



U.S. DEPARTMENT of STATE

Sri Lanka

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Sri Lanka is a constitutional, multiparty republic with a population of approximately 21 million. President Mahinda Rajapaksa, elected in 2005 and the parliament, elected in 2004, both for six-year terms, share constitutional power. International observers generally characterized these elections as free and fair. However, in September parliament launched an investigation into allegations of a 2005 agreement between the current president and the Liberation Tigers of Tamil Eelam (LTTE) to enforce an election boycott in the north and east, depriving Tamils of their right to vote. In 2002 the government and the LTTE signed a formal Cease-Fire Accord (CFA) to end the two-decade-old armed conflict. Renewed hostilities broke out between the government security forces and the LTTE in 2006 and have since escalated. In August 2006 following the European Union's (EU's) designation of the LTTE as a terrorist organization, Sweden, Finland, and Denmark announced their withdrawal from the Sri Lanka Monitoring Mission (SLMM) in response to LTTE demands. Subsequently, 37 monitors departed, leaving approximately 30 Norwegian and Icelandic civilian monitors in the country. By mid-year, although the CFA technically remained in force, the SLMM ceased citing specific violations due to a lack of any response to previous complaints. In August government security forces expelled LTTE troops from the east. Military confrontations also occurred regularly in the northern districts of Mannar, Vavuniya, and Jaffna. While civilian authorities generally maintained effective control of the security forces, the government also worked closely with Tamil paramilitary groups responsible for gross human rights violations.

The government's respect for human rights continued to decline due in part to the escalation of the armed conflict. While ethnic Tamils composed approximately 16 percent of the overall population, the overwhelming majority of victims of human rights violations, such as killings and disappearances, were young male Tamils. Credible reports cited unlawful killings by government agents, assassinations by unknown perpetrators, politically motivated killings and child soldier recruitment by paramilitary forces associated with the government, disappearances, arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of religious freedom, infringement of freedom of movement, and discrimination against minorities. There were numerous reports that the army, police, and progovernment paramilitary groups participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. The situation deteriorated particularly in the government-controlled Jaffna peninsula. By year's end extrajudicial killings occurred in Jaffna nearly on a daily basis and allegedly perpetrated by military intelligence units or associated paramilitaries. There were few arrests and no prosecutions as a result of these abuses, although a number of older cases continued to make slow progress through the judicial system. Government security forces used the broad 2005 emergency regulations to detain civilians arbitrarily, including journalists and members of civil society.

The LTTE, which maintained control of large sections of the north, continued to attack civilians and engage in torture and arbitrary arrest and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and forced recruitment, including of children. The LTTE was also active in areas it did not control and during the year carried out at least one politically motivated killing in Trincomalee, a politically motivated suicide attack in Colombo, a suicide attack against a government army base near Batticaloa, a bombing of civilian shoppers in a suburb of Colombo, and bombings of civilian buses in the south.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were numerous, credible reports that the government or its agents committed arbitrary or unlawful killings.

During the year approximately 1,000 of the estimated 3,200 deaths associated with the hostilities between government security forces and the LTTE were civilians, according to public sources. International organizations have documented

approximately one-third of these. The casualties occurred in part as a result of artillery fire into populated areas, aerial bombings, land mines, and other military action, but international organizations noted that most of the civilian casualties occurred in "individual incidents," such as extrajudicial killings. Reliable statistics on such killings were not available, since this crime often goes unreported by families who fear reprisals if they file complaints. The numbers reported by different organizations therefore vary widely. In addition, it is likely that the majority of those reported as "disappeared," about whom there has been no further information, died.

The Consortium of Humanitarian Organizations (CHA), an umbrella group of indigenous nongovernmental organizations (NGOs), reported that the killings occurred disproportionately in predominantly Tamil areas. For example, CHA recorded 35 civilian conflict-related deaths in Colombo, which comprises approximately eight percent of the country's population with roughly equal numbers of Sinhalese, Tamils, and Muslims. In comparison, there were an estimated 200 such deaths in Tamil-dominated Jaffna, which accounts for only 3.5 percent of the population.

There were numerous killings of those employed by NGOs and other humanitarian assistance workers. UN Under-Secretary-General for Humanitarian Affairs John Holmes estimated that approximately 30 NGO workers died in the past two years, although NGO sources estimated the figure to be approximately 44. On June 3, for example, men dressed in police uniforms abducted two Tamil employees of the Sri Lanka Red Cross from the Colombo train station, a high security area. The Red Cross employees' bodies were discovered the following day approximately 100 kilometers away in Ratnapura. The Criminal Investigation Department (CID) arrested Nishantha Gajanayake, a retired Air Force squadron wing commander and former executive assistant of former Air Force commander (and current chief of defense staff) Donald Perera. As Sri Lankan media widely reported, opposition politicians alleged in parliament that Gajanayake acted under the direction of Defense Secretary Gothabaya Rajapaksa and Colombo Police Deputy Inspector General (DIG) Abeywardena. Gajanayake's arrest led to the arrests of several others, including four police officers and two military officers. The government charged Gajanayake and the others with conducting political abduction, kidnapping-for-ransom, and murder. There was no government investigation of the allegations against involvement by senior officials. At year's end there was no progress towards a trial. On December 14, unidentified gunmen abducted and killed a 43-year old Sri Lanka Red Cross member Sooriyakanthi Thavarajah in Jaffna. On December 16, his decapitated body was found.

The government used paramilitary groups to assist its military forces in fighting the LTTE and intimidate its critics in the media and in parliament. The Tamil Makkal Viduthalai Pulikal (TMVP or Karuna group), led by breakaway-LTTE eastern commanders Karuna Amman and Pillaiyan, operated mostly in the east. The Eelam People's Democratic Party (EPDP), led by government Minister of Social Services and Social Welfare Douglas Devananda, operated in Jaffna. In September the government allegedly provided Karuna Amman with false identity documents to facilitate his entry into the United Kingdom, where he was arrested for illegal immigration on November 2. The government denied involvement in the episode. Reports indicated that in Karuna Amman's absence, his deputy Pillaiyan assumed operational control of the Karuna group. On November 18, the government withdrew police security from the homes of several opposition Tamil members of parliament (MPs) from the east, while cadres loyal to Pillaiyan broke into their homes, abducted a relative of an MP, and threatened to kill the hostage if the MP voted against the government's budget. Pillaiyan reportedly personally telephoned one of the MPs and repeated the death threats hours before the budget vote. On December 11, the Pillaiyan group abducted three family members and associates of Tamil MPs in Batticaloa, again threatening to kill the hostages if the MPs voted against the budget. The three MPs concerned abstained in the budget vote, in which the government's survival was at stake, and the hostages were later released. However, the government publicly denied its involvement with paramilitary groups. A culture of impunity enabled paramilitaries to operate, often against civilians suspected of being LTTE sympathizers.

During the year there were numerous killings of civilians by unknown actors suspected of association with the Karuna group or the EPDP.

On April 1, Karuna cadres, according to press accounts, killed six Sinhalese aid workers building an orphanage near Batticaloa. The Karuna group denied involvement. The government did not conduct a formal investigation.

On July 23, unknown gunmen believed to be associated with the paramilitary group EPDP shot 16-year-old Mariyanayagum Aloysius, a Tamil employee of the international NGO the Danish Refugee Council. EPDP denied involvement in the killing. No investigation ensued into Aloysius' death.

Politically motivated killings targeted the pro-LTTE Tamil National Alliance (TNA). On June 28, unknown assailants killed TNA Party Chairman for Ampara district Thillainathan Uthayakumar with a grenade. Ampara TNA MP Chandranehru told the media that two weeks earlier Karuna cadres threatened him at gunpoint if he did not resign his seat in parliament. Chandranehru asserted that Karuna cadres killed Uthayakumar, who was also Chandranehru's campaign manager, in retaliation for Chandranehru's unwillingness to abandon his seat. On August 20, unknown gunman believed to be associated with the Karuna group killed S. Thiyagachandran, the brother of TNA Member of Parliament Jeyananthamoorthy, in Oddamaavadi, Batticaloa District. No witnesses came forward, and the police did not conduct investigations into either killing.

In September 2006 President Rajapaksa established a Commission of Inquiry (CoI) led by the president's associate and retired high court judge Mahanama Tilakaratne to investigate "abductions, disappearances, extrajudicial killings, and

unexplained killings." The 2006 Tilakaratne Col released two interim reports and a final report in May, concluding that the majority of the reported human rights abuses were false. In May this Col was disbanded.

In December 2006 President Rajapaksa established another presidential Col and charged it with investigating 16 high-profile killings from 2005. In February, in response to international concern over escalating human rights abuses, President Rajapaksa also invited the International Independent Group of Eminent Persons (IIGEP) to assist the Col and monitor its progress. The Col began interviewing witnesses in three cases but did not hold public formal hearings by year's end. According to IIGEP, the investigations were delayed by the lack of effective witness protection and the role of the attorney general's office in steering the inquiry. The IIGEP concluded that the "persistent disregard for its observations and recommendations" by both the government and the Col tended to make the IIGEP's continued role "irrelevant." The IIGEP called for an international human rights monitoring mechanism. The attorney general and the Col publicly objected to the IIGEP's observations.

The August 2006 execution-style killing of 17 members of a French NGO Action Contre La Faim fell under the Col's mandate. The SLMM asserted that state security forces were responsible for the killings, a charge the government denied. By year's end no arrests were made. The Col continued its investigation but made little progress.

Two cases listed as abductions in 2006 were reclassified as killings: The first was the August 2006 abduction of human rights activist and Reverend Thiruchchelvan Nihal Jim Brown and Wenceslaus Vincens Vimalathas of St. Mary's Church at Allapitty on Kayts Island. On March 14, a decapitated and mutilated body was found on a beach in Jaffna bound with barbed wire in a large army duffle bag. Those close to Father Brown identified the body as his. Media reports indicated that a DNA test confirmed that the body belonged to Brown, but the government announced in June that according to its DNA test it belonged to neither Brown nor Vimalathas. Detailed reports show that the government used the Judicial Services Commission to suppress the investigation by removing judges on the case and interfering with the judicial process. No further investigation was conducted. The second case was the September 2006 abduction of Eastern University Vice-Chancellor Raveendranath, who disappeared while attending a conference in a high security zone in Colombo. The government did not acknowledge Raveendranath's death. It also did not conduct a formal investigation into his abduction.

In August the Supreme Court held that the public and the international community are generally not entitled to obtain information about pending human rights cases. Therefore, the government rebuffed efforts to obtain official information on the status of 2006 killings allegedly involving police, military personnel, or progovernment paramilitary groups. Among the cases were the January killing of five Tamil youths in the Trincomalee High Security Zone (HSZ), allegedly by the police Special Task Force (this case is being investigated by the Col); the March beating to death of Nallawarige Sandasirial Fernando by two police officers; the April killing of TNA parliamentary candidate V. Vigneswaran by gunmen allegedly from the Karuna group; the April beating death of Don Wijerathna Munasinghe by police officers; the April discovery of five beheaded Tamil farmers near Batticaloa; the May Jaffna killing of Tamil-language newspaper *Uthayan* Marketing and Circulation Manager B. G. Saeadas and night supervisor R. Ranjith, allegedly by EPDP cadres working in concert with state military intelligence; the May killing of a family of 13 Tamils in their home on Kayts Island allegedly by the Sri Lanka Navy (SLN); the May killings of eight civilians in the home of Sellathurai Amalathas on Kayts Island allegedly by the SLN; the May killings of an elderly man and two members of his family along with a tea shop owner in Jaffna; the June killing of one Tamil civilian by uniformed men who fired into a church in Pesalai, Mannar, where Tamil civilians sought refuge from aerial bombardment; the August aerial bombardment of Trincomalee in which approximately 50 civilians were killed and 200 were wounded; the August aerial bombardment of Mullaitivu in which 51 teenage girls were killed and more than 100 injured; the October killing by unknown gunmen of a TNA local government member for Serunuwara, Trincomalee district—Eastern Province, Gopala Krishnan Padmanathan; the November assassination of a TNA MP Nadaraja Raviraj in Colombo (this case is being investigated by the Col); and the November killing of two brothers while in the custody of the Ambalangoda police after they surrendered to the Special Investigative Unit in Galle.

The government made no progress in the investigations of the 2005 assassinations of former TNA MP A.C. Nehru or MP Joseph Pararajasingham while he was attending midnight mass in a Batticaloa HSZ. The Col was charged with investigating Pararajasingham's assassination. There was also no progress made in the investigation of the killing of E. Kausalya, political head of the Batticaloa-Ampara division of the LTTE.

During the year media reports and observers implicated the LTTE in attacks on high-profile political opponents and civilians. For example, on July 16, suspected LTTE cadres shot Chief Secretary of the Eastern Provincial Council Herath Abeyweera.

The LTTE is suspected of having used claymore mines to attack buses in Sinhalese areas, including some carrying civilians. On March 27, the LTTE used a suicide bomber driving a tractor with an attached trailer to attack the Chenkallady Army Base in Batticaloa district, killing three soldiers and five civilians and wounding one soldier, two policemen and 18 civilians. The SLN reported that the LTTE used suicide boats to attack naval outposts and vessels.

There was a drastic reduction in deaths and injuries resulting from land mines and unexploded ordnance, with only one death and one injury reported this year.

b. Disappearance

The Sri Lanka Human Rights Commission (SLHRC), reportedly acting on instructions from senior government officials, did not provide statistics on the number of disappearances in the current year, but it reported 345 instances countrywide of politically motivated disappearances in 2006 by the state security forces, progovernment paramilitary groups, or the LTTE. According to NGOs, the number of disappearances sharply increased during the year. For example, the Foundation for Coexistence reported 880 disappearances.

Witnesses and potential victims identified the perpetrators of abductions as Tamil-speaking armed men using white vans without license plates. The government generally failed to investigate allegations of abductions by armed men in white vans on the grounds that white vans are too common for these incidents to be effectively investigated.

In response to a list of 350 abductees in the previous 12 months presented to President Rajapaksa in March, the government reported by year's end that authorities had traced 21 persons who were still alive and identified the remains of four other victims whose cases were now considered murders. The government had not been able to resolve the remaining 325 cases and requested foreign government assistance in obtaining details of 105 cases which had not been reported to police. Human rights organizations have noted that the relatives of human rights victims, particularly in Jaffna, often did not contact the police for fear of reprisals against other family members.

On February 2, unknown men in Jaffna abducted Ranjan Sellanthurai, the son of the widow Ranganathan Visalakshmi. Despite her repeated attempts to get information and intervention by a foreign embassy, no information had been received from Jaffna Army Commander Chandrasiri or the Tilakaratne Commission.

On March 2, four men in a white van abducted Protestant Pastor Victor Emmanuel Yogarajan, his two sons Daniel and David Yogarajan, and a third Tamil youth near Negombo. Three bodies were found in Wennappuwa (near Negombo) in October. Following the practice for unclaimed bodies in mortuary beyond three months, the Wennappuwa Magistrate ordered burial. The DIG of Vavuniya stated that clothes found with the bodies were identified as belonging to the pastor and his two sons. The Negombo Magistrate ordered DNA tests carried out. At year's end the SLHRC had not set a date for police to initiate the DNA tests.

In May a group of parliamentary security guards abducted a wealthy Muslim businessman from Colombo. They lured him to a Kandy hotel with the promise of a business deal, transported him to a secret safe house in Kandy, and extorted from his family a ransom of \$200,000 (22.5 million rupees) before releasing him. On June 6, opposition MP Lakshman Seniviratne publicly accused government Defense Spokesman and Minister of Foreign Employment Promotion and Welfare Keheliya Rambukwella's body guards of committing the act. Rambukwella denied responsibility. There was no investigation into the incident.

There was no progress on disappearances from 2006, including the May disappearance of eight Tamil men from a Hindu Temple in Jaffna District while security personnel were seen at the temple. There were no indictments, investigations, or prosecutions of security force personnel for past disappearances. The government disbanded the 2004 Presidential Col dealing with 16,305 past cases of disappearance.

During the year the LTTE continued to detain civilians, often requiring individuals to fight government security forces against their will. Credible sources also alleged that the LTTE required individuals to purchase the right to leave LTTE-controlled territory.

In addition to politically motivated abductions, there were dozens of kidnappings-for-ransom, with payment demands ranging from \$20,000 (2.25 million rupees) to \$750,000 (60.6 million rupees). Although initially the problem appeared limited to the Tamil business community, in June and July dozens of Muslim businessmen were kidnapped for ransom, the vast majority of whom were released after ransom was paid. However, less than half of Tamil businessmen kidnapped for ransom were released after the ransom was paid.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law makes torture a punishable offense but does not implement several provisions of the UN Convention Against Torture. If convicted of torture, the law mandates a sentence of not less than seven years' imprisonment. However, in the few publicized torture convictions since 2004, the individuals were released on bail pending an appeal rather than serving the minimum seven-year sentence. Human rights groups maintained that while torture is prohibited under specific circumstances, it was allowed under others. According to credible sources, including UN Special Rapporteur (UNSR) on Torture Manfred Nowak, the use of torture by police and security forces to extract admissions and confessions was endemic and conducted with impunity. In addition, the emergency regulations make confessions obtained under any circumstance, including by torture, sufficient to detain a person until the individual is brought to court. On October 29, following his one week assessment mission to the country, Nowak attributed the lack of convictions for torture to the absence of effective investigation, inadequate protection for victims and witnesses of torture, and an excessive minimum sentence for torture. He stated also that the police used threats of violence or fabrication of criminal cases to prevent the victims of torture by police officers from filing complaints. Nowak added that detainees reported that the magistrates did not provide them an opportunity to complain about police torture while the perpetrators often accompanied the victims to

courts and remained present during medical examinations.

Methods of torture and abuse reportedly included beatings, often with sticks, iron bars or hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper or gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment. UNSR Nowak singled out the Terrorist Investigative Department facility in Boossa for including the "fullest manifestation" of torture methods.

On October 27, an Asian Human Rights Commission (AHRG) study of 48 police torture cases in the south revealed that the reasons for torture included obtaining bribes, favoring a second party, preventing a complaint that may lead to a criminal inquiry, failing to comply with traffic rules, and asking a police officer a question.

In the conflict-affected north and east, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions were followed by severe interrogations, frequently including torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with re-arrest or with death if they divulged information about their detention. Some were killed by masked gunmen on motorcycles immediately after leaving these military facilities on foot. As UNSR Nowak reported, the military denied holding detainees at its facilities and did not grant him access to investigate claims of torture by military forces.

The government instructed SLHRC officials not to provide information to foreign embassies or other inquirers concerning alleged human rights violations. As a result, there were no accurate, publicly available statistics on reported torture cases, and no public information of any torture cases under investigation. The government did not publish a report of pending charges, convictions, or sentences of those accused of committing torture.

On January 3, military intelligence officers abducted and tortured Arunakirinathan Niruparajh, a Tamil student-faculty member of Jaffna University, for 10 days before releasing him. Doctors at Jaffna University Teaching Hospital operated on Niruparajh to repair damage to his hands and back, but his left arm remained paralyzed. He fled to India. No charges were filed against any military intelligence officer.

On May 11, army officers arrested Jaffna University art student Sivaraja Pakeerathan and held him without trial or bail for several months under the emergency regulations and the Prevention of Terrorism Act (PTA). Pakeerathan alleged that army officers and police in Jaffna beat him, Kankesanthurai police personnel shackled him continuously for 14 days, and Colombo police tortured him. The government acknowledged Pakeerathan's arrest, denied he was tortured, and did not launch an investigation.

There was no reported progress on torture cases from 2006, including the arrest and torture of farmer Suddage Sirisena at the Kekirawa Police Station; the 2005 trial of three police officers indicted by the Kurunegala High Court for the 2002 alleged torture and sexual abuse of Nandini Herat; and the 2005 torture cases against police involving the victims Hevana Hennadige Priyadarshana Fernando and Jayasekara Vithanage Saman Priyankara.

On November 3, 111 Sri Lankan troops working in Haiti on a UN peacekeeping mission were sent home on disciplinary grounds. Even though the high-level Sri Lankan investigation of the allegations continues and UN Headquarters has not released a final report, 108 of the troops were accused of "transactional" sexual exploitation or sexual involvement with minors.

Prison and Detention Center Conditions

Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. Prisons designed for 8,200 inmates held as many as 28,000 prisoners, according to the October assessment by UNSR Nowak. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted. While visiting police stations, Nowak observed prisoners sleeping on the concrete floor and often without natural light and sufficient ventilation. Female prisoners are held separately from male prisoners and in generally better conditions. However, some rights groups alleged that isolated incidents of degrading treatment, including overcrowding, maltreatment, or abuse of female prisoners occurred.

The government permitted visits by independent human rights observers, including UNSR Nowak and the International Committee of the Red Cross (ICRC). The ICRC reported receiving unrestricted access to government and LTTE-controlled prison facilities and detention centers, while the government granted Nowak unrestricted access only to government prisons and police detention facilities. However, the government did not provide access to any detention facilities operated by military intelligence, stating that none existed. There were widespread reports of secret government safe houses where suspected LTTE sympathizers were taken, tortured, and often killed. The government denied the existence of such facilities and denied that civilians were tortured or killed. The ICRC was also not allowed to visit illegal detention facilities operated by the Karuna group, including at its main base at Welikanda, near Polonnaruwa. According to Nowak's assessment, "the combination of severe overcrowding and antiquated infrastructure of certain prison facilities places

unbearable strains on services and resources, which for detainees in certain prisons, such as the Colombo Remand Prison, amounts to degrading treatment." Nowak noted the absence of an independent institution responsible for monitoring conditions in detention facilities, holding private interviews and conducting medical evaluations of detainees.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, such incidents occurred in practice. Under the relaxed arrest and detention standards imposed by the emergency regulations, the law is unclear as to what constitutes an arbitrary arrest. The government refused to release statistics on the number of arrests made during the year under the emergency regulations. Several thousand individuals were detained at least temporarily, the majority of whom were released within 24 hours of their arrest.

Role of the Police and Security Apparatus

Following the 2005 presidential election, the government eliminated the Ministry of Internal Security and placed control of the 65,000-member police force, including the 5,850-strong paramilitary Special Task Force, under the Ministry of Defense. Senior officials in the police force handled complaints against the police. Few police officers serving in Tamil majority areas were Tamil and generally did not speak Tamil or English. Impunity, particularly for cases of police torture and disappearances of civilians within HSZs, was a severe problem. Several NGOs claimed that corruption was also a problem in the police force. An October assessment by the AHRC revealed the government's tolerance of the pervasive corruption and incompetence of the police force as a major reason for the institution's incapacity to investigate and prosecute cases effectively.

Arrest and Detention

Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice, detained persons generally appeared within a few days before a magistrate. A magistrate may authorize bail or continued pretrial detention for up to three months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate must remand the suspect, and only the High Court may grant bail. In all cases suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases.

Under the emergency regulations, in addition to police forces, the armed forces also had the legal authority to arrest persons, but they were required to turn suspects over to the police within 24 hours. Police can detain a person for a period of not more than one year under detention orders issued by a deputy inspector general of police or by the secretary of defense. Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers, especially in Jaffna, and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow the legal safeguards. Under the emergency regulations, individuals arrested may be detained for up to a year without trial.

Between November 30 and December 3, in response to two LTTE bomb attacks in and around Colombo, the police conducted random cordon and search operations and arrested nearly 2,500 Tamils in the capital and an estimated 3,500 countrywide. The detained, mostly male Tamil civilians were reportedly arrested based solely on their Tamil surnames. The vast majority of the detainees were soon released. The Supreme Court ordered the government to release the detainees on bail if they were no longer required for questioning. By year's end only 12 of the 372 arrestees held in the Boossa detention camp were still in custody.

In the majority of cases in which security force personnel possibly committed human rights abuses, the government did not identify those responsible or bring them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of a seven-year mandatory sentence. At year's end there was no functioning witness protection program. According to human rights organizations, obtaining medical evidence of torture was difficult, since there were fewer than 25 forensic specialists, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases police intimidated doctors responsible for collecting the evidence.

The SLHRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the

president and the parliament.

Trial Procedures

In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. The government provides counsel for indigent persons tried on criminal charges in the High Court and the Courts of Appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. The legal aid commission offered legal aid to assist those who could not afford representation; however, some sources reported that its representatives extorted money from beneficiaries. Juries are not used in cases brought under the PTA. Defendants are presumed innocent, and confessions obtained by various coercive means, including torture, are inadmissible in all criminal proceedings except PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly.

Despite the law calling for court proceedings and other legislation to be available in English, Sinhala, and Tamil, most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, restricted the ability of Tamil-speaking defendants to receive a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil-speaking judges existed at the magistrate level, only four High Court judges, one Appeals Court judge, and one Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil, and the government did not comply with legislation requiring that all laws be published in English, Sinhala, and Tamil.

During the year the LTTE continued to operate its own court system composed of judges with little or no legal training. LTTE courts operated without codified or defined legal authority and essentially as agents of the LTTE rather than as an independent judiciary.

Political Prisoners and Detainees

On March 17, officials arrested former deputy minister and outspoken government critic Sripathi Sooriyarachchi on charges stemming from the use of his government vehicle for two weeks after being dismissed from his ministerial post in February. However, government critics alleged that the government arrested Sooriyarachchi because of his public allegations that President Rajapaksa bribed the LTTE to suppress Tamil votes in the 2005 presidential election. Police held Sooriyarachchi for several weeks before releasing him; thereafter, he resumed his position in parliament as a member of the opposition. However, the charges against Sooriyarachchi remained pending.

On May 30, the Terrorism Investigation Division arrested Tiran Alles, a prominent Sinhalese businessman and a long-time supporter of President Rajapaksa. The government charged that Alles supported the LTTE by providing large sums of money to them during the 2005 presidential campaign. Alles' friends, Sooriyarachchi and former Foreign Minister Mangala Samaraweera, alleged that Alles' arrest was politically motivated and intended to keep him from revealing the role of President Rajapaksa's brother Basil in the election bribery scandal. Authorities released Alles after approximately one month. Charges against him remained pending at year's end.

The LTTE reportedly held political prisoners, although the number was impossible to determine because of the secretive nature of the organization; the LTTE refused to allow the ICRC access to these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for the right to privacy, and the government generally respected this provision, although it infringed on citizens' privacy rights in some areas. In Colombo, police evicted mostly Tamil residents, while conducting cordon and search operations, particularly in poor Tamil communities and of lodges housing Tamils visiting from other parts of the island. The government evicted at least 376 Tamils from their homes in Colombo, according to Human Rights Watch. On July 8, following international reporting, the Supreme Court ordered the government to cease preventing Tamils from entering or staying in Colombo.

In Jaffna, the progovernment paramilitary EPDP used a network of informants to discover suspected LTTE sympathizers or operatives. Credible reports indicate that EPDP worked with military intelligence and other government security forces to identify, abduct, and kill the alleged sympathizers. The Karuna group used a similar network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers.

The LTTE and the Karuna group continued to interfere with the work of international NGOs. Credible sources reported 35 cases of harassment of international NGOs by the Karuna group in the Batticaloa and Ampara districts of the east. Credible reports indicated that between June and November there were six incidents of attempted forced recruitment of local NGO staff in the LTTE-controlled Vanni area. Local, mainly Tamil staff of UN agencies also faced increased

harassment by the security forces and paramilitaries, to the point that many had difficulty carrying out their work.

The LTTE routinely interfered with the privacy of citizens by maintaining an effective network of informants.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Government security forces, including progovernment paramilitary groups, and the LTTE used excessive force and committed abuses against civilians, while violating the CFA. The SLMM ceased recording and publicizing CFA violations in July. The government used army commandos known as Deep Penetration Units (DPUs) to conduct operations against the LTTE in the Tiger-controlled Vanni. The LTTE also used special operatives to conduct infiltration operations against government security forces. LTTE suicide cadres, also known as "Black Tigers," as well as the government's DPUs killed civilians in attacks targeted at the opposing military force.

The Karuna group, the Pillaiyan group, and the EPDP reportedly ran extortion rings. Both groups killed civilians, in many cases following abductions. According to numerous, credible reports, the government provided protection, intelligence, and military aid to Karuna, Pillaiyan, and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture. However, the government publicly denied any connection to the paramilitary groups.

In the east, the Karuna group and the Pillaiyan group often operated without hindrance in internally displaced persons (IDP) camps under government control and restricted humanitarian access. Abductions and forced recruitment by the Karuna group took place in IDP camps in Batticaloa and Trincomalee districts. According to SLMM, the Karuna and Pillaiyan groups were responsible for numerous abductions of male children and adults in Ampara and Batticaloa districts. The LTTE allegedly used civilians as human shields. Suspected LTTE presence among the IDPs led the Sri Lanka Army (SLA) to attack some IDP camps and safe havens, killing a number of civilians.

On January 2, Air Force fighter jets bombed a village near Mannar along the northwest coast, killing 16 civilians. On September 2, DPUs detonated a claymore mine in LTTE-controlled territory, striking a civilian van and killing at least 12, including four women and two children. On September 26, a claymore bomb killed Jesuit priest Reverend Nicholaspillai Packiyaranjith; observers alleged that a government DPU was responsible.

On January 5, the LTTE detonated a bomb on a bus in the predominately Sinhalese town Nittambuwa, killing five and injuring 50. The following day the LTTE detonated a bomb on a bus in the southern coastal town of Hikkaduwa, killing 15 and injuring 42. On April 7, the LTTE used a claymore mine to target a bus with civilian and military passengers 15 miles west of Vavuniya, killing seven civilians and injuring more than 25. On April 23, a similar attack by the LTTE on a bus with Tamil and Muslim passengers killed seven civilians near Chettikulam in the north.

On April 29, the LTTE used light aircraft to bomb the Ceylon Petroleum Company oil and gas facilities. On November 28, an LTTE bomb attack on the Nugegoda shopping mall near Colombo and a suicide bombing of a government office killed 21 and wounded 36 civilians. In June near the northern town of Kebitigollewa, a claymore mine attack on a passenger bus killed 64 civilians, and on December 5, another claymore attack killed 15 and injured 23 civilians.

Late in the year unknown groups possibly linked to the LTTE, Sinhalese extremist groups, or illegal timber harvesters carried out brutal attacks against Sinhalese farmers in the south near Tissamaharama and Yala Park, killing five in two separate incidents.

Before the government drove the LTTE from the east in August, there were reports that the LTTE expropriated food, fuel, and other items meant for IDPs from both the conflict with the government and the 2004 tsunami. Reports accused the Karuna group of similar action, especially in relation to camps of persons displaced from the conflict around Batticaloa.

At year's end no arrests were made in alleged LTTE killings from 2005 and 2006, including the 2005 killing of Major Nizam Muthalif, commanding officer of the First Intelligence Battalion, or the August 2005 assassination of Foreign Minister Lakshman Kadirgamar.

Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of IDPs and rebuilding in the east after the government's expulsion of the LTTE. The government periodically suspended humanitarian demining operations in the north and east due to increased violence, although NGO and army demining efforts accelerated in the east after the LTTE's August expulsion.

Child Soldiers

Both the LTTE and the Karuna group (also known as TMVP, or Pillaiyan group) used minors in battle. The Karuna group and the LTTE also continued to recruit child soldiers forcibly, while intimidating and using violence against civilians.

The LTTE instituted a "one family, one fighter" policy, forcing each family to provide at least one member, including children, to the LTTE. By year's end most sources indicated that the "one family, one fighter" policy targeted those 18 years or older. The UN Children's Fund (UNICEF) noted a significant reduction in reported child recruitment by the LTTE. While the trend indicated that the LTTE was eliminating the recruitment and use of child soldiers, it had not complied with the promise to end the use of all minors by year's end. UNICEF reported that the LTTE forcibly recruited (or rerecruited) 160 children during the year with an average age of 16 years. At year's end 205 children remained in LTTE custody, including 1,224 who were recruited as children but were over 18 at year's end.

According to UN sources, there was limited progress during the year in the release of children recruited by both groups. A UNICEF-supported action plan sought to rehabilitate former LTTE child soldiers through release and reintegration. Under this program there were to be three UNICEF-supported transit centers. Two of the transit centers, in Batticaloa and Trincomalee, never opened because of a lack of releases by the LTTE. By mid-year the LTTE no longer controlled these areas. UNICEF supported the establishment of a transit center in Kilinochchi for child recruits released by the LTTE, which remained open, but UNICEF noted that its use was limited and declining.

The Karuna group continued to recruit children, some forcibly after abduction. Karuna cadres used coercion, extortion, rape, and murder to force children and adults to join their ranks. Karuna operatives often bribed parents to allow their children to join the Karuna group, and punished parents or children if they resisted.

Unlike the LTTE, UNICEF statistics indicated that child recruitment by the progovernment Karuna group did not decline. The UNSR on Children and Armed Conflict reported and cited evidence that government forces were at times complicit in the recruitment of children. During the year, UNICEF reported that the Karuna group recruited and rerecruited children for use as child soldiers, especially in Batticaloa district for a total of 251. This was more than in 2006, although the rate of recruitment was down from its peak in late 2005. Some previously recruited child soldiers reached 18 years of age while continuing to serve in the Karuna group. UNICEF figures show that at the end of the year, 160 children were still serving in the Karuna forces, and 69 who were recruited as children were now over age 18.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press. Although the media was generally free to criticize the government, media freedom deteriorated in the conflict-affected north and east, especially in Jaffna, where many journalists were killed, abducted, and intimidated, while others reportedly practiced self-censorship. By year's end there were fewer functioning independent press or media outlets in Jaffna; some were forced to close due to threats against journalists and media workers. Four journalists were killed in Jaffna and Vavuniya by unknown perpetrators believed to be linked to pro-government paramilitaries. Reporters Without Borders named Jaffna one of the most dangerous places for press in the world. The government temporarily imprisoned several journalists in the south, and senior members of the Rajapaksa administration reportedly threatened others. The government censored conflict-related reporting, while the security forces directly interfered with media coverage. Some prominent journalists sought temporary refuge abroad because of threats to their security. There were reports that journalists practiced self-censorship due to pressure from both the security forces and the LTTE.

Although the government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent, privately owned newspapers, journals, and radio and television stations. Several foreign media outlets operated in the country. The government made several attempts to prevent independent media houses from criticizing the government and its policies. Senior government officials repeatedly accused critical journalists of treason and often pressured them to run stories that portrayed them in a positive light. However, the government imposed no political restrictions on the establishment of new media enterprises.

On November 21, the printing facility of *Leader Publications*, the publisher of three widely circulated newspapers highly critical of the government, was attacked by approximately 12 armed men in masks. They confiscated at gun point the mobile phones of publishing staff and threw Molotov cocktails on the printing machines, igniting a large fire which caused heavy damage. The printing press is situated in a government-enforced security zone adjoining the Ratmalana military base, with access controlled by several checkpoints.

On December 27, non-cabinet Minister of Labor Mervyn Silva and his associates invaded the offices of Rupavahini, a state-run television station. Silva, reportedly upset with the station's failure to carry a story about him, verbally and physically assaulted the Rupavahini news director. Silva's actions provoked a fierce reaction from Rupavahini employees, who responded by assaulting the minister and his associates. Silva was only released when an elite police unit came to rescue him.

On April 29, unknown gunmen believed to be associated with the EPDP killed *Uthayan* journalist Selvarajah Rajivewaran in Jaffna. On August 1, unknown gunmen believed to be associated with the EPDP killed Nilakshan Sahadevan, a part-time journalist and a University of Jaffna student faculty advisor in the Department of Journalism. On August 15, unknown

assailants threw acid in the face of K.P. Mohan, a *Thinakkural* journalist. On October 26, unknown gunmen on motorbikes shot and killed Kanagarajan Pradeepan, the 26-year old twin brother of Kanagarajan Prashanthan, who previously worked for the newspaper *Namadu Eelanadu* before it was closed following the August 2006 killing of its managing director Sinnathamby Sivamaharajah.

On March 13, the government froze the assets of *Standard Newspapers Ltd.*, publisher of the weekly Sinhala-language *Mawbima* and English-language *Sunday Standard*, which were highly critical of the government. Although the government publicly accused the newspapers of having links to the LTTE, the chief editors alleged that the government asked them to change their editorial policy before freezing the assets. Both papers ceased publishing after March 29.

Daily Mirror editor Champika Liyanarachchi reported that on April 16, Defense Secretary Gothabaya Rajapaksa threatened her and fellow journalist Uditha Jayasinghe, who had written a critical story about the Karuna group's intimidation of IDPs in the east. Karuna subsequently denied that he intended to harm Liyanarachchi, and Defense Secretary Rajapaksa denied threatening her. The Defense Secretary's brother, President Mahinda Rajapaksa, reportedly later apologized to Liyanarachchi.

In late August defense correspondent Iqbal Athas was threatened and harassed due to his investigation of alleged government corruption in a military purchase. Following the publication of the investigation, the government removed Athas's long-term security detail, while an angry mob protested outside his house. A man claiming to be a retired Air Force officer entered the editorial offices of his newspaper and threatened to kill Athas's translator. The government also threatened to arrest Athas to interrogate him about his sources and placed him under obtrusive surveillance. Since the incident Athas sought temporary refuge abroad on at least three occasions.

On October 5, the army expelled a three-person British TV documentary team from Jaffna, although the journalists previously received authorization to film in Jaffna from the Ministry of Defense.

On October 24, the CID arrested *Sunday Leader* journalist Arthur Wamanan based on an uncorroborated accusation of extortion filed by Minister of Enterprise Development Mano Wijeratne. Previously Wamanan published a story alleging that Wijeratne misused his office accounts to pay his wife's cell phone bills. During the court hearing the CID objected to granting Wamanan bail arguing that he was Tamil, lived in a Tamil neighborhood, and had parents who hailed from the north of the country. On October 26, the judge on the case approved the bail request, reprimanded the CID for acting on hearsay without proper evidence, and cautioned against increasing government pressure on the media. On November 29, the Supreme Court set a hearing to examine Wamanan's fundamental rights petition against his arbitrary arrest and detention.

There were no indictments, prosecutions, trials or convictions resulting from 2006 crimes involving journalists or government restrictions of freedom of the press, including: the January killing of Tamil journalist Subramaniyam Sugitharajah; the May killing of two *Uthayan* newspaper employees Suresh Kumar and Ranjith Kumar; the May killing of Aiyathurai Nadesan, an independent Tamil correspondent in Batticaloa; the July killing of a Sinhalese journalist Sampath Lakmal, the defense correspondent of the independent Sinhala newspaper *Sathdina*; the August killing of Sathasivam Baskaran, a driver attached to *Uthayan*; the August arson that destroyed the *Uthayan* office in Jaffna; the October destruction by Air Force jets of the "Voice of Tigers" broadcasting towers in Kilinochchi, injuring two workers; and the October burning of 10,000 copies of the Tamil daily newspaper *Virakesari* by Karuna cadres.

There were no developments on separate 2005 attacks on a Tamil Eelam Liberation Organization-operated television retransmission station in Vavuniya district and the Colombo printing and advertising offices of the pro-LTTE newspaper *Sudar Oli*. There were no developments in the separate 2005 killings of two news agents who distributed the pro-LTTE newspaper *Eelanatham* in Batticaloa, allegedly by the Karuna group.

On October 26, the Ministry of Information suspended the license of five private FM radio stations, which belonged to the Asia Broadcasting Corporation (ABC), after domestic media outlets incorrectly reported an LTTE attack. The radio network apologized for the inaccuracy, but the government did not reinstate ABC's broadcasting license, although other media sources also aired the inaccurate report. On November 1, the Supreme Court rejected a petition to lift the suspension of the broadcasting license and charged ABC with contempt of the court for technical inaccuracies in its petition. However, a resolution seemed likely after the brother of the broadcast licensee, a provincial politician, agreed to "cross over" to the ruling Sri Lanka Freedom Party. ABC Networks appeared poised to regain its broadcasting licenses and indicated it planned to recommence broadcasting in January 2008.

On October 29, the government issued an executive order prohibiting media coverage of military operations and weapons procurement deals. On October 31, hours after publishing the order, the government revoked it citing the media's "good behavior." On November 7, the government banned non-state photo journalists from covering the president's budget speech before parliament.

The LTTE tightly restricted the print and broadcast media in areas under its control. There were reports of LTTE intimidation of Colombo-based Tamil journalists, and self-censorship was common for journalists covering LTTE-controlled

areas.

Internet Freedom

In June the government ordered the country's two largest Internet service providers (ISPs) to restrict access to *TamilNet*, a pro-LTTE news Web site. By year's end access was not restored. The government denied ordering the block. However, media sources reported interviews with employees from the ISPs alleging that they were acting on government orders.

Beginning on April 17, unknown perpetrators purporting to be leaders of the Karuna group's "intelligence unit" sent a series of e-mails to the Consortium of Humanitarian Agencies and various UN organizations threatening harm if information was not provided about the NGOs' personnel and operations. The Karuna group denied involvement, and the government has not identified those responsible for the e-mails.

On October 30, unknown gunmen in Colombo shot and wounded Internet journalist Kumudu Champika Jayawardana of ethalaya.org, which was linked to a Sinhala-language Sirasa TV channel. A week before this incident, government politicians made a series of statements criticizing Sinhala-language news Web sites. According to the Free Media Movement, one of the Web sites mentioned by name, LankaeNews.com, received subsequent threats.

Individuals and groups could generally engage in the expression of views via the Internet, including via e-mail. Because of the 2005 violent death of former editor of *TamilNet* Dharmaratnam Sivaram the editing and hosting of the Web site relocated to Geneva. However, several Web sites calling for the killing of "traitors to the Sinhala nation" were hosted in the country without government harassment. On April 22, the main opposition party, the United National Party, launched a Web site critical of the government.

Academic Freedom and Cultural Events

The government typically did not restrict academic freedom or cultural events. On May 11, however, unknown men allegedly affiliated with the EPDP posted a notice in Jaffna University threatening to kill several students and professors. As a result, Jaffna University students led a public protest until May 18. Unknown assailants killed three students in subsequent months.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice; however, some restrictions existed. For example, the 2005 emergency regulations give the president the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled; however, the government generally granted permits for demonstrations, including those by opposition parties and minority groups.

On January 9, a mob of more than 50 men led by the Deputy Minister for Labor Mervyn Silva attacked participants at the first public assembly of the United People's Movement, an antiwar group composed of NGOs, opposition MPs, and their supporters. The rally promoted proposals calling for devolution of power to minority communities within a united country. In addition to attacking and severely injuring two journalists, Silva's mob disbanded the rally. Media sources and the rally organizers alleged that the order to attack came from the Presidential Secretariat. The government denied involvement. No charges were brought against Minister Silva or his men.

On October 5, police used tear gas to disrupt a peaceful demonstration by several hundred students protesting the country's recent economic performance, the increase in inflation, and the lack of job prospects for recent graduates. According to media sources, police injured several students while breaking up the protest.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice; however, some restrictions existed, such as those under the emergency regulations. The government often used informants to target individuals for arrests and interrogation based on their association.

The LTTE did not allow freedom of association in the areas it controlled and reportedly forced people to attend its rallies.

c. Freedom of Religion

The law accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the government generally respected this right in practice. There was no state religion; however, the majority of citizens were followers of Buddhism.

Foreign clergy may work in the country, but the government sought to limit the number of foreign religious workers given temporary work permits. Permission usually was restricted to denominations registered with the government. The authorities retroactively changed the rules to prevent registration of new Christian denominations.

While the courts generally upheld the right of Christian groups to worship and to construct facilities to house their congregations, a 2003 Supreme Court decision ruled against recognizing a Roman Catholic group and determined that its medical services constituted "allurement." At the same time, the Supreme Court ruled that although the constitution supports the right of individuals to practice any religion, it does not support the right to proselytize.

During the year there were several attacks by unknown assailants on Christian churches, pastors and congregants, including in March when a mob led by a prominent Buddhist monk destroyed the inside of a Protestant church, the Pathway to Grace, after months of intimidating its Pastor Nuwan N. Suriyarachchi and the members of the church. During the incident Suriyarachchi and his wife were forced to flee. Police did not stop the destruction. Suriyarachchi identified the responsible monk, although the local police commander held the pastor responsible for the disturbances because of his proselytizing activities. By year's end the government paid no compensation and made no arrests. According to AHRC, in late March the LTTE used intimidation and threats to forcibly relocate over 8,000 IDPs from the Roman Catholic Madhu Church in the eastern Mannar district. The church had been used by the IDPs as a safe haven from the conflict. The LTTE announced that it would not allow new displaced families to seek shelter at Madhu Church and that the remaining IDP families would be relocated to alternative displacement sites in other LTTE-controlled areas.

On May 13, unidentified gunmen on motorcycles shot and killed Buddhist monk Handungamuwe Nandarathna Thero in Mahadivulweva of the government-controlled Trincomalee district. A popular religious figure and an outspoken war critic, he preached in both Tamil and Sinhalese and ordained a Tamil as a monk.

Muslims faced increasing discrimination by the government, particularly in obtaining permits for the construction of mosques in Colombo, according to Muslim community leaders.

Muslims from Muttur and Tamils, including newly returned IDPs, reported that the government used their land to set up security zones and Buddhist shrines and restricted access to the main sources of their livelihood, including fishing, agriculture, and forest collecting. The government exacerbated ethnic and religious tensions in the east by installing a large Buddha statue at the center of the city of Trincomalee where residents are almost entirely Tamil-speaking and non-Buddhist. Government officials also replaced a Hindu temple with a Buddhist shrine in Eachchalampattu, and erected large Buddha statues on top of ancient Hindu temple ruins, including some located in now predominantly Muslim areas, and reserved tracts of land in highly visible locations for Buddhist religious and cultural symbols in the Muslim-dominated Pottuvil area in the east.

Most of the 46,000 Muslims expelled from Jaffna in 1990 by the LTTE remained displaced and lived in or near welfare centers, many in the Puttalam area. It appeared that attacks by the LTTE against Muslims were not religiously motivated but were instead part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state. The LTTE made some conciliatory statements to the Muslim community, but most Muslims viewed the statements with skepticism.

Societal Abuse and Discrimination

Harassment and intimidation of Christians and attacks on their property and places of worship by Buddhist extremists opposed to conversion continued. For example, on October 6, police interrupted a Catholic mass in the Rosa Mystica Church at Crooswatta in Kotugoda parish, 15 miles north of Colombo, following violence and threats of further violence led by a chief Buddhist monk at a nearby temple. The local police chief defended the actions of the Buddhist monk, stating that the Christian activities offended Buddhist religious sensibilities.

There were multiple reports of rising tensions between members of the Muslim and Tamil communities in the east, largely as a result of the intimidation and harassment of Muslims by the Karuna group.

There were no reported cases of anti-Semitism.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country."

However, the government severely restricted this right on multiple occasions. For example, on June 6, police and government security forces rounded up approximately 300 Tamils living in lodges and hostels in Colombo, including many women, children, and the elderly. After registration at police stations, the Tamils were forced onto buses and sent north to Vavuniya. Following a Supreme Court injunction against the action, the government apologized and allowed the deportees to return to Colombo. The government arrested 48 Tamils on October 6 in lodges in Wellampita, a Colombo suburb.

The war with the LTTE prompted the government to impose more stringent checks on travelers from the north and the east and on movement in Colombo. Tamils were subject to onerous restrictions on fishing in Jaffna and Trincomalee.

The government required Tamils, especially those living in Jaffna, to obtain special passes issued by security forces to move around the country. Citizens of Jaffna were required to obtain permission from the army's Civil Affairs unit, or in some cases from the EPDP, in order to leave Jaffna. According to several sources, the waiting list was over five months long. Curfews imposed by the army also restricted the movement of Jaffna's citizens.

Security forces at Army checkpoints in Colombo frequently harassed Tamils. After the government assumed effective control of the east, both the government and the Karuna group operated checkpoints which impeded the free movement of residents, especially Tamils.

The government maintained its closure of the A-9 highway from Kandy to Jaffna. The road closure restricted the movement of passengers and supplies through the LTTE-controlled Vanni region, including LTTE headquarters in Kilinochchi. On November 29, the defense secretary issued a verbal directive prohibiting civilians from traveling from LTTE to government-controlled areas at the A-9 crossing point at Omanthai without special clearance from the government agents in the Tiger-held Vanni. Commercial flights to the Vanni remained suspended, and the LTTE refused to guarantee the safety of civilian flights and of passenger and supply ships operated by the ICRC or the government.

Limited access continued to certain areas near military bases and HSZs, defined as areas near military camps, barracks, or checkpoints where civilians could not enter. HSZs extended up to a four-kilometer radius from the fences of most military camps. Some observers claimed the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. In Trincomalee, the president announced the creation of a new HSZ on the land previously inhabited by Tamils before fighting between government security forces and the LTTE caused the Tamils to abandon their homes. The Supreme Court dismissed lawsuits challenging the Trincomalee HSZ under the rationale that allowing them to proceed would inspire more lawsuits than the government could reasonably handle. In addition, the court held that government security measures could not be the subject of a private lawsuit. By year's end, no plan for compensation existed.

Internally Displaced Persons (IDPs)

The UN High Commissioner for Refugees (UNHCR) reported in December that there were currently approximately 456,000 IDPs in the north and east. Of these, 312,000 were displaced prior to 2006 by the conflict and the 2004 tsunami, and 208,000 became displaced since the resumption of the conflict in 2006. There is an overlap between the two groups of approximately 65,000 IDPs who have been displaced more than once. An estimated 353,000 IDPs (old and new) live with host families, usually relatives. Since March about 120,000 IDPs have returned to their places of origin in the east. Among the long-term displaced were tens of thousands of Muslims evicted from Jaffna in 1990 by the LTTE, many of whom are still in camps in Puttalam. The government has not permitted other recent IDPs, primarily Tamils, to return home because their places of origins were declared HSZs.

Numerous credible sources reported that the government forced resettlement of thousands of Tamil IDPs to areas other than their original homes. Forced resettlement also resulted in the separation of families, including children separated from parents. In March UNHCR formally disassociated itself from the government's resettlement efforts in the east, citing forced resettlement of IDPs. UNHCR subsequently resumed cooperation with the government, noting an improvement in its practices, while stating that "some deficiencies remained." According to multiple reports the SLA occupied housing vacated by IDPs in the Trincomalee area.

On May 30, the president established an HSZ in the Muttur East area to protect military bases from LTTE attacks, thus denying thousands of Tamil IDPs access to their homes in the village of Sampur and nearby. Sampur was razed as a result of the fighting between the LTTE and the government in 2006. There are multiple reports that the government plans to establish communities for Sinhalese in the area. In July, August, and September armed government soldiers pressured IDPs in the Trincomalee District to relocate, while the government threatened to stop supplying food to their camps.

The UNHCR found sexual abuse to be endemic in IDP camps and engaged in a number of initiatives with local and international NGOs to address the problem. In addition to sexual abuse, numerous credible accounts noted that the Karuna group conducted forced recruitment of children and young adults in IDP camps.

The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. The LTTE regularly taxed civilians traveling through areas it controlled.

Fighting between the LTTE and government forces continued to threaten the safety of IDPs in the north.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The government has not established a system for providing protection to refugees; however, the government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. There were no reports of refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. According to UNHCR, 3,559 citizens fled to India during the year.

There were reported incidents of child and adult deaths as a result of SLN attacks on boats with refugees in the Palk Strait between Sri Lanka and India.

Stateless Persons

The 2003 Grant of Citizenship to Persons of Indian Origin Act provides stateless persons, particularly Hill Tamils, the opportunity to gain nationality. The government took steps to naturalize and provide citizenship documentation to most stateless persons. However, by year's end documentation efforts had not reached some populations which remained vulnerable to arbitrary arrest and detention. According to political parties representing Hill Tamils, there may still be roughly 70,000 Hill Tamils without adequate documentation of their Sri Lankan citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to

Change Their Government

The law provides citizens with the right to change their government peacefully.

Elections and Political Participation

The president, elected in 2005 for a six-year term, holds executive power, while the 225-member parliament, elected in 2004, exercises legislative power.

The EU Election Observation Mission described the 2005 presidential election as generally satisfactory. The LTTE-enforced boycott of the polls and seven grenade attacks in the north and east marred the election, however, and allowed less than one percent of voters in the north to exercise their right to vote. There were repeated media allegations, supported by claims of former supporters of President Rajapaksa, that his campaign paid large sums of money to induce the LTTE to suppress Tamil votes in the north and east during the 2005 presidential election. The government denied the allegations. Three of the most vocal supporters of the allegations stated that they also played a role in the denial of voting rights on behalf of President Rajapaksa. In October parliament opened an investigation into the allegations. At year's end there was no resolution.

There were 11 women in the 225-member parliament, three women in the cabinet, and two women out of 11 justices on the Supreme Court. There were 34 Tamils and 24 Muslims in the 225-member parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities.

Government Corruption and Transparency

According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem. There was corruption in all three branches of government, as well as various bureaucratic agencies. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state-owned institutions.

The tendering and procurement process for government contracts was not transparent, leading to frequent allegations of corruption by the losing bidders. Senior officials served as corporate officers of several newly established quasi-public corporations, including Lanka Logistics and Technologies, which the government designated as the sole procurement agency for all military equipment. Critics questioned the propriety of certain defense contracts, alleging that large kickbacks were paid in the transactions. The government also used state pension funds to set up a new loss-making budget airline, Mihin Air, with many of the same officials serving as corporate officers.

TI also noted that corruption was a problem in high value tender processes, including the establishment of business operations.

The Commission to Investigate Allegations of Bribery or Corruption received 3,984 complaints, of which 1,340 were under

investigation at year's end.

There was no law providing for public access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups continued to operate despite increasing government restrictions, investigating and publishing their findings on human rights cases.

The government continued to allow the ICRC unrestricted access to declared detention facilities. The ICRC provided international humanitarian law training materials and training to the security forces. During the year the ICRC also delivered health education programs in LTTE-controlled areas in the north and east and provided materials, such as hygiene products, clothes, and recreational items, to prison detainees.

By statute the SLHRC has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, according to many human rights organizations, the SLHRC often was not as effective as it should have been. For example, since August 2006 there were no actions taken to follow up or investigate the more than 200 cases reported to the Jaffna Branch of the SLHRC. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the government. The SLHRC had a tribunal-like approach to investigations and declined to undertake preliminary inquiries in the manner of a criminal investigator.

In 2004 the SLHRC established a torture prevention monitoring unit to implement its zero-tolerance torture policy. SLHRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. To ensure its sustainability, SLHRC urged the treasury to cover costs of the monitoring unit. The unit did not function in the last two years because of a lack of funding. In October investigative visits to police stations recommenced after UNSR Nowak raised the issue during his visit to Sri Lanka.

In 2004 the LTTE set up the Northeast Secretariat of Human Rights (NESOHR). Since its inception, NESOHR received hundreds of complaints ranging from land disputes to child recruitment complaints. Some groups questioned NESOHR's credibility because of its close ties to the LTTE.

During his August trip, UN Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs John Holmes noted the need to relax the strict regulations imposed on aid groups operating in resettlement and conflict zones. He emphasized the need to disarm the Karuna group, urged protection for civilians and aid workers, and called for investigations into human rights abuses. Holmes' comment that the country was one of the most dangerous places in the world for humanitarian workers drew criticism from Prime Minister Ratnasiri Wickremesinghe and Defense Spokesman Keheliya Rambukwella. Chief Government Whip Jayaraj Fernandopulle described Holmes as a terrorist.

Although the UN High Commissioner for Human Rights, Louise Arbour, during her October visit, explored ways to broaden the Office of the High Commissioner for Human Rights (OHCHR) in the country, the government denied the OHCHR's request for an expanded mission and an independent presence for the OHCHR.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights for all citizens, and the government generally respected these rights in practice; however, there were instances where gender and ethnic based discrimination occurred.

Women

The law prohibits domestic violence, but it was not strictly enforced. Sexual assault, rape, and spousal abuse continued to be serious and pervasive problems. The law specifically addresses sexual abuse and exploitation, and contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary. The Women and Children Bureau within the Police has conducted awareness programs in schools and at the grassroots level, causing women to come forward and lodge complaints. However, the government has not yet focused on increased recruitment of female police officers to help alleviate the problem. The Bureau for the Protection of Children and Women received 995 complaints of grave violent crimes and 2,247 minor crimes against women in the first half of the year, representing a significant increase over 2006 levels.

There is anecdotal evidence that the resumption of the conflict has led to an increase in gender-based violence perpetrated by the security forces. Statistical corroboration is lacking, because few, if any, charges were filed in such

incidents. For example, human rights groups in northern districts allege that the wives of men who have "disappeared" and who suffer economic deprivation as a result often fall prey to sexual exploitation by paramilitaries and members of the security forces. At year's end a case continued against two policemen who in 2003 attempted to rape Mrs. Selvarajan in Uyilankulam in Mannar district. The attorney general did not fill out a charge sheet against the two, and as of year's end they were on active duty. In another instance, on December 28, armed men believed to be from the SLA gang-raped a woman in Jaffna, according to a women's welfare organization.

In the east, military action created a total displaced population of about 300,000 by mid-year. There were widespread reports that security forces sometimes ordered men in the IDP camps to report to security forces bases to spend the night, leaving the female displaced population vulnerable to sexual exploitation and abuse. The displaced population had declined significantly by year's end, but documented reports persisted noting that spouses and daughters of men temporarily detained by security forces in formerly LTTE-controlled areas in western Batticaloa district were subject to sexual abuse.

According to the Bureau for the Protection of Children and Women, there were 278 reported incidents of rape through November, representing a decrease from 2006 levels. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited. A high suicide rate among women which some attributed to gender-based violence appeared to be declining. However, there was no evidence linking this trend to specific actions taken by the government.

Prostitution was illegal but occurred during the year. Some members of the police and security forces reportedly participated in or condoned prostitution. Trafficking in women for the purpose of forced labor occurred.

Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison; however, these laws were not enforced.

The law provides for equal employment opportunity in the public sector; however, women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work. They often experienced difficulty in rising to supervisory positions and faced sexual harassment. Even though women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women was less than that available to men, as the demand for female labor was mainly for casual and low-paid, low-skill jobs in the formal and informal sectors. Women's participation in politics was around four percent in the parliament and approximately 1.4 percent in local political institutions.

Women have equal rights under national, civil, and criminal law; however, questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who may follow their customary marriage practices and marry at the age of 15. Women were denied equal rights to land in government-assisted settlements, as the law does not institutionalize the rights of female heirs. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.

Children

The law requires children between the ages of five and 14 to attend school, and the government demonstrated its commitment to children through extensive systems of public education and medical care. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. Health care, including immunization, was also free.

Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducted investigations into crimes against children and women. However, AHRC documented numerous cases of child abuse, including by teachers, which the government did not investigate.

Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. During the year the Bureau for the Protection of Children and Women received 2,010 complaints of violent crimes against children and 425 cases of sexual abuse of children.

The government pushed for greater international cooperation to bring those guilty of pedophilia to justice. Although the government does not keep records of violations, the 2006 Penal Code Amendment Act prohibits sexual violations against children, defined as persons less than 18 years, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years of imprisonment. The penalties for pedophilia range from five to 20 years imprisonment and an unspecified fine. According to

the attorney general's office, through September the government opened 1,487 files, of which 799 resulted in indictments for pedophilia, including statutory rape and 159 were dismissed. At year's end the remaining cases were pending.

Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from pedophiles. Commercial sexual exploitation of children remained a problem in coastal resort areas, however. Private groups estimate that there are approximately 6,000 children exploited for commercial sex in the country. However, UN estimates of child prostitutes ranged as high as 40,000. Sri Lankan citizens committed much of the child sexual abuse in the form of commercial sexual exploitation of children; however, some prostituted children were boys who catered to foreign tourists. The International Labor Organization (ILO) and UNICEF estimated of the number of boys exploited by foreign nationals in commercial sex ranged from 5,000 to 30,000, some of whom were forced into prostitution. The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The tourist bureau conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism.

Trafficking in Persons

The law prohibits trafficking in persons, and the legal penalties for trafficking in women include imprisonment for two to 20 years and a fine. For trafficking in children, the law allows imprisonment of five to 20 years and a fine. However, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation. Sri Lankan men and women migrate legally to the Middle East, Singapore, Hong Kong, Malaysia, and South Korea to work as construction workers, domestic servants, or garment factory workers. However, some have found themselves in situations of involuntary servitude when faced with restrictions on movement, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large predeparture fees imposed by recruitment agents. In one instance, Sri Lankan men were trafficked into involuntary servitude in Iraq. A smaller number of Thai, Chinese, and Russian women, as well as some from other countries of the Newly Independent States, were trafficked to the country for commercial sexual exploitation. Women and children were trafficked internally for domestic and sexual servitude. Boys and girls were victims of commercial sexual exploitation by pedophiles in the sex tourism industry. Internal trafficking in male children was a problem, especially from areas bordering the northern and eastern provinces. Some of these children were forced into commercial prostitution by their parents or by organized crime.

In 2004 the NCPA adopted, with ILO assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work on children's issues, including trafficking in children. The programs continued at year's end.

The government operated rehabilitation centers for abused children, including those that were trafficked, in Negombo and Kalutara. The centers provided shelter, career guidance, counseling, and legal assistance for victims. The Probation Department worked to reintegrate children with their families. The government also conducted awareness campaigns to educate women about trafficking; however, most of the campaigns, with support from the Bureau of Foreign Employment, were conducted by local and international NGOs.

Government programs to monitor immigration with computer programs designed to identify suspected traffickers or sex tourists continued, as did a cyber-watch project to monitor suspicious Internet chat rooms.

Persons with Disabilities

The law forbids discrimination against any person on the grounds of disability; however, there were instances of discrimination against the disabled in the areas of employment, education, and provision of state services. The law does not mandate access to buildings for persons with disabilities, and such facilities were rare. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The government also provided financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties due to negative attitudes and societal discrimination.

The government declared the year as the "Year of Accessibility." As part of this campaign, the Department of Social Services educated planners, architects, and engineers on new regulations on accessibility passed by parliament. The Department of Social Services provides housing grants, self-employment grants, and medical assistance to persons with disabilities. During the year the department began offering a monthly allowance of approximately \$27 (3,000 rupees) to families of the disabled. At year's end 2,128 families received this grant.

National/Racial/Ethnic Minorities

There were approximately one million Tamils of Indian origin, the so-called Hill, Tea Estate, or Indian Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. In the past approximately 300,000 of these persons did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. In 2003 parliament passed a bill granting full citizenship to more than 460,000 Tea Estate Tamils. In 2004 UNHCR began awareness campaigns to alert Tamils to the new legislation. At year's end approximately 70,000 registrations remained unconfirmed.

Both Sri Lankan and Indian origin Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the SLHRC, Tamils also experienced discrimination in housing.

Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle aged Tamil men by security forces and paramilitary groups.

Indigenous People

The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are protected by the law. There are no legal restrictions on their participation in political or economic life. Vedda communities complained that they were pushed off their lands, and the creation of protected forest areas deprived them of traditional livelihoods.

Other Societal Abuses and Discrimination

The law criminalizes homosexual activity but was not enforced. Some NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the government. As in recent years, human rights organizations reported that police harassed, extorted money or sexual favors from, and assaulted gay men in Colombo and other areas.

There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there was societal discrimination against these groups.

Section 6 Worker Rights

a. The Right of Association

The laws allow workers to form and join unions of their choice without previous authorization or excessive requirements, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but in practice such rights were subject to resistance by the management of individual factories and administrative delays by the government in registering the unions. Nonetheless, approximately 20 percent of the seven-million-person work force nationwide and more than 70 percent of the plantation work force was unionized. In total, there were more than one million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.

Under the law, workers in the Export Processing Zones (EPZs) have the same rights to join unions as other workers. Although some unions were able to organize EPZ workers, forming trade unions was still difficult in the zones, however, and some employers were still trying to undermine the formation of unions there. As a consequence, while the unionization rate in the rest of the country was approximately 20 percent, the rate within the EPZs was under 10 percent. Fewer than 10 trade unions were active in EPZs, partially because of restrictions on access by union organizers to the zones. According to the Board of Investment, unions were attempting to operate in 33 out of 264 factories in the EPZs; however they were formally recognized in only 12 of these factories.

Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. The Ministry of Labor Relations and Manpower is authorized by law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration.

Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Anti-union discrimination is a punishable offense liable for a fine of \$176 (20,000 rupees).

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government generally protected this right.

The law provides for the right to collective bargaining; however, very few companies practiced it. Approximately 44 companies belonging to the Employers' Federation of Ceylon (EFC), the leading employers' organization, had collective agreements with workers. All collective agreements must be registered at the Department of Labor. Data on the number of registered collective agreements were not available. About half of EFC's 500-strong membership had a unionized workforce.

All workers, other than police, armed forces, prison service, and those in essential services, have the right to strike. By law, workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. The president retains the power to designate any industry as an essential service.

The law prohibits retribution against strikers in nonessential sectors; however, in practice employees were sometimes fired for striking.

The Supreme Court recently intervened to stop public sector trade union actions when they threatened business or government operations. In July 2006 the Supreme Court issued a restraining order preventing unions attached to the Colombo Port from striking. In this case, the Joint Apparel Associations Forum, representing private sector associations in the apparel industry, had complained that a port slowdown over a wage demand was threatening exports and imports. The Supreme Court decision came after unions ignored a lower court directive to return to work. The affected trade unions filed a complaint with the ILO Committee of Freedom of Association on this matter. In another case, in September, the Supreme Court ordered five teachers' unions to refrain from staging a nationwide one-day strike demanding higher wages. The strike was to be in defiance of a previous Supreme Court order on the unions not to disrupt the work of examiners correcting test papers in an important nation-wide high school examination.

In most EPZ enterprises, worker councils composed of employees engage in labor and management negotiations. Worker councils were in operation in 110 factories. The ILO approved the right of both trade unions and worker councils to engage in collective bargaining, provided worker councils are not used to undermine the position of unions.

There were only three operating collective agreements in the EPZs during the year. Labor representatives alleged that the government's Board of Investment (BOI) and Labor Department discouraged union activity within EPZ factories and favored worker councils. The short-term nature of employment and the relatively young workforce in the EPZs made it difficult to organize.

Labor representatives alleged that the labor commissioner, under BOI pressure, failed to prosecute employers who refused to recognize or enter into collective bargaining with trade unions.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor; however, there were reports that such practices occurred. The law does not specifically prohibit forced or compulsory labor by children. Although the law states that anyone below 18 years of age is considered to be a child, government officials interpreted it as applying to persons of all ages.

In the Batticaloa area, the army reportedly forced recently returned IDPs to perform hard labor, such as road clearance, for no pay.

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training. An amendment to the Employment of Women and Youth Act prohibits all other forms of family employment of children below 14. There were no recent surveys on child labor in the country. The Department of the Census and Statistics has reportedly conducted a partial survey, but no results were released. The ILO plans to conduct a new nationwide Child Labor Survey in the future.

Persons under age 18 may not be employed in any public enterprise in which life or limb is endangered. There were no reports that children were employed in the EPZs, the garment industry, or any other export industry, although children sometimes were employed during harvest periods in the plantation sectors and in non-plantation agriculture. Sources indicated that many thousands of children were employed in domestic service in urban households, although this situation was not regulated or documented. Some child domestics reportedly were subjected to physical, sexual, and emotional abuse. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.

The NCPA is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police are responsible for the enforcement of child labor laws. The Bureau of Child Protection of the Sri Lanka Police reported 106 complaints of child employment during the year, a fourfold increase over 2006. Information on litigation was not available. Penalties for employing minors were

increased from approximately \$9 (1,000 rupees) and/or six months' imprisonment to \$93 (10,000 rupees) and/or 12 months' imprisonment.

As required by ILO Convention 182, the government identified a list of 49 occupations considered to be hazardous. Of these occupations, 40 were to be unconditionally prohibited for children under 18 years, with limited exceptions for the remaining nine occupations. However, there was no implementing legislation passed by year's end.

e. Acceptable Conditions of Work

While there is no national minimum wage, 43 wage boards established by the Ministry of Labor Relations and Manpower set minimum wages and working conditions by sector and industry. The wage boards began to increase and harmonize minimum wages in the industries under their supervision. Consequently, the minimum wage in 31 trades increased to \$44 (5,000 rupees) per month in May. In sectors where there is a daily wage, the minimum wage is set at \$1.80 (200 rupees). These minimum wages did not provide a decent standard of living for a worker and family.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five and a half day workweek). Regulations limited the maximum overtime hours to 15 per week. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations did not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent to such rights and feared that they would lose their jobs if they removed themselves from the work situation.



[BACK TO TOP](#)