



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

Summary of stakeholders' submissions on Sri Lanka*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 46 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. Jubilee Campaign recommended that Sri Lanka ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty and the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.⁴ JS8 recommended that Sri Lanka ratify the Optional Protocol to the Convention Against Torture.⁵

3. JS17 recommended that Sri Lanka implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Rome Statute of the International Criminal Court.⁶

4. International Campaign to Abolish Nuclear Weapons (ICAN) urged Sri Lanka to sign and ratify the Treaty on the Prohibition of Nuclear Weapons, as a matter of international urgency.⁷ Global Alliance against Traffic in Women (GAATW) recommended that Sri Lanka sign and ratify International Labour Organization Convention 189 concerning the recognition and protection of the rights of domestic workers.⁸ Human Rights Watch (HRW) recommended that Sri Lanka ratify the International Labour Organization Convention on Violence and Harassment at Work (ILO Convention No. 190).⁹

5. Front Line Defenders (FLD) recommended that Sri Lanka extend a standing invitation to the Special Rapporteur on the situation of human rights defenders with a view to accepting

* The present document is being issued without formal editing.



their recommendations for the protection and independent functioning of human rights defenders and civil society in Sri Lanka.¹⁰

B. National human rights framework

1. Constitutional and legislative framework

6. Amnesty International (AI) stated that the 20th amendment to the Constitution, passed in October 2020, undermined the independence of the judiciary and key independent institutions such as the Human Rights Commission of Sri Lanka, by removing important checks and balances afforded to appointments, effectively undermining the rule of law and access to justice.¹¹ AI also noted that the President was no longer bound by recommendations of the Parliamentary Council and as such, appointments to independent commissions, the senior judiciary, the Attorney General, and the Inspector General of Police were effectively presidential appointments, undermining their independence.¹² HRW expressed similar concerns.¹³ Centre for Policy Alternatives (CPA) also emphasized that the Office of Missing Persons had failed to win the trust of the affected people in the North and the East.¹⁴

7. JS8 expressed deep concern that since Sri Lanka's third UPR, the country's legal and institutional framework had undergone significant changes under President Gotabaya Rajapaksa and many of the progressive measures enacted under the 19th Amendment to the Constitution adopted in 2015 had been reversed to increase the powers of the executive branch.¹⁵

2. Institutional infrastructure and policy measures

8. AI recommended that Sri Lanka de-politicize the appointment process for independent institutions, including the Human Rights Commission of Sri Lanka and the Attorney General's Office with a view to making them independent, effective and reliable redress mechanisms for victims of human rights abuses in Sri Lanka.¹⁶

9. JS17 recommended that Sri Lanka promptly implement the concrete human rights commitments contained in the National Human Rights Action Plan, particularly those that would protect against ongoing gross violations of human rights and ensure an end to impunity.¹⁷

C. Promotion and protection of human rights

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

Equality and non-discrimination

10. JS11 recommended that Sri Lanka repeal Article 16 (1) of the Constitution to ensure that the constitutional guarantee of equality applies to all laws.¹⁸

Right to life, liberty and security of person, and freedom from torture

11. The UPR Project at BCU noted that the death penalty remained a legal punishment in Sri Lanka's penal system and that the last known state execution was in 1976. Despite Sri Lanka's de facto moratorium, there had been proposals to resume executions in response to rising crime rates.¹⁹ JS17 recommended that Sri Lanka abolish the death penalty and commute all death sentences to terms of imprisonment.²⁰ The UPR Project at BCU made similar recommendations.²¹

12. CPA expressed concern that extrajudicial killings had been a persistent issue in the country and there had been an increase in the number of cases with the current crisis.²² AI expressed concern that incidents of deaths in police custody and police brutality had been widely reported in the period under review, with no criminal liability or accountability for law enforcement or other government officers in such cases.²³ HRW recommended that Sri

Lanka investigate and appropriately prosecute allegations of torture and other ill-treatment and extra-judicial killing by the police.²⁴

13. AI recommended that Sri Lanka urgently and genuinely take account of the demands of families of the disappeared, ensure the Office of Missing Persons prioritizes, respects and facilitates the families' rights to truth, justice and reparations without exerting pressure on them to close the cases on their missing relatives, and ensure the effective and independent operations of the Office of Missing Persons and the Office on Reparations.²⁵

14. JS18 expressed deep concern that extensive and compelling evidence existed confirming that torture had been systematically used by the Sri Lanka Security Forces during the armed conflict and continued to be exercised across Sri Lanka by a number of state security agencies. According to JS18, torture in the period 2019–2022 included brutal beatings, whippings, kicking, branding with hot metal rods, asphyxiation with bags soaked in petrol or chilli, burning with cigarettes, water torture, *falaka*, sexual violence and gang rape.²⁶

15. JS12 recommended that suspects in police custody should have a series of rights that were strictly enforced by police such as the right to have an attorney present during interrogation and the confessions made before the police officers to be recorded by video. JS12 further recommended that the system of witness and victim protection should be reviewed and amended to ensure greater protection for persons who complain against police violence or lawyers appearing in such cases are not subjected to harassment and discrimination.²⁷

16. JS13 noted that Sri Lanka had failed to meet international standards in prison conditions and treatment of incarcerated persons, including outdated and at times demeaning entrance and exit procedures, inadequate, unhygienic accommodation, poor quality food and wastage of the same, lack of water and access to medical supplies, and the systematic use of violence to maintain discipline within the prisons.²⁸ JS12 recommended that steps should be taken to reduce overcrowding of prisons and increase the use of non-custodial measures for minor offences.²⁹

International humanitarian law

17. AI reported that accountability for war-time serious violations of human rights and humanitarian law had not been pursued, and in some cases which implicated members of the military or government supporters, the suspects had been acquitted, the cases had been withdrawn by the Attorney General, or a convicted perpetrator had received a Presidential pardon.³⁰ JS17 recommended that Sri Lanka take all necessary measures to prosecute and punish perpetrators of violations of international human rights law and humanitarian law.³¹

Human rights and counter-terrorism

18. ADF International expressed concern that the lack of definitions and vague terminology in the 1979 Prevention of Terrorism Act (PTA) opened the door to the arbitrary and abusive targeting of persons, particularly those belonging to religious or ethnic minorities, while also creating a chilling effect stifling freedom of expression for fear of reprisals.³²

19. Christian Solidarity Worldwide (CSW) also expressed concern that the PTA gave security forces sweeping powers to arrest and imprison suspects, leading to several fundamental rights abuses including torture, arbitrary arrest and detention and repression of free speech.³³

20. Jubilee Campaign also noted that Sri Lankan authorities had been using the PTA and its additional amendments to arrest Muslim minorities in connection with the 2019 Easter Sunday Bombings of Christian churches in Colombo, despite that these arrested individuals had no connection to the terrorist attack.³⁴

Administration of justice, including impunity, and the rule of law

21. Centre for Society and Religion (CSR) expressed concern that after the Easter Sunday bomb attacks, justice was being delayed for the victims and impunity prevailed.³⁵

22. Lawyers for Lawyers (L4L) recommended that Sri Lanka take immediate measures to ensure sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activity.³⁶

23. JS3 recommended that mandatory gender sensitization training should be provided to all actors involved in the criminal justice process, including police, lawyers, judges, court staff and court Counsellors. It further recommended specific sentencing policies or guidelines for cases of sexual violence, and that there should be gender-sensitive bilingual female police officers present at all times at the police women and children desks.³⁷

24. JS19 expressed deep concern that the Sri Lankan Government continued to evade accountability and there was no progress after 13 years since the end of the civil war that constituted the worst atrocity committed against Tamil people.³⁸

25. JS7 recommended that Sri Lanka: conduct immediate and impartial investigations into all instances of extrajudicial killing and excessive force committed by security forces while monitoring protests; and review and update, if necessary, existing human rights training for police and security forces with the assistance of independent civil society organizations, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.³⁹

Fundamental freedoms and the right to participate in public and political life

26. European Centre for Law and Justice (ECLJ) stated that Sri Lanka should protect religious freedom for all its citizens; reform the Penal Code and repeal anti-blasphemy laws, as well as enshrine protections for proselytization, which is part of the religious practice for the adherents of many religions.⁴⁰ JS6 also expressed deep concern that in 2008, the Ministry of Religious Affairs and Moral Upliftment issued a Circular that stipulated a requirement for any potential construction of places of worship to first seek approval from the Ministry.⁴¹ In this regard, JS6 emphasized that the circulars on the registration of places of worship were unconstitutional and should be withdrawn as a matter of priority.⁴²

27. ADF International recommended that Sri Lanka ensure full respect for freedom of religion or belief and freedom of expression without discrimination of any kind, in accordance with international human rights law and promote interfaith dialogue and religious tolerance in order to counter social hostility against religious minorities and prevent radicalization.⁴³ JS4, CSW and Jubilee Campaign made similar recommendations.⁴⁴

28. AI expressed concern that space for dissent had closed dramatically since the previous review with police criminal investigators, human rights defenders, lawyers, opposition parliamentarians, trade unionists, student activists all targeted by the state in reprisal for their work. According to AI, the government and government-affiliated groups had used smear campaigns, harassment and other forms of intimidation, raiding media outlets and questioning journalists, travel bans, transfers and arbitrary arrests to control freedom of expression and peaceful assembly.⁴⁵

29. JS7 also expressed deep concern about the ongoing use of excessive force against human rights defenders and protesters and restrictive laws to limit civic space and fundamental freedoms, as well as continuing judicial persecution, harassment and intimidation of human rights defenders, journalists, student protesters and others expressing dissenting opinions against the government.⁴⁶

30. FLD expressed concern that the Northern and Eastern Provinces - war affected areas, remained heavily militarized and that Minority human rights defenders based in the North and East were forced to carry out their work in supporting victims, documenting violence in an extremely hostile context.⁴⁷ JS15 recommended that Sri Lanka take immediate measures to demilitarize North and East and hand over lands occupied by the military for over 35 years to their rightful owners without any further delay.⁴⁸

31. FLD recommended that Sri Lanka immediately and unconditionally stop the intimidation, threats, surveillance and violence against HRDs and hold any officer or state authority responsible, accountable and immediately end all acts of legal harassment of human

rights defenders and civil society organisations, and ensure that legal provisions are not selectively used to target human rights defenders.⁴⁹

32. PEARL recommended that Sri Lanka immediately cease official targeting of journalists, civil society activists and human rights defenders, and release those who are unjustly detained and imprisoned, and investigate and prosecute crimes against journalists and other human rights defenders.⁵⁰

33. JS7 also recommended that Sri Lanka take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures and practices that unwarrantedly limit the freedom of association and review and refrain from introducing legislation that restricts the freedom of association, including the proposed amendment of the Voluntary Social Service Organisations Act No. 31/1980 and the Company Act No. 7 2007.⁵¹

34. JS20 emphasized that the Sri Lankan political system needed to better reflect the pluralism and diversity in the country and that people from diverse backgrounds and marginalized communities were often ignored and discriminated against. It recommended that Sri Lanka adopt measure to allow members of government to come from diverse backgrounds and from marginalized communities based on ethnicity, gender, caste, or any other ground.⁵² Similarly, Just Atonement expressed concern that Sri Lanka had failed to codify and enforce equal political rights for all groups; that Tamils and other minority groups faced institutionalized discrimination that inhibited their ability to fully and safely engage in the political process.⁵³

Right to privacy

35. JS6 expressed concern that surveillance of religious worship places and faith-based organisations in the guise of national security had shown a significant increase following the 2019 Easter attacks.⁵⁴ JS6 recommended that Sri Lanka take action to stop the surveillance, threats, harassment and intimidation against minority places of worship and civil society organizations.⁵⁵

Right to marriage and family life

36. JS11 stated that the Muslim Marriage and Divorce Act (MMDA) codified many customs that were prevalent among Muslims and contained numerous sex discriminatory provisions, which violated international human rights standards.⁵⁶ Just Atonement expressed deep concern that MMDA made Muslim women and girls susceptible to child marriage, marriage without consent, and disproportionate restrictions on divorce.⁵⁷

37. JS11 recommended that Sri Lanka amend General Marriage and Registration Ordinance to allow consensual divorce and allow Muslims to register marriages under the General Marriage and Registration Ordinance and that Sri Lanka fast-track the proposed reforms to the MMDA.⁵⁸

Prohibition of all forms of slavery, including trafficking in persons

38. GAATW noted that Sri Lanka supported four recommendations relating to combatting trafficking in persons. According to GAATW, Sri Lanka had not implemented these recommendations.⁵⁹

Right to work and to just and favourable conditions of work

39. GAATW stated that during the reporting period, Sri Lanka had maintained discriminatory policies and laws that inhibited equal access to the right to work for women, recommending that Sri Lanka review and repeal the discriminatory laws and policies which restrict women from seeking overseas employment.⁶⁰

40. JS14 recommended that Sri Lanka enact comprehensive legislation covering domestic workers, taking into consideration ILO conventions and international best practices, and the introduction of sound and systematic mechanisms for the full and fair implementation of the law.⁶¹ It also recommended that Sri Lanka guarantee adequate occupational health and safety

measures for workers in compliance with national and international labour standards, and sound monitoring by the department of labour.⁶²

41. JS14 also recommended that Sri Lanka revise the daily wage structure of plantation workers according to the increasing cost of living, and that Sri Lanka ensure the application of all labour laws and regulations to those employed in informal industries.⁶³

Right to social security

42. JS13 expressed concern that the existing social security protection programmes in Sri Lanka were inadequate to address the many dimensions of poverty and vulnerability which would worsen in the coming months and years as the economic crisis intensified. It further remarked that the system of determining eligibility was opaque, discretionary, and susceptible to abuse allowing local authorities wide latitude in including preferred beneficiaries and excluding others, and that during the Covid-19 related distributions of transfers, political interference in the process had been widely reported.⁶⁴

Right to an adequate standard of living

43. AI noted with concern that the rights to health, education, social security, adequate food, and an adequate standard of living were severely impacted by the current economic crisis, brought on by a balance of payment crisis and a severe foreign exchange shortage, remarking that the crisis was compounded by Covid-19 lockdowns, pre-pandemic tax cuts, and loss of access to international capital markets. Essential medicines, food items, cooking gas and fuel were all in short supply without foreign exchange for imports. Furthermore, AI highlighted that a chemical fertilizer ban in April 2021 had affected domestic food production, making food shortages inevitable.⁶⁵ AI recommended that Sri Lanka design proposals to provide ‘emergency relief’ that would be adequately financed during the economic crisis in order to enable all persons to access an adequate standard of living, and request international cooperation and assistance for this purpose, if necessary.⁶⁶

44. JS13 stated that the food crisis had led to a nutritional crisis with families increasingly falling under the poverty line and not being able to afford food that provide the required nutritional intake.⁶⁷ JS21 recommended that Sri Lanka ensure food security through the creation of permanent structures protecting people, including strict price controls on goods especially essential food items, kerosene and gas and support and subsidies to the farmer and fisher communities.⁶⁸

45. JS13 noted that there was no national policy on housing and that around 800,000 poverty-stricken families did not have houses or adequate protective shelter⁶⁹, recommending that Sri Lanka recognize the right to housing in law and policy.⁷⁰

46. JS13 noted that despite the existence of a National Policy on Sanitation, a considerable population such as persons with disabilities, those in urban shanties, estate sector communities still lacked access to water and sanitation.⁷¹

Right to health

47. JS13 recommended that Sri Lanka ensure the availability of essential medicines in the health services and to ensure access to health care of the people, specifically most vulnerable groups and ensure the conducive working environment for the health sector workers.⁷²

48. JS5 expressed deep concern that misinformation and the prevalence of cultural practices resulted in a variety of obstetric violence, understood as the mistreatment that occurs during the care provided during pregnancy, childbirth, or the immediate postpartum period. It recommended that Sri Lanka take measures to protect women’s rights to safe motherhood and access to appropriate obstetric services, and investigate and prosecute cases of obstetric violence.⁷³

49. JS5 recommended that Sri Lanka strengthen measures to ensure access for girls, adolescents and women, including those living in rural areas, to adequate sexual and reproductive health services, including modern contraceptive methods family planning, abortion and post-abortion services.⁷⁴

Right to education

50. JS20 stated that in order to ensure productive participation of youth in the economy, equal access to quality education for all children, including children with financial issues and with disabilities should be enforced.⁷⁵

51. Broken Chalk recommended that Sri Lanka implement recent policies that amend legal provisions contrary to compulsory education, and ensure that all children have uninterrupted access to education, especially for Muslim girls due to cultural, socio-economic, and religious circumstances.⁷⁶

52. JS20 recommended that Sri Lanka: create an inclusive environment at schools, receptive to physical, emotional realities/requirements of students-appointed trained counsellors at schools; implement a zero tolerance hate speech policy in schools; and grant scholarships to disadvantaged students in order to give access to diverse and inclusive learning environments.⁷⁷

Cultural rights

53. JS13 noted that the culture of the Malayaga Makkal such as Karagam, Kimmi, Kavadi, Kamkoothu, Ponnar Sangar and Archunan Thabasu had not been recognized and were not supported by line ministries.⁷⁸

54. JS14 expressed concern that the failure to recognize and uphold language rights of the Malayaga Tamil community had adversely impacted the enjoyment of full and equal citizenship, meaningful reconciliation, national unity, and effective governance.⁷⁹

55. Tamil Genocide Memorial (TGM) expressed concern that the destruction of Tamil combatants cemeteries were intentional and planned actions by the Sri Lankan Government, noting that those cemeteries were resting places of over 40 thousand Tamil combatants, as remembrances of the dead.⁸⁰

Development, the environment, and business and human rights

56. Just Atonement emphasized that Sri Lanka was particularly vulnerable to climate change, due to a combination of factors, including geography, climate, resource scarcity, and a dependence on agricultural income. It expressed concern that climate change was likely to create an undue burden on women and ethnic minorities, due to historical exclusion, societal norms, and their outsized presence in climate-vulnerable industries.⁸¹

57. Just Atonement recommended that Sri Lanka: develop a long-term national response strategy to ongoing sea level rise and changes in weather patterns, taking into consideration various response options, including protection, accommodation, and planned relocation; and prepare for increased incidence of natural disasters and their impact on human rights.⁸²

58. JS20 stated that the National Environment Act introduced an internationally accepted process called Environmental Impact Assessment (EIA) as part of the strategy to achieve sustainable development. However, the EIA process lacked transparency, accountability in evaluating, monitoring and approving development projects.⁸³

2. Rights of specific persons or groups*Women*

59. JS3 noted that during the previous UPR cycle, Sri Lanka had received 39 recommendations to strengthen and improve measures regarding women's rights protection, 11 relating to preventing and eliminating violence against women; including to strengthen efforts to eliminate sexual violence.⁸⁴ HRW expressed concern about lack of implementation in this regard.⁸⁵

60. Just Atonement noted that women and girls faced significant violence and discrimination such as widespread gender-based rape and domestic violence while few perpetrators facing consequences, as well as with marital rape still not criminalized unless the couple was separated.⁸⁶ HRW recommended that Sri Lanka: remove all marital rape exceptions from laws criminalizing rape; and require police to investigate and appropriately

prosecute acts of gender-based violence, including against a woman by her husband.⁸⁷ JS3 made similar recommendations.⁸⁸

61. JS11 expressed concern that female Genital Mutilation/Cutting (FGM/C), locally referred to as “sunnat” or “khatna” was known to take place in Sri Lanka amongst the Moor, Malay and Bohra communities and that the practice remained largely unrecognized and unaddressed in Sri Lanka. JS11 recommended that Sri Lanka pass a law prohibiting all forms of FGM/C in Sri Lanka and establish a national action plan to eradicate the harmful practice of FGM/C in all its forms across the country, including the dedication of resources to prevention and education aspects.⁸⁹

Children

62. JS11 noted that the prevalence of child marriage in Sri Lanka was approximately 10 per cent, specifically affecting certain communities. While the Marriage Registration Ordinance 1908 (Chapter 112) set the minimum age of marriage at 18, the General Marriage Registration Ordinance specifically stated that it did not apply to Muslims, creating a discriminatory situation where Muslim girls were not protected from child, early and forced marriage. JS11 recommended that Sri Lanka Ensure that the law fixes the minimum age of marriage at 18 without exceptions for all girls irrespective of their religion or community; including by amending the provisions of the Muslim Marriage and Divorce Act.⁹⁰

63. Alliance of Youth to End Violence Against Children (AYEVAC) urged Sri Lanka to take necessary steps to prohibit corporal punishment in all settings by adopting required laws and also to take robust and pragmatic steps to implement all the recommendations posed by 3rd UPR cycle and all treaty bodies to Sri Lanka to put an end to corporal punishment in all settings, encourage non-violent forms of discipline as alternatives and conduct public information campaigns to raise awareness about the harmful effects of such punishment.⁹¹

Persons with disabilities

64. JS22 stated that persons with disabilities had been consistently marginalized in the Sri Lankan polity and society mainly due to the charity mindset fuelled by religious and cultural influences. The dominant approach remained premised on charity and welfare, contrary to the obligations in the United Nations Convention on the Right of Persons with Disabilities. It also noted that attempts to introduce a rights-based approach through policy and legislative frameworks had remained largely rhetorical and not transformed into reality.⁹²

65. JS22 recommended that the state institutions at National, Provincial Councils and Local Government bodies responsible for cultural affairs and entertainment industry should explore the ways to increase the opportunities for persons with disabilities to participate in cultural, entertainment, leisure and sports activities equally with the rest of the society.⁹³

66. JS23 recommended that Sri Lanka expand the definition of disabilities in the Elections Act No. 28 of 2011 to include all voters with disabilities, and with assistance tailored to the type of disability that a voter has.⁹⁴

67. JS22 also recommended that Sri Lanka allocate sufficient resources from national level to the local level to provide required facilities to the children with disabilities and support the parents of low-income families to ensure their childhood is protected with a systematic follow up system.⁹⁵ It further recommended that Sri Lanka expand employment opportunities for persons with disabilities in the public and private sectors and prepare them for employment, employment counselling, and adaptive training and create a suitable work environment.⁹⁶

Indigenous peoples and minorities

68. JS13 recommended that Sri Lanka recognize the Adivasi community rights, legal status, traditional livelihoods, access to land, protection from land grabs, language identity, access to health and education.⁹⁷

69. AI stated that the Tamil community continued to be harassed in the highly militarized Northern province.⁹⁸ JS10 warned that getting justice for victims of war crimes and crimes against humanity had received a setback, due to the Sri Lankan Government’s unwillingness

to prosecute civilian and security forces for having committed mass killings and rape of Tamils.⁹⁹

70. AI recommended that Sri Lanka ensure prompt, impartial and effective investigations into incidents of attacks against minority communities and hold suspected perpetrators to account and reject policies and proposals that violate the rights of minority communities, including forced cremations and the proposed ban on the niqab.¹⁰⁰

71. JS3 expressed concern that many police stations in the country did not have adequate Tamil-speaking officers present at the stations at all times even in predominantly Tamil-speaking areas of the country. JS3 noted that complainants from the Tamil and Muslim communities were often unable to fully understand the police complaint or affidavit they were asked to sign.¹⁰¹

72. HRW recommended that Sri Lanka: amend the ICCPR Act to prevent its abuse in prosecuting members of ethnic and religious minorities for speech that is protected under international human rights law; undertake to combat speech that incites violence, discrimination or hostility against minorities, end baseless restrictions on burial practices; and allow members of the Tamil community to freely commemorate and memorialize victims of the civil war.¹⁰²

73. JS13 expressed concern that the Malayaga Makkal community continued to be excluded from government services and welfare programmes at the local level, and in the context of skyrocketing cost-of-living the community was one of Sri Lanka's most precarious social groups.¹⁰³ PEARL recommended that Sri Lanka ensure that religious and ethnic minorities have adequate representation on governing bodies charged with religious and cultural matters.¹⁰⁴

74. JS13 noted that many of the Malayaga Makkal community lived in overcrowded line-houses with poor hygiene and inadequate access to clean drinking water, despite housing projects, and the health indicators were poor with many issues pertaining to malnutrition, infant mortality, low birth weights, maternal health, and decreased life expectancy.¹⁰⁵ JS14 recommended that Sri Lanka: provide constitutional recognition for Malayaga Tamil community as a separate national ethnic group; ensure appropriate allocation of government welfare schemes to Malayaga Tamils, including Samurdhi allowances, disaster relief, and other government benefits without any discrimination; and jointly design a national plan of action for the political, economic, social and cultural development of the Malayaga Tamil community, and ensure its immediate implementation with regular oversight and monitoring.¹⁰⁶

75. PEARL recommended that Sri Lanka create a transparent, accessible, and flexible process for the recognition of Tamil and other conflict-affected persons' land claims, notwithstanding any lack of formal documentation, in line with international best practices.¹⁰⁷

Lesbian, gay, bisexual, transgender and intersex persons

76. JS24 stated that in Sri Lanka, same-sex relationships were criminalized under colonial origin sodomy laws, especially under the Penal code introduced by the British in 1883, and the penal code provisions section 365, 365A, and vagrancy ordinance of 1841 criminalized consenting same-sex sexual relationships between adults.¹⁰⁸ JS2 also emphasized that Sri Lanka continued to criminalize consensual same-sex sexual relations, imposed onerous barriers to obtaining legal recognition of gender and that Sri Lanka had failed to amend its Constitution or enact laws to prohibit discrimination based on sexual orientation and gender identity and expression (SOGIE). JS2 expressed concern that as a consequence, LGBTIQ individuals in Sri Lanka were extremely vulnerable to harassment, violence and discrimination by State actors and by society at large, resulting in the gross marginalization of LGBTIQ individuals, many of whom felt forced to hide their identities.¹⁰⁹ HRW and JS24 expressed similar concerns.¹¹⁰ JS24 recommended Sri Lanka repeal section 365 and 365A of the penal code, and specific sections of other laws that criminalize homosexuality including the vagrancy ordinance, Air Force Act, and Army Act.¹¹¹

77. JS24 highlighted discrimination at job interviews was one of the common problems faced by many LGBTIQ+ persons, and transgender persons whose gender expression were

different from the assigned sex have been more vulnerable to such experiences.¹¹² JS20 recommended that Sri Lanka ensure all parts of the LGBTQIA+ community equal, non-discriminatory access to healthcare, education, employment and accommodation.¹¹³ JS3 also recommended that the laws relating to sexual violence should expressly cover LGBTIQ victim-survivors.¹¹⁴

Migrants, refugees and asylum seekers

78. JS16 noted with concern that being unable to provide proof of identity was the most crucial factor delaying Sri Lankan citizenship approval and obtaining a National Identity Card (NIC) essential to access multiple state services including: bank account opening, educational opportunities, driving licenses, passport, employment, reintegration benefits, social welfare schemes, etc; and inability to work and earn incomes.¹¹⁵

79. Organization for Elankai Refugees Rehabilitation recommended that Sri Lanka develop a policy framework for refugee returnees that could address the major concerns and specific issues connected with the sustainable reintegration of refugees.¹¹⁶ Similarly, JS13 recommended that Sri Lanka guarantee essential documentation, land, housing, education livelihood and employment to refugee returnees and work with the Government of India to guarantee rights of refugees.¹¹⁷

80. JS16 emphasized that the Sri Lanka should respect the principle of non-refoulement and allow asylum seekers to enter the country so that a proper determination can be made with regard to the validity of their claim for asylum.¹¹⁸

81. JS16 recommended that Sri Lanka should extend the education system to ensure compulsory enrolment of refugees and asylum seekers until at least the age of 16, in accordance with national standards.¹¹⁹ GAATW also recommended establishing a national preparedness plan for protecting the rights of migrant workers and insulating them from debt burdens in the event of future pandemics or other global crises.¹²⁰

Internally displaced persons

82. JS1 noted that in October 2020, the GJS Hub had conducted a household survey of internally displaced persons (IDPs) in Jaffna District in Northern Province, which examined the gendered experiences arising from protracted displacements spanning over three decades. It concluded that overall, there were significant disparities in the ways men and women might have experienced protracted displacement over the years, particularly with regards to household finances, and safety and security concerns.¹²¹

Notes

¹ See A/HRC/37/17, A/HRC/37/17/Add. 1 and A/HRC/37/2.

² 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 national human rights institution with A status).

Civil society

Individual submissions:

ADF International	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom);
AYEVAC	Alliance of Youth to End Violence Against Children, Nawala (Sri Lanka);
BCN	The Stichting Broken Chalk, Amsterdam (Netherlands);
CPA Sri Lanka	Centre for Policy Alternatives, Colombo (Sri Lanka);
CSR Sri Lanka	Centre for Society and Religion, Colombo (Sri Lanka);
CSW	Christian Solidarity Worldwide, New Malden (United Kingdom of Great Britain and Northern Ireland);
CUDH	Conseil Universel Des Droits De L'Homme, Bellegarde sur Valserine (France);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
FLD	Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders, Dublin (Ireland);

GAATW	Global Alliance against Traffic in Women, Bangkok (Thailand);
HRW	Human Rights Watch, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
JAI	Just Atonement Inc., (United States of America);
JUBILEE	Jubilee Campaign, Fairfax, VA (United States of America);
L4L	Lawyers for Lawyers, Amsterdam (Netherlands);
OfERR (Ceylon)	Organization for Elankai Refugees Rehabilitation, Colombo (Sri Lanka);
OTA	Ottawa Tamil Association, Ottawa (Canada);
PEARL	People for Equality and Relief in Lanka, Washington, D.C. (United States of America);
SCC	Stop Child Cruelty Trust, Colombo (Sri Lanka);
TGM	Tamil Genocide Memorial, Kanata (Canada);
UPR BCU	The UPR Project at BCU, Birmingham (United Kingdom of Great Britain and Northern Ireland);

Joint submissions:

JS1	Joint submission 1 submitted by: Gender, Justice and Security Hub, London (United Kingdom of Great Britain and Northern Ireland); UKRI GCRF Gender, Justice and Security Hub, International Centre for Ethnic Studies (ICES) and University College London (UCL);
JS2	Joint submission 2 submitted by: Equal Ground, Nawala (Sri Lanka); Equal Ground, Sri Lanka and Center for International Human Rights (CIHR) of Northwestern Pritzker School of Law (USA);
JS3	Joint submission 3 submitted by: Equality Now, Nairobi (Kenya); Centre for Equality and Justice;
JS4	Joint submission 4 submitted by: Joint Submission by The Asia-Pacific Association of Jehovah's Witnesses and The European Association of Jehovah's Witnesses, Selters (Germany); Asia-Pacific Association of Jehovah's Witnesses The European Association of Jehovah's Witnesses;
JS5	Joint submission 5 submitted by: World Organisation Against Torture, Geneva (Switzerland); Mannar Women's Development Federation (MWDF);
JS6	Joint submission 6 submitted by: World Evangelical Alliance, Geneva (Switzerland); Asia Evangelical Alliance Christian Solidarity Worldwide;
JS7	Joint submission 7 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); - Asian Human Rights Commission (AHRC);
JS8	Joint submission 8 submitted by: International Federation for Human Rights, Paris (France); The Center for Human Rights and Development (CHRD);
JS9	Joint submission 9 submitted by: Global Tamil Action Group, London (United Kingdom of Great Britain and Northern Ireland); Australian Tamil Congress, British Tamils Forum, Maison du Tamil Eelam (France), Norwegian Council of Eelam Tamils, Swiss Tamil Action Group, United States Tamil Action Group;
JS10	Joint submission 10 submitted by: Alliance Creative Community Project, Etobicoke Toronto (Canada); Transnational Government of Tamil Eelam's (TGTE);
JS11	Joint submission 11 submitted by: Coalition of NGOs for UPR - Sri Lanka, Palaviya (Sri Lanka); Alliance for Minorities, Women's Action Network, Muslim Women's Development Trust and Equality Now;
JS12	Joint submission 12 submitted by: Right to Life Human Rights Centre, Colombo (Sri Lanka), Sri Lankan Collective Against Torture, Right to Life Human Rights Centre, Rule of

- Law Forum, National Fisheries Solidarity Organisation, Human Rights Office Kandy, Human Rights First Aid Centre Gampaha, Uva Shakthi Foundation, National Peace Council Law and Society Trust, Centre for Policy Alternatives Families of the Disappeared, Centre for Protecting Prisoners Rights;
- JS13 **Joint submission 13 submitted by:** Centre for Society and Religion, Colombo (Sri Lanka), National Fisheries Solidarity, Movement for National Land and Agriculture Reforms, Law and Society Trust, SAVISTRI National Women Movement, Janawaboda Kendraya, Right to Life Human Rights Organization, Justice for All, FIAN Sri Lanka, Center for Society and Religion, Families of the Disappeared, Sri Vimukthi Fisher Women Organization, Rural Workers Organization, Mannar District Fisheries Solidarity Organization, Kilinochchi District Fisheries Organization, Mullaitivu District Fisheries Solidarity, Jaffna District Fisheries Solidarity Organization, Southern Fisheries Organization, Southern Fisheries Organization, DIFSO-Ampara, Batticaloa District Fisheries Solidarity Organization, Trincomalee District Fisheries Solidarity, Miridiya Organization, Praja Shayogitha Sansadaya, Tendral District Women Federation, Voice of Northern Province Women, Northern Province Women Federation, People's Movement Against Port City, RDS, Valarpirai Citizen Forum, Kilakku Sooriyan Women District Committee, Vali North Resettlement Organization, NPPFU, Mannar & Jaffn, Poonthalir Women District Committee, Vali North Citizen Forum, Vali East Citizen Forum, Marumalarchchi Women District Organization, Stand Up Movement, Citizen Forum Tricomalee, RDS, Sampoor, Udayam District Women Organization, Citizen Forum Mannar, Nesakaram Citizen Forum, Valarpirai District Women Organization, Savistree, Praja Abilasa Network, PARL, Lanka Farmers Forum-Colombo, UWWO-Wellawaya, PPPO-Paanama, IPHC, Brandigampola;
- JS14 **Joint submission 14 submitted by:** Social Institute for Development of Plantation Sector (SIDPS), Maskeliya (Sri Lanka); All Ceylon United Employee Foundation (ACUEF), Centre for Social Concern (CSC), Communist Worker's Union, Elbert Welfare Foundation, HARTS Organization, Hill Country Mass Movement for Social Justice, Leo Marga Asharam (LMA), LIDS Social Development Centre, Midland Peoples' Forum, Movement for Protection of Loolekandura, Monaragala Peoples' Development Foundation (MPDF), Navayugam Social Development Foundation (NSDF), Organization for Sustainable Community Development (OSCOD), Peoples' Movement for Social Justice, Social Cooperation Movement (SCM), Social Institute for Development of Plantation Sector (SIDPS), Theshiya Kalay Ilakiya Peravayie, United Plantation Workers Union (UPWU), Upcountry Civil Society Collective (UCSC);
- JS15 **Joint submission 15 submitted by:** Association Bharathi Centre Culturel Franco-Tamoul, MAUREPAS (France), Bharathi Centre Culturel Franco Tamoule Association des Etudiants Tamoule de France (France), Association Tournier La Page (France), Association LE PONT, Association Tamil Uzhagam, Society for Development and Community Empowerment, Association Burkinabé pour la Survie de l'Enfance, Solidarité Internationale pour l'Afrique (SIA), Society for Development and Community Empowerment (SDCE), Association Mauritanienne Pour la Promotion du

- Droit, Association Pour les Victimes du Monde, Kenya Community Development Group (KCDG), Association Congolaise pour le Développement Agricole, Association ABC TAMIL OLI, Association Culturelle des Tamouls en France (A.C.T.F.), Association Jeunesse Etudiante Tamoule (J.E.T.), Association Thendral, Association Internationale Contre les Disparitions forcées, Gouvernement en Exil du Tamil Eelam, ASSOCIATION DES ANONYMES ET PERSÉCUTES DU GÉNOCIDE TAMOULE ASSOCIATION DES FEMMES SOLIDAIRES DU MONDE, Global Tamil Movement, Association Le Collectif La Paix au Sri Lanka, Association pour le Droit de l'Homme et le Développement Durable, Association internationale des Droits de l'Homme de Bourgogne (AIDHB), Association Mondiale des Droits de l'Homme (A.M.D.H), Association international des Droits de l'Homme;
- JS16 **Joint submission 16 submitted by:** Refugee Advocates Group, Colombo (Sri Lanka), The Returnees Forum, South Asian Network of Refugees and Internally Displaced Persons (SANRIN), Asylum Desk, Forum for Plural Democracy;
- JS17 **Joint submission 17 submitted by:** Association Tourner La Page, MAUREPAS (France), Tourner La Page, Association des Etudiants Tamoule de France, Association Bharathi Centre Culturel Franco Tamoule, Association LE PONT, Association Tamil Uzhagam, Society for Development and Community Empowerment, Association Burkinabé pour la Survie de l'Enfance, Solidarité Internationale pour l'Afrique (SIA), Society for Development and Community Empowerment (SDCE), Association Mauritanienne Pour la Promotion du Droit, Association Pour les Victimes du Monde, Kenya Community Development Group (KCDG), Association congolaise pour le développement agricole, Association ABC TAMIL OLI, Association Jeunesse Etudiante Tamoule (J.E.T.), Association Thendral, Association Culturelle des Tamouls en France (A.C.T.F.), Association Le Collectif La Paix au Sri Lanka, Association pour le Droit de l'Homme et le Développement Durable, Association Internationale des Droits de l'Homme de Bourgogne. (AIDHB), Association Mondiale des Droits de l'Homme (A.M.D.H), Association international des Droits de l'Homme, Association internationale Contre les Disparitions forcées, Gouvernement en Exil du Tamil Eelam, Association des anonymes et persécutés du génocide tamoule, Association des femmes solidaires du monde, Action Sri Lankales caribous liberestamil-style (T-STYLE), Mouvement Associatif des Jeunes et des Etudiants, Association Humaniste de France, Le conseil international pour les droits de l'hommevent, Sables Association des Juristes Spécialisés en Droits Etrangers (A.J.S.D.E.), Etudiants pour Une Société durable Paris, Association caritative étudiante pour la jeunesse, Association de défense et de promotion des droits de l'homme, Association d'aide aux migrants, Association droit et talents de femmes, Association Femmes Solidaires (AFS), Association lutte contre la violence faite aux femmes, Association Pour la Solidarité Internationale (ASI), Association Jeunesse Insertion Solidarité (AJIS), Association de solidarité Bordeaux, Association pour la Prévention et la Solidarité Internationale (APSI), Association for Prevention and international Solidarity (APSI), Comité International de Coordination Humanitaire (C.I.C.H.), Association mondiale pour la justice et le droit des victimes, World association for justice and victims' law, Actions pour la protection et la défense des droits de l'homme, Collectif de Femmes pour les

- Droits de l'Homme (CFDH), Women's collective for human rights (CFDH), Association des jeunes du village, Solidarité internationale sante-logistique humanitaire, Aide citoyenne et développement concerté, Association culture femmes, Association internationale pour la promotion de la sante et le développement durable (S2D), Association Espoir des Sociétés pour le Développement durable (AESD), Association des femmes pour la lutte contre la pauvreté, Association de la solidarité des étudiants de Bordeaux, Centre de la Sorbonne pour le droit international et les relations internationales, Alliance pour la Justice Internationale (A.J.I.), Association pour la solidarité France-Afrique, Association femmes de la médiation, Fédération Etudiante des Droits de l'Homme (FEDH), Conseil national des droits de l'homme et du citoyen, Association Solidarité Sans Frontière et d'Education (ASSFE), Actions écologiques françaises, Association Internationale des Journalistes Indépendants (AIJI), Action de la jeunesse pour le développement durable, Citoyens en action, Association représentative des droits de l'homme en France, Acte Solidarité Internationale pour les Droits de l'Homme (ASI-DH), Association pour la Justice Pénale Internationale (A.J.P.I.), Agaram Translation Services (AGA);
- JS18 **Joint submission 18 submitted by:** The International Truth and Justice Project – Sri Lanka, Johannesburg (South Africa); ITJP and JDS Lanka;
- JS19 **Joint submission 19 submitted by:** National Council of Canadian Tamils, Brampton (Canada); International Council of Eelam Tamils (ICET); National Council of Canadian Tamils, Italian Council of Tamils (Italy), Council of Eelam Tamils in Germany (Germany), National council of New Zealand Tamils (New Zealand), Swiss Council of Eelam Tamils (Swiss), Dutch Tamil Forum (Netherlands), Tamil cultural centre Belgium, National council of Sweden Tamils (Sweden), Campaign for Tamil Justice – Australia, Danish Federation of Tamil Associations (Denmark), Maison du Tamil Eelam France (France), Norwegian Council of Eelam Tamils (Norway);
- JS20 **Joint submission 20 submitted by:** Hype Sri Lanka, Colombo (Sri Lanka); Youth coalition of Sri Lanka;
- JS21 **Joint submission 21 submitted by:** Women's Action Network (Sri Lanka); University of Minnesota Human Rights Litigation and Advocacy Clinic;
- JS22 **Joint submission 22 submitted by:** Disability Organisations Joint Front, Rathmalana (Sri Lanka);
- JS23 **Joint submission 23 submitted by:** Asian Network for Free Elections, Bangkok (Thailand); Asian Network for Free Elections; People's Action for Free & Fair Elections (PAFFREL); Centre for Monitoring Election Violence (CMEV);
- JS24 **Joint submission 24 submitted by:** Coalition of Civil Society Organizations with Équité Sri Lanka, Kohuwala (Sri Lanka);

³ The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination

	against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

- ⁴ Jubilee Campaign, para. 4.
- ⁵ JS8, para. 75.
- ⁶ JS17, pages 10–11.
- ⁷ ICAN, page 2.
- ⁸ GAATW, para. 24.
- ⁹ HRW, para. 19. See also JS14, para. 11.
- ¹⁰ FLD, para. 38, page 6.
- ¹¹ AI, para. 10.
- ¹² AI, para. 11. See also JS12.
- ¹³ HRW, para. 2. See also JS9, para. 9.
- ¹⁴ CPA, para. 2.
- ¹⁵ JS8, para. 3.
- ¹⁶ AI, para. 31.
- ¹⁷ JS17, para. 10.
- ¹⁸ JS 11, para. 26.
- ¹⁹ UPR BCU, paras. 4–5.
- ²⁰ JS17, para. 10.
- ²¹ The UPR Project at BCU, page 8.
- ²² CPA, para. 3.1.
- ²³ AI, para. 24.
- ²⁴ HRW, para. 24.
- ²⁵ AI, paras. 32 and 35. See also submissions by OTA and JS12.
- ²⁶ JS18, para. 41.
- ²⁷ JS12, paras 11 and 13.
- ²⁸ JS13, para. 50.
- ²⁹ JS12, Recommendation 14, page 22.
- ³⁰ AI, para. 30.
- ³¹ JS17, page 10.
- ³² ADF International, paras. 7 and 10.
- ³³ CSW, para. 11.
- ³⁴ JUBILEE, para. 12.
- ³⁵ CSR, para. 3.
- ³⁶ L4L, page 5.
- ³⁷ JS3, para. 48.
- ³⁸ JS19, page 2.
- ³⁹ JS7, para. 6.4.
- ⁴⁰ ECLJ, para. 26.
- ⁴¹ JS6, paras 15–16.
- ⁴² JS6, para. 34.
- ⁴³ ADF International, para. 25.
- ⁴⁴ JS4, para. 43; CSW, paras. 34–36; JUBILEE, paras. 30–31.
- ⁴⁵ AI, para. 18.
- ⁴⁶ JS7, paras. 1.4–1.5.
- ⁴⁷ FLD, para. 8.
- ⁴⁸ JS15, para. 9. See also JS8, para. 74.

- 49 FLD, para. 38, page 6. See also AI, para. 48.
- 50 PEARL, para. 21.
- 51 JS7, para. 6.1.
- 52 JS20, page 2.
- 53 Just Atonement, para. 26.
- 54 JS6, para. 27.
- 55 JS6, para. 38.
- 56 JS11, paras. 3–4.
- 57 Just Atonement, para. 30.
- 58 JS11, para. 26.
- 59 GAATW, para. 2.
- 60 GAATW, paras. 17 and 24.
- 61 JS14, para. 10.
- 62 JS14, para. 9.
- 63 JS14, paras. 6 and 8.
- 64 JS13, para. 9.
- 65 AI, para. 16.
- 66 AI, para. 45.
- 67 JS13, para. 4.
- 68 JS21, page 9.
- 69 JS13, para. 13.
- 70 JS13, para. 27.
- 71 JS13, para. 82.
- 72 JS13, para. 3.
- 73 JS5, para. 36.
- 74 JS5, para. 39.
- 75 JS20, page 6.
- 76 BCN, para. 23.
- 77 JS20, page 9.
- 78 JS13, para. 65.
- 79 JS14, para. 8.
- 80 TGM, para. 2.
- 81 Just Atonement, para. 3.
- 82 Just Atonement, paras. 18–19.
- 83 JS20, page 15.
- 84 JS3, para. 3.
- 85 HRW, para. 14.
- 86 Just Atonement, para. 29.
- 87 HRW, para. 19.
- 88 JS3, para. 48.
- 89 JS11, paras. 17 and 26. See also JS5, paras. 34–35.
- 90 JS11, paras. 23 and 25–26. See also HRW, para. 19.
- 91 AYEYAC, para. 14. See also SCC, page 6.
- 92 JS22, page 1.
- 93 JS22, para. 52.
- 94 JS23, para. 17.
- 95 JS22, para. 43.
- 96 JS22, para. 33.
- 97 JS13, para. 20.
- 98 AI, para. 26.
- 99 JS10, page 2.
- 100 AI, paras. 50–51.
- 101 JS3, para. 17.
- 102 HRW, para. 35.
- 103 JS13, para. 60.
- 104 PEARL, para. 40.
- 105 JS13, para. 60.
- 106 JS14, paras. 1, 3 and 5.
- 107 PEARL, para. 34. See also JS6, para. 37.
- 108 JS24, para. 4.
- 109 JS2, paras. 1–2 and 7–8. See also JS24, para. 13.
- 110 HRW, paras. 25–26; JS24, para. 22.

¹¹¹ JS24, para. 15. See also JS2, para. 62.

¹¹² JS24, para. 10.

¹¹³ JS20, page 10.

¹¹⁴ JS3, para. 48.

¹¹⁵ JS16, para. 9.

¹¹⁶ OfERR (Ceylon), page 2.

¹¹⁷ JS13, para. 21.

¹¹⁸ JS16, para. 21.

¹¹⁹ JS16, para. 25.

¹²⁰ GAATW, para. 24.

¹²¹ JS1, paras. 5–7.
