	50.0	50.0	51.2	50.2	49.8	48.7	51.5
All	48.4	51.4	50.2	49.2	49.0	50.6	49.6	48.8	48.3	50.7
Labour Force, '000	6,236	6,621	6,758	6,709	6,858	7,219	7,835	8,162	8,141	7,602

(a) Labour force as a percentage of household population aged 10 years and above.

(b) Upto 4th Quarter 2002, data exclude both Northern and Eastern Provinces. Commencing from 1st Quarter 2003, Eastern Province was included and only the Northern Province was excluded from the survey.

(c) Data include all districts.

Source : Department of Census and Statistics

(d) QLFS was conducted as a one-off survey in August 2005

(e) Data exclude both Northern and Eastern provinces.

(f) 3rd Quarter data

Source: Central Bank Annual Report 2006.

Employment by economic activity

Sector	'000 Persons								Percentage of Total Employment			
	2004(a)	2005(b)	2005(b)(c)	2006(c)					2004(a)	2005(b)	2005(b)(c)	2006(c)
				Q1	Q2	Q3	Q4	Annual				
Agriculture	2,475	2,306	2,059	2,346	2,423	2,122	2,357	2,287	33.5	30.7	30.3	32.2
Industry	1,781	1,928	1,787	1,863	1,791	2,018	1,892	1,890	24.1	25.6	26.3	26.6
Manufacturing	1,307	1,385	1,293	1,333	1,250	1,486	1,357	1,363	17.7	18.4	19.0	19.2
Construction (d)	474	543	494	530	541	532	535	527	6.4	7.2	7.3	7.4
Services	3,138	3,284	2,941	2,872	2,860	2,972	2,901	2,928	42.4	43.7	43.3	41.2
Trade and hotels, etc.	1,031	1,043	932	1,101	1,034	1,088	1,043	1,084	13.9	13.9	13.7	15.3
Transport, storage and communication	417	485	448	404	404	438	439	430	5.6	6.5	6.6	6.1
Finance, insurance and real estate	176	234	226	236	213	244	196	221	2.4	3.1	3.3	3.1
Personal services and other	1,514	1,522	1,335	1,131	1,209	1,203	1,223	1,192	20.5	20.2	19.7	16.8
Total employment	7,394	7,518	6,788	7,081	7,074	7,112	7,150	7,105	100.0	100.0	100.0	100.0
Percentage of labour force	91.7	92.3	92.8	92.8	93.7	93.6	93.7	93.5	-	-	-	-

(a) Mullaitivu and Kilinochchi districts were excluded for 2004 annual estimates

(b) QLFS was conducted as a one-off survey in August 2005.

(c) Data exclude both Northern and Eastern provinces.

(d) Mining and quarrying, electricity, gas and water categorised under construction. 2004 and 2005 data were revised accordingly.

Source: Department of Census and Statistics

Source: Central Bank Annual Report 2006.

Status of employment

Period	Public Sector Employees	Private Sector Employees	Employers	Self Employed	Unpaid Family Workers	Total
2004(a)	13.0	46.4	2.9	28.3	9.4	100.0
2005(b)	13.3	46.1	3.1	29.7	7.9	100.0
2005(b)(c)	13.2	46.2	2.8	29.7	8.1	100.0
2006(c)	13.4	42.1	3.1	30.8	10.5	100.0
1st Quarter	13.4	41.9	3.2	31.6	9.9	100.0
2nd Quarter	13.4	42.0	3.0	30.6	11.1	100.0
3rd Quarter	14.0	42.1	3.6	30.1	10.2	100.0
4th Quarter	13.1	42.8	3.0	30.5	10.6	100.0

Source: Department of Census and Statistics

- (a) Mullaitivu and Kilinochchi districts were excluded for 2004 annual estimates.
- (b) QLFS was conducted as a one-off survey in August 2005.
- (c) Data exclude both Northern and Eastern provinces.

Source: Central Bank Annual Report 2006.

Trade unions 1995-2005

YEAR	No. of Unions registered during the Year	No. of Unions cancelled and dissolved during the year	No. of Unions Functioning at the end of the year	Total Membership
1995	243	110	1,364	1,441,149
1996	101	37	1,428	1,264,641
1997	136	96	1,465	883,107
1998	111	14	1,581	799,821
1999	70	120	1,532	693,513
2000	186	130	1588	1,000,104
2001	147	15	51,580	433,162
2002	154	198	1,513	640,673
2003	140	130	1,523	413,485
2004	172	55	1,593	583,323
2005	129	11	1,735	385,466

Note: Fluctuaction in total membership is due to poor reporting by the unions.

Source: Department of Labour.

5. Economy

KEY ECONOMIC INDICATORS						
	1990	2002	2003	2004	2005	2006(a)
DEMOGRAPHY						
Mid year population ('000 persons) (b)	16,267	19,007	19,252	19,462	19,668	19,886
Growth of mid year population (per cent) (b)	1.1	1.5	1.3	1.1	1.1	1.1
Population density (persons per sq.km.) (b)	259	304	307	310	314	317
Labour force ('000 persons)	6,001	7,145	7,654 (c)	8,061 (d)	8,141 (e)	7,599 (f)
Labour force participation rate (per cent)	51.9	50.3	48.9 (c)	48.6 (d)	48.3 (e)	51.2 (f)
Unemployment rate (per cent of labour force)	15.9	8.8	8.4 (c)	8.3 (d)	7.7 (e)	6.5 (f)
OUTPUT						
GDP at current market prices (Rs. billion)	322	1,582	1,761	2,029	2,366	2,802
GNP at current market prices (Rs. billion)	319	1,560	1,742	2,016	2,354	2,790
Per capita GDP at market prices (Rs.) (b)	18,934	83,226	91,479	104,273	120,276	140,894
Per capita GNP at market prices (Rs.) (b)	18,791	82,068	90,472	103,570	119,688	140,302
Per capita GDP at market prices (US\$) (b)	473	870	948	1,030	1,197	1,355
Per capita GNP at market prices (US\$) (b)	469	858	937	1,024	1,191	1,350
REAL OUTPUT (percentage change)						
GNP	6.2	4.1	6.6	5.3	5.6	7.0
GDP	6.4	4.0	6.0	5.4	6.0	7.4
Sectoral classification of GDP						
Agriculture	8.5	2.5	1.6	-0.3	1.9	4.7
Industry	7.8	1.0	5.5	5.2	8.3	7.2
Services	4.2	6.1	7.9	7.6	6.2	8.3

Source: Central Bank Annual Report 2006.

Sri Lanka Consumers' Price Index^(a)

1995 to 1997 = 100

Period(b)	All Items	Food, Beverages and Tobacco	Clothing and Footwear	Housing, Water Electricity, Gas and Other Fuels	Furnishing, Household Equipment and Routine Maintenance of the House	Health	Transport	Leisure, Entertainment, and Culture	Education	Miscellaneous Goods and Services
Weight	100.0	71.2	4.1	13.1	2.1	2.4	2.9	0.8	1.3	2.1
2002	154.4	153.3	131.4	147.5	149.1	238.1	166.7	136.9	163.7	169.3
2003	158.4	154.8	141.9	156.9	153.2	257.3	180.2	136.9	170.4	182.9
2004	170.9	168.1	149.3	166.0	158.4	281.8	199.7	147.2	176.9	191.2
2005	189.1	185.0	154.4	190.3	171.3	312.0	233.6	172.9	193.6	208.1
2006	207.2	197.6	164.3	230.7	180.6	339.0	296.3	191.0	210.9	224.8
2004 1st Quarter	161.7	156.9	148.3	162.0	157.4	272.3	191.2	136.9	174.6	187.4
2nd Quarter	165.7	162.0	148.9	163.2	157.3	273.9	192.1	136.9	175.9	188.3
3rd Quarter	172.9	170.4	149.5	167.2	158.8	284.1	200.7	151.9	177.2	191.8
4th Quarter	183.5	183.0	150.5	171.7	160.2	297.1	214.8	163.1	180.0	197.3
2005 1st Quarter	189.5	189.2	151.1	180.3	162.5	303.3	215.4	170.6	185.7	202.6
2nd Quarter	187.6	184.0	153.7	187.2	173.5	311.6	223.9	170.6	193.7	206.0
3rd Quarter	187.2	180.6	155.6	193.8	174.3	316.0	246.9	175.2	196.0	210.4
4th Quarter	192.2	186.1	157.3	200.1	174.9	317.2	248.3	175.2	199.2	213.3
2006 1st Quarter	196.3	189.5	160.4	208.5	176.9	325.2	248.7	181.2	205.4	217.7
2nd Quarter	202.8	192.9	163.3	224.8	181.3	330.6	302.1	184.2	207.9	222.5
3rd Quarter	207.3	194.7	166.7	239.3	181.9	343.2	318.3	198.9	213.2	228.1
4th Quarter	222.3	213.2	166.8	250.3	182.3	356.8	315.9	199.6	216.9	230.7
2005 January	191.0	191.9	150.6	177.8	160.6	301.2	215.1	170.6	181.2	203.2
February	190.2	190.5	151.3	178.3	160.7	303.3	215.6	170.6	184.7	202.6
March	187.4	185.2	151.4	184.7	166.1	305.5	215.6	170.6	191.2	202.0
April	188.2	185.9	153.3	185.0	172.2	305.5	215.6	170.6	191.2	202.6
May	187.4	183.7	153.5	187.4	174.2	314.6	219.4	170.6	194.9	206.6
June	187.3	182.3	154.4	189.2	174.2	314.6	236.7	170.6	194.9	208.7
July	187.6	181.5	155.0	193.8	174.2	314.6	244.6	175.2	194.9	208.8
August	186.6	179.7	155.4	193.7	174.4	316.7	248.1	175.2	196.5	210.7
September	187.3	180.6	156.4	193.8	174.4	316.7	248.1	175.2	196.5	211.8
October	189.0	182.0	156.4	199.4	174.4	316.7	248.1	175.2	196.5	212.5
November	191.9	185.7	157.1	200.2	174.8	317.5	248.4	175.2	200.5	213.5
December	195.6	190.7	158.5	200.6	175.5	317.5	248.4	175.2	200.5	213.9
2006 January	197.2	192.2	159.0	204.0	176.3	317.5	248.4	175.2	200.5	215.2
February	196.8	190.4	160.5	206.2	176.6	329.1	248.9	184.2	207.9	218.6
March	194.9	185.9	161.7	215.3	177.7	329.1	248.9	184.2	207.9	219.3
April	198.1	188.3	161.7	219.4	180.9	329.1	281.5	184.2	207.9	220.1
May	203.1	192.7	164.1	225.8	181.5	330.3	311.3	184.2	207.9	222.5
June	207.3	197.6	164.1	229.1	181.5	332.3	313.5	184.2	207.9	225.0
July	206.2	194.4	165.5	236.3	181.5	332.3	314.5	198.7	207.9	227.5
August	206.9	194.1	166.6	238.1	182.2	348.7	319.0	199.0	215.8	228.4
September	208.8	195.6	168.0	243.6	182.0	348.7	321.4	199.0	215.8	228.4
October	212.9	200.6	166.0	249.5	181.8	348.7	317.6	199.0	215.8	229.4
November	223.3	214.5	166.0	250.5	182.6	360.9	315.1	199.9	217.5	231.2
December	230.6	224.5	168.5	250.9	182.6	360.9	315.1	199.9	217.5	231.4

(a) The Sri Lanka Consumers' Price Index has a base 1995 to 1997 = 100. The index covers the consumption basket of the lowest 80 per cent of households in Sri Lanka except the Northern and Eastern provinces and prices across Sri Lanka, except the Northern Province. Weights are based on the Household Income and Expenditure Survey 1995/96 revalued at 1995-1997 prices. The total basket value (at 1995-1997 prices) was Rs. 4,785.96.

Source : Department of Census and Statistics

(b) Annual and quarterly figures are averages of monthly figures.

Source: Central Bank Annual Report 2006.

Government Debt										Values in Rupees million
Year (a)	Domestic Debt					Foreign Debt	Total Debt	As % of GDP		
	Treasury Bills	Rupee Loans	Treasury Bonds	Other	Total			Domestic	Foreign	Total
1995	113,771	157,928	-	17,711	289,410	346,286	635,696	43.3	51.9	95.2
1996	124,996	205,975	-	25,731	356,703	359,685	716,388	93.2	46.8	93.3
1997	114,996	239,475	10,000	23,269	387,740	376,331	764,071	43.5	42.3	85.8
1998	119,996	250,570	48,915	43,945	463,426	461,273	924,699	45.5	45.3	90.8
1999	124,996	262,056	104,867	51,546	543,465	507,866	1,051,331	49.1	45.9	95.1
2000	134,996	263,888	204,124	73,652	676,660	542,040	1,218,700	53.8	43.1	96.9
2001	170,995	292,813	229,174	122,983	815,965	636,741	1,452,706	58.0	45.3	103.2
2002	210,995	287,701	347,128	102,562	948,386	721,956	1,670,342	59.8	45.6	105.4
2003	219,295	248,414	483,107	69,153	1,019,969	843,882	1,863,851	57.9	47.9	105.8
2004	243,886	164,758	643,349	91,396	1,143,389	996,138	2,139,526	56.4	49.1	105.5
2005	234,174	140,563	751,569	139,415	1,265,721	956,620	2,222,341	53.5	40.4	93.9
2006 (b)	257,732	116,713	885,972	215,103	1,475,520	1,131,074	2,606,594	52.6	40.4	93.0

(a) From 1950 to 1973, outstanding position as at end September and since then as at end December. *Source:* Central Bank of Sri Lanka
(b) Prvisional

Source: Central Bank Annual Report 2006.

C. Indicators of the political system

Number of recognized non-governmental organizations

	No. (June 2007)
Total	1 190
International NGOs and NGOs receiving foreign funds	324
NGOs those conducting projects on local funding	866

Source: National Secretariat of NGO - Sri Lanka.

Number of recognized political parties

53 (Source: Department of Election).

Proportion of population eligible to vote (2001)^a

	Administrative district	Percentage
1	Colombo	64
2	Gampaha	63
3	Kalutara	68
4	Mahanuwara	67
5	Matale	69
6	Nuwara-Eliya	60
7	Galle	71
8	Matara	71
9	Hambantota	71
10	Jaffna ^b	-
11	Mannar	47
12	Vavuniya	66
13	Mulativu	43
14	Kilinochchi	45
15	Batticaloa	59
16	Ampara	62
17	Trincomalee ^b	-
18	Kurunegala	73
19	Puttalam	64
20	Anuradhapura	67
21	Polonnaruwa	68
22	Badulla	64
23	Moneragala	64
24	Ratnapura	62
25	Kegalle	71

Source: Department of Election.

^a Last census enumeration was held in 2001.

^b Population figures not available.

Number of complaints on the conduct of elections registered, the type of alleged irregularity

Complaints are being observed by the Election Commission and other monitoring bodies and the data can be found in reports of Election Commission.

Distribution of legislative seats by party

Name of the Party	Total No. of seats
United Peoples Freedom Alliance	105
United National Party	82
Ilankai Tamil Arasukadchi	22
Jathika Hela Urumaya	9
Sri Lanka Muslim Congress	5
Up-Country Peoples Front	1
Eelam People Democratic Party	1
Total	225

Source: Department of Election.

Percentage of women in parliament

In the 5th Parliament (2000-2003)	4.44
In the 6th Parliament (2004-to date)	5.78

Source: Parliament Library.

Proportion of national and subnational elections held within the schedule laid out of law (1999-2006)

Name of the election	Date of poll	Term of office of the elected body
Parliamentary elections	2000.10.10	6 years (100 per cent)
	2001.12.05	
	2004.04.02	
Presidential election	1999.12.21	6 years (100 per cent)
	2005.11.17	
Provincial Council elections ^a	1999	6 years
	2004	
Local authorities elections	2002	4 years (100 per cent)
	2006	
*		

Source: Department of Election.

^a Out of nine Provincial Councils Elections were held except Northern and Eastern Provinces.

Average voter turnouts in the national and sub national elections by administrative units

Administrative Units	1993	1994		1999		2000	2001	2004		2005
	Provincial Council Elections	Presidential Election	Parliamentary Elections	Presidential Election	Provincial Council Elections	Parliamentary Elections	Parliamentary Elections	Parliamentary Elections	Provincial Council Elections	Presidential Election
Colombo	67.5	70.9	77.5	74.3	64.4	76.0	76.3	74.71	47.8	76.7
Gampaha	73.2	75.7	81.5	78.3	68.1	79.7	80.3	77.68	51.1	80.7
Kalutara	72.9	75.5	82.1	79.6	70.7	81.7	81.6	79.58	56.2	81.4
Mahanuwara	76.7	79.7	83.6	79.2	72.4	79.5	76.0	76.46	54.8	79.6
Matale	70.1	78.8	84.3	77.7	71.6	79.9	77.9	76.66	56.7	79.0
Nuwara-Eliya	78.8	79.5	83.6	81.2	77.2	82.8	82.3	80.70	67.7	80.7
Galle	73.5	74.6	81.2	78.9	74.3	81.2	81.0	79.79	56.5	81.9
Matara	70.0	71.1	78.7	75.0	70.8	79.2	79.4	76.84	54.4	80.9
Hambantota	69.2	67.3	79.6	73.8	71.2	80.5	79.4	77.28	55.9	81.4
Jaffna	-	2.9	2.3	19.1	-	21.3	31.1	47.38	-	1.2
Vanni	-	22.4	25.3	31.2	-	42.1	46.7	66.64	-	34.3
Batticaloa	-	64.3	72.4	64.2	-	71.7	68.2	83.58	-	48.5
Digamadulla	-	75.7	81.2	79.5	-	80.3	82.5	81.42	-	72.7
Trincomalee	-	60.0	68.7	63.7	-	68.5	79.8	85.44	-	63.8
Kurunegala	77.1	78.8	84.1	77.3	79.7	79.0	78.9	76.55	58.1	80.5
Puttalam	70.3	70.8	77.3	69.5	76.0	73.1	71.5	69.15	52.3	71.6
Aunuradhapura	76.8	78.3	83.9	77.5	69.4	78.5	77.4	76.52	61.4	78.9
Polonnaruwa	74.3	77.1	83.6	79.2	71.4	81.9	80.4	77.91	61.5	80.4
Badulla	79.1	79.2	84.0	80.0	75.4	81.8	81.5	78.33	64.6	81.2
Monaragala	78.1	78.6	85.7	79.9	72.0	83.0	82.0	78.00	60.3	81.1
Rathnapura	79.4	81.2	87.2	82.1	73.3	83.0	83.4	80.42	57.5	83.8
Kegalle	73.8	76.8	82.8	78.1	70.0	79.6	80.1	78.35	58.5	81.1
Total		70.4	76.2	73.1		75.6	76.0	75.96		73.7

Source: Department of Election.

D. Indicators on crime and administration of justice

Number of incident of violent death and life threatening crimes reported

Year	Number
2005	59 391
2006	61 196

Source: Department of Police.

Number of prisoners convicted/unconvicted

Category	2000	2001	2002	2003	2004	2005
Convicted	18 715	22 239	25 023	27 681	26 898	22 904
Un-convicted	70 610	73 486	82 187	88 535	87 456	60 484
Total	89 325	95 725	107 210	116 216	114 354	83 388

Source: Ministry of Justice and Law Reforms.

Direct admissions to prisons and training schools

(Rate of admissions of convicted and unconvicted prisoners), 1999-2005

Year	Estimated Population (Sri Lanka) in ' 000	Convicted Prisoners	Unconvicted Prisoners	Total Admissions	Rate of Admissions per 100,000 of Population		Daily Average Population		Offenders Placed on Probation
					Convicted	Unconvicted	Convicted	Unconvicted	
1999	19 043	22 466	77 374	99 840	117.9	406.3	8 442	7 960	513
2000	19 359	18 715	70 610	89 325	96.7	364.7	8 167	8 245	517
2001	18 732	22 239	73 486	95 725	118.72	392.3	8 186	9 030	526
2002	19 009	25 023	82 187	107 210	131.64	432.4	7 930	9 775	525
2003	19 252	27 681	88 535	116 216	143.78	459.9	9 269	10 917	523
2004	19 462	26 898	87 456	114 354	138.21	449.4	9 819	10 842	575
2005	19 668	33 034	96 007	129 041	168.0	488.1	10 898	11 216	*530

Source: Registrar General's Office, Dept. of Probation and Child Care Services, and Department of Prisons.

* Provisional.

Number of persons and rate (per 100,000 persons) who were arrested/brought before a court/convicted/sentenced/incarcerated for violent or other serious crimes (such as homicide, robbery, assault and trafficking)

	2005	2006
Cases recorded	59 391	61 196
Total true cases	59 075	60 932
Plaints filed	14 860	13 207
Accused unknown	19 061	18 310
Otherwise disposed of	1 681	1 561
Ending in conviction	2 269	2 251
Ending in discharge acquitted	350	288
Total disposed	23 366	22 410
Investigation pending	24 263	28 650
Pending in courts	11 446	9 872
Total pending	35 709	38 522

Source: Department of Police.

Number of reported cases of sexual motivated violent

	2005	2006
Rape/innocent	1 540	1 463
Unnatural offence grave sexual abuse	490	418

Source: Department of Police.

Statistics relating to the custody of remand prisoners (2002-2005)

Name & lockup	2002		2003		2004		2005	
	Total No. of lockups under SP	No. of admissions	Total No. of lockups under SP	No. of admissions	Total No. of lockups under SP	No. of admissions	Total No. of lockups under SP	No. of admissions
Kalutara Remand Prison	2		2		2		2	
Kalutara		9 415		3 871		1 989		2 298
Panadura		7 425		3 083		-		-
Negambo Remand Prison	2		2		2		2	
Chilaw		1 617		341		617		771
Puttalam		1 895		4 699		4 752		5 753
Bogambara Prison	3		3		3		3	
Matale		7 585		4 984		7 574		6 614
Gampola		1 356		1 183		1 299		1 168
Hatton		829		830		2 114		2 830
Mahara Prison	2		2		2		2	
Gampaha		645		1 011		896		3 740
Kuliyapitiya		6 023		7 116		6 552		8 591
Jaffna Remand Prison	3		3		3		3	
Point pedro		-		-		-		-
Mullativu		-		-		-		-
Killinochchi		-		-		-		-
Galle Remand Prison	2		2		2		2	
Balapitiya		6 899		5 831		6 786		6 943
Elpitiya		3 606		4 417		4 659		5 750
Batticaloa Remand Prison	2		2		2		2	
Kalmune		1 139		806		-		-
Ampara		2 194		3 850		3 978		4 103
Anuradhapura Remand Prison	2		2		2		2	
Vavuniya		826		676		1 376		5 235
Mannar		327		1 267		993		927
Badulla Remand Prison	1		1		1		1	
Nuwaraeliya		1 326		2 436		3 108		3 092
Tangalle Remand Prison	2		2		2		2	
Hambantota		3 109		4 022		4 221		7 259
Embilipitiya		4 538		5 221		7 843		8 829
Kuruwita Remand Prison	2		2		2		2	
Balangoda		2 120		2 480		3 127		2 358
Awissawella		9 672		8 253		9 380		8 294
Kegalle Remand Prison	2		2		2		2	
Maho		4 290		4 305		5 272		3 430
Kurunegala		8 861		15 809		8 900		7 852
Total	25	85 697	25	86 491	25	85 436	25	95 837

Source: Department of Prisons.

Annual admissions of convicted and remand prisoners, 1997-2005

Year	Admissions			Ratio			Remandees percentage of the total inmate population
	Convicted	Remand	Total	Convicted	Remand	Total	
1997	18 143	71 350	89 493	1	4	5	79.7
1998	20 807	76 930	97 737	1	4	5	78.7
1999	22 466	77 374	99 840	1	3	4	77.4
2000	18 715	70 610	89 325	1	4	5	79.0
2001	22 239	73 486	95 725	1	3	4	76.8
2002	25 023	82 187	107 210	1	3	4	76.7
2003	27 681	88 535	116 216	1	3	4	76.2
2004	26 898	87 456	114 354	1	3	4	76.5
2005	33 034	96 007	129 041	1	3	4	74.4

Source: Department of Prisons.

Direct admissions of convicted prisoners according to narcotic drugs & excise offences, 2001-2005

Offence	Year									
	2001	Per cent	2002	Per cent	2003	Per cent	2004	Per cent	2005	Per cent
Narcotic Drug Offences	8 002	36.0	9 817	39.2	10 388	37.5	10 326	38.4	13 435	40.7
Excise Offences	4 893	22.0	5 143	20.6	7 062	25.5	7 467	27.8	8 373	25.3
Other Offences	9 344	42.0	10 063	40.2	10 231	37.0	9 105	33.8	11 226	34.0
Total	22 239	100.0	25 023	100.0	27 681	100.0	26 898	100.0	33 034	100.0

Source: Department of Prisons.

Period spent on remand by prisoners awaiting trial - 2005

	Under 6 months		6-12 months		12-18 months		18 months to 2 years		Over 2 years		Total		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
On 2005.03.31													
High Courts	368	19	183	2	140	3	92	10	162	10	945	44	989
District Courts	61	7	40	3	31	2	4	-	10	-	146	12	158
Magistrate Courts	6 618	360	1 327	53	468	39	366	22	555	74	9 334	548	9 882
Other Courts	29		7	-	2	-	2	-	4	-	44	-	44
Total	7 076	386	1 557	58	641	44	464	32	731	84	10 469	604	11 073
On 2005.06.30													
High Courts	368	19	165	14	136	11	83	13	138	19	890	76	966
District Courts	32	6	21	3	10	-	8	-	6	-	77	9	86
Magistrate Courts	6 691	362	1 442	67	639	43	385	21	542	56	9 699	549	10 248
Other Courts	31	-	9	-	1	-	3	-	12	-	56	-	56
Total	7 122	387	1 637	84	786	54	479	34	698	75	10 722	634	11 356
On 2005.09.30													
High Courts	366	20	182	11	128	2	125	6	152	3	953	42	995
District Courts	39	3	22	3	16	-	9	-	5	-	91	6	97
Magistrate Courts	6 734	388	1 332	75	614	47	385	38	573	72	9 638	620	10 258
Other Courts	38	-	2	-	4	-	5	-	3	-	52	-	52
Total	7 177	411	1 538	89	762	49	524	44	733	75	10 734	668	11 402
On 2005.12.31													
High Courts	427	29	161	6	106	3	100	4	149	23	943	65	1 008
District Courts	41	10	30	1	7	-	7	-	1	-	86	11	97
Magistrate Courts	6 899	403	1 390	62	676	44	463	32	674	55	10 102	596	10 698
Other Courts	43	-	9	-	1	-	-	-	1	-	54	-	54
Total	7 410	442	1 590	69	790	47	570	36	825	78	11 185	672	11 857

Source: Department of Prisons.

Length of sentences, 2001-2005

Length of sentence	Year									
	2001		2002		2003		2004		2005	
	No. of convicted prisoners	Percentage of total convicted prisoners	No. of convicted prisoners	Percentage of total convicted prisoners	No. of convicted prisoners	Percentage of total convicted prisoners	No. of convicted prisoners	Percentage of total convicted prisoners	No. of convicted prisoners	Percentage of total convicted prisoners
Under 1 month	1 130	5.1	1 083	4.3	1 845	6.7	2 096	7.8	3 229	9.8
1 month to 3 months	2 893	13.0	4 058	16.2	5 187	18.8	5 527	20.5	5 893	17.8
3 months-6 months	4 842	21.8	6 270	25.1	6 726	24.3	6 042	22.5	6 404	19.4
6 months-1 year	5 712	25.7	5 032	20.1	5 756	20.8	4 614	17.2	5 085	15.4
1 year-1 1/2 years	3 198	14.4	3 767	15.1	3 467	12.5	5 100	19.0	7 824	23.7
1 1/2 years-2 years	1 466	6.6	1 645	6.6	1 520	5.5	1 077	4.0	1 879	5.7
2 years-3 years	1 045	4.7	1 069	4.3	1 034	3.7	843	3.1	887	2.7
3 years-5 years	1 121	5.0	1 160	4.6	1 274	4.6	894	3.3	1 051	3.2
5 years-10 years	489	2.2	553	2.2	475	1.7	422	1.6	449	1.3
Over 10 years	343	1.5	386	1.5	397	1.4	283	1.0	333	1.0
Total	22 239	100.0	25 023	100.0	27 681	100.0	26 898	100.0	33 034	100.0

Source: Department of Prisons.

Grave crime offences against persons (1999-2005)

Type of offences	Year						
	1999	2000	2001	2002	2003	2004	2005
Offences against persons							
1. Abduction/kidnapping	851	814	767	739	829	868	953
2. Grievous hurt	2 080	1 966	1 813	1 848	1 854	1 922	1 749
3. Homicide/abetment to commit suicide	1 801	1 711	1 576	1 347	1 310	1 377	1 221
4. Attempted homicide	626	642	655	504	489	502	466
5. Hurt by knife etc.	5 682	5 288	5 367	4 784	4 921	4 880	4 666
6. Rape/incest	1 309	1 202	1 283	1 247	1 371	1 432	1 540
7. Unnatural offences/grave sexual abuse	171	182	391	303	249	419	429
8. Offences under the offensive weapons act	133	158	408	278	312	332	482
9. Procuration/trafficking	-	-	29	37	9	16	15
10. Cruelty to children and sexual exploitation of children	-	-	353	338	463	471	451
Total	12 653	11 963	12 642	11 425	11 807	12 219	11 972
Estimated mid-year population in 000's	19 043	19 359	18 732	19 009	19 252	19 462	19 668
Rate of admission per 100,000 of population	66.4	61.8	67.5	60.1	61.3	62.8	60.9
<i>Source: Police Department</i>							

Source: Department of Prisons.

Discharge of convicted prisoners, 2003-2005

Basis of discharge	Year											
	2003				2004				2005			
	Male	Female	Total	Per cent	Male	Female	Total	Per cent	Male	Female	Total	Per cent
On punishment	15 426	244	15 670	61.4	16 473	300	16 773	58.0	17 454	388	17 842	62.8
On bail	208	24	232	0.9	315	42	357	1.2	155	20	175	0.6
On payment of fines	6 613	312	6 925	27.2	6 024	285	6 309	21.8	7 552	336	7 888	27.7
On special occasions	2 593	93	2 686	10.5	5 357	144	5 501	19.0	2 458	69	2 527	8.9
Total	24 840	673	25 513	100.0	28 169	771	28 940	100.0	27 619	813	28 432	100.0

Source: Department of Prisons.

Incidence of deaths in custody
Number of deaths and death rate (1996-2005)

Year	Total annual population of convicted and unconvicted prisoners	Daily average population of convicted and unconvicted prisoners	Number of deaths	Death rate per 1,000 daily average population	Percentage of deaths of the daily average population (convicted and unconvicted)
1996	4 369 780	11 972	50	4.2	0.4
1997	4 649 861	12 739	50	3.9	0.4
1998	5 109 653	13 999	49	3.5	0.4
1999	5 986 730	16 402	98	5.9	0.6
2000	5 990 613	16 412	59	3.6	0.4
2001	6 284 139	17 216	64	3.7	0.4
2002	6 462 204	17 705	105	5.9	0.6
2003	7 349 930	20 186	71	3.5	0.4
2004	7 541 341	20 661	59	2.9	0.3
2005	8 079 001	22 114	82	3.7	0.4

Source: Department of Prisons.

Death sentence
Death sentences (1995-2005)

Year	Number sentenced to death	Number executed	Number of death sentences committed to imprisonment	Number under appeal awaiting execution or final decision for commutation of execution
1995	66	-	55	11
1996	88	-	56	32
1997	58	-	34	24
1998	43	-	16	27
1999	68	-	-	68
2000	72	-	-	72
2001	67	-	-	67
2002	69	-	-	69
2003	102	-	-	102
2004	68	-	-	68
2005	113	-	-	113

Source: Department of Prisons.

Number of pending cases by types - 2005

High courts

Number of the court	Number of pending cases by types								
	Criminal cases	Revision application	Labour appeals	Appeals from MC	Bail applications	Inquires	Writs	Others	Total
Ampara	120	10	2	19	4	0	8	0	163
Anuradhapura	1 211	99	37	78	33	0	56	0	1 514
Avissawella	354	84	21	128	86	28	6	0	707
Badulla*	898	21	54	102	6	0	9	0	1 090
Balapitiya	324	51	0	107	86	0	11	0	579
Batticaloa	235	30	1	21	7	0	15	0	309
Chilaw	674	48	22	50	76	0	6	0	876
Colmbo 1	331	21	0	11	18	0	4	49	434
Colmbo 2	319	46	36	0	76	0	7	387	871
Colmbo 3	409	57	56	58	47	0	5	0	632
Colmbo 4	240	24	57	309	16	0	4	144	794
Colmbo 5	248	17	28	38	57	2	1	1	392
Colmbo 6	377	36	41	25	56	2	10	0	547
Colmbo 7	420	18	39	61	40	3	1	0	582
Gampaha	372	100	9	35	66	0	0	0	582
Galle	382	87	40	26	85	0	10	0	630
Hambantota	468	53	0	113	0	47	0	0	681
Jaffna	98	8	0	10	2	0	2	0	120
Kalutara	383	27	10	60	35	0	13	0	528
Kandy	1 152	144	144	225	0	0	0	60	1 725
Kegalle	386	87	1	180	23	2	63	0	742
Kurunagala	1 167	139	26	316	0	145	0	61	1 854
Matara	263	11	20	3	0	111	0	1	409
Negombo	617	32	39	9	0	50	1	5	753
Panadura	442	105	23	82	0	240	0	17	909
Rathnapura	620	199	56	109	0	81	0	92	1 157
Trincomalee	289	20	1	13	6	0	14	0	343
Vavuniya*	40	1	0	2	2	0	4	0	49
Total	12 839	1 575	763	2 190	827	711	250	817	19 972

Source: Ministry of Justice and Law Reforms.

Primary courts

Pending during the year		Under the penal code	Under the motor traffic ordinances	Under other ordinances	Civil cases	Total
1	Gampaha	0	2 234	2 242	0	4 476
2	Jaffna	63	1 304	36	22	1 425
3	Tissamaharama	184	58	13	0	255
4	Kebithigollawa	170	359	69	0	598
5	Kakirawa	0	1 1272	17	0	11 289
6	Badulla	577	575	1 308	29	2 489
7	Bandarawela	286	1 787	39	0	2 112
8	Mahiyanganaya	690	1 239	172	0	2 101
9	Monaragala	43	9 875	0	7	9 925
10	Welimada	0	757	90	5	852
11	Batticaloa	143	1 224	78	6	1 451
12	Kalmunai	401	1 351	173	79	2 004
13	Ampara	281	1 472	170	11	1 934
14	Akkarapathuwa	101	933	0	0	1 034
15	Colombo-Fort	0	3 347	0	0	3 347
16	Gangodawilla	0	10 100	1 012	12	11 124
17	Mallakam	0	923	5	0	928
18	Balapitiya	0	5 775	0	123	5 898
19	Chavakachcheri	29	207	11	21	268
20	Tangalla	335	4 407	348	72	5 165
21	Vavuniya	1 004	1 604	45	39	2 692
22	Horana	960	392	114	10	1 476
23	Panadura	525	1 346	321	2	2 194
24	Kalutara	277	1 216	9	0	1 502
25	Gampola	805	943	195	165	2 108
26	Hatton	93	1 303	77	12	1 485
27	Teldeniya	87	296	31	0	414
28	Nawalapitiya	301	1 225	230	16	1 772
29	Mawanella	329	662	445	36	1 472
30	Warakapola	1 364	3 599	221	70	5 254
31	Galigamuwa	91	39	6	0	136
32	Kuliyapitiya	468	2 855	104	0	3 427
33	Maho	354	903	133	0	1 390
34	Pilassa	72	10 470	79	39	10 660
35	Wariyapola	0	2 559	345	15	2 919
36	Morawaka	586	738	0	21	1 345
37	Pelmadulla	62	1 180	1 785	0	3 027
38	Miniwangoda	380	363	120	0	863
39	Galle	5	244	2	2	253
40	Kesbewa	23	705	15	26	769

Pending during the year		Under the penal code	Under the motor traffic ordinances	Under other ordinances	Civil cases	Total
41	Puttalam	497	8 035	1 750	19	10 301
42	Balangoda	1 363	2 252	231	75	3 921
43	Marawila	88	695	121	0	904
44	Embilipitiya	654	3 512	16	0	4 182
45	Elpitiya	0	2 523	0	0	2 523
46	Moratuwa	1 384	1 345	1	0	2 730
47	Nuwara Eliya	1 719	3 292	607	36	5 654
48	Hambantota	2 148	2 301	561	4	5 014
49	Polonnaruwa	748	14 458	124	0	15 330
50	Anuradhapura	4 481	8 631	18	0	13 130
51	Trincomalee	492	2 298	0	11	2 801
52	Attanagalla	252	1 870	57	221	2 400
53	Walasmulla	28	112	10	3	153
54	Dambulla	36	3 443	613	0	4 092
	Total	24 982	146 608	14 169	1 209	186 968

Source: Ministry of Justice and Law Reforms.

Annex IV

**ANALYSIS OF CONFORMITY OF SRI LANKAN LAW WITH KEY INTERNATIONAL INSTRUMENTS
ON HUMAN AND LABOUR RIGHTS TO WHICH SRI LANKA IS A STATE PARTY**

Relevant international instrument	Legislative compliance
<p>International Covenant on Civil and Political Rights</p> <p>Article 2 and 3 - Equal protection of rights without distinction of any kind</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 12, paragraph 1 - Fundamental right of equality before the law and equal protection of the law.</p> <p>Article 12, paragraph 2 - Fundamental right of non discrimination based on grounds of race, religion, language, caste, sex political opinion, place of birth or any such grounds.</p> <p>Article 12, paragraph 3 - Fundamental right of freedom from subjection to disabilities, liabilities, restrictions, or conditions with regard to public places.</p> <p>Article 27 - The directive principles of state policy provides for equal opportunity to all citizens to prevent any disability being suffered on grounds of race, religion, language, caste, sex, political opinion or occupation.</p> <p>Article 126 - The Supreme Court of the State shall have sole and exclusive jurisdiction to determine any question relating to any alleged violation of a fundamental or language right, be it by an executive or administrative action, and it shall have the power to grant such relief or make such directions as it may deem just and equitable.</p> <p>Parliamentary Commissioner for Administration Act No. 17 of 1981 as amended by Act, No. 26 of 1994:</p> <p>Section 10 - While the act provides for the establishment of the office of the Parliamentary Commissioner for Administration (Ombudsman) who through this section has the capability to investigate into alleged violations of fundamental rights, and if such rights are violated is capable of reporting his findings to the Public Petitions Committee for the requisite action to be taken thus providing for an added safeguard against the violation of fundamental rights.</p>

Relevant international instrument	Legislative compliance
<p data-bbox="244 922 647 986">Article 6 - Right to life and restrictions on capital punishment</p> <p data-bbox="244 1155 676 1251">Article 7 - Non subjection to torture or to cruel, inhuman and degrading treatment or punishment</p>	<p data-bbox="710 284 1473 316">Human Rights Commission of Sri Lanka Act, No. 22 of 1996:</p> <p data-bbox="710 331 1597 363">Section 2 - Provides for the establishment of a Human Rights Commission.</p> <p data-bbox="710 379 1968 515">Section 10 - The functions of the Commission include conducting of investigations and inquiries into procedural compliance of provisions in the Constitution for the protection of fundamental rights, alleged infringements of those rights, advise in the formulation of legislation and procedure and ensure compliance with international standards and to provide education and awareness of these rights.</p> <p data-bbox="710 531 1789 563">Section 11 - Makes provision for a wide use of power in order to meet the above objectives.</p> <p data-bbox="710 579 1928 643">Section 14 - Provision for the investigation of alleged infringements of rights even on the Commissions own motion.</p> <p data-bbox="710 659 1895 762">Section 26 - Protects the Commission against suit for actions done in good faith for the above stated purposes. Thereby this legislation provides for an independent organ to strengthen the protection and safeguarding of these rights.</p> <p data-bbox="710 778 1568 810">Grant of Citizenship to persons of Indian Origin Act, No. 35 of 2003:</p> <p data-bbox="710 826 1939 890">Section 2 - All persons qualifying are of Indian Origin and are granted the full rights that a citizen of the State shall have, ensuring the safeguarding of rights indiscriminate of social origin.</p> <p data-bbox="710 906 1115 938">Penal Code of 1889 as amended:</p> <p data-bbox="710 954 1798 986">Section 53 - Sentence of death not to be pronounced on persons under eighteen years of age.</p> <p data-bbox="710 1002 1574 1034">Section 54 - Sentence of death not to be pronounced on pregnant women.</p> <p data-bbox="710 1050 1957 1129">Sentence of death can be imposed only for the most serious of crimes. However, for nearly 30 years, there has been a moratorium and no executions have taken place.</p> <p data-bbox="710 1145 1115 1177">Constitution of Sri Lanka, 1978:</p> <p data-bbox="710 1193 1883 1257">Article 11 - Fundamental right of freedom from torture or cruel, inhuman or degrading treatment or punishment.</p>

Relevant international instrument	Legislative compliance
<p>Article 8 - Non practice of slavery</p> <p>Article 9 - Right to liberty and security of person, not being subjected to arbitrary arrest, existence and compliance with due procedure of law</p>	<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994:</p> <p>Section 2 - Any person who tortures another or attempts, aids, abets or conspires to do so is guilty of an offence.</p> <p>Section 3 - Threat or state of war, political instability, public emergency or order of a superior officer or authority would not constitute a defence for this offence creating a more stringent safeguard against torture. The minimum sentence that can be imposed on a person convicted is 7 years imprisonment.</p> <p>Abolition of Slavery Ordinance, No. 20 of 1844:</p> <p>Section 2 - Slavery shall no longer exist and all such persons would henceforth be free and entitled to all rights, privileges of free persons.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 13(1) - Fundamental right of freedom of arrest except according to the due procedure of law and right to information of reasons for arrest.</p> <p>Article 13(2) - Fundamental right to be presented before the nearest competent court according to procedure established by law if being held in custody or otherwise deprived of personal liberty and for such not to be continued except upon terms of that court according to due process of law.</p> <p>Article 13(3) - Fundamental right to a fair hearing before a competent court in person or by an attorney-at-law.</p> <p>Article 13(4) - Fundamental right not to be imprisoned except by order of a competent court.</p> <p>Code of Criminal Procedure Act, No. 15 of 1979 as amended:</p> <p>Section 17 - This section gives provision for the payment of compensation to victims of unlawful arrest or detention.</p> <p>Section 23 - Any person to be arrested must be informed of the nature of the charge or allegation upon which he is being arrested.</p>

Relevant international instrument	Legislative compliance
<p>Article 10 - Rights of persons deprived of their liberty</p>	<p>Section 32-33 - Provides for specific and limited circumstances in which arrest can be conducted without a warrant of arrest. In all other circumstances arrest can only be conducted with a warrant of arrest, ensuring freedom from arbitrary arrest.</p> <p>Section 37 - Persons arrested without a warrant must be presented before a Magistrate within a reasonable time not exceeding 24 hours.</p> <p>Section 53 - Provides for the substance of the warrant to be communicated to the party in question in executing an arrest under a warrant of arrest.</p> <p>Section 54 - Provides for the due presentation of a person arrested under a warrant of arrest before court.</p> <p>Chapter XXXIV - Makes provision for the granting of bail for certain offences.</p> <p>Civil Procedure Code:</p> <p>Section 298 - Provides for specific and limited circumstances in which arrest can be made with the issue of a warrant which ensures that arbitrary arrest do not take place.</p> <p>Bail Act, No. 30 of 1997 (This law supersedes all other provisions of any other law other than where special provisions for bail is specified.)</p> <p>Section 2 - Provides that the practice to be followed is that the grant of bail shall be the rule and its refusal shall be the exception.</p> <p>Section 4-5 - Provides for the granting of Bail for bailable and non-bailable offences (the latter being at the discretion of the court).</p> <p>Section 21 - Gives provision for anticipatory bail.</p> <p>Human Rights Commission of Sri Lanka Act, No. 22 of 1996:</p> <p>Section 11(d) - Provides the Commission with the power to inspect and monitor the welfare of detained persons and to make recommendations for the necessary improvements.</p> <p>Section 28 - Casts a duty on any person making an arrest or detention under the provisions of the Prevention of Terrorism Act or a regulation made under the public security ordinance to inform the commission</p>

Relevant international instrument	Legislative compliance
<p>Article 12 - Right to liberty of movement, freedom to choose residence and freedom to leave and return to the state</p> <p>Article 14, paragraph 1 - Equality before courts and tribunals, right to fair and public hearing by competent, impartial and independent tribunal</p> <p>Article 14, paragraph 2 - Presumption of innocence until being pronounced guilty</p>	<p>forthwith and in any case not later than 48 hrs from the time of such arrest or detention, of such arrest or detention and the place where such person is held in custody or detention. It further provides that the commission be informed if such person is released or transferred to another place of detention.</p> <p>Code of Criminal Procedure Act, No. 15 of 1979 as amended:</p> <p>Section 24-30 - These sections give provision to ensure that all persons arrested or detained are treated with dignity and in a manner befitting with the inherent human dignity.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(h) - Fundamental right of freedom of movement and of choosing residence within the state.</p> <p>Article 14(1)(i) - Fundamental right of freedom to return to the state.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 12(1) - Fundamental right of equality before the law and equal protection of the law.</p> <p>Article 107-117 and the 17th amendment to the constitution - These sections provide for an independent judiciary to adjudicate upon all matters presented before it, including matters relating to fundamental rights. This is ensured by such steps as the appointing of all judges to the Supreme Court and the Court of Appeal by the President of the Republic upon the approval of the Constitutional Council, salaries of the judges being charged on the consolidated fund, the inability of a judge to hold any other office (paid or unpaid), the appointment of an independent Judicial Service Commission which is vested with decision making powers, etc. with regard to the judiciary, the immunity from suit or proceeding against members of the Commission, the interference of any judicial officer or Commission member in the performance of his duties constituting an offence.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 13(5) - Fundamental right of the presumption of innocence until proven guilty.</p>

Relevant international instrument	Legislative compliance
<p>Article 14, paragraph 3(a) - Entitlement of an accused to be informed of the charge against him in a language that he understands</p> <p>Article 14, paragraph 3(d) - Rights relating to legal representation</p> <p>Article 14, paragraph 5 - Right to have conviction and sentence reviewed by a higher court</p> <p>Article 15 - Right not to be held guilty for actions which did not constitute an offence at the time of commission</p> <p>Article 18 - Freedom of thought, conscience and religion</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 24(3) - Parties to court proceedings shall be entitled to an interpretation and to a translation of any or part of the pleadings, judgements, judgments and other judicial and ministerial acts into the appropriate national language, so as to understand the proceedings and participate in court proceedings.</p> <p>Code of Criminal Procedure Act No. 15 of 1979 as amended:</p> <p>Section 260 - Right provided to an accused to be defended.</p> <p>Section 271 - If unrepresented the accused has a right to have the prosecution case, principle points and his rights explained to him.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 13(3) - Right to be heard in person or by an attorney-at-law at a fair trial by a competent court.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 127 & 139 - Provision for the right to appeal against decisions of the courts of first instance and superior courts by the Supreme Court and the Court of Appeal of the State respectively.</p> <p>Code of Criminal Procedure Act, No. 15 of 1979 as amended:</p> <p>Chapter XXVIII - Gives provision for an appeal process to have decisions reviewed by superior courts.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 13(6) - Fundamental right not to be found guilty of an offence for an action which did not constitute an offence at time of its commission.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 10 - Fundamental right of freedom of Thought, Conscience and Religion including freedom to adopt a religion or belief of choice.</p> <p>Article 14(e) - Fundamental right of freedom to manifest religion or belief in worship, observance, practice or teaching.</p>

Relevant international instrument	Legislative compliance
<p>Article 19 - Freedom of expression and right to hold opinion</p> <p>Article 21 - Right to peaceful assembly</p> <p>Article 22 - Freedom of association and right to form and join trade unions</p> <p>Article 23 - Protection of the family unit</p> <p>Article 24 - Rights of children</p> <p>Article 25 - Franchise and access to public affairs</p>	<p>Article 27 - The directive principles of state policy provide for equal opportunity to all citizens to prevent any disability being suffered on grounds of religion, language, political opinion, etc.</p> <p>Penal Code of 1889 as amended:</p> <p>Sections 290-292 - Provides that actions of injuring, defiling, insulting or otherwise, of a religion in general or a place of worship, religious assemblies, religious feelings, etc. shall carry with it penal sanctions.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(a) - Fundamental right of freedom of speech and expression including publication.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(b) - Fundamental right of freedom of peaceful assembly.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(c) - Fundamental right of freedom of association.</p> <p>Article 14(1)(d) - Fundamental right to form and join a trade union.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 27 - The directive principles of state policy provide that the State shall recognize and protect the family as the basic family unit.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 27 - The directive principles of state policy provides for the special care for the interests of children specifically to protect against discrimination, and to ensure their full physical, mental, moral, religious and social development.</p> <p>Education Ordinance - Compulsory education to children under 14 years of age.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 4(e) - Sovereign Right of freedom to exercise the right of franchise at the elections of the President, Members of Parliament and Referendums, by all qualified and registered electors over the age of 18.</p>

Relevant international instrument	Legislative compliance
<p>Article 26 - Equality before the law and equal protection of the law, without any discrimination</p> <p>Article 27 - Right of minorities to exercise rights in community</p>	<p>Article 27(4) - The state is obliged to afford all possible opportunities to the people to participate at every level in national life and in government.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 12(1) - Fundamental right of equality before the law and equal protection of the law.</p> <p>Article 12(2) - Fundamental right of non discrimination based on grounds of race, religion, language, caste, sex political opinion, place of birth or any such grounds.</p> <p>Article 12(3) - Fundamental right of freedom from subjection to disabilities, liabilities, restrictions, or conditions with regard to public places.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 10 - Fundamental right of freedom of Thought, Conscience and Religion including freedom to adopt a religion or belief of choice.</p> <p>Article 14(e) - Fundamental right of freedom to manifest religion or belief in worship, observance, practice or teaching, privately or in association.</p> <p>Article 14(f) - Fundamental right of freedom to enjoy and promote culture, and use of own language, privately or by association.</p> <p>Articles 18-25 - Provisions are provided for the use and practice of the Tamil and English language although such languages are used by minority communities in the State. These practices include usage in Parliamentary proceedings, educational purposes, administrative purposes, legislation and judicial proceedings.</p> <p>Article 27 - The directive principles of state policy provide for steps to be taken to promote co-operation and mutual confidence among all sections of the state, specifically in the field of education, teaching and education. It also provides for equal opportunity to all citizens to prevent any disability being suffered on grounds of race, religion, language, caste, sex, political opinion or occupation. Provision is also present for the assistance and development of cultures and languages.</p>

Relevant international instrument	Legislative compliance
	<p>Official Languages Commission Act, No. 18 of 1991:</p> <p>Section 2 - Provides for the establishment of an Official Languages Commission.</p> <p>Section 6-7 - This Commission is charged with the task of recommending policy, conducting investigations and to take any other actions necessary for ensuring the compliance with the various rights pertaining to language as enshrined in the Constitution of the Republic as seen in Articles 18-25.</p> <p>Penal Code of 1889 as amended:</p> <p>Sections 290-292 - Provides that actions of injuring, defiling, insulting or otherwise, of a religion in general or a place of worship, religious assemblies, religious feelings, etc. shall carry with it penal sanctions thereby ensuring that due respect be granted even to minority religious movements.</p>
<p>International Covenant on Economic, Social and Cultural Rights</p> <p>Article 2 - Equal protection of rights without distinction of any kind</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 12(1) - Fundamental right of equality before the law and equal protection of the law.</p> <p>Article 12(2) - Fundamental right of non discrimination based on grounds of race, religion, language, caste, sex political opinion, place of birth or any such grounds.</p> <p>Article 12(3) - Fundamental right of freedom from subjection to disabilities, liabilities, restrictions, or conditions with regard to public places.</p> <p>Article 27 - The directive principles of state policy provide for equal opportunity to all citizens to prevent any disability being suffered on grounds of race, religion, language, caste, sex, political opinion or occupation. It further provides for the rapid development of public and private economic activity, the equitable distribution of material resources, the dispersing of means of production, distribution and exchange. It also guarantees that the State shall strive for economic and social development in a wide array of spheres.</p>

Relevant international instrument	Legislative compliance
	<p>Article 126 - The Supreme Court of the State shall have sole and exclusive jurisdiction to determine any question relating to any alleged violation of a fundamental or language right, be it by an executive or administrative action, and it shall have the power to grant such relief or make such directions as it may deem just and equitable.</p> <p>Citizenship Act, No. 18 of 1948 as amended:</p> <p>Part II and Part III - Provide for less stringent means of obtaining citizenship as that existed in the past which allows more persons to qualify as citizens, thus ensuring a wider community having its rights being protected.</p> <p>Kandyan Marriage and Divorce Act, No. 44 of 1952 as amended:</p> <p>Muslim Marriage and Divorce Act, No. 13 of 1951 as amended:</p> <p>The Thesawalamai Regulation, No. 18 of 1806:</p> <p>- The above stated statutes ensure the protection and practice of cultural rights with particular regard to marriage, divorce, property, etc. This ensures the full enjoyment of cultural rights in particular by the minority communities.</p> <p>Prevention of Social Disabilities Act, No. 21 of 1957:</p> <p>Section 2 - Provides that the imposition of a social disability on another for reason of caste, shall be guilty of an offence.</p> <p>Protection of the Rights of Persons with Disabilities Act, No. 28 of 1996:</p> <p>Part I - Provides for the establishment of a National Council for Persons with Disabilities to ensure the promotion, advancement and protection of the rights of such persons so as to prevent discrimination.</p> <p>Part V - Provides for provisions to ensure the protection of the rights in question.</p> <p>Protection of the Rights of Elders Act, No. 9 of 2000:</p> <p>Part I - Provides for the establishment of a National Council for Elders to ensure the promotion and protection of the rights of such persons, and to provide self respect, independence and dignity, which aids in preventing discrimination.</p>

Relevant international instrument	Legislative compliance
<p>Article 3 - Equality between men and women</p> <p>Article 6 - Right to work and free choice of workplace</p> <p>Article 7 - Enjoyment of just and favourable work conditions, etc.</p>	<p>Part II - Provides for provisions to ensure the protection of the rights in question.</p> <p>Matrimonial Rights and Inheritance Ordinance, No. 15 of 1876:</p> <p>Section 8-9 - Provides the wife with control of her personal property and wages thus granting her an equal standing as the husband in disposal of property, etc.</p> <p>Married Women’s Property Ordinance, No. 18 of 1923 as amended:</p> <p>Section 5-19 - Provides for further control for the wife of property, etc. that shall be held in her sole name in the light of granting equal protection of women’s property rights.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(g) - Fundamental right of freedom to engage in lawful occupation, profession, trade, business or enterprise.</p> <p>Widows’ and Orphans’ Pension Fund Ordinance, No. 1 of 1898:</p> <p>Section 3 - Provides for the establishment of a fund for the payment of pensions to the widows and orphans of deceased public servants thus protecting the family unit.</p> <p>Workmen’s Compensation Ordinance, No. 19 of 1934:</p> <p>Section 3-5 - Obligation of employer to pay compensation to workers for any injuries or diseases suffered in the course of employment.</p> <p>Wages Board Ordinance, No. 27 of 1941 as amended:</p> <p>Section 2 - Provides for the payment of wage payment to meet a certain set standard ensuring just remuneration.</p> <p>Section 3A-3B - Provides for the granting to certain public holidays and for additional remuneration should work take place.</p> <p>Section 8 - Creates Wage boards that look into the granting of wages, duration of working hours, intervals, holidays, etc. which safeguards favourable work conditions for the workers.</p>

Relevant international instrument	Legislative compliance
	<p>Factories Ordinance, No. 45 of 1942 as amended:</p> <p>Part II - Provides for a series of regulations to ensure that all precautions are taken to maintain healthy working conditions.</p> <p>Part III - Provides for a series of regulations to ensure safe working conditions.</p> <p>Part IV - Provides for a series of regulations to maintain the general welfare of the workers.</p> <p>Part V - Provides for a series of special provisions and regulations to ensure health, safety and welfare of the workers.</p> <p>Part VI - Provides for the notification and investigation of accidents and industrial diseases.</p> <p>Part VII - General provisions as to hours of employment, overtime, holidays, etc. It also features added provisions for the protection of female and young workers.</p> <p>Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1956 as amended:</p> <p>Part I - Provides regulation of hours of employment, holidays, intervals in shops and offices and health and comfort of employees. This includes special provision for the employment of women and young persons.</p> <p>Part 1A - Provides special provisions for maternal benefits for female shop workers.</p> <p>Part II - Payment of remuneration for shop workers is ensured through these provisions.</p> <p>Employees' Provident Fund Act, No. 15 of 1958:</p> <p>Section 2 - Provides for the creation of an employees provident fund from which benefit can be claimed. (Part III) upon satisfaction of certain criteria.</p> <p>Industrial Disputes Act, No. 50 of 1950 as amended:</p> <p>Part II - Provides for the arbitration or conciliation of any industrial disputes that may arise with provisions for more expedient and convenient solutions such as collective agreements, etc.</p> <p>Part IV - Provides for the establishment of Industrial Courts for this purpose.</p>

Relevant international instrument	Legislative compliance
<p data-bbox="241 603 647 667">Article 8 - Freedom to form trade unions and similar rights</p> <p data-bbox="241 938 651 1002">Article 9 - Right to social security and welfare</p>	<p data-bbox="707 284 1753 316">Part IVA - Provides for the establishment of Labour Tribunals as a more expedient step.</p> <p data-bbox="707 331 1487 363">Termination of Employment of Workmen Act, No. 45 of 1971:</p> <p data-bbox="707 379 1989 443">Section 2 - Restrictions on the termination of workmen to prevent and unjustifiable terminations from taking place.</p> <p data-bbox="707 467 1081 499">Establishments Code of 1985:</p> <p data-bbox="707 515 1973 579">- Provides for schemes of recruitment, appointments, promotions, etc., which aids a streamlined process for employees. This code has in lieu of court precedent attained the force of law and allows enforceability.</p> <p data-bbox="707 603 1115 635">Constitution of Sri Lanka, 1978:</p> <p data-bbox="707 651 1843 683">Article 14(1)(a) - Fundamental right of freedom of speech and expression including publication.</p> <p data-bbox="707 699 1541 730">Article 14(1)(b) - Fundamental right of freedom of peaceful assembly.</p> <p data-bbox="707 746 1451 778">Article 14(1)(c) - Fundamental right of freedom of association.</p> <p data-bbox="707 802 1379 834">Trade Unions Ordinance, No. 14 of 1935 as amended:</p> <p data-bbox="707 850 1973 914">Part V - Provides for the maintenance of registered trade unions with certain rights enjoyable by them once registered.</p> <p data-bbox="707 938 1115 970">Constitution of Sri Lanka, 1978:</p> <p data-bbox="707 986 1895 1050">Article 27 - The directive principles of state policy provide that State shall ensure social security and welfare.</p> <p data-bbox="707 1074 1509 1106">Widows' and Orphans' Pension Fund Ordinance, No. 1 of 1898:</p> <p data-bbox="707 1121 1973 1185">Section 3 - Provides for the establishment of a fund for the payment of pensions to the widows and orphans of deceased public servants.</p>

Relevant international instrument	Legislative compliance
<p>Article 10 - Protection of the family unit, mothers and children</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 27 - The directive principles of state policy provide that the State shall recognize and protect the family as the basic family unit and for special care to be given to the interests of children and youth for their development and protection.</p> <p>Widows' and Orphans' Pension Fund Ordinance, No. 1 of 1898:</p> <p>Section 3 - Provides for the establishment of a fund for the payment of pensions to the widows and orphans of deceased public servants thus protecting the family unit.</p> <p>Matrimonial Rights and Inheritance Ordinance, No. 15 of 1876:</p> <p>Section 16 - A policy of life insurance by a married man will be for the benefit of his family, independent of any claims by creditors, providing added security for the family.</p> <p>Section 24 - Children and grandchildren are given preference over others to the estate of their parents, providing financial stability for young orphans without any financial support.</p> <p>Employment of Women, Young Persons and Children Act No. 47 of 1956 as amended:</p> <p>Part I - Provides for the observance of special provisions and restrictions in cases of employment during night hours of women and persons under the age of 18.</p> <p>Part II - Provides for strict rules and restrictions pertaining to the employment of children, young persons and women in industrial undertakings and at sea.</p> <p>Part III - Provides for very strict restrictions and prohibitions of children in instances other than in industrial undertakings and at sea.</p> <p>Maternity Benefits Ordinance, No. 32 of 1939 as amended:</p> <p>Section 2 - Provides that women workers should not be employed for four weeks after her confinement.</p> <p>Section 3 - Provides for the payment of maternity benefit.</p> <p>Section 10 - Employment not to be terminated on basis of pregnancy or confinement.</p>

Relevant international instrument	Legislative compliance
<p>Article 11 - Right to an adequate standard of living and right to be free from hunger</p> <p>Article 13 and 14 - Right to education</p> <p>Article 15 - Rights with regard to cultural life, the enjoyment of scientific progress, to benefit from the protection of moral and material interests</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(h) - Fundamental right of movement and choosing residence within Sri Lanka.</p> <p>Article 27 - The directive principles of state policy provide for a realisation of an adequate standard of living, food, clothing and housing and continuous improvement of living conditions.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 27 - The directive principles of state policy provide for the complete eradication of illiteracy and universal and equal access to education at all levels.</p> <p>Education Ordinance - Compulsory education for children under 14 years of age.</p> <p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(a) - Fundamental right of freedom of speech and expression including publication which allows freedom to express and benefit from the expression of scientific, literary or artistic productions for which he is the author.</p> <p>Article 14(e) - Fundamental right of freedom to manifest religion or belief in worship, observance, practice or teaching, privately or in association, which allows the freedom to enjoy cultural life.</p> <p>Article 14(f) - Fundamental right of freedom to enjoy and promote culture, and use of own language, privately or by association.</p> <p>Article 27 - The directive principles of state policy provide for the full enjoyment of leisure and social and cultural opportunities.</p> <p>Kandyan Marriage and Divorce Act, No. 44 of 1952 as amended:</p> <p>Muslim Marriage and Divorce Act, No. 13 of 1951 as amended:</p> <p>The Thesawalamai Regulation, No. 18 of 1806:</p> <p>- The above stated statutes ensure the protection and practice of cultural rights with particular regard to marriage, divorce, property, etc. This ensures the full enjoyment of cultural rights in particular by the minority communities.</p>

Relevant international instrument	Legislative compliance
<p>Convention on the Rights of the Child</p> <p>Article 2 - State parties obligation to provide indiscriminate protection of the rights of a child</p> <p>Article 11 - Illicit transfer and non return of children</p> <p>Article 21 - Rules pertaining to adoption</p> <p>Article 24 - Physical and mental health</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 12(4) - Provides for the creation of special provisions to protect the rights of a child even to the extent as providing an exception to certain fundamental rights.</p> <p>Article 27(13) - Directive principles of State policy provide that the responsibility of the State will be to promote with special care the interests of the children and youth so as to ensure their full development, physical, mental, moral, religious and social, and to protect them from exploitation and discrimination.</p> <p>National Child Protection Authority Act, No. 50 of 1998:</p> <p>Section 2: Provides for the establishment of a National Child Protection Authority.</p> <p>Evidence (Special Provisions) Act, No. 32 of 1999:</p> <p>Part I & II - Special provisions for the giving of evidence in court by a child.</p> <p>Maintenance Act, No. 37 of 1999:</p> <p>Section 2 - Provides for the maintenance of children ensuring financial support for the child.</p> <p>Legitimacy Act, No. 3 of 1970:</p> <p>Section 3 - Provides for the legitimisation of illegitimate children to ensure them a full and complete life in a social sphere.</p> <p>Civil Aspects of International Child Abduction Act, No. 10 of 2001</p> <p>Section 2 - The wrongful removal or retention of children shall be considered a crime.</p> <p>Adoption Ordinance No. 24 of 1941 as amended:</p> <p>Part I - Provisions pertaining to the adoption of children.</p> <p>Children and Young Persons (Harmful Publications) Act, No. 48 of 1956</p> <p>Section 3 - Criminal sanctions for the moral contamination of a child's mind through publications.</p>

Relevant international instrument	Legislative compliance
<p>Article 32 - Rights of a child with regard to economic exploitation</p>	<p>Factories Ordinance, No. 45 of 1942 as amended:</p> <p>Part VII - Features provisions and restrictions for the protection young and child workers.</p> <p>Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1956 as amended:</p> <p>Section 10 - Provisions and restrictions on the employment of children and young persons as employees in shops and offices.</p> <p>Employment of Women, Young Persons and Children Act No. 47 of 1956 as amended:</p> <p>Part I - Provides for the observance of special provisions and restrictions in cases of employment during night hours of persons under the age of 18.</p> <p>Part II - Provides for strict rules and restrictions pertaining to the employment of children and young persons in industrial undertakings and at sea.</p> <p>Part III - Provides for very strict restrictions and prohibitions of children in instances other than in industrial undertakings and at sea.</p> <p>National Apprenticeship Act, No. 49 of 1971:</p> <p>Section 42 - Restricts persons under the age of 18 from being engaged as apprentices.</p>
<p>Article 34 - Protection from sexual exploitation</p>	<p>Penal Code of 1889 as amended:</p> <p>Section 286A, 288A, 360B - Sexual exploitation of a child carries penal sanctions.</p> <p>Section 364 - Rape concerning a girl under the age of sixteen.</p> <p>Judicature Act, No. 2 of 1978 as amended:</p> <p>Second Schedule - Trial of rape of girl under the age of sixteen to be in the high court.</p>
<p>Article 35 - Prevention of trafficking</p>	<p>Penal Code of 1889 as amended:</p> <p>Section 360C - Trafficking to carry penal sanctions, with specific reference made to children.</p>

Relevant international instrument	Legislative compliance
<p>Article 37 - Fundamental rights of a child</p> <p>Article 40 - Crimes committed by minors</p>	<p>Penal Code of 1889 as amended:</p> <p>Section 308A - Rule against cruelty to children.</p> <p>Children and Young Persons Act, No. 48 of 1956:</p> <p>Part IV - Provisions for the prevention of cruelty and moral and physical danger.</p> <p>Code of Criminal Procedure Act, No. 15 of 1979 as amended:</p> <p>First Schedule - Provisions against cruelty to children, rape of a girl under the age of 16, etc.</p> <p>Penal Code of 1889 as amended:</p> <p>Section 75-76 - Restrictions of minors being accused of having committed crimes.</p> <p>Children and Young Persons Act, No. 48 of 1956:</p> <p>Part I - Establishment of a juvenile court system for the trying of these offences.</p> <p>Part II - Special provisions with regard to your persons in any court in the State.</p> <p>Part III - Specialised institutions established for the rehabilitation of your offenders.</p>
<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p>	<p>Convention against Torture Act, No. 22 of 1994:</p> <p>Section 2 - The offence of torture includes the act itself and as well as aiding, abetting, attempting or conspiring to do so.</p> <p>The minimum sentence for a person guilty of the above offence is 7 years' imprisonment.</p> <p>Section 3 - State of war or like situations will not amount to a defence.</p>
<p>International Convention on the Elimination of all forms of Racial Discrimination</p> <p>Article 2 - Elimination of all forms of racial discrimination in all spheres</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 12(1) - Fundamental right of equality before the law and equal protection of the law.</p>

Relevant international instrument	Legislative compliance
<p>Article 4 - Action against propaganda</p> <p>Article 5 - Detailed account of what can amount to discrimination</p>	<p>Article 12(2) - Fundamental right of non discrimination based on grounds of race, religion, language, caste, sex political opinion, place of birth or any such grounds.</p> <p>Article 12(3) - Fundamental right of freedom from subjection to disabilities, liabilities, restrictions, or conditions with regard to public places.</p> <p>Article 27 - The directive principles of state policy provides for equal opportunity to all citizens to prevent any disability being suffered on grounds of race, religion, language, caste, sex, political opinion or occupation.</p> <p>Article 126 - The Supreme Court of the State shall have sole and exclusive jurisdiction to determine any question relating to any alleged violation of a fundamental or language right, be it by an executive or administrative action, and it shall have the power to grant such relief or make such directions as it may deem just and equitable.</p> <p>Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979:</p> <p>Section 14 - Nothing can be published that would incite any racial disharmony, ill will or hostility.</p> <p>Penal Code of 1889 as amended:</p> <p>Sections 290-292 - Provides that actions of injuring, defiling, insulting or otherwise, of a religion in general or a place of worship, religious assemblies, religious feelings, etc. shall carry with it penal sanctions.</p> <p>Human Rights Commission of Sri Lanka Act, No. 22 of 1996:</p> <p>Section 2 - Provides for the establishment of a Human Rights Commission.</p> <p>Section 10 - The functions of the Commission include conducting of investigations and inquiries into procedural compliance of provisions in the Constitution for the protection of fundamental rights, alleged infringements of those rights, advise in the formulation of legislation and procedure and ensure compliance with international standards and to provide education and awareness of these rights.</p> <p>Section 11 - Makes provision for a wide use of power in order to meet the above objectives.</p> <p>Section 14 - Provision for the investigation of alleged infringements of rights even on the Commission's own motion.</p>

Relevant international instrument	Legislative compliance
	<p>Section 26 - Protects the Commission against suit for actions done in good faith for the above stated purposes. Thereby this legislation provides for an independent organ to strengthen the protection and safeguarding of these rights.</p> <p>Official Languages Commission Act, No. 18 of 1991:</p> <p>Section 2 - Provides for the establishment of an Official Languages Commission.</p> <p>Section 6-7 - This Commission is charged with the task of recommending policy, conducting investigations and to take any other actions necessary for ensuring the compliance with the various rights pertaining to language as enshrined in the Constitution of the Republic as seen in Articles 18 - 25, ensuring freedom from discrimination.</p>
<p>Convention on the Elimination of All Forms of Discrimination Against Women</p> <p>Article 2 - All possible steps to be taken to end discrimination</p> <p>Article 11 - Equality in the sphere of employment</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 27(6) - Directive principles of state policy to ensure equality of opportunity, <i>inter alia</i>, irrespective of gender.</p> <p>Penal Code of 1889:</p> <p>Section 345 - Provides for strict sexual harassment provisions.</p> <p>Maternity Benefits Ordinance, No. 32 of 1939 as amended:</p> <p>Section 2 - Provides that women workers should not be employed for four weeks after her confinement.</p> <p>Section 3 - Provides for the payment of maternity benefit.</p> <p>Section 10 - Employment not to be terminated on basis of pregnancy or confinement.</p> <p>Employment of Women, Young Persons and Children Act No. 47 of 1956 as amended:</p> <p>Part I - Provides for the observance of special provisions and restrictions in cases of employment during night hours of women and persons under the age of 18.</p>

Relevant international instrument	Legislative compliance
	<p>Kandyan Marriage and Divorce Act, No. 44 of 1952 as amended:</p> <p>Muslim Marriage and Divorce Act, No. 13 of 1951 as amended:</p> <p>Jaffna Matrimonial Rights and Inheritance Ordinance, No. 1 of 1911:</p> <p>- This statutes also now provide women with additional powers and rights pertaining to property in the context of marriage as well as similar contextual rights.</p>
<p>International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families</p>	<p>Constitution of Sri Lanka, 1978</p> <p>Article 14 (1) (i) The freedom to return to Sri Lanka.</p> <p>Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985 (as amended by Act No. 4 of 1994)</p> <p>Assurance of the welfare of Sri Lankan employees overseas and protection of their interests.</p> <p>To attend to complaints of Sri Lankan employees overseas and find suitable remedies.</p> <p>Consular Functions Act, No. 4 of 1981</p> <p>Look after the interests of Sri Lankan expatriates (including access, communication and visits if in custody).</p> <p>Draft National Policy on Employment.</p>
<p>International Convention on the Suppression and Punishment of the Crime of Apartheid</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Although no direct legislation is in existence pertaining to the crime of Apartheid Article 12 provide a fundamental right for the protection against discrimination on grounds of race, religion, caste, language, sex, political opinion, place of birth or similar ground.</p>
<p>Convention on the Prevention and Punishment of the Crime of Genocide</p>	<p>Geneva Conventions Act, No. 4 of 2006:</p> <p>Section 2 - Provides that the crime of genocide shall constitute a grave breach of the convention and shall have strict penal sanctions.</p>

Relevant international instrument	Legislative compliance
<p>ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise</p> <p>Part I - Freedom of association</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(c) - Fundamental right of freedom of association.</p> <p>Article 14(1)(d) - Fundamental right to form and join a trade union.</p> <p>Industrial Disputes Act, No. 43 of 1950 as amended:</p> <p>Section 5 - Further provides for the entering into of collective agreements with Trade Unions.</p> <p>Trade Union Ordinance, No. 14 of 1935 as amended:</p> <p>Part III - Registration of Trade Unions.</p> <p>Part IV - Special provision for Trade Unions of public officers.</p> <p>Part V - Rights of Trade Unions.</p> <p>Part VI - Property rights.</p> <p>Part VII - Funds.</p>
<p>ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively</p>	<p>Industrial Disputes Act, No. 43 of 1950 as amended:</p> <p>Section 5 - Provides for the entering into of collective agreements by Trade Unions.</p> <p>Trade Union Ordinance, No. 14 of 1935 as amended:</p> <p>Part III - Registration of Trade Unions.</p> <p>Part IV - Special provision for Trade Unions of public officers.</p> <p>Part V - Rights of Trade Unions.</p> <p>Part VI - Property rights.</p> <p>Part VII - Funds.</p>
<p>ILO Convention No. 138 concerning Minimum Age for Admission to Employment</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 12(4) - Provides for the creation of special provisions to protect the rights of a child even to the extent as providing an exception to certain fundamental rights.</p>

Relevant international instrument	Legislative compliance
	<p>Article 27(13) - Directive principles of State policy provide that the responsibility of the State will be to promote with special care the interests of the children and youth so as to ensure their full development, physical, mental, moral, religious and social, and to protect them from exploitation and discrimination.</p> <p>Employment of Women, Young Persons and Children Act No. 47 of 1956 as amended:</p> <p>Part I - Provides for the observance of special provisions and restrictions in cases of employment during night hours of persons under the age of 18.</p> <p>Part II - Provides for strict rules and restrictions pertaining to the employment of children and young persons in industrial undertakings and at sea.</p> <p>Part III - Provides for very strict restrictions and prohibitions of children in instances other than in industrial undertakings and at sea.</p> <p>Factories Ordinance, No. 45 of 1942 as amended:</p> <p>Part VII - Features provisions and restrictions for the protection young and child workers.</p> <p>Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1956 as amended:</p> <p>Section 10 - Provisions and restrictions on the employment of children and young persons as employees in shops and offices.</p> <p>National Child Protection Authority Act, No. 50 of 1998:</p> <p>Section 2 - Provides for the establishment of a National Child Protection Authority which will in turn oversee the conduction of the above stated regulations.</p>
<p>ILO Convention No. 182 concerning the Prohibition and Immediate Action for Elimination of Worst Forms of Child Labour</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 12(4) - Provides for the creation of special provisions to protect the rights of a child even to the extent as providing an exception to certain fundamental rights.</p> <p>Article 27(13) - Directive principles of State policy provide that the responsibility of the State will be to promote with special care the interests of the children and youth so as to ensure their full development, physical, mental, moral, religious and social, and to protect them from exploitation and discrimination.</p>

Relevant international instrument	Legislative compliance
	<p>Employment of Women, Young Persons and Children Act No. 47 of 1956 as amended:</p> <p>Part I - Provides for the observance of special provisions and restrictions in cases of employment during night hours of persons under the age of 18.</p> <p>Part II - Provides for strict rules and restrictions pertaining to the employment of children and young persons in industrial undertakings and at sea.</p> <p>Part III - Provides for very strict restrictions and prohibitions of children in instances other than in industrial undertakings and at sea.</p> <p>Factories Ordinance, No. 45 of 1942 as amended:</p> <p>Part VII - Features provisions and restrictions for the protection young and child workers.</p> <p>Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1956 as amended:</p> <p>Section 10 - Provisions and restrictions on the employment of children and young persons as employees in shops and offices.</p> <p>National Child Protection Authority Act, No. 50 of 1998:</p> <p>Section 2 - Provides for the establishment of a National Child Protection Authority which will in turn oversee the conduction of the above stated regulations.</p> <p>Abolition of Slavery Ordinance, No. 20 of 1844</p> <p>Section 2 - Slavery shall no longer exist and all such persons would henceforth be free and entitled to all rights, privileges of free persons, including children.</p> <p>Penal Code of 1889 as amended:</p> <p>Section 308A - Rule against cruelty to children.</p> <p>Section 286A, 288A, 360B - Sexual exploitation of a child carries penal sanctions.</p> <p>Section 360C - Trafficking to carry penal sanctions, with specific reference made to children.</p> <p>Section 364 - Rape concerning a girl under the age of sixteen.</p>

Relevant international instrument	Legislative compliance
<p>ILO Convention No. 100 concerning Equal Remuneration of Men and Women Workers for Work of Equal Value</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 27 - The directive principles of state policy provide for equal opportunity to all citizens to prevent any disability being suffered on grounds of race, religion, language, caste, sex, political opinion or occupation.</p> <p>Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1956 as amended:</p> <p>Part I - Provides regulation of hours of employment, holidays, intervals in shops and offices and health and comfort of employees. This includes special provision for the employment of women and young persons.</p> <p>Part 1A - Provides special provisions for maternal benefits for female shop workers.</p> <p>Wages Board Ordinance, No. 27 of 1941 as amended:</p> <p>Section 2 - Provides for the payment of wage payment to meet a certain set standard ensuring just remuneration.</p> <p>Section 3A-3B - Provides for the granting to certain public holidays and for additional remuneration should work take place.</p> <p>Section 8 - Creates Wage boards of which women are eligible to become members that look into the granting of wages, duration of working hours, intervals, holidays, etc. which safeguards favourable work conditions for the workers.</p>
<p>ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 12(2) - Fundamental right of non discrimination based on grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds.</p> <p>Article 27 - The directive principles of state policy provide for equal opportunity to all citizens to prevent any disability being suffered on grounds of race, religion, language, caste, sex, political opinion or occupation.</p> <p>Article 14(1)(b) - Fundamental right of freedom of peaceful assembly.</p> <p>Article 14(1)(c) - Fundamental right of freedom of association.</p>

Relevant international instrument	Legislative compliance
	<p>Article 14(1)(g) - Fundamental right of freedom to engage in lawful occupation, profession, trade, business or enterprise free of any discrimination.</p>
<p>ILO Convention No. 29 concerning Forced or Compulsory Labour</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 27 - The directive principles of state policy provides for equal opportunity to all citizens to prevent any disability being suffered on grounds of race, religion, language, caste, sex, political opinion or occupation.</p> <p>Article 14(1)(g) - Fundamental right of freedom to engage in lawful occupation, profession, trade, business or enterprise free of any discrimination.</p> <p>Abolition of Slavery Ordinance, No. 20 of 1844</p> <p>Section 2 - Slavery shall no longer exist and all such persons would henceforth be free and entitled to all rights, privileges of free persons.</p>
<p>ILO Convention No. 105 concerning the Abolition of Forced Labour</p>	<p>Constitution of Sri Lanka, 1978:</p> <p>Article 14(1)(g) - Fundamental right of freedom to engage in lawful occupation, profession, trade, business or enterprise free of any discrimination.</p> <p>Code of Criminal Procedure:</p> <p>First Schedule - Provides for criminal sanctions for the usage of forced labour.</p>
<p>Kyoto Protocol to the United Nations Framework Convention on Climate Change</p>	<p>National Environmental Act, No. 47 of 1980:</p> <p>Provisions giving effect to the Protocol are presently available in Regulations already made under the Act.</p> <p>- Gazette No. 1137/35 - Mobile air emission standards (23/06/2006).</p> <p>Draft National Policy.</p> <p>National Policy on Urban Air Quality Management.</p>

Relevant international instrument	Legislative compliance
Convention on Biological Diversity	Provisions giving effect to the Convention are presently available in: The Fauna and Flora Protection Ordinance, No. 2 of 1937. Forest Ordinance. National Heritage Wilderness Areas Act.
Cartagena Protocol on Bio-Safety	Provisions giving effect to the Convention are presently available in: The Fauna and Flora Protection Ordinance, No. 2 of 1937 Plant Protection Act No. 35 of 1999 Fisheries and Aquatic Resources Act No. 2 of 1996 as amended Animals Act No. 29 of 1958, as amended Diseases of Animals Act No. 33 of 1957 Animal Feed Act No. 15 of 1986 Water Hyacinth Ordinance Control of Pesticides Act No. 33 of 1980 Food Act No. 26 of 1980 Code of Intellectual Property Act No. 36 of 2003.
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal	Provisions giving effect to the Convention are presently available in: National Environment Act No. 47 of 1980, No. 56 of 1988 and No. 53 of 2000 , and in Regulations made thereunder, published in Gazette No. 924/13 of 23/05/1996 Import and Export Control Act No. 1 of 1969 Customs Ordinance (Chapter 235) Control of Pesticides Act No. 33 of 1980

Relevant international instrument	Legislative compliance
	<p>Cosmetics, Devices and Drugs Act No. 27 of 1980</p> <p>Atomic Energy Authority Act No. 19 of 1969</p> <p>Marine Pollution Prevention Act No. 59 of 1981</p> <p>Explosives Act No. 21 of 1956 and No. 33 of 1969</p> <p>Food Act No. 26 of 1980</p> <p>Fertilizers Act No. 21 of 1961</p> <p>Consumer Protection Act Nos. 1 of 1979 & 37 of 1990</p> <p>Poisons, Opium and Dangerous Drugs Act No. 13 of 1984</p> <p>Petroleum Ordinance No. 6 of 1887</p> <p>Motor Traffic Act No. 14 of 1951: and Motor Traffic (Amendment) Act No. 21 of 1981.</p>
