



Asylum seekers, IDPs, Returnees and Refugees

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Approx. 120 words noting recommendations made to Sri Lanka on the relevant theme in the first and second cycle .

In its first review, Sri Lanka accepted all six recommendations on internally displaced persons (IDPs). These addressed; protection and security in IDP camps, safeguarding the rights to voluntary and safe return and to restitution of housing and lands in conformity with international standards and the need to adopt a policy to provide IDPs with adequate housing solutions. The recommendation to enter into further agreements with countries hosting its migrants workers was accepted, while the recommendation to increase its cooperation with UNHCR, provide unrestricted access for international humanitarian aid was noted.

In the second cycle, ten recommendations directly addressed the need to intensify its efforts to ensure the return of displaced persons to their places of origin and compensated them whenever return is not possible. 9 recommendations were accepted while Canada’s recommendation to “Create a mechanism to ensure that all internally displaced persons, including 66,151 “Old IDPS” and further 37,123 living with host communities, receive a written statement detailing their entitlements and plans for return to their original homes” was noted. Sri Lanka also noted the recommendation to accept articles 76 and 77 of the ICRMW.

NATIONAL FRAMEWORK

Approx. 200 words outlining relevant national legislation, statistics, policies and initiative.

Since the end of civil war in 2009, those who had fled the country, especially to south India, started to return to their villages. Data from the 2012 national census shows that in Mullativu 44.5% and 24.4% in Killinochchi were living in temporary shelters.

CHALLENGES

IMPACT

Backlog in addressing housing and property rights of Refugees and Returnees.

There are still xxxx Acres of land possessed by the military.

Lack of legal framework for support of Refugees and Returnees.

Lack of legal documentation and the unwillingness by the Government to recognize documents issued in Tamil Nadu affect the right to return, access benefits, livelihood, and basic facilities. Legal documents are also denied on the basis of inadequate background documents. Many returnees encounter difficulties in obtaining the essential documents such as birth certificate, marriage certificate, death certificates due to various reasons such as unregistered/unavailable birth certificates of the parents; unregistered/unavailable marriage certificates of the parents; unavailability of legal marriage certificates, (despite evidence of a customary marriage; unavailability of grandparent’s birth certificate; inability to obtain consular birth certificates; and mistakes in birth, death and marriage certificates.

CHALLENGES

IMPACT

Penalties on Refugees

GOSL levies penalties on persons not carrying the UNCHR return card. Many returnees face extreme delay in obtaining their citizenship application, a penalty (Rs.25,000/- penalty for registration of citizenship above 21 years) is charged. For the persons below 21 years old, late registration penalty (Rs.5,000/- + Rs.500/- for every year of delay) is levied if they don't possess UNHCR's return document. The state refuses to waive these penalties

Returnees don't receive housing within a reasonable time.

Data from the 2012 national census shows that in Mullativu 44.5% and 24.4% in Killinochchi were living in temporary shelters. There is a backlog in addressing housing and property rights of IDPs with 60,000 houses of originally displaced, and another 75,000 needed to meet the requirements of subdivided families and landless.

No mechanism or policy for re-integration returnees.

Returnees face difficulties in finding employment opportunities. There is also difficulty in having their educational qualifications recognised in Sri Lanka, and students are ineligible for state universities. Upon return, those, who have earned their academic degrees and diplomas, face the risk of their education being unrecognized as many students earn their graduation from the Universities / Deemed Universities and Poly-Technical Universities that are listed neither in the Common Wealth Book of Universities nor the World Book of Universities.

Sri Lanka has not signed the Refugee Convention.

Asylum seekers are turned away at the airport with no hearing. Refugees have no right to work and are reliant on UNHCR for all needs. Asylum seekers are even more vulnerable since they don't receive the UNHCR allowance. In 2014, GOSL detained and deported 385 asylum seekers.

Land acquisition by the Military

The military has occupied civilian lands for military purposes and commercial establishments run by the military.

RECOMMENDATIONS

Approx. 360 words extracting recommendations from CSO submissions and directly related to the challenges described above (approx 10 SMART recommendations in bullet points).

1. **Ensure that all lands acquired by the military is given back without delay to its former owners or occupants.**
2. **Establish a mechanism to support speedy settlement of Refugees and Returnees.**
3. **Ratify the Convention Relating to the Status of Refugees and its protocol.**
4. **Remove or waive all penalties for registration of citizenship**
5. **Ensure that adequate housing facilities are provided within reasonable time for returnees.**