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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Sri Lanka*

The present report is a summary of 46 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

I. Information provided by other accredited national human rights institutions and other stakeholders

A. Background and framework

1. Scope of international obligations

1. The Human Rights Commission of Sri Lanka (HRCSL) stated that Sri Lanka had yet to ratify and reflect in the national legal system the international human rights treaties to strengthen the human rights framework in the country. The HRCSL encouraged the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of Persons with Disabilities, as recommended by Joint Submission 15 (JS15)² and its Optional Protocol.³

2. Amnesty International (AI) recommended the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁴ (OP-CAT); the Rome Statute on the International Criminal Court as well as the establishment of procedures in law to consider modalities for implementing the views of the UN Human Rights Committee.⁵

3. Canadian Tamil Youth Alliance (CTYA) recommended that Sri Lanka become party to the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children.⁶

2. Constitutional and legislative framework

4. AI noted that in September 2010, Sri Lanka enacted a constitutional amendment, which abolished the Constitutional Council and replaced it with an advisory Parliamentary Council, empowering the President to make direct appointments to the HRCSL and other key institutions, including the Judicial Service Commission, the Public Services Commission and the National Police Commission. According to AI, this has destroyed the political independence of these commissions.⁷ Joint Submission 1 (JS1) expressed a similar concern.⁸

5. JS1 stated that persons of diverse sexual orientation and gender identities were not explicitly protected from discrimination by the Constitutional provisions regarding non-discrimination thereby contributing their vulnerability.⁹

6. International Commission of Jurists (ICJ) recommended amending section 12 of the Sri Lanka CAT Act to include the term “suffering” within the definition of torture, and enacting a *non-refoulement* provision in the Act in conformity with obligations under article 3 of the CAT.¹⁰

7. ICJ recommended incorporating the offence of enforced disappearance into law as a specific criminal offence, clearly distinguishable from related offences such as abduction, kidnapping and punishable by appropriately severe penalties.¹¹

8. The HRCSL encouraged the Government to enact the Right to Information Bill with necessary changes.¹²

3. Institutional and human rights infrastructure and policy measures

9. According to AI, the HRCSL is weak or weaker than it was in 2008 despite Sri Lanka’s specific commitments to building the capacity and enhancing its independence

during the first UPR.¹³ Specifically, Joint Submission 7 (JS7) stated that the HRCSL had not proved capable of effectively investigating into torture complaints.¹⁴ Tamil Information Centre (TIC) expressed a similar concern.¹⁵ AI recommended strengthening and guaranteeing the independence of the HRCSL.¹⁶

10. Whilst noting Sri Lanka's voluntary commitment to strengthening national human rights mechanisms and procedures by initiating a national plan of action on human rights during the previous UPR, AI stated that progress on this commitment had been extremely slow. AI specified that the Cabinet approved the proposed Action Plan in September in 2011 and appointed a sub-committee to oversee its implementation in February 2012, but there has been little progress on implementation. AI expressed the view that this National Plan of Action on Human Rights (NHRAP)¹⁷ must not become another vehicle to evade international scrutiny and delay necessary reform.¹⁸ JS1 expressed a similar concern.¹⁹ Joint Submission 15 (JS15) stated that the adoption of the Action Plan had fallen short of full and proper engagement of civil society groups.²⁰

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

11. Joint Submission 4 (JS4) recommended that Sri Lanka: implement the 2011 recommendations of CAT; and remove the obstacles to implementing the recommendations of the Human Rights Committee in relation to individual communications by citizens.²¹

2. Cooperation with special procedures

12. CIVICUS recommended the extension of a standing invitation to the Special Procedures, and inviting the Special Rapporteurs on Human Rights Defenders²², Freedom of Expression, and Right to Peaceful Assembly.²³ Similarly, ECCHR recommended cooperation with the Special Rapporteurs on Violence against Women, the Promotion and Protection of Human Rights while Countering Terrorism, Torture, the Working Group on the Issue of Discrimination against Women in Law and in Practice, and the Special Representative of the Secretary General on Sexual Violence in Conflict.²⁴ Freedom from Torture (FT) recommended that Sri Lanka welcome visits by the Working Groups on Arbitrary Detention, and Enforced and Involuntary Disappearances.²⁵

3. Cooperation with the Office of the High Commissioner for Human Rights

13. British Tamils Forum (BTF) and Centre for War Victims and Human Rights (CWVHR) recommended the establishment of an OHCHR field office in Sri Lanka.²⁶ Joint Submission 6 and Joint Submission 14 (JS14) made a similar recommendation.²⁷

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

1. Equality and non-discrimination

14. JS1 stated that there is also a high incidence of crimes against women. Yet, there is very limited use of the Prevention of Domestic Violence Act. Women also often face arbitrary penalization under the Vagrancy Ordinance and sex-workers face harassment under the Brothels Ordinance. There are also several problems regarding sexual violence against women and abortion. Furthermore Muslim women have unequal rights in marriage and divorce under Muslim personal law.²⁸ JS16 also highlighted similar issues.²⁹

15. JS1 stated that despite the advances made in women's rights, there remained a number of concerns, including an increasing regressive socio-political environment in which it is difficult to advance women's issues and that, despite very low representation of women in all levels of government, which adversely impacts the design and implementation of policy, no affirmative action measures had been initiated.³⁰ Joint Submission 16 highlighted recommendations contained in the NHRAP for targeting a 30 per cent minimum representation of women in Parliament, Provincial Council and local authorities and the elimination of discriminatory laws, including Land Development Ordinance and the Vagrants Ordinance.³¹

16. Joint Submission 2 (JS2) recommended taking immediate and targeted steps to embody the principles of equality and non-discrimination on the basis of sexual orientation in public and private in the Constitution of Sri Lanka and ensure the effective realization of these principles.³² ECCHR recommended revoking the parts of the Prevention of Terrorism Act (PTA) that de facto discriminate against women.³³ Joint Submission 10 made a similar recommendation.³⁴

2 Right to life, liberty and security of the person

17. ICJ recommended maintaining the existing moratorium on executions, and taking immediate steps toward abolition of the death penalty in law.³⁵

18. AI noted continuing reports of extrajudicial killings by alleged military operatives and suspicious deaths in police custody.³⁶ In addition, Joint Submission 6 alleged that most extrajudicial killings and disappearances were carried out by paramilitary groups directly under the control of the armed forces in counter-insurgency efforts to eliminate all Tamil activism.³⁷

19. Referring to the accepted recommendation in the previous UPR to prevent kidnapping, enforced disappearances and extrajudicial killings, CWVHR stated that many enforced disappearance cases were part of a wider pattern of arbitrary arrests and detentions carried out by the Sri Lankan forces.³⁸ Front Line Defenders (FLD) and Migrant Rights Group International (MRG) noted the continuing cases of abduction and enforced disappearance.³⁹

20. AI continued to receive reports of enforced disappearances, including activists protesting human rights violations by the authorities.⁴⁰ Tamils against Genocide (TAG) stated that white van abductions, disappearances from street corners and the discovery of bodies was commonplace in Sri Lanka. While all ethnic groups had been victimized, Tamils continued to be more heavily targeted than other populations.⁴¹ Tamil Centre for Human Rights (TCHR) expressed a similar concern.⁴²

21. International Movement Against All Forms of Discrimination and Racism (IMADR) recommended that Sri Lanka clarify its position regarding the statement made by the former Attorney-General, Mr. Peiris, during its CAT review in November 2011 that the disappeared journalist, *Prageeth Eknaligoda*, had taken refuge in a foreign country to assist the relating court proceedings in Sri Lanka.⁴³

22. FT noted that torture perpetrated by state actors within both the military and police had continued following the end of the conflict in May 2009 and was still occurring in 2011. Those at particular risk included Tamils who have an actual or perceived association with the Liberation Tigers of Tamil Eelam (LTTE). A wide range of different forms of torture had been used, often in combination, to inflict severe suffering on victims of torture with devastating psychological and physical consequences.⁴⁴ JS1 and Joint Submission 9 (JS9) expressed similar concerns.⁴⁵ FT recommended taking immediate and effective measures to investigate all acts of torture and ill-treatment, and prosecuting and punishing

those responsible with penalties consistent with the gravity of the acts, and ensuring that torture is not used by law enforcement personnel and members of the military.⁴⁶

23. AI noted reports that torture and other cruel, inhuman and degrading treatment or punishment of detainees, remain common and widespread in Sri Lanka. According to AI, legal and procedural shortcomings contribute to this failure, as does the lack of political will on the part of the authorities to eradicate the use of torture and ill-treatment and to bring those responsible to justice in fair trials.⁴⁷ Specifically, JS9 recommended enacting an act on codifying the rights of the arrestees at the time of arrest and after the arrests, including the right to know the reason of arrest, procedural steps to be followed by officers, protection of the detainee, the right to a fair trial without delay, medical facilities, if necessary, for detainees, and permission for lawyers and relatives to visit detainees in prison.⁴⁸

24. AI stated that administrative detention had become a routine tool of law enforcement, used against suspected members of armed groups, their family members and colleagues, outspoken critics and other perceived political opponents of the Government, including journalists. People released from months or years in detention without charge often remained under surveillance by intelligence forces and were frequently required to report weekly or monthly to the police. Former detainees had been harassed and rearrested and physically attacked; murders and enforced disappearances of newly released detainees had been reported.⁴⁹

25. TCHR stated that Tamil women prisoners underwent physical and mental torture at the hands of guards and some became victims to sexual violence perpetrated by the male guards.⁵⁰

26. Canadian Tamil Congress (CTC) stated that in 2012, three years after the cessation of war, Tamil women had become victim to domestic abuse, rape, torture and detention.⁵¹ CTC stated that the threat of sexual abuse by Sri Lankan armed forces had increasingly focused on Tamil war widows and Tamil female-headed households.⁵²

27. According to CIVICUS, a number of members of civil society organizations and individual activists exposing human rights violations committed during the civil war by the Sri Lankan security forces have been abducted to prevent them from continuing their work.⁵³ The state media and news outlets controlled by the Government had been running a slanderous campaign against human rights defenders engaged in activities at the UN Human Rights Council accusing them of being traitors and aligned to the LTTE.⁵⁴

28. Human Rights Watch (HRW) stated that since 2008, no measure had been taken to prevent threats and violence against those who are critical of the Government, and prosecute those responsible. The Government and state media engaged in threatening criticisms of specific human rights defenders and journalists who supported the Human Rights Council resolution in the months leading up to the March 2012 HRC session.⁵⁵ Tamil Youth Organization (TYO) expressed a similar concern.⁵⁶ JS1 also stated that human rights defenders had been systematically denigrated and their work disrupted, which made the climate for engaging in human rights work both challenging and dangerous.⁵⁷

29. CIVICUS recommended that Sri Lanka adopt a national policy on the protection of human rights defenders to ensure investigation of complaints regarding attacks on them by an independent investigative agency and/or senior police officers.⁵⁸ FLD recommended conducting an independent inquiry into the source of threats, ill-treatment, and all forms of intimidation and harassment directed towards all human rights defenders.⁵⁹

30. While noting the Penal Code does not include a definition of sexual exploitation and lacks provisions to punish clients who have sex with children, Joint Submission 5 (JS5) recommended the revision of the current legislation to provide clear and comprehensive

provisions relating to trafficking, child prostitution and child pornography and adequate penalties for those offences.⁶⁰ JS5 also recommended strengthening and enforcing legislation addressing the commercial sexual exploitation of children in travel and tourism.⁶¹

31. While noting that corporal punishment of children is lawful in Sri Lanka, Global Initiative to End All Corporal Punishment of Children recommended enacting legislation to prohibit explicitly corporal punishment of children in all settings, including the home.⁶²

32. MRG recommended ensuring the protection of rehabilitated child soldiers, who might be subject to discrimination and surveillance.⁶³

33. Joint Submission 11 (JS11) addressed grave breaches of treaty-based and customary humanitarian law between February 2009 and 19 May 2009. JS11 was particularly concerned at the repeated military action against Tamil people in the “no fire zones” established by the Government at the beginning of January 2009.⁶⁴

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

34. JS1 stated that the review period witnessed a further deterioration in the rule of law in Sri Lanka with challenges ranging from the increased centralization of power by the executive and politicization of independent institutions to the lack of investigation and prosecution into serious human rights abuses and the introduction of draconian security laws, all of which contributed to the consolidation of a culture of impunity.⁶⁵ According to AI, impunity for human rights abuses is perhaps the greatest obstacle to reconciliation in Sri Lanka.⁶⁶

35. CWVHR stated that Sri Lanka had consistently failed to apply the rule of law and due process in prosecuting war crimes on both sides and in legal proceedings relating to prisoners. This was due to politicized, weak and corrupt police, public service and judiciary.⁶⁷ TCHR expressed concern that violence against women, sexual harassment, rape, especially Tamil women continues with impunity.⁶⁸ CSW recommended taking significant steps to bring an end to the climate of impunity within the state.⁶⁹ Society for Threatened Peoples (STP) made a similar recommendation.⁷⁰

36. People for Equality and Relief in Lanka (PEARL) stated that impunity reigned which the Government had repeatedly made promises to set up commissions of inquiry for accountability and recognition of crimes, including egregious war crimes, crimes against humanity and genocide committed against Tamil civilians, all of which had failed.⁷¹

37. HRW stated that since the war ended, the Government had not launched a single credible investigation into alleged abuses. The lack of investigation was conspicuous with regard to several incidents featured in two documentaries by the British television station Channel 4 showing gruesome images of apparent summary executions of captured and bound LTTE combatants.⁷²

38. HRW and JS14 reported that, despite strong evidence of involvement by state security forces in the execution-style slayings of five students and 17 aid workers in 2006, government inquiries had languished and no one had been arrested for the crimes.⁷³ JS14 recommended the publication of the full report by the Presidential Commission of Inquiry.⁷⁴

39. JS7 noted that the remedy of *habeas corpus* in Sri Lanka had proved an ineffective remedy due to long delays in the disposal of complaints; lack of cooperation from security agencies such as the military, police and intelligence services; and increasing unwillingness of the judiciary to exercise its duty to protect the liberty of the individual.⁷⁵ ICJ recommended enacting *habeas corpus* legislation clarifying that the applicable standard of proof imposed on the petitioner is “balance of probabilities”.⁷⁶

40. The HRCSL noted that the overcrowding of the remand prisons was due to the delay in prosecution, concluding investigations and lack of provision of bail or inability of the remandee to furnish the bail owing to the stringent bail conditions.⁷⁷

41. AI noted the establishment of Lessons Learnt and Reconciliation Commission (LLRC) in May 2010 to investigate events between the February 2002 ceasefire with the LTTE and the end of the conflict in May 2009, which was, in the view of AI, neither independent nor impartial in composition or performance. AI also noted that the UN SG's Panel of Experts on Accountability in Sri Lanka, established in June 2010 reached similar conclusions, particularly in relation to the LLRC's lack of witness protection. According to AI, the LLRC acknowledged that civilians, including those in hospitals, suffered directly as a result of LTTE and government shelling, but was unable to establish the facts about the conduct of the armed conflict. AI further alleged that the LLRC's rejection of allegations that the Government had targeted civilians and deliberately downplayed the number of civilians caught up in the final phase of the conflict was not backed up by evidence.⁷⁸ In addition, AI recommended that no amnesties be considered or granted to perpetrators of violations of human rights or humanitarian law identified by the LLRC investigations, regardless of their status or role in the Government.⁷⁹

42. Centre for Canadian Tamils (CCT) also expressed concern that no initiative has been taken to implement the LLRC recommendations, including closing military camps close to residential areas and granting legal land ownership to those who had been resettled, by the Government.⁸⁰ A similar concern was expressed by Christian Solidarity Worldwide (CSW).⁸¹

43. With respect to an accepted recommendation to introduce a Witness and Victim Protection Bill in Parliament and implement the legislation, including by establishing the necessary institutions in the previous UPR, AI noted that the bill was introduced but never voted with the result that there was no witness protection legislation in the country. According to AI, this has had a grave impact on accountability.⁸²

44. AI recommended that effective witness protection be provided to all witnesses.⁸³ JS14 also recommended that Sri Lanka review all procedures, legal regulations and national legislations to ensure that the rights of victims to timely, prompt and effective remedies are respected and strengthened.⁸⁴

45. Sri Lanka Advocacy Network (SLA) also recommended launching immediately credible investigations into the disappearances reported to the LLRC, bringing those proven responsible to justice, and passing effective witness protection legislation to enable witnesses to give evidence fearlessly before such investigation mechanisms.⁸⁵

4. Right to privacy, marriage and family life

46. JS2 recommended immediately decriminalizing same-sex sex relations between persons who are over the age of consent and ensuring that the same age of consent applies to sexual activities between persons of the same sex as persons of a different sex.⁸⁶ JS2 also recommended immediately including the right to privacy in the national Constitution.⁸⁷

47. JS5 recommended adopting legal provisions prohibiting early and forced marriages and raising the minimum legal age for marriage to 18 years for both boys and girls.⁸⁸

5. Freedom of movement

48. ECCHR noted that female ex-combatants had limited mobility and freedom, diminished status in villages, faced a higher risk of rape and violence, and almost no recourse to justice. They were not allowed to move outside of their district without permission.⁸⁹ GTF noted that through its vast network of checkpoints, between and within

villages and towns, the security services were able to restrict the movement of residents and monitor their activities, as also noted by PEARL.⁹⁰

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

49. CSW noted a 2011 government circular stipulating that permission be required to conduct religious activities. The circular deems any construction of a place of worship or continuation of a place of worship or any activity by a religious leader illegal unless it has been duly approved by the Ministry of Budhha Sasana and Religious Affairs. CSW also noted that the circular gave instructions to the police to intervene to prevent unapproved construction or activity and required that the application include observations by the regional divisional secretary and chair of the provincial council.⁹¹

50. Joint Submission 17 (JS17) stated that Evangelical Christian churches were facing increasing pressure and harassment by local government bodies to stop worship activities or close down if they are not “recognized” or “registered” with the Government.⁹²

51. European Centre for Law and Justice (ECLJ) noted that under the most recent version of the anti-conversion bill, Sri Lankan citizens would be prohibited from changing their faith unless they were given permission by a local magistrate.⁹³

52. GTF noted that some Hindu temples, the places of worship of the majority of religious Tamils had been desecrated and destroyed, whilst a number of Buddhist structures had been built in the Northern and Eastern region since the end of the war.⁹⁴

53. Despite the constitutional guarantee of the right to freedom of expression, CIVICUS stated that journalists critical of official policies remained at heightened risk and continued to be subjected to physical attacks and abductions with inadequate investigations to bring perpetrators to justice.⁹⁵ PEARL and JS1 expressed a similar concern.⁹⁶ CIVICUS expressed concern that on 5 November 2011, the Sri Lankan Ministry of Information issued orders requiring news websites with any content relating to the country to register without delay.⁹⁷ Joint Submission 12 expressed similar concerns.⁹⁸

54. Joint Submission 13 (JS13) recommended: ceasing harassment, threats, attacks, and murders of media workers.⁹⁹ Joint Submission 3 and Article 19 also recommended that Sri Lanka: create an autonomous and independent public service broadcaster; ensure that the state-owned media are independent and impartial; improve the transparency of media ownership and refrain from using advertising contracts to influence media content; introduce a competition commission to safeguard media pluralism; ensure that media regulation is kept free from political interference; cease requiring licenses for news websites; and abstain from blocking and filtering internet-based media.¹⁰⁰

55. CWVHR stated that people were not permitted to assemble freely without prior permission from the military for non-religious activities in Jaffna. The military continually interfered with, disrupted and threatened events organized by civic groups.¹⁰¹ PEARL and CIVICUS expressed a similar concern¹⁰². CIVICUS recommended that training be given to members of security forces on the UN Basic Principles on the Use of Force and Firearms.¹⁰³

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

56. CTC recommended developing ways in which Tamil women can explore and develop forms of economic enterprise.¹⁰⁴ CWVHR noted that the army was engaged in competitive small businesses, including coffee shops, hotels and tourist services in the Northern Province and it was illegally farming in farmlands which Tamils had traditionally cultivated.¹⁰⁵

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

57. JS1 stated that food security was a problem in most parts of Sri Lanka but was acute in areas that had been directly affected by the war.¹⁰⁶

58. While noting that in 2008, the slum dwellers in Colombo 2 (Slave Island) were evicted with assurances of better housing in Colombo 9 and put in temporary shelters in Colombo 15, JS15 recommended that Sri Lanka resettle the existing slum dwellers and those previously evicted in proper adequate and accessible facilities for housing, health, education and means for income generation.¹⁰⁷

59. Joint Submission 8 (JS8) recommended issuing a policy document regarding housing schemes ensuring that while participation by beneficiaries is encouraged, single women are provided with additional support.¹⁰⁸

9. Right to health

60. HRW recommended expanding sexual, reproductive, and mental health programmes for survivors of gender-based violence in the North and East. HRW further recommended continuing to work with UNICEF on the rehabilitation and reintegration of former child soldiers.¹⁰⁹

61. The HRCSL stated that the Government needed to take measures to ensure legal awareness and free legal aid for people living with HIV and targeting communities to ensure dignified life with access to health and legal services.¹¹⁰

10. Right to education

62. CSW noted several recent cases of schools refusing admission to Protestant children on the grounds of religion. Although public schools require children to receive education about their own religion, very few schools had provision for religious education in Christianity.¹¹¹

63. JS1 noted the shortage of Tamil-language teachers, especially in the hill country, and reduced access and availability of education in the Tamil-language within those communities, which in turn impacted on the socio-economic opportunities available to these communities and their cultural identity.¹¹²

11. Cultural rights

64. JS1 noted that Tamil was an official language in law but the relevant provisions of the 13th and 16th Amendments to the Constitution had not been fully implemented, particularly within the public service, police and security forces.

65. CWVHR recommended providing Northern and Eastern people with self-governance mechanisms, language rights, land rights and all other political, human rights cultural rights.¹¹³

12. Persons with disabilities

66. JS15 recommended: adopting a national policy and action plan for persons with disabilities without racial, provincial or linguistic discrimination; and providing for adequate infrastructures and facilities in public building for persons with disabilities especially in the North and East Provinces.¹¹⁴

13. Minorities

67. CIVICUS noted that religious and cultural events organized by the Tamil minority continued to be subjected to undue restrictions.¹¹⁵ GTF stressed that the marginalization of

the Tamils was exemplified by the fact that they only constitute 2% of the police in Sri Lanka and 6% of the civil service, despite comprising almost 20% of the country's population.¹¹⁶

68. CSW recommended ensuring that representatives of Muslim communities in the Eastern Province are included in post-war settlement discussions pertaining to these communities.¹¹⁷

14. Migrants, refugees and asylum-seekers

69. HRW noted that hundreds of thousands of Sri Lankan women migrated as domestic workers to other countries, where they are excluded from labour law protections and often work excessive hours, and endure physical, psychological violence, unpaid wages and other abuses. Recruitment agents in Sri Lanka may provide false or incomplete information about jobs abroad, recruit children, and impose illegal fees.¹¹⁸ Similarly, JS1 noted that the national migration policy had yet to be effectively implemented and monitored.¹¹⁹

15. Internally displaced persons

70. The HRCSL reported on a total of 317,790 new IDPs and 304,000 long-term IDPs at the beginning of 2010. While the Government claimed the majority of IDPs had been resettled, it needed to consider the situation of IDPs living with host families and who are in need of a durable solution.¹²⁰

71. JS1 also noted that after the end of the war, there had been significant progress at least in terms of number of "resettled" IDPs. JS1 stated that, although there was progress in some areas, there were continuing problems, including the issue of who was classified as an IDP and lack of durable solutions for those officially resettled.¹²¹ Moreover, both CCT and GTF alleged that thousands of internally displaced people were not allowed to go back to their homes, while a group of people were being moved from camp to camp continuously.¹²²

72. JS1 also stated that the Government and the LTTE were accused of carrying out a series of violations, including forced movement of and restrictions on movement of IDPs, shortages of food, medicine and other essential goods to displaced population and other human rights violations against IDPs, including forcible recruitment and the abduction of individuals.¹²³

73. JS8 noted that thousands of IDPs had lost their title deeds and other land documents. However, the Government had been slow in providing them with relevant documents or mechanisms for those whose records cannot be found. Instead, the Government proposed measures to register their land within a stipulated period.¹²⁴

74. CCT stated that the IDPs who are mainly Tamil Hindus and Catholics had been systematically denied their access to religious observance.¹²⁵

75. According to CCT, thousands of school children in the IDP camps are without proper education/schooling. Few schools have facilities for their continuous education. Most of the teachers appointed are volunteers from the IDP camps themselves.¹²⁶

16. Right to development and environmental issues

76. STP stated that since the end of the war, the north of Sri Lanka had seen a wide range of large-scale development initiatives, including infrastructure and tourist projects. The acquisition of land was often mentioned as problematic and land grabbing was an often repeated allegation.¹²⁷ Similarly, MRG noted the concern among minorities at the lack of consultation and participation of local people in the projects.¹²⁸

77. The HRCSL wished to see the Government implement due process in the distribution of lands to the poor and landless people and the second generation of IDPs as an approach to poverty alleviation. It also observed the acquisition of land for security establishment and development purposes and that some areas acquired as high security zones during the conflict were being turned into Special Economic Zones.¹²⁹

17. Human rights and counter-terrorism

78. AI noted that the PTA, which permits extended administrative detention, had been retained. According to AI, the authorities introduced new regulations under the PTA to continue detention of LTTE suspects without charge or trial, and that the PTA reversed the burden of proof where torture and ill-treatment was alleged and restricted freedom of expression and association, as also noted by MRG.¹³⁰ ECCHR expressed similar concerns highlighting the fact that the PTA perpetuated a climate of fear and intimidation where women are vulnerable to gender-based violence and the worst form of discrimination,¹³¹ as noted by GTF.¹³²

79. ECCHR also noted the high level of militarization in the North and East. The PTA has empowered members of the police and military to search and question Tamil women suspected for association with LTTE creating a climate of intimidation.¹³³

18. Situation in or in relation to specific regions or territories

80. TAG stated that Tamil civilians were targeted during the final stages of the war in 2009; were interned in camps for months; and that the Government continued to engender a climate of fear among the Tamil population of the North and East of Sri Lanka.¹³⁴ IIPJHR expressed similar concerns.¹³⁵

81. CWVHR noted that the majority Tamil Northern province of Sri Lanka was under intense militarization.¹³⁶ According to MRG, in the Jaffna peninsula, there are some 40,000 army personnel, a ratio of approximately 1:11 of military personnel to civilians. The situation in Vanni is much worse with the ratio reportedly being 1:3. The military has been given key civilian administrative positions, including the Governors of the Northern and Eastern Provinces.¹³⁷ GTF expressed a similar concern.¹³⁸

82. The National Council of Canadian Tamils stated that the military perpetuated the continued displacement of tens of thousands of Tamils by seizing large amounts of public and private Tamil lands to build military bases.¹³⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

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| AI | Amnesty International, London (United Kingdom of Great Britain and Northern Ireland-UK-); |
| Article19 | Article 19, London (UK); |
| BTF | British Tamils Forum, London (UK); |
| CCT | Centre for Canadian Tamils (Canada); |
| CIVICUS | CIVICUS, World Alliance for Citizen Participation, Johannesburg (South Africa); |
| CSW | Christian Solidarity Worldwide, Surrey (UK); |
| CTC | Canadian Tamil Congress (Canada); |
| CTYA | Canadian Tamil Youth Alliance (Canada); |
| CWVHR | Centre for War Victims and Human Rights (Australia, Canada and New Zealand); |

| | |
|---------|---|
| ECCHR | European Center for Constitutional and Human Rights, Berlin (Germany); |
| ECLJ | European Centre for Law and Justice, Strasbourg (France); |
| FLD | Front Line Defenders, Dublin (Ireland); |
| FT | Freedom from Torture, London (UK); |
| GIEACPC | Global Initiative to End All Corporal Punishment of Children (UK); |
| GTF | Global Tamil Forum (UK); |
| HRW | Human Rights Watch, New York (United States of America -USA-); |
| ICJ | International Commission of Jurists, Geneva (Switzerland); |
| IMADR | International Movement Against All Forms of Discrimination and Racism, Tokyo (Japan); |
| MRG | Minority Rights Group International, London (UK); |
| NCCT | National Council of Canadian Tamils, Ontario (Canada); |
| NESoHR | North East Secretariat on Human Rights, Kilinochichi (Sri Lanka); |
| PEARL | People for Equality and Relief in Lanka, Washington D.C. (USA); |
| SLA | Sri Lanka Advocacy Network, Frankfurt (Germany); |
| STP | Society for Threatened Peoples (Switzerland); |
| TAG | Tamils Against Genocide (USA); |
| TCHR | Tamil Centre for Human Rights, Garge les Gonesse (France); |
| TIC | Tamil Information Centre, London (UK); |
| TYO | Tamil Youth Organisation (UK); |
| JS1 | Joint Submission 1 submitted by Centre for Human Rights & Development, Centre for Policy Alternatives, Centre for Promotion & Protection of Human Rights, Centre for Women and Development, Jaffna (Sri Lanka), Dabindhu Collective, Equal Ground, Families of the Disappeared, Home for Human Rights, Human Rights Organization, Kandy (Sri Lanka), INFORM Human Rights Documentation Center, International Movement Against Discrimination and Racism (Asia Group) (Japan), Janaawaboda Kendrya, Law and Society Trust, Lawyers for Democracy, Mothers and Daughters of Lanka, Movement for Defense of Democratic Rights, national Fisheries Solidarity Movement, National Peace Council, Praja Abhilasha Network, Puravasi Kamituwa, Red Flag Women's Movement, Right to Life Human Rights Centre, Rights Now Collective for Democracy, Savisthri Women's Movement, South Asia Network for Refugees, IDPs and Migrants Sri Lanka (SANRIM Sri Lanka), Stand-Up Movement (SUM), Women Action Network, Women and Media Collective, Women Support Group, and Women's Centre; |
| JS2 | Joint Submission 2 submitted by Equal Ground (Colombo, Sri Lanka), Estate Community Care Organization (Mathugama, Sri Lanka), Rural Women's Front (Galle, Sri Lanka), Rajarata Gami Pahana (Anuradhapura, Sri Lanka), Sinhala, Tamil Rural Women's Network (Nuwara Eliya, Sri Lanka); |
| JS3 | Joint Submission 3 submitted by Committee to Protect Journalist (New York, USA), International Federation of Journalist (Sydney, Australia), International Media Support (Copenhagen, Denmark), Journalists for Democracy in Sri Lanka (Bremen, Germany), PEN International (London, UK), and Reporters Without Borders (Paris, France); |
| JS4 | Joint Submission 4 submitted by Janasanasaya (Panadura, Sri Lanka) and The Citizens Committee of Gampaha District (Ekala, Sri Lanka); |
| JS5 | Joint Submission 5 submitted by PEaCE/ECPAT Sri Lanka and ECPAT International; |
| JS6 | Joint Submission 6 submitted by United States Tamil Political Action Council (USTPAC, Washington D.C., USA) and Pasumai Thaayagam Foundation (Chennai, India); |
| JS7 | Joint Submission 7 submitted by Asian Legal Resource Centre (Hong Kong, China), Rehabilitation and Research Centre for Torture Victims (Copenhagen, Denmark), and Action by Christians Against Torture France (ACAT, Paris France); |
| JS8 | Joint Submission 8 submitted by The North East Women's Action Network (Sri Lanka) and the Centre for Human Rights and Development (Sri Lanka); |
| JS9 | Joint Submission 9 submitted by Asian Human Rights Commission (Hong Kong, China) and Rule of Law Forum (Colombo, Sri Lanka); |

- JS10 Joint Submission 10 submitted by CREA, EQUAL GROUND, Sexual Rights Initiative and the Women’s Support Group Sri Lanka (Sri Lanka);
- JS11 Joint Submission 11 submitted by International Education Development, A Non-Governmental Organization on the Roster and the Association of Humanitarian Lawyers, CA (USA);
- JS12 Joint Submission 12 submitted by Observatory for the Protection of Human Rights Defenders (a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT)), Geneva (Switzerland);
- JS13 Joint Submission 13 submitted by Free Media Movement (Colombo, Sri Lanka), INFORM Human Rights Documentation Centre (Colombo, Sri Lanka) and Networking for Rights in Sri Lanka (Reseda, CA, USA);
- JS14 Joint Submission 14 submitted by Action Contre la Faim (France) and SPEAK Human Rights & Environmental Initiative (USA);
- JS15 Joint Submission 15 submitted by Franciscans International and Marist International Solidarity Foundation, Geneva (Switzerland);
- JS16 Joint Submission 16 submitted by Consortium of Humanitarian Agencies (Colombo, Sri Lanka) and the Institute of Human Rights (Colombo, Sri Lanka);
- JS17 Joint Submission 17 submitted World Evangelical Alliance (London, UK) and Asia Evangelical Alliance.

National human rights institution

HRCSL Human Rights Commission of Sri Lanka, Colombo (Sri Lanka)

- ² JS15, para 50.
- ³ HRCSL, paras 2.1. – 2.5.
- ⁴ See also FT, para 32.
- ⁵ AI, p. 5. See also SLA, paras 26, 27 and 30.
- ⁶ CTYA, p. 4.
- ⁷ AI, p. 2. See also TIC, para 3.2.
- ⁸ JS1, para 2.
- ⁹ JS1, para 13.2.
- ¹⁰ ICJ, p. 5.
- ¹¹ ICJ, p. 5.
- ¹² HRCSL, para 5.
- ¹³ AI, p. 2. See also JS1, para 3.
- ¹⁴ JS7, para 4.6.
- ¹⁵ TIC, para 3.1.
- ¹⁶ AI, p. 4.
- ¹⁷ JS17 paras 4 – 5f.
- ¹⁸ AI, p. 2.
- ¹⁹ JS1, para 1.8.
- ²⁰ JS15, para 14.
- ²¹ JS4, p. 11.
- ²² SLA, para 29. See also ICJ, p. 6.
- ²³ CIVICUS, para 5.5., p. 5. See also CSW, paras 20 – 21 and FLD, para 18 (5).
- ²⁴ ECCHR, para 24.
- ²⁵ FT, para 31. See also SLA para 25.
- ²⁶ BTF, p. 5 and CWVHR, p. 5.
- ²⁷ JS6, p. 2 and JS14, p. 10.
- ²⁸ JS1, para 14. 2.
- ²⁹ JS16, paras. 5(d) and 7(e).
- ³⁰ JS1, para 14.1.
- ³¹ JS16, paras. 5d and 7e.
- ³² JS2, p. 7.
- ³³ ECCHR, para 21.
- ³⁴ JS10, p. 2.
- ³⁵ ICJ, p. 6.

- ³⁶ AI, p. 4.
³⁷ JS6, p. 7.
³⁸ CWVHR, para 4.
³⁹ FLD, para 6 and MRG paras 11 – 15.
⁴⁰ AI, p. 3. See also CSW, para 25.
⁴¹ TAG, para 11. See also JS1, para 11.2.
⁴² TCHR, p. 3.
⁴³ IMADR, para 14(e). See also JS7, para 3.6.
⁴⁴ FT, para 5.
⁴⁵ JS1, para 4.1. and JS9 paras 1.3. and 1.5.
⁴⁶ FT, para 28.
⁴⁷ AI, p. 3. See also JS4, para 3.
⁴⁸ JS9, p. 10.
⁴⁹ AI, p. 3.
⁵⁰ TCHR, p. 2.
⁵¹ CTC, para 12.
⁵² CTC, para 25. See also CTYA, p. 1 and pp. 3- 4, CTC, para. 5, and GTF, p. 3.
⁵³ CIVICUS, para 2.3., p. 3.
⁵⁴ CIVICUS para 2.4., p. 3.
⁵⁵ HRW, p. 3.
⁵⁶ TYO, paras 13 – 16.
⁵⁷ JS1, para 5.1.
⁵⁸ CIVICUS, para 5.2., p. 5. See also FLD, para. 5.
⁵⁹ FLD para 18 (1).
⁶⁰ JS5, para 1.1.3. and para 1.1.3.6.
⁶¹ JS5, 1.1.3.6.
⁶² GIEACPC, p. 1.
⁶³ MRG, p. 5.
⁶⁴ JS11, paras. 1 and 7.
⁶⁵ JS1, para 1.1.
⁶⁶ AI, p. 4.
⁶⁷ CWVHR, para 6.
⁶⁸ TCHR, p. 5.
⁶⁹ CSW, para 34. See also GTF, p. 3. and p. 7.
⁷⁰ STP, para 28.
⁷¹ PEARL, p. 2.
⁷² HRW, p. 1.
⁷³ HRW, p. 2. and JS14, executive summary.
⁷⁴ JS14, p. 10.
⁷⁵ JS7, para 5.4.
⁷⁶ ICJ, p. 5.
⁷⁷ HRCSL, para 7.
⁷⁸ AI, p. 3. See also CTC, para 6 and FLD, paras 9 – 10.
⁷⁹ AI, p. 4.
⁸⁰ CCT, p. 3.
⁸¹ CSW, para 23.
⁸² AI, p. 2.
⁸³ AI, p. 4.
⁸⁴ JS14, p. 10.
⁸⁵ SLA para 23.
⁸⁶ JS2, p. 7. See also JS1, para 13.1.
⁸⁷ JS2, p. 7.
⁸⁸ JS5, para 1.1.3.6.
⁸⁹ ECCHR, para 16.
⁹⁰ GTF, p. 1 and PEARL, p. 2.
⁹¹ CSW, para 10.

- 92 JS18, para 9.
93 ECLJ, para 13.
94 GTF, pp. 1 - 2.
95 CIVICUS, para 3.2, p.3.
96 PEARL, p. 2. and JS1, paras 7.1. – 7.4.
97 CIVICUS, para 3.4, p. 4.
98 JS12, pp 1 – 3.
99 JS13, p. 10.
100 JS3, Section VII, Recommendations on p. 13. See also Article 19, para 18.
101 CWVHR, para 16.
102 PEARL, p. 2. See also JS1, paras 6.1. – 6.2 and CIVICUS, para 4.1, p. 4.
103 CIVICUS, para 5.4, p. 5.
104 CTC, para. 4.
105 CWVHR, para 10.
106 JS1, para 16.2.
107 JS15, para 24.
108 JS8, p. 10.
109 HRW, p. 5.
110 HRCSL, para 4.1.
111 CSW, para 42.
112 JS1, para 15.2.
113 CWVHR, p. 5. See also JS1, para 15.1.
114 JS15, para 50.
115 CIVICUS, para 4.4, p. 4.
116 GTF, p. 2.
117 CSW, para 45.
118 HRW, p. 4.
119 JS1, para 18.1.
120 HRCSL, para. 1.
121 JS1, para. 8.1.
122 CCT, p. 1 and GTF, p. 3.
123 JS1, para 8.1.
124 JS8, p. 3.
125 CCT, p. 3.
126 CCT, p. 1.
127 STP, para 7.
128 MRG, para 47.
129 HRCSL, para. 9.
130 AI, p.2. See also TIC, para 4.1., NESoHR, p. 2., MRG, para 7, and JS1, para 1.6.
131 ECCHR, para 16. See also JS1, para 2.1.
132 GTF, p. 3. See also ECCHR, paras 12 and 15 – 18.
133 ECCHR, paras 12 and 15 – 18.
134 TAG, para 1.
135 IIPJHR, p. 2.
136 CWVHR, para 8.
137 MRG, paras. 16 – 17.
138 GTF, pp. 1 – 2.
139 NCCT, p. 1.