SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Sri Lanka accepted all three recommendations made during the first and second cycle, relating to; promotion of women’s education, increased accessibility to education, and school reintegration of children who participated or were affected by the conflict. Sri Lanka pledged in the first cycle to continue investment in education and in the second cycle to enhance support to students with mid-day meals, uniforms and learning materials. It further pledged to introduce human rights content in education systems. In its latter pledge it informed that; child rights committees are being established in every school, ongoing island-wide recruitment of Tamil medium teachers and that national competency standards for vocational education were to be made available in all national languages.

NATIONAL FRAMEWORK

Sri Lanka’s high literacy levels and universal access to primary-level schooling are the outcomes of a free public education system. However, right to education is not a constitutional right.

The Final Report of the Public Representations Committee on Constitutional Reforms (PRC) called for constitutional recognition of the right to education and further suggested “a right to primary, secondary and tertiary education at the cost of the state.

Latest available data show 34% of the schools across the country classified as ‘difficult’ or ‘very difficult’, with only 9% of schools country-wide offering Advanced (Secondary) Levels in all subject streams. Rural areas (70% of the population), Estates and war affected North and the East have the least number of well-resourced schools, with access further hindered by caste and ethnicity. The NHDR (2014) also shows that, nationally, 60% of young people who dropped out or discontinued schooling identified cost of education as a barrier.

In 2017, the state cut over 100 billion rupees on education, ignoring demands to commit 6% of GDP to education, and is pushing privatization, which may further erode access to education as a right.

CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>High cost of Education</td>
<td>Despite public education being free, families have to shoulder a number of obvious and hidden financial costs—for school maintenance, extra-curricular activities, additional tuition classes and in particular donations for school admittance, which are essentially substantial bribes to the schools. Costs of boarding or hostels and everyday transport, in cases where schools or tuition classes are far, are additional cost barriers to low-income or underprivileged households.</td>
</tr>
<tr>
<td>Lack of facilities in schools</td>
<td>Inter- and intra-regional disparities in school infrastructure, trained staff, choice of subjects and transport have also led to unevenness in access to and quality of education. The latest available data reveals that 34% of the schools across the country are classified as ‘difficult’ or ‘very difficult’, with only 9% of schools (distributed unequally</td>
</tr>
</tbody>
</table>
### CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of facilities in schools</td>
<td>countrywide) offering A/LS in all subject streams. Rural areas (70% of the population) have the least number of well-resourced schools. A 2012 school census indicates that 80% of schools in Mannar district, 75% of schools in Kilinochchi district and 53 percent of schools in Mullaithivu district were without electricity. The census further indicates that there are more than 10% of schools in 20 districts out of the 25 districts without access to water.</td>
</tr>
<tr>
<td>Privatisation of education</td>
<td>The state is inclined to permit private sector to open private education institutions. The recent case of Suriyarakchi v SLMC (the SAITM case) indicates a regressive trend. In this case, the judiciary implicitly sanctioned the dire deficiencies in state regulation of private tertiary educational institutions.</td>
</tr>
</tbody>
</table>

### RECOMMENDATIONS

1. Eliminate all hidden costs in free public education.
2. Ensure adequate infrastructure, budgetary and human, including their equitable distribution across the country at all levels of the education system.
3. Ensure that the right to education is recognized as a fundamental right in the new constitution.
4. Ensure that education policies recognize the wider social purpose of education.
5. Allocate at least 6% of GDP for education sector.
SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Freedom of assembly and association
Sri Lanka received no recommendations directly linked to freedom of assembly and association during the first and second UPR cycle. Sri Lanka ratified the International Covenant on Civil and Political Rights in 1980. It stipulates that the right of peaceful assembly shall be recognized (article 21) and that everyone shall have the right to freedom of association (article 22). Nine recommendations over two cycles related to human rights defenders.

Freedom of opinion and expression
During the first UPR cycle, Sri Lanka accepted two recommendations concerning freedom of opinion and expression; agreeing to adopt effective measures to ensure the full realization of the right to freedom of expression for all persons and effectively investigate allegations of attacks on journalists, media personnel and human rights defenders. In the second cycle, Sri Lanka noted all five recommendations on the topic. These concerned; inviting the Special Rapporteur on freedom of opinion and expression to visit, aligning right to information with international human rights standards, making information on alleged human rights violations public, invite the Special Rapporteur on freedom of opinion, transfer NGO oversight to a civilian institution, refraining from registration of news sites and restricting access to and banning from websites.

Freedom of the press
The two recommendations related to freedom of the press received during the first cycle were accepted. They related to improving safeguards for freedom of the press and effectively investigating allegations of attacks against journalists, media personnel and human rights defenders and prosecute those responsible. During its second review in 2012 the Government noted both recommendations on the theme; to adopt a National Policy on the protection of journalists, prevent attacks on media and investigate such acts.

NATIONAL FRAMEWORK


The present regime re-activated the Sri Lanka Press Council in July 2015 through the provisions of the Press Council Law No. 5 of 1973. This law provides for wide ranging punitive powers including that of imprisoning media personnel through the Press Council, which is appointed by the government.

Right to Information Act, No 12 of 2016 was passed by the new government in 2016, but there is a lack of political will to implement the law. Information Officers are to be appointed to all government institutions under the new law.

The Prevention of Terrorism Act (PTA) and the proposed Counter Terrorism Act contain provisions to curtail freedom of expression. Some journalists have been penalized under the PTA, for publication of certain information.
## CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attacks on journalists</td>
<td>No satisfactory progress against the culprits of cases of murder of Lasantha Wickramatunga and disappearance of Prageeth Ekneligoda. The Navy Commander assaulted in public a journalist during a media coverage at Hambantota. No actions were taken against him.</td>
</tr>
<tr>
<td>Threatening whistle-blowers</td>
<td>Minister of Justice Wijedasa Rajapakse publicly threatened to remove Mr. Lakshan Dias Attorney at Law from his profession due to revealing harassments against religious minorities.</td>
</tr>
<tr>
<td>Attacks on protests</td>
<td>in October 2015 the Police attacked HNDA (Higher National Diploma in Accountancy) students who engaged in a protest. In December 2016 Navy was deployed to supress a protest of workers in port of Hambantota. The Students protesting against private universities (such as SAIMT) have continuously been attacked.</td>
</tr>
<tr>
<td>Police actions against peaceful events</td>
<td>The police obstructed a remembrance event on 18 May 2017. The Police harassed the organizers and took steps to prevent the participants from holding the event.</td>
</tr>
<tr>
<td>Provisions of Anti-terrorism laws hinder freedom of expression</td>
<td>Proposed Counter Terrorism Act and the existing Prevention of Terrorism Act pose threat to publication of certain information on pretext of national security, and pose threat on activists being arrested.</td>
</tr>
<tr>
<td>Lack of training for Information Officers under Right to Information Act</td>
<td>Many institutions are still reluctant to release information requested by citizens. Information officers are not properly trained, and still follow old practice of keeping information rather than sharing it.</td>
</tr>
<tr>
<td>No political will to implement Right to Information Act</td>
<td>The President himself criticized an application for information on his assets and income. Processing of requests is unnecessarily delayed while information could easily be released.</td>
</tr>
</tbody>
</table>

## RECOMMENDATIONS

1. Take measures to promote a safe and enabling environment for civil society organisations, journalists and human rights defenders to perform their work independently and without undue interference.

2. Expedite investigations against the culprits of offences against journalists and hold perpetrators accountable. Abolish the Prevention of Terrorism Act.

3. Investigate all allegations of attacks against peaceful protestors and hold perpetrators accountable, including police officers.

HUMAN RIGHTS DEFENDERS

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 2008, first cycle recommendations highlighted the need for further measures to; ensure a safe environment for defenders and protection against unjust criminalisation and investigate allegations of attacks including against those collaborating with the UN. Second cycle recommendations called for the adoption of a national policy on protection of defenders and journalists, prevent attacks against these groups and prosecute perpetrators, and ensure that missing defenders are investigated by an independent police commission.

NATIONAL FRAMEWORK

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

There is no specific legislation addressing human rights defenders such as a Declaration on Human Rights Defenders, but Chapter 3 of the Constitution of Sri Lanka guarantees fundamental rights of citizens. It guarantees freedom of thought, conscience and freedom of speech and freedom of movement.

Right to Information Act, No 12 of 2016 was passed by the new government in 2016, but there is a lack of political will to implement the law.

CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture of impunity</td>
<td>Cases regarding abductions and killings of pro human rights persons including Prageeth Ekneligoda and Lasantha Wickramatunga, lacks considerable progress. In both cases Military personnel were suspected. The potential arrest of suspects were criticized by nationalistic movements.</td>
</tr>
<tr>
<td>Arrest of Human rights defendants</td>
<td>Ruki Fernando and Fr. Praveen Maheshan were arrested by the Police. Without proper charges, they were later released, showing that the arrests were to put pressure on human rights defenders.</td>
</tr>
<tr>
<td>No political will for implementation of Right to information law.</td>
<td>Application for information was openly criticized by the President himself. Certain applications (E.g. application for a copy of Presidential Commission on the death of Roshen Chanaka) are unnecessarily delayed.</td>
</tr>
<tr>
<td>Limits on right to expression</td>
<td>Human rights lawyer Lakshan Dias was threatened by the Minister of Justice over his statement that religious minorities are being harassed. The minister’s comments on the potential disbarment of Lakshan Dias further agitated the general public to act against the lawyer.</td>
</tr>
</tbody>
</table>
RECOMMENDATIONS

1. Expedite the existing legal process over crimes against Human Rights defendants in the past.

2. Ensure swift and independent investigation of allegations of mistreatment against human rights defenders and hold perpetrators accountable.

3. Provide representatives of ministries with trainings on freedom of speech and expression to increase domestic compliance with these international rights.

4. Ensure that all government establishments comply with Right to information law.
SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES
Over two UPR cycles, no recommendations have mentioned indigenous or plantation groups.

NATIONAL FRAMEWORK
Sri Lanka has voted in favour of United Nations Declaration on the Rights of Indigenous Peoples adopted in 2007. However there is no special legislation or mechanism to protect the right of the indigenous people called “Veddhas”. Wildlife conservation laws and regulations (Fauna and Flora protection Ordinance, Forest Ordinance and National Heritage and Wilderness Areas Act) have deprived them of hunting grounds and criminalized their livelihood. Large development projects have led to their forced resettlement, a majority of whom are socially isolated and economically and politically marginalized.

Development projects and urbanization undermine their culture, for example patriarchal rules of inheritance are displacing matrilineal ones.

CHALLENGES | IMPACT
--- | ---
No legislation to protect land rights of Veddhas. | Existing laws, especially wildlife conservation laws have prevented hunting and cultivation in forests. Veddhas have lived for thousands of years in harmony with nature, and their hunting and agricultural practices were not for commercial purpose but merely for survival. These regulations have criminalized their livelihood, without any considerations toward the cultural circumstances.

Diminishing culture | Resettlement efforts have changed the lifestyle of Veddhas, and have largely merged with outside Sinhalese and Tamil communities, who holds cultural dominance. This has compelled them to adapt to suit the outside world, and to give up their unique traditional lifestyle and even their surnames. Their language and matrilineal inheritance tradition are diminishing as a result.

Exclusion from participation in decision-making processes. | The Veddha community have been denied a hearing in developing policies and plans that affect them. This exclusion coupled with development that has been alienating in nature has left the community struggling to cope with changes and has left the Veddhas economically deprived as well as socially and politically isolated.

Lack of school education | Around 20% of the children in the Veddha community do not attend school. Almost 60% of the girls and 15% of the boys are married before they attain the age of 18, which also hinders access to primary and further education, especially for the girls. The continued failure to change this situation through a comprehensive engagement with the Veddha community is indicative of the larger failure on the part of the State to ensure inclusion and protection of the community’s broader interests.
RECOMMENDATIONS

1. Amend the Fauna and Flora protection Ordinance, Forest Ordinance and National Heritage and Wilderness Areas Act to recognize cultural rights of Indigenous people and to ensure due recognition and protection of and access to the traditional forest habitats of the Veddas.

2. Draft and pass a specific legislation recognizing the cultural practices and rights of Indigenous people in Sri Lanka.

3. Sign and ratify ILO Convention 169 on indigenous peoples and formulate—in consultation with the Vedda community—a time-bound plan of action to ensure adherence to the convention and realization of rights in the UN Declaration of the Rights of Indigenous Peoples.

4. Take concrete legal and administrative measures to ensure recognition of the distinct identity of the Vedda community in law and policy, including their separate enumeration in the census.

5. Establish an independent authority in full consultation with and participation of the community to guide and co-ordinate law and policy with a view to safeguard the interests of the Vedda community.
SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

During its second review Sri Lanka received two recommendations on sexual orientation and gender identity. One recommendation called for strengthened measures to eliminate all discriminatory treatment based on sexual orientation or gender identity and the other recommended decriminalisation of consenting homosexual relationships between persons over the age of consent by repealing Section 365A of the Penal Code. Both were noted.

NATIONAL FRAMEWORK

The Constitution of Sri Lanka does not recognize rights of LGBTQ persons. Article 12 of the Constitution states that, “No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any such grounds” however, LGBTQ identities are not explicitly recognized and often excluded from protection especially because of Article 15(7) permits derogations from the equality clause to “protect(ion) of public health or morality”.

Same-sex sexual conduct is criminalized by the Sections 365, 365A of the Penal Code on the grounds of being “against the order of nature” and “gross indecency. The statute has imposed 2 year imprisonment for persons engaged in such behaviours.

On January 2017, the Cabinet denied the inclusion of the rights of LGBTQ persons, including sexual orientation and gender identity in the National Action Plan for the Promotion and Protection of Human Rights (2017-2022), on the basis that it is against the country’s culture.

Since June 2016, Sri Lanka has permitted the request of a 'Gender Recognition Certificate' by transgender individuals. However, the Circular issued by the Director General of Health Services (General Circular No. 01-34/2016, 16 June 2016) appears to require two different procedures to be carried out together (hormone treatment as well as surgery) in the legal recognition of the gender identity of a transgender individual.

CHALLENGES

- Criminalization of Same-sex sexual conduct.
- Lack of constitutional provision for equal treatment before the law.

IMPACT

- Provisions in the Penal Code of Sri Lanka criminalize Same-sex sexual conduct. As a result, legal actions are taken by police upon receiving information regarding such conduct.
- Provision for Right to equal treatment under Article 12 of the Constitution does not cover LGBTQ persons. As a result, LGBTQ persons cannot legally challenge any official discrimination based on their gender identities.
### CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limitations of existing 'Gender Recognition Certificate' procedure.</td>
<td>Some state interventions such as the “Gender Recognition Certificate” are problematic and invasive as it requires an evaluation by a psychiatrist or a testimony by parents as opposed to self-identification of gender.</td>
</tr>
<tr>
<td>SOGIESC (Sexual Orientation, Gender Identity &amp; Expression and Sex Characteristics) based discrimination.</td>
<td>LGBTIQ persons are denied equal enjoyment of rights such as health, housing, education and social protection. As a result, many experience poverty, deprivation and vulnerability. There are cases of LGBTIQ persons being refused employment based on their gender identity. They face harassment and ill-treatment owing to their sexual orientation or gender identity.</td>
</tr>
</tbody>
</table>

### RECOMMENDATIONS

1. Amend the Penal Code of Sri Lanka to decriminalize consensual Same-sex sexual conduct.

2. Ensure that sexual orientation and gender identity is included as a ground for non-discrimination in the Constitution and reflected in all other laws and policies, as recommended by the Fundamental Rights Sub-committee of the Constitutional Assembly.

3. Permit and revise self-identification of gender by removing the requirement of evaluation by a psychiatrist or a testimony by parents in the Gender Recognition Certificate, allow any transgender individual, upon request, to obtain a change in their gender designation on all identity documents.

4. Adopt comprehensive anti-discrimination legislation and policies enshrining the principles of equality for LGBTIQ persons.

5. Recognise intersecting forms of discrimination, including on the basis of sex and sexual orientation, and adopt and implement policies and programs which address intersectional discrimination.

6. Eradicate harassment and ill-treatment of LGBTI persons owing to their sexual orientation or gender identity, including when perpetrated by public officials.

7. End discrimination against LGBTI persons in access to employment.

8. Allow full access to public services for LGBTI persons.

9. Develop, implement, and intensify training programs and public awareness efforts to educate law enforcement officers, public employees and the general public to address discriminatory stereotypes against LGBTIQ persons.
SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

During its first review in 2008 Sri Lanka received two recommendations concerning minorities. The recommendation to ensure Up-Country Tamils all civil rights, including the right to vote, was noted while the recommendation to ensure no discrimination against ethnic minorities was accepted. The number of minority rights recommendations increased up to seven in the second review, concerning issues such as; safeguarding equal treatment and human rights for all religious denominations, participation of Sri Lankan Muslims in decision making process, participation in reconciliation processes and integration in economic, social and cultural efforts; and dissemination of the National Action Plan in all the official languages and to all ethnicities.

Over two UPR cycles, no recommendations have explicitly mentioned indigenous peoples or plantation groups.

NATIONAL FRAMEWORK

Their history of indentured work and statelessness has left the Malaiyaha Makkal (Up-country Tamils) amongst the most excluded segments of Sri Lankan society. They are descendants of Tamil labourers who were brought from India during the colonial period to work in Tea estates. They are the least paid workers in the country. Levels of poverty among them are higher and levels of education lower compared to the majority population. They also suffer from inadequate access to land, housing, and water. Their access to public services is also constrained. As a consequence, they are exploited as workers and more prone to human and natural disasters.

According to the data from the Household Income and Expenditure Survey, 75.9% households in the Estate sector have a toilet exclusive to the household compared to the national average is 89.9%). Only 67.4% of estate sector households have a source of drinking water within the premises while the data for Urban and Rural sectors is 92% and 79.6% respectively.

Nearly 60% of the workers of tea estates live in 'line rooms', which not only bring stigma but most of which are cramped and very old.

CHALLENGES

<table>
<thead>
<tr>
<th>Risk of exclusion from reconciliation process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower wages</td>
</tr>
</tbody>
</table>

IMPACT

On-going conversations around truth, reconciliation, justice, and reparations have not taken into account the history of systemic violence faced by the community for almost 200 years. Issues of economic exploitation and structural violence has affected the community for far longer than the length of the war and are thus excluded from the reconciliation process.

Up-country tea estate workers are among the workers receiving the lowest wage in Sri Lanka. This has resulted in high levels of poverty, malnutrition and low levels of education.
## CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inadequate access to land and</td>
<td>Up-country estate sector workers have lived in small ‘line rooms’ for generations. Proposals are placed to allocate 7 perch land (177</td>
</tr>
<tr>
<td>housing</td>
<td>sq.m) for each family, yet this programme is still under way. These houses lack access to safe drinking water, toilets and other sanitary</td>
</tr>
<tr>
<td>Limited access to public services</td>
<td>The legacy of this community being governed by companies rather than the state is reflected in the Pradeshiya Sabha Act of 1987. It restricts state and local authorities from providing certain infrastructural development services to Up-Country communities living in Estates.</td>
</tr>
</tbody>
</table>

## RECOMMENDATIONS

1. Consult the up-country Tamil population in the reconciliation process on a frequent basis and in a meaningful manner.

2. Ensure that the Up-country Tamil estate workers receive a reasonable salary equal to workers in other sectors.

3. Implement the proposed scheme to allocate at least 10 perch land for each Up-country Tamil estate family.

4. Amend laws and regulations to enable Up-country Tamil estate workers to have equal access to public services.

5. Take steps to provide sufficient health and sanitary facilities and drinking water supply systems to Up-country Tamil estate workers.
**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**

- Backlog in addressing housing and property rights of Refugees and Returnees.
- Lack of legal framework for support of Refugees and Returnees.

**IMPACT**

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

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalties on Refugees</td>
<td>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</td>
</tr>
<tr>
<td>Returnees don’t receive housing within a reasonable time.</td>
<td>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.</td>
</tr>
<tr>
<td>No mechanism or policy for re-integration returnees.</td>
<td>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.</td>
</tr>
<tr>
<td>Sri Lanka has not signed the Refugee Convention.</td>
<td>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.</td>
</tr>
<tr>
<td>Land acquisition by the Military</td>
<td>The military has occupied civilian lands for military purposes and commercial establishments run by the military.</td>
</tr>
</tbody>
</table>

## 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.
4. Remove or waive all penalties for registration of citizenship.
5. Ensure that adequate housing facilities are provided within reasonable time for returnees.
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.

During its second review, Sri Lanka received six recommendations on freedom of religion and belief. The need to promote interreligious dialogue as a vehicle for reconciliation, tolerance and peaceful coexistence featured in three, accepted, recommendations. Noted recommendations concerned legislative amendments to the Penal Code to safeguard rights of women from all religious and ethnic communities, and to ensure that all citizens are able to freely express their opinions and beliefs, and in this context invite the Special Rapporteur on freedom of opinion and expression.

NATIONAL FRAMEWORK

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

The Fundamental Rights chapter of Sri Lankan Constitution guarantee Freedom of thought conscience and religion under Article 10. Article 14(1)(e) provides all citizens the freedom to adopt, practice and teach any religion of their choice. However, Chapter II, Article 9 of the Constitution states that "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14(1)(e)."

The Prevention of Terrorism Act prohibits hate speech and publications which would spread hatred among different religious communities. General penal law also prohibits hate speech.

70% of the population are Buddhists while 12.6% are Hindu, 9.7% are Islamic, 7.6% are Christians and Catholics. Ministries and Departments have been established to deal with Buddhist, Hindu, Christian, and Islamic affairs.

CHALLENGES

Religious intolerance

There has been a rise in attacks and hate speech against religious minorities by right wing Buddhist groups. Muslims in Aluthgama, Beruwala and Dharga town were attacked in June 2014. At least 4 were killed and 80 were injured and hundred were made homeless. No proper action was taken against the culprits. There have been 120 attacks on Christian Churches since 2015. In August 2015, a group of Buddhist extremists entered into a Church in Galle and the pastor and his wife were assaulted. The pastor assault has later been remanded.
### Challenges

<table>
<thead>
<tr>
<th>Challenges</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Treatment to Buddhists</td>
<td>The constitutional provisions allow the government to give special treatment to one religion. The process of constitutional amendments have been criticised by religious extremist groups for religious secularity, forcing the President to include special provisions in the new constitution for Buddhism.</td>
</tr>
<tr>
<td>Impunity over violence against religious minorities</td>
<td>No proper action was taken against the culprits of the attacks in Aluthgama, Beruwala and Dharga town were in June 2014. A joint press conference convened by a Buddhist Monk and Islamic priests was disturbed by a mob group.</td>
</tr>
</tbody>
</table>

### 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. **Implement constitutional reforms that guarantee equal treatment of all persons regardless of their faith.**

2. **Eradicate all hate speech, incitement and violence against religious minorities.**

3. **Initiate legal actions against suspects for June 2014 attacks on Muslims in Aluthgama, Beruwala and Dharga town.**

4. **Appoint a commission of inquiry and grant compensation to those who lost assets as a result of the June 2014 at the attacks on Muslims in Aluthgama, Beruwala and Dharga town.**

5. **Assure that in Constitutional reforms, an article is included secularising the state and preventing the state from giving any special treatment to any specific religion.**
FACTSHEET – UPR 2017 – SRI LANKA
3rd CYCLE UNIVERSAL PERIODIC REVIEW

RIGHTS OF PERSONS WITH DISABILITIES

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES
During its second review in 2012, Sri Lanka was recommended to consider ratifying the Convention on the Rights of Persons with Disabilities and to continue its efforts to promote access by persons with disabilities to the labour market by strengthening the system of job reserve for persons with disabilities. While these were accepted, Spain’s recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the Statute of the International Criminal Court was noted.

NATIONAL FRAMEWORK
The Government has ratified the UN Convention on the Rights of Persons with Disabilities in 2016, but has yet to ratify its optional protocol. There is no domestic legislation that fully gives effect to the international obligations enshrined in the convention. The Rights Of Persons With Disabilities Act (No. 28 of 1996) guarantees only 3 basic rights (equality in recruitment for employment, admission to educational institutes and physical accessibility to public places) for persons with disabilities. A more comprehensive Disability Rights Bill was submitted to parliament in 2006 but has not been passed.

Article 12(2) of the Constitution guarantees equality before the law, but it does not make a specific mentioning of persons with disabilities.

The Public Administration Circular 27/1988 states that three percent (3%) of vacancies should be filled by disabled persons possessing the requisite qualifications and whose disability would not be a hindrance to the performance of their duties.

Children/youth with disabilities suffer discrimination in accessing education and vocational training. The government circular allocating 3% of the job opportunities in the public sector to persons with disabilities is not implemented and there are difficulties in accessing public institutions and transport. Although sign language has been recognized as a language at policy level since 2010, it is yet to be given any legal validity, and insufficient means to access information remains a barrier.

According to statistics from the 2011 census, 34% of children with disabilities that were in school attending age did not receive any education whatsoever. 20.3% of children with disabilities that should have been attending primary school levels did not receive such education.

CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equality before the law</td>
<td>Persons with disabilities experience discrimination as and when they need to communicate within the court system, due to lack of alternative communication methods and mediums in court houses. The lack of sign language interpreters further exacerbates the situation. These difficulties arise when they seek legal redress as well as when required to give evidence before the law.</td>
</tr>
</tbody>
</table>
CHALLENGES | IMPACT
--- | ---
Equal employment opportunities | According to the census and statistics report of 2012, 70.9% of the persons with disabilities in the employment age do not engage in any economic activity. The prescribed 3% quota for persons with disabilities in public sector is often not honoured.
Equal education opportunities | The hand book for the Admission for Undergraduate Courses in the Universities of Sri Lanka (Academic Years 2015/2016), states that the differently abled applicants are eligible to apply only for courses of study in arts, commerce, physical science and biological science.
Access to health facilities | Lack of physical accessibility, compounded by difficulties in accessing information as a result of absence of audio visual communication boards and staff trained in sign language, has made access to health services difficult for persons with disabilities.
Vocationa training | The training modules that are offered by the Special Vocational Training Centers are not in line with the demands of the current labor markets. The centers do not have adequate facilities to to meet the demand for their services.
Access to public institutions | A gazette notification issued in 2006 recommended all government institutions to ensure that public institutions are accessible for persons with disabilities . These provisions are not fully complied with.

RECOMMENDATIONS
1. Ensure that all courts of the country have the necessary equipment required for persons with disability to actively participate in all proceedings.
2. Initiate a programme for sign language training courses.
3. Revise existing Public Administration Circular No. 27/88 to ensure equal employment opportunities in public sector for disabled persons.
4. Ensure equal access to higher education for disabled persons.
5. Ensure availability of specialised learning devices in all levels of education which will facilitate the learning process for students with disabilities.
6. Provide alternative means of communication in mainstream vocational training institutes in order to accommodate persons with disabilities.
7. Ensure that all government offices are made accessible for persons with disabilities.
SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Workers in the informal sector—almost 70 per cent of the workforce—have little meaningful social security. The Employees Provident Fund (EPF) and Employees Trust Fund (ETF) for the formal sector workers is dogged by inappropriate leveraging in financial markets, mismanagement, and lack of transparency and accountability. Many plantation companies, state-owned ones in particular, have not been remitting their EPF and ETF contributions potentially compromising the social security of Estate workers already amongst the poorest in the country.

NATIONAL FRAMEWORK

The Sri Lankan Constitution guarantees equality before law & other fundamental rights. The Penal code of Sri Lanka, adopted in 1883, is the basic legislation on criminal law. This contains archaic laws without being amended. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act was passed in 1994 to comply with international law against torture.

In May 2015, the 19th amendment to the Constitution was passed. This was an attempt to restore independent commissions such as the Police Commission, Human Rights Commission, Judicial Service Commission and the commission to prevent bribery and corruption. The amendment also re-established the Constitutional Council which plays a key role in appointments of heads and members of the said commissions.

Appointment of judges and the members of independent commission was previously done by the president alone, as the Constitutional Council was defunct under the 18th Amendment to the Constitution.

Since 2015 the GOSL has embarked on a constitutional reform process. The Public Representations Committee (PRC) conducted island wide consultations and submitted its report in May 2016. Critical to the reform agenda is the issue of devolution of power, expanding the fundamental rights chapter including justiciability for socio economic rights and ensuring the supremacy of the Constitution by amending/ repealing Article 16(1), which protects regressive laws from fundamental rights review.

CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Out-dated criminal</td>
<td>The Police force lacks proper training in modern investigation methods</td>
</tr>
<tr>
<td>investigation methods</td>
<td>leading to use of outdated techniques and technology for</td>
</tr>
<tr>
<td></td>
<td>criminal investigations, creating an environment in which torture is</td>
</tr>
<tr>
<td></td>
<td>utilized as a method for investigations. This creates loopholes in</td>
</tr>
<tr>
<td></td>
<td>prosecution in lower courts leading to acquittal of suspects and</td>
</tr>
<tr>
<td></td>
<td>decrease in conviction rates.</td>
</tr>
<tr>
<td>Lack of sufficient funds</td>
<td>The victim and witness protection law, though enacted, is still</td>
</tr>
<tr>
<td>for witness and victim</td>
<td>not operative due to lack of sufficient fund allocations by the</td>
</tr>
<tr>
<td>protection</td>
<td>government.</td>
</tr>
</tbody>
</table>
## CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impunity of violators of human rights</td>
<td>Impunity is a serious concern as GOSL has failed to address (prosecute or take disciplinary action) on cases of human rights abuses, torture, corruption or abuse of power and officials, and whom there are complaints continue to serve within the machinery of the state. Attorney General’s Department has abandoned prosecution on cases of torture against Police officers, as required by the Act against torture.</td>
</tr>
<tr>
<td>Political pressure preventing law enforcement</td>
<td>In October 2016, the present President made a public statement criticizing prosecutions against military officials in response to a case involving former Defence Secretary Gotabhaya Rajapaksa and three former Navy Commanders on allegations of bribery and corruption. The chairman of the Bribery commission subsequently resigned. The Inspector General of Police himself was found assuring a politician that the Police would not arrest a criminal suspect.</td>
</tr>
<tr>
<td>Militarization of police force, and deploying the military in civilian areas.</td>
<td>During the civil war, the police force in general, was deployed in war zone. Special group of policemen named Special Task Force was established with only military training. These policemen are now deployed in police stations without proper transitional training for dealing with civilians. This has resulted in non-adherence to legal rules and rights of civilians. In the North and East, military is engaged in civilian matters with the Police.</td>
</tr>
</tbody>
</table>

## RECOMMENDATIONS

1. Introduce modern criminal investigation techniques and train the Police in their effective use.
2. Initiate a training for the police force who were formerly deployed in war zone to orientate them for better engagement with civilians.
3. Initiate investigations against police officers suspected of torture and other grave human rights violations, and prosecute perpetrators.
4. End political interference in the police and Independent commissions.
5. Allocate sufficient funds for witness and victim protection in the December 2017 budget.
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.

During its first UPR in 2008, Sri Lanka received a host of recommendations related to transitional justice. Issues pertained to reintegration of internally displaced persons, protection of witness and victims, ratification of the Rome Statute, strengthening of rule of law and the need for an independent complaint mechanism in prisons. Specific focus was granted to prevent and to hold all perpetrators accountable for cases of enforced disappearances, kidnappings and extra-judicial killings.

During its second UPR in 2012, internally displaced persons attracted 10 recommendations, enveloping elements on housing, livelihoods and economic empowerment. 48 recommendations were directly linked to justice. The need to implement LLRC recommendations and to strengthen judicial independence featured prominently. 18 recommendations targeted enforced disappearances; 8 referred to cooperation with the Working Group on Enforced or Involuntary Disappearances and 6 to sign or ratify the International Convention for the Protection of All Persons from Enforced Disappearance. Despite that recommendations requesting ratification were noted, the treaty was ratified in May 2016. Similarly, in contrast to noted recommendations on an invitation to the Working Group, a visit was implemented in July 2016.

NATIONAL FRAMEWORK

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

Soon after the end of civil war, Ban Ki Moon the then Secretary General of the United Nations visited Sri Lanka in May 2009. The President of Sri Lanka and UN Secretary General signed a joint statement. The Secretary-General emphasized the importance of an accountability process for addressing violations of international humanitarian and human rights law. The Government undertook to take measures to address those grievances.

The Lessons Learnt and Reconciliation Commission (LLRC) was formed with a mandate inter alia to promote national unity and reconciliation among all communities. The Commission submitted its final report to the President on 15th November 2011.

Human Rights Council Resolution HRC/RES/30/1 on Sri Lanka, Promoting reconciliation, accountability, and human rights in Sri Lanka was adopted 1 October 2015. The GOSL co-sponsored this Resolution. The commitments made therein includes setting up 4 major institutions, and take measures to address long standing grievances of war affected communities. These proposed institutions are (i) Office of Missing Persons (ii) a Commission for Truth (iii) a Judicial mechanism (iv) an Office for Reparations. The Office On Missing Persons Act, No. 14 Of 2016 was the only mechanism established so far.
## CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>No effective implementation of LLRC recommendations</td>
<td>It was proposed to remove certain High Security Zones which still remains. No investigations were made into alleged war crimes and disappearances.</td>
</tr>
<tr>
<td>Religious and chauvinistic influences against transitional justice process.</td>
<td>disappearance of a journalist, a group of Buddhist monks entered the court house and threatened the magistrate. After this, extremists often use nationalist and racist rectories against steps for accountability and transitional justice.</td>
</tr>
<tr>
<td>Failure to set up major reconciliation institutions</td>
<td>The process to pass International Convention for the Protection of All Persons from Enforced Disappearance Bill has stopped due to objections from religious and nationalist extremists. As a result there is no legislation to criminalize disappearances</td>
</tr>
</tbody>
</table>

## RECOMMENDATIONS

1. **Legislate to establish a Commission for Truth, a Judicial mechanism and an Office for Reparations** as per UN HRC Resolution 31/1.

2. **Fully implement all recommendations of the Consultation Task Force (CTF) on reconciliation mechanisms.**

3. **Establish an independent mechanism to investigate into alleged war crimes and other grave human rights violations during the civil war.**

4. **Remove all high security zones in the former war zone and release the land for previous occupants.**

5. **Release all lands acquired by the military to the former occupants.**

6. **Ensure that a reasonable compensation is arranged for the families of the deceased and disappeared during the civil war, for restoration of their livelihood.**

7. **Allocate sufficient funds for the Office of Missing Persons (OMP).**
FACTSHEET – UPR 2017 – SRI LANKA
3rd CYCLE UNIVERSAL PERIODIC REVIEW

COUNTER-TERRORISM

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

In its first review, Sri Lanka accepted recommendations relating to; sharing experiences on how to overcome terrorism, seeking assistance of the international community on counter-terrorism strategies and implementing UN human rights recommendations to ensure that measures to combat terrorism comply with international human rights law. In the second cycle, Sri Lanka accepted to protect its people from acts of terrorism but noted the recommendation to amend the Prevention of Terrorism Act to ensure that detainees are held only in recognized places of detention, with regularized procedures and safeguards to protect detainees including access to legal representation and systematic notification to families of the whereabouts of detainees.

NATIONAL FRAMEWORK

The Constitutional provisions on arbitrary arrest and detention can be limited on the grounds of national security and arrest and detentions are deemed legal if it follows the due processes enacted by law. As such arrest and detentions under the Prevention of Terrorism Act (PTA) are deemed legal, regardless of the long periods of detention and the susceptibility to torture. Torture is a non-derogable freedom guaranteed by the Constitution.

The Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, as amended by Act Nos. 10 of 1982 and 22 of 1988) has been in operation for over 30 years and a majority of those affected by the assault on civil liberties permitted under the act are from the Tamil ethnic community.

The current Sri Lankan government committed in UN Human Rights Council (UNHRC) Resolution 30/1 of October 2015 to repeal the PTA and replace it with anti-terrorism legislation in line with “contemporary international best practice”. The Cabinet of Ministers approved a draft Counter Terrorism Act (CTA) which was later amended.

CHALLENGES

The Prevention of Terrorism Act (PTA) continues to create conditions for human rights violations.

IMPACT

The PTA is inconsistent with contemporary human rights standards and not merely permits, but also encourages the pervasive violation of fundamental rights otherwise protected by the Constitution of Sri Lanka. The draconian Prevention of Terrorism Act of 1978 has been used by successive Sri Lankan governments to quash dissent and penalize resistance to the state. It has been employed disproportionately against Tamils, including journalists, political activists and human rights defenders. Compounded by the endemic delay of laws in Sri Lanka, it has been deployed to deprive the basic civil liberties and inflict physical harm and mental distress on thousands of Sri Lankan citizens of all communities.
## CHALLENGES

<table>
<thead>
<tr>
<th>The Prevention of Terrorism Act (PTA) continues to create conditions for human rights violations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The PTA permits confessions to be admitted as sole evidence and that the burden is on the suspect to prove that the confession was not extracted as a result of torture and ill treatment. Report by the Special Rapporteur on Counter Terrorism and Human Rights, in July 2017, states that 80% of those most recently arrested under the Prevention of Terrorism Act in late 2016 complained of torture and physical ill-treatment following their arrest.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The proposed draft Counter Terrorism Act (CTA) is</th>
</tr>
</thead>
<tbody>
<tr>
<td>The CTA exceptionalizes protection provided to suspects, it has an overly broad definition of terrorism, it permits the military and non police officials to arrest and detain civilians, it recategorizes certain ordinary law criminal offences as terrorism related offences and thereby attracts a harsher policing regime which is not subject to judicial scrutiny. As it is common practice for police to use the threat of detention under the PTA to detain suspects for long periods, to frame false charges and secure ‘guilty pleas’ to false charges, it is entirely possible for this practice to continue under the CTA.</td>
</tr>
</tbody>
</table>

## RECOMMENDATIONS

2. Withdraw the proposed Counter Terrorism Act.
3. Devise a system of emergency legislation that permits exceptional powers.
4. Ensure protection of rights (including right to an attorney, right to inform family or friend of arrest, details pertaining to the arrest, a maximum of 24 hour period of detention by in police custody, judicial supervision of treatment of suspect at time of arrest and thereafter) of all suspects at time of arrest, questioning, investigation and during prosecution.
## SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Over two UPR cycles, Sri Lanka received 19 recommendations on torture. Eight recommendations concerning ratification of the Optional Protocol to the Convention Against Torture were noted. In 2008, a recommendation on supporting the establishment of an OHCHR field presence was also noted. A Senior Human Rights Advisor has been working in the UN Country Team in Sri Lanka since June 2004. At the same review, Sri Lanka accepted to implement the recommendations of the Special Rapporteur on torture. In its second review in 2012, all recommendations relating to torture were noted.

Six recommendations in its first UPR concerned extrajudicial killings concerning investigations and prosecutions of all allegations of extra-judicial, summary or arbitrary killings and to implement the recommendations made by the Special Rapporteur on extra-judicial, summary or arbitrary executions. Sri Lanka was further recommended to enhance its capacity in the areas of crime investigations, the judiciary and the NHRC with the assistance of the international community. In the second cycle Sri Lanka noted the one recommendation that referred to extrajudicial executions; the Holy See recommended investigating all allegations of extrajudicial killings and follow-up according to justice requirements.

## NATIONAL FRAMEWORK

The Sri Lankan Constitution guarantees freedom from torture, inhuman, cruel and degrading treatment as a non derogable right. The Convention Against Torture, Cruel, Inhuman and Degrading Treatment Act No. 22 of 1994 criminalizes torture. No new cases have been filed under this Act since 2011. The Police and the National Police Commission are empowered to inquire into and take action against police officers against whom complaints of torture has been alleged. The Supreme Court of Sri Lanka has jurisdiction to hear and determine complainants of fundamental rights violations including torture. The Human Rights Commission of Sri Lanka is empowered to inquire into complaints yet can only make recommendations to the respective state institutions. Despite the introduction of Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015, the situation of witnesses and victims has not changed.

The State of Sri Lanka has time and time again declared at international fora including to UN Committees that Sri Lanka has a zero tolerance policy towards torture.

The Prevention of Terrorism Act creates conditions for state officers to torture detainees with impunity.

## CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ordinary criminal procedure fails to sufficiently safeguard against torture</td>
<td>Domestic law on rights of persons under arrest and detention do not explicitly provide for a right to a lawyer, an interpreter, a right to inform one’s family or friends of the arrest. All these factors create space for torture.</td>
</tr>
<tr>
<td>Lack of independent and effective avenues for seeking remedy for allegations of torture.</td>
<td>In 2016, Sri Lanka (CAT/C/LKA/5) submitted to the UN Committee Against Torture that only 3 cases of torture were reported in 2014 while the Human Rights Commission of Sri Lanka (HRCSL) had recorded 481 complaints of torture. It is clear that a majority of complaints are not under investigation by the State.</td>
</tr>
<tr>
<td>JMOs also do not provide copies of the medico legal form to the complainant. The complainant cannot assess the nature of the injuries</td>
<td></td>
</tr>
</tbody>
</table>
### CHALLENGES

| Lack of independent and effective avenues for seeking remedy for allegations of torture. | and take a considered decision on pursuing redress. Where the alleged perpetrators are police officers, complainants are reluctant to complain or have no faith that the complaint will result in any meaningful remedy. |
| Impunity as a result of long delays in providing redress, and lack of will to prosecute. | There are long delays in every forum in which human rights cases involving complaints of torture are instituted. Complaints to any authority including the National Police Commission, Inspector General of Police, Human Rights Commission of Sri Lanka etc, does not often result in the offending of officers being suspended from service pending a decision after inquiry. The Attorney General’s Department has stopped prosecution under the Act against torture. |
| No effective witness and victim protection system | The government is yet to allocate funds to establish the administrative framework necessary to implement the provisions of the Witness and Victim Protection Act of 2015. |
| Human Rights commission recommendations have no force and fail to be implemented | The Human Rights Commission is only empowered to make ‘recommendations’ which do not extend to advice to the Attorney General to consider prosecution of incidents of torture, neither does it extend to recommendations to the National Police Commission to consider taking disciplinary action against the offending officer. |

### RECOMMENDATIONS

1. Amend the Code of Criminal Procedure in order to ensure that the human rights of prisoners and detainees are fully observed in the criminal justice system.

2. Provide targeted training and capacity-building to law enforcement officials and judges to improve criminal investigation methods.

3. Establish an independent body tasked with investigating complaints of torture against law enforcement officers.

4. Ensure that persons under investigation in cases of torture are immediately suspended from duty for the duration of the investigation.

5. Ensure that all allegations of unlawful detention, torture and sexual violence by security forces are promptly, impartially and effectively investigated by an independent body.

6. Immediately embark upon an institutional reform of the security sector and develop a vetting process to remove from office military and security force personnel, whom there are reasonable grounds to believe that they were involved in human rights violations, as recommended in the report of the OHCHR Investigation on Sri Lanka.

7. Ensure that a medical examination is performed promptly at the beginning of the deprivation of liberty by independent doctors, including doctors of the detainee’s own choosing.

8. Ensure that the medico-legal report is made directly available to the victim/detainee or the detainee’s counsel on request.

9. Ensure that all doctors are able to report any signs of torture or ill-treatment to an independent investigative authority in confidence and without risk of reprisals.
## SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

In the first cycle, Sri Lanka accepted the only recommendation it received concerning women’s right, to further promote education, development and representation in politics and public life. In 2012, 12 second cycle recommendations referred to women. The 30 percent quota for women in the nomination lists at national, provincial and local elections was noted along with calls for amendments to the Penal Code to ensure the rights of women from all religious and ethnic communities and domestication of CEDAW. Remaining recommendations concerned the “Bangkok rules” in treatment of women prisoners, implementing the Prevention of Domestic Violence Act, criminalising violence against women, encouraging women’s participation in public life and peace-building and providing capacity building to state institutions on the Women’s Charter.

## NATIONAL FRAMEWORK

The Sri Lankan Constitution does not recognize a right to substantive equality, right bodily integrity, a minimum quota for representation of women at local government, provincial and national levels. Regardless of the constitutional guarantee of non-discrimination, Article 16 together with no provision for judicial review of legislation, ensures that a gamut of laws continue to effectively discriminate women.

Government of Sri Lanka adopted a 25% quota for the appointment of women at the Local Government level in the Local Authorities Elections (Amendment) Act and the Cabinet approved, in 2016, a proposal to amend the Provincial Councils Elections Act, No. 2 of 1988 to enact a (minimum) 30% quota for women on political parties’ nomination papers for each province.

Abortion continues to be criminal and there is no comprehensive sex education. Marital rape is still not criminalized.

## CHALLENGES | IMPACT

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discrimination permitted by the discriminatory laws</td>
<td>The Land Development Ordinance prescribes an order of succession to land permits issued by the State which is limited for men, that discriminates against girl children.</td>
</tr>
<tr>
<td></td>
<td>Muslim Marriage and Divorce Act of explicitly prohibits women from holding the position of judge within the Quazi court system. It also permits marriage of children under the age of 18.</td>
</tr>
<tr>
<td>Discriminatory policies</td>
<td>The Family Background Report circular by the Sri Lanka Foreign Employment Bureau (No. 13/2013 and No. 19/2013) requires women migrants to be subject to a family background check, bans women with children under the age of five from migrating overseas for work.</td>
</tr>
<tr>
<td>Representation of women in decision making</td>
<td>In Free Trade Zones (FTZ) women live with limited facilities and in insecure situations. There is also a high incidence of violence of sexual harassments and sexual abuse.</td>
</tr>
<tr>
<td></td>
<td>Female representation is 5.8% in the national parliament. In the year 2015, the female representation in Provincial Councils was 6%</td>
</tr>
<tr>
<td>CHALLENGES</td>
<td>IMPACT</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Representation of women in decision making</td>
<td>while in the regional representative structures (pradeshiya sabahs) it is less than 2%.</td>
</tr>
<tr>
<td>Laws or gaps in the law that protect or promote gender based violence</td>
<td>Marital rape is not recognized. For Muslim girls the law also exempts statutory rape for girls 12 and above who are married. Vagrants Ordinance and Brothels Ordinance contribute to the criminalization of prostitution. The Penal Code does not include any exceptions to the ban on abortion, even where the pregnancy is the result of rape or incest. The implementation of the Domestic Violence Act of 2005 has anecdotal evidence to suggest that women are coerced into marriage counseling as part of the remedy to domestic violence.</td>
</tr>
</tbody>
</table>

### RECOMMENDATIONS

1. Legalize abortion, where the pregnancy is the result of rape or incest.
2. Adopt and implement policies and programs, including amendments to Family Background Report which address intersectional discrimination including caste-based discrimination.
4. Amend all Personal Laws, including the Muslim, Kandyan and Tesawalamai Personal Laws, to remove discriminatory provisions against women.
5. Amend and operationalize the Prevention of Domestic Violence Act to incorporate better safeguards for women victims.
6. Effectively implement the National Plan of Action for addressing Sexual and Gender Based Violence, and allocate adequate resources to ensure its implementation.
7. Criminalize marital rape.
8. Ensure the enactment of the proposed minimum 30% quota for women candidates on nomination papers of political parties at the provincial level and national level.
9. Institutionalize age-appropriate comprehensive education on sexual and reproductive health and rights.
10. Implement laws and policies to protect and promote the rights of women working in informal sectors as well as free trade zones.
11. Pass a legislation to recognize rights of sex workers to engage in their occupation.
### SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Sri Lanka received no recommendations on the right to health in the first and second UPR cycle. In its second National Report, Sri Lanka refers to consistent investment in public services such as health. It further reports that the National Human Rights Action Plan contains chapters on health, nutrition and wellbeing as well as a chapter on adolescent health and wellbeing. Two voluntary pledges split over the two cycles enshrined health perspectives. In the first review Sri Lanka pledged to achieve the Millennium Development Goals by 2015 through continued investment in social infrastructure, education, and health services. In the second review Sri Lanka pledged to formulate national legislation to enable ratification of ILO Occupational Safety and Health Convention 155.

### NATIONAL FRAMEWORK

The Government has put forward a Health Master Plan for 2016-2025, which was drafted after the lapse of the previous Health Master Plan for 2007-2016. Doubts remain about its adequacy and implementation. Recent legislative reforms, such as the Mental Health Act Bill and National Blood Transfusion Bill of 2007, remain stagnant in the draft stage. It is not clear as to what steps have or will be taken as part of Sri Lanka’s obligations under the 2013-2020 Mental Health Action Plan, which was unanimously approved at the 66th World Health Assembly.

### CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quality public healthcare does not reach all people</td>
<td>Regional disparities in healthcare infrastructure, a long wait for specialist care and advanced procedures in the public sector and the burden of out-of-pocket health expenditure have eroded the fundamentals of universal ‘free’ health care coverage. State spending on health is less than 1.5 percent of GDP. A cut of Rs. 13 billion in the 2017 budget in spending on public healthcare and the privatisation of health care are forcing the poor to access private healthcare. In addition, high prices of drugs, inadequate support for alternate systems of medicine and poor response to negligence by medical and health professionals present additional challenges to the realization of the right to health.</td>
</tr>
<tr>
<td>The state of mental health care is poor</td>
<td>While one out of five persons in Sri Lanka suffer from a mental illness, due to lack of mental health resources and limited awareness, only 20 percent of those needing treatment receive it. The mental health and psychosocial services provided by the state in the war-affected North and East have largely been ad hoc. Mental health and psychosocial care services suffer from poor funding, insufficient number of trained psychologists and medical officers, and regional disparities.</td>
</tr>
<tr>
<td>The healthcare system is not equipped to face chronic non-communicable diseases, including Chronic Kidney Disease of Unknown Etiology (CKDu.)</td>
<td>Non-communicable diseases (NCDs) are on the rise due to increased use of chemicals on agricultural products, unhealthy living patterns and environmental pollution. Though Glyphosate pesticide was banned in 2015, its use in plantations is still allowed and a new pesticide, fifteen times stronger than Glyphosate, was introduced subsequently. Chronic Kidney Disease of Unknown Etiology (CKDu), which has been linked to the use of agrochemicals, has become a critical health challenge in Sri Lanka.</td>
</tr>
<tr>
<td>CHALLENGES</td>
<td>IMPACT</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Malnourishment and food insecurity are high</td>
<td>There are high levels of and significant regional disparities in malnutrition and micronutrient deficiencies. Wasting increased significantly enough to leave Sri Lanka with “...one of the highest wasting prevalence in the world” (128 out of 130 countries), “…indicating a serious public nutrition situation”. A national review (2017) notes that almost 25 percent of the population are currently undernourished, 18 percent of pregnant women were in “a poor maternal nutrition situation” in 2015 and a quarter of the children between 6-59 months were found to be underweight.</td>
</tr>
<tr>
<td>Right to health and discrimination/exclusion on the basis of sex/gender and sexual orientation</td>
<td>Significant measures are needed to increase women’s access to information on health and health care services, including sexual and reproductive rights. Women’s sexual and reproductive health continues to be compromised by current law holds that abortion is illegal, except when a mother’s life is in danger. LGBTIQA persons risk public humiliation, harassment and threats to their right to privacy at the hands of medical officers in public hospitals.</td>
</tr>
</tbody>
</table>

**RECOMMENDATIONS**

1. Ensure that the right to health is recognized as fundamental right in the proposed constitutional amendment.

2. Ensure that the right to food is recognized as a fundamental right in the proposed constitutional amendment.

3. Strengthen the public health system by ensuring adequate budgetary and human resources as well as infrastructure.

4. Ensure that public health facilities are more equitably distributed across the country.

5. Eradicate malnutrition for children and pregnant or lactating mothers through enhanced food security.

6. Establish measurable indicators to track progress in the implementation of the 2013-2020 Mental Health Action Plan, which was unanimously approved at the 66th World Health Assembly.

7. Ensure provision of health services with dignity and without discrimination against any group owing to their social identity or status, especially on the basis of sex/gender or sexual orientation.

8. Regulate the use of harmful agro-chemicals and strengthen support for communities affected by or at risk of CKDu, including by recognising its complex social and economic consequences with a view of a time-bound and complete eradication.

9. Ensure access to medicines and effective regulation of private medical care services.
SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Labour rights
Sri Lanka Ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in 1996 and has been recommended to make a declaration under articles 76 and 77 of the treaty, recognising the competence of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, to receive and consider communications to the effect that a State Party claims that another Party is not fulfilling its obligations, as well as communications from or on behalf of individuals subject to its jurisdiction. The state was further recommended to consider ratifying ILO Domestic Workers Convention 189 and enter into further agreements with countries hosting its migrant workers.

NATIONAL FRAMEWORK

Almost 70 per cent of the labour force is in the informal sector. The Wages Board Ordinance, the Trade Union Ordinance, the Industrial Disputes Act, and other laws and mechanisms, including labour inspection, cover the formal or organised sector. Enforcement is weak as is the effectiveness of the tri-partite National Labour Advisory Council; a National Workers’ Charter agreed in 1995 is non-binding and still pending legislation. Not all labour laws apply to the Free trade Zones (FTZs). Workers in the plantation sector are covered by collective agreements. In 2016 Parliament passed amendments to the National Minimum Wage Act setting a minimum monthly wage of LKR 10,000 per month and a minimum daily rate of LKR 400 for workers in the private sector. In July 2013, Sri Lanka’s Ministry of Foreign Employment issued a circular, making it mandatory for women wishing to migrate abroad for employment to obtain permission from their husbands or fathers. Under the Domestic Servants Ordinance No. 28 of 1871, domestic workers are ‘recognised’ as servants. Sex work per se is not illegal many of its outward manifestations are criminalized under the Vagrants Ordinance and the Brothels Ordinance.

CHALLENGES

Precariousness in the informal sector

Most informal sector workers live below the international poverty line and are engaged in casual wage labour. They are largely unrecognized, outside the purview of state protection and labour laws, mostly unorganized and vulnerable to exploitation. Many, such as women who roll beedis or men working in mineral mines, also face serious health risks or even premature death. More women than men engaged in informal and precarious employment.

Casualisation, precariousness and ‘manpower’ work

Informalisation is increasingly visible in the formal sector, both private and public, with workers increasingly hired through third-party or ‘manpower’ agencies. These workers get lower wages (even for similar work), fewer benefits and are often not unionized or excluded from unions of permanent workers. This phenomenon is also expanding in commercialized agriculture and plantations, which are owned by large companies cultivating for export.
## CHALLENGES

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weaknesses in labour laws and serious flaws in implementation</td>
<td>Courts are increasingly restrict standing or the ability to represent workers and issuing injunctions to stop strikes and collective actions without adequate cause. Workers in FTZs are effectively denied freedom of association and collective bargaining and conditions of work and housing are often poor. The minimum wage of Rs. 10,000 is estimated to be almost three times less than what would constitute a decent living wage. Plantation workers, largely Hill Country Tamil workers continue to be amongst the poorest communities in the country.</td>
</tr>
<tr>
<td>Women workers disadvantaged and discriminated against even though they form a majority in sectors like FTZs, plantations and migrant work which are key forex earners</td>
<td>Women workers in FTZs are subject to harassment and abuse, and denied decent work and living conditions. Hill Country Tamil women on plantations are marginalised even in trade unions, work in poor health and safety conditions, and their wages and benefits are often not paid directly to them. Prospective female migrant workers now have to secure the permission of the husband/father.</td>
</tr>
<tr>
<td>Criminalisation of and violence against sex workers</td>
<td>Sex workers, most and especially women, face police harassment and violence. The Brothels Ordinance and the Vagrants Ordinance amplifies the precariousness of sex workers.</td>
</tr>
</tbody>
</table>

## RECOMMENDATIONS

1. Upgrade the National Workers’ Charter of 1995 to domestic law.
2. Expand protections to workers in the informal sector, especially with regard to wages, social security and working conditions.
3. Ensure a living rather than minimum wage indexed to the cost of living to all workers including an effective monitoring and implementation mechanism.
4. Remove restrictions on the right to strike and freedom of expression and association of workers by ensuring rights in accordance with international standards.
5. Eradicate unfair and exploitative practices, such as the use of manpower workers and unequal pay for equal work…
6. Strengthen enforcement of labour laws through enhanced effectiveness of mechanisms to ensure compliance in workplaces in FTZs and in places of residence in FTZs.
7. Ratify ILO Convention 189 on domestic workers.
8. Decriminalise consensual adult same-sex relations
9. Ensure that sex workers enjoy the full spectrum of rights and freedoms, including investigating all allegations of mistreatment and ensure that those who commit such acts are held accountable.
SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

In the second cycle, Sri Lanka received five recommendations directly mentioning poverty reduction. Iran recommended increasing the promotion of equity in economic development, poverty eradication, eliminating regional disparities, and guaranteeing equality of opportunity. In a similar vein, Morocco, recommended Sri Lanka to redouble its efforts in fighting poverty and to attain the MDGs. Bangladesh, Myanmar and Saudi Arabia also made recommendations related to poverty alleviation and to improve the living standards of Sri Lankan citizens. Moreover, South Africa recommended Sri Lanka to continue to expand the social security coverage. All recommendations were accepted.

NATIONAL FRAMEWORK

While Sri Lanka has a long history of poverty alleviation programmes poverty remains widespread. The provision of free public health and education, despite their unevenness in spread and quality, has been a buffer against widespread entitlement failure. But neither enjoy the status of rights economic and social rights are not recognised as fundamental rights and are not judicially enforceable. Samurdhi, Sri Lanka’s flagship social protection programme, despite its limitations, is critical and is currently undergoing ‘reforms’. But these ‘reforms’ are being undertaken in the context of rising inequality in the post-war period and the turn towards austerity post-2015 along with Sri Lanka signing an agreement with the International Monetary Fund, all of which adversely affect anti-poverty and social protection measures. There two social main security schemes—Employees Provident Fund (EPF) and Employees Trust Fund (ETF)—for workers in the organised sector, while these schemes are subject to much scrutiny and debate, social security schemes in the unorganised sector remain too weak.

CHALLENGES | IMPACT

**Development and economic growth** have not been rights-based but uneven and created economic insecurity and vulnerability. 

**Post-war North and East** have seen increasing economic insecurity and precariousness. 

**Whilst poverty in some absolute terms has reduced from 23 per cent (2002) to 6.7 percent (2012/13), a significant proportion of the population is near poor. About 40 per cent of the population lives on less than 225 rupees (app. UD $ 1.5 per person) per day and multidimensional poverty measures classify an additional 1.9 million people as poor. Moreover, levels of inequality have steadily increased, and leave many at risk of falling into extreme poverty due to shocks such as illness, inflation, natural disasters, etc.**

Notwithstanding upward revision of daily wages—often offset by declining levels of work—communities in the plantation sector, largely Hill Country Tamils, continue to lag significantly behind in terms of access to education, housing, health, water and sanitation. Oppressed caste communities, female-headed households and persons living with disabilities also face barriers and discrimination in access to economic and social entitlements. 

Poverty rates in the north and east are amongst the highest in the country, labour markets are weak and that those suffering from physical disabilities, ex-combatants and widows, are particularly...
### Challenges

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-war North and East have seen increasing economic insecurity and precariousness.</td>
<td>vulnerable to exclusion. Food insecurity and indebtedness remain very significant concerns, and worsened since 2010. Post-war proliferation of banking and financial infrastructure, public and private, and aggressive marketing of leasing, pawning and micro-finance have spurred unsustainable levels of household indebtedness.</td>
</tr>
<tr>
<td>Spending levels on education, health and social protection have failed to keep up with GDP growth.</td>
<td>Samurdhi social protection scheme is not rights-based, it is a scheme and its entitlements have no constitutional or legal foundation and are thus amenable to arbitrary changes as per executive discretion. Samurdhi recipients, a very large proportion of whom are women, are pressed into ‘voluntary’ activities, such as cleaning public places or canals.</td>
</tr>
<tr>
<td>Social security for the working poor is inadequate.</td>
<td>Workers in the informal sector--almost 70% of the workforce--have little meaningful social security. The Employees Provident Fund (EPF) and Employees Trust Fund (ETF) for the formal sector workers is dogged by inappropriate leveraging in financial markets and mismanagement. Many plantation companies, state-owned ones in particular, have not been remitting their EPF and ETF contributions.</td>
</tr>
</tbody>
</table>

### Recommendations

1. Commit to the recognition of economic and social rights in the constitution, including the right to a universal and adequate social protection/security for all, and their judicial enforcement.
2. Ensure a decent living wage to all workers.
3. Undertake a thorough evaluation of the failures of the livelihood programmes, especially in the north and east, and initiate meaningful measures to expand opportunities for decent work and secure livelihoods.
4. Introduce checks on activities of banks and institutions engaged in lending, including microfinance, and leasing.
5. Guarantee universal and dignified access to meaningful levels of social protection, especially for women, persons with disabilities, the elderly and war-affected communities.
6. Ensure that all anti-poverty programmes, including welfare and social protection programmes especially Samurdhi, are underpinned by a rights-based approach.
7. Ensure effective social security for the large mass of workers who are in the informal or unorganised sector.
8. Safeguard the interest and rights of workers in the governance of the EPF and ETF, and ensure maximum transparency and accountability.
SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

In the first cycle in 2008, Sri Lanka accepted the recommendation made by Algeria to “Continue to work with the international community on protection of human rights, environment, disaster risk management, HIV-AIDS and capacity building.”

NATIONAL FRAMEWORK

The Central Environmental Authority was established under the provision of the National Environmental Act No:47 of 1980. The Ministry of Environment has the overall responsibility in the affairs of the Central Environmental Authority with the objective of integrating environmental considerations into the development process of the country. The Central Environmental Authority was given wider regulatory powers under the National Environment (Amendment) Acts No:56 of 1988 and No:53 of 2000. The Authority is vested with power to carry out Environmental Impact Assessment (EIA) for assessing impact of development projects on the environment.

According to the Fauna and Flora (Amended) Act No. 49 of 1993, any development activity proposed to be established within one mile from the boundary of any National Reserve, is required to be subject to EIA. Coast Conservation (Amendment) Act No. 57 of 1981 prescribes EIA for projects that come within the coastal Zone. EIA process is open to the general public to comment. Another process named Initial Environment Examination is also prescribed for certain projects. This process is not open for the public. The discretion to decide whether a project requires EIA or IEE is with the Central Environmental Authority.

Fauna & Flora Protection Ordinance and Forst Ordinance are in place for the protection of wildlife and forests.

CHALLENGES

| Impact on environment for large development projects. |
| Disregarding predictions of adverse environmental impact |

IMPACT

| It is more common to submit erroneous Environmental Impact Assessment reports for initial environmental approval, and bypass proper environmental assessment. The Uma Oya development project, Port City development project, Mattala International Airport project, Moragahakanda and Kalu Ganga irrigation projects have all led to undesirable effects on the environment and wildlife due to lack of proper environmental assessment before implementation. A Wind Power project in Mannar has been launched on the basis of an Initial Environmental Examination though the project site sits on a path used by migratory birds. Settlement of people on forest lands in and around Wilpattu reserve caused a considerable destruction of forest. |
| Large development projects such as the Uma Oya water diversion scheme and the Colombo Port City projects continue to be pursued despite evidence of serious harm to the environment and livelihood. The construction of underground tunnels for Uma Oya project have drastically affected the water table and caused serious damages to houses and buildings in the area. |
### Challenges

<table>
<thead>
<tr>
<th>Challenge</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loopholes in National Environment Act.</td>
<td>Under this Act the Environmental Authority is empowered to assess environmental impacts of development projects. However, as a result of failures of this mechanism to conduct proper assessment on environment, local communities has suffered. Initial Environment Examination reports which do not require public consultations could be submitted even for projects located in environmentally sensitive areas. The present procedure do not put emphasis on adverse socio-economic impacts on local community, by radical changes in environment due to development projects.</td>
</tr>
<tr>
<td>Disregarding commitments to international environmental instruments.</td>
<td>The Ramsar convention and the Bonn Convention on Migratory Species are often disregarded in planning development projects.</td>
</tr>
<tr>
<td>Lack of proper Solid waste management scheme.</td>
<td>Solid waste management in urban areas has become a key environmental issue. There are no proper facilities for final disposal of most of the solid waste produced by households and industries. Waste that is improperly dumped blocks water-flow in drainage channels, and provides breeding places for mosquitoes. Dumping in natural areas cause pollution of ground and surface water. The collapse of the Meetotamulla garbage dump in April damaged 145 houses and displaced 625 people.</td>
</tr>
</tbody>
</table>

### Recommendations

1. Make it mandatory for all projects located in environmental sensitive areas to have Environmental Impact Assessment (EIA) before commencement of projects.
2. End the practice of Initial Environmental Examination reports for development projects located in environmental sensitive areas.
3. Ensure adherence to all signed and/or ratified international instruments and conventions on environment, in planning and granting permission to development projects.
4. Stop destruction of important forests reserves for development projects and colonization.
5. End capturing and exporting endangered wild animals and marine life forms.
6. End inappropriate sand mining and gem mining, leading to nuisance to general public and causing damage to environment.
7. Take into account the adverse effect on environment in projects to introduce cash crops in areas where forest reserves and water catchment areas are located.
8. Introduce legal reforms to the National Environment Act to assess, mitigate and prevent adverse effects caused by development projects on environment, with emphasis on rights of local communities, their livelihood and local agricultural systems.
9. Introduce modern advanced technology for solid waste management.
## SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Over two UPR cycles, Sri Lanka has not received a recommendation concerning food, water or sanitation. Land rights were frequently addressed in conjunction with Internally Displaced Persons and related to issues such as voluntary and safe return to adequate restitution of housing and lands in accordance with international standards. Other related recommendations called for a national housing strategy and plan of action to redress housing shortage, livelihood schemes, social infrastructure and economic empowerment.

## NATIONAL FRAMEWORK

There is no legal or policy framework in Sri Lanka to ensure the right to adequate food. This has not been included in the Constitution as a fundamental right and neither in the national agriculture policy. ‘National Strategic Review on Food and Nutrition – Towards Zero Hunger’ and of the ‘Food Production National Program for 2016-18’—both launched in 2016, are focused at promoting local and sustainable food production systems but not ensuring access to food as a right.

The right to land and property is also not a constitutionally guaranteed right in Sri Lanka. The Constitution of Sri Lanka recognizes adequate housing only as a directive principle of State Policy, which is not enforceable.

## CHALLENGES

| High levels of undernourishment and food insecurity |
| Livelihood security of small scale producers |
| Negative health and environmental impact of agro chemicals |

## IMPACT

- Despite some progress, high levels of malnutrition and micronutrient deficiencies remain in Sri Lanka, particularly affecting children and women. Sri Lanka is one of the highest waste producing countries in the world with the ranking of 128 out of 130 countries. Almost 25 percent of the population are currently malnourished, with 18 percent of pregnant women in a poor nutrition situation in 2015 and a quarter of the children between 6-59 months underweight.

  War-affected districts, the plantation estate community and some areas in the north and southeast “…represent the worst levels of under nutrition”.

- Despite launching the Food Production National Program in 2016, in the budget proposals for 2017, the Government envisions a complete transformation of the country’s agriculture sector. Labelling the existing agriculture sector as inefficient and low-income, the Government aims to promote commodity production by targeting global value chains. This poses threats to the livelihoods of small-scale food producers in the country. Large-scale land allocations for commercial agriculture as well as industrial zones, tourism and infrastructure development have already displaced thousands of food producers from their lands and from coastal areas.

  Sri Lanka is one of the highest users of agro chemicals, which are widely recognised as one of the possible causes of Chronic Kidney Disease of Unknown Etiology (CKDu). The disease is causing serious crisis amongst farming communities in many parts of the island. According to a Presidential Task Force focused on CKDu,
<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negative health and environmental impact of agro chemicals</td>
<td>60 Divisional Secretariat areas across 10 districts are considered affected. As of December 2014, there were 40,680 patients officially registered as having been affected by CKDu.</td>
</tr>
<tr>
<td>Dispossession of local communities due to militarization and development</td>
<td>Conflict related to land and environment has proliferated across the country with militarisation and large development projects continuing to dispossess and displace people. Across the island, lands are taken over by the military for security, tourism or other purposes which seriously undermines the livelihoods of communities. Fishermen are facing dispossession and loss of access to the sea owing to large-scale tourism projects. Thousands of urban poor households in Colombo have been forcibly relocated without compensation into high-rises, resulting in multiple social and economic disadvantages.</td>
</tr>
<tr>
<td>Gender discriminator provisions of existing land laws</td>
<td>Laws that govern state lands contain discriminatory provisions towards women with regard to intestate succession by giving preference to the older male child. Similarly, the Thesawalamai Law which is applicable to Tamils in the Northern Province discriminates against women by requiring the husband’s consent in all transactions relating to property owned by women.</td>
</tr>
</tbody>
</table>

**RECOMMENDATIONS**

1. Ensure that the right to food and nutrition are recognized as fundamental rights in the proposed new Constitution or constitutional amendments.

2. Develop a comprehensive national agriculture, fisheries and food security policy that enables ecological food production systems.

3. Develop a comprehensive national agriculture, fisheries and food security policy that protects the rights of small scale producers.

4. Release lands of people displaced by war in the North and East of Sri Lanka and provide them with adequate support to rebuild their lives and livelihoods.

5. Ensure the right to land and safeguard food sovereignty in development projects, ensuring of the right to natural resources of communities.

6. Establish, in collaboration with civil society representatives, a National Land Commission in line with the recommendation presented by the Lessons Learnt and Reconciliation Commission (LLRC) in 2010.

7. Review and eliminate laws that discriminate against women, especially in issues of inheritance and property, and bring in line with international standards.
EXTRAJUDICIAL KILLINGS

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Extrajudicial killings
Six recommendations in its first UPR concerned extrajudicial killings concerning investigations and prosecutions of all allegations of extrajudicial, summary or arbitrary killings and to implement the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions. Sri Lanka was further recommended to enhance its capacity in the areas of crime investigations, the judiciary and the NHRC with the assistance of the international community. In the second cycle Sri Lanka noted the one recommendation that referred to extrajudicial executions; the Holy See recommended investigating all allegations of extrajudicial killings and follow-up according to justice requirements.

Torture
Over two UPR cycles, Sri Lanka received 19 recommendations on torture. Eight recommendations concerning ratification of the Optional Protocol to the Convention Against Torture were noted. In 2008, a recommendation on supporting the establishment of a OHCHR field presence was also noted. A Senior Human Rights Advisor has been working in the UN Country Team in Sri Lanka since June 2004. At the same review, Sri Lanka accepted to implement the recommendations of the Special Rapporteur on torture. In its second review in 2012, all recommendations relating to torture were noted.

Impunity
In the first cycle, Portugal’s recommendation to “Combat impunity” was noted. While the second cycle recommendation made by Argentina to “pursue its efforts to fight against impunity for serious human rights violations committed during the internal armed conflict” was accepted, the recommendation by the United States of America to “end impunity for human rights violations and fulfil legal obligations regarding accountability” was noted. Other noted recommendations concerned accession to the Rome Statute and contained elements on zero tolerance for impunity, and non impunity in the judicial process on all alleged enforced disappearance cases.

NATIONAL FRAMEWORK

The ordinary criminal law procedure applies, including the Penal Code and Criminal Procedure Code, to all complaints of criminal acts. There is no legal mechanism or practice of initiating special investigations and convening independent investigation teams by the Sri Lanka police for crimes classified as state violence including for instances of extrajudicial killings. Any investigation is dependent on the political willingness to enable families to pursue justice and therefore is not accessible to all as of right.

Death in custody is investigated under chapter 33 of the Code of Criminal Procedure Code (CrPC) Act. Certain elements of this chapter in the CPC on investigations into sudden deaths lack a proper system to investigate deaths in custody, but it lacks a proper system for adequate investigations. The State of Sri Lanka has time and time again declared at international fora including to UN Committees that Sri Lanka has a zero tolerance policy towards torture.
### CHALLENGES

No right to special investigation mechanism or practice established by the Sri Lanka Police to independently convene special investigation teams and mobile personnel and resources to investigate state violence or political motivated violence or violence perpetrated by politically connected persons resulting in extra judicial killings.

### IMPACT

Families who have lost members to incidents of extra judicial killings are dependent on political willingness to have their individual cases investigated and prosecuted. There is no mechanism and no system of requesting/calling for as of right for a special investigations. There is also no a lack of confidence among the public that the Sri Lanka police and other agencies involved in the investigation will conduct it/conducting such investigation independently and without interference.

### RECOMMENDATIONS

1. Immediately initiate special investigations, with rigorous systems for victim and witness protection and evidence gathering for pending cases of extra judicial killings including deaths of Lasantha Wickrematunga, Waseem Thajudeen, 5 students from Trincomalee in 2006, Roshen Chanaka in May 2011, 27 inmates of Welikada Prison killed in November 2012, Nimal Chandrasiri Dasanayake killed in custody of the police in November 2012, K.A. Akila Dinesh Jayawardena, a 17-year-old boy, Sunanda Perera and D. D. Siriwardena killed in August 2013 in Rathupaswala, killing of two individuals within the Chunnamah Police Station in 2016.

2. Adopt guidelines to investigate death in custody to ensure adherence to international standards namely the Minnesota Protocol and the ICRC Guidelines on Investigation Deaths in Custody. documents on investigating death in custody.
## SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

In 2008, a majority of the 15 recommendations that addressed child rights did so in relation to child soldiers. The state noted all recommendations that implied that it recruited or incorporated child soldiers in its army. In the addendum to its first cycle National Report, the Government highlighted its zero-tolerance policy against child soldiers and underlined ongoing measures to tackle root causes. It further stipulated that repatriation does not arise in the context of released child soldiers. A series of related recommendations were accepted including calls for ending the practice, launching inquiries into allegations of child rights violations in armed conflict, rehabilitation of child soldiers, prosecution of those responsible for recruitment and ensuring domestic compliance with the Convention on the Rights of the Child.

In 2012, Sri Lanka received 11 child rights related recommendations. Four recommendations concerning rehabilitation and reintegration of child soldiers were accepted while the Sweden’s call to ensure that perpetrators of crimes, including recruitment, are brought to justice was noted. Other recommendations concerned protection of child rights in areas such as trafficking, domestic violence, sexual exploration and the formulation of a national strategy for protection of child rights.

## NATIONAL FRAMEWORK

The National Child Protection Authority was established by the parliament of Sri Lanka by the Act No.50 of 1998. The Authority is expected to advise the government on policies and laws on the prevention of child abuse, the protection and treatment of children who are victims of such abuse, and the co-ordination and monitoring of action against all forms of child abuse.

The Penal Code stipulates that any sexual intercourse with a girl below the age of 16 is a statutory rape. It also criminalises, among other things, incest, trafficking of children and also child pornography.

The Prevention of Domestic Violence Act, No. 34 of 2005 contains certain provisions for remedies for children who are victims of incidents of domestic violence.

The Children and Young Persons Ordinance contain special provisions for judicial process relating to juvenile offenders.

The Employment of Women, Young Persons and Children (Amendment) Act No. 8 of 2003 has strengthened child labour law by increasing the minimum age of employment to 14 years.

The International Covenant on Civil and Political Rights Act No.56 of 2007 stipulates that the best interests of the child shall be of paramount importance in all matters concerning children and ensures rights relating to birth registration, name and nationality, and legal assistance for children. Regulation No. 1003/S, passed in 1997 under the Education Ordinance, requires that every child below the age of 14 years must attend school education.

## CHALLENGES

<table>
<thead>
<tr>
<th>Challenges</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limits on access to education</td>
<td>Access to quality education is becoming limited as small rural schools are being closed down, and there is a lack of trained teachers and a lack of facilities. The school admission system is highly corrupted, and often requires financial gratifications for admission of students. Popular schools may charge from Rs.10,000 to 15,000 per year, though they are referred to as levy free schools.</td>
</tr>
<tr>
<td>CHALLENGES</td>
<td>IMPACT</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Commercial sex exploitation</td>
<td>Commercial sex exploitation is increasing with the expansion of tourism. It is estimated that around 40,000 child sex workers are in the country. In Sri Lanka, it is boys who are more vulnerable than girls, compared to other South Asian neighbouring countries.</td>
</tr>
<tr>
<td>High rate of child abuse</td>
<td>Over 10,000 cases of child abuse are reported every year. The National Child Protection Authority (NCPA) states that it has received 10,732 complaints on different forms of child abuse during the year 2015. NCPA says this is a slight increase over the 10,315 cases reported in 2014.</td>
</tr>
<tr>
<td>Legal framework permits child marriages</td>
<td>Though the legal age of marriage is 18 years, Islamic personal laws legally permit marriages of children of 12 years of age. The Muslim Marriage and Divorce Act and Article 16 of the Constitution, which makes all written and unwritten laws in existence before the promulgation of the constitution valid and operative despite inconsistencies with fundamental rights, permits such personal laws.</td>
</tr>
<tr>
<td>Exploitation of children for child labour</td>
<td>The Labour Department of Sri Lanka states that the majority of child laborers are below the age of 14 and also most of them are girls. The majority of the boys engaged in child labor are from rural areas working as agricultural workers while girls are mostly used as domestic servants in urban areas. A survey in 1999 (which did not include the North and East which are highly vulnerable areas in terms of child labour) estimated that there are approximately 70,000 children (5-14 years) who are in a high-risk category for exploitation as child labour. This does not include the approximately 42,000 children (5-14 years) categorised as unpaid family workers who may also be exposed to hazardous forms of labour due to the ignorance and negligence of their families.</td>
</tr>
</tbody>
</table>

**RECOMMENDATIONS**

1. Ensure free primary education for all, without hidden or indirect charges, including by increasing funding for education
2. Develop programmes, inline with national laws, to prevent child sexual exploitation
3. Combat the phenomenon of early and forced child marriage by amending the Muslim Marriage and Divorce Act and Article 16 of the Constitution
4. Take measures to end all forms of child labour, particularly in rural areas, through awareness raising campaigns and programmes.