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SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1

Sri Lanka*

The present report is a summary of 32 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. The World Organisation Against Torture (OMCT) noted with concern that, in a 2006 ruling, the Supreme Court of Sri Lanka held that Sri Lanka's accession to the *Optional Protocol to the International Convention on Civil and Political Rights*, which allows individuals to send complaints to the United Nations Human Rights Committee after having exhausted domestic legal remedies, was unconstitutional.² According to a Joint Civil Society Report (JCSR), the subsequent International Covenant on Civil and Political Rights Act 2007 does not include the most significant rights contained in the ICCPR nor add substantially to the Fundamental Rights Chapter in the Constitution.³

B. Constitutional and legislative framework

2. Amnesty International (AI) noted that civil and political rights were further restricted following the reintroduction of Emergency Regulations in August 2005. The new Regulations allow the Government to deploy the military for cordon-and-search operations and to detain without charge anyone suspected of terrorist activities. AI was concerned that many provisions of the Emergency Regulation are vaguely worded and may therefore be interpreted as criminalizing a wide range of activities, including media investigations and reporting. There have also been reports of discriminatory application of these regulations against Tamils.⁴ AI recommended the Government to abolish all emergency legislations currently in force or bring it into line with international human rights law and standards.⁵

C. Institutional and human rights infrastructure

3. AI reported that the 17th Amendment to the Constitution, passed by the Parliament in 2001, establishes an independent, ten-member Constitutional Council (CC) mandated to recommend appointments to key public commissions in order to ensure their independence.⁶ The Sri Lanka Democracy Forum (SLDF) further noted that the failure to appoint members to the CC and the President's subsequent decision to directly appoint the members of Sri Lanka's National Human Rights Commission (HRC) and the Police Commission are an indication of control by the executive of bodies responsible for criminal justice.⁷

4. According to OMCT, the International Coordinating Committee of National Institutions recently downgraded the status of Sri Lanka's HRC from full member to observer after concluding that the appointment of its commissioners had been irregular and that the commission's functioning had not been balanced and objective,⁸ and, as noted by AI, it had publicly expressed its inability to investigate disappearances.⁹ Human Rights Watch (HRW) added that the monitoring and investigative authority of the HRC has been effectively negated by the obstruction of the security forces and lack of Government support.¹⁰ Regarding the Jaffna office of the HRC, People for Equality and Relief in Lanka (PEARL) reported that the commission has been unable to further investigate or follow up on complaints made by hundreds of civilians about extrajudicial killings and abductions because it fears repercussions for speaking out in a heavily militarized area.¹¹

5. JCSR indicated that the standard response of the Government in the face of criticism of human rights abuses has been the creation of a multiplicity of ad hoc institutions, committees and commissions of inquiry, which have been ineffective in bringing perpetrators to account,

and have done nothing to deter violations.¹² SLDF noted that the most prominent commission of inquiry is the Presidential Commission of Inquiry (CoI) into grave human rights violations and the associated International Independent Group of Eminent Persons (IIGEP). While SLDF believed that the CoI and IIGEP had some potential to address impunity, it pointed out that neither should be viewed as a substitute for international human rights monitoring or the criminal justice system.¹³ SLDF stated that the CoI failed to complete even one case in its first year of existence, and noted that the CoI and IIGEP have not served as effective deterrents against ongoing abuses, and have failed to bring justice to the families of the victims.¹⁴

6. According to JCSR, almost 10 years ago the state published draft legislation to establish an independent Commission on Women. Although the draft Bill has been before the Cabinet for several years, the law has yet to be passed by Parliament.¹⁵

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

7. According to ICJ, both the OHCHR and a wide variety of domestic voices have been calling for the establishment of an international human rights field presence in Sri Lanka.¹⁶ SLDF believed that a UN human rights field operation is crucial at this juncture and would, through a mandate of protection, monitoring, investigation and public reporting, help to protect human rights and combat the culture of impunity.¹⁷ Christian Solidarity Worldwide (CSW) urged the Government and the Liberation Tigers of Tamil Eelam (LTTE) to allow monitoring by independent, international human rights monitors.¹⁸

8. ICJ highlighted that since mid-2004, a Senior Human Rights Adviser (SHRA) to the UN Country team has been posted in Sri Lanka by OHCHR. The role of the SHRA is limited by its mandate. Its principal achievement has been to deploy some volunteers to support the HRC's regional offices and facilitate cooperation among human rights agencies. According to ICJ, in comparison with OHCHR country missions, the SHRA's capacity is negligible.¹⁹

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non discrimination

9. According to the joint submission of three NGOs (JS2) women may be seen as an especially vulnerable group with ethnic, caste, class and gender discriminations simultaneously impacting on them. Unemployment rates are particularly high among women and some have responded to this situation by joining the stream of migration abroad.²⁰ Women and Media Collective (WMC) noted that the Women's Rights Bill has yet to be finalised and approved by Parliament; and that marital rape is only recognized in cases of judicial separation.²¹ The Centre on Housing Rights and Evictions (COHRE) urged Sri Lanka to review all laws which discriminate against women, and repeal or reform them in order to ensure compliance with internationally accepted human rights standards.²²

10. According to WMC, state land distribution policy awards property in the name of the head of household; customarily only men are viewed as heads of households, unless the man is dead or missing. Muslim women in the East owned almost 95% of the houses that were

destroyed by the Tsunami and have been deprived of ownership to replacement houses which were registered in the name of the adult male in the family.²³

11. JS2 reported that despite the fact that explicit caste-based discrimination seems to have gradually diminished in most parts of Sri Lanka, new research documents that there continue to be pockets of outcast populations in diverse places such as Mahaiyawa in Kandy, Wilgoda in Kurunegala and IDP camps in Jaffna peninsula.²⁴ JS2 urged the Government to revise and implement the legal framework to have effective national remedies in place, and ensuring prohibition of practices of discrimination in both public and private places.²⁵

12. Equal Ground (EG) highlighted some of the major challenges that the Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community of Sri Lanka is currently facing in relation to their human rights, such as state sanctioned hate speech on the basis of sexual orientation, use of the legal system to harass human rights defenders working for LGBTIQ rights, impunity for crimes committed against LGBTIQ people, violence, death threats and extrajudicial killings based on sexual orientation, marginalization and wide-spread persecution of LGBTIQ individuals.²⁶ JCSR added that LGBTIQ individuals are denied access to health services, education and employment and the ability to participate in social and public life.²⁷

2. Right to life, liberty and security of the person

13. Noting that major hostilities between the Sri Lankan Government and the LTTE resumed in mid-2006 and that in January 2008 the Government formally withdrew from the ceasefire, HRW was deeply concerned that with the ceasefire's end, abuses will intensify.²⁸ HRW noted that the LTTE has directly targeted civilians with remote-controlled landmines and suicide bombers. It has murdered perceived political opponents and forcibly recruited ethnic Tamils into its forces. HRW also noted that the Sri Lanka security forces have conducted indiscriminate bombing and shelling resulting in civilian casualties, and committed widespread 'disappearances'.²⁹ CSW added that the Government, the LTTE, the Karuna group and other para-military groups are accused of carrying out extra judicial killings.³⁰ With regard to a rise in incidents of extra judicial killings and enforced disappearances, Minority Rights Group International (MRG) stressed that there is substantial evidence that the Sri Lankan military is colluding with the breakaway Karuna faction and other para-military groups on human rights violations.³¹

14. JCSR reported that flagrant violations of international humanitarian law including targeting of civilians, attacks on places of worship, hospitals and schools, and forced resettlement of IDPs have increased over the past two years.³² PEARL highlighted that in High Security Zones throughout the North and East, security forces take control of civilian homes without providing any payment or recourse.³³ ACHR noted that armed opposition groups have been responsible for grave violations of international humanitarian law through killings, abductions and recruitment of child soldiers. Of the non-state actors, the LTTE remained the main violator of international humanitarian law, in particular through targeting of civilians with explosive devices.³⁴ SLDF added that the LTTE has repeatedly prevented civilians from fleeing areas where there are military attacks, with the aim of using them as human shields.³⁵ IDMC recommended to all parties to the conflict to respect international humanitarian law and take measures to ensure that civilians are protected against the dangers arising from military operations, including forcible and arbitrary displacement.³⁶

15. According to ICJ, the Sri Lankan authorities have proved unable or unwilling to solve the growing number of targeted killings of employees of international aid organizations in Government territory.³⁷ The Asian Centre for Human Rights (ACHR) indicated that investigations into the massacre of 17 workers of *Action Contre la Faim* at Muttur town on 5 August 2006 has failed to make any progress.³⁸

16. According to AI, a pattern of enforced disappearances is evident in Sri Lanka, not just in the north and east but also in the capital, Colombo. Several hundred cases of enforced disappearances were reported in the first six months of 2007. AI noted that many of these disappearances take place inside high security zones and during curfew hours. This suggests that at least some may have been committed by people working directly with or with the consent of the security forces, in particular the Sri Lanka Army.³⁹ The Asian Legal Resource Centre (ALRC) reported that a few victims have been released but only after allegedly paying large sums of money or being severely warned not to pursue their activities or divulge information about their captors. The vast majority, however, have disappeared without a trace.⁴⁰

17. The Tamil Information Centre (TIC) reported that torture and ill-treatment are carried out by the armed forces, paramilitary groups and the police in military camps and police stations.⁴¹ JCSR explained that detainees are denied confidential communication with their legal counsel, and that interviews take place in the presence of law enforcement personnel, which contributes to the dearth of reporting of custodial torture.⁴² SLDF noted that the Emergency Regulations provide for administrative detention of up to one year with no judicial oversight by ordinary courts and without safeguards set out in international law that would protect against torture.⁴³ TIC added that the provisions of the Emergency Regulation and the Prevention of Terrorism Act which allow confessions as evidence in court encourage torture.⁴⁴ According to AI, the adoption of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, adopted in 1994 was an effort to criminalize torture and bring perpetrators to justice. A significant number of indictments were filed under the Act. Nonetheless, the majority of prosecutions initiated against police officers or members of the armed forces on charges of abduction, unlawful confinement, or torture have been inconclusive due to a lack of sufficient evidence and the unavailability of witnesses.⁴⁵

18. JCSR noted many instances of children subjected to severe physical and sexual abuse by family members, teachers, and members of the clergy.⁴⁶ The Global Initiative to End All Corporal Punishment of Children (GIECP) noted that, at a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children, the Government made a commitment to prohibit corporal punishment in all settings, including the home.⁴⁷

19. The Sri Lankan Civil Society Working Group on Child Recruitment (SLCSWG) noted that the forced recruitment of children and the use of child combatants have been long associated with Sri Lanka's violent ethnic conflict.⁴⁸ SLDF was dismayed that in spite of assurances given to the UN and international scrutiny, the LTTE and the Karuna Group have not ceased to recruit children nor kept their commitments to release all children in their ranks. SLDF further noted that though the LTTE and Tamil Makkal Viduthalai Puligal (TMVP), also known as the Karuna group, are primarily responsible for recruitment, given the visible and close association between the TMVP and the Government, the Government cannot absolve itself from taking responsibility for TMVP actions.⁴⁹ HRW called on the Government

to immediately end all cooperation with the Karuna group in the recruitment of children; and to fulfill its pledge to investigate the role of the security forces in child recruitment and other abductions by the Karuna group, and hold all those responsible accountable.⁵⁰

20. JCSR reported that acts of violence against women are growing.⁵¹ ACHR added that women have been specific targets during the war because of their gender. In 2005, Sri Lankan Parliament passed the Prevention of Domestic Violence Act, yet, domestic remedies are insufficient.⁵² WMC explained that there are often delays of between five and twelve years before cases of sexual violations are concluded. Regarding domestic violence, the majority of police complaints are resolved through police mediation or referral to Mediation Boards and there is very limited use of the Domestic Violence Act.⁵³

21. The International League for the Rights and Liberation of People (LIDLIP) noted that in violation of the legal provisions, unauthorized detention centres continue to be maintained, arrests are not reported to courts and to the National Human Rights Commission, nor are relatives informed, records kept, or places of detention revealed.⁵⁴ AI was also concerned about the reported lack of procedural safeguards in relation to the arrests and detention.⁵⁵ In regard to the lack of clarity over procedures to be followed following arrests, AI noted that there is currently no centralised register of detainees and no guaranteed procedure for informing families and the National Human Rights Commission of the place of arrest and charge within 48 hours of the arrest.⁵⁶ ALRC noted that a recent phenomenon in Sri Lanka has been the increase in the number of killings in police custody by policemen who then claim self-defence to justify the deaths.⁵⁷ According to ACHR prisons are overcrowded and lack basic services and facilities.⁵⁸

22. WMC reported that women held under the public security laws have complained that they are not afforded basic safeguards. Regarding detention centres for girls, there is no separation between girls who have come into conflict with the criminal law and girls in need of care and protection. Sexually abused girls are held in custody until cases against perpetrators have been completed.⁵⁹ HRW called on the Government to ensure that all persons taken into custody are held in recognized places of detention, with detailed detention records; detained individuals must be allowed contact with family and unhindered access to legal counsel; they should promptly be brought before a judge and informed of the reasons for arrest and any charges against them.⁶⁰

3. Administration of justice and the rule of law

23. ACHR reported that political interference in the Supreme Court and the Judicial Service Commission has seriously undermined the independent functioning of Sri Lanka's judiciary. The arbitrary transfers of the magistrates in high profile cases of extra-judicial executions and enforced disappearances undermine the impartiality of judicial proceedings.⁶¹ ALRC added that the Attorney General's Department is no longer perceived as an independent entity.⁶² MRG highlighted that recent positive judgements by the Supreme Court of Sri Lanka on restrictions to military search operations have not been implemented by the military, seriously undermining the role of the judiciary.⁶³ ACHR urged the Government to ensure that there is no political interference in the functioning of Sri Lanka's judiciary and to ensure fair trial and justice especially to the minority Tamils.⁶⁴

24. AI expressed its grave concern concerned about the persistent climate of impunity for human rights abuses in the context of the conflict, reported by human rights activists and

other civil society actors in Sri Lanka.⁶⁵ HRW noted that over the past two years, the Government has created at least nine special bodies to address ‘disappearances’ and other human rights violations; however, none of these special bodies have yielded concrete results.⁶⁶ According to SLDF, emergency regulations limit the accountability of civilian and military authorities by providing immunity from all acts performed in ‘good faith’. It added that Sri Lanka’s laws do not provide adequately for establishing command responsibility.⁶⁷ HRW reported that the criminal justice system, particularly the police and the Attorney General’s office, have not effectively investigated human rights violations or brought perpetrators to justice.⁶⁸ SLDF further noted that there have been very few cases of human rights violations that have been identified and prosecuted. Even in the few cases where prosecutions have taken place, only junior officers were prosecuted, and command responsibility was neither investigated nor established.⁶⁹ ACHR highlighted that in a rare case, on 20 January 2006, the High Court Trial-at-Bar sentenced five army personnel to death in the Udathalawinna massacre case on charges of murder of 10 youths on 5 December 2001 when the General Election was held.⁷⁰

25. According to OMCT Sri Lanka lacks a witness protection program, although a bill to create one has been under debate in the parliament for months.⁷¹

26. AI recommended the Government to ensure prompt and impartial investigations into all reported killings, enforced disappearance, torture and other ill-treatment, and other serious human rights violations; to ensure that the perpetrators are brought to justice in proceedings that meet international standards of fairness and ensure reparation for victims and survivors.⁷² Additionally, HRW called on the government to discipline or prosecute as appropriate members of the security forces implicated in human rights abuses, including as a matter of command responsibility when superiors knew or should have known of ongoing crimes but failed to take action.⁷³

4. Right to privacy, marriage and family life

27. JCSR reported that consensual sexual activity between adults of the same sex remains a crime under Article 365 and 365A of the 1883 Penal Code.⁷⁴ ILGA and Equality Ground (EG) raised similar concerns.⁷⁵

28. WMC reported that Muslim women have unequal rights in marriage and divorce under Muslim personal law; there is no minimum age of marriage, and polygamy is recognized in the Muslim Personal Law. WMC further noted that in theory a women’s consent is necessary for marriage, in practice, they could be married off without their consent. Men could divorce without giving a reason or compensation, women have to prove fault. Muslim women cannot be appointed as family court judges or registrars of marriages.⁷⁶

5. Freedom of movement

29. SLDF noted that the Government and the LTTE have restricted the movement of civilians fleeing areas of attacks. SLDF reported that the Government has closed the A9 highway, which is the only land route in and out of Jaffna. This road closure also severely restricts the transport of essential items such as food, medical supplies and humanitarian assistance.⁷⁷ IDMC added that the LTTE continued to maintain draconian restrictions on people living in the Vanni area under its control. Each person exiting the Vanni had to leave family members behind as guarantee of return.⁷⁸

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

30. The Institute on Religion and Public Policy (IRPP) reported that religious freedom in Sri Lanka is generally respected and protected by both the Government and society at large; however, proposed legislation on religious conversion would seriously curtail religious freedom.⁷⁹ The Becket Fund for Religious Liberty (BFRL) reported that the most troubling aspect of the draft anti-conversion legislation is that it would criminalize a central principle of religious liberty - the ability to freely choose and change one's religion.⁸⁰ BFRL added that since 2001, the Supreme Court issued a series of precedents restricting the rights of non-Buddhist religions under law.⁸¹ IRPP noted that episodes of religious violence and unrest arise sporadically.⁸²

31. JCSR reported that media freedom has been heavily restricted with the imposition of stringent limitations on reporting on the war.⁸³ SLDF noted that the Emergency Regulations stifle media freedom and freedom of expression at an alarming level, and enable the President to ban any public meeting, procession, or gathering which, in his opinion, threatens national security or public order.⁸⁴ According to JCSR, media persons and institutions have been subjected to a range of acts of violence and intimidation including assassination and assault, arson and intimidation.⁸⁵ ACHR urged the Government to ensure independent functioning of the freedom of the press, and not to use anti-terrorism laws to question and arrest media personnel for political ends.⁸⁶ OMCT noted that human rights defenders in Sri Lanka are facing increasing persecution and threats to their lives.⁸⁷

32. According to JCSR, the law making process in Sri Lanka involves little consultation and transparency in the drafting and enactment of laws and regulations and with no space for open debate on alternative views. In many cases legislation is presented in Parliament as an 'Urgent Bill', curtailing space for the public to challenge legislation with the potential to violate fundamental rights.⁸⁸

7. Right to work and to just and favourable conditions of work

33. JCSR noted that plantations are managed by private companies, and issues of wages and workers' welfare are determined under Collective Agreements signed between plantation trade unions and the employers' federation. A key demand of the workers for a monthly wage has never been recognized.⁸⁹

34. Referring to the Department of Census and Statistics, WMC reported that most of the women in the labour force find employment as semi-skilled or unskilled workers who are in the lower echelons of the labour market. In the private, formal sector women who have passed the G.C.E. A/L examination and higher exams on average receive only 67% of the salary received by men of similar qualifications. In the informal sector this difference is greater. Women employees in Free Trade Zones do not have access to leave which government sector employees are entitled to. These women are often compelled to work overtime without consent. Physical stress from intensity of the nature of work, often affects their ability to engage continuously in productive employment.⁹⁰

8. Right to social security and to an adequate standard of living

35. According to TIC, since August 2006, the Government has imposed restrictions on the movement of food, fuel, medicines, raw materials and other essential needs to the LTTE-controlled areas of the north-east.⁹¹ Regarding the situation of internally displaced people, the International Displacement Monitoring Centre of the Norwegian Refugee Council (IDMC) reported that securing immediate subsistence needs such as food, water and housing has posed immense difficulties. For the most part their standard of living is far from adequate and has affected their chance to exercise other rights, for instance by compromising their access to education or healthcare or their opportunity to earn a living by work.⁹²

36. According to the Society for Threatened Peoples (STP), since hostilities escalated, the Government as well as the LTTE have restricted access to conflict areas, leaving IDPs and a large number of other affected people without adequate international protection and access to humanitarian assistance. Due to the A9 road closure, the World Food Programme has only been able to ship 20 per cent of its total food allocation needed on the Jaffna peninsula in the North.⁹³ IDMC added that the Government is still denying unrestricted humanitarian access to many agencies. In returnee areas of 'no access', only the UN and ICRC have limited permission to work in certain locations. In returnee areas of 'controlled access', UN agencies, ICRC and INGOs only have access after following set procedures.⁹⁴ According to OMCT, these restrictions and the attacks on humanitarian workers have led several organisations to suspend their activities.⁹⁵

37. JCSR noted the denial of access to legal termination of pregnancy for women and girls who are victims of rape and incest. It added that criminalization of sex work drives commercial sex workers underground and exposes them and those who associate with them to a high risk of contracting HIV/AIDS and other sexually transmitted infections.⁹⁶

10. Minorities and indigenous people

38. IDMC noted fears among minority communities of state-sponsored programmes aimed at changing the ethnic demography of Eastern Province. Examples of this were provided to IDMC by Tamil and Muslim residents in the eastern province. These include the Government-sponsored movement of Sinhalese settlers into Tamil and Muslim areas, the movement of administrative boundaries seeking to reduce the size of minority populations in certain areas, as well as the declaration of minorities' land as sacred for construction of Buddhist temples.⁹⁷ PEARL reported that the eviction of nearly 400 Tamil civilians from Colombo by the police in June 2007, allegedly because they could not provide valid reasons for being in Colombo in June 2007.⁹⁸

39. The Islamic Human Rights Commission (IHRC) reported that Muslim minorities have increasingly been alienated by Government policies and yet they have been deliberately targeted by the armed separatists for their supposed role in the conflict. According to IHRC, the government has employed Muslim troops in action against the LTTE during combat operations with allegations of anti-Tamil civilian violence.⁹⁹ ACHR added that 130,000 Muslims continue to languish in refugee camps in abject poverty, unemployment, and lack of basic facilities including health and education.¹⁰⁰ SLDF urged the LTTE to allow the Tamil and Muslim populations to exercise their rights to freedom of movement, expression, association and assembly, to take part in public affairs and to vote, and to family life, including the right to marry.¹⁰¹

40. Regarding the situation of Up-Country Plantation Tamil People, a joint submission of eight NGOs (JS1) noted that many of about 200,000 persons who were registered citizens under the Citizenship Act 35 of 2003 and other acts face difficulty with the respective authorities denying them the right to have their names registered in the voters list. JS1 further noted that many of the arrests and detentions of the Up-country Tamil youths are attributed to their inability to prove their identity by producing their National Identity cards, which is rooted in the absence of a proper mechanism on the plantation where most of them were born.¹⁰² JS1 further explained that Tamil, though recognized as an official language, is not spoken by Government officials in the Up-country plantation areas, which makes it difficult for Tamil people to interact with officials.¹⁰³ JS1 also highlighted the growing poverty among the plantation people, the low literacy rate, and the absence or poor basic health facilities in the plantation sector.¹⁰⁴ It also noted that on many plantations women are involved in compulsory family planning and sterilization violating their reproductive rights.¹⁰⁵

11. Migrants, refugees and asylum seekers

41. According to HRW, over 125,000 Sri Lankan women migrate abroad as domestic workers each year. While many have built homes and supported their children's education through their wages, others experience a range of abuse from recruitment agents and employers and receive little protection from the Sri Lankan authorities or Governments abroad. Despite some recent improvements, the Sri Lankan Government inadequately regulates the vast labour recruitment industry. The services provided by Sri Lankan missions abroad are uneven. Upon return to Sri Lanka, many domestic workers said they faced obstacles to filing complaints and obtaining victim services.¹⁰⁶

42. WMC added that in March 2007 the Government attempted to impose a ban on women with children under the age of 5 from seeking overseas employment. It further noted that migrant workers overseas do not have facilities to exercise their voting rights in Sri Lanka.¹⁰⁷

12. Internally displaced persons

43. According to SLDF, there are currently at least half a million victims of conflict-induced internal displacement. Of these, an estimated 300,000 are newly displaced since the resumption of hostilities in April 2006.¹⁰⁸

44. SLDF stressed that internally displaced people (IDPs) live in very poor conditions with inadequate access to housing, health care, and education; many have been repeatedly displaced.¹⁰⁹ WMC noted that there is fear amongst families, both within and outside IDP camps, about security of, and sexual violence against young women, resulting in families arranging 'marriages' for their teenage daughters. Young girls are not sent to school due to the increased number of checkpoints. At many camps and welfare sites facilities are minimal with regard to health issues, such as family planning, child bearing and feeding infants. Single women or widows, responsible for family welfare among the displaced, are particularly at a disadvantage with regard to accessing services and provisions.¹¹⁰

45. According to HRW, over the past year, Government authorities have in some places in the east forced IDPs to return to areas that remained insecure due to threats by armed groups, landmines, or the risk of renewed fighting. Protection for the displaced has been weak despite the presence of the UNHCR, with regular threats and occasional violence, including forced recruitment, by both the LTTE and pro-Government armed groups. Others are prohibited

from returning to their homes by the creation of ‘high security zones’ controlled by the military. Those who have returned have often faced reprisals.¹¹¹ International aid organizations as well as United Nations bodies have voiced concern about the Government forcing IDPs to return to areas ravaged by fighting.¹¹²

14. Human rights and counter-terrorism

46. OMCT noted that the Emergency Regulations introduce broad-based and vaguely defined terrorist offences that criminalise actions in breach of law and order if their purpose is to bring about “political or Governmental changes” or to force the Government to “take or refrain from taking a certain action”. Such vague wording could include activities such as participating in or organising peaceful demonstrations or strikes.¹¹³ LIDLIP added that the Prevention and Prohibition of Terrorism and Specified Terrorist Activities Act of December 2006 practically allows for the criminalization of any activity and the arrest without a warrant and detention for about 12 months without charge of anyone who is deemed to act ‘in any manner prejudicial to the national security or to the maintenance of public order, or to the maintenance of essential services’.¹¹⁴ ACHR added that the legislation strengthens impunity allowing exemptions from prosecution for members of the security forces deemed to be acting in ‘good faith’.¹¹⁵

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

47. SLDF noted that the Ministry for Disaster Management and Human Rights, set up in late 2005 and took some human rights initiatives which include convening an Inter-Ministerial Committee that committed itself to following up on investigations into human rights violations, and a civil society advisory group.¹¹⁶

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

n/a

V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

n/a

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-Governmental organization in consultative status with the Economic and Social Council.)

Civil Society

ACHR	Asian Centre for Human Rights*, New Delhi, India.
AI	Amnesty International*, London, United Kingdom.
ALRC	Asian Legal Resource Centre*, Hong Kong, China.
BFRL	The Becket Fund for Religious Liberty, Washington, D.C., USA.
COHRE	Centre on Housing Rights and Evictions*, Geneva, Switzerland.
CSW	Christian Solidarity Worldwide, New Malden, United Kingdom.
EG	Equal Ground, Colombo, Sri Lanka.
GIECP	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom.
JS1	Joint submission (1) of Human Development Organization, International Movement against All Forms of Discrimination and Racism Asia Committee*, Satyodaya Centre, Citizen's Watch, University Students, HEARTS, Human Power Foundation, Up-Country teachers, Kandy, Sri Lanka.
HELP	HELP, Sri Lanka, Human Rights, Equality, and Lasting Peace, Washington, D.C., USA.
HRW	Human Rights Watch*, New York, NY, USA.
ITS	Ilankai Tamil Sangam, Maryknoll, NY, USA.
LIDLIP	International League for the Rights and Liberation of People*, Geneva, Switzerland.
ILGA	International Lesbian and Gay Association, ILGA-Europe*, Equal Ground Sri Lanka, International Gay and Lesbian Human Rights Commission, ARC International, joint submission, Brussels, Belgium.
IRPP	Institute on Religion and Public Policy, Washington, D.C., USA.
II/TCHR	Interfaith International*, Tamil Centre for Human Rights, joint submission, Geneva, Switzerland.
ICJ	International Commission of Jurists*, Geneva, Switzerland.
JS2	Joint submission (2) of International Dalit Solidarity Network, International Movement against All Forms of Discrimination and Racism Asia Committee*, Human Development Organisation, Copenhagen, Denmark.
IDMC	International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland.
IED/AHL	International Educational Development, Inc.*, Association of Humanitarian Lawyers, joint submission, San Francisco, CA, USA.
IHRC	Islamic Human Rights Commission, Wembley, United Kingdom.
JCSR	Joint Civil Society Report, jointly submitted by Association of Family Members of the Disappeared, Association of War Affected Women, Centre for Human Rights and Development, Centre for Policy Alternatives, Centre for Society and Religion, Centre for Women and Development, Christian Alliance for Social Action, Citizens' Committee, Community Trust Fund, Ecumenical Association of Third World Theologians, Equal Ground, Families of the Disappeared, Father J. J. Bernard, Free Media Movement, Gampaha District Human Rights Committee, Dr. Mario Gomez,

Home for Human Rights, Human Development Organisation, INFORM Human Rights Documentation Centre, International Friends for Global Peace, International Movement Against Discrimination and Racism, Law & Society Trust, Muslim Information Centre, Research and Action Forum for Social Development, Rights Now - Collective for Democracy, Right to Life Human Rights Centre, Transparency International Sri Lanka, United Federation of Labour, Women and Media Collective, Colombo, Sri Lanka.

MAN	Manitham, Chennai, Tamil Nadu, India.
MRG	Minority Rights Group International*, London, United Kingdom.
OMCT	World Organisation Against Torture*, Geneva, Switzerland.
PEARL	People for Equality and Relief in Lanka, Glenn Dale, USA.
SLDF	Sri Lanka Democracy Forum, USA.
SLCSWG	Sri Lankan Civil Society Working Group on Child Recruitment (Centre for Policy Alternatives, Institute of Human Rights, National Peace Council, Law and Society Trust, Mothers and Daughters of Lanka, International Movement against All Forms of Discrimination), joint submission, Colombo, Sri Lanka.
STP	Society for Threatened Peoples*, Göttingen, Germany.
TIC	Tamil Information Centre, Kingston Upon Thames, United Kingdom.
TRO	Tamils Rehabilitation Organisation, Colombo, Sri Lanka.
WMC	Women and Media Collective, Colombo, Sri Lanka.

² World Organisation Against Torture, Geneva, Switzerland, p.2. See also Amnesty International, London, United Kingdom, p.2; Asian Centre for Human Rights, New Delhi, India, p.7.

³ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.4.

⁴ Amnesty International, London, United Kingdom, p.1-2. See also Sri Lanka Democracy Forum, USA, p.2; Interfaith International/Tamil Centre for Human Rights, joint submission, Geneva, Switzerland, p.1; International League for the Rights and Liberation of People, Geneva, Switzerland, p.3.

⁵ Amnesty International, London, United Kingdom, p.4. See also Manitham, Tamil Nadu, India, p. 3.

⁶ Amnesty International, London, United Kingdom, p.1.

⁷ Sri Lanka Democracy Forum, USA, p.5-6. See also Human Rights Watch, New York, NY, USA, p.3-4; Amnesty International, London, United Kingdom, p.1.

⁸ World Organisation Against Torture, Geneva, Switzerland, p.2. See also People for Equality and Relief in Lanka, Glenn Dale, USA, p.5.

⁹ Amnesty International, London, United Kingdom, p.1. See also Minority Rights Group International, London, United Kingdom, p.2; Human Rights Watch, New York, NY, USA, p.3-4.

¹⁰ Human Rights Watch, New York, NY, USA, p.3-4. See also Sri Lanka Democracy Forum, USA, p.6; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.4; International Commission of Jurists, Geneva, Switzerland, p.4.

¹¹ People for Equality and Relief in Lanka, Glenn Dale, USA, p.1-2.

¹² Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.5. See also Human Rights Watch, New York, NY, USA, p.3-4.

¹³ Sri Lanka Democracy Forum, USA, p.6. See also Amnesty International, London, United Kingdom, p.4; Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.5; International Commission of Jurists, Geneva, Switzerland, p.4; Society for Threatened Peoples, Göttingen, Germany, p.2-3; Asian Centre for Human Rights, New Delhi, India, p.3; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.4; World Organisation Against Torture, Geneva, Switzerland, p.1; Human Rights Watch, New York, NY, USA, p.3-4; People for Equality and Relief in Lanka, Glenn Dale, USA, p.1.

¹⁴ Sri Lanka Democracy Forum, USA, p.6.

¹⁵ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.5.

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- ¹⁶ International Commission of Jurists, Geneva, Switzerland, p.5. See also People for Equality and Relief in Lanka, Glenn Dale, USA, p.4.
- ¹⁷ Sri Lanka Democracy Forum, USA, p.7.
- ¹⁸ Christian Solidarity Worldwide, New Malden, United Kingdom, p.2-3.
- ¹⁹ International Commission of Jurists, Geneva, Switzerland, p.5.
- ²⁰ Joint submission (2), Copenhagen, Denmark, p.4.
- ²¹ Women and Media Collective, Colombo, Sri Lanka, p.1, 4-5.
- ²² Centre on Housing Rights and Evictions, Geneva, Switzerland, p.8.
- ²³ Women and Media Collective, Colombo, Sri Lanka, p.3.
- ²⁴ Joint submission (2), Copenhagen, Denmark, p.1.
- ²⁵ Joint submission (2), Copenhagen, Denmark, p.5.
- ²⁶ Equal Ground, Colombo, Sri Lanka, p.1. See also International Lesbian and Gay Association, joint submission, Brussels, Belgium, p.1.
- ²⁷ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.6.
- ²⁸ Human Rights Watch, New York, NY, USA, p.1.
- ²⁹ Human Rights Watch, New York, NY, USA, p.1. See also HELP, Sri Lanka, Human Rights, Equality, and Lasting Peace, Washington, D.C., USA, p.2.
- ³⁰ Christian Solidarity Worldwide, New Malden, United Kingdom, p.3. See also Sri Lanka Democracy Forum, USA, p.2; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.3.
- ³¹ Minority Rights Group International, London, United Kingdom, p.1-2. See also Asian Legal Resource Centre, Hong Kong, China, p.3; Ilankai Tamil Sangam, p. 3 and Manitham p. 3; Ilankai Tamil Sangam, Maryknoll, NY, USA, p. 3 and Manitham, Tamil Nadu, India, p. 3.
- ³² Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.1. See also Sri Lanka Democracy Forum, USA, p.7; Amnesty International, London, United Kingdom, p.2; People for Equality and Relief in Lanka, Glenn Dale, USA, p.5.
- ³³ People for Equality and Relief in Lanka, Glenn Dale, USA, p.5.
- ³⁴ Asian Centre for Human Rights, New Delhi, India, p.6.
- ³⁵ Sri Lanka Democracy Forum, USA, p.4. See also International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p.2.
- ³⁶ International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p.6-7.
- ³⁷ International Commission of Jurists, Geneva, Switzerland, p.3-4. See also Amnesty International, London, United Kingdom, p.3; Minority Rights Group International, London, United Kingdom, p.2; People for Equality and Relief in Lanka, Glenn Dale, USA, p.3; Tamils Rehabilitation Organisation, Colombo, Sri Lanka, p.1-3, also for information on individual cases.
- ³⁸ Asian Centre for Human Rights, New Delhi, India, p.5-6.
- ³⁹ Amnesty International, London, United Kingdom, p.2. See also International League for the Rights and Liberation of People, Geneva, Switzerland, p.2-3.
- ⁴⁰ Asian Legal Resource Centre, Hong Kong, China, p.2-3. See also Christian Solidarity Worldwide, New Malden, United Kingdom, p.3-4; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.3, also for information on individual cases.
- ⁴¹ Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.2. See also People for Equality and Relief in Lanka, Glenn Dale, USA, p.4; Asian Legal Resource Centre, Hong Kong, China, p.1; Asian Centre for Human Rights, New Delhi, India, p.3.
- ⁴² Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.6-7.
- ⁴³ Sri Lanka Democracy Forum, USA, p.3.
- ⁴⁴ Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.2.
- ⁴⁵ Amnesty International, London, United Kingdom, p.4.
- ⁴⁶ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.6.
- ⁴⁷ Global Initiative to End All Corporal Punishment of Children, London, United Kingdom, p.2.
- ⁴⁸ Sri Lankan Civil Society Working Group on Child Recruitment, joint submission, Colombo, Sri Lanka, p.1.
- ⁴⁹ Sri Lanka Democracy Forum, USA, p.7-8. See also Amnesty International, London, United Kingdom, p.3; Human Rights Watch, New York, NY, USA, p.3; People for Equality and Relief in Lanka, Glenn Dale, USA, p.3; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.3; Society for Threatened Peoples, Göttingen, Germany, p.2; Asian Centre for Human Rights, New Delhi, India, p.4; Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.3.
- ⁵⁰ Human Rights Watch, New York, NY, USA, p.5-6.
- ⁵¹ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.5.
- ⁵² Asian Centre for Human Rights, New Delhi, India, p.4.

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- ⁵³ Women and Media Collective, Colombo, Sri Lanka, p.2.
- ⁵⁴ International League for the Rights and Liberation of People, Geneva, Switzerland, p.3. See also Amnesty International, London, United Kingdom, p.4.
- ⁵⁵ Amnesty International, London, United Kingdom, p.3. See also Sri Lanka Democracy Forum, USA, p.3; Minority Rights Group International, London, United Kingdom, p.1. See also People for Equality and Relief in Lanka, Glenn Dale, USA, p.4; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.1.
- ⁵⁶ Amnesty International, London, United Kingdom, p.4.
- ⁵⁷ Asian Legal Resource Centre, Hong Kong, China, p.2; see also for information on individual cases. See also Asian Centre for Human Rights, New Delhi, India, p.1-2.
- ⁵⁸ Asian Centre for Human Rights, New Delhi, India, p.3.
- ⁵⁹ Women and Media Collective, Colombo, Sri Lanka, p.2.
- ⁶⁰ Human Rights Watch, New York, NY, USA, p.5-6.
- ⁶¹ Asian Centre for Human Rights, New Delhi, India, p.5. See also International League for the Rights and Liberation of People, Geneva, Switzerland, p. 3, 4; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.4-5.
- ⁶² Asian Legal Resource Centre, Hong Kong, China, p.4. See also Sri Lanka Democracy Forum, USA, p.5.
- ⁶³ Minority Rights Group International, London, United Kingdom, p.2.
- ⁶⁴ Asian Centre for Human Rights, New Delhi, India, p.6-7.
- ⁶⁵ Amnesty International, London, United Kingdom, p.4. See also World Organisation Against Torture, Geneva, Switzerland, p.1; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.3; Minority Rights Group International, London, United Kingdom, p.2; International League for the Rights and Liberation of People, Geneva, Switzerland, p.4.
- ⁶⁶ Human Rights Watch, New York, NY, USA, p.2. See also Asian Centre for Human Rights, New Delhi, India, p.2; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.3.
- ⁶⁷ Sri Lanka Democracy Forum, USA, p.4. See also International League for the Rights and Liberation of People, Geneva, Switzerland, p.3; World Organisation Against Torture, Geneva, Switzerland, p.2-3.
- ⁶⁸ Human Rights Watch, New York, NY, USA, p.3-4. See also Sri Lanka Democracy Forum, USA, p.4.
- ⁶⁹ Sri Lanka Democracy Forum, USA, p.5.
- ⁷⁰ Asian Centre for Human Rights, New Delhi, India, p.3.
- ⁷¹ OMCT, p.2. See also International Commission of Jurists, Geneva, Switzerland, p.4.
- ⁷² Amnesty International, London, United Kingdom, p.4-5.
- ⁷³ Human Rights Watch, New York, NY, USA, p.5-6.
- ⁷⁴ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.6.
- ⁷⁵ International Lesbian and Gay Association, joint submission, Brussels, Belgium, p.1. See also Equal Ground, Colombo, Sri Lanka, p.1.
- ⁷⁶ Women and Media Collective, Colombo, Sri Lanka, p.1, 4-5.
- ⁷⁷ Sri Lanka Democracy Forum, USA, p.4.
- ⁷⁸ IDMC, p.2.
- ⁷⁹ Institute on Religion and Public Policy, Washington, D.C., USA, p.1. See also Christian Solidarity Worldwide, New Malden, United Kingdom, p.6.
- ⁸⁰ The Becket Fund for Religious Liberty, Washington, D.C., USA, p.2-3.
- ⁸¹ The Becket Fund for Religious Liberty, Washington, D.C., USA, p.1-2.
- ⁸² Institute on Religion and Public Policy, Washington, D.C., USA, p.1. See also People for Equality and Relief in Lanka, Glenn Dale, USA, p.5; Christian Solidarity Worldwide, New Malden, United Kingdom, p.5; Interfaith International/Tamil Centre for Human Rights, joint submission, Geneva, Switzerland, p.2.
- ⁸³ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.5.
- ⁸⁴ Sri Lanka Democracy Forum, USA, p.9. See also Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.2.
- ⁸⁵ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.5. See also Amnesty International, London, United Kingdom, p.4; Asian Centre for Human Rights, New Delhi, India, p.6; Sri Lanka Democracy Forum, USA, p.9; People for Equality and Relief in Lanka, Glenn Dale, USA, p.5; Society for Threatened Peoples, Göttingen, Germany, p.3.
- ⁸⁶ Asian Centre for Human Rights, New Delhi, India, p.6-7.
- ⁸⁷ World Organisation Against Torture, Geneva, Switzerland, p.2. See also Amnesty International, London, United Kingdom, p.4; Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.4.
- ⁸⁸ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.6.
- ⁸⁹ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.4.
- ⁹⁰ Women and Media Collective, Colombo, Sri Lanka, p.3-4.

- ⁹¹ Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.5.
- ⁹² International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p.3; see for more details.
- ⁹³ Society for Threatened Peoples, Göttingen, Germany, p.1. See also Sri Lanka Democracy Forum, USA, p.4; HELP, Sri Lanka, Human Rights, Equality, and Lasting Peace, Washington, D.C., USA, p.2.
- ⁹⁴ International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p.6. See also Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.2-3.
- ⁹⁵ World Organisation Against Torture, Geneva, Switzerland, p.3.
- ⁹⁶ Joint Civil Society Report, joint submission, Colombo, Sri Lanka, p.5-6.
- ⁹⁷ International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p.1-2.
- ⁹⁸ People for Equality and Relief in Lanka, Glenn Dale, USA, p.2. See also Interfaith International/Tamil Centre for Human Rights, joint submission, Geneva, Switzerland, p.2.
- ⁹⁹ Islamic Human Rights Commission, Wembley, United Kingdom, p.2.
- ¹⁰⁰ Asian Centre for Human Rights, New Delhi, India, p.5.
- ¹⁰¹ Sri Lanka Democracy Forum, USA, p.10.
- ¹⁰² Joint submission (1), Kandy, Sri Lanka, p.2.
- ¹⁰³ Joint submission (1), Kandy, Sri Lanka, p.2.
- ¹⁰⁴ Joint submission (1), Kandy, Sri Lanka, p.2-3.
- ¹⁰⁵ Joint submission (1), Kandy, Sri Lanka, p.3-4.
- ¹⁰⁶ Human Rights Watch, New York, NY, USA, p.4-5.
- ¹⁰⁷ Women and Media Collective, Colombo, Sri Lanka, p.4.
- ¹⁰⁸ Sri Lanka Democracy Forum, USA, p.4. See also Christian Solidarity Worldwide, New Malden, United Kingdom, p.3; International Displacement Monitoring Centre of the Norwegian Refugee Council, Geneva, Switzerland, p.1; Minority Rights Group International, London, United Kingdom, p.1; Ilankai Tamil Sangam, Maryknoll, NY, USA, p. 3.
- ¹⁰⁹ Sri Lanka Democracy Forum, USA, p.4. See also Centre on Housing Rights and Evictions, Geneva, Switzerland, p.4; Society for Threatened Peoples, Göttingen, Germany, p.1; Asian Centre for Human Rights, New Delhi, India, p.5.
- ¹¹⁰ Women and Media Collective, Colombo, Sri Lanka, p.3.
- ¹¹¹ Human Rights Watch, New York, NY, USA, p.3. See also Sri Lanka Democracy Forum, USA, p.4; Minority Rights Group International, London, United Kingdom, p.1; Amnesty International, London, United Kingdom, p.3; Centre on Housing Rights and Evictions, Geneva, Switzerland, p.5; Interfaith International/Tamil Centre for Human Rights, joint submission, Geneva, Switzerland, p.2.
- ¹¹² Society for Threatened Peoples, Göttingen, Germany, p.1.
- ¹¹³ World Organisation Against Torture, Geneva, Switzerland, p.2-3.
- ¹¹⁴ International League for the Rights and Liberation of People, Geneva, Switzerland, p.3. See also Tamil Information Centre, Kingston Upon Thames, United Kingdom, p.2.
- ¹¹⁵ Asian Centre for Human Rights, New Delhi, India, p.2.
- ¹¹⁶ Sri Lanka Democracy Forum, USA, p.7.