

# **SRI LANKA 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Sri Lanka is a constitutional, multi-party republic. Votes re-elected President Mahinda Rajapaksa to a second six-year term in 2010. Parliament, elected in 2010, shares constitutional power with the president. President Rajapaksa's family dominated government. Two of President Rajapaksa's brothers held key executive branch posts, as defense secretary and economic development minister, and a third brother was the speaker of Parliament. A large number of the President Rajapaksa's other relatives, including his son, also served in important political and diplomatic positions. Independent observers generally characterized the presidential, parliamentary, and local elections as problematic. The 2010 elections were fraught with election law abuses by all major parties, especially the governing coalition's use of state resources for its own advantage. Authorities maintained effective control over the security forces.

The major human rights problems reported over the year were: attacks on, and harassment of, civil society activists, journalists, and persons viewed as sympathizers of the Liberation Tigers of Tamil Eelam (LTTE) by individuals allegedly tied to the government; involuntary disappearances, arbitrary arrest and detention, torture, abuse of detainees, rape, and other forms of sexual and gender-based violence committed by police and security forces; and widespread impunity for a broad range of human rights abuses. Involuntary disappearances and unlawful killings continued to diminish in comparison with the immediate postwar period. Nevertheless, harassment, threats, and attacks by progovernment loyalists against media institutions, nongovernmental organizations (NGOs), and critics of the government were prevalent, contributing to widespread fear and self-censorship by journalists and diminished democratic activity due to the general failure to prosecute perpetrators.

Other serious human rights problems included unlawful killings by security forces and government-allied paramilitary groups, often in predominantly Tamil areas; poor prison conditions; and lack of due process. Defendants often faced lengthy pretrial detention, and an enormous backlog of cases hindered the justice system. Denial of a fair public trial remained a problem, as did continued coordinated moves by the government to undermine the independence of the judiciary. The government infringed on citizens' privacy rights. There were restrictions on freedom of speech, press, peaceful assembly, association, and movement. Authorities harassed journalists critical of the government, and the government

controlled most major media outlets. The government censored some news websites. Citizens generally were able to travel almost anywhere on the island, although there continued to be police and military checkpoints in the north, and de facto high-security zones and other areas remained off-limits. Neglect of the rights of internally displaced persons (IDPs) was a serious problem, and IDPs were not always free to choose where to resettle. The president exercised his constitutional authority to maintain control of appointments to previously independent public institutions that oversee the judiciary, police, and human rights issues. Lack of government transparency and widespread government corruption were serious concerns. Sexual violence and discrimination against women were problems, as was abuse of children and trafficking in persons. Discrimination against persons with disabilities and against the ethnic Tamil minority continued, and a disproportionate number of the victims of human rights abuses were Tamils. Discrimination and attacks against religious minorities, especially Muslims and evangelical Christians, continued to increase. Discrimination against persons based on sexual orientation continued. Limits on workers' rights and child labor also remained problems.

Government officials and others tied to the ruling coalition enjoyed a high degree of impunity. The government prosecuted a very small number of government and military officials implicated in human rights abuses and had yet to hold anyone accountable for alleged violations of international humanitarian law and international human rights law that occurred during the conflict that ended in 2009.

Individuals suspected of association with progovernment paramilitary groups committed killings, kidnappings, assaults, and intimidation of civilians. There were persistent reports of close, ground-level ties between paramilitary groups and government security forces. The Buddhist group Bodu Bala Sena (BBS) was responsible for numerous abuses. BBS extremists attacked and assaulted civilians and members of religious minorities and burned their property. Riots started by the BBS resulted in at least three deaths.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the government or its agents committed arbitrary or unlawful killings. Reliable statistics on such killings were difficult to obtain because past complainants were killed, and many families feared reprisals if they complained.

While the overall number of reported extrajudicial killings did not appear to increase from the previous year, killings and assaults on civilians by government officials were a problem.

Throughout the year numerous reports emerged regarding the killing of suspects under questionable circumstances while in police custody. According to a government official, there have been 68 such police custodial deaths in the country since the start of 2012. In October a media account listed 12 individuals killed while in police custody in 11 incidents since July 2013. On March 11, Paalan-kada Heen Malli, an alleged underworld figure, died in police custody after his arrest in the killing of a Ratnapura businessman. On May 18, Tharuka Nilan died in police custody after his arrest for the killing of a Kurunegala police officer. On September 5, police shot and killed suspected drug dealer Lalitha Kushalya (alias Kudu Lalitha) when he briefly escaped from custody near an Athugiriya hospital. On September 28, police shot and killed Hiran Darshana (alias Kalu Chooty), who was wanted for crimes, including three murders, after he tried to escape police custody. Police accounts of the deaths of such suspects often included similar details--particularly of suspects leading police to a supposed weapons cache, followed by gunfire or a grenade explosion resulting in a suspect's death--leading observers to question their credibility.

In December 2013 the Bar Association of Sri Lanka's (BASL's) Standing Committee on Rule of Law issued a public statement regarding custodial deaths, which noted that "any person accused of committing criminal acts has a right to be tried according to law. Police cannot be allowed to try and punish persons accused of crimes however serious they may be." Such actions amounted to usurpation of judicial power by police, the BASL stated, and should be dealt with under the law. The statement added that a "large number" of such incidents indicated a troubling pattern of "extrajudicial killing" for which the "explanation by the police...has been identical." The BASL called for the creation of a special commission to investigate the incidents, but authorities took no action to do so and had not released any investigation results to the public by year's end.

On April 11, the Ministry of Defense announced that the military killed three LTTE operatives in a Nedunkerny jungle in Vavuniya District. According to the statement, soldiers killed Selvanayagam Kajeepan (alias Gobi), Sundaralingam Kajeepan (alias Thevihan), and a third man believed to be Navaratnam Navaneethan (alias Appan) when they attempted to escape an area surrounded by army troops. The deaths occurred five weeks after the start of a manhunt for the

three men that came in response to the posting of allegedly pro-LTTE flyers in Pallai, Kilinochchi District (see section 1.d.). The government did not provide evidence regarding the suspects' guilt or innocence of the charges against them, nor did it release the results of any investigation into the suspects' deaths.

There was little new information available on a number of cases of arbitrary or unlawful killings by government agents from 2013 or earlier. In June 2013 authorities arrested Vaas Gunawardena, deputy inspector general for police in the northern part of the Western Province, for the May 2013 murder of businessman Mohamed Shiyam. Subsequent investigations and reports alleged Gunawardena's responsibility for numerous crimes, including murders, while occupying his position with impunity for years. At year's end Gunawardena remained in prison on remand, awaiting prosecution on multiple charges.

In August 2013 the army killed three persons and injured dozens of others in the town of Weliveriya in response to a demonstration by 4,000 persons who blocked a highway to protest pollution of the local water supply by a nearby factory. When the group of protesters refused to disperse, the military fired live ammunition at the demonstrators. One victim, who was waiting for a bus when the protest occurred, was killed by blunt force trauma to the head while inside a church, where he had reportedly sought refuge. The army began an inquiry into the incident, reportedly suspending four officials pending the inquiry's results. In May, Human Rights Commissioner Prathiba Mahanamahewa stated that the Human Rights Commission of Sri Lanka (HRCSL) had completed its investigation into the incident and would forward its report to the army. Media reports stated that the HRCSL report concluded that police must not neglect their duties, the army must not exceed its mandate, and that better cooperation between police and the army was needed to avoid similar incidents in the future. Also in May the media reported that the military's investigation into the incident continued and that the government had posted the army commander on the scene of the killings, Brigadier Deshapriya Gunawardena, as the country's defense attache in Turkey. The government never publicly released the HRCSL report, and authorities had not released the results of any government investigations as of year's end.

In October 2013 the Supreme Court dismissed the fundamental rights case brought by family members of prisoner Ganesan Nimalaruban, who died in 2012 as a result of injuries received during a government prison siege. The operation injured several prison guards and 26 inmates. Civil rights activists alleged that prison authorities assaulted inmates during and after the siege. In dismissing the fundamental rights case brought by Nimalaruban's father, Chief Justice Mohan

Peiris chastised the complainant for having raised his child to become a terrorist. In October the government informed the Office of the UN High Commissioner for Human Rights (OHCHR) Human Rights Committee that investigations of the incident “do not disclose sufficient material to attach criminal responsibility to any particular person.”

On July 18, the Colombo High Court sentenced four men, including former Tangalle village council chairman Sampath Chandra Pushpa Vidanapathirana, to 20 years in prison, including hard labor, for the 2011 murder of a British employee of the International Committee of the Red Cross (ICRC), Khuram Shaikh Zaman, while he was on vacation at a resort in Tangalle. During the incident the perpetrators also beat, stabbed, and raped Shaikh’s girlfriend. By year’s end Geeganage Amarasiri, alias Julampitiye Amare, an underworld figure with alleged ties to the government, was still facing murder charges in the Tangalle High Court for the 2012 killing of two Janatha Vimukthi Peramuna opposition party supporters at a campaign meeting. On December 1, however, the Moneragala High Court sentenced Amarasiri to more than 28 years in prison on separate charges of unlawful assembly, criminal assault, and causing damage to property.

There were persistent reports of close ties between progovernment paramilitary groups such as the Eelam People’s Democratic Party (EPDP) and government security forces. Whereas during the war these groups served more of a military function, often working in coordination with security forces, in the postwar environment they increasingly took on the characteristics of criminal gangs as they sought to solidify their territory and revenue sources. In March a report entitled *An Unfinished War: Torture and Sexual Violence in Sri Lanka, 2009-2014* by UN panel of experts member Yasmin Sooka, of the Bar Human Rights Committee of England and Wales, and the International Truth and Justice Project presented evidence from 40 Sri Lankans who fled to the United Kingdom since the end of the war, alleging that security forces tortured and sexually abused them. The report stated that EPDP and Karuna group members supported security force intelligence gathering that included the torture and physical and sexual abuse of Tamils accused of LTTE connections in the five years since the end of the war. The report asserted that EPDP members often brokered the release of torture victims between the government and family members in exchange for payment of money.

There were persistent reports that the EPDP, led by Minister of Traditional Industries and Small Enterprise Development Douglas Devananda, engaged in intimidation, extortion, corruption, and violence against civilians in the Tamil-dominated northern district of Jaffna. Reports throughout the year especially

focused on the role of EPDP members in issuing threats to opposition Tamil politicians or community members engaged in human rights cases that could bring disrepute on the government. In November 2013 EPDP member and chairman of the Delft island local council Daniel Rexian was killed in his home. Initial reports suggested the cause of death was suicide, but additional investigation revealed the cause of death to be a gunshot wound to the head, which was not self-inflicted. In December 2013 authorities brought K. Kamalendran, the EPDP's opposition leader and councilman on the newly elected Northern Provincial Council, before the Kayts magistrate, along with his personal assistant and Rexian's wife, Anita, and charged them with Rexian's murder. In January the EPDP suspended Kamalendran from the party and in April announced that S. Thavarasa would replace Kamalendran on the council while Kamalendran awaited criminal proceedings. In September the court released Kamalendran on bail and determined that he could neither enter Jaffna District nor depart the country until the case concluded. At year's end Kamalendran remained released on bail.

Persistent reports of government ties to hard-line nationalist Buddhist groups, in particular the BBS, continued to appear. In June widespread riots erupted in Aluthgama, Beruwela, and Dharga Town in Western Province after an altercation involving a Buddhist monk and a Muslim boy on June 12. Details over the origins of the altercation remained disputed, but following the incident there was a series of attacks against Muslim homes, businesses, and places of worship by mobs of mostly Sinhalese Buddhists, incited by Buddhist monks associated with the BBS. At a June 15 rally in Aluthgama, BBS general secretary Galagoda-Atte Gnanasara Thera stated that, if a non-Sinhalese person touched a Sinhalese person, then "it will be their end." During the riots that spread beyond the three towns, at least three persons were killed and scores more were injured. Authorities dispatched police and special task force (STF) officers to the areas affected by the violence, but witnesses complained they often looked on as the mobs destroyed property and attacked individuals. Authorities reportedly detained more than 60 individuals connected to the attacks, although by year's end, it was unclear if anyone remained detained as a result of their participation in the attacks. There were no reports of any perpetrators held accountable for participation in the attacks. President Rajapaksa, who was traveling abroad when the attacks occurred, visited the attack sites on June 18. During the visit he tweeted that his administration would "conduct an impartial inquiry" into the events. The government had not released any inquiry results as of year's end.

Evidence of serious violations of international humanitarian law and international human rights law in the final stages of the war continued to mount, but the

government refused to acknowledge credible allegations that members of the armed forces were involved in such incidents.

In 2009 the United Kingdom's Channel 4 broadcast a report on events at the end of the civil war, following it with more extensive documentaries made available on the internet--*Sri Lanka's Killing Fields* (2011) and *No Fire Zone* (2013)--which purported to show graphic evidence of army forces committing human rights violations, including extrajudicial executions. In 2012 army commander Jagath Jayasuriya appointed a five-member "initial fact-finding inquiry" known as the court of inquiry (COI) to look into civilian casualties in the final stages of the war and to investigate the Channel 4 video footage. A February 2013 statement on the Ministry of Defense website stated the COI had concluded that the LTTE had violated international humanitarian law with impunity through the use of civilians as human shields, the placement of heavy weapons among civilian populations, and the conscription of civilians, including children and the elderly. The COI also concluded, however, that the military had carried out President Rajapaksa's "zero civilian casualty" directive, behaved as a well disciplined military force, and observed international humanitarian law completely. In April 2013 Commander Jayasuriya announced the COI would proceed to investigate Channel 4's allegations of summary executions of LTTE combatants. In April 2013 Yasmin Sooka stated that the report of the army COI's findings "stretched credibility" and repeated many observers' calls for an independent investigation. Despite the government's expressed willingness to release the COI's findings, in October the government stated the COI report and information serving as the basis of its findings were confidential and "cannot be made public."

In July 2013 the government rearrested 12 of the 13 suspects who had been released in 2009 for the 2006 murder of five Tamil high school students on a Trincomalee beach. Among the suspects was an assistant superintendent of police, who at the time of the murders was a Trincomalee-based police inspector. The judge in the case subsequently released the suspects on bail and instructed them to avoid threatening the witnesses who planned to testify against them. In October the government noted that witness testimony in the case continued to be taken throughout the year and that the government was seeking testimony from eight witnesses who were then overseas, including two survivors of the attack whose whereabouts were being sought by Criminal Investigation Department (CID) investigators. There were indications from the witnesses overseas that they would be willing to testify from abroad via video link but would not return to the country to do so due to concerns for their safety. Although the government allows video-link testimony for minors abroad, there has been reticence to expand this to include

other cases. Authorities scheduled the next court date for witness testimony in January 2015.

The government did not conduct significant inquiries into the high-profile cases investigated by the 2006 Presidential Commission of Inquiry, including the 2006 killing of 17 local staff of the French NGO Action against Hunger (ACF) in Muttur. The Sri Lanka Monitoring Mission, an international cease-fire monitoring group, released a statement following the killing of the ACF workers that concluded “there cannot be any other armed groups than the security forces who could actually have been behind the act.” The government disbanded the 2006 commission of inquiry into the incident in 2009 without issuing a public report. There were reports, however, that the commission blamed the ACF for allowing its workers to be in an unsafe location, at the same time exonerating all government security forces from any possible involvement in the killings. In December 2013 the ACF released a report entitled *Muttur: The Truth about the Assassination of 17 Aid Workers in Sri Lanka*, which noted that it had been seven years and four inconclusive government investigations since the killings and questioned the government’s ability to investigate the case and provide justice. Referring to the killings as “one of the most atrocious war crimes ever committed against humanitarian personnel,” the report concluded the ACF victims “were likely assassinated by members of Sri Lankan security forces and the criminals must have been covered up by Sri Lankan top authorities.” In September a top official in the Attorney General’s Department expressed pessimism about the investigation: “It has been very difficult to gather evidence regarding this incident,” he said. “It happened when the war was raging. It is uncertain who witnessed it.” By the time it occurred, he added, “ordinary people had left the area.”

In March the UN Human Rights Council (UNHRC) passed resolution 25/1 entitled “Promoting reconciliation, accountability and human rights in Sri Lanka,” requesting the OHCHR “undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission (LLRC), and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders” (see section 5).

## **b. Disappearances**

Enforced and involuntary disappearances continued to be a problem. In March a report entitled *An Unfinished War: Torture and Sexual Violence in Sri Lanka, 2009-2014* detailed testimonies from 40 alleged victims of torture and sexual abuse who escaped the country and fled to the United Kingdom since the end of the war. All the victims said authorities abducted them prior to their detention and abuse, 32 of them in white vans and eight in jeeps or other vehicles. More than half of the abductions took place either in 2013 or during the year. In October the government called the use of white vans in disappearances a “sensationalized allegation” and claimed that 21 criminal abductions utilizing a white van were recorded in the country in the period 2009-14 and that 17 of the victims returned to their families.

There were no official statistics regarding such disappearances, and citizens’ considerable fear of reporting such incidents made reliable accounting difficult. One incomplete study of open-source media reports from March to October 2013 found at least 17 individuals abducted in 12 events, most of them in Colombo or the Northern or Eastern provinces. Among the individuals allegedly abducted were businessmen, political party activists, and one entire family. The victims of the alleged abductions were disproportionately Tamils.

In another report released in May 2013, Amnesty International (AI) stated that more than 20 alleged enforced disappearances occurred in 2012. Among the victims were political activists, businesspersons, and suspected criminals, leading observers to suspect the involvement of the government or government-allied forces in several cases.

In its August 4 report to the UN General Assembly, the UN Working Group on Enforced and Involuntary Disappearances (WGEID) noted the number of outstanding cases of enforced or involuntary disappearances had risen from 5,676 at the end of 2012 to 5,731. Between December 2012 and March, the UN WGEID submitted four official letters requesting “prompt intervention” by the government in response to alleged threats, intimidation, and the arrest of human rights defenders, most of them from the Northern Province. In its August report, the WGEID reiterated that the government needed to “ensure that all involved in the investigation” of enforced and involuntary disappearances, “including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation, or reprisal.” In October 2013 the WGEID issued its fifth reminder to the government of its initial 2006 request to be invited to the country for an official visit. At year’s end the government still had not responded to the eight-year standing request.

The ICRC annual report for 2013, released in May, noted that ICRC Sri Lanka was handling 16,137 cases of missing persons as of December 2013, including 831 women and 1,583 minors. This total included cases reported to the ICRC since 1990. In 2013 the ICRC received 95 new cases, including 20 involving women and 18 involving minors, and successfully traced 55 persons.

There was very limited progress made with regard to the thousands of disappearances from past years. The government did not publish the results of any investigations into disappearances, nor did it publish information on any investigations, indictments, or convictions of anyone involved in cases related to disappearances.

In August 2013 President Rajapaksa announced the creation of a new commission to investigate incidents of missing persons during the country's 26-year civil war. The government appointed Maxwell Parakrama Paranagama, a former Supreme Court justice and member of the LLRC, to chair the three-member commission that was to issue a report after a thorough, six-month investigation. In February and again in August, the president extended the commission's mandate by six months. The commission took public testimony on just over 1,440 of more than 20,000 cases registered by December, raising concerns regarding the commission's slow pace of work.

Observers identified numerous problems in the commission's work. These included, but were not limited to: the intimidation of commission witnesses (including on the same day their testimonies were taken); the provision of transport by the military for witnesses to travel to and from the testimony sites; the presence of intelligence officers at public testimony (including taking photographs of witnesses and those present); commission questioning that overly focused on LTTE culpability and witness compensation; and poor or misleading interpretation of witness testimony, which undermined the quality of evidence gathered in the first instance.

On July 15, via official gazette notification, the government broadened the commission's scope to include inquiring into, and reporting on, alleged war crimes committed during the country's civil war. Under the new mandate, which many observers viewed as an effort by the government to counter or replace the OHCHR investigation, the government tasked the commission on missing persons with determining whether the loss of civilian life during the war resulted from "proportionate attacks against targeted military objectives in armed conflict" and

whether the civilian casualties were either the deliberate or unintended consequences of war. The commission was to also report on whether the LTTE, as a nonstate actor, was subject to international humanitarian law in the conduct of its military operations; inquire into the LTTE's use of civilians as human shields, recruitment of child soldiers, and suicide bombings; and determine whether these constituted a violation of international humanitarian law or international human rights law. In November the media reported the commission would also gather evidence of human rights violations and that it set a deadline of December 31 for the receipt of such evidence.

The expanded mandate of the commission included naming an advisory council, composed of international legal experts Desmond de Silva, Geoffrey Nice, and David Crane, to advise the commission at the request of its members. Avdhash Kaushal and Ahmer Bilal Soofi were added to the council in August, and in November, Motoo Noguchi became the council's sixth member. Much confusion regarding the advisory council's role remained at year's end. On July 17, cabinet spokesperson Keheliya Rambukwella stressed the council would merely give advice, and that it was up to the government to decide "what to implement." Those seeking a comprehensive truth-seeking process raised concerns that the advisory council's role apparently was being interpreted as similar to providing legal defense for the government, not as serving as a body of independent and credible expert advisors to an impartial and independent mechanism intended to establish the truth about serious crimes and abuses. Such concerns were heightened by comments made by members of the council, who claimed that any advice they gave would be confidential, as the government was their client. Professor Crane told one reporter, "[L]ike all attorneys in practice, I am being compensated by the Sri Lankan government for being a legal advisor." Moreover, questions regarding the commission's capacity to investigate the nearly 20,000 cases of disappearances it had registered at the time of the expansion of its mandate raised key questions about the commission's ability to carry out its new mandate effectively (section 1.b.). On August 10, Mannar Bishop Rayappu Joseph publicly rejected the commission's work, stating he had "no confidence" in the commission to provide justice to the family members of those who had disappeared. This view of the commission's inability to provide justice was widely held among Tamils.

In October 2013 the government announced it would conduct a census as part of the work of the commission on missing persons to catalogue wartime deaths, disappearances, and property damage. The census concluded in December 2013, but civil society expressed concern that serious structural flaws in its parameters would prevent it from being able to provide credible results, particularly

restrictions that limited reporting on those who died or had disappeared to the immediate household. The government justified this approach as an attempt to minimize double-counting. At year's end the government still had not released the census results.

There was no progress in the case of Prageeth Ekneligoda, a journalist and cartoonist for *Lanka-e-news*, who disappeared in 2010, just before the presidential election. In June 2013 Member of Parliament Arundhika Fernando claimed he saw Ekneligoda in France and then repeated the claim in various print and electronic media outlets. He stated that his friend and journalist Manjula Wediwardena had introduced him to Ekneligoda, but in a live confrontation on television, Wediwardena denied having met Fernando in France or introducing him to Ekneligoda. Fernando reiterated his claim before the Homagama Magistrate Court in July 2013 and before Parliament again in December 2013. In April the media reported that Minister of Investment Promotion Lakshman Yapa Abeywardena and chief editor of the *Lanka* newspaper Priyantha Karunaratna did not appear in court, despite a Homagama magistrate's order that they appear and testify regarding statements made in 2012 by the minister regarding the Ekneligoda case that were published in the newspaper. No additional information regarding the case was available at year's end.

In April the UN Children's Fund (UNICEF) reported that its Family Tracing Unit recorded 2,504 tracing requests since its establishment in 2009. Of the requests, 786 related to children and 1,718 concerned adults. Approximately 102 of the children were matched later with names found in hospital and other records; authorities referred them to the probation and child-care commissioner for tracing, verification, and reunification. According to previous UNICEF data, the LTTE recruited 57 percent of the children prior to their disappearance. UNICEF continued to work with probation departments in Jaffna, Kilinochchi, Mullaitivu, Mannar, and Batticaloa to integrate family-tracing units into their departments.

In December 2013 National Water Supply and Drainage Board construction workers discovered a mass grave in Mannar District. Subsequent investigations uncovered at least 80 skeletal remains before the government halted the excavations. The government stated it had no control over the area in which workers found the mass grave for more than 30 years, publicly blamed either the LTTE or the Indian Peacekeeping Force for any killings, and later suggested the site was a former cemetery. Local residents believed the victims died as a result of actions by the military when the government retook control of the region from the LTTE. Investigators noted some skulls in the grave had bullet holes in them, and

some victims appeared to have been buried with their hands tied behind their backs. In February, two additional mass graves were discovered, the first in Trincomalee, where reports stated that the skeletal remains of 15 persons were found. Authorities made very little information regarding the site public, as police sealed the area and severely restricted access to the location. On February 27, a mass grave containing the skeletal remains of nine individuals was uncovered in Mullaitivu District. According to news reports, residents said that the victims were likely killed by army shelling in 2009, although the army and police suggested they were victims of the LTTE.

There was little new information regarding the mass grave in Matale, discovered during excavations of the city's main hospital in 2012, which contained 154 skeletal remains, presumably from the 1987-89 Marxist insurgency in the area. In its response to the February report to the UN Human Rights Council by then UN high commissioner for human rights Navanethem Pillay, the government stated the bodies likely belonged to victims of a 1940s cholera outbreak, but some officials had already suggested they were only about 25 years old and showed signs of torture. In November 2013 the government announced its intention to send samples from the site to China but later stated it had sent them to a different foreign laboratory. A year later news reports stated that incomplete results from the foreign lab indicated that the skeletal remains dated to the early 1950s.

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

The law makes torture a punishable offense and mandates a sentence of not less than seven years' and not more than 10 years' imprisonment. There were credible reports, however, that police and security forces tortured, raped, and sexually abused citizens. The Prevention of Terrorism Act (PTA) allows courts to admit as evidence confessions extracted by torture.

In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitaries, were responsible for the documented and undocumented detention of civilians accused of LTTE connections. Observers reported that interrogation sometimes included mistreatment or torture following detention. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threat of re-arrest or death.

Human rights groups claimed that some security forces believed specific circumstances allowed torture. Several former LTTE combatants released from rehabilitation centers reported torture or mistreatment as well as sexual abuse by government officials while in rehabilitation centers. In 2012 police endorsed the incorporation of a full human rights curriculum and lesson plan developed by the OHCHR into the police training curriculum, but authorities never enacted the plan. The HRCSL provided periodic training to police on human rights issues, but observers could not verify the quality of the training and extent of coverage.

In March an NGO report, *An Unfinished War: Torture and Sexual Violence in Sri Lanka, 2009-2014*, presented evidence from 40 Sri Lankans who fled the country to the United Kingdom since the end of the war alleging they were victims of torture and sexual violence committed by agents of the government (also see section 6). Among the methods of torture alleged by the 40 victims were branding with hot metal rods, burning with lit cigarettes, lacerations, blunt trauma, suspension, falaka (beating on the soles of the feet), electric shock, and asphyxiation in water or with plastic bags over the head containing petroleum or chili powder. Of the 40 victims, 28 reported sexual assault, and more than half of the witnesses stated that their torture and/or sexual abuse occurred in 2013 and during the year. Nearly half of the witnesses attempted to commit suicide after they had reached safety outside of the country. The report concluded “abduction, arbitrary detention, torture, rape, and sexual violence have increased in the post-war period,” adding that the “widespread and systematic violations” by the security forces occurred in a manner that indicated “a coordinated, systematic plan approved by the highest levels of government.” The report concluded the 40 cases presented in the report represented “a small sample of those crimes likely committed against the Tamil population.”

There were also reports that police harassed and extorted money or sexual favors from lesbian, gay, bisexual, and transgender (LGBT) individuals with impunity and assaulted gays and lesbians (see section 6).

There were a number of credible reports of sexual violence against women in which the alleged perpetrators were armed forces personnel, police officers, army deserters, or members of militant groups. A number of women did not lodge official complaints due to fear of retaliation (see section 6).

Human rights activists reported police and security force participation in acts of violence against women and young girls, although sources also suggested that sexual violence against men in detention was prevalent.

In July the Jaffna teaching hospital admitted two young Jaffna girls, ages 11 and nine, for treatment of injuries allegedly sustained during repeated sexual assaults by navy personnel. In the months that followed, authorities detained seven navy personnel but later released them on bail. Government officials harassed and threatened family members of the alleged victims, those close to them, hospital personnel involved in their treatment, and journalists covering the case, warning them not to harm the image of the government or security forces. Details regarding the allegations of abuse remained unclear, however, and authorities repeatedly postponed court dates at Jaffna's Juvenile Court. On July 25, Tamil National Alliance (TNA) leader R. Sampanthan spoke in Parliament about the cases, attributing the rapes to the heightened security force presence in the Northern Province and demanding action to punish the offenders. On July 26, the media reported that Prime Minister D.M. Jayaratne said that "a man in LTTE uniform" dragged the 11-year-old victim into the bushes and assaulted her and that a navy officer tried to stop the unidentified man when he attempted to flee. The prime minister added, "there are rape cases all over the world" and the "TNA was trying to portray this small incident as a big case." At year's end the suspects remained free on bail awaiting further court proceedings.

In May 2013 an unnamed soldier attached to the army camp in Nedunkerny, Vavuniya, allegedly raped a six-year-old girl returning home from school. Following a police investigation, authorities arrested the soldier, who appeared before the Vavuniya magistrate in June 2013 and later remanded. Authorities accused the same soldier of raping another young girl in May 2013 in Dehiattakandiya, Monaragala District. Authorities reportedly transferred the soldier to Vavuniya after his release on bail from the first case. No further information on the case was available at year's end.

Widespread impunity persisted, particularly for cases of torture, sexual violence, corruption, human rights abuses, and attacks on media by police, military, and progovernment paramilitary forces. For example, throughout the year military and paramilitary agents with apparent links to the government continued their campaign to intimidate employees at the Tamil-language *Uthayan* newspaper. Authorities accompanied the verbal attacks by verbal threats and physical assaults on *Uthayan* personnel throughout the year.

There were continued reports of police and security force inaction in the face of attacks by Buddhists against religious minorities. During the June riots in Aluthgama and Beruwela (see section 1.a.), observers noted security forces did

little to impede the destruction of property and attacks against Muslims committed by mobs led by Buddhist monks. On August 4, at Colombo's Center for Society and Religion, a mob led by Buddhist monks entered Catholic Church property to halt a meeting between members of the diplomatic community and families of persons who disappeared who traveled from the north to share their stories. Police initially gave the monks considerable latitude to disrupt the meeting but then moved to stabilize the situation before the monks could cause serious physical damage or injury (also see section 2.b.).

In March 2013 a mob led by Buddhist monks attacked a warehouse of a chain retail clothing store owned by a Muslim family. The mob smashed windows and burned clothing. Police were present but did not intervene at first, and authorities called STF officers to the scene to control the situation. Several days afterwards, police arrested a few of the alleged perpetrators of the attack but later released them without charge.

In August 2013 a dispute over the location of a mosque in Grandpass in northeast Colombo erupted into violence when a group of approximately 200 protesters, led by Buddhist monks, pelted the mosque with stones. According to reports, police on the scene watched as the attackers launched their assault, intervening only after reinforcements arrived. The attack injured 10 individuals and trapped numerous worshippers inside the building. At year's end authorities had not arrested anyone for the attack.

In May Colombo additional magistrate Priyantha Liyanage observed that there was a prima facie case against ruling Sri Lanka Freedom Party (SLFP) Member of Parliament Duminda Silva and 11 others charged with the murder of SLFP Member of Parliament Baratha Lakshman Premachandra and three other men during a 2011 clash that left Silva seriously injured and hospitalized. Although a Colombo magistrate's court initially ordered Silva's arrest and appearance in court, Silva fled to Singapore for medical treatment, where he remained for more than a year after the clash. The media reported that Silva returned to Colombo in March 2013 to face charges in the case, and the court released him on bail the following month. In December 2013 the media reported Silva received court permission to return to Singapore in January for a month of additional medical treatment. A year later, on December 8, Premachandra's daughter Hirunika, a member of the Western Provincial Council, publicly defected from the ruling coalition to support the opposition presidential candidate, claiming that "personal" reasons were central to her decision. Referring to the government leadership, she asked, "Why do they

protect my father's killers?" At year's end Silva remained free on bail, and authorities had referred the case to the Colombo High Court for trial.

### **Prison and Detention Center Conditions**

Prison conditions were poor due to gross overcrowding and the lack of sanitary facilities.

Physical Conditions: In many prisons inmates reportedly slept on concrete floors and often lacked natural light or sufficient ventilation. According to 2012 estimates by prison officials and civil society sources, prisons designed for approximately 11,000 inmates held an estimated 32,000 prisoners. Newer figures were not available, as the Prisons Department's most recent statistical report released in June contained data through the end of 2012. More than 13,000 of these prisoners were either awaiting or undergoing trial. There were approximately 1,400 female prisoners. In March 2013 the Prisons Department reported moving prisoners from Bogambara Prison to a new facility in Dumbara, but overcrowding remained a significant problem by the end of the year, as recognized by Ministry of Rehabilitation and Prison Reforms officials in their 2013 annual report released early in the year.

In some cases juveniles were not held separately from adults. Authorities often did not hold pretrial detainees separately from convicted prisoners. Authorities often incarcerated petty criminals with perpetrators of more serious crimes. Authorities held female prisoners separately from male prisoners and in generally poor conditions. Prisoners and detainees had access to potable water. Authorities acknowledged poor prison conditions, but cited lack of space and resources as limiting factors.

Administration: Poor recordkeeping was not a significant problem. There were alternatives to incarceration for nonviolent offenders, including community service and community-based corrections alternatives. Community-based corrections included elements of rehabilitation and counseling in addition to community service work. There were no ombudsmen to handle prisoner complaints. The law mandates that magistrates visit prisons once a month to monitor conditions and hold private interviews with prisoners, but this rarely occurred because the backlog of cases in courts made it difficult for magistrates to schedule such visits. Authorities allowed prisoners and detainees, except those held in informal detention facilities, access to family members and religious observance.

Independent Monitoring: Authorities often denied international organizations access to regular and remand prisons, although in April 2013 the ICRC reported gaining access to regular prisons after a two-year hiatus. The government also frequently limited access by monitoring bodies to detention facilities holding migrants and did not grant the Office of the UN High Commissioner for Refugees (UNHCR) access to detained asylum seekers to conduct refugee status determinations for months following the detention of hundreds of asylum seekers, mainly of Pakistani and Afghan descent, that took place from June to October. The government permitted independent human rights observers and the ICRC to visit the detention facilities of the Terrorist Investigation Division (TID). There were reports that authorities removed some prisoners from the regular detention population and concealed them from independent monitors during monitoring visits. The government stated there were no detention facilities operated by military intelligence.

There was no new information available on the 2012 Welikada Prison riot, which killed 27 prisoners and injured more than 40 persons. During an STF search for illegal arms and drugs, prisoners reportedly broke into the prison armory, and a gunfight ensued between prisoners and the STF. Human rights groups and opposition politicians alleged that some of the dead prisoners were executed. Separate investigations by Minister of Rehabilitation and Prison Reforms Chandrasiri Gajadeera and Prisons Commissioner General P.W. Kodippili found that overcrowded prisons, easy access to narcotics, and resistance by prisoners to the STF's search operations were the main reasons for the riot. A three-member committee commissioned by Gajadeera was due to submit a final report on the incident in December 2012, but the government granted it a two-month extension to conduct further investigations into available evidence. In September 2013 the media reported additional delays in the report's release. In its September statement to the UN Human Rights Committee regarding compliance with the International Covenant on Civil and Political Rights (ICCPR), the government rehashed old explanations regarding the killings and did not mention the number of prisoners killed or provide an update on the report's status.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but such incidents frequently occurred. There were numerous reports throughout the year of victims arrested and detained on unsubstantiated charges.

The PTA does not clearly define what constitutes an arbitrary arrest. Under the PTA, security forces have sweeping powers to search, arrest, and detain. Detainees may be held for up to 18 months. Many detainees continued to be held arbitrarily for prolonged periods without charge, including in irregular places of detention. In September the government claimed it was holding 114 prisoners under the PTA and that all such prisoners had access to family member visits, attorneys, magistrates, medical officers, members of the clergy, and representatives of the ICRC and the HRCSL. It also claimed that all of the detainees held under the PTA had been in jail for less than 18 months.

According to human rights groups, police stations held an unknown number of detainees, as did the CID, the TID, army camps, or other informal detention facilities, on allegations of involvement in terrorism-related activities. Authorities allegedly held many of these detainees incommunicado without charge or trial. Numerous reports suggested that security personnel used involuntary disappearances to interrogate persons “off the books” without the need to document the cases. Authorities then released victims of these disappearances and unreported interrogations and told them not to disclose their abductions or interrogations under threat of physical harm. In some cases authorities reportedly followed detention by interrogation that included mistreatment or torture (see section 1.c.).

In March an NGO report, *An Unfinished War: Torture and Sexual Violence in Sri Lanka, 2009-2014*, presented evidence of arbitrary arrest or detention from 40 citizens who fled to the United Kingdom since the end of the war, alleging security forces tortured and sexually abused them. The report alleged that authorities held only one of the 40 victims under the PTA or the emergency regulations that prevailed during the war, with the other 39 held arbitrarily, without charges, and with security personnel searching their homes to gather potential evidence against them.

In 2013 government reports indicated that it had rehabilitated and released 11,631 LTTE combatants who surrendered at the end of the war and that approximately 232 remained in rehabilitation centers. In November the ICRC reported that the government had released all LTTE detainees from detention. In 2012 the government stated that it began transferring many of the 700 hardcore former combatants considered by authorities to be potentially criminally liable to the criminal justice system for formal prosecution. In October, Ministry of Justice officials could not confirm whether that process was continuing or had been completed.

The exact numbers of former combatants rehabilitated, released, or moved into the criminal justice system were difficult to track, since individual prisoners moved within the system frequently. Reintegration of former combatants and other detainees released from rehabilitation remained challenging due to intensive surveillance by the military, social stigma (some persons were afraid to associate themselves with former combatants, who regularly had to report to the army), employment difficulties, and psychological trauma. Several released former combatants reported torture or mistreatment, including sexual harassment and abuse, by government officials while in rehabilitation centers and after their so-called reintegration.

### **Role of the Police and Security Apparatus**

In August 2013 the president created the Ministry of Law and Order with the aim of delinking police departments from the armed services. The government initially appointed retired major general Nanda Mallawaarachchi, the former Army Chief of Staff, as secretary of law and order. In October former inspector general of police (IGP) Mahinda Balasuriya replaced Mallawaarachchi. Balasuriya had resigned as IGP in the wake of the death of two protesting workers at the Katunayake free trade zone in 2011. The president maintained the ministerial portfolio in this area, as he did for defense and finance. The IGP is responsible for the nearly 90,000-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.

Before the creation of the Ministry of Law and Order, the IGP reported to the defense secretary (in a separate chain of command from that of the armed forces and other military units). The nearly 6,000-member paramilitary STF is within the structure of the SLPS, although joint operations with military units in the past led to questions among observers about who directed the STF. In late 2012 the government formed the Civil Security Department (CSD)--formerly known as the Home Guard--as an auxiliary to police. Authorities designed the CSD to help keep law and order without increasing police or military presence in politically sensitive areas and to provide jobs for a number of former LTTE cadres, who otherwise might not be able to find steady employment. Members of civil society suggested the CSD was an avenue for the government to continue its surveillance and intimidation of the Tamil population and alleged that the government forced Tamil members of the CSD to participate in progovernment demonstrations. In October the government reported that 666 former combatants were employed in the CSD.

Government efforts to recruit Tamil soldiers continued. In 2012 a total of 109 female Tamil soldiers were recruited into the Sixth Sri Lanka Army Women's Corps. In March 2013 a total of 95 of the women, who were from the northern districts of Mullaitivu, Vavuniya, Kilinochchi, and Mannar, completed a four-month training course in the English and Sinhalese languages, civilian-military relations, and reconciliation issues. Reports suggested the Tamil female recruits were serving as civil affairs coordinators and clerks throughout the Northern Province. Throughout the year nonspecific reports emerged that security forces in the Northern Province used force and coercion, especially the threat to deny families welfare and other benefits, to convince young Tamil women to join the military.

In 2012, the National Police Commission, which the president appointed but which had been inactive since 2009, was reinstated to receive and investigate complaints from the public against police. According to the HRCSL annual report for 2013, among the top five complaints received by the HRCSL's head office in Colombo were police inaction in response to citizen allegations of torture, arbitrary arrest, and detention.

Few police officers serving in Tamil-majority areas were Tamil, and most did not speak Tamil or English, although media and government reports indicated the government continued to hire, train, and deploy ethnic Tamils.

### **Arrest Procedures and Treatment While in Detention**

By law authorities are required to inform an arrested person of the reason for the arrest and bring that person before a magistrate within 24 hours for minor crimes, 48 hours for some grave crimes, and 72 hours for crimes under the PTA. In practice, however, several days and sometimes weeks or months elapsed before detained persons appeared before a magistrate. A magistrate may authorize bail or continued pretrial detention for up to three months or longer. Judges need approval from the Attorney General's Office to authorize bail for persons detained under the PTA. Judges normally did not grant bail in PTA-related cases. Police can make an arrest without a warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, regulations require the magistrate to remand the suspect, and only the High Court may grant bail. In all cases suspects have the right to legal representation, although there is no legal provision specifically providing the right of a suspect to obtain legal representation during interrogations in police stations and detention centers. There were credible reports

that detainees often did not have a lawyer present at the time of interrogation. The government provided counsel for indigent defendants in criminal cases before the High Court and courts of appeal, but not in other cases.

By law police may detain a suspect for up to 72 hours, after which police must produce the suspect before a magistrate, but there were reports of cases in which authorities did not respect this law. Observers received multiple reports of suspects detained incommunicado for extended periods and without charges.

Arbitrary Arrest: Arbitrary detention was a problem. For example, following the killings of alleged LTTE operatives in April (see section 1.a.), there was a cordon and search operation that spanned the Northern Province's five districts and included mass detentions of suspects for short periods. Security forces made more than 100 arrests. Information about the detentions and arrests was not available from the government or the ICRC, whose officials received access to the detainees. Observers could not confirm the total number or persons detained and arrested or the number still in detention at year's end.

Among those detained in the roundups were family members of the alleged LTTE operatives sought by security forces. Upon being detained, security forces told these family members that they would not be released until their relatives who were wanted were found. On March 13, the government alleged that "Gobi" took refuge in the Kilinochchi home of Balendran Jeyakumari, a well known activist who attended public demonstrations during the November 2013 Commonwealth Heads of Government Meeting demanding more information about her son who disappeared. Police subsequently arrested Jeyakumari and sent her to the Boossa detention center. Gobi allegedly escaped after shooting a police officer in Jeyakumari's home. On March 16, security forces detained prominent human rights defenders Ruki Fernando and Father Praveen Mahesan after the two men were seen visiting Jeyakumari's home. Following criticism from the international community and domestic civil society, authorities released Fernando and Praveen on March 19. As of year's end, the government had not presented any evidence of the three alleged LTTE operatives' involvement in terrorist activities. In October authorities moved Balendran Jeyakumari from Boossa detention center to TID custody in Colombo. In December she was moved again to a Welikada prison women's ward, where she remained without charge at year's end.

Pretrial Detention: The judicial process moved slowly, and more than half of those in prison either were awaiting or undergoing trial. According to a report released during the year with information through December 2012, the most recent

information available, 1,141 prisoners awaiting trial had spent more than two years in remand and 3,089 had spent more than a year. Lengthy legal procedures, large numbers of detainees, judicial inefficiency, and corruption often caused trial delays. Legal advocacy groups asserted that it was common for the length of detention to equal or exceed the sentence for the alleged crime.

In 2012 an estimated 200 prison inmates launched a hunger strike, demanding that authorities either initiate legal action against them or release them. In response authorities promised to establish three new high courts to accelerate the cases of suspected LTTE prisoners, and in 2013 the Justice Ministry completed initial work to establish the high courts. Authorities delayed processing cases, however, due to the insufficient number of high court judges. Authorities stated that a new high court in Anuradhapura began hearing cases solely related to the PTA and child abuse in February, although the effect of the new court was unclear at year's end.

Persons under administrative detention did not enjoy the same rights as those awaiting trial. For example, lawyers were required to apply for permission from the TID to meet clients detained at the Boossa detention center, and the meetings usually took place with police present. Pretrial detainees did not have the right to legal counsel during questioning by police.

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

Amnesty: The president granted amnesty to a number of prisoners throughout the year. For example, in April the president pardoned 10 former presidential security division personnel found guilty of assaulting the popular singers Rookantha Gunathilake and his wife, Chandraleka Perera, and setting fire to their home in 2000. In observation of the Vesak holiday (May), the president released 1,000 prisoners serving short jail sentences for minor offenses. In honor of "prison day" (September 11), the president pardoned 736 prisoners in similar circumstances. On November 19, the president released five Indian fishermen sentenced to death for drug trafficking.

#### **e. Denial of Fair Public Trial**

Following the 2010 passage of the 18th amendment to the constitution, executive influence over the judiciary significantly increased. The 18th amendment repealed the 17th amendment and eliminated the Constitutional Council, a multi-party body

created to select members of independent judicial, police, human rights, and other commissions. In place of the Constitutional Council, the 18th amendment established the Parliamentary Council, which submits nonbinding advice on appointments to the president, who has sole authority to make direct appointments to the commissions. The president also directly appoints judges to the Supreme Court, High Court, and courts of appeal.

In January 2013 coordinated moves by the government to undermine the independence of the judiciary culminated in the impeachment of Chief Justice Shirani Bandaranayake on accusations related to undeclared assets and misconduct. The process began in 2012, when the Supreme Court invalidated a bill that sought to concentrate power in the central government. On the day following the court's action, Parliament initiated impeachment proceedings against Bandaranayake. The impeachment motion, filed by the ruling party and lodged in Parliament in November 2012, contained 14 charges, ranging from undeclared assets to violating constitutional provisions. The government formed a parliamentary select committee (PSC) to investigate the charges. The 11-member PSC considering the case consisted of a majority of ruling coalition members who had already expressed their belief in the chief justice's guilt. The committee denied the chief justice sufficient time and information to prepare her defense, refusing her access to documents and evidence used by the panel members. Members of the committee reportedly verbally abused Bandaranayake. The panel informed the chief justice that it had no plans to call witnesses to give oral evidence and denied her request to cross-examine witnesses who provided written testimony against her. Bandaranayake and her lawyers quit the hearings in protest at the lack of due process. Later, the opposition members of the PSC also boycotted the proceedings.

After both the opposition members of parliament and the defense refused to participate in the hearings, the government members of the PSC moved quickly to complete the hearings, hastily calling witnesses, and examining more than a thousand pages of documents in two days before concluding the investigation. The committee completed its report within 24 hours after concluding its hearings and found the chief justice guilty on three charges, with Parliament voting to remove the chief justice the next day.

The Supreme Court ruled that the impeachment proceedings were unconstitutional, but the government rejected the ruling, stating that the court had no jurisdiction over parliamentary actions. In January 2013 the president appointed close advisor and former attorney general Mohan Peiris as the new chief justice. Local civil

society groups, religious organizations, human rights observers, and judicial and law organizations such as the Bar Association of Sri Lanka criticized the impeachment and characterized it as a politically motivated effort to curb the independence of the judiciary and consolidate the president's powers. According to an AI April 2013 report, *Sri Lanka's Assault on Dissent*, lawyers and judges received calls and letters threatening their lives due to their activism surrounding the impeachment proceedings.

Throughout the year the government continued to pursue its case against Bandaranayake through the Bribery Commission. In protest against an alleged witch hunt, Bandaranayake attended each session dressed in black. In November, Colombo's chief magistrate ordered a director of the Central Bank to file a report on whether the former chief justice's lawyers could examine the user logins to her bank accounts without paying to do so. National Development Bank authorities had earlier claimed that a large fee would be required to transfer such information to the chief justice's legal team. The next court date was scheduled for February 2015.

There was no procedure in place to address the legal status of former LTTE combatants held in rehabilitation centers. Human rights lawyers frequently reported surveillance of their activities, and authorities subjected them to physical and verbal threats.

### **Trial Procedures**

The law presumes defendants innocent in judicial cases. In High Court criminal cases, juries try defendants in public. Authorities inform defendants 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 arrested persons may contact family or a lawyer, but authorities allowed them to make calls on their cell phones to such persons. The government provided 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. There are no juries in cases brought under the PTA, but defendants in such cases have the right to appeal. Defendants have the right to confront witnesses against them, present witnesses and evidence, and access government-held evidence, such as police evidence.

Confessions obtained by coercive means, including torture, are generally inadmissible, except in PTA cases. Defendants bear the burden of proof, however, to show that authorities obtained their confessions by coercion.

The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. Most courts outside of Jaffna and the northern and eastern 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 and east were in Tamil and English. There were few legal textbooks in Tamil.

### **Political Prisoners and Detainees**

The government detained and imprisoned a number of persons for political reasons. The government permitted access to such persons on a regular basis by international humanitarian organizations. Authorities only granted irregular access to those providing local legal counsel, however, and conversations with clients frequently took place with a security force presence.

On March 13, authorities arrested Balendran Jeyakumari, presumably on PTA charges, after an alleged exchange of gunfire in her home between the wanted alleged LTTE revivalist “Gobi” and security forces on that day (see section 1.d.). Jeyakumari’s son disappeared, and she has been active in the movement to demand information and justice from the government for family members whose relatives have disappeared. Jeyakumari became prominent at protests by family members of persons who disappeared during United Kingdom Prime Minister David Cameron’s visit to Jaffna during the Commonwealth Heads of Government Meeting in November 2013. Authorities detained Jeyakumari with her 13-year-old daughter, and both appeared before a magistrate on March 16. Authorities sent Jeyakumari to Boossa detention center without bringing formal charges, and authorities ordered her daughter sent to a state-run children’s facility, as she had no other legal family to care for her in the absence of her mother. The government claimed that Jeyakumari assisted Gobi in his effort to evade authorities, but the government did not present any such evidence to the public. Authorities postponed each court date, and in October authorities transferred Jeyakumari to Colombo TID custody. In December authorities moved her again to a Welikada prison women’s ward, where she remained at year’s end. Internet and local campaigns demanding that the government “free Jeyakumari” emerged since the arrest, and government authorities and agents harassed and threatened members of those campaigns.

In May 2013 authorities arrested Azath Salley, leader and founder of the Muslim Tamil National Alliance, under the PTA and held him for more than a week before releasing him after protests from the international community and domestic groups.

### **Civil Judicial Procedures and Remedies**

Citizens may file fundamental rights cases to seek redress for alleged human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these types of cases, and judiciary awarded plaintiffs damages in a number of instances. Observers cited bureaucratic inefficiencies in this system, leading to delays in the resolution of many cases. Where courts awarded damages, there were relatively few problems in enforcing court orders.

### **Property Restitution**

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 high-security zones (HSZs). The creation of HSZs displaced large numbers of persons who did not receive restitution for their lands, particularly on the Jaffna Peninsula. Authorities made a small degree of progress in reducing the size of the HSZs during the year. Many of those affected by the HSZs continued to complain, however, that the pace at which the government demilitarized land was too slow and that the government held lands it viewed as economically valuable.

Civil society and human rights activists also criticized the government for lack of transparency in dealing with impending land releases and for failing to “gazette” (to publish official notification about) lands that would not be returned to original owners, thereby preventing the owners from filing for compensation in accordance with domestic legal provisions on the acquisition of land. The government cited the need to conduct careful demining prior to the transfer of these lands, but questions persisted about whether the government always immediately returned land cleared of mines to its original owners. Moreover, reports emerged that the government had hurried the return of certain communities prior to proper demining. Although there was no legal framework for HSZs following the lapse of emergency regulations in 2011, they still existed and remained off-limits to civilians.

The government claimed that only one HSZ--Palali in Jaffna District--remained. Numerous other HSZs actually remained, however, although the government

redesignated them under a number of different terms. The largest HSZs continued to be located in Jaffna and Trincomalee districts, and other areas remained restricted by the military in Mullaitivu, Kilinochchi, and Mannar districts. Jaffna District continued to have the largest population displaced by military occupation of land, with an estimated 20,000 individuals internally displaced within Jaffna as of February, according to the Ministry of Resettlement. Sixteen full and eight partial village administrative divisions in Jaffna District remained closed to resettlement at the end of the year due to an HSZ in the Tellippalai Division, the majority of which consisted of private land belonging to displaced families. In Trincomalee District, residents of an area of the Sampur Exclusive Economic Zone, which partly overlapped with an HSZ, were denied access to 2,795 acres of land demarcated for a coal power project. At year's end almost 4,000 individuals remained displaced from the Sampur HSZ and were unable to return to their homes. Despite past assurances, the government had not offered these individuals compensation for their lands.

The Revival of Underperforming Enterprises and Underutilized Assets Law permits the government to appropriate private assets it deems underperforming. The 2011 law resulted in a government takeover of 37 companies through the end of 2012. Although most of the targeted companies were defunct, several were operating, including the profitable Sevenagala Sugar Industries owned by Daya Gamage, a prominent member of the opposition United National Party (UNP). The government has not nationalized any companies since then. None of the nationalized companies' owners reported receiving compensation for their loss.

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

The law provides for the right to privacy, but the government infringed on this right, particularly when conducting cordon and search operations in Tamil neighborhoods. Security forces conducted searches of property and engaged in wiretapping and surveillance of private citizens with little judicial oversight. This included nonspecific reports of surveillance of private citizens' e-mail, telephone messaging, and other digital communications. Seizure of private lands by various actors remained a problem across the country. There was mounting evidence of government-aided settlement of Sinhalese families from the south in traditionally Tamil areas.

Land ownership disputes between private individuals in former war zones also escalated during the year, with many former residents returning to areas they had left many years earlier. Multiple displacements occurred in the northern and

eastern areas over the many years of war, and land often changed hands several times. Documentation of land claims was difficult for a number of reasons. Many persons displaced multiple times were not able to preserve original land deeds as they moved, and intense fighting between government and LTTE troops damaged or destroyed some official government land records. In 2011 the Ministry of Land and Land Development issued a circular establishing a process to collect and adjudicate land claims in the north and east. NGO observers questioned the effectiveness of the proposed framework due to its lack of substantive criteria for adjudicating cases, its complex claim form, and its reliance on decision-making bodies composed of government and military officials with no training and a limited background in land adjudication.

Following widespread opposition to the circular and several legal challenges, the government withdrew it in 2012 and in January 2013 replaced it with the *Accelerated Program on Solving Post Conflict State Lands Issues in the Northern and Eastern Provinces--Land Circular 2013/01*. The circular pertained to state lands only. Land issues in the north and east were much more complex than a simple distinction between “state” and “private” lands, due to missing and lost deeds, multiple displacements, and the ravages of 26 years of war.

In April 2013 the government began acquiring more than 7,000 acres of land across the Northern Province. The largest single acquisition was a 6,381-acre tract in Jaffna District that the Center for Policy Alternatives estimated affected nearly 10,000 private property owners. According to the 1950 Land Acquisition Act, the government can acquire private property for a “public purpose,” but the law requires posting acquisition notices publicly and providing proper compensation to owners. Acquisition notices in the Jaffna case uniformly stated that the rightful owners could not be located, but observers questioned the thoroughness of the government’s efforts to contact the owners. Moreover, the government frequently posted acquisition notices on HSZ land that was inaccessible to property owners, many of whom initiated court cases, including fundamental rights cases before the Supreme Court, to challenge the acquisition of their properties. According to the acquisition notices, most of the land acquired was for use as army camps and bases, but among the purposes listed on certain notices were the establishment of a hotel, a factory, and a farm.

Throughout the year numerous lawsuits, including a Supreme Court fundamental rights case and numerous writ applications with the high courts, remained stalled without significant progress or redress for affected landowners. At year’s end property rights between state and private owners remained mired in confusion.

Observers continued to note the overlapping legal frameworks served to reinforce northern Tamils' worst assumptions regarding state intentions behind land acquisitions and the reform of land law.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech, including for members of the press, but the government did not respect this right. Government officials criticized, pressured, harassed, and detained members of the media, and most journalists practiced self-censorship.

Freedom of Speech: The constitution provides for the right to free speech. Authorities subjected this right, however, to a host of restrictions, including public morality and national security. The government attempted to impede criticism throughout the year, including through harassment, intimidation, violence, and detention. The government monitored political meetings, particularly in the north and east. There also were credible reports that civilian and military officials questioned local residents who met with foreign diplomats regarding the content of their meetings as well as groups that held similar meetings.

Press Freedoms: In its *Freedom of the Press 2014* report, Freedom House noted a “dramatic decline” in press freedom in the country over the previous decade. The report attributed the continued decline in press freedom to “increased harassment of both local and foreign journalists trying to cover protests and sensitive stories” and “attacks on printing and distribution channels for private media and blocks on web content” that resulted in a “more constricted space for independent news.”

The government owned one of the country's largest newspaper chains, two major television stations, and a radio station with eight channels. Private owners, however, 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, although in December 2013 the government announced it would not grant licenses for new television or radio stations due to a lack of available frequencies. In the north the government restricted broadcast transmissions.

On May 27, police banned media coverage of a defamation case filed by Secretary of Defense Gotabaya Rajapaksa at the Mount Lavinia Magistrate Court. Police did

not allow media, including court reporters, to cover the cross-examination of the defense secretary by attorney M.A. Sumanthiran (also a TNA Member of Parliament) and warned media not to film the defense secretary's arrival to or departure from court. Police officers threatened media members that, if they filmed the arriving motorcade, they would be detained for months or years. In April aides in the office of Minister of Industry and Commerce Rishad Bathiudeen threatened the editor of Mannar's *Puthiyavan* newspaper in response to a series of reports about corruption and land disputes in the area.

The government did not issue visas to international reporters who were critical of the government. The *New York Times*' South Asia correspondent, Gardiner Harris, who reported on the June anti-Muslim riots, later applied for a visa; authorities told him his request had been put on hold indefinitely. Media reports quoted the External Affairs Ministry spokesperson as stating that the government would not allow foreign reporters to come and report against the country. In June *al-Jazeera*'s Colombo-based journalist Dinouk Colombage shared on Twitter hospital reports stating that mobs killed seven persons, not three as reported by state-run media, during the anti-Muslim riots. In July police questioned Colombage and intimated they could file criminal charges against him for inciting violence.

Violence and Harassment: National and international media freedom organizations and journalists' associations expressed concern about restrictions on media freedom and sharply criticized the government's role in harassing and intimidating journalists. State-run media led a widespread campaign against human rights defenders, particularly those engaged with UN processes, including UN Human Rights Council sessions in Geneva in 2012-14. State-run media accused press freedom activists and organizations, human rights defenders, and political activists of conspiring against the country by calling attention to ongoing violations of human rights. Government officials dispersed and interfered with training sessions held by media groups.

On September 22, progovernment thugs attacked journalists covering political violence in Uva Province following the provincial council election there. One of the journalists remained hospitalized for several weeks due to the injuries sustained in the violence. Authorities reported no arrests related to the attack.

On May 7, anonymous death threats were issued against selected Jaffna-based journalists as well as University of Jaffna teaching staff and students because of plans to commemorate civilian deaths at the end of the war during Victory Day events on May 18. On June 7, Transparency International Sri Lanka (TISL)

organizers canceled a training session on investigative journalism for Tamil journalists after a group warned it would disrupt the session to prevent the journalists from assisting the UN investigators in their work. On July 25, police at the Omanthai checkpoint detained seven Jaffna-based journalists travelling south from Jaffna in a van to attend a TISL media training session. Police claimed to find drugs in the van, but the journalists claimed that soldiers at the checkpoint planted the drugs in the vehicle. Authorities released the journalists after a few hours in custody but detained the driver. Court proceedings in his drug possession case continued at year's end.

On July 26, dozens of progovernment activists blocked Tamil journalists from participating in a TISL workshop at the Sri Lanka Press Institute in Colombo. Sunil Jayasekera, convener of the Free Media Movement, held a press conference afterwards to denounce the intimidation, which included death threats against him for supporting the training. On October 15, TISL's presentation of certificates to trained investigative journalists at the Hotel Janaki in Colombo moved to a new location after the organizers and participants received threatening calls. Two individuals on an unmarked motorbike threw a parcel with a notice marked "last warning" at the hotel's entrance in broad daylight. An organized group calling itself "The Patriotic Force that Saved the Country" threatened to kill those who attended the meeting. Telephone threats included threats against the organizers' family members.

Senior government officials repeatedly accused journalists of treason when they published stories critical of the government and its policies and often pressured editors and publishers to print stories that portrayed the government in a positive light. Sometimes the government and its agents reportedly exerted such pressure directly through threats and intimidation.

In April police interrogated *Daily Lakbima* editor Saman Wagaarachchi for publishing a photo caption of Defense Secretary Gotabaya Rajapaksa's wife that was regarded as defamatory. Wagaarachchi resigned on May 5.

Although there were no reports that journalists were killed or abducted during the year, frequent threats, harassment, detention, and physical attacks on media personnel continued. Journalists continued to flee the country due to fear for their safety. Statements by government and military officials contributed to an environment in which journalists who published articles critical of the government felt threatened. In May 2013 Minister of Traditional Industries and Small Enterprise Development Douglas Devananda spoke to media personnel regarding

the Northern Provincial Council elections and resettlement in Jaffna's HSZs and told the assembled journalists that, if they misinterpreted what he said, he had the power to "crush the necks" of the media and take legal action against their organizations.

Attacks on the Tamil daily newspaper *Uthayan* continued throughout the year, and the journalists threatened and attacked were much less likely to come forward to report the events. The campaign against *Uthayan* dated back years but appeared to begin again in earnest in 2012, when unknown assailants assaulted *Uthayan* editor T. Mano Premanath while he was trying to record a military incursion onto the grounds of Jaffna University. While he was meeting with Jaffna University students, the windows of the vehicle of the newspaper's managing director (and Tamil National Alliance Member of Parliament), E. Saravanapavan, were smashed with cinder blocks. In 2013 *Uthayan* journalists and staff were the frequent victims of harassment, surveillance, questioning, and attacks by security forces and paramilitary groups believed to have ties to the government.

In April progovernment assailants also allegedly attacked a *Virakesari* reporter, who suffered broken bones. In November alleged progovernment thugs attacked a *Valampuri* reporter, who suffered bruises.

In August 2013 a group of assailants including army "deserters" held *Sunday Leader* associate editor Mandana Abeywickrema hostage at knifepoint while they rummaged through her home office. After initial investigation, police claimed that the attack was a "common burglary" attempt. Days later the thieves targeted her house again. Abeywickrema fled the country after the attack. In 2012 progovernment owners bought the *Sunday Leader*, once a press freedom stalwart. That year former *Sunday Leader* editor Frederica Jansz left the country, following intimidation that included a threat over the telephone from Secretary of Defense Gotabaya Rajapaksa.

The government consistently failed to convict suspects in attacks on journalists, and arrests in these cases were uncommon. The government made no progress in solving the 2011 attack on *Uthayan* news editor Gnanasundaram Kuhanathan, the 2010 abduction of Prageeth Ekneligoda, and the 2009 killing of *Sunday Leader* editor Lasantha Wickrematunge. The failure of police to apprehend perpetrators of these attacks and the failure of authorities to convict any arrested suspects further highlighted the high level of impunity in an environment in which law enforcement authorities possessed expansive powers of detention and surveillance but failed to solve cases of attacks on those critical of the government.

Censorship or Content Restrictions: Police reportedly maintained a special unit to monitor and control all references in the media to members of the Rajapaksa family. Authorities reportedly regularly exerted pressure through orders to government and private firms to cease advertising in newspapers and television stations critical of the government and to advertise instead in progovernment outlets. Newspapers critical of the government faced difficulty obtaining credit from major banks, all of which the state owned or had interests in through pension programs and other investments. Independent and opposition media practiced self-censorship, particularly on matters of accountability, human rights, democratic governance, and criticism of government officials, especially the president and his family.

Libel Laws/National Security: In 2009 the government officially reactivated the 1973 Press Council Act. The act, which includes authority to impose punitive measures including fines and lengthy prison terms, proscribes the publishing of articles that discuss 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.

Politicians sometimes used libel suits against journalists to intimidate them against overly negative coverage. During the year various high-level government authorities continued their libel cases against Member of Parliament and *Uthayan* managing director E. Saravanapavan.

Nongovernmental Impact: Progovernment paramilitary groups and gangs affiliated with political parties inhibited freedom of expression, particularly in the north. Members of the EPDP were reportedly involved in harassment and intimidation of journalists in Jaffna. The EPDP increasingly used public protests outside of opposition news outlets as an intimidation tactic to promote self-censorship. Throughout the year EPDP protests in Jaffna focused on the Jaffna *Thinakkural* newspaper for its strong anti-EPDP stance.

## **Internet Freedom**

The government restricted access to the internet, including websites it deemed pornographic as well as websites it deemed critical of the government. The government periodically blocked access to the *Colombo Telegraph's* website as well as to several Tamil news websites, including a pro-LTTE website. Since 2011

the Ministry of Mass Media and Information has required websites carrying local news to register with the government. The ministry blocked access to certain websites after receiving complaints about material that was “injurious to the image of the country, the head of the state, ministers, senior public officials, and other important persons.” Thereafter, the ministry blocked 10 websites, although one of those sites subsequently was unblocked. In addition, the government blocked various other news websites throughout the year.

On May 12, all internet service provider (ISP) companies in the country blocked access to antigovernment news websites, according to a complaint to the HRCSL by editor Kalum Shivantha. On May 29, Subhash Jayawardhana, editor of a website, lodged a complaint with the HRCSL, claiming that all local ISP companies blocked the website.

In December, Freedom House’s *Freedom on the Net 2014* report noted that, while incidents of violence and harassment against internet users declined, traditional journalists met with “increased intimidation.” The report highlighted the fact that in March the Ministry of Mass Media and Information formed a committee to regulate social media in the country following President Rajapaksa’s statement dubbing social media a “disease.” The committee’s effect remained unclear by year’s end. The report concluded that the trend of government pressure on online news outlets to report the official line continued throughout the year.

### **Academic Freedom and Cultural Events**

There were allegations that university officials prevented professors and university students from criticizing government officials. Some academics noted that the environment of intimidation led to self-censorship.

On October 5, Sabaragamuwa University students staged a demonstration against the low standards of university housing during a visit to campus by Minister of Higher Education S.B. Dissanayake. The minister ordered police to use water cannons and tear gas to break up the demonstration. Authorities closed the university for weeks following the protest. On October 10, at a fasting protest as a follow-up to the October 5 events, a group of 30 unidentified men attacked the students. Authorities admitted 13 students to the Pambahinna rural hospital, and observers noted another 25 injured students. Inter-University Student Federation convener Najith Indika told the press that no one came to their assistance, despite numerous calls made to police. According to an October 23 press release by the local NGO Campaign for Free and Fair Elections (CaFFE), it was “evident that the

attack on Sabaragamuwa students at Pambahinna was clearly sponsored by the government.”

Government surveillance, especially in the north, led to frequent disruptions of local cultural events. Since the military required that all public gatherings, including weddings and coming-of-age parties for young girls, be reported to local military officials in the north, many families feared holding or participating in these basic cultural and social rites.

On October 22, riot police broke up a student protest near Parliament with rubber bullets and water cannons, injuring at least 20 persons and sending three to the hospital. The Inter-University Student Federation organized the protest, which included an estimated 4,000 students from universities around the country. Student complaints included the lack of investment in educational infrastructure, the hiring of underqualified teachers and staff, and changes to curricula they said negatively affected programs.

Intensive surveillance and harassment of Jaffna University students and faculty continued throughout the year. On May 5, the Jaffna University Registrar announced the closure of the university from May 16 to 20 with no explanation. The timing suggested that it was due to Jaffna University students organizing a May 18 commemoration for those killed at the end of the war. On May 7, open death threats were issued against selected members of the teaching staff, student leaders, and journalists over their alleged efforts to commemorate the war dead. On May 18, posters headlined as a “last warning” by the “Troops to Safeguard the Motherland” were pasted on the Jaffna University campus, threatening reprisals against Jaffna University administrators, professors, student leaders, and newspaper journalists for their alleged work to revive the LTTE. Reports of the events noted that Jaffna security force commander Major General Udaya Perera summoned university leaders to a military-run Jaffna hotel to intimidate them into not commemorating the war dead.

In February 2013 the Ministry of Education announced that it would interview 4,000 school principals for military training to receive the title of lieutenant, captain, or major in the army. Critics suggested the measure was an unnecessary incursion by the military into civilian educational institutions. Throughout the year the program for school principals to apply for military training continued.

Controversy also surrounded the University Leadership Training program, which began in 2011 and which the government requires all incoming freshmen to

complete before beginning university classes. Run by the army, the government promoted the program as a form of leadership training through physical activity for an estimated 23,000 university entrants. In September the Defense Ministry website described the program as a three-week focus on “discipline, leadership, personal management, endurance, collective responsibility, self after the country, national commitments, moral uplift, capacity-building, resource-management, [and] and communication.” It added that the government held training at army training schools and centers, three navy training schools, and one air force training school. Many citizens objected to the requirement and the military’s perceived intervention into the educational system. Tamil students reported feeling unwelcome and emotionally distressed by forced participation. Other complaints related to the lack of a medical clearance process prior to participation. Since the program’s inception, authorities reported at least one death.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for freedom of assembly, but the government did not respect this right and restrictions continued. The government required that army representatives be present at public assemblies in the north. There were a number of cases in which security forces restricted participation in demonstrations or in which authorities denied permits for demonstrations.

On May 23, the TID arrested Tamil National People’s Front district organizer for Kilinochchi, Thangaraj Jegatheeswaran, for organizing a demonstration on May 26 to demand that the government complete the resettlement of displaced Kilinochchi residents and to prevent the military from forcibly taking over their land. As a result, the planned protest was postponed. As of year’s end, authorities held Jegatheeswaran in Boossa detention center without charge. On October 8, the media reported that unidentified men on motorcycles assaulted Kirushnapillai Thavarasa, the president of the Vavuniya Citizens’ Committee, in Nedunkerny, Vavuniya, for planning a “free Jeyakumari” protest on October 10 (see section 1.d.). The protest took place, but Thavarasa did not participate.

Groups with presumed ties to the government frequently disrupted peaceful meetings. For example, on August 4, a mob led by Buddhist monks entered the Catholic Church property at the Center for Society and Religion in Colombo, where high-ranking members of the diplomatic community were meeting with members of families of persons who had disappeared. The mob entered the

premises, disrupted the proceedings, and demanded to participate in the meeting. The threat of sending Buddhist monks to disrupt peaceful assemblies in advance of their taking place became a frequent tactic used by those close to the government to crack down on freedom of assembly.

### **Freedom of Association**

The law provides for freedom of association, but the government did not always respect this right. Some restrictions existed, such as those under the PTA. The government often used informants to target individuals for arrest and interrogation based on their associations.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The law grants every citizen “freedom of movement and of choosing his residence” and “freedom to return to the country.” The government restricted these rights on multiple occasions, however.

The government generally cooperated with the UNHCR on IDP and refugee returnee issues. The government, however, did not cooperate with the UNHCR on asylum cases. The government cooperated with other humanitarian organizations, but 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 (PTF), which the government eliminated in May after five years in existence. As a result the UNHCR and NGOs had difficulty operating some projects.

In-country Movement: The government continued security checks on movements in all directions north of a key junction in Vavuniya District, although there were fewer checkpoints than during and immediately after the war. In May a journalist-organized blood donation drive in honor of Victory Day resulted in a military blockade at the Jaffna offices of the *Uthayan*, *Valampuri*, and *Thinakkural* newspapers to prevent reporters from traveling to the hospital to make blood

donations. Additional reports of checkpoints turning persons away from the hospital emerged as well.

Limited access continued on and near most military bases and HSZs, where a restricted zone extended approximately 2.5 miles beyond the fences. Residents, particularly in the Northern Province, had difficulty traveling and obtaining access to agricultural lands and fishing zones.

In October the government announced that all foreign passport holders would have to obtain prior Ministry of Defense approval to travel to the Northern Province.

In an October response to questioning regarding ICCPR implementation, the government rejected the allegation of “surveillance, intimidation, and monitoring of former combatants by security forces restricting freedom of movement,” but frequent reports of such actions continued to emerge throughout the year. For example, the mass roundups during March and April in the Northern Province targeted former combatants in particular. Former combatants consequently noted they did not feel they enjoyed the same level of freedom of movement as other citizens.

Exile: The government did not expel citizens from one part of the country to another, nor did it forcibly exile any citizens abroad, but it allowed citizens under threat from the government to leave the country under self-exile, unless authorities accused them of breaking the law, with the understanding it would be unwise to return to the country. More than a dozen journalists who had received physical threats remained in self-exile due to safety fears. Many others were hiding within the country.

### **Internally Displaced Persons (IDPs)**

In December 2013 Chaloka Beyani, the UN special rapporteur on the human rights of internally displaced persons, visited the country. In June, Beyani’s report to the UNHRC concluded that, although there had been “impressive advances” in rebuilding infrastructure destroyed during the conflict, there needed to be “a linkage” between rebuilding such infrastructure and the livelihoods of the significant number of IDPs. The report noted many IDPs still lived in “protracted displacement” and that many others had returned to, or had been relocated within, the Northern and Eastern Provinces and were still living “in very precarious conditions.” It concluded that “concerted efforts” were required to ensure that post-conflict reconstruction addressed durable solutions on a comprehensive basis

for all IDPs, as well as for those relocated and those who had returned to their areas of origin. Beyani noted the most significant obstacles to providing durable solutions to the country's thousands of remaining IDPs were security concerns and impediments to freedom of movement; lack of access to land; lack of accountability; impediments to reconciliation; and protection concerns for women and children.

Humanitarian agencies estimated that nearly 90,000 citizens met the definition of an IDP, most of whom resided in Jaffna, Puttalam, Trincomalee, and Vavuniya districts. While all IDPs had full freedom of movement, most were unable to return to their lands of origin due to uncleared land mines; restrictions designating their home areas as part of sensitive areas, HSZs, or exclusive economic zones (EEZs); lack of opportunities to earn a livelihood; inability to access basic public services, such as the provision of documents verifying land ownership; lack of government resolution of competing land claims; and other war-related destruction. Living conditions for these persons were often difficult and, according to humanitarian organizations, did not conform to international standards, which set forth the minimum requirements in disaster response for shelter, food security, water and sanitation, and health services. As a result humanitarian agency representatives stated that they continued to provide limited but essential support to IDPs in parts of the Northern and Eastern provinces.

Contrary to the government's assertions that it had largely resolved the problems facing IDPs and was successfully handling resettlement, international and local NGOs and UN agencies continued to provide the bulk of essential social services, in particular, to resettle IDPs. Government tallies of the number of IDPs in the country fluctuated from zero to 24,000, depending upon the source.

Coordination among local government agents and humanitarian agencies in resettling IDPs diminished as a result of the departure of a number of humanitarian agencies; the dismantling of the UN-led "cluster system" to coordinate humanitarian assistance; and interference by the military, the PTF (which was ended in May), the Ministry of Economic Development, and the Ministry of Finance's External Resources Department in the coordination and approval of humanitarian projects. In 2013 the United Nations withdrew all but a few field offices and remained only in Kilinochchi, Jaffna, and Vavuniya districts, along with a small office in Batticaloa. The UN Office for the Coordination of Humanitarian Affairs was in the final phase of leading humanitarian coordination efforts and, by year's end, had reduced staff to a minimal presence based out of the resident coordinator's office.

Many IDPs who resettled in the Mullaitivu and Kilinochchi districts reported the government provided land hastily cleared of land mines and unexploded ordnance; did not have adequate shelter, water, and sanitation; had inadequate health and education services; or lacked basic economic opportunities. In some cases the government dangerously rushed the resettlement process. Many returnees reported finding unexploded ordnance or land mines on their lands. In other cases of resettlement in Jaffna, returning residents found mass graves in hastily filled wells. The government insisted to both domestic and international observers that the IDP phase was over and populations could to access basic services. Donors continued to transition from humanitarian aid to recovery and longer-term development assistance. As a result, humanitarian aid continued to be insufficient to support IDP resettlement.

Among the long-term, protracted IDPs were approximately 35,000 Muslims whom the LTTE evicted from Jaffna, Kilinochchi, Mullaitivu, Mannar, and Vavuniya in 1990. Despite the fact that some Muslim IDPs have lived for more than 20 years with “host families” in IDP camps near Puttalam and did not wish to return to their lands of origin in Mannar, in 2013 the government deregistered many of these IDPs from their residences in Puttalam without informing them and told them to resettle in Mannar. Some observers viewed this as a politically motivated move to reduce the Muslim voting bloc in the district. Tensions between Muslims and Tamils in Mannar and disputes over the limited resources in the area expanded as a result. In addition, it appeared the government engaged in the state-sponsored settlement of Sinhalese from other parts of the country to the Northern Province. Humanitarian agencies reported that, in border districts (especially Vavuniya), the government gave preferential services to areas resettled by Sinhalese over areas being resettled by Tamils or Muslims.

Among the long-term, protracted displaced were nearly 30,000 individuals displaced by HSZs or EEZs, persons living in welfare centers in the Jaffna area, persons living with host families, and others in transit camps in Trincomalee.

In June 2013 the UNHCR’s *Tool Three* report on IDPs stated there was a generalized sense of insecurity in the north and east, especially among women, who headed 40,000 households in the Northern Province alone. The report also stated that almost 60 percent of IDPs interviewed lived within a mile of an army camp. Only 19 percent of women and 35 percent of men interviewed felt “at ease” discussing their political views. In Mullaitivu and Kilinochchi, 43 percent and 49 percent of interviewees, respectively, stated the military was involved in “settling

disputes” in their communities. The UNHCR observed that the close proximity of communities to security forces in the north and east increased the risk of cruel, inhuman, and degrading treatment of the population by government forces and officials.

According to Special Rapporteur Beyani’s final report, “the lack of precise knowledge on the current location, needs and aspirations of IDPs, as well as those who integrated locally, returned or were relocated, presents difficulties in designing an effective response for meeting the needs of those who have not found durable solutions.” Throughout the year the government, along with 13 UN agencies and international NGOs conducted a joint needs assessment (JNA) of more than 7,000 IDP households across eight districts in Northern, Eastern, and North Central provinces to establish baseline humanitarian data on the needs of the remaining IDPs and IDP returnees. As of year’s end, authorities had not published the final JNA report.

### **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government did not have a system for providing protection to refugees.

In June the government began detaining hundreds of asylum seekers from Pakistan, Afghanistan, and Iran, the vast majority of whom were Ahmadis, Christians, or Shia Muslims from Pakistan. In its public statements since the June detentions began, the government stated that the asylum seekers were threats to national security, public morality, and public health as well as employment seekers, among other claims. The government did not provide evidence to back up the claims and significantly overstated the number of asylum seekers in the country. According to the UNHCR, the number of asylum seekers reached approximately 1,600 at its peak. In July the UNHCR submitted a plan of action to help expedite refugee status determinations (RSDs) and resettlement referrals in response to the government’s concerns. The government did not initially grant the UNHCR access to the detained asylum seekers to conduct RSDs, although it approved visas for additional UNHCR support staff to implement RSD procedures for more asylum seekers.

On August 1, the government began deporting the detained asylum seekers at a pace of about eight per day until an August 15 court order temporarily halted the deportations to hear evidence in one of the cases. On September 1, the court

cleared the way for the deportations to resume. Despite government assurances to multiple international interlocutors that it would halt the deportations, the government resumed them on September 5. By November, when the new detentions and deportations ended, the government had deported approximately 385 registered asylum seekers, despite international community statements and civil society demands requesting that it respect the principle of not using forced repatriation. At year's end, 24 asylum seekers remained in detention.

Refugee Abuse: At least 30 of the 500 asylum seekers detained by the government from June to November were confirmed refugees. Of the 30 detained refugees, 20 received their refugee status while in detention. More generally documented refugees and asylum seekers reported continued harassment and surveillance by law enforcement and security forces, and many were concerned about their families' protection status.

### **Stateless Persons**

According to the UNHCR, the country does not have habitual residents who are legally or effectively stateless. Children obtain citizenship from their Sri Lankan parents, whether born in the country or to citizens overseas.

The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the nationality of previously stateless persons, particularly hill-country Tamils. 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 was slow in finding and registering these persons and granting them citizenship. The UNHCR supported birth and citizenship documentation mobile campaigns in three districts in the plantation areas where the majority of stateless Tamils of Indian origin resided.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides for the ability of citizens to change their government peacefully through free and fair elections, but elections generally suffered from abuses of election law by all major parties (especially the ruling coalition), intimidation of voters, and the governing coalition's massive use of state resources; these activities greatly influenced electoral outcomes.

### **Elections and Political Participation**

Recent Elections: The president, who was re-elected in 2010 to a second six-year term, holds executive power, while the 225-member Parliament, elected in 2010, exercises legislative power. The government was dominated by the president's family: two of the president's brothers held key executive branch posts, as defense secretary and minister of economic development, while a third brother was speaker of Parliament. A large number of the president's other relatives, including his son, served in important political or diplomatic positions. Independent observers generally characterized the 2010 presidential and parliamentary elections as problematic. Both elections were fraught with violations of election law by all major parties and influenced by the governing coalition's massive use of state resources for electoral benefit.

On November 20, the president called for snap presidential elections on January 8, 2015, in his bid for an unprecedented third term in office, two years before scheduled elections. The one-month campaign began in earnest on December 8 following the Elections Commission's acceptance of nominations for 19 candidates, including the top two contenders: the president and common opposition candidate Maithripala Sirisena, former health minister and general secretary of the president's Sri Lanka Freedom Party. Local election monitors tracked a variety of election law violations on both sides throughout December; however, the president's ruling United People's Freedom Alliance committed the vast majority of abuses. These included the use of state resources to support the president's campaign and violent attacks on campaign rallies and opposition supporters. Police arrested offenders in a few cases of violence, including the Hambantota mayor, Eraj Fernando, but authorities quickly released them on bail without charges. As of December 29, the Center for Monitoring Election Violence, a local election-monitoring organization, tallied 117 "major" incidents of campaign violence. Although the number of incidents was lower than the 2010 presidential election, local election monitors had already concluded the election could not be considered free and fair, as the election law violations grossly favored the president's campaign.

There were provincial elections in Southern and Western provinces in March and in Uva Province in September. The elections were characterized by extensive violations of elections laws, especially the use of public resources in favor of ruling party candidates. According to the local NGO CaFFE, the Uva Provincial Council election was "the most violent and the most election law violated" provincial election of the latest two-year cycle of provincial council elections.

CaFFE added that “distributing goods and money to voters reached hitherto unseen levels” in the Uva elections.

Political Parties and Political Participation: Political parties were generally not free to operate or organize, especially in the Northern Province, where undercover surveillance of opposition political events was omnipresent. Throughout the year there were numerous reports of the harassment and surveillance of Northern Provincial Council members. Northern Provincial Council member Ananthi Sasitharan reported security force surveillance of her, her home, and her three minor children on multiple occasions throughout the year.

During October and November, as the government reportedly deliberated over whether to hold a snap presidential election in January 2015, incidents of violence and intimidation against opposition parties continued. For example, on October 1, CaFFE reported a house that was to host a UNP event on October 1 was firebombed and pelted with stones, noting that it was the third attack against opposition party candidates or supporters in a five-day period. CaFFE executive director Keerthi Tennakoon said there were “signs that a systematic campaign of intimidation has been directed at opposition political parties, which is a broader part of a government strategy to cow the opposition into submission before the coming presidential election.” Tennakoon added that the recent revitalization of the opposition might have been a trigger for these attacks, that the government launched this series of attacks on opposition politicians with strong support, and that such attacks might grow in frequency and intensity.

On April 17, a mob led by the mayor of Hambantota, a member of the president’s party, attacked a team of UNP members of parliament on an inspection tour of the Mattala International Airport and Hambantota port. Video from the incident showed the mayor brandishing a gun. The mayor claimed it was a toy gun he coincidentally had with him. On October 21, a mob attacked a group of UNP parliamentarians when they visited the Sri Lanka Ports Authority Security Training Institute at Slave Island on a fact-finding mission. There were no arrests resulting from the attacks.

Participation of Women and Minorities: There are no laws that prevent women or minorities from participating in political life on the same basis as men or nonminority citizens. Some cultural and social barriers to women’s participation included financial constraints and the violent nature of local politics, often linked through patronage to the drug trade, local gangs, and other criminal activity. There was no provision for, or allocation of, a set number or percentage of political party

positions for women or minorities. There were 13 women in the 225-member Parliament, two female ministers, and one woman on the 11-member Supreme Court. There were 27 Tamils and 18 Muslims in Parliament.

#### **Section 4. Corruption and Lack of Transparency in Government**

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

Corruption: There were continued high levels of bribery and corruption complaints against public officials, particularly divisional secretariats, police personnel, and school principals and teachers. The Commission to Investigate Allegations of Bribery or Corruption continued to be more active than in previous years in investigating complaints and taking legal action against persons accused of corruption. The bribery commission does not have the power to initiate corruption investigations, however, and must await a formal complaint before investigating reports of corruption. Members of the public often were reluctant to submit complaints because of a lack of whistleblower protections.

In July one report stated that in the first half of the year, there were 250 complaints against school officials for bribes taken to influence admission decisions, especially to gain entrance into Colombo's highly desirable schools.

The bribery commission employed 20 legal officers and over 200 police investigators to investigate complaints. The commission divided offenses into two categories, with "major" offenses--consisting of bribes of more than 2,000 rupees (\$15.38)--punishable by up to seven years' imprisonment. The commission appeared to focus on investigations of lower-level bribery charges, while avoiding more politically charged accusations against higher authorities.

In 2013 the bribery commission received 3,163 complaints against government officers, a significant increase over previous years. Authorities initiated 147 investigations into the complaints and made 95 arrests. As of the end of 2013, 77 cases remained before the courts; no more recent statistics were available.

Corruption and general mismanagement were common in many state institutions and state-owned companies. With the exception of the bribery commission's assistance in the controversial impeachment of Chief Justice Shirani Bandaranayake, which many observers viewed as a politically motivated action to

silence a critic of the government, authorities had not prosecuted any high-ranking official or politician for corruption or abuse of power while serving in office. Nepotism and cronyism continued, and ruling-party loyalists allegedly received favored consideration for high-ranking government and business positions. Corruption watchdogs claimed that corruption extended to the highest levels of government.

Financial Disclosure: By law members of the public can access records relating to the assets and liabilities of elected officials by paying a fee. The law requires all candidates for parliamentary, local government, provincial, and presidential elections to declare their assets and liabilities to the speaker of Parliament. There was no follow-up to ensure compliance with this law, and little or no reporting of compliance.

Public Access to Information: There is no law providing for public access to government information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups continued to investigate and publish their findings on human rights cases, despite government restrictions and physical threats of attack, including death threats. The government often denounced local and international NGOs, failed to respond to NGO requests for assistance, and pressured NGOs that sought such assistance. The NGO Secretariat moved from the Social Services Ministry to the Ministry of Defense in 2010 and remained under the ministry at year's end. Several NGOs noted a lack of clarity in ministry procedures and enforcement of regulations.

The government and its supporters remained hostile to NGO activities in certain areas. Government officials criticized in general terms local NGOs that accepted funding from international sources. There was particular scrutiny of organizations critical of the government on issues such as governance, transparency, and human rights.

In May the government eliminated the Presidential Task Force for Resettlement, Development, and Security in the Northern Province, an extralegal body that since 2009 had the authority to approve international and local NGO activities along with those of the United Nations in the Northern Province. As of year's end, it was unclear if this action had a positive effect on NGOs delivering services in the

Northern Province, and NGOs in the field continued to report extensive harassment and surveillance of their activities by security forces. Some NGOs reported that the Northern Provincial Council, elected in September 2013, provided support to NGOs and had opened spaces for engagement with the government that did not exist previously.

Authorities frequently harassed, followed, and arbitrarily detained human rights defenders for their activities (see section 1.d.). On March 16, security forces detained human rights defenders Ruki Fernando and Praveen Mahesan for their effort to gather details regarding the March 13 arrest of Balendran Jeyakumari at her Kilinochchi home (see also section 1.d.). Following international criticism of the arrests, authorities released the two on March 19 after 51 hours in detention.

As in previous years, poster campaigns by anonymous government supporters continued to threaten human rights defenders and NGO activists engaged in what the government considered more sensitive areas. On October 23, a poster criticizing the “unpatriotic NGO lot” that sought “destruction” under the “guise of media freedom, human rights and democracy” was plastered along key intersections of one of Colombo’s busiest roadways. On October 25, posters appeared in Colombo and Negombo with photos of prominent human rights defenders and NGO activists, particularly members of Brito Fernando’s Right to Life and Families of the Disappeared organizations, two days before their commemoration of the 24th annual National Day of Disappearances on October 27. The posters referred to the activists as “dollar ravens” and “devils” who were “selling people’s misery” for profit. On October 27, in the middle of the night, unidentified assailants threw two stones through the front window of Fernando’s private home. The attack injured no one; as of year’s end, police had not made any arrests in the case.

NGOs that proposed undertaking projects in northern and eastern areas to address matters such as psychosocial counseling, good governance training for local citizens, and legal aid often had difficulty obtaining government work permits. International NGO personnel often had trouble renewing their work visas, and the government made it difficult for international staff to get visas to enter the country. The government also required additional new approvals for foreign staff to travel to the Northern Province. In April 2013 the government began requiring all hotels and guesthouses to provide police with the passport information of any foreigners who registered, a practice that continued throughout this year. On October 15, the government imposed travel registration requirements for an “indefinite” period of time on all travel by foreigners (even if they were of Sri Lankan origin) to the

Northern Province without obtaining prior approval for travel from the Ministry of Defense. The foreign staff of UN agencies received blanket approvals for travel until the end of the year, but the measure's effect on restricting foreign staff of NGOs remained unclear.

In June 2013 the government announced new rules making it compulsory for all NGOs operating in the country to register with the Office for the Registration of Nongovernmental Organizations. One government official stated the government would take strict legal action against NGOs that did not comply.

In June the government announced plans to regulate more carefully both NGO visas and the interaction of government officials with NGOs and foreign missions. Under a proposed new code of conduct, ministers, government members of parliament, and high-ranking government officials--including senior officers of state-owned enterprises--would need to seek permission from the government whenever participating in a program sponsored by foreign governments or NGOs and whenever they planned to leave the country. Furthermore, the request for travel and/or participation would have to include information about funding sources and objectives. The code would also cap officials' number of foreign trips, both for official and personal reasons, and limit them to a total of 10 days outside the country per year. For the NGOs the government stated it would create a new visa category specifically for conferences and workshops and would require all NGOs to follow strict procedures when applying for visas for participants in these events. This requirement would apply to all civil society organizations, including professional bodies, chambers of commerce, think tanks, NGOs registered with the NGO Secretariat, and NGOs registered under the Companies Act. The government did not implement the new code of conduct by year's end, nor did it announce plans to do so, although some groups said individuals began to self-censor based on the plan.

On July 1, the Ministry of Defense issued a press release from its NGO Secretariat warning NGOs not to hold "press conferences, workshops, training for journalists, and dissemination of press releases, which is beyond their mandate." In response the Lawyers Collective issued its own statement asserting the ministry had no authority to restrict freedom of association and expression and calling the notice an indication that the country was becoming an "authoritarian state." On July 10, media reported concerns from NGO Secretariat director general D.M.S. Dissanayake that nonprofit organizations registered under the Companies Act were "acting out the role of NGOs" and would be required to register with the NGO Secretariat.

On July 15, the government-owned *Daily News* reported the government initiated an investigation into at least three NGOs for violating NGO regulations but did not name the organizations. Under the headline “Probing Wild-Ass NGOs,” the article quoted Dissanayake as saying that he expected new legislation to force all nonprofits to register with the NGO Secretariat and limit the amount of foreign funding the NGOs could accept annually. On July 18, the Ministry of Finance published a statement in the *Daily News* regarding the use of foreign funding in development projects. The notice expressed concern that “civil society, NGOs, and private sector” elements were undertaking development projects “funded by foreign agencies without proper approvals.” It noted special concern about election and microfinance programs, adding that the government had instructed all government agencies to not seek “donor assistance for activities for which local expertise is available and funds can be allocated” by the central government. The directive advised that any private-sector agency, NGO, or individuals that received “foreign aid...is required to have prior approval from the relevant government agencies.” The edict advised “the general public to refrain from participating” in programs that “undermine the smooth functioning of country-owned management systems” and stated that participants should consult government officials to confirm activities were “legitimate.” It concluded that all organizations utilizing foreign funds needed prior approval from the Ministry of Finance’s External Resources Department. The government did not take any visible steps to punish NGOs for the activities mentioned in the July 1 press statement by year’s end, nor did it pass legislation requiring new registration procedures for NGOs.

The United Nations or Other International Bodies: The UNHRC passed resolution 25/1 in March, to promote “reconciliation, accountability and human rights in Sri Lanka,” and asked the OHCHR to begin a comprehensive investigation into “alleged serious violations and abuses of human rights and related crimes by both parties” during the period covered by the Lessons Learnt and Reconciliation Commission. The government refused to assist the OHCHR in its inquiry. In response to subsequent UN requests for the government to cooperate with the investigation, the government publicly rejected the investigation and declined to cooperate in any way, including denying visas to members of the OHCHR investigation team. In September, UN high commissioner for human rights Zeid Ra’ad Al Hussein’s oral update to the UNHRC reiterated the OHCHR’s request for government cooperation with the investigation; asked the government to “initiate a comprehensive truth seeking process”; and urged it to “end the climate of intimidation, threat and harassment against civil society actors advocating for justice and human rights.”

On November 7, in response to repeated public statements by the government questioning the credibility and integrity of the OHCHR investigation on Sri Lanka, as well as mounting evidence of the government's efforts to intimidate potential witnesses, the high commissioner issued a press release that "condemned the intimidation of human rights defenders and individuals who may wish to cooperate with the investigation" and asked, "Why would governments with nothing to hide go to such extraordinary lengths to sabotage an impartial international investigation?" He called the government's actions "unacceptable conduct for any Member State of the United Nations which has committed to uphold the UN Charter" and criticized "the wall of fear" the government was creating "to deter people from submitting evidence." On November 8, permanent representative to the United Nations, Ravinatha Aryasinha, wrote to the high commissioner, calling the press release "regrettable" and claimed the government had made no attempt "to deter and intimidate individuals from submitting evidence" to the OHCHR investigation. He stated that the government had continuing concerns regarding the OHCHR investigation process and questioned the high commissioner for having "challenged the right of a sovereign State to raise concerns regarding procedural aspects of an Investigation which impacts its persons and their future in the context of the ongoing sensitive reconciliation process."

From June to October, the government detained and deported hundreds of asylum seekers and did not provide the UNHCR access to the detained asylum seekers. After four months of receiving no cooperation from the government, authorities finally granted the UNHCR full access to all asylum seekers in November (see section 2.d.).

On May 16-26, Francois Crepeau, the UN special rapporteur on the human rights of migrants, visited the country. In a May 27 statement, he highlighted the serious issues confronting Sri Lankan migrants traveling abroad, especially to the Middle East for manual and domestic labor, and called upon the government to do more to protect its citizens. In December 2013 Chaloka Beyani, the UN special rapporteur on the human rights of internally displaced persons, visited the country and issued a final report in June (see section 2.d.).

At year's end there were nine outstanding requests for visits to the country from UN special procedures mandate holders, including on the independence of judges and lawyers; minority issues; enforced or involuntary disappearances; human rights defenders; freedom of expression; extrajudicial, summary, or arbitrary executions; freedom of peaceful assembly and association; discrimination against

women in law and practice; and truth, justice, reparation, and guarantees of nonrecurrence. The UN high commissioner for human rights reiterated former high commissioner Pillay's August 2013 request that the government move forward with the visits by the independent expert on minority issues and the special rapporteur on enforced and involuntary disappearances, in particular.

In 2011 a panel of experts appointed by UN Secretary-General Ban Ki-moon published a report stating there were credible allegations of serious violations of international humanitarian law and international human rights law by the government, including large-scale shelling of no-fire zones; systematic shelling of hospitals and other civilian targets; and summary execution, rape, and torture of those in the conflict zone in 2009 as the conflict came to an end. The report also highlighted a number of credible allegations against the LTTE, including using civilians as a strategic buffer, using forced labor (including children), and committing summary executions of civilians attempting to flee the conflict zone. The report estimated there could have been as many as 40,000 civilian deaths, including victims on both sides of the conflict. Government officials issued statements strongly criticizing the report's findings and opposing the report's recommendations but refused to respond formally to the United Nations. In October the government reiterated its rejection of the panel's findings. At year's end there was still no progress on the panel's recommendations.

The ICRC closed its Jaffna and Vavuniya offices in 2011 at the government's request. The government had denied the ICRC access to former LTTE combatants held in rehabilitation centers but in May 2013 reinstated ICRC access. The government claimed to be working closely with the ICRC and the UN Development Program regarding the commission on missing persons' procedures, and both organizations noted that consultations regarding best practices had taken place.

Government Human Rights Bodies: The HRCSL has jurisdiction to inquire into human rights violations. After an allegation is established, the HRCSL may make a recommendation for financial compensation to the victim, refer the case for disciplinary action or to the attorney general for prosecution, or both, with presidential approval. If the government does not follow an HRCSL order, a summons may be sent to both parties for explanation. If the parties continue in noncompliance, the HRCSL can report the case to the high court as a matter of contempt, an offense punishable by imprisonment or fine. In 2013 the number of complaints received by the HRCSL's head office totaled 4,979, of which 1,539

were out of the HRCSL's scope. HRCSL's 11 regional offices received an additional 4,236 complaints.

By statute the HRCSL has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. The HRCSL rarely used its powers, however, and there continued to be reports of a large backlog of cases with virtually no action by the commission during the year. In its concluding recommendations in 2011, the UN Committee against Torture noted concerns "about the difficulties the HRCSL has had in carrying out its function, owing in part to the lack of cooperation from other state party institutions, limited human and financial resources, and failure to publish the reports of its investigations." Rather than taking an investigative approach to determining the facts and details of human rights cases, the HRCSL took a more tribunal-like approach, weighing only the evidence brought to it in deciding whether to pursue a case. Observers expressed continued concerns with the HRCSL's lack of independence and transparency, particularly with the passage of the 18th amendment, which grants greater power to the president to oversee HRCSL appointments. In his May 27 statement, Special Rapporteur on the Human Rights of Migrants Crepeau called upon the government to "strengthen the independence of the Sri Lankan Human Rights Commission, provide it with adequate resources, systematically consult it on all issues with human rights implications, and implement its recommendations."

In 2010 the government established the Lessons Learnt and Reconciliation Commission (LLRC), a presidential body mandated to inquire into the breakdown of the cease-fire with the LTTE. The commission provided its report to the president in 2011, and it was subsequently tabled in Parliament. In November 2012 the government posted translations of the report in Sinhala and Tamil on official government websites.

The LLRC report made observations and recommendations for government action on issues related to the breakdown of the cease-fire agreement, operations by security forces during the final stages of the war, international humanitarian law, human rights, land, restitution, and reconciliation. The report called on the government to: phase out security forces from civilian affairs and activities; delink police departments from institutions dealing with the armed forces; investigate and hold accountable those responsible for abductions, disappearances, and attacks on journalists; implement recommendations of past domestic commissions of inquiry; disarm and prosecute illegally armed groups; provide better access to detainees; ensure the right of information; implement the official trilingual policy;

depoliticize the process of collecting and adjudicating land claims; devolve power to local government institutions; and enact legislation to criminalize enforced or involuntary disappearances.

Many international and national observers criticized the LLRC report for inadequately addressing accountability for alleged war crimes reportedly committed by the government and the LTTE during the final months of the conflict and for exonerating the government of any wrongdoing. Such observers noted that the report found no systematic government wrongdoing in connection with incidents, such as the alleged killing of surrendering LTTE fighters, extensive shelling of no-fire zones, systematic shelling of hospitals, and withholding of humanitarian supplies from civilians trapped by the LTTE.

In July 2012 the government released a national action plan to implement 120 of the 285 recommendations contained in the LLRC report. Civil society organizations criticized the plan for its reliance on internal mechanisms for investigations rather than independent bodies and deferral of fundamental issues to a parliamentary select committee that had yet to be established. Throughout the year there was little, if any, progress on recommendations relating to international humanitarian law, human rights, democratic governance, and press freedom concerns. In July 2013 the government established a new LLRC website that it claimed would track progress on the commission's recommendations through the national action plan. The website was translated into English, Tamil, and Sinhala by year's end. Civil society observers, however, stated that many of the claims of government progress were incomplete, misleading, or unverifiable. Government claims of the percentage of fully implemented LLRC recommendations ranged from 25 percent to 99 percent. In October the government stated that it had fully implemented 46 of 144 recommendations accepted by the government, placing the implementation percentage at 32 percent. Observers could not verify most of the claims of completion, however.

In 2012 army commander Jagath Jayasuriya appointed a five-member "initial fact-finding inquiry" to investigate observations made by the LLRC on civilian casualties in the final stages of the war. The navy also convened a similar court to inquire into relevant allegations (see section 1.a.).

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, sex, gender, disability, language, or social status, and the government generally respected these rights in practice.

There were instances, however, in which gender, religious, and ethnic-based discrimination occurred.

## Women

Rape and Domestic Violence: The law prohibits rape and domestic violence, but authorities did not enforce it effectively. Sexual assault, rape, and spousal abuse remained pervasive societal problems. According to a September 2013 UN study, about 10 percent of Sri Lankan men in relationships admitted sexually abusing their partners. The law specifically addresses sexual abuse and exploitation and contains provisions in rape cases for an equitable burden of proof and stringent punishments. The law considers marital rape an offense only in cases of legally separated spouses. In November the media reported that 45 victims of marital rape entered the local NGO Women in Need's nine crisis centers in the country each day, or approximately 1,350 cases per month. An average rape case took six to 12 years to resolve. Observers believed domestic violence was widespread, although discussion of the problem was not common. According to the 2013 UNICEF *Sri Lanka Annual Report*, "reports of abuse and violence against women and children are progressively increasing and vary across districts."

While the law could potentially address some of the problems of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary to make progress in combating the crime. On April 13, the media reported that Minister of Child Development and Women's Affairs Tissa Karaliyadde stated that the law should bind rapists to marry the victim, with the victim's consent. He added that in cases of statutory rape--if the sexual act was consensual--the perpetrator could marry the victim upon her reaching 18 years of age. He said such cases generally concerned couples in a common law marriage and that legal systems imported as part of the country's legal framework did not cover such situations.

The police Bureau for the Prevention of Abuse of Women and Children (BPWC) continued awareness programs in schools and at the grassroots level, encouraging women to file complaints. Police continued to establish women's bureaus in police stations throughout the year. In July the government announced it would add 25 new BPWC bureaus to police districts in the northern and eastern provinces to address better the incidents of abuse of women and children in the war-affected zones. There were 43 BPWC bureau offices in the country at year's end. The BPWC held awareness programs for men in state and private organizations and targeted passenger transport personnel.

Police recorded more than 1,400 incidents of rape of women and children during the first nine months of the year, but this number was an unreliable indicator of the degree of the problem because many victims were unwilling to file reports. Services to assist survivors of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding. There was one government-established shelter for victims of domestic violence. The Ministry of Health, in partnership with NGOs, maintained hospital-based centers to provide medical assistance to those requiring attention for sexual assault-related injuries before referral to legal and psychosocial services.

In March the report *An Unfinished War: Torture and Sexual Violence in Sri Lanka, 2009-2014* presented evidence from 40 citizens, who had fled the country to the United Kingdom since the end of the war, that they were victims of torture and sexual violence committed by agents of the government (see section 1.c.). Of the 40 witnesses interviewed, 28 alleged sexual abuse at the hands of security forces, and others were witnesses to sexual abuse. The witness statements presented evidence particularly of alleged rape and sexual abuse of Tamil women committed since the end of the war. More than half of the victims alleged their torture, rape, and abuse occurred in 2013-14.

Descriptions of the abuse were explicit. One male torture victim noted that, while he was in detention, he saw a door open to a room containing multiple female detainees. The witness said he saw “a female cadre lying on her back on the floor. She was totally naked. I clearly saw a soda bottle shoved inside her vagina. Her arms were spread out wide, as were her legs. The door was not open enough to see the other two girls. I could not tell if the girl or the two others were alive. None of them was making any sound, and the girl I saw was not moving.” Additional documentary and civil society reports released throughout the year added to the mounting evidence regarding the security force’s use of sexual violence against women and men since the end of the war.

The March 13 *Report of the UN Secretary General on Conflict-Related Sexual Violence*, which was submitted by UN Secretary-General Ban Ki-Moon to the UN Security Council in April, cited Sri Lanka as a country in which sexual violence was used in conflict and post-conflict situations. On April 25, the country’s deputy permanent representative to the United Nations, Major General Shavendra Silva, rejected the report, stating that the government had “implemented a firm policy on sexual violence and has taken firm action” to protect victims.

A March 2013 documentary film, “Haunted by Her Yesterdays,” told the stories of a number of (anonymous) female former combatants and the difficulties they encountered in reintegration after the war. Among the allegations made by one of the women in question was the repeated humiliation and sexual assault to which security force personnel in her area had subjected her.

Despite the mounting evidence of the systematic abuse of Tamil women, including but not limited to former combatants, in the postwar period, the government denied the existence of a pattern of abuse of women. In its September response to the OHCHR’s Human Rights Committee report regarding ICCPR implementation, the government stated that it “categorically rejects the allegation that female excombatants face a higher risk of rape and violence.”

Female Genital Mutilation/Cutting (FGM/C): There were no laws against FGM/C, nor were there any reports of such activity.

Sexual Harassment: Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison. Some observers acknowledged widespread sexual harassment. As with domestic violence, discussion of the problem was not common.

Reports of the prevalence of “survival sex,” whereby vulnerable women engaged in sexual acts for monetary and other kinds of support or compensation, especially with security force personnel, continued to emerge throughout the year. One report noted members of the security forces approached a woman in the north and told her that, if she allowed them to have sex with her on a regular basis, they would compensate her. If she refused they would rape her by force, so she chose the former course.

Reproductive Rights: Couples and individuals usually have the right to decide the number, spacing, and timing of their children free from discrimination, coercion, and violence. In 2012 an estimated 68 percent of the population between the ages of 15 and 49 used modern contraceptives, and observers estimated that skilled attendants were present during childbirth at approximately 99 percent of births. Authorities appeared to diagnose women for sexually transmitted infections at the same rate as men.

In September 2013 researchers claimed they discovered that public health workers had administered the subdermal contraceptive implant Jadelle, probably without informed consent, to women from Veravil, Keranchi, and Valaipaddu at a

government-run nutrition clinic in Kilinochchi. A group of activists called The Social Architects (TSA) visited Veravil, Keranchi, Valaipaddu, Umaiyalpuram, and Malaiyalapuram villages, where IDPs had begun to rebuild their postwar lives. The TSA, under constant military surveillance, interviewed 23 women ranging in age from 15 to 43, members of the Ministry of Health in Kilinochchi, field-level health workers, and community leaders. TSA investigators concluded that public health workers administered the contraceptive under false pretenses to women attending a nutrition clinic. In November 2013 a 26-year-old Kilinochchi woman died 10 weeks after administration of the contraceptive, and subsequent tests demonstrated the woman had been two months pregnant at the time of the implant. Investigations into the contraceptive administration and the woman's death continued at year's end.

Discrimination: The law provides for equal employment opportunity in the public sector. Women had no legal protection against discrimination in the private sector, where they were sometimes paid less than men for equal work and experienced difficulty in rising to supervisory positions. According to Department of Census and Statistics data for the first quarter of the year, female labor force participation was 35.5 percent and had declined in recent years despite women's higher levels of education in comparison with men. The demand for female labor was mainly for casual and low-paid, low-skilled jobs.

Women have equal rights under civil and criminal law. Adjudication of questions related to family law--including divorce, child custody, and inheritance--according to the customary law of each ethnic or religious group, effectively resulted in discrimination. In October the government claimed that the cabinet had "recently" passed a national action plan women, but it was not available at year's end.

## **Children**

Birth Registration: Children obtain citizenship from their parents. Authorities generally registered births immediately, and failure to register resulted in denial of some public services, such as education.

Child Abuse: By 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 defines child abuse to include the involvement of children in war. The BPWC conducted investigations into crimes against children and women. The penalties for sexual assault of children range

from five to 20 years' imprisonment and an unspecified fine. In February a new high court in Anuradhapura began taking cases related solely to the PTA and child abuse. At year's end the new court's effectiveness could not be measured.

NGOs continued to attribute exploitation of children to the lack of enforcement of child abuse laws rather than inadequate legislation. Of the 1,400 female rape cases reported in the first nine months of the year, 1,168 involved children. According to the National Child Protection Authority (NCPA), the situation was worse than reported to police.

There were regular reports of sexual abuse of children by teachers, principals, and religious instructors, and there were a number of child rape cases reported in which authorities suspected government officials. According to one media report in July, *Sexual Predators Run Riot in Schools*, parents were reluctant to file complaints of child sexual abuse "because of social stigma, intimidation, or even economic reasons." According to Joseph Stalin, secretary of the All Ceylon Teachers' Union, schools would rather have sex abuse cases swept under the rug than publicize them, due to fear that a scandal might "tarnish the good name of the school." The report also quoted former NCPA chair Harendra de Silva as saying, "More often than not, school officials could intimidate a victim or a victim's parents against lodging a formal complaint, such as by threatening to expel the child or to expose the supposed 'bad character' of the child." Complaints against teachers and other government officials often led to investigations and even transfers or removal from their positions, but analysts noted that, despite greater public awareness about such offenses and complaint procedures, most cases continued to go unreported.

Early and Forced Marriage: The minimum legal age for marriage is 18 for both men and women, although girls can marry as early as 16 with parental consent. According to the 2006-07 *Demographic Health Survey*, 11 percent of women between the ages of 20 and 24 reported being married or in a union before age 18. The Ministry of Child Development and Women's Affairs continued to hold programs in many districts to educate the public at the village level about the complications that may result from early marriage. In a July 2013 study, *Emerging Concerns and Case Studies on Child Marriage in Sri Lanka*, UNICEF documented a growing list of human rights concerns, especially for young girls, resulting from early marriage trends, particularly in poorer, war-affected communities.

Female Genital Mutilation/Cutting (FGM/C): There were no laws against FGM/C, nor were there any reports of such activity.

Sexual Exploitation of Children: The government advocated greater international cooperation to bring persons guilty of sexual exploitation of children to justice. Although the government did not keep transparent records of particular types of violations, the law prohibits sexual violations against children, defined as persons younger than age 18, particularly regarding 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 penal code, which covers sexual exploitation of children and sex trafficking, prescribes punishments of up to 20 years' imprisonment.

The NCPA warned in 2011 of an increase in child sexual exploitation related to the rapid growth of tourism, although during the year NCPA authorities stated the problem had not grown to the extent they originally feared. The government's tourist police and the NCPA conducted island-wide awareness programs focusing on children, travel guides, and the coastal communities close to tourist destinations. There were limited reports of child sex tourism in isolated areas during the year. The Department of Probation and Child Care Services provided protection to children who were victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The NCPA continued an undercover operation in the southern coastal region to identify sexual tourism perpetrators and victims. As a preventive measure, the NCPA also continued its awareness programs for schools.

Displaced Children: Children in IDP welfare centers and relocation sites were exposed to the same difficult conditions as adult IDPs and returnees in these areas. Many school facilities were in poor condition and lacked basic supplies. Medical care in these areas was limited, but improvements continued throughout the year.

In his May 27 statement, Special Rapporteur on the Human Rights of Migrants Crepeau said he regretted the government's policy of mandatory administrative detention of irregular migrants, which included families with children. He noted that, while visiting the Department of Immigration and Emigration's detention facility in Mirihana, he met five children housed there with their families for as long as two years, with no access to education, which he noted was in "violation of the provisions of the Convention on the Rights of the Child."

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-

specific information, see the Department of State's website at [travel.state.gov/content/childabduction/english/country/srilanka.html](http://travel.state.gov/content/childabduction/english/country/srilanka.html).

### **Anti-Semitism**

The Jewish population remained very small, but anti-Semitic sentiments existed in the country. No notable public displays of such sentiments appeared to occur during the year.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other public transportation, and access to health care. In practical terms, however, discrimination occurred in employment, education, and provision of state services, including public transportation. Authorities generally permitted children with disabilities to attend mainstream schools, but due to societal stigma against persons with disabilities, many parents of children with disabilities chose to keep their children out of school. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. The government supported participation by persons with disabilities in civic affairs.

Persons with disabilities faced difficulties due to negative attitudes and societal discrimination. In some rural areas, the belief of many residents that physical and mental disabilities were contagious led to long-term isolation of persons with disabilities, some of whom rarely or never left their homes.

According to independent aid organizations, government restrictions on implementing aid projects, particularly in the north, affected persons with disabilities. They also reported a lack of inclusion of persons with disabilities in mainstream development initiatives and a lack of coordination between disability rights and general human rights.

### **National/Racial/Ethnic Minorities**

Both local and Indian-origin Tamils maintained they suffered longstanding, systematic discrimination in university education, government employment, and other matters controlled by the government. Tamils stated the government was undertaking efforts to alter the demographic realities of the north and east to diminish Tamil-speaking peoples' claim to majority status in any single geographical region in the country. Throughout the year evidence of state-sponsored settlements of Sinhalese communities in the north continued to mount, especially in Vavuniya District. Government officials stated that the Vavuniya settlements consisted of resettled Sinhalese families who fled the area during the war, but such claims were impossible to verify. Tamils throughout the country, but especially in the north and east, reported that security forces and paramilitary groups frequently harassed young and middle-aged Tamil men.

### **Indigenous People**

The country's indigenous people, known as Veddas, by some estimates numbered fewer than 1,000. Some preferred to maintain their traditional way of life, and the law nominally protected them. There were no legal restrictions on their participation in political or economic life, but lack of legal documents was a problem for many. Vedda communities complained the creation of protected forest areas pushed them off their lands and deprived them of traditional livelihoods.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Same-sex sexual activity is punishable by a prison sentence of up to 10 years, and there were no legal safeguards to prevent discrimination based on sexual orientation or gender identity. Authorities very rarely enforced the criminal provisions. In recent years human rights organizations reported that, while not actively arresting and prosecuting members of the LGBT community, police harassed and extorted money or sexual favors from LGBT individuals with impunity and assaulted gay men and lesbians in Colombo and other areas. Crimes and harassment against LGBT individuals were a problem, although such incidents often went unreported. Social stigma against LGBT persons remained a problem. There were reports that persons undergoing gender-reassignment procedures had difficulty amending government documents to reflect those changes. A civil society group that worked to advance LGBT rights reported close monitoring by security and intelligence forces.

In a March report by the Women’s Support Group, *“Sri Lanka: Not Gonna Take it Lying Down,”* 13 of 33 LGBT persons interviewed in the country between 2010 and 2012 admitted to having been the victim of some kind of violence at the hands of state agents. Interviewees noted police often utilized existing laws, such as the 1842 Vagrants Ordinance, to detain any individual deemed to be “loitering,” which generally led to detention and at times physical and sexual abuse. Interviewees also noted that police and antigay groups also used penal code sections on “gross indecency” and “cheating by personation” to brand LGBT persons as “perverts and criminals.” There was also a general perception in the LGBT community that police officers used blackmail and violence against persons they perceived to be homosexual, bisexual, or transgender. The report concluded that incidents of physical violence, both in the public and private spheres, remained underreported and undocumented and that LGBT persons who experienced physical violence “rarely seek compensation, redress or even counselling.” Members of the LGBT community, the study stressed, felt they had “no access to redress.”

In September the International Gay and Lesbian Human Rights Commission released a “shadow report” on the conditions confronting the country’s LGBT community as part of the review of the application and implementation of the ICCPR in Sri Lanka conducted by the OHCHR’s Human Rights Committee. The report was based upon the previously cited Women’s Support Group interviews. On September 3, the government issued a written response to the Human Rights Committee that addressed the protection of the rights of the LGBT community in the country, noting the constitution “protects persons from stigmatization and discrimination on the basis of sexual orientation and gender identities.” The Human Rights Committee pursued the issue and asked the government to clarify what it had done to amend the constitution to include explicit protections based on sexual orientation and gender identities. In response Bimba Jayasinghe Thilakeratne, additional solicitor general with the Attorney General’s Department, observed that the constitution “ensures equality for sexual orientation and gender identity” and stated “laws discriminating on the grounds of sexual orientation and gender identity are unconstitutional.”

### **HIV and AIDS Social Stigma**

There was no official discrimination against persons 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.

## **Other Societal Violence or Discrimination**

During the year there was a serious escalation in the number of attacks by extremist Buddhist groups, many with direct ties to high government officials, against religious minorities, including Muslims, Hindus, Jehovah's Witnesses, evangelical Christians, and Catholics (see section 1.c.). The attacks included grenade explosions and arson attempts as well as physical assaults on church or mosque properties.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions of their choice, with the exception of members of the armed forces, police officers, judicial officers, and prison officers. Workers in nonessential services industries, except for workers in public service unions, have the legal right to bargain collectively. The Labor Ministry must register all collective bargaining.

The president has broad discretion to declare sectors "essential" to national security, the life of the community, or the preservation of public order under Emergency Regulations of the Public Security Ordinance. In 2011 the government revoked the emergency regulations. The government did not declare any sectors or services essential during the year. The law prohibits retribution against strikers in nonessential sectors. While seven workers may form a union, adopt a charter, elect leaders, and publicize their views, a union must represent 40 percent of workers at a given enterprise before the law legally obligates the employer to bargain with it. The law does not permit public-sector unions to form federations or represent workers from more than one branch or department of government. The Labor Ministry can cancel a union's registration if it fails to submit an annual report for three years.

The law prohibits antiunion discrimination. Labor laws do not cover domestic workers employed in the homes of other or informal-sector workers.

The law allows unions to conduct their activities without interference, but the government enforced the law unevenly and, at times, brought injunctions against striking workers. The government did not directly seek injunctions during the year. Rather, affected parties sought injunctions, such as commuters against a rail strike and a patient against a health workers' strike. Trade unions alleged the

petitioners were government fronts. Violations for antiunion discrimination can result in a fine of 100,000 rupees (\$769). The law requires an employer found guilty of antiunion discrimination to reinstate workers fired for union activities, but it can transfer them to different locations. These penalties generally were not sufficient to deter violations. Resources for inspections and remediation were inadequate. Only the Labor Ministry has legal standing to pursue an unfair labor practice case, including for antiunion discrimination. The Labor Ministry worked to improve the process for union registration during the year, although administrative delays continued. To improve freedom of association, the government established trade union facilitation centers in three of the largest export processing zones.

Since 1999 the Labor Ministry has filed only nine cases against companies for unfair labor practices under the Industrial Disputes Act. The courts dismissed one case due to insufficient evidence, concluded three cases, and continued the last five at year's end. The courts did not initiate any new cases during the year. Citing routine government inaction on alleged violations of labor rights, some unions continued to press for standing to sue, while some smaller unions did not want that ability, citing the cost of filing cases. Workers brought some labor violations to court under various other labor laws, such as the Wages Board Act or Employees Provident Fund Act, leading to investigations of several employers. Judicial procedures were subjected to lengthy delays. The Industrial Dispute Act does not apply to the public sector, and there was no formal dispute resolution mechanism for public-sector unions.

Freedom of association and the right to bargain collectively were generally, but not always, respected. Unions represented workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Workers in private factories and the export processing zones found it difficult to organize. Employers, including the government and citizens, occasionally sought court intervention to break strikes. Union activists and officials remained subject to harassment, intimidation, and other retaliatory practices. Employers arbitrarily transferred or unfairly dismissed union members.

Most employees in the public sector belonged to unions. On several occasions throughout the year, public-sector workers attached to various government departments and hospitals, as well as railway workers and airport staff, staged strikes. While some unions in the public sector were politically independent, most large unions affiliated with political parties and played a prominent role in the political process.

Unions alleged that employers often indefinitely delayed recognition of unions to avoid collective bargaining, decrease support for unionization, or identify, terminate, and sometimes assault or threaten union activists. To address these concerns, the ministry issued a circular in 2011 requiring labor commissioners to hold union certification elections within 30 working days of an application for registration if there was no objection, or within 45 working days if there was an objection. The commissioners held three such elections in 2012-13. Information regarding the number elections during the year was unavailable.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced and compulsory labor, but penalties were not sufficient to deter violations. The government generally enforced the laws, but resources, inspections, and remediation efforts were not adequate. Labor Ministry inspections did not extend to domestic workers. There were continued reports of sporadic government prosecutions of labor agents who fraudulently recruited migrant workers, and the government appeared to sustain past efforts to enhance interministerial coordination through monthly meetings. There were reports employers subjected children to bonded and forced labor in dry-zone farming areas, on plantations, and to a lesser extent in the fireworks and fish-drying industries. In many of those cases, parents incurred a debt and then sent their children to work to repay the loan (see section 7.c.).

Children between the ages of 14 and 18 and women working as live-in domestic workers in some homes were vulnerable to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agricultural work or technical training. The law prohibits hazardous work for persons under the age of 18. The law limits the working hours of 14- and 15-year-old children to nine hours per day and of 16- and 17-year-old children to 10 hours per day. The Labor Ministry continued to make some progress in implementing its plan to eliminate the worst forms of child labor by 2016. For example, it continued to hold awareness-raising programs for partner organizations in certain provinces and

declared “child labor free zones” in Ratnapura, Kegalle, and Amparai districts. The ministry continued to cite lack of funds for the full implementation of the plan.

The NCPA is the central agency for coordinating and monitoring the protection of children, with the specific mandate to enforce laws on all forms of child abuse. The Ministry of Labor has the specific mandate to enforce laws on child labor and hazardous child labor. The Department of Probation and Child Care Services and police are responsible for enforcement of child labor laws. The government did not effectively enforce all laws. The government’s resources, inspections, and remediation efforts were not adequate and the penalties were not sufficient to deter violations. In 2013 the Labor Ministry conducted 232 inspections of child labor situations and found five violations. From January to November, the Labor Ministry conducted 133 inspections and found nine violations.

The largest sector employing child labor, both legally and illegally, was agriculture, where children under 18 worked both in plantations and in nonplantation agriculture during harvest periods. In addition to agriculture, children worked as street vendors, domestic helpers, and in the mining, construction, manufacturing, transport, and fishing industries. Children displaced by the war were especially vulnerable to employment in hazardous labor.

Many thousands of children between the ages of 14 and 18 continued to be employed in domestic service in urban households. Employers reportedly subjected child domestic workers to physical, sexual, and emotional abuse; observers also reported rural children in debt bondage in urban households. Child employment was also common in family enterprises, such as family farms, crafts, small trade establishments, restaurants, and repair shops. Criminals exploited children in prostitution in coastal areas as part of sex tourism (see section 6, Children).

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The constitution has provisions that prohibit discrimination regarding race, religion, language, caste, sex, political opinion, place of birth, or any one of such grounds. These are considered fundamental rights and justiciable in the Supreme Court. Such conditions, however, would not prevent special provisions being made by law for the advancement of women, children, or disabled persons. In

addition, the penal code provides for protection from sexual harassment in the workplace; it could apply equally to male or female employees. The Protection of Disabled Persons Law addresses the protection of disabled workers in the workplace. Wage boards have equal minimum wages for male and female workers. In the white-collar categories, wages are largely set for the job irrespective of sex. Legal provisions relating to leave and holidays apply equally to men and women other than for one or two minor exceptions. Employment in government service may require a person to acquire proficiency in any language within a reasonable period of time. While the government effectively enforced these laws and regulations, discrimination occurred based on the above categories with respect to employment and occupation. Some institutions would regularly specify particular positions as requiring male or female recruits.

There were reports of discrimination based on HIV/AIDS status where a person lost his job. There were two national policies on HIV/AIDS, but there were no laws to protect HIV/AIDS-affected persons in the workplace. Several private-sector companies jointly established the Lanka Business Coalition of HIV/AIDS and AIDS (LBCH). Workplace policies among LBCH members included nondiscrimination against HIV/AIDS-affected persons.

Allegations that some workplaces did not recruit women of reproductive age who might potentially request maternity leave emerged, but the claims were difficult to prove.

### **e. Acceptable Conditions of Work**

While there was no national minimum wage, 43 wage boards established by the Ministry of Labor's Relations and Manpower Office set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum monthly wage in the areas of the private sector covered by wage boards was 8,625 rupees (\$66) plus an extra allowance of 1,000 rupees (\$8), for a total of 9,625 rupees (\$74). The minimum wage in the public sector was 21,876 rupees (\$168). Minimum wage laws did not cover workers in sectors not covered by wage boards, including informal-sector workers. As of November the official estimate of the poverty income level was 3,838 rupees (\$29.50) per person per month, although some analysts questioned the validity of this estimate. The law does not require equal pay for equal work.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five-and-a-half-day workweek). In addition, the law stipulates a

rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week. Overtime pay is 1.5 times the basic wage and is paid for work done on either Sundays or holidays. The provision limiting basic work hours is not applicable to managers and executives in a public institution. The law provides for paid annual holidays.

The government sets occupational health and safety standards, but health and safety regulations did not fully meet international standards. Workers have the right to remove themselves from dangerous situations, but many workers were unaware of such rights or feared that they would lose their jobs if they did so.

Authorities did not effectively enforce minimum wage, hours of work, and occupational safety and health standards in all sectors. The Labor Ministry's resources, inspections, and remediation efforts were inadequate. There was a need to improve occupational health and safety in the rapidly growing construction sector, including on infrastructure development projects, such as port, airport, and road construction. There was a growing trend, particularly in the construction industry, for employers to use contract employment for work of a regular nature, where workers had fewer safeguards.

Labor Ministry inspectors checked whether employers were providing complete pay to employees and were contributing to pension funds as required by law, but unions questioned whether the inspections were effective. As of December 2013, the ministry's Labor Inspectorate consisted of 618 officers. The number of inspections of factories decreased slightly in 2013, while the number of inspectors increased. The punishment for nonpayment of wages and pension contributions is negligible, with fines ranging from 100 rupees (\$0.76) to 250 rupees (\$1.92) for the first offense and 500 rupees (\$3.84) to 1,000 rupees (\$7.69) and/or incarceration for a term of six months for the third offense. The law charges a fine of 50 rupees (\$0.38) per day if the offense continues after conviction. These penalties were not sufficient to deter violations. Labor inspectors did not monitor wages or working conditions or provide programs or social protections for informal-sector workers, of which there were significant numbers.

There were no reliable sources of data for the informal sector and no government agency that tracked industrial or workplace accidents.