



General Assembly

Distr.: General
30 December 2022

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
23 January–3 February 2023

National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21*

Sri Lanka

* The present document is being issued without formal editing.



I. Background

1. Sri Lanka is pleased to present its fourth national report under the Universal Periodic Review (UPR), as part of its steadfast commitment to constructive engagement with the United Nations (UN) system. This report presents the status of implementation of the 177 recommendations accepted by Sri Lanka from a total of 230 recommendations received, and the 12 voluntary pledges undertaken during the third cycle of the UPR in November 2017. It enabled identifying challenges and the way forward in furthering human rights in the country.

2. The period under review posed unprecedented challenges for Sri Lanka including the 2019 Easter Sunday terrorist attacks, the COVID-19 pandemic followed by, *inter alia*, economic hardships. In July 2022, the parliament elected a new President in accordance with the Constitution of Sri Lanka.

II. Methodology

3. Following the conclusion of Sri Lanka's 3rd UPR cycle, the Ministry of Foreign Affairs published the recommendations on its website in the Sinhala and Tamil languages, and to lead the drafting process of the national report, a dedicated Technical Support Unit was established in the Ministry.

4. An inclusive, broad-based process was pursued as per the general guidelines stipulated in the HRC Decision 17/119. The methodology followed in compiling the report was two-pronged: relevant Government stakeholders engaged in collating the required preliminary information; thereafter, open consultations were held with Government stakeholders and civil society from across the country. The first civil society consultation was held in Colombo with the participation of 30 civil society representatives and the second consultation was held in the Northern Province with the participation of 35 civil society representatives. Both consultations were held in hybrid format and the input received from civil society was a constructive contribution. The Human Rights Commission of Sri Lanka (HRCSL) was consulted and contributed its input as an independent entity.

III. Implementation of recommendations and voluntary pledges

A. Legal and institutional framework

Working Group (WG) report A/HRC/37/17 recommendations 116.13, 14, 15 & 59 & Voluntary Pledge 119

5. The 21st Amendment to the Constitution, passed by the Parliament in October 2022, reintroduced salient changes to the present Constitution, including several key elements similar to the 19th Amendment. It would strengthen, *inter alia*, democratic governance and independent oversight of key institutions, the composition of the Constitutional Council and the independent Commissions, public scrutiny of and participation in governance, allocation of Cabinet portfolios, and the continuation of governmental functions.

Legislation on counterterrorism

Recommendations 116.51, 52 & Voluntary Pledge 122

6. Recognizing the importance of protecting human rights while combating acts related to terrorism, and to further improve the cause of human rights and, ensuring national security and fundamental freedoms in Sri Lanka, the Parliament in March 2022, enacted Amendment Act, No. 12 of 2022 substantially amending¹ the Prevention of Terrorism Act (PTA)² after 43 years, making it in line with international standards. It has exposed the investigation process under the PTA to the scrutiny of Magistrates and the HRCSL.

- Magistrates are duty-bound to visit a place of detention within forty-eight hours from the time of issuing the Detention Order, and at least once a month (during the period

of detention), to look into the wellbeing, welfare and conditions under which a person is detained.

- Persons authorised by the HRCSL are permitted to visit places of detention.
- The Magistrate shall direct the Inspector General of Police (IGP) to commence an investigation on an alleged torture of a detainee, to enable the Attorney-General to institute criminal proceedings against the perpetrator.
- Detention Orders issued under the Act shall be subjected to judicial scrutiny under Articles 126, 140 or 141 of the Constitution.
- Attorneys-at-Law have the right of access to remanded/detained persons and to make representations on their behalf.
- Suspects remanded/detained shall have the right to communicate with his relatives.
- In order to mitigate delays, every trial under this Act shall be held on a day-to-day basis, unless exceptional circumstances warrant postponement.
- The Court of Appeal may release on bail a person remanded/detained under the Act, if the trial has not commenced after the expiration of twelve months from the date of arrest. The High Court is also empowered to release such persons on bail.
- The High Court may grant bail in circumstances where the trial has not commenced after the expiration of twelve months from the date of such filing.

7. The cumulative effect of these amendments which were derived through a process of extensive deliberations with all relevant stakeholders, including civil society will have a profound impact upon the existing law.

8. To build on the progress made, a Cabinet Sub-Committee was appointed in September 2022 to develop comprehensive legislation on counterterrorism that balances national security concerns while considering, *inter alia*, international standards and best practices.

Enforced Disappearances

Recommendations 116.61, 62, 66 & 67

9. The provisions in the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) have been fully incorporated into domestic law.³ The ICPPED Act, No. 5 of 2018 criminalises enforced disappearances, enabling families of victims to seek effective remedies, and obtain compensation and information on the whereabouts of victims.

10. The Office on Missing Persons (OMP) Act⁴ and Office for Reparations (OR) Act⁵ complement domestic legislation regarding investigations and compensation for victims of enforced disappearances. Further, the guidelines⁶ issued by the Minister of Justice in 2019 allows relevant authorities to search any place of detention.⁷

B. Cooperation with international norms and mechanisms

Ratification of Optional Protocol to the Convention against Torture (OPCAT)

Recommendations 116.2-10 & Voluntary pledge 121

11. Sri Lanka acceded to the OPCAT on 5 December 2017, and it entered into force on 4 January 2018. The HRCSL was designated as the National Preventive Mechanism.

Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)

Recommendations 116.1, 53 & 54

12. Being a dualist country, the fulfilment of Sri Lanka's obligations under international treaties has been recognised through legal, constitutional and judicial processes prevailing in Sri Lanka. In Chapter III of the Constitution, the right to non-discrimination on any ground

is already enshrined as a Fundamental Right (FR). The scope of these rights has been expanded through the jurisprudence of the Supreme Court of Sri Lanka.

13. The ‘Right to life’ is guaranteed through judicial pronouncements,⁸ and in several FR Applications pending before the Supreme Court, interim orders have been made staying the execution of the death penalty. Through a recent amendment to the Penal Code⁹, the age limit for imposing the sentence of death to an offender was increased from 16 years to 18 years. Accordingly, a sentence of death shall not be pronounced on or recorded against any person who is under the age of eighteen years, at the time of the commission of an offence by such person.

14. Sri Lanka practises an “Abolitionist” policy, and a moratorium has been maintained since 1976. Notwithstanding intense societal debates from time to time urging the implementation of the death penalty, the Government of Sri Lanka (GoSL) has maintained the moratorium. Further, the GoSL has voted in favour of the biennial United Nations General Assembly (UNGA) resolution on the universal moratorium on the death penalty.

C. Mechanisms established for furthering human rights

Human Rights Commission of Sri Lanka

Recommendations 116.16, 17 & Voluntary Pledge 127

15. The HRCSL has been reconstituted in accordance with the procedure mandated by the Constitution, and financial provisions have been allocated to implement its mandate as per Sections 3 and 8 of the Act, No. 21 of 1996. During the period under review (2018-2022) the GoSL has provided the HRCSL with a total budget of over LKR 1.17 billion.

16. In maintaining its functional independence, HRCSL has undertaken measures in accordance with its mandate and the Paris Principles to promote human rights and monitor implementation of FRs.¹⁰ The HRCSL, as an independent observer, has engaged with the GoSL on its periodic reporting under the UN Treaty bodies: most recently regarding the 9th periodic report for the Committee on Elimination of Discrimination Against Women (CEDAW), the 3rd report for the Committee on Migrant Workers (CMW), and on this Report.

17. The HRCSL continues conducting a screening process of the Armed and Police force personnel nominated by the GoSL for UN Peacekeeping Missions, and a total of 1885 individuals have been screened for deployments since 2016.

Implementation of National Human Rights Action Plan (NHRAP 2017-2021)

Recommendations 116.18-26 & 27

18. Following the official launch of the NHRAP for 2017–2021 in November 2017, in Sinhala, Tamil, and English languages, an inter-ministerial structure was formulated to monitor the implementation of the Key Performance Indicators (KPIs). Each of the 10 key clusters were headed by a lead agency in collaboration with other relevant agencies that have provided necessary financial resources from their respective sectoral budgets to achieve the KPIs falling within their purview.

Official Languages Commission (OLC)

Recommendation 116.172

19. The OLC as the statutory body mandated to recommend language policy, promote the use and appreciation of official languages, and conduct inquiries in response to any complaints on the violation of language laws launched its official website¹¹ in 2022 marking a significant milestone towards building awareness on its work and promoting public engagement in addressing violations of language rights.

20. To ensure consistent exchange, understanding and synergistic implementation of the Official Languages Policy (OLP), several Ministries and institutions are engaged in the National Languages Equality Advancement Project (NLEAP) (2018-2022),¹² along with civil society organizations (CSOs). NLEAP contributes to assuring a robust accountability

mechanism for all contributors to OLP implementation within the country, including annual reporting by the OLC to the Sri Lankan Parliament.

D. Other policies and regulations

Right to Information (RTI) Act Voluntary Pledge 120

21. As required by the RTI Act,¹³ all Government Agencies have appointed information/designated officers in their respective Ministries/Agencies. The RTI Commission, the independent central oversight and enforcement agency established under the Act, has powers to hold inquiries into complaints on non-compliance and to recommend disciplinary actions against offending officials and prosecute those who commit offences defined in the Act.¹⁴

Awareness raising at the grassroot levels Recommendation 116.28

22. In the recent past, all national level policies and legislation were formulated through broad consultative processes including stakeholders at grassroot levels. Following the adoption of such policies and legislation, awareness campaigns were conducted with adequate media coverage. For example, the Ministry of Justice in partnership with the International Organization for Migration (IOM) launched a media campaign to raise awareness on Government policies to combat human trafficking.¹⁵ Sri Lanka Police, in particular the Community Police Division, conducts regular awareness raising campaigns to educate the public on existing policies and legislation on prevention of drug abuse, child abuse, traffic infractions, rights of women and children, and environmental regulations.

Human rights education Recommendations 116.29 & 30

23. Human rights education forms part of the training for all law enforcement officers, members of the armed forces and prison officers throughout their service period, namely basic training as new entrants, in service training and at higher education institutes. Programmes include constitutionally guaranteed FRs, principles of international humanitarian law (IHL) and human rights law (IHRL), command responsibility and IHL, military conduct within domestic human rights framework, the law of criminal procedure, the rights of citizens, and duties and obligations of law enforcement officers.

24. The Institute of Peace Support Operations Training Sri Lanka which provides pre-departure training for the Sri Lankan peacekeepers to UN Missions commenced the IHL and human rights basic course in 2021, under the guidance of the Directorate of Human Rights and International Humanitarian Law of the Sri Lanka Army.

25. The Department of Prisons, in collaboration with the University of Colombo, offers an Advanced Certificate course in Human Rights Approach to Prison Administration as a distance learning programme for Prison Officers.

26. The existing curricula for school children offers an understanding of the cultural and religious values of different communities. In collaboration with the Office for National Unity and Reconciliation (ONUR), the Ministry of Education has included segments on peace and reconciliation in the school curricula in 2017, and the subject of 'human rights' was also included in the secondary school education curriculum and continues to this date.

Oversight and engagement with civil society Recommendations 116.104-107

27. Sri Lanka has a vibrant civil society, where the Non-Governmental (NGO) sector has over the years been making significant contributions towards development and community enrichment, complimenting the programmes of the Government, and providing constructive comments on Government policies to improve them. During the period under review, the Government has had extensive consultations with a wide array of CSOs when preparing draft

laws and national reports in response to the UN Treaty bodies. Observations and comments expressed by CSOs during the open consultations held in preparing this national report are given at Annex B.

28. The GoSL remains committed to protecting and promoting freedom of expression and civil society space and ensuring that complaints received on alleged attacks against journalists, human rights defenders and civil society are investigated and prosecuted. The GoSL has taken measures to prevent surveillance that intimidate persons. In 2018, the then Ministry of Public Security, issued a media statement in all three languages notifying the public of the mechanisms available to make a complaint on such incidents, namely: the Special Investigation Unit (SIU) and the “Tell IGP” Operation Room of Sri Lanka Police, the complaints mechanisms of the HRCSL and the National Police Commission (NPC).

29. It is noted that NGOs and international NGOs have been formed under different laws in Sri Lanka, in addition to the Voluntary Social Services Organization (VSSO) Act.¹⁶ In August 2021, the Cabinet approved the drafting of a new Bill to replace the existing VSSO Act. The ‘National Collective of CSOs and NGOs’ have been requested to submit their proposals to the new Bill and also to nominate two representatives to the Committee appointed to draft the said Bill.

30. Article 14 of the Constitution of Sri Lanka ensures freedom of speech and assembly, and the Courts have consistently upheld these rights. However, as per Article 15 of the Constitution, such rights are restricted in the interest of national security and public order. The Government has reiterated the necessity for protests to be carried out within the framework of the law that does not morph into acts tantamount to criminal obstruction and/or unlawful occupation. Within such ambit, anyone can exercise their rights and freedoms.

E. Cross-cutting issues

Equality and non-discrimination Recommendations 116.31-39, 60

31. In view of the diversity of the demographic and cultural composition of Sri Lanka, the Sri Lankan legal system provides for a multiplicity of laws to accommodate and preserve the respective cultural and religious rites and traditions of such communities. The general law of the country takes a subordinate position in the sphere of Customary or Personal Laws, as applicable to the respective communities.¹⁷ Therefore, matters such as marriage, divorce, succession to personal property etc. related to specific communities or ethnic/religious groups are being governed by the personal laws applicable to them.

32. As concerns were raised that some of these personal laws are discriminatory, particularly for women and girls, to ensure compliance with equality and non-discrimination provisions enshrined in the Constitution, Sri Lanka has included a policy commitment in its NHRAP to review all legislations.

33. Accordingly, the Land Development Ordinance (LDO) (Amendment) Act¹⁸ was enacted to ensure that both male and female children will equally have rights to succession, inheritance and joint ownership irrespective of gender.¹⁹ The Ministry of Land decided that, “According to the ordinance there was lesser priority given to women when bestowing land, gender equality is to be resolved in this regard. In an event where the succession is not nominated; the person who has developed or in occupancy or in possession of the property or who has the certificate, or the donation given in their name gets the ownership of the land. The names of the adopted children are also to be included in the entitlement schedule”.

34. Further, the Muslim Marriages and Divorce Act (MMDA)²⁰ was identified for review. A ten-member Muslim Law Reforms Advisory Committee appointed by the Minister of Justice in December 2020 has handed over their report to the Hon. Minister in June 2021, and the same has been submitted to the Cabinet of Ministers. The Advisory Committee has been requested to make further observations.

Non-discrimination on grounds of sexual orientation Recommendations 116.37, 38, 39 & Voluntary Pledge 125

35. The right to equality and non-discrimination guaranteed by the Constitution implicitly includes non-discrimination on grounds of sexual orientation, and this position has been upheld by the Supreme Court of Sri Lanka in a recent pronouncement on Penal Code offences that may be applied to same sex sexual conduct.²¹ A number of criminal proceedings filed on grounds of sexual orientation have also been dismissed, accepting submissions that homosexuality is neither a disease of mind nor an offence.²² Further, Sri Lanka College of Psychiatrists, the country's main medical body on mental health and psychiatry, made a public statement that it does not consider homosexuality a mental illness in 2021.

36. Taking cognizance of the Supreme Court judgement, a number of criminal proceedings on non-discrimination have been revisited. Following consultations in 2022 between civil society representatives working on Lesbian, Gay, Bisexual, Transgender, Intersex, Queer + (LGBTIQ+) rights and the IGP, with the participation of all relevant stakeholders, a Senior Deputy IGP was appointed to address issues and difficulties faced by the LGBTIQ+ community.

37. In 2022, a private member's bill was submitted to the Parliament seeking to amend the Penal Code with the aim of protecting the LGBTIQ+ community.

38. The National STD/AIDS control programme²³ of the Ministry of Health (MoH) operates 30 Antiretroviral Medication centres across the country providing services free of charge. Legal gender recognition could be obtained by transgender persons in 3-5 days²⁴ as per existing regulations.

Reconciliation and accountability

GoSL position on HRC resolution 30/1 and successive HRC resolutions Recommendations 11689-91 & Voluntary Pledge 128

39. Sri Lanka's withdrawal of co-sponsorship of HRC resolution 30/1 and its categorical rejection of the said resolution and its succeeding resolutions (34/1, 40/1, 46/1, 51/1) was based on grounds of serious constitutional, substantive and procedural issues, as elaborated in the statement by the Minister of Foreign Affairs of Sri Lanka at the High-Level Segment of the UNHRC 43.²⁵ The decision to co-sponsor resolution 30/1 was not endorsed by the Parliament, as it was in contravention of the Constitution, impinging the sovereignty of the nation.

40. Notwithstanding the rejection of resolution 30/1, Sri Lanka continued its engagement with the Council in a spirit of cooperation and dialogue. The GoSL is of firm belief that measures aimed at promoting domestic reconciliation and human rights, if they are to be meaningful and sustainable, must be based on cooperation with the country concerned, be compatible with the aspirations of its people, and be consonant with its domestic legal framework. In this context, the GoSL has continued to implement post-conflict reconciliation processes through domestic mechanisms.

Domestic mechanisms for national reconciliation

Recommendations 116.63, 64, 65, 69-88, 92-94, 131, 133, 171 & Voluntary Pledge 126

41. During the period under review, the domestic processes, the OMP, the OR, the ONUR and the 'Presidential Commission of Inquiry (PCoI)' have carried out many productive and constructive activities. The Sustainable Development Council (SDC) is an important supportive pillar for these efforts.

42. Some of the key developments during the reporting period are as follows:

(a) The OMP and the OR have become operational with the appointment of Commissioners and necessary financial provisions have been provided to these offices to carry out their statutorily mandated tasks. A victim-centric approach is taken in their engagement with the public.

(b) The OMP has established mechanisms to expeditiously assist victims, their families, and witnesses. It has conducted panels of preliminary inquiries as part of its verification process that leads to in-depth investigation. More than 85% of persons met with members of the panel and their testimonials were recorded. The high turnout at the inquiries signifies the level of public confidence placed in the OMP process. An Extraordinary Gazette²⁶ was issued to extend the validity of provisions related to the Certificate of Absence (CoA) of the Registrations of Death Act,²⁷ by another two years from 2021 to 2023. The OMP has requested the Central Bank of Sri Lanka (CBSL) to re-circulate guidelines to all the financial institutions, emphasizing the importance of recognizing the CoA as a legal document.

(c) The International Committee of the Red Cross (ICRC) has been a key international partner supporting the work of the OMP through the provision of legal and forensic expertise, as well as advice on data protection and data management. Additionally, the UN, donor agencies and several NGOs in Sri Lanka have expressed willingness to collaborate with the OMP and provide technical expertise and training.

(d) The National Reparations Policy and Guidelines formulated by the OR was approved by the Cabinet in August 2021 and tabled in Parliament in February 2022 as required by the OR Act. Accordingly, relief and assistance provided through the OR extends to eight key interventions namely provision of livelihood support, restitution of land rights, provision of housing, development of community infrastructure, administrative relief, psychosocial support and measures to advance unity, reconciliation and non-recurrence of violence. Currently, the OR is implementing programmes on identified interventions at field level²⁸. A budget of LKR 459 million and LKR 840 million was allocated in 2021 and 2022 respectively, and 85% of the total recurrent expenditure of 2022 was to pay monetary compensation. As of November 2022, LKR 277.9 million was disbursed covering 3,494 cases related to death and injuries, missing persons and damaged properties due to conflict in the Northern and Eastern provinces.

(e) The ONUR executes its mandate under eight thematic areas and has assumed greater importance in building national unity and reconciliation through its continued activities related to social cohesion, conflict transformation, language training programmes for youth, government officials, community and religious leaders, and providing psychological assistance to victims. Further, through its Economic Engagement programme, over 1 million persons in conflict affected communities benefited from livelihood assistance and restoration of basic infrastructure facilities.

(f) With a view to fostering greater accountability and meaningful reconciliation through domestic institutions, the PCoI for *'Appraisal of the Findings of Previous Commissions and Committees on Human Rights and the Way Forward'* headed by a sitting judge of the Supreme Court is continuing its mandate by interviewing witnesses and examining previous reports,²⁹ in order to address questions of reconciliation and accountability. The first Interim Report of the Commission was presented to the President of Sri Lanka in July 2021. Its recommendations resulted in the establishment of an Advisory Board under the PTA, making substantial amendments to it, and the release of detainees. Following the public sittings in Colombo, Jaffna and Kilinochchi, the second Interim Report was submitted by the Commission in February 2022, which is being studied by relevant Agencies. The term of the Commission has been extended up to 31 January 2023 by which time the Commission is required to submit its Final Report to the President.

(g) The Government endeavours to establish a credible Truth and Reconciliation Commission within the framework of the Constitution. The contours of such a model that would suit Sri Lanka are currently being assessed.

(h) In order to enhance the outreach to overseas Sri Lankans encompassing all communities and generations, on 19 December 2022 the Cabinet of Ministers approved the establishment of an Office for Overseas Sri Lankans, thus facilitating more rigorous engagement.³⁰

43. President Ranil Wickramasinghe convened an All-Party Conference³¹ on 13 December 2022 with the aim of finding a consensus way forward on issues related to the solution towards reconciliation. The President emphasized that all political parties should

unite for this purpose. The convening of this Conference is viewed as a strong step in taking the reconciliation process forward and was welcomed by political parties.

44. In 2022, a four-member (Prime Minister, Ministers of Justice, Foreign Affairs and Fisheries) Cabinet Sub-Committee was appointed by the President under his Chairmanship to promote reconciliation among different communities and to address and resolve matters relating to affected persons. A special unit has been established at the Presidential Secretariat to assist in the tasks of the above Cabinet Sub-Committee.

45. The Unit also coordinates matters for the resolution of land issues in the Northern Province and facilitates the work of the OMP and ONUR in the province.

46. Following the end of the conflict, the Government accorded utmost priority to the expeditious release of land held by the security forces during the conflict. 92% of the private lands retained by the military have been released to the legitimate civilian owners through local Government authorities as of November 2022. Compensation for the lands that will be retained for security purposes is being processed. Sri Lanka Air Force, in coordination with the Government Agent in Jaffna has launched a website (www.jaffna.dist.gov.lk) to receive claims for the lands being retained by the Air Force at the Palaly Air Base and in the High Security Zone, in order to pay compensation.

47. A mobile service "Access to Justice" was launched by the OR with the Ministry of Justice from 26 to 30 January 2022 in the Northern Province, to address issues faced by the people and to educate them on the services provided by the Ministry and its institutions. 950 families with issues related to documentation were assisted during the programme. The Ministry of Finance as well as the Ministry of Justice has carried out progress reviews of the mobile programme, and is expected to continue further sessions in the North, and to extend to other provinces of the country as well.

48. Based on an internationally accepted training manual, a pilot psychosocial support programme was conducted by the OR between from 2021 till mid-2022. Using a case management approach, 26 trained case managers coordinated 131 cases in the Northern, Eastern, Southern and North Western Provinces and based on the participant's needs assessment, necessary referrals were made. An external evaluation was conducted by the OR to assess the success of this programme and as per its recommendations, the OR intends to establish a dedicated Psychosocial Support Unit to institutionalise the programme. It has trained a total of 50 case managers (24 Sinhala and 26 Tamil medium) representing the 25 districts.

F. Civil and political rights

Liberty and security of person

Recommendations 116.67, 68, 95, 96

49. Freedom from arbitrary detention and torture are fundamental rights enshrined in the Constitution and cases of any infringement are heard by the Supreme Court. Families of detained persons can obtain information (in person or over the phone) at the respective prison institution or prison headquarters after verifying their identity. Facilities have been provided to inmates under the supervision of prison officers to contact their families, legal officers or other parties based on requests through letters, telephone calls, pre-booked and video visitation. The IGP has issued circulars directing police cells to display the rights of detainees in all three languages, and to issue receipts of arrests to the next of kin.

50. HRCSL conducted a study on prisons in Sri Lanka in 2018 and its recommendations were discussed with relevant stakeholders, the United Nations Development Programme (UNDP) and academia. As part of capacity-building of prison officials, the Department of Prisons is in the process of amending existing training manuals. Further, based on recommendations of the said study, the Department has developed a five-year plan (2020-2025) covering nine areas to reform, including prison management, overcrowding, and upgrading security measures, etc. in line with international standards. Some of the areas identified in the plan have already been addressed while work is in progress for the others.

51. A three-member Advisory Board under Section 13 of the PTA was appointed in June 2021, and any person who has been issued a Detention Order or a Restriction Order under the PTA, or any person representing the detainee can make representations to this Advisory Board to request a review of the Order. In addition, presidential pardons were granted to suspects in judicial custody for extended periods on charges under the PTA.

52. The GoSL entered into an agreement with the ICRC in 2018 to, *inter alia*, ensure that the ICRC gains access to all detainees at all stages of their detention, places of detention, and to speak privately and freely to such detainees.

53. The National Authority for the Protection of Victims of Crime and Witnesses (NAPVCW) as the statutory body, which protects, promotes, and enforces the rights of victims of crime and witnesses, has conducted a number of awareness-raising programmes for judges and public officials, including OICs of the Police Crime Division, and for the public. Accordingly, 960 public officials have been educated in 2022 on the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015 and the services of the Authority,³² including on the hotline to receive complaints.

Freedom from torture

Recommendations 116.55-58, Voluntary Pledge 121, 122

54. As a State Party to the OPCAT, the GoSL takes allegations of torture very seriously and remains firmly committed to taking all steps to have such allegations investigated and prosecuted, to the full extent of the law. During the country visit of the UN Sub-Committee on Prevention of Torture (SPT) from 2-12 April 2019, the SPT delegation was facilitated unhindered access to all places of detention.

55. In order to ensure a ‘zero tolerance policy’ on torture, several legislative, procedural and administrative actions have been taken:

- Investigations into allegations of torture are conducted by the SIU of Sri Lanka Police, and monitored by the Prosecution of Torture Perpetrators Unit of the Attorney General’s (AG) Department.
- A procedure to investigate complaints against police officers was gazetted on 27 November 2017 by the NPC, and details including contact numbers were published on its website.
- Two major amendments to the Code of Criminal Procedure Act and the PTA were introduced in 2021 and 2022 respectively, *inter alia*, empowering Magistrates to make regular visits to detainees in police custody.
- The minimum and maximum fines for torture have been increased.³³
- Capacity-building measures³⁴ for public officials were enhanced.
- A number of legal safeguards are made available for any person being taken into police custody to ensure that the detainee is not subjected to ill treatment.

Freedom of thought, conscience and religion, preventing hate speech

Recommendations 116.40-43, 97-103, 172

56. The Government does not condone any act of religious hatred or intolerance and maintains a zero-tolerance policy on any such acts, and has taken measures to combat the same. While the ICCPR Act already criminalises propagating or advocating religious or racial hatred, Article 15(2) of the Constitution establishes that freedom of expression shall be subject to such restrictions as may be prescribed by law in the interests of “racial and religious harmony”. In this context, relevant laws have been strictly enforced against perpetrators of reported incidents. Parallel measures have also been taken aimed at promoting religious harmony and preventing hate speech.

57. On Easter Sunday of 2019, Sri Lanka experienced a series of terrorist attacks, resulting in the death of over 250 civilians and injuring several hundreds. While ensuring immediate measures to maintain public security, law and order, steps were taken to address hate speech and all forms of crimes against ethnic and religious communities and to counter religious

radicalization and violent extremism. All communities extended their support to the Government and the security forces, in particular the Muslim community, in identifying terrorist elements and preventing further attacks.

58. Extensive investigations have been carried out by the GoSL on the attacks, and several suspects have been detained and interrogated for evidence. The direct perpetrators, being all suicide cadres, have complicated the investigations. Despite such challenges, investigations are being carried out by law enforcement agencies, under the supervision of the AG's Department. On 04 October 2021, Colombo High Court Trial-at-Bar served charges on 25 suspects accused of the Easter Sunday terror attacks. The AG has preferred several indictments to several other High Courts and trials in this regard are proceeding.

59. As per a Circular issued in June 2017, laws are being strictly enforced by the Police against those committing violence against religious groups and inciting hatred. Community policing activities have been enhanced to promote dialogue between ethnic communities, and religious leaders have played a key role in containing violent attacks against ethnic and religious minorities.

60. ONUR conducted 21 programmes, including for 4500 students, to promote religious coexistence. It continues to conduct interactive training in conflict transformation in identified geographic locations with particular vulnerabilities to interreligious violence, and such programmes serve as an early warning system in preventing religious violence. Over 150,000 persons, including Buddhist, Islamic, Hindu and Christian clergy, professionals, opinion leaders and public servants were trained from 2017 to date. ONUR is in the process of developing a National Action Plan on Preventing Violent Extremism (PVE). Collaborating with the United Nations Education Scientific and Cultural Organization (UNESCO), ONUR has provided online Training on PVE to over 300 youths across the country, and is combining a Small Grants Program assisting grassroots level initiatives.

Combating trafficking in persons Recommendations 116.108-111, 147

61. The National Anti-Human Trafficking Task Force (NAHTTF) of Sri Lanka steers the work in line with the four pillars of prevention, protection, prosecution and partnership. Despite challenges, the stakeholder institutions of the NAHTTF managed to achieve targets set forth in the Cabinet-approved National Action Plans of 2015-2019 and 2021-2025 to monitor and combat human trafficking. These targets included, *inter alia*, establishment of the NAPVCW and a Police Division for Victims of Crime and Witness Assistance and Protection; conducting awareness programmes for public servants on the Witness Protection Act; and creation of a fund to provide compensation for victims of violence.

62. In 2021, the NAHTTF enhanced its investigating efforts by establishing a specialized unit for investigations, "the Human Trafficking, Smuggling Investigation and Maritime Crime Investigations Division", in the Criminal Investigation Department (CID), thereby strengthening the identification of victims including migrant workers, investigating human trafficking cases and instituting court proceedings against the offenders. From 2020 to date, eleven indictments have been served, and one conviction was secured under Section 360 (c) of the Penal Code marking significant progress. The 'Trafficking Hotline' services were expanded to include online support for referrals, and a new shelter facility has been established to accommodate victims of crimes including trafficking.

63. Continuous training programmes are being conducted by Sri Lanka Police to enhance the investigative capacity of Police officers, particularly those attached to the special investigation division of the CID. The AG's Department too conducts capacity building programmes to enhance the skills of prosecutors, specifically in the area of human trafficking.

G. Promotion of economic, social and cultural rights

64. Sri Lanka has maintained a salutary Human Development Index (HDI), and through consistent social welfare programmes, it has achieved positive outcomes securing the economic, social and cultural wellbeing of its people. However, given that the country is

currently experiencing unprecedented socio-economic challenges arising from several internal and external factors, including the COVID-19 pandemic and global crises, the GoSL, as a priority, is addressing the underlying economic and financial issues, including through discussions with the International Monetary Fund (IMF) and bilateral donors on debt restructuring, which are progressing.

Livelihoods, social protection and alleviating poverty

Recommendations 116.112-123, 130

65. With continued welfare measures aimed at empowering the most vulnerable segments, Sri Lanka has made important strides in combating poverty. However, with the onset of the economic crisis, the GoSL has been sensitive to the slowdown of economic activities and household capacities to afford basic necessities, including adequate food and nutrition.

66. In the above context, the GoSL is implementing social protection measures, in particular safeguarding the most vulnerable segments of the society. As proposed in the 2023 budget, while the existing welfare benefit schemes are to be continued, new relief measures³⁵ will be initiated targeting the segments adversely affected by the economic hardships. Action has been taken to increase the welfare allowances paid to more than 3,000,000 beneficiaries, including recipients of Samurdhi, PwDs, and kidney patients, and more than 726,000 economically affected families. An additional allocation of LKR 43 billion is to be provided for the Social Safety-Net Programme, in addition to the provisions allocated for relief from the 2022 budget. LKR 250 million will be allocated from the 2023 budget in order to strengthen the community of elderly, PwDs and widows as household entrepreneurs, and to obtain their contribution for the development of the national economy. LKR 500 million will be provided to strengthen the existing child nutrition supplemental programmes.³⁶

67. The Department of Samurdhi Development and the Regional Development Bank implements various micro-finance loan schemes through Samurdhi community-based banks throughout the country, targeting low-income people. The GoSL has invested in poverty reduction measures, particularly in the estate sector³⁷ and rural areas. The New Villages Development Authority for Plantation Region Act³⁸ was enacted with the aim of empowering the plantation community socially and economically. Despite the poverty levels in these sectors being reduced, concerns remain, and therefore, focused attention is being paid to ensure that no one is left behind.

68. The economic crisis was compounded by the COVID-19 pandemic, and in addressing the socio-economic impact, public health measures were accompanied by a series of welfare programmes³⁹ such as the provision of support for low-income families, older persons, PwDs, day-income earners, farmers, and persons engaged in small industries and in the informal sector, to build their resilience. Over six million families and vulnerable groups received financial relief and dry rations, while the GoSL established a COVID-19 Healthcare and Social Security Fund and provided financial facilities to local businesses.

69. Further, Sri Lanka security forces only engage in economic activities for welfare schemes/projects for service personnel and continue to encourage/promote green agriculture.

Access to healthcare services and nutrition

Recommendations 116.125-128

70. Sri Lanka has a wide network of free healthcare services in terms of geographical and population coverage and has a longstanding reputation for maintaining a reasonably high standard of health facilities, ensuring Universal Health Coverage. This has been made possible through the continuous allocation of substantial financial resources in the post-independence period. A parallel private healthcare sector also exists, to obtain paid healthcare services.

71. Given the well-functioning and well-established preventive structure located throughout the country, Sri Lanka was able to successfully contain the pandemic using public health processes and a nation-wide multi-sectoral approach. Its strategy has been acknowledged as such by the World Health Organization (WHO), and Sri Lanka has performed exceptionally well with regard to the COVID-19 vaccination drive, exceeding

WHO targets, and achieving a coverage of 97% for the first dose, 83% for the second and 56%⁴⁰ for the third dose, respectively, of the targeted population above the age of 12 years.

72. As part of the continued measures by the GoSL to improve the capacity of healthcare delivery, nine healthcare institutions/hospitals were upgraded and re-categorized while facilities of 40 Primary Medical Care Units were improved in 2021. More hospitals were connected to the 'Hospital Health Information Management System' expanding the digital health project.

73. Well-established basic sexual and reproductive health services including family planning services are being provided by the MoH through a network of more than 1,800 registered clinics, both in the field and in curative institutions. Further, in line with its commitment to implementing the Beijing Platform for Action, and improving access to sexual and reproductive services, Sri Lanka maintains one family planning clinic per 10,000 of the population in most areas. Additionally, a strong network of 7,000 Public Health Midwives provides oral family planning drugs and awareness at grass-root level during their domiciliary visits.

74. The GoSL has adopted a National Nutrition Policy⁴¹ and various plans and programmes⁴² including a National Programme on Micronutrient Supplementation. It is operationalized across the country covering pregnant and lactating mothers, children under 5 years and all school children. The Nutrition Division of the MoH⁴³ launched the 'National Nutrition Month' in October 2022, to create awareness on the theme "Nutrition at low cost: know, find alternatives, grow and share". The National Multisectoral Action Plan on Nutrition was launched in 2020 and the MoH continues to monitor the progress.

Rights of specific persons and groups

Women

Recommendations 116.124, 134-160 & Voluntary Pledge 124

75. During the period under review, the Ministry of Women, Child Affairs and Social Empowerment (MWCASE) continued to engage in developing and implementing policies and action plans to promote gender equality and women empowerment. MWCASE is mandated to coordinate with all relevant Government authorities to ensure gender equality in their programmes and plans. A monitoring and accountability checking methodology is in place to ensure that the planned activities are properly implemented and benefit women.

76. A circular has been issued in November 2022 by MWCASE in consultation with the Department of Budget to incorporate gender responsive budgeting in preparing budgets for 2023. Gender Responsive Budget guidelines were drafted by the Finance Commission to be used in preparing the annual action plans of Provincial Councils. MWCASE continues to ensure 25% of the annual rural development budget for economic empowerment of women.

77. The Government continues to make progress in achieving gender equality and women's advancement in social, economic and political settings through law reforms, formulating gender responsive policies and action plans by addressing gender-related issues. In line with the Beijing Platform of Action and relevant declarations, a draft National Women's Rights Policy was developed during the reporting period (2017-2022). The policy provides an overarching framework to guide the process of developing laws, policies, programs, projects and mechanisms to ensure equal rights and opportunities for women in all spheres of Government and society.

78. A policy for Gender Mainstreaming was introduced in all sectoral Ministries that includes the establishment of gender focal points, gender-responsive budgeting and anti-sexual harassment committees.

79. Sri Lanka Women's Bureau under the purview of the MWCASE has provided financial and technical assistance for selected women in the estate sector to carry out self-employment projects in the years 2021 and 2022.

80. A Government circular was disseminated to all sectoral Ministries and related Agencies to guarantee the collection of age and sex disaggregated data and to establish a

gender-sensitive monitoring system to track Government expenditure and ensure equal distribution of benefits to all.

81. The Women Parliamentarians' Caucus discussed the proposals presented to the Parliamentary Select Committee with the objective of ensuring the rights and protection of Sri Lankan women as well as gender equality. These proposals include establishing an independent "National Women's Commission", for which the text is being drafted through an Act of Parliament with the mandate to provide leadership on legal and policy reform, monitor the implementation of laws on women's rights and gender equality, and make recommendations to Parliament for intervention on issues of gender equity and equality. The proposals also include the establishment of an independent Ombudswoman on gender issues under the office of the Ombudsperson to investigate and provide redress for injustice against individual women in the public sector, to legislate for the purpose of expediting cases of violence against women and girl children, incorporating internal monitoring mechanisms within the relevant line ministries to ensure that the security forces and the police adhere to prohibitions of torture, rape and other human rights violations etc.

82. Training on strengthening multi-stakeholder capacity and engagement for localizing SDGs with specific focus on gender equality were held in six districts – Jaffna, Vavuniya, Kandy, Anuradhapura, Polonnaruwa and Kalutara. The target groups included senior planning officers of District Secretariats, Women Development Officers, counselling assistants, members of women's societies, local elected members and representatives of CSOs.

83. The MWCASE in collaboration with the University of Peradeniya has conducted leadership courses in Sinhala and Tamil for the local women's societies and women's federation to encourage women's participation in decision-making processes and in public life. Allocating a 25% quota for women candidates has been accomplished in the local government elections and as a result, representation of women in the local government bodies increased from 2% to 22% (less than 100 seats to 2200) at the elections held in 2017 at which 14,826 female candidates contested. Measures are being taken to encourage the representation of women in provincial and national levels as well.

84. The Government has strengthened institutional structures to intensify activities to curb Sexual and Gender Based Violence (SGBV). There are 241 counselling officers attached to Women and Children Bureaus at the divisional level, in addition to the health professionals and volunteers at the *Mithuru Piyasa/Naptu Nilayam*, to provide counselling, medical screening and psychosocial support for victims. All 604 police stations have Women and Children Desks comprising women police officers to handle complaints, while lawyers attached to the Legal Aid Commission and Civil Society Organizations also provide necessary support (legal, counselling, psycho-social support and medical screening) to victims of SGBV. The increased number of cases being reported to the police is attributed to awareness programmes conducted for communities on the rights of women and combating SGBV.

85. Educational programmes are being held by MWCASE to enhance knowledge on gender, SGBV, preventing teenage pregnancies, safe-handling of social media and other technical devices safely. Counselling services are held for victims.

86. Following the adoption of the National Policy on SGBV in 2016, the National Action Plan (2016-2021) was adopted with a three-pronged approach: prevent SGBV, intervene in situations of SGBV, and advocate for policies and laws to combat and address SGBV. Review on the implementation of the National Action Plan shows that more than 60% of the Plan has been implemented by the sectoral Ministries.⁴⁴ UN agencies and other multi-sectoral service providers have supported the Child and Women Development Units of MWCASE in the implementation of the National Action Plan.⁴⁵

87. The National Committee on Women (NCW) has continued its advocacy campaigns on prevention of sexual harassment, including in public transportation, covering several districts. A dedicated 24/7 women's help hotline (1938) is being operated by the NCW to receive complaints. A 'Guideline for district and divisional level referral and coordination system for providing services to victims and survivors of SGBV' was developed as a pilot initiative following extensive consultations held from 2017-2020, with district and divisional

level Government and Non-Governmental officers and civil society stakeholders in Mannar and Hambantota. Following the pilot initiative, referral programmes have been conducted in Kandy, Kegalle, Gampaha, Anuradhapura and Kalutara districts. Women Safe Homes have been established in seven districts to ensure safety, care and temporary accommodation, mental health care, counselling, and legal assistance for women affected by sexual and domestic violence, and trafficking.⁴⁶

88. The National Action Plan on Women Headed Households (WHH) presented in 2019 is being amended considering observations from the Ministry of Finance. Accordingly, a systematic study was done on WHHs to identify family-focused activities for each different vulnerable group of WHHs and to develop specific actions to support each group.

89. The National Committee on WHH and a National Centre for WHHs in Kilinochchi help integrate WHHs into the workforce and access sustainable livelihoods. The main objective of this Centre is to introduce a special care system for war widows of all communities and their dependents. It also collects data on widows and WHHs in the Northern Province and implements and coordinates projects in all Divisional Secretariat Divisions in the Northern Province including referring for counselling services.

90. The National Action Plan recognizes ex-combatants as a group with special vulnerabilities and in need of support. The Government has absorbed 654 ex-combatants to the Civil Defence Force of which 140 are women and 136 are disabled ex-combatants.

*Women & children's units
Voluntary Pledge 123*

91. Women and Children's Units, established at 340 Divisional Secretariats with five officers attached to each unit, provides services to victims of SGBV including counselling and addressing socio-economic needs. Thirty-five such units operate in the Northern and Eastern provinces. The units conduct regular educational and awareness programs as part of preventive measures. The units institutionalised through a circular by the MWCASE also facilitate reporting of incidents of SGBV, firmly establishing an outreach mechanism at community levels to ensure women's right to physical integrity and appropriate redress for grievances.

*Children
Recommendations 116.161-166*

92. The law related to child labour and hazardous forms of child labour has been strengthened by amending the relevant acts with respect to the minimum age of employment. The amended Acts (No. 01, 02, 03 and 04 of 2021) have been in force since 18 January 2021.

93. The Children and Young Persons Ordinance enacted in 1939 is being amended by the Child Protection and Justice Bill. The Cabinet of Ministers in June 2022 approved the amendments presented by the two committees appointed to study the draft bill, and the Legal Draftsman is to prepare the final draft bill (judicial security) aiming to establish judicial authority of different forms that enable the establishment of courts for hearings regarding children who require protection and security or trial against children violating the law.

94. According to the amended list of hazardous forms of occupations, no person under the age of 18 years can be employed as a 'domestic worker'. The Women and Children's Affairs Division of the Department of Labour, through its regional level offices have carried out investigations on complaints regarding child labour despite lockdowns and quarantine curfew prevailed in the country, and prosecutions have been initiated against four cases in 2021. Children identified as vulnerable for child labour and abuse have been referred to district level Child Development Committees to ensure their protection, the right to education and wellbeing.

95. The Department of Census and Statistics has been requested by the Ministry of Labour to conduct a survey on the child activity in order to get an updated status on child labour related activities and school dropouts as the last survey was done in 2016. In the meantime, the National Steering Committee for the Elimination of Child Labour has directed all its

stakeholders to collect data related to child labour in fisheries and plantation sectors to initiate appropriate action.

96. The Ministry of Labour has also deployed a range of preventive and awareness raising campaigns on combating child labour. Sri Lanka is an active member of the Alliance 8.7 and achieved commendable strides in preventing child labour through holistic approach by involving communities and setting up World's First Child Labour Free Zone.

97. Progressive steps have been taken by the Government towards achieving the criminalization and prohibition of all forms of ill-treatment and harassment of children, including corporal punishment in all settings. The Amendment, Act No. 22 of 1995 and Sections 341 and 82 mitigates full application of Section 308A of the Penal Code on offences of cruelty to children. The Ministry of Education has, in recent years, issued several circulars⁴⁷ prohibiting the use of corporal punishment in schools.

98. The National Child Protection Authority (NCPA) has appointed a law reform committee to look into the existing laws on corporal punishment and make recommendations for reform. The committee is a multidisciplinary team comprised of educationists, lawyers, paediatricians, psychiatrists, clinical psychologists from Government and Non-Government sectors.

99. Further, a study on Corporal Punishment⁴⁸ has been conducted in response to a request made by UNICEF and its recommendations have been considered for the log frame with actions. Expected impact and monitoring mechanism is currently being developed by the NCPA together with the National Partnership to End Violence Against Children (NPEVAC).

100. Sri Lanka, being a pathfinder country to the Global Partnership to End Violence against Children, has taken on the issue of physical and humiliating punishment by including corporal punishment into the Road Map of NPEVAC.

101. NCPA conducts programmes to raise awareness of children, parents, elders and welfare officers at estates/plantations sector regarding child rights and value of continuous education.

102. The Department of Probation and Child Care Services under the MWCASE conducts programmes on creating and establishing rights-based environments for marginalized children from urban, fishery, indigenous and Estate sectors. Already they have conducted programmes to develop the psycho-social condition and leadership skills of these children, to raise awareness among parents, elders, certify security to protect child rights, to develop basic logistics of their schools and to issue birth certificates to children living in the Estate sector.⁴⁹

Persons with disabilities

Recommendations 116.9, 129, 167-170 & Voluntary Pledge 130

103. There are several constitutional and legislative safeguards and institutional mechanisms already in force, including the Act, No. 28 of 1996⁵⁰ amended by Act, No. 33 of 2003, to recognize and support persons with disabilities (PwDs). Pursuant to the ratification of the ICRPD, an inclusive consultative process is ongoing. The NHRAP (2016-2021) in its chapter 6 exclusively recognizes PwDs as a cross cutting issue relating to all the thematic areas in the Action Plan which is being addressed progressively.

104. Taking cognizance of the fact that awareness raising is required to combat stereotypes and prejudices surrounding disability, the National Secretariat for Persons with Disabilities (NSPD) has formulated a diverse set of policies to raise public awareness, including training government officers in sign language, braille methodology, mobility and orientation.

105. The GoSL has taken a number of positive measures to strengthen access to welfare programmes, education, health services, employment by PwDs, and also notes the complementary efforts by NGOs dedicated to assisting PwDs.

- As highlighted in the proposed 2023 budget, the Government has taken action to increase the allowance for low-income PwDs.

- No certificate of conformity is to be issued by the relevant authority to any building, construction, reconstruction or renovation of a public building, unless the relevant authority is satisfied that the plan referred to is in compliance with the standards of accessibility.⁵¹ Regulations are in force against owners of public buildings that do not conform to regulations of accessibility.⁵²
- Special Education Units have been established within regular government schools, and a number of programmes such as special extracurricular sports activities, allocating 1% quota in universities, assistance to participate in examinations, and relaxation of limitations in age when enrolling to educational programmes etc. have been provided by the Ministry of Education.
- A Spoken Tamil textbook was converted to braille by the Ministry of Public Services, Provincial Councils and Local Government in order to improve language skills of visually impaired persons.⁵³
- The MoH has launched pilot projects to improve access to free healthcare for PwDs including establishing disability counters (at a lower height and equipped with those trained in attending to the needs of PwDs), train nurses in sign language, and placing, social services officers in all District level hospitals to assist PwDs.
- The Ministries of Social Welfare, Labour, Public Administration, and the Department of Social Services, in collaboration with the private sector have taken steps to improve access for PwDs to employment inter alia by providing vocational training, and self-employment grants. The GoSL's first periodic report under ICRPD provides a detailed account.⁵⁴

Migrants

Recommendation 116.174

106. The GoSL together with the International Labour Organization (ILO), the Tertiary and Vocational Education Commission (TVEC) and other key partners launched a project in 2021 to facilitate migrant returnees who are affected by the COVID-19 pandemic, by way of recognizing their employability skills, facilitating upskilling and reskilling processes to make them ready for employment or qualification/certification, self-employment opportunities. A minimum level of National Vocational Qualification (NVQ) is required for all migrant workers and the Sri Lanka Bureau for Foreign Employment regularises the recruitment Agencies to ensure labour supply transparency.

107. The Department of Immigration and Emigration has taken a proactive and reactive approach to address the issue of alternatives to detention of irregular migrants by firstly exploring ways and means to reduce the number of detentions and secondly by providing alternatives to detention⁵⁵ including the release of children of the migrants, the elderly and PwDs, on a special guarantee, on a case-by-case basis.

Internally displaced persons

Recommendations 116.132, 176, 177

108. The GoSL has continued the resettlement process and as of January 2022, a total number of 8,090 persons (2,651 families) remain to be resettled. Out of these, 291 families (963 persons) live in welfare centres while 2,360 families (7,127 persons) live with family or friends. As explained in para. 47, over 950 families were assisted with documentation related issues through "Access to Justice" Mobile service.

109. The OR undertook a special visit to identify the housing needs with special focus on relocating the families living in open welfare camps in the Jaffna district. Currently discussions are being held to develop a sustainable resettlement plan. Challenges are being addressed in releasing the remaining lands held by the Government to the legal owners, considering strategic security reasons, disputed claims and encroachments, and local objections in conducting land surveys.

110. Additionally, 4,870 Sri Lankan origin refugees have returned to Sri Lanka mainly from India and another 102,000 refugees of Sri Lankan origin remain in India. Obtaining citizenship, penalties imposed for repatriation and accreditation of certificates obtained from

Indian educational authorities are some key concerns faced by them. As stated before, efforts are ongoing to support their documentation needs.

Refugees and asylum seekers
Recommendation 116.175

111. As per records of UNHCR, there are 599 recognized refugees comprising 315 cases and 167 asylum-seekers comprising 122 cases as at 30 September 2022 in Sri Lanka. The GoSL provides access to public healthcare free of charge for refugees. Despite not being a party to the Refugee Convention, Sri Lanka continues to work in coordination and cooperation with UNHCR to facilitate its mandate. At present, refugee children have access to education subject to their acceptance by the respective institutes.

IV. Emerging issues and support of the international community

A. Sustainable Development Goals (in particular SDG 16)

Recommendations 116.45, 48, 49, 50, 116 & Voluntary Pledge 129

112. Sri Lanka has made steady progress towards achieving the SDGs in spite of the setbacks of COVID-19 and the prevailing economic situation. Sri Lanka ranks 76 among 163 countries with an improved score of 70.0, which is well above the regional average of 65.9. Sri Lanka continues to make progress in SDG Goals 1, 4, 12 and 13.⁵⁶

113. Sri Lanka's Second Voluntary National Review (VNR)⁵⁷ on the implementation of the 2030 Agenda on Sustainable Development was presented to the High-Level Political Forum of The Economic and Social Council (ECOSOC) in July 2022. Over 700 stakeholders (representing the Government at the national and provincial level, private sector, civil society, academia and international development partners) were involved in the process. It included an analysis of the current status and trends, gaps and challenges and opportunities for achieving the SDGs. The VNR report highlighted that Sri Lanka has achieved progress in the integration of SDGs in the National Policy Framework and enhancing institutional capacities for SDG governance, coordination, and monitoring since the first VNR in 2018, and there is further scope for advancement in this regard.

114. **SDG 16:** In order to accelerate progress on SDG 16 – 'Peace, Justice and Strong Institutions', an inter-agency Steering Committee was established under the leadership of the Ministry of Justice focusing on four core areas, i.e., strengthening public security and law enforcement, corruption control, access to justice and public service delivery. The Committee is in the process of formulating a combined Action Plan to achieve SDG 16 targets through holistic and integrated strategies. These measures would contribute to the achievement of SDG 16 targets relating to prevention and control of crimes, as well as strengthening access to justice.

115. As a part of the implementation of target 16.10.2 of SDG 16, the tabulation of its Orders was undertaken by the RTI Commission in two stages; firstly, Orders issued during 2017-2019, and secondly with regard to Orders during 2020-2021. The Orders were selected based on public interest and it reflects the proportion of the Orders handed down during this period in various categories.⁵⁸

B. UN cooperation and assistance

Engagement with the United Nations and its agencies **Recommendations 116.11, 12**

116. The GoSL continued to maintain constructive engagement with the UN and its regular mechanisms. During the reporting period, several visits of officials from the UN including the Office of the UN High Commissioner for Human Rights (OHCHR) were facilitated by the GoSL with unhindered access, and responses were provided to all reports and queries submitted by OHCHR concerning Sri Lanka.

117. From November 2017 to December 2022, Sri Lanka facilitated requests for country visits by five special procedures mandate holders.⁵⁹ The GoSL engaged in a constructive dialogue as the country-concerned, when the respective reports of special procedures were considered at the HRC.

118. Sri Lanka submitted three periodic reports to the Treaty Bodies since November 2017 as follows:

- (a) 6th periodic report under the ICCPR in February 2019 and Response to the List of Issues under the ICCPR in May 2022;
- (b) 9th periodic report under the CEDAW, in April 2022;
- (c) Initial report under the ICRPD in October 2019.

119. Sri Lanka also engaged in a constructive dialogue during the oral review of its combined 5th and 6th periodic reports under the CRC held in February 2018 and the review of Sri Lanka's initial report submitted under the Optional Protocol on the CRC on the sale of children, child prostitution and child pornography (CRC-OP-SC) on 31 May 2019. The UNSPT visited from 2-12 April 2019 and the GoSL submitted its response to the report of the SPT following the visit.

C. Environment and climate change

Recommendations 116, 44, 45, 46, 47

120. The Constitution, under the Directive Principles of State Policy and Fundamental Duties, imposes a duty and responsibility on every person in Sri Lanka to protect nature and conserve its riches. The Supreme Court of Sri Lanka has provided relief in FR applications related to environmental issues.

121. National Environmental Action Plan 2022-2030 has been updated to respond more effectively to emerging environmental conservation and management demands. The GoSL has also incorporated climate change and environmental rights considerations into its NHRAP (2017-2021). Keeping in line with the policies and measures of the GoSL to achieve SDGs and to promote the wellbeing of its people, several initiatives⁶⁰ were taken to respond to adverse impacts of climate change, environmental degradation and sustainable use of resources. For instance, Sri Lanka led United Nations Environment Assembly (UNEA) resolution 5/2 on Sustainable Nitrogen Management, which was adopted in March 2022.

122. As a signatory to the Paris Accords on Climate Change, the GoSL presented at Conference of Parties (COP) 26 in 2021, an updated Nationally Determined Contributions outlining its targets on climate action aimed at mitigation and adaptation. Addressing the 2022 COP 27 Summit in Egypt, the President of Sri Lanka proposed setting up of an International Climate Change University in Sri Lanka, with an ancillary institution in Maldives, which would be the first of its type, to build capabilities for mitigating and adapting to climate change.⁶¹

123. The CBSL developed the "Sri Lanka Sustainable Finance Roadmap" in 2019 providing guidance and support for financial institutions in managing environmental, social and governance risks associated with greener, climate-friendly and socially inclusive businesses. The CBSL also launched the 'Sri Lanka Green Finance Taxonomy' in 2022, defining and categorising economic activities that are environmentally sustainable, enabling financial institutions to identify green investment opportunities. The Ministry of Finance, CBSL and the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) are in the process of developing the Sri Lanka Green Bond Framework to guide green financing and investments.

124. The GoSL appreciates the constructive engagement by all participants and for their subsequent written contributions during the consultation process. The concerns raised and suggestions made by the stakeholders are reflected in the best possible manner in this national report. Notwithstanding the challenges faced by the country, the Government remains

committed to the promotion and protection of human rights of all people in Sri Lanka, in keeping with Sri Lanka's long standing democratic values.

Notes

- ¹ According to the Amendment, Act No. 12 of 2022, the detention period is reduced from 18 months to 12 months (Section 2). The officer in-charge of the detention facility has to serve a certified copy of the detention order to the Magistrate and the HRCSL so that they can visit the detention facility (Section 3). Further, an Attorney-at-Law representing a person remanded or detained under the PTA now has a right to access said detainee (Section 5). It also casts a duty on the Judicial Medical Officer to produce a report after causing a medical examination of the suspect to ensure that such person has not been subjected to torture before serving the Order (Section 6). It also provides for the hearing of cases on a day-to-day basis unless, in the opinion of the court, exceptional circumstances warrant postponement of the trial (Section 8), and granting of bail to persons in remand or in detention if the trial has not commenced after the expiration of 12 months (Section 10) etc.
- ² Prevention of Terrorism Act (Temporary Provisions) Act, No. 48 of 1979.
- ³ ICPPED Act, No. 5 of 2018 Available at: https://www.srilankalaw.lk/gazette/2018_pdf/05-2018_E.pdf
- ⁴ Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016.
- ⁵ Office for Reparations Act, No. 34 of 2018.
- ⁶ Extraordinary Gazette Notification, No. 2133/36, published by the Ministry of Justice, on the 24th of July 2019, available at: http://documents.gov.lk/files/egz/2019/7/2133-36_E.pdf
- ⁷ Paragraph (f) of Section 12 of the OMP Act: (f) to authorise in writing a specified officer of the OMP, to enter without warrant, at any time any place of detention, police station, prison or any other place in which any person is suspected to be detained, or is suspected to have previously been detained in, whether by judicial order or otherwise and make such examinations therein or make such inquiries from any person found therein, to ascertain the conditions of detention and retain any documents or objects, as may be necessary.
- ⁸ In Rathnayake Tharanga Lakmali, Moraketiya, Embilipitiya vs. IP, Niroschan Abeykoon Officers in Charge (OIC) Police Station, Case No. 209; SC/FR Application 577/2010, the Supreme Court of Sri Lanka held that the extra-judicial killing of a suspect in police custody violated the right to life.
- ⁹ Penal Code (Amendment) Act, No. 25 of 2021.
- ¹⁰ Formulating guidelines for the police and armed forces on crowd control, following inquiries into the May 2022 incidents of violence, launching inquiries on alleged attacks against protesters at Galle Face on 22 July 2022, conducting fact-finding missions on several areas, such as: Women affected by micro-credit companies in the Kantale Divisional Secretariat Division; Rights of indigenous people in the Muttur Divisional Secretariat Division. A study on prisons in 2018 and issuance of relevant recommendations.
- ¹¹ Official Website of the Official Languages Commission : www.olc.gov.lk
- ¹² This project is designed to strengthen the implementation of the Sri Lankan OLP by government actors. By prioritising linguistic rights, broader human rights and gender equality, NLEAP supports the goal of the Sri Lankan national government to protect and promote the language rights of all its citizens- <https://www.nleap.lk>
- ¹³ RTI Act, No. 12 of 2016.
- ¹⁴ http://www.rticommission.lk/web/index.php?option=com_content&view=article&id=11&Itemid=169&lang=en
- ¹⁵ IOM launches media campaign to combat human trafficking in Sri Lanka, 18 February 2020, <https://reliefweb.int/report/sri-lanka/iom-launches-media-campaign-combat-human-trafficking-sri-lanka>
- ¹⁶ Voluntary Social Services Organization (VSSO) (Registration & Supervision) Act, No. 31 of 1980.
- ¹⁷ In accordance with the Latin legal maxim 'generalial specialibus non-derogata', those of an Islamic faith have the option of subscribing to Muslim personal laws (including statutes), Tamils hailing from the Jaffna Peninsula (also called the Malabar inhabitants of the Jaffna Province) fall within the ambit of the "Thesawalamai Law" and people from Kandyan ancestry (i.e., descendants of families that were living in the provinces that came under the Kandyan Kingdom at the commencement of British colonial rule) are at liberty to follow the Kandyan law established over centuries.
- ¹⁸ Land Development Ordinance (LDO) No. 19 of 1935 amended by the (Amendment) Act, No. 11 of 2022.
- ¹⁹ Proposals were made to amend the succession schedule of the LDO and change the provision for the eldest son as a sole successor to include the eldest daughter in the event that a successor is not

- nominated. As a result, the Ministry of Land arrived at the following decision on the removal of discriminatory provisions in the LDO in relation to succession, inheritance and joint ownership which has been approved by the Cabinet on the 4 January 2021.
- ²⁰ Muslim Marriages and Divorce (MMDA) Act, No. 13 of 1951.
- ²¹ In Supreme Court Appeal 32/11 (2016), the Court acknowledged: “contemporary thinking, that consensual sex between adults should not be policed by the State nor should it be grounds for criminalization”. Hence, notwithstanding that such offences are part of Sri Lanka’s criminal law, the court held that imposing custodial sentences would be inappropriate in cases where the impugned acts were between consenting adults.
- ²² -In a ground-breaking decision, the Wattala Magistrate’s Court dismissed a case filed against a lesbian woman accepting the submission of defence counsel that homosexuality is neither a disease of the mind nor an offence.
-The Court of Appeal in December 2021 granted leave to proceed for a writ petition filed against the police over a widely condemned homophobic training session.
-In December 2021, the Colombo Chief Magistrate dismissed a case filed against three gay men arrested under Section 365 of the Penal Code for homosexuality. The dismissal of Case No. 34131/3/20, was based on a letter by the AG informing the Police that the AG will not pursue the case.
- ²³ National STD/AIDS Control Programme, Sri Lanka.
- ²⁴ Circular No: 01-34/2016 Available at: <http://www.aidscontrol.gov.lk/images/circulars/Issuing-of-Gender-Recognition-certificate-for-TG-community-1.pdf>
- ²⁵ Statement made by Hon. Dinesh Gunawardena, Foreign Minister during the High-Level segment of the 43rd Session of the HRC, 26 February 2020, <https://mfa.gov.lk/43rd-session-hrc/>
- ²⁶ No. 2251/21 dated 26 October 2021.
- ²⁷ Registrations of Death (Temporary Provision) Act, No.19 of 2010.
- ²⁸ In support of livelihood development, the OR provides knowledge and technology transfer training programmes targeting women-headed households (WHH), families of missing persons and those directly affected by the conflict in the districts of Jaffna, Kilinochchi and Mullaitivu. More than 300 beneficiaries participated in these programmes and the OR supported interested beneficiaries to initiate new start-ups.
- ²⁹ These reports include, inter alia, the Commission of Inquiry appointed to investigate and inquire into (16 specific cases) of violations of human rights alleged to have occurred since 1 August 2005 (Udalagama Commission) (2006–2009); the Commission of Inquiry on lesson Learnt and Reconciliation (LLRC) (2010); the Presidential Commission of Inquiry to Investigate into Complaints regarding Missing Persons (Paranagama Commission) (2013); and Presidential Commission of Inquiry into Complaints of Abductions and Disappearances (2014) (II mandate of the Paranagama Commission).
- ³⁰ http://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=16&Itemid=49&lang=si&dID=11827
- ³¹ Press release available at: <https://www.presidentsoffice.gov.lk/index.php/2022/12/14/president-emphasizes-all-political-parties-should-unite-to-provide-a-solution-to-the-ethnic-problem-by-independence-day-celebrations-2023/>
- ³² National Authority for the Protection of Victims of Crime and Witnesses (napvcw.gov.lk).
- ³³ The CAT (Amendment) Act, No. 15 of 2021 increased the minimum fine for torture from LKR 10,000/- to 50,000/- and the maximum fine was increased from LKR 50,000/ to 200,000/-
- ³⁴ The Judges Training Institute provide training on detection of custodial torture, Sri Lanka Police facilitated participation of its officers in internationally recognized training programmes, special modules on how certain acts may constitute the commission of torture, and their repercussions have been introduced into its training curricula, particularly for basic training courses for new entrants.
- ³⁵ Some of the key welfare and subsidy programmes for 2023 include: monthly Samurधि Relief allowance, Financial support for elders, support for low income Disabled persons, financial support for kidney patients, medical supplies for hospitals, fertiliser subsidy, school nutritional food programme among others. New programmes proposed in the 2023 budget are: Proposed Relief programme for the affected people from the difficult economic condition; nutritional supplement to children suffering from malnutrition, strengthening elderly/ disabled/ low income widow as household entrepreneurs.
- ³⁶ Budget speech 2023, available at: <https://www.parliament.lk/files/pdf/budget/2023/budget-speech-2023.pdf#page=95>
- ³⁷ The Plantation Human Development Trust (PHDT) formed by the GoSL implements social development programmes to enhance the quality of life of the plantation community in estates. In line with the infrastructure development programmes in the estate sector, projects are being implemented

through the provisions received to the Estate Housing Unit through Regional Offices belonging to the PHDT and also through the District/Divisional Secretariats and Pradeshiya Sabhas. Further, the GoSL with the assistance of the Government of India, plans to construct 10,000 houses for the plantation community during the next 5 years (2022-2026).

³⁸ Act, No. 32 of 2018.

³⁹ Nutritional allowance to pregnant mothers: The Government has, since March 2017, implemented a programme of providing a nutritional allowance to pregnant mothers at a cost of approximately Rs. 5,300 mn per annum. The programme is implemented in order to eliminate low-weight births and minimise malnutrition among expectant mothers. 300,000 to 350,000 pregnant and lactating mothers benefit annually from this programme. From September 2022, the programme is further supported by the ADB.

⁴⁰ <https://www.presidentsoffice.gov.lk/index.php/vaccination-dashboard/>

⁴¹ Policy – National Nutrition Policy of Sri Lanka | Global database on the Implementation of Nutrition Action (GINA) (who.int)

⁴² School mid-day meal programmes, ‘Thriposha programme’, growth monitoring and promotion of children, special nutritional programmes for the estate sector, special nutritional rehabilitation programmes for North and East etc.

⁴³ Nutrition Division – Ministry of Health.

⁴⁴ For further details, please refer to Sri Lanka’s 9th Periodic Report submitted under the CEDAW, May 2022.

⁴⁵ UNDP facilitated the formulation of Policies, raising awareness, capacity building and establishment of a sub-national level referral system, while the UNFPA supported setting up of a multi-sectoral web based electronic system to monitor the implementation of NAP. It has conducted a service provider mapping in two districts to identify the gaps in service provision with related recommendations.

⁴⁶ Following the pilot programmes, referral programs have been conducted in Kandy, Kegalle, Gampaha, Anuradhapura and Kalutara in 2021 and 2022.

⁴⁷ Circulars Nos. 2001/11 and 2005/17 The most recent one being Circular No. 12/2016 the contents of which were reiterated by the Secretary of the Ministry of Education in November 2022.

⁴⁸ I. Introducing a law to combat corporal punishment in the country. II. Conducting pilot programs in 2 districts for the implementation of recommendations of the study has been identified as priority recommendations.

⁴⁹ These programmes have been conducted in Kurunegala, Kalutara, Nuwara Eliya, Badulla, kandy, Rathnapura, Anuradhapura and Monaragala.

⁵⁰ Protection of the Rights of PwDs Act.

⁵¹ Set by Gazette Extraordinary No. 1467/15.

⁵² In the case of *Dr Ajith Perera v. Attorney General* [SCFR No 221/2009], where the Court too held “no person should be discriminated against on the ground of disability and their mobility restricted in a manner which precludes or impedes them from enjoying equally their inherent right for access, safety and accommodation in day-to-day life at man-made public buildings, public places and facilities provided therein.” The Court on a similar case further held that, “failure to comply could entail the liability to be prosecuted in the Magistrate’s Court for the commission of an offence under the Act, and, if found guilty, to be liable to punishment, as set out in the Act”.

⁵³ Please see: https://www.pubad.gov.lk/web/images/contents/forms-and-publications/progress-2021-and-action-plan-2022-e.pdf?TSPD_101_R0=08b8f4acecab2000024004ee2f6655d9e2999907f19f817f50effe413e23c30d1837e8fa8bbb12dd0867dbc125143000014bc3d8a6ceea89c076640e80ef24c792e1b24b76e783268594a42a00fabf3db9f7477a3daa9f91d530ddc480813068

⁵⁴ Treaty bodies countries (ohchr.org).

⁵⁵ Proactive approach

Following measures have reduced the number of overstayers in the country, thus contributing to the reduction of detentions: giving a grace period for foreigners to extend their visas during the Covid-19 pandemic period; introducing an online visa extension facility to allow foreigners to extend their visas without physically being present at the Department.

Reactive approach

More relaxed reactive measures have been implemented by the Investigation section of the Department of Immigration and Emigration for violating the Immigrants and Emigrants Act especially visa laws, in order to minimize arrest, detention, and release the detainees: ‘Distant Identification’ of offenders and potential victims of human trafficking by the Investigation section through analyzing data from the department computer database has reduced the number of arrests and alternative punitive actions have been enforced. Once detected, the offenders are contacted and instructed to produce air tickets to leave the country as soon as possible or allow them to regularize their visas without arresting and detaining them; Foreigners detected by the Investigation section for

violating the Immigrants and Emigrants Act during surveillance and investigation operations were provided with the opportunity of regularizing their visas reserving detention as the final resort. The department coordinates with IOM to make travel arrangements for foreigners who have violated the Immigrants and Emigrants Act and are unable to fund their air tickets to return to their country of nationality or country of residence; Foreign spouses of Sri Lankans who had been in detention for not having valid visas were provided the opportunity to regularize their visas and subsequently released from the detention centre after obtaining security clearance; Detainees who had overstayed their visas and subsequently obtained refugee status were released from the detention by the Investigation Section of the Department and referred to the UNHCR for further facilitating their repatriation to a third country.

⁵⁶ Ending Poverty (SDG Goal 1), Quality Education (Goal 4), Responsible Consumption and Production (Goal 12) and Climate Action (Goal 13).

⁵⁷ GoSL Second VNR Report "Inclusive Transformation towards a Sustainably Developed Nation for All": https://hlpf.un.org/sites/default/files/vnrs/2022/VNR_2022_Sri_Lanka_Report.pdf, Sri Lanka National SDG Council.

⁵⁸

http://www.rticommission.lk/web/index.php?option=com_content&view=article&id=2212&catid=78&Itemid=142&lang=en

⁵⁹ Visits of Special Procedures Mandate Holders to Sri Lanka during the period under review:

(i) The Working Group on Arbitrary Detention: 4-15 December 2017;

(ii) The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: 3-11 September 2018;

(iii) Special Rapporteur on the Right to Freedom of Peaceful Assembly and Association: 15-26 July 2019;

(iv) Special Rapporteur on the Freedom of Religion or Belief: 15-24 August 2019; and

(v) Special Rapporteur on Contemporary forms of Slavery and its consequences: 26 November to 3 December 2021.

⁶⁰ Adopting 'Colombo Declaration on Sustainable Nitrogen Management' with an ambition to have nitrogen waste by 2030, proposing UNEA Resolution 5/2 on Sustainable Nitrogen Management with an ambition to significantly reduce Nitrogen waste by 2030 and beyond and preparing national action plans, promoting organic fertiliser and farming, promoting circular economy and E-mobility, banning single-use plastics, etc. Sri Lanka aims to achieve 70% renewable energy in electricity generation by 2030, Carbon Neutrality in electricity generation by 2050, Carbon Neutrality by 2060, increase 32% forest cover by 2030, reduce greenhouse emissions by 14.5% for the period of 2021-2030.

⁶¹ <https://www.presidentsoffice.gov.lk/index.php/2022/11/08/developing-countries-are-the-worst-affected-by-rising-emissions-from-the-industrialized-world-and-must-be-compensated-president-ranil-wickremesinghe-emphasizes-at-cop-27/>