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BACKGROUND PAPER

ON

REFUGEES AND ASYLUM SEEKERS FROM Sri Lanka

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THIS INFORMATION PAPER WAS PREPARED IN THE COUNTRY RESEARCH AND ANALYSIS UNIT OF UNHCR'S CENTRE FOR DOCUMENTATION AND RESEARCH ON THE BASIS OF PUBLICLY AVAILABLE INFORMATION, ANALYSIS AND COMMENT, IN COLLABORATION WITH THE UNHCR STATISTICAL UNIT. ALL SOURCES ARE CITED. THIS PAPER IS NOT, AND DOES NOT, PURPORT TO BE, FULLY EXHAUSTIVE WITH REGARD TO CONDITIONS IN THE COUNTRY SURVEYED, OR CONCLUSIVE AS TO THE MERITS OF ANY PARTICULAR CLAIM TO REFUGEE STATUS OR ASYLUM.

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List of Acronyms

| | |
|--------|------------------------------------------------------------------------------------------|
| AFP | Agence France Presse |
| CAT | Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CDR | Centre for Documentation and Research (UNHCR) |
| CERD | International Convention on the Elimination of all forms of Racial Discrimination |
| CEDAW | Convention on the Elimination of all forms of Discrimination Against Women |
| CRC | Convention on the Rights of the Child |
| EU | European Union |
| EIU | Economist Intelligence Unit |
| HRC | Human Rights Commission |
| HRW | Human Rights Watch |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICRC | International Committee for the Red Cross |
| IDPs | Internally displaced persons |
| LTTE | Liberation Tigers of Tamil Eelam |
| NGO | Non-governmental organization |
| PA | People's Alliance |
| PLOTE | People's Liberation Organization of Tamil Eelam |
| SLFP | Sri Lanka Freedom Party |
| UKIND | United Kingdom Home Office, Immigration and Nationality Directorate |
| UN | United Nations |
| UNHCHR | United Nations High Commissioner for Human Rights |
| UNHCR | United Nations High Commissioner for Refugees |
| UNP | United National Party |
| USDOS | United States Department of State |
| WGAD | United Nations Working Group on Arbitrary Detention |
| WGEID | United Nations Working Group on Enforced or Involuntary Disappearances. |

1 Introduction¹

Geography, Population, Religion and Language

The Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, lies in the Indian Ocean, south of India. It consists of one large island and several surrounding smaller islands. The country covers an area of 65,525 square kilometres.² Sri Lanka is surrounded by water on all sides and its closest neighbour is India to its North.³ It gained independence from British rule on 4 February 1948.⁴

The capital, Colombo, is located in the western coast of the country. Colombo is the largest city in Sri Lanka with an estimated population of 2.2 million inhabitants. The other major cities in Sri Lanka are Gampaha, Kurunegala, Kandy, Galle and Ratnapura. The latest estimates (July 1999 estimate) show that Sri Lanka has a population of 19,144,875.⁵ The population can be divided into the majority Sinhalese (74 per cent), Tamils (18 per cent), Muslims (eight per cent) and Burghers, the descendants of colonialists (one per cent).⁶ The majority 69 per cent of the population are Buddhist, 16 per cent are Hindu, eight per cent are Christians and seven per cent are Muslim.⁷

In 1956, the government made Sinhala the only official language of Sri Lanka precipitating antagonism between the Tamils and the Sinhalese. Colonial-era language policies favouring Tamils and other minorities over the Sinhala-speaking majority contributed to communal tensions that continued after independence.⁸ Sri Lanka now recognizes both Sinhala and Tamil as official languages, and English is the national link language.⁹ Sinhala is spoken by more than 70 per cent of the population. Tamil was made the country's second official language in 1988.¹⁰ Some three millions people in Sri Lanka speak Tamil.¹¹

Institutions of the State and Government

The President is the Head of State and exercises all executive powers. Under the 1978 Constitution, the President is elected by popular vote for a six-year term and must receive at least 50 per cent of all votes cast. The President is eligible for re-election after

¹ This UNHCR/CDR Background Paper on Sri Lanka is an update of previous background papers from November 1994, March 1997 and March 1999. It covers the period of March 1999 until June 2001.

² Regional Surveys of the World, *The Far East and Australasia 2001*, Europa Publications, 2001, p. 1201.

³ See the Annex to this Background Paper for a map of the Democratic Socialist Republic of Sri Lanka and its surroundings.

⁴ Minority Rights Group, *The World Directory of Minorities*, 1997, p. 580.

⁵ Economist Intelligence Unit (EIU), *Country Report – Sri Lanka*, Main Report, December 2000, p. 7.

⁶ This population breakdown is based on the last census, which was held in 1981. Since then outward migration has affected the relative percentages of the different ethnic groups. Recently, Sri Lanka has sought help from UNHCR to conduct a new national census in 2001; see: Agence France Presse, *Sri Lanka seeks UN help for first census in war zone in 20 years*, 18 June 2001.

⁷ U.K. Home Office, Immigration and Nationality Directorate (UKIND), *Country Assessment – Sri Lanka*, April 2001, para. 2.2. [Internet]

⁸ Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, October 2000. [Internet]

⁹ Facts on File News Service, *Country Profile: Sri Lanka*, 2000. [Internet]

¹⁰ Europa Publications Limited, *The Europa World Yearbook*, Vol. II, March 2000, p. 3377.

¹¹ Barbara F. Grimes ed., *Ethnologue – Sri Lanka*, Summer Institute of Linguistics, 13th Ed., 1996. [Internet]

the first term.¹² The president appoints the Prime Minister and members of the cabinet, and may dismiss parliament at will.¹³ The current President is Mrs. Chandrika Bandaranaike Kumaratunga of the People's Alliance (PA), who was sworn in on 12 November 1994 and re-elected on 21 December 1999. Mr. Ratnasiri Wickremanayake is the current Prime Minister of Sri Lanka. He was appointed as Prime Minister on 10 August 2000, succeeding Ms. Sirimavo Bandaranaike who retired at the age of 84. President Kumaratunga also serves as Minister of Finance and Minister of Defence.¹⁴

There is a unicameral legislature, composed of 225 members directly elected for six years by a system of modified proportional representation. The next parliamentary elections are due in October 2006.¹⁵

There are nine directly elected Provincial Councils and 24 administrative districts. Under the 13th amendment to the Constitution, passed in November 1987, extensive powers were devolved to the provincial councils, primarily with a view to meeting Tamil demands for greater autonomy.¹⁶ The elections scheduled for 1998 were postponed, but were held in seven provinces between January and June 1999. Because of the continued conflict, elections in the remaining two provinces remain unscheduled.¹⁷

Main Political Parties¹⁸

The **People's Alliance (PA)** is a multiparty coalition, headed by Mrs. Kumaratunga, with the Sri Lanka Freedom Party (SLFP) holding the largest number of seats. Other components of the coalition are the Sri Lanka Muslim Congress (SLMC), the National Unity Alliance (NUA), the Eelam People's Democratic Party (EPDP), the Mahajana Eksath Perumena (MEP) and the Ceylon Workers' Congress (CWC). The PA lacks an overall majority in the Parliament and depends on two ethnic minority parties to stay in power.

The **Sri Lanka Freedom Party (SLFP)** was founded in 1951 by Solomon Bandaranaike. The SLFP won the general elections in 1956. Defeated in 1965, it returned to power between 1970 and 1977, conducting a programme of socialist reforms. The party originally championed the Sinhalese majority. Since 1960, after the assassination of then Prime Minister Bandaranaike, his widow, Mrs. Sirimavo Bandaranaike, headed the party becoming the world's first elected woman Prime Minister. After the defeat at the 1977 elections, the SLFP was torn apart by a leadership crisis, aggravated by Mrs. Bandaranaike's expulsion from Parliament in August 1980, after a presidential commission of inquiry found her guilty on charges of abuse of power. Her daughter, Mrs. Kumaratunga, succeeded as leader of the SLFP and won the elections in 1994.

¹² UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 4.3.

¹³ Facts on File News Service, *Country Profile: Sri Lanka*, 2000.

¹⁴ Europa Publications Limited, *The Europa World Yearbook*, Vol. II, March 2000, p. 3389.

¹⁵ *Ibid.*

¹⁶ EIU, *Country Report – Sri Lanka*, May 2001, p. 4.

¹⁷ *Ibid.*

¹⁸ The following sources have been consulted for this paragraph: EIU, *Country Profile – Sri Lanka*, 2000; Regional Surveys of the World, *The Far East and Australasia 2001*, Europa Publications, 2001; UKIND, *Country Assessment – Sri Lanka*, April 2001.

The **United National Party (UNP)**, founded in 1946, held power from independence to 1956, from 1965 to 1970 and from 1977 to 1994. It has been the party of liberal economics and, originally at least, of ethnic parity. It is now headed by Mr. Ranil Wickremasinghe. Despite the visible public disenchantment with the ruling PA coalition, the UNP is unable to convince the public that it could handle Sri Lanka's pressing political and economic problems better than the incumbent government. The UNP launched a "*Jana Bala*" (Peoples Power) movement in a bid to force the government to resign, following criticism from its rank and file members for failing to dislodge the government.

The **Janatha Vimukthi Peramuna (JVP or People's Liberation Front)**, formed in 1964, is a Sinhalese Marxist party, which unleashed violent insurrections in 1970 and in 1988. After having been effectively destroyed by the Sri Lankan security forces, between September 1989 and January 1990, the JVP re-organized itself as a legitimate political party and emerged, before at the provincial council elections in 1999 and later in the 2000 parliamentary elections, as the third political force, winning ten seats in the Parliament. A militant Sinhalese group associated with the JVP is the Deshapriya Janatha Viyaparaya (DJV).

The **Sihala Urumaya (SU or Sinhalese Inheritance)**, a new Sinhalese nationalist party, is based on elements who oppose government plans to devolve more power to the provincial councils as a solution to the ethnic conflict.

The **National Unity Alliance (NUA)**, previously called the Sri Lanka Muslim Congress (SLMC), it was created in 1986 to promote the interests of the Muslims population in Sri Lanka. It won four seats in the October 2000 elections and supports the PA government. In 1994 general elections the SLMC had won seven seats.

The **Muslim United Liberation Front (MULF)** operated as a political party since 1988 and was set up to secure Muslim and Tamil rights under the Indo-Sri Lankan peace accord of July 1987.

The **Mahajana Eksath Peramuna (MEP)**, founded in 1956, is a left-wing party with Buddhist and Sinhalese support.

Three main Tamil parties remain in the political system. The **Tamil United Liberation Front (TULF)**, founded in 1976, it is the party of the indigenous Tamils and advocates the peaceful creation of a separate state for the Tamils. In the 1977 elections, won by the UNP, it became the main parliamentary opposition party, under the leadership of Appapillai Amirthalingam, assassinated by the LTTE in 1989. It has now five seats in Parliament. The **Eelam People's Democratic Party (EPDP)**, a Tamil group formed in 1986, supports the PA and won four seats at the latest general elections. The **Tamil Eelam Liberation Organization (TELO)**, formed in 1972, has operated as a national political party since 1988, and won three seats in Parliament. It reportedly assisted the Sri Lankan security forces in their fight against the LTTE.

The **Democratic People's Liberation Front (DPLF)** has operated as a national political party since 1988, won three seats in the parliamentary elections in 1994, but it is not represented in the current legislature. It is the political wing of the **People's**

Liberation Organization of Tamil Eelam (PLOTE), a Tamil militant party formed in 1980 as a breakaway group from the LTTE, it advocates a separate socialist Tamil state, but supported the former UNP government's military operations against the LTTE.

The **All Ceylon Tamil Congress (ACTC)**, founded in 1944, it aims to secure Tamil self-determination. It won one seat in the October 2000 general elections.

The **Ceylon Workers' Congress (CWC)**, founded in 1939, is the most powerful trade union-dominated political party of the Indian Tamils, usually aligned to the SLFP.

Other minor Tamil parties are: the **Eelam National Democratic Liberation Front (ENDLF)**, a group which supported the 1987 Indo-Sri Lankan peace accord. The **Eelam People's Revolutionary Liberation Front (EPRLF)**, founded in 1981, is a left of center Tamil rights group. Eelavar Democratic Front (EDF) previously known as the **Eelam Revolutionary Organization of Students (EROS)**, a separatist group formed in 1975, which contested the 1989 and 1994 general elections.

Outside the realm of politics, the **Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers)**, founded in 1974 and led by Velupillai Prabhakaran, emerged in 1987 as the leading Tamil militant group, effectively controlling the northern Jaffna peninsula (Vanni region) and the eastern province. Its forces range from four to 14 thousands fighters, considered the deadliest guerrilla terrorist group in the world. The LTTE runs a parallel administration to that of the elected government. The political wing of the LTTE, founded in 1989, is the People's Front of the Liberation Tigers (PFLT).

Security Forces

The 60,000-member police force is responsible for internal security in most areas of the country and has also been used in military operations against the LTTE. The 120,000-member army, which includes the Army Volunteer Force, the 17,000-member navy and 18,500-member air force bear principal responsibility for conducting operations against the LTTE. The police paramilitary Special Task Force (STF) is also involved in the conflict. The more than 15,000-member Home Guards, an armed force drawn from local communities and responsible to the police, provide security for Muslim and Sinhalese village communities in or near the conflict zone. The Government also arms and directs various Tamil militias opposed to the LTTE, although at times these groups act independently of government authority.¹⁹

2 Major Political Developments in Sri Lanka Since March 1999

For the past eighteen years, Sri Lanka has been caught up in a civil conflict in which close to 64,000 people have lost their lives.²⁰ The immediate origins of the conflict lie in attempts by a Sinhalese dominated government in 1956, to reverse what was seen as the excessive influence of Tamils during the colonial era. Over the years, the failure of Tamil political parties to attain their aims by peaceful means led to demands for an independent Tamil state, to be known as Eelam – corresponding to the northern and eastern provinces, and to the formation of terrorist groups dedicated to achieving this

¹⁹ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 4.18.

²⁰ Keesing's Record of World Events, *Government Offensive*, Vol. 47, January 2001.

goal.²¹ The LTTE currently control part of the Jaffna peninsula (the Pallai district of Killinochchi), the district of Killinochchi and Mullativu, and parts of Mannar and Vavuniya.

In the past years, the Tamil Tigers have reacted against the increased military pressure from government troops by stepping up terrorist attacks on economic and civilian targets on the rest of the island. These have included, since the 1996 bombing of the Central Bank, hotels and office complexes in Colombo's financial district, power stations, buses and trains and a sacred Buddhist temple in Kandy.²² In response, security forces arbitrarily detained and sometimes tortured thousands of young Tamils in security sweeps. The Tamil Tigers have also assassinated several political figures, but also several moderate Tamil politicians, who had sought a compromise settlement that would have kept Tamil areas within Sri Lanka's borders.²³

One of the major points of controversy between successive Sri Lankan governments and the Tamils has been the question of the devolution of authority to regional units of administration. Despite some attempts in this direction – such as the establishment of 24 district councils directly elected in 1980, several proposals brokered by the Indian government since the early 1980s, the 13th amendment to the Constitution establishing a system of provincial councils²⁴, and more recently the devolution package proposed in 1997 by President Kumaratunga – Tamil separatist groups continue to press for a single Tamil regional unit (encompassing the northern and eastern provinces), while the LTTE would accept nothing short of a separate Tamil state. This is also compounded by the existence of a great deal of Tamil separatist sympathy and a strong sense of Tamil ethnic identity in the southern Indian state of Tamil Nadu.²⁵ On the other side, the proposal of devolution to a unified northern and eastern province, face the opposition of the Sinhalese and Muslims especially from the eastern province.

At the beginning of 1999, elections were called for the north-western provincial council. These elections were described as the most violent and corrupt in the island's history.²⁶ The Commissioner of Elections rejected as many as 50,000 votes as clearly fraudulent, and the elections were challenged before the courts, although the PA wrested control of the council from the UNP. On 6 April 1999, elections to other five [provincial councils](#), initially scheduled for August 1998, were held, after the Supreme Court overruled an order by President Kumaratunga that had postponed the elections indefinitely. The President had postponed the elections, declaring a nation-wide state of emergency, claiming that the security situation would have made it impossible to ensure a peaceful election campaign. However, the opposition claimed that the government had deliberately engineered the postponement as it was concerned about its own performance. Indeed, the results of the elections were not satisfactory, being the difference in the percentage of votes gained by the PA and the UNP reduced to a mere

²¹ For an historical background, please refer to previous UNHCR/CDR Background Papers on Refugees and Asylum Seekers from Sri Lanka (1997 and 1999).

²² EIU, *Country Profile – Sri Lanka*, 2000, p. 5.

²³ Lawrence Sáez, Sri Lanka in 2000, *Asian Survey*, Vol, XLI, No. 1, January/February 2001, p. 117; and Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, 2000. [Internet]

²⁴ The northern and eastern provinces were merged into a single north-eastern province, pending a referendum, which has yet to be held, to decide whether the union should be permanent.

²⁵ Regional Surveys of the World, Europa Publications, 2001. See further down, under “The Regional Dimension”, the relations between Sri Lanka and India.

²⁶ Reuters News Service, *Violence Mars Key Sri Lanka Regional Poll*, 25 January 1999. [Internet]

one percent. The government secured a majority in three councils, but in the western and central councils, it was forced to head a minority administration. Also the elections to the southern province council, held in May, resulted in a PA-led minority administration.²⁷

In March 1999, the Sri Lankan army launched an offensive in the areas controlled by the LTTE in the Mullaitivu district of the northern province. The offensive, code-named ‘[Operation Rana Gosa](#)’ (Operation Sound of War), was to continue intermittently during 1999, along with other minor operations in the northern province, and had as objective to reduce the area under the effective control of the LTTE.²⁸

In July 1999, a suspected LTTE suicide bomber assassinated, in Colombo, the vice-president of the TULF, Neelan Tiruchelvam, a leading peace campaigner and human rights activist. On 18 September 1999, the LTTE killed more than 50 civilians, near Amparai, allegedly in retaliation for the airforce bombing of Puthukkudiyiruppu, which killed over 20 civilians and wounded 40 others. In November, at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between Sri Lankan army and LTTE troops.²⁹

At the [presidential elections](#), in December 1999, President Kumaratunga was re-elected for a second term in office, with 51,12 per cent of the vote. The leader of the UNP, Mr. Ranil Wickremesinghe, obtained 42,71 per cent of the vote. President Kumaratunga confirmed her mother, Mrs. Sirimavo Bandaranaike, as Prime Minister.³⁰

The campaign for the presidential elections was affected by the action of the LTTE, that inflicted a series of defeats on the Sri Lankan army, in Mannar early in September 1999³¹, and in the north-eastern Vanni district, in October and November, regaining control of large areas of territory that the government had secured between 1995 and 1997. Neutral observers and the UNP candidate made allegations of widespread electoral violence, blatant malpractices and vote-rigging.³² Earlier in December, President Kumaratunga escaped an assassination attempt by a suicide bomber attack, attributed to the LTTE, at a campaign rally in Colombo, killing 21 people and injuring 110. Almost simultaneously, a bomb killed 12 people and injured 70 others, at a rally in Colombo addressed by the opposition leader.³³

President Kumaratunga had called for the election over a year ahead of its due date, ostensibly to seek a fresh mandate to break a political deadlock that prevented the adoption of a new constitution. The proposals included a [devolution package](#), as the basis for a political solution to the ethnic conflict, and the abolition of the executive presidency, pledged by the President since her first election in 1994. The President in

²⁷ Regional Surveys of the World, Europa Publications, 2001, p. 1211.

²⁸ Reuters News Service, *Sri Lanka Army Takes Rebel Area in New Offensive*, 7 March 1999. [Internet]

²⁹ USDOS, *2000 Country Report on Human Rights Practices – Sri Lanka*, 26 February 2001.

³⁰ Facts On File News Service, *Country Profile: Sri Lanka*, 2000.

³¹ The Sri Lankan army launched on 12 September 1999 the fifth phase of an operation code-named ‘Battle Cry’ but suffered heavy casualties and the attack was called off hours after its launch. See: The Economist, *Sri Lanka: Cries of Battle*, 25 September 1999.

³² Regional Surveys of the World, Europa Publications, 2001, p. 1211.

³³ Keesing’s Record of World Events, *Injuries to Kumaratunga in Bomb Blast*, Vol. 45, December 1999.

fact re-opened negotiations with the UNP, which agreed to send a delegation to participate in the preparation of the new constitution.³⁴

In her inaugural speech, the President called on Mr. Wickremesinghe and the UNP opposition to support her pursuit of peace, and expressed her willingness to talk to the LTTE as long as they renounced terrorism and secession, raising expectations that she could generate a bipartisan consensus to achieve a political solution with popular legitimacy. On the other hand, LTTE leader, Vellupillai Prabhakaran, accused the President of being insincere in her commitment to a peaceful political solution, but maintained his willingness to enter into negotiations as long as “a situation of normality free from military aggression, occupation and economic strangulation of the Tamil nation” is guaranteed.³⁵

However, violence continued throughout 2000. In early January, a suspected LTTE suicide bomber killed herself and twelve other people outside the office of Prime Minister Bandaranaike in Colombo, in what the police described as a failed assassination attempt. The attack resulted in the arrest of hundreds of Tamil suspects and the imposition of an all night curfew in Colombo.³⁶ Soon after, an unknown gunman assassinated Kumar Ponnambalam, a prominent Tamil politician, known to openly support the Tamil Tigers.³⁷ On 27 January, a bomb blast in a post office in Vavuniya killed at least 11 people and injured 33 others.³⁸ This was followed, in March 2000, by a gun battle between security forces and Tamil rebels on a crowded highway in Colombo, after a failed attempt to kill the Deputy Minister of Defence, General Anuruddha Ratwatte, which left 29 dead and 72 injured.³⁹ On 7 June, the Minister for Industrial Development, C.V. Gooneratne, was assassinated by a suicide bomber in Colombo in an attack during the celebrations for the country’s war heroes, in which 23 other people died. A further suicide bombing outside a hospital in Colombo killed at least eight persons and wounded 21 others, on 15 September.⁴⁰

Meanwhile, the Government of Norway accepted a request from the President of Sri Lanka and the LTTE to serve as mediator for the peace process and appointed Mr. Erik Solheim, as its [peace envoy](#). However, the hopes of a breakthrough were short-lived. Fighting for control of land access to the northern Jaffna peninsula intensified in April 2000, as the LTTE, launching ‘Unceasing Waves III’ offensive, stepped up efforts to secure more territory ahead of possible peace talks. The [Elephant Pass](#) causeway, which links the northern peninsula to the mainland, under government control since the Indian Peace-Keeping Force (IPKF) withdrawal in 1990, was captured by the LTTE in late April 2000, forcing 40,000 troops to further retreat into the Jaffna peninsula. In mid-May, the LTTE, who had reached the outskirts of Jaffna town, offered safe passage to military personnel if they left, during the period, the town, controlled by government forces since December 1995. However, the government rejected the offer.⁴¹

³⁴ Paikiasothy Saravanamuttu, Sri Lanka in 1999, *Asian Survey*, Vol. XL, No. 1, January/February 2000, p. 220.

³⁵ *Ibid.*

³⁶ BBC News Online, *Hundreds Held During Colombo Curfew*, 7 January 2000. [Internet]

³⁷ *Ibid.*, *Tamil Politician Shot Dead*, 5 January 2000. [Internet]

³⁸ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 3.52.

³⁹ The Economist, *Sri Lanka: City Slaughter*, 18 March 2000.

⁴⁰ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 3.50.

⁴¹ EIU, *Country Profile – Sri Lanka*, 2000, pp. 5, 6.

In May 2000, as the LTTE moved closer to Jaffna town, the government imposed the [Public Services Act \(PSA\)](#), which invoked several emergency measures for a period of up to three months. The measures gave the government the power to suspend civil liberties, censor local and foreign media, ban public rallies and confiscate private properties to assist troops in the war efforts. Reportedly the act aimed merely at suppressing criticism of the government.⁴² The act has been subsequently extended and emergency measures are still in place.⁴³

The Government of Sri Lanka also responded to the escalating military crisis by imposing draconian security measures and giving sweeping powers to the armed forces and police. By mid-June, the LTTE advance, buoyed up by the capture of the Elephant Pass, had lost its early momentum and its threat to the government's control over Jaffna town and the Jaffna peninsula had clearly receded. By mid-September the army successfully compelled the LTTE to move out of some of the towns in the vicinity of Jaffna, and from Jaffna to the Vanni district, including Chavakachcheri, the second-largest town in the Jaffna peninsula, and the naval base of Kilaly.⁴⁴ However, on 29 September, it was reported that rebel counter-attacks had regained some lost ground.⁴⁵

On the political front, the government continued the preparation of the [new constitution](#), with the objective to have it approved by the Parliament before the term of office of the national legislature, due in August 2000. However, complications arose over the role of the current President in a new parliamentary system. While the government insisted that President Kumaratunga should have a dual role – as the new Prime Minister, should the parliamentary elections be won by the PA, and as the executive President, until the expiry of her current six-year term – the UNP argued that the tenure of the presidency should come to end with the promulgation of a new constitution. With the UNP, also the Tamil parliamentary parties (the EPDP, DPLF and TULF) rejected the proposals as giving inadequate autonomy to the Tamil regions of the country. After attempting to persuade UNP deputies to support the new constitution (which required a two-thirds parliamentary majority), the government did not present it for a vote.⁴⁶

In August 2000, Prime Minister [Bandaranaike resigned](#), clearing the way for her daughter to appoint a successor who could campaign vigorously for the PA coalition in the run up to parliamentary elections. Mrs. Bandaranaike died on 10 October, after suffering a heart attack on her way home from voting.⁴⁷

[Parliamentary elections](#) were held on 10 October 2000. The ruling PA coalition won the highest number of seats (107) but had to seek the support of the moderate Tamil Eelam People's Democratic Party (EPDP) and the National Unity Alliance (NUA), a breakaway faction from the SLMC, to form a fragile coalition government with a combined total of 116 seats. In the previous legislature the PA coalition had 113 seats, a majority of one. The main opposition party, the UNP, won 89 seats. The JVP became

⁴² Facts On File News Service, *Country Profile: Sri Lanka*, 2000. [Internet]

⁴³ Keesing's Record of World Events, *Continued Fighting with the LTTE*, Vol. 46, November 2000.

⁴⁴ Regional Surveys of the World, Europa Publications, 2001, p. 1212; and UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 3.52.

⁴⁵ Keesing's Record of World Events, *Heavy Fighting in Jaffna*, Vol. 46, September 2000.

⁴⁶ Regional Surveys of the World, Europa Publications, 2001, p. 1212.

⁴⁷ Facts On File News Service, *Country Profile: Sri Lanka*, 2000. [Internet]

the third party with ten seats, and the TULF obtained five.⁴⁸ There were widespread allegations of electoral fraud, particularly concerning the PA and the EPDP. The election campaign was characterized by spread violence. The US-based Centre for Monitoring Election Violence, reported 1,726 violent incidents in which at least 71 people were killed. In addition the LTTE conducted attacks on PA campaign rallies by suicide bombers in which at least 41 people died. Despite the violence, voter turnout was reported to be as high as 80 per cent, and the teams of election monitors from the European Union concluded that despite local aberrations the electoral process was broadly free and fair.⁴⁹

On 13 October, President Kumaratunga appointed Mr. Ratnasiri Wickremanayake, previously a senior minister of the PA cabinet and one of the most trusted colleagues of the President, as [Prime Minister](#).⁵⁰

Some of the coalition allies, notably the SLMC, continued to cause problems in order to secure a disproportionate influence on decisions. In particular, demands by the SLMC supported by the UNP, for the establishment of four independent commissions in charge of police, elections, the public service and the judiciary “distracted” the Government at a time when it needed to focus attention on the economy and the ethnic conflict.⁵¹ Since the Government needed the SLMC and the CWP to stay in power, they were attempting to pay a stronger role in political decision-making.⁵² On 16 September 2000, the leader of the SLMC and Minister for Shipping and Energy, M.H.M. Ashraff, died in a helicopter crash, reportedly just after having approved a statement severing the SLMC’s ties with the ruling PA coalition.⁵³

In addition, it was reported that the NUA, in exchange for its support, had set a deadline of 100 days for the President to introduce a new constitution and to open negotiations with LTTE. On 30 October, the left-wing JVP announced its willingness to support the government in order to prevent the NUA from exercising excessive influence.⁵⁴

On 25 October 2000, a Sinhalese mob attacked a [detention camp for former LTTE](#) soldiers at Bindunuwewa, near Bandarawela, killing 29 inmates. The state-controlled radio claimed that the prisoners had been planning a mutiny; the LTTE alleged that the massacre had been planned in collaboration with the security forces. In the following days, the police imposed a curfew in the area to control the escalating violence between Tamils and Sinhalese.⁵⁵

On 27 November 2000, during the ‘Heroes’ Day’, the leader of the LTTE, Mr. Prabhakaran, offered [peace talks](#) without preconditions with the Government of Sri Lanka. The proposal followed earlier contacts between the Norwegian peace envoy, Mr. Solheim, and Mr. Prabhakaran. While stating to be willing to attempt to reach

⁴⁸ Keesing’s Record of World Events, *Legislative Elections*, Vol. 46, October 2000.

⁴⁹ *Ibid*, *Vote-Rigging and Electoral Violence*, Vol. 46, October 2000.

⁵⁰ Facts On File News Service, *Country Profile: Sri Lanka*, 2000. [Internet]

⁵¹ EIU, *Country Report – Sri Lanka*, February 2001, p. 7.

⁵² *Ibid*, March 2001, p. 1.

⁵³ Keesing’s Record of World Events, *Death of Minister – Suicide Bombing*, Vol. 46, September 2000.

⁵⁴ *Ibid*, *Legislative Elections*, Vol. 46, October 2000.

⁵⁵ *Ibid*, *Massacre in Tamil Detention Camp*, Vol. 46, October 2000.

a negotiated peace, President Kumaratunga said that there was no immediate response to the offer.⁵⁶

In December 2000, the Sri Lanka Army began an [offensive on the Jaffna peninsula](#) in an attempt to recapture the strategic Elephant Pass lost to the LTTE in April 2000. The offensive continued throughout the first months of 2001.⁵⁷

In early February 2001, in the face of mounting public outrage at price increases in essential commodities and utilities, the government postponed elections to local government due to be held in March. The [price rise](#) was the result of a combination of factors, including increased world fuel prices and the devaluation of the rupee, which are seen by the public as a consequence of the government's poor management of the economy and, in particular, its decision in January to free-float the rupee to counter falling reserves. The government has explained the decision to postpone the elections by saying it is studying proposed reforms to the electoral process (including the possible abandonment of proportional representation and a return to a first-past-the-post system) and has announced that it will set up a parliamentary select committee to work out the details.

However, the opposition UNP refused to participate in any discussion on the proposed [electoral reforms](#) until the government accedes to its demand for the establishment of four independent commissions for the police, elections, the public service and the judiciary. The same demands were made by Rauff Hakeem, the new leader of the SLMC. The President pledged to set up another parliamentary select committee to study the establishment of three of the four commissions. The UNP, whose support the government needs for any major reforms, dissatisfied by the government's proposal, presented in parliament its own draft legislation for the setting-up of these commissions.

As the President officiated at the Independence Day ceremonies, on 4 February, the UNP began a six-day, 115 kilometers march from the hill country capital, Kandy, to Colombo to protest at the rising cost of living and the erosion of democratic freedoms in the country and calling for the government's resignation. The UNP pledged to hold many such mass demonstrations to protest against the government's mismanagement of the economy, its corruption, vote-rigging and violence against political opponents. The march was also supported by trade unions, other opposition parties and some senior Buddhist priests.⁵⁸

The UNP has also tried to impeach the president for allegedly threatening to introduce constitutional reforms by circumventing procedures laid down for the purpose. So far, the government has been impervious to the UNP's demonstrations, marches and rallies.⁵⁹

On 24 April 2001, the Tamil Tigers ended their [unilateral ceasefire](#), declared at the end of 2000, in the face of the Government's continued refusal to reciprocate and its continued attacks on the LTTE. The Government had dismissed the ceasefire as a tactical ploy prompted by alleged military reverses for the LTTE, and stepped up

⁵⁶ *Ibid*, *Offer of Peace Talks by Tamil Leader*, Vol. 46, November 2000.

⁵⁷ *Ibid*, *Government Offensive*, Vol. 47, January 2001.

⁵⁸ *Ibid*, *Major Anti-Government Demonstration*, Vol. 47, February 2001.

⁵⁹ EIU, *Country Report – Sri Lanka*, February 2001, p. 14.

military offensives in the northern Jaffna peninsula, regaining territory lost to the Tamil Tigers. The observance of the ceasefire by the LTTE might have been motivated by the tentative to prevent the British government from banning the group as a terrorist organization and to seek to convince Western governments that the Government of President Kumaratunga was not sincere in its declared desire for peace.⁶⁰ However, the Tamil Tigers remain [committed to peace talks](#), and repeatedly expressed their willingness to begin a dialogue with the government, facilitated by the Norwegian special envoy, Mr. Erik Solheim, upon the lifting of the ban on the group and the end of hostilities. The Government has on previous occasions refused to accept this position, arguing that fighting could end after the talks had made some progress.⁶¹

Both sides had used the respite to prepare for an eventual return to war, given the fact that the government's proposed political reforms have already been rejected by the LTTE as inadequate.⁶²

On 25 April 2001, the government launched operation 'Agni Kela' (Ray of Fire), reportedly in a pre-emptive strike against the LTTE, in case the rebels had used the ceasefire as an opportunity to rearm and regroup. The move is also believed to have aimed at weakening the Tamil Tigers in order to compel them to enter talks without setting further conditions. However, the government under-estimated the Tamil Tigers' strength, and ended the operation few days later, after suffering a high number of casualties.⁶³

The [peace process](#) has not made much progress mainly owing to the inability of both sides to agree on the preconditions for the commencement of talks. The LTTE wants an end to hostilities, the lifting of the legal ban imposed on it and of what it calls an economic embargo on the war-affected areas. The government refuses to consider a cease-fire until the talks begin, claiming the economic embargo does not exist and wanting the rebels to commit to a specific timeframe for the conclusion of talks. The President has pursued a twin strategy of attempting to defeat the LTTE on the battlefield while also seeking to draw Tamil support away from them by offering a radical restructuring of the Sri Lankan constitution aimed at better securing the position of cultural minorities.⁶⁴

Socio-Economic Situation

Sri Lanka is a low-income country, the gross domestic product per capita is approximately USD 850. Agriculture is the main sector in the economy. Tea, rubber and coconut are the dominant export industries. Rice dominates the non-plantation agricultural sector and accounts for one-fifth of total agricultural output. However, many of the people are subsistence farmers. In recent decades, manufacturing contributed for much of the country's economic growth. The country also heavily depends on tourism as a source of foreign revenue, however, due to the conflict the number of tourists declined by 6.5 percent in the first ten months of 2000.⁶⁵

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, May 2001, p. 14-15.

⁶² *Ibid.*, April 2001, p. 1.

⁶³ The Economist, *Sri Lanka: Tiger Teeth*, 5 May 2001.

⁶⁴ Oxford Analytica, *Sri Lanka: Both Sides Desire Talks, But As Yet Not Peace*, 29 May 2001.

⁶⁵ Facts On File News Service, *Country Profile: Sri Lanka*, 2000. [Internet]

Sri Lanka was one of the first developing countries to adopt a programme of economic liberalization in conjunction with a structural adjustment programme. These reforms, sustained over more than 20 years, have been strengthened over the last few years with an accelerated programme of privatization, reform of the public service and greater liberalization of current and capital account transactions on the balance of payments.⁶⁶ However, the ongoing civil conflict, which drains resources to finance military activity and discourages investment, act as a major constraint on economic progress.⁶⁷

The World Bank, in a recent assessment of the performance of the Sri Lankan economy, has highlighted the need for improved governance and for better targeting of poverty alleviation programmes. Escalating defence costs and deteriorating reserves have made Sri Lanka more vulnerable to pressure from donor agencies to implement unpopular economic reforms and austerity measures. The free-float of the rupee in January 2001 is one result. The move was generally welcomed by the business community, but was blamed for price increases by the opposition, which has challenged the decision in court.⁶⁸

Sri Lanka's annual aid group meeting (postponed for two consecutive years) was finally held in Paris on 12 December 2000. The meeting (now termed the Development Forum) was attended by a high-profile delegation from Sri Lanka, which included President Kumaratunga, the two deputy finance ministers and several other key ministers. The amount of aid pledged remains unclear, with government ministers reporting aid of between US\$1bn and US\$3bn. However, what was evident at the meeting was that donors were concerned over the management of the economy, in particular the sharp increase in government spending, the poor targeting of welfare programmes and the dramatic decline in governance.

The Regional Dimension

Sri Lanka has successfully presented its position on the ethnic conflict and the proposed peace talks to several foreign governments and secured pledges of support and goodwill.

In January 2001, the InterPol described the Tamil Tigers' leader, Mr. Velupillai Prabhakaran, as a terrorist and posted a 'Most Wanted' alert to the police forces of its 178 member states for his arrest.⁶⁹ In the same month, the European Commission took the decision to fund humanitarian aid for Sri Lanka. Since access by land to many internally displaced persons (IDPs) is often extremely difficult, a major component of the European humanitarian aid was to provide transport of humanitarian assistance by sea to the Jaffna peninsula. An amount of 700,000 Euros had been allocated through the International Committee of the Red Cross for this scheme. A further 500,000 Euros would be deployed by one of the European Commission's non-governmental partners to rehabilitate water management systems and improve food security for IDPs.⁷⁰

⁶⁶ Regional Surveys of the World, Europa Publications, 2001, p. 1213.

⁶⁷ *Ibid.*

⁶⁸ EIU, *Country Report – Sri Lanka*, February 2001, pp. 3 and 7.

⁶⁹ *Ibid.*, March 2001, p. 2.

⁷⁰ European Commission, Humanitarian Aid Office (ECHO), *Commission Approves Series of Humanitarian Aid Decisions worth 10.15 million Euros*, Press Release, 16 January 2001.

In March 2001, the British House of Lords approved an amendment to the Terrorism Act ratifying the proscription of the group in the country. The LTTE is believed to have relocated many of the functions of the group's international secretariat in London to its jungle base in the Vanni in Sri Lanka ahead of the ban taking effect.⁷¹ The British ban on the LTTE is seen as a major foreign policy success for the government, restricting Tamil Tigers' fundraising activities overseas. The Government of Sri Lanka is now pressuring the other EU member states and Norway to adopt a similar ban on the LTTE.

Sri Lanka has also signed an agreement with Russia for joint police action to combat terrorism and other transnational crime.

India has played an important role in the Sri Lanka conflict, acting as a mediator to the conflict, pressuring the government on behalf of the Tamils, but also hosting – but officially refusing to acknowledge the existence – training facilities and bases of the Tamil guerrillas and terrorist groups in the Tamil Nadu region and in other part of India, and providing direct food aid and petroleum supply to Tamils in Jaffna. Since May 1983, India assumed the role of mediator in the conflict that led to the Delhi Accord in August 1985, and then to the 1987 Indo-Sri Lankan Accord, signed by then Prime Minister of India, Rajiv Gandhi, and then President of Sri Lanka, Junius Richard Jayewardene. The latter provided for the establishment of an Indian Peace-Keeping Force (IPKF), which remained in the country until early 1990, to oversee its implementation.⁷²

Relations between India and the Tamils groups, however, changed in early 1992, when the Government of India proscribed the LTTE in India and banned its activities on Indian soil. This came after the assassination of the former Prime Minister of India, Rajiv Gandhi, widely believed to have been masterminded by the LTTE. In January 1991, the Government of India dismissed the state government in Tamil Nadu, on account of the latter's alleged support for the Tamil militants in Sri Lanka.

After the seizure of the Elephant Pass by the LTTE, in April 2000, and the following request of assistance made by the Government of Sri Lanka, the Government of India decided not to directly interfere in the conflict and turned down all request of military assistance. It offered, however, humanitarian assistance and announced the extension of its ban on the outlawed LTTE for a further two years. Other countries responded to the request with the supply of arms, namely Pakistan, China, Russia and Israel. With the latter, Sri Lanka had restored diplomatic ties and negotiated the supply of sophisticated weaponry and military aircraft.⁷³

At the same time, the resurgence of the LTTE in 1999 and 2000 revived pro-LTTE sentiment among Tamil Nadu politicians, which had largely been dormant since the assassination of Rajiv Gandhi. In early June 2000, the Chief Minister of Tamil Nadu, Muthuvel Karunanidhi, called for a partition of Sri Lanka into two states. There was immediate opposition from some sector of the Indian society, but the proposal and the outpouring of pro-LTTE sentiment among other Indians politicians belonging to the governing coalition, was cause for embarrassment to the Government of India. Indian

⁷¹ EIU, *Country Report – Sri Lanka*, May 2001, p. 15.

⁷² Regional Surveys of the World, Europa Publications, 2001, p. 1212.

⁷³ *Ibid.*

Prime Minister, Atal Bihari Vajpayee, clearly indicated a preference for the allocation of greater autonomy to the Tamil areas.⁷⁴

The Constitution

The current Constitution was promulgated on 7 September 1978.⁷⁵ Since then, Sri Lanka has been a democratic republic with an active multiparty system. It is an independent member of the Commonwealth of Nations. Political power has alternated between the conservative United National Party (UNP) and the leftist Sri Lanka Freedom Party (SLFP).⁷⁶ The Constitution guarantees fundamental rights and freedoms to all citizens, including freedom of thought, conscience and worship and equal entitlement before the law.⁷⁷ Buddhism has the foremost place among religions and the state has duty to protect and foster Buddhism.⁷⁸ Sinhala and Tamil are the two official languages, with English as the other national language.⁷⁹

The 1978 Constitution introduced a presidential system of government, by which the President, directly elected for a six-year term, exercises all executive powers, is above the law and non accountable to the Parliament.⁸⁰ It also introduced a system of proportional representation in place of the ‘first-past-the-post’ principle. The 225 members of the National Assembly are directly elected for a six-year term.⁸¹

Among the amendments to the Constitution, in August 1983, the sixth amendment imposed a ban on the advocacy of separatism; and, in 1987, the 13th amendment established a system of provincial councils.⁸²

3 Legal Context

3.1 International Legal Context

Sri Lanka has been a member of the United Nations (UN) since 14 December 1955. Since then, it has become a state party to many of the major international instruments relating to refugees and human rights:

| United Nations Instrument | Date of ratification or accession (a); date of entry into force |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Convention on the Prevention and Punishment of the Crime of Genocide (1948) | 12 October 1950 (a); 12 October 1950 |
| International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965) | 18 February 1982 (a); 20 March 1982 |

⁷⁴ *Ibid.*

⁷⁵ The Constitution of the Democratic Socialist Republic of Sri Lanka, and many other documents used for this paper, are available on UNHCR/CDR’s RefWorld 2000.

⁷⁶ Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, October 2000.

⁷⁷ Constitution of the Democratic Socialist Republic of Sri Lanka, Articles 8-31.

⁷⁸ *Ibid*, Article 7.

⁷⁹ *Ibid*, Articles 32-33.

⁸⁰ EIU, *Country Profile – Sri Lanka*, 2000, p. 9.

⁸¹ Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, October 2000. [Internet]

⁸² Regional Surveys of the World, Europa Publications, 2001, p. 1212.

| | |
|--------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| International Covenant on Civil and Political Rights (ICCPR, 1966) | 11 June 1980 (a); 11 September 1980 |
| Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR, 1966) | 3 October 1997 (a) ⁸³ ; 3 January 1998 |
| International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) | 11 June 1980 (a); 11 September 1980 |
| International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) | 18 February 1982 (a); 18 February 1982 |
| International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979) | 5 October 1981; 4 November 1981 |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984) | 3 January 1994 (a); 2 February 1994 |
| Convention on the Rights of the Child (CRC, 1989) | 12 July 1991; 11 August 1991 |

Sources: UNHCR/CDR's *RefWorld* 2000, www.unhchr.ch, untreaty.un.org

It is important to note that Sri Lanka has not signed or ratified the following United Nations instruments:

- Convention Relating to the Status of Refugees (1951)
- Convention Relating to the Status of Stateless Persons (1954)
- Convention on the Reduction of Statelessness (1961)
- Protocol Relating to the Status of Refugees (1967)
- Second Optional Protocol of the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty (1989)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000).

On 11 March 1996, Sri Lanka signed and ratified the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 1990, and on 8 September 2000 the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Neither of these instruments, however, have yet entered into force.

Sri Lanka has not acknowledged competence of any of the United Nations human rights treaty bodies to receive complaints from individuals, although, on 11 June 1980, it signed (but not ratified) Article 41 of the International Covenant on Civil and Political Rights recognizing the competence of the Human Rights Committee to receive and consider communications.

⁸³ Sri Lanka has limited the scope of investigations of complaints relating to infringement of human rights to the period after 3 January 1997.

3.2 National Legal Context

The Judiciary System

The legal system of Sri Lanka is a highly complex mixture of English common law, Roman-Dutch law, Muslim law, and customary laws. The basis of criminal law and procedure is the English common 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.⁸⁴

The judiciary in Sri Lanka is independent and properly constituted. The judicial system consists of the Supreme Court, the Court of Appeal, the High Court, District Courts, Magistrates' Courts and Primary Courts. The Supreme Court upholds court rulings in cases where individuals have complained about violations of their fundamental civil rights. The last four courts are Courts of the First Instance. Appeals lie from them to the Court of Appeal and from there, on questions of law, or by special leave, to the Supreme Court. The High Court deals with all criminal cases, and the District Courts with civil cases. There are also Labour Tribunals to decide labour-based disputes.⁸⁵

The Attorney-General is the principal law officer of the state. The District Attorney and State Counsels in his department conduct prosecutions. However, the bulk of prosecutions in minor cases are instituted in the Magistrates' Courts by the officer in charge of a police station.⁸⁶ In criminal cases, defendants are tried publicly by jury. They are informed of the charges and evidence against them, and they may be represented by Counsel of their choice. They also have a right of appeal against sentence. The Government provides Counsel for indigent persons who are to be tried on criminal charges in the High Courts, and the Court of Appeal, but not in other instances; private legal aid organisations also exist.⁸⁷

Human Rights Commission

The Human Rights Commission of Sri Lanka (HRC) was established by Act No. 21 of Parliament of August 1996, which came into force on 17 March 1997.⁸⁸ It started work in 1997. The HRC has eleven offices⁸⁹ around the country, and has five members (commissioners): three Sinhalese, one Tamil and one Muslim member.⁹⁰ New Commissioners were appointed in March 2000, after the tenure of the previous Commissioners had expired.⁹¹ The Commissioners can be removed by Parliament only under special circumstances. The HRC is funded by Parliament through the Presidential Office.⁹²

⁸⁴ N.H.A. Karunaratne, *World Factbook of Criminal Justice Systems – Sri Lanka*, 1993. [Internet]

⁸⁵ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 4.12 and 4.10.

⁸⁶ N.H.A. Karunaratne, *World Factbook of Criminal Justice Systems – Sri Lanka*, 1993.

⁸⁷ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 4.13.

⁸⁸ Danish Immigration Service, *Report on Fact-Finding Mission to Sri Lanka, 14 November to 5 December 1998*, January 1999, Chapter II-E. [Internet]

⁸⁹ The head office is in Colombo; regional offices are in Kandy, Matara, Batticaloa, Anuradhapura, Trincomalee, Vavuniya, Badulla, Amparai, Kalmunai and Jaffna.

⁹⁰ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.2.60.

⁹¹ USDOS, *2000 Country Report on Human Rights Practices – Sri Lanka*, 26 February 2001.

⁹² Asia-Pacific Forum of National Human Rights Institutions, *The Human Rights Commission of Sri Lanka*, 2001. [Internet]

The HRC has a wide mandate to deal with illegal detention, torture, disappearance and murder. Its main task is to monitor compliance with the guidelines for arrest and detention under the emergency legislation and check that detainees do not suffer abuses. The HRC is also to visit the various detention centres without notice, as well as having to investigate disappearances.⁹³ In addition, it has a responsibility to educate the public and forces, to advise on any administrative or other changes that may be necessary to avoid abuses of human rights and fundamental freedoms, and to recommend steps to implement international commitments.⁹⁴ The Commission has wide powers of investigation and collecting evidence and is expected to interact in many ways with the courts of Sri Lanka. It can recommend action for violations but cannot punish.⁹⁵

Human rights activists have expressed their belief that the HRC was not pursuing its mandate aggressively due to poor leadership and the failure not to give long-term contracts to many of its staff. For example, after almost four years of operation, the HRC has not hired permanent staff. The HRC has also been criticized for micromanaging the activities of the field offices, which are equipped poorly.⁹⁶ In 1998, a Committee of Inquiry into Undue Arrest and Harassment (CIUAH) was established. Since its responsibilities fall within the HRC's mandate, this strengthened claims that the HRC was ineffective.⁹⁷ The Committee has assisted those alleging abuse by military or police.

From 27 to 28 July 1999, a workshop was organized by the HRC, the Asia-Pacific Forum of National Human Rights Institutions⁹⁸ and the Asia-Pacific Consultative Group of NGOs, with the support of the Office of the High Commissioner for Human Rights. This workshop was held in Kandy, Sri Lanka, and led to a joint programme of cooperation between national institutions of the region and non-governmental organizations, including in the area of early warning, public inquiries, and promotional and educational activities.⁹⁹ Members of the Human Rights Commission also participated in other conference and workshops.

4 Review of the Human Rights Situation

4.1 General Respect for Human Rights

Since the civil war began, government security forces, state-backed Sinhalese and Muslim civilian militias, and armed Tamil groups, particularly the LTTE, have committed massacres, disappearances, extrajudicial executions, rape, and torture against

⁹³ Danish Immigration Service, *Report on Fact-Finding Mission to Sri Lanka, 14 November to 5 December 1998*, January 1999, Chapter II-E.

⁹⁴ Asia-Pacific Forum of National Human Rights Institutions, *The Human Rights Commission of Sri Lanka*, 2001.

⁹⁵ *Ibid.*

⁹⁶ USDOS, *2000 Country Report on Human Rights Practices – Sri Lanka*, 26 February 2001.

⁹⁷ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.2.63.

⁹⁸ Australia, India, Indonesia, New Zealand, the Philippines and Sri Lanka.

⁹⁹ E/CN.4/2000/103, *Effective functioning of human rights mechanisms: National institutions and regional arrangements. Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1999/72*, 28 December 1999, para. 13.

civilians, mainly Tamils. Press accounts indicate the war has killed 50,000 to 60,000 people, including many civilians.¹⁰⁰

After a period of relative calm at the beginning of 1999, the LTTE began a long series of attacks, killing close to 100 civilians, including moderate Tamil politician Dr. Neelan Tiruchelvam.¹⁰¹ This renewed fighting between the Sri Lankan government forces and the LTTE overshadowed other developments and continued to produce human rights violations on both sides. The war was increasingly complicated by paramilitary actors, often working alongside the army as auxiliary forces, but sometimes at odds with them and with each other.¹⁰²

The Sri Lankan Government generally respects the human rights of its citizens in areas not affected by the conflict with the LTTE. However, the ongoing war continued to be accompanied by serious human rights abuses committed by both sides of the conflict.¹⁰³

4.2 Right to Life, Personal Security and Physical Integrity

On 22 November 1999, artillery shells hit a Catholic shrine in the northern Vanni region that had long sheltered internally displaced persons (IDPs), killing forty-two and injuring sixty more. Both the government side and the LTTE blamed the other for the attack.¹⁰⁴

Civilian deaths and injuries on the Jaffna peninsula were reported in the hundreds, but casualty figures could not be confirmed because relief agencies and journalists were barred from the hardest hit areas. On the peninsula, and also in eastern Sri Lanka, many conflict-related deaths were the result of errant shells and gunshots.¹⁰⁵

Extrajudicial, Summary or Arbitrary Executions

Some members of the security forces have committed serious human rights abuses, including numerous extra-judicial killings. Since April 1995 at least 761 people have been killed extra-judicially by the security forces or have disappeared after being taken into security force custody and are presumed dead. With the exception of the six security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy and the four convictions for abduction involving 88 security force personnel, no member of the security forces has been convicted for any of these crimes.¹⁰⁶ In the past, security forces almost certainly killed prisoners captured on the battlefield; however, there were no reports of this abuse happening during 2000.¹⁰⁷

In her 2000 report to the Commission on Human Rights, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir, noted that the Government of Sri Lanka had not responded to any communications in the last three years.¹⁰⁸ During the period under review, she sent out one urgent appeal, and nine

¹⁰⁰ Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, 2000.

¹⁰¹ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 3.39.

¹⁰² Human Rights Watch, *World Report 2000 – Sri Lanka*, 1 December 1999, p. 212.

¹⁰³ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.1.1.

¹⁰⁴ Human Rights Watch, *World Report 2001 – Sri Lanka*, 1 December 2000, p. 218.

¹⁰⁵ *Ibid.*

¹⁰⁶ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 4.20.

¹⁰⁷ *Ibid.*, para. 5.1.1.

¹⁰⁸ E/CN.4/2000/3, para. 15.

communications concerning, *inter alia*, death threats against a former Sri Lankan army lance corporal and his family who had been summoned to locate alleged mass graves, and four members of the security services held in Colombo prison, after they corroborated the army lance corporal's evidence about the graves.¹⁰⁹

The Special Rapporteur also sent several communications to the Government of Sri Lanka regarding civilians allegedly killed in air strikes and other operations by the Sri Lankan armed forces.¹¹⁰

Death Penalty

The death penalty was reintroduced in 1960 after the assassination of the Prime Minister of Sri Lanka; it is carried out by hanging. The Constitution states in Article 15(a) that "a person shall not be punished with death or imprisonment except by order of a competent court made in accordance with procedure established by law".

According to information from the Death Penalty Information Center, Sri Lanka is an abolitionist *de facto*: since 1976, it has not executed anyone.¹¹¹ Amnesty International notes that scores of people were sentenced to death for murder, but no one was executed. In November 2000, the Government reportedly announced that it would put in practice a decision announced in 1999 to resume executions.¹¹²

Arbitrary Arrest and Detention

The authorities are required, by law, to inform an individual of the reason for their arrest, and to produce him or her before a magistrate within 24 hours of arrest. In practice, this usually occurs within a few days.¹¹³ The Emergency Regulations require magistrates to visit places of detention at least once a month, and that during the visit all detainees should be produced before the magistrate by the officer in charge. Officers in charge of places of detention are required to provide the local magistrate every 14 days a list of all detainees, and the magistrate has to display the list on the court's notice board. These safeguards have never been fully implemented.¹¹⁴

Conditions in prisons and remand homes are extremely poor.¹¹⁵ The Government has frequently imposed both island-wide and local states of emergency related to the civil war. The Emergency Regulations allow the authorities to detain suspects for up to one year without charge and to ban political meetings. The Prevention of Terrorism Act (PTA) permits authorities to detain suspects for 18 months without charge and provides broad immunity for security forces. These detention laws, and poor implementation of safeguards for detainees, are blamed in part for the continuing problems of torture and disappearances.¹¹⁶ Crucial safeguards built into Emergency Regulations and the

¹⁰⁹ E/CN.4/2000/3/Add.1, *Civil and political rights, including questions of: disappearances and summary executions. Report of the Special Rapporteur, Ms. Asma Jahangir, submitted pursuant to Commission resolution 1999/35. Addendum: Summary of cases transmitted to Governments and replies received*, 2 February 2000, para. 402-403.

¹¹⁰ E/CN.4/2000/3, para. 30.

¹¹¹ Death Penalty Information Center (DPIC), *International Perspectives on the Death Penalty: A Costly Isolation for the U.S.*, by Richard C. Dieter, October 1999 [Internet]

¹¹² Amnesty International, *Annual Report 2001 – Sri Lanka*, 1 June 2000, p. 225.

¹¹³ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 4.12.

¹¹⁴ *Ibid*, para. 4.15.

¹¹⁵ Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, 2000.

¹¹⁶ *Ibid*.

legislation establishing the Human Rights Commission were being routinely ignored by the security forces, especially those requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours.¹¹⁷

The Special Rapporteur on torture, Mr. Nigel Rodley, reported a “continuing use of unauthorized places of detention”, especially in the Jaffna peninsula and Vavuniya. PLOTE is reported to run such places of detention, where torture is allegedly routinely practised with the tacit approval of members of the Army and the police, who are said to regularly visit those camps.¹¹⁸

The Human Rights Commission of Sri Lanka visited over 2000 police stations and over 500 detention facilities during 2000.¹¹⁹ The Government also continued to give the International Committee of the Red Cross (ICRC) unhindered access to approximately 160 detention centres, police stations and army camps throughout the country, that were recognized officially as places of detention. Such visits played an important role in enabling the ICRC to monitor the human rights practices of the security forces.¹²⁰

The United Nations Working Group on Arbitrary Detention (UNWAD), during its latest period under review, transmitted one communication on a new case of alleged arbitrary detention to the Government of Sri Lanka, involving 14 persons. The Government provided a preliminary reply.¹²¹ The Working Group also sent one urgent appeal to Sri Lanka.¹²²

Recruitment Into the Armed Forces

Increased recruitment into the armed forces has helped ease unemployment pressures in the light of modest economic growth.¹²³ Recruitment into the army is on a voluntary basis. Although recruitment campaigns do not always attract the requisite number of recruits, no concrete proposals for introducing conscription have ever been made, although this has been recommended at times by the Government or army officials.¹²⁴

Recruitment by the LTTE

As reported by the Danish Immigration Service, recruitment was mainly on a voluntary basis, but the LTTE was using a highly convincing and skilfully conducted campaign, which involved the performing of plays and the showing of video films in schools. It was pointed out that adherence to the movement should be seen against the background of generally limited opportunities for children, the prospect of unemployment and the difficult living conditions resulting from the fact that people have been expelled from their homes five or six times.¹²⁵

¹¹⁷ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.1.6.

¹¹⁸ E/CN.4/2000/9, *Civil and Political Rights including Questions of Torture and Detention. Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 1999/32*, 2 February 2000, para. 929.

¹¹⁹ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.2.62.

¹²⁰ USDOS, *2000 Country Report on Human Rights Practices – Sri Lanka*, 26 February 2001.

¹²¹ E/CN.4/2001/14, *Report of the Working Group on Arbitrary Detention*, 20 December 2000, para. 4-5.

¹²² *Ibid*, para. 56.

¹²³ EIU, *Country Profile – Sri Lanka*, 2000, p. 11.

¹²⁴ Coalition to Stop the Use of Child Soldiers, *Global Report 2001 – Sri Lanka*, 2001. [Internet]

¹²⁵ Danish Immigration Service, *Report on Fact-Finding Mission to Sri Lanka, 14 November to 5 December 1998*, January 1999, Chapter I-A-2.1.

Human Rights Watch reported on increased recruitment of children from LTTE-controlled areas of the country. School buildings were the site of recruitment drives aimed at teenagers, and in April 1999 the LTTE began a practice of enlisting all residents in some areas of the north for military training as a “civilian defense force”. Older residents were reportedly directed to act as guards for their villages, while younger members were sent to the front lines to aid LTTE combat units. Residents attempting to flee these areas said they were leaving, among other things, because of LTTE recruitment.¹²⁶

4.3 Torture and Other Inhuman and Degrading Treatment and Punishment

Upon ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment in 1994, the Government enacted the Convention Against Torture Act on 25 November 1994 in order to give domestic effects to the Convention’s provisions.¹²⁷ Despite this, and the long-term existence of legislation to punish torture, torture remained prevalent both in the context of armed conflict and in day-to-day policing.¹²⁸

The Special Rapporteur on torture continued to receive information on the practice of torture and other forms of ill-treatment, in particular in the context of the ongoing armed conflict between the security forces and the LTTE. The information received indicated, for example, that persons arrested on suspicion of being members or sympathizers of the LTTE were reportedly tortured, in particular in the north and the east of the country and in Colombo.¹²⁹

The reported methods of torture include repeated hitting with a hose pipe; being stripped; handcuffed at the ankles and suspended upside down; use of electric wires on the body; burning with cigarettes and heated metal rods; being hit with a piece of wood; severing of the tongue; beating on the soles of the feet; kicking and trampling; cigarette burning; removal of fingernails with pliers; pouring hot wax over the body; suffocation with a bag containing chilli powder and petrol; placing bags filled with gasoline and ants over the head; driving nails into hands and feet; hung from a rope by hands and fingers; being forced to jump into a latrine and then shot; gang rape; rubbing chili powder into the eyes; injecting gasoline in the nose; rape at military checkpoints; being submerged in water; cutting with blades; and repetitive and systematic blows with blunt weapons.¹³⁰

The Special Rapporteur also noted reports on corporal punishments which continued to be imposed by courts, including on juveniles. Section 52 of the Penal Code lists “whipping” as a punishment to which offenders are liable under the Code. It is explicitly provided for as an additional punishment for theft of, among others, fruit and vegetables. Section 29.1 of the Children and Young Persons Ordinance of 1939 allows whipping also as a form of punishment on male children for certain offences.¹³¹

¹²⁶ Human Rights Watch, *World Report 2000 – Sri Lanka*, 1 December 1999, p. 213.

¹²⁷ E/CN.4/2001/66, *Civil and political rights including the questions of torture and detention. Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 2000/43*, 25 January 2001, para. 1000.

¹²⁸ Human Rights Watch, *World Report 2000 – Sri Lanka*, 1 December 2000, p. 211-212.

¹²⁹ E/CN.4/2000/9, para. 929.

¹³⁰ Human Rights Internet, *For the Record 2000: The UN Human Rights System – Sri Lanka*, 2000.

¹³¹ E/CN.4/2000/9, para. 931.

In his 2001 report, the Special Rapporteur transmitted information on four new individual cases, and he sent out three urgent appeals (one jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions).¹³² The Government responded to all cases transmitted by the Special Rapporteur in November 1999 (his 2000 report).¹³³

Enforced or Involuntary Disappearances

The United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) visited Sri Lanka from 25-29 October 1999.¹³⁴ The purpose of the visit was to follow up on the Working Group's recommendations made during its visits in 1991 and 1992 and to "identify efforts taken to minimize and resolve the problem of enforced or involuntary disappearances, as well as to follow up on the latest developments".¹³⁵

In its 2000 report, the Working Group transmitted seven newly reported cases, two of which occurred in 1999. All the cases were sent under the urgent-action procedure. During the same period, two cases that reportedly occurred in 1999 were clarified, on the basis of information submitted by the source according to which the persons concerned were released after 39 days of unacknowledged detention in the PLOTE camp at Kovilkulam.¹³⁶ Five of the newly reported cases concerned displaced persons residing at the Veppankulam camp in Vavuniya district who were abducted by members of an armed Tamil group opposed to the LTTE, allegedly acting with the acquiescence of the security forces.¹³⁷

4.4 Right to Fair Trial

The present government has not interfered with the functioning of the judiciary and has respected its judgements.¹³⁸ However, impunity remained a critical problem, with few prosecutions of those responsible for human rights violations.¹³⁹ In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice.¹⁴⁰

On 17 January 2000, the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, Mr. Param Cumaraswamy, sent a communication concerning the murder of lawyer Kumar Ponnambalam, and on 11 August 2000 a follow-up letter on the case. Mr. Ponnambalam, a prominent lawyer who

¹³² E/CN.4/2001/66, para. 957-960 and 961-964.

¹³³ *Ibid*, para. 965.

¹³⁴ E/CN.4/2000/64/Add.1, *Report of the Working Group on Enforced or Involuntary Disappearances. Addendum. Report on the visit to Sri Lanka by a member of the Working Group on Enforced or Involuntary Disappearances (25-29 October 1999)*, 21 December 1999. This was the third visit to Sri Lanka of the Working Group; the first one took place from 7-17 October 1991, the second one from 5-15 October 1992.

¹³⁵ *Ibid*, para. 5.

¹³⁶ E/CN.4/2000/64, *Report of the Working Group on Enforced or Involuntary Disappearances*, 21 December 1999, para. 84.

¹³⁷ *Ibid*, para. 85.

¹³⁸ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 4.17.

¹³⁹ Human Rights Watch, *World Report 2000 – Sri Lanka*, 1 December 2000, p. 211-212.

¹⁴⁰ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 4.17.

represented many clients in human rights cases, was shot five times on 5 January 2000. It was alleged that he was assassinated because of his effective defence of his clients.¹⁴¹

In his 2000 report, the Special Rapporteur had transmitted to the Government the case of another well-known defence lawyer and general secretary to the All Ceylon Tamil Congress. The information received indicated that there had been a widespread and well-publicized call by Sri Lankan newspapers that he be taken into custody, and charged with criminal defamation of the President and with supporting the LTTE. The calls for his arrest were based on his work as a criminal defence lawyer and on speeches and statements he had made before various international bodies concerning the human rights situation in Sri Lanka.¹⁴²

Three urgent appeals were sent out during the period under review. The first one was sent out on behalf of a Grade 1 judicial officer who reportedly was removed from office without being accorded due process, and in particular without being shown the charges against him. The second urgent appeal was in response to information regarding the appointment of a new chief justice. While the general practice had always been to appoint the next most senior judge of the Supreme Court as chief justice, information received indicated that the Government was considering appointing the attorney-general who although he had been a Supreme Court judge when he was appointed attorney-general, was the most junior of the judges.¹⁴³ Reference was also made to the fact that there were two petitions before the Supreme Court to strike the attorney-general off the rolls of advocates for misconduct. In his 2001 report, the Special Rapporteur has been informed that these petitions had not been heard. Preliminary objections on the composition of the Supreme Court to hear the petitions were heard but no judgement had been delivered.¹⁴⁴ A third urgent appeal was sent in relation to the criminal prosecution of a member of Parliament whose trial had been postponed several times since it began on 30 May 1997 at the request of the prosecution for “flimsy reasons” (for example the non-availability or absence of the prosecution. It was alleged that the trial was politically motivated and that the postponements were orchestrated by the Government to frustrate international observers.¹⁴⁵

4.5 Right to Freedom of Religion

Although the Constitution gives Buddhism a foremost position,¹⁴⁶ it also provides for the right of members of other faiths to practice their religion freely. Article 15 of the Constitution stipulates that every citizen has the right to freedom of thought, conscience and religion. This right includes the freedom to have or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others and in

¹⁴¹ E/CN.4/2001/65, *Report of the Special Rapporteur on the independence of judges and lawyers Dato' Param Kumaraswamy, submitted in accordance with Commission resolution 2000/42*, 1 February 2001, para. 206-207.

¹⁴² E/CN.4/2000/61, *Report of the Special Rapporteur on the independence of judges and lawyers, Mr. Param Kumaraswamy, submitted in accordance with Commission resolution 1999/31*, 21 February 2000, para. 247.

¹⁴³ *Ibid*, para. 251.

¹⁴⁴ E/CN.4/2001/65, para. 208.

¹⁴⁵ E/CN.4/2000/61, para. 251.

¹⁴⁶ Constitution of the Democratic Socialist Republic of Sri Lanka, Chapter II, Article 7(1) reads: “The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by paragraphs (1) and (3) of Article 15”.

public or private, to manifest his religion or belief in worship, observance, practice and teaching.

The Government respects the right to freedom of religion in practice. However, private disputes occasionally turn into confrontations along religious and ethnic lines, with attacks against Tamils, Muslims, and Christians.¹⁴⁷ There is a Ministry of Cultural and Religious Affairs and a Ministry of Buddha “Sasana” or Buddhist Affairs; the same person currently leads both ministries. Within the first-mentioned Ministry, there is a Department of Hindu Religious and Cultural Affairs and a Department of Muslim Religious and Cultural Affairs, and a Senior Assistant Secretary monitors government relations with the Christian denominations. The Government has also established councils for interfaith understanding.¹⁴⁸ Major religious festivals are celebrated as national holidays.

Religion is a mandatory subject in the school curriculum. Parents and children can choose which religion a child studies (Buddhism, Hinduism, Christianity or Islam).

There were no reports of religious detainees or prisoners.¹⁴⁹

4.6 Right to Freedom of Expression

The Sri Lankan Constitution stipulates, in Article 16(1) that “every person is entitled to the freedom of speech and expression including publication and this rights shall the freedom to express opinions and to seek, receive and impart information and ideas either orally, in writing, in print, in the form of art, or through any other medium”. However, the Government reportedly continues to impose censorship of domestic newspaper reporting and some foreign television broadcasts on military and security operations.¹⁵⁰

In June 2000, Article 19 submitted an *Amicus Curiae* brief to the Supreme Court of Sri Lanka. The brief reviewed national security and public order restrictions on freedom of expression and how such restrictions have been dealt with under both international and comparative law.¹⁵¹ In particular, the brief assesses Regulation 14 of the Emergency (Miscellaneous Provisions and Powers) Regulation, No. 1 of 2000 – and its application to Leader Publications (Pvt) Limited, as a result of a front page article in *The Sunday Leader* of 21 May 2000 headed “War in fantasy land – Palaly is not under attack” – in light of these international and comparative standards.

A number of newspapers were reportedly closed under these Emergency Regulations. On 18 May 2000, the news editor of the private television station “Teshan Network” was interrogated by the police in connection with its report on a bomb attack which occurred in Batticaloa, in eastern Sri Lanka. In addition, on 19 May 2000, the Sri

¹⁴⁷ Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, 2000.

¹⁴⁸ USDOS, *2000 Annual Report on International Religious Freedom – Sri Lanka*, 5 September 2000.

¹⁴⁹ *Ibid.*

¹⁵⁰ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.1.1.

¹⁵¹ Article 19 / Global Campaign for Free Expression, *Written comments submitted in the matter of an Application under Article 126 of the Constitution: Leader Publications (Pvt) Limited vs. Ariya Rubasinghe, Director of Information and the Competent Authority, et al.*, June 2000. [Internet]

Lankan army allegedly closed down the Jaffna newspaper “Uthayan”.¹⁵² On 22 May 2000, the “Sunday Leader” and the “Sunday Peramuna” were closed down for six months on accusations of breaking censorship regulations by publishing articles without permission.¹⁵³ The Supreme Court of Sri Lanka ruled, in June 2000, that the Government had acted illegally in imposing media censorship in response to the conflict in the north. It said the Government had no authority to censor news reports or close down newspapers. The Sunday Leader and other papers should be allowed to resume publication immediately.¹⁵⁴

On 4 June 2000, the Special Rapporteur on the right to freedom of opinion and expression, Mr. Abid Hussain, transmitted an urgent appeal concerning restrictions imposed on the media following the announcement of emergency regulations under the existing Public Security Ordinance. The measures enable the Government to suspend public television and radio programmes, and to seize or close down any publication, including the Internet, which it considers a danger to national security.¹⁵⁵

On 3 February 2000, the Special Rapporteur had sent another urgent appeal, jointly with the Special Rapporteur on extrajudicial, summary and arbitrary executions, concerning death threats allegedly received by Javalath Jayawardene, a Member of Parliament and lawyer. The Government replied on 13 December 2000, informing the Special Rapporteur that the Criminal Investigations Department had inquired into the allegations and had not been able to pursue its investigations in the absence of specific information or evidence. According to the Government, Mr. Jayawardene had been provided with security at the state’s expense and was able to perform the normal functions of a Member of Parliament.¹⁵⁶

4.7 Right to Freedom of Movement

The right to freedom of movement is laid down in Article 12(1) and 12(2) of the Constitution, stating that “every person lawfully resident [in Sri Lanka] is entitled to the freedom of movement [within Sri Lanka] and of choosing such person’s residence” and that “every person shall be free to leave” Sri Lanka.

The Government generally respects the right to domestic and foreign travel. However, the conflict with the LTTE has prompted the Government to impose more stringent checks on travellers from the north and the east, and on movement in Colombo, particularly after dark. These security checks had the effect of restricting the movement of Tamils, especially young males.¹⁵⁷

The Ministry of Defence stated that, in general, everyone with a good reason was allowed to go to Colombo and stay there. Regarding restrictions on going to Colombo, it explained that 90 per cent of all Tamils would go to Colombo on account of the

¹⁵² E/CN.4/2001/64, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, submitted in accordance with Commission resolution 2000/38*, 13 February 2001, para. 257.

¹⁵³ In June, it was reported that the ban was shortened by the Government of Sri Lanka; see: BBC News, South Asia, *Ban shortened on Sri Lanka papers*, 26 June 2000.

¹⁵⁴ BBC News, South Asia, *Sri Lanka censorship struck down*, 30 June 2000.

¹⁵⁵ E/CN.4/2001/64, para. 257.

¹⁵⁶ *Ibid*, para. 256 and 260.

¹⁵⁷ USDOS, *2000 Country Report on Human Rights Practices – Sri Lanka*, 26 February 2001.

security situation if entirely free to do so, a “state of affairs which would be quite untenable”. The Ministry reported that everyone with a permanent address in areas controlled by the authorities could go to other parts of Sri Lanka without restriction. Civilians can travel to eastern areas without permission. The restrictions thus only applied to internally displaced persons and were due to the security situation.¹⁵⁸

Both the LTTE and the Government carry out checks on travellers at the crossing-points between the LTTE and the Government-controlled areas. The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city. For Tamils to travel from Jaffna to other parts of the country remained extremely difficult, due to security restrictions imposed by the security forces and the limited availability of transportation.¹⁵⁹ They must carry a LTTE travel pass, which are only issued to people such as Tamil businessmen who are regarded as reliable and who are able to regularly travel back and forth. Permission to travel is also granted for family visits and hospital treatment in Colombo, but may be accompanied by a warning that remaining family members will face punishment if the traveller does not return.¹⁶⁰

Authorization is also needed to travel from Mannar to Vavuniya and from Vavuniya to Colombo. It is particularly hard to leave his own home area without the knowledge and permission of the LTTE. Many who had left the Vanni region with the intention of proceeding south, opted for other destinations after learning that they would remain in transit camps until security clearances were obtained. Obtaining the clearance can take between two and four months in some cases. There are clear guidelines describing in which cases an application for authorization can be met; the procedures are applied to everyone, including the elderly and the very young. Those wishing to travel must be sponsored by a registered Vavuniya resident, and only one person may be sponsored at a time. Persons crossing illegally from LTTE-controlled to Government-controlled areas encountered strenuous security checks in Vavuniya that often took months, further contributing to crowding in the transit camps.¹⁶¹

A number of sources, according to the Danish Immigration Service, reported in general that there could not be said to be freedom of movement in Sri Lanka, pointing to the camps in Vavuniya, including restrictions on leaving the camps and restrictions on going to Colombo or southern Sri Lanka. They further made the point that registration requirements for residence in Colombo and the risk of checks, including identity checks, arrest, searching of premises, etc. also in practice restricted freedom of movement.¹⁶²

Following the mission of Special Representative on children in armed conflict to Sri Lanka, the Government agreed to expedite procedures for the issuance of permits for movement in the affected areas.¹⁶³

¹⁵⁸ Danish Immigration Service, *Report on Fact-Finding Mission to Sri Lanka, 14 November to 5 December 1998*, January 1999, Chapter II-B-1.

¹⁵⁹ USDOS, *2000 Country Report on Human Rights Practices – Sri Lanka*, 26 February 2001.

¹⁶⁰ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.1.20.

¹⁶¹ USDOS, *2000 Country Report on Human Rights Practices – Sri Lanka*, 26 February 2001.

¹⁶² Danish Immigration Service, *Report on Fact-Finding Mission to Sri Lanka, 14 November to 5 December 1998*, January 1999, Chapter II-B-1.

¹⁶³ E/CN.4/2000/71, *Rights of the Child. Additional report of the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu, submitted in accordance with General Assembly resolution 53/128*, 9 February 2000, para. 74.

Security Checkpoints

The population of Colombo continues to be subject to a whole series of checks on account of the general security situation in the country. The Danish Immigration Service reported that all sections of the population are at risk, but Tamils continue to be a particular target.¹⁶⁴ The UK Home Office, however, stated that all residents of Colombo, including Sinhalese, are regularly stopped and checked, the frequency of this occurring depending more on the distance and routes travelled than on ethnicity, neighbourhood or newness to Colombo.¹⁶⁵

Checks usually involved identity checks, arrests, detentions, mass arrests and house searches as well as vehicle checks, and they are closely tied with the prevailing security situation in the country, e.g. whether there had been major LTTE terrorist actions or the police had received information about a planned LTTE attack. Person might be subject to checks, including arrest, several times in succession since there is no central record of such checks.¹⁶⁶ The movement of persons in Jaffna is strictly regulated by military checkpoints throughout Jaffna City, although by the end of 1999 the military had reduced the number of checkpoints there compared to before.

Checks are primarily directed not only at young men but also women, as the LTTE had more and more used women in its actions. People with an identity card from Jaffna and from the LTTE territory are especially targeted, while people coming from Colombo had no particular problems.¹⁶⁷

Possibilities to Depart From Places Other Than Colombo

Immigration stated that Colombo airport continues to be the only place from which civilians can legally leave Sri Lanka. According to the Ministry of Defence, it is not possible to stop people from leaving Sri Lanka by boat via India. In this connection, it referred to the short distance between India and Sri Lanka and to the fact that there were many trawlers in the waters between these two countries which those leaving could board. The Netherlands Embassy stated that many Sri Lankans continued to leave Sri Lanka by boat for India. The Swiss Embassy felt that generally speaking it was impossible to leave from places other than Colombo airport and referred to the risk of being discovered, including the great dangers involved in travelling via India.¹⁶⁸

4.8 Economic, Social and Cultural Rights

Education

Education is highly valued by all groups of people in Sri Lanka. This “veneration for education” derives from different ethno-religious traditions, such as in the case of

¹⁶⁴ Danish Immigration Service, *Report on Fact-Finding Mission to Sri Lanka, 14 November to 5 December 1998*, January 1999, Chapter I-B-3. There are estimated to be 150,000 Tamils from the north-east in Colombo, in addition to the 250,000 Tamils who have been resident in the city for a long period. See: UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.2.4.

¹⁶⁵ UKIND, *Country Assessment – Sri Lanka*, April 2001, para. 5.2.13.

¹⁶⁶ USDOS, *2000 Country Report on Human Rights Practices – Sri Lanka*, 26 February 2001.

¹⁶⁷ Danish Immigration Service, *Report on Fact-Finding Mission to Sri Lanka, 14 November to 5 December 1998*, January 1999, Chapter V-1.

¹⁶⁸ *Ibid.*

Buddhism.¹⁶⁹ The 1978 Constitution affirms the need for the complete eradication of illiteracy and assures the citizens the right to universal and equal access to education at all levels. As a consequence, Sri Lanka has a literacy rate of 92 per cent and high enrolment rates, giving it a lead over other developing countries. Education is compulsory and provided free of charge.¹⁷⁰ However, due to the “state’s heavy dominance” in the sector and “inadequate investment”, the quality of education has deteriorated. In 1999, the Government launched a programme of educational reforms aimed at overhauling the curriculum. University education is severely restricted, with just 15 per cent of eligible students gaining admission of the 13 state universities.¹⁷¹

Food

The authorities in Sri Lanka have been providing food rations to those in need in the conflict areas. However, as a result of the armed conflict, the delivery of government assistance has been intermittent, resulting in a significant curtailment in the volume of food and medicine supplied. UN joint representations have been made on this matter to the Sri Lankan authorities in Colombo.¹⁷²

Health

The Government in Sri Lanka provides health services free of charge, but “severe resource constraints” have prevented expenditure from rising above 1.4 per cent of the GDP, compared to an average of 2.8 per cent for low- and middle income countries.¹⁷³ The health indicators in Sri Lanka are the best in South Asia. However, facilities are becoming increasingly overburdened as a result of health problems such as malnutrition and communicable diseases, and problems such as drug and alcohol addictions and those relating to the ageing population. The growing number of casualties and disabilities from the war represent an additional burden.¹⁷⁴

5 Vulnerable Groups

5.1 Ethnic Minorities

Sri Lanka has an ethnically heterogeneous population. Although the Sinhalese form the majority of the population, there are three significant ethnic minorities, as well as a remnant population of Veddas, the indigenous inhabitants of the island.¹⁷⁵

Tamils

Sri Lankan Tamils began coming to Sri Lanka from Southern India, as long as 2000 years ago. Today, their culture contains a mix of Tamil, Sinhalese and south Indian elements. They speak a Tamil dialect, and comprise of 11 per cent of the Sri Lankan population. Nearly all Sri Lankan Tamils now live in the north-east region of the

¹⁶⁹ United Nations Educational, Scientific and Cultural Organization (UNESCO), *Education For All 2000 Assessment: Country Reports – Sri Lanka*, 2000.

¹⁷⁰ EIU, *Country Profile – Sri Lanka*, 2000, p. 12.

¹⁷¹ *Ibid.*

¹⁷² UNHCR, *Country Profile – Sri Lanka*, September 1999. [Internet]

¹⁷³ EIU, *Country Profile – Sri Lanka*, 2000, p. 12.

¹⁷⁴ *Ibid.*

¹⁷⁵ David Levinson, *Ethnic Groups Worldwide. A Ready Reference Handbook: Sri Lanka*, Oryx Press, 1998, p. 281.

country. Indian Tamils are descendants of Tamils brought to Sri Lanka by the British during the 1800s. They consist of 8.5 per cent of the population and, while they speak Tamil, they are culturally and politically distinct from the Sri Lankan Tamils.¹⁷⁶ Although the Sinhalese are in majority Buddhist and the Tamils are predominantly a Hindu minority,¹⁷⁷ the conflict in Sri Lanka should be qualified as an ethnic conflict rather than a religious conflict.

Discrimination against Tamil civilians by members of the security forces attempting to root out the LTTE, continued throughout the country and especially in Colombo and in army-controlled areas in the north and east.¹⁷⁸ Displaced persons and other Tamil civilians in the north and east also faced restrictions on their freedom of movement, arbitrary arrest, and custodial abuse at the hands of government forces. Due to government restrictions, Tamil civilians were often unable to reach work sites to earn a living, attend schools, or seek urgent medical care.¹⁷⁹ For Tamils, travel from Jaffna to other parts of the country is extremely difficult.¹⁸⁰

5.2 Internally Displaced Persons

As stated before, hundreds of thousands of civilians have been internally displaced in the northern Jaffna peninsula, at various times during the civil war.¹⁸¹ It is estimated that some 650,000 persons are presently internally displaced in areas affected by the conflict¹⁸²; another 110 thousands are refugees in India. UNHCR reported on a number of 800,000 refugees in Sri Lanka, comprising 4 percent of the population.¹⁸³ Most of them are Hindu Tamils, although thousands of Muslims and Buddhist Sinhalese were also displaced.¹⁸⁴

In 1999, the government continued to run several refugee camps and welfare centres in the Vanni. In June 1999, Reuters reported that authorities had forced some 10,000 Tamil refugees living in Madhu back to their homes or to welfare centres in advance of annual pilgrimages to the town's Catholic shrine.¹⁸⁵

Over the course of his mandate's history, Mr. Francis Deng, the Secretary-General's Representative on internally displaced persons, has made a visit to Sri Lanka (in November 1993). Undertaking such country missions – in total he has undertaken 19 of them so far – provides an opportunity to study the situation of the internally displaced, to assess the effectiveness of national and international responses in addressing their protection, assistance and development needs, and, most importantly, to engage in “solution-oriented dialogue with the authorities and other actors”.¹⁸⁶

¹⁷⁶ *Ibid.*

¹⁷⁷ USDOS, *2000 Annual Report on International Religious Freedom – Sri Lanka*, 5 September 2000.

¹⁷⁸ Human Rights Watch, *World Report 2000 – Sri Lanka*, 1 December 2000, p. 211-212.

¹⁷⁹ *Ibid.*, p. 218.

¹⁸⁰ USDOS, *2000 Annual Report on International Religious Freedom – Sri Lanka*, 5 September 2000. See also paragraph 4.3 on freedom of movement.

¹⁸¹ Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, 2000.

¹⁸² UNHCR, *Country Profile – Sri Lanka*, September 1999. [Internet]

¹⁸³ Associated Press, *Tiny Sri Lanka has 800,000 refugees*, 13 June 2001.

¹⁸⁴ U.S. Committee for Refugees, *World Refugee Survey 2001 – Sri Lanka*, June 2001.

¹⁸⁵ Freedom House, *Freedom in the World 1999-2000: Sri Lanka*, 2000.

¹⁸⁶ E/CN.4/2001/5, *Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 2000/53*, 17 January 2001, para. 87-88.

Mr. Deng concluded that internal displacement manifests itself differently in different countries. In Sri Lanka, the civil war and intercommunal violence that have been going on for the past 10 years accounted for most cases of internal and external displacement.¹⁸⁷ The displaced were identifiable as large clusters of people in camps, uprooted from their homes, and divested of the entire natural resource-base, as a result of which they were entirely dependent on humanitarian assistance and precarious protection from the controlling authorities. The groups were considered to be split along ethnic, linguistic and religious lines, which determined the preoccupations and interests of each group with regard to power and land control.¹⁸⁸ The Representative also noted that, in Sri Lanka, the internally displaced were more susceptible to “searches at checkpoints and cordon-and-search operations”, and at the time the mission took place (November 1993) risked being returned to areas in which the security situation was precarious. The situation of displaced indigenous people, although to a lesser extent, was also a subject of concern.¹⁸⁹

Internally displaced women were considered to be particularly vulnerable. The Representative found, for example, that displaced Tamil women in Sri Lanka had been raped prior to their displacement.¹⁹⁰

The Guiding Principles on Internal Displacement¹⁹¹, which have been developed by the Representative, have been translated in Sinhalese and Tamil.¹⁹² UNHCR and other organizations are promoting their use as a means of IDP protection.

5.3 Religious Minorities

Buddhism, Hinduism, Islam and Christianity are all practised in Sri Lanka. Approximately 70 per cent of the population are Buddhist, 15 per cent are Hindu, eight per cent are Christian, and seven per cent are Muslim. There are also a small number of Baha'is.¹⁹³ In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. Discrimination based on religious differences is much less common than discrimination based on ethnic group or caste.¹⁹⁴

Muslims

Almost all of the Muslims are Sunnis, with a small minority of Shi'as including members of the Borah community. The Muslims, who represent seven per cent of the population, are predominantly traders and maintain “cordial ties” with both the Sinhalese and the Tamils.¹⁹⁵

¹⁸⁷ E/CN.4/1995/50, *Internally displaced persons. Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolutions 1993/95 and 1994/68*, 2 February 1995, para. 25.

¹⁸⁸ *Ibid.*, para. 23 and 26.

¹⁸⁹ *Ibid.*, para. 28.

¹⁹⁰ *Ibid.*, para. 30.

¹⁹¹ As contained in UN document E/CN.4/1998/53/Add.2, *Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement*, 11 February 1998.

¹⁹² E/CN.4/2001/5, para. 36.

¹⁹³ USDOS, *2000 Annual Report on International Religious Freedom – Sri Lanka*, 5 September 2000.

¹⁹⁴ *Ibid.*

¹⁹⁵ EIU, *Country Profile – Sri Lanka*, 2000, p. 11.

After the visit in May 1998 of the Special Representative of the Commission on Human Rights on children in armed conflict, the LTTE leadership agreed not to impede the return to their homes of Muslim populations displaced by previous outbreaks of hostilities.¹⁹⁶

Christians

Christians – almost 90 per cent of them Roman Catholics – tend to be concentrated in the Western part of the country. Anglican and other mainstream Protestant churches are also present in the cities.

In March 1999, government forces recaptured the town of Madhu in the north-western area of the country from the LTTE, which was the site of a famous Catholic shrine. Because Madhu had been controlled for several years by the LTTE, it had not been possible for Catholics from the South to make the pilgrimage to the shrine. After the town was recaptured by the government forces, Catholics were able to resume their pilgrimages, but in November 1999 the LTTE recaptured the shrine, thus once again limiting access.¹⁹⁷

On 2 April 1999, two bombs were planted in a Christian prayer hall in the mainly Buddhist town of Tissamaharama (in the South). There was a small amount of structural damage to the building, but no one was injured.¹⁹⁸

On 22 November 1999, artillery shells hit a Catholic shrine in the northern Vanni region that had long sheltered internally displaced persons, killing forty-two and injuring sixty more. Both the government side and the LTTE blamed the other for the attack.¹⁹⁹

Others

The 2000 report of the Special Rapporteur on religious intolerance noted that two Seventh-Day Adventists, a pastor and pastor's son, were reportedly arrested in 1998, and were said to have been detained since then on the basis of apparently unjustified suspicion of involvement in terrorist activities.²⁰⁰

Some evangelical Christians, who constitute less than one per cent of the population, have expressed concern that their efforts at proselytization often are met with "hostility and harassment" by Buddhist monks and others opposed to their work. They sometimes complain that the Government tacitly condones such harassment. However, according to the United States Department of State, there is no evidence to support such claim.²⁰¹

5.4 Women

In Sri Lanka, issues related to family law, including divorce, child custody and inheritance are adjudicated by the customary law of each ethnic or religious group.

¹⁹⁶ E/CN.4/2000/71, para. 79.

¹⁹⁷ USDOS, *2000 Annual Report on International Religious Freedom – Sri Lanka*, 5 September 2000.

¹⁹⁸ *Ibid.*

¹⁹⁹ Human Rights Watch, *World Report 2001 – Sri Lanka*, 1 December 2000, p. 218.

²⁰⁰ E/CN.4/2000/65, para. 3 and 95.

²⁰¹ USDOS, *2000 Annual Report on International Religious Freedom – Sri Lanka*, 5 September 2000.

Therefore, the application of different legal practices based on membership of a religious or ethnic group can result in discrimination against women.²⁰²

In March 2000, the United Nations Special Rapporteur on violence against women, Ms. Radhika Coomaraswamy, expressed her dismay that the “incidence of gang rape and murder of women and girls by Sri Lankan soldiers [was] continuing unabated in Sri Lanka”.²⁰³ By letter of 13 March 2000, she stated her concern over the lack of serious investigation of allegations of gang rape and murder of women and girls, and focused on three individual cases that were brought to her attention. She was also concerned that political violence in the south of the country particularly affected women. The Special Rapporteur expressed the hope that the alleged incidents would be investigated and the alleged perpetrators prosecuted in a manner consistent with international human rights standards.²⁰⁴

5.5 Children

Sale of Children, Child Prostitution and Child Pornography

Ms. Ofelia Calcetas-Santos, the Special Rapporteur on the sale of children, child prostitution and child pornography stated, in her 2000 report to the Commission on Human Rights, that the number of reported cases of rape of girls under 16 years of age increased alarmingly in 1999, and in the previous year there had been more reported complaints of rape committed against children than against adult women.²⁰⁵

The Special Rapporteur also noted that, although the laws relating to rape were strengthened by the Penal Code (Amendment) Act No. 22 of 1995 which, among others, prescribed a minimum penalty of ten years’ imprisonment for the rape of a minor by an adult, it appeared that the “deterrent factor” of this legislation had not yet begun to operate.²⁰⁶

In her interim report to the United Nations General Assembly, the Special Rapporteur indicated that she had requested an invitation to visit the country. She expressed particular concern for the situation of boys who are drawn into prostitution, especially “those who spend time on the beaches hoping to find work with the fishermen”.²⁰⁷ There was also concern over reports of an increased level of domestic violence and sexual abuse of girls within their homes.²⁰⁸

Child Soldiers

The LTTE has a long record of using child soldiers, some as young as nine. There have been encouraging signs recently of a shift in LTTE policy, but previous promises have been broken and child recruitment has continued to be reported. There are some reports

²⁰² *Ibid.*

²⁰³ United Nations Press Release, 14 March 2000.

²⁰⁴ *Ibid.*

²⁰⁵ E/CN.4/2000/73, *Rights of the Child. Report of the Special Rapporteur on the sale of children, child prostitution and child pornography*, Ms. Ofelia Calcetas-Santos, 14 January 2000, para. 53.

²⁰⁶ *Ibid.*, para. 55.

²⁰⁷ A/55/297, *Sale of children, child prostitution and child pornography. Note by the Secretary-General*, 10 August 2000, para. 26.

²⁰⁸ *Ibid.*

of child recruitment in government allied paramilitary groups. There is inadequate protection and rehabilitation provided to LTTE child soldiers who have surrendered to the government. Recruitment by the LTTE has generally intensified in 2000 and 2001.²⁰⁹ Amnesty International reported in 1998 that Tamil children are routinely picked up by police and army personnel on suspicion of links with the LTTE.²¹⁰

A report issued on 18 July 2000 by the University Teachers for Human Rights in Jaffna claimed that the forcible recruitment of child soldiers by the LTTE had soared in preparation for a final assault on Jaffna City, with hundreds of children being conscripted in raids on schools and orphanages.²¹¹

The Special Representative of the Commission on Human Rights on children affected by armed conflict, Mr. Olara Otunnu, visited Sri Lanka in May 1998, where he held discussions with the Government and with the LTTE leadership.²¹² The Government of Sri Lanka reiterated its commitment to the policy of not recruiting children under the age of 18 years. The LTTE agreed not to use children below 18 years of age in combat and not to recruit children less than 17 years old. It also agreed to review the issue of making a public commitment to respect the principles and provisions of the Convention on the Rights of the child, and to have its cadres receive information and instruction on the Convention.²¹³

5.6 Journalists

The Special Rapporteur on the right to freedom of opinion and expression noted in his 2001 report that P. Seevagan, Taraki, Roy Denish and Saman Waagarachchi, all senior journalists, allegedly had received death threats, aired on 3 June 2000 on the state-owned television network ITN, from an organization called Deshabhaktha Madhiya Viyaparaya. They had written to the President of Sri Lanka seeking protection against these death threats.²¹⁴

In his 2000 report, the Special Rapporteur on torture transmitted a case to the Government, concerning Srilal Priyantha, a journalist who was working for the *Labhima*, an independent Sinhalese-language newspaper. Mr. Priyantha was reportedly accused of the murder of five individuals in the southern uprising of 1989 and 1990 and of having concealed his identity. He had reportedly in fact written articles that exposed the corruption and abuse of power of the security forces. After his arrest, he was reportedly tortured, stripped naked and severely assaulted by police officers. On 14 June 1999, he was reportedly admitted to the Colombo National Hospital to be treated for injuries allegedly sustained during his detention.²¹⁵

²⁰⁹ Coalition to Stop the Use of Child Soldiers, *Global Report 2001 – Sri Lanka*, 2001.

²¹⁰ Amnesty International, *Children in South Asia: Securing Their Rights*, AI Index: ASA 04/01/98, 1 June 1998.

²¹¹ Keesing's Record of World Events, *Report on LTTE child soldiers*, Vol. 46, July 2000.

²¹² E/CN.4/2000/71, para. 72.

²¹³ *Ibid*, para. 82.

²¹⁴ E/CN.4/2001/64, para. 257.

²¹⁵ E/CN.4/2000/9, para. 965.

6 UNHCR Operations²¹⁶

6.1 Introduction

The initial objectives for the UNHCR operation in Sri Lanka, as laid out in the Global Appeal 2001, are:

- Improve access to national protection and humanitarian assistance for internally displaced persons (IDPs) in the north and north-east of Sri Lanka.
- Minimize internal displacement and provide alternatives to flight from regions of instability.
- Stabilize displaced communities and promote conditions for solutions.
- Facilitate return and reintegration of displaced populations, with particular attention to the vulnerable groups.
- Advocate the implementation of policies, protective of the rights of the displaced and other victims of the conflict.
- Extend the capacity of the Government, NGOs and displaced communities to respond to displacement and bring about lasting solutions.

6.2 Working Environment

Recent Developments

The intensification of conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) since late 1999 has led to the renewed displacement of over 200,000 people in the northern Jaffna Peninsula and in the Vanni region. By September 2000, some 13,000 displaced persons remained in the UNHCR-supported Madhu Open Relief Centre. At the same time, in the districts of Vavuniya, Trincomalee and Mannar, conditions in government-controlled areas have permitted the return and relocation of some 3,000 people. In the districts of Killinochchi and Mullaitivu, some 15,000 people have also been able to return to their homes following a geographical shift in the area of conflict. The flight of refugees to India continued; 1,605 people arrived in the southern Indian State of Tamil Nadu between January and September 2000, and 307 from January to June 2001. Over the period July 1996 to June 2001, a total of 22,123 Sri Lankan refugees were direct arrivals in southern India.

Constraints

In the conflict zones of north and north-east Sri Lanka, the displaced have in many cases already had to move several times and the movement of people and goods is strictly controlled. There is only limited access to basic services such as health and education. Employment opportunities are also severely constrained. The heavy military presence and continued conflict leave the civilian population extremely vulnerable and dependent on humanitarian assistance.

²¹⁶ Based on: UNHCR, *Global Appeal 2001 – Strategies and Programmes*, 2000, p. 171-173.

6.3 Strategy

Protection and Solutions

To ensure safety and facilitate freedom of movement of IDPs, UNHCR will maintain a regular dialogue with the Government and the LTTE, and intervene as necessary. UNHCR will maintain its presence in both government-controlled and LTTE-dominated areas. UNHCR monitors conditions at the government 'welfare centres' housing displaced people. UNHCR intercedes with the authorities on issues such as freedom of movement and the issuance of travel passes. UNHCR will continue to support the Sri Lankan authorities and other agencies, helping them to build up the resources and expertise necessary to protect the displaced in emergency situations. This involves raising awareness of UNHCR's mandate among the military, the civilian population, government officials and the LTTE. UNHCR will also promote the UN's 'Guiding Principles on Internal Displacement' as a normative framework for defence of the rights of the IDPs, including the right to return to their homes. UNHCR provides legal assistance to IDPs regarding documentation, land and other matters pertaining to their basic rights and the attainment of durable solutions.

Assistance

UNHCR provides IDPs with essential relief items, such as plastic sheeting and roofing materials and assistance such as emergency water supply, health and sanitary services and transportation. Up to 75 per cent of the IDPs are women and children. The special needs of vulnerable groups such as widows, single parents and the disabled, are carefully incorporated into the programming process. Projects for these groups will include: psychosocial rehabilitation of traumatised individuals, vocational training, social mobilisation training and community welfare activities. In addition to monitoring and interceding on behalf of displaced persons at government-supported welfare centres, UNHCR will provide limited direct assistance to some of these centres. UNHCR will also upgrade the basic infrastructure of host communities that accommodate displaced populations. In addition, UNHCR will implement micro-projects in a variety of areas such as health, agriculture, water and sanitation. Assistance measures will encourage self-reliance through income-generating activities.

UNHCR will continue to facilitate the initial stage of reintegration both for those who have returned to their places of origin and those who have settled elsewhere. Reintegration activities will focus on locations where UNHCR has a field presence. Assistance measures will include micro-projects for the improvement or development of basic infrastructure. Income-generating activities will be supported through the provision of grants and a revolving loan scheme. UNHCR will intercede with decision-makers to ensure that the returnee communities or new settlements are given priority within overall rehabilitation programmes in the relevant districts.

Desired Impact

UNHCR's continuous presence in both the government-controlled and LTTE-dominated areas, as well as ongoing dialogue with both sides, will improve access to national protection and humanitarian assistance for IDPs and alleviate the consequences of displacement. Improved co-ordination will ensure coherence of humanitarian action by various agencies and duplication will be avoided. UNHCR's support for

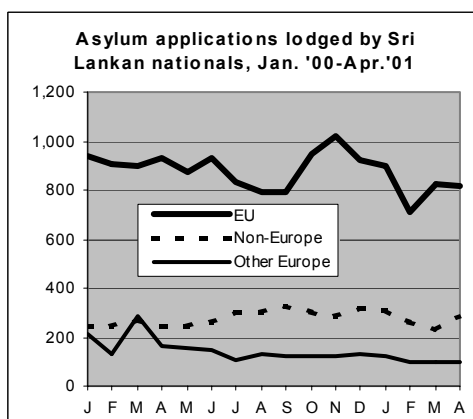
reintegration will not only increase economic opportunities for those who have returned or resettled, but also contribute to social cohesion. UNHCR will ensure that impediments to respect for basic rights, or to the attainment of durable solutions, will be overcome.

7 A Statistical Overview of Sri Lankan Asylum-Seekers and Refugees

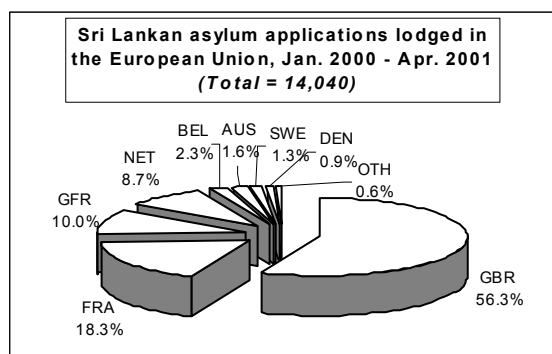
7.1 Submission of Asylum Applications

In 2000, some 17,700 Sri Lankan nationals applied for asylum in 60 countries, virtually the same number as was reported during 1999 (17,600). In the 15 countries of the European Union (EU), the number of Sri Lankan asylum applications increased with 10 per cent, from 10,710 in 1999 to 11,760 in 2000 (see Table 1-3).

During the period January 2000 to April 2001, the number of Sri Lankan nationals submitting an asylum request in Europe fluctuated between 1,000 and 1,500 per month. During this 16-month period, the received 86% of all Sri Lankan asylum applications lodged in Europe (see chart). Australia, Canada and the United States received 4,440 new applications of Sri Lankan nationals, 21% of the total number reported by 27 countries listed in Table 4.



EU



Of the 14,040 Sri Lankan applications lodged in the EU since January 2000, the UK received the largest share (7,900 applications or 56%), followed by France (2,570 or 18%), Germany (1,410 or 10%, new applications only) and the Netherlands (1,220 or 9%) (see chart).

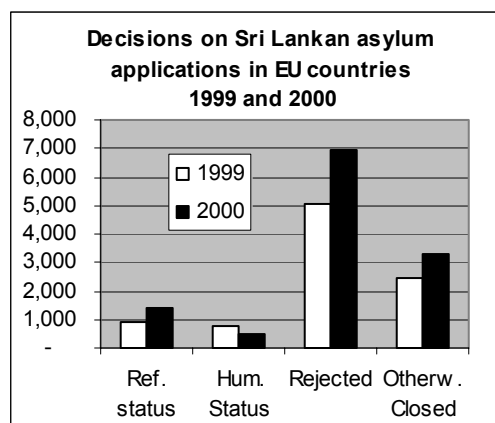
7.2 Determination of Refugee Status

In 2000, the global Refugee recognition rate²¹⁷ for Sri Lankan asylum applicants reached some 12%, significantly below the 1999 level (22%). The Total recognition rate²¹⁸ increased, however, from 29% in 1999 to 38% in 2000. This increase is mostly due to the 8,450 Sri Lankan asylum-seekers granted humanitarian status in Switzerland. If these cases are excluded, the global Total recognition rate falls to 25%, slightly below the 1999 level (see Table 1 and 2).

²¹⁷ The refugee recognition rate concerns the proportion of cases granted Convention refugee status in the total number of cases decided during the year.

²¹⁸ The total recognition rate concerns the proportion of cases granted Convention and humanitarian status in the total number of cases decided during the year.

In the EU, some 12,430 Sri Lankan asylum applications were decided during 2000, 36% more than during 1999 (9,160). The number of Sri Lankan asylum-seekers granted refugee status in the EU during 2000 (1,380) increased by 54% compared to 1999 (900). Conversely, the number of persons receiving humanitarian status fell from 780 in 1999 to 500 in 2000 (-36%) (see chart). In 2000, the Refugee recognition rate for Sri Lankan asylum applications in the EU reached 11%, whereas in Total recognition rate was 15%.



Some 73% of all positive decisions on Sri Lankan applications by EU countries during 2000 concerned grants of refugee status. The applications and decisions for Sri Lankan nationals in the EU during 2000 are summarized in the below chart.

| Individual asylum applications and refugee status determination in the EU, 2000 | | | | | | | | | | | | | | | |
|----------------------------------------------------------------------------------------------------------|-------|----|----------------------------|---------------------|-----------------------|-------------|----------|----------------|--------|-----------------------------|-------------------------|----------------|---------------|---------|--------------------------------|
| Nationality: Sri Lanka | | | | | | | | | | | | | | | |
| Values between 0 and 5 have been replaced with an asterisk. | | | | | | | | | | | | | | | |
| ¹ See Annex for codes used. | | | | | | | | | | | | | | | |
| ² Type of procedure (G=Government; U=UNHCR; V=Various/unknown) | | | | | | | | | | | | | | | |
| ³ Level of procedure (FI=first instance, AR=Review, FA=First instance and review, BL=Backlog) | | | | | | | | | | | | | | | |
| Country of asylum ¹ | Proc. | | Pending cases as at 1 Jan. | Applied during year | Decisions during year | | | | | Pending cases as at 31 Dec. | UNHCR indicators | | | | |
| | | | | | Recognized | | Rejected | Otherw. closed | Total | | Change in pending cases | Decision rates | | | % ref. status in total recogn. |
| | | | | | Refugee status | Hum. status | | | | | | Ref. status | Total recogn. | Reject. | |
| AUS | G | AR | - | 175 | - | - | 33 | 173 | 206 | - | .. | 0% | 0% | 16% | .. |
| BEL | G | AR | - | - | - | - | 13 | - | 13 | - | .. | 0% | 0% | 100% | .. |
| BEL | G | FI | - | 256 | * | - | 9 | - | 13 | - | .. | 31% | 31% | 69% | 100% |
| DEN | G | AR | - | - | * | * | 14 | - | 19 | - | .. | 5% | 26% | 74% | 20% |
| DEN | G | FI | - | 93 | * | 29 | 24 | - | 56 | - | .. | 5% | 57% | 43% | 9% |
| FIN | G | AR | - | - | - | - | * | - | * | - | .. | 0% | 0% | 100% | .. |
| FIN | G | FI | - | 22 | * | 7 | 6 | * | 18 | - | .. | 6% | 44% | 33% | 13% |
| FRA | G | - | - | 2,117 | 798 | - | 1,048 | - | 1,846 | - | .. | 43% | 43% | 57% | 100% |
| GBR | G | BL | - | - | - | 210 | - | 75 | 285 | - | .. | 0% | 74% | 0% | 0% |
| GBR | G | FI | - | 6,035 | 400 | 165 | 4,035 | 870 | 5,750 | - | .. | 7% | 10% | 70% | 71% |
| GFR | G | NA | 521 | 1,170 | 135 | 8 | 1,313 | 124 | 1,580 | 406 | -22% | 9% | 9% | 83% | 94% |
| GFR | G | RA | 122 | 722 | 5 | - | 44 | 717 | 766 | 108 | -11% | 1% | 1% | 6% | 100% |
| GRE | G | - | - | 19 | * | 5 | 12 | - | 19 | 9 | .. | 11% | 37% | 63% | 29% |
| IRE | G | FI | - | 13 | * | - | * | 7 | 11 | - | .. | 27% | 27% | 9% | 100% |
| ITA | G | - | - | - | 9 | - | 46 | - | 55 | - | .. | 16% | 16% | 84% | 100% |
| NET | G | AR | - | - | 20 | 56 | 255 | 111 | 442 | 710 | .. | 5% | 17% | 58% | 26% |
| NET | G | FI | - | 975 | * | 15 | 29 | 1,186 | 1,233 | 300 | .. | 0% | 1% | 2% | 17% |
| NET | G | JR | - | - | - | - | - | - | - | 236 | .. | .. | .. | .. | .. |
| POR | G | - | - | 6 | - | - | - | - | - | - | .. | .. | .. | .. | .. |
| SPA | G | JR | - | 8 | - | - | * | 6 | 8 | - | .. | 0% | 0% | 25% | .. |
| SWE | G | AR | - | - | - | - | 9 | - | 9 | - | .. | 0% | 0% | 100% | .. |
| SWE | G | FI | - | 152 | - | * | 59 | 42 | 102 | - | .. | 0% | 1% | 58% | 0% |
| Total | | | 643 | 11,763 | 1,384 | 500 | 6,954 | 3,315 | 12,433 | 1,769 | 175% | 11% | 15% | 56% | 73% |

7.3 Asylum in the Region and Durable Solutions

According to UNHCR New Delhi, the number of Sri Lankan refugees assisted by the Government of India fell slightly during 2000, from 66,400 in the beginning of the year to 64,700 by the end. Some 1,620 prima facie refugees arrivals were reported during 2000. Some 15 Sri Lankan refugees were reported to have returned from India during 2000, whereas a several hundreds of Sri Lankan refugees returned without UNHCR assistance.

Few Sri Lankan refugees benefit from resettlement as a durable solution. In 2000, some 16 Sri Lankan refugees were resettled from first asylum countries under UNHCR auspices. As part of their immigration programmes, resettlement countries reported the resettlement of a limited number of Sri Lankan refugees. In 2000, Canada resettled 14 Sri Lankan refugees, New Zealand received 7 cases and the USA admitted 4 persons. Apart from a very small number in Denmark, no resettlement arrivals of Sri Lankan refugees were reported by EU countries during 2000.

Table 1. Individual asylum applications and refugee status determination, 1999

Nationality: Sri Lanka

Values between 0 and 5 have been replaced with an asterisk.

¹ See Annex for codes used.

² Type of procedure (G=Government; U=UNHCR; V=Various/unknown)

³ Level of procedure (FI=first instance, AR=Review, FA=First instance and review, BL=Backlog, EO = Executive Office of Immigration Review, IN=Immigration and Naturalization Service).

| Country of asylum ¹ | Proc. T ² L ³ | | Pending cases as at 1 Jan. | Applied during year | Decisions during year | | | | | Pending cases as at 31 Dec. | UNHCR indicators | | | | |
|--------------------------------|----------------------------------------|----|----------------------------|---------------------|-----------------------|-------------|----------|----------------|--------|-----------------------------|-------------------------|----------------|---------------|---------|--------------------------------|
| | | | | | Recognized | | Rejected | Otherw. closed | Total | | Change in pending cases | Decision rates | | | % ref. status in total recogn. |
| | | | | | Refugee status | Hum. status | | | | | | Ref. status | Total recogn. | Reject. | |
| AUL | G | AR | - | - | 169 | - | 317 | 39 | 525 | - | .. | 32% | 32% | 60% | 100% |
| AUL | G | FI | 93 | 424 | 87 | - | 242 | 9 | 338 | 180 | 94% | 26% | 26% | 72% | 100% |
| AUS | G | V | - | 219 | - | - | 48 | 154 | 202 | - | .. | 0% | 0% | 24% | .. |
| BEL | G | FI | - | 144 | 10 | - | 60 | - | 70 | - | .. | 14% | 14% | 86% | 100% |
| BEL | G | AR | - | - | * | - | 5 | - | 6 | - | .. | 17% | 17% | 83% | 100% |
| BUL | G | V | 16 | - | - | - | - | - | - | 16 | 0% | .. | .. | .. | .. |
| CAN | G | FI | 2,242 | 2,915 | 2,364 | - | 559 | 168 | 3,091 | 2,064 | -8% | 76% | 76% | 18% | 100% |
| CZE | G | FA | 147 | 962 | - | - | 73 | 948 | 1,021 | 88 | -40% | 0% | 0% | 7% | .. |
| DEN | G | FA | - | 102 | * | 48 | 81 | - | 132 | - | .. | 2% | 39% | 61% | 6% |
| FIN | G | FI | 43 | 24 | - | * | * | 21 | 27 | 40 | -7% | 0% | 7% | 15% | 0% |
| FRA | G | FI | - | 2,001 | 655 | - | 860 | - | 1,515 | - | .. | 43% | 43% | 57% | 100% |
| GBR | G | BL | - | - | - | 620 | - | 35 | 655 | - | .. | 0% | 95% | 0% | 0% |
| GBR | G | FI | - | 5,130 | 20 | 10 | 1,700 | 245 | 1,975 | - | .. | 1% | 2% | 86% | 67% |
| GFR | G | RA | - | 851 | 5 | - | 62 | 914 | 981 | 122 | .. | 1% | 1% | 6% | 100% |
| GFR | G | NA | 787 | 1,254 | 170 | 14 | 1,841 | 76 | 2,101 | 521 | -34% | 8% | 9% | 88% | 92% |
| GRE | G | V | - | 18 | - | 10 | 12 | - | 22 | - | .. | 0% | 45% | 55% | 0% |
| HKG | U | V | * | 6 | * | - | 6 | - | 7 | * | -50% | 14% | 14% | 86% | 100% |
| HUN | G | FI | 6 | 174 | - | - | 40 | 55 | 95 | 85 | 1317% | 0% | 0% | 42% | .. |
| IRE | G | FI | - | 17 | * | - | * | * | * | - | .. | 25% | 25% | 50% | 100% |
| ITA | G | FA | - | 58 | - | * | 24 | 33 | 58 | - | .. | 0% | 2% | 41% | 0% |
| JPN | G | FA | 13 | * | - | - | * | * | 5 | 11 | -15% | 0% | 0% | 80% | .. |
| LTU | G | FI | 10 | 6 | - | - | 6 | 14 | 20 | * | -70% | 0% | 0% | 30% | .. |
| MLS | U | V | * | * | * | - | * | - | 5 | - | -100% | 20% | 20% | 80% | 100% |
| NET | G | AR | - | - | 25 | 68 | 245 | 79 | 417 | - | .. | 6% | 22% | 59% | 27% |
| NET | G | FI | - | 856 | 10 | 10 | 71 | 876 | 967 | - | .. | 1% | 2% | 7% | 50% |
| NOR | G | FA | - | 112 | - | 77 | 425 | - | 502 | - | .. | 0% | 15% | 85% | 0% |
| NZL | G | FA | - | 117 | 81 | - | - | - | 81 | - | .. | 100% | 100% | 0% | 100% |
| PAK | U | V | 5 | - | 5 | - | - | - | 5 | - | -100% | 100% | 100% | 0% | 100% |
| POL | G | FA | - | 88 | * | - | 12 | 226 | 239 | - | .. | 0% | 0% | 5% | 100% |
| ROM | G | JR | 20 | 11 | - | - | 27 | * | 31 | - | -100% | 0% | 0% | 87% | .. |
| SPA | G | FA | - | 8 | - | - | 11 | - | 11 | - | .. | 0% | 0% | 100% | .. |
| SVK | G | FI | 22 | 83 | - | - | * | 103 | 104 | * | -95% | 0% | 0% | 1% | .. |
| SWE | G | FI | - | 25 | - | * | 12 | * | 14 | - | .. | 0% | 7% | 86% | 0% |
| SWI | G | FI | 8,125 | 1,487 | 46 | 396 | 1,091 | 700 | 1,837 | 7,930 | -2% | 3% | 24% | 59% | 10% |
| THA | U | FA | - | 7 | 8 | - | 8 | * | 18 | 5 | .. | 44% | 44% | 44% | 100% |
| UKR | G | V | * | 15 | * | - | 13 | - | 16 | - | -100% | 19% | 19% | 81% | 100% |
| USA | G | IN | 101 | 64 | 28 | - | 40 | 42 | 110 | 69 | -32% | 25% | 25% | 36% | 100% |
| USA | G | EO | 252 | 371 | 161 | - | 86 | 163 | 410 | 213 | -15% | 39% | 39% | 21% | 100% |
| Total | | | 11,907 | 17,585 | 3,866 | 1,257 | 8,008 | 4,916 | 17,651 | 11,364 | -5% | 22% | 29% | 45% | 75% |
| EU-15 | | | 830 | 10,709 | 900 | 784 | 5,038 | 2,435 | 9,157 | 683 | -18% | 10% | 18% | 55% | 53% |

Table 2. Individual asylum applications and refugee status determination, 2000

Nationality: Sri Lanka

Values between 0 and 5 have been replaced with an asterisk.

¹ See Annex for codes used.

² Type of procedure (G=Government; U=UNHCR; V=Various/unknown)

³ Level of procedure (FI=first instance, AR=Review, FA=First instance and review, BL=Backlog, EO = Executive Office of Immigration Review, IN=Immigration and Naturalization Service).

| Country of asylum ¹ | Proc. T ² L ³ | | Pending cases as at 1 Jan. | Applied during year | Decisions during year | | | | | Pending cases as at 31 Dec. | UNHCR indicators | | | | |
|--------------------------------|----------------------------------------|------|----------------------------|---------------------|-----------------------|-------------|----------|----------------|--------|-----------------------------|-------------------------|----------------|---------------|---------|--------------------------------|
| | | | | | Recognized | | Rejected | Otherw. closed | Total | | Change in pending cases | Decision rates | | | % ref. status in total recogn. |
| | | | | | Refugee status | Hum. status | | | | | | Ref. status | Total recogn. | Reject. | |
| AUL | G | FI | - | 451 | 117 | - | 385 | 18 | 520 | 125 | .. | 23% | 23% | 74% | 100% |
| AUL | G | AR | - | - | 172 | - | 429 | 20 | 621 | - | .. | 28% | 28% | 69% | 100% |
| AUS | G | AR | - | 175 | - | - | 33 | 173 | 206 | - | .. | 0% | 0% | 16% | .. |
| BEL | G | FI | - | 256 | * | - | 9 | - | 13 | - | .. | 31% | 31% | 69% | 100% |
| BEL | G | AR | - | - | - | - | 13 | - | 13 | - | .. | 0% | 0% | 100% | .. |
| BSN | U | | * | 7 | - | - | - | 8 | 8 | - | -100% | 0% | 0% | 0% | .. |
| BUL | G | | 16 | - | - | - | - | - | - | 16 | 0% | .. | .. | .. | .. |
| CAM | U | | * | 6 | - | - | - | * | 5 | * | 33% | 0% | 0% | 40% | .. |
| CAN | G | | 2,064 | 2,822 | 2,098 | - | 463 | 147 | 2,708 | 2,192 | 6% | 77% | 77% | 17% | 100% |
| CYP | U | | * | 16 | * | - | 10 | - | 13 | 5 | 150% | 23% | 23% | 77% | 100% |
| CZE | G | FI | 85 | 355 | 5 | - | 12 | 347 | 365 | 50 | -41% | 1% | 1% | 3% | 100% |
| CZE | G | AR | 7 | 56 | - | - | 11 | 46 | 57 | * | -71% | 0% | 0% | 19% | .. |
| DEN | G | FI | - | 93 | * | 29 | 24 | - | 56 | - | .. | 5% | 57% | 43% | 9% |
| DEN | G | AR | - | - | * | * | 14 | - | 19 | - | .. | 5% | 26% | 74% | 20% |
| ECU | U | | - | 20 | - | - | - | - | - | 20 | .. | .. | .. | .. | .. |
| FIN | G | FI | - | 22 | * | 7 | 6 | * | 18 | - | .. | 6% | 44% | 33% | 13% |
| FRA | G | | - | 2,117 | 798 | - | 1,048 | - | 1,846 | - | .. | 43% | 43% | 57% | 100% |
| GBR | G | FI | - | 6,035 | 400 | 165 | 4,035 | 870 | 5,750 | - | .. | 7% | 10% | 70% | 71% |
| GBR | G | BL | - | - | - | 210 | - | 75 | 285 | - | .. | 0% | 74% | 0% | 0% |
| GFR | G | NA | 521 | 1,170 | 135 | 8 | 1,313 | 124 | 1,580 | 406 | -22% | 9% | 9% | 83% | 94% |
| GFR | G | RA | 122 | 722 | 5 | - | 44 | 717 | 766 | 108 | -11% | 1% | 1% | 6% | 100% |
| GRE | G | | - | 19 | * | 5 | 12 | - | 19 | 9 | .. | 11% | 37% | 63% | 29% |
| HKG | U | | * | 19 | * | - | * | * | * | 16 | 1500% | 25% | 25% | 25% | 100% |
| HON | G | | - | 6 | - | - | - | - | - | 6 | .. | .. | .. | .. | .. |
| HUN | G | | 85 | 249 | - | - | 99 | 218 | 317 | 17 | -80% | 0% | 0% | 31% | .. |
| IRE | G | FI | - | 13 | * | - | * | 7 | 11 | - | .. | 27% | 27% | 9% | 100% |
| ITA | G | | - | - | 9 | - | 46 | - | 55 | - | .. | 16% | 16% | 84% | 100% |
| JOR | U | | - | 7 | - | - | - | - | - | 7 | .. | .. | .. | .. | .. |
| JPN | G | est. | 11 | 6 | - | - | 7 | * | 10 | 7 | -36% | 0% | 0% | 70% | .. |
| LTU | G | | * | - | - | - | * | 10 | 12 | - | -100% | 0% | 0% | 17% | .. |
| MEX | U | | - | 22 | 6 | - | 10 | 6 | 22 | - | .. | 27% | 27% | 45% | 100% |
| MLS | U | | - | 21 | - | - | 18 | * | 20 | * | .. | 0% | 0% | 90% | .. |
| MTA | G | | - | 5 | 5 | - | - | - | 5 | - | .. | 100% | 100% | 0% | 100% |
| NET | G | FI | - | 975 | * | 15 | 29 | 1,186 | 1,233 | 300 | .. | 0% | 1% | 2% | 17% |
| NET | G | AR | - | - | 20 | 56 | 255 | 111 | 442 | 710 | .. | 5% | 17% | 58% | 26% |
| NET | G | JR | - | - | - | - | - | - | - | 236 | .. | .. | .. | .. | .. |
| NOR | G | FI | - | 165 | - | 51 | 188 | - | 239 | - | .. | 0% | 21% | 79% | 0% |
| NOR | G | AR | - | - | - | 16 | 227 | - | 243 | - | .. | 0% | 7% | 93% | 0% |
| NZL | G | | - | - | 69 | - | - | - | - | - | .. | .. | .. | .. | 100% |
| PAK | U | | - | 6 | - | - | - | - | - | 6 | .. | .. | .. | .. | .. |
| PHI | G | | - | 6 | * | - | - | * | 5 | * | .. | 80% | 80% | 0% | 100% |
| POL | G | FI | - | 44 | * | - | 20 | 69 | 90 | - | .. | 1% | 1% | 22% | 100% |
| POR | G | | - | 6 | - | - | - | - | - | - | .. | .. | .. | .. | .. |
| ROM | G | | - | 13 | - | - | 10 | * | 12 | - | .. | 0% | 0% | 83% | .. |
| RSA | G | | 9 | - | - | - | - | - | - | 9 | 0% | .. | .. | .. | .. |
| SEN | G | | - | 7 | - | - | - | - | - | 7 | .. | .. | .. | .. | .. |
| SIN | U | | - | 6 | * | - | 5 | - | 6 | - | .. | 17% | 17% | 83% | 100% |
| SPA | G | JR | - | 8 | - | - | * | 6 | 8 | - | .. | 0% | 0% | 25% | .. |
| SVK | G | | * | 87 | - | - | * | 56 | 57 | 31 | 3000% | 0% | 0% | 2% | .. |
| SVN | G | | - | 17 | - | - | - | * | * | 16 | .. | 0% | 0% | 0% | .. |
| SWE | G | FI | - | 152 | - | * | 59 | 42 | 102 | - | .. | 0% | 1% | 58% | 0% |
| SWE | G | AR | - | - | - | - | 9 | - | 9 | - | .. | 0% | 0% | 100% | .. |
| SWI | G | FI | 7,934 | 898 | 51 | 8,452 | 7,095 | 463 | 16,061 | 1,433 | -82% | 0% | 53% | 44% | 1% |
| THA | U | FI | 5 | 38 | 8 | * | 15 | 14 | 38 | 6 | 20% | 21% | 24% | 39% | 89% |
| THA | U | AR | - | 8 | * | - | 6 | - | 7 | - | .. | 14% | 14% | 86% | 100% |
| UKR | G | | - | 19 | * | - | 16 | - | 17 | * | .. | 6% | 6% | 94% | 100% |
| USA | G | EO | 214 | 402 | 171 | - | 79 | 140 | 390 | 226 | 6% | 44% | 44% | 20% | 100% |
| USA | G | IN | 70 | 105 | 36 | - | 54 | 25 | 115 | 74 | 6% | 31% | 31% | 47% | 100% |
| Total | | | 11,164 | 17,667 | 4,142 | 9,020 | 16,128 | 4,920 | 34,422 | 6,056 | -46% | 12% | 38% | 47% | 31% |
| EU-15 | | | 643 | 11,763 | 1,384 | 500 | 6,954 | 3,315 | 12,433 | 1,769 | 175% | 11% | 15% | 56% | 73% |

Table 3. Asylum applications lodged by Sri Lankan nationals, 1999 and 2000

In countries with more than one asylum procedure stage, a case may have been counted twice.

| Asylum country | Total | | | Share | | | Annual change |
|------------------------|--------|--------|--------|-------|------|-------|---------------|
| | 1999 | 2000 | Total | 1999 | 2000 | Total | |
| United Kingdom | 5,130 | 6,035 | 11,165 | 29% | 34% | 32% | 18% |
| Canada | 2,915 | 2,822 | 5,737 | 17% | 16% | 16% | -3% |
| France | 2,001 | 2,117 | 4,118 | 11% | 12% | 12% | 6% |
| Germany | 2,105 | 1,892 | 3,997 | 12% | 11% | 11% | -10% |
| Switzerland | 1,487 | 898 | 2,385 | 8% | 5% | 7% | -40% |
| Netherlands | 856 | 975 | 1,831 | 5% | 6% | 5% | 14% |
| Czech Rep. | 962 | 411 | 1,373 | 5% | 2% | 4% | -57% |
| United States | 435 | 507 | 942 | 2% | 3% | 3% | 17% |
| Australia | 424 | 451 | 875 | 2% | 3% | 2% | 6% |
| Hungary | 174 | 249 | 423 | 1% | 1% | 1% | 43% |
| Belgium | 144 | 256 | 400 | 1% | 1% | 1% | 78% |
| Austria | 219 | 175 | 394 | 1% | 1% | 1% | -20% |
| Norway | 112 | 165 | 277 | 1% | 1% | 1% | 47% |
| Denmark | 102 | 93 | 195 | 1% | 1% | 1% | -9% |
| Sweden | 25 | 152 | 177 | 0% | 1% | 1% | 508% |
| Slovakia | 83 | 87 | 170 | 0% | 0% | 0% | 5% |
| Poland | 88 | 44 | 132 | 1% | 0% | 0% | -50% |
| New Zealand | 117 | - | 117 | 1% | 0% | 0% | -100% |
| Italy | 58 | - | 58 | 0% | 0% | 0% | -100% |
| Thailand | 7 | 46 | 53 | 0% | 0% | 0% | 557% |
| Finland | 24 | 22 | 46 | 0% | 0% | 0% | -8% |
| Greece | 18 | 19 | 37 | 0% | 0% | 0% | 6% |
| Ukraine | 15 | 19 | 34 | 0% | 0% | 0% | 27% |
| Ireland | 17 | 13 | 30 | 0% | 0% | 0% | -24% |
| Hong Kong, China (SAR) | 6 | 19 | 25 | 0% | 0% | 0% | 217% |
| Malaysia | 4 | 21 | 25 | 0% | 0% | 0% | 425% |
| Romania | 11 | 13 | 24 | 0% | 0% | 0% | 18% |
| Mexico | 1 | 22 | 23 | 0% | 0% | 0% | 2100% |
| Ecuador | 1 | 20 | 21 | 0% | 0% | 0% | 1900% |
| Cyprus | 4 | 16 | 20 | 0% | 0% | 0% | 300% |
| Slovenia | - | 17 | 17 | 0% | 0% | 0% | .. |
| Spain | 8 | 8 | 16 | 0% | 0% | 0% | 0% |
| Other | 32 | 83 | 115 | 0% | 0% | 0% | 159% |
| Total | 17,585 | 17,667 | 35,137 | 100% | 100% | 100% | 0% |

Table 4. Monthly asylum applications lodged by Sri Lankan nationals in industrialized countries, January 2000-April 2001

| Country | J | F | M | A | M | J | J | A | S | O | N | D | J | F | M | A | Total |
|---------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Austria | 24 | 25 | 7 | 14 | 15 | 9 | 17 | 10 | 6 | 18 | 17 | 13 | 13 | 9 | 26 | - | 223 |
| Belgium | 15 | 11 | 9 | 18 | 28 | 22 | 12 | 5 | 15 | 39 | 35 | 47 | 24 | 16 | 14 | 19 | 329 |
| Bulgaria | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 1 |
| Czech Rep. | 71 | 5 | 102 | 60 | 9 | 22 | 6 | 41 | 14 | 12 | 9 | 4 | 40 | 15 | 19 | 3 | 432 |
| Denmark | 6 | 8 | 14 | 8 | 8 | 11 | 11 | 4 | 2 | 7 | 7 | 6 | 5 | 4 | 9 | 13 | 123 |
| Finland | 3 | 2 | 2 | - | 1 | 6 | - | 1 | 3 | 1 | 2 | 1 | 1 | 5 | 6 | - | 34 |
| France | 183 | 156 | 169 | 148 | 122 | 150 | 173 | 186 | 142 | 151 | 156 | 143 | 134 | 150 | 213 | 198 | 2,574 |
| Germany | 115 | 94 | 84 | 125 | 113 | 122 | 108 | 85 | 89 | 91 | 95 | 57 | 63 | 43 | 73 | 52 | 1,409 |
| Greece | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | 3 | - | 4 |
| Hungary | - | 20 | 97 | 4 | 39 | 47 | 16 | 5 | 3 | 5 | 9 | 4 | 1 | 1 | 16 | 3 | 270 |
| Ireland | - | 1 | 1 | - | 2 | - | 4 | 3 | 2 | - | - | - | - | - | - | - | 13 |
| Liechtenstein | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Luxembourg | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 1 |
| Netherlands | 110 | 97 | 107 | 71 | 60 | 89 | 78 | 80 | 74 | 86 | 54 | 69 | 76 | 38 | 55 | 72 | 1,216 |
| Norway | 10 | 11 | 7 | 9 | 21 | 21 | 12 | 20 | 12 | 25 | 6 | 11 | 15 | 6 | 8 | 24 | 218 |
| Poland | - | 15 | - | 3 | - | 3 | 4 | 1 | - | 2 | 5 | 8 | - | 4 | 1 | - | 46 |
| Portugal | - | 2 | - | 2 | - | - | - | - | 2 | - | - | - | 1 | 1 | - | 3 | 11 |
| Romania | - | - | - | - | 7 | - | - | - | 3 | - | - | 3 | - | 3 | - | 1 | 17 |
| Slovakia | 24 | - | - | 10 | - | 3 | - | 1 | 10 | - | 15 | 24 | - | 9 | - | 10 | 106 |
| Slovenia | - | 3 | - | - | - | - | - | 1 | 1 | 4 | 7 | 1 | - | - | - | - | 17 |
| Spain | - | - | - | - | 5 | 1 | - | - | - | 2 | - | - | - | 3 | 3 | 7 | 21 |
| Sweden | 15 | 2 | 6 | 13 | 23 | 19 | 33 | 6 | 20 | 4 | 7 | 4 | 10 | 5 | 12 | 3 | 182 |
| Switzerland | 106 | 77 | 78 | 78 | 77 | 55 | 68 | 65 | 77 | 75 | 71 | 73 | 63 | 62 | 53 | 60 | 1,138 |
| UK (cases) | 465 | 505 | 500 | 535 | 495 | 500 | 400 | 415 | 440 | 550 | 650 | 585 | 570 | 435 | 410 | 445 | 7,900 |
| Canada | 207 | 207 | 207 | 212 | 212 | 212 | 264 | 264 | 264 | 255 | 255 | 255 | 265 | 231 | 198 | 244 | 3,752 |
| United States | 6 | - | 8 | 7 | 7 | 10 | 10 | - | 12 | 10 | - | 16 | 18 | - | - | 11 | 115 |
| Australia | 35 | 40 | 56 | 25 | 28 | 36 | 30 | 40 | 50 | 33 | 27 | 51 | 29 | 31 | 31 | 27 | 569 |
| Total | 1,395 | 1,281 | 1,454 | 1,342 | 1,272 | 1,338 | 1,246 | 1,233 | 1,241 | 1,370 | 1,427 | 1,375 | 1,329 | 1,071 | 1,150 | 1,197 | 20,721 |
| <i>Europe</i> | <i>1,147</i> | <i>1,034</i> | <i>1,183</i> | <i>1,098</i> | <i>1,025</i> | <i>1,080</i> | <i>942</i> | <i>929</i> | <i>915</i> | <i>1,072</i> | <i>1,145</i> | <i>1,053</i> | <i>1,017</i> | <i>809</i> | <i>921</i> | <i>915</i> | <i>16,285</i> |
| <i>EU</i> | <i>936</i> | <i>903</i> | <i>899</i> | <i>934</i> | <i>872</i> | <i>929</i> | <i>836</i> | <i>795</i> | <i>795</i> | <i>949</i> | <i>1,023</i> | <i>925</i> | <i>898</i> | <i>709</i> | <i>824</i> | <i>813</i> | <i>14,040</i> |
| <i>Other Europe</i> | <i>211</i> | <i>131</i> | <i>284</i> | <i>164</i> | <i>153</i> | <i>151</i> | <i>106</i> | <i>134</i> | <i>120</i> | <i>123</i> | <i>122</i> | <i>128</i> | <i>119</i> | <i>100</i> | <i>97</i> | <i>102</i> | <i>2,245</i> |
| <i>Non-Europe</i> | <i>248</i> | <i>247</i> | <i>271</i> | <i>244</i> | <i>247</i> | <i>258</i> | <i>304</i> | <i>304</i> | <i>326</i> | <i>298</i> | <i>282</i> | <i>322</i> | <i>312</i> | <i>262</i> | <i>229</i> | <i>282</i> | <i>4,436</i> |

| Annex I. List of codes used | | | | | |
|-----------------------------|------------------------|------|-----------------------------|------|-------------------------|
| Code | Name | Code | Name | Code | Name |
| AFG | Afghanistan | GNB | Guinea-Bissau | NRU | Nauru |
| ALB | Albania | GRE | Greece | NZL | New Zealand |
| ALG | Algeria | GRN | Grenada | OMN | Oman |
| AND | Andorra | GUA | Guatemala | PAK | Pakistan |
| ANG | Angola | GUI | Guinea | PAN | Panama |
| ANT | Antigua and Barbuda | GUY | Guyana | PAR | Paraguay |
| ARE | Egypt | HAI | Haiti | PER | Peru |
| ARG | Argentina | HKG | Hong Kong | PHI | Philippines |
| ARM | Armenia | HON | Honduras | PLW | Palau |
| AUL | Australia | HRV | Croatia | PNG | Papua New Guinea |
| AUS | Austria | HUN | Hungary | POL | Poland |
| AZE | Azerbaijan | ICE | Iceland | POR | Portugal |
| BAH | Bahrain | ICO | Côte d'Ivoire | PUE | Puerto Rico |
| BAR | Barbados | IND | India | QAT | Qatar |
| BDI | Burundi | INS | Indonesia | ROM | Romania |
| BEL | Belgium | IRE | Ireland | RSA | South Africa |
| BEN | Benin | IRN | Islamic Rep. of Iran | RUS | Russian Federation |
| BGD | Bangladesh | IRQ | Iraq | RWA | Rwanda |
| BHS | Bahamas | ISR | Israel | SAL | El Salvador |
| BHU | Bhutan | ITA | Italy | SAU | Saudi Arabia |
| BKF | Burkina Faso | JAM | Jamaica | SEN | Senegal |
| BLR | Belarus | JOR | Jordan | SEY | Seychelles |
| BOL | Bolivia | JPN | Japan | SIN | Singapore |
| BOT | Botswana | KAZ | Kazakistan | SLE | Sierra Leone |
| BRA | Brazil | KEN | Kenya | svk | Slovakia |
| BRU | Brunei Darussalam | KGZ | Kyrgyzstan | SMA | San Marino |
| BSN | Bosnia and Herzegovina | KIR | Kiribati | SOL | Solomon Islands |
| BUL | Bulgaria | KOR | Rep. of Korea | SOM | Somalia |
| BZE | Belize | KRN | Dem. People's Rep. of Korea | SPA | Spain |
| CAM | Cambodia | KUW | Kuwait | SRV | Viet Nam |
| CAN | Canada | LAO | Lao People's Dem. Rep. | STK | Saint Kitts and Nevis |
| CAR | Central African Rep. | LBR | Liberia | STP | Sao Tome and Principe |
| CHD | Chad | LBY | Libyan Arab Jamahiriya | SUD | Sudan |
| CHI | China | LCA | Saint Lucia | SUR | Suriname |
| CHL | Chile | LEB | Lebanon | SVN | Slovenia |
| CMR | Cameroon | LES | Lesotho | SWA | Swaziland |
| COB | Congo | LIE | Liechtenstein | SWE | Sweden |
| COD | Dem. Rep. of Congo | LKA | Sri Lanka | SWI | Switzerland |
| COI | Comoros | LTU | Lithuania | SYR | Syrian Arab Rep. |
| COL | Colombia | LUX | Luxembourg | TAN | United Rep. of Tanzania |
| COS | Costa Rica | LVA | Latvia | THA | Thailand |
| CUB | Cuba | MAC | Macau | TJK | Tajikistan |
| CVI | Cape Verde | MAD | Madagascar | TKM | Turkmenistan |
| CYP | Cyprus | MAU | Mauritania | TOG | Togo |
| CZE | Czech Rep. | MCD | FYR of Macedonia | TON | Tonga |
| DEN | Denmark | MCO | Monaco | TRT | Trinidad and Tobago |
| DJB | Djibouti | MDA | Rep. of Moldova | TUN | Tunisia |
| DMA | Dominica | MDV | Maldives (the) | TUR | Turkey |
| DOM | Dominican Rep. | MEX | Mexico | TUV | Tuvalu |
| ECU | Ecuador | MLI | Mali | UAE | United Arab Emirates |
| EGU | Equatorial Guinea | MLS | Malaysia | UGA | Uganda |
| ERT | Eritrea | MLW | Malawi | UKR | Ukraine |
| EST | Estonia | MNG | Mongolia | URU | Uruguay |
| ETH | Ethiopia | MOR | Morocco | USA | United States |
| FIJ | Fiji | MOZ | Mozambique | UZB | Uzbekistan |
| FIN | Finland | MTA | Malta | VAN | Vanuatu |
| FPO | French Polynesia | MTS | Mauritius | VCT | Saint Vincent & G. |
| FRA | France | MYA | Myanmar | VEN | Venezuela |
| GAB | Gabon | NAM | Namibia | WES | Samoa |
| GAM | Gambia | NEP | Nepal | WSA | Western Sahara |
| GAZ | Gaza Strip | NET | Netherlands | YEM | Yemen |
| GBR | United Kingdom | NGR | Niger | YUG | Yugoslavia |
| GEO | Georgia | NIC | Nicaragua | ZAM | Zambia |
| GFR | Germany | NIG | Nigeria | ZIM | Zimbabwe |
| GHA | Ghana | NOR | Norway | STA | Stateless |
| | | | | PAL | Palestinians |

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²¹⁹ All UNHCR documents and most of the United Nations documents in this bibliography, as well as the WriteNet reports and the reports by Amnesty International, Human Rights Watch and the U.S. Department of State can be found in UNHCR/CDR's RefWorld 2000 and/or on UNHCR's website (<http://www.unhcr.org/>). RefWorld 2000 also contains the text of the Constitution of Sri Lanka and many of the other documents cited in this Background Paper.

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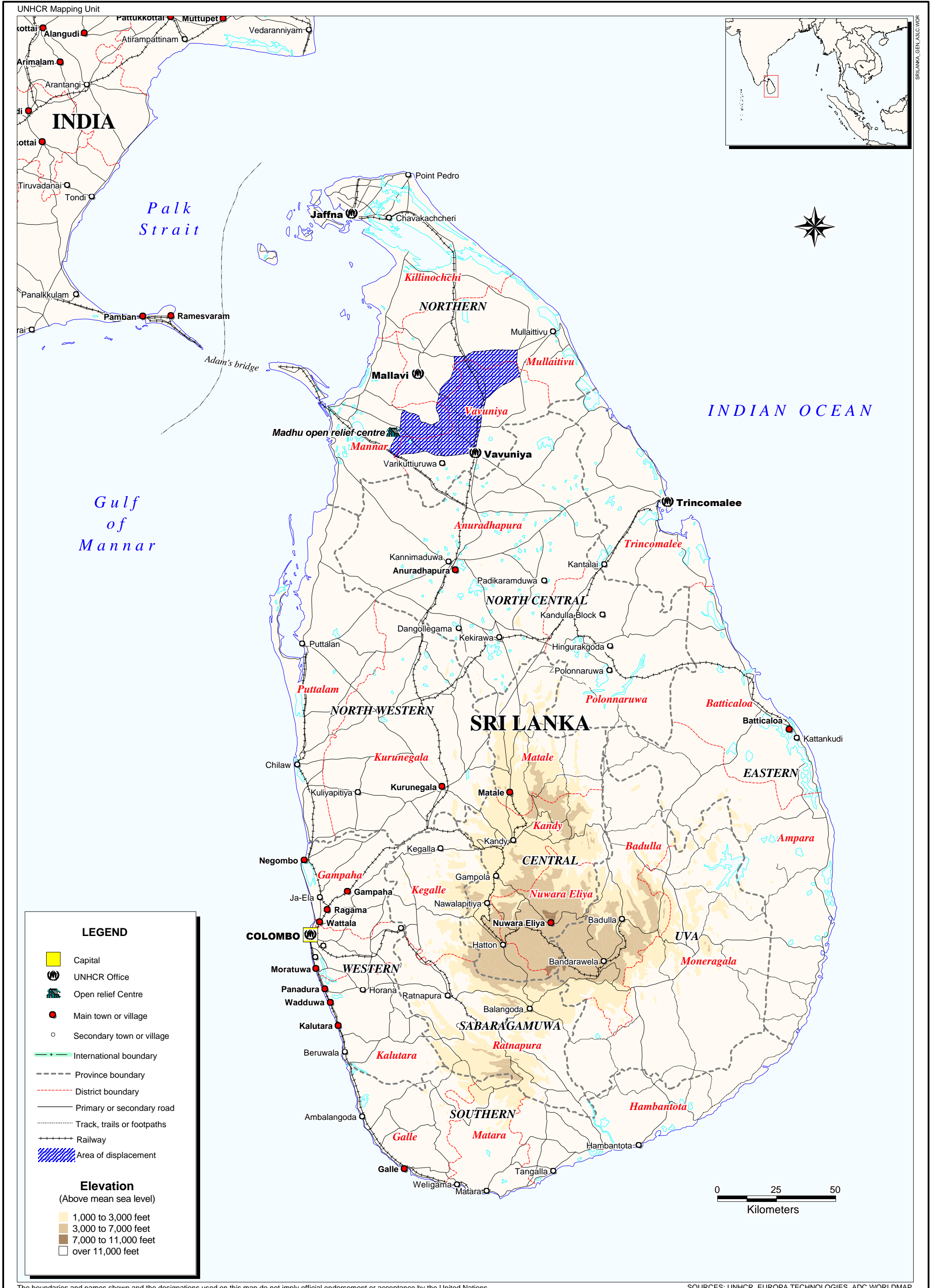
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