Home Office
UK Border Agency

SRI LANKA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

4 July 2011

SECURING OUR BORDER CONTROLLING MIGRATION

Contents

Preface

Latest News

EVENTS IN SRI LANKA FROM 2 TO 27 JUNE 2011
Useful news sources for further information

REPORTS ON SRI LANKA PUBLISHED OR ACCESSED BETWEEN 2 TO 27 JUNE 2011

Paragraphs

Background Information

1. GEOGRAPHY 1.01
Map 1.06
Public holidays 1.07
2. ECONOMY 2.01
3. HISTORY 3.01
Key political events (1948 to December 2010) 3.01
The internal conflict (1984 to May 2009) 3.15
Government treatment of (suspected) members of the LTTE 3.28
The conflict's impact: casualties and displaced persons 3.43
4. RECENT DEVELOPMENTS 4.01
Key recent developments (January – May 2011) 4.01
Situation of (suspected) members of the LTTE 4.10
Rehabilitation 4.10
5. CONSTITUTION 5.01
The 18th amendment 5.03
6. POLITICAL SYSTEM 6.01

Human Rights

7. INTRODUCTION 7.01
8. SECURITY FORCES AND PARAMILITARY GROUPS 8.01
Police 8.04
Armed forces 8.15
Desertion 8.18
Human rights violations by the police and armed forces 8.20
Arbitrary arrest and detention 8.20
Disappearances/abductions 8.24
Torture 8.31
Extra-judicial killings 8.42
Pro government (non state) paramilitary groups 8.44
Human rights violations by paramilitary groups 8.47
Avenues of complaint 8.50
Impunity 8.51
Human Rights Commission of Sri Lanka 8.53
Witness protection 8.55
9. JUDICIARY 9.01
Organisation 9.01

 The main text of this COI Report contains the most up to date publicly available information as at 1 June 2011. Further brief information on recent events and reports has been provided in the Latest News section to 27 June 2011.

Independence 9.04
Fair trial 9.06
Penal code 9.07
10. ARREST AND DETENTION – LEGAL RIGHTS 10.01
Emergency Regulations and the Prevention of Terrorism Act 10.04
Bail/reporting conditions 10.12
Arrest warrants 10.13
11. PRISON CONDITIONS 11.01
Deaths in custody 11.14
12. DEATH PENALTY 12.01
13. POLITICAL AFFILIATION 13.01
Freedom of political expression 13.01
Freedom of association and assembly 13.05
Opposition groups and political activists 13.06
Sarath Fonseka and supporters 13.07
14. FREEDOM OF SPEECH AND MEDIA 14.01
Legal framework 14.01
Journalists 14.04
Internet/mobile phones 14.14
15. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS 15.01
16. CORRUPTION 16.01
17. FREEDOM OF RELIGION 17.01
Legal framework and demography 17.01
Hindus 17.04
Muslims 17.05
Christians 17.06
18. ETHNIC GROUPS 22.01
Legal framework and demography 18.01
Sinhalese 18.04
Tamils 18.05
Up-Country Tamils 18.13
Muslims 18.16
19. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS 19.01
Legal rights 19.01
Treatment by, and attitudes of, state authorities 19.08
Societal treatment and attitudes 19.10
20. WOMEN 20.01
Overview 20.01
General legal rights 20.07
Marriage/divorce laws 20.10
Political rights 20.17
Social and economic rights 20.19
Employment 20.20
Family planning/abortion 20.24
Single mothers/widows 20.30
Mixed marriages 20.36
Violence against women 20.37
Legal rights…. 20.37
Female Genital Mutilation 20.39
Rape/domestic violence 20.40
Violence in resettlement areas and camps (May 2009 to May 2011) 20.46

Health and welfare **20.52**
Assistance available to women 20.53
21. CHILDREN **21.01**
Overview **21.01**
Legal rights **21.04**
Basic legal information 21.04
Violence against children **21.08**
Unaccompanied and orphaned children in the North 21.16
Childcare and protection **21.19**
Government and NGO childcare 21.23
Education **21.26**
Health and welfare **21.30**
22. TRAFFICKING **22.01**
23. MEDICAL ISSUES **23.01**
Overview of availability of medical treatment and drugs **23.01**
HIV/AIDS – anti-retroviral treatment **23.11**
Cancer treatment **23.15**
Kidney dialysis **23.17**
Mental health **23.19**
Mental health hospitals and clinics 23.22
Psychiatrists and psychologists 23.24
Post Traumatic Stress Disorder 23.25
Availability and affordability of antidepressant and therapeutic drugs 23.26
24. HUMANITARIAN ISSUES AND INTERNALLY DISPLACED PERSONS **24.01**
Internally Displaced Persons (IDPs) **24.01**
Documentation for IDPs 24.10
Floods **24.11**
25. FREEDOM OF MOVEMENT **25.01**
In-country movement **25.01**
Police registration 25.03
Check-points 25.07
Unexploded ordnance 25.12
External movement **25.17**
Exit procedures 25.18
Entry procedures 25.23
Returned failed asylum seekers 25.27
Physical examinations/scarring 25.42
26. CITIZENSHIP AND NATIONALITY **26.01**
Identity cards **26.06**
Travel documents **26.11**
27. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS **27.01**

Annexes

Annex A – Chronology of major events
Annex B – Political organisations
Annex C – Prominent people
Annex D – List of abbreviations

 The main text of this COI Report contains the most up to date publicly available information as at 1 June 2011. Further brief information on recent events and reports has been provided in the Latest News section to 27 June 2011.

Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 1 June 2011. The 'Latest News' section contains further brief information on events and reports accessed from 2 to 27 June 2011. The report was issued on 4 July 2011.

ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.

ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service
UK Border Agency
St Anne House
20-26 Wellesley Road
Croydon, CR0 9XB
United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of the UK Border Agency
5th Floor, Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspectorukba@icinspector.gsi.gov.uk
Website: http://icinspector.independent.gov.uk/country-information-reviews/

Return to contents

Latest News

EVENTS IN SRI LANKA FROM 2 JUNE TO 27 JUNE 2011

The Latest News provides a non-exhaustive selection of significant events since 1 June 2011. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

27 June — The authorities announced that the rehabilitation process of former members of the Liberation Tigers of Tamil Eelam (LTTE) reached its last stage. The Commissioner General of Rehabilitation said that 3,512 of ex-LTTE members were undergoing rehabilitation in eight centres and that by end of June or early July a further 600 would be released.

Daily Mirror (Sri Lanka)
Former LTTE cadres rehabilitation in last stage, 27 June 2011
http://print.dailymirror.lk/news/news/48231.html
Date accessed 23 June 2011

23 June — The 2010 Performance Report of the Department of Prisons reported that 251 detainees had escaped from various prisons during the past year, This included 43 from the Welikada prison, three from the Colombo Remand Prison, seven from the Magazine Prison, seven from Negombo, and two from Boosa. In 2010 15,839 prisoners were granted an amnesty.

Daily Mirror (Sri Lanka)
251 detainees have escaped from various prisons in the country, 23 June 2011
http://print.dailymirror.lk/news/news/47888.html
Date accessed 23 June 2011

22 June — The Army said it had started an island-wide hunt for army deserters, prompted by evidence suggesting the involvement of a number of them in a recent wave of serious crimes. A military spokesman said 8,765 deserters (including 32 officers) had been arrested since November 2010. According to official figures there are around 50,000 army deserters.

ColomboPage
Sri Lanka Army hunts for deserters, 22 June 2011
http://www.colombopage.com/archive_11A/Jun22_1308757109CH.php
Date accessed 23 June 2011

17 June — The Asian Human Rights Commission stated in a press release that the organisation has just compiled a report of 323 cases of torture and ill treatment by the police and noted that the Convention Against Torture Act, Act No 22 of 1994, was no longer being implemented in the country and that no credible complaint mechanism or witness protection law existed.

Asian Human Rights Commission

Sri Lanka: A report on 323 cases of police torture in Sri Lanka, 17 June 2011
http://www.humanrights.asia/news/press-releases/AHRC-PRL-029-2011
Date accessed 17 June 2011

15 June

Channel 4's *Sri Lanka's Killing Fields* documentary, showed images of civilian casualties, executions and evidence of sexual abuse carried out in the final months of the civil war. The documentary claimed both the Sri Lankan army and the LTTE were guilty of serious war crimes. The footage – apparently filmed on mobile phones and small cameras - showed hospitals being repeatedly shelled as well as bound and blindfolded prisoners being executed. The Sri Lankan government emphatically denied the allegations that it had deliberately targeted its own civilians, and questioned the authenticity of the material broadcast. Alistair Burt, British foreign office minister, described the footage as shocking and called on Sri Lanka to give the international community "a serious and full response" to the evidence.

Financial Times
Fresh call for Sri Lanka war crimes probe, 15 June 2011
http://www.ft.com/cms/s/0/3c71b596-975a-11e0-9c9d-00144feab49a.html#axzz1PWahjuW8
Date accessed 15 June 2011

Foreign & Commonwealth Office (FCO)
Foreign Office Minister responds to Channel 4 documentary – 'Sri Lanka's Killing Fields'
http://www.fco.gov.uk/en/news/latest-news/?view=News&id=615115382
Date accessed 15 June 2011

14 June

India and Sri Lanka resumed ferry services after a gap of almost 30 years caused by the island's civil war. An Indian passenger vessel arrived in Colombo from the southern Indian port of Tuticorin and a Sri Lankan vessel would be soon in service on the same route.

BBC News
First India-Sri Lanka passenger ferry for 30 years, 14 June 2011
http://www.bbc.co.uk/news/world-south-asia-13759094
Date accessed 17 June 2011

13 June

A police media spokesman announced that the Police Department has set up three information centres in Vavuniya, Colombo and Boosa, where the Terrorist Investigations Division (TID) would provide information to close relatives and family members of detainees who had been arrested under detention orders. Information on those detained by the military would not be available. The police spokesman declined to reveal how many people were detained by the TID. However, at a later stage, it was reported that only one man out of 2,000 who visited the centre in Vavunia was told where his son was. This was due to the large number of relatives approaching the centre and police only meeting 200 people each day.

Daily Mirror (Sri Lanka)
Info given only to relatives, says TID, 16 June 2011

http://print.dailymirror.lk/news/front-page-news/47138.html
Date accessed 16 June 2011

BBC Sinhala
Police 'to release' detainee details, 13 June 2011
http://www.bbc.co.uk/sinhala/news/story/2011/06/110613_police.shtml
Date accessed 13 June 2011

Never ending search for the missing, 22 June 2011
http://www.bbc.co.uk/sinhala/news/story/2011/06/110622_tid_missing.shtml
Date accessed 23 June 2011

8 June Reporters Without Borders noted that five hundred days had passed since the journalist and cartoonist Prageeth Ekneligoda who worked for the Lankaenews website went missing in Colombo in January 2010. The media organisation observed that "… no progress has been made in the investigation into his disappearance… " and condemned "… the lack of resources assigned to the case".

Reporters Without Borders
Interview with wife of cartoonist Prageeth Ekneligoda, who disappeared 500 days ago, 8 June 2011
http://en.rsf.org/sri-lanka-interview-with-wife-of-cartoonist-08-06-2011,40424.html
Date accessed 8 June 2011

2 June Thousands of factory workers demonstrated against the killing of a co-worker during violent clashes with police earlier in the week. In a rare move the police chief resigned as a result of the incident. The clashes between strikers and police during the previous five days of labour unrest in protest at increased pension contributions and supported by the Marxist opposition JVP, also wounded at least 200.

BBC News
Sri Lankans protest over killing of co-worker, 2 June 2011
http://www.bbc.co.uk/news/world-south-asia-13631758
Date accessed 2 June 2011

Reuters Alertnet
Q+A-Sri Lanka's outbreak of union protests, 2 June 2011
http://www.trust.org/alertnet/news/qa-sri-lankas-outbreak-of-union-protests/
Date accessed 2 June 2011

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report.

AlertNet (Thomson Reuters) http://www.trust.org/alertnet/news/asia-and-pacific/sri-lanka
Amnesty International http://www.amnesty.org/en/region/asia-and-pacific/south-asia/sri-lanka

10 The main text of this COI Report contains the most up to date publicly available information as at 1 June 2011. Further brief information on recent events and reports has been provided in the Latest News section to 27 June 2011.

British Broadcasting Corporation (BBC)
http://newssearch.bbc.co.uk/cgi-bin/search/results.pl?scope=newsukfs&tab=news&q=sri+lanka&go.x=32&go.y=8
BBC Sinhala http://www.bbc.co.uk/sinhala/
Daily Mirror (Sri Lanka) http://www.dailymirror.lk/
European Country of Origin Information Network
http://www.ecoi.net/index.php?countrychooser_country=190162%3A%3ASri%20Lanka&step=1&command=showcountryhome
Foreign & Commonwealth Office (FCO)
http://www.fco.gov.uk/en/travelling-and-living-overseas/travel-advice-by-country/asia-oceania/sri-lanka
Human Rights Watch http://www.hrw.org/en/asia/sri-lanka
IRIN News Sri Lanka http://www.irinnews.org/Asia-Country.aspx?Country=LK
The Guardian http://www.guardian.co.uk/world/srilanka
The Official Government News Portal of Sri Lanka http://www.news.lk/
The Official Website of the Democratic Socialist Republic of Sri Lanka http://www.priu.gov.lk/
Relief Web http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lka
South Asia Terrorism Portal
http://satp.org/satporgtp/countries/shrilanka/timeline/index.html
http://www.satp.org/satporgtp/countries/shrilanka/database/index.html
The Lanka Academic http://www.theacademic.org/
UN OCHA Humanitarian Portal - Sri Lanka
http://www.humanitarianinfo.org/sriLanka%5Fhpsl/
http://www.humanitarianinfo.org/srilanka_hpsl/Catalogues.aspx?catID=74
UNHCR Refworld http://www.unhcr.org/refworld/country/LKA.html
UNICEF Sri Lanka http://www.unicef.org/srilanka/

Return to contents

REPORTS ON SRI LANKA PUBLISHED OR ACCESSED BETWEEN 2 JUNE AND 27 JUNE 2011

The Home Office is not responsible for the content of external websites.

International Crisis Group
India and Sri Lanka after the LTTE, Asia Report N°206, 23 June 2011
http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri lanka/206%20India%20and%20Sri%20Lanka%20after%20the%20LTTE.pdf
Date accessed 24 June 2011

Child Rights Information Network (CRIN)
Sri Lanka: National Laws - General overview of Sri Lanka's national legal provisions on children's rights, 1 June 2011
http://www.crin.org/resources/infoDetail.asp?ID=25095&flag=report
Date accessed 14 June 2011

U.S. Department of State (USSD)
Trafficking in Persons Report 2011, Country Narratives: Countries N Through Z, Sri Lanka, released 27 June 2011
http://www.state.gov/g/tip/rls/tiprpt/2011/164233.htm
Date accessed 27 June 2011

Return to contents

1. GEOGRAPHY

1.01 The Central Intelligence Agency (CIA) *World Factbook, Sri Lanka* (updated on 17 May 2011), reported that the Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, is an island in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. The capital is Colombo, Sri Jayewardenepura Kotte is the legislative capital. The country was estimated to have a population of 21,284,913 (July 2011 est.). There are 9 provinces; Central, Eastern, North Central, Northern, North Western, Sabaragamuwa, Southern, Uva, Western. [1] The principal towns are Colombo, Dehiwala-Mount Lavinia, Moratuwa, Sri Jaywardene Kotte, Negombo, Kandy, and Galle. (The Sri Lanka Department for Census and Statistics, Statistical Abstract 2010, table 2.4, Population of principal towns by sex, census, years, website accessed on 1 June 2011) [2]

1.02 The *CIA World Factbook*[3], (updated on 17 May 2011), recorded that the population could be divided into the majority Sinhalese (73.8 per cent), Sri Lankan Moors (Muslims) 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent and 10 per cent whose ethnicity was unspecified (2001 census provisional data). However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2010, Chapter II, tables 2.10 - 2.11, undated, website accessed on 1 June 2011)[4], based on a total population of 18,797,257 recorded in the 2001 census the population comprised: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (descendants of European colonists) (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included.

1.03 The US State Department *2010 Report on International Religious Freedom - Sri Lanka*[5] published on 17 November 2010, noted that "Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim. Christians tend to be concentrated in the west, Muslims populate the east, and the north is almost exclusively Hindu."

1.04 There are three main languages spoken: Sinhala (official and national language) 74 per cent of the population, Tamil (national language) 18 per cent, and English (commonly

[1] CIA - The World Factbook – Sri Lanka
https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011
Date accessed 2 June 2011
[2] Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.4, Population of principal towns by sex, census, years http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-4.pdf date accessed 1 June 2011
[3] CIA - The World Factbook – Sri Lanka
https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011
Date accessed 2 June 2011
[4] Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10
http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf and 2.11
http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf date accessed 1 June 2011
[5] US State Department International Religious Freedom Report 2010, released on 17 November 2010
http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 1

used in Government and spoken competently by about 10 per cent of the population). (CIA World Factbook, Sri Lanka[6], updated on 17 May 2011).

1.05 As recorded by the Sri Lanka Department for Census and Statistics (Statistical Abstract 2010, Chapter II, table 2.10 website accessed on 1 June 2011)[7] the highest concentration of Sinhalese population is in the districts of Gampaha, Colombo, Kurunegala, Kandy and Galle. The districts of Colombo, Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya have a high concentration of Tamils (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included.

MAP

1.06

[6] CIA - The World Factbook – Sri Lanka
https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011
Date accessed 2 June 2011

[7] Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10, Population by ethnic group, census years http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf date accessed 1 June 2011

[8]

For additional maps:

United Nations, Department of Field Support, Cartographic Section, Map No. 4172 Rev.3, March 2008
http://www.un.org/Depts/Cartographic/map/profile/srilanka.pdf

United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) Sri Lanka:

[8] United Nations, Map of Sri Lanka (Map No. 4172 Rev. 1), January 2004

http://ochaonline.un.org/srilanka/MapCentre/tabid/2591/language/ja-JP/Default.aspx

United Nation High Commission for Refugees (UNHCR):
http://www.unhcr.org/publ/PUBL/3dee2ccd0.pdf

European Country of Origin Information Network (ecoinet)
http://www.ecoi.net/sri-lanka/maps

Media Centre for National Security (MCNS)/Defence News (LTTE-controlled areas November 2005 – May 2009)
http://www.nationalsecurity.lk/maps.php

PUBLIC HOLIDAYS

1.07 The Economist Intelligence Unit, *January 2011 Sri Lanka report* [9] recorded the following public holidays for the year 2011

"January 15th (Tamil Thai Pongal Day); January 19th (Duruthu Full Moon Poya Day); February 4th (National Day); February 16th (Holy Prophet's Birthday); February 17th (Navam Full Moon Poya Day); March 2nd (Maha Sivaratri Day); March 19th (Medin Full Moon Poya Day); April 13th-14th (Sinhala and Tamil New Year); April 17th (Bak Full Moon Poya Day); April 22nd (Good Friday); May 1st (May Day); May 17th-18th (Vesak); June 15th (Poson Full Moon Poya Day); July 14th (Esala Full Moon Poya Day); August 13th (Nikini Full Moon Poya Day); August 31st (Eid al-Fitr, End of Ramadan); September 11th (Binara Full Moon Poya Day); October 11th (Vap Full Moon Poya Day); October 26th (Deepavali); November 6th (Eid al-Adha, Hadji Festival Day); November 10th (Il Full Moon Poya Day); December 10th (Unduvap Full Moon Poya Day); December 25th (Christmas Day)"

Return to contents

2. ECONOMY

2.01 The *CIA World Factbook*[10], *Sri Lanka* (updated on 17 May 2011) recorded:

"Sri Lanka is engaging in large-scale reconstruction and development projects following the end of the 26-year conflict with the LTTE, including increasing electricity access and rebuilding its road and rail network. Additionally, Sri Lanka seeks to reduce poverty by using a combination of state directed policies and private investment promotion to spur growth in disadvantaged areas, develop small and medium enterprises, and promote increased agriculture. High levels of government funding may be difficult, as the government already is faced with high debt interest payments, a bloated civil service, and historically high budget deficits. The 2008-09 global financial crisis and recession exposed Sri Lanka's economic vulnerabilities and nearly caused a balance of payments

[9] Economist Intelligence Unit, January 2011 report,
http://www.eiu.com/report_dl.asp?issue_id=287745013&mode=pdf&rf=0 [subscription only] date accessed 2 June 2011
[10] CIA - The World Factbook – Sri Lanka
https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011
Date accessed 2 June 2011

crisis, which was alleviated by a $2.6 billion IMF standby agreement in July 2009. The end of the civil war and the IMF loan, however, have largely restored investors' confidence, reflected in part by the Sri Lankan stock market's recognition as one of the best performing markets in the world. Sri Lankan growth rates averaged nearly 5% in [sic] during the war, but increased government spending on development and fighting the LTTE in the final years spurred GDP growth to around 6-7% per year in 2006-08. After experiencing 3.5% growth in 2009, Sri Lanka's economy is poised to achieve high growth rates in the postwar period."

2.02 The Human Development Index (HDI) for Sri Lanka was 0.658 for 2010, giving Sri Lanka an HDI ranking of 91 out of 169 countries. The GDP per capita was just below US$ 5,000 for 2008. The HDI "… provides a composite measure of three basic dimensions of human development: health, education and income." (UNDP, Human Development Report 2010, Country Profile, Sri Lanka)[11]. The *CIA Factbook*[12], (updated on 17 May 2011), noted that in 2010 GDP per capita was estimated to be US$4,900 and the unemployment rate estimated at 5.2 per cent. The same source stated that the percentage of the population below poverty line in 2008 was estimated to be 23 per cent.

2.03 The Economist Intelligence Unit (EIU), *Country Report Sri Lanka, May 2011*[13], recorded that the average consumer price inflation was 5.9 per cent in 2010 and was forecast at 9.1 per cent for 2011. The EIU also gave the actual average unemployment rate at 5.8 per cent for 2010 (with a forecast of 5.4 per cent for 2011).

2.04 The Sri Lanka Department of Census and Statistics recorded in their *Statistical Abstract 2010, Socio Economic Indicators*[14] (undated, website accessed on 1 June 2011) that in 2009 the total labour force was 7,572,363 with an unemployment rate of 5.7per cent.

2.05 The approximate rate of exchange from xe.com Universal Currency Converter[15] on 31 May 2011 was £1 = 180 Sri Lankan rupees.

2.06 The Sri Lanka Department of *Census and Statistics recorded in their Household Income and Expenditure Survey – 2009/10* Final Results, March 2011[16] that "The median monthly household income… is Rs. 23,746 [approximately £132 with the exchange rate of May 2011] in 2009/10 showing an increase of about 42 percent from 2006/07." The same document noted that highest average monthly household income was reported from the Colombo district and the lowest from the Jaffna district.

---

[11] UNDP, Human Development Report 2010, Sri Lanka, Country profile of human development indicators, http://hdrstats.undp.org/en/countries/profiles/LKA.htm undated, date accessed 2 June 2011

[12] CIA - The World Factbook – Sri Lanka https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011 Date accessed 2 June 2011

[13] Economist Intelligence Unit, Country Report Sri Lanka, May 2011 http://www.eiu.com/report_dl.asp?issue_id=1568093941&mode=pdf [subscription only] date accessed 2 June 2011, p9

[14] Sri Lanka Department of Census and Statistics, Statistical Abstract 2010, Socio Economic Indicators, undated http://www.statistics.gov.lk/abstract2010/Pages/indicators.htm date accessed 2 June 2011

[15] xe.com Universal Currency Converter http://www.xe.com/ucc/convert/?Amount=1&From=GBP&To=LKR&image.x=81&image.y=13 date accessed 31 May 2011

[16] Sri Lanka Department of Census and Statistics, Household Income and Expenditure Survey – 2009/10 Final Results, March 2011 http://www.statistics.gov.lk/Newsletters/HIES200910FinalBuletin.pdf date accessed 2 June 2011, p2-3

Return to contents

3. HISTORY

The following section gives a brief overview of Sri Lanka's recent history since independence, with a focus on events since 2005

KEY POLITICAL EVENTS (1948 TO DECEMBER 2010)

3.01 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka[17] (last reviewed on 14 April 2011) stated:

"Since independence from Britain in February 1948, the political scene has been dominated by two parties: the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), which is now part of the People's Alliance (PA)…A republican constitution was adopted in 1972 and the ruling coalition, led by Sirimavo Banadaranaike, gave itself an extra two years in power. The UNP returned to power in 1978 and adopted a new constitution based on an executive presidency. It introduced for the first time elections based on proportional representation."

3.02 The FCO *Sri Lanka country profile*[18] stated that by 1993 "…the SLFP had become part of the People's Alliance (PA) coalition headed by Chandrika Kumaratunga daughter of SWRD and Sirimavo Bandaranaike. Mrs Kumaratunga went on to win a landslide victory in elections in November 1994 and 1999 and served as President until November 2005."

3.03 The FCO *Sri Lanka country profile*[19] also noted that:The elections in April 2004 produced a new political order with the victory of the UPFA (SLFP and JVP alliance). Support for the traditional parties dropped, and smaller parties – JVP [Janatha Vimukthi Peramumna], TNA [Tamil National Alliance] and JHU [Jathika Hela Urumaya] gained significant numbers of seats."

3.04 Europa World Online[20], accessed on 1 June 2011, stated that:

"Mahinda Rajapakse, a senior member of the SLFP, was sworn in as Prime Minister on 6 April and a few days later a new Cabinet was sworn in. In September the UPFA Government achieved a legislative majority when the CWC [Ceylon Workers' Congress], which had eight seats in Parliament, announced that it would join the ruling

[17] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date date accessed 19 May 2011 (Political History)

[18] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date accessed 19 May 2011 (Political History)

[19] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date date accessed 19 May 2011 (Political History)

[20] Europa World Online, Sri Lanka, Domestic Political Affairs, undated http://www.europaworld.com/entry/EE001876 [subscription only] date accessed 1 June 2011

coalition. In the following month three members of the opposition SLMC defected to the UPFA, further strengthening the Government."

3.05 The FCO profile[21] noted that:

"In November 2005, Mahinda Rajapaksa (SLFP) was elected President with 50.3% of the vote. The LTTE enforced a boycott of the poll in key Tamil areas. This resulted in extremely low voter participation in the north and east of the country. Ranil Wickremesinghe, UNP Presidential candidate and Leader of the Opposition took 48.4%. In January 2007, a number of UNP members joined the government team giving it a parliamentary majority. A cabinet reshuffle followed. Throughout 2008 and 2009 the UPFA won a series of victories in Provincial Council elections."

The final official results of such elections are available from the website of the Sri Lanka Department of Elections.

3.06 The FCO profile[22] added:

"Early Presidential elections took place in January 2010. President Rajapaksa's main challenger was the former Sri Lankan Army General Sarath Fonseka, who was supported by a number of opposition parties including the UNP, JVP and TNA. Both candidates' campaigns focussed on their respective roles in the military defeat of the LTTE in May 2009. On 27 January 2010, the Sri Lankan Election Commissioner announced that President Rajapaksa had won the presidential election with 58% of the vote. Independent election monitors expressed broad satisfaction with the conduct of the poll on election day, which attracted a 70% turnout, but highlighted a number of concerns about campaign conduct including the high incidence of pre-election violence. Fonseka announced that he planned to contest the result in court.

"Following the Presidential election, Fonseka was arrested on charges of campaigning whilst in uniform and corruption over military procurement contracts. Courts martial found Fonseka guilty on both charges and he was dishonourably discharged and sentenced to 30 months in prison. As a result of the prison sentence, he lost his seat as an MP, having been elected to Parliament in the April 2010 elections. He was also charged under the Emergency Regulations and Penal Code for creating terror and panic by his statement that senior military officials had ordered surrendering LTTE leaders to be killed. This trial is being heard in a normal court and is ongoing."

See also Opposition groups and political activists

3.07 Information on how such elections were conducted is available from PAFFREL; CaFFE Final Report on the Presidential Elections 2010 as well as CMEV Final report on election related violence and malpractices: Presidential Election 2010

[21] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date date accessed 19 May 2011 (Latest Political Developments)

[22] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date date accessed 19 May 2011 (Latest Political Developments)

3.08 The full official results of the January 2010 Presidential Election are available from the website of the Sri Lanka Department of Elections

3.09 The FCO profile[23] further noted that:

"Parliamentary elections took place in April 2010. Overall voter turn out was 61%, although much lower in some areas, including the north. Following the re-polling in two districts due to electoral irregularities, the final result confirmed victory for President Rajapaksa's United People's Freedom Alliance (UPFA), which won 144 of the 225 seats and leaving it just six seats short of the two-thirds majority needed to amend the constitution. Shortly after the announcement of the final result, DM Jayaratne of the SLFP was named Prime Minister. A Cabinet reshuffle followed, reducing it from 52 to 37 members. Key roles were given to the President's brother, Basil Rajapaksa heading a new ministry of Economic Development, which will have oversight of all major areas of economy such as ports, tourism and foreign investment. Former Trade Minister GL Peiris was appointed Foreign Minister, replacing Rohita Bogollagama, who lost his parliamentary seat in the elections."

3.10 The final official results were published on the official website of the Department of Elections, accessed on 1 June 2011:

United People Freedom Alliance (UPFA)	144
United National Party (UNP)	60
Ilankai Tamil Arasu Kadchi (Tamil National Alliance TNA)	14
Democratic National Alliance	7

3.11 The Economist Intelligence Unit (EIU), *Country Report Sri Lanka, May 2010*[24] stated that:

"The Marxist Janatha Vimukthi Perumena (JVP), which contested under the banner of the Democratic National Alliance (DNA), led by the defeated presidential candidate, General Sarath Fonseka, won just five geographic seats. However, General Fonseka was elected to parliament from a constituency in the capital, Colombo. The Tamil National Alliance (TNA), which ran under the name of the Ilankai Tamil Arasu Kadchi, gained 12 constituency seats. Sri Lanka's system of proportional representation means that parties receive 'national list' seats in addition to geographic ones. Taking these into account, the UPFA won 144 seats in total, but fell just short of the two-thirds majority that it had targeted in the 225-seat legislature."

3.12 The same EIU report[25] observed:

"The low turnout was a worry for observers; it generally stood at just over 50%, and was considerably lower in Northern province. This was below par compared with past

[23] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2 date accessed 19 May 2011 (Latest Political Developments)

[24] Economist Intelligence Unit, Country Report Sri Lanka, May 2010 http://www.eiu.com/report_dl.asp?issue_id=177121002&mode=pdf [subscription only] Date accessed 25 August 2010, p10

[25] Economist Intelligence Unit, Country Report Sri Lanka, May 2010 http://www.eiu.com/report_dl.asp?issue_id=177121002&mode=pdf [subscription only] Date accessed 25 August 2010, p10

elections. According to a non-governmental electoral watchdog, the People's Action for Free and Fair Elections, turnout may have reflected election fatigue, as several provincial council elections and the presidential election had preceded the parliamentary poll. The start of the festive season (Sinhalese and Tamil new year celebrations occur in April) and lack of faith in the electoral system may also have played a part. The most crucial element, however, may have been the widespread perception that the election's result was not in any doubt, which probably discouraged supporters of both camps from voting. According to election monitors, the conduct of the parliamentary election was generally free from violence. The local Centre for Monitoring Election Violence received complaints about 84 major and 202 minor incidents of election related violence, a relatively low total by the standards of previous elections."

3.13 Information on how such elections were conducted is available from the following weblinks: CaFFE 'Final report on Parliamentary Election 2010 and the CMEV Final report on election related violence and malpractices: Parliamentary Election 2010.

3.14 Click on the hyperlink for the current list of Government ministers (last accessed on 1 June 2011)

Return to contents

THE INTERNAL CONFLICT (1984 TO MAY 2009)

3.15 The Foreign & Commonwealth Office (FCO) C*ountry Profile of Sri Lanka*[26] (last reviewed on 14 April 2011), observed that:

"On 19 May 2009 the Government of Sri Lanka announced the military victory over the Liberation Tigers of Tamil Eelam (LTTE) following a 26 year long internal conflict. Over this period at least 70,000 people are estimated to have been killed and some one million displaced.

"The roots of the conflict lie in the deterioration of relations between the Tamil and Sinhalese communities from the 1950s. By the late 1970s a number of armed groups were operating in the north and east of the island. In 1983 there were serious anti-Tamil riots in Colombo resulting in the killing of some 2,000 Tamils. Some Ministers in the Government of Sri Lanka were implicated in the event. Many Tamils returned to traditional Tamil areas in the North and many others began to seek asylum abroad."

"In mid 1987 when a Government of Sri Lanka embargo of Jaffna began to result in severe hardship, the Government of India, pushed by public opinion in Tamil Nadu, forced the Sri Lankan Government to sign the Indo-Sri Lankan Accord. This provided for an Indian peacekeeping Force (IPKF) in the North and East. However relations between the IPKF and the LTTE broke down and there was heavy fighting and reports of human rights violations on both sides. President Premadasa negotiated the IPKF's withdrawal, which was completed in March 1990.

"During 1988, in part as a result of Indian intervention, unrest among the Sinhalese community grew into a violent insurgency by the Janatha Vimukthi Peramuna (JVP).

[26] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2 date accessed 19 May 2011 (The internal conflict)

The government launched a ruthless counter-insurgency campaign against the JVP and the rebellion ended in 1989 when its leaders were murdered. Tens of thousands were killed in the conflict between the government and the JVP.

"There followed a period of relative peace before the situation in the North and East deteriorated in June 1990. After 18 months, negotiations fell apart and the LTTE again resorted to violence. They extended their control until they held the Tamil heartland: the Jaffna Peninsula and large areas of the North and East. The security forces succeeded in winning back most of the East, but the North remained outside their control."

"Hundreds of people were killed and injured in terrorist attacks relating to the conflict."

3.16 The FCO *Sri Lanka Country Profile*[27] added:

"In July 1995, the Sri Lankan army launched a military operation, culminating in the fall of Jaffna in December 1995 to Government forces. At the end of January 1996 the LTTE began a bombing campaign in Colombo.

"During 1996, the Sri Lankan army secured enough of the Jaffna Peninsula to allow the civilian population to return to Jaffna town. The LTTE reasserted themselves in the Eastern province and infiltrated back into the Jaffna Peninsula. LTTE inspired terrorist attacks continued in the south, including on the Temple of the Tooth in Kandy, the most sacred Buddhist site in Sri Lanka.

"In March 1999 the Sri Lankan Army launched two major offensives in the Vanni and captured over 800 sq kms of territory from the LTTE. Fighting in the North intensified in late 1999 and the Vanni (jungle areas in the North) fell to the LTTE after some of the fiercest fighting since the conflict began. In April 2000 the LTTE carried out a major assault which led to the withdrawal of Sri Lankan troops from Elephant Pass (which links the Jaffna peninsula to the rest of Sri Lanka). With control of Elephant Pass, the LTTE continued further attacks into the Jaffna Peninsula. Fighting continued until December 2001 when the announcement of a new ceasefire by the LTTE was reciprocated by the newly elected UNF government. A Ceasefire Agreement was signed in February 2002 by the government and LTTE."

3.17 The FCO *Country Profile on Sri Lanka*[28] further reported that:

"In April 2004, the LTTE's eastern commander, Karuna and a group broke away from the LTTE. He complained that the LTTE leadership did not sufficiently look after the interests of those in the east of the country. The Karuna group aligned themselves to the Government and fought against the LTTE in the East.

"After President Rajapaksa came to power in November 2005, there was an initial period of violence and short lived talks between the LTTE and the Government in December 2005 and January 2006. Large-scale violence resumed in April 2006. Talks

[27] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date accessed 19 May 2011 (The internal conflict)

[28] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date accessed 19 May 2011 (The internal conflict)

were eventually held in Geneva in October 2006, but were inconclusive. In January 2008 the Government of Sri Lanka abrogated the Ceasefire Agreement."

3.18 The same source[29] added:

"In the period January - May 2009 the Government of Sri Lanka captured the last remaining LTTE strongholds in Northern Sri Lanka and in May 2009 announced that it had captured all land previously held by the LTTE. All senior LTTE leaders, including Prabhakaran, had been killed in the final stages of the battle.

"Towards the end of the fighting, high numbers of civilians are believed to have been killed and injured as a result of the heavy fighting. There was no independent access to the conflict zone and international concern has been raised about the conduct of hostilities by both sides in the final months of the conflict."

3.19 The International Crisis Group (ICG) *War Crimes in Sri Lanka, Asia Report N°191*, dated 17 May 2010[30], observed:

"By January 2009, the Sri Lankan government had effectively defeated the LTTE. The Tamil fighters were cornered in a small portion of the Northern Province known as the Vanni [The Vanni consists of all or part of five administrative districts designated by the government – Kilinochchi and Mullaitivu Districts in whole, and Vavuniya, Mannar and Jaffna Districts in part] and were surrounded by more numerous and better armed Sri Lankan government forces. Also in the area were over 300,000 civilians, most of whom had been repeatedly displaced from previously LTTE-held areas. The LTTE by this stage were running short of arms and supplies. Many of their cadres believed the situation was hopeless, and the Tamil civilian population was increasingly resentful of such policies as forced recruitment and the near-complete ban on leaving the Vanni."

3.20 The ICG report of May 2010[31] noted:

"The Sri Lankan security forces and the Liberation Tigers of Tamil Eelam (LTTE) repeatedly violated international humanitarian law during the last five months of their 30-year civil war. Although both sides committed atrocities throughout the many years of conflict, the scale and nature of violations particularly worsened from January 2009 to the government's declaration of victory in May. Evidence gathered by the International Crisis Group suggests that these months saw tens of thousands of Tamil civilian men, women, children and the elderly killed, countless more wounded, and hundreds of thousands deprived of adequate food and medical care, resulting in more deaths. This evidence also provides reasonable grounds to believe the Sri Lankan security forces committed war crimes with top government and military leaders potentially responsible.

---

[29] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2 date accessed 19 May 2011 (The internal conflict)

[30] International Crisis Group (ICG) War Crimes in Sri Lanka, Asia Report N°191, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/191%20War%20Crimes%20in%20Sri%20Lanka.ashx date accessed 9 June 2011, Executive summary and recommendations)

[31] International Crisis Group (ICG) War Crimes in Sri Lanka, Asia Report N°191, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/191%20War%20Crimes%20in%20Sri%20Lanka.ashx date accessed 9 June 2011, Executive summary and recommendations)

There is evidence of war crimes committed by the LTTE and its leaders as well, but most of them were killed and will never face justice."

3.21 The ICG report of May 2010[32] added:

"Crisis Group possesses credible evidence that is sufficient to warrant an independent international investigation of the following allegations:

- The intentional shelling of civilians. Starting in late January, the government and security forces encouraged hundreds of thousands of civilians to move into ever smaller government-declared No Fire Zones (NFZs) and then subjected them to repeated and increasingly intense artillery and mortar barrages and other fire…
- The intentional shelling of hospitals. The security forces shelled hospitals and makeshift medical centres – many overflowing with the wounded and sick – on multiple occasions even though they knew of their precise locations and functions…
- The intentional shelling of humanitarian operations. Despite knowing the exact location of humanitarian operations and food distribution points, the security forces repeatedly shelled these areas, which were crowded with humanitarian workers, vehicles and supplies, and civilians."

3.22 The same report[33] further noted that:

"There is also strong evidence that the LTTE engaged in:

- The intentional shooting of civilians. The LTTE fired on and killed or wounded many civilians in the conflict zone who were attempting to flee the shelling and cross into government-controlled areas.
- The intentional infliction of suffering on civilians. The LTTE refused to allow civilians to leave the conflict zone, despite grave danger from shelling and lack of humanitarian supplies, even when the civilians were injured and dying. The LTTE also forcibly recruited many civilians to fight or serve as labourers and beat some family members who protested the recruitment."

3.23 The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*, 5 July 2010[34], reported that:

"Acts reportedly committed by the parties to the armed conflict in Sri Lanka include, inter alia, abductions and disappearances, indiscriminate attacks on civilians, use of human shields, restrictions on freedom of movement, forced displacement, torture and other cruel, inhuman and degrading treatment, including rape, execution of prisoners of war,

[32] International Crisis Group (ICG) War Crimes in Sri Lanka, Asia Report N°191, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/191%20War%20Crimes%20in%20Sri%20Lanka.ashx date accessed 9 June 2011, Executive summary and recommendations)

[33] International Crisis Group (ICG) War Crimes in Sri Lanka, Asia Report N°191, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/191%20War%20Crimes%20in%20Sri%20Lanka.ashx date accessed 9 June 2011, Executive summary and recommendations)

[34] UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, 5 July 2010 http://www.unhcr.org/refworld/country,,,,LKA,,4c31a5b82,0.html Date accessed 10 August 2010, p11-12

extrajudicial executions and forced recruitment for military service and/or labour, including recruitment of children."

The SATP list of LTTE leaders killed during encounters with security forces in Sri Lanka, 2001-2009 provides comprehensive information on the LTTE leaders killed during the last weeks of the war. The Sri Lankan government's, Media Centre for National Security (MCNS)/Defence News has a series of maps that chart the gradual contraction of the area controlled by the LTTE between November 2005 and the rebels' defeat in May 2009: weblink.

3.24 The UN *Concluding observations of the Committee on Economic, Social and Cultural Rights*[35], dated 9 December 2010, expressed "… deep concern about allegations according to which during the last months of the armed conflict in 2009, civilians were deliberately deprived of food, medical care and humanitarian assistance which constitute violations of article 11 of the Covenant as well as of the international humanitarian prohibition of starvation and may amount to a war crime."

3.25 The Minority Rights Group International (MRGI) report, *No war, no peace: the denial of minority rights and justice in Sri Lanka*[36], released on 19 January 2011 observed that: "With the end of the conflict between Sri Lankan government forces and the Liberation Tigers for Tamil Eelam (LTTE or 'Tamil Tigers') in 2009, normality has returned for much of the population of Sri Lanka. But for members of the country's two main minority groups – Tamils and Muslims – living in the north and east of the country, harsh material conditions, economic marginalisation, and militarism remain prevalent."

3.26 The Economist Intelligence Unit (EIU), *Country Report Sri Lanka, May 2011*[37] observed:

"In stunningly blunt language, a UN report by a panel of international experts published in April [2011] stated that there were credible allegations that the government was responsible for widespread human rights violations in late 2008 and 2009. Rejecting the government's claim that it had pursued a 'zero civilian casualties' policy, the panel declared that government shelling was responsible for the majority of civilian deaths in the war's closing stages, amounting to tens of thousands of lives. It said that heavy shelling by the army had targeted the no-fire zones where the administration had encouraged people fleeing the conflict to congregate.

"However, the panel also noted that the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) had killed many people, shooting those who tried to flee the conflict. The fact that the LTTE kept civilians hostage as 'human shields' and sited artillery and munitions dumps near to refugee and civilian sites such hospitals, while also conducting suicide attacks that targeted civilians, also helps to explain the government's actions. Among other human rights violations by the LTTE, the experts mentioned the use of forced labour and child soldiers.

[35] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p8
[36] Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html date accessed 20 May 2011, Executive Summary
[37] Economist Intelligence Unit, Country Report Sri Lanka, May 2011 http://www.eiu.com/report_dl.asp?issue_id=1568093941&mode=pdf [subscription only] date accessed 2 June 2011, p10

"In addition to the charge of shelling civilians, the report also found credible allegations that the government had fired on hospitals and other humanitarian operations, such as food distribution lines; that it had denied humanitarian assistance; and that it had violated the rights of refugees and suspected LTTE cadres, as well as members of the media and other critics of the government. It noted that the media had been intimidated through the use of threats and abductions.

"The government has strongly rejected the panel's findings. In response to calls from the president, Mahinda Rajapakse, thousands of Sri Lankans turned out at rallies at the start of May to protest against the UN secretary-general, Ban Ki-moon, who commissioned the report. The administration's refusal to acknowledge the abundant evidence that it shelled civilians in 2009 will continue to strain ties with Wester [sic] governments."

3.27 For more information see the UN Report of the Secretary-General's panel of experts on accountability in Sri Lanka.

Return to contents

GOVERNMENT TREATMENT OF (SUSPECTED) MEMBERS OF THE LTTE (UP TO DECEMBER 2010)

3.28 The International Commission of Jurists (ICJ) Briefing Note, *Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects*[38], of September 2010 reported:

"As the military conflict culminated at grave cost to civilian life and security in May 2009, many current detainees were separated from their families by the Sri Lanka Army (SLA) at reception points as they fled into government-controlled areas. Others were arrested after arrival to the militarized internment camps for the internally displaced, including Manik Farm, as a result of screenings conducted by the SLA, as well as the police Terrorist Investigation Division (TID) and Criminal Investigation Division (CID). The screening and resultant arrests continued over the months that followed the end of the conflict, sometimes with the assistance of Tamil informants amongst the internees. Such arrests continued in the Manik Farm camps at least up to December 2009.Some of these arrested individuals were taken to 'surrendee' camps.

"Any alleged association with the LTTE appears to have been grounds for arrest. Those arrested include individuals who were recruited by the LTTE in the days and weeks before their defeat, as well as individuals who carried out official functions in LTTE administered areas and received a salary from the LTTE, but had not taken any active part in hostilities. Bona fide civilians who did not wish to be separated from relatives who had been identified as LTTE suspects were also detained at reception points such as Omanthai. The basis for arrests has included allegations by fellow IDPs and paramilitary groups in the internment camps, raising issues of credibility."

"Other detainees responded to public calls from the SLA for the surrender of anyone who had spent 'even one minute with the LTTE in any way'. This blanket call led many

[38] International Commission of Jurists (ICJ) Briefing Note Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects, September 2010 http://www.icj.org/dwn/database/BeyondLawfulConstraints-SLreport-Sept2010.pdf date accessed 31 May 2011, p8-9

detainees with minimal involvement with the LTTE to report themselves, including children brought forward by their parents.

"It is estimated that about 12,000 individuals were arrested and detained during the final months and immediate aftermath of the end to military conflict in May 2009, including many who had at most a tenuous link to the LTTE and others who had been subjected to forced conscription during the latter stages of the conflict."

3.29 Referring to the "… at least 11,000 people… " detained "… in so-called 'rehabilitation centers… " because of their alleged association with the LTTE, the HRW document *Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, released on 29 January 2010[39], observed:

"The government has routinely violated the detainees' fundamental human rights, including the right to be informed of specific reasons for arrest, the right to challenge the lawfulness of the detention before an independent judicial authority, and the right of access to legal counsel and family members. The authorities' consistent failure to inform families of the basis for the detainees' arrest and their whereabouts raises serious concerns that some detainees may have been victims of torture and ill-treatment, which are more likely to take place where due process of law is lacking and which have long been serious problems in Sri Lanka. Given the lack of information about some detainees, there is also a risk that some may have been 'disappeared'."

3.30 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*[40], 11 January 2010, referred to "extra-legal detention centres" maintained by the military and observed:

"These detained have had no access to lawyers, their families, ICRC or any other protection agency, and it is unclear what is happening inside the centres. In addition, 'the grounds on which the ex-combatants have been identified and the legal basis on which they are detained are totally unclear and arbitrary'. Given the well-established practice of torture, enforced disappearance and extra-judicial killing of LTTE suspects under the current and previous Sri Lankan governments, there are grounds for grave concerns about the fate of the detained. The government has announced that of those alleged ex-combatants currently detained, only 200 will be put on the [sic] trial; most will detained for a further period of 'rehabilitation' and then released.…another 1500-2000 suspects continue to be held under emergency detention orders or other anti-terrorism legislation, some for years without charges."

3.31 A BBC News report of 15 July 2010[41] noted:

"Former Tamil Tiger rebels detained in Sri Lanka say they have been ill-treated in government camps with no basic facilities. In letters and phone calls to BBC Tamil, ex-militants say they have been 'tortured and beaten' in the centres. They accuse camp

[39] Human Rights Watch (HRW), Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka, 29 January 2010 http://www.hrw.org/sites/default/files/reports/srilanka0210webwcover.pdf Date accessed 2 July 2010, Summary

[40] International Crisis Group (ICG),Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/b99%20sri%20lanka%20a%20bitter%20peace.ashx Date accessed 28 October 2010, p8 and 18

[41] BBC News, Former Sri Lanka rebels 'abused in detention': 15 July 2010 http://www.bbc.co.uk/news/world-south+asia-10647108 Date accessed 29 September 2010

guards of being corrupt and demanding bribes before releasing detainees. The government says all those being held in custody following the end of the war are being well cared for. It has consistently refused to allow any kind of independent investigation into allegations of human rights abuses in the final weeks leading up to the end of the war in May 2009.

"Some of the camps are located in military bases, others in schools and colleges. The government refuses to allow journalists, aid agencies and the UN to visit these camps - but in most cases, relatives are allowed to see their loved ones.

3.32 The International Commission of Jurists (ICJ) Briefing Note *Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects*[42], of September 2010 observed:

"The Government of Sri Lanka is currently holding approximately eight thousand individuals under administrative detention without charge or trial. They are alleged former associates of the LTTE and therefore required to undergo 'rehabilitation' under Sri Lanka's 2005 emergency regulations. Hundreds of others have been screened and held separately for criminal prosecution.

"The ICJ is concerned that the Government's 'surrendee' and 'rehabilitation' regime fails to adhere to international law and standards, jeopardizing the rights to liberty, due process and fair trial. There are also allegations of torture and enforced disappearance. Access required for reliable and accurate monitoring by international agencies, including the International Committee of the Red Cross (ICRC), has been denied. Political expedience and secrecy have tended to take precedence over legality and accountability."

3.33 The ICJ *Briefing Note* of September 2010[43] further noted:

"Reliance on emergency regulations and counter-terrorism legislation that fall short of international law and standards effectively places detainees in a legal black hole. There is no recourse to an independent and competent tribunal to determine their rights. Obstructed access for independent monitoring further clouds these practices and has made it impossible to verify reports of enforced disappearance, torture and other ill treatment, or the continuing presence of children among the adult detainees."

"Prolonged and indefinite administrative detention of 'rehabilitees' for up to two years without charge may amount to individual and collective punishment without charge or trial. In addition to this disguised form of punishment for alleged criminal offences, 'rehabilitees' face the prospect of a second punishment upon conviction for crimes if criminal prosecutions are eventually initiated. The ICJ is also concerned that detainees are vulnerable to the violation of other rights, including the prohibition against torture and other cruel, inhuman or degrading treatment, the prohibition against enforced disappearance, as well as of a number of particular rights applicable to children."

3.34 On 25 October 2010 BBC Sinhala[44] reported that:

[42] International Commission of Jurists (ICJ) Briefing Note Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects, September 2010 http://www.icj.org/dwn/database/BeyondLawfulConstraints-SLreport-Sept2010.pdf date accessed 31 May 2011, Executive Summary

[43] International Commission of Jurists (ICJ) Briefing Note Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects, September 2010 http://www.icj.org/dwn/database/BeyondLawfulConstraints-SLreport-Sept2010.pdf date accessed 31 May 2011, Executive Summary

"Lawyers representing four Sinhalese accused of supporting the LTTE say the suspects have been detained without charge for over three years.

Senaka Perera, a counsel appearing for the 'Sinhala Tigers' told Colombo magistrate court that his clients have been detained for nearly three years with no charges framed."

"The 25 trade union activists and journalists were abducted in February 2007. They were later found in the custody of Terrorism Investigation Division (TID) of Sri Lanka police.

"21 of the 'Sinhala Tigers' were consequently released without charge by the courts."

3.35 *Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010*[45], dated October 2010 noted:

"Asked about which degree of involvement would lead to a criminal case, Deputy Solicitor General Shavinda Fernando stated that it will depend on the individual case. As an example, the Deputy Solicitor General mentioned that gathering information for the LTTE could lead to a murder and thus be a serious case. It will be taken into consideration that LTTE recruited forcefully and if there is no evidence against the individual, rehabilitation of the detainees will be considered. Asked for further details on which degree of involvement would lead to prosecution, the Deputy Solicitor General stated that for the time being it was not possible to give further information.

"Deputy Solicitor General Shavinda Fernando further stated that at the moment there is no political or legal mechanism for surrendees to be granted amnesty. In this connection the Deputy Solicitor General emphasized that the crucial point would be whether the individual was involved with LTTE activities. There is no difference between suspects being arrested and suspects who surrendered, with regard to the legal procedure."

"Several sources (including a diplomatic mission, the Norwegian Embassy, an anonymous source, a leading human rights defender and the Director of an anonymous local NGO) mentioned the lack of information on the legal status of the people held in the "rehabilitation" camps. The sources further commented the lack of information with regard to charges and profile of the approximately 1,300 people who, according to the government, will be prosecuted."

3.36 A letter from the British High Commission (BHC) Colombo dated 19 January 2011[46] reported:

"The civil conflict officially ended in Sri Lanka on 18th May 2009… The Sri Lankan Ministry of Defence was given direct responsibility for Disarmament, Demobilisation and Reintegration (DDR). There were concerns about the legalities that needed to be

---

[44] BBC Sinhala No charges 'for years' against suspects, 25 October 2010 http://www.bbc.co.uk/sinhala/news/story/2010/10/101025_sinhala_tigers.shtml date accessed 1 June 2011

[45] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p16-17

[46] British High Commission Colombo, letter to the UKBA COI Service, dated 19 January 2011, available upon request

addressed, and that other aspects of the programme would be split between several government departments/ministries. Discussions took place involving the Ministry of Justice, the Defence Secretary and other partners to seek a way forward. It had been claimed that paramilitary loyalists had been used to identify LTTE cadres, although there is no information to support this or confirm their role within the camps. The detained cadres were split into three specific groups:

- Active LTTE members who have been served with detention orders under the Emergency Regulations and are to be charged with offences. These are believed to currently number around 1,400, although that figure may include others held previously under the emergency powers.
- Former LTTE cadres who may be held in Protective Accommodation and Rehabilitation Centres (PARC) and who may remain there for an indeterminate period of between six months and one year. It was believed that initially, many of these were children.
- Those with low level LTTE involvement and were believed to number between 3,000- 4,000. These would be released and receive community reintegration."

3.37 The BHC letter of 19 January 2011[47] added:

"Throughout 2010 persons in the 3rd category above were released in batches. For example, on 9th January 2010, 496 cadres were released, these included some so-called 'child soldiers,' on 31st January 2010 another 56 cadres were released directly to their parents and on 1st February 2010 a further 13 were released. In October 2010 another 306 were released and included 206 females. The RPR [Rehabilitation & Prison Reforms] Minister stated that these were the last of the female detainees.

"The release of these persons has so far appeared poorly planned and no assistance has yet been provided for their reintegration. All were released to their families, which was a condition of their release, although some were released to their families in IDP camps. Those released did not received proper identity documents, just a letter stating that they had been released from a rehabilitation centre. However, mobile units from the Department of the Registration of Persons have been visiting towns around the country enabling such persons to apply for a replacement National Identity Card."

3.38 With regards to Protective Accommodation and Rehabilitation Centres (PARC), the BHC letter of 19 January 2011[48] reported that "For many months here had been no access to these camps, or to the screening process, for local or international agencies. On 28 July 2010, IOM was allowed access to three PARCs in the Welikanda area. They noted:

- Ex-combatants were receiving vocational training in a variety of trades and many were confident that they would be able to apply the skills learnt for future activity.
- Ex-combatants were able to practice and play activities such as cricket, football and volleyball twice a day, although there was a shortage of equipment.

[47] British High Commission Colombo, letter to the UKBA COI Service, dated 19 January 2011, available upon request
[48] British High Commission Colombo, letter to the UKBA COI Service, dated 19 January 2011, available upon request

- All said that the living and sleeping accommodation was adequate and they were satisfied with the meals they were receiving three times a day.
- Mobile health and medical services were provided every month and emergency or specialist cases were taken to Polonnaruwa Hospital for treatment.
- Religious buildings had been constructed to enable ex-combatants to practice their religion twice a day.
- Every weekend, ex-combatants' relatives are allowed to visit from 7.30am until 4.30pm. The military have organised a bus service from Welikanda town to the PARC. ICRC are providing the transport costs to get to Welikanda and all families are eligible for this assistance, although it is often not enough to cover their costs and some families are unaware.
- Most of those detained were the bread winners for their families who were now struggling to earn sufficient income for their needs. Some were also responsible for elderly parents.
- No evidence of mistreatment was offered by any of the ex-combatants encountered in the PARCs.
- All were willing to return home as soon as possible and their primary issue is their release date.
- Although involved in various activities, many were still traumatised and required psychosocial support.
- Boredom and isolation from family/friends/partners were significant factors. Wider use of telephone facilities and placing them in camps closer to their homes would ease this."

3.39 The same source[49] went on to add that: "On 8 August 2010 IOM visited two garment factories in Ratmalana and Homagama to meet female ex-combatants who were 'housed' there. There were a total of 261 females on the premises, aged between 18 and 44 years old. They noted:

- All basic amenities are provided by the factory. The ex-combatant's living quarters were separate from non ex-combatant workers, but they worked together.
- Most women responded positively when asked about their general well-being, although it was felt that in a more private setting, a wider range of opinions might have been heard.
- All women were paid a basic salary of between $80-100 a month for a 6-day week. This is transferred to individual bank accounts but the women are unable to access these funds until they are released.
- All women were generally positive of their situation but were anxious to know their release dates. A government representative present said that they would be released by the end of September 2010.
- Most were positively disposed to starting home-based tailoring businesses, either alone or in groups, once they returned to their home villages, as a result of the work/training they were now undertaking.
- The women had been informed that they would be given National Identity Cards once they had provided their birth certificates.
- Sunday was a visiting day for family members.

[49] British High Commission Colombo, letter to the UKBA COI Service, dated 19 January 2011, available upon request

- The ex-combatants commented that they had expected to have received visits from international humanitarian groups much earlier during their time in rehabilitation."

3.40 On 17 December 2010 the official website of the government of Sri Lanka[50] reported that:

"Former LTTE combatants at rehabilitation centres are well looked after and there had been no complaints, International Organisation for Migration (IOM) Chief of Mission in Sri Lanka, Richard Danziger stated.

"Addressing the media at the IOM Colombo office, on the eve of the International Migrants' Day, Danziger said that the IOM had provided opportunity for ex-LTTE combatants to reintegrate into civilian society by providing job opportunities and training in different vocations.

"'We are helping ex-combatants to return to society and re-integrate with their families as some of them are breadwinners,' he added.

"Responding to a query, the IOM Head said there seemed to be no cases of ill-treatment and the programme was being conducted at a satisfactory level.

"The IOM had commenced a programme to help those rehabilitated even before the war came to an end in the North, he said."

3.41 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010) [51], released on 8 April 2011 noted that:

"Human rights groups estimated that approximately 2,400 LTTE suspects were in regular detention centers. An unknown additional number of unidentified detainees, estimated by some organizations to be as high as 1,200, were thought to be held in police stations, the Criminal Investigation Division (CID), the TID, army or paramilitary camps, or other informal detention facilities. At the beginning of the year [2010] the government held approximately 11,700 former LTTE combatants in detention centers near Vavuniya. Some observers were concerned that these excombatants were subjected to abuse or torture, since independent observers had only limited access to these detainees and there was no formal legal framework for their detention. Due to limited access to these detainees, details about their treatment and whether such treatment met international standards were unavailable. However, independent observers who met with those released saw no evidence of systematic torture or abuse. By the end of the year the government formally charged approximately 1,400 of these detainees and released approximately half of the remaining 10,000 after rehabilitation."

3.42 The USSD 2010[52] report added that: "For much of the year there was no procedure in place to address the legal status of the majority of the approximately 11,700 former LTTE combatants held in detention centers since the end of the war. Approximately

[50] Official website of the Government of Sri Lanka, Ex-LTTE cadres well looked after – IOM Chief, 17 December 2010
http://www.priu.gov.lk/news_update/Current_Affairs/ca201012/20101217ex_ltte_cadres_well_looked_after.htm date accessed 1 June 2011
[51] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1b
[52] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011,, Section 1b

5,000 were released throughout the year [2010], while an additional 1,400 were transferred into the regular prison system and charged with various crimes related to LTTE activity."

See also Situation of (suspected) members of the LTTE

Return to contents

THE CONFLICT'S IMPACT: CASUALTIES AND DISPLACED PERSONS

3.43 The Foreign & Commonwealth Office (FCO) *Country Profile of Sri Lanka*[53] (last reviewed on 14 April 2011), observed that:"An estimated 300,000 civilians (Internally Displaced People - IDPs) were displaced as a result of the fighting and detained in IDP camps in northern Sri Lanka. International attention focused on improving conditions for them and for other longer-term displaced civilians, and supporting the Government to return IDPs to their areas of origin. By April 2011, the number remaining in government camps had fallen to approximately 17,000."

3.44 The HRW document *Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*[54], released on 29 January 2010, observed:

"At several checkpoints, security forces screened and registered the displaced before transporting them to detention camps in the north, which the government euphemistically called 'welfare centers.' The largest detention camp was the multi-camp Menik Farm in Vavuniya district. The government denied the displaced in the camps their rights to liberty and freedom of movement. Individuals in the camps could not leave to work or live with family members or others elsewhere. The government started releasing significant numbers from the camps only in November 2009. By that time, the majority of the displaced had been confined to the camps for more than six months. Those who were displaced first, in March 2008, had spent more than 18 months in confinement.

"Both at checkpoints and in the camps, the authorities separated certain individuals from their families—presumably because of alleged ties with the LTTE—and sent them to 'rehabilitation centers'."

3.45 For further information regarding the conflict during 2009 see the South Asia Terrorism Portal, Sri Lanka Timelines - Year 2009. The Sri Lankan government's Media Centre for National Security (MCNS)/Defence News has a series of maps that chart the gradual contraction of the area controlled by the LTTE between November 2005 and the rebels' defeat in May 2009.

3.46 The ICG report *Sri Lanka: A Bitter Peace*[55], 11 January 2010 observed:

[53] Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 14 April 2011, http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2 date accessed 19 May 2011 (The internal conflict)

[54] Human Rights Watch (HRW), Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka, 29 January 2010 http://www.hrw.org/sites/default/files/reports/srilanka0210webwcover.pdf Date accessed 2 July 2010, Summary

[55] International Crisis Group (ICG),Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/b99%20sri%20lanka%20a%20bitter%20peace.ashx Date accessed 28 October 2010

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

"The government's internment of more than a quarter [sic] million Tamils displaced from the Northern Province – some for more than six months – was further humiliation for a population brutalised by months of ferocious fighting... the resettlement process has failed to meet international standards for safe and dignified returns. There has been little or no consultation with the displaced and no independent monitoring; many returns have been to areas not cleared of mines and unexploded ordnance; inadequate financial resources have been provided for those returning home; and the military continues to control people's movements. These and other concerns also apply to the estimated 80,000 Muslims forcibly expelled from the north by the LTTE in 1990, some of whom have begun to return to their homes."

See also Humanitarian issues and Internally Displaced Persons (IDPs)

Return to contents

4. RECENT DEVELOPMENTS

KEY RECENT DEVELOPMENTS (JANUARY - MAY 2011)

4.01 The Economist Intelligence Unit (EIU) *February 2011 Sri Lanka report*[56] noted:

"Rallies were held in February [2011] by the island's political opposition to demand the release of Sarath Fonseka, the former head of Sri Lanka's armed forces, who was imprisoned in 2010 over offences related to arms procurement. Mr Fonseka was defeated by the incumbent president, Mahinda Rajapakse, of the Sri Lanka Freedom Party (the largest element of the ruling United People's Freedom Alliance coalition), in the January 2010 presidential election, and many in the opposition view his prosecution as politically motivated. In January the Supreme Court ruled that the court-martial process under which the former general was convicted last year was legitimate, rejecting an appeal by Mr Fonseka's legal team to overturn their verdicts.

"The recent protests have been organised largely by the main opposition party, the United National Party, and a left-wing party, Janatha Vimukthi Peramuna (JVP). One of the recent rallies saw fierce clashes between supporters and opponents of the government, which left several opposition legislators injured and resulted in a number of vehicles belonging to opposition supporters being damaged.

"In a separate incident, the offices of an online news website, Lanka e News, in the capital, Colombo, were targeted in an arson attack in late January. The US embassy in Sri Lanka has expressed deep concern over the crime, which is the latest in a number of attacks on media outlets in Sri Lanka in recent years. Many of these have been directed towards journalists who are critical of the government. A suspect in the recent attack was arrested in February."

[56] Economist Intelligence Unit, February 2011 Sri Lanka report http://www.eiu.com/report_dl.asp?issue_id=137817198&mode=pdf [subscription only]date accessed 2 June 2011, p10

See also Sarath Fonseka and his supporters and Freedom of speech and media

4.02 The EIU April 2011 *Sri Lanka report*[57] recorded that:

"The ruling United People's Freedom Alliance (UPFA) coalition secured a landslide victory in local elections held in March, adding to the list of overwhelming poll victories that it has won since triumphing in the civil war against the rebel Liberation Tigers of Tamil Eelam (LTTE), which ended in 2009 after 26 years of fighting. The UPFA swept the local-authority elections, gaining control of 205 of the 234 bodies with a share of roughly 55% of the vote. The main opposition United National Party (UNP) won a disappointing nine councils, with around 33% of the vote, while the Tamil National Alliance (ITAK) won control of 12, thanks to its more concentrated support base in the north and east. The election was peaceful by Sri Lanka's turbulent standards, although one person was killed in the province of Sabaragamuwa and a number of other violent incidents were recorded. Turnout was relatively low.

"Although the local authorities are not hugely powerful bodies, the result is nevertheless a confidence boost for the ruling coalition. The UPFA has faced a series of setbacks since late 2010, including major flooding that displaced hundreds of thousands of people at the start of 2011 and public anger over the rising cost of living. The results suggest that its electoral machine remains powerful."

4.03 For the full results of the local elections of March 2011, click on the hyperlink to the relevant section of the website of the Sri Lanka Department of Elections.

4.04 For information on how such elections were conducted: Campaign for Free and Fair Elections and Centre for Monitoring Election Violence.

4.05 On 25 April 2011, BBC Sinhala[58] reported:

"The Attorney General (AG) and the police have been ordered to release all Tamils in custody for longer periods without charges says Sri Lanka's Chief Justice (CJ).

"'We have considered and offered relief whenever an application has been lodged seeking bail for Tamil detainees in custody for long periods or who have being detained unconstitutionally,' he said.'

"'In addition I have ordered the AG to provide with a report of those who have been detained for long periods.'

"The AG's report submitted to the courts, said Mr de Silva, shows that many suspects are in detention on charges of serious offences such as murder.

"'Not all of them are connected to the war,' he said.

[57] Economist Intelligence Unit, April 2011 Sri Lanka report http://www.eiu.com/report_dl.asp?issue_id=1297945914&mode=pdf [subscription only] date accessed 2 June 2011, p10

[58] BBC Sinhala, Tamil detainees should be released – CJ, 25 April 2011 http://www.bbc.co.uk/sinhala/news/story/2011/04/110425_cj_tamil.shtml date accessed 1 June 2011

"Human rights groups including the Committee for the Investigation of Disappearances (CID) says that some Tamil detainees are kept in detention for nearly 15 years."

"There are some more detainees, according to the CJ, whose cases are still being investigated.

"'Once released investigations can be continued and arrests can be made if new evidence is found,' he added.

"'We don't encourage the AG or the police to keep suspects in custody without being charged.'"

See also Arrest and detention – legal rights

4.06 On 26 April 2011 Irin[59] reported:

"The government of Sri Lanka has criticized the UN for releasing a report alleging war crimes and crimes against humanity committed by both sides during the country's decades-long civil war.

"The 196-page panel report, published on 25 April, concluded that both government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) conducted military operations with flagrant disregard for the protection, rights, welfare and lives of civilians and international law during the final months of the war."

4.07 On the same day UN News[60] reported:

"The United Nations human rights chief today urged further investigations into the conduct of the final stages of the conflict in Sri Lanka after a UN panel into those events found there were credible reports that both Government forces and Tamil rebels had committed war crimes.

"The panel found credible allegations of serious violations committed by the Government, including killing of civilians through widespread shelling and the denial of humanitarian assistance.

"The panel's first recommendation is that the Sri Lankan Government should respond to the serious allegations by initiating an effective accountability process beginning with genuine investigations."

See also The internal conflict (1984 to May 2009)

4.08 On 19 May 2011 the official website of the Government of Sri Lanka[61] announced that:

[59] Irin, Sri Lanka: UN report finds both sides liable, 26 April 2011, http://www.irinnews.org/report.aspx?ReportID=92586, date accessed 1 June 2011
[60] UN News, Sri Lanka: UN rights chief urges further probes into reports of war crimes, http://www.un.org/apps/news/story.asp?NewsID=38194&Cr=sri+lanka&Cr1 date accessed 1 June 2011
[61] Official website of the Government of Sri Lanka, President appoints four key Commission, 19 May 2011 http://www.priu.gov.lk/news_update/Current_Affairs/ca201105/20110519president_appoints_key_commissions.htm date accessed 1 June 2011

"President Mahinda Rajapaksa has appointed four Commissions under Article 41 A of the Constitution of the Democratic Socialist Republic of Sri Lanka with effect from May 16, 2011.

"These Commissions are the Public Service Commission, the Human Rights Commission of Sri Lanka, the Commission to Investigate Allegations of Bribery and Corruption and the Finance Commission."

4.09 On 31 May 2011 UN News[62] reported that:

"An independent United Nations human rights expert has called on Sri Lankan authorities to thoroughly investigate the apparent execution of several men by Government soldiers, saying a disputed video of the incident seems to be authentic.

"Christof Heyns, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, described the killings shown on the video – whose authenticity has been contested by the Sri Lankan Government – as 'textbook examples of extrajudicial executions.

"'I do think a broader process is necessary to establish whether these are crimes against humanity [or] possibly war crimes that took place,' he said, adding it was important to determine if the killings were part of wider pattern of systematic attacks against civilians or prisoners of war."See also The internal conflict (1984 to May 2009) and Latest News section

Return to contents

SITUATION OF (SUSPECTED) MEMBERS OF THE LTTE

Rehabilitation

For further background on ex-LTTE held by the government, see History, Government treatment of (suspected) members of the LTTE (up to December 2010)

4.10 A letter from the British High Commission (BHC) Colombo dated 19 January 2011[63] reported:

"The British High Commission in Colombo regularly monitors the treatment of ex-LTTE cadres in Sri Lanka and rehabilitation/reintegration programmes."

"The CGR [Commissioner General of Rehabilitation] stated in January 2011 that in total 5,686 persons had been released. There remained 4,658 ex-combatants detained in the 9 rehabilitation centres gazetted into law as being Protective Accommodation and Rehabilitation Centres (PARC). The Sri Lankan military operates these camps with involvement from various ministries. Those detained would continue to be released in batches over the next few months."

4.11 The same BHC letter[64] went on to add that:

[62] UN News, Sri Lanka: UN expert calls on Government to probe executions captured on video, 31 May 2011, http://www.un.org/apps/news/story.asp?NewsID=38564&Cr=sri+lanka&Cr1 date accessed 1 June 2011
[63] British High Commission Colombo, letter to the UKBA COI Service, dated 19 January 2011, available upon request

"There are still a number of persons who are detained under the category of 'active LTTE members who have been served with detention orders under the Emergency Regulations and are to be charged with offences'. In the last few days there have been various quotes from the CGR and other military spokesmen regarding this group, but exact numbers are scarce. We are told around 1,000 had been transferred into the regular judicial system and another 703 were continuing to be investigated by the Terrorism Investigations Department (TID) with a view to following them into the judicial system."

"In December 2010 and January 2011 small batches of this group appeared before Magistrates in Colombo. TID told the Courts that these persons had been arrested under the instruction of the Defence Secretary after having been found hiding amongst IDPs in various camps. TID added that they were awaiting instruction from the AG's Department. All those that appeared were further remanded in custody.

"On 18 January 2011 it was announced that President Mahinda Rajapaksa had appointed a four member committee headed by Deputy Solicitor General Shavindra Fernando to study the cases of the LTTE suspects currently in detention and to recommend suitable action. The appointment came following a recommendation from the lessons learnt and Reconciliation Commission (LLRC) in its interim report handed to the president recently."

4.12 The BHC letter of 19 January 2011[65] further observed that: "There have been several recent media stories regarding the re-arrest of some ex-detainees, although the Government have claimed that these were for criminal offences committed post release …" and noted that the Sri Lankan authorities "… do not appear to be actively looking for further LTTE suspects but there are still large areas of the north and east of the country where demining and the search for caches of weapons/ordinance are being undertaken. When finds occur, then anyone linked to that building or land immediately comes under the scrutiny of the military."

4.13 On 9 May 2011 the official website of the government of Sri Lanka[66] reported that:

"So far 6,539 ex-rebel cadres have been released and further 4,360 are being rehabilitated in camps, according to the Commissioner General [of Rehabilitation].

"The rehabilitated cadres have been given vocational training and education facilities to improve their skills and knowledge.

"According to Brigadier Ranasinghe [Commissioner General of Rehabilitation] there were only nine rehabilitation centres for ex-LTTE combatants at present, though there had been 24 at the inception." See also Government treatment of (suspected) members of the LTTE and Arrest and detention – legal rights

Return to contents

[64] British High Commission Colombo, letter to the UKBA COI Service, dated 19 January 2011, available upon request
[65] British High Commission Colombo, letter to the UKBA COI Service, dated 19 January 2011, available upon request
[66] Official website of the Government of Sri Lanka, More rehabilitated LTTE cadres to be released, 9 May 2011 http://www.priu.gov.lk/news_update/Current_Affairs/ca201105/20110509more_rehabilitated_ltte.htm date accessed 1 June 2011

5. CONSTITUTION

5.01 Europa World Online[67], Sri Lanka, accessed on 1 June 2011, stated: "The Constitution of Sri Lanka was approved by the National State Assembly (renamed Parliament) on 17 August 1978, and promulgated on 7 September 1978."

The Constitution can be accessed here.

5.02 The Seventeenth Amendment to the Constitution was published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of 5 October 2000. (The official website of the Government of Sri Lanka, The Constitution[68]).The full text of the Constitution and of subsequent amendments is accessible from the hyperlink in the footnote.

THE 18TH AMENDMENT

5.03 On 8 September 2010 *The Guardian*[69] reported:

"Sri Lanka's parliament voted today to allow the president, Mahinda Rajapaksa, to seek an unlimited number of terms in office and to tighten his hold on power by giving him total control over the judiciary, police and the civil service. The main opposition group, the United National party, boycotted the vote and burned an effigy of Rajapaksa in the capital. But the constitutional amendment passed with 161 votes in the 225-member parliament.

"The constitution used to limit the president to two six-year terms, so Rajapaksa's new term, due to start in November, would have been his last.

"The amendment also scrapped a provision requiring the president to receive the approval of independent commissions in appointing officials to the judiciary, police, public service and the elections office."

5.04 On 17 September 2010, the Official Website of the Government of Sri Lanka[70] noted that:

"Under the 18th Amendment which was endorsed by Parliament with a record majority recently, the Police Commission, the Elections Commission, the Bribery Commission, the Public Services Commission, Human Rights Commission, the Financial Commission and the Delimitation Commission would be set up. Under the Amendments a five-member Parliamentary Council would come into force replacing the now defunct Constitutional Council.

---

[67] Europa World Online, Sri Lanka, Constitution and Government, undated http://www.europaworld.com/entry/lk.is.62 [subscription only] date accessed 1 June 2011
[68] Official website of the Government of Sri Lanka, The Constitution, last modified 18 November 2010 http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm date accessed 1 June 2011
[69] The Guardian, Sri Lanka's parliament boosts presidential powers,8 September 2010 http://www.guardian.co.uk/world/2010/sep/08/sri-lanka-parliament-mahinda-rajapaksa date accessed 29 September 2010
[70] Official Website of the Government of Sri Lanka, Implementing 18th Amendment to the Constitution:Commissions to be active in January, 17 September http://www.priu.gov.lk/news_update/Current_Affairs/ca201009/20100917commissions_to_be_active_in_january.htm date accessed 29 September 2010

"This would include the Prime Minister, Speaker of Parliament, Opposition Leader and a nominee each of the Prime Minister and the Opposition Leader."

5.05 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[71], released on 8 April 2011, observed that "With the passage of the 18th amendment in September, the mechanism by which the seats on the Constitutional Council and its subsidiary councils are filled was changed. The president now holds the authority to name all members to each of these councils, with only the requirement to 'seek advice,' but not approval, of the parliament."

5.06 The UN *Concluding observations of the Committee on Economic, Social and Cultural Rights*[72], dated 9 December 2010 expressed concern:

"…about the 18th amendment of the Constitution passed on 8 September 2010 which further reduces the independence of the judiciary and other oversight bodies as it provides for direct appointments by the president of, inter alia, chairpersons and members of the Commission to Investigate Allegations of Bribery or Corruption, members of the Judicial Service Commission and the Parliamentary Commissioner for Administration (Ombudsman)."

Return to contents

6. POLITICAL SYSTEM

6.01 The CIA *World Factbook: Sri Lanka*[73], last updated 17 May 2011 described the Government of Sri Lanka as a republic. It also outlined the structure of the government:

"[C]hief of state: President Mahinda Percy RAJAPAKSA (since 19 November 2005); note - the president is both the chief of state and head of government; Dissanayake Mudiyanselage JAYARATNE holds the largely ceremonial title of prime minister (since 21 April 2010)

"[H]ead of government: President Mahinda Percy RAJAPAKSA (since 19 November 2005)

"[C]abinet: Cabinet appointed by the president in consultation with the prime minister… elections: president elected by popular vote for a six-year term (two-term limit); election last held on 26 January 2010 (next to be held in 2016)

"[E]lection results: Mahinda RAJAPAKSA reelected president for second term; percent of vote - Mahinda RAJAPAKSA 57.88%, Sarath FONSEKA 40.15%, other 1.97%".

6.02 The same source[74] described the legislature as a:

[71] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Introduction
[72] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p3
[73] CIA - The World Factbook – Sri Lanka https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011 Date accessed 2 June 2011
[74] CIA - The World Factbook – Sri Lanka https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011

"[U]nicameral Parliament (225 seats; members elected by popular vote on the basis of an open-list, proportional representation system by electoral district to serve six-year terms)

"[E]lections: last held on 8 April 2010 with a repoll in two electorates held on 20 April 2010 (next to be held by April 2016)

"[E]lection results: percent of vote by alliance or party - United People's Freedom Alliance 60.93%, United National Party 29.34%, Democratic National Alliance 5.49%, Tamil National Alliance 2.9%, other 1.94%; seats by alliance or party - United People's Freedom Alliance 144, United National Party 60, Tamil National Alliance 14, Democratic National Alliance 7."

For a list of the political parties their leaders and the political pressure groups and their leaders see the CIA World Factbook which can be accessed here.

6.03 Europa World Online, Sri Lanka[75], accessed on 1 June 2011stated:

"A presidential form of government was adopted in October 1977 and confirmed in the Constitution of September 1978. The Constitution provides for a unicameral Parliament as the supreme legislative body, its members being elected by a system of modified proportional representation. Executive powers are vested in the President, who is Head of State. The President is directly elected for a term of six years and is not accountable to Parliament. The President has the power to appoint or dismiss the Prime Minister and members of the Cabinet; may assume any portfolio; and is empowered to dismiss Parliament. In 1982 the Constitution was amended, allowing the President to call a presidential election before his/her first term of office was completed."

Further information about the Sri Lanka Parliament can be accessed here.

6.04 The Freedom House report *Countries at the Crossroads 2010,* Country report*, Sri Lanka*[76], 6 April 2010 observed that: "Sri Lanka's semipresidential system, like the French system on which it is modeled, does not clearly separate powers between the three branches of government, nor between the president and prime minister. Still, President Rajapaksa has assumed more power than his predecessors, primarily because of his refusal to obey several Supreme Court rulings."

6.05 The same Freedom House report[77] observed that: "Government job appointments and placement of development projects are based on patronage and support for government politicians. Sinhalese Buddhists dominate the political system and usually direct jobs and projects to members of their ethnic community."

Date accessed 2 June 2011

[75] Europa World Online, Sri Lanka, Constitution and Government, undated

[76] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Accountability and Public Voice

[77] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Civil Liberties

6.07 The Amnesty International *Annual Report 2011, Sri Lanka*[78] released on 13 May 2011 observed that "The outcome of the April [2010] parliamentary elections, subsequent cabinet appointments, and new legislation consolidated power in the immediate Rajapaksa family, which controlled five key ministries and more than 90 state institutions."

See also Political affiliation

Return to contents

[78] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011 , date accessed 19 May 2011

Human Rights

7. INTRODUCTION

7.01 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010), released on 8 April 2011[79], observed:

"The government and its agents continued to be responsible for serious human rights problems. Security forces committed arbitrary and unlawful killings, although the number of extrajudicial killings declined. Disappearances continued to be a problem, although the total also declined. Many independent observers cited a continued climate of fear among minority populations, in large part based on past incidents. Security forces tortured and abused detainees; poor prison conditions remained a problem; and authorities arbitrarily arrested and detained citizens. Repercussions of the nearly 30-year war against the Liberation Tigers of Tamil Eelam (LTTE) continued to have an effect on human rights, despite the defeat of the LTTE in May 2009. In an effort to prevent any violent separatist resurgence, the government continued to search for and detain persons it suspected of being LTTE sympathizers or operatives. Official impunity was a problem; there were no public indications or reports that civilian or military courts convicted any military or police members for human rights abuses. The government established a post-war Lessons Learnt and Reconciliation Commission (LLRC). Denial of fair public trial remained a problem; the judiciary was subject to executive influence; and the government infringed on citizens' privacy rights. There were instances when the government restricted freedom of speech and of the press, and there were incidents of restrictions on freedom of assembly and association. Authorities harassed journalists critical of the government.

"Violence and discrimination against women were problems, as were abuse of children and trafficking in persons. Discrimination against persons with disabilities, persons with HIV/AIDS, and the ethnic Tamil minority continued, and a disproportionate number of victims of human rights violations were Tamils. Discrimination and violence against persons based on their sexual orientation were problems. Trafficking in persons, limits on workers' rights, and child labor remained problems, although the parliament implemented new regulations on child labor at the end of the year [2010]."

7.02 *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern*[80], release on 31 March 2011 observed:

"The number of reports of violent human rights violations fell in 2010 as the security situation improved following the end of the military conflict; long-standing Emergency Regulations were partially lifted; and the humanitarian situation improved significantly. However, the overall human rights position in Sri Lanka remained a concern. Despite the end of the fighting, there continued to be human rights violations in 2010, including disappearances and extra-judicial killings, arbitrary arrests and a restriction on political space for free expression. Media reports suggesting that paramilitary groups remained

[79] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Introduction

[80] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011

active and that criminal activity in the Jaffna peninsula had increased at the end of the year were also a serious concern."

7.03 In the Economist Intelligence Unit's Democracy Index 2010, as cited in, *January 2011 Sri Lanka report* [81] Sri Lanka was ranked as a flawed democracy and ranked:

"… 55th out of 167 countries. Democracy is firmly established locally, and the country has a vibrant media sector. Despite the slight improvement in Sri Lanka's recent ranking, from 57th in the last index produced in 2008, the island's democracy is, in many ways, at a crossroads. On the one hand, the end of Sri Lanka's ethnic civil war in 2009 has heralded a welcome improvement in security, and has also resulted in the effective expansion of the island's democracy to regions previously held by the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers), where the LTTE had previously exercised a tyrannical regime. Peace will also allow the gradual easing of the undemocratic emergency powers granted to the authorities and security forces during the war. Yet, on the other hand, the government's populist rhetoric and massive majority in parliament have also raised concerns about a possible erosion of the island's democratic institutions.

"Democracy index

"Regime type	Overall score	Overall rank
"2010 Flawed democracy	6.64 out of 10	55 out of 167
"2008 Flawed democracy	6.61 out of 10	57 out of 167

"… Fears have focused on the concentration of power within a small circle of family and friends of the president, Mahinda Rajapakse. While this has arguably helped to improve the functioning of government, as projects can now be approved more quickly, it has also served to undermine the island's institutions, which could impair functioning in the long term. The passage of an amendment to the constitution in 2010 further eroded checks and balances on the power of the presidency. The dominance of the Rajapakse government, coupled with the weak state of the opposition, has led many who oppose the government to disengage from the political process, and turnout in many parts of the island was low in the 2010 elections. This partly explains why the island gets a modest score of 5 for political participation. Nevertheless, despite certain abuses of the power of incumbency and a low level of fraud during the 2010 campaigns for the presidency and parliament, these elections passed off relatively smoothly and peacefully, and clearly reflected popular opinion—hence the robust score of 7 for electoral process… Among the many factors that have caused concern about Sri Lanka's democracy, intimidation of the press has been one of the most important. The editor of a newspaper critical of the government, Sunday Leader, was shot dead in January 2009, and several other media outlets have seen their premises vandalised and their staff intimidated by armed men. It is possible that the end of the war may lead to some improvements in this field, but this is far from certain. Overall, the outlook for the island's democracy may depend on the government's actions in the coming years as events serve to reduce the

[81] Economist Intelligence Unit, January 2011 report, http://www.eiu.com/report_dl.asp?issue_id=287745013&mode=pdf&rf=0 [subscription only] date accessed 2 June 2011, p11

president's high popularity ratings, as well as on the opposition's ability to capitalise on rising levels of discontent.

"Democracy index, 2010, by category (on a scale of 0 to 10)

"Electoral process	7.00
"Functioning of government	6.07
"Political participation	5.00
"Political culture	6.88
"Civil liberties	8.24

"Democracy index 2010: Democracy in retreat, a free white paper containing the full index and detailed methodology, can be downloaded from www.eiu.com/DemocracyIndex2010."

Return to contents

8. SECURITY FORCES AND PARAMILITARY GROUPS

8.01 The security forces comprise the 86,000-member Sri Lanka Police Service (SLPS); the 5,850-strong paramilitary Special Task Force (USSD 2010) [82]; the 160,900-strong armed forces (as of November 2009 including recalled reservists: army 117,900, navy 15,000, air force 28,000; reserve forces 5,500, and paramilitary forces of an estimated 61,200 (including an 15,000 National Guard, 13,000 Home Guard and a 3,000-strong anti-guerrilla Special Task Force). (Europa World Online, Sri Lanka[83], accessed on 1 June 2011) As Janes Sentinel Risk Assessments, Sri Lanka, [84]noted, there are also a number non-state, pro-government paramilitary groups operating in the country including "… the People's Liberation Organisation of Tamil Eelam (PLOTE), Eelam People's Democratic Party (EPDP), Tamil Eelam Liberation Organisation (TELO) and latterly the People's National Liberation Tigers (TMVP)."

See Pro-government (non state) paramilitary groups below

8.02 The Freedom House report *Countries at the Crossroads 2010*, *Country report, Sri Lanka*[85], 6 April 2010 observed that:

"The security forces have traditionally been uninhibited by civilian interference, except for budgetary and judicial oversight. Under Rajapaksa, the government has exercised more control over all branches of the security forces. This has included the selection of

[82] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d
[83] Europa World Online, Sri Lanka, Defence, undated http://www.europaworld.com/entry/lk.dir.557 [subscription only], date accessed 1 June 2011
[84] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Security and foreign forces, 31 January 2011
[85] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Rule of Law

commanders based on political factors… The security forces are actively involved in political affairs, and the problem has been extremely serious during local and provincial government elections, with officers who fail to obey ruling party politicians facing transfer or dismissal… The security forces have also been implicated in political actions against members of the opposition and other critics of the government."

POLICE

8.03 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010) [86], released on 8 April 2011, observed that:

"The inspector general of police (IGP) is responsible for the 86,000-member Sri Lanka Police Service (SLPS). The SLPS conducts civilian police functions, such as enforcing criminal and traffic laws, enhancing public safety, and maintaining order. The IGP reports to the secretary of the Ministry of Defense (in a separate chain of command from that of the armed forces and other military units). The 5,850-member paramilitary Special Task Force (STF) is within the structure of the SLPS, although joint operations with military units in the recent defeat of the LTTE led to questions among observers about who actually was directing the STF. Bureaucratic adjustments during the year [2010] placed the police more firmly under the control of the Ministry of Defense."

8.04 The same source[87]added:

"Few police officers serving in Tamil majority areas were Tamil, and most did not speak Tamil or English, although the government began hiring and training ethnic Tamils in an effort to improve this situation. Estimates of ethnic Tamils and Muslims in the police numbered several thousand. Since late in 2009 the government recruited approximately 500 new Tamil-speaking police from the Jaffna region to serve in the North Jaffna Peninsula, and these officers underwent training for most of the year. There had been concern that many of these newly hired officers were members of Tamil paramilitary groups, but whether that concern was warranted was unclear. At year's end more than 300 of these Tamil officers were within a week of graduating from training and were scheduled to be posted in Tamil-speaking areas in the north. Among this group were 20 women."

8.05 As noted on the website of the Sri Lanka Police Service[88] (accessed on 20 September 2010):

"The Special Task Force is the Para-Military arm of the Sri Lanka Police, deployed essentially for Counter Terrorist and counter insurgency operations within the country. They are also deployed in the close protection Units, providing security for VIP's and key installations…The nucleus for the Special Task Force (STF) was formed in 1983, drawing on Policemen already in service and having them trained by the Army in the handling of infantry weapons and given basic training in 'jungle warfare technique'. The first few platoons formed were deployed mainly to provide support for Police Stations in

[86] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d

[87] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d

[88] Sri Lanka Police Service, Divisions, Special Task Force, undated, http://www.police.lk/divisions/stf.asp date accessed 20 September 2010

the North of Sri Lanka. As the STF grew in number, they took on the added responsibilities of providing protection to key installations in the Colombo District and providing personnel for the protection of the President, Prime Minister, several Ministers of the Cabinet and other VIPP."

8.06 The same source[89] added:

"Personnel to the STF are recruited from within the Police Service as well as direct into the STF from outside. They are required to serve a minimum of 8 years in the organization after training. On completion of their tour of duty with the STF, they are afforded the privilege of reverting to normal Police duties.

"Within the STF, in view of the nature of the arduous duties they perform, all personnel are provided with special incentives with regard to promotion, Salaries and allowances."

8.07 On 27 May 2010 the *Daily Mirror* (Sri Lanka)[90] reported that:

"The Special Task Force (STF) of the police which is under the direct purview of the Inspector General of Police, has been taken over by the Defence Ministry, informed sources said."

"In 1996, the STF was taken over by the IGP. Subsequently in July 2006, the unit was taken over by the Defence Ministry. Again in 2007, the STF was taken over by the IGP until May 12, this year."

8.08 In addition to the Special Task Force, police divisions include: Mounted Police; Traffic Police; Human Rights Division; Women & Child Bureau; Narcotics Bureau; Kennels; Information Technology; Sports and Welfare. (Website of the Sri Lanka Police Service, accessed on 20 September 2010) [91]

8.09 Jane's Sentinel *Country Risk Assessments, Country Report, Sri Lanka*[92] (accessed on 24 May 2011) noted:

"The Sri Lankan Police Service functions under the aegis of the Ministry of Home Affairs but is currently in effect directly controlled by the president…Policemen are poorly paid and susceptible to corruption at lower levels while at higher levels senior police officials are often subject to political pressures. Human rights organisations have been highly critical of the Sri Lankan police, the rapid expansion and poor training of which have contributed to lack of professionalism. The senior officer of the Sri Lanka police is the inspector general (IG), and organised into five geographical commands (known as Ranges) covering the northern, eastern, western, southern regions and a separate range for Colombo, each under the command of a Senior Deputy Inspector of Police (SDIG).

---

[89] Sri Lanka Police Service, Divisions, Special Task Force, undated, http://www.police.lk/divisions/stf.asp date accessed 20 September 2010
[90] Daily Mirror (Sri Lanka), STF under Defence Ministry, 27 May 2010 http://www.dailymirror.lk/index.php/news/3998-stf-under-defence-ministry-.html date accessed 29 September 2010
[91] Sri Lanka Police Service, Divisions, Special Task Force, undated, http://www.police.lk/divisions/stf.asp date accessed 20 September 2010
[92] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Security and foreign forces, 31 January 2011

"Policing is conducted through over 300 police stations located throughout the country. Police stations are graded into six categories and are under the charge of officers in the rank of chief inspectors, inspectors and sub-inspectors, depending on the grade of the station. Police stations are further grouped into 132 territorial districts, each under the charge of a superintendent/assistant superintendent of police. These districts are in turn grouped into 35 police divisions. Each division is under the charge of a senior superintendent of police/superintendent of police.

"The police force also contains specialised units, handling investigations, information technology, traffic control, marine protection, narcotics, counter-terrorism, paramilitary and protective functions."

8.10 The same source[93] noted:

"The Sri Lankan police recruits personnel directly at three levels: probationary assistant superintendent of police, probationary sub-inspector of police and police constable. There is little if any chance of promotion from constable to senior rank. A six-month training programme is intended to impart traditional police skills as well as provide instruction in the role of the police in the community and the criminal justice system. Induction training includes: origin and nature of police work; general police responsibilities; elements of organisation and administration; ethics; language skills; operations and patrol systems (techniques, tactics and patrol); and the handling of public disorder. As of 2008, new recruits are inducted into the Police Academy which was formed through the amalgamation of the Police Higher Training Institute and the In-Service Training Division."

8.11 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*[94], 11 January 2010, observed: "With the police coming under the jurisdiction of the ministry of defence, headed by Gotabhaya Rajapaksa, and with senior appointments to the police made the president – not the National Police Commission as required by the constitution – 'the police is under the direct control of the President and his brother … and in direct violation of the constitution. It's a directly politicised police.'"

8.12 A letter from the British High Commission, Colombo, dated 12 January 2010[95], reported that:

"A Sri Lanka Police spokesman confirmed reports in the press that over 500 police officers had been recruited from the Jaffna District, particularly from Tamil and Muslim communities. Allegedly over 6000 applicants had been called for interviews and these included around 1000 young women. The interviews were for recruitment for the positions of police constables and drivers and were conducted by senior police officers. The government has taken action to open police stations in areas that were earlier under the control of the LTTE. A recruitment leaflet had been widely distributed giving terms and conditions of police officers and showing the basic starting salary as 14,280 Rupees (£75) per month plus allowances. He recognised that there was often a

[93] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Security and foreign forces, 31 January 2011
[94] International Crisis Group (ICG),Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/b99%20sri%20lanka%20a%20bitter%20peace.ashx Date accessed 28 October 2010, p19
[95] British High Commission, Colombo, letter dated 12 January 2010, available upon request

language problem between the police and the local population but informed us there was now active language training for police officers through their headquarters."

8.13 A BHC letter dated 13 August 2010[96], reported that:

"A Senior Military Official in Jaffna told us that the Sri Lankan government had been encouraging the Tamil population to join the security forces. He added that whilst the Sri Lankan Army had received no applicants, the police had recruited 450 Tamil officers who were currently undertaking training. With regard to language training, the Sri Lankan Army had conducted an extensive programme and 40% of their personnel now spoke Tamil."

8.14 However, with regards to the latter issue, on 28 June 2010 Irin News[97] reported that:

"...less than 15 percent of the area's 15,000-strong police force can speak… [Tamil] said Nimal Lewke, senior deputy police inspector-general of the Northern Province. In the region where Tamil Tigers waged war for an independent Tamil homeland, matters of language are intricately linked with identity. Although the region is at peace, language remains a strong dividing barrier. 'Winning hearts and minds is a popular slogan today after the war, but we have to be very practical. We have to understand each other to gain the trust of each other. Language proficiency in the police force is thus critical,' Lewke said.

"Some describe the shortage of Tamil-speaking police in the Northern Province - an 8,884sqkm region home to 1.3 million people - as one of the most pressing humanitarian concerns.

"In 2009, the police department started offering monthly bonuses to officers who could speak Tamil, while books teaching Tamil were introduced at police stations. The government, meanwhile, now works with the Asian Development Bank to provide Tamil language courses for police officers."

ARMED FORCES

8.15 In November 2009 the armed forces totalled 160,900 (including recalled reservists): army 117,900, navy 15,000, air force 28,000. There were also government paramilitary forces of around 61,200 (including 15,000 Home Guard, an estimated 13,000 National Guard and a 3,000-strong anti-guerrilla unit). (Europa World Online, Sri Lanka[98] accessed on 1 June 2011) The CIA *Factbook – Sri Lanka*[99] noted that military service was voluntary, recruits could join at 18 years and had a 5-year service obligation.

[96] British High Commission, Colombo, letter dated 13 August 2010, available upon request
[97] Irin, Sri Lanka: Post-war recovery snagged by language hurdle, 28 June 2010 http://www.irinnews.org/Report.aspx?ReportId=89651 date accessed 26 August 2010
[98] Europa World Online, Sri Lanka, Defence, undated http://www.europaworld.com/entry/lk.dir.557 [subscription only], date accessed 1 June 2011
[99] CIA - The World Factbook – Sri Lanka https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011, dated accessed 21 June 2011

8.16 Jane's Sentinel *Country Risk Assessments, Country Report, Sri Lanka*[100] (accessed on 24 May 2011) observed that:

"A major block to ethnic harmony in Sri Lanka has been the ethnic composition of all branches of the security forces. The overwhelmingly Sinhalese Sri Lanka Army and police force has seemingly validated LTTE propaganda that Sri Lanka is a racist, mono-ethnic state that marginalises and abuses Tamils. All branches of the security forces were accused of committing civilian massacres during the civil war. However, Tamils were not in a position to join the security forces in significant numbers during the war years."

8.17 With regards to the army, the same source[101] noted:

"Established after independence in 1949, the Sri Lankan Army remained small and ceremonial until the outbreak of the Tamil separatism militancy in the early 1980s when the force had approximately 12,000 regular army personnel. The Sri Lanka Army recruited aggressively amongst Sinhalese youth, more than trebling the total army strength, including reservists on active duty, within four years. The recruitment process was assisted by high levels of unemployment and poverty in rural Sinhalese areas; at no time during the war was military conscription a serious proposition."

Desertion

8.18 On 2 February 2011 AFP[102] reported:

"Sri Lanka's military on Wednesday [2 February 2011] offered to discharge all its 50,000 deserters without disciplinary action to mark the country's independence anniversary.

"Officers and enlisted men who have been absent without leave can report to their regiments and then be released from their duties, military spokesman Major General Ubaya Medawala said.

"'This is not an amnesty, but a special concession to mark independence,' he said, adding the deserters needed to register between February 4 and 12.

"Mass desertions have plagued the Sri Lankan army before and since the defeat of the separatist Tamil Tigers rebels in 2009, which ended decades of bloody warfare on the island."

8.19 On 11 February 2011 the Official Government News Portal of Sri Lanka[103] reported that:

---

[100] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Security and foreign forces, 31 January 2011

[101] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Security and foreign forces, 31 January 2011

[102] AFP, Sri Lanka offers amnesty to 50,000 army deserters, 2 February 2011 http://www.google.com/hostednews/afp/article/ALeqM5huxkFbMehc9cK9upg5RvksnN5iMw?docId=CNG.d21e4138637545580b355321babcdc6e.f1 date accessed 2 June 2011

[103] Official Government News Portal of Sri Lanka, Amnesty for Army Deserters ends tomorrow, 11 February 2011 http://www.news.lk/home/17354-amnesty-for-army-deserters-ends-tomorrow date accessed 2 June 2011

"The Media spokesman of the Army Major General Ubhaya Medawala said that up to now three officers and 1,500 army personnel belonging to all ranks have surrendered making use of this amnesty.

"He said that under the military law measures have been taken to arrest 4,420 army personnel and 10 officers. He said that the number of deserters amounts to nearly forty thousand."

HUMAN RIGHT VIOLATIONS BY THE POLICE, ARMED FORCES

Arbitrary arrest and detention

8.20 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010) [104], released on 8 April 2011, observed that "The law prohibits arbitrary arrest and detention; however, in practice such incidents occurred. Under the arrest and detention standards imposed by the Emergency Regulations, the law does not clearly define what constitutes an arbitrary arrest."

8.21 The USSD 2010 report[105] added that:

"According to Amnesty International, on March 26 [2010], more than 300 persons, most of them Tamil, were arrested in a search operation conducted between 6 p.m. and 6 a.m. in the town of Gampaha 24 kilometers (15 miles) northwest of Colombo.

"Some arrests appeared arbitrary. In September several university students were detained for hooting at the Minister of Education during a public event. These arrests contributed to a wave of student protests in September and October, resulting in additional arrests and detentions of students. By year's [2010] end 76 university students were banned from attending lectures because of participation in protests and related incidents. The government blamed the protests and incidents on left-wing opposition parties."

8.22 The USSD 2010[106] report further noted that:

"Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not surrender them to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow legal safeguards, although this appeared to diminish after the end of the war."

8.23 On 2 March 2010 TamilNet[107] reported that, according to information given to Human Rights Commission (HRC) Colombo, the Sri Lankan Terrorist Investigation Department (TID) had arrested 100 Tamil youths detained in Ne'lukku'lam Technical College

[104] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d
[105] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d
[106] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d
[107] TamilNet, 100 Tamil youths taken to Boosa prison from Vavuniyaa detention camp, 2 March 2010 http://www.tamilnet.com/art.html?catid=13&artid=31289# date accessed 29 September 2010

detention camp in Vavuniyaa "for further interrogation" and had later taken them to Boosa prison in the south. It added that: "Recently two groups of young Tamil women from some detention centres in Vavuniyaa had been arrested on two separate occasions and taken to Boosa prison, sources in Vavuniyaa said."

Disappearances/abductions

8.24 The Amnesty International *Annual Report 2011, Sri Lanka*[108] released on 13 May 2011 observed that "Enforced disappearances and abductions for ransom carried out by members of the security forces were reported in many parts of the country, particularly in northern and eastern Sri Lanka and in Colombo. Hundreds of LTTE members who reportedly disappeared after they had surrendered to the army in 2009 remained unaccounted for."

8.25 The USSD 2010 report [109]noted that

"Disappearances continued to be a problem, but at a lower rate than during the war. While disappearances in previous years often appeared related to the conflict, during the year they most often appeared connected with extortion and other criminal activity, sometimes involving government actors. Reliable statistics on the number of disappearances were difficult to obtain, with one estimate of 77 persons missing during the year [2010]. Most observers concurred that the majority of disappearances occurred in the north and east, while some took place in Colombo. Government reports on disappearances often claimed that most cases actually involved persons who had left the country for foreign employment and had not informed family members; however, civil society and human rights organizations strongly disputed this interpretation.

"Prageeth Eknaliagoda, a journalist and cartoonist for Lanka-e-news, disappeared on January 24 [2010], just before the presidential election. Police launched an investigation, and government statements promised imminent progress on the case several times, but by year's end there were no announced suspects or visible progress on the case.

"During the year [2010] the government did not publish any investigations into past disappearances, nor did it publish information on any indictments or convictions of anyone involved in cases related to disappearances."

8.26 A news release issued by Human Rights Watch (HRW) on 7 April 2011[110] noted:

"Through interviews with relatives of the missing and witnesses, published testimony, and media reports, Human Rights Watch found that more than 20 people who were taken into army custody between May 16 and 18, 2009, appear to have been forcibly disappeared. Most of them are known to have been detained in the Vadduvaakal area, just south of the strip of land in northeastern Sri Lanka where the final battle between the LTTE and government forces occurred. At the time, the area was controlled by the Sri Lankan army's 59 Division."

[108] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011 date accessed 19 May 2011
[109] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1b
[110] Human Rights Watch, Sri Lanka: Account for Wartime Disappearances, 7 April 2011 http://www.hrw.org/en/news/2011/04/07/sri-lanka-account-wartime-disappearances date accessed 1 June 2011

8.27 Mentioning an oral statement by the Asian Forum for Human Rights and Development (FORUM –ASIA) in the United Nations Human Rights Council (UNHRC) in Geneva on 16 March, TamilNet reported on 18 March 2011[111] that the "… Sri Lanka government is yet to provide clarification on 5,653 outstanding cases of disappeared persons…"

8.28 The HRW *World Report 2011, Sri Lanka*[112], released on 24 January 2011 noted that:

"There were reports in 2010 of new enforced disappearances and abductions in the north and the east, some linked to political parties and others to criminal gangs. The government continues to restrict access to parts of the north, making it difficult to confirm these allegations. Witnesses testified before the LLRC [Lessons Learnt and Reconciliation Commission] that relatives last known to be in government custody at the end of the war were forcibly disappeared and were feared to be dead."

8.29 On 31 July 2010 TamilNet[113] reported that:

"Sri Lanka police have received 101 complaints of abductions since January to the end of July [2010] in various parts of Sri Lanka and 93 of them are related to ransom demands, SL police spokesman Preshantha Jayakody told media in Colombo. The highest number of complaints was in Colombo Central and South and 60 abducted persons related to 63 complaints had been traced so far, he said."

8.30 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2010[114] – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, (undated, website accessed on 1 June 2011) recorded that in 2009 there were in total 947 cases of abduction/kidnapping . The figures for 2006; 2007 and 2008 were respectively: 1,190; 1,229 and 1,239.

Torture

8.31 The Amnesty International *Annual Report 2011, Sri Lanka*[115] released on 13 May 2011 noted that "Police and army personnel continued to torture or otherwise ill-treat detainees. Victims included detained Tamils suspected of links to the LTTE and individuals arrested for suspected 'ordinary' criminal offences."

8.32 The USSD 2010 report[116] observed:

"The law makes torture a punishable offense and mandates a sentence of not less than seven years' imprisonment; however, security forces tortured and abused citizens. Human rights groups alleged that some security forces believed torture to be allowed

[111] TamilNet, 5,653 cases of 'disappeared' pending in Sri Lanka: Forum-Asia at 16th session of UNHRC, 18 March 2011 http://www.tamilnet.com/art.html?catid=13&artid=33689 date accessed 1 June 2011
[112] Human Rights Watch, World Report 2011, Sri Lanka , released on 24 January 2011 http://www.hrw.org/en/world-report-2011/sri-lanka date accessed 24 May 2011
[113] TamilNet, 101 complaints of abductions made to SL police in 7 months, 31 July 2010, http://www.tamilnet.com/art.html?catid=13&artid=32323 date accessed 29 September 2010
[114] Sri Lanka Department of Census and Statistics, Statistical Abstract 2010 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, http://www.statistics.gov.lk/abstract2010/chapters/Chap13/AB13-13.pdf undated, website accessed on 1 June 2011
[115] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011 date accessed 19 May 2011
[116] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1b

under specific circumstances. Following a 2007 visit, UN Special Rapporteur (UNSR) on Torture Manfred Nowak concluded that 'torture is widely practiced in Sri Lanka.' There was no indication that such practices had subsided. No accurate, publicly released statistics on reported torture cases were available."

8.33 The USSD 2010 report[117] went on to add:

"Civil society groups and former prisoners reported on several torture cases. For example, former detainees of the Terrorist Investigation Division (TID) at Boosa Prison in Galle confirmed reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions; abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.

"In the east and the north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. There were reported cases of detainees being released with a warning not to reveal information about their arrests under the threat of rearrest or death if they divulged information about their detention. There were also previous reports of secret government facilities where suspected LTTE sympathizers were taken, tortured, and often killed.

8.34 The USSD 2010[118] report further noted:

"According to human rights organizations, obtaining medical evidence of torture in the country was difficult, since there were fewer than 25 forensic specialists, equipment was lacking, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases police intimidated doctors responsible for collecting evidence, and any potential victim receiving a medical examination usually was accompanied by the person holding him or her in detention, often the person who allegedly had committed the torture.

8.35 A letter from the British High Commission (BHC) Colombo[119], dated 11 May 2011, reported:

"I asked the Senior Government Intelligence officials if there was any truth in allegations that the Sri Lankan authorities were torturing suspects. They denied this was the case and added that many Sri Lankans who had claimed asylum abroad had inflicted wounds on themselves in order to create scars to support their stories."

"[A Colombo based human rights worker] added that it was well known that many persons who were held in IDP camps at the end of the conflict scarred themselves so

[117] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1b
[118] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1b
[119] British High Commission Colombo, letter to UKBA COI Service, dated 11 May 2011, available upon request

that on release they could make allegations that the Sri Lankan government had tortured them."

8.36 *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern*[120], release on 31 March 2011 observed:

"Sri Lanka is a party to the main international human rights treaties prohibiting torture, the International Covenant on Civil and Political Rights and the UN Convention against Torture. Torture is also prohibited under the country's constitution.

"Reported incidents of torture in Sri Lanka have often been associated with the conflict. However, on the International Day in Support of Victims of Torture in June [2010] the World Organisation Against Torture issued a statement that it had "received credible testimonies of torture from across the country, including in cases not related to the ethnic conflict or terrorism". In an article published in early 2011, the Asian Human Rights Commission argued that torture had become institutionalised within the Sri Lankan police service.

"The media reported a number of cases of alleged torture during 2010."

8.37 On 12 January 2011 The Asian Human Rights Commission (AHRC)[121] reported:

"Sri Lankan citizens are protected against torture and arbitrary arrest in sections 11, 12 and 13 of the Constitution of Sri Lanka. In addition Sri Lanka has ratified the United Nations Convention against Torture and Cruel and Inhuman Treatment in 1994.

"While the legislation is there, the effectuation is not. The gap between the rights set out on paper and the daily practice at the police stations is tremendous."

8.38 The same source[122] added:

"Many times the police do not wish to cause permanent damage to the detainee, as it can be used as a proof of torture and increase the chances for prosecution of the officers. Tools and methods, which only cause injuries to the surface of the body, have therefore been carefully enhanced. If the person is remanded for a longer period of time it is common for the police to use severe physical torture in the beginning of the period, while shifting to mental torture in the end, giving the injuries time to heal before the person will see a magistrate or a Judicial Medical Officer (JMO).

"These kind of well-developed techniques do not just occur in the "heat of the moment" or are accidental. They are being deliberately performed with tools being present at the stations as well as the methods are being passed down from senior officers to new officers as a part of their teachings.

---

[120] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011

[121] Asian Human Rights Commission, Sri Lanka: Police torture as an indicator of the constitutional degradation of the Rule of Law, 12 January 2011 http://www.humanrights.asia/news/ahrc-news/AHRC-ART-004-2011 date accessed 27 May 2011

[122] Asian Human Rights Commission, Sri Lanka: Police torture as an indicator of the constitutional degradation of the Rule of Law, 12 January 2011 http://www.humanrights.asia/news/ahrc-news/AHRC-ART-004-2011 date accessed 27 May 2011

"The police often deny the detainee medical treatment as a punishment and an extension of the torture.

"The detainee has the right to see a JMO and the doctors are also obliged to report any suspicious injuries. But neither are the hospitals independent institutions nor are the doctors and JMO's immune to threats and bribes. Furthermore, there is a lack of JMO's and especially in rural areas where hospitals cannot provide a fulltime JMO, there might not be one present or available when the detainee is admitted to the hospital.

If the hospitalization is due to ill treatment by the police, the officers in charge will most likely try to prevent the detainee from seeing a JMO or at least they will guard the consultation. Even if the JMO compiles a Medico-Legal Examination Form (MLEF) there is no assurance that the document will get further than the hospital. The police often force doctors and JMO's to file a false MLEF or the officer will dictate the form himself. There are even examples of detainee's trying to convey torture and as a result being denied medical treatment by the doctors."

8.39 *Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010*[123] noted:

"A diplomatic mission commented that torture in the law enforcement system is widely used and documented, but there are only rare cases of prosecution. In general, impunity for the ones who committed torture is a major issue. The diplomatic mission also commented that the poorest people are more vulnerable to (severe) torture and less likely to take successful legal action against torture."

"When asked about the level of torture, the Director of the anonymous local NGO informed the delegation that it is well documented that confessions are very often obtained under torture also when it comes to minor crimes. Torture takes place in police custody as well as by TID, in Boosa detention centre and Galle Prison.

"Ms. Kishali Pinto-Jayawardene [a human rights lawyer and works as a senior consultant at the Law & Society Trust] said that the Emergency laws have resulted in the legal mindset of law enforcement officers in Sri Lanka being inclined towards frequent keeping of people in remand without judicial scrutiny and the use of torture to obtain confessions. Ms. Kishali Pinto-Jayawardene mentioned that the use of torture is well documented in Sri Lanka and referred to the reports of the Asian Human Rights Commission in this regard."

8.40 On 19 September 2010 TamilNet[124] reported that:

"The Terrorism Investigation Division (TID) of Sri Lanka government continues to torture hundreds of Tamil youths arrested and detained under the Prevention of Terrorism Act (PTA) without trial, a journalist who had met the detainees said, under conditions of anonymity.

---

[123] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p50

[124] TamilNet, TID torture Tamil detainees held under PTA, 19 September 2010 http://www.tamilnet.com/art.html?catid=13&artid=32648 date accessed 29 September 2010

"The TID men attack the detainees blindly using iron rods, cricket bat and batons besides squeezing their testicles. Videos of detainees being killed and tortured are shown by the TID men to terrorize the detained youths."

8.41 The AHRC produced an (undated) document, accessed on 1 June 2011, entitled Sri Lanka – Torture and Ill treatment 2006-2010, providing details of complaints relating to torture and ill treatment published by the Asian Human Rights Commission in 2006-2007-2008-2009 and 2010 through its urgent appeals programme and accessible clicking on the hyperlink.

Extra-judicial killings

8.42 The USSD 2010 report [125]noted that:

"There were reports that the government or its agents committed arbitrary or unlawful killings, but reliable statistics on such killings by the government or its paramilitary allies were difficult to obtain because past complainants were killed and families feared reprisals if they filed complaints. Among these arbitrary and unlawful killings, a number of suspects detained by police or other security forces died under questionable circumstances.

"According to official accounts, some deaths occurred when security forces took the suspects to the scenes of their alleged crimes, shot, and killed them while they allegedly were trying to escape."

8.43 The Amnesty International *Annual Report 2011, Sri Lanka*[126], released on 13 May 2011 observed that "Police killings of criminal suspects in apparent staged 'encounters' or 'escape' attempts continued to be reported; police descriptions of the cases were often strikingly similar."

Return to contents

PRO-GOVERNMENT (NON STATE) PARAMILITARY GROUPS

8.44 The AI *Annual Report 2011, Sri Lanka*[127] observed that: "Armed Tamil groups aligned with the government continued to operate in Sri Lanka and commit abuses and violations, including attacks on critics, abductions for ransom, enforced disappearances and killings."

8.45 Jane's Sentinel *Country Risk Assessments, Country Report, Sri Lanka*[128] (accessed on 24 May 2011) observed that "The security forces preferred to outsource much of the work of controlling major Tamil towns such as Jaffna, Vavuniya, Batticaloa and Trincomalee to non-LTTE paramilitary groups such as the People's Liberation

[125] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1a
[126] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011 date accessed 19 May 2011
[127] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011 date accessed 19 May 2011
[128] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Security and foreign forces, 31 January 2011

Organisation of Tamil Eelam (PLOTE), Eelam People's Democratic Party (EPDP), Tamil Eelam Liberation Organisation (TELO) and latterly the People's National Liberation Tigers (TMVP)."

Human rights violations by paramilitary groups

8.46 The Freedom House report *Countries at the Crossroads 2010*, country report, Sri Lanka, 6 April 2010[129] observed that:

"The progovernment militia groups, some of which have been given the power to detain Tamils, often work with the regular security forces to arrest and torture suspects before releasing them, killing them, or turning them over to the police for further action… Several progovernment groups, particularly the EPDP and the TMVP, have been accused of carrying out murders and kidnappings of Tamils and political opponents at an increasing rate in the last five years."

8.47 The Danish FFM report of October 2010[130] observed:

"According to a leading human rights activist, the para-military groups are engaged in abductions and extortion activities. The same source said that no particular group of people is targeted for these activities but that the activities have a more generalized target. The presence of the groups is a concern and lead to a feeling of insecurity for local people. According to the source, the number of cases has been considerably reduced in 2010 compared to earlier. The source said that he made a recent visit to the East and that in this connection he did not receive any reports on cases related to abduction and killings. However, there is still a generalized fear among the local people."

8.48 The USSD 2010 report [131]noted that:

"Reports of abductions for extortion and ransom increased during the year, particularly in the north and east. Local residents blamed such abductions in the Jaffna Peninsula on armed members of the EPDP, led by government ally and Member of Parliament Douglas Devananda. In other areas of the north and east, however, it was difficult to identify the perpetrators. Whereas in the past local citizens often reported they were reasonably certain which paramilitary groups were behind abductions and killings, during the year they more often stated that they were unsure of which group was involved in a particular incident."

8.49 The USSD 2010 report[132] noted that:

---

[129] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Civil Liberties

[130] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p50

[131] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1b

[132] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1a

"The overall number of extrajudicial killings dropped significantly from the previous year. Nevertheless during the year unknown actors suspected of association with progovernment paramilitary groups committed killings and assaults of civilians. These included the Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway LTTE eastern commanders Vinayagamurthi Muralitharan, alias 'Karuna,' and Sivanesathurai Chandrakanthan, alias 'Pillaiyan,' in the east, as well as the Eelam People's Democratic Party (EPDP), led by Minister of Social Services and Social Welfare Douglas Devananda, in Jaffna. These and other progovernment paramilitaries also were active in Mannar and Vavuniya. All of these groups endeavored to operate political organizations, some with more success than others, and there were persistent reports of close, ground-level ties between paramilitaries and government security forces. Whereas these groups served more of a military function during the war, often working in coordination with security forces, the paramilitaries now took on increasingly criminal characteristics as they sought to solidify their territory and revenue sources in the postwar environment."

Return to contents

AVENUES OF COMPLAINT

8.50 The USSD report[133] 2010 noted:

"Citizens were allowed to file fundamental rights cases to seek redress of human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these types of cases, and plaintiffs were awarded damages in a number of instances. Observers cited bureaucratic inefficiencies in this system, leading to delays in the resolution of many cases; cases filed by persons suspected of having ties to the LTTE appeared to be subject to delays much more frequently. Where damages were awarded, there were relatively few problems in enforcing the court orders."

Impunity

8.51 The USSD 2010 report [134] noted that "There was no independent authority to investigate complaints. Senior officials in the police force handled complaints against the police." and added that "Impunity, particularly for cases of alleged police torture and corruption, was a serious problem." as well as that "In cases in which security force personnel allegedly committed human rights abuses, the government generally did not seek to identify those responsible or bring them to justice. Case law generally failed to uphold the doctrine of command responsibility for human rights abuses." The same report further noted that "Lawyers who defended human rights cases sometimes were under physical and verbal threats." [135]

[133] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1e
[134] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d
[135] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011 Section 1e

8.52 The AI *Annual Report 2011, Sri Lanka*[136] observed that "Investigations into human rights violations by the military, police and other official bodies and individuals made no apparent progress; court cases did not proceed."

Human Rights Commission of Sri Lanka

8.53 The USSD 2010 report[137] observed that:

"By statute the Sri Lanka Human Rights Commission (SLHRC) had wide powers and resources and could not be called as a witness in any court of law or be sued for matters relating to its official duties. However, in practice the SLHRC rarely used its powers, and there were reports of a large backlog of cases with virtually no action by the commission during the year. Rather than taking an investigative approach to determining the facts and details of human rights cases, the SLHRC instead took a more tribunal-like approach, weighing only the evidence brought to it in deciding whether to pursue a case. In 2007 the International Coordinating Committee of National Human Rights Institutions downgraded the SLHRC to observer status, citing governmental interference in the work of the SLHRC."

See the SLHRC website for more information about the organisation.

8.54 On 3 March 2011 the website on the HRCSL[138] noted:

"Inquiry and Investigation Division of HRCSL has released a summary report of complaints, which were received during the year 2010. According to sources HRCSL received 9901 complaints this year. The head office received 4205 complaints and ten regional offices received 5696 complaints. Compared to the previous year the statistics indicate a reduction of 21 percent.

"The receipt of complaints by regional offices are as follows; Kandy – 579, Matara – 542, Anuradhapura – 605, Ampara – 169, Badulla – 195, Jaffna – 243, Tricomalee – 188, Vavuniya – 2642, Kalmunai – 204 and Batticaloa – 329.

"Out of the complaints more than 14 percent of complaints were employment related issues. Other significant complaints included instances of torture, arrest, detentions, harassment and complications in school admission to popular schools."

Witness protection

8.55 The USSD 2010 report [139] observed that "At year's [2010] end there was no functioning witness protection program."

Return to contents

9. JUDICIARY

[136] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011 date accessed 19 May 2011
[137] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2a
[138] Human Rights Commission of Sri Lanka, HRCSL received 9901 complaints in the year 2010, 3 March 2011 http://hrcsl.lk/english/?p=1543 date accessed 11 May 2011
[139] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 5

9.01 Jane's Sentinel *Country Risk Assessments, Country Report, Sri Lanka*[140] (accessed on 24 May 2011) observed that:

"Sri Lanka's legal system is based upon a combination of English criminal law and Roman-Dutch civil law. Civil law relating to inheritance, marriage and divorce in certain parts of the country and among certain communities also bear the strong imprint of indigenous legal traditions. The Supreme Court, headed by the chief justice, constitutes the apex of the court hierarchy. In addition to being the highest appellate court in the country, the Supreme Court has exclusive jurisdiction in litigation on fundamental rights."

ORGANISATION

9.02 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010) [141], released on 8 April 2011 noted that:

"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. There are no formal procedures for ensuring how quickly an arrested person may contact family or a lawyer; in practice they are allowed to make calls on their mobile phone to such persons. The government provides counsel for indigent persons tried on criminal charges in the High Court and the courts of appeal but not in cases before lower courts. Private legal aid organizations assisted some defendants. Juries were not used in cases brought under the PTA, but defendants in such cases had the right to appeal.

"Defendants are presumed innocent. Confessions obtained by coercive means, including torture, are inadmissible in criminal courts, except in PTA [Prevention of Terrorism Act] cases."

"Defendants have the right to question prosecution witnesses during their trials and are allowed access to the prosecution's evidence. Subject to judicial review, in certain cases defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions usually were made relatively quickly.

"The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most courts outside of Jaffna and the northern parts of the country conducted business in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing in many locations, but trials and hearings in the north were in Tamil and English. Few legal textbooks existed in Tamil."

9.03 Europa World Online, Sri Lanka[142], accessed on 1 June 2011, recorded:

---

[140] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011

[141] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1e

[142] Europa World online, Sri Lanka, Government and Politics, Judicial System, undated http://www.europaworld.com/entry/lk.dir.175 [subscription only], date accessed 1 June 2011

"The judicial system consists of the Supreme Court, the Court of Appeal, the High Court, District Courts, Magistrates' Courts and Primary Courts. The last four are Courts of the First Instance and appeals lie from them to the Court of Appeal and from there, on questions of law or by special leave, to the Supreme Court. The High Court deals with all criminal cases and the District Courts with civil cases. There are Labour Tribunals to decide labour disputes.

"The Judicial Service Commission comprises the Chief Justice and two judges of the Supreme Court, nominated by the President. All judges of the Courts of First Instance (except High Court Judges) and the staff of all courts are appointed and controlled by the Judicial Service Commission. The Supreme Court consists of the Chief Justice and not fewer than six and not more than 10 other judges. The Court of Appeal consists of the President and not fewer than six and not more than 11 other judges."

INDEPENDENCE

9.04 The USSD 2010[143] report observed that:

"With the passage of the 18th amendment, executive influence over the judiciary significantly increased. 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. Although there were allegations of instances when the president may have intervened to assign judges favorable to his position in high-profile cases, there were other instances where judicial decisions clearly went against what the president might have preferred. During the year the government again failed to appoint the Constitutional Council, whose function is to ensure the independence of such constitutional bodies as the Judicial Service Commission. As a result a series of important checks on executive power were absent. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament."

9.05 The Freedom House report *Countries at the Crossroads 2010*[144], Country report, Sri Lanka, 6 April 2010 observed that "Prosecutors are theoretically independent of political pressure, but in reality the prosecution process is highly politicized and the criminal justice system has been used increasingly to punish politicians when they are out of power."

FAIR TRIAL

9.06 *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern*[145], release on 31 March 2011 observed that "Sri Lanka has a highly developed judicial system, which faces many challenges. At the end of the year, the Sri Lankan government reported a judicial

[143] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1e

[144] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Rule of Law

[145] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011

backlog of approximately 65,000 cases. As a consequence, there were a high number of prisoners who had been on remand for a relatively long period. The Sri Lankan government committed additional funds at the end of 2010 to clear this backlog."

PENAL CODE

9.07 The Penal Code of Sri Lanka (Consolidated version up to Act No. 16 of 2006 of 24 April 2006) is available clicking on the hyperlink.

Return to contents

10. ARREST AND DETENTION – LEGAL RIGHTS

For information about the application of legal rights and violations of the law, see Security forces and paramilitary groups.

10.01 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010) [146], released on 8 April 2011, observed that:

"Under the law authorities are required to inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice often several days and sometimes weeks or months elapsed before detained persons appeared before a magistrate. A magistrate could 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 is required to remand the suspect, and only the High Court can 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. Outside of alleged secret, and therefore incommunicado, detentions and prisons, detainees were allowed access to family members.

"A number of observers complained about the slow pace of the judicial process, with some estimates claiming that more than half those in prison were either awaiting or undergoing trial.

"Persons convicted and undergoing appeal did not receive credit towards their original sentence for time served in prison while the appeal continued. Appeals often took several years to resolve.

"The president granted amnesty to a number of prisoners throughout the year [2010], sometimes for national holidays or other occasions. The criteria for determining who benefitted from such releases were not clear. One report stated 1,312 prisoners were given a presidential pardon in September, with unsubstantiated reports of payments to government officials in return.

10.02 *Human Rights and Security Issues concerning Tamils in Sri Lanka*, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July

[146] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d

2010[147], dated October 2010 noted that: "ICRC informed the delegation that under the normal criminal law, the accused will have access to a legal advisor. In general, Legal Aid is available, but often the detainee will not be aware of the possibility of legal aid and does not have the resources to access a lawyer."

10.03 European Commission, Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka [148], 19 October 2009, observed:

"In Sri Lanka constitutional safeguards relating to arrest and detention include Article 13 of the Constitution which foresees a number of fundamental safeguards, such as freedom from arbitrary arrest and the right to be informed of the reasons for the arrest. Every person held in custody, detained or deprived of personal liberty shall be brought before a judge and shall not be further held in custody, detained or otherwise be deprived of personal liberty except upon and in terms of the order of the judge. The Code of Criminal Procedure includes safeguards regarding the integrity of detained persons. However, many of the protections in the Code do not apply in cases of detention under the emergency legislation [see below]. The emergency legislation allows security forces to arrest persons on broadly defined grounds and to hold suspects for up to one year under 'preventive detention' orders issued by the Secretary of the Ministry of Defence without complying with the procedural safeguards for detainees provided in the Criminal Procedure Code."

Return to contents

EMERGENCY REGULATIONS AND THE PREVENTION OF TERRORISM ACT

10.04 The Amnesty International (AI) report *Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands*[149], dated 8 March 2011 noted:

"Thousands of people are languishing in detention without charge or trial under Sri Lanka's repressive anti-terrorism laws. Sometimes held in secret prisons, they are vulnerable to a whole range of abuses, including torture or being killed in custody.

"Sri Lanka has been under a state of emergency almost continually since 1971. Successive governments have used national security as an excuse to introduce a range of broad and often confusing emergency regulations. This has led to a serious erosion and even suspension of people's rights to freedom of thought, conscience and expression, as well as their right to live free from arbitrary arrest and detention."

"The emergency laws grant state authorities sweeping powers of detention and permit holding people in secret locations, a practice that facilitates human rights abuses like enforced disappearances, torture and deaths in custody, which constitute crimes under international law."

---

[147] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p47-48

[148] European Commission, Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka, 19 October 2009 http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145152.pdf date accessed: 11 January 2010, p50

[149] Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands, 8 March 2011 http://www.amnesty.org/en/library/info/ASA37/001/2011/en date accessed 23 May 2011

10.05 With regards to the Prevention of Terrorism Act (PTA), the same AI report[150] observed:

"The Prevention of Terrorism Act was introduced as a temporary law in 1979, and made permanent in 1981. The act allows the suspension of certain rights of criminal procedure, including the right of individuals to be presumed innocent, as a means to prevent terrorism and other unlawful activities.

"Under the act, people can be arrested without charge or trial and detained for up to 18 months while police investigate the possibility of their involvement in illegal activity. The act also allows for indefinite detention on order of a magistrate pending trial. In Sri Lanka, where the wheels of justice grind slowly, people can remain in pre-trial detention for years.

"The act enables security forces to systematically violate human rights. Like the emergency regulations, provisions in the act allow confessions to police officers above a certain rank as admissible evidence in court. Interrogating officers, therefore, are given an incentive to obtain confessions by any means, including torture. This is exacerbated by the fact that if a person has been tortured into confessing, the burden of proving this allegation rests with the alleged victim."

10.06 The AI report of March 2011[151] also added:

"Detention orders [for those arrested under the emergency regulations or Prevention of Terrorism Act] are supposed to be issued for those held beyond the initial period. Several safeguards have been introduced to guarantee the welfare of detainees, including, for instance, that a detention order can only be issued if the officer in charge of the nearest police station has been notified within 24 hours of the arrest. Breach of this provision is an offence. However, in practice, legal safeguards are ignored and many of those arrested and detained are tortured in custody.

"Like the emergency regulations, the Prevention of Terrorism Act grants broad powers to the police to enter and search premises without a warrant, to seize property and arrest individuals ' connected with or concerned in or reasonably suspected of being connected with or concerned in any unlawful activity'. The authorities have used the laws to shut down newspapers and printing presses. The Prevention of Terrorism Act grants extraordinary power to the Minister of Defence to order the detention of an individual suspect for investigation or as a preventative measure. The Minister can determine not only the place and conditions of detention, but also impose continued restrictions or prohibitions on a person's basic freedoms, including freedom of expression, association and movement, even after he or she is released from official custody."

10.07 The same AI report[152] further observed that:

"Because they provide for vaguely and broadly defined offences such as

[150] Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands http://www.amnesty.org/en/library/info/ASA37/001/2011/en date accessed 23 May 2011
[151] Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands http://www.amnesty.org/en/library/info/ASA37/001/2011/en date accessed 23 May 2011
[152] Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands, 8 March 2011, http://www.amnesty.org/en/library/info/ASA37/001/2011/en date accessed 23 May 2011

'terrorism' the emergency laws have been used to restrict freedom of expression and association, increase pressure on human rights activists, journalists, trade unionists and others holding dissenting views.

"Since the war with the LTTE ended in May 2009, Sri Lankan legislators have continued to extend the state of emergency on a monthly basis.

"The authorities continue to carry out arrests under the act and detain suspects for questioning. Official statements confirm that over 1,900 people already arrested and detained under the act will remain in custody pending investigations."

10.08 The US State Department 2010 *Human Rights Report: Sri Lanka* (USSD 2010) [153], released on 8 April 2011 observed that:

"Under the Emergency Regulations, the armed forces have the legal authority to arrest persons, but they are required to transfer suspects to the police within 24 hours. Police could 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. The defense secretary extended some detentions beyond one year under the Prevention of Terrorism Act (PTA).

"Data concerning arrests made during the year under the Emergency Regulations were fragmentary and unreliable. The government detained an unknown number of individuals at least temporarily. Observers stated that, although many were released within two days if no official detention order was produced, others were known to be detained for much longer. Although in May [2010] the government relaxed a portion of the Emergency Regulations, including provisions that previously had allowed security forces wide latitude in conducting searches without judicial warrants, the remaining portions of the regulations allowed detentions without charges or warrants."

10.09 The Danish FFM report of October 2010[154] noted:

"Ms. Kishali Pinto-Jayawardene [who is a human rights lawyer and works as a senior consultant at the Law & Society Trust] stated that normal criminal procedure is not ordinarily resorted to Sri Lanka, as the police is using the Emergency Regulations, which provide the authorities with wide ranging power, not only in connection with suspects of terrorism but also in connection with common thieves. Ms. Kishali Pinto-Jayawardene stated that the level of arrests, and in particular arbitrary arrests, in general has declined for terrorist suspects (Tamils) after the ending of the war.

"Ms. Kishali Pinto-Jayawardene further stated that, in an increasing number of cases, the police fabricate charges against suspects. This has become part of the judicial environment and there is little accountability on the part of the police. Ms. Kishali Pinto-Jayawardene commented that although the Emergency Regulations have been reduced in certain aspects in May 2010, the police do not act differently. Resorting to abuse instead of systemic investigation has become part of the normal routine.

[153] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d

[154] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p47-48

"[ICRC informed the delegation that]… persons administratively detained under the Emergency Regulation or the PTA do not have access to legal counsel, and even for those who succeed to get a lawyer there is no effective legal remedy (a habeas corpus [a writ ordering a prisoner to be brought before a judge case may be filed in the higher courts; however, this legal remedy is not effective since the processing time of the petition is long)."

10.10 On 14 April 2011 TamilNet[155] reported that:

"Information smuggled out of the notorious Magazine Prison in Borella, Colombo, reveal that 58 Tamil prisoners, 44 of them with no charges filed or charged without any viable court case or witnesses to prove guilt, are being held under the Island's Emergency Regulations in the prison for more than 12 years.

"The informant told TamilNet, the 44 prisoners are taken to the Colombo High Court once every 14-days to mark their presence in the jail, but have no legal representation due to lack of financial resources. 'Judges are reluctant to take action to release the inmates due to political compulsion,' the informant prisoner said.

One youth from Batticaloa, arrested when he was 17-years old is in the prison for more than 18 years, exceeding the customary 14-years normally served by prisoners with life-imprisonment."

10.11 On 14 December 2010 BBC News[156] reported:

"Hundreds of Tamils detained for years on charges of helping the Tamil Tigers have asked Sri Lankan President Mahinda Rajapaksa to show mercy or grant them a trial.

"The detainees were arrested under prevention of terrorism legislation introduced as a temporary law in 1979 and made permanent two years later.

"Under the act, suspects can be held for up to 18 months without charge or trial.

"But some detainees have spent more than 10 years in jail, with cases still pending in courts.

"Human rights activists say more than 650 Tamils, including about 50 women, are suspended in legal limbo in Sri Lankan jails.

"A few of the detainees, whom the BBC interviewed by phone, said they want the president to look into their plight."

BAIL/REPORTING CONDITIONS

10.12 A letter from the British High Commission in Colombo dated 14 September 2010[157] observed:

[155] TamilNet, 58 Tamils languish in Magazine prison for more than 12 years, 14 April 2011 http://www.tamilnet.com/art.html?catid=13&artid=33805 date accessed 1 June 2011
[156] BBC News, Legal limbo Tamils beg for mercy or trial, 14 December 2010 http://www.bbc.co.uk/news/world-south-asia-11808551 date accessed 1 June 2011
[157] British High Commission in Colombo, letter dated 14 September 2010, available upon request

"In Sri Lanka it is common practice to be released on bail without being charged. There are however certain offences considered unbailable, and the Bail Act (No 30 of 1997) stipulates a person suspected or accused of being concerned in committing or having committed, an offence punishable with death or with life imprisonment, shall not he released on bail except by a Judge of the High Court. Reporting conditions are usually issued when bail is granted. Anyone flouting reporting conditions is liable to be served with a warrant for arrest."
To access the Sri Lanka Bail Act (No. 30 of 1997) click on the hyperlink. [158]

ARREST WARRANTS

10.13 The above mentioned BHC letter of 14 September 2010[159] reported that:

"Formally it is difficult for the accused to be able to obtain a copy of his/her own arrest warrant. When an arrest warrant is issued, a copy is kept on the legal file and the original is handed to the police. An accused cannot apply for copies of the arrest warrant to the relevant court. However, in practice forged documents are easily obtainable throughout Sri Lanka. Additionally given ongoing and well documented concerns over corruption in the police it would probably not prove difficult to obtain a copy of an arrest warrant, although it would probably require prior contacts within the police service."

Return to contents

11. PRISON CONDITIONS

11.01 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010) [160], released on 8 April 2011 noted that:

"Prison conditions did not meet international standards due to overcrowding and the lack of sanitary facilities. According to prison officials and civil society sources, prisons designed for approximately 10,000 inmates held an estimated 26,000 prisoners. Approximately 1,400 of these were women. Some 12,000 of these total prisoners were convicted, while the remaining 14,000 were in detention either awaiting or undergoing trial. In some cases juveniles were not held separately from adults. Pretrial detainees often were not held separately from those convicted. In many cases prisoners were reported to be sleeping on concrete floors and often without natural light or sufficient ventilation. Female prisoners were held separately from male prisoners and in generally better conditions, but some human rights groups alleged that isolated incidents of degrading treatment occurred, including corporal punishment, overcrowding, maltreatment, or abuse."

11.02 The USSD 2010[161] added that:

[158] Sri Lanka Consolidated Acts, Bail Act (No. 30 of 1997) http://www.commonlii.org/lk/legis/num_act/ba30o199787/ date accessed 31 May 2011
[159] British High Commission in Colombo, letter dated 14 September 2010, available upon request
[160] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1c, Prison and Detention Center Conditions

"There appeared to be no formal procedure without going through prison officials by which prisoners and detainees could submit complaints of poor conditions or abusive treatment to judicial authorities.

"The government permitted independent human rights observers and the International Committee of the Red Cross (ICRC) to visit to regular and remand prisons, but not those facilities holding LTTE ex-combatants yet to be formally charged. The government did not provide access to any detention facilities operated by military intelligence, stating that none existed. The ICRC was not allowed to visit suspected illegal detention facilities operated by paramilitaries. In December [2010], the Government requested the ICRC to close their offices in the North."

11.03 The USSD 2010[162] report also observed that: "Outside of alleged secret, and therefore incommunicado, detentions and prisons, detainees were allowed access to family members. "A number of observers complained about the slow pace of the judicial process, with some estimates claiming that more than half those in prison were either awaiting or undergoing trial."

11.04 The Amnesty International (AI) report *Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands*[163], dated 8 March 2011 observed:

"Many people detained under the act have been held in official custody for years. While in detention they can be moved from place to place or housed in an unofficial or secret place of detention while being interrogated. Amnesty International has spoken to dozens of family members of detainees who say that the removal of suspects to non-official detention centres makes it very difficult for families to track the whereabouts of their loved ones.

"Sometimes suspects can simply get lost in the system with their family unable to find out where they are being held. This contradicts a July 2006 Presidential Directive which stipulates that the Sri Lankan Human Rights Commission (SLHRC) must be informed of an arrest and of the place of detention within 48 hours. Under the Directive, families must be allowed to communicate with detainees."

11.05 The same AI report[164] also noted that:

"In January 2010, hundreds of Tamil political prisoners went on hunger strike demanding that the government release them or, failing that, allow them to answer accusations against them in fair trials. The prisoners who took part included those detained in Anuradhapura, Batticaloa, Colombo, Jaffna and Trincomalee. They suspended their fast on the eighth day after President Mahinda Rajapaksa pledged to look into the prisoners' demands within two months, however, their demands remained largely unmet."

---

[161] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1c, Prison and Detention Center Conditions

[162] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d

[163] Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands http://www.amnesty.org/en/library/info/ASA37/001/2011/en 8 March 2011, date accessed 23 May 2011

[164] Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands, 8 March 2011 http://www.amnesty.org/en/library/info/ASA37/001/2011/en date accessed 23 May 2011

11.06 *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern*[165], release on 31 March 2011 noted:

"Overcrowding in Sri Lanka's prisons is in part caused by a large backlog of cases in the courts and the large number of prisoners detained on minor charges due to their inability to pay fines. Remand prisoners and those imprisoned on minor offences are also held in the same facilities as more serious offenders. Former prison officials report that the majority of the prison population consists of pre-trial detainees and that the majority of convicted inmates serve sentences of less than three months. It is alleged that some terrorist suspects are held without a detention order being in place and therefore fall outside the legal framework."

11.07 The same report[166] also observed that: "Despite repeated calls by the international community, the International Committee of the Red Cross has not been allowed access to all former Liberation Tigers of Tamil Eelam fighters. The International Committee of the Red Cross has, however, continued to have access to other detainees in detention facilities throughout Sri Lanka."

11.08 The UN *Concluding observations of the Committee on Economic, Social and Cultural Rights*[167], dated 9 December 2010, noted that: "The Committee is concerned about the acute overcrowding and the inhuman detention conditions which prevail in many of the State party's prisons. The Committee is also concerned that children are not regularly separated from adults."

11.09 On 31 October 2010 the *Sunday Observer*[168] – quoting information from the Rehabilitation and Prison Reforms Minister D.E.W. Gunasekera – reported:

"Acute congestion is the root cause for many problems and vices in prisons. Over 148,740 prisoners were admitted to prisons in 2009. Of them 37,872 were those convicted of various crimes while the majority - 108,868 were remand prisoners. The daily average of inmates at the Welikada, Magazine and Colombo Prisons was around 9,000 in 2009 despite accommodation and facilities available for less than one-third of them, he said.

"The situation relating to remand prisoners is deplorable. Some of them are in prison for only a day while others are languishing for years until their release on a court order. Convicted prisoners have a work schedule and better facilities, the Minister said."

11.10 On 24 January 2011 BBC News[169] reported that:

---

[165] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011

[166] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011

[167] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p9

[168] Sunday Observer, Prison reforms to see the light of day, 31 October 2010 http://www.sundayobserver.lk/2010/10/31/sec01.asp date accessed 24 May 2011

[169] BBC News, 'Inmates killed' in Sri Lanka prison shooting, 24 January 2011 http://www.bbc.co.uk/news/world-south-asia-12268829

"Inmates of a jail in north-central Sri Lanka have accused the prison authorities of shooting dead protesting prisoners.

"An inmate at Anuradhapura prison who wished to remain anonymous told the BBC Sinhala service that he saw at least four dead bodies.

"Hospital authorities say one person was killed and 24 people who were injured were admitted to hospital.

"Dr WMTD Wijekoon, director of Anuradhapura hospital, told the BBC that eight prison officers are among those injured.

"A group of nearly 50 inmates have been staging a fast on the roof of the prison since Sunday accusing the prison authorities of ill-treating the inmates."

11.11 The International Committee of the Red Cross (ICRC) *Annual Report 2010, Sri Lanka*[170], released on 31 December 2010 noted that:

"…across the country the ICRC visited more than 26,000 people [26,318 detainees, monitoring 3,575 of them individually, in 123 places of detention], including those arrested and detained in relation to the former armed conflict, with a focus on those held under the Emergency Regulations or suspected of affiliation with the LTTE. Delegates checked on inmates' treatment and living conditions and reported their findings and recommendations confidentially to the detaining authorities. Efforts to obtain access to people held in rehabilitation centres proved unsuccessful…. More than 9,000 detainees received visits from family members thanks to the ICRC's reimbursement of their transport costs."

11.12 The Prison Brief for Sri Lanka[171] produced by the International Centre for Prison Studies, last modified on 17 June 2010 (accessed on 1 June 2011) recorded a total prison population of 30,933 at mid-2009 (including pre-trial detainees/remand prisoners amounting to 48.7 per cent of total) against an official capacity of the prison system of 10,692 (in 2004). The prison population rate (per 100,000 of national population) was 153 (based on an estimated national population of 20.4 million at mid-2009). In 2007 the total prison population was 25,537 (with a prison population rate of 121) while for 2004 the figures were respectively 20,661 and 108.

11.13 The Department of Census and Statistics Sri Lanka in its Statistical Abstract 2010 – Chapter XIII - Social Conditions[172], table 13.9, Convicted persons by ethnic group and sex, 2002 - 2009 and table 13.10, Unconvicted persons by ethnic group and sex, 2002 - 2008 **(**website accessed on 19 May 2011), recorded that in 2009 the number of unconvicted prisoners totalled 108,868 (101,294 males; 7,574 females and 75,322

[170] International Committee of the Red Cross, Annual Report 2010, Sri Lanka, 31 December 2010 http://www.icrc.org/eng/assets/files/annual-report/current/icrc-annual-report-2010-sri-lanka.pdf date accessed 19 May 2011

[171] International Centre for Prison Studies, Prison Brief for Sri Lanka, undated (last modified 17 June 2010) http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=111 date accessed 1 June 2011

[172] Department of Census and Statistics Sri Lanka, Statistical Abstract 2010 – Chapter XIII - Social Conditions, table 13.9, Convicted persons by ethnic group and sex, 2002 - 2009 and table 13.10, Unconvicted persons by ethnic group and sex, 2002 – 2009 http://www.statistics.gov.lk/abstract2010/chapters/Chap13/AB13-9.pdf date accessed 19 May 2011

Sinhalese; 20,439 Tamils). In the same year the total figure for convicted prisoners was 37,872 (36,590 males; 1,282 females and 27,087 Sinhalese; 5,323 Tamils).

DEATHS IN CUSTODY

11.14 The Amnesty International *Annual Report 2011, Sri Lanka*[173] released on 13 May 2011 noted that: "Some people died in custody after being tortured by police."

11.15 Details related to five cases of death in custody are available from a document by Asian Human Rights Commission dated 22 October 2010, accessible clicking on the hyperlink.

11.16 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*,[174] 11 January 2010, recorded:

"The murder of two young Sinhala men in police custody in the southern town of Angulana in July 2009 led to public outrage. So too did a video of a mentally ill Tamil man being beaten to death by police in Colombo in October 2009. There has been a string of extrajudicial killings of 'underworld' leaders alleged to have links to politicians. The government admitted in parliament that 32 people died while in police custody in the first nine months of 2009."
See also Torture; Abuses by Police and Armed forces and Impunity

Return to contents

12. DEATH PENALTY

12.01 The Amnesty International *Annual Report 2011, Sri Lanka*[175] released on 13 May 2011, considered Sri Lanka "… abolitionist in practice". Hands off Cain in its *Country status on death penalty*[176], updated on 30 June 2010, also considered Sri Lanka a "… de facto abolitionist… " country and reported 1976 as the year of the last known execution.

Return to contents

13. POLITICAL AFFILIATION

13.01 This section should be read in conjunction with sections on Freedom of speech and media, and Human rights institutions, organisations and activists

FREEDOM OF POLITICAL EXPRESSION

[173] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011 date accessed 19 May 2011
[174] International Crisis Group (ICG),Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/b99%20sri%20lanka%20a%20bitter%20peace.ashx Date accessed 28 October 2010, p19
[175] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011, date accessed 19 May 2011
[176] Hands off Cain, Country status on the death penalty, updated 30 June 2010 http://www.handsoffcain.info/bancadati/index.php?tipotema=arg&idtema=13000554 date accessed 20 September 2010

13.02 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[177], released on 8 April 2011 noted that:

"The government is dominated by the president's family; two of the president's brothers hold key executive branch posts as defense secretary and minister of economic development, while a third brother is the speaker of parliament. Independent observers generally characterized the presidential and parliamentary elections as problematic. Both elections were fraught with violations of the election law by all major parties and were influenced by the governing coalition's massive use of state resources… [introductory section]

"The president, who was reelected in January [2010] for a second six-year term, holds executive power, while the 225-member parliament, elected in April [2010], exercises legislative power… A number of violent incidents occurred during the campaign period, with five deaths connected to election-related violence, but there were few reported incidents of election-related violence or election law violations on election day. However, independent observers reported countless violations of election law by the president's ruling coalition and, to a lesser extent, by the main opposition parties during the weeks leading up to election day. The president's ruling coalition was accused of massive use of state resources in support of the president's campaign, including the repeated use of official vehicles, offices, and personnel to hold campaign events and to conduct voter education efforts that favored the president.

"The final vote count gave President Rajapaksa approximately 58 percent of the vote, with the main opposition candidate, retired general Sarath Fonseka, receiving just over 40 percent. There were no reliable public opinion polls conducted during the election campaign with which to compare these results. There were allegations of possible fraud occurring at counting centers, as ballots were tallied and totals reported to the elections commissioner. In several counting centers opposition party observers were chased away by government supporters. While many observers questioned the size of Rajapaksa's margin of victory, most believed that the results represented the will of the electorate. There were calls for a recount of ballots, but the elections commissioner refused to do so. By law election ballots are retained for one year following an election in case of a dispute. The elections commissioner has the power to release them, but he refused to allow any independent inspection of the ballots, even after a formal request by local election monitoring organizations to do so. Imprisoned opposition candidate Fonseka filed a petition in court to overturn the results of the election, based on the allegations of elections law violations and counting fraud, but on October 29 the Supreme Court dismissed the case on technical grounds without rendering a decision on the merits of the case, stating that it would be impossible to prove in court whether the alleged fraud and violations occurred to the point of justifying the disqualification of Rajapaksa as a candidate."

13.03 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[178], released on 8 April 2011 noted that: "The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic

[177] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011
[178] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 3

elections held on the basis of universal suffrage." The same source added that: "Political parties largely were free to operate and name candidates as they wished."

13.04 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*, 11 January 2010[179], observed that "The brutal nature of the conflict, especially in its closing months, has undermined Sri Lanka's democratic institutions and governance."

FREEDOM OF ASSOCIATION AND ASSEMBLY

13.05 The USSD 2010 report[180] noted that:

"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 gives the president the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature may not be held when a referendum is scheduled, but the government generally granted permits for demonstrations, including those by opposition parties and minority groups. A number of university students were detained in October [2010] following demonstrations at several universities in protest of plans to develop private universities in the country. The government alleged that these demonstrations were unauthorized and deliberately set up with the help of leftist political parties to disrupt classes and clash with police."

"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."

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

13.06 The USSD 2010 report[181] noted that: "During the year the government detained and imprisoned a small number of persons for political reasons. However, the government permitted access to such persons on a regular basis by international humanitarian organizations." The same report also referred to cases "in which persons were detained for what appeared to be simply their opposition to the government and its top leaders. There were numerous cases of police arresting persons for putting up or simply possessing posters critical of the government."[182]

Sarath Fonseka and supporters

13.07 The USSD 2010 report[183] observed that:

---

[179] International Crisis Group (ICG),Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/b99%20sri%20lanka%20a%20bitter%20peace.ashx Date accessed 28 October 2010, Overview
[180] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2b
[181] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1e
[182]US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1e
[183] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1e

"Most prominent among these political prisoners was main opposition presidential candidate and former army commander Sarath Fonseka, who was detained on February 8 [2010] by the military, held in detention for the rest of the year, brought before several military courts martial and civil courts on various charges, and ultimately sentenced to 30 months in prison at hard labor, which he was serving at the Welikada Prison at year's [2010] end. He also was stripped of his rank and pension, and all references to Fonseka on military plaques, etc., were ordered expunged. The accusations made against Fonseka after he initially was detained were vague, with suggestions by government officials that he had been plotting a coup. After more than a month, formal charges were brought under two courts martial on corruption in military procurement and violating military regulations by engaging in politics as a serving military officer. No charges were ever brought on the coup allegations. Later, he also was charged in civil court under the PTA for allegedly fomenting civil unrest by making statements in December 2009 to the press about Defense Secretary Gotabhaya Rajapaksa's alleged order that surrendering LTTE cadres be shot (the 'white flag' incident). Fonseka later denied making these claims. In August the two courts martial found Fonseka guilty of the corruption charges and of engaging in politics while still in the military…At year's end Fonseka remained on trial for several charges, including revealing state secrets, for the 'white-flag' case."

13.08 The USSD 2010 report[184] continued:

"Despite his incarceration Fonseka ran successfully for a parliamentary seat on the ticket of the opposition Democratic National Alliance in the April [2010] elections and until his sentencing to prison in September was allowed out of detention to attend sittings of parliament. A number of human rights organizations accused Fonseka of being involved in a wide range of human rights abuses during the war, including extrajudicial killings, disappearances, and indiscriminate firing on civilians in the war zone. Nevertheless, many independent observers concluded that Fonseka was detained, prosecuted, and sentenced for political reasons, because of the initial lack of clarity in the allegations against Fonseka, the fact that no formal charges were brought against him for more than a month after his detention, the selective way in which laws were ultimately applied (some progovernment military officers spoke publicly in favor of the president during the campaign and were not similarly charged or punished), and the disproportionate nature of the sentences in the courts martial, which appeared to be designed to humiliate Fonseka and to deprive him of his seat in parliament.

"Twenty-two other individuals involved with Fonseka's campaign were arrested, most in connection with the allegations of a coup attempt. By November, however, all 22 were released from detention with no charges pending, leaving only Fonseka in prison."See also Key political events (1948 to December 2010) and Key recent developments (January – May 2011)

13.09 On 25 January 2011 BBC News[185] reported that:

"Imprisoned former Sri Lankan military commander Sarath Fonseka has lost a Supreme Court appeal to retain his parliamentary seat.

[184] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1e
[185] BBC News, Sarath Fonseka loses bid to keep Sri Lanka seat, 25 January 2011 http://www.bbc.co.uk/news/world-south-asia-12276057 date accessed 2 June 2011

"The court ruled that a court martial in September which found him guilty of arms procurement offences meant that he could no longer be an MP."

"He will lose his seat and civic rights, including voting rights for six years."

13.10 *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern*[186], release on 31 March 2011 noted that: "Following the arrest of defeated presidential candidate Sarath Fonseka, police used batons and tear gas to break up a number of peaceful protests over his detention and conviction, including protests in Colombo in February [2010] and Galle in August. In the latter, two opposition MPs were arrested when they attempted to complain about police behaviour. They were later released without charge."

13.11 On 29 March 2011 LankaeNews[187] reported that: "Captain Senaka Haripriya Silva, who was the private Secretary of Gen. Sarath Fonseka during the Presidential election period when the latter was also a Presidential candidate was released on bail yesterday (28) by the appeal Court after being in remand custody for over 13 months."

Return to contents

14. FREEDOM OF SPEECH AND MEDIA

This section should be read in conjunction with sections on Political affiliation and Human rights institutions, organisations and activists

LEGAL FRAMEWORK

14.01 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[188], released on 8 April 2011 noted that:

"The law provides for freedom of speech and of the press, but in practice this was not always supported. Government officials criticized, pressured, and harassed the media, and most journalists practiced self-censorship.

"The government owned the country's largest newspaper chain, two major television stations, and a radio station. However, private owners operated a variety of independent newspapers, journals, and radio and television stations. The government imposed no political restrictions on the establishment of new media enterprises.

"In July 2009 the government officially reactivated the Press Council Act of 1973. This act, which includes power to impose punitive measures including fines and lengthy prison terms, proscribed the publishing of articles that discussed internal communications of the government, decisions of the cabinet, matters relating to the military that could affect national security, and details of economic policy that could lead to artificial shortages or speculative price increases."

[186] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011
[187] LankaeNews, Gen. Fonseka's private Secretary released on bail after 13 months, 29 March 2011 http://www.lankaenews.com/English/news.php?id=10908 date accessed 2 June 2011
[188] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2a

14.02 The International Federation of Journalists (IFJ) document *Free Speech in Peril: Press Freedom in South Asia 2010-11*[189], dated May 2011 observed:

"…the increasing number of media houses coming under government control through political manoeuvring. Media owners have become government MPs or ministers and editors have become close affiliates of powerful ministers. The owners of mainstream newspapers such as Island/Divaina (Upali Group), Lakbima (Sumathi Publishing) are either government MPs or have close relatives who are in government. The Nation is owned and run by close affiliates of the Rajapaksa family. The Wijaya Group has no direct connections with the government, though the editor of Lankadeepa (the group's Sinhala language paper) is the President's nominee to the Sri Lanka Press Council.

"One case in point is Asia Broadcasting Corporation Private Limited (ABC Network), which ran five radio channels in Sinhala, Tamil and English that were shut down by the government in October 2007 over a report about alleged activities of the separatist Liberation Tigers of Tamil Eelam (or Tamil Tigers) in the south of the island nation. In April 2008 the network was reissued its licence after a member of the opposition United National Party (INP[UNP]) Duminda Silva, brother of network owner Raynor Silva, crossed over to the government side.

"Licences for television and radio in the post-1995 period (there were five prior to this with only TNL operating as an independent channel) were given to political allies. Today, with the proliferation of television and radio channels, a large number are government-controlled by proxy. Newspapers and TV channels that attempt to be independent suffer violent attacks, threats - such as the withdrawal of broadcast licences – and intimidation."

14.03 The IFJ report of May 2011[190] continued:

"Another serious concern is government efforts to exert more control over the media through numerous legal mechanisms. This has led many international observers to opine that the process of legitimising media suppression in post-war Sri Lanka is well underway.

"In June 2009, shortly after the final victory over the Tamil Tigers, the government announced its intent to revive the draconian Press Council Law (PCL) and in 2010, despite protests from media organisations, appointed a chairman and four members to the board. According to the Press Council Act the composition of the Council consists of seven members, five appointed by government, one working journalist and one working employee to be nominated by the industry and representative media organisations. The seven members must be in place for the Council to be deemed a legal entity. Notwithstanding the fact that the media industry and journalists' organisations have unanimously refused to name their representatives despite repeated requests from the government, the Council is functioning…"

"Although the PCL was replaced by the Press Complaints Commission of Sri Lanka (PCCSL) in 2003, and the Law's punitive provisions have not been operational since

[189] International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf date accessed 1 June 2011, p41
[190] International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf date accessed 1 June 2011, p41

1994, the Law itself was not repealed. The PCL gives the government wide-ranging powers to fine and sentence journalists and publishers reporting on a range of public interest issues, including the internal communications of the government and decisions of the Cabinet, to extended periods of imprisonment."

JOURNALISTS

14.04 The IFJ report of May 2011[191] noted that:

"Overtly, 2011 has been a period of relative calm and overall the situation has improved from what it was during the final phase of the war and the immediate aftermath of the 2010 presidential election. No murders of journalists were reported last year. And although there has been a decline in the number of recorded attacks on journalists several incidents were reported."

"The reporting climate is in no way conducive to assertive journalism. Sunil Jayasekara, convenor of the Free Media Movement (FMM) admits the situation may appear to have improved, but cautions that fewer attacks and the absence of killings do not mean the environment is favourable for journalists to practice their craft without fear of reprisal. A number of International media and human rights groups have echoed Jayasekara's sentiment."

"There are still high levels of anxiety and journalists continue to look over their shoulders and continue to curtail their comments and reports.

"A major factor contributing to this sense of unease is the government's failure to conduct proper investigations into any of the attacks against media persons and institutions, which has helped foster a climate of impunity and indifference."

14.05 The IFJ report of May 2011[192] further noted that: "Journalists and media activists say that the reporting environment is so insecure that journalists can report only what the government or those closely affiliated with the ruling party wish to make public, and point to examples of drastic reprisals for media that does not toe the line, such as the one inflicted on Lanka-E-News [whose offices suffered an arson attack in January 2011 which destroyed its premises]."

14.06 The IFJ report[193] – accessible from the hyperlink in the footnote – provided specific information on the situation faced by Lanka-E-News and other attacks to media organisations and journalists. Further information on this issue is available from the Committee to Protect Journalists (CPJ) *Attacks on the Press 2010: Sri Lanka*[194], issued on 15 February 2011 and accessible from the footnote. The CPJ report noted that: "Sri Lanka ranked fourth on CPJ's 2010 Impunity Index, a ranking of countries where

[191] International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf date accessed 1 June 2011, p39-41
[192] International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf date accessed 1 June 2011, p41
[193] International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf date accessed 1 June 2011
[194] Committee to Protect Journalists (CPJ), Attacks on the Press 2010: Sri Lanka, 15 February 2011 http://cpj.org/2011/02/attacks-on-the-press-2010-sri-lanka.php date accessed 2 June 2011

journalists are regularly murdered and governments fail to solve the crimes." The same ranking was in the CPJ's 2011 Impunity Index[195], released on 1 June 2011.

14.07 The Amnesty International *Annual Report 2011, Sri Lanka*[196] released on 13 May 2011 observed that: "Journalists were physically assaulted, abducted, intimidated and harassed by both government personnel and members of government-allied armed groups. Little effort was made to investigate attacks or bring perpetrators to justice."

14.08 The USSD 2010 report[197] observed that:

"Media freedom suffered from severe government pressure throughout the island, and most journalists practiced self-censorship, particularly on problems critical of top government officials. National and international media freedom organizations and journalists' associations expressed concern over media freedom and were sharply critical of the government's role in harassing and intimidating journalists. The police, under the authority of the Ministry of Defense, reportedly maintained a special unit to monitor and control all references in the media to members of the Rajapaksa family.

"Senior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to print stories that portrayed the government in a positive light. This pressure reportedly was exerted sometimes directly through threats and intimidation and sometimes through orders to government and private firms to cease advertising in critical newspapers. Threats led some journalists to choose self-exile…Statements by government and military officials contributed to an environment in which journalists who published articles critical of the government felt under threat."

14.09 The Human Rights Watch (HRW) *World Report 2011, Sri Lanka*[198], released on 24 January 2011 noted that:

"Free expression remained under assault in 2010. Independent and opposition media came under increased pressure, particularly in the run-up to elections. Sri Lankan authorities detained and interrogated journalists, blocked access to news websites, and assaulted journalists covering opposition demonstrations.

"News outlets associated with opposition parties came under the most vigorous and sustained attacks. The government particularly targeted Lanka-e-News, a news website published in English, Tamil, and Sinhalese, often aligned with the opposition party People's Liberation Front (JVP). A contributor to Lanka-e-News, Prageeth Ekneligoda, left his office on January 24 [2010] and has been missing ever since.

"The government also targeted another JVP-owned bi-weekly newspaper, Irida Lanka. On January 29 [2010], police questioned senior news editor Chandana Sirimalwatte and two editorial assistants about a recently published article. While police released the

[195] Committee to Protect Journalists, 2011 Impunity Index, released on 1 June 2011 http://www.cpj.org/reports/CPJ.2011.Impunity.Index.pdf date accessed 6 June 2011
[196] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011, date accessed 19 May 2011
[197] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2a
[198] Rights Watch, World Report 2011, Sri Lanka , released on 24 January 2011 http://www.hrw.org/en/world-report-2011/sri-lanka date accessed 24 May 2011

assistants after several hours, Sirimalwatte was held without charge for 18 days. The police also sealed the newspaper's offices until a court ordered them opened again.

"Some 20 journalists, media workers, and civil society actors went into hiding in the days following the January election out of concern for their safety. At least four journalists left the country, adding to the several dozen who have fled in recent years."

14.10 On 30 December 2010 Reporters sans Frontières (Reporters without Borders)[199] observed:

"Reporters Without Borders condemns the new forms of censorship and obstruction being used by government to prevent diverse and freely-reported media coverage of the situation in Sri Lanka. The fall in the number of physical attacks, threats and cases of imprisonment is to be welcomed, but it is worrying that the authorities are blocking the return of real editorial freedom.

"At the same time, the flight of at least 55 Sri Lankan journalists, including many press freedom activists, into exile during the past three years has left a void in the country's media."

14.11 Sri Lanka ranked 158 out of 178 countries (from 1 for the highest level of press freedom to 178 for the lowest level) in the Reporters sans Frontières *2010 World Press Freedom Index*[200], dated 20 October 2010. The country ranked 156 out of 196 countries in the Freedom House *Freedom of the Press 2011, Global Press Freedom Rankings*[201], released on 2 May 2011.

14.12 The AI report *Sri Lanka: Silencing dissent: Media workers under attack in Sri Lanka*[202], issued on 3 May 2010 observed:

"In Sri Lanka, reporting the truth can be fatal. Journalists have been killed, physically assaulted, abducted, and harassed by both government personnel and members of armed groups. At least 15 journalists have been killed since 2006 and more than 20 have fled the country. The perpetrators of such human rights violations have never been brought to justice.

"These attacks take place against a backdrop of official government statements accusing dissenting journalists or human rights activists of treason or supporting the armed group, Liberation Tigers of Tamil Eelam (LTTE). The government's frequent vitriolic responses to any criticism only serve to erode its legitimacy in the international arena. But in Sri Lanka, such rhetoric serves to implicitly support, if not actually encourage, physical attacks on government critics."

14.13 The same AI report[203] also highlighted that:

---

[199] Reporters sans Frontières, Less anti-media violence in 2010 but more obstruction and self-censorship, 30 December 2010 http://en.rsf.org/sri-lanka-less-anti-media-violence-in-2010-30-12-2010,39197.html date accessed 2 June 2011

[200] Reporters sans Frontières 2010, World Press Freedom Index, 20 October 2010 http://en.rsf.org/press-freedom-index-2010,1034.html date accessed 2 June 2011

[201] Freedom House Freedom of the Press 2011, Global Press Freedom Rankings, released 2 May 2011 http://freedomhouse.org/images/File/fop/2011/FOTP2011GlobalRegionalTables.pdf date accessed 2 June 2011

[202] Amnesty International, Sri Lanka - Silencing dissent: Media workers under attack in Sri Lanka, 3 May 2010 http://www.amnesty.org/en/library/info/ASA37/001/2010/en date accessed 26 August 2010, p2

"Since the presidential election concluded on 26 January 2010, the government has exerted a powerful stranglehold over its critics, especially opposition supporters and journalists. The clampdown on dissent is acute and has included arrests, death threats against several prominent newspaper editors, harassment of trade unionists and state employees who supported the opposition, along with intimidation of independent web-based media."

INTERNET/MOBILE PHONES

14.14 The USSD 2010 report[204] observed that:

"There appeared to be some limited government restrictions on access to the Internet, including government blocking of Web sites it deemed pornographic. There were suspicions that the government was behind the blocking of Internet access to several Tamil news Web sites, including the pro-LTTE TamilNet.

"High-speed Internet was available in major cities and towns, including Jaffna, with more widespread use among younger and urban populations. Cell-phone use, including text messaging, was high across a broad spectrum of society without government restriction. The Ministry of Defense attempted to impose regulations requiring the registration of all SIM card purchases, but there appeared to be sizable gaps in the implementation and enforcement of these regulations.

"According to International Telecommunication Union statistics for 2009, approximately 8.8 percent of the country's inhabitants used the Internet."

14.15 The Reporters sans Frontières report of December 2010[205] noted that "In 2010, the main telephone operator, Dialog, refused to transmit critical content of the government by SMS. A Colombo-based journalist said this decision forced several news websites to censor themselves in order to continue having their reports relayed by Dialog. The situation was denounced by JNW News, which provides mobile phone operators with news content."

14.16 The HRW World Report 2011[206] noted that "Lanka-e-News was one of six news websites blocked by the state-controlled Sri Lanka Telecom internet provider for several days starting on January 26 [2010], the day of the presidential election. Even after the elections commissioner ordered Sri Lanka Telecom to unblock the website, the editor of Lanka-e-News, Sandaruwan Senadheera, was subjected to threats and intimidation. Following several abduction attempts, Senadheera went into hiding."

---

[203] Amnesty International, Sri Lanka - Silencing dissent: Media workers under attack in Sri Lanka, 3 May 2010 http://www.amnesty.org/en/library/info/ASA37/001/2010/en
date accessed 26 August 2010, p3

[204] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2a

[205] Reporters sans Frontières, Less anti-media violence in 2010 but more obstruction and self-censorship, 30 December 2010 http://en.rsf.org/sri-lanka-less-anti-media-violence-in-2010-30-12-2010,39197.html date accessed 2 June 2011

[206] Rights Watch, World Report 2011, Sri Lanka , released on 24 January 2011 http://www.hrw.org/en/world-report-2011/sri-lanka date accessed 24 May 2011

14.17 The Reporters sans Frontières *Internet Enemies 2011: Countries under surveillance - Sri Lanka,* 11 March 2011[207], reported:

"Online journalists and media continue to be targeted for violence. Impunity persists, and the regime does not hesitate to use censorship when its efforts to induce self-censorship no longer suffice.

"Some independent news websites - LankaeNews, LankaNewsWeb, InfoLanka and Sri Lanka Guardian - were blocked in January 2010 a few hours before the presidential election results were announced. Since then, they have all been unblocked with the exception of LankaNewsWeb, which the country's main access provider, Sri Lanka Telecom, has rendered inaccessible since 11 July 2009. TamilNet is still blocked, even after the government's military victory over the Tamil Tiger rebels.

"An arson destroyed offices of the online news website LankaeNews in the night of 30 to 31 January 2011 in Malabe, a Colombo suburb. The main building which housed the online newspaper's library and computers was gutted, putting the website out of business. The site is known for being critical of the authorities. The arson method indicates that it had been prepared well in advance. The fire erupted a few days after the publication of an article challenging the testimony given by Gotabaya Rajapakse, the Secretary of Defence and President's brother, during the trial of the former Sri Lankan Army commander, Sarath Fonseka.

"A suspect was apprehended in the evening of 31 January. The police reported that he is a member of a gang which works on contract. A second suspect managed to escape while being arrested. Dozens of Sri Lankan journalists paraded through Colombo's streets in support of LankaeNews, and to protest the latest attacks on press freedom, which occur far too often in the country.

"On 24 January 2010, a Sri Lankan political analyst and cartoonist, Prageeth Eknaligoda, who worked for the news site LankaeNews, went missing in Colombo. One year later, no progress has been made with his case."See also Recent Developments

Return to contents

15. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

15.01 The Amnesty International *Annual Report 2011, Sri Lanka*[208] released on 13 May 2011 observed that "The authorities continued to deny access to human rights organizations and other independent observers to visit the country to conduct research. In October [2010], Amnesty International, Human Rights Watch and the International Crisis Group declined an invitation to testify before the LLRC, noting its severe shortcomings, including the Commission's inadequate mandate, insufficient guarantees of independence, and lack of witness protection."

[207] Reporters sans Frontières Internet Enemies 2011: Countries under surveillance - Sri Lanka, 11 March 2011, http://en.rsf.org/surveillance-sri-lanka,39720.html date accessed 2 June 2011

[208] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011, date accessed 19 May 2011

15.02 The AI 2011 report[209] added that: "Human rights defenders continued to be arbitrarily arrested, abducted, attacked and threatened."

15.03 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[210], released on 8 April 2011 noted that:

"A number of domestic and international human rights groups continued to investigate and publish their findings on human rights cases, despite increasing government restrictions and physical threats to their work. The government often criticized local NGOs critical of government actions, failed to respond to requests for assistance, and put pressure on those who sought such assistance."

"Although the ICRC did not have an overall operating mandate since July 2009, and the government told ICRC in December to close its offices in Jaffna and Vavuniya, it was able nonetheless to conduct a number of its functions including prison visits and other monitoring.

15.04 The USSD 2010[211] report also noted that "The UN Secretary-General established an advisory panel of experts in June [2010] to advise him on the country's accountability mechanisms with regard to alleged violation of international human rights and humanitarian law during the final stages of the war in 2009. The government responded by stating the panel was an 'unwarranted and unnecessary interference,' and that the secretary-general did not have the authority to establish such a panel."

15.05 *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern*[212], released on 31 March 2011 noted that:

"The operating environment for human rights defenders in Sri Lanka remained difficult throughout 2010. Prominent human rights defenders faced public criticism from members of the government and have been called 'traitors'. Activists have been intimidated when carrying out their work and some received anonymous death threats.

"There were also direct barriers to human rights organisations wishing to work in Sri Lanka. Some international human rights organisations were not granted visas to visit Sri Lanka in 2010. The government also cancelled visas for organisations working within Sri Lanka."

15.06 The UN *Concluding observations of the Committee on Economic, Social and Cultural Rights*[213], dated 9 December 2010, expressed serious concern "… about widespread threats, attacks, defamation campaigns and various forms of stigmatization against

[209] Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, http://amnesty.org/en/region/sri-lanka/report-2011, date accessed 19 May 2011
[210] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 5
[211] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 5
[212] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011
[213] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p3

human rights defenders in the State party as well as about illegitimate restrictions of their activities."

Return to contents

16. CORRUPTION

16.01 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[214], released on 8 April 2011 noted that:

"The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials in all three branches of the government frequently engaged in corrupt practices with impunity.

"The mandate of the Commission to Investigate Allegations of Bribery or Corruption expired during the year [2010] and had not been renewed by year's [2010] end.

"Although members of parliament are asked to complete financial disclosure reports upon their election, there was no follow-up to ensure compliance, and little or no reporting ultimately was done.

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

16.02 On 19 May 2011 the official website of the Government of Sri Lanka[215] reported that:

"The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) has recommenced investigations into complaints on alleged acts of bribery and corruption.

"Complaints can now be forwarded in writing or in person, the Commission stated.

"The Commission had been defunct since March 29, 2010 due to new appointments not being made after the Commission's term had come to an end.

"However it had recommenced operations on May 16 as a result of the new appointments on the recommendations of the Constitutional Council."

16.03 The UN *Concluding observations of the Committee on Economic, Social and Cultural Rights*[216], dated 9 December 2010, expressed concern "… about the high levels of corruption which undermines the realization of economic, social and cultural rights for all and the fact that the State party has not yet taken firm and effective measures to combat corruption and impunity associated with it."

16.04 The Freedom House report *Countries at the Crossroads 2010*, Country report, Sri Lanka[217], 6 April 2010 observed that "Three significant types of corruption prevail in the Sri Lankan political system: bribes paid in an effort to circumvent bureaucratic red tape,

[214] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 4
[215] Official website of the Government of Sri Lanka, Bribery Commission operational again, 19 May 2011 http://www.priu.gov.lk/news_update/Current_Affairs/ca201105/20110519bribery_commission_operational_again.htm date accessed 1 June 2011
[216] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p3
[217] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Anticorruption and Transparency

bribe solicitation by government officials, and nepotism or cronyism. Under the Rajapaksa administration, very few steps have been taken to control corruption."

16.05 The Freedom House report, *Freedom in the World 2010, Sri Lanka*[218], covering events in 2009, released on 1 June 2010 noted that:

"Official corruption is a continuing concern. The current legal and administrative framework is inadequate for promoting integrity and punishing corrupt behavior, and weak enforcement of existing safeguards has been a problem…Although hundreds of cases are being investigated or prosecuted by the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), no current or former politician has been sentenced. Corruption watchdogs have found that government interference and the Treasury's ability to withhold funding compromise the CIABOC's independence and render it ineffective. Corruption cases can only be initiated by members of the public, who have been reluctant to do so because of a lack of whistleblower protections."

16.06 Sri Lanka was ranked 91 (out of 178 countries) with a score of 3.2 in Transparency International's 2010 Corruption Perceptions Index (CPI)[219], released on 26 October 2010. The CPI score indicates the perceived level of public-sector corruption in a country from 0 (highly corrupt) to 10 (low levels of corruption). Additional information is available from this weblink to the website of Transparency International Sri Lanka (TISL)

Return to contents

17. FREEDOM OF RELIGION

LEGAL FRAMEWORK AND DEMOGRAPHY

17.01 The US State Department *2010 Report on International Religious Freedom - Sri Lanka*[220] (USSD Religious Freedom report 2010), released on 17 November 2010, observed:

"The constitution accords Buddhism the 'foremost place' and commits the government to protecting it but does not recognize it as the state religion. The constitution also provides for the right of members of other religious groups to practice their religious beliefs freely.

"There was no change in the status of respect for religious freedom by the government during the reporting period. Although the government publicly endorses religious freedom, in practice there were problems in some areas."

17.02 The same report[221] added that: "Matters related to family law, including divorce, child custody, and inheritance, were adjudicated according to the customary law of the concerned ethnic or religious group."

[218] Freedom House, Freedom in the World 2010, Country report, Sri Lanka, 1 June 2010, http://www.freedomhouse.org/template.cfm?page=22&country=7922&year=2010 date accessed 17 August 2010, **Political Rights and Civil Liberties**

[219] Transparency International's 2010 Corruption Perceptions Index (CPI), released on 26 October 2010 http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results date accessed 7 June 2011

[220] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Introduction

17.03 The USSD Religious Freedom report 2010[222] noted that: "Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim. Christians tend to be concentrated in the west, Muslims populate the east, and the north is almost exclusively Hindu."

HINDUS

17.04 The USSD Religious Freedom report 2010[223] noted that: "Most Tamils, who make up the largest ethnic minority, are Hindus." The same report[224] added that "There were reports during the current reporting period of government troops setting up Buddhist shrines in Tamil areas of the north, with some Tamil groups claiming this was a sign of imminent, government-sponsored Sinhalese colonization of former LTTE-held areas, but military commanders in the north reported that they removed the offending shrines as soon as they were reported."

MUSLIMS

17.05 The USSD Religious Freedom report 2010[225] noted that "Almost all Muslims are Sunnis; there is a small minority of Shi'a, including members of the Bohra community." It also observed that: "In contrast to previous years, there were no attacks against Muslims reported."

CHRISTIANS

17.06 The USSD Religious Freedom report 2010[226] noted that "Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in cities. Seventh-day Adventists, Jehovah's Witnesses, Methodists, Baptists, Dutch Reformed, Pentecostals, and members of the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is small." It added that "There continued to be sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions, although the number and scale of attacks appeared to be lower than in recent years." [227]

Return to contents

18. ETHNIC GROUPS

LEGAL FRAMEWORK AND DEMOGRAPHY

[221] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 2
[222] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 1
[223] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 1
[224] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 2
[225] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 1 & Introduction
[226] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 1
[227] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Introduction

18.01 The *CIA World Factbook*[228], *Sri Lanka* (updated on 17 May 2011), recorded that the population is comprised of Sinhalese (73.8 per cent), Sri Lankan Moors (Muslims) (7.2 per cent), Indian Tamil (4.6 per cent), Sri Lankan Tamil (3.9 per cent), other groups (0.5 per cent) and a further 10 per cent were of unspecified ethnicity (2001 census provisional data). The Sri Lankan Department of Census and Statistics (Statistical Abstract 2010, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2011)[229], based on a total population of 18,797,257, stated that the population comprises: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor/Muslim (7.9 per cent), Burgher (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent) (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts [areas in northern and eastern Sri Lanka where Tamils are concentrated] in which the 2001 census enumeration was not completed were not included. The U.S. State Department (USSD), *Background Note: Sri Lanka*[230], last updated on 6 April 2011 reported that Tamils were 18 percent of the overall population.

18.02 Jane's Sentinel *Country Risk Assessments, Country Report, Sri Lanka*[231] (accessed on 24 May 2011) observed:

"…the tension in relations between the Sinhalese and Sri Lankan Tamils has been the most prominent political trend in Sri Lanka since independence (1948)…In contrast to the confrontational strategies of Sri Lankan Tamils, the Muslims and Indian Tamils adopted political stances of 'qualified collaboration' with one or the other of the main Sinhalese-dominated political parties.

"Language and religion are the main ingredients of ethnic identity in Sri Lanka. The mother tongue of the Sinhalese is Sinhala. Approximately 93 per cent of Sinhalese are Buddhists. The overwhelming majority of Tamils speak Tamil and are Hindus. Most Muslims are Tamil-speaking but they resisted being co-opted into the Tamil nationalist project during the civil war. The overwhelming majority are Sunni of the Shafii school of jurisprudence. The Christian segment of the population - about seven per cent of the total - consists of both Sinhalese as well as Tamils in roughly equal proportions." [232]

18.03 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[233], released on 8 April 2011 noted that: "There were 28 Tamils and 17 Muslims in the [225-seat] parliament."

---

[228] CIA - The World Factbook – Sri Lanka
https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011
date accessed 2 June 2011
[229] Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10
http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf and 2.11
http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf date accessed 1 June 2011
[230] U.S. State Department (USSD), Background Note: Sri Lanka, lat updated 16 April 2011
http://www.state.gov/r/pa/ei/bgn/5249.htm date accessed 7 June 2011
[231] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka,
http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&
[subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011, Post-Independence ethnic tension
[232] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka,
http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&
[subscription only] accessed on 24 May 2011, , Demography, 27 April 2011
[233] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011,
http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 3

SINHALESE

18.04 Estimated to be between 74 per cent (CIA World Factbook, Sri Lanka[234], updated on 17 May 2011) and 82 per cent (Sri Lankan Department of Census and Statistics, (Statistical Abstract 2010, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2011)[235] of the total population, the Sihalese are the main ethic group in the country. They speak Sinhala and are overwhelmingly Buddhist (Jane's Sentinel *Country Risk Assessments, Country Report, Sri Lanka*[236] (accessed on 24 May 2011)

TAMILS

18.05 The Freedom House report *Countries at the Crossroads 2010,* Country report, Sri Lanka[237], 6 April 2010 recorded that "The Sri Lanka Tamils, about 12.7 percent of the population, are descendants of early settlers on the island, speak Tamil, and are mostly Hindus. They represent a majority in most of the northern and eastern parts of the island, with other pockets in large cities."

18.06 Approximately 18 per cent of the population are ethnic Tamils (the combined total of Indian and Sri Lankan Tamils) (Jane's Sentinel *Country Risk Assessments, Country Report, Sri Lanka*[238], accessed on 24 May 2011. Jane's added that:

"Although some of the main Tamil areas of the northeast were not covered by the estimated census of population conducted in 2001, there is evidence of a decline in the Sri Lankan Tamil population ratio in the country as a whole between 1981 and 2001. This is mainly due to the emigration of an estimated 600,000 Tamils from Sri Lanka to India and destinations in the West as political refugees since the intensification of the ethnic conflict in the mid-1980s."

18.07 In Colombo district there were 247,739 Sri Lanka Tamils and 24,821 Indian Tamils out of a total population of 2,251,274 (figures from the 2001 census). The districts of Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya also had a high concentration of Tamils. However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. (Sri Lankan Department of Census and Statistics (Statistical Abstract 2010, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2011)[239]

---

[234] CIA - The World Factbook – Sri Lanka
https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011
Date accessed 2 June 2011
[235] Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10
http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf and 2.11
http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf date accessed 1 June 2011
[236] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka,
http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&
[subscription only] accessed on 24 May 2011, Demography, 27 April 2011
[237] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010,
http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Introduction
[238] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka,
http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&
[subscription only] accessed on 24 May 2011, Demography, 27 April 2011
[239] Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10
http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf and 2.11
http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf date accessed 1 June 2011

18.08 A BHC letter dated 10 September 2009[240] reported:

"During a recent conversation, the former Chief Justice told me that there were 400,000 Tamils living in Colombo. Similarly, Mano Ganesan MP informed me that Colombo District has close to 300,000 Tamils living here as permanent residents and another 50,000 as temporary residents. Most of the Tamils live within Colombo City limits but other sizeable numbers live south of the city in the suburbs of Dehiwala and Mount Lavinia. He added that another 100,000 Tamils reside in Wattala and a further 50,000 reside further south in Kalutara. This would estimate up to 500,000 living in Colombo and its immediate environs. Clearly these figures would be with regard to Colombo District, and based on the 2008 estimated figure above, would indicate that between 16 – 20% of the total population of the Colombo district are Tamil."

18.09 The Minority Rights Group International (MRGI) report *No war, no peace: the denial of minority rights and justice in Sri Lanka*[241], released on 19 January 2011 observed:

"Tamil is the 'mother tongue' of Tamils and Muslims (excluding Malays) and is spoken by one in four Sri Lankans. The north and east is the only contiguous region of the island where Tamil is widely used; the Nuwara Eliya district in the central highlands is the only other part of the country where Tamil-speakers comprise the majority of the local population. There are concentrations of Tamil-speakers in urban centres such as Colombo (where they comprise 56 per cent of all residents within municipal limits) and Kandy, and in far-flung districts such as Badulla, Puttalam, Kalutara, Kegalle, Matale and Ratnapura, where they comprise around 20 per cent of the population.

"Over 20 years since constitutional recognition of Tamil as an official language, Tamil-speakers continue to experience discrimination in their access to public services and institutions. Particularly outside of the north and east, the government officers with whom Tamil-speakers interact are largely mono-lingual Sinhala-speakers."

18.10 *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern*[242], release on 31 March 2011 noted that:

"Throughout the conflict, minorities suffered disproportionately – including at the hands of the now defeated Liberation Tigers of Tamil Eelam. The political rights of minorities, a key driver of the conflict, continued to be restricted in 2010. Tamil representatives continued to report discrimination from the government and security forces. Tamil civilians in Colombo were asked to register their presence with their local police station in July, and throughout 2010 arrests under the Emergency Regulations and Prevention of Terrorism Act primarily affected Tamils."

18.11 Jane's *Sentinel Country Risk Assessments*, *Country Report, Sri Lanka*[243], accessed on 24 May 2011:

---

[240] British High Commission Colombo, Letter dated 10 September 2009, available upon request

[241] Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html date accessed 20 May 2011, p26

[242] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011

"Until the early 1980s this process [the tension in relations between the Sinhalese and Tamils] was primarily political and was defined by sustained agitation by parties and groups representing the interests of the Sri Lankan Tamils against successive Sinhalese-dominated governments, interspersed with periodic outbursts of communal violence in areas of mixed ethnicity at which Tamils suffered at the hands of rampaging Sinhalese mobs… Tamil grievances at this stage were focused mainly on the theme of economic deprivation and political alienation and focused upon campaigning for a due share of political power, access to resources and economic opportunities, and entitlement to the benefits of development. Over time, there emerged within the Tamil community the idea that it constitutes a distinct 'national group', primarily in response to state alienation and exclusion, and that the Tamil community had been arbitrarily unified with the 'Sinhalese nation' in the creation of 'British Ceylon'. This notion formed the ideological and political basis of a secessionist movement committed to the objective of establishing an independent Tamil state ('Eelam') encompassing the northern and eastern parts of the island of Sri Lanka.

"Several factors contributed to the supremacy acquired by the LTTE over other Tamil groups. The most basic among these has been their success in mobilising disgruntled Tamil youth and their capacity to command absolute obedience from among the ranks. The ferocity with which the LTTE has dealt with renegades, its rivals or any other force that stood in its way was another factor that contributed to its meteoric rise."

18.12 The USSD 2010 report[244] observed:

"Both local and Indian-origin Tamils maintained that they suffered long-standing, systematic discrimination in university education, government employment, and other matters controlled by the government. According to the SLHRC [Sri Lanka Human Rights Commission], Tamils also experienced discrimination in housing. Landlords were required to register any Tamil tenants and to report their presence to the police, although in practice many landlords did not comply.

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

Up-country Tamils

18.13 The Freedom House *Countries at the Crossroads 2010*, *Sri Lanka*[245], released in April 2010, noted that "…Indian Tamils, who live primarily in the hill country of central Sri Lanka speak Tamil and most are Hindus. Comprising 5.5 percent of the population, they arrived on the island later than the Sri Lanka Tamils and consider themselves culturally distinct."

---

[243] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011, Post-Independence ethnic tension

[244] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 3

[245] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Introduction

18.14 On 9 January 2009, The Official Government News Portal of Sri Lanka[246] announced:

"Parliament passed legislation granting Sri Lankan citizenship to over 28,500 stateless Tamils of Indian origin yesterday [8 January 2009]. The two Bills granting citizenship to persons of Indian origin and stateless persons, amended without vote in the House as all the parties agreed on the right to citizenship of such stateless persons. Tamils of Indian origin who fled to Tamil Nadu after the 1983 anti-Tamil riots amounting approximately to 28,500, would be granted citizenship with this new scheme. Tamils of Indian origin had to remain in the country for 30 years continuously to be eligible for citizenship, According to the Granting of Citizenship to Stateless Persons Act of 1964."

The Grant of citizenship to stateless persons (Special Provisions Amendment) Act, No. 5 2009 is accessible from this weblink.

18.15 The MRGI report of January 2011[247] (accessible from the footnote) contains a specific section on up-country Tamils which provides detailed information on this group.

MUSLIMS

18.16 The Freedom House *Countries at the Crossroads 2010*[248] recorded that Tamil-speaking Muslims comprise 7.1 percent of the population and live in strong concentrations along the eastern coast and in parts of the Sinhalese areas."

18.17 The International Crisis Group (ICG) document *Development assistance and conflict In Sri Lanka: Lessons From The Eastern Province, Asia Report N°165*[249], 16 April 2009, recorded that Muslims represent 41 per cent of the total population in the eastern districts of Trincomalee and Ampara and 26 per cent in the Batticaloa district and noted:

"Many Muslims continue to feel vulnerable to attacks and extortion from the TMVP [Tamil Makkal Viduthalai Pulikal] and, to a lesser extent, from government security forces. Tensions between Tamils and Muslims, aggravated by the actions of the Pillayan and Karuna factions, remain high. Many remain bitter over the nomination of Pillayan, rather than the Muslim candidate Hisbullah, as provincial chief minister and complain that Tamils continue to control the provincial administration and council."

"Violent disputes between Tamils and Muslims have been kept to a minimum since the provincial council elections, but deep tensions remain. The central government has done little to foster dialogue and reconciliation between the two communities." [250]

---

[246] Official Government News Portal of Sri Lanka, Legislation granting citizenship passed, 9 January 2009 http://www.news.lk/index.php?option=com_content&task=view&id=7985&Itemid=44 date accessed 17 August 2010

[247] Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html date accessed 20 May 2011, Case Study – Tamils of Indian Origin living in the plantation sector, p18

[248] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, Introduction

[249] International Crisis Group (ICG) Development assistance and conflict In Sri Lanka: Lessons From The Eastern Province, Asia Report N°165, 16 April 2009 http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/165Development%20assistance_and_conflict_in_sri_lanka___lessons_from_the_eastern_province.ashx date accessed 28 October 2010, Appendix B

[250] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010, p5-6

18.18 The USSD Religious Freedom report 2010[251] however, observed that "In contrast to previous years, [in 2010] there were no attacks against Muslims reported."

18.19 A letter from the British High Commission, Colombo, dated 13 August 2010[252], reported:

"The High Commission delegation met with the congregation of the Mohameedeen Jumma Mosque in Jaffna. Their spokesman told us that in 1990 the entire Muslim community in Jaffna was expelled from the peninsula by the LTTE, at gunpoint with 2 hours notice. They had lost all of their property and belongings. For two decades they had managed to survive, and whilst 125 families had returned to Jaffna, many others who wanted to return were waiting for something to be done to assist them. We were told that there were camps in Puttalam full of Muslims who wanted to return to Jaffna. Whilst people sympathised with their plight, nothing was ever done about it. There used to be 16 mosques in Jaffna, now there were only 6. Muslims used to own 5,000 homes in Jaffna, now only 10 families had their own homes. Many of their former homes were badly damaged or occupied by others. The Muslim community had always been held in high esteem as businessmen, but now the government were giving all of the licences to the Sinhalese, and the Tamil community were receiving assistance from both the Sri Lankan and Indian governments. They complained that the Muslim community had no voice. They had no political leaders and because they were only a 5% minority, they had no MPs. Furthermore they said that they were not recognised internationally and were not accepted as refugees by foreign governments."

See also Freedom of religion

Return to contents

19. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

19.01 The International Lesbian and Gay Association (ILGA) report, *State-sponsored homophobia*[253], dated May 2011, (ILGA Report 2011), stated that same-sex relations are illegal for men and women.

19.02 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[254], released on 8 April 2011, noted that although the law criminalises "homosexual activity" it was not "officially enforced" but added that: "There were no legal safeguards to prevent discrimination based on sexual orientation or gender identity." The same report added that: "There were reports that persons undergoing gender reassignment procedures had difficulty in amending government documents to reflect those changes."

[251] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 1 & Introduction
[252] British High Commission, Colombo, letter dated 13 August 2010, available upon request
[253] International Lesbian and Gay Association (ILGA), State-sponsored homophobia, May 2011 http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf date accessed 7 June 2011
[254] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

19.03 The website, Utopia-Asia.com, Country Listings, Sri Lanka[255], undated, accessed on 1 June 2011 observed that "Although homosexual activity between consenting adult males remains technically illegal in Sri Lanka (vestiges of antiquated 1883 colonial anti-sodomy laws), gays are more visible than ever in culture, politics and local sidewalk cafés."

19.04 The ILGA Report 2011[256] quoted part of the Sri Lanka Penal Code relevant to same-sex relationships:

"Article 365 – 'Volontarily [sic] carnal intercourse with man, woman or animal against the order of nature - imprisonment for a term which may extend ten years.' [sic]

"Article 365A (as introduced by the 'Penal Code (Amendment) Act, No. 22 of 1995') 'Any person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of any act of gross indecency with another person, shall be guilty of an offence and shall be punished with imprisonment of either description for a term which may extend to two years or with a fine, or with both and where the offence is committed by a person over eighteen (18) years of age in respect of any person under sixteen (16) years of age shall be punished worth [sic] rigorous imprisonment for a term not less than 10 years and not exceeding 20 years and with a fine and shall also be ordered to pay compensation of amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such a person.'"

19.05 *The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka*, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women[257], dated January 2011 noted that:

"Section 365A of the Penal Code (enacted in 1883) criminalises sexual activity between two consenting adults of the same sex. In 1995, the government amended the word 'males' in the original text to 'persons', thereby criminalising same-sex sexual activity between women as well.

"This provision discriminates against lesbian, bisexual and transgender men and women by denying them their right to life, right to equality and right to choice.

"To date although there have been no convictions under this provision of the Penal Code, complaints have been received by police stations citing this provision. This criminalization paves the way for police and anti-gay groups to brand all lesbian, bisexual, transgendered persons as 'perverts' and criminals. The fear of being apprehended and identified as a person of non-normative sexual behavior or practice leads to a cycle of silence by members of the LBT community, by their families and friends and by the society as a whole and makes them vulnerable to a range of abuses including extortion, intimidation, unlawful arrest and detention, harassment and torture."

---

[255] Utopia-Asia.com, Country Listings, Sri Lanka , undated, http://www.utopia-asia.com/tipssri.htm accessed on 1 June 2011

[256] International Lesbian and Gay Association (ILGA), State-sponsored homophobia, May 2011 http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf date accessed 7 June 2011

[257] The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women's support Group, dated January 2011 http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf date accessed 25 May 2011, p2-3

See also Women

19.06 The same report[258] also observed that:

"Transgendered men and women in Sri Lanka are denied the right to recognition by the State due to the fact that there is no structured system which allows transgender men or women to alter the category of 'sex' on their Birth Certificate or National Identity Card.

"However, since there are loopholes in the system, on two occasions a transman and a transwoman managed to succeed in changing the sex noted in his/her identity card from female to male/male to female."

19.07 The NGO, Women's Support Group[259] state in an undated entry on its website (accessed on 1 June 2011) noted that: "The Sri Lankan legal system makes it extremely difficult for our [LGBT] community to live openly. The Penal Code based on 19th century British law, states that homosexual sexual activity is a crime. Up till 1995, the subject of this law was only men. However, the 1995 amendment to the Penal Code made it 'gender-neutral' and now the Penal Code criminalizes both male and female homosexual sexual activity."

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

19.08 The USSD 2010 report[260] observed that: "In recent years human rights organizations reported that, while not actively arresting and prosecuting those who engaged in LGBT activity, police harassed and extorted money or sexual favors from those persons and assaulted gays and lesbians in Colombo and other areas. This led to many incidents of crimes against members of the LGBT community going unreported."

19.09 *The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka*[261] *observed:*

"On 25 June 2010, the Daily Mirror in Sri Lanka carried a news article quoting Prime Minister D. M. Jayaratne as having said that '… it is not wrong for the gay community to seek rights but we must know what exactly they want. They must communicate to us'. In a letter dated 1 July 2010, the WSG [Women's Support Group], along with two other organisations working on LGBT rights in Sri Lanka responded to this news article by sending a written request for an appointment with the Prime Minister. However, to this date we have not received a response to our letter.

[258] The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women's support Group, dated January 2011 http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf date accessed 25 May 2011, p5

[259] Women's Support Group, Introduction, undated http://www.wsglanka.com/index.html date accessed 1 June 2011

[260] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

[261] The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women's support Group, dated January 2011 http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf date accessed 25 May 2011, p2

"The inability for Lesbians, bisexual women and transgender persons to register civil partnerships or marriage prevents them from accessing a whole range of benefits that partners of heterosexual marriages enjoy."[262]

SOCIETAL TREATMENT AND ATTITUDES

19.10 The USSD 2010 report[263] noted that "There were LGBT organizations, and several events were held throughout the year [2010]. In addition to pressure, harassment, and assaults by police, there remained significant societal pressure against members and organizations of the LGBT community."

19.11 The Gay Times *Gay Guide, Sri Lanka*[264], (undated, website accessed on 1 June 2011) noted:

"There is a sizeable gay population in Sri Lanka but many gays and lesbians cannot come to terms with themselves due to family pressures and behavioral expectations imposed by Sri Lankan culture…There is no gay scene in the western sense in Sri Lanka but there are several gay groups who lobby for reform and provide support and counselling to gays and lesbians. Many of these groups also organise occasional gay events such as parties and outings… The law [making homosexual activity illegal] is not enforced and there have been no prosecutions for 50 years but in a largely Buddhist country homosexuality is seen as a sin. Local gay groups complain that the mere existence of the law is enough for the police and anti-gay groups to brand gays and lesbians as 'perverts' and lawbreakers. They argue it is discriminatory and stigmatises gays and lesbians leading to abuse of gay people in their community. In 1996 The Sri Lankan gay group 'Companions on a Journey' was established."

19.12 As reported on the website of the Sri Lankan gay organisation Women's Support Group[265], undated (website accessed on accessed on 1 June 2011):

"The Women's Support Group has worked since 1999 for the rights of lesbians, bisexual women and transgendered persons (LBT). Our work has been diverse and at times very difficult. The stigma and discrimination that the gay, lesbian, bisexual, and transgendered (LGBT) community faces is validated by section 365 of the Penal Code of Sri Lanka...This law and a homophobic social environment create a smothering atmosphere for the LGBT people. They are subject to discrimination on many fronts. They face blackmail by others, they face threats to their family, career, and their life. Some have been thrown out of their homes and others have lost their jobs. The legal system and the stigma associated with being homosexual, bisexual or transgendered in our society makes it difficult for members of the LGBT community to live their lives fully and openly. Around you there are many people who hide their sexual and gender identity from those around them due to the fear of what may happen to them if their identity is known."

---

[262] The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women's support Group, dated January 2011 http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf date accessed 25 May 2011, p8

[263] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

[264] Gay Times, Gay Guide, Sri Lanka, undated http://www.gaytimes.co.uk/Hotspots/GayGuide-action-Country-countryid-884.html date accessed 1 June 2011

[265] Women's Support Group, Introduction, undated http://www.wsglanka.com/index.html date accessed 1 June 2011

19.13 The website of the Sri Lankan organisation Equal Ground - a non profit organization seeking human and political rights for the Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community of Sri Lanka, provides up to date information on their activities.

19.14 The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka[266] observed that "Transgender persons have spoken of the reluctance of employers to offer them employment. In one case reported to the WSG, a transman [female-to-male transgender person] had been dismissed from his employment after he had been 'discovered' by his employer."

19.15 The same report[267] added:

"Within a healthcare system that is blind to the existence of LBT communities, equality of access to healthcare remains denied to these individuals."

"The absence of health care which responds to the needs of persons of different gender identities and the criminalization of same sex orientations render it difficult for LBT persons to access public health services in a manner that is open and informative about their medical and personal histories and that offers them confidential and appropriate healthcare."

"Criminalization renders lesbian, bisexual and transgender women and men vulnerable to a range of violations of their human rights to health."

See also Medical issues

19.16 On the issue of violence, the same report[268] observed that: "Because of the invisibility of the LBT community in Sri Lankan law and policy as well as because of the criminalization of non-normative sexual behaviour and practice, there is an absence of data on violence against LBT women. This leads to further invisibility of the nature and forms of violence that affect lesbians, bisexual women and transgender persons."

In considering the position of lesbian and bisexual women see Women, for more information about the status of women in Sri Lankan society.

Return to contents

20. WOMEN

OVERVIEW

[266] The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women's support Group, dated January 2011 http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf date accessed 25 May 2011, p6

[267] The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women's support Group, dated January 2011 http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf date accessed 25 May 2011, p6

[268] The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women's support Group, dated January 2011 http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf date accessed 25 May 2011, p6

20.01 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, *Sri Lanka*[269], dated 4 February 2011, noted that: "The Committee is concerned that, although the State party ratified the Convention [UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)] in 1981, the Convention has not yet been accorded the status of domestic law under the Constitution or an Act of Parliament."

20.02 The same document[270] welcomed:

"(a) The enactment of the Prevention of Domestic Violence Act (2005);

(b) The enactment of the Citizenship (Amendement) Act No. 16 of 2003 enabling a Sri Lankan woman to transmit her citizenship to her child;

(c) The Penal Code (Amendment) Act No. 16 of 2006 which includes a new definition of the offence of trafficking in persons in line with the United Nations Convention Against Transnational Organized Crime and its Protocols and provision to impose certain reporting obligations on incidents of child abuse; and

(d) The establishment of the Ministry of Foreign Employment Promotion and Welfare,and the adoption of the Sri Lanka National Policy on Labour Migration which has a focus on concerns of migrant women workers.

"The Committee also commends the State party's commitment to elaborate a National Action Plan for the Protection and Promotion of Human Rights including a Thematic Action Plan on Women."

"While welcoming the State party's commitment to elaborate a thematic action plan on women, the Committee is concerned that the previous National Action Plan has never been adopted. The Committee is also concerned about the delays in the adoption of the bill establishing the National Commission on Women."

20.03 The UN Concluding observations of the Committee on the Elimination of Discrimination against *Women, Sri Lanka*[271] also added:

"The Committee is concerned about the persistence of stereotypes regarding the roles, responsibilities and identities of women and men among the general public and the media. The Committee is concerned that gender role stereotyping perpetuates discrimination against women and girls and is reflected in their disadvantageous and unequal status in many areas, such as employment, decision-making, land ownership, education including sexual and reproductive education, sexual harassment and other forms of violence against women, including violence in family relations."

---

[269] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[269], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p2

[270] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[270], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p2

[271] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[271], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p4

20.04 The Social Institutions and Gender Index (SIGI) *Gender Equality and Social Institutions in Sri Lanka*[272], undated (website accessed on 26 May 2011) observed that:

"Despite being influenced by patriarchal values and social norms, Sri Lanka has achieved a greater degree of gender equality than many other developing countries. In the 1940s, the country established equal and free access to health and education services, an important factor in achieving gender equality in primary and secondary education"

"Customs and traditions vary across Sri Lanka's various regions and religions, affecting women in different ways."

20.05 The Freedom House report *Countries at the Crossroads 2010, Country report, Sri Lanka*[273], 6 April 2010 observed that "Gender rights are considered strong relative to neighboring countries, and the government provides legal equality to women, though in some cases it has failed to uphold the principle in practice."

20.06 The Freedom House report, *Freedom in the World 2010, Sri Lanka*[274], released on 1 June 2010, observed:

"Women are underrepresented in politics and the civil service. Female employees in the private sector face some sexual harassment as well as discrimination in salary and promotion opportunities. Rape and domestic violence remain serious problems, with hundreds of complaints reported annually; existing laws are weakly enforced. Violence against women, including rapes, increased along with the general fighting in conflict areas and has also affected female prisoners and IDP internees. Although women have equal rights under civil and criminal law, matters related to the family—including marriage, divorce, child custody, and inheritance—are adjudicated under the customary law of each ethnic or religious group, and the application of these laws sometimes results in discrimination against women."

GENERAL LEGAL RIGHTS

20.07 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[275], released on 8 April 2011 noted that: "Women had equal rights under civil and criminal law. However, adjudication according to the customary law of each ethnic or religious group of questions related to family law, including divorce, child custody, and inheritance, resulted in de facto discrimination."

[272] Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, http://genderindex.org/country/sri-lanka date accessed 26 May 2011
[273] Freedom House, Countries at the Crossroads 2010, Country report, Sri Lanka', 6 April 2010, http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198 date accessed 17 August 2010
[274] Freedom House, Freedom in the World 2010, Country report, Sri Lanka, 1 June 2010, http://www.freedomhouse.org/template.cfm?page=22&country=7922&year=2010 date accessed 17 August 2010, Political Rights and Civil Liberties
[275] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

20.08 The UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[276], observed:

"While noting that there is an ongoing reform of the Muslim Personal Law, the Committee is concerned about the persistence of discriminatory provisions in the law, including in the Penal Code, the Land Development Ordinance which gives preference to male heirs over females, the general personal laws, the Muslim Personal Law, the Kandyan Law and the Tesawalamai Law. The Committee is also concerned about the plurality of legal systems composed of the general, customary and religious laws and the lack of choice for women between the different legal systems. The Committee further reiterates its concern at the fact that there is no opportunity for judicial review of legislation pre-dating the Constitution."

20.09 The SIGI *Gender Equality and Social Institutions in Sri Lanka*[277], undated (website accessed on 26 May 2011) noted that:

"Women have a moderate degree of financial independence in Sri Lanka. They have access to land in general, but face some discrimination in rural areas.

"Sri Lankan women have access to property other than land.

"Women also have equal access to bank loans, mortgages and other forms of credit from a variety of sources including the State, private financial institutions and donor-assisted or local credit delivery programmes.

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

"Sri Lanka's Constitution provides for equal inheritance rights for men and women, but is again sometimes superseded by other legal systems. Islamic law discriminates against women in the area of property in that Muslim women are typically granted smaller inheritance shares than male heirs."

Marriage/divorce laws

20.10 The Centre for Reproductive Rights report, *Women of the World: South Asia*[278], Sri Lanka chapter, undated, website accessed on 1 June 2011, noted:

"The body of law relating to marriage consists of the general law, customary law and personal law. Tamils are governed by the general law in most marriage-related matters, whereas Kandyan Sinhalese can choose to be governed by the general law or their

[276] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[276], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p3

[277] Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, http://genderindex.org/country/sri-lanka date accessed 26 May 2011

[278] Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf date accessed 1 June 2011, p220-225

customary laws. Muslims are governed by Muslim personal law… The Marriage Registration Ordinance and the Civil Procedure Code constitute the general law on divorce. The provisions of the ordinance firmly establish divorce as faultbased [sic] and case law has reaffirmed this concept. Grounds for divorce under the ordinance are the following:

- adultery;
- malicious desertion; and
- incurable impotence at the time of marriage.

"Cruelty is not a ground for divorce, although it may be a factor in determining malicious desertion. Physical illtreatment [sic] per se is also not a ground for divorce under the general law, but it is a cause for legal separation… The Civil Procedure Code constitutes the general law on judicial separation. The code provides that either party may petition for separation 'on any ground on which by the law applicable to Sri Lanka such separation may be granted.'…The 1999 Maintenance Act is the general law on maintenance during marriage… The act requires any spouse with sufficient means to maintain the other spouse, if such individual is unable to maintain him or herself…The principles of custody are thus governed by the residuary Roman-Dutch law. The predominant feature of the common law is the preferential custodial right given to the father, which may be denied only in instances of danger to the 'life, health and morals' of the children. A mother who seeks custody therefore has the onus of displacing the father's right." On most of these matters there are also more specific laws governing in particular, Muslims, Tamils and Kandyan Sinhalese.

20.11 The same source[279] noted that:

"Roman-Dutch law forms the bedrock of the general law on property in Sri Lanka. The 1923 Married Women's Property Ordinance constitutes the general law on matrimonial property rights. Under the ordinance, a married woman is capable of holding, acquiring and disposing of any movable or immovable property or of contracting as if she were a femme sole, without the consent or intervention of her husband. This applies to all property belonging to her at the time of marriage and property acquired or devolved to her after marriage. She also has the same remedies and redress by way of criminal proceedings for the protection and security of her separate property. The 1876 Matrimonial Rights and Inheritance Ordinance constitutes the general law on inheritance rights. The ordinance provides for equal rights to inheritance for male and female spouses: upon the death of either spouse, the surviving spouse inherits half of the deceased spouse's property. The extent of the general law's application has been limited by legislation, judicial decisions and the system of customary laws that are operative in the island. The matrimonial property and inheritance rights of Kandyan Sinhalese and Tamils are governed by their own systems. Muslims are governed by Muslim personal law."

See also Muslims

20.12 The SIGI *Gender Equality and Social Institutions in Sri Lanka*[280], undated (website accessed on 26 May 2011) recorded that:

[279] Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf date accessed 1 June 2011, p225

"Sri Lanka's legal age of marriage is 18 years for both men and women. Early marriage is less common than in other South Asian countries, but does occur in some communities that follow certain religious beliefs and cultural practices. For example, Islamic law argues against the concept of minimum age of marriage.

"Polygamy is illegal in Sri Lanka. However, Islamic law allows Muslim men to take up to four wives. In reality, only a very few Muslim men have multiple wives, and those that wish to enter a second marriage must give prior notice to their first wives."

20.13 On 24 August 2010 the *Daily News*[281] reported that 'premature marriages' in Sri Lanka were showing a diminishing trend.

"This positive growth was achieved due to the high literacy rate and development of the thinking pattern among children, Peradeniya University social analyst and researcher Dr M D H Senevirathna said."

"Urban girls in Sri Lanka marry later than their rural counterparts. Nearly 60 percent of the urban girls between 18 to 24 years are married. Marriage at an early age is still a common practice in most rural areas, he said."

20.14 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka[282] observed:

"The Committee is concerned about the preservation of a combination of general, customary and religious marital laws that contain discriminatory elements against women. The Committee is concerned that polygamy is not prohibited, that there is no minimum age of marriage recognized under Muslim personal law, and that Tamil women need their husband's consent to appear in court or undertake any transaction. The Committee is further concerned about the lack of progress in recognizing no-fault divorce and women's economic rights upon divorce."

20.15 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights[283],dated 9 December 2010, mentioned that "… the Muslim Personal Law allowing early marriage of girls as young as 12 years old… " had not been repealed yet and added that: "The Committee notes with serious concern that the State party relies on the communities themselves to amend their personal status laws and that the Women's Bill does not protect women and girls from all communities from early and forced marriage."

---

[280] Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, http://genderindex.org/country/sri-lanka date accessed 26 May 2011

[281] Daily News, Drop in premature marriages, 24 August 2010 http://www.dailynews.lk/2010/08/24/news42.asp date accessed 6 October 2010

[282] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[282], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p3

[283] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[283], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p4

20.16 UNICEF's *The State of the World's Children 2011: Adolescence – An Age of Opportunity*[284], dated February 2011, reported that in Sri Lanka the incidence of child marriage for the period 2000–2009 (defined as the "Percentage of women 20–24 years old who were married or in union before they were 18 years old") was 12 per cent. It also reported that the percentage of "Girls aged 15–19 who are currently married/in union" for the period 2000–2009 was 9 per cent.

POLITICAL RIGHTS

20.17 The USSD 2010 report[285] noted that "There were 10 women in the 225-member parliament, two female ministers, and two women out of 11 justices on the Supreme Court... There was no provision for, or allocation of, a set number or percentage of political party positions for women or minorities. Women's participation in politics was approximately 5 percent in the parliament and the provincial councils."

20.18 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka[286], observed:

"The Committee is concerned about the extremely low level of participation of women in politics and public life, including a low representation of women in Parliament, Provincial Councils and Local Authorities, at the decision-making level and in the diplomatic corps. The Committee is further concerned that no measures have been taken to encourage women to participate in political life and that the State party attributes the low representation of women to their own choice, their preoccupation with multiple roles, high costs of the electoral campaigns and the lack of confidence of political parties in the ability of women to garner votes."

See also Political system

SOCIAL AND ECONOMIC RIGHTS

20.19 *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern*[287], release on 31 March 2011 noted that: "Sri Lanka has an established tradition of gender equality in many parts of society. Women enjoy equal access to health and education and make up the majority of university students. Sri Lanka ranked 16 out of 134 countries in the World Economic Forum Global Gender Gap Index 2010."

Employment

[284] UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf date accessed 31 May 2011, Table 9 & 11

[285] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 3

[286] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[286], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p4

[287] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011

20.20 The USSD 2010 report[288] observed that: "The law provides for equal employment opportunity in the public sector. In practice women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work and experienced difficulty in rising to supervisory positions."

20.21 *The 2010 Foreign & Commonwealth Office Report*[289] noted that "… gender barriers in the labour market mean that most women are employed in low-skilled, casual jobs and traditions of male leadership make it difficult for them to challenge this situation."

20.22 The UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[290], observed:

"The Committee is concerned about the persistence of discrimination against women in the labour market, in particular the concentration of women in low-skilled and low-paid jobs and the high rate of unemployment affecting women despite the achievements of the State party in the area of education. The Committee expresses its concern at the lack of protection of women working in the informal sector and the lack of specific law on sexual harassment. It is further concerned that, despite the State party's ratification of the ILO Convention No. 100 on Equal Remuneration, the principle of equal remuneration for men and women for work of equal value has not been reflected in national legislation."

20.23 The UN *Concluding observations of the Committee on Economic, Social and Cultural Rights*[291]noted with concern: "… that despite the decrease in unemployment in recent years, the female unemployment rate has remained twice as high as that of males for the past decades and that almost half of the 15-29 age group, especially educated youths, remain unemployed."

Family planning/abortion

20.24 The USSD 2010 report[292] noted that: "Couples and individuals were generally free to decide the number, spacing, and timing of their children."

20.25 The UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[293], noted that:

"While the Committee acknowledges the achievements of the State party in the area of maternal healthcare, it is concerned about the limited knowledge of reproductive health and the low rate of use of contraceptives, the high level of teenage pregnancies

[288] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6
[289] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011, p292
[290] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[290], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p7
[291] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p5
[292] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6
[293] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[293], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p7

especially in less developed and conflict-affected areas, as well as the low accessibility to family planning and the increase in prevalence of HIV/AIDS infection among women. The Committee is also concerned that abortion is a punishable offence under the law, unless the purpose is to save the life of the mother and regrets that about 10 percent of maternal mortality is reported as the direct result of clandestine abortion."

20.26 The State of the World's Children 2011[294] reported that in Sri Lanka the percentage of "Women aged 20–24 who gave birth before age 18… " for the period 2000-2009 was 4 per cent and that: "[the] Adolescent birth rate – Number of births per 1,000 adolescent girls aged 15–19… " was 28.

20.27 The Centre for Reproductive Rights, *Women of the World: South Asia*, Sri Lanka chapter[295] website undated, accessed on 1 June 2011 observed that:

"There are no laws or policies that require individuals to accept family planning measures…The National Health Policy calls for the government to ensure the right of men and women to be informed about and have access to their choice of safe, effective, affordable, and acceptable methods of family planning…The Women's Charter issues several directives to the state with regard to women's right to family planning. It enjoins the state to ensure:

- women's right to control their reproduction and their equal access to information, education, counselling, and services in family planning, including the provision of safe family planning devices and the introduction and enforcement of regulations relating to their safety; and

- family planning policies are equally focused on men and women.

"There are currently some 14,000–15,000 women who undergo sterilization per year…The government does not regulate sterilization through any laws…Abortion, which is illegal in Sri Lanka, is the single most important reproductive health problem in the country…Abortion is a criminal offense under the penal code, except to save the woman's life…Legal abortions are usually performed in the government sector…Abortions are carried out in the informal and private sector by private physicians or by clandestine abortion providers."

See also Health and welfare

20.28 The UNDP's Global Review, *Country profiles: Sri Lanka*[296], undated (accessed on 1 June 2011) provided additional details on the issue of abortion:

"Abortion is generally illegal in Sri Lanka under the Penal Code of 1883, which is based on the Indian Penal Code. Section 303 of the Penal Code provides that anyone voluntarily causing a woman with child to miscarry is subject to up to three years'

[294] UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf date accessed 31 May 2011, Table 11
[295] Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf date accessed 1 June 2011, p212-213 & 216-217
[296] United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka: undated, http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc date accessed 1 June 2011

imprisonment and/or payment of a fine, unless the miscarriage was caused in good faith in order to save the life of the mother. The penalty is imprisonment for up to seven years and payment of a fine if the woman is 'quick with child', a term which, while not defined in the Code, refers to an advanced stage of pregnancy when there is perception of foetal movement, as opposed to 'woman with child', which simply refers to 'being pregnant'. A woman who induces her own miscarriage is subject to the same penalties. If the miscarriage is caused without the consent of the woman, whether or not she is quick with child, the person causing it is subject to up to 20 years' imprisonment and payment of a fine (Section 304). The same penalty is imposed if the woman's death results from any act carried out with intent to bring about a miscarriage, whether or not the offender knew that the act was likely to cause death (Section 305)."

20.29 The same source[297] further noted that:

"Despite rigid statutory provisions, Sri Lankan women from higher income households who desire to terminate their pregnancies find little or no difficulty in doing so. They often consult a psychiatrist for severe mental depression combined with suicidal tendencies. The psychiatrist may advise an abortion in order to save the life of the mother, and the pregnancy may then be terminated in a private or government hospital by a qualified medical practitioner. Women from middle-income and lower income households, however, must often resort to abortions performed by 'back-door abortionists' under primitive and unhygienic conditions, resulting in high maternal mortality and chronic ill health. Although any abortion wilfully induced without the specific intent to save the life of the mother constitutes illegal abortion in Sri Lanka, in practice, indictments for criminal abortion rarely occur and convictions are even rarer. The incidence of abortion is believed to be considerably higher than is commonly acknowledged. A rural survey suggests that 54 abortions per 1,000 population are performed each year." (UNPD ESA, Abortion Policies)

For additional information on the issue of abortion click on the following hyperlinks:

Asia Safe Abortion Partnership (ASAP): A Study of Knowledge, Attitudes and Understanding of Legal Professionals about Safe Abortion as a Women's Right in Sri Lanka

FPA: Economic Perspectives of Unsafe Abortions in Sri Lanka

Single mothers/widows

20.30 The British High Commission (BHC) letter of 23 March 2009[298], noted that:

"The treatment of persons in mixed marriages, single mothers and illegitimate children, depends entirely on the area of the country, plus the family and religious background of each individual case.

"Major Senevirathne manages The Haven & Sunshine Home in Colombo that is a Salvation Army establishment run specifically for single mothers. She explained that the only other organisation in Sri Lanka that offers similar support are Mother Teresa's

[297] United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka: undated, http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc date accessed 1 June 2011

[298] British High Commission Colombo, Letter dated 23 March 2009, available upon request

Homes based in Moratuwa and Wattala on the outskirts of Colombo, which are linked to the Catholic church.

"She told me that she is seeing an increase in the number of unmarried mothers being referred to her, and that they are presently increasing the number of beds from 10 to 14 in her hostel to meet demand. The main reason that women come to her is because they do not want to go home to face their families.

"She told me that the women fall into two clear categories, ones that have worked in the Middle-East and been abused by their employers, and the others who work in the factory areas around Colombo and have affairs with married men…Major Senevirathne told me that once the child has been born she normally gives the mother one to two weeks to decide what they want to do. If they decide to keep the child, the first step is for The Salvation Army to contact the mother's family. If they decide to have the child adopted, the Salvation Army will contact the Childcare Probation Department to arrange adoption and actually deal with all of the legalities, including attending Court. In her experience, only two out of ten mothers decide to have their babies adopted."

20.31 The same BHC letter[299] further observed that:

"There has been some academic research carried out on those persons seeking abortions in Sri Lanka…which suggests that pregnancy outside marriage is still relatively rare.

"Rural Tamil communities are deeply conservative and acknowledged birth out of wedlock is unusual in these communities. Unmarried mothers often face a stigma whatever race or religion or area of the country they live in, but this depends entirely on family circumstances and the local community. Major Senevirathne said that in her opinion the religion or ethnic background of an unmarried mother did not make any difference in the way that they were perceived. She added that a majority of the women who come to seek assistance from her organisation are Tamil."

20.32 On 9 September 2010 Irin[300] reported that:

"Fifteen months after the end of fighting between Sri Lankan government forces and the Tamil Tigers, women in the north are taking up a new and challenging role as breadwinners - with more and more becoming day labourers to support their families.

"A survey conducted by the Jaffna-based Center for Women and Development, a non-profit group, revealed that the northern region had approximately 40,000 female-headed households - including more than 20,000 in Jaffna District.

"'Three factors have reduced the male-headed households in number: the war, disappearances or being in military custody,' said Saroja Sivachandran, the centre's director."

[299] British High Commission Colombo, Letter dated 23 March 2009, available upon request
[300] Irin, Sri Lanka: Women take over as breadwinners in north, 9 September 2010 http://www.irinnews.org/report.aspx?ReportID=90429 date accessed 6 October 2010

"Although up-to-date statistics are hard to come by because many people remain displaced, Sivachandran and government officials say the northern and eastern regions combined are home to some 89,000 war widows.

'This has drastically altered their livelihood options. Over 50 percent of them [women who head households] are single parents under 30 years of age supporting their own and extended families,' said Visaka Dharmadasa, executive director of the Association for War-Affected Women (AWAW)."

20.33 The Minority Rights Group International (MRGI) report *No war, no peace: the denial of minority rights and justice in Sri Lanka*[301], released on 19 January 2011 observed that:

"A large number of households – some estimate nearly two thirds – are now headed by women, as men were either killed in fighting or have been taken into custody by the military. This is an issue in all of the north and east but is most acute in the Vanni. According to a recent study there are over 89,000 war widows in the entire north and east and around 20,000 female-headed households in Jaffna alone. The situation for these households is extremely difficult. Most of these women have little or no employment opportunities, livelihood or income generation support."

20.34 The same MRGI report[302] added that:

"Women are specially affected by the lack of documentation such as marriage and death certificates.

"The lack of death certificates is a major problem in the north of Sri Lanka and in parts of the east. For the large number of female-headed households, death certificates proving that their husbands have died are essential to be able to claim compensation, to claim benefits, in some cases to put children into school, and to remarry. The government has begun a process to expedite the granting of death certificates, but activists interviewed for this report expressed fears that the fact that the authorities continue to dispute the numbers of those killed in the last stages of fighting may limit the number of death certificates they are willing to issue."

20.35 The UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[303], dated 4 February 2011, observed:

"The Committee notes with appreciation the elaboration by the State party of a National Development Agenda. It, however, expresses its concern about the lack of data on disparities between urban and rural women and reiterates its concern about the increase of the number of widows as a result of the conflict, and the Tsunami in 2004, many of whom are elderly, illiterate and with meagre means of living. The Committee notes that discriminatory practices prevent women from acquiring ownership of land

[301] Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html date accessed 20 May 2011, p9

[302] Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html date accessed 20 May 2011, p11

[303] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[303], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p8

since only the "head of household" is authorized to sign official documentation such as land ownership certificates and receive pieces of land from Government."

Mixed marriage

20.36 The BHC letter of 23 March 2009[304] reported that: "Marriages between Sinhalese and Tamils are not as rare as they used to be, nor is it frowned upon as much by the community. Indeed in Colombo it is not uncommon for mixed marriages to take place. However, some families still have firm views on the issue and I am aware of mixed couples who keep their relationship a secret for fear of upsetting certain family members."

VIOLENCE AGAINST WOMEN

Legal rights

20.37 The website of the Ministry of Justice and Law reforms of Sri Lanka[305] (accessed on 1 June 2011) recorded:

"Violence against women and particularly violence within the domestic environment has become a serious social issue. The… [Prevention of Domestic Violence] Act provides for the issue of Protection Orders by court. The objective of the Act is not to create new offences but to provide for the issue of Protection Orders by a Magistrate's Court to prevent an aggressor from inflicting harm to persons within the home environment. The Act makes provision for the issue of Protection Orders against acts of physical violence which constitute offences already recognized in Chapter XVI of the Penal Code, of Extortion and Intimidation and of Emotional Abuse having the effect of causing severe traumatic emotional pain. Protection Orders can be sought against persons in specified degrees of relationships. A Protection Order may prohibit the aggressor from committing acts of domestic violence and entering the victim's residence and may impose other prohibitions. In imposing prohibitions the court is required to take into account the accommodation needs of the victim and of the children and any hardship that may be caused to the aggressor thereby. The Act provides a civil remedy. The issue of a Protection Order will have no bearing on the normal criminal law jurisdiction. Thus where an offence has been committed, the normal criminal justice process of investigation, prosecution and punishment will follow."

20.38 As noted in the Centre for Reproductive Rights, *Women of the World: South Asia*, Sri Lanka chapter[306], accessed on 1 June 2011:

"Under the penal code, provisions relating to murder, miscarriage, hurt, wrongful confinement, assault, sexual harassment, rape or grave sexual abuse, and criminal intimidation may be invoked to prosecute acts of domestic violence…The penal code criminalizes sexual harassment, defined as assault or the use of criminal force, words or

[304] British High Commission Colombo, Letter dated 23 March 2009, available upon request
[305] Ministry of Justice and Law reforms of Sri Lanka, Legislation passed by Parliament in 2005, Prevention of Domestic Violence Act, No. 34 of 2005, http://www.justiceministry.gov.lk/NEW%20LEGISLATION/vm.htm#Prevention%20of%20Domestic%20Violence
[306] Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf date accessed 1 June 2011, p 230 - 231

actions to cause 'sexual annoyance or harassment' to another person. The offense is punishable with imprisonment and a fine, and a defendant may additionally be ordered to pay compensation to the victim. The burden of proof rests on the prosecution, which must prove its case beyond a reasonable doubt."

Female Genital Mutilation

20.39 The SIGI *Gender Equality and Social Institutions in Sri Lanka*[307], undated (website accessed on 26 May 2011) recorded that "Female genital mutilation is not a general practice in Sri Lanka, although it is known to occur among some segments of the Muslim population. At present, there is no legislation against FGM." The Centre for Reproductive Rights, *Women of the World: South Asia*, Sri Lanka chapter[308] observed that: "The practice of female circumcision on newborns is fairly widespread among the Muslim community in Sri Lanka; the practice is not prohibited or regulated by law." The State of the World's Children 2011[309] does not provide any data on the incidence on FGM/cutting for Sri Lanka.

Rape/domestic violence

20.40 The USSD 2010 report[310] observed that:

"The law prohibits rape and domestic violence but it was not effectively enforced. Sexual assault, rape, and spousal abuse were pervasive societal problems. The law specifically addresses sexual abuse and exploitation, and it 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 legally separated. While in theory the law could address some of the problems of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary to see progress in combating these crimes."

"Sexual harassment was a criminal offense carrying a maximum sentence of five years in prison. Some observers acknowledged sexual harassment to be widespread; however, enforcement of the law was not effective. Domestic violence was also thought to be widespread, although, as with sexual harassment, discussion of these problems was not common."

20.41 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka[311], observed:

---

[307] Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, http://genderindex.org/country/sri-lanka date accessed 26 May 2011

[308] Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf date accessed 1 June 2011, p 230 - 231

[309] UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf date accessed 31 May 2011, Table 9

[310] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

[311] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[311], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p5

"The Committee is concerned that, despite the adoption of the Prevention of Domestic Violence Act, there are significant delays before cases are processed under this Act. It appears from the constructive dialogue that most cases are dealt with through police mediation, and that family relations prevail over protection of women and suppression of violence against women. The Committee is further concerned that marital rape is recognized only if a judge has previously acknowledged the separation of the spouses. It also regrets the absence of specific data and information on domestic violence. The Committee is concerned that the criminalization of same sex relationship results in women being completely excluded from legal protection. It is also concerned about the information that the law enforcement officers are allowed to arbitrarily detain them."

20.42 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights312, dated 9 December 2010, expressed:

"…deep concern that in spite of the high incidence of domestic violence against women and children in the State party, the provisions of the Prevention of Domestic Violence Act No.3 of 2005 remain insufficiently known, notably by the police, and that protection orders are seldom issued and perpetrators rarely prosecuted. The Committee also notes with concern the absence of temporary shelter for women and children victims of domestic violence and the considerable delays to obtain court decisions in this matter."

20.43 A letter from the British High Commission, Colombo, dated 12 January 2010[313], reported:

"Both government and non-government sources agree that domestic violence is an issue in Jaffna. The Government Agent said it was particularly high amongst the IDP community, caused by unemployment, poverty and alcohol. All sources referred to 'toddy tapping' (an alcoholic fermented juice from palm trees) as a major cause of domestic violence as it provides cheap/free alcohol for men in particular. There was one women's safe house in Jaffna, run by a local NGO with places for around 15 women. However, many sources highlighted the culture of the community did not support such action. Women and children were taught to suffer in silence and that issues must be dealt with within the family. Although the police and the Courts had taken action against some perpetrators, many actions go unpunished. The police have a Women and Children's Bureau based in Jaffna."

20.44 The SIGI *Gender Equality and Social Institutions in Sri Lanka*[314], undated (website accessed on 26 May 2011) noted that "Legislation protecting the physical integrity of women in Sri Lanka is quite strong." but added that "Domestic violence, including spousal rape, is an... area of concern. Incidents are rarely reported and legal protection has been insufficient."

20.45 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2010[315] – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, (undated,

[312] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p7
[313] British High Commission, Colombo, letter dated 12 January 2010, available upon request
[314] Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, http://genderindex.org/country/sri-lanka date accessed 26 May 2011
[315] Sri Lanka Department of Census and Statistics, Statistical Abstract 2010 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, http://www.statistics.gov.lk/abstract2010/chapters/Chap13/AB13-13.pdf undated, website accessed on 1 June 2011

website accessed on 1 June 2011) recorded that in 2009 there were in total 1,624 cases of rape/incest. The figures for 2006; 2007 and 2008 were respectively: 1,463; 1,397 and 1,582.

See also Lesbian, gay, bisexual and transgender persons

Violence in resettlement areas and camps (May 2009 to May 2011)

20.46 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*[316], 11 January 2010, observed:

"Women have suffered in distinctive ways both in the camps and since resettlement. In late September 2009, scores of pregnant women were abruptly released from the camps and told to make their own way home without assistance. There have been numerous credible reports of prostitution networks in the camps which function with the knowledge and involvement of Sri Lankan security forces. Many women, with no other means of financial support, have found themselves forced into selling sex for money and supplies. The large number of female-headed households among those families being resettled raises additional protection concerns given that many are returning to isolated areas patrolled by large numbers of Sri Lankan police and military."

20.47 The ICG report of January 2010[317] continued:

"There have also been regular reports from a variety of credible sources that significant numbers of women held in the camps have been raped or sexually assaulted. According to some, women have been removed from the camps with police and military assistance and then assaulted. According to others, former LTTE female fighters have been raped while held in detention centres. The women involved are reportedly too afraid to report the crimes. With levels of fear so high and with no independent monitors allowed access to the camps, it has not been possible to confirm or disprove these accusations."

20.48 The MRGI report of January 2011[318] observed that:

"There are serious concerns expressed by women activists interviewed over reports of sexual abuse and harassment in the resettled areas. There have been reports of rape."

"Activists and women interviewed for this report mentioned cases of women being coerced into sexual activity, or in some situations doing so voluntarily in return for favours from military personnel or to ensure their protection. As a result of the large military presence in the Vanni in particular, there are military sentry points adjoining households, some where women live alone. Soldiers have free access to these houses.

[316] International Crisis Group (ICG),Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/b99%20sri%20lanka%20a%20bitter%20peace.ashx Date accessed 28 October 2010, p5
[317] International Crisis Group (ICG),Sri Lanka: A Bitter Peace, Asia Briefing N°99: 11 January 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/b99%20sri%20lanka%20a%20bitter%20peace.ashx Date accessed 28 October 2010, p8 and 18
[318] Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html date accessed 20 May 2011, p10

Cases of harassment have occurred, where army personnel call up women and ask them to come to the camps at late hours or abuse them over the phone.

"Women have also complained about harassment at security checkpoints. They fear travelling alone, without male support."

20.49 *The 2010 Foreign & Commonwealth Office Report*[319] noted that: "There were reports of sexual violence and rape in the recently resettled areas in the north of Sri Lanka which contain a high number of women-headed households. Criminal proceedings began in the latter part of 2010 against several Sri Lankan Army soldiers who were accused of raping civilian women in the north."

20.50 The USSD 2010 report[320] also noted that:

"There were reports that individual cases of gender-based violence perpetrated by members of the security forces occurred in areas with heavy security force presence, but others stated that military officials were responsive to reports of such incidents and showed a willingness to prosecute the offenders. The government did not release any details about prosecutions or punishments for such offenses, and some observers suggested that there was reluctance by victims to report such incidents in northern and eastern areas where security forces were much more prevalent. Statistics on numbers of such cases also were unavailable because few victims reported such incidents."

"Human rights groups in northern districts alleged that the wives of men who were killed as a result of the conflict often fell victim to prostitution because of their economic vulnerability."

20.51 The UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[321], dated 4 February 2011, observed:

"While noting the State party's explanation that women were not subjected to violence and discrimination during the last stages of the conflict and in the post conflict phase, the Committee remains deeply concerned about reports of gross violations of the human rights of women on both sides, particularly the Tamil minority group, the internally displaced women and the female ex-combatants. The Committee is particularly concerned about reports of sexual violence allegedly perpetrated also by the armed forces, the police and militant groups. The Committee is also deeply concerned about reports on the inadequate infrastructure and the limited availability of basic services such as shelter, health facilities, water and sanitation."

See also Security forces and Paramilitary groups and Humanitarian issues and Internally Displaced Persons (IDPs)

HEALTH AND WELFARE

[319] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010 date accessed 24 May 2011, p292

[320] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

[321] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[321], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p8

20.52 The State of the World's Children 2011[322] reported that in Sri Lanka the "Antenatal care coverage (%) 2005–2009… " was respectively 99 per cent ("At least once") and 93 per cent ("t least our times"), while the percentage of "skilled attendant at birth" was 99 per cent and the reported "Maternal mortality ratio – Number of deaths of women from pregnancy-related causes per 100,000 live births during the same time period… " was 39.

ASSISTANCE AVAILABLE TO WOMEN

20.53 The USSD 2010 report[323] noted that "Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding." It added that: "Women appeared to be equally diagnosed and treated for sexually transmitted infections, including HIV."

20.54 On 20 October 2010, the Asian Human Rights Commission, in an article dedicated to the implementation of Prevention of Domestic Violence[324], observed inter alia that: "The police do not consider domestic violence a serious matter and especially in undermanned stations they are likely to neglect cases of domestic violence or put them low on the priority list… Even though a police officer has the authority to issue a PO [Protection Order] on an aggrieved person it is very unlikely he will do so."

20.55 The same source[325] added:

"Another big challenge of the effectiveness of the Act is the lack of victim protection. Most women depend almost solely on their partner economically. They have no means to provide housing for themselves and their children or to sustain their livelihood, which means the alternative to a violent husband is homelessness.

"No shelter or housing is offered by law enforcers or by the legal system itself. The law stipulates that the court may order, if the aggrieved person requests, that she can be placed in a shelter or provided with temporary accommodation. However, only private organizations such as Welcome House, Women's Development centre in Kandy, Women In Need and the Salvation Army run shelters for abused women and children."

"Magistrates are reluctant to refer abused women and their children to privately run shelters, who they do not always find accountable. The judiciary would be more likely to refer women to state run shelters. Besides, the rights of a woman for adequate housing should not only focus on shelter options for her, but also the possibility of removing the violent partner.

---

[322] UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf date accessed 31 May 2011, Table 8

[323] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

[324] Asian Human Rights Commission, Sri Lanka: The right without remedy -- views and reflections on the Prevention of Domestic Violence Act, 20 October 2010 http://www.humanrights.asia/news/ahrc-news/AHRC-ART-110-2010 date accessed 8 June 2011

[325] Asian Human Rights Commission, Sri Lanka: The right without remedy -- views and reflections on the Prevention of Domestic Violence Act, 20 October 2010 http://www.humanrights.asia/news/ahrc-news/AHRC-ART-110-2010 date accessed 8 June 2011

"It is nevertheless an extremely hard choice for a woman to choose to live her life in shelter, even for those who can afford it, due to fear of harassment, loss of status, social stigma or concerns of the children's future."

20.56 The website of the online forum South Asian Women's Network (SAWNET) (accessed on 1 June 2011) lists several organisations operating in Sri Lanka dealing with problems faced by women.

20.57 The BHC letter dated 23 March 2009[326], noted that:

"Government assistance for the victims of rape is weak, although there have been some signs of improvement. The country has acknowledged it has a problem and the Sri Lanka Police Service Children & Women Bureau has 36 'desks' around the country to deal with complaints. They have received training in how to record a complaint sympathetically and how to refer a victim to a suitably equipped hospital. There does not appear to be long-term assistance given to rape victims although there are several NGOs that provide pastoral care but mainly to victims of domestic abuse."

See also Violence against women

Return to contents

21. CHILDREN

Users are recommended to read this section in conjunction with the preceding material on women, in particular with regard to the position/treatment of girls by the state and society.

OVERVIEW

21.01 Sri Lanka ratified the UN Convention on the Rights of the Child (UNCRC) on 12 July 1991. It subsequently ratified the optional protocols to the UNCRC on the involvement of children in armed conflict (8 September 2000) and on the sale of children, child prostitution and child pornography (22 September 2006). (UNHCR Treaty Body Database, Ratifications and Reservations, Status by Country, undated, website accessed on 20 September 2010)[327]

21.02 UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity[328], dated February 2011, reported that in 2009 the total population (in thousands) under 18 was 5,850 and that under 5 1,784.

21.03 Key demographic data about children in Sri Lanka can be obtained from the website of UNICEF, Sri Lanka (undated, website accessed on 1 June 2011). In 2009 the total population under 18 was around 5.8 million[329]. In addition basic statistical information covering nutrition, health, HIV/AIDS, education, demographic indicators, economic indicators, women, child protection, under five mortality rates and rates of progress at

[326] British High Commission Colombo, Letter dated 23 March 2009, available upon request
[327] UN Office of the High Commissioner for Human Rights (OHCHR), Sri Lanka, Status of Ratifications, undated http://www2.ohchr.org/english/bodies/ratification/index.htm date accessed 20 September 2010
[328] UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf date accessed 31 May 2011, Table 6
[329] UNICEF Sri Lanka, Statistics, last updated 2 March 2010 http://www.unicef.org/infobycountry/sri_lanka_statistics.html#78 date accessed 7 June 2011

reducing child mortality can be found in annexes to the UNICEF report, The State of the World's Children 2011, dated February 2011

LEGAL RIGHTS

Basic legal information

21.04 The age of criminal responsibility is 8 "… with the courts having discretion to extend [this] to 12 yrs depending on the subjective assessment of level of maturity" (UNICEF's comments to the UN's Universal Periodic Review of Sri Lanka, undated, accessed 20 September 2010.[330] The voting age is 18 (CIA World Factbook, Sri Lanka[331], updated on 17 May 2011) The minimum age for voluntary enlistment into the armed forces is 18 years old.

21.05 The age of consent is 16. (Avert, Worldwide age of consent[332], undated, website accessed on 1 June 2011). The minimum age of marriage is 18, though there is a provision in the law on marriage that permits "parents to consent to a marriage involving a minor. If a parent unreasonably withholds consent, a court may authorize the marriage. Courts have held, however, that a parent's refusal to give consent will only be overruled if the court is satisfied that the refusal is without cause and contrary to the interest of the minor." (Helplinelaw.com, undated, website accessed on 20 September 2010)[333] However amongst Muslims, "who continued to follow their customary religious practices of girls attaining marrying age with the onset of puberty and men when they were financially capable of supporting a family." (US State Department Report for 2010 on Religious Freedom in Sri Lanka[334] published on 17 November 2010)

21.06 The UN *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka*[335], dated 1 October 2010 noted that:

"The Committee expresses deep concern that children suspected of security-related offenses have and may still be detained under the Emergency (Miscellaneous Provisions and Powers) Regulation No 1. of 2005 and the Prevention of Terrorism Act. The Committee is seriously concerned these children may be detained in unpublicized

[330] UNICEF, Comments to the UN's Universal Periodic Review of Sri Lanka, undated http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF_LKA_UPR_2008_UnitedNationsChildrensFund_uprsubmission.pdf date accessed: 20 September 2010

[331] CIA - The World Factbook – Sri Lanka https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011 Date accessed 2 June 2011

[332] Avert, Worldwide age of consent, undated http://www.avert.org/aofconsent.htm Date accessed 27 January 2010

[333] Helplinelaw.com, Family laws - Sri Lanka, undated http://www.helplinelaw.com/article/sri%20lanka/167 date accessed: 20 September 2010

[334] US State Department International Religious Freedom Report 2010, released on 17 November 2010 http://www.state.gov/g/drl/rls/irf/2010/148802.htm date accessed 31 May 2011, Section 2

[335] UN Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka , 1 October 2010 http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPAC-LKA-CO-1.doc date accessed 26 May 2011, p7

places of detention for up to one year, and denied access to a lawyer, family members, a judge or any other competent authority to challenge the legitimacy of their detention."

"The Committee notes the adoption of Emergency Regulation No. 1580/5 of 2008 relating to Child Friendly Rehabilitation and Reintegration Procedures of the Child Surrendees /Arrested which introduces judicial intervention in the rehabilitation and reintegration process. The Committee is however concerned that this process does not comply with the international juvenile justice standards, in particular as concern notably children's rights to be assisted by a legal counsel and to challenge the lawfulness of their placement in a protective accommodation centre and has therefore not received support from UN agencies."

"The Committee notes as positive the assurances given by the State party to the Committee that children formerly associated with armed conflict, including those detained on security and terrorism-related charges will never face prosecution. The Committee expresses concern that in the absence of any official document clarifying the criminal liability of children formerly associated with armed groups, prosecution of children could still be envisaged in application of emergency Regulation 1462/8 Of September 2006 and other security and anti-terrorism laws which equally apply to adults and children."

See also Emergency Regulations and the Prevention of Terrorism Act

21.07 The U.S. Department of Labor's 2009 *Findings on the Worst Forms of Child Labor*[336], issued in December 2010, observed that:

"A 1999 amendment to the Employment of Women, Young Persons, and Children Act of 1956 sets the minimum age for employment at 14. A second amendment (2006) sets the minimum age for employment in hazardous work at 18."

"The Penal Code, Amendment Act No. 16 of 2006, prohibits forced labor, debt bondage, and all forms of slavery. In addition, the Penal Code prohibits the trafficking of children. The Penal Code, Amendment Acts No. 22 of 1995 and No. 29 of 1998, prohibit sexual violations against children below 18 years, particularly with regards to child pornography, child prostitution, and the trafficking of children.

"The Penal Code 2006 Amendment also prohibits the recruitment of children below 18 years in armed conflict."

VIOLENCE AGAINST CHILDREN

See also Childcare and protection for information about problems about problems with the protection system.

21.08 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[337], released on 8 April 2011 noted that:

[336] U.S. Department of Labor's 2009 Findings on the Worst Forms of Child Labor , issued in December 2010 http://www.dol.gov/ilab/programs/ocft/pdf/2009OCFTreport.pdf date accessed 1 June 2011, p614
[337] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

"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 way contrary to compulsory education regulations. It also defines child abuse to include the involvement of children in war.

"NGOs attributed the problem of exploitation of children to the lack of enforcement, rather than inadequate legislation. The BPCW [Bureau for the Protection of Children and Women] conducted investigations into crimes against children and women, and the National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. During 2009 the BPCW received 1,974 complaints of grave violent crimes and 986 of minor crimes against children.

"The government advocated greater international cooperation to bring those guilty of sexual exploitation of children to justice. Although the government did not keep records of particular types of violations, the law prohibits sexual violations against children, defined as persons less than 18 years of age, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years' imprisonment. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine. By the end of 2009 the government opened 1,575 files, of which 497 resulted in indictments for sexual assault and exploitation of children, including kidnapping, cruelty to children, rape, and statutory rape; 299 cases were dismissed, and 303 cases were referred to the police for further investigation. The remaining were pending at the end of 2009, and no further details were available at year's end."

21.09 The USSD 2010 report[338] continued:

"Commercial sexual exploitation of children remained a problem in coastal resort areas. Private groups estimated that approximately 6,000 children were exploited for commercial sex in the country and that local citizens were responsible for much of the exploitation. Other groups believed foreign tourists were more frequently the exploiters of thousands of children, especially boys, for commercial sex, most of whom were reportedly forced into prostitution by traffickers. There was little solid data to elucidate these reports, and some observers stated the problem was much less prevalent than approximately 10 years ago. 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."

21.10 The UN *Concluding observations of the Committee on Economic, Social and Cultural Rights*[339], dated 9 December 2010 noted that:

"The Committee is deeply concerned that no effective measures have been taken by the State party to enforce child labour laws as previously recommended by the Committee…and that almost one million children continue to be exploited economically in agriculture or as domestics, the latter being often subjected to various forms of violence."

[338] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

[339] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p8

"The Committee is deeply concerned that thousands of children remain sexually abused and exploited including in child sex tourism. The Committee notes with grave concern that perpetrators of child sexual exploitation and abuse, including child traffickers are rarely prosecuted, while child victims may still be excluded from protection of the law and placed on remand for conducting prostitution."

21.11 The 2009 Findings on the Worst Forms of *Child Labor*[340], issued in December 2010, noted that:

"Some children in Sri Lanka are exploited in the worst forms of labor, including in agriculture."

"In some cases children are also employed in domestic service, a largely unregulated sector in which children may work long hours and are vulnerable to physical and sexual abuse.

"There are also reports that children in Sri Lanka also perform dangerous work in the tile and fishing industries, construction, and mining. In tile manufacturing children work long hours, carry heavy loads, and experience breathing problems, fatigue, and body pain. Children in the fisheries sector work long hours, often at night."

"The prostitution of children is reported to be of concern, particularly in the coastal areas. Boys are among those exploited in prostitution."

21.12 The UN *Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka*[341], dated 1 October 2010 observed that:

"The Committee expresses serious concern that insufficient efforts have been made by the State party to investigate the death of hundreds of children during the five last months of the conflict as a result notably of alleged shelling and aerial bombardments of civilians, hospitals, schools and humanitarian operations and deliberate deprivation of food, medical care and humanitarian assistance. The Committee is also concerned that high levels of malnutrition and poverty undermine the right to survival and development of many children in the State party, especially in the conflict affected and disadvantaged areas."

21.13 The same source[342] added that "The Committee, while welcoming the adoption in 2005 of the Prevention of Domestic Violence Act No.34, remains seriously concerned about widespread and growing child abuse and neglect in the State party, including child sexual abuse in the home and community."

---

[340] U.S. Department of Labor's 2009 Findings on the Worst Forms of Child Labor , issued in December 2010 http://www.dol.gov/ilab/programs/ocft/pdf/2009OCFTreport.pdf date accessed 1 June 2011, p613

[341] UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc date accessed 26 May 2011, p7

[342] UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc date accessed 26 May 2011, p12&18

21.14 The US Department of State's *Trafficking in Persons Report* released on 14 June 2010[343] noted that:

"The National Child Protection Authority (NCPA) estimated that approximately 1,000 children are subjected to commercial sexual exploitation within Sri Lanka although some NGOs believe the actual number is between 10,000 and 15,000. Children are also subjected to bonded labor in dry-zone farming areas and on plantations, where they were forced to work in fields or in homes to help pay off loans taken by their parents. Reports indicated some cases in which children below the age of 12 were kidnapped, generally by a relative, to work in the fireworks and fish-drying industries…

"The government continued to provide limited counseling and day care for children – including trafficking victims – through the operations of six resource centers…

"The Sri Lankan government made progress in its efforts to prevent trafficking during the last year. The National Child Protective Authority conducted awareness campaigns to educate the general public about the dangers of trafficking."

21.15 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2010[344] – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, (undated, website accessed on 1 June 2011) recorded that in 2009 there were in total 346 cases of cruelty to children and sexual exploitation of children. The figures for 2006; 2007 and 2008 were respectively: 362; 366 and 340.

Unaccompanied and orphaned children in the North

21.16 The report of the UN Secretary-General *Children and armed conflict*[345], dated 13 April 2010 recorded:

"As of the end of November [2009], 1,221 separated, unaccompanied and orphaned children have been identified in the north of the country. Of those, 517 have been reunified with their families or relatives and 704 have been placed in residential homes. In addition, 162 parents have reported to probation officers that their children are missing and families continue to file requests for tracing their children at the Family Tracing and Reunification Unit established in Vavuniya in December 2009."

21.17 The UN *Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka*[346], dated 1 October 2010 observed that:

"The Committee expresses deep concern over the poor living conditions of children, among them unaccompanied children and children with disabilities, who have been kept

[343] US Department of State, Trafficking in Persons Report, released on 14 June 2010, Sri Lanka Section, http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm date accessed 17 August 2010
[344] Sri Lanka Department of Census and Statistics, Statistical Abstract 2010 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, http://www.statistics.gov.lk/abstract2010/chapters/Chap13/AB13-13.pdf undated, website accessed on 1 June 2011
[345] United Nations, Report of the Secretary-General on children and armed conflict in Sri Lanka, 13 April 2010 http://www.unhcr.org/refworld/pdfid/4bfcce6a2.pdf date accessed 27 August 2010, Paragraph 156
[346] UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc date accessed 26 May 2011, p17

for months in IDP camps in Vavuniya and Jaffna districts and at Menik Farm, as well as, of children currently living in transit and return areas. The Committee expresses serious concern that internally displaced children who have suffered trauma through multiple forced displacements, separation from families, and experienced denial of essential basic services are prevented from receiving assistance due to inadequate support from the State party and the restrictions placed since June 2010 on the activities of international and national humanitarian agencies."

21.18 The UN *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka*[347], dated 1 October 2010 noted that:

"The Committee expresses serious concern that in spite of some progress made in terms of family tracing, the whereabouts of hundreds of children who are missing have not been clarified and that many children remain unidentified due mainly to the lack of coordinated tracing structure and the obstacles met by humanitarian agencies, including those with specific expertise in family tracing and reunification to access to camps, transit, return and resettlement areas. The Committee is further concern about the absence of accurate data on children who have died as a result of the conflict and the difficulties of families to obtain death certificates."

CHILDCARE AND PROTECTION

See also subsection Health and welfare below

21.19 In UNICEF's comments to the UN's Universal Periodic Review of Sri Lanka which was taking place during 2008, though the document itself is undated, (accessed 20 September 2010) [348], it was reported that:

"The protection of children is a concern. Children in contact with the law are often re-victimised, this includes both child victims of abuse and neglect and also child offenders. This takes the form of ill treatment, at times extending to torture of child offenders, delays, separation from families, incarceration, disruption of education and lack of attention to their therapeutic needs. Trainings carried out so far have addressed the attitudes and skills of individual service providers but failed to develop standards and procedures which would enable a uniform protective environment to all children in contact with the law. Legal reforms have generally been top down and they have not taken into account the views and experiences of children and service providers. The strengthening of practice must be supplemented with a continuous review of law and policy, institutionalized training and the provision of necessary infrastructural support. Key issue is that the age of criminal responsibility is 8yrs with the courts having discretion to extend to 12 yrs depending on the subjective assessment of level of maturity."

[347] UN Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka , 1 October 2010 http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPAC-LKA-CO-1.doc date accessed 26 May 2011

[348] UNICEF, Comments to the UN's Universal Periodic Review of Sri Lanka, undated http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF_LKA_UPR_2008_UnitedNationsChildrensFund_uprsubmission.pdf date accessed: 20 September 2010

21.20 On 16 August 2010 the *Daily Mirror* (Sri Lanka)[349] reported that the Probation and Child Care Services (DPCCS) Department had stated that "More than 500 cases of child abuse have been reported in the past six months from some 420 government and privately maintained children's homes in the country…"

21.21 The 2009 Findings on the Worst *Forms of Child Labor*[350], issued in December 2010, noted that:

"The National Child Protection Authority (NCPA) is charged with monitoring and coordinating action to protect children. This body's mandate includes formulating policies on child abuse and exploitation and coordinating groups that combat them. It also monitors research, coordinates resource mobilization, and monitors implementation of the law and investigations. This group treats child labor as a form of abuse along with sexual exploitation and child conscription.

"The Department of Labor, within the Ministry of Labor Relations and Manpower, and the NCPA are responsible for enforcing child labor laws.The Department of Labor's labor inspectorate employs 314 labor officers to enforce all labor laws, including those on child labor."

"The Department of Labor and the NCPA coordinate efforts with the Women and Children's Bureau of the Sri Lanka Police to enforce child labor laws."

"The NCPA is the lead agency responsible for preventing child trafficking. The NCPA operates under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police to enforce child trafficking violations."

21.22 The website of the National Child Protection Authority (NCPA) is accessible clicking on the hyperlink.

Government and NGO childcare

21.23 The UNICEF comments to the UN in its Universal Periodic Review of Sri Lanka, undated, accessed 20 September 2010[351], observed that:

"Institutional care is at present the most common solution for children deprived of parental care in Sri Lanka. At the end of 2006 more than 19,000 children were living in these institutions, separated from their families; girls outnumber boys by 8 percent (i.e. they represent 54%).

"Fostering is possible through the issuing of a Fit Person Order, but such an order is utilized only in cases where children can be entrusted to a relative. Furthermore, the recourse to institutional care is frequently practiced also to solve family problems not related to parental care: children are sent to institutions either through an intervention of

[349] Daily Mirror (Sri Lanka), Child abuse in children's homes: 16 August 2010 http://www.dailymirror.lk/print/index.php/news/front-page-news/18600.html date accessed 8 October 2010
[350] U.S. Department of Labor's 2009 Findings on the Worst Forms of Child Labor , issued in December 2010 http://www.dol.gov/ilab/programs/ocft/pdf/2009OCFTreport.pdf date accessed 1 June 2011, p614-615
[351] UNICEF, Comments to the UN's Universal Periodic Review of Sri Lanka, undated http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF_LKA_UPR_2008_UnitedNationsChildrensFund_uprsubmission.pdf date accessed: 20 September 2010

the officers of the Department of Probation and Child Care Service (DPCCS) - which is the agency providing social services to children - or directly by parents."

21.24 A comprehensive list of NGOs for children operating in Sri Lanka is available from the website of CRIN (Child Rights Information Network)

21.25 The UN *Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka*[352], dated 1 October 2010 observed that:

"The Committee is seriously concerned that the State Party has not formulated a coherent national policy on de-institutionalization of children and continues to put emphasis on the placement of children in institutions although a large number of institutions remain unregistered and/or not adequately regulated and monitored, with the effect that :

(a) Mechanisms to deinstitutionalize and/or reintegrate children into their families are not in place in most of these institutions and many children often do not maintain relationships with their families ;
(b) Large numbers of children in conflict with the law, children victims of abuse and neglect, children with disabilities and, increasingly, children living in poverty continue to be institutionalized and for long periods of time;
(c) Unacceptable conditions prevail in many institutions which are unable to provide basic facilities such as sanitation facilities, sleeping space, medical care and clothing to children;
(d) Children's emotional wellbeing is gravely affected in the institutions and the situation is aggravated by the fact that most of the caregivers are untrained and not adequately paid and by a high turnover of staff;
(e) Institutionalized children are often deprived of vocational training, counseling and other alternative educational opportunities; and
(f) The situation of institutionalized children is not regularly assessed."

EDUCATION

21.26 The USSD 2010 report[353] observed that "The law requires children between the ages of five and 14 to attend school. The government provided extensive systems of public education and medical care. Education was free through the university level." With regards to 'resettled areas', the same report noted that "School facilities were being demined and reconstructed, but many were in poor condition and lacked basic supplies. Medical care in these areas was limited, but improvements continued throughout the year."

21.27 On 17 January 2011 the official website of the Government of Sri Lanka[354] reported that:

[352] UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc date accessed 26 May 2011, p11
[353] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6
[354] Official website of the Government of Sri Lanka, Dynamic approach to reintegrate ex-LTTE child cadres

"Major General Shavendra Silva, Acting Permanent Representative of Sri Lanka to the United Nations speaking on the advancement of Girl Child Education in Sri Lanka at the UN said, the Government took concerted action to rehabilitate and reintegrate all former child combatants.

"'Among them, 351 were girls. Knowing that these children had been forced to take up arms instead of school books, the Government of Sri Lanka adopted a dynamic approach towards their reintegration'.

"Such an approach was based on the principles of women empowerment, livelihood training, psycho-social support, and above all, restorative justice, he said.

"For those who missed the opportunity of experiencing a childhood and a formal education, arrangements have been made through the 'catch up schools' to enable them to complete the General Certificate of Education examinations, irrespective of their current age."

"To assist the former LTTE combatants, including women, a vocational, technical and language training opportunities are offered under the 'Accelerated Skills Acquisition Programme'. The 'Nanasala', or the centres of wisdom, is another such programme launched in the conflict affected areas to provide community [sic] based education to the youth of whom majority are females."

21.28 The State of the World's Children 2011[355] reported that the "Youth (15–24 years) literacy rate 2004–2008" (defined as "Number of literate persons aged 15–24, expressed as a percentage of the total population in that age group") was respectively 97 per cent for males and 99 per cent for females.

21.29 The Sri Lanka Department of Census and Statistics recorded in their *Statistical Abstract 2010*, Education, Number of schools, pupils, teachers and pupil teacher ratios by type of school, 2002 - 2009[356] (undated, website accessed on 1 June 2011) that in 2009 there were 10,205 Government schools; 98 private schools and 697 Pirivenas [Buddhist monastic colleges] with a total number of pupils of 4,033,248. In Government schools the Pupil Teacher Ratio was 18.

HEALTH AND WELFARE

21.30 The UN *Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka*[357], dated 1 October 2010 observed that:

- Maj Gen Shavendra Silva at UN, 17 January 2011 http://www.priu.gov.lk/news_update/Current_Affairs/ca201101/20110117dynamic_approach.htm date accessed 1 June 2011

[355] UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf date accessed 31 May 2011, Table 5

[356] Sri Lanka Department of Census and Statistics, Statistical Abstract 2010, Education Number of schools, pupils, teachers and pupil teacher ratios by type of school, 2002 – 2009, undated http://www.statistics.gov.lk/abstract2010/chapters/Chap14/AB14-3.pdf date accessed 1 June 2011

[357] UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc date accessed 26 May 2011, p13-14

"While noting the State party's remarkable achievements in reducing infant, child and maternal mortality and continuous efforts to provide universal access to maternal and child health care services, the Committee expresses concern that the proportion of GDP [Gross Domestic Product] devoted to health has been decreasing since 2007."

"The Committee is further concerned over the considerable variations in children's health status depending on the regions where they live, with children living in the plantation sector or in conflict affected areas being particularly disadvantaged."

"While noting the formulation of a National Policy on the Health of Adolescents and the creation of youth friendly health services in 2005, the Committee notes with concern the limited knowledge among adolescents about reproductive health, persistent problems of youth suicides and alcohol, drug and tobacco use by adolescents in the State party. The Committee also expresses serious concern at the high level of teenage pregnancies especially in less developed and conflict affected areas as well as the high level of abortions in the State party which represent a significant proportion of maternal deaths."

21.31 The same UN document[358], also added:

"While noting the existence of a large number of social protection systems to support poor families and the fact that overall poverty has declined in recent years, the Committee nevertheless expresses concern that a large proportion of the State party's families and children continue to live in extreme poverty, especially in rural areas and tea plantations which undermines their development. The Committee is also concerned that disadvantaged families are excluded from poverty alleviation programmes due to shortcomings in their management and coordination and that they rarely meet the needs of children and families who require them most as such families often have no knowledge of the existing support programmes and services."

Return to contents

22. TRAFFICKING

22.01 The US Department of State's *Trafficking in Persons Report*[359], released on 14 June 2010 noted that:

"Sri Lanka is primarily a source and, to a much lesser extent, a destination for men and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Sri Lankan men and women migrate consensually to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates (UAE), Oman, Bahrain, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers, however, subsequently find themselves in conditions of forced labor through practices such as restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of their detention and deportation for immigration violations…

[358] UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc date accessed 26 May 2011, p15

[359] US Department of State, Trafficking in Persons Report, released on 14 June 2010, Sri Lanka Section, http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm date accessed 17 August 2010

"Within the country, women and children are trafficked into brothels, especially in the Anuradhapura area, which was a major transit point for members of the Sri Lankan Armed Forces heading north. Boys are more likely than girls to be forced into prostitution – this is generally in coastal areas for domestic child sex tourism. A small number of women from Thailand, China, and countries in South Asia, Eastern Europe, and the former Soviet Union may be subjected to forced prostitution in Sri Lanka…

"Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government enacted a law that facilitates the prosecution of recruitment agencies engaged in fraudulent recruitment. While the government made little progress in identifying trafficking victims, it did provide some training on identification. Despite these overall efforts, including rehabilitating child soldiers and reintegrating them into their communities and families the government has not shown evidence of progress in convicting and punishing trafficking offenders and identifying and protecting trafficking offenders."

22.02 The same USSD report[360] added:

"The Sri Lankan government made some law-enforcement efforts in addressing human trafficking cases over the reporting period. Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape… The government made limited progress in ensuring that victims of trafficking received access to necessary services during the year…"Government personnel did not employ formal procedures for proactively identifying victims, but various agencies on an ad hoc basis identified approximately 75 victims in 2009."

22.03 The U.S. Department of Labor's 2009 *Findings on the Worst Forms of Child Labor*[361], issued in December 2010, noted that:

"Child trafficking is also an issue in Sri Lanka. Children are trafficked to the Middle East and Singapore, where they are subjected to forced labor and sexual exploitation. Children are also internally trafficked for domestic service, exploitive labor, and commercial sexual exploitation. There are reports of children below the age of 12 being kidnapped to work in fireworks or fish-drying factories. Trafficked children often come from rural areas or Internally Displaced Persons (IDP) camps, and some are lured by the promise of employment in the garment industry."

22.04 The UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[362], dated 4 February 2011 observed:

"The Committee commends the efforts undertaken by the State party to combat trafficking, including the introduction of a new definition of the offence of trafficking in

[360] US Department of State, Trafficking in Persons Report, released on 14 June 2010, Sri Lanka Section, http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm date accessed 17 August 2010
[361] U.S. Department of Labor's 2009 Findings on the Worst Forms of Child Labor , issued in December 2010 http://www.dol.gov/ilab/programs/ocft/pdf/2009OCFTreport.pdf date accessed 1 June 2011, p613
[362] UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*[362], 4 February 2011 http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf , date accessed 25 May 2011, p5

persons in the Penal Code, the organization of awareness-raising activities and the establishment of an Anti-Human Trafficking Task Force. The Committee further commends that a bill on witness protection is being elaborated. The Committee is, however, concerned at the low number of convictions and punishment of those convicted of trafficking and at the lack of protective measures and safe homes for victims of trafficking. It is also concerned that the State party has not ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime."

See also Women; Children and Internally Displaced Persons (IDPs)

Return to contents

23. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

23.01 A letter from the British High Commission (BHC) Colombo dated 25 October 2010[363] reported:

"The mission statement of the Sri Lankan Ministry of Health is 'To contribute to social and economic development of Sri Lanka by achieving the highest attainable health status through promotive, preventive, curative and rehabilitative services of high quality made available and accessible to the people of Sri Lanka' www.health.gov.lk. The government of Sri Lanka promotes the fact that they provide free healthcare to all citizens through their national health service. A substantial budget is allocated for the purchase of drugs, enabling the population to purchase them at reasonable rates.

"We recently spoke to the General Manager of the State Pharmaceuticals Corporation of Sri Lanka (SPC). He told us that the SPC came under the Ministry of Health, but was an independent body with 784 employees. The administrative centre of the corporation was based in central Colombo, and co-ordinated 24-hour cover through pharmaceutical retail outlets nationwide. He explained that they had 52 distributors who were private companies working on a commission basis, and 74 different franchises. They also had a tie-up with the Cargill's supermarket chain, with each store having a pharmaceutical counter manned by their own staff, which was part of the SPC distribution network. Besides that there were independent outlets which also operated on a commission basis. The main storage depot for SPC is in Ratmalana, and holds between 3 to 6 months supplies of most popular drugs."

23.02 The same BHC letter[364] added:

"SPC are able to procure all Western drugs. Sometimes there were difficulties obtaining some narcotic items in India, and also Indian drugs were occasionally sub-standard, but SPC also deal with European suppliers, and often obtained specific drugs from the UK, France, Germany or Switzerland. For very specific individual cases, a search would be conducted over the internet to locate the required items and the request to purchase

[363] British High Commission Colombo, letter to the UKBA COI Service, dated 25 October 2010, available upon request
[364] British High Commission Colombo, letter to the UKBA COI Service, dated 25 October 2010, available upon request

them would be assessed by the Ministry of Health. If the costs could not be met by the government, an individual had the option to contribute towards them."

"Prescription and dispensing charges are cheaper in Sri Lanka than in the United Kingdom. As of 1st January 2008, the Healthcare and Nutrition Ministry banned the prescription of drugs by their trade names, instead insisting on the use of their generic names. This applies to doctors in government service as well as in the private sector… 'The State Pharmaceutical Corporation (SPC) markets drugs under the generic name and is most of the time cheaper than the branded versions."

23.03 The WHO (World Health Organisation) *Country Health System Profile Sri Lanka*[365] (undated, website accessed on 1 June 2011) provides useful general information on the health resources in Sri Lanka:

"A wide disparity in the regional distribution of health personnel is evident. The Colombo district has a high concentration of most categories of health personnel except public health staff. In 2001, 35 percent of the specialists were concentrated in the Colombo district…The government health sector takes care of healthcare needs of the vast majority of the population. The private sector in health had been small in terms of service provisions and financing. It is only recently that the private sector has been growing mostly in urban areas. The private sector contribution has been mainly in urban areas…Adequate emphasis is given in the past in building physical infrastructure, including facilities and equipment, as a means of developing national healthcare system. This has lead to a countrywide, comprehensive network of health centres, hospitals and other medical institutions."

23.04 The WHO *Mini profile 2007*[366] (accessed on 1 June 2011), Sri Lanka recorded that:

"The public sector provides health care for nearly 60% of the population and caters to 95% of inpatient care. The private sector provides mainly curative care, which is estimated to be nearly 50% of outpatient care. This is largely concentrated in urban and suburban areas...The public sector provides care under allopathy and ayurvedic systems. But there are private practioners [sic] of Unani, Siddha and Homeopathy systems as well. Nearly 60% of the rural population relies on traditional and natural medicine for their primary health care."

23.05 Detailed information on government hospitals and their respective bed strength is available from the website of the Sri Lankan Ministry of Healthcare and Nutrition (accessed on 1 June 2011), clicking on the following hyperlinks:

Hospital Bed Strength on Category of Hospitals by District

Hospital and Bed Strength in Sri Lanka by District – Year 2010

Hospitals under Line Ministry 2010

[365] World Health Organisation (WHO),Country Health System Profile Sri Lanka, undated http://www.searo.who.int/EN/Section313/Section1524_10878.htm date accessed 1 June 2011

[366] World Health Organisation (WHO), Mini profile 2007, Sri Lanka, undated, http://www.searo.who.int/LinkFiles/Country_Health_System_Profile_9-Sri-Lanka.pdf date accessed 1 June 2011, p14

23.06 The same website[367] recorded that, as of December 2010, in total in Sri Lanka there were 1,042 hospitals with a total of 69,501 hospital beds.

23.07 The WHO Core Health Indicators, World health statistics 2008[368], undated (website accessed on 1 June 2011) recorded that in 2004 (latest available figures) in Sri Lanka there were 10,479 physicians (between generalists and specialists) while the number of nursery and midwifery personnel was 33,233 and that of the pharmaceutical personnel was 990.

23.08 Additional information is available from the Ministry of Health Health Manpower, updated on 31 December 2008 (website accessed on 1 June 2010)

23.09 A letter from the British High Commission, Colombo, dated 12 January 2010[369], reported:

"The Director of Regional Health in Jaffna told us that there are 38 government hospitals in the Jaffna District providing 950 beds. However, he said that there are acute staff shortages that need to be addressed. There should be 19 specialist consultants in the district but there are none at present, although he pointed to a 'house team' at Point Pedro Hospital which had 3 of their own specialists. There should be 110 doctors but currently there were only 14, and with regard to Registered Medical Officers (paramedics) there were currently only 20 when there should be 58 working within the district.

"With regard to the equipment in the hospital facilities, the Director said that there were two problems, one was obtaining the equipment, and the second was having persons to operate the equipment. The equipment in many hospitals was basic.

"The Director stated that major surgery could be carried out at Point Pedro Hospital and at the Jaffna Teaching Hospital. However, a lack of specialists such as neurosurgeons meant that some patients were transferred to Colombo for surgery, and there were no facilities for heart surgery or some forms of cancer treatment in the district. Many patients requiring specialist treatment would travel to an appropriate hospital in Colombo. ICRC provided flights twice a week to transfer patients to Colombo, and emergency cases were flown down by the Sri Lankan Air Force. The district also had an emergency ambulance service that guaranteed a 10-minute response time."

23.10 A letter from the British High Commission (BHC) in Colombo, dated 13 August 2010[370], reported that:

"Medical staff at Kilinochchi General Hospital explained that the hospital was shelled during the final weeks of the war and had to be abandoned. It was undergoing a complete refurbishment and had re-opened in May 2010. A surgical team showed us around and explained that they have the capacity at the moment to undertake routine surgery. Patients requiring more complicated surgery were normally transferred to

[367] Ministry of Healthcare and Nutrition, Medical Institutions and Bed Strength In Sri Lanka By Hospital Type – 2010, http://203.94.76.60/nihs/BEDS/bedsum2010.pdf date accessed 1 June 2011
[368] World Health Organisation(WHO),Core Health Indicators, World health statistics 2008, undated http://apps.who.int/whosis/database/core/core_select_process.cfm?country=lka&indicators=healthpersonnel# date accessed 1 June 2011
[369] British High Commission, Colombo, letter dated 12 January 2010, available upon request
[370] British High Commission, Colombo, letter dated 13 August 2010, available upon request

Vavuniya. We also visited the maternity ward where there were currently around 160 births a month. The staff explained that many IDP mothers had been deprived of quality food during their pregnancies and this had been reflected in the babies born. Currently 20% of babies born were under-nourished, but staff did indicate that this was dropping month by month.

"A Senior Government Agent in Mullaitivu said that the hospital in Mullaitivu was operating again from within a military area. She added that the problem was staffing the hospital as doctors were not keen to come to the area."

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

23.11 On 5 August 2010 Irin[371] reported:

"Sri Lanka has remained relatively unscathed by the global AIDS pandemic, but for the tiny minority of people living with HIV, life is extremely hard. 'If you have AIDS, you become an immoral person overnight,' said Chamara Sumanapala, a social commentator at the University of Colombo in the capital, Colombo. 'People are simply not comfortable living with people who have HIV.'

"Those living with HIV face daily discrimination.

"Dr Chamil Jinadasa, an independent health worker in Colombo, said social stigma was one of the main barriers to the country's efforts to combat HIV/AIDS. 'People are really worried that they will be socially stigmatized among their families and friends,' he told IRIN/PlusNews. 'This is a major concern; [it] increases the risk of further infections.'"

23.12 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[372], released on 8 April 2011, recorded that "There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there were reports of societal discrimination against these groups.

23.13 A letter from the British High Commission in Colombo dated 14 September 2010[373] mentioned that they had contacted a consultant at the National STD/AIDS Control Programme to discuss availability of HIV/AIDS drugs.

"He said that all of the drugs recommended by the World Health Organisation (WHO) are available. The government provides first grade treatment for HIV patients meeting WHO standards. Drugs for countering opportunistic infections are widely available in pharmacies and generally prices in pharmacies are lower than in the UK. Persons seeking treatment in any of the Government medical institutions, receive treatment free of charge. The World Bank continues to fund a National STD/AIDS Control Programme."

23.14 On 28 December 2010 Irin[374] reported:

---

[371] Irin, Sri Lanka: Taboo reinforces ignorance about HIV, 5 August 2010 http://www.irinnews.org/report.aspx?ReportID=90077 date accessed 6 October 2010
[372] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6
[373] British High Commission in Colombo, letter dated 14 September 2010, available upon request
[374] Irin, Sri Lanka: Stigma stifles HIV reporting, 28 December 2010 http://www.irinnews.org/Report.aspx?ReportID=91467 date accessed 2 June 2011

"HIV prevalence in Sri Lanka is relatively low: The latest government figures (December 2009) indicated 1,196 cases - less than 0.1 percent of people aged 15-49, and less than 1 percent of those in high-risk groups.

"However, accurate assessment of HIV prevalence is difficult as social stigma and lack of knowledge make HIV prevention and information campaigns difficult. UNAIDS estimates the total number of infections is at least three times higher than indicated by official figures.

"The stigma around HIV makes HIV-positive people reluctant to disclose their status or even get tested, warned a joint report by UNAIDS and the Family Planning Association of Sri Lanka entitled People Living with HIV Stigma Index Sri Lanka."

CANCER TREATMENT

23.15 A letter from the British High Commission (BHC) in Colombo dated 23 April 2009[375] reported on a visit to the Maharagama Cancer Institute in Western Province and the meeting held with Dr Yasantha Ariyaratne, the senior Consultant Clinical Oncologist:

"He explained that the Cancer Institute is the main public hospital for the treatment of cancer in Sri Lanka and the only establishment solely dedicated to this purpose. He explained that the hospital has 665 beds, caters for 815 patients and has more than 1000 day-care patients. I was told that the medical team included 11 radiotherapy oncologists, 3 paediatrician oncologists, 2 surgical oncologists, 2 gynaecological oncologists, 1 haematological oncologist, 1 general physician, 2 anaesthetists and more than 100 medical officers. The institute provides chemotherapy, radiotherapy and surgical treatment for cancer patients and possesses a linear accelerator. I was informed that all of the senior consultants had been trained and worked in the UK, USA or Australia at some stage and that many were well versed in the British NHS system. Dr Ariyaratne stated that there were cancer units within public sector hospitals in Kandy and Galle (both teaching hospitals), and in Jaffna, Anuradhapura, Badulla and Kurunegala.

"Within the private sector, Dr Ariyaratne said that there was chemotherapy, radiotherapy and surgical therapy available at hospitals in Colombo and Kandy".

23.16 The BHC letter of 23 April 2009[376] further reported:

"With regard to the availability of drugs for cancer treatment, I was told that for many years the government of Sri Lanka purchased these drugs from Switzerland. However, the government now purchases them from Indian manufactures, and although they were not as pure as the Swiss made ones, they were getting better and were now reaching a similar standard. Unfortunately these drugs do not have a long shelf life so the government are unable to buy in bulk and stockpile, particularly when the demand for specific drugs for specific cancers is not great. As a result, for patients undergoing long-term treatment, the supply of these drugs can be erratic."

KIDNEY DIALYSIS

[375] British High Commission (BHC), Colombo letter dated 23 April 2009, available upon request
[376] British High Commission (BHC), Colombo letter dated 23 April 2009, available upon request

23.17 A letter from the British High Commission (BHC) in Colombo dated 7 May 2009[377] reported that:

"There are around 100 dialysis machines and only 15 nephrologists in the whole of Sri Lanka. No reliable statistics on the number of persons suffering from kidney failure on the island are available, but it is estimated that every year a further 3000 people are diagnosed…The availability of dialysis treatment is extremely limited due mainly to the extreme demand for limited machines, but also the cost of the treatment and the fact that poor water pressure over virtually the entire island means that hospitals offering such treatment are limited to being in Colombo and Kandy."

23.18 The BHC letter of 7 May 2009[378] continued:

"Costs for dialysis treatment vary from Rs 6,000 – 8,000 per session (£35-£46), so for a person requiring 3 sessions a week, costs could be as high as Rs 24,000 (£138) per week. Dialysis treatment is available in the public sector free of charge, but because of the high demand patients have to take their turn in the queue. [The Head of the Kidney Patients' Welfare Society (KPWS)] Mrs Gunesekera added that there are people who can afford treatment in the private sector, but who are unable to access it because of the high demand and again end up in a queue… With regard to public sector hospitals providing dialysis treatment, I was told that the main hospitals were the National Hospital in Colombo, the Teaching Hospital Colombo South, Sri Jayawardenepura General Hospital and Kandy General Hospital…In the private sector the following Colombo hospitals were specifically mentioned by Mrs Gunesekera: Navaloka Hospitals, Durdans Hospitals, Asiri Hospitals, Apollo Hospital and Asha Central Hospital.

"Mrs Gunesekera explained that many of the hospitals mentioned above, in both public and private sector, are able to carry out kidney transplant operations. She added however that the biggest problem was finding donors. There has never been a national campaign to encourage organ donation, and there is not a national register of organ donors in Sri Lanka. Locating a suitable organ was down to the individuals requiring a transplant to advertise in the newspapers to seek out donors."

MENTAL HEALTH

23.19 The World Health Organisation (WHO) report, *The New Mental Health Policy for Sri Lanka*[379], undated, accessed on 25 January 2010, noted that "It has been estimated that nearly 400,000 Sri Lankans suffer from serious mental illness. In addition, about 10% are thought to suffer from other more common mental health problems. The estimated prevance [sic] of depression amongst the general public varies from 9% to 25%."

23.20 On 23 June 2010 the *Daily News*[380] reported that "Sri Lanka's progress in the mental health sector is commendable and Sri Lanka has achieved a significant improvement in

[377] British High Commission (BHC), Colombo letter dated 7 May 2009, available upon request
[378] British High Commission (BHC), Colombo letter dated 7 May 2009, available upon request
[379] World Health Organisation (WHO), The New Mental Health Policy for Sri Lanka, undated, http://www.whosrilanka.org/LinkFiles/Press_Releases_New_Mental_Health_Policy.pdf date accessed 25 January 2010
[380] Daily News, Lanka's progress commendable – WHO, 23 June 2010 http://www.dailynews.lk/2010/06/23/news13.asp date accessed 8 October 2010

human resources development and expansion of resources and facilities. Sri Lanka is on the right track when it comes to improving mental health care, said WHO Representative Dr. Firdosi Rustom Mehta… Sri Lanka is doing much better in the field of mental health when comparing with the world's status."

23.21 The UN *Concluding observations of the Committee on Economic, Social and Cultural Rights*[381], dated 9 December 2010 expressed concerned "… that mental health services remain insufficient to cope with widespread post-conflict mental disorders. The Committee is also concerned that the 2007 draft Mental Health Act has still not been adopted."

Mental health hospitals and clinics

23.22 The British High Commission (BHC) Colombo contacted a consultant psychiatrist at the National Institute of Mental Health for information about mental health facilities and care in Sri Lanka. In a letter dated 19 August 2008[382] the BHC reported:

"The main public facility is the National Institute of Mental Health; a government run establishment in Angoda, Colombo, which can hold up to 1400 patients. There is a Long Stay Unit at Hendala where 200 male patients can remain indefinitely, and a similar establishment in Mulleriyawa that caters for up to 850 female patients. There are 9 other hospitals or units in the following locations that each have places for between 20-30 patients: Ragama Teaching Hospital, Colombo South Teaching Hospital, Batticaloa Teaching Hospital, Peradeniya, Kandy, Kurunegala, Galle, Badulla, and Kalutara. There is only one private hospital providing psychiatric treatment, the Park Hospital, Park Road, Colombo 5 (www.parkhospitals.com), although private consultations with psychiatrists working at public facilities are available, which is known as 'channel consultation'."

23.23 The BHC letter of 19 August 2008[383] also reported that a number of NGOs also provided some mental healthcare.

"Sahanaya – The National Council for Mental Health – [has] two centres in Borella and Gorakana providing walk-in clinics and day care centres – http://www.sahanaya.org/index.php Sanasuma Counselling Service – based in Colombo and providing therapeutic counselling - www.sanasuma.com Sri Lanka Sumithrayo – based in Colombo but with 13 branches across the country providing counsellors and trained volunteers - www.srilankasumithrayo.org"

Psychiatrists and psychologists

23.24 The consultant psychiatrist at the National Institute of Mental Health consulted by the BHC Colombo stated that "PTSD is considered a 'western phenomenon' and does not prevail very much in Sri Lanka. Individual psychiatrists will treat patients in both government and private hospitals." (BHC letter of 19 August 2008) [384]

[381] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p10
[382] British High Commission (BHC) Colombo, letter dated 19 August 2008, available upon request
[383] British High Commission (BHC) Colombo, letter dated 19 August 2008, available upon request
[384] British High Commission (BHC) Colombo, letter dated 19 August 2008, available upon request

Post Traumatic Stress Disorder (PTSD)

23.25 The consultant psychiatrist at the National Institute of Mental Health consulted by the BHC Colombo stated that "PTSD is considered a 'western phenomenon' and does not prevail very much in Sri Lanka. Individual psychiatrists will treat patients in both government and private hospitals." (BHC letter of 19 August 2008) [385]

Availability and affordability of anti-depressant and therapeutic drugs

23.26 A letter from the British High Commission (BHC) Colombo dated 25 October 2010[386] reported that "The Sri Lankan government provides free drugs and care to patients with mental health problems. Drugs such as Carbamazepine, Ethosuximide, Phenobarbital, Phenytoinsodium, SodiumValproate, Amitriptyline, Chlorpromazine, Diazepam, Carbidopa and Levodopa, as well as generic drugs of a similar kind are all available."

Return to contents

24. HUMANITARIAN ISSUES AND INTERNALLY DISPLACED PERSONS (IDPS)

INTERNALLY DISPLACED PERSONS (IDPS)

24.01 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[387], released on 8 April 2011 noted that:

"The country had a significant population of IDPs. Almost all IDPs were ethnically Tamil, although approximately 80,000 of the total displaced population were Tamil-speaking Muslims who were displaced from Jaffna by the LTTE in 1990. Although approximately 108,000 more recent IDPs remained in government-run camps at the beginning of the year, most of these had returned to their home districts by year's end, with approximately 20,200 still in camps at that time."

"Many IDPs who were able to return to their home districts were nevertheless unable to move back onto their own property due to uncleared land mines, restrictions that have designated their home areas as HSZs [High Security Zones], and other war-related destruction. Living conditions for these persons were often difficult."

24.02 The USSD 2010 report[388] continued:

"In addition to this group of newer IDPs, there were an estimated 200,000 displaced Tamils, most of whom were displaced prior to the last major offensive by the military in 2008 and were living with either relatives or friends. It was unclear at year's end how or when they might return to their places of origin, or whether some would prefer to settle permanently at their current location after being displaced for many years. Some returns of pre-2008 IDPs occurred throughout the year.

[385] British High Commission (BHC) Colombo, letter dated 19 August 2008, available upon request
[386] British High Commission (BHC) Colombo, letter, dated 25 October 2010, available upon request
[387] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2d
[388] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2d

"For the IDP camps the government accepted assistance from and provided access to NGOs and international actors. Management of the camps and control of assistance was under the military rather than civilian authorities, but civilian government agencies provided services to IDPs in the camps while working in concert with the military.

"The government released IDPs throughout the year for return to their areas of origin, but in some cases the government did not effectively coordinate with local or international aid agencies that were asked to provide assistance on short notice. The government sometimes failed to coordinate consistently with military personnel in the IDPs' home locations."

"The government generally cooperated with the UNHCR and some other humanitarian organizations in assisting IDPs; however, it restricted access to the north by NGOs and some international organizations, requiring them to obtain authorization for projects and access from the Presidential Task Force. While the UN and its organizations were given fairly effective access, other international NGOs had difficulty in operating projects they saw as needed, and permission for some humanitarian organizations to operate was denied or rescinded."

24.03 The Minority Rights Group International (MRGI) report *No war, no peace: the denial of minority rights and justice in Sri Lanka*[389], released on 19 January 2011 observed that "Families that have been returned and resettled have very limited income and livelihood support. There are few employment opportunities. Most of the people in these areas were either farmers or fishermen, but they are unable to return to cultivation or to access the sea front in most areas for security reasons and because of landmines."

24.04 A letter from the British High Commission (BHC), Colombo, dated 13 August 2010[390], reported that:

"When asked, the Senior Government Official for Jaffna told us that the local population were happy to receive IDPs back into the community. In many cases they were welcoming back relatives. He added that Muslims were also returning in small numbers. He said that in his view there were many Tamils from Jaffna residing in the south who were waiting to see how things turned out, to see if it was 'better than Colombo'. He confirmed that there had been the inevitable land disputes between people who had abandoned their homes decades ago returning to find them occupied by others.

"A Human Rights spokesman based in Jaffna said that locals were suspicious of the IDPs returning. There were often questions asked as to whether they were working for military intelligence and if people associated with them would the military become suspicious. Land rights were now a big issue. At the beginning of the conflict people left their homes and went to Colombo, allowing other people to move in and look after their properties. Many of the owners were returning which was causing more displacement for the occupiers who now found themselves homeless."

24.05 As far as the situation in the Kilinochchi district was concerned[391], the same BHC letter recorded that:

[389] Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html date accessed 20 May 2011, p9
[390] British High Commission, Colombo, letter dated 13 August 2010, available upon request
[391] British High Commission, Colombo, letter dated 13 August 2010, available upon request

"The Senior Kilinochchi Sri Lankan Army official told us that nearly all of the IDPs originating from Kilinochchi district had returned, although many were with host families."

"The government had provided cash grants of Rs 5,000 whilst they were in transit and a further Rs 20,000 through UNHCR once they had returned. The World Bank was also giving Rs 20,000 to those who repaired and rebuilt their own properties. The Senior Government Official for Kilinochchi said that the government wanted to encourage people to start working again. Most wanted tools for farming and relied on an agriculture based income. NGOs working with the Presidential Taskforce had helped farmers cultivate 1,000 acres of paddy fields, with the government providing the seed. Some rice had already been harvested as a result of this. They were also encouraged to grow vegetable crops. We were told that 10% of families had female heads of the household. She said that she had seen women working in construction work, mixing cement, something that would never have been seen previously. In some cases the children had to look after their families."

See also Women

24.06 On 5 January 2011 Irin[392] reported:

"The number of Sri Lankan refugees wanting to return home since the end of the conflict in 2009 is increasing significantly, the UN Refugee Agency (UNHCR) says.

"Thousands fled abroad because of the decades-long conflict between government forces and the now defeated Liberation Tigers of Tamil Eelam (LTTE), which had been fighting for an independent Tamil homeland."

"Another 2,742 refugees, who returned to Sri Lanka of their own accord, approached the agency's offices in the north for assistance.

"UNHCR expects more refugees to voluntarily return in 2011 and is working to making the return process quicker and easier."

"According to the latest Indian government figures, as of 1 November 2010 there were more than 70,000 Sri Lankan refugees living in some 112 camps in Tamil Nadu and 32,467 living outside the camps."

24.07 *Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010*[393], dated October 2010 – accessible form the hyperlink in the footnote – provided comprehensive information on the situation and general living conditions in the camps as well as on freedom of movement in and out of the camps.

[392] Irin, Sri Lanka: Refugees want to return, says UNHCR, 5 January 2011 http://www.unhcr.org/refworld/country,,,,LKA,,4d26bbe6c,0.html (accessed via RefWorld), date accessed 1 June 2011

[393] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p19-23

24.08 On 19 May 2011 the official website of the Government of Sri Lanka[394] reported that:

"Between 1 April and 13 May 2011, 1,139 persons (366 families) departed the Menik Farm and Kodikamam Ramavil camps for their areas of origin in Maritimepattu and Oddusuddan in Mullative and Kilinochchi (Pachchilaipallai and Karachchi) Districts, increasing the total population returned to the Northern Province to 373,593 persons (114,561 families).

"The overall population returned to their places of origin includes both recent IDPs (post-2008) and the long-term displaced (pre-2008). The resettlement of Menik Farm IDPs of Kilinochchi origin is complete, and the vast majority of the remaining 16,401 persons (4,981 families) hail from Mullative District, the latest OCHA update said.

"Apart from areas with ongoing mine clearance operations in this district, there are several Grama Niladhari Divisions (GNDs) still to be released for mine action interventions to pave the way for IDP returns."

24.09 The Internal Displacement Monitoring Centre (IDMC) Country page, Sri Lanka, Country Statistics[395], (accessed on 31 May 2011) recorded:

"Based on available information, IDMC estimates that as of October 2010

- more than 327,000 people (more than 227,000 'old' and more than 100,000 'new' IDPs) remained in displacement in Sri Lanka as a result of the armed conflict that ended in May 2009 and

- almost 195,000 people (about 180,000 'new' and almost 15,000 ''old' IDPs) had returned, but remained in need of protection and assistance.

"The fact that people have returned to their homes does not necessarily imply that they have reached a durable solution. In Sri Lanka, it appears that most returnees in the north had not reached a durable solution as of December 2010, but remained in need of assistance and protection."

Additional information and updates on the situation of IDPs and the humanitarian situation is available from the website of OCHA Humanitarian Portal Sri Lanka and the IDMC website, Country page, Sri Lanka.

See also The internal conflict (1984 to May 2009)

Documentation for IDPs

24.10 Please see under Identity Cards

See also Forged and fraudulently obtained official documents

FLOODS

[394] Official website of the Government of Sri Lanka, Over 373,000 IDPs resettled in North, 19 May 2011 http://www.priu.gov.lk/news_update/Current_Affairs/ca201105/20110519over_373,000_idps_resettled_in_north.htm date accessed 2 June 2011

[395] Internal Displacement Monitoring Centre (IDMC) Country page, Sri Lanka, Country Statistics http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/D19BC2605A15FBF2C1257816004B8C9D?OpenDocument#45.2.1 date accessed 31 May 2011

24.11 The Economist Intelligence Unit (EIU) *March 2011 Sri Lanka report*[396] noted that:

"Extreme weather on the island in the final quarter of 2010 caused flooding that forced thousands of families from their homes, but the situation deteriorated in early 2011 as further heavy rain brought the number of people affected to over 1m. At the peak of flooding in January over 360,000 people were displaced. Although that number fell in February, continued heavy rainfall actually resulted in more serious damage to housing in that month as reservoirs overflowed. The Eastern province was the region that was most badly affected by the disaster—India sent an aircraft load of food for distribution in the province—but the Northern and North-Central provinces were also hit hart [sic]."

Return to contents

25. FREEDOM OF MOVEMENT

25.01 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[397], released on 8 April 2011 noted that: "The law grants every citizen 'freedom of movement and of choosing his residence' and 'freedom to return to the country.' In practice, however, the government restricted this right on multiple occasions.

"Infringement on freedom of movement was lower than in the previous year, and citizens were able to travel almost anywhere in the island; in practice police and military checkpoints were still a frequent sight in Colombo and elsewhere, and numerous High Security Zones (HSZs) and other areas remained off limits to citizens."

"The government no longer restricted travel by Sri Lankan citizens on the A-9 highway leading north from Vavuniya to Jaffna."[398]

IN-COUNTRY MOVEMENT

25.02 The USSD 2010 report[399] added that:

"Seizure of private lands by various actors remained a problem across the country. Disputes over land ownership in war-torn areas of the north and east increased significantly as many former residents began returning to areas they had left many years before. The military seized significant amounts of land during the war to create security buffer zones around military bases and other high-value targets, which the government called HSZs [High Security Zones]. The declaration of HSZs displaced a number of persons, particularly in the Jaffna Peninsula, and rendered inactive approximately 24 square miles of agricultural lands. A degree of progress was made in reducing the size of the HSZs during the year, with some lands being returned to their owners, in the area surrounding the Palaly Air Base in the Jaffna Peninsula, for example. Many of those affected by the HSZs continued to complain, however, that the pace of these returns was too slow and that the government was holding back on the return of lands it might see as economically valuable. The government cited the need to

[396] Economist Intelligence Unit March 2011 Sri Lanka report, http://www.eiu.com/report_dl.asp?issue_id=707883855&mode=pdf [subscription only]date accessed 2 June 2011
[397] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1f
[398] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Introduction
[399] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1f

conduct careful demining prior to the handover of these lands, but questions persisted about whether land cleared of mines was always immediately returned to its original owners."

Police registration

25.03 A letter from the British High Commission (BHC) in Colombo dated 25 August 2010[400] reported that:

"Throughout the civil conflict, the Sri Lankan authorities, acting under Section 23 of the Emergency Regulations Act, required households to register all residents, the emphasis being on Tamils who took temporary lodgings. These lists were then used in cordon and search operations to identify people from whom the police required further explanation as to why they were residing or travelling in a location. Persons identified as having not registered, were normally detained by the police for further questioning.

"There was often no uniformity in the implementation of the police registration. After the new government came to power in November 2005, police visited properties and issued forms to be completed by the head of the household, asking them to take full responsibility for the information provided and the persons on the list. The form sought information as to the purchase date and price of the property, from whom the property had been purchased, how the purchase had been financed and who had assisted in the finance etc. This form was issued to almost all houses in the Tamil concentrations in Colombo and suburbs. Generally the police did not say that they were targeting only Tamil households, but collection of completed forms / booklets were only strictly enforced when it came to Tamil concentrations. The main purpose of these booklets was to assist the Police, when they launched cordon and search operations, to identify visitors or undeclared persons in the area. In the latter part of 2008 there was a programme of police registration, specifically targeting persons who had temporarily migrated to Colombo and Western Province from the North and the East of the country."

25.04 The BHC letter of 25 August 2010[401] continued:

"In May 2010 the newly elected Sri Lankan government announced that whilst extending the emergency regulations, as is required monthly, certain regulations would be repealed. These included the restrictions on public marches and meetings, curfews, police entry into private property without a search warrant, restrictions on terrorist propaganda, and 'the compulsory police registration of household members'.

"In July 2010 several Tamil media networks carried the story that police in the Wellawatte Police Division of Colombo had recommenced the practice of registering Tamils. The Democratic People's Front leader Mano Ganesan was quoted as saying that 'This is being conducted only in the city divisions where Tamils live in sizeable numbers' and requested that the President 'intervene to stop this discriminatory act which is flatly against the spirit of reconciliation'.

"On 22nd July 2010 in response to these allegations, the Police Spokesman Prishantha Jayakody gave a press release from their headquarters in Colombo. He stated that 'the police were acting in accordance with the relevant provisions in the Police Ordinance,

[400] British High Commission (BHC),Colombo dated 25 August 2010, available upon request
[401] British High Commission (BHC),Colombo dated 25 August 2010, available upon request

under which officers in charge of police stations are empowered to carry out such registration of persons wherever deemed necessary to ensure maximum possible social security, accountability and safety to all citizenry, regardless of any ethnic consideration'. In a subsequent statement made to local media on the 25th July 2010, he was reported as saying that, 'Contrary to certain media reports, the registration programme is being carried out not only in Wellawatte, but also in Kirillapona and Kotahena at the moment', and added that 'registrations were a normal regular occurrence'. Wellawatte, Kirillapona and Kotahena are all areas with a large Tamil population."

25.05 *Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010*[402], dated October 2010 noted that:

"UNHCR informed the delegation that while registration of residents with local police is authorized by Sri Lankan law, and is arguably not objectionable under international human rights law, the registration requirement is now being applied in a discriminatory fashion exclusively to those of Tamil origin.

"According to the Executive Director of the National Peace Council [The Danish report clarified that "This information is dated 25 August 2010 in a correspondence with the NPC."], the security situation for Tamils in Colombo has much improved. However, in July the police began to register Tamil residents in some parts of Colombo where the Tamil concentration in the population is high. The police attempted to justify their actions saying that all residents, irrespective of ethnicity, were being registered. But in practice it was only Tamil who were compelled to register themselves. This was accompanied by reports of search operations also taking place."

25.06 With regards to Jaffna, a British High Commission letter dated 12 January 2010[403] reported:

"The Government Agent has said that there is no restriction on anyone taking up residency in Jaffna. Once they have found somewhere to reside they must present themselves to the local police and produce their NIC [National Identity Card]. Persons are free to reside anywhere in the Jaffna District apart from the HSZ [High Security Zone]. A police spokesman also said there was no restriction and that anyone can come to Jaffna to live. Once a person had found a place to reside, they must register with the local police. A humanitarian group told us that new arrivals into Jaffna District received a token and once they had found a place of residence they had to report to the local police, they thought within 28 days. They added that they knew of no-one who had come back to Jaffna to stay, however, IOM [International Organisation for Migration] informed us that they have many voluntary returnees from the UK who have resettled in the district."

Check-points

25.07 The USSD 2010 report[404] observed that:

[402] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p28

[403] British High Commission, Colombo, letter dated 12 January 2010, available upon request

"The additional police and military checkpoints on travelers from the north and the east and on movement to and in Colombo remained in effect. The number of formal, stationary checkpoints declined from the previous year, in particular in Colombo. Many observers noted an increase in temporary, roving checkpoints, however, especially at night in Colombo."

"Security forces at army checkpoints in Colombo frequently harassed Tamils. Both the government and the TMVP [Tamileela Makkal Viduthalai Pulikal] continued to operate checkpoints in the east that impeded the free movement of residents, especially Tamils."

25.08 With regards to checkpoints in the Jaffna district, a letter from the British High Commission, Colombo, dated 12 January 2010[405], reported:

"The consensus is that although they are still highly visible, the officers manning them are less vigorous and in many cases just watch people pass them. In recent weeks some groups claim that almost 50% of checkpoints have been removed. This varies however and approaching checkpoints entering causeways or near to High Security Zones (HSZ) still requires persons to get out of a vehicle and present their identification or residence documents. One humanitarian group has told us that they considered the purpose of the checkpoints was just to harass the public and thought that officers profiled unmarried males between the ages of 18-30 years old. A police spokesman has stated that there are no permanent roadblocks and that police checkpoints change location every week, although some in Jaffna town are permanent. Civilians are visibly more comfortable in their relationship with security forces."

25.09 With regards to the Eastern Province the same source[406] noted that "The number of checkpoints on the main road to Trincomalee from the adjoining North Central Province has been reduced from twelve to two and there are fewer military and police personnel stationed along the road and in Trincomalee town, both during the day and at night."

25.10 A BHC letter dated 13 August 2010[407] reported that:

"A Senior Military Official in Jaffna said that within Jaffna District all of the checkpoints had been removed and the Navy had removed all checkpoints to the islands.

"A Human Rights spokesman based in Jaffna told us that checkpoints still exist, although they are not in fixed positions. The army just tend to stop vehicles and check driving licences. After 30 years of fearing the LTTE they have nothing to fear now. Many officers have nothing to do but harass the locals, making sexual innuendos to women and throwing stones at passers-by.

"The team from the High Commission noted during their visit that there were no checkpoints in Jaffna town. The drive along the A9 from Jaffna to Vavuniya revealed only three checkpoints; the first at Elephant Pass, the second just south of Kilinochchi, and the third at Omanthai. At the first two, barriers were raised to allow vehicles through without stopping. The Omanthai checkpoint was the only checkpoint where vehicles

[404] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2d
[405] British High Commission, Colombo, letter dated 12 January 2010, available upon request
[406] British High Commission, Colombo, letter dated 12 January 2010, available upon request
[407] British High Commission, Colombo, letter dated 13 August 2010, available upon request

were made to stop and occupants to produce documentation. NGO and humanitarian agencies told us that this was mainly to check whether the foreign employees of these organisations had the required MoD clearance to enter/remain in the Vanni. Locals were allowed to pass freely."

25.11 The Danish FFM report of October 2010[408] observed:

"UNHCR informed the delegation that there are still checkpoints in Colombo, but less than before. The scrutiny at checkpoints is less but it has not disappeared. There is a sense of easing, but the situation is not totally relaxed. After decades of monitoring, it is a progressive improvement.

"UNHCR further mentioned that the number of arrests and detentions has decreased considerably. According to UNHCR, while Tamils could still be arrested in Colombo, arrests are less arbitrary and would probably be based on the person's past activities and/ or profile real or perceived."

"The EU-delegation similarly commented that the overall security in Colombo had been relaxed and cordon and that search operations have stopped. Random checks are carried out at the few checkpoints which are left, but the checks are not targeted a certain ethnic group.

"ICRC said that in Colombo, arrests at checkpoints are rare and cordon and search operations in Colombo have stopped.

"Most of the sources (Norwegian Embassy, a diplomatic mission, British High Commission, a local human rights organisation, the Co-ordinator of Law and Society Trust, the Director of an anonymous local NGO and a leading human rights defender) agreed that the security situation for Tamils in Colombo has improved, that the number of checkpoints has been reduced, and that cordon and search operations have been stopped."

"[The Director of an anonymous local NGO mentioned that] Roadblocks may be put up and random checks are undertaken. However, the situation related to checks has changed and people are rarely taken in for further investigations during checks."

Unexploded ordnance

25.12 On 18 December 2009 IRIN[409] reported that: "Progress is being made in clearing landmines to allow internally displaced persons (IDPs) in Sri Lanka's north to return home, but clearance will ultimately be a long-term process with no fixed deadline, agencies say."

25.13 The SATP 2010 timeline[410], undated, accessed on 1 June 2011, mentioned the demining work carried out by the Sri Lanka Army's de-mining Field Engineer troops and

[408] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p29

[409] Irin, Sri Lanka, Landmine clearance a long-haul effort, 18 December 2009 http://www.irinnews.org/Report.aspx?ReportId=87491 date accessed 26 January 2010

[410] South Asia Terrorism Portal (SATP), 2010 timeline, http://www.satp.org/satporgtp/countries/shrilanka/timeline/2010.htm date accessed 1 June 2011

NGOs in the northern and eastern Districts of Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Batticaloa and Trincomalee and recorded (4 January 2010) that "At present, troops are continuing their de-mining work in Vedithalattivu (Mannar), Mankulam (Kilinochchi) and Thunukkai-Amathipuram (Mullaitivu) areas. Initial surveys have confirmed that about 600 square kilometres area still remains to be cleared of mines and UXOs." With regards to the situation at a later stage (28 November 2010), the same source added: "Military Spokesman Major General Ubhaya Medawala has told the local media that the Army Field Engineers have so far cleared over 306,000 mines in a land area of 1,863 square kilometres in the North and East."

25.14 A letter from the British High Commission (BHC), Colombo, dated 13 August 2010[411], reported that:

"A Senior Military Official from the Sri Lankan Army based in Jaffna told us that de-mining was continuing in the district and in his opinion it would be two years before all mines were cleared. The Sri Lankan Army were working with a number of mine clearance organisations and met regularly. He added that the army are conducting a programme of mine education with the local population. Unfortunately there had been two recent incidents of IDP injuries following explosions of mines/mortars."

"A Senior Military Official said that there was a lot of demining being carried out in Kilinochchi district by the military and NGOs, which was being monitored by the Presidential Taskforce. He stressed that this was a very slow business as there were 3 or 4 bund lines which were believed to be heavily mined."

"A Senior Government Official in Kilinochchi stated that demining was still being carried out in the district. There were several bunds which were proving particularly difficult so the whole process would take time. She said that fortunately there had been no recent casualties from exploding mines, but added that all returning IDPs are educated at transit points about identifying minefields and the different types of unexploded ordinance."

"A senior government official for Mullaitivu told the BHC team that "The division of Puthukkudiyiruppu (PTK) was where demining had not yet commenced. She said that she was working with the Sri Lankan Army, the demining NGOs and UNHCR on the resettlement programme."

25.15 On 3 may 2011 the Sri Lanka *Daily Mirror*[412] reported that:

"A total of 353,784 mines have been cleared and destroyed by the Army Field Engineers and other organisations engaged in de-mining activities in the Northern and Eastern Provinces, in a land area of 3,939 square kilometres, Military Spokesman Major General Ubaya Medawala said.

"These clearing operations were conducted in Jaffna, Mannar, Mullaitivu, Trincomalee, Batticaloa, Polonnaruwa and Vavuniya districts, he said."

"Presently the de-mining process is underway in Mannar, Kokavil, Muhamalai to Paranthan and also in areas of Kilinochchi."

[411] British High Commission, Colombo, letter dated 13 August 2010, available upon request
[412] Daily Mirror, 353,784 mines cleared in North and East, 3 May 2011, http://print.dailymirror.lk/news/news/42772.html date accessed 8 June 2011

25.16 The latest updates on mine action are available from this weblink to a specific section of the Reliefweb website. Additional information is available from this weblink to the website of MAG (Mine Advisory Group).

EXTERNAL MOVEMENT

25.17 The USSD 2010 report[413] noted that the government "… allowed citizens to leave the country under self-exile unless they were accused of breaking the law. More than a dozen journalists, having received physical threats, were in self-exile due to safety fears."

Exit procedures

25.18 A letter from the British High Commission (BHC), Colombo, dated 18 March 2011[414] noted that the exit procedure at the Colombo Bandaranaike Airport has not changed since an update was provided in the BHC letter dated 30 August 2010.

25.19 The BHC letter 30 August 2010[415], reported:

"For departing passengers, staff and visitors to the airport there is a permanent checkpoint manned by the Sri Lankan Air Force, positioned on the airport road leading to the terminal buildings…Officers manning the checkpoint approach each vehicle and ascertain if the occupants are passengers, staff or visitors. Pedestrians are also checked. Departing passengers often have to produce confirmation of ticketing and/or a passport. Staff must produce their airport ID card. Sri Lankan visitors to the airport, including drivers, often have to produce their national ID card. The registration numbers of all vehicles are written manually into a register. During heightened security situations e.g. conferences, state visits etc., the number of checkpoints may increase along roads leading to the airport, especially along the main A3 from Colombo. The police or the military can man these." **[15n]**

25.20 The BHC letter of 30 August 2010[416] continued:

"The airport is split into two main terminal buildings, departure and arrivals. The departure area is restricted to departing passengers, staff, and visitors holding a 'day pass' issued from an adjacent ticket booth. Persons obtaining a 'day pass' have to produce a copy of their ID card or passport or driving licence, plus present the original document. Their details are recorded manually in a register. Before entering the departure terminal a security guard requires evidence of airline ticketing (and sometimes passports), staff ID cards or a day pass. Persons not holding these documents are not allowed into to the departure terminal. Immediately behind the security guard there are security checks where all bags and belongings are passed through scanners. All persons then pass through a metal detector. Regardless of whether or not the detector alarm is activated, persons are then frisked by a security

[413] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2d
[414] British High Commission Colombo, letter dated 18 March 2011, available upon request
[415] British High Commission Colombo, letter dated 30 August 2010, available upon request

[416] British High Commission Colombo, letter dated 30 August 2010, available upon request

guard. Having passed through these security checks, persons are allowed to walk through a long corridor and into the main departure area.

"From the departure area there are three security entrances to the check-in area. The gate to the right caters for passengers departing on Sri Lankan Airlines; the gate to the left is for passengers on all other airlines and the gate in between is for staff only. The security guards ask passengers for evidence of ticketing and will only allow persons to pass who have produced this. Persons holding a 'day pass' are not allowed into the check-in area. Immediately behind these security checks, a sign indicates 'Customs'. A customs officer is often seen in the vicinity, but it is not a permanent presence."

25.21 The same source[417] added:

"At the check-in desks, passengers have to produce their passports to airline staff and go through check-in procedures. Airline check-in staff routinely check the identity of the person against the passport details, the validity of the passport, and if the passenger has the appropriate visa for their country of destination or transit. Having checked-in, passengers then proceed to a security gate, where they produce their passport and boarding card in order to enter the Department of Immigration & Emigration [DIE] area. All passengers must complete a departure card and then queue at an immigration officer's desk. Passengers must present their passport, departure card and boarding pass to the immigration officer. The immigration officer will swipe the passport on the DIE Border Control System database. Non Sri Lankans will be checked against any existing database records and officers will check arrival endorsements in the passport. All passports are endorsed with an immigration officer's embarkation stamp. Once through the immigration control, passengers proceed to the main departure lounge.

"There are further security checks conducted when passengers arrive at the boarding gate. Hand baggage and belongings, including mobile phones and shoes, are passed through a scanner. Passengers proceed through a metal detector and are frisked depending on whether the alarm is activated. There is then a further boarding card check conducted by airline staff prior to entering the holding lounge. On many flights with European destinations, plus some with onward connections to Europe, North America and Australia, Airline Liaison Officers from several overseas missions and/or trained airline document checkers make further checks on passenger's passports to check their admissibility in their transit and /or destination countries."

25.22 A BHC letter dated 14 September 2010[418] noted:

"The Department of Immigration & Emigration (DIE) are notified only when a Court decides to impound the suspect's passport or an arrest warrant is issued. The details of such persons would be placed on their alert or wanted list within their database. There is no other mechanism to ensure that the Immigration Officers are aware of such instances. Apart from these Court powers, Immigration Officers have no power in law to prevent persons embarking. The other method, which is rare and case specific, is that the State Intelligence Service (SIS) can inform Immigration Officers of individuals suspected of terrorist activity and those on a wanted list. Again the details of suspects would be put on the DIE database. Without Court sanction, Immigration officers are

[417] British High Commission Colombo, letter dated 30 August 2010, available upon request

[418] British High Commission in Colombo, letter dated 14 September 2010, available upon request

powerless to put an individual in detention if they are otherwise satisfied that they have a right to enter or live in Sri Lanka."

Entry procedures

25.23 A letter from the British High Commission (BHC), Colombo, dated 18 March 2011[419] noted that with one small exception, the situation with regards to the Entry and Exit procedures at the Bandaranaike International Airport (BIA) has not changed since the letter dated 30 August 2010. "The small change is that the Entry procedure has been slightly revised, but not officially finalized. Discussions are underway between the Department of Immigration &Emigration (DIE) and Criminal Investigations Department (CID) to finalize this procedure."

Also see under Returned failed asylum seekers]

25.24 The BHC letter of 30 August 2010[420] reported:

"Arriving passengers should be provided with a Department of Immigration & Emigration arrival card by the carrying airline. Depending on which stand the aircraft has arrived at, arriving passengers will either walk from the gate or be deposited by bus, into the immigration arrivals hall. Those passengers transferring to an onward flight will approach the transfer desk. Current figures indicate that between 45-50% of all passengers using Colombo Airport are transit passengers. They generally remain in the transit/departure areas until their onward flight departs, although those requiring overnight accommodation would have to seek entry to Sri Lanka at the immigration control."

25.25 The same BHC letter [421] also noted that:

"Passengers seeking entry to Sri Lanka must present themselves to an immigration officer and are required to hand over their passport and arrival card. The immigration officer will swipe the passport, which will enable basic details from the document to be displayed on a screen on the officer's desk. These include name, date of birth, nationality, passport number. Each immigration officer's desk has a terminal connected to the Department of Immigration & Emigration (DIE) Border Control System. This system contains border control, visa, citizenship and passport records and is networked to the DIE office in Colombo. It is not linked to any police or military database; however, there is an alert list containing information relating to court orders, warrants of arrest, jumping bail, escaping from detention, as well as information from Interpol and the State Intelligence Service (SIS) computer system. The immigration officer will check for any data matches, check that the document is genuine and unaltered, and look through the passport for visas and/or endorsements. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit. Once satisfied that the passenger qualifies for entry, the immigration officer will endorse the passport with an arrival stamp and hand back to the passenger. They will also endorse the arrival card which they retain.

[419] British High Commission Colombo, letter t dated 18 March 2011, available upon request
[420] British High Commission Colombo, letter dated 30 August 2010, available upon request

[421] British High Commission Colombo, letter dated 30 August 2010, available upon request

"The State Intelligence Service has an office in the immigration arrivals hall and an officer from SIS usually patrols the arrivals area during each arriving flight. Invariably, if they notice a person being held up by DIE they approach them and take details in order to ascertain if the person may be of interest to them. Their office contains three computer terminals, two linked to SIS records and one belonging to the airport containing flight information."

25.26 A letter from the British High Commission (BHC) Colombo[422], dated 11 May 2011, reported:

"The Senior Government Intelligence officials told me that there was no concerted effort to identify those persons who took part in the protests against the [Sri Lankan] President in London. They told me that initial reports they had received suggested that some of the demonstrators were in fact Indian Tamils, who had claimed asylum in the UK posing as Sri Lankans. They added that although the LTTE was a terrorist organisation which was banned in many countries, some governments still allowed activists to operate. If, as part of the border control process a person was identified as being a member or supporter of a terrorist organisation, then the Sri Lankan government were completely within their rights to question those persons further as to their motives.

"A Colombo based human rights worker told me that because the civil conflict had ended and the LTTE effectively destroyed, many Sri Lankans seeking to claim asylum overseas no longer had a credible story to support their applications. They were therefore using incidents such as the demonstrations in London to create a situation which may support an asylum claim. Students returning to Colombo, claiming to be abducted and filing reports to that effect, even attracting media interest, before returning to the UK to claim asylum, was just one package currently available."

Returned failed asylum seekers

25.27 Extensive information on the treatment of Tamils at Colombo airport is available from the Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report)[423]. The report stated:

"The sources interviewed commented on the procedures followed by the Department of Immigration and Emigration (DIE) officials, who operate border control at the airport [Bandaranaike International Airport (BIA), located in Katunayake in the Gampaha district]; and the circumstances in which the State Intelligence Service (SIS), Criminal Investigations Department (CID) and Terrorist Investigation Department (TID) would become involved."

25.28 The FCO October 2009 report[424] observed:

"Anyone who was wanted for an offence would be arrested. Those with a criminal record or LTTE connections would face additional questioning and may be detained. In

[422] British High Commission Colombo, letter to UKBA COI Service, dated 11 May 2011, available upon request
[423] Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc date accessed 6 January 2010, paragraph 1.1
[424] Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc date accessed 6 January 2010, Executive Summary, Treatment of Tamils at Colombo airport

general, non-government and international sources agreed that Tamils from the north and east of the country were likely to receive greater scrutiny than others, and that the presence of the factors below would increase the risk that an individual could encounter difficulties with the authorities, including possible detention:

- "outstanding arrest warrant
- criminal record
- connection with LTTE
- illegal departure from Sri Lanka
- involvement with media or NGOs
- lack of an ID card or other documentation."

25.29 In particular, in reply to the question on what procedures were in place to identify failed asylum seekers at the airport and those who are wanted by the authorities the same source[425] reported:

"The DIE spokesman said that DIE recorded the details of all returnees in a register (logbook). Returnees were then referred to the Criminal Investigations Dept (CID), or sometimes the State Intelligence Service (SIS), without any harassment. If there was a passport, DIE could check the person's details on their database, but this was not possible with an Emergency Travel Document (ETD). If there was an ID card number, checks could be done referring to the original passport. It was possible to establish whether a person had left the country illegally by looking at the passport as it would lack the embarkation stamp, but this would not be possible with an ETD. ETDs were considered full official documents issued by the Sri Lankan authorities. They were a proof of identity and were valid to go through any checkpoints. ETDs were stamped and returned to the returnee. The role of DIE ended when they passed returnees to CID.

"DIE had access to an alert list. This list contained information relating to court orders, warrants of arrest, jumping bail, escaping from detention as well as information from Interpol and the SIS computer system. The DIE computer system had its own alert system related to the alert list but this did not indicate the exact reason for the alert. Following an alert, DIE would refer these people to CID or SIS to establish the position."

"SIS records dated back 60 years and were being put onto computer. SIS computer records were available at the airport to both SIS and (on request) CID officers. On the other hand, police records were held for five years only; occasionally on computer, but normally on paper only."

"An official from the Australian High Commission [in Colombo] thought there were no procedures in place to identify failed asylum seekers...The DIE computer had a 'black-list' of persons of concern, but unless the exact spelling of the name, the date of birth and passport number matched that of the returnee/deportee, the person was not stopped. Consequently it was possible for the authorities to miss suspects and persons with criminal records."

"A representative of the Swiss Embassy in Colombo was of the view that officials of the DIE and CID did not communicate significantly. The representative added that there

[425] Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc date accessed 6 January 2010, Executive Summary, paragraphs 1.4; 1.5; 1.6; 1.10; 1.13

were mobile squads from TID checking passengers off specific flights, e.g. to and from India, from Malaysia and Singapore."

"Mano Ganesan MP, Leader of the Democratic People's Front, (an opposition party) said that there were no formal procedures at the airport. He said the Terrorist Investigation Department (TID) operated in plain clothes within the immigration and customs areas. They used their own discretion, did not identify themselves and just took people away."

25.30 With regards to the issue of what checks are undertaken on returnees, the FCO October 2009 report[426] recorded:

"The Superintendent Police Criminal Investigations Department (CID) at Bandaranaike International Airport stated that on the 5th August 2009 they had introduced a new set of procedures for dealing with deportees after there were cases of persons who had arrest warrants outstanding being allowed back into the country. Checks were made for offences outstanding in Sri Lanka and with the local police station from where the deportee originated."

"The Superintendent said that CID now photographed and wet fingerprinted all deportees. The photographs were stored on a standalone computer in their office at the airport. The fingerprints remained amongst paper records also in the office at the airport. He added that returnees were held while checks were being conducted in the person's area of origin...CID could not release an individual until all checks were completed and clearance had been obtained from the local police. If there was evidence of any crime, they would be detained."

25.31 In reply to the question of what profile of Tamil was detained and/or interrogated on arrival at Colombo Airport:

"The representative of the Swiss Embassy in Colombo said that some returnees had been arrested; some only for a few hours, some for longer. They added that last year there were nine cases of forced returns from Switzerland to Sri Lanka. They were travelling with a 'laissez-passer'. Some of them were questioned but many were not."

"Deputy Solicitor General, Kapila Waidyaratne, stated that someone found to have criminal records or connections with the LTTE would be investigated by CID and TID. However, in his opinion they would not necessarily be arrested. Someone with a warrant of arrest or who had jumped bail or escaped from detention would be arrested."

"Professor Rajiv Wijesinha, Secretary Ministry of Disaster Management & Human Rights (the government department with responsibility for protecting human rights in Sri Lanka), said that he was not aware of any detentions at the airport, but that he would only be aware of such detentions if they were brought to his notice...There was no evidence that those returning, even from well-known LTTE fund-raising hubs, were singled out for particular attention or were being mistreated."

"The official from the Australian High Commission [in Colombo] said that in their experience, Sri Lankan immigration officers did not have much expertise in profiling

[426] Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc date accessed 6 January 2010, Executive Summary, paragraphs 1.24-1.26

passengers and unless the person came up on an alert list they were not stopped at the border." (FCO October 2009 report) [427]

25.32 The FCO October 2009 report[428] also reported on whether specific factors would affect the way an individual is treated at the airport. In particular the report recorded:

"The Superintendent Police, Criminal Investigations Department (CID) at Bandaranaike International Airport said that if a person was suspected of being associated with LTTE, SIS would hand them over to the Terrorist Investigation Department (TID). Sometimes they were referred to Colombo Detection Bureau headquarters, or sometimes CID. In such cases a detention order for 90 days could be issued."

"The senior intelligence official said that if a person had an arrest warrant outstanding they would be arrested. If they had a previous criminal record, it would depend on what they said at interview. SIS would probably check with the local police where they came from: if they were wanted, they would be detained; if not, they would be released."

"The Superintendent Police, Criminal Investigations Department (CID) said that checks would be conducted as to whether they were wanted. If they were, they would be arrested and produced before the Magistrates Court in Negombo.The representative from Centre for Policy Alternatives (CPA) said that such an individual would definitely be stopped."

"If an individual has jumped bail/escaped from custody. The senior intelligence official said that the person would be produced at Court. The Superintendent Police, Criminal Investigations Department (CID) agreed. The representative from Centre for Policy Alternatives (CPA) said that the individual would definitely be stopped."

"The IOM representative said that people encountered problems travelling inland if they did not have an ID card. They faced security checks, as the National Identity Card (NIC) was the only document that could prove identity. The Emergency Travel Document could be used, but only for a maximum of three months and they must then apply for an NIC. This could cause problems, as they could not apply for the NIC in Colombo if they originated from Jaffna, Kilinochchi, Mannar, Mullaitivu and Vavuniya, as they must receive Grama Seveka [local official] authority."

25.33 A letter from the BHC, Colombo, dated 30 August 2010[429], observed:

"The British High Commission regularly monitors the arrival of returnees to Colombo Bandaranaike Airport from the UK, and other countries.

"UK returnees mainly arrive in Colombo on Sri Lankan Airlines scheduled flights, which provide the only direct flights between the UK and Sri Lanka. More recently, returnees have been arriving on Qatar Airlines flights via Doha. Those returnees who are being escorted will be presented to the Chief Immigration Officer in the Immigration Arrivals

[427] Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc date accessed 6 January 2010, Executive Summary, paragraphs 1.36-1.37
[428] Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc date accessed 6 January 2010, Executive Summary, paragraphs 1.48; 1.54-1.59
[429] British High Commission (BHC) Colombo, letter dated 30 August 2010, available upon request

Hall by the escorting officers. Those who are not escorted will be presented to the same Chief Immigration Officer by an airline official. All returnees must complete an Arrival Card for the Department of Immigration & Emigration which they should have been given on the plane. Once identified, returnees go through a process of being interviewed by the Department of Immigration & Emigration (DIE), then the State Intelligence Service (SIS) and then the Criminal Investigations Department (CID)."

25.34 The BHC letter of 30 August 2010[430] continued:

"The Department of Immigration & Emigration (DIE) remain as they were at the time of the Fact Finding Mission in August 2009, in that their procedures are adopted with regard to all deported and returned Sri Lankan passengers. Under our bilateral readmission agreement, returnees should be in possession of an Emergency Passport issued by the Sri Lankan High Commission in London, although some will have their original passports. DIE will interview all returnees to confirm their Sri Lankan nationality. If DIE is satisfied that a person is Sri Lankan, they will allow the person to proceed. If they were not satisfied, the person would be sent back to the UK. DIE record the details of all returnees in a register (logbook)…Emergency passports are stamped and handed back to the returnee. Emergency passports are considered full official documents issued by the Sri Lankan authorities. They are a proof of identity and are valid to go through any checkpoints. The role of DIE ends when they pass returnees to CID."

25.35 The same source[431] added that:

"The State Intelligence Service (SIS) is often notified by the Sri Lankan High Commission in London about planned enforced returns from the UK. SIS interviews every deportee and ascertains the grounds for their deportation/removal, how they left Sri Lanka and their background. SIS keeps paper and computerised records. SIS records date back 60 years and are being put onto computer. SIS computer records are available at the airport to both SIS and (on request) CID officers.

"The Fact Finding Mission had reported that on the 5th August 2009, CID had introduced a new set of procedures for dealing with deportees/returnees. Checks were made for offences outstanding in Sri Lanka and with the local police station from where the returnee originated. CID could not at that time release an individual until all checks were completed and clearance had been obtained in writing from the local police. This had resulted in some persons, especially from remote areas of the country, being delayed for over 24 hours."

25.36 The BHC letter of 30 August 2010[432] went on to observe that:

At the beginning of 2010, partly due to the large numbers of Sri Lankans being returned from around the world and causing logistical problems, CID procedures were relaxed in that they no longer had to detain returnees until written confirmation was received from the local police."

[430] British High Commission (BHC) Colombo, letter dated 30 August 2010, available upon request
[431] British High Commission (BHC) Colombo, letter dated 30 August 2010, available upon request
[432] British High Commission (BHC) Colombo, letter dated 30 August 2010, available upon request

"In general, the situation regarding all returnees regardless of race or creed appears to be more relaxed than was reported following the Fact Finding Mission. There is though still inconsistency in the way individuals are dealt with.

25.37 *Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010*[433], dated October 2010 reported:

"As regards, the authorities' entering procedures for returnees, including returned failed asylum seekers in the Colombo Airport, Mr. W. A. Chulananda Perera, Acting Controller General, Department of Immigration and Emigration (DIE) explained that the returnee can enter the Sri Lankan border with either a national passport or an Emergency Travel Document issued by the Sri Lankan Embassy. If the returnee enters with a national passport, DIE can check the data in a database. Entry with an Emergency Travel Document does not give this possibility. However, an Emergency Travel Document is considered a proof of identity established in the country of departure. DIE registers the details of all returnee, including travel documents, flight numbers and country of return in a register that all law enforcement agencies are given access to."

"A diplomatic mission said that the vast majority of Tamils returning at the moment are facing a minimal risk for undergoing a scrutiny at the airport. The source commented that the way people will be screened today seem to be the result of improved intelligence, also exchange of intelligence between countries in Asia. People with a clear LTTE-profile or people suspected of money transfer would be detained for further investigations. According to the source there is in general no difference in the way Tamil and Sinhalese people are treated at the airport, and there are also examples of Sinhalese human rights defenders who have been detained for investigations."

25.38 The Danish FFM report[434] further noted: "UNHCR stated that Colombo has a mixed population and that the general human rights situation in Colombo as regards living conditions, access to employment and education should not pose systematic problems to Tamils."

"According to the Norwegian Embassy, [in Colombo] a returnee from abroad would not be visible in the community, and it would not be a problem to find housing and a job."

25.39 A letter from the British High Commission (BHC), Colombo, dated 18 March 2011,[435] noted that "Presently, the Department of Immigration & Emigration (DIE) refers the returnee to the Criminal Investigations Department (CID) only if there are any allegation alerts on the Immigration & Emigration (DIE) boarder control system. If not, the returnee will not be referred to the Criminal Investigations Department (CID)."

---

[433] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p52-53

[434] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p31

[435] British High Commission Colombo, letter to the UKBA COI Service, dated 18 March 2011, available upon request

25.40 In a separate letter, also dated 18 March 2011[436] the BHC Colombo reported:

"The British High Commission in Colombo routinely monitors the arrival of returnees at Bandaranaike International Airport in Colombo. All Sri Lankan returnees, regardless of which country they are returning from, go through a process that has previously been reported by this mission whereby they are spoken to by representatives from the Department of Immigration & Emigration (DIE), the State Intelligence Service (SIS) and the Criminal Investigations Department (CID)."

"Returnees are able to pass through the airport after routine checks are carried out on their identity and documentation."

25.41 The BHC letter of 18 March 2011 continued:

"BHC provides its contact details to returnees and they are encouraged to contact the Migration team if they encounter difficulties including any instances of harassments or assaults. This is not just limited to the entry procedures at the Airport, but also for post-arrival assistance.

"There have been no allegations that airport staff having mistreated returnees. However, during the research project which is underway presently on the situation of UK enforced returnees, one returnee (Sinhalese) claimed that he was asked to pay a sum of money for himself and his wife by an Immigrations Officer at the Airport. As the returnee refrained from providing further details to this claim, further investigations were not possible. However, this allegation has been passed on to the Controller General of Immigrations & Emigrations.

"Further, 25% of the UK enforced returnees stated that the Border Control process for entry along with the Criminal Investigation Service (CID) procedure is cumbersome and lengthy. But there were no allegations of harassment.

"During the period of 2008 – 2010, the Criminal Investigations Service (CID) has arrested 03 returnees from the UK on arrival, all due to forgery offences. They have been charged and [are] going through the court process.

"Returnees from the UK are able to apply for voluntary return in the UK. The Assisted Voluntary Return programme provides individuals with reintegration support and assistance in Sri Lanka. The International Organisation for Migration have delivered this programme and been active in developing effective projects which assist individuals to reintegrate back into life in Sri Lanka."

Physical examinations/scarring

25.42 A British High Commission letter of 14 September 2010[437] reported:

"There is strong anecdotal evidence that scarring has been used in the past to identify suspects. Previous conversations with the police and in the media, the authorities have openly referred to physical examinations being used to identify whether suspects have undergone military style training. More recent claims from contacts in government ministries suggest that this practice has either ceased or is used less frequently. At the

[436] British High Commission Colombo, letter dated 18 March 2011 (II), available upon request
[437] British High Commission Colombo, letter dated 14 September 2010, available upon request

very least it appears that the security forces only conduct these when there is another reason to suspect an individual, and are not looking for particular scars as such, but anything that may indicate the suspect has been involved in fighting and/or military training. There is no recent evidence to suggest that these examinations are routinely carried out on immigration returnees."

25.43 On this issue, the FCO October 2009[438] recorded that:

"The senior intelligence official said that [if an individual has visible scarring] SIS would obviously question them, ask for an explanation and assess the merits of each case. SIS may carry out background enquiries via their local police. Scarring more directly related to military training would trigger specific questions and there would be a need to carry out specific enquiries, depending on where the person was from."

"The Superintendent Police, Criminal Investigations Department (CID), said he was not sure. If they suspected an LTTE link, a scar may trigger questions, but strip searches were not conducted at all."

Return to contents

26. CITIZENSHIP AND NATIONALITY

26.01 The US State Department *2010 Human Rights Report: Sri Lanka* (USSD 2010)[439], released on 8 April 2011 noted that: "Citizenship was obtained by birth within the territory of the country and from a child's parents if born to citizen parents overseas."

26.02 The Centre for Reproductive Rights, *Women of the World: South Asia,* Sri Lanka chapter[440], undated, website accessed on 1 June 2011, recorded that:

"The 1948 Citizenship Act is the primary central legislation on citizenship. The act was amended in 2003 to allow both parents to confer citizenship upon their children. Prior to the amendment, only a father could pass Sri Lankan citizenship to his children…Changes to regulations under the act have also been recently approved by the Cabinet of Ministers; these changes permit foreign spouses of Sri Lankan women to obtain citizenship on the same basis as foreign spouses of Sri Lankan men."

26.03 The website of the Department for Immigration and Emigration[441] has a specific section on citizenship (accessible from the hyperlink in the footnote) providing specific information on this issue including the specific provisions related to dual citizenship.

26.04 The USSD 2010 report [442] also noted that:

---

[438] Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc date accessed 6 January 2010, Executive Summary, paragraphs 1.66-1.67

[439] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 6

[440] Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf date accessed 1 June 2011, p220

[441] Sri Lanka Department for Immigration and Emigration, Citizenship, undated, http://www.immigration.gov.lk/web/index.php?option=com_content&view=article&id=146&Itemid=185&lang=en date accessed 1 June 2011

"The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the country's nationality of previously stateless persons, particularly hill-country Tamils. The government made limited progress towards naturalizing and providing citizenship documentation to stateless persons. By December [2010] approximately 20,000 hill-country Tamils in the country lacked identity cards and citizenship documents, compared with 30,000 at the beginning of 2009 and 70,000 in 2008. Those lacking identity cards were at higher risk of arbitrary arrest and detention, but there were no reports of such incidents during the year.

"The government passed laws in 2009 to grant citizenship to hill-country Tamils living among other Sri Lankan ethnic Tamils in refugee camps in India's Tamil Nadu, but progress on finding and registering these persons and granting them citizenship was slow."

26.05 The UN Concluding *observations of the Committee on Economic, Social and Cultural Rights*[443],dated 9 December 2010, expressed concern "… that Citizenship Act No.18 of 1948 which deprived Tamils of Indian origin of citizenship has still not been abrogated and that thousands of Tamils of Indian origin are still awaiting to be granted citizenship on the basis of the 2003 Grant of Citizenship to Persons of Indian Origin Act, and as stateless persons do not enjoy their economic, social and cultural rights."

IDENTITY CARDS

26.06 The latest requirements for applications for new identity cards (IDs); Applications for corrected IDs (CI) and applications for duplicates for lost IDs (LI) are available from this weblink to the relevant section of the Registration of Persons Department[444] (accessed on 20 September 2010), which recorded:

"A person who wants to apply for a new, correction or a duplicate ID will have to obtain an application form from the GN [Grama Niladharis, i.e local government officials] of the area, and complete it with the required stamps and photographs and hand it back to the GN who will certify them and forward to the Department through the Divisional Secretary (DS). In the case of school students the applications are to be forwarded through the respective school principals and in the case of estate employees applications are to be forwarded through respective estate superintendants.

"Once the application is received in the Department if it is in order, the applicant will be registered, the ID prepared and will be sent to the DS to be delivered to the applicant through the GN.

"The Department also conducts a one day service for issue of ID cards whereby an applicant can personally handover the perfected application certified by GN and the DS, to the one day counter in the Department and obtain the ID card on the same day. For this the Department charges a service fee of Rs.500/- per ID card.

---

[442] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2d
[443] UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc date accessed 25 May 2011, p4
[444] Sri Lanka Registration of Persons Department, Services, undated http://www.rpd.gov.lk/services.htm date accessed 22 September 2010

"The Department also conducts district mobile offices at Divisional Secretariat level as a service for those who live in remote areas of the country to enable them to handover their perfected applications direct to the officers of the Department and also to attend to their problems with regard to obtaining ID cards.

"Institutional mobile services are also conducted by the Department when requests are received from different agencies to do so to facilitate the employees of such institutions to submit their applications for new, corrected or duplicate IDs.

"The Department also issues clearance certificates to authenticate the information provided in the NICs [New National Identity Cards], when requested by security forces, diplomatic missions, Immigration and Emigration Department and various other public sector agencies.

"The Department implements accelerated NIC issuing programmes to cater to the needs of school students who sit GCE (O/L) and A/L Examinations, since it has been made compulsory for them to present the NIC when sitting the examinations."

26.07 More specific information related to the three types of applications for IDs and the documents required to support such applications is available from this weblink to a different section of the Registration of Persons Department [445](accessed on 20 September 2010).

26.08 Additional information on the National Identity Card (NIC) including security features and a description of front and back of the card is available from the Immigration and Refugee Board (IRB) of Canada National Documentation Package Sri Lanka, dated 13 August 2010, *Identification Documents and Citizenship*, *LKA102742.E.*, accessible from this weblink .

26.09 *Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010*[446], dated October 2010 reported:

"The Norwegian embassy informed the delegation that for a returnee who had lost his/her NIC it would not be a problem to obtain a new one. The application for a new NIC can be based on his/her birth certificate and the ETD travel document. If the returnee has lost his/her birth certificate a new copy can be obtained from the Department of the Registrar General in Colombo which is the central registry for all documents.

"IOM informed the delegation that returnees who apply for a substitute NIC will have to be verified by the Grama Sevaka/ Niladhari (local registrar) in their place of origin. If the returnees have not stayed in the area within the last 12 months, or if the Grama Sevaka would be a new person, family members, relatives and friends known to the returnee would be able to assist in providing evidence to the Grama Sevaka. It would normally take 6 months to obtain a NIC. In the meantime, the returnee would be able to identify

[445] Sri Lanka Registration of Persons Department, FAQs: 6 May 2008, http://www.rpd.gov.lk/FAQs.php date accessed 22 September 2010

[446] Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf date accessed 27 May 2011, p55

himself on the basis of his Emergency Travel Document and/or his birth certificate. If the returnee has a driving license, he/she would already be registered in the system and the process to get a new NIC would be easier."

"The spokesman from the British High Commission mentioned that returnees from abroad are able to obtain a new/replacement NIC. The returnee should obtain a copy birth certificate from the Grama Sevaka in their area of origin or through the central registry in Colombo, and must also obtain confirmation of residence from their Grama Sevaka. The spokesperson from the British High Commission informed the delegation that in general, local records have been maintained during the war."

26.10 The USSD 2010 report[447] observed that 'Ethnic Tamils' national identification cards were the only cards printed in both Sinhala and Tamil.

TRAVEL DOCUMENTS

26.11 The website of the Department for Immigration and Emigration[448] has a specific section on passport (accessible from the hyperlink in the footnote) providing specific information on this issue including "Issue of Passports"; "Overseas Applications"; "Renewal, Extension or Alteration of Passports"; "Passport Support Services" and "FAQ's on Passports".

Return to contents

27. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

27.01 A letter from the British High Commission (BHC) Colombo, dated 14 September 2010[449] reported:

"The base document for many services in Sri Lanka is the birth certificate, and in particular, access to state education requires the production of this document. The document also supports applications for national identity cards and passports. The British High Commission is aware that forged birth certificates are readily available through agents, at a reported cost of around 2,500 LKA rupees (approximately £12.50). These forged documents often pass the scrutiny of the relevant authorities and successfully support the fraudulent issue of ID cards and passports. There are numerous agents throughout the country who advertise employment or studies abroad, and will provide an entire package of forged documents to support applications for passports and/or visas. Apart from birth certificates, these can include forged passports, identity cards, educational certificates, work references, bank statements, sponsorship letters etc."

27.02 The BHC letter of 14 September 2010[450] added that:

"The high level of corruption in Sri Lanka and the unscrupulous actions of government officials at all levels, somewhat undermines the issuing process for many official

[447] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 2d
[448] Sri Lanka Department for Immigration and Emigration, Passports, undated, http://www.immigration.gov.lk/web/index.php?option=com_content&view=article&id=137&Itemid=190&lang=en date accessed 1 June 2011
[449] British High Commission in Colombo, letter dated 14 September 2010, available upon request
[450] British High Commission in Colombo, letter dated 14 September 2010, available upon request

documents. It is common knowledge that persons can obtain an ID card or passport in any identity they want to with the right contacts. The Visa Section at this mission regularly see forged education certificates, bank statements, employment references etc, yet they rarely see forged Sri Lankan passports or ID cards. The reason for this is that the genuine documents are so easy to obtain fraudulently, there is no need to forge them. It is suspected that there are many more ID cards in circulation than the actual total population of Sri Lanka."

Return to contents

Annex A

CHRONOLOGY OF MAJOR EVENTS

Unless stated otherwise, the information below is based on the BBC Timeline for Sri Lanka, accessed on 1 June 2011[451]

1948	Ceylon gains independence from the United Kingdom.
1956	Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.
1959	Bandaranaike is assassinated. His widow Sirimavo Bandaranaike succeeds him as SLFP leader and Prime Minister.
1972	The country becomes known as Sri Lanka.
1976	The Liberation Tigers of Tamil Eelam (LTTE) are formed
1978	New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force. (Europa World online[452], date accessed 1 June 2011)
	Jayawardene becomes the country's fist executive President. The Tamil language is recognised in the Constitution.
1983	13 soldiers killed in LTTE ambush. Subsequent anti-Tamil riots leave an estimated several hundred Tamils. Start of 'First Eelam War'.
1985	First attempt of peace talks between the Government and the LTTE fails
1987	Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force (IPKF) deployed to Sri Lanka
1990	The IPKF leave Sri Lanka. Hostilities between the Government and the LTTE hostilities escalate
1991	LTTE implicated in the assassination of Indian premier Rajiv Gandhi
1993	Assassination of President Premadasa killed in LTTE bomb attack.
1994	Chandrika Bandaranaike Kumaratunga comes to power
1995-2001	War rages across north and east. Tigers bomb Sri Lanka's holiest Buddhist site. President Kumaratunga is wounded in a bomb attack. Suicide attack on the international airport destroys half the Sri Lankan Airlines fleet.

[451] BBC News Timeline: Sri Lanka, updated 4 February 2011 http://news.bbc.co.uk/1/hi/world/south_asia/country_profiles/1166237.stm date accessed 1 June 2011
[452] Europa World online, Sri Lanka, Constitution and Government, undated http://www.europaworld.com/entry/lk.is.62 [subscription only]date accessed 1 June 2011

2002	Sri Lankan Government and LTTE sign a cease-fire agreement with the mediation of Norway. De-commissioning of weapons begins; the A9 road linking the Jaffna peninsula with the rest of Sri Lanka reopens after 12 years; passenger flights to Jaffna resume. Government lifts ban on Tamil Tigers. Rebels drop demand for separate state.
2003	The LTTE suspend participation in the peace talks but the ceasefire holds
2004	
March	Renegade Tamil Tiger commander, known as Colonel Karuna, leads split in rebel movement and goes underground with his supporters. The LTTE regain control of the east with a short offensive.
July	Suicide bomb blast in Colombo, the first such incident since 2001
December	More than 30,000 people killed in the tsunami
2005	
June	Row over the deal reached with the Tamil Tiger rebels to share nearly $3bn in tsunami aid among Sinhalas, Tamils and Muslims
August	State of Emergency is declared after foreign minister Lakshman Kadirgamar is assassinated.
November	Mahinda Rajapakse, at the time prime minister, wins presidential elections.
2006	
February	Government and Tamil Tiger rebels declare their respect for the 2002 ceasefire.
April	Explosions and rioting in Trincomalee. The main military compound in Colombo is attacked by a suicide bomber. The army launches air strikes on Tamil Tiger targets.
June	64 people are killed in a mine attack on a bus in Anuradhapura district. A few days later, more than 30 people are killed in a battle between Government forces and Tamil Tiger rebels in the Mannar district.
August	Clashes between Tamil Tiger rebels and Government forces in the north-east, considered the worst fighting since the 2002 ceasefire. Hundreds of people are killed and the UN says tens of thousands have fled.
September	The Government says it has pushed Tamil Tiger rebels from the mouth of strategic Trincomalee harbour. This is seen as the first major capture of enemy territory by either side since a 2002 ceasefire.
October	A suicide bomber attacks a military convoy, killing more than 90 sailors.
December	The Government announces revised though emergency regulations.
2007	
January	After weeks of heavy fighting the military announces the capture of the Tamil Tiger stronghold of Vakarai, in the east. Tens of thousands of civilians flee the area.
March	Government troops claim continuing success against the Tamil Tigers rebels in coastal areas in the east. Thousands of civilians flee the fighting. Tamil Tigers launch their first air raid, hitting a military base next to the Katunayake Colombo international airport.
June	Police evict hundreds of Tamils from lodges in Colombo, citing security concerns, but the Supreme Court orders an end to the expulsions.

July	Government declares it has gained control of Thoppigala – the LTTE's last jungle stronghold in the east.
October	Eight aircraft destroyed, 30 people killed in Tamil Tiger attack on Anuradhapura air force base
2 November	The leader of the Tamil Tiger rebel political wing S.P Thamilselvan is killed in a raid by the Sri Lanka Air Force.
2008	Government pulls out of 2002 ceasefire agreement.
January	Government minister DM Dassanayake dies after a roadside bomb attack on his convoy in Colombo.
March	International panel, invited by the government to monitor investigations into alleged human rights abuses, announces that it is leaving the country.
April	Highways Minister J. Fernandopulle is killed in an explosion near Colombo blamed on Tamil Tiger rebels. Dozens of soldiers reported killed in clashes with Tamil Tigers in far north.
July	Sri Lankan military says it has captured the important Tamil Tiger naval base of Vidattaltivu in the north of the island. Clashes between Government troops and the LTTE reported in the districts of Jaffna, Mannar, Trincomalee and Vavunyia.[453]
August	In addition to Trincomalee, the fighting spreads to the Kilinochchi and Mullaittivu districts causing large population displacement. [454]
November	Fighting intensifies in Kilnochichi district. [455]
2009	
January	Government troops capture the northern town of Kilinochchi, held since 1998 by the Tamil Tigers as their administrative headquarters. The ban on the LTTE is re-enforced.[456] Government troops regain control of the A-9 highway; capture the entire Jaffna peninsula and at a later stage Mullaitivu Town, the LTTE's stronghold in the Eastern coast.[457]
February	Calls for a temporary cease-fire prompted by international concern over the humanitarian situation of thousands of civilians trapped in the battle zone are rejected by the government. Tamil Tiger planes conduct suicide raids against Colombo.
March	Former rebel leader Karuna is sworn in as minister of national integration and reconciliation.
May	Government declares victory over the Tamil Tigers. Military says rebel leader Velupillai Prabhakaran was killed in the fighting. Tamil Tiger statement says the group will lay down its arms.

[453] The International Institute for Strategic Studies (IISS), Timeline 2008, undated http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008 [subscription only], date accessed 1 June 2011
[454] The International Institute for Strategic Studies (IISS), Timeline 2008, undated http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008 [subscription only], date accessed 1 June 2011
[455] The International Institute for Strategic Studies (IISS), Timeline 2008, undated http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008 [subscription only], date accessed 1 June 2011
[456] Official website of the Government of Sri Lanka, Govt bans LTTE, 8 January 2009 http://www.priu.gov.lk/news_update/Current_Affairs/ca200901/20090108govt_bans_ltte.htm, date accessed 8 January 2009
[457] South Asia Terrorism Portal (SATP), Sri Lanka Timeline - Year 2009, http://satp.org/satporgtp/countries/shrilanka/timeline/index.html date accessed 21 January 2010

August	New Tamil Tiger leader Selvarasa Pathmanathan detained by Sri Lankan authorities. First post-war local elections held in the north.
October	Government announces early presidential and parliamentary elections.
November	Opposition parties form alliance to fight elections. The new alliance includes Muslim and Tamil parties.

2010

January	President Mahinda Rajapasksa is re-elected.
February	Gen Fonseka is arrested. President Rajapaksa dissolves parliament, clearing way for elections in April.
April	President Rajapaksa's ruling coalition wins landslide victory in parliamentary elections.
May	Emergency regulations (ERs) are relaxed. [458]
August	Military court finds former army chief Sarath Fonseka guilty of involvement in politics while in uniform and sentences him to a dishonourable discharge.
September	Parliament approves a constitutional change allowing President Rajapaksa to seek unlimited number of terms.

2011

March	The ruling United People's Freedom Alliance (UPFA) coalition secured a landslide victory in local elections. [459]

Return to contents

[458] US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm , date accessed 11 May 2011, Section 1d
[459] Economist Intelligence Unit, April 2011 Sri Lanka report http://www.eiu.com/report_dl.asp?issue_id=1297945914&mode=pdf [subscription only] date accessed 2 June 2011, p10

Annex B

POLITICAL ORGANISATIONS

The full list of recognised political parties with the name, approved symbol, and name of the secretary is available from this weblink to the website of the Sri Lanka, Department of Elections, Political parties. For the composition of Parliament further to the April 2010 general election please see this weblink to a different section of the same website.

The CIA World Factbook, Sri Lanka[460], updated on 17 May 2011, recorded the following political parties and leaders:

"Coalitions and leaders: Democratic National Alliance led by Janatha Vimukthi Peramuna or JVP [Somawansa AMARASINGHE]; Tamil National Alliance led by Illandai Tamil Arasu Kachchi [R. SAMPANTHAN]; United National Front led by United National Party [Ranil WICKREMESINGHE]; United People's Freedom Alliance led by Sri Lanka Freedom Party [Mahinda RAJAPAKSA]."

Democratic National Alliance (DNA) / Democratic People's Alliance
It obtained 7 seats in the 2010 general election. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament[461], accessed on 2 June 2010)

On 30 June 2010 the *Daily Mirror* (Sri Lanka)[462] reported that "General Sarath Fonseka has submitted an application to Elections Commissioner Dayananda Dissanayaka seeking to form his own party under the name 'Democratic People's Alliance with Tiran Alles as the General Secretary.The new party will be part of the Democratic National Alliance (DNA) headed by General Fonseka which also includes the JVP. Currently Fonseka does not have his own political party although he heads the Alliance.

See also Key recent developments (January – May 2011) and Sarath Fonseka and his supporters

Eelam People's Democratic Party (EPDP) http://www.epdpnews.com/index.php?lng=eng
"Led by Douglas Devananda, the Eelam People's Democratic Party (EPDP) broke away from the Eelam People's Revolutionary Liberation Front (EPRLF) in approximately 1988. Since 1990 it has fought alongside the Sri Lankan Army against the Liberation Tigers of Tamil Eelam (LTTE). Since 1994, the EPDP has been the most significant force in electoral politics in Jaffna, although voter turnout has been exceptionally low. The EPDP has generally been supportive of People's Alliance/UPFA government policy on the war and peace process. Although EPDP armed cadres may only be a few hundred strong, they retain a reputation for human rights abuses. Devananda has a cabinet portfolio and was currently the minister for social services and social welfare. Previously his public profile was limited by the fact he was extremely high on the list of LTTE targets for assassination. As of 2011, the EPDP remains part of the UPFA

[460] CIA - The World Factbook – Sri Lanka
https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html updated on 17 May 2011
Date accessed 2 June 2011
[461] Sri Lanka Department of Elections, Result of Parliamentary General Election April 2010, http://www.slelections.gov.lk/parliamentary_elections/AICOM.html, date accessed 2 June 2010
[462] Daily Mirror (Sri Lanka), Fonseka forms new party, 30 June 2010,http://www.dailymirror.lk/index.php/news/4741-fonseka-forms-new-party.html, Date accessed 23 August 2010

coalition." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 24 May 2011, Internal Affairs, 27 April 2011) [463]

Illankai Tamil Arasu Kachchi (ITAK) See TNA
Jathika Hela Urumaya (JHU) [National Heritage Party]
"The JHU is a Buddhist-Sinhalese political party led by Buddhist monks, formed in February 2004 with the specific intention to compete in that year's parliamentary elections. Although initially founded by the secular Sinhalese nationalist party Sihala Urumaya, all of the JHU's members of parliament are Buddhist monks.

"The JHU's creation and the unprecedented entry of saffron-clad monks into parliament has caused debate over whether monks should be entering politics at all both within and outside the party. However, the party's strong representation in the 2004 elections has encouraged the party to continue campaigning for Buddhist and Sinhalese issues in Sri Lanka…

"The JHU's swift creation led to a factious initial period as the party lacked unity. In October 2004, one of the founders and a member of parliament, Kolonnawe Sumangala, resigned from the party. In the same month, the JHU's general secretary Uduwe Dhammakola, failed to attend a central committee meeting and was replaced by another JHU monk. Dhammakola eventually left the party in January 2005 to remain an independent parliamentarian, before supporting the UNP's Wickremasinghe in the November 2005 presidential election, in direct contradiction to the JHU's support of Rajapakse. Since these defections, the JHU has been able to maintain a more united party line." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka (accessed on 24 May 2011, Internal Affairs, 27 April 2011) [464]

Janatha Vimukthi Peramuna (JVP) http://www.jvpsrilanka.com/en/
(People's Liberation Front)
"The JVP was the second largest party within the UPFA, and follows a hybrid Marxist-Sinhalese nationalist platform." The party secured 16 seats in the 2001 parliamentary elections. "This political revival was emphatically demonstrated by the success of 36 (of 39) candidates whom the JVP fielded through the UPFA at the elections of April 2004. In all but one district won by the UPFA, a JVP contestant outranked all others in the number of individual 'preference votes' polled. As such, the JVP held a powerful position in the ruling coalition… Agreement with Rajapakse over the future course of the peace process during his campaign prior to the November 2005 presidential election ensured that the JVP remained in opposition following Rajapakse's victory, but with conditional support for the government.

"Since his election in November 2005, Rajapakse has had an uneasy relationship with the JVP, and has worked steadily to reduce his political dependence on them in parliament. By early 2007, he had largely succeeded in this project by splitting the opposition UNP and winning over a sizeable UNP contingent to defect to the government benches. The JVP has since broken ranks with Rajapakse, but is strongly in support of his military policy towards the ethnic conflict with the LTTE. In 2008, 10 parliamentarians from the JVP, accused of conspiring with the UNP against the party leadership, broke off to found the Jathika Nidahas Peramuna, a pro-government party. During the 2010 presidential election, the JVP endorsed the former army

[463] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011
[464] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011

chief Sarath Fonseka when he ran under the UNF banner. The JVP also forms part of the Democratic National Alliance, a Fonseka-led electoral alliance, formed after his arrest. However in the March 2011 local elections, the JVP contested 233 local authorities alone and won 57 seats." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka (accessed on 24 May 2011, Internal Affairs, 27 April 2011) [465]

Liberation Tigers of Tamil Eelam (LTTE/Tamil Tigers)
The LTTE is an illegal organisation after a ban was re-enforced in January 2009.[466] It ceased to be an effective military force in May 2009, see The internal conflict (1984 to May 2009)
Additional information on the LTTE can be found from the Sri Lanka COI report of November 2010
See also Government treatment of (suspected) members of the LTTE and Situation of (suspected) members of the LTTE

People's Liberation Organisation of Tamil Eelam (PLOTE)
"The PLOTE originated as an LTTE splinter group, but it was never well armed and its military activities remained low key. In time, internal feuds and a souring of relations with its Indian sponsors fuelled the PLOTE's slow demise and the group was largely wiped out by the LTTE in 1986. After the [1987] Indo-Lanka Accord, the PLOTE renounced its armed rebellion against the Sri Lankan government, but maintains armed cadres to this day." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka (accessed on 24 May 2011, Internal Affairs, 27 April 2011) [467]

Sri Lanka Freedom Party (SLFP)
Leader: Mahinda Rajapakse
Vice-president: Vinayagamoorthi Muralitharan [aka Karuna Amman]

"The SLFP is the largest party within the ruling UPFA coalition."

"In April 2004, a new electoral alliance between the SLFP and the Marxist Janatha Vimukthi Peramuna (JVP) became the basis of a winning UPFA electoral coalition, which ending the UNF's 28 months in power. The SLFP prime minister Mahinda Rajapakse became the UPFA's presidential candidate in the November 2005 elections, with the strong backing of the JVP and the hard-line Sinhala Buddhist party, the Jathika Hela Urumaya (JHU). Rajapakse is a seasoned SLFP leader, and comes from a very well known political family in the Hambantota district of southern Sri Lanka - his father was one of the founding members of the SLFP in 1951. However, Rajapakse's rise to power represents a historic break in the SLFP from the virtually uninterrupted leadership of the Bandaranaike-Kumaratunga clan. Rajapakse is a popular and strong personality within the party, and has positioned two of his brothers into commanding

[465] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011
[466] Official website of the Government of Sri Lanka, Govt bans LTTE, 8 January 2009 http://www.priu.gov.lk/news_update/Current_Affairs/ca200901/20090108govt_bans_ltte.htm, date accessed 8 January 2009
[467] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011

positions of power." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka (accessed on 24 May 2011, Internal Affairs, 27 April 2011) [468]

Sri Lanka Muslim Congress (SLMC) http://www.slmc.org.uk/
Leader: Rauff Hakeem
Sri Lanka Muslim Congress officially crossed over to the government side during the parliamentary sessions of 22 November 2010.
"At the last general election the SLMC contested under the main opposition United National Party (UNP) led opposition alliance United National Front and won 8 seats."[469]

Tamileela Makkal Viduthalai Pulikal (Tamil People's Liberation Party) (TMVP)/Karuna faction
"Tamil Eela Makkal Viduthalai Pulikal (TVMP: Tamil Eelam Peoples Liberation Tigers) is the political wing of the paramilitary group formerly known as the 'Karuna group'. It was formed by breakaway LTTE leader V. Muralitharan (alias 'Colonel Karuna'), who led a split in the LTTE in 2004, leading to the secession of a large part of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province.

"In mid-2007, press reports suggested that there was a split within the Karuna group between Karuna himself and one of his key lieutenants. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences.

"While Karuna spent time in detention in the UK on immigration offences, the paramilitary TMVP was registered as a political party, and the government installed Tamil paramilitary leader Pillaiyan as the chief minister of the Eastern Province following elections there in May 2008.

"Karuna subsequently returned to Sri Lanka in mid-2008 and coexisted uneasily with Pillaiyan under a nominally united TMVP, although in reality both leaders commanded separate militias (the TMVP comprised two separate factions that controlled different parts of the east). In what was likely an effort by Rajapakse to separate the two rival Tamil paramilitary leaders, Colonel Karuna joined the ruling Sri Lanka Freedom Party (SLFP) in March 2009 and was sworn in as minister of national integration, a non-cabinet ministerial portfolio. In April of that year, Karuna became the vice-president of the SLFP. The TMVP was a constituent party of the ruling coalition during the parliamentary elections in 2010 but contested five local authorities in the east during the following year's local elections." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 24 May 2011, Internal Affairs, 27 April 2011) [470]

Tamil National Alliance (TNA)

[468] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011
[469] ColomboPage, Sri Lanka Muslim Congress to sit in the government side from today http://www.colombopage.com/archive_10C/Nov22_1290416406CH.php date accessed 9 June 2011
[470] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011

"The Tamil National Alliance (TNA) or Sri Lanka Tamil Government Party (Illankai Tamil Arasu Kachchi) is a political alliance of several Tamil parties formed in 2001 just before elections. The alliance was formed by the All Ceylon Tamil Congress, Eelam People's Revolutionary Liberation Front (Suresh), Tamil Eelam Liberation Organisation and Tamil United Liberation Front (formerly the Federal Party). Since its formation, the TNA has acted in close co-operation with the rebel LTTE, and has frequently behaved as its advocate and political wing in parliament.
In the April 2004 election, in which the SLFP and JVP alliance led by the then president Kumaratunga came to power, the TNA led by R Sampanthan won 6.9 per cent of the popular vote and 22 out of 225 seats in the Sri Lankan Parliament. After the LTTE was comprehensively defeated with little chance of its revival in Sri Lanka, the TNA changed its stated objective from that of a separate state to one of autonomy in Tamil majority areas. On this issue, the TNA has clashed with diaspora Tamils, most of whom continue to support full-scale separatism. To the consternation of diaspora Tamils, the TNA backed Sarath Fonseka in the 2010 presidential election. However, in the April election, its representation in parliament dropped from 22 to 14 seats." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 24 May 2011, Internal Affairs, 27 April 2011) [471]

United National Party (UNP) http://www.unp.lk/portal/
"The UNP is the largest party within the United National Front coalition, and the single largest party in the Sri Lankan Parliament."

"[After being in power for 17 years between 1977 and 1994] The UNP was returned to power in 2001 following a no-confidence motion in the SLFP government amid a grave economic downturn. The party was returned to power on a platform of economic liberalisation and a renewal in the peace process, signing a ceasefire agreement with the LTTE in February 2002. However, prime minister Wickremasinghe maintained an uneasy relationship with president Kumaratunga of the SLFP, with the prime minister branded a 'traitor' by the president.

"These difficulties harmed the UNP's electoral chances, with the party losing 27 seats. Although the UNP remained the party with the largest share of seats in the parliament, a coalition led by the SLFP, the United People's Freedom Alliance, meant the UNP returned to opposition. Wickremasinghe subsequently failed to win the November 2005 presidential election, largely owing to a LTTE boycott. The UNP was damaged by its association with the failed Norwegian-mediated Ceasefire Agreement (CFA), which was widely regarded as been heavily biased towards the LTTE. Wickremasinghe did not put himself forward as the UNF candidate in the 2010 presidential election and endorsed Fonseka as the UNP candidate. In the April [2010] election, the UNP gained less than 30 per cent of the vote, a result that was regarded as a disaster [The party obtained 60 seats coming second. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament[472], accessed on 2 June 2010)]. The marginalisation of the party continued into 2011 when it campaigned alone in 233 local authorities and only managed to obtain 892 seats nationwide.
(Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 24 May 2011, Internal Affairs, 27 April 2011) [473]

---

[471] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011
[472] Sri Lanka Department of Elections, Result of Parliamentary General Election April 2010, http://www.slelections.gov.lk/parliamentary_elections/AICOM.html, date accessed 2 June 2010
[473] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011

United People's Freedom Alliance (UPFA)/People's Alliance http://www.sandanaya.lk/
Founded in 2004. Leader Mahinda Rajapakse. (Europa World online, Sri Lanka[474])
"The UPFA is the coalition holding the single largest share of seats within the Sri Lankan parliament… However, the composition of the government benches of parliament has undergone significant changes in the three years since the elections. The two most important movements have been the departure of the second largest constituent, the Janatha Vimukthi Peramuna (JVP) by early 2007, and the arrival of new members who had defected from the opposition UNP." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 24 May 2011, Internal Affairs, 27 April 2011) [475]
It won the general election of April 2010 with 144 seats. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament[476], accessed on 2 June 2010)

Return to contents

Annex C

PROMINENT PEOPLE

President	Mahinda Rajapakse
Prime Minister	Dissanayake Mudiyanselage Jayaratne
Minister of Economic Development	Basil Rajapaksa
Minister of External Affairs	G.L. Peiris
Minister of Health	Maithreepala Sirisena
Minister of Justice	Rauff Hakeem
Minister of Mass Media and Information	Keheliya Rambukwella
Minister of Resettlement	Vinayagamoorthy Muralitharan [aka Karuna]
Minister of Traditional Industries & Small Enterprise Development	Douglas Devananda

Click on the hyperlink for the full, current list of Government ministers (last accessed on 1 June 2011). President Rajapaksa also holds the following portfolios: Defence; Finance & Planning; Ports & Aviation; Highways.[477]

PROMINENT PEOPLE OUTSIDE OF THE GOVERNMENT

FONSEKA Sarath

[474] Europa World online, Sri Lanka, Political organisations, undated http://www.europaworld.com/entry/lk.dir.104 [subscription only, date accessed 1 June 2011
[475] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011 date accessed 24 May 2011
[476] Sri Lanka Department of Elections, Result of Parliamentary General Election April 2010, http://www.slelections.gov.lk/parliamentary_elections/AICOM.html, date accessed 2 June 2010
[477] Official website of the Government of Sri Lanka, Government Ministers, last updated on 10 November 2010 http://www.priu.gov.lk/Govt_Ministers/Indexministers.html date accessed 1 June 2011

"Sarath Fonseka served as commander of the army in 2005-2009 and ran against the incumbent Mahinda Rajapakse in the January 2010 presidential election."

"Fonseka was arrested on 8 February 2010 on charges of profiting from corrupt armaments deals and the government announced that he would face a court martial for committing 'military offences' and attempting to politicise the army. Despite being sentenced to three years in prison, Fonseka was one of six MPs from the Democratic National Alliance, formed in February 2010 as an amalgamation of five parties including the JVP, who were elected in the April parliamentary election." Jane's Sentinel *Country Risk Assessments, Country Report, Sri Lanka*[478] (accessed on 24 May 2011)
See also Key recent developments (January – May 2011) and Sarath Fonseka and his supporters

WICKREMASINGHE Ranil
Leader of the main opposition party, United National Party (UNP) and former PM
"[He] returned to power as prime minister for a second time, following his victory in the parliamentary elections of December 2001…However, Wickremasinghe survived just over two years of his five-year term as his government was dismissed and fresh elections ordered in April 2004, which he subsequently lost. Despite this electoral defeat, Wickremasinghe remained the most obvious UNP candidate for the Sri Lankan presidency following the end of Kumaratunga's reign. He narrowly lost the 2005 presidential contest, but remains leader of the UNP as virtually all of his strong internal rivals defected to the government in late 2006 and early 2007. He did not contest the January 2010 presidential poll but it is unlikely he would have won." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka [479] accessed on 24 May 2011, Political Leadership, 20 April 2011)

Return to contents

[478] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Internal Affairs, 27 April 2011
[479] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka& [subscription only] accessed on 24 May 2011, Political leadership, 20 April 2011

Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
BHC	British High Commission
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigations Department
CPA	Centre for Policy Alternatives
CPJ	Committee to Protect Journalists
ERs	Emergency Regulations
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
GOSL	Government of Sri Lanka
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HSZs	High Security Zones
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOM	International Organisation for Migration
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
MSF	Médecins sans Frontières
NCPA	National Child Protection Authority
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PTA	Prevention of Terrorism Act
RSF/RSW	Reporters sans Frontières/Reporters without Borders
SLA	Sri Lanka Army
STD	Sexually Transmitted Disease
TB	Tuberculosis
TDI	Terrorist Investigation Department
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

Return to contents