



U.S. DEPARTMENT of STATE

Sri Lanka

23/3-04

Country Reports on Human Rights Practices - 2003

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Sri Lanka is a republic with an active multiparty system. The popularly elected president, reelected in 1999 to a second 6-year term, and the 225-member Parliament, elected in 2001 for a 6-year term, share constitutional power. From 1983 until 2001, the Government fought the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization that advocated a separate ethnic Tamil state in the north and east of the country. In December 2001, the Government and the LTTE each announced unilateral cease-fires, and a formal ceasefire accord was signed in February 2002. After participating in six rounds of talks facilitated by the Norwegian government, the LTTE suspended the negotiations in April, but both sides continued to observe the ceasefire accord. As a result of the peace process, there was a sharp reduction in roadblocks and checkpoints around the country. Approximately 341,000 internally displaced persons (IDPs) returned to their points of origin in the north and east, and authorities opened investigations into abuses by security force personnel.

President Chandrika Kumaratunga, head of the People's Alliance (PA) coalition, temporarily suspended Parliament November 4. The President also dismissed the ministers of defense, interior, and mass communications and assumed those portfolios herself because of what the President termed a "deterioration of the security situation" during the course of the peace process. Parliament reconvened November 19, and talks continued at year's end between representatives of the Prime Minister and the President over control of the three ministries and the Prime Minister's role in the peace process. The President reaffirmed her commitment to the peace process, but peace negotiations remained suspended at year's end.

The 2001 parliamentary election, which took place prior to the ceasefire, was generally free and fair but was marred by irregularities and resulted in at least 50 deaths. The election gave a parliamentary majority to the United National Front (UNF), a coalition of parties led by the United National Party (UNP). Stating during the election that it feared possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters living in LTTE-controlled territories from crossing army checkpoints to vote. During the year, the Supreme Court ruled that this action violated the fundamental rights of these prospective Tamil voters and cited and fined the Government for preventing citizens from exercising their right to vote. The Government generally respected constitutional provisions for an independent judiciary.

The Ministry of Interior, which President Kumaratunga renamed the Ministry of Internal Security on December 19, controls the 60,000-member police force, which has been used for military operations against the LTTE and is responsible for internal security in most areas of the country. In the past, the police paramilitary Special Task Force also engaged in military operations against the LTTE. The Ministry of Defense controls the 112,000-member Army, the 27,000-member Navy, and the 20,000-member Air Force. Home Guards, an armed force of more than 20,000 members drawn from local communities and responsible to the police, provide security for Muslim and Sinhalese communities located near LTTE-controlled areas. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human right abuses.

Sri Lanka is a low-income country with a market economy based mainly on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from the repatriated earnings of citizens employed abroad, and from tourism. The population was approximately 19.4 million. Real Gross Domestic Product (GDP) growth was 3.2 percent in 2002 and forecast at 5.5 percent for the current year. As an early peace dividend, the country

was able to reduce defense expenditures and focus on getting its large public sector debt under control. The economy benefited as a consequence from lower interest rates, a recovery in domestic demand, increased tourist arrivals, a revival of the stock exchange, and increased foreign direct investment. The cohabitation impasse between the President and the Prime Minister in the last 2 months of the year had an adverse effect on the economy, particularly in the country's equity markets and with foreign direct investment.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were no reports of security forces committing politically motivated killings and no reports of disappearances; however, the military and police reportedly tortured, killed and raped detainees. Prison conditions remained poor. There were reports of arbitrary arrest during the year. During 2002, the Government released more than 750 Tamils held under the Prevention of Terrorism Act (PTA). Only 65 Tamils held under the PTA remained in custody. The PTA, like the Emergency Regulations (ER) repealed in 2001, permitted warrantless arrests and nonaccountable detentions. Unlike in the recent past, there were few reports that security forces harassed journalists during the year. Violence and discrimination against women, child prostitution, child labor, limitations of worker rights, especially in the Export Processing Zones (EPZs), and discrimination against persons with disabilities continued to be problems. Violence against religious minorities increased, and institutionalized ethnic discrimination against Tamils remained a problem. Trafficking in women and children for the purpose of forced labor occurred, and there was some trafficking of women and children for the commercial sex industry. The Government acted against the children for sex trade, and international involvement in the sex trade declined significantly.

The LTTE continued to commit serious human rights abuses. The LTTE was responsible for arbitrary arrest, torture, harassment, disappearances, extortion, and detention. Through a campaign of intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna and the east. On occasion, the LTTE prevented political and governmental activities from occurring in the north and east. There was overwhelming evidence that the LTTE killed more than 36 members of anti-LTTE Tamil political groups and alleged informants during the year. There were also instances of intimidation of Muslims by the LTTE, and there was fighting between LTTE personnel in the east and Muslims that left several Muslims dead. The LTTE continued to control large sections of the north and east. The LTTE permitted journalists some access to the areas of the country it controlled. Some LTTE-imposed restrictions remained on freedom of movement of citizens. The LTTE denied those under its control the right to change their government, did not provide for fair trials, infringed on privacy rights, used child soldiers, and discriminated against ethnic and religious minorities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, the Human Rights Commission (HRC) reported that six individuals died in police custody, two allegedly from police beatings. Sunil Hemachandra, arrested by Moragahahena police July 24, later died at the National Hospital in Colombo after an alleged police beating. On November 10, S.L. Kulatunga died at the National Hospital in Colombo after allegedly being beaten by Nivithigala police. The HRC reported that four other individuals died while in police custody, but the cause of death in each case may not have been the result of police brutality. During his arrest May 13, Ilandara Pedige Wijeratne became ill and was taken by Weliveriya police to the Gamlupaha Hospital, where he died. Michel Manokumara's death, following his arrest August 12 and release by Kosgama police, was ruled a suicide due to ingestion of rat poison. Garlin Sanjeewa, arrested by Kadawatha police August 27, was found hanging in his cell. His death was ruled a suicide. On August 28, while Maturata police were arresting R.M. Loku Banda, he complained of chest pains and was taken to the Maturata Hospital. According to medical officials, he died of natural causes due to heart failure.

There were no developments in the 2001 cases of Kanapathypillai Udayakumar, who died in custody, or of Sivagnanam Manohari, who allegedly was killed by Air Force personnel.

Security force impunity remained a problem, although during the year, the Government indicted security force personnel in several high profile cases. At year's end, the Government continued

to investigate 5 cases of rape, 50 cases of torture, and approximately 500 cases of disappearance by security force personnel. The Government convicted six security force personnel in the 1996 killing of university student Krishanthi Kumaraswamy.

A trial in the Anuradhapura Magistrate's Court continued during the year of five Army personnel accused in 2000 of torturing nine Tamil civilians and murdering eight of them in Mirusuvil. Previously, an Army commander had administratively punished nine soldiers by having their salaries withheld (see Sections 1.b. and 1.c.).

On July 1, 5 individuals, including 2 police officers, were sentenced to death in the court proceedings involving the 2000 Bindunuwema rehabilitation camp deaths of 27 Tamil men. The sentences were immediately commuted to 23 years rigorous imprisonment. In an earlier court action January 4, an additional 23 individuals, including 1 police officer, were acquitted. The HRC stated that the police were guilty of "grave dereliction of duty." Police had been charged for taking part in the killings and for doing nothing to prevent the villagers from entering the detention camp. Violence after the killings continued for almost 1 week before police were able to restore order.

In previous years, some cases of extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believed otherwise. For example, hearings continued during the year against eight police officers indicted in the 1998 deaths of eight Tamil civilians in Thampalakamam, near Trincomalee. Police and home guards allegedly killed the civilians in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier.

Court hearings involving five soldiers arrested for the 1999 gang rape and murder of Ida Carmelita, a Tamil girl, continued during the year. A case remained pending involving mass graves at Chemmani in Jaffna possibly containing the bodies of up to 400 persons killed by security forces in 1996. In the Chemmani area, 6 soldiers allegedly had buried between 120 and 140 bodies on the orders of their superiors. Exhumations in 1999 yielded 15 skeletons. Two of the victims were identified as young men who had disappeared in 1996. In 2001, 13 of the bodies had not been identified. The 6 soldiers named a total of 20 security force personnel, including former policemen, as responsible for the killings. The remaining unidentified bodies underwent DNA testing for identification purposes. The Attorney General's (A.G.) office indicated that it was not satisfied with the inconclusive initial results and reportedly sought funds to provide for more detailed testing.

During the year, representatives of the victims of the 1992 massacre of 35 Tamil civilians in the village of Mailanthani requested that the A.G. appeal the 2002 acquittal of the 21 soldiers accused of the killings.

In the January 2000 killing of Tamil politician Kumar Ponnambalam, two key suspects were killed by unknown assailants early in the year. Judicial proceedings continued with the remaining suspect.

In the past, the military wing of the People's Liberation Organization of Tamil Eelam and the Razeek group were responsible for killing a number of persons; however, there were no reports of such killings during the year. The security forces had armed and used these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE terrorists, and, in some cases, to fight in military operations against the terrorists. The exact size of these militias was impossible to ascertain, but they probably totaled fewer than 2,000 persons. These groups were asked to disarm following the February 2002 ceasefire agreement between the Government and LTTE. The militia handed over some weapons to the Government; however, most observers believed that the groups kept some arms. Persons killed by these militants in the past probably included LTTE operatives and civilians who failed to comply with extortion demands.

During the year, there was credible evidence that the LTTE killed more than 36 members of anti-LTTE Tamil political groups and alleged Tamil informants for the security forces, mainly in the north and east. Both current and former members of anti-LTTE Tamil political parties were targeted by the LTTE. In one high-profile case, the deputy leader of the Eelam People's Revolutionary Liberation Front was shot and killed in Jaffna in June. The LTTE also targeted

alleged Tamil informants to the military, killing several during the year. A police officer was also killed in Colombo in an apparent LTTE attack.

Unlike in previous years, there were no attacks and counter-attacks between government forces and the LTTE, although in two incidents in March and June, the Navy sank LTTE ships allegedly carrying weapons and ammunition. Several LTTE personnel were killed in each of the incidents. There were no reports of suicide bombings during the year.

b. Disappearance

There were no reports of politically motivated disappearances at the hands of the security forces during the year. In 2000, eight Tamil civilians were reported missing in Mirusuvil. At the year's end, five soldiers in that case had been charged with the killing and were standing trial (see Sections 1.a. and 1.c.).

In 2000, a fisherman, seen arrested by naval personnel near Trincomalee, disappeared. In 2002, the Trincomalee High Court ordered a police line-up; however, the witness did not identify any of the suspects. At the end of 2002, the High Court was conducting a habeas corpus hearing in conjunction with the case. There were no further developments by year's end.

Those who disappeared in 2001 and previous years usually were presumed dead. The 2000 U.N. Working Group on Enforced or Involuntary Disappearances listed the country as having an extremely large number of "nonclarified" disappearances. The Commander of the Army and the Inspector General of Police both criticized the disappearances and stated that the perpetrators would be called to account.

Four regional commissions, three established in 1994 and a fourth established in 1998, reported a total of 21,215 disappearances between 1988 and 1994, the majority of which occurred during the 1988-89 period of the Janatha Vimukthi Peramuna (People's Liberation Front-JVP) uprising. The commissions found that many people disappeared after having been removed involuntarily from their homes, in most cases by security forces. Many of these cases were under continuing investigation by the A.G.'s office, but there were no developments during the year.

Although there have been few prosecutions of security force personnel to date, during the year, there were indictments and investigations, including the case against the security forces involved in the Bindunuwewa massacre (see Section 1.a.) and the killings in Mirusuvil (see Sections 1.a. and 1.c.). In November 2002, the Government formed a new commission to investigate disappearances in the Jaffna area during 1996-1997; however, the commission took no action during the year.

A U.N. Working Group on Enforced or Involuntary Disappearances report, released in 1999, cited the PTA and ER as important factors contributing to disappearances and recommended their abolition or modification to bring them into conformity with internationally accepted human rights standards. The ER was repealed in 2001, and there were no arrests under the PTA in 2002 or in the current year; however, some arrests were being made without full necessary documentation, such as detention orders, and the Government had not released by year's end all persons previously detained under the PTA (see Section 1.d.). The reviewing process for some cases continued during the year.

Tamil militias aligned with the former PA government also were responsible for disappearances in past years; however, there were no such reports during the year. The HRC had no mandate or authority to investigate abuses by militia groups. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government largely disarmed these militias in 2002.

The LTTE released 10 people in 2002, including some soldiers, to the International Committee of the Red Cross (ICRC). At year's end, the LTTE was not known to be holding prisoners, but many observers believed that they were (see Section 1.g.).

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention Against Torture Act (CATA) of 1994 makes torture a punishable offense. In

practice, members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation. Under the CATA, torture is defined as a specific crime with a 7-year minimum sentence for those convicted. The High Court has jurisdiction over violations. The CATA does not implement several provisions of the U.N. Convention Against Torture, although the Government maintained that CATA is in "substantial conformity" with the U.N. Convention. According to human rights groups, the result was that torture is prohibited under specific circumstances but allowed under others, and torture continued with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, sufficient to hold a person until the individual is brought to court. In some cases, the detention may extend for years (see Section 1.d.).

Methods of torture included using electric shock, beatings, suspending individuals by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near-drowning. In other cases, victims were forced to remain in unnatural positions for extended periods or had bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees reported broken bones and other serious injuries as a result of their mistreatment, and deaths in custody have occurred (see Section 1.a.). Medical examination of persons arrested since 2000 continued to reveal multiple cases of torture.

There were credible nongovernmental organization (NGO) reports that some members of the security forces tortured individuals in custody. For example, according to the Asian Human Rights Commission (AHRC) and the World Organization Against Torture (OMCT), on November 1, Bamunuarachchi Pathiranalage Sathkumara was arrested and allegedly tortured by police at the Kuliypitiya police station. He was given no reason for the arrest, and when he was released later in the day, he was warned by police not to admit himself to any hospital, despite having been beaten and hung from a ceiling beam with his hands behind his back. Nevertheless, Sathkumara's brother took him to the Kuliypitiya Hospital, where Sathkumara remained for 3 days, and filed a complaint with the police of Kurunegala. Also according to the OMCT and the AHRC, on September 13 and several succeeding days, Hikkaduwa Liyanage Sandun Kumara, 16, was allegedly assaulted severely by police at the Rathgama police station. Kumara allegedly had his head wrapped with his shirt and water poured on his face, nearly causing him to suffocate, and had, among other beatings, his head struck against a wall. He was eventually treated at Karapitiya Teaching Hospital on September 21 and 23. AHRC and OMCT reported that the Supreme Court ordered the National Police Commission to conduct a disciplinary inquiry into this case.

There were no developments in the case of Thivyan Krishnasamy, a student leader released from custody in March 2002. Because he was known as an outspoken critic of security forces in Jaffna, human rights observers claimed that he was arrested because of his political activism, but the police stated that he was connected to the LTTE. Following his arrest in 2001, he complained of being tortured. In support of his allegations of torture, the Jaffna Student Union held protests during the fall of 2001, and university administrators temporarily closed the university to avoid violence.

Rape and sexual assault in custody remained a problem, and several cases were before the courts. According to Amnesty International (AI), a case involved Nandini Herat, arrested in March 2002 for theft. While in the custody of the Wariyapola police, she allegedly was subjected to sexual torture. On July 14, the Officer in Charge of Wariyapola police was charged in the High Court under the Sri Lanka Torture Act of 1994. He was released on bail, but subsequently five other officers involved also were charged. AI reported that Herat and her father were intimidated and threatened by police in an attempt to get the charges withdrawn. There were no further developments by year's end. In the case of 2 women arrested in 2001 in Mannar who claimed that they were tortured and repeatedly raped by naval and police personnel, 14 officials were tried for rape, torture, or both. Two of the perpetrators were acquitted during the year, and the case continued at year's end. A fundamental rights case (see next paragraph) also was opened against the accused. Four other cases in which the security forces were accused of raping women in detention remained pending at year's end.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the high courts or Supreme Court. Courts have granted awards ranging from approximately \$150 (14,200 rupees) to \$1,940 (182,500 rupees). In some cases, the Government did not pay fines incurred by security force personnel found guilty of torture. Either the Government or the guilty party paid fines based on the decision of the judge hearing the case.

The A.G.'s Office and the Criminal Investigation Unit established units to focus on torture complaints. During the year, the units forwarded 50 cases for indictments, of which 20 resulted in indictments, but there were no convictions. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues also continued to track criminal investigations of torture.

The Army committed a number of nonlethal abuses. For example, according to the Refugee Council (RC), 20 people were wounded October 22 when soldiers assaulted civilians at Munai near Point Pedro in Jaffna. In another incident, a soldier shot and seriously wounded a bus conductor on December 8 in Jaffna. The Jaffna Magistrates Court remanded three soldiers over the incident.

At year's end, five soldiers were standing trial in a case involving the 2000 exhumation of the bodies of eight Tamils allegedly tortured and killed by the army in Mirusuvil (see Sections 1.a. and 1.b.).

Impunity remained a problem. In the majority of cases in which military personnel may have committed human rights abuses, the Government has not identified those responsible or brought them to justice.

The 2000 U.N. Committee on Torture report was submitted to the Government in 2001 but had not been released to the public by year's end.

In the past, Tamil militants aligned with the former PA government engaged in torture; however, there were no such reports during the year.

The LTTE used torture on a routine basis.

Prison conditions generally were poor and did not meet international standards because of overcrowding and lack of sanitary facilities. Women were held separately from men. In some cases, juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted.

The Government permitted visits by independent human rights observers and the ICRC, which during the year conducted 69 visits to 33 government detention facilities, including prisons and military jails. The HRC also visited 690 police stations and 96 detention facilities (see Section 1.d.). According to the ICRC and the HRC, prison conditions generally were poor and did not meet international standards.

Conditions also reportedly were poor in LTTE-run detention facilities. The ICRC conducted eight visits in LTTE-controlled detention facilities. Due to the release of detainees in 2000 and the apparent release of the remaining soldiers held by the LTTE in 2002, ICRC visited fewer LTTE detention centers than in previous years (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile

There were reports of arbitrary arrest and detention during the year. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appeared within a few days before a magistrate, who could authorize bail or order continued pretrial detention for up to 3 months or longer. Security forces must issue an arrest receipt at the time of arrest, and, despite some efforts by the Government to enforce this standard, arrest receipts rarely were issued in previous years. Observers believed that the lack of arrest receipts in the past prevented adequate tracking of cases and permitted extended detentions and torture without making any persons directly responsible for those detainees. During the year, arrest receipts were still not issued in some cases.

In December 2002, the Government established the National Police Commission (NPC) in accordance with the 17th Amendment of the Constitution. The NPC, composed entirely of civilians, is authorized to appoint, promote, transfer, discipline, and dismiss all police officers other than the Inspector General of Police and has the power to establish procedures to investigate public complaints against the police.

In past years, the army generally turned over those it arrested under the ER to the police within 24 hours, although the police and the Army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate, generally respected by the police, to visit those arrested. Due to censorship and infrequent access, observers could not determine the state of affairs in LTTE-controlled areas.

There were some large-scale arrests of Tamils in June; however, the vast majority of those arrested were released shortly thereafter. In the past, many detentions occurred during operations against the LTTE. Most detentions lasted a maximum of several days, but some extended to several months. At year's end, 65 Tamils charged under the PTA remained in detention without bail awaiting trial. The Government released more than 750 Tamils arrested under the PTA during 2002.

The Committee to Inquire into Undue Arrest and Harassment (CIUAH), which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. Opinions on the effectiveness of the CIUAH were mixed. Some human rights observers believed that the work of the committee deterred random arrests and alleviated problems encountered by detainees and their families. Others felt that, although the CIUAH continued to meet throughout the year, it took no significant action.

The HRC investigated the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC is legally mandated to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes violated the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 160 detention centers, police stations, and army camps recognized officially as places of detention. Due to the lapsing of the ER in 2001, the total number of persons detained in military bases has been reduced dramatically, with the military making fewer arrests and transferring detainees to police facilities more quickly than in previous years. With the ceasefire agreement, the number of arrests by the military dramatically declined.

The LTTE in the past detained civilians, often holding them for ransom. There were reports of this practice during the year, particularly the multiple reports of kidnapping of Muslims in the east. Usually, the Muslims were released soon after being kidnapped and often after ransom was paid. At year's end, there were no reports of the LTTE holding Muslims in custody.

There are no legal provisions to allow forced exile, and the Government did not practice it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The President appoints judges to the Supreme Court, the High Court, and the courts of appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the President and the Parliament.

In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them and have the right to counsel and the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high court and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. In addition, the Ministry of Justice operated 11 community legal aid centers to assist those who could not afford representation and to serve as educational resources for local communities. However, at year's end, the legal aid centers had not tried any cases. There are no jury trials in cases brought under the PTA. Confessions, obtained by various coercive means, including torture, are inadmissible in criminal proceedings but are allowed in PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial

review in certain cases, defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases come to trial, decisions were made relatively quickly.

Most court proceedings in Colombo and the south were conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east were in Tamil and English, but many serious cases, including those having to do with terrorism, were tried in Colombo. While Tamil-speaking judges existed at the magistrate level, only four High Court judges, an Appeals Court judge, and a Supreme Court justice spoke fluent Tamil. Few legal textbooks and only a single law report existed in Tamil, and the Government has complied slowly with legislation requiring that all laws be published in English, Sinhala, and Tamil.

The Government permits the continued existence of certain aspects of personal laws discriminating against women in regard to age of marriage, divorce, and devolution of property (see Section 5).

In the past in Jaffna, LTTE threats against court officials sometimes disrupted normal court operations. Although the Jaffna court suspended activities due to security concerns in 2000, it reopened in 2001 and functioned continuously since then. During the year, the LTTE expanded the operations of its court system into areas previously under the Government's judicial system in the north and east. With the expansion, the LTTE demanded that all Tamil civilians stop using the Government's judicial system and rely only on the LTTE's legal system. Credible reports indicated that the LTTE implemented the change through the threat of force.

The LTTE has its own self-described legal system, composed of judges with little or no legal training. LTTE courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly imposed severe punishments, including execution.

The Government claimed that all persons held under the PTA were suspected members of the LTTE and therefore were legitimate security threats. Insufficient information existed to verify this claim and to determine whether these detainees were political prisoners. In many cases, human rights monitors questioned the legitimacy of the criminal charges brought against these persons. In 2002, The A.G. dismissed more than 750 PTA cases. During the year, 65 Tamils charged under the PTA remained in detention. The Government claimed that the remaining cases were of individuals directly linked only to suicide bombings or other terrorist and criminal acts.

The LTTE reportedly held a number of political prisoners. The number was impossible to determine because of the secretive nature of the organization. The LTTE refused to allow the ICRC access to these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy, and the Government generally respected this provision in practice; however, it infringed on citizen's privacy rights in some areas. The police generally obtained proper warrants for arrests and searches conducted under ordinary law; however, the security forces were not required to obtain warrants for searches conducted either under the lapsed ER or the PTA. The Secretary of the Ministry of Defense was responsible for providing oversight for such searches. The Government was believed to monitor telephone conversations and correspondence on a selective basis. However, there were no reports of such activity by security forces during the year.

In September 2002, the Government removed the LTTE from proscription. This meant that members of the LTTE were no longer subject to arrest simply because of their status.

The LTTE routinely invaded the privacy of citizens by maintaining an effective network of informants. The LTTE forcibly recruited children during the year (see Section 6.d.). However, during the year, the LTTE also released 141 children. In late 2002, the LTTE handed over an additional 85 children to UNICEF, stating that the children had volunteered to serve, but that the LTTE did not accept children (see Section 6.d.). Unlike in previous years, there were no reports that the LTTE expelled Muslims from their homes.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

Hostilities between the Government and the LTTE abated with the announcement of unilateral ceasefires in December 2001, followed by a formal ceasefire accord agreed to in February 2002. Subsequently, both sides released a number of prisoners, and the key road connecting Jaffna with the rest of the island opened. The abatement of hostilities led to a sharp reduction in roadblocks and checkpoints around the country, to the return of approximately 341,000 IDPs to their points of origin in the north and east, and to the opening of investigations into actions by security force personnel.

In April 2002, naval personnel in Nilaveli opened fire and injured two Tamil women. The circumstances surrounding the incident remained unclear, and the investigation into the incident remained open at year's end.

In 2001, the Army created the Directorate of Human Rights and Humanitarian Law. The directorate was charged with coordinating, with the assistance of ICRC training (see Section 4), all human rights activities for the Army and with overseeing the human rights cells that are assigned throughout the military. The Army also stated that all of its personnel had completed the appropriate training and pledged to adhere to the rules of international humanitarian law. Early in 2002, the Air Force and Navy instituted similar programs. The armed forces operated under written rules of engagement that severely restricted the shelling, bombardment, or use of excessive firepower against civilian-occupied areas. During the year, the Army instituted further mandatory human rights training programs for officers and enlisted personnel.

The Government continued to provide food relief, through the Commissioner General for Essential Services and the Multi-Purpose Cooperative Societies, to displaced and other needy citizens, including those in areas controlled by the LTTE. The Government delivered food rations to the Vanni area, a LTTE-controlled area in the north, through a checkpoint that was controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE remained open during the year. Unlike in previous years, NGOs could move assistance into LTTE-controlled areas without extensive Government oversight.

During 2002, the Ministry of Defense reported capturing several LTTE personnel with weapons in government-controlled areas in direct contradiction of the terms of the ceasefire agreement. The Government reportedly returned most LTTE personnel directly to the closest LTTE checkpoint. Some, however, were detained for longer periods. Previously, the military sent the LTTE cadre it captured or who surrendered to rehabilitation centers. The ICRC continued to visit former LTTE members in government rehabilitation camps, although the 2000 massacre of more than 20 such detainees at a government-run detention facility at Bindunuwewa, near Bandarawella, led observers to question the continued security of residents of these facilities (see Sections 1.a. and 1.g.).

In view of the scale of hostilities in previous years and the large number of LTTE casualties, some observers found the number of prisoners taken under battlefield conditions to be low. Observers concluded that many LTTE fighters apparently were killed rather than taken prisoner. Some observers believed that, on the government side, an unwritten "take-no-prisoners" policy had been in effect. The military denied this claim, stating that other factors limited the number of prisoners taken, such as the LTTE's efforts to remove injured fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly injured fighters. There were no reports of security force personnel executing LTTE personnel during the year.

In previous years, the Government refused to permit relief organizations to provide medical attention to injured LTTE fighters, although it offered to treat any LTTE injured entrusted to government care. According to credible reports, injured LTTE cadres surrendering to the Government received appropriate medical care.

The LTTE admitted that in the past it killed security forces personnel rather than take them prisoner. Past eyewitness accounts confirmed that the LTTE executed injured soldiers on the battlefield. At year's end, the LTTE reportedly had released all security force personnel it was holding; however, the LTTE was believed to have killed most of the police officers and security force personnel captured in the past few years.

The LTTE routinely used excessive force in the war, including by targeting civilians. Since the peace process began in December 2001, the LTTE has engaged in kidnapping, hijackings of truck shipments, and forcible recruitment, including of children. The LTTE was widely believed by credible sources to have increased its recruitment during the year. There were intermittent reports of children ranging in age from 13 to 17 escaping from LTTE camps. During the year, the LTTE released 141 children. (see Sections 1.f. and 5.). The Sri Lanka Monitoring Mission (SLMM) received approximately 200 complaints about child abductions during the year, and credible sources said those children were recruited to be child soldiers. Senior LTTE officials alleged to foreign officials that child soldiers were volunteers. During the year, the LTTE and UNICEF reached an agreement on the demobilization and rehabilitation of child soldiers and began work on an action plan to address issues relating to child labor, including underage recruitment. However, the LTTE provided little follow-up to the plan.

The LTTE expropriated food, fuel, and other items meant for IDPs, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled areas, as well as in other parts of the Vanni region, with nutrition levels falling below the national average. Experts reported a high rate of anemia and a low birth rate. Confirmed cases of malnutrition included hundreds of children.

Landmines were a serious problem in Jaffna and the Vanni and, to some extent, in the east (see Section 5). Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of displaced persons and rebuilding. At the end of 2002, a U.N. team had begun coordinating the process of mapping the mined areas in the country and established oversight for a mine removal program. During the year, a U.N. team established a landmine map database, which was shared with all the 12 demining agencies that worked in the country. During the year, the military and the LTTE removed mines in areas they controlled. The Government reported as many as 15 mine-related casualties among civilians per month.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. In the past, the Government restricted these rights, often using national security grounds permitted by law. In 2002, criminal defamation laws, which had been used often by the Government to intimidate independent media outlets, were eliminated. In 2001, the Government officially lifted the censorship on war reporting. However, even when no specific government censorship was exercised, private television stations imposed their own, informal censorship on international television news rebroadcast in the country.

Although the Government owned the country's largest newspaper chain, two major television stations, and a radio station, a variety of independent, privately owned newspapers, journals, and radio and television stations dominated the media. Most independent media houses freely criticized the Government and its policies. The Government imposed no political restrictions on the establishment of new media enterprises.

The President officially eased censorship restrictions on foreign journalists in a circular published in 2000; however, material for publication or broadcast within the country, regardless of author, remained subject to government approval until the repeal of censorship laws in 2001. Claims of harassment and intimidation of private media declined.

Reporters Without Borders (RWB) wrote to the President and the Prime Minister in May regarding a death threat made May 7 against British Broadcasting Corporation correspondent Ponniah Manikavasagam, who had just completed an interview with a leader of the LTTE and which was broadcast by the BBC. RWB believed that a pro-government paramilitary group, the Eelam People's Democratic Party, was responsible for the threat, made a few days after two Sinhalese journalists were threatened by LTTE members in Vavuniya, the northern town where Manikavasagam was based. Additionally, according to the RC, journalists in Jaffna staged a protest October 12 because of an Army attack at Manipai and Nellyyady on four journalists.

In 2002, the defamation laws were repealed and all cases pertaining to the defamation laws were dropped.

The Sri Lanka Tamil Media Alliance (SLTMA) was formed in 1999 to protect the interests of Tamil journalists, who alleged that they were subject to harassment and intimidation by Tamil paramilitary groups and government security forces. Regional Tamil correspondents working in the war zones complained of arbitrary arrest and detention in the past and difficulty in obtaining press accreditation. The SLTMA filed cases on behalf of Tamil journalists, but its cases had not succeeded in the courts.

The Press Complaints Commission of Sri Lanka was established during the year to provide a venue for citizens to bring complaints against media outlets. The Commission began full operations by November, and started to investigate complaints.

Unlike in the previous year, travel by local and foreign journalists to conflict areas was not restricted. The LTTE did not tolerate freedom of expression. It tightly restricted the print and broadcast media in areas under its control. According to RWB, 50 armed LTTE activists near the eastern town of Batticaloa August 7 ambushed a distribution truck of Thinamurasu, a Tamil-language weekly, and burned 5,000 copies of the newspaper. In the past, the LTTE killed those reporting and publishing on human rights.

In 2002, two Air Force personnel were convicted of forcibly entering the home of and threatening a well-known journalist who reported regularly on defense matters. The two received 9-year sentences, were released on bail, and continued to appeal the charge during the year.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

The LTTE restricted academic freedom, and it repressed and killed intellectuals who criticize its actions. The LTTE also severely repressed members of human rights organizations, such as the University Teachers for Human Rights (UTHR) and other groups. Many former members of the UTHR have been killed and others were in hiding.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Although the PTA may be used to restrict this freedom, the Government did not use the Act for that purpose during the year. Numerous peaceful political and nonpolitical rallies were held throughout the country during the year.

The 1981 Referendum Act states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled. However, the Government generally granted permits for demonstrations, including those by opposition parties and minority groups.

In October 2002, special task force police killed eight Tamil civilians during a protest in Akkaraipattu. Police and the commission tasked with investigating the incident claimed that the crowd was trying to enter the police compound and the police were defending themselves. Tamils continued to dispute this finding, asserting that the protest was peaceful.

The LTTE does not allow freedom of association in the areas it controls. The LTTE reportedly used coercion to make persons attend its rallies. On the Jaffna Peninsula, the LTTE occasionally posted publicly the names of Tamil civilians accused of associating with security forces and other Government entities. The Jaffna Library, destroyed during the war, was reconstructed and was set to reopen during the year, but the LTTE prevented the reopening. The LTTE killed Tamil civilians who cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in 1998.

c. Freedom of Religion

The Constitution accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government generally respected this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in the country, but the Government sought to limit the number of foreign religious workers given temporary work permits. Permission usually was restricted to denominations registered with the Government. The Government prohibited the entry of new foreign clergy on a permanent basis. It permitted those already in the country to remain.

During the year, there were confirmed reports of assault on Protestant and Catholic churches and church members by Buddhist mobs, often led by extremist Buddhist monks. Christian organizations reported an increase in attacks, with several per week by year's end. Village police were often reluctant to pursue Buddhist monk agitators out of deference for their position. At year's end, no arrests had been made.

Two legal developments during the year raised religious freedom concerns. In July, the Supreme Court denied a Catholic order of nuns the right to be incorporated on the grounds that its medical services to the poor constituted proselytism. In January, the Supreme Court ruled against incorporation of New Harvest Wine Ministry, an Evangelical group, stating that Christian institutions should not couple religious education with charitable deeds. Also during the year, the Ministry of Hindu Affairs drafted a bill that would prevent proselytism to Hindus, including the use of outreach-type materials or media, and would require all conversions of Hindus to be reported to a local government official for investigation of possible force or allurement. The draft bill was under review at year's end.

In 2001, four Sinhalese attacked a Muslim cashier. When the Muslim community protested police inaction, rioting Sinhalese confronted the Muslim persons, and two Muslims were killed. The police investigation into this incident remained open and no arrests were reported. There were no developments in this case during the year.

The LTTE expelled virtually the entire Muslim population from their homes in the northern part of the island in 1990. Most of these persons remain displaced. During the year, the LTTE leadership met with the leaders of the Muslim community to discuss the peace process. In the past, the LTTE expropriated Muslim homes, land, and businesses and threatened Muslim families with death if they attempted to return. The LTTE made some conciliatory statements to the Muslim community, but most Muslims viewed the statements with skepticism. There also was intimidation of Muslims in the east by the LTTE, and, throughout the year, there was sporadic fighting between LTTE personnel and Muslims. For example, on April 17-18, five Muslims were killed and scores displaced during fighting with the LTTE in Mutur, near the eastern port city of Trincomalee. In August, five Muslims were killed, and numerous Muslim-owned businesses and houses were burned during fighting in the Eastern Province.

The LTTE has been accused in the past of using church and temple compounds, where civilians were instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]", and the Government generally respected the right in practice. However, in the past, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils had to obtain police passes to move freely in the north and east, and frequently they were harassed at checkpoints throughout the country. These security measures had the effect of restricting the movement of Tamils.

Starting in 2001, most travel restrictions were lifted by the Government. Areas with limited access continued to be near military bases and high security zones, defined as areas near military emplacements, camps, barracks, or checkpoints where civilians could not enter. Some observers claimed the high security zones were excessive and unfairly claimed Tamil agricultural lands, particularly in Jaffna. The LTTE limited travel on the road connecting Jaffna in the north to the rest of the country; however, in April 2002, the Government lifted all its restrictions on travel to Jaffna.

By late 2001, there were over 800,000 IDPs in Sri Lanka. With the advent of the peace process, the United Nations High Commissioner for Refugees (UNHCR) reported that 341,000 IDPs had returned to their places of origin, leaving roughly 500,000 IDPs in the country. According to the RC, approximately 100,000 IDPs were unable to resettle as a result of the High Security Zones. An estimated 65,000 Tamil refugees live in camps in Tamil Nadu in southern India. Approximately 100,000 refugees may have integrated into Tamil society in India over the years. According to the UNHCR, a small number may have returned from India during the year.

The LTTE has discriminated against Muslims and, in 1990, expelled some 46,000 Muslim inhabitants—virtually the entire Muslim population—from their homes in areas under LTTE control in the northern part of the island. Most of these persons remained displaced and lived in or near welfare centers. There were credible reports that the LTTE warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict is over. However, it appeared that these attacks by the LTTE were not targeted against persons due to their religious beliefs; rather, it appeared that they were part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state. During the year, the LTTE invited the Muslim IDPs to return home, asserting they would not be harmed. Although some Muslim IDPs had begun returning home, the vast majority had not returned. Instead, they were awaiting a guarantee from the Government for their safety in LTTE-controlled areas.

The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. In particular, the LTTE taxed civilians traveling through areas it controlled. In the past, the LTTE disrupted the movement of IDPs from Trincomalee to Jaffna by hijacking or attacking civilian shipping, although there were no such reports during the year.

The law does not provide for the granting of asylum and/or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. Asylum issues did not arise during the year. There were no reports of refoulement, the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in practice through multiparty, periodic, free and fair elections held on the basis of universal suffrage; however, recent elections have been marred by violence and some irregularities. Power is shared between the President (elected in 1999 for a 6-year term) and the 225-member Parliament. The right to change the government was exercised in the December 2001 parliamentary elections in which the UNF, a coalition of parties led by the UNP, won a majority in Parliament for the next 6-year period. Stating that it feared possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters living in LTTE-controlled territories from crossing army checkpoints in order to vote. During the year, the Supreme Court ruled that this action violated the fundamental rights of these prospective Tamil voters. The Supreme Court ruling cited and fined the commander of the Army, the then-Commissioner of Elections, and the Government for preventing citizens from exercising their right to vote. The commander of the Army claimed that he was following orders from the Government based on information that the LTTE was planning to infiltrate government-controlled areas on election day.

Following elections held in December 2001, the UNP and its allies formed the new Government. The president's party, the PA, led the opposition in Parliament. Cohabitation ties between the President and Prime Minister have been difficult and were exacerbated in November when the President declared an emergency, suspended Parliament for 15 days and dismissed 3 ministers, taking personal control of the defense ministry. In doing so, the President cited concerns about national security. Discussions continued at year's end over the control of the three ministries and the Prime Minister's role in the peace process.

The President suspended Parliament from July to September 2001 out of concern that her coalition had lost its majority in Parliament because of defections. The suspension of Parliament angered opposition parties, which sponsored numerous demonstrations. One of these demonstrations ended with the deaths of two marchers killed by security forces (see Section

2.b.). After further defections from her coalition, the President dissolved Parliament in October 2001, and called for elections to take place in December 2001.

On election day in December 2001, 12 supporters of the Sri Lankan Muslim Congress were killed, allegedly by hired thugs of a PA candidate. Former PA Member of Parliament Anuruddha Ratwatte and his two sons were indicted for conspiring in the killings. In addition, 15 others, including security force personnel, were indicted for their alleged involvement in the murders. In June, Ratwatte and 14 others were granted bail by a 5-judge bench of the Supreme Court, setting aside the majority order of the High-Court-Trial-at-Bar.

Despite an extremely violent campaign preceding the 2001 election, including credible reports of the use of intimidation by both of the major parties, voter turnout exceeded 70 percent. The People's Alliance for Free and Fair Elections reported 755 incidents of violence and 49 deaths; the Center for Monitoring Election Violence reported 4,208 incidents and 73 deaths; and the police reported 2,247 incidents and 45 deaths connected to the election.

In September 2001, the Parliament passed the 17th Amendment, which established (among other commissions) an independent Commission on Elections, which was to be tasked with ensuring free and fair elections; however, implementing legislation was not passed by year's end.

A delegation from the European Union monitoring the 2001 election expressed concern about violence and irregularities in the voting, but concluded that the election "did to a reasonable degree reflect the will of the electorate."

There were 10 women in the 225-member Parliament. There was one woman in the Cabinet, and two sat on the Supreme Court. In December 1999, a woman, Chandrika Kumaratunga, was elected President for a second term.

There were 28 Tamils and 24 Muslims in the 225-member Parliament.

The LTTE continued to refuse to allow elections in areas under its control, although it did not oppose campaigning by certain Tamil parties in the east during the December 2001 parliamentary elections. In previous years, the LTTE effectively had undermined the functioning of local government bodies in Jaffna through a campaign of killing and intimidation. This campaign included the killing of two of Jaffna's mayors and death threats against members of the 17 local councils. During the period of the conflict, the LTTE killed popularly elected politicians, including those elected by Tamils in areas the LTTE claimed as part of a Tamil homeland.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Several domestic human rights NGOs, including the Consortium of Humanitarian Agencies, the University Teachers for Human Rights, Jaffna, the Civil Rights Movement, and the Law and Society Trust, monitored civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGOs, although the Government officially required NGOs to include action plans and detailed descriptions of funding sources as part of its registration process. Some NGO workers viewed this as an attempt by the Government to exert greater control over the NGO sector after previous human rights groups' criticisms. Few NGOs complied with these reporting requirements.

The Government continued to allow the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). The ICRC provided international humanitarian law training materials and training to the security forces. The UNHCR, the ICRC, and a variety of international NGOs assisted in the delivery of medical and other essential supplies to the Vanni area (see Section 1.g.).

The HRC by statute has wide powers and resources and may not be called as a witness in any

court of law or be sued for matters relating to its official duties. However, according to the ALRC, the HRC often was not as effective as it should have been. The HRC adopted a tribunal-like approach to investigations, declining to undertake preliminary inquiries in the manner of a criminal investigator, and often told victims to find their own evidence. The HRC did not issue an annual report about human rights abuses. Nevertheless, the HRC conducted 690 visits to police stations and 96 visits to detention facilities. The HRC had 2,500 cases of alleged human rights abuse pending. Activists expressed some satisfaction with the HRC leadership's prompt investigation into the 2000 Bindunuwewa massacre.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights under the law for all citizens, and the Government generally respected these rights. The Supreme Court regularly upheld court rulings in cases in which individuals filed suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.). There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS; however, there was some societal discrimination against these groups.

Women

Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continued to be serious and pervasive problems. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation, and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and judicial officials should be required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention; however, there was no information on any action taken by the Bureau, nor on the number of crimes against women.

There were several reported incidents of rape or attempted rape by security forces during the year. According to the RC, two policemen were accused October 23 of the attempted rape of a Mrs. Selvarajah at Uyilankulam in Mannar District. Three soldiers were accused August 26 of attempted rape of a woman at Inbaruty in Vadamarachchi in the Jaffna Peninsula. During the year, the police reported approximately 900 rape investigations in the country compared with 865 rape investigations in 2002. Despite the number of reported rapes, there were no convictions in the cases involving security force personnel.

Although laws against procuring and trafficking were strengthened in 1995, trafficking in women for the purpose of forced labor occurred (see Section 6.f.). Prostitution was not legal, and it was a problem. Some members of the police and security forces reportedly participated in or condoned prostitution.

The Constitution provides for equal employment opportunities in the public sector. However, women had no legal protection against discrimination in the private sector where they sometimes were paid less than men for equal work, often experienced difficulty in rising to supervisory positions, and faced sexual harassment. Women constituted approximately one-half of the formal workforce.

Women have equal rights under national, civil, and criminal law. However, questions related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who followed their customary marriage practices. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.

Children

The Government was committed to protecting the welfare and rights of children but was constrained by a lack of resources. Expenditures for health and education for children declined as a percent of GDP between 1998 and 2001. Nevertheless, the Government demonstrated its commitment through extensive systems of public education and medical care. The law requires children between the ages of 5 and 14 to attend school. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. Health care, including immunization, also was free.

Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducted investigations into crimes against children and women. In September 2002, the police opened an office to work directly with the National Child Protection Authority (NCPA) on children's issues, to support NCPA investigations into crimes against children, and to arrest suspects based on those investigations.

Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The NCPA included representatives from the education, medical, retired police, and legal professions; it reported directly to the President.

The Government pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalty for pedophilia is not less than 5 years and up to 20 years, as well as an unspecified fine. During the year, 11 cases of pedophilia were brought to court; however, there were no convictions.

Child prostitution was a problem in certain coastal resort areas. The Government estimated that there were more than 2,000 child prostitutes in the country, but private groups claimed that the number was much higher (see Section 6.f.). Citizens committed much of child sexual abuse in the form of child prostitution; however, some child prostitutes were boys who catered to foreign tourists. Some of these children were forced into prostitution (see Section 6.f.). The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation, and worked with local NGOs that provided shelter. The Tourist Bureau conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism.

The LTTE used child soldiers and recruits children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as 13 years of age, surrendered to the military, and credible reports indicated that the LTTE stepped up recruiting efforts (see Section 1.g.). In 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17. The LTTE did not honor this pledge, and, even after the ceasefire agreement, there were multiple credible reports of the LTTE forcibly recruiting children (see Section 6.d.). For example, during the year, UNICEF reported that there were over 700 cases of forcible child recruitment by the LTTE and that more than 1,300 children remained in LTTE custody at year's end. During the year, the Government began participation in an inter-regional project aimed to prevent and reintegrate children involved in armed conflict. The project was sponsored by the International Labor Organizations's International Program for the Elimination of Child Labor, which the Government began working with in 1996.

Persons with Disabilities

The law forbids discrimination against any person on the grounds of disability. It is believed no cases were filed under this law. There was some discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities. The World Health Organization estimated that 7 percent of the population consisted of persons with disabilities. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The Government also provided some financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for

persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties because of negative attitudes and societal discrimination.

Indigenous People

The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. Some Veddas complained that they were being pushed off of their land in protected forest areas.

National/Racial/Ethnic Minorities

There were approximately 1 million Tamils of comparatively recent Indian origin, the so-called "tea estate" Tamils or "Indian" Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. Approximately 75,000 of these persons did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. Without national identity cards, they were vulnerable to arrest by the security forces. However, the Government stated that none of these persons would be forced to depart the country. During 1999, the Government introduced a program to begin registering these individuals, and 15,300 tea estate Tamils received identity cards in 2001, and the registration process continued during the year. On October 7, Parliament passed a bill granting full citizenship to over 160,000 tea estate Tamils.

Both local and tea estate Tamils maintained that they suffered long-standing systematic discrimination in university education, government employment, and in other matters controlled by the Government.

Section 6 Worker Rights

a. The Right of Association

The Government respects the constitutional right of workers to establish unions, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, in practice, such rights were subject to administrative delays, and unofficially were discouraged. Nonetheless, approximately 20 percent of the 6.9 million work force nationwide and more than 70 percent of the plantation work force, overwhelmingly Hill Tamil, was unionized. In total, there were more than 1 million union members. Approximately 15-20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.

Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. More than 30 labor unions had political affiliations, but there were also a small number of unaffiliated unions, some of which had active leaders and a relatively large membership. During 2002, the Ministry of Employment and Labor registered 174 new unions and canceled the registration of 150 others, bringing the total number of functioning unions to 1,689 by the end of 2002. About 500 unions were considered active. The Ministry of Employment and Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

In 1999, Parliament passed an amendment to the Industrial Disputes Act (IDA), which requires employers to recognize trade unions and the right to collective bargaining and prohibits anti-union discrimination. This law was being implemented. Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Anti-union discrimination is a punishable offense liable for a fine of \$200 (20,000 rupees).

During the year, the International Confederation of Free Trade Unions (ICFTU) filed a formal

complaint against the Government in the ILO Freedom of Association Committee regarding an allegedly flawed referendum July 9 at the Jaqalanka Ltd. factory in the Katunyake Free Trade Zone. At year's end, the complaint was resolved, with both sides reportedly making concessions on the issue. Unions may affiliate with international bodies, and a few have done so.

b. The Right to Organize and Bargain Collectively

The law provides for the right to collective bargaining; however, very few companies practiced it. At year's end, about 50 companies belonging to the Employers' Federation of Ceylon (EFC) had collective agreements. All collective agreements must be registered at the Department of Labor. By year's end, companies belonging to the EFC signed 128 collective agreements.

According to the ICFTU, there were some violations of trade union rights in the EPZs. Only seven unions were active in EPZs, partially because of severe restrictions on access by union organizers to the zones. In order to give effect to the IDA and ILO conventions on collective bargaining and trade union activity, the Board of Investment (BOI) issued a new labor standards manual in October 2002 instructing BOI companies, including those in EPZs, to recognize Trade Union activities and the right to collective bargaining.

There are 10 trade unions operating in the EPZs. Collective bargaining units are recognized as unions in 4 out of approximately 200 factories.

In BOI enterprises without unions, including those in the EPZs, worker councils—composed of employees, employers, and often a public sector representative—generally provided the fora for labor and management negotiation. According to the new BOI labor manual and BOI sources, the councils have the power to negotiate binding collective bargaining contracts, although no such contracts have been signed to date. Labor advocates criticized the employees' councils as ineffective worker representatives.

All workers, other than police, armed forces, prison service and those in essential services, have the right to strike. By law, workers may lodge complaints with the Commissioner of Labor, a labor tribunal, or the Supreme Court to protect their rights. These mechanisms were effective, and new reforms placed limits on the amount of time allowed to resolve arbitration cases; however, there continued to be substantial backlogs in the resolution of cases. The President retains the power to designate any industry as an essential service.

Civil servants may submit labor grievances to the Public Service Commission (PSC). If not satisfied with PSC decisions, civil servants may appeal to the Administrative Appeals Commission set up in July under the 17th Amendment to the Constitution. They may also seek judicial protection under fundamental rights protection provisions in the Constitution. Government workers in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in the past few years. There were numerous public sector, but relatively few private sector, strikes during the year.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity are not considered appropriate grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

Approximately 125,000 workers were employed in 12 EPZs/Industrial Parks operated by the BOI. A large percentage of these workers were women. Under the law, workers in the EPZs have the same rights to join unions as other workers. Few unions have formed in the EPZs, partially because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country was approximately 20 percent, the rate within the EPZs was under 10 percent. Labor representatives alleged that the Government's BOI, which manages the EPZs, including setting wages and working conditions in the EPZs, discouraged union activity. The short-term nature of employment and the relatively young workforce in the EPZs made it difficult to organize. Labor representatives alleged that worker councils in the EPZs only had the power to make recommendations. The recent BOI manual stated that Employees' Councils could represent workers in collective bargaining and industrial disputes. Labor representatives alleged that the Labor Commissioner, under BOI pressure, had failed to prosecute employers who refused to recognize or enter into collective bargaining with trade unions. While employers in the EPZs generally offered higher wages and better working

conditions than employers elsewhere, workers faced other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards established minimum wages and conditions of employment, except in the EPZs, where wages and work conditions were set by the BOI.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor; however, there were reports that such practices occurred. The law does not prohibit forced or bonded labor by children specifically, but government officials interpreted it as applying to persons of all ages (see Section 6.d.). There were credible reports that some rural children were employed in debt bondage as domestic servants in urban households, and there were numerous reports that some of these children had been abused.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training. A recent amendment to the Employment of Women and Youth Act (EWYC) prohibits all other forms of family employment of children below 14. The Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since 1998, although it still was being implemented. A child activity survey, carried out in 1998 and 1999 by the Department of Census and Statistics, found almost 11,000 children between the ages of 5 and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work throughout the country.

The EWYC and the Factories Ordinance govern employment of young persons between 14 and 18 years of age. Persons under age 18 may not be employed in any public enterprise in which life or limb is endangered. There were no reports that children were employed in the EPZs, the garment industry, or any other export industry, although children sometimes were employed during harvest periods in the plantation sectors and in non-plantation agriculture. It was believed that many thousands of children were employed in domestic service, although this situation was not regulated or documented. A 1997 study reported that child domestic servants were employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector often were deprived of an education. Many child domestics reportedly were subjected to physical, sexual, and emotional abuse. Regular employment of children also occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.

The National Child Protection Authority is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the Police Department are responsible for the enforcement of child labor laws. Government inspections were unable to eliminate child labor (see Section 5), although an awareness campaign coupled with the establishment of hotlines led to an increase in prosecutions. The Labor Department reported 161 complaints regarding child labor in 2002, with 72 of these cases withdrawn due to lack of evidence or faulty complaints. From January to July, the Labor Department reported 102 complaints, with 14 cases withdrawn and 23 prosecuted. Penalties for employing minors were increased from approximately \$10 (1,000 rupees) and/or 6 months imprisonment to \$100 (10,000 rupees) and/or 12 months imprisonment.

Although the law prohibits forced or bonded labor by persons of any age, some rural children reportedly have served in debt bondage (see Sections 5 and 6.c.).

The LTTE continued to use high school-age children for work as cooks, messengers, and clerks, as well as soldiers. In some cases, the children reportedly helped build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided a mixture of LTTE ideology and formal education. The LTTE used children as young as age 13 years in battle, and children sometimes were recruited forcibly (see Section 5). Compulsory physical training, including mock military drills even for children and the aged reportedly occurred. According to LTTE spokesmen, training was meant to keep the population fit; however, it was believed widely that the training was established to gain tighter

control and provide a base for recruiting fighters. Individuals or small groups of children intermittently turned themselves over to security forces or religious leaders, saying that they had escaped LTTE training camps throughout the year.

e. Acceptable Conditions of Work

While there is no universal national minimum wage, approximately 40 wage boards established by the Department of Labor set minimum wages and working conditions by sector and industry. These minimum wages did not provide a decent standard of living for a worker and family, but the vast majority of families had more than one worker. The Ministry of Labor effectively enforced the minimum wage law for large companies, but there was no monitoring of the informal sector. The monthly minimum wage in the garment industry was approximately \$27 (2,800 rupees), and approximately \$20 (2,100 rupees) in the hotel industry.

In July 2002, the daily wage rate (fixed by a collective agreement) in the tea plantations managed by plantation management companies was increased from \$1.24 (121 rupees) to \$1.51 (147 rupees). In the rubber sector, the daily wage was raised from \$1.15 (112 rupees) to \$1.35 (131 rupees).

The law prohibits most full-time workers from regularly working more than 45 hours per week (a 5 1/2-day workweek). Overtime has been changed from 100 hours per year to 60 hours per month under a recent ruling. Labor organizers were concerned that the new legislation did not include a provision for overtime with the consent of the worker. Workers receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year. Maternity leave is available for permanent, seasonal and part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent and feared they would lose their jobs if they removed themselves from the work situation.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation. Female citizens traveled to Middle Eastern countries to work as domestics, and some reported being forced into sexual exploitation. A small number of Thai, Russian, and Chinese women had been trafficked to Sri Lanka for purposes of sexual exploitation. Some children were trafficked internally to work as domestics and for sexual exploitation.

The legal penalties for trafficking in women include imprisonment for 2 to 20 years and a fine. For trafficking in children, the law allows imprisonment of 5 to 20 years and a fine.

Internal trafficking in male children was also a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO, estimated that there were 6,000 male children between the ages of 8 and 15 years engaged as sex workers at beach and mountain resorts. Some of these children were forced into prostitution by their parents or by organized crime (see Section 5). PEACE also reported that an additional 7,000 men age 15 to 18 years were self-employed prostitutes.

The NCPA has adopted, with ILO assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work in 2002 on children's issues, including trafficking in children.

The country's reputation as a destination for foreign pedophiles declined significantly because of improved law enforcement and increased publicity.

The Government established rehabilitation camps for trafficking victims and initiated awareness campaigns to educate women about trafficking; however, most of the campaigns, with support from the Bureau of Foreign Employment, were conducted by local and international NGOs.