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Country Report on Human Rights Practices 2015 - Sri Lanka

EXECUTIVE SUMMARY

Sri Lanka is a constitutional, multiparty republic with a freely elected government. Rejecting the re-election bid of Mahinda Rajapaksa, in January voters elected President Maithripala Sirisena to a five-year term. Parliament, elected in August, shares constitutional power with the president. The EU Election Observation Mission characterized the August parliamentary elections as the “most peaceful and efficiently conducted elections in the country’s recent history.” Although polling was free and fair, the former Rajapaksa government utilized state resources for its own advantage during the presidential election campaign. Civilian authorities maintained effective control over the security forces.

In steps designed to enhance national unity following years of civil war, on August 29, the government closed the Omanthai military checkpoint, which previously divided government-held territory from former Liberation Tiger of Tamil Eelam (LTTE)-controlled territory. In March the government adopted the constitution’s 19th amendment, which limits the powers of the presidency and begins a process of restoring the independence of government commissions. In September the government cosponsored a resolution on human rights at the UN Human Rights Council and welcomed visits by the UN special rapporteur on transitional justice, the UN Working Group on Enforced and Involuntary Disappearances, and the UN Office of the High Commissioner for Human Rights (OHCHR) Office of Legal Affairs team. The president established the Office of National Unity and Reconciliation to play a key role in the government’s reconciliation efforts. Following the August parliamentary elections, the government established the Ministry of National Dialogue to further advance the government’s reconciliation initiatives. In September the Cabinet approved the issuance of “certificates of absence” for persons reported missing in lieu of a death certificate to enable family members to access government benefits. In December the government signed the International Convention for the Protection of All Persons from Enforced Disappearances. In November the government removed the ban on eight Tamil diaspora organizations and 267 individuals on the previous government’s watch list.

The major human rights problems reported during the year included harassment of civil society activists, journalists, and persons viewed as sympathizers of the banned terrorist group the LTTE as well as arbitrary arrest and detention, torture, rape, and other forms of sexual and gender-based violence committed by police and security forces.

Other serious human rights problems included severe prison overcrowding and lack of due process. Neglect of the rights of internally displaced persons (IDPs) remained a problem, as was physical and sexual abuse of women and children and trafficking in persons. Discrimination against persons based on sexual orientation continued. Limits on workers’ rights and child labor also remained problems.

Widespread impunity continued for the crimes committed during the armed conflict and other crimes committed following the end of the conflict, particularly for cases of torture, sexual violence, corruption, and human rights abuses. The government arrested and detained a number of military, police, and other officials implicated in old and new cases that included the killing of parliamentarians and the abduction and suspected killings of journalists and private citizens.

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, there were no substantiated reports of extrajudicial killings, although the use of force against civilians by government officials, while increasingly rare, remained a problem. The government arrested several members of the armed services and political class suspected in unsolved cases, some more than a decade old.

A total of seven suspects were charged with five counts in the killing of Tamil National Alliance parliamentarian Nadaraja Raviraj in 2006, including three naval officers and one former ex-army soldier. Three of the seven were charged in absentia, as two had fled the country and another could not be located. Criminal Investigation Division (CID) sources told the media the weapon used to kill Raviraj was traced back to the chief of the Tamil Makkal Viduthalaip Pulikal political party and former chief minister of the Eastern Province Sivanesanathurai Chandrakanthan (alias Pillayan). On December 27, Australian newspaper *The Sunday Morning Herald* reported Sri Lankan police issued an arrest warrant in absentia for one of the suspects, former police officer Fabian R. Toussaint. A spokesperson for the Australian Federal Police declined to comment as to whether they were assisting with the investigation.

On July 4, the government re-arrested 12 of 13 persons convicted of the 2006 murder of five Tamil high school students on a Trincomalee beach; the convicted persons had been released in 2009. Among the suspects was an assistant superintendent of police, who at the time of the murders was a Trincomalee-based police inspector. On October 14, the presiding judge released the suspects on bail with instructions not to threaten prosecution witnesses.

On October 8, the Colombo chief magistrate authorized the CID to detain two suspects for 90 days in connection with the killing of former Tamil National Alliance Party member of parliament Joseph Pararajasingham. Pararajasingham was killed by a group of unidentified gunmen in 2005 during Christmas Mass at St. Maria's Church in Batticaloa. The two suspects were identified as Edwin Silva Krishnanandaharajah (alias Pradeep Master) and Rengasami Kanayagama (alias Kajan Mama). On October 11, the CID arrested former chief minister of the Eastern Province Sivanesanathurai Chandrakanthan in connection with Pararajasingham's killing. The CID also informed the court that two additional suspects involved in this incident had fled abroad.

On October 7, the Jaffna High Court convicted four army personnel of the 2010 rape of a Tamil woman and sexual assault of another. The judge sentenced the four men, who had been out on bail for several years, to 25 years' imprisonment, rupees (Rs.) 600,000 (\$4,286) in compensation, and Rs. 35,000 (\$250) in fines. If the convicted men are unable to pay the fines, they are subject to an additional five years' imprisonment. One of the convicted individuals fled the country following his release on bail, but the government was reportedly working with Interpol to re-arrest him.

The Human Rights Office reported two police officers, Nihal Rajapakse and W.M. Balasuriya, were sentenced on December 3 to seven years' rigorous imprisonment by the Kandy High Court for the 2005 torture of Rohitha Liyanage and Sarath Bandara. The presiding judge also ordered the officers to pay the victims Rs. 10,000 (\$71) as compensation.

On October 16, Prime Minister Ranil Wickremesinghe tabled two reports in parliament as a prelude to debate on the same scheduled for October 22. Although the investigations detailed in these reports refer to events dating back to 2006, this was the first time their findings were made public. The first report was by the Commission of Inquiry Appointed to Investigate and Inquire into Serious Violations of Human Rights (also known as Udagama Commission or UC), established by former president Mahinda Rajapaksa in 2006. The second was by the Presidential Commission of Inquiry to Investigate into Complaints Regarding Missing Persons (also known as Paranagama Commission or PC), also established by former president Rajapaksa in 2013. The UC was tasked with investigating 16 of the country's most high-profile cases of human rights violations, which occurred from 2005 to the date of its appointment. Some of these cases included the killing of 17 aid workers of the international nongovernmental organization (NGO) Action against Hunger in 2006; the killing of five youths in Trincomalee (also known as Trinco Five) in 2006; the killing of Foreign Minister

Lakshman Kadirgamar; and the killing of Tamil National Alliance parliamentarian Joseph Pararajasingham in 2005, among others. Civil society often criticized the PC and UC's operations for their inefficiency, flawed methodology, overt intimidation of victims who gave testimony, and concerns that it was established largely to exonerate the military for its prosecution of the war.

The UC completed proceedings in only seven of the 16 cases it was charged with investigating, citing insufficient time for the remaining nine. It concluded the LTTE terrorist group committed killings in a majority of cases investigated but also found the military culpable in others. The PC report accepted Sri Lankan Army (SLA) shelling caused a substantial number of civilian deaths but stressed "this was an inevitable consequence of the LTTE's refusal to permit civilians to leave their control in order to use them both as a shield and a pool for recruitment." Its findings thoroughly rejected the suggestion that "civilians were either targeted directly or indiscriminately by the SLA as a part of an alleged genocide plan." The PC asserted the military lacked the credibility to probe charges against itself of having committed gross violations of human rights, necessitating an independent judicial investigation with some degree of international involvement to establish the facts.

On September 16, the UN Human Rights Council (UNHRC) submitted A/HRC/30/CRP.2, also known as the *Report of the Office of the UN High Commissioner for Human Rights (OHCHR) Investigation on Sri Lanka (OISL)* (Section 5). In the report, the OISL found there were reasonable grounds to believe the security forces and paramilitary groups associated with them were implicated in unlawful killings carried out in a widespread manner against civilians and other protected persons. Tamil politicians, humanitarian workers, and journalists were particularly targeted during certain periods, but ordinary civilians were also among the victims. Discernible patterns of killings were evident in the vicinity of security force checkpoints and military bases, and also of individuals while in custody of the security forces. The typical modus operandi involved the arbitrary arrest or abductions of individuals by security force personnel, sometimes with the assistance of paramilitary group members operating in unmarked "white vans" that were reportedly able to pass security checkpoints or enter security force bases. These violations were and still are facilitated by the extensive powers of arrest and detention provided in the Prevention of Terrorism Act (PTA), as well as Emergency Regulations in force until 2011.

The OISL also found reasonable grounds to believe that the LTTE unlawfully killed Tamil, Muslim, and Sinhalese civilians perceived to hold sympathies contrary to the LTTE. The LTTE targeted rival Tamil political parties, suspected informers, and dissenting Tamils, including political figures, public officials, and academics, as well as members of rival paramilitary groups. Civilians were among the many killed or injured by LTTE indiscriminate suicide bombings and mine attacks.

b. Disappearances

There were no official statistics regarding disappearances, and fear of reporting such incidents made reliable accounting difficult. On December 10, the country signed the International Convention for the Protection of All Persons from Enforced Disappearance.

In September the Cabinet approved the issuance of a "certificate of absentee" for persons reported missing in lieu of a death certificate to enable family members to access government benefits.

On October 16, the president delivered to members of parliament, but did not make public, the Presidential Commission of Inquiry to Investigate into Complaints Regarding Missing Persons' (COI) report. The COI was established in 2013 by former president Rajapaksa. By June the COI had received a total of 15,593 complaints from the Northern and Eastern provinces and 5,000 from security force personnel. Of the former number, it took public testimony on 1,744 complaints.

Observers identified numerous problems in the COI's work. These included the intimidation of commission witnesses; the provision of transport by the military for witnesses to travel to and from the testimony sites; the presence of intelligence officers at public testimony (including taking photographs of witnesses and those present); COI questioning that overly focused on LTTE culpability and witness compensation; and poor or misleading interpretation of witness testimony, which undermined the quality of evidence gathered in the first instance.

In its August 2014 report to the UN General Assembly, the UN Working Group on Enforced and Involuntary Disappearances (WGEID) noted the number of outstanding cases of enforced or involuntary disappearances rose from 5,676 at the end of 2012 to 5,731. On November 9-18, the WGEID visited the country at the government's invitation. In its concluding press statement, the group noted "an almost complete lack of accountability and decisive and sustained efforts to search for the truth--in particular the determination of the fate or whereabouts of those who disappeared--as well as the absence of a comprehensive and effective reparation program and social, psychological, and economic support for the relatives." It welcomed the Siresena government's commitment to measures of redress, including establishing a dedicated Office of Missing Persons and a proposed *Commission for Truth, Justice, Reconciliation, and Nonrecurrence*. It called

upon the government to ratify the International Convention on the Protection of All Persons from Enforced Disappearance, introduce an autonomous crime of enforced disappearance in the penal code, repeal the PTA, and conduct a thorough and independent investigation into all allegations of instances of secret detention.

The September 16 OISL reviewed reliable information on hundreds of cases of enforced disappearances that occurred during the tenure of the previous government in various parts of the country from 2002 to 2011, with particular prevalence in the Northern and Eastern provinces (see section 1.a.). The report concluded the mass detention regime after the end of hostilities also led to enforced disappearances. It also concluded authorities deprived a considerable number of victims of their liberty systematically and on a widespread scale and then refused to acknowledge this deprivation or concealed the fate and whereabouts of the disappeared person, effectively removing such persons from the protection of the law and placing them at serious risk. Family members of the disappeared persons were also subjected to reprisals and denied the right to an effective remedy, including the right to the truth. Those who disappeared after handing themselves over to the army at the end of the conflict were deliberately targeted because they were, or were perceived to be, affiliated with LTTE forces.

There was progress in the case of Prageeth Eknaligoda, a journalist and cartoonist for *Lanka-e-news*, who disappeared in 2010 just before the presidential election. On August 24, the CID arrested four army personnel questioned in the case and ordered Lieutenant General A.W.J.C. de Silva, army commander and director of military intelligence, to appear before the court on October 30. The wives of the arrested army personnel also filed habeas corpus applications in the Court of Appeals alleging their husbands were arbitrarily detained without charges under the PTA. Following a December 17 hearing, 51 members of parliament pledged to donate their salaries to support the families and defray legal expenses for the detained army personnel. On December 28, the CID arrested another army officer who was attached to the state intelligence services and gave conflicting testimony during prior questioning. On December 30, the Homagama magistrate extended the remand (detention pending charges) of the six army personnel until January 11, 2016.

In 2013 National Water Supply and Drainage Board construction workers discovered a mass grave in Mannar District. Subsequent investigations uncovered at least 88 skeletal remains before the government halted the excavations. The former Rajapaksa government publicly blamed either the LTTE or the Indian peacekeeping force for any killings. On December 12, the Mannar magistrate judge reportedly issued an order to send the remains abroad for forensic analysis, although the judicial medical officer who conducted the initial tests in 2013 disputed the need for this, asserting the remains could be tested domestically.

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

The law makes torture a punishable offense and mandates a sentence of not less than seven years and not more than 10 years' imprisonment. There were credible reports during the year that police and military forces abducted, tortured, raped, and sexually abused citizens. The PTA allows courts to admit as evidence confessions extracted by torture.

In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitary groups, were responsible for the documented and undocumented detention of civilians accused of LTTE connections. Observers reported that interrogation sometimes included mistreatment or torture following detention. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threats of re-arrest or death.

In August the United Kingdom-based charity Freedom from Torture (FFT) released a report, *Tainted Peace: Torture in Sri Lanka since May 2009*, alleging government personnel continued to commit acts of torture, although the report focused primarily on incidents that took place during the Rajapaksa government. Almost all the cases FFT reviewed involved Tamils detained on suspicion of having personal or family ties to the LTTE.

The International Truth and Justice Project reported 11 cases (three women and eight men) of abduction, torture, and sexual violence perpetrated by police and security forces in 2015. The study identified 48 sites at which torture occurred, with 30 of these either known military camps or police stations. All victims indicated state actors continued to interrogate and harass their families following their escape.

In June a case of torture by police was reported from Kilinochchi, following the disappearance of a three-year-old girl. The girl's mother, father, uncle, two cousins, and her mother's partner were allegedly assaulted and tortured by Kilinochchi police officers during their interrogation. Lawyers from the area claimed police in Kilinochchi were notorious for their regular employment of torture methods to extract information from supposed suspects. The child's mother was also allegedly subject to arbitrary detention and sexual abuse for a period of three weeks following the initial incident.

OISL documented use of torture by the security forces from 2002 to 2011, particularly in the immediate aftermath of the armed conflict when former LTTE members and civilians were detained en masse. Security forces reportedly conducted torture in multiple facilities, including army camps, police stations, and “rehabilitation camps,” as well as secret, unidentified locations. OISL also noted rape and other forms of sexual violence by security forces’ personnel were widespread against both male and female detainees, particularly in the aftermath of the armed conflict. The patterns of sexual violence appear to have been a deliberate means of torture to extract information and to humiliate and punish persons presumed to be linked to the LTTE.

OISL did not fully assess the scale of the sexual violence used against those detained due notably to the fear of reprisals, the stigma and trauma attached, and other investigative constraints. The report maintained nevertheless that there were reasonable grounds to believe violations of international human rights law and international humanitarian law related to sexual violence were committed by the government security forces between 2002 and 2011, and that some of these acts may amount to war crimes and crimes against humanity.

After many years of being denied access by the previous government, the visiting WGEID team toured a former secret detention and torture site located at Trincomalee Naval Base, which they stated was one of the most “important discoveries” of their visit. On November 19, the day after the visit ended, Ministry of Foreign Affairs spokesperson Mahishini Colonne publicly stated the government would carefully study the group’s findings and take measures to prevent such incidents from occurring again.

Prison and Detention Center Conditions

Prison conditions were poor due to old infrastructure, overcrowding, and shortage of sanitary and other basic facilities. A few of the larger prisons had their own hospitals, but the majority were staffed only by a medical unit. Authorities transferred prisoners requiring medical care in smaller prisons to the closest local hospital for treatment.

Physical Conditions: In many prisons inmates reportedly slept on concrete floors and often lacked natural light or sufficient ventilation. According to the Prison Headquarters Statistics Division, there was a total of 19,067 prisoners, both convicted (10,063) and unconvicted (9,004) as of October. (Unconvicted prisoners refer to those held on “remand” while awaiting trial.) The commissioner of prisons estimated that on average the prison population exceeded the system’s capacity by 60 percent.

The Ministry of Law and Order and Prison Reforms (Prison Reform has since become a part of the Ministry of Resettlement, Rehabilitation, and Hindu Religious Affairs) operated three “closed prisons” designed for convicted prisoners and 19 remand prisons for those awaiting trial. Separate from this were 10 work camps, two open prison camps for prisoners who had committed minor offenses, a training school, and two correctional centers for youthful offenders. The large majority of the convict and remand prisons were supposed to have separate wards for women and juveniles, but strict separation was not always the case in practice. In some cases juveniles were not held separately from adults. Authorities often did not hold pretrial detainees separately from convicted prisoners. Authorities often incarcerated petty criminals with perpetrators of more serious crimes. Female prisoners were held separately from male prisoners within the same jail.

The commissioner of prisons reported a total of 58 deaths of prisoners in custody as of October. The majority of deaths were due to natural causes, with a minority of these the result of suicide.

There was little additional information available on the 2012 Welikada Prison riot, which killed 27 prisoners and injured more than 40 persons. In July the Commission of Inquiry submitted a report, but the inspector general of police did not release it to the public. Media reports suggested further investigation would occur.

Administration: There were no ombudsmen to handle prisoner complaints. The law mandates that magistrates visit prisons once a month to monitor conditions and hold private interviews with prisoners, but this rarely occurred because the backlog of cases in courts made it difficult for magistrates to schedule such visits. Authorities allowed prisoners and detainees, except those held in informal detention facilities, access to family members and religious observance.

Independent Monitoring: The Prison Welfare Society was the primary domestic organization conducting visits to prisoners and was supposed to visit each prison once per month. It was charged with examining the conditions of detention for prisoners and conveying their complaints to the individual prison superintendent and commissioner of prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but such incidents occurred although at a decreased rate relative to 2014. Civil society groups and human rights activists reported incidents of persons arrested and detained on unsubstantiated charges.

The PTA does not clearly define what constitutes an arbitrary arrest. Under the PTA, security forces have sweeping powers to search, arrest, and detain. Detainees may be held for up to 18 months without charge. Many detainees were held arbitrarily for substantially longer periods than this without charge, including in irregular places of detention. The government reported it was holding 162 “unconvicted” prisoners under the PTA (160 men and two women) as of October and that all such prisoners had access to family member visits, attorneys, magistrates, medical officers, members of the clergy, and representatives of the Human Rights Commission of Sri Lanka (HRCSL).

On October 12, 217 Tamil prisoners, including former LTTE cadres detained in 14 prisons, commenced a hunger strike demanding immediate release. They accused the Siresena government of not fulfilling its promises regarding political prisoners and called on the president, the prime minister, and the leader of the opposition to resolve their cases. On October 12, the commissioner of prisons reported that, of 201 political prisoners, 40 were issued court orders citing punitive measures, and indictments were yet to be filed against the remaining 161 suspects.

On November 11, the Colombo chief magistrate granted conditional bail to 31 prisoners detained under the PTA. The bail conditions required prisoners to each post a Rs. 203,000 (\$1,450) bond, prohibited them from leaving the country, and mandated they check in with the Terrorist Investigation Division office every two weeks. A high-ranking prison official indicated similar bail arrangements were approved for another eight prisoners. The large majority of those released were to attend government-mandated rehabilitation. The Attorney General’s Office was reportedly examining an additional 20 cases for possible release on bail.

According to human rights groups, police stations held an unknown number of irregular detainees, as did the CID, the Terrorist Investigation Division, army camps, and other informal detention facilities without charge or trial on allegations of involvement in terrorism-related activities. Numerous reports suggested that security personnel used involuntary disappearance to interrogate persons “off the books” without the need to document the cases. Following interrogation, authorities released these involuntary detained persons, instructing them not to disclose details of their detention under threat of physical harm. In some cases irregular detentions allegedly included interrogation involving mistreatment or torture.

Reintegration of former combatants and other detainees released from rehabilitation remained challenging due to intensive surveillance by the military, social stigma (some persons were afraid to associate themselves with former combatants, who regularly had to report to the army), employment difficulties, and psychological trauma. Several released former combatants reported torture or mistreatment, including sexual harassment and abuse by government officials while in rehabilitation centers and after their release.

Role of the Police and Security Apparatus

In 2013 the government created the Ministry of Law and Order with the aim of delinking police from the armed services. Under the Ministry of Law and Order, the Sri Lankan Police Service is responsible for maintaining internal security. The army is responsible for external security but may be called upon to handle specific domestic security responsibilities. According to civil society, military intelligence operatives conducted domestic surveillance operations and harassed or intimidated members of civil society in conjunction with, or independent of, police. The army, navy, and air force report directly to the president, although most of their daily operations are handled by the secretary for defense.

The nearly 6,000-member paramilitary Special Task Force falls under the Sri Lankan Police Service, although joint operations with military units in the past led to questions about the task force’s chain of command.

In early October 650 Tamil youth from Jaffna and Kilinochchi districts and 424 youth from Vavuniya District were interviewed for some 687 police vacancies. Observers noted the recruitment drive was designed to address the severe shortage of Tamil-speaking officers in the police service, which contributed to distrust of this community by the Sinhala speaking majority. The armed services actively recruited Tamil persons to its ranks in a similar effort.

Arrest Procedures and Treatment While in Detention

By law authorities are required to inform an arrested person of the reason for the arrest and arraign that person before a magistrate within 24 hours for minor crimes, 48 hours for some grave crimes, and 72 hours for crimes under the PTA. In practice, however, days, weeks, and sometimes months elapsed before detained persons appeared before a magistrate, particularly in PTA cases. A magistrate may authorize bail or continued pretrial detention for up to three months or longer. Judges need approval from the Attorney General’s Office to authorize bail for persons detained under the PTA, which they normally did not grant. Police may make an arrest without a warrant for certain offenses such as killing, theft, robbery, and rape. In homicide cases, regulations require the magistrate to remand the suspect, and only the High Court may grant bail. In all cases suspects have the right to legal representation, although there is no legal provision specifically providing the

right of a suspect to legal representation during interrogations in police stations and detention centers. There were credible reports that detainees often did not have a lawyer present at the time of interrogation. The government provided counsel for indigent defendants in criminal cases before the High Court and courts of appeal but not in other cases.

By law police may detain a suspect for up to 72 hours, after which police must produce the suspect before a magistrate, but there were reports of cases in which authorities did not respect this law. Observers received multiple reports of suspects detained incommunicado for extended periods without being charged.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention; however, this requirement was not always respected in practice. The Center for Policy Alternatives reported 21 persons were arrested or detained under the PTA without charge from January through the end of September.

Pretrial Detention: The judicial process moved slowly, and in a total prison population of 19,067 reported as of October 13, 9,004 were “unconvicted” and the cases of another 1,065 were in appeal. Lengthy legal procedures, large numbers of detainees, judicial inefficiency, and corruption often caused trial delays. Legal advocacy groups asserted it was common for the length of detention to equal or exceed the sentence for the alleged crime.

Persons held under administrative detention did not enjoy the same rights as those awaiting trial. For example, lawyers were required to apply for permission from the Terrorism Investigation Division to meet clients detained at the Boosa detention center, with police frequently present at such meetings. Pretrial detainees did not have the right to legal counsel during questioning by police. Persons convicted and undergoing appeal did not receive credit toward their original sentence for time served in prison while the appeal continued. Appeals often took several years to resolve.

Amnesty: In February the president granted amnesty to 557 prisoners--540 males and 17 females--as part of the country’s Independence Day amnesty. The commissioner of prisons indicated most of these prisoners had been incarcerated for minor or drug related offenses. On November 17, the government transferred 100 Tamil prisoners (who had engaged in a hunger strike) to a government-run rehabilitation program as a condition of their eventual release. An additional 39 prisoners were authorized release on bail; 30 of these prisoners had been released and five others were waiting to post bond by year’s end.

On November 13, the government repatriated 126 Indian fishermen who were detained for poaching in the country’s territorial waters.

e. Denial of Fair Public Trial

On April 28, parliament passed the 19th amendment to the constitution, a key component of the president’s reform agenda. The amendment effectively rescinded the 18th amendment--which, among other things, significantly increased executive influence over the judiciary--and reversed the centralization of decision-making authority under the executive presidency.

In January the president also swore in a new Tamil chief justice of the Supreme Court, Kanagasabapathy Sripavan, after he declared invalid the 2013 impeachment of former chief justice Shirani Bandaranayake on charges of corruption. Sripavan was the first Tamil chief justice appointed in 15 years.

Trial Procedures

The law presumes defendants are innocent in judicial cases. In High Court criminal cases, juries try defendants in public. Authorities inform defendants of the charges and evidence against them, and they have the right to counsel and the right to appeal. There are no formal procedures for ensuring how quickly arrested persons may contact family or legal counsel, but authorities allowed them to make calls on their cell phones to such persons. The government provided counsel for indigent persons tried on criminal charges in the High Court and the courts of appeal but not in cases before lower courts. Private legal aid organizations assisted some defendants. There are no juries in cases brought under the PTA, but defendants in such cases have the right to appeal. Defendants have the right to confront witnesses against them, present witnesses and evidence, and access government-held evidence, such as police evidence.

Confessions obtained by coercive means, including torture, are generally inadmissible, except in PTA cases. Defendants bear the burden of proof, however, to show that authorities obtained their confessions by coercion.

The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. Most courts outside of Jaffna and the northern and eastern parts of the country conducted business in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive

a fair hearing in many locations, but trials and hearings in the north and east were in Tamil and English. There were few legal textbooks in Tamil.

Political Prisoners and Detainees

The government detained and imprisoned a small number of persons on political grounds. The government permitted access to such persons on a regular basis by international humanitarian organizations. Authorities granted only irregular access to those providing local legal counsel, however, and conversations with clients frequently took place in the presence of police or military personnel.

On March 10, the government released Balendran Jeyakumari after nearly a year in detention following her arrest in March 2014. The arrest followed an alleged exchange of gunfire in her home between the wanted alleged LTTE revivalist "Gobi" and security forces. Jeyakumari's son disappeared, and she had been active in the movement to demand information and justice from the government for family members whose relatives disappeared. Authorities sent Jeyakumari to Boosa detention center without bringing formal charges following her original arrest, and authorities ordered her daughter sent to a state-run children's facility because she had no other legal family to care for her in the absence of her mother. The government claimed that Jeyakumari assisted Gobi in his effort to evade authorities, but the government did not publicly present any such evidence. The case was still in adjudication at year's end.

On September 1, Jeyakumari was again arrested in relation to the alleged connection with the theft of two mine detectors reported stolen by an international demining NGO in early 2014. Her lawyers were not clear if police arrested her as a witness or a suspect because of conflicting police accounts. On September 8, Jeyakumari was released on bail. Civil society activists asserted she was falsely accused and detained under questionable charges.

Civil Judicial Procedures and Remedies

Citizens may file fundamental rights cases to seek redress for alleged human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these cases and awarded plaintiffs damages in a number of instances. Observers, however, cited bureaucratic inefficiencies in this system leading to delays in resolving many cases. Where courts awarded damages, there were relatively few problems in enforcing court orders.

Property Restitution

Land ownership disputes between private individuals in former war zones, as well as between citizens and government entities such as the military continued during the year, although some former residents returned to areas abandoned many years before. Multiple displacements occurred in the northern and eastern areas during the many years of war, and land often changed hands several times. Documentation of land claims was difficult for a number of reasons. Many persons displaced multiple times were not able to preserve original land deeds, and intense fighting between government and LTTE troops damaged or destroyed some official government land records.

Under the Rajapaksa administration, the military seized significant amounts of land during the war to create security buffer zones around military bases and other high-value targets, known as HSZs (see section 1.d.). According to the 1950 Land Acquisition Act, the government may acquire private property for a "public purpose," but the law requires posting acquisition notices publicly and providing proper compensation to owners. The former government frequently posted acquisition notices for HSZ land that were inaccessible to property owners, many of whom initiated court cases, including fundamental rights cases before the Supreme Court, to challenge these acquisitions. According to the acquisition notices, most of the land acquired was for use as army camps and bases, but among the purposes listed on certain notices were the establishment of a hotel, a factory, and a farm. Throughout the year, many lawsuits, including a Supreme Court fundamental rights case and numerous writ applications filed with High Courts, remained stalled. Although there was no legal framework for HSZs following the lapse of emergency regulations in 2011, they still existed and remained off-limits to civilians.

The government began the process of returning government-occupied land to its original owners. The government returned approximately 3,200 acres across several districts, including 818 acres near the Trincomalee Naval Base and 702 acres in the Jaffna HSZ. Many of those affected by the HSZs complained, however, that the pace at which the government demilitarized land was too slow and that the military held lands it viewed as economically valuable.

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

The law provides for the right to privacy, but the government infringed on this right, particularly when conducting surveillance operations in predominantly Tamil neighborhoods. Security forces conducted searches of property and engaged in widespread surveillance of private citizens with little judicial oversight. This included nonspecific reports of surveillance of private citizens' e-mail, telephone messaging, and other digital communications. Seizure of private lands by various actors remained a problem across the country. There was evidence of government-aided settlement of Sinhalese families from the south in traditionally Tamil areas.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech, including for members of the press, and the government generally respected these rights. Following the January election of President Sirisena, the government substantially curbed its activities prohibiting free speech and the right to peaceful assembly, but some government officials nonetheless continued to harass members of the media. Many journalists reported less self-imposed censorship based upon the greater climate of openness cultivated by the Siresena government.

Freedom of Speech and Expression: The constitution provides for the right to free speech. Authorities may subject this right, however, to a host of restrictions, including public morality and national security. The government monitored political and civil society meetings, particularly in the north and east. There also were credible reports that civilian and military authorities questioned local residents who met with foreign diplomats or international human rights organizations regarding the content of their meetings.

A significant level of surveillance continued, particularly in the country's north and east. Plainclothes personnel belonging to the state's security apparatus visited civil society individuals and groups from these regions. According to civil society, such personnel, frequently deputed from the police and less frequently military officers, attended civil society organizations' training sessions or workshops uninvited, particularly when these programs dealt with human rights, transitional justice, and media freedom, among other issues. They openly took photographs and footage of protesters and victims' families, questioned event organizers, and regularly made follow-up visits directly to their homes.

In January British Foreign and Commonwealth Office Minister Hugo Swire visited the Northern Province. According to NGO reports, military personnel dressed in civilian clothing warned IDPs living within the confines of a military-run HSZ against discussing their living conditions with the minister.

Leading Muslim journalists, social media activists, and academics signed a petition urging authorities to conduct an investigation into reports of continued harassment of Sharmila Seyyid, a Muslim writer living in exile in India since her 2012 BBC interview in which she endorsed the legalization of prostitution. The *Sunday Times* published details of the petition after a photo falsely depicting Seyyid's beaten and dead body appeared on Facebook. Seyyid lived in the Muslim-dominated Eastern Province before she went into exile due to repeated threats by self-identified local religious groups who opposed her view as "contrary" to Islamic thought. The government also invited exiled journalists to return to the country.

Press and Media Freedoms: The constitution provides for freedom of speech and press. Independent media were generally active and expressed a wide variety of views without restriction.

Violence and Harassment: There were some incidents of journalists subjected to harassment. In April police arrested a television journalist affiliated with Hiru TV, a leading Sinhala private national television station. Uniformed and plainclothes police reportedly stormed the hostel in which the journalist lived and forcibly removed him, claiming he was being held on suspicion of snatching a woman's gold chain the previous night. Two weeks earlier the abducted journalist and two of his colleagues had filed a complaint at a local police station of intimidation by two men whom they suspected of being plainclothes police officers. The police officers in question allegedly attempted a knife attack on the three journalists covering an April 7 protest on water contamination. Police allegedly telephoned the lead journalist, Pratheepan Thambithurai, repeatedly in an unsuccessful effort to compel him to withdraw the complaint.

Censorship or Content Restrictions: The government did not seek to censor the media for publishing content critical of government actions. Some in the media practiced self-censorship especially during the first quarter of the year as they adjusted to a freer public information environment under the Siresena government.

According to media reports, on July 2, the president announced his decision to appoint new members to the Sri Lankan Press Council, which he had dissolved shortly after his election. Local media freedom organizations deemed the move contrary to the 1973 Press Council law, which requires the president to consult with stakeholders before reconstituting the council. Under this law outlets are forbidden from publishing documents related to cabinet decisions without its permission, as well as some defense and fiscal matters. The law also provides for wide-ranging punitive powers, including the imprisonment of journalists and publishers. The Committee to Protect Journalists, along with domestic media organizations, quickly expressed their opposition to the president's plan.

Journalists at the provincial level complained of routine harassment by local officials, including pressure to avoid negative stories. They expressed a need for robust right-to-information legislation.

Owners of many media institutions had ties to top political leaders, with concomitant influence over editorial decisions. Nevertheless, in general most outlets and reporters covered the news freely without overt restrictions.

Libel/Slander Laws: Politicians sometimes used or threatened libel suits against journalists to intimidate them against publishing negative coverage.

National Security: The 1973 Press Council Act includes authority to impose punitive measures including fines and lengthy prison terms and proscribes the publishing of articles that discuss internal communications of the government, decisions of the cabinet, matters relating to the military that could affect national security, and details of economic policy that could lead to artificial shortages or speculative price increases. No cases were filed under this act during the year.

Internet Freedom

The government placed limited restrictions on internet access, including websites it deemed pornographic. Since 2011 websites carrying local news were required to register with the government, previously through the Ministry of Mass Media and Information, now renamed Telecommunication and Digital Infrastructure. The government unblocked many websites blocked by the previous government, especially those connected to the Tamil diaspora. According to International Telecommunications Union statistics, approximately 26 percent of the population used the internet in 2014.

Academic Freedom and Cultural Events

There were allegations that university officials prevented professors and university students from criticizing government officials. Some academics noted the environment of intimidation led to self-censorship.

In March eight persons, including an attorney, were taken into custody by the Borella police for reportedly assisting in the production of a defamatory documentary on the army. The film's producer was a well-known human rights activist. The case was pending, and charges had yet to be announced at year's end while the court awaited a report from the University of Moratuwa on the film's allegedly defamatory content. The eight individuals remained subject to an international travel ban.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, but the government restricted these rights in a limited number of cases.

Freedom of Assembly

The law provides for freedom of assembly, but the government did not always respect this right. There were a number of cases in which security forces restricted participation in demonstrations or in which authorities denied permits for demonstrations.

On December 4, the HRCSL issued a report on the violent police suppression on October 29 of a protest by Higher National Diploma in Accountancy students. The HRCSL concluded the students' fundamental constitutional rights had been violated and recommended monetary compensation of Rs. 25,000 (\$179) to a female student who was hospitalized and Rs. 15,000 (\$107) to eight injured male students. Police spokesperson and Assistant Superintendent of Police Ruwan Gunasekara said police had been granted three months to comply with the report's recommendations, including the payment of compensation, and added senior police officials would "discuss the matter soon and let the public know." The public criticized police for suppressing the protest, and the government subsequently provided for the students to march and protest peacefully in the days following the initial incident. Prime Minister Ranil Wickremesinghe established a

committee to investigate the attack, and the National Police Commission initiated a separate probe into the incident; neither report had been issued by year's end.

In May authorities allowed some gatherings in the Northern and Eastern provinces to commemorate those killed in the war for the first time since 2009. The commemorations occurred without violence but with extensive police surveillance. Event organizers reported being questioned before, during, and after the event. Government security personnel dressed in plain clothes were observed taking photographs and footage of the events, their organizers, and participants. There were some exceptions to the allowing of gatherings, however.

In May the president renamed "Victory Day," which celebrated the end of the civil war, to "Remembrance Day" and permitted the singing of the national anthem in both Sinhala and Tamil.

Freedom of Association

The law provides for freedom of association, but the government did not always respect this right. Some restrictions existed, such as those under the PTA.

Police and intelligence service personnel reportedly harassed organizers and volunteers assisting with the signature campaign of the Tamil Action Committee for International Accountability Mechanism, a group based in the north and east. The chief of the Tamil National People's Front party, Gajendrakumar Ponnambalam, was among those harassed. Similar attempts to stop the signature campaign and intimidate organizers were reported from Trincomalee in the Eastern Province, Jaffna, and other areas in the north.

In November the government removed the ban on eight Tamil diaspora organizations and 267 individuals on the terrorism watch list established by the previous government. Civil society criticized the list for being excessively broad in scope. The number of designated terrorist groups dropped from 16 to eight and individuals listed as terrorists dropped from 424 to 157.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country." The government at times restricted these rights.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, stateless persons, or other persons of concern.

In-country Movement: In January the president lifted the travel ban to the north imposed on foreign passport holders introduced by the former government's Ministry of Defense in October 2014.

On August 29, military spokesperson Brigadier General Jayanath Jayaweera reported to media that the long-standing Olanthai military checkpoint in Vavuniya on the A9 highway to Jaffna was officially closed. That checkpoint had played a significant role in controlling ingress into government-held territory during the war. Following a relaxation of security measures at the checkpoint beginning in February, heavy vehicles continued to be inspected regularly, but passenger vehicles only intermittently. Security forces continued to register all vehicles until the August 20 closure of the checkpoint.

Access was limited on and near most military bases and HSZs. Residents, particularly in the Northern Province, had difficulty traveling and obtaining access to agricultural lands and fishing zones in these areas.

Foreign Travel: The Attorney General's Department and police Terrorism Investigation Division kept open an investigation against prominent human rights activist Ruki Fernando. The activist remained under a gag order, and his confiscated communications equipment had not been returned by year's end. On June 30, a 15-month travel restriction was lifted, but he was unable to travel freely before August 26.

An overseas travel ban on human rights activist Balendran Jeyakumari (see section 1.e., Political Prisoners and Detainees) was imposed for an indefinite period.

Exile: The government did not expel citizens from one part of the country to another, nor did it forcibly exile any citizens abroad. It allowed citizens under threat from the government to leave the country through self-exile, unless they were charged with criminal or civil violations.

Internally Displaced Persons

According to the government's Ministry of Resettlement, Rehabilitation, Hindu Religious Affairs, and Prison Reforms, 44,934 citizens remained IDPs as of May. Conversely, the International Office of Migration placed the number of IDPs at 90,000. The large majority resided in Jaffna, Kilinochchi, Puttalam, and Trincomalee districts in the north and east. While all IDPs had full freedom of movement, most were unable to return to their lands of origin due to uncleared land mines; restrictions designating their home areas as part of HSZs or exclusive economic zones; lack of opportunities to earn a livelihood; inability to access basic public services, including acquiring documents verifying land ownership; and lack of government resolution of competing land claims and other war-related destruction. Living conditions for these persons were often difficult and, according to humanitarian organizations, did not conform to international standards. As a result humanitarian agency representatives provided limited but essential support to IDPs in parts of the Northern and Eastern provinces.

Among the long-term, protracted displaced were nearly 30,000 individuals displaced by HSZs or exclusive economic zones, persons living in welfare centers in the Jaffna area, persons living with host families, and others in transit camps in Trincomalee.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government did not have a system for providing protection to refugees.

Stateless Persons

According to UNHCR, the country has no habitual residents who are legally or effectively stateless. Children obtain citizenship from their Sri Lankan parents, whether born in the country or overseas.

The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the nationality of previously stateless persons, particularly hill-country Tamils. The government passed laws in 2009 to grant citizenship to hill-country Tamils living among other Sri Lankan ethnic Tamils in refugee camps in India's Tamil Nadu, but progress was slow in finding and registering these persons and granting them citizenship. UNHCR supported birth and citizenship documentation mobile campaigns in three districts in the plantation areas where the majority of stateless Tamils of Indian origin resided.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that right.

Elections and Political Participation

Recent Elections: A presidential election was held January 8, and President Sirisena was sworn in on January 9. The election was observed by a wide range of domestic and international monitoring organizations. Voter turnout reached 81 percent, and the Commonwealth Observer Group reported voters were able to exercise their franchise freely and vote counting was transparent with results swiftly revealed to the public. Observers noted there was widespread abuse of state resources used for campaigning, consistent bias in state media toward the former government, and denial of access to venues for the opposition candidate.

On August 17, the country held national parliamentary elections. The elections were observed by a wide range of domestic, regional, and international monitoring groups, who concurred it was conducted in a fair and free manner with few reports of violence. On August 19, the EU election observation mission issued its preliminary findings stating the elections were "well administered and offered voters a genuine choice from among a broad range of political alternatives, although campaign rules were restrictive." The mission stated that freedoms of assembly and movement were respected and, despite the restrictive campaign rules, such as not allowing candidates to engage in door-to-door campaigning, canvass in person, or distribute leaflets, party activists and candidates campaigned vigorously.

The head of the Tamil National Alliance party, R. Sampanthan, was named leader of the opposition in the new parliament, the first Tamil politician in that position in 32 years.

Political Parties and Political Participation: There were no undue restrictions on the ability of political parties and individual candidates to participate in the electoral process. In August the government attempted, but failed, to pass a 20th amendment to the constitution dealing with electoral reform prior to calling parliamentary elections. In the debate surrounding this amendment, ethnic-based minority parties complained its passage would disadvantage them due to the reduction or elimination of “preferential voting,” which assigns seats in a given electoral district according to individual candidates who poll the greatest number of votes. They complained the mainstream parties’ greater access to resources would unfairly disadvantage them.

Participation of Women and Minorities: There are no laws that prevent women or minorities from participating in political life on the same basis as men or majority citizens. Some cultural and social barriers to women’s participation include financial constraints and the sometimes violent nature of local politics. There was no provision for, or allocation of, a set number or percentage of political party positions for women or minorities.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government began to implement the law effectively but remained constrained by a lack of technical expertise and resources. Officials in various branches of government engaged in corrupt practices, albeit under a heightened level of scrutiny.

The Presidential Commission on Fraud and Corruption investigated more than 900 reports of corruption, including some involving the former president and his family. The National Procurement Commission redesigned government procurement policies to remove opportunities for graft and theft. Separately, a new Financial Crimes Investigative Division investigated major instances of fraud.

Corruption: There were numerous reports of government corruption, with most cases pertaining to members of the previous Rajapaksa government for actions committed earlier. The Commission to Investigate Allegations of Bribery or Corruption (the “Bribery Commission”) was more active than in previous years in investigating complaints and taking legal action against persons accused of corruption. The Bribery Commission does not have the power to initiate corruption investigations, however, and must await a formal complaint before investigating reports of corruption. Members of the public often were reluctant to submit complaints because of a lack of whistleblower protections.

On April 22, police arrested former minister for economic development Basil Rajapaksa and three other officials. They were charged with alleged financial irregularities related to the Divi Neguma Development program, a government antipoverty and social welfare department of the previous government. The four were released on bail. Investigations into the alleged irregularities continued at year’s end.

The case of Avant Garde Maritime Services Ltd., a joint venture with Rakna Arakshaka Lanka Ltd. that operated a floating armory and offered protection against sea piracy, continued under investigation at year’s end. Former defense secretary Gotabaya Rajapaksa was implicated in the venture’s illegal operations. Days after the January presidential election, a weapons cache linked to the venture was uncovered in Colombo. The cache allegedly included unlicensed weapons, in addition to violating local and international laws through alleged gun-running, transactions with international terrorist outfits, and other illegal business conduct. The passports of both Rajapaksa and Avant Garde Chairman Nissanka Senathipathi were temporarily impounded. The attorney general later informed the court there was insufficient evidence to pursue the criminal elements of the investigation but recommended the Bribery Commission case into charges of money laundering continue.

On November 4, Minister for Justice Wijeyadasa Rajapakshe told parliament he intervened to prevent the arrest of the former defense secretary. On November 9, Minister of Law, Order, and Prison Reforms Tilak Marapana was compelled to resign following criticism for his speech in parliament in defense of Avant Garde, to which he provided legal services before being appointed a minister. Deputy Minister of Social Empowerment and Welfare Ranjan Ramanayake told parliament government members had been bribed to cover up the case. On November 11, following a special cabinet session, the president issued a directive revoking all agreements signed between the government and Avant Garde Maritime Services with immediate effect and transferred handling of these agreements to the navy.

Financial Disclosure: By law members of the public may access records relating to the assets and liabilities of elected officials by paying a fee. The law requires all candidates for parliamentary, local government, provincial, and presidential elections to declare their assets and liabilities to the speaker of parliament. There was no follow-up to provide for compliance with this law. Some candidates who stood for parliamentary elections did opt to publish their financial reports.

Public Access to Information: There is no law providing for public access to government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups investigated and published their findings on human rights cases. On January 20, the government moved control of the NGO Secretariat from the Ministry of Defense to the Ministry of Policy Planning, Economic Affairs, Child, Youth, and Cultural Affairs, now renamed Ministry of National Policies and Economic Affairs. Following parliamentary elections in August, the NGO Secretariat was transferred to the Ministry of National Dialogue.

Some elements in the government and its supporters remained hostile to domestic and international NGOs active on particular issues, especially human rights. These same officials criticized local NGOs that accepted funding from international sources. There was particular scrutiny of organizations critical of the government on issues such as governance, transparency, and human rights. Nevertheless, the government permitted the Human Rights Watch executive director to return to the country in October; the director had been banned from the country since 2008.

The United Nations or Other International Bodies: On October 1, the UNHRC adopted a consensus resolution on the country that, among other issues, welcomed the “recognition by the Government of Sri Lanka that accountability is essential to uphold the rule of law” and affirmed a “credible justice process should include independent judicial and prosecutorial institutions.” The government and 26 other governments cosponsored the resolution. The resolution highlighted the need for: devolution of political authority; a comprehensive approach to dealing with the past, incorporating the full range of judicial and nonjudicial measures; broad consultations in the creation of transitional justice mechanisms; a review of the witness and victim protection law; repealing the PTA; signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearances; criminalizing enforced disappearances; issuing certificates of absence to families of missing persons as a temporary relief measure; and continued land returns. The resolution also affirmed the importance of participation in a judicial mechanism, including the special counsel’s office, of commonwealth and other foreign judges, defense lawyers, and authorized prosecutors and investigators. It also asked the UN high commissioner for human rights to provide technical assistance to the government. The resolution mandates an oral report from the OHCHR in June 2016 and a written report in March 2017.

The OISL report concluded that many of its findings, if established before a court of law, may amount, depending on the circumstances, to war crimes and crimes against humanity (see sections 1.a., 1.b., 1.c., and 6 for details of the OISL report).

The government invited UN Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees on Nonrecurrence Pablo de Greiff to visit the country in March. De Greiff found the previous government overused ineffective commissions of inquiry to investigate serious crimes and atrocities. He observed the need for a state policy focused on the notion of human rights and comprehensive redress for past violations; the importance of consultation and participation in designing and implementing transitional justice initiatives; and the need for immediate action to address missing persons, harassment, violence, detention, land issues, and to provide psychosocial support.

In contrast to the previous government, the administration permitted visits by UN staff of varying senior levels, including the under-secretary-general for political affairs, assistant secretary-general for political affairs, the UN Working Group on Enforced and Involuntary Disappearances, and technical staff from various UN agencies, including experts in human rights and transitional justice.

Government Human Rights Bodies: The HRCSL has jurisdiction to inquire into human rights violations. After an allegation is established, the HRCSL may make a recommendation for financial compensation to the victim, refer the case for disciplinary action or to the attorney general for prosecution, or both, with presidential approval. If the government does not follow an HRCSL order, a summons may be sent to both parties for explanation. If the parties continue in noncompliance, the HRCSL may report the case to the High Court as contempt, an offense punishable by imprisonment or fine. By statute the HRCSL 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. The HRCSL suffered from a lack of staffing, with 15 case officers having approximately 5,000 pending cases at year’s end, according to its senior officers. On November 5, Deepika Udagama, head of the Department of Law Faculty at the University of Peradeniya, was appointed chair of the HRCSL.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, gender, disability, language, or social status, and the government generally respected these rights in practice. The constitution also has provisions that prohibit discrimination regarding religion, caste, political opinion, and place of birth. There were instances, however, in which gender, religious, disability and ethnic-based discrimination occurred.

Women

Rape and Domestic Violence: The law prohibits rape and domestic violence, but enforcement of the law was inconsistent. Sexual assault, rape, and spousal abuse remained pervasive societal problems. The law specifically addresses sexual abuse and exploitation and contains provisions in rape cases for equitable burden of proof and stringent punishments. The law considers marital rape an offense only in cases of legally separated spouses. An average rape case took six to 12 years to complete.

Estimating the prevalence of sexual abuse and domestic violence, in June former state minister of women's and children's affairs Rosy Senenayake said, "A woman is raped every 90 minutes in Sri Lanka and of 300,000 cases, only 600 perpetrators are remanded. Only 2 percent of the perpetrators in such cases are actually punished." There were also a number of high-profile cases of rape and sexual violence that made national headlines and sparked intense debate.

An illustrative case occurred in March when a girl age 16 from Kilinochchi was allegedly gang-raped by three men and subsequently died from her injuries. Following the incident, human rights activists reported police repeatedly attempted to pressure the girl's grandmother into stating the cause of death was a brain disorder. The girl's body was exhumed in April and sent to the judicial medical officer in Colombo for post-mortem investigation. The officer's report had yet to be released by year's end.

There were a number of credible reports of sexual violence against women in which the alleged perpetrators were armed forces personnel, police officers, army deserters, or members of militant groups. Many women did not file official complaints, however, due to fear of retaliation.

Many women's organizations believed that greater sensitization of police and the judiciary was necessary to make progress in combating rape. The police Bureau for the Prevention of Abuse of Women and Children conducted awareness programs in schools and at the grassroots level, encouraging women to file complaints. Police continued to establish women's units in police stations.

Services to assist survivors of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding. Language barriers between service providers and victims were also reported. There was one government-established shelter for victims of domestic violence. The Ministry of Health, in partnership with NGOs, maintained hospital-based centers to provide medical assistance to those requiring attention for sexual assault-related injuries before referral to legal and psychosocial services.

Sexual Harassment: Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison. Some observers acknowledged widespread sexual harassment. Reports of the prevalence of "survival sex," whereby vulnerable women engaged in sexual acts for monetary and other kinds of support or compensation, especially with security force personnel, continued to emerge. One report noted members of the security forces approached a woman in the north and told her that if she allowed them to have sex with her on a regular basis, they would compensate her. If she refused, they would rape her by force, so she chose the former course.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: The law provides for equal employment opportunity in the public sector. Women have equal rights under civil and criminal law. Adjudication of questions related to family law—including divorce, child custody, and inheritance—varied according to the customary law of each ethnic or religious group, resulting in discrimination.

Children

Birth Registration: Children obtain citizenship from their parents. Authorities generally registered births immediately, and failure to register resulted in denial of some public services, such as education.

Child Abuse: By 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 way contrary to compulsory education regulations. It defines child abuse to include the involvement of children in war. The Bureau for the Prevention of Abuse of Women and Children conducted investigations into crimes against children and women. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine.

NGOs attributed exploitation of children to the lack of enforcement of child abuse laws rather than inadequate legislation. According to the National Child Protection Authority (NCPA), the situation was worse than reported to police.

There were reports of sexual abuse of children by teachers, school principals, and religious instructors, as well as a number of child rape cases in which government officials were the suspected perpetrators. According to Secretary of the All Ceylon Teachers' Union Joseph Stalin, schools administrators preferred to have sex abuse cases suppressed, due to fear that a scandal might tarnish the name of the school. Complaints against teachers and other government officials often led to investigations and even transfers or removal from their positions, but analysts noted that, despite greater public awareness of such offenses and complaint procedures, the majority of cases were unreported.

OISL documented extensive recruitment and use of children in armed conflict by the LTTE during many years, which intensified during the last few months of the conflict, including increased reports involving children under age 15. OISL also gathered information on child recruitment by the TMVP/Karuna paramilitary group after its split from the LTTE in 2004. Based on OISL's findings, there were reasonable grounds to believe that government security forces may have known that the Karuna group recruited children in areas under its control. OISL also noted the government's failure to prosecute those responsible, including individuals widely suspected of child recruitment, some of whom were later appointed to public positions.

Early and Forced Marriage: The minimum legal age for marriage is 18 for both men and women, although girls may marry at age 16 with parental consent. According to the 2006-07 *Demographic Health Survey*, 11 percent of women between the ages 20 and 24 reported being married or in a union before age 18. The Ministry of Women and Children's Affairs conducted programs in many districts to educate the public at the village level on the complications that may result from early marriage. In a 2013 study, *Emerging Concerns and Case Studies on Child Marriage in Sri Lanka*, the UN Children's Fund documented a growing list of human rights concerns, especially for young girls, resulting from early marriage trends, particularly in poorer, war-affected communities.

Sexual Exploitation of Children: The government advocated greater international cooperation to bring persons guilty of sexual exploitation of children to justice. The law prohibits sexual violations against children, defined as persons under age 18, particularly regarding child pornography, child prostitution, and the trafficking of children. The government did not keep transparent records of particular types of violations, however. Penalties for conviction of violations related to pornography and prostitution range from two to five years' imprisonment. The penal code, which covers sexual exploitation of children and sex trafficking, prescribes punishments of up to 20 years' imprisonment.

Children under age 18 were not widely engaged in prostitution. Child sex tourism was a problem, however, with the bulk of such tourists coming from European Union countries. The government's tourist police and the NCPA conducted island-wide awareness programs focusing on children, travel guides, and the coastal communities close to tourist destinations. The Department of Probation and Child Care Services provided protection to children who were victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The NCPA conducted an undercover operation in the southern coastal region to identify sexual tourism perpetrators and victims. As a preventive measure, the NCPA also had awareness programs for schools.

Displaced Children: Children in IDP welfare centers and relocation sites were exposed to the same difficult conditions as adult IDPs and returnees in these areas. Many school facilities were in poor condition and lacked basic supplies. Medical care in these areas was limited, but improvements continued.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html. For country-specific information see the Department of State's website at travel.state.gov/content/childabduction/en/country/srilanka.html.

Anti-Semitism

The Jewish population remained very small, and some anti-Semitic sentiments existed in the country. For example, on October 19, the American Jewish Committee launched the Sri-Lankan-Jewish Friendship Association during its two-day visit to the country. On November 6, the association's establishment led a group of Muslim organizations to protest in Mardana against its formation. The protesters objected to the role played

by government ministers in the association's establishment, particularly Deputy Minister for Foreign Affairs Harsha de Silva. Citing alleged atrocities committed by the state of Israel against Palestinians, they demanded any agreement reached for the association's establishment be voided.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law forbids discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel, other public transportation, and access to health care. In practice, however, discrimination occurred in employment, education, and provision of state services, including public transportation. Authorities generally permitted children with disabilities to attend mainstream schools, but due to societal stigma against persons with disabilities, many parents of children with disabilities chose to keep their children out of school. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. The government supported participation by persons with disabilities in civic affairs.

Persons with disabilities faced difficulties due to negative attitudes and societal discrimination. In some rural areas, the belief of many residents that physical and mental disabilities were contagious led to long-term isolation of persons with disabilities, some of whom rarely or never left their homes.

National/Racial/Ethnic Minorities

Both local and Indian-origin Tamils maintained they suffered longstanding, systematic discrimination in university education, government employment, and other matters controlled by the government. Tamils claimed the government intentionally supported Sinhalese emigration to the north and east to diminish the Tamil-speaking group's claim to majority status in any single geographical region of the country. Tamils throughout the country, but especially in the north and east, reported security forces regularly surveilled or harassed members of their community, especially young and middle-aged Tamil men.

Tamils of Indian origin, also known as "Hill Country" or "Up Country" Tamils, constitute 4.2 percent of the country's population. Many of them are descended from Tamils of Indian origin brought to the country in the 19th and 20th centuries to work on coffee, tea, and rubber plantations. The three largest populations of this community reside in the Central, Uva, and Sabaragamuwa provinces, respectively. Economically their socioeconomic condition was below the national average, rendering them strong supporters of the Ceylon Worker's Congress party led by G. Thondaman. Minister of National Dialogue Mano Ganesan, appointed by the president following parliamentary elections in August, belonged to this community.

The government had a variety of ministries and presidentially appointed bodies designed to address these needs. The primary entity was the Ministry of Resettlement, Rehabilitation, and Hindu Religious Affairs and Prison Reforms, which actively sought to resettle IDPs from the aforementioned communities (see section 2.d., Internally Displaced Persons) upon formerly expropriated lands returned by the government and reintegrate the small numbers of persons arrested and ordered to attend the government-sponsored rehabilitation camp. The ministry made substantial progress on land return (see section 1.e., Property Restitution) and decreasing the number of persons undergoing rehabilitation.

The government implemented a number of confidence-building measures to address grievances of the Tamil community. It replaced military governors of the Northern and Eastern provinces with former diplomats. The approximately 1.5 million Tamils of Indian origin worked under poor conditions predominantly on tea plantations.

The presidentially appointed Office of National Unity and Reconciliation was charged with coordinating the government's efforts toward reconciliation. Its four main focus areas were to promote social integration to build an inclusive society, secure language rights for all citizens, support a healing process within war-affected communities via the government's proposed Commission for Truth, Justice, Reconciliation and Non-recurrence, and provide coordinated development planning for war-affected regions.

The Muslim community constitutes the third-largest ethnic and religious group in the country, accounting for 9.7 percent of the population. They constitute the majority community in the Eastern Province, with 37.1 percent of the population, and are also widely represented in the north-west and south of the country. Despite their bilingual abilities, Muslims were viewed as the least assimilated of all the country's many ethnic and religious communities. They were also frequently the target of criticism, especially by Sinhalese, for their distinct cultural practices in dress, food, and lifestyle.

Indigenous People

The country's indigenous people, known as Veddas, by some estimates numbered fewer than 1,000. Some preferred to maintain their traditional way of life, and the law nominally protected them. There were no legal restrictions on their participation in political or economic life, but lack of legal documents was a problem for many. Vedda communities complained the creation of protected forest areas pushed them off their lands and deprived them of traditional livelihoods.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Three legal statutes constitute the architecture for discrimination against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in the country: Section 365(A) of the penal code that criminalizes acts "against the order of nature"; Section 399 of this code regarding "Cheating by Personation"; and the Vagrancy Ordinance. Section 365(A), although lacking clear legal definition, puts those convicted of engaging in same-sex sexual activity in private or in public at risk of 10 years' imprisonment.

There were reports that police harassed, assaulted, and extorted money or sexual favors from LGBTI individuals.

UN human rights officials noted police used the Vagrancy Ordinance to target and harass transgender individuals on suspicion they were prostitutes. Police used Section 399 to harass persons who express themselves in gender nonconforming ways on grounds of "impersonation." Actual criminal prosecutions under these statutes were rare, however. Human rights organizations reported that, while not actively arresting and prosecuting members of the LGBTI community, police harassed and extorted money or sexual favors from LGBTI individuals with impunity and assaulted gay men and lesbians in Colombo and other areas.

Discrimination against LGBTI persons remained a problem. There were reports that persons undergoing gender-reassignment procedures had difficulty amending government-issued identity documents to reflect those changes, hindering their ability to procure employment, and obtain housing. One transgender individual noted persons from her community could apply for new government-issued identity documents only after having undergone a full course of sexual reassignment surgery. Furthermore, the process of obtaining identity documents was not just procedural but required a court order and judge's ruling. The Centre for Sex Workers' Rights claimed that public schools sometimes refused to enroll the children of commercial sex workers but did not provide estimates of the number of schools involved or children affected. A civil society group that worked to advance LGBTI rights reported close monitoring by security and intelligence forces.

HIV and AIDS Social Stigma

There was no official discrimination against persons who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there were reports of societal discrimination against these groups.

Other Societal Violence or Discrimination

The Secretariat for Muslims reported a total of 37 separate incidents of hate directed at the Muslim community through the beginning of May. While the Buddhist Power Force (Bodhu Bala Sena or BBS) declined in both activity and influence as a result of the change of government, it was implicated in approximately 13 of these reported incidents. The incidents were classified in the following categories: hate speech (3); unarmed attacks against Muslim-owned property or attempts to appropriate Muslim-owned land (5); attempts to ban Muslim cultural symbols or dress (4); Buddhist nationalist propaganda characterizing Muslims as terrorists and accusing them of separatism (17); provocative displays of Sinhalese Buddhist insignia (3); and claimed discrimination in employment (2).

The government's reform agenda included a renewed commitment to investigate and prosecute officials implicated in criminal activity or responsible for inciting religiously based violence. For example, in October a court order was issued to arrest BBS General Secretary Galagodaththe Gnanasara Thero for failure to respond to an earlier summons. There were two cases pending against Gnanasara and six others, including defaming the Quran and forcibly disrupting a press conference held by the Jathika Bala Sena in April 2014. Jathika Bala Sena is a group of liberal monks led by Venerable Watareka Vijitha Thero, who advocate on behalf of intercommunal harmony. The BBS leader appeared in court in response to the summons to avoid arrest.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions of their choice, with the exception of members of the armed forces, police officers, judicial officers, and prison officers. Workers in nonessential services industries, except for workers in public service unions, have the legal right to bargain collectively. The Ministry of Labor and Trade Union Relations (Labor Ministry) must register all collective bargaining agreements.

Under Emergency Regulations of the Public Security Ordinance, the president has broad discretion to declare sectors “essential” to national security, the life of the community, or the preservation of public order. In 2011 the government lifted the emergency regulations. The law prohibits retribution against strikers in nonessential sectors. Seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but a union must represent 40 percent of workers at a given enterprise before the law legally obligates the employer to bargain with the union. The law does not permit public sector unions to form federations or represent workers from more than one branch or department of government. The Labor Ministry may cancel a union’s registration if it fails to submit an annual report for three years.

The law prohibits antiunion discrimination. Labor laws do not cover domestic workers employed in the homes of other or informal sector workers.

The law allows unions to conduct their activities without interference, but the government enforced the law unevenly and at times brought injunctions against striking workers. During the year police obtained an injunction against a strike launched by a container truck operators association. The association was protesting against state-owned Sri Lanka Port Authority’s move to grant licenses to new truck operators. A government-controlled telecom company also obtained an injunction against a strike launched by a trade union. Violations for antiunion discrimination may result in a fine of 100,000 rupees (\$714). The law requires an employer found guilty of antiunion discrimination to reinstate workers fired for union activities, but it may instead transfer them to different locations. These penalties generally were not sufficient to deter violations. Resources for inspections and remediation were inadequate. Only the Labor Ministry has legal standing to pursue an unfair labor practice case, including for antiunion discrimination. The Labor Ministry worked to improve the process for union registration, although administrative delays continued. To improve freedom of association, the government established trade union facilitation centers in four of the largest export processing zones, which remained underutilized at year’s end.

Since 1999 the Labor Ministry had filed only nine cases against companies for unfair labor practices under the Industrial Disputes Act. As of September 30, the courts had concluded two cases and continued to try the other seven. The courts did not add any cases during the year. Citing routine government inaction on alleged violations of labor rights, some unions pressed for standing to sue, while some smaller unions did not want that ability, citing the cost of filing cases. Workers brought some labor violations to court under various other labor laws, such as the Wages Board Act or Employees Provident Fund Act, leading to investigations of several employers. Judicial procedures were subject to lengthy delays. The Industrial Dispute Act does not apply to the public sector, and there was no formal dispute resolution mechanism for public sector unions.

Freedom of association and the right to bargain collectively were generally, but not always, respected. Unions represented workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Workers in private factories and the export processing zones found it difficult to organize. Union activists and officials remained subject to harassment, intimidation, and other retaliatory practices. Employers arbitrarily transferred or unfairly dismissed union members.

Plantation wages are negotiated biannually under a collective bargaining agreement, and when talks stalled in April following the expiration of the 2014-15 agreement, workers at 23 tea plantation companies launched a go-slow campaign. With the August parliamentary elections approaching, trade unions called off the action.

Most employees in the public sector belonged to unions. On several occasions throughout the year, public sector workers attached to government hospitals staged strikes. There were no other major strikes in the public sector, although trade unions staged a few isolated protest campaigns, including one by workers attached to the government-owned Road Development Authority stage against termination of their services. While some unions in the public sector were politically independent, most large unions affiliated with political parties and played a prominent role in the political process. Labor unions threatened several strikes over the government’s proposed budget, including a December 15 nationwide strike that was called off.

Unions alleged that employers often indefinitely delayed recognition of unions to avoid collective bargaining, decrease support for unionization, or identify, terminate, and sometimes assault or threaten union activists. To address these concerns, the ministry issued a circular in 2011 requiring labor commissioners to hold union

certification elections within 30 working days of an application for registration if there was no objection, or within 45 working days if there was an objection. In 2012-13 the commissioners held three such elections. Information regarding the number elections during the year was unavailable.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor, but penalties were not sufficient to deter violations. The government generally enforced the laws, but resources, inspections, and remediation efforts were not adequate. Labor Ministry inspections did not extend to domestic workers. There were reports of sporadic government prosecutions of labor agents who fraudulently recruited migrant workers, and the government appeared to sustain past efforts to enhance interministerial coordination through monthly meetings.

Children between ages 14 and 18 and women working as live-in domestic workers in some homes were vulnerable to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor 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 agricultural work or technical training. The law prohibits hazardous work for persons under age 18. The law limits the working hours of children ages 14 and 15 to nine hours per day and of ages 16 and 17 to 10 hours per day. The Labor Ministry made some progress in implementing its plan to eliminate the worst forms of child labor by 2016. For example, it continued to hold awareness-raising programs for partner organizations in certain provinces and declared "child labor free zones" in Ratnapura, Kegalle, and Ampara districts, as part of its declared commitment to eradicate child labor nationwide. The ministry cited lack of funds for the full implementation of the plan.

The National Child Protection Agency is the central authority for coordinating and monitoring the protection of children, with the specific mandate to enforce laws on all forms of child abuse. The Labor Ministry has the specific mandate to enforce laws on child labor and hazardous child labor. The Department of Probation and Child Care Services and police are responsible for enforcement of child labor laws. The government did not effectively enforce all laws. The government's resources, inspections, and remediation efforts were not adequate and the penalties were not sufficient to deter violations.

Agriculture was the largest sector employing child labor, both legally and illegally. Children worked both in plantations and in nonplantation agriculture during harvest periods. In addition to agriculture, children worked as street vendors, domestic helpers, and in the mining, construction, manufacturing, transport, and fishing industries. Children displaced by the war were especially vulnerable to employment in hazardous labor.

Several thousands of children between ages 14 and 18 were employed in domestic service in urban households. Employers reportedly subjected child domestic workers to physical, sexual, and emotional abuse; observers also reported rural children in debt bondage in urban households. Child employment was also common in family enterprises, such as family farms, crafts, small trade establishments, restaurants, and repair shops. Criminals exploited children, especially boys, in prostitution in coastal areas as part of sex tourism (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The constitution has provisions that prohibit discrimination regarding race, religion, language, caste, sex, political opinion, place of birth, or any one of such grounds. These are considered fundamental rights and justiciable in the Supreme Court. Such conditions, however, would not prevent special provisions being made by law for the advancement of women, children, or persons with disabilities. In addition the penal code provides for protection from sexual harassment in the workplace; it could apply equally to male or female employees. The Protection of Disabled Persons Law addresses the protection of workers with disabilities in the workplace.

Wage boards have equal minimum wages for male and female workers. In the white-collar categories, wages are largely set for the job irrespective of sex. Legal provisions relating to leave and holidays apply equally to men and women other than for one or two minor exceptions. Employment in government service may require a person to acquire proficiency in an official language within a reasonable period of time. While the government effectively enforced these laws and regulations, discrimination occurred based on the above categories with respect to employment and occupation. Some institutions would regularly specify particular positions as

requiring male or female recruits. Women had no legal protection against discrimination in the private sector, where they were sometimes paid less than men for equal work and experienced difficulty in rising to supervisory positions. According to Department of Census and Statistics data for the second quarter of the year, female labor force participation was 36.7 percent with an unemployment rate of 7.2 percent. The demand for female labor was mainly for agricultural, informal, and low-paid, low-skilled jobs.

There were reports of discrimination based on HIV/AIDS status where a person lost his job. There were two national policies on HIV/AIDS, but there were no laws to protect HIV/AIDS-affected persons in the workplace. Several private sector companies jointly established the Lanka Business Coalition of HIV/AIDS and AIDS. Workplace policies among its members included nondiscrimination against HIV/AIDS-affected persons.

Allegations that some workplaces did not recruit women of reproductive age who might potentially request maternity leave emerged, but the claims were difficult to prove.

e. Acceptable Conditions of Work

While there was no national minimum wage, 44 wage boards established by the Department of Labor set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum monthly wage in the areas of the private sector covered by wage boards was 8,625 rupees (\$61) plus an extra allowance of 1,000 rupees (\$7), for a total of 9,625 rupees (\$68). Early in the year, the minimum wage in the public sector was increased to 31,876 rupees (\$228) from 21,876 rupees (\$156). Minimum wage laws did not cover workers in sectors not covered by wage boards, including informal sector workers. As of November the official estimate of the poverty income level was 3,838 rupees (\$27.50) per person per month, although some analysts questioned the validity of this estimate. The law does not require equal pay for equal work.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five-and-a-half-day workweek). In addition the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week. Overtime pay is 1.5 times the basic wage and is paid for work done on either Sundays or holidays. The provision limiting basic work hours is not applicable to managers and executives in a public institution. The law provides for paid annual holidays.

The government sets occupational health and safety standards, but health and safety regulations did not fully meet international standards. Workers have the right to remove themselves from dangerous situations, but many workers were unaware of such rights or feared that they would lose their jobs if they did so.

Authorities did not effectively enforce minimum wage, hours of work, and occupational safety and health standards in all sectors. The Labor Ministry's resources, inspections, and remediation efforts were inadequate. There was a need to improve occupational health and safety in the rapidly growing construction sector, including on infrastructure development projects, such as port, airport, and road construction, as well as high-rise buildings. There was a growing trend, particularly in the construction industry, for employers to use contract employment for work of a regular nature, where workers had fewer safeguards.

Labor Ministry inspectors checked whether employers were providing complete pay to employees and were contributing to pension funds as required by law, but unions questioned whether the inspections were effective. In 2013 the ministry's Labor Inspectorate consisted of 618 officers. The number of inspections of factories decreased slightly in 2013, while the number of inspectors increased. The punishment for nonpayment of wages and pension contributions is negligible, with fines ranging from 100 rupees (\$0.70) to 250 rupees (\$1.79) for the first offense and 500 rupees (\$3.57) to 1,000 rupees (\$7.14), incarceration for a term of six months for the third offense, or both. The law charges a fine of 50 rupees (\$0.35) per day if the offense continues after conviction. These penalties were not sufficient to deter violations. Labor inspectors did not monitor wages or working conditions or provide programs or social protections for informal sector workers, of which there were significant numbers.

There were no reliable sources of data for the informal sector and no government agency that tracked industrial or workplace accidents.