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Sri Lanka

The number of reports of violent human rights violations fell in 2010 as the security situation improved following the end of the military conflict; long-standing Emergency Regulations were partially lifted; and the humanitarian situation improved significantly. However, the overall human rights position in Sri Lanka remained a concern. Despite the end of the fighting, there continued to be human rights violations in 2010, including disappearances and extra-judicial killings, arbitrary arrests and a restriction on political space for free expression. Media reports suggesting that paramilitary groups remained active and that criminal activity in the Jaffna peninsula had increased at the end of the year were also a serious concern.

A key challenge for 2011 will be for the government to make progress towards achieving reconciliation between all Sri Lanka's communities. We will follow closely the outcome of

ongoing discussions between the government and minority parties and the outcome of the work of the Lessons Learnt and Reconciliation Commission expected in May 2011. The UN Panel of Experts, established by the UN Secretary-General to advise him on accountability issues with regard to alleged violations of international human rights and humanitarian law during the final stages of the military conflict, is also due to report its findings in 2011. We have encouraged the Sri Lankan government to engage constructively with the panel. Local elections in March 2011 will be an opportunity for all communities to exercise their democratic rights. We will continue to encourage the government to act upon the recommendations made by election monitors following the presidential and parliamentary elections in 2010.

Proposed ministerial visits in 2011 will provide further opportunities to encourage and work with the Sri Lanka government to address human rights concerns. We will continue to fund a range of projects in Sri Lanka to support civil society and strengthen the authorities' capacity to address issues related to human rights.

Elections

Presidential and parliamentary elections took place on 26 January and 8 April respectively. Independent election monitors concluded that the results were valid, but highlighted a number of concerns about the conduct of the campaigns and the high incidence of pre-election violence.

Reporters Without Borders and local election monitoring bodies estimated that 95–99% of state media election coverage was supportive of the president or critical of his opponent, Sarath Fonseka. Domestic election monitoring bodies also reported nearly 800 incidents of pre-election violence, of which half were classified as “serious”. This included five murders, five attempted murders and over 100 assaults, despite the two main parties having made public appeals to their supporters to refrain from violence.

The parliamentary elections were monitored by three domestic groups – People's Action for Free and Fair Elections; the Centre for Monitoring Election Violence; and the Campaign for Free and Fair Elections. The Sri Lankan election commissioner turned down the EU's request to send an election monitoring mission.

We helped to fund election monitors during both elections and encouraged all sides to ensure free, fair and peaceful elections. We also funded the Campaign for Free and Fair Elections to monitor the voter registration of displaced civilians in the north before the presidential election. This highlighted obstacles that our High Commission was able to raise with the government, some of which were subsequently addressed by the Elections Commission. However, only 22,000 internally displaced persons registered to vote in elections and up to 40% of people from the north were reported to have lacked valid forms of identity to enable their participation in elections. Despite the high national turnout of 61% in the presidential election, this dropped to less than 30% in the north and east where communities were still being resettled.

Access to justice

Sri Lanka has a highly developed judicial system, which faces many challenges. At the end of the year, the Sri Lankan government reported a judicial backlog of approximately 65,000 cases. As a consequence, there were a high number of prisoners who had been on remand for a relatively long period. The Sri Lankan government committed additional funds at the end of 2010 to clear this backlog.

Our High Commission funded a local civil society organisation to support the Sri Lankan Ministry of Justice's running of mediation boards at local level throughout 2010. These boards provided an alternative method of resolving minor local disagreements without requiring complainants to go through an expensive legal process. Some 60% of cases referred to the mediation boards were resolved successfully.

Sri Lanka's Emergency Regulations and Prevention of Terrorism Act allow for limited detention of terrorist suspects without charge. A large number of suspected members of the Liberation Tigers of Tamil Eelam have been detained without charge for periods considerably longer than those allowed by law. In addition, no clear legal framework has been established for former Liberation Tigers of Tamil Eelam fighters who were detained at the end of the military conflict.

In 2010, there were reports of increasing politicisation of the judiciary and law enforcement agencies, contributing to a culture of impunity. There have been few successful investigations into prominent allegations of human rights violations. For example, there has been little visible progress during 2010 in investigating the 17 serious human rights cases considered by a Presidential Commission of Inquiry that completed its work in 2009; the abduction of human rights defender Sinnavan Suthanthararaja in May 2009; or the assassination of Sunday Leader editor Lasantha Wickrematunga in January 2009. Our High Commission has raised our concerns with the Sri Lankan government about the lack of progress on these and other cases.

Death Penalty

The death penalty has not been carried out in Sri Lanka since 1976. Amnesty International describes Sri Lanka as “abolitionist in practice”. Capital punishment remains legal and the death sentence continues to be handed down for crimes including murder, drug trafficking and rape, but it has become established practice for these sentences to be commuted to life imprisonment.

Torture and other ill treatment

Sri Lanka is a party to the main international human rights treaties prohibiting torture, the International Covenant on Civil and Political Rights and the UN Convention against Torture. Torture is also prohibited under the country’s constitution.

Reported incidents of torture in Sri Lanka have often been associated with the conflict. However, on the International Day in Support of Victims of Torture in June the World Organisation Against Torture issued a statement that it had “received credible testimonies of torture from across the country, including in cases not related to the ethnic conflict or terrorism”. In an article published in early 2011, the Asian Human Rights Commission argued that torture had become institutionalised within the Sri Lankan police service.

The media reported a number of cases of alleged torture during 2010. These included a detailed account of the torture of Lalith Abey Suriya in an alleged attempt to extract a confession from him for theft and the police torturing of individuals at the instigation of influential individuals or families or as a result of personal grievances.

Our High Commission in Colombo raised its concerns with the Sri Lankan government about the safety and health of individuals in detention with the Sri Lankan government. The EU considered Sri Lanka's implementation of the UN Convention against Torture as part of its investigation into Sri Lanka's continued eligibility for the Generalised System of Preferences Plus (GSP+). The EU investigation found that Sri Lanka was not effectively implementing the convention and other human rights related obligations and because of this lack of progress it decided to withdraw GSP+ in August.

Prisons and detention Issues

Overcrowding in Sri Lanka's prisons is in part caused by a large backlog of cases in the courts and the large number of prisoners detained on minor charges due to their inability to pay fines. Remand prisoners and those imprisoned on minor offences are also held in the same facilities as more serious offenders. Former prison officials report that the majority of the prison population consists of pre-trial detainees and that the majority of convicted inmates serve sentences of less than three months. It is alleged that some terrorist suspects are held without a detention order being in place and therefore fall outside the legal framework.

President Rajapaksa has acknowledged the need for prison reform. He has called for an overhaul of the penal code and for the lower courts to reduce prison congestion and expedite the hearing of cases. In 2010, our High Commission discussed these challenges with the minister of justice and the minister of rehabilitation and prisons. The Justice Ministry has launched a three-year plan to tackle the backlog of cases. The Rehabilitation and Prison Reforms Ministry is planning to build a large open prison to detain 10,000 inmates convicted of minor offences.

It is believed that approximately 11,500 former Liberation Tigers of Tamil Eelam fighters were detained when the military conflict ended in May 2009. Large numbers of these

detainees were released during the course of 2010, leaving approximately 4,600 in rehabilitation centres at the end of December. Their legal status remained unclear.

Despite repeated calls by the international community, the International Committee of the Red Cross has not been allowed access to all former Liberation Tigers of Tamil Eelam fighters. The International Committee of the Red Cross has, however, continued to have access to other detainees in detention facilities throughout Sri Lanka. In November, the Sri Lankan government asked the International Committee of the Red Cross to close its operations in the north of the country.

Foreign Secretary William Hague raised concerns over the lack of humanitarian access to former fighters and the continued lack of clarity over their legal status with the Sri Lankan foreign minister during the latter's visit to the UK on 20 October. Our High Commissioner in Colombo also regularly raised the issue with the Sri Lankan government. In its interim recommendations, Sri Lanka's Lessons Learnt and Reconciliation Commission has called for a speedy resolution of remaining cases and improved transparency over detainees' whereabouts.

Rule of law

Some of the checks and balances within Sri Lanka's well-established legal system were eroded in 2010. On 9 September, parliament passed the 18th Amendment to the constitution. This granted the president the power to make appointments to a range of key state institutions, including the Elections Commission, Supreme Court and police service. Previously, an independent Constitutional Council was to decide such appointments.

Although the expansive Emergency Regulations were partially relaxed in 2010, civil society groups maintain that they continue to give extraordinary powers to security forces without adequate legal safeguards.

As a result of the conflict the military has assumed an enhanced role in maintaining law and order throughout Sri Lanka, particularly in the conflict-affected areas in the north and east. The military continued to play a dominant role in law enforcement in these areas during

2010 and is empowered under the Emergency Regulations and Prevention of Terrorism Act to make arrests. The government lifted parts of the Emergency Regulations in May, and is increasingly building the capacity of the police to oversee law and order in local communities.

We funded a civil society organisation to support government attempts to strengthen police capacity. Monthly community policing forums were subsequently established in Kandy and Moneragala, improving relations between the police and different ethnic communities, and language training was provided in the Central Province to help police communicate with minority ethnic communities.

On 8 February, Sarath Fonseka, former army commander and defeated presidential candidate, was arrested on charges of campaigning whilst in uniform and corruption over military procurement contracts. On 13 August and 17 September respectively, courts martial found Sarath Fonseka guilty on both charges and he was dishonourably discharged and sentenced to 30 months in prison. As a result of the prison sentence, he lost his seat as an MP, having been elected to parliament in the April elections. He was also charged under the Emergency Regulations and penal code with creating “terror and panic” by stating that senior military officials had ordered surrendering Liberation Tigers of Tamil Eelam leaders to be killed. This trial is being heard in a normal court and is expected to conclude in 2011. Civil society groups and opposition politicians have alleged that legal action against Sarath Fonseka has been politically motivated. Our High Commission encouraged the government to ensure the law is fairly and independently applied in all court cases, including those against Sarath Fonseka.

Human rights defenders

The operating environment for human rights defenders in Sri Lanka remained difficult throughout 2010. Prominent human rights defenders faced public criticism from members of the government and have been called “traitors”. Activists have been intimidated when carrying out their work and some received anonymous death threats.

A series of newspaper articles accused the head of Transparency International Sri Lanka of trying to “destabilise” the country after his organisation issued a report documenting misuse

of public assets during the presidential election campaign in January. The same individual featured prominently in a list of 35 human rights defenders, rumoured to have been prepared by the state intelligence agencies, which was reported in the press in the early part of 2010. The intended purpose and origin of this list was unclear. The President's Office denied that the intelligence services or any branch of law enforcement had any role in the preparation of the list.

The apparent politicisation of independent institutions has created obstacles for human rights defenders. Organisations involved in monitoring the presidential and parliamentary elections in 2010 reported that police intimidation made it harder for them to carry out their election observation work in some instances. The venue for a UN Human Rights Day event in December had to be changed at the last minute when state-run Colombo University refused to allow a woman human rights defender to deliver the keynote address, allegedly on the grounds that she was "pro-opposition".

There were also direct barriers to human rights organisations wishing to work in Sri Lanka. Some international human rights organisations were not granted visas to visit Sri Lanka in 2010. The government also cancelled visas for organisations working within Sri Lanka. A number of expatriate staff at an international NGO, who were working on a project to support local human rights defenders, were forced to leave the country when their visas were unexpectedly cancelled.

Following the parliamentary elections in April, the Sri Lankan government announced its intention to strengthen legislation governing NGOs to increase scrutiny of their funding and activities. Some civil society activists have interpreted these moves as an attempt to silence dissenting voices and prevent the exposure of corruption within the state sector.

Our High Commission funded a project to support human rights defenders in Sri Lanka in 2010. This project helped human rights organisations carry out security assessments to improve the safety of their staff and provided emergency assistance to individuals who faced particularly high levels of threat. We also regularly lobbied the government in relation to civil society freedom.

Freedom of expression

Sri Lanka is an established democracy and in principle the constitution and legal system protect its citizens' right to free expression. In practice, the space for political debate and alternative views is restricted. Sri Lanka ranked 158 out of 178 countries in Reporters Without Borders Press Freedom Index 2010.

Restrictions on free expression increased during the presidential elections in January and parliamentary elections in April. On 24 January, two days before the presidential elections, a pro-opposition cartoonist and journalist, Prageeth Ekneligoda, disappeared. The police continued to investigate the incident but no progress had been made by the end of 2010. Some of Mr Ekneligoda's colleagues at the pro-opposition Lanka E News website received death threats and the site was blocked.

Monitoring groups reported that during the elections the state media was heavily biased towards the government and state resources were misused to support the government's campaign. Media outlets that were perceived as pro-opposition continued to come under pressure after elections. The BBC reported that the Sri Lankan government temporarily prevented the Siyatha Media Network from covering official events and withdrew advertising from its newspaper following reports that its owner had funded the opposition. The Siyatha newspaper subsequently closed down. Siyatha's TV station was attacked and firebombed by armed men in the early hours of 30 July and two employees were injured. Siyatha's owners are reported to have fled the country fearing arrest.

Following the arrest of defeated presidential candidate Sarath Fonseka, police used batons and tear gas to break up a number of peaceful protests over his detention and conviction, including protests in Colombo in February and Galle in August. In the latter, two opposition MPs were arrested when they attempted to complain about police behaviour. They were later released without charge.

Sri Lanka's leading Buddhist monks had called for a Sangha Convention following Sarath Fonseka's arrest in February to bring Buddhist monks together to discuss democracy and

good governance in Sri Lanka. Media reports quote an Executive Committee member of the Sangha Convention alleging that the event was cancelled following bomb threats against leading Buddhist shrines from a group of pro-government monks. The pro-government monks have denied making such a threat.

Throughout 2010, the Sri Lankan government appeared to seek to control free expression around the conduct of its fight against the Liberation Tigers of Tamil Eelam. It placed restrictions on the right to assembly in the Vanni region in northern Sri Lanka and restricted media access to the conflict-affected areas. Civil society groups reported that an inter-religious ceremony planned in May to commemorate those killed in the military conflict had to be cancelled following threats from the security forces. The media minister subsequently stated that the Tamil people had a right to commemorate their family members who had died in the military conflict but they could not be allowed to “make a public campaign” out of it.

The general environment for free expression continued to be challenging. Concerns have been raised over media self-censorship and over death threats received by journalists in 2010. International publications were sometimes subject to more direct censorship. Five issues of The Economist magazine were held up by Sri Lanka Customs during 2010 due to the content of articles on Sri Lanka. They were later released for distribution. The press reported that the director of the Media Centre for National Security stated that foreign publications that were “harmful to national security” would not be allowed into the country. The BBC was barred from attending several sessions of the Lessons Learnt and Reconciliation Commission, but the president later ordered that they be allowed to attend all future hearings.

General political expression has also been stifled. The police raided a printing press in the Colombo suburbs in September following the publication of posters depicting the president as Hitler. The printer and eight co-workers have been served detention orders under the Prevention of Terrorism Act and remain in detention. In the same month a deputy minister publicly stated that the media should not write in a way that would “ultimately force them to be hanged”. And in October, the police obstructed a peaceful demonstration by the Inter University Students Federation, arresting 21 students and allegedly assaulting a number of others. The media reported that four journalists who were covering the protest were also assaulted.

UK ministers and officials regularly raised concerns over freedom of expression with the government of Sri Lanka. This included raising individual cases, such as the disappearance of Mr Ekneligoda, as well as the need to improve the general environment for the media. The government has maintained that the media in Sri Lanka remains free. Sustained UK and EU lobbying has contributed to some positive outcomes. The number of violent attacks on journalists reduced compared to 2009. In January, Jayaprakash Sittampalam Tissainayagam, a journalist who was convicted under the Prevention of Terrorism Act and sentenced to 20 years in prison for his writing, was released on bail. The president granted him a full pardon in May and he left Sri Lanka. The UK and like-minded missions had regularly raised Mr Tissainayagam's case and visited him in prison.

Women's rights

Sri Lanka has an established tradition of gender equality in many parts of society. Women enjoy equal access to health and education and make up the majority of university students. Sri Lanka ranked 16 out of 134 countries in the World Economic Forum Global Gender Gap Index 2010.

But gender barriers in the labour market mean that most women are employed in low-skilled, casual jobs and traditions of male leadership make it difficult for them to challenge this situation. Women's representation in parliament remained low following the 2010 parliamentary election, with women holding only 13 of 225 seats.

Reports in 2010 suggested that sexual harassment of women on public transport was widespread and that domestic violence against women remained a particular problem. There were reports of sexual violence and rape in the recently resettled areas in the north of Sri Lanka which contain a high number of women-headed households. Criminal proceedings began in the latter part of 2010 against several Sri Lankan Army soldiers who were accused of raping civilian women in the north.

Our High Commission kept in regular contact with a range of organisations that work on women's rights. As part of our ongoing human rights dialogue with the Sri Lankan

government, our High Commission encouraged the government to investigate and take action against reported abuses.

Children's rights

In 2010, as part of Sri Lanka's GSP+ investigation, the European Commission reported that the Sri Lankan government had made significant efforts to implement the UN Convention on the Rights of the Child and that it considered this area much improved.

According to UNICEF, 6,902 children were recruited by the Liberation Tigers of Tamil Eelam during the conflict. In 2010, all of these children had been released. We funded UNICEF's work to support the Office of the Commissioner General of Rehabilitation to ensure that the children leaving armed groups were provided with protection and support in three rehabilitation centres prior to many being released back to their parents or guardians.

The Family Tracing and Reunification Unit for unaccompanied and separated children, established in Vavuniya in December 2009, continued to receive reports from parents and relatives looking for their children. By the end of 2010, they had received 650 tracing requests for children, with 30 having been located. Analysis conducted on the data available showed that 67% of the children were last seen by their parents or relatives at the time of recruitment by the Liberation Tigers of Tamil Eelam.

Minorities and other discriminated groups

Throughout the conflict, minorities suffered disproportionately – including at the hands of the now defeated Liberation Tigers of Tamil Eelam. The political rights of minorities, a key driver of the conflict, continued to be restricted in 2010. Tamil representatives continued to report discrimination from the government and security forces. Tamil civilians in Colombo were asked to register their presence with their local police station in July, and throughout 2010 arrests under the Emergency Regulations and Prevention of Terrorism Act primarily affected Tamils. There was also no further progress towards establishing a political package to respond to key minority concerns. However, in late 2010 the government began talks with the main Tamil party, the Tamil National Alliance, to address minority grievances.

Following the end of the military conflict in 2009, economic development has been a key Sri Lankan government priority. The government has said this will benefit all communities. In 2010, Tamil representatives alleged that Sinhalese companies from the south had been favoured in carrying out some reconstruction projects in the north and east. They also complained that minorities' right to own land is not being honoured. Some Tamils and Muslim groups accused the government of "Sinhala colonisation" of the minority-dominated areas of the north and east during 2010 and alleged that army personnel had been granted land and moved their families to settle in the north. They also complained that land belonging to Tamil and Muslim civilians had been designated as "High Security Zones" and the owners were not allowed access to it. The return of approximately 70,000 Muslims forcibly displaced from the north by the Liberation Tigers of Tamil Eelam in 1990 has been an additional challenge.

Language rights remained unequal in 2010. Tamil, spoken by Tamils and most Muslims, is an official language of Sri Lanka. The media reported in December that the Cabinet had endorsed a proposal requiring the national anthem to be sung in Sinhala only and prohibiting the use of the Tamil version. The government later clarified that there had been no change in the status of the national anthem but civil society groups in the north reported that the military had imposed the Sinhala version on Tamil communities. Tamil representatives reported that Tamil-speaking Sri Lankans in rural areas have struggled to access state services since they are required to communicate with state officials, including police, in Sinhala. The Sri Lankan government has recognised this issue and is seeking to ensure more state officials are able to speak Tamil. During 2010 the police force launched recruitment drives to attract 1,500 Tamil civilians into the police force.

Tamils of Indian origin, who live primarily in the central hill areas of Sri Lanka, have been marginalised in post-independence Sri Lanka. Many members of this community continue to have problems obtaining basic documentation which affects their civic and social participation, including their ability to seek employment, own property or vote. In a study carried out in 2010, Minority Rights Group International reported that 30% of those in the plantation sector live in poverty. They also reported insanitary living conditions in plantation communities and a high rate of sexual and domestic violence. Literacy rates were significantly lower than the national average amongst the plantation communities. Minority Rights Group International reported that 37% of children in the plantation sector were engaged in child labour.

In 2010, UK ministers and our High Commission regularly urged the Sri Lankan government to launch an inclusive political process to address the grievances of Sri Lanka's minority communities. We encouraged them to engage in dialogue with minority representatives and welcomed the recent moves to engage the Tamil National Alliance. We also funded a number of projects designed to share UK experience of post-conflict reconciliation and to support dialogue between political parties in Sri Lanka. This has helped to ensure a sustained dialogue between minority and majority community political parties. We will continue to engage with the Sri Lankan government on this issue and will look for signs of progress during 2011.

Conflict

Although the military defeat of the Liberation Tigers of Tamil Eelam by the Sri Lankan government in May 2009 has been portrayed as the end of the country's 26-year-long conflict, the underlying causes have yet to be fully addressed.

Human rights groups, the media and the Sri Lankan diaspora have alleged that serious violations of international humanitarian law were carried out by both the Liberation Tigers of Tamil Eelam and the government in the final stages of the military conflict. In 2009, the president undertook to take measures to address such allegations. The UK and other members of the international community, including the EU and UN, have called for an independent and credible inquiry. A year after the end of the fighting, the Sri Lankan government established the Lessons Learnt and Reconciliation Commission. The Commission has eight members drawn from all three ethnic groups and is chaired by a former attorney-general. Its terms of reference are to investigate the causes of the conflict from 2002 to May 2009, but do not explicitly give any remit to look into war crimes allegations. We welcomed the establishment of the Commission and believe that it has the potential to contribute towards reconciliation and accountability in Sri Lanka.

The Commission began public hearings in August and produced interim recommendations in September – one of which is for the government to draw up a list of those held in detention. In November the government convened an Inter-Agency Committee to take forward implementation of the interim recommendations.

Sri Lanka does not have a functioning witness protection system and the Commission did not establish any separate procedures. Unidentified plain-clothed individuals reportedly photographed civilians who testified. Civil society groups fear this has left civilians vulnerable. Despite this, affected civilians have willingly given evidence. Most of them have been concerned with locating disappeared and missing relatives. A smaller number have raised other concerns, including allegations of indiscriminate shelling during the final stages of the military conflict and concerns about land and property.

The government invited international NGOs to give evidence to the Commission during 2010. In October, three NGOs: International Crisis Group, Amnesty International and Human Rights Watch, declined the invitation to appear, saying the Commission did not meet international standards for independent and impartial inquiries. They also cited the failure of previous Sri Lankan government-appointed commissions to deliver any concrete outcomes.

William Hague discussed the Commission's work when he met the Sri Lankan foreign minister on 20 October. Our High Commission will continue to follow closely the work of the Commission and the implementation of its recommendations. We will also continue to urge Sri Lanka to ensure serious abuses alleged to have occurred during the conflict are credibly and independently investigated.

Protection of civilians

Following the end of fighting in May 2009, there were approximately 300,000 internally displaced persons held in camps. Since then, the government of Sri Lanka has made significant progress in returning people to their home areas. The UN reported that approximately 22,000 internally displaced persons remained in camps at the end of 2010.

Most returnees received a degree of resettlement support, including from international agencies. But the Sri Lankan government made it difficult for humanitarian agencies to gain access to the north of Sri Lanka by putting in place a registration process. Agencies reported that approval was rarely given for projects that focused on protecting the civil and

political rights of returnees or that sought to provide psycho-social support to civilians who were caught up in the final stages of the military fighting. UK ministers and our High Commission regularly pressed the Sri Lankan government to ease the restrictions placed on the types of activities NGOs and humanitarian agencies were allowed to undertake.

Since September 2008, the UK has committed £13.5 million in humanitarian aid for internally displaced persons affected by the fighting in northern Sri Lanka. This has provided water and sanitation, healthcare, shelter, cash grants and livelihoods' recovery for displaced and returning families.

Other issues: Generalised System of Preferences Plus (GSP+)

GSP+ grants beneficiary countries duty free access to EU markets in return for adherence to key international conventions on labour standards and human rights. In February, the EU gave Sri Lanka six months' notice of suspension from the GSP+. The UK supported this decision, which was based on Sri Lanka's failure to implement effectively the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of the Child.

In June the European Commission wrote to the Sri Lankan government setting out the 15 conditions which would need to be met in order for GSP+ to be retained. The government responded that the Commission's conditions were an infringement of its sovereignty. On 15 August, Sri Lanka was withdrawn from the scheme.