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SRI LANKA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Sri Lanka is a constitutional, multiparty democratic republic with a freely elected government. Gotabaya Rajapaksa was elected president on November 16. Accredited domestic and international observers described the election as peaceful and technically well managed but noted that unregulated campaign spending, abuse of state resources, and media bias affected the level playing field. Following the results of the presidential election, the prime minister and cabinet peacefully resigned, and a new cabinet was sworn in on November 22. The timeline for parliamentary elections in 2020 was pending at year's end.

The Sri Lanka Police are responsible for maintaining internal security and are under the Ministry of Defense. The military, also under the Ministry of Defense, may be called upon to handle specifically delineated domestic security responsibilities, but generally without arrest authority. The nearly 11,000-member paramilitary Special Task Force, a police entity that reports to the Inspector General of Police, coordinates internal security operations with the military. Civilian authorities generally maintained control over the security forces.

On April 21, suicide bombs killed 258 individuals. The attacks were the responsibility of the National Thowheed Jamath (NTJ), members of which had sworn allegiance to the Islamic State. The following day the government declared an emergency under the Public Security Ordinance, deployed the armed forces domestically, and gave them arrest authority. During the emergency the government banned three Islamist organizations: the NTJ, Jamathe Millathe Ibrahim, and Vilayath As Seylani. The three Islamist groups remained banned after the emergency expired on August 22. President Maithripala Sirisena subsequently ordered the military to remain deployed across the country after the expiration of the emergency, although no longer with arrest authority. President Rajapaksa in turn extended the order on November 22.

Significant human rights issues included: unlawful killings by the government; torture by government agents; sexual abuse; arbitrary detention by government entities; restrictions on freedom of expression, including unjustified arrests of journalists and authors, and limited social media blocking; widespread corruption; violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and the criminalization of same-sex sexual conduct.

Often police reportedly harassed civilians, often with impunity, although the government took steps to investigate and prosecute some officials who committed human rights abuses. The government did not implement a mechanism to hold accountable military and security personnel accused of atrocities during the 1983 to 2009 civil war as called for in 2015 by UN Human Rights Council (UNHRC) Resolution 30/1.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings.

Lack of accountability for conflict-era abuses persisted, including with regards to military, paramilitary, police, and other security-sector officials implicated in cases involving the alleged targeted killing of parliamentarians and abductions and suspected killings of journalists and private citizens. Civil society organizations asserted the government and the courts were reluctant to act against security forces for conflict-era offenses. Although the government took steps to investigate and prosecute some officials who had allegedly committed human rights abuses, it failed to secure any convictions.

In February authorities indicted 17 individuals, including 15 police officers from the Southern Province Special Crimes Unit for the alleged abduction and killing in January of two Sinhalese businessmen in Rathnaudanagama in Galle. Those arrested remained remanded, and the case was pending at year's end.

On August 18, then president Sirisena appointed Shavendra Silva as army commander. Silva faced credible allegations of serious human rights violations during the final phases of the civil war. A 2015 OHCHR report alleged Silva was responsible for extrajudicial killings in 2009.

On November 22, just six days after the presidential election, the government transferred key police personnel leading investigations into alleged abductions and suspected killings of journalists and private citizens. The officers conducting the investigations were transferred to administrative roles outside the capital. One senior investigator who reportedly received threats from senior government officials fled the country.

On July 3, the Trincomalee chief magistrate acquitted 12 Special Task Force members and a senior police officer accused of executing five Tamil youths in 2006 (known as the “Trinco 5” case). The suspects were released due to lack of evidence. The attorney general instructed Acting Inspector General of Police C. D. Wickramaratne to locate the witnesses in the case so that the prosecution could proceed.

b. Disappearance

During the year there were no disappearance cases registered with police.

Disappearances during the war and its aftermath remained unresolved. The Office on Missing Persons (OMP) opened three regional offices in Mannar, Matara, and Jaffna and continued outreach to families of the missing and disappeared. Based on the recommendation of the OMP, the cabinet approved interim financial relief of approximately 5,700 rupees (Rs) (\$33) per month in recognition of the dire economic situation of the families of the missing.

In the case of Prageeth Eknaligoda, a journalist and cartoonist for *Lanka eNews* who disappeared in 2010, the attorney general fielded indictments against seven army intelligence officers in November. In May then president Sirisena pardoned and released Galagoda Aththe Gnanasara, general secretary of Bodu Bala Sena, a Buddhist extremist organization, from jail. Gnanasara was serving a five-year sentence for contempt of court for interrupting an August 2018 hearing on the abduction of Eknaligoda and for intimidating Eknaligoda’s wife, Sandya Eknaligoda, in 2016. The Supreme Court will take up the appeal by Sandya Eknaligoda against the presidential pardon in February 2020.

On October 31, the Court of Appeal reaffirmed a stay order issued on September 24 upholding a petition filed by then presidential candidate Gotabaya Rajapaksa in connection with a habeas corpus inquiry into the 2011 disappearance of two human rights activists, Lalith Kumar Weeraraj and Kugan Muruganandan, who went missing during his tenure as defense secretary. Rajapaksa had filed the petition to postpone appearing as a witness in Jaffna Magistrate Court until after the November presidential election, citing threats to his personal security. Rajapaksa was elected on November 16 and cannot be prosecuted for any crime while serving his presidential term.

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

Punishment

The constitution and law prohibit such practices, but authorities reportedly employed them. The law makes torture a punishable offense and mandates a sentence of not less than seven years' and not more than 10 years' imprisonment. The government maintained a Committee on the Prevention of Torture to visit sites of allegations, examine evidence, and take preventive measures on allegations of torture. The Prevention of Terrorism Act (PTA) allows courts to admit as evidence any statements made by the accused at any time and provides no exception for confessions extracted by torture.

Interviews by human rights organizations found that torture and excessive use of force by police, particularly to extract confessions, remained endemic. The Human Rights Commission of Sri Lanka (HRCSL), for example, noted that many reports of torture referred to police officers allegedly "roughing up" suspects to extract a confession or otherwise elicit evidence to use against the accused. As in previous years, arrestees reported torture and mistreatment, forced confessions, and denial of basic rights such as access to lawyers or family members.

In October the Court of Appeal acquitted four military personnel who were convicted and sentenced in 2015 to 30 years for the 2010 gang rape in Vishvamadhu. While the rape happened in 2010, the men remained free on bail and were not convicted and sentenced until 2015. The basis for the acquittal was that the accused were not properly identified by witnesses. The victim's lawyers appealed the decision on November 20.

In November a Sri Lankan employee of the Swiss embassy in Colombo alleged that she was detained and questioned about her official duties by persons claiming to be police officers. Senior Sri Lankan government officials publicly denigrated the employee and questioned her credibility. She was subsequently arrested and accused of making false statements. She was out on bail while the matter was under investigation.

In its report to the March session of UNHRC, the Office of the High Commissioner for Human Rights (OHCHR) noted it "has continued to receive credible information about cases of abduction, unlawful detention, torture and sexual violence by security forces, which allegedly took place between 2016 and 2018."

Prison and Detention Center Conditions

Prison conditions were poor due to old infrastructure, overcrowding, and a shortage of sanitary facilities.

Physical Conditions: Overcrowding was a problem. The commissioner of prisons indicated that the prison population significantly exceeded the system's capacity. Authorities sometimes held juveniles and adults together. Authorities often held pretrial detainees and convicted prisoners together. In many prisons inmates reportedly slept on concrete floors, and prisons often lacked natural light or ventilation.

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.

In January the Committee to Protect Prisoners' Rights released videos revealing assaults by prison authorities against prisoners who protested the Angunakolapelessa Prison superintendent's conduct in November 2018. In response the prison reforms and justice minister appointed a three-member committee to investigate, but no information had been released by year's end by the committee.

Administration: The HRCSL investigates complaints received and refers them to the relevant authorities when warranted. The HRCSL reported it received some credible allegations of mistreatment from prisoners, but the Ministry of Prison Reforms reported it did not receive any complaints.

Independent Monitoring: The Board of Prison Visitors is the primary domestic organization conducting visits to prisoners and accepting complaints; it also has the legal mandate to examine overall conditions of detention. The Board of Prison Visitors functions as an internal governmental watchdog and was established under the Prisons Ordinance. The members are representatives of civil society otherwise unaffiliated with the government or other state institutions. The International Committee of the Red Cross (ICRC) and the HRCSL also have a mandate to monitor prison conditions, the recommendations of which police have largely respected. During the year the HRCSL undertook a National Study on Prisons and visited 20 prisons across the country. No report was available at year's end.

Improvements: The Prison Department sought to address overcrowding by moving several prisons out of urban areas into more spacious, rural locations. During the year the government implemented the Community Correctional

Program, which sends prisoners to rehabilitation camps in lieu of long-term confinement.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but there were reports arbitrary arrest and detention occurred.

Arrest Procedures and Treatment of Detainees

The criminal procedure code allows police to make an arrest without a warrant for offenses such as homicide, theft, robbery, and rape. Alternatively, police may make arrests pursuant to arrest warrants that judges and magistrates issue based on evidence. The law requires authorities 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 covered by the PTA. More time reportedly elapsed before some detainees appeared before a magistrate, particularly in PTA cases. For bailable offenses as characterized under the Bail Act, instead of arraignment in court, police can release suspects within 24 hours of detention on a written undertaking and require them to report to court on a specified date for pretrial hearings. Suspects accused of committing bailable offenses are entitled to bail, administered by police before seeing a magistrate, but for suspects accused of nonbailable offenses, bail is awarded only after appearing before a magistrate and at the magistrate's discretion.

The Bail Act states no person should be held in custody for more than 12 months prior to conviction and sentencing without a special exemption. Under the PTA detainees may be held for up to 18 months without charge, but in practice authorities often held PTA detainees for longer periods.

Judges require approval from the Attorney General's Department to authorize bail for persons detained under the PTA, which the office normally did not grant. 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 no provision specifically provides the right of a suspect to legal representation during interrogations in police stations and detention centers. The government provided counsel for indigent defendants in criminal cases before the High Court and courts of appeal but not in other cases; the law requires the provision of counsel only for cases heard at the High Court and courts of appeal.

According to police, 2,299 individuals were arrested, primarily under the PTA, in the aftermath of the Easter Sunday attacks. As of September, 293 suspects remained in custody. Nongovernmental organizations (NGOs) reported that in the aftermath of the Easter Sunday terrorist attacks, more than 1,000 citizens were arrested under the PTA and detained without access to family or counsel or an explanation of charges they faced. As of September, NGOs with access to prisoners detained under these ordinances reported that to the best of their knowledge, the vast majority of arrestees had been released. International NGOs continued to have access to the remaining April 21 attack suspects.

In a July letter to the acting inspector general of police, the HRCSL noted it had received an increased number of complaints for arbitrary arrests in the wake of the April 21 attacks, alleging detention occurred for possessing Arabic language literature or as a result of unsubstantiated rumors. The commission observed that in nearly all complaints the investigations occurred after arrest, leaving suspects detained for indefinite periods. A July review by Human Rights Watch of information provided by defense lawyers for 105 individuals detained under the PTA summarized what Human Rights Watch judged as spurious justifications given by the authorities for arrests, including: “Keeping money at home”; “Talking in playground (Breaking emergency law)”; “A post [he] had shared on social media 5 years back”; “Having English lecturer docs”; “Arabic song in Laptop”; “Traveling to Jaffna for job”; and “no reason.”

Arbitrary Arrest: As of August the National Police Commission reported 17 complaints of unlawful arrest or detention.

The HRCSL received numerous complaints of arbitrary arrest and detention through November. Police sometimes held detainees incommunicado, and lawyers had to apply for permission to meet clients, with police frequently present at such meetings. In some cases unlawful detentions reportedly included interrogations involving mistreatment or torture.

On May 17, a Muslim woman was arrested, remanded, and released on bail three weeks later by the Hasalaka Police for wearing a kurta decorated with the logo of a ship’s helm wheel, which was alleged to be a Buddhist dharma chakra. She was charged under the International Covenant on Civil and Political Rights (ICCPR) Act. Legal experts and civil society groups pointed out that the ICCPR Act has never been used to prosecute those who allegedly sought to incite hatred and communal tensions.

Seigu Siyabdeen Mohammed Shafi, a Muslim doctor attached to the Kurunegala Teaching Hospital's gynecology and obstetrics section who had contested the 2015 parliamentary election as a United National Party candidate, was arrested on May 24 for suspicious accumulation of wealth. Separately, the doctor came under investigation after complaints and a substantial social media campaign emerged accusing him of trying to sterilize Sinhala women during caesarian operations. During his two-month detention, he was never charged with a crime. Shafi was released on bail on July 25, after police found no evidence to substantiate any of the accusations. The hospital director, the magistrate, and the area deputy inspector of police were all under scrutiny for being involved in a possible attempt to frame the doctor, but six days after the presidential election, on November 22, key investigators in the case were transferred. Police have reopened the investigation, arguing in a December 12 hearing that the previous investigation should be invalidated due to political interference. The Kurunegala magistrate ordered an expert medical panel to review available evidence related to the sterilization claims and issue a report for the court by January 16, 2020.

Pretrial Detention: Pretrial detainees composed approximately one-half of the detainee population. The average length of time in pretrial detention was 24 hours, but inability to post bail, lengthy legal procedures, judicial inefficiency, and corruption often caused trial delays. Legal advocacy groups asserted that for those cases in which pretrial detention exceeded 24 hours, it was common for the length of pretrial detention to equal or exceed the sentence for the alleged crime.

In July Tamil prisoners across the country, including former Liberation Tigers of Tamil Elam (LTTE) fighters, and civil society groups undertook hunger strikes, demanding immediate resolution to the prisoners' protracted detention. Many of the prisoners were held under the PTA without charge. They asked the government either to indict them or provide a pathway for their eventual release.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Under the law a person may challenge an arrest or detention and obtain prompt release through the courts. The legal process takes years, however, and the Center for Human Rights Development indicated the perceived lack of judicial independence and minimal compensation discouraged individuals from seeking legal remedies. Under the PTA the ability to challenge detentions is particularly limited.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law presumes defendants are innocent until proven guilty. All criminal trials are public. Authorities inform defendants of the charges against them, and they have the right to counsel and the right to appeal. 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. Defendants have the right to confront witnesses against them and to present witnesses and evidence.

The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. Most courts outside the northern and eastern parts of the country conducted business in English or Sinhala. Trials and hearings in the North and East were in Tamil and English. A shortage of court-appointed interpreters limited the right of Tamil-speaking defendants to free interpretation as necessary. In several instances, courts tried criminal cases originating in the Tamil-speaking north and east in Sinhala-speaking areas, which exacerbated the language difference and increased the difficulty in presenting witnesses who needed to travel. Few legal textbooks were available in Tamil. Defendants have the right to be present in court during trial and have the right to adequate time and facilities to prepare a defense. Defendants also have the right not to testify or admit guilt.

Political Prisoners and Detainees

Some Tamil politicians and local human rights activists referred to alleged former LTTE combatants accused of terrorism-related violent crimes as “political prisoners.” NGOs reported that more than 130 such prisoners remained in detention. The government did not acknowledge any political prisoners and claimed the prisoners in question remained detained for violent criminal acts. The government permitted access to prisoners on a regular basis by the HRCSL, magistrates, and the Board of Prison Visits, and it allowed the ICRC access to monitor prison conditions. Authorities granted irregular access to those providing local legal counsel.

Civil Judicial Procedures and Remedies

Citizens may seek civil remedies for alleged human rights violations through domestic courts up to the Supreme Court.

Property Restitution

Land ownership disputes continued between private individuals in former war zones, and between citizens and the government.

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 high security zones (HSZs). 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. Throughout the year lawsuits, including a 2016 Supreme Court fundamental rights case and numerous writ applications filed with high courts, remained stalled. Although HSZs had no legal framework following the lapse of emergency regulations in 2011, they still existed and remained off limits to civilians. During the year the government returned 1,308 acres of land. Since 2009 the government reported it had released more than 89,273 acres of land, representing more than 85 percent of all land occupied during the war.

With the amount of remaining land in dispute, many of those affected by the HSZs complained that the pace at which the government demilitarized land was too slow, that the military held lands it viewed as economically valuable for military benefit, and that military possession of land denied livelihood to the local population. According to the acquisition notices, while most of the land acquired was for use as army camps and bases, among the purposes listed on certain notices were the establishment of a hotel, a factory, and a farm. Some Hindu and Muslim groups reported they had difficulty officially claiming land they had long inhabited after Buddhist monks placed a statue of Buddha or a bodhi tree on their property, and described these acts as part of a ‘colonialization’ plan to dilute the concentration of minorities in the North.

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

The PTA permits government authorities to enter homes and monitor

communications without judicial or other authorization. Government authorities reportedly monitored private movements without appropriate authorization.

Security forces and police, armed with a court order, attempted to search the residence of Tamil National Alliance member of parliament S. Shritharan on August 21, a day after he criticized the appointment of Shavendra Silva as army commander. Earlier, on May 18, four soldiers and a police officer searched Shritharan's residence in Jaffna, while he was taking part in the commemoration of war victims in Kilinochchi.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press. According to UN and civil society reports, intelligence operatives conducted domestic surveillance operations and harassed or intimidated members of civil society. During the emergency, following the April 21 attacks, the government banned face coverings such as the burqa, niqab, and full-face helmets, citing national security and public safety concerns. The ban on face coverings was briefly lifted when the emergency regulation lapsed; however, in late August, the cabinet passed legislation permanently banning the burqa, the niqab, and similar face coverings, after consultation with the Muslim community.

Freedom of Expression: Authorities restricted hate speech, including insult to religion or religious beliefs through the police ordinance and penal code. The government requested media stations and outlets to refrain from featuring hate speech in their news items and segments.

In April Kurunegala police arrested Shakthika Sathkumara, a 33-year-old novelist, under the ICCPR law. His short story, "Ardha," which reportedly dealt with homosexuality and child sexual abuse in a Buddhist monastery, angered members of the country's Buddhist clergy. He was released on bail in August after being remanded for four months. On July 29, Amnesty International declared Sathkumara a prisoner of conscience. At his criminal hearing on December 10, the court granted the government's request for a continuance in the case until May 2020. His fundamental rights petition challenging the constitutionality of his arrest

was continued until June 2020.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. Journalists in the Tamil-majority North and East, however, reported harassment, intimidation, and interference from the security sector when reporting on sensitive issues related to the civil war or its aftermath. They reported the military contacted them to request copies of photographs, lists of attendees at events, and names of sources from articles. They also reported the military directly requested that journalists refrain from reporting on sensitive events, such as Tamil war memorials or land occupation protests, and that they feared repercussions if they did not cooperate.

In May, after communal violence following the Easter Sunday attacks of April 21, the HRCSL issued guidelines that called for all electronic media institutions to exercise sensitivity when broadcasting news due to concerns over the Muslim community being unreasonably subject to unsubstantiated suspicion and disrespect.

On September 9, then president Sirisena brought the state television Sri Lanka Rupavahini Corporation under the purview of the Ministry of Defense. The Working Journalists Association of Sri Lanka and the Free Media Movement strongly condemned the decision. Two fundamental rights petitions, one filed by a civil society activist and one filed by a member of parliament, were pending before the Supreme Court.

Violence and Harassment: There were reports of harassment and intimidation of journalists when covering sensitive issues.

On April 20, police arrested and released on bail Shanmugam Thavaseelan, a correspondent of the English-language online newspaper the *Tamil Guardian*, following a complaint filed by the navy stating the journalist, who was covering a disappearances protest, assaulted and caused injury to a navy officer attached to the ‘Gotabaya’ Camp in Mullaitivu. Charges reportedly were that he had threatened and photographed protesters at an earlier disappearances rally.

Reporters Without Borders (RSF), in a June statement, expressed alarm over a resurgence in police attacks on Tamil journalists and urged authorities to ensure that police cease the harassment of reporters. On May 27, Tamil daily *Virakesari* journalist Kanapathipillai Kumanan, who was covering a dispute between Hindu and Buddhist temples, was physically assaulted and verbally abused by the officer in charge of the Kokkilai police station. According to RSF, the May 27 violence

against the reporter was the third reported attack on a journalist of Tamil origin during the year.

Censorship or Content Restrictions: On several occasions print and electronic media journalists noted they self-censored stories that criticized the president or his family. These journalists said they had received direct calls from supporters of the government asking them to refrain from reporting anything that reflected negatively on the ruling party or opposition politicians.

Internet Freedom

There were no credible reports that the government monitored private online communications without appropriate legal authority. The government placed limited restrictions on websites it deemed pornographic. In the aftermath of the Easter Sunday attacks, the government imposed a temporary ban on several social media platforms, including Facebook, WhatsApp, and Instagram. The nine-day ban on social media was briefly reimposed May 13 after anti-Muslim riots.

Academic Freedom and Cultural Events

State university officials allegedly attempted to prevent professors and university students from criticizing government officials. The government interfered with university appointments and credentialing of individuals based on legal activities and political expression.

On November 9, the Jaffna University leadership endorsed the September 27 decision of the University Grants Commission of Sri Lanka (UGC) to debar K. Guruparan, the head of the Department of Law, from legal practice. Leaked letters from the Ministry of Defense to the UGC showed that Guruparan was debarred for pursuing habeas corpus cases filed in 2017 by three families regarding the disappearance of 26 youths in Jaffna allegedly involving the military. Plainclothes military intelligence personnel travelling with Attorney General Department representatives threatened the lawyers and families outside of the court.

In May the UGC removed the university's vice chancellor, Jaffna Ratnam Wigneswaran, without cause or an inquiry. An affidavit in response to a fundamental rights petition filed by the chairman of the UGC at the Supreme Court showed that the removal was due to a complaint from the Directorate of Military Intelligence of the Army regarding Wigneswaran's participation in an event called Thamir Amutham, where a reconstructed memorial monument carrying Tamil

nationalist proclamations was unveiled within the university premises.

b. Freedoms of Peaceful Assembly and Association

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

At the conclusion of his visit to the country in July, UN Special Rapporteur on the Rights of Freedom of Association and Peaceful Assembly Clement Nyaletsossi Voule observed that authorities applied laws in discriminatory ways, with Tamil protests and gatherings in the North and East disproportionately facing crackdowns. Although he noted that the country had a comprehensive legal framework governing the right to freedom of peaceful assembly, it was “scattered in different sets of laws and regulations which seem to be interchangeably enforced.”

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. The constitution stipulates that the freedom of assembly may be restricted in the interest of religious harmony, national security, public order, or the protection of public health or morality. It also may be restricted in the interest of securing due recognition and respect for the rights and freedoms of others, or in the interest of meeting the just requirements of the general welfare of a democratic society. Under Police Ordinance Article 77(1), protesters must seek permission from the local police before holding a protest. The emergency regulations in force from April 22 to August 23, following the Easter Sunday attacks, granted the security services extensive powers to detain and question suspects without court orders for up to 90 days. Under the emergency, the government instituted nighttime curfews and curtailed freedom of movement, and it permitted the president to ban public assembly.

Freedom of Association

The law provides for freedom of association but criminalizes association with or membership in banned organizations. Christian groups and churches reported that some authorities classified worship activities as “unauthorized gatherings” and pressured them to end these activities. According to the groups, authorities sometimes justified their actions, stating the groups were not registered with the government, although no law or regulation specifically requires such registration.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, stateless persons, or other persons of concern.

e. Internally Displaced Persons

The country's civil war, which ended in 2009, caused widespread, prolonged displacement, including forced displacement by the government and the LTTE, particularly of Tamil civilians. According to the Ministry of National Policies, Economic Affairs, Resettlement and Rehabilitation, Northern Province Development and Youth Affairs, 25,889 citizens remained IDPs as of August 31. The large majority resided in Jaffna, Kilinochchi, Mannar, and Batticaloa Districts in the North and East. While all IDPs had full freedom of movement, most were unable to return home due to: land mines; restrictions designating their home areas as part of HSZs; lack of work opportunities; inability to access basic public services, including acquiring documents verifying land ownership; and lack of government resolution of competing land ownership claims; and other war-related reasons. The government did not provide protection and assistance to these IDPs in welfare camps.

The government promoted the return and resettlement of IDPs by returning approximately 8,000 acres of military-seized land since 2015 and making additional state land available for landless IDPs. The military and other government agencies supported the resettlement of IDPs by constructing houses, schools, toilets, and providing other social services on newly released lands.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated

with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, and asylum seekers.

After the April 21 attacks, more than 1,600 Muslim and Christian refugees were forced to leave their homes in the wake of retaliatory attacks and seek protection in three welfare centers in Negombo and Pasyala. Local community members threatened to destroy the houses of Pakistani, Afghan, and Iranian refugees. The government, police, and security forces assisted UNHCR to ensure the protection of refugees. In the months following the April 21 attacks, most refugees who were not resettled outside of the country had returned to their rented residences.

Access to Asylum: The law does not provide for the granting of asylum or refugee status. A 2005 Memorandum of Understanding allows UNHCR to operate in the country to conduct refugee registration and status determinations. UNHCR also facilitates durable solutions for refugees, in the form of resettlement to third countries. The government relied on UNHCR to provide food, housing, and education for refugees in the country and to pursue third-country resettlement for them. Asylum seekers, on the other hand, had to rely on the support of NGOs for basic needs.

Access to Basic Services: The law does not permit refugees and asylum seekers to work or enroll in the government school system, but many worked informally. Refugees and asylum seekers registered with UNHCR have access to free health care in state hospitals.

g. Stateless Persons

Not applicable.

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 held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Domestic and international observers concurred that the 2019 presidential election was technically well managed, with few reports of violence. Observers pointed out, however, that unregulated campaign spending, abuse of

state resources, and media bias affected the level playing field. Commonwealth observers commended the country on a largely peaceful, credible, and orderly election, but they expressed concern that some groups experienced fear and intimidation. Both local and international observers reported several dozen incidents of postelection violence, particularly targeting minority groups.

Political Parties and Political Participation: According to foreign election observers, although the election was free and fair, media institutions were biased towards the two leading candidates, and political parties used social media platforms to spread disinformation and hate speech. The EU election observation mission's preliminary findings stated: "The presidential election was largely free of violence and technically well-managed, but unregulated campaign spending, abuse of state resources and media bias affected the level playing field." According to the Asian Network for Free Elections (ANFREL), more than 1.2 million migrant workers were not able to exercise their franchise due to the requirement that they return to their home voting districts to vote. ANFREL reported accessibility challenges to 1.3 million persons with disability, especially wheelchair-bound and elderly voters at polling centers.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. The HRCSL wrote to the election commission on November 8 raising concerns over the disenfranchisement of 8,000 *bhikkhunis* (female Buddhist priests) due to procedural issues preventing the issuance of national identity cards to them. The HRCSL noted that the Department of Registration of Persons does not recognize *bhikkhuni* as a profession for the purpose of national identity cards.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Corruption remained a significant and continuing problem. International companies frequently reported requests for bribes on issues ranging from customs clearances to government procurement. As of November the Commission to Investigate Allegations of Bribery or Corruption arrested 42 individuals on suspicion of providing and accepting bribes during the course of the year.

Financial Disclosure: The law requires all candidates for parliamentary, local government, provincial, and presidential elections to declare their assets and liabilities to the speaker of parliament. Some but not all candidates in parliamentary elections submitted their financial reports to the speaker, but authorities did not enforce compliance. By law members of the public may access records relating to the assets and liabilities of elected officials by paying a fee.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials somewhat were cooperative and responsive to their views.

The United Nations and Other International Bodies: UNHRC continued to have a country-specific resolution related to addressing justice, accountability, and reconciliation in the country. In March UNHRC adopted a resolution granting two additional years to the country to fulfil its commitments to reconciliation and transitional justice.

At the 42nd session of UNHRC in September, the core group expressed concern that the country had made “slow” progress on accountability, calling on UNHRC and the international community “to give the necessary attention and support to Sri Lanka.” Despite the country’s cosponsorship of the 2015, 2017, and 2019 resolutions, senior government officials continued to make public statements attacking the UN process and asserting they would not take any steps to hold “war heroes” accountable, despite their commitment to initiate a criminal justice process, with international participation, to address war-time abuses.

On September 25, the UN Department of Peace Operations banned deployment of nonessential Sri Lankan army troops in UN peacekeeping missions in response to the appointment of Shavendra Silva as army commander. The United Nations also decided to repatriate Sri Lankan Army units and individual officers serving with peacekeeping missions beginning in October. It suspended future Sri Lankan army deployments except where suspension would expose UN operations to serious operational risk. Nonetheless, on November 13, a new contingent of 243 army personnel of the Combat Convoy Company were deployed to Mali to serve in the UN Multidimensional Integrated Stabilization Mission.

Government Human Rights Bodies: The HRCSL has jurisdiction to investigate human rights violations. The HRCSL consists of five commissioners and has divisions for investigations, education, monitoring and review, and administration and finance. There are 10 regional offices across the country. The HRCSL accepts complaints from the public and may also self-initiate investigations. After an allegation is proven to the satisfaction of the commission, the HRCSL may recommend financial compensation for victims, refer the case for administrative disciplinary action or to the attorney general for prosecution, or both. If the government does not follow an HRCSL request for evidence, the HRCSL may summon witnesses from the government to explain its action. If the HRCSL finds the government has not complied with its request, the HRCSL may refer the case to the High Court for prosecution for contempt by the Attorney General's Department, 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 generally operated independent of and with lack of interference from the government.

The HRCSL was also responsible for vetting of the country's peacekeepers. The memorandum of understanding between the United Nations, HRCSL, Ministry of Defense, and Ministry of Law and Order for the vetting of military and police participants in peacekeeping operations was finalized in December 2018. As of August 2019, the vetting process was carried out by the HRCSL.

In April the government appointed five commissioners to the Office for Reparations, an independent authority created by the Office for Reparations Act passed in October 2018. The office is mandated to identify aggrieved victims qualified for reparations and provide appropriate compensation individually or collectively.

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

Women

Rape and Domestic Violence: The law prohibits rape and domestic violence, but enforcement of the law was inconsistent. Section 363 of the penal code does not explicitly criminalize rape of men. Section 365 B (1), which is gender neutral, criminalizes "grave sexual abuse." The prescribed penalties for rape are seven to 20 years' imprisonment and a fine of at least 200,000 Rs (\$1,160). For domestic

violence, a victim can obtain a protection order for one year and request a maintenance allowance. The law prohibits spousal rape only if the spouses are legally separated.

Women's organizations reported police and judiciary responses to rape and domestic violence incidents and cases were inadequate. The police Bureau for the Prevention of Abuse of Women and Children conducted awareness programs in schools and at the grassroots level to encourage 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 nationwide due to a lack of funding.

Female Genital Mutilation/Cutting (FGM/C): Some of the country's Muslims historically practiced FGM/C, but it was not a part of public discourse until recent years when media articles drew attention to the practice. There were no statistics on the current prevalence of FGM/C in the country, which does not have laws against FGM/C. In May 2018 the director general of health services from the Ministry of Health issued a circular prohibiting medical practitioners from carrying out FGM, but FGM/C itself is not criminalized. Several civil society groups led mostly by Muslim women continued to campaign against FGM/C.

Sexual Harassment: Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison. Sexual harassment was common and was a particularly widespread problem in public transport.

Coercion in Population Control: There were no credible reports of coerced abortion or involuntary sterilization.

Discrimination: Women have equal rights to men under civil and criminal law. Adjudication of questions related to family law, including marriage, 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.

Child Abuse: According to reports and evidence from fundamental rights applications and complaints filed with police during the year, school authorities frequently violate government regulations on banning corporal punishment in

schools. There was also growing public concern about the high incidence of violence, including sexual violence, against children in the family and community. Despite successful efforts to reform the penal code, the basic criminal law, and other laws on child abuse, cruelty to children and their exploitation in trafficking, and child labor persisted. Penalties vary based on the type and degree of child abuse, but trials tended to drag on for years.

Most child abuse complaints received by the National Child Protection Authority (NCPA), usually via a toll free 24-hour hotline, related to violence inflicted on children, and the rest of the complaints addressed related issues such as cruelty to children, deprivation of a child's right to education, sexual abuse, and child labor. Teachers, school principals, and religious instructors reportedly sexually abused children. In a number of child rape cases, government officials were the suspected perpetrators. Civil society organizations working on children's issues asserted children had insufficient mechanisms to report domestic violence or abuse safely. Although police stations are supposed to have an officer dedicated to handling abuse complaints from women and children, the government did not consistently implement this practice nationwide. Although the police Children and Women Bureau plays a major role in investigating abuse cases, depending on the severity of the case, some fall under the jurisdiction of the magistrates' courts as outlined in the criminal procedure code. In these instances police file a formal complaint sheet and begin a judicial medical process. The attorney general files indictments for child abuse cases exclusively in high courts.

The NCPA's founding chairman, Harendra de Silva, said the organization failed at its core mandate due to increasing politicization in recent years. He stated the thousands of child abuse cases that were pending in courts and other state institutions, including the NCPA, signaled a "trend of corruption." According to the NCPA, at least 9,000 complaints are filed annually on various forms of abuse, including cruelty to children, sexual harassment, rape, grave sexual abuse, child labor and trafficking. The NCPA began awareness programs during the year, such as Jana Paura or "people's shield", to educate the public on child protection and children's rights. The Attorney General's Department reported that, from January to July 31, some 3,113 child abuse cases were concluded where 1,881 indictments were served in high courts; advice was sought on 399 cases; and 833 cases were discharged.

On June 12, the Supreme Court ruled that Chief Inspector Waruni Bogahawatta of the Matara police station, an award-winning female police officer, was responsible for a minor girl's unlawful arrest and deprivation of her liberty. The officer

allegedly detained her without justification and subjected her to degrading treatment while she questioned the child in a bid to frame a local politician for rape. The Supreme Court also ordered Bogahawatta to pay approximately 98,600 Rs (\$570), and the state to pay approximately 49,300 Rs (\$285), as compensation to the victim.

Early and Forced Marriage: Civil law sets the minimum legal age for marriage at 18 for both men and women, although girls may marry at age 16 with parental consent. According to the penal code, sexual intercourse with a girl younger than 16 years, with or without her consent, amounts to statutory rape. The provision, however, does not apply to married Muslim girls older than 12. The Muslim Marriage and Divorce Act, which applies only to Muslims, permits the marriage of girls as young as 12 at the consent of the bride's father, other male relative, or a *quazi* (a judge who interprets and administers Islamic law).

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child prostitution, and practices related to child pornography, but authorities did not always enforce the law. The minimum age of consensual sex is 16.

In June UN-appointed independent rights experts said the scale of the country's child sex tourism industry has reached such worrying proportions that the authorities should act immediately. The UN Committee on the Rights of the Child said that the scourge was "very widespread," particularly in the North of the country.

Displaced Children: IDP welfare centers and relocation sites exposed children to the same difficult conditions as adult IDPs and returnees in these areas.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish population is very small. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Various laws forbid 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. Children with disabilities attended school at a lower rate than other persons. There were regulations on accessibility, but accommodation for access to buildings and public transportation for persons with disabilities was rare. Observers of the November presidential election noted process improvements were needed to ensure participation of persons with disabilities in future elections.

National/Racial/Ethnic Minorities

Both local and Indian-origin Tamils maintained that they suffered longstanding, systematic discrimination in university education, government employment, housing, health services, language laws, and procedures for naturalization of noncitizens. Throughout the country, but especially in the North and East, Tamils reported security forces regularly monitored and harassed members of their community, especially activists, journalists, and former or suspected former LTTE members.

The government had a variety of ministries and presidentially appointed bodies designed to address the social and development needs of the Tamil minority. The government implemented a number of confidence-building measures to address grievances of the Tamil community. The Office of National Unity and Reconciliation, established in 2016, continued to coordinate the government's reconciliation efforts. The office focuses on promoting social integration to build an inclusive society, securing language rights for all citizens, supporting a healing process within war-affected communities via the government's proposed Commission for Truth, Justice, Reconciliation, and nonrecurrence of the violence. The Tamil National Alliance and Defense Ministry continued to meet in accordance with a formal dialogue on returning military-held lands in the Northern and Eastern Provinces inaugurated in 2017.

On August 29, then president Sirisena, in his capacity as minister of defense,

directed officials to estimate the extent of lands under occupation and release them appropriately with the consultation of the security forces and to submit a report before October 1 to the governor of the Northern Province. The submission was pending at year's end.

On November 16, three buses carrying Muslim voters from Puttalam to Mannar were reportedly stopped in Thanthirimale by Sri Lanka Podujana Peramuna (SLPP) supporters. The SLPP supporters burned tires and threw rocks, eventually hitting one of the buses and breaking a window. At least one shot was reportedly fired, but no one was injured.

In May extremist groups led by Buddhist monks and politicians attacked and vandalized mosques, Muslim-owned businesses and homes in Kurunegala, Gampaha, and the Puttalam Districts, resulting in one death and extensive property damage. In Negombo and Chilaw, police initially were slow to respond or stop perpetrators from damaging Muslim buildings and assaulting Muslim individuals resulting in the death of a Muslim citizen and damage to Muslim-owned businesses. Buddhist monks also used hate speech on social media in the aftermath of the Easter Sunday attacks; a chief prelate of the Asgiriya chapter stated, "Don't eat or drink from Muslim shops. Traitors who have destroyed this country shouldn't be allowed to live in peace".

Indigenous People

The country's indigenous people, known as Veddas, reportedly numbered fewer than 1,000. Some preferred to maintain their traditional way of life, and the law generally protected them. They freely participated in political and economic life without legal restrictions, but some did not have legal documents.

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

The law criminalizes consensual same-sex sexual conduct between adults. Those convicted of engaging in same-sex sexual activity in private or in public face 10 years' imprisonment. Although prosecutions were rare, human rights organizations reported police used the threat of arrest to assault, harass, and sexually and monetarily extort LGBTI individuals. Antidiscrimination laws do not prohibit discrimination based on sexual orientation and gender identity.

Transgender persons continued to face societal discrimination, including arbitrary

detention, mistreatment, and discrimination accessing employment, housing, and health care.

HIV and AIDS Social Stigma

Persons who provided HIV prevention services and groups at high risk of infection reportedly suffered discrimination. In addition, hospital officials reportedly publicized the HIV-positive status of their patients and occasionally refused to provide health care to HIV-positive persons.

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. Exceptions include 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 law does not explicitly recognize the right to strike, but courts have recognized an implied right to strike based on the Trade Unions Ordinance and the Industrial Disputes Act. Nonunion worker councils tended to represent labor in export processing zone (EPZ) enterprises, although several unions operated in the zones. According to the Board of Investment, which operates the EPZs, if both a recognized trade union with bargaining power and a nonunion worker council exist in an enterprise, the trade union would have the power to represent the employees in collective bargaining.

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 and to revoke those workers’ rights to conduct legal strikes. In addition to the Public Security Ordinance, the Essential Public Services Act of 1979 allows the president to declare services provided by government agencies as “essential” public services. In 2018 and also during the year, the government used the essential public-services act to declare the Sri Lankan Railway and petroleum sector as essential sectors in attempts to force striking union members back to work.

The law prohibits retribution against striking workers 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 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 others or informal-sector workers.

The law allows unions to conduct their activities without interference, but the government enforced the law unevenly. Violations for antiunion discrimination may result in a fine of 100,000 Rs (\$578). The law requires an employer found guilty of antiunion discrimination to reinstate workers fired for union activities, but it may transfer them to different locations. In general these penalties were insufficient to deter violations. Only the Labor Ministry has legal standing to pursue an unfair labor practice case, including for antiunion discrimination.

Since 1999 the Labor Ministry has filed 14 cases against companies for unfair labor practices under the Industrial Disputes Act. The ministry did not file any new unfair labor practices cases during the year. The courts issued rulings on four cases and continued to try the other five; three cases have not been filed due to inadequate evidence. 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 because of the cost of filing cases. Workers brought some labor violations to court under the Termination of Employment and Workmen Act and the Payment of Gratuity Act. Lengthy delays hindered judicial procedures. The Industrial Dispute Act does not apply to the public sector, and public-sector unions had no formal dispute resolution mechanism.

The government generally respected the freedom of association and the right to bargain collectively. Public-sector unions staged numerous work stoppages on a number of issues, ranging from government moves to privatize state-owned enterprises to wage issues.

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.

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. The Ministry of

Labor requires 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. The commissioner general of labor held five union certification elections in 2017. No union certification elections were held in 2018 and from January to September 2019.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor, but penalties were insufficient to deter violations. The government did not effectively enforce the laws due to inadequate resources, inspections, and remediation efforts, as well as a lack of identification of forced labor cases. Labor Ministry inspections did not extend to domestic workers. The government sporadically prosecuted labor agents who fraudulently recruited migrant workers yet appeared to sustain its monthly meetings to improve interministerial coordination.

Children between the ages of 14 and 18 and women working as live-in domestic workers in some homes were vulnerable to forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 government increased the compulsory age of education from 14 years to 16 years in 2016. The law prohibits hazardous work for persons younger than 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 government estimated less than 1 percent of children--approximately 40,000--were working, although employment was often in hazardous occupations. The government currently classifies 51 activities as hazardous.

The government did not effectively enforce all laws, and existing penalties were not sufficient to deter violations.

The Labor Ministry made some progress in implementing its plan to eliminate the worst forms of child labor. The government appointed district coordinators with responsibility of reducing child labor in all 25 districts and provided new

guidelines for district officials. The Department of Labor continued its efforts to monitor workplaces on the list of hazardous work for children.

According to the *Child Activity Survey of 2016* published in February, children worked in the construction, manufacturing, mining, and fishing industries and as cleaners and helpers, domestic workers, and street vendors. Children also worked in agriculture during harvest periods. Children displaced by the war were especially vulnerable to employment in hazardous labor.

The list of hazardous work prohibited for children younger than 18 does not include domestic labor. This left children employed as child domestic workers vulnerable to physical, sexual, and emotional abuse. Family enterprises, such as family farms, crafts, small trade establishments, restaurants, and repair shops, commonly employed children. Criminals reportedly exploited children, especially boys, for prostitution in coastal areas catering to sex tourists (see section 6, Children).

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

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination, including with respect to employment and occupation, on the basis of race, religion, language, caste, sex, political opinion, or place of birth. The law does not prohibit employment or occupational discrimination on the basis of color, sexual orientation or gender identity, age, HIV-positive status, or status with regard to other communicable diseases. The government has proposed reforms to existing labor legislation that would more explicitly prohibit discrimination based on gender and other categories. Women have a wide range of workforce restrictions, including caps on overtime work and limits on nighttime shifts.

The government did not always effectively enforce these laws, and discrimination based on the above categories occurred with respect to employment and occupation. For example, some employers specified particular positions as requiring male or female applicants, and women often earned less than men for equal work.

e. Acceptable Conditions of Work

The parliament passed its first-ever national minimum wage law in 2015 and the government issued a Gazette notice on October 18, increasing the minimum monthly wage for private-sector workers by 25 percent. The changes increase the minimum wage increase from Rs 10,000 (\$54.90 per month or \$1.83 per day) to Rs 12,500 (\$68.30 per month or \$2.27 per day). The Department of Labor's 44 wage boards continued to set minimum wages and working conditions by sector and industry in consultation with unions and employers. On September 24, the Cabinet of Ministers approved salary increases for all government employees effective January 1, 2020. The minimum private-sector and public-sector wages are well above the government's official poverty line, which was Rs 4,166 (\$22.98) in 2016.

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 beyond 45 hours per week and work on Sundays or holidays. The provision limiting basic work hours is not applicable to managers and executives in public institutions. The law provides for paid annual holidays.

The government sets occupational health and safety standards. Workers have the right to remove themselves from dangerous situations, but many workers had no knowledge 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 insufficient. The number of labor inspectors was insufficient for the size of the country's workforce. Occupational health and safety standards in the rapidly growing construction sector, including on infrastructure development projects, such as port, airport, and road construction, as well as high-rise buildings, were insufficient. Employers, particularly those in the construction industry, increasingly used contract employment for work of a regular nature, and contract workers had fewer safeguards.

Labor Ministry inspectors verified whether employers fully paid employees and contributed to pension funds as required by law. Unions questioned, however, whether the ministry's inspections were effective. The Labor Department used a computerized Labor Information System Application designed to improve the efficiency and effectiveness of inspections, but officials and trade unions noted

concerns that the system was not well maintained.

Enforcement of labor laws and basic work conditions was also insufficient. Under the Shop and Office Act, the penalties for violating hours of work laws are a fine of 500 Rs (\$2.89), six months' imprisonment, or both. The law charges a fine of 50 Rs (\$0.29) per day if the offense continues after conviction. These penalties were insufficient to deter violations. Labor inspectors did not monitor wages or working conditions or provide programs or social protections for informal sector workers. In September amendments to the factories ordinance and the wages board ordinance increased fines for nonpayment of salaries to workers under the purview of the wages board between Rs.5,000 (\$27) to Rs.10,000 (\$55), along with an imprisonment not exceeding one year.