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Country Report on Human Rights Practices 2018 - Sri Lanka

EXECUTIVE SUMMARY

Sri Lanka is a constitutional, multiparty democratic republic with a freely elected government. In January 2015 voters elected President Maithripala Sirisena to a five-year term. The parliament shares power with the president. August 2015 parliamentary elections resulted in a coalition government between the two major political parties with Ranil Wickremesinghe as the prime minister. Both elections were free and fair.

Civilian authorities generally maintained control over the security forces.

On October 26, President Sirisena announced the removal of Prime Minister Wickremesinghe and the appointment of former president Mahinda Rajapaksa as prime minister and subsequently announced the dissolution of parliament. Prime Minister Wickremesinghe and others challenged both actions as unconstitutional. On December 13, the Supreme Court ruled that Sirisena's decision to dissolve parliament was unconstitutional. Following the ruling, Rajapaksa resigned and Sirisena reinstated Wickremesinghe as prime minister on December 16.

Human rights issues included unlawful killings; torture, notably sexual abuse; arbitrary detention by government forces; website blocking; violence against lesbian, gay bisexual, transgender, and intersex (LGBTI) persons and criminalization of same-sex sexual activity; and corruption. Although same-sex sexual conduct was prohibited by law, it was rarely prosecuted.

Police reportedly harassed civilians with impunity, and the government had yet to implement a mechanism to hold accountable government security personnel accused of crimes during the civil war. During the year, however, the government took steps to investigate, prosecute, and punish some officials who committed human rights abuses.

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.

On January 20, police reportedly shot and killed a motorcyclist who disobeyed orders to stop his motorcycle at the Wedihiti Kanda checkpoint in Kataragama.

The Criminal Investigation Division (CID) continued to investigate an October 2017 case in which two plainclothes members of the Police Special Task Force shot and killed a man on a motorcycle in Ariyalai in the Jaffna District. In November 2017 the CID arrested the two officers, who remained incarcerated pending a hearing scheduled for February 2019.

Police continued to investigate an October 2016 case in which police shot and killed two Jaffna University students after they failed to obey orders to stop their motorbike at a checkpoint. The following day authorities arrested five police officers in connection with the shooting. In March, after 11 months of detention, all five officers were reinstated into police service, pending the outcome of their trial. In October the Jaffna Magistrate Court exonerated three of the accused officers and filed new indictments against two others.

The investigation into the 2009 killing of prominent journalist and politician Lasantha Wickrematunge, chief editor of the newspaper *Sunday Leader*, continued. In February police arrested five high-ranking former security officers from the Mt. Lavinia police station, including the deputy inspector general and the officer in charge, after charging them with obstruction related to the investigation. The officers were detained until July 17, when they were released on bail pending the outcome of the investigation.

The Attorney General's Department appealed the acquittal of five suspects accused of killing former Tamil National Alliance parliamentarian Nadarajah Raviraj; the Court of Appeal was scheduled to hear the appeal in January 2019.

b. Disappearance

Disappearances during the war and its aftermath remained unresolved. The July 2017 report of the UN Working Group on Enforced or Involuntary Disappearances noted the number of outstanding cases of enforced or involuntary disappearances at 5,859. On February 28, the government appointed seven commissioners to the Office on Missing Persons. The office met members of the public and family members of missing persons in Mannar, Jaffna, Kilinochchi, Trincomalee, Matara, and Colombo. In August it issued an interim report that provided a series of interim relief proposals and justice-related recommendations for families and victims of disappearances. At year's end the office was finalizing a list of approximately 20,000 names of missing persons dating from 1983.

In the case of Prageeth Eknaligoda, a journalist and cartoonist for *Lanka eNews* who disappeared in 2010, authorities had not charged any suspects as of year's end.

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. Police reportedly tortured and sexually abused citizens, often to extract confessions for alleged crimes. 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. In February 2017 the government announced it suspended making arrests under the PTA due to widespread concerns about several of its provisions; however, the government made at least four arrests under the PTA during the year. An estimated 70 to 130 individuals remained in detention from prior PTA arrests.

The Human Rights Commission of Sri Lanka (HRCSL) reported that torture committed by police forces was routine and continued throughout the country, and that it received 193 allegations of physical and mental torture by state actors as of June. It stated 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.

Interviews by human rights organizations found that torture by police remained endemic throughout the country. As in previous years, suspects arrested under the PTA since the civil war ended in 2009 gave accounts of torture and mistreatment, forced confessions, and denial of basic rights such as access to lawyers or family members. Some released former combatants reported torture or mistreatment, including sexual abuse by state officials while in rehabilitation centers and after their release. Excessive use of force against civilians by police and security officials also remained a concern.

There were also reports of sexual abuse committed by government and security sector officials against wives who came forward seeking information about their missing husbands or against war widows who attempted to claim government benefits based on their deceased husbands’ military service.

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 estimated that the prison population exceeded the system’s capacity by nearly 64 percent. 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.

The commissioner of prisons reported 52 total deaths of prisoners in custody as of July. The majority of deaths were due to natural causes. There were also three suicides.

A few of the larger prisons had their own hospitals, but only a medical unit staffed the majority. Authorities transferred prisoners requiring medical care in smaller prisons to the closest local hospital for treatment.

On August 13, approximately 20 prisoners in the Women’s Wing of the Welikada Prison protested prison conditions by climbing onto the roof of the facility to demand faster trials and an end to restrictions on food brought by family members for prisoners. The protest was in response to prison officials’ decision to limit outside food deliveries in an effort to stop drug smuggling into the facility. The protest ended peacefully on August 14 after Ministry of Prison Reform officials promised to discuss the raised issues.

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 reported by 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 accepts 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. During the year the HRCSL undertook a National Study on Prisons and visited 20 prisons across the country. The report was not 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/her arrest or detention in court, but there were reports that arbitrary arrest and detention occurred, although at a decreased rate compared with 2017, according to civil society and the HRCSL; under the PTA the ability to challenge detentions was particularly limited.

Role of the Police and Security Apparatus

The Police Service is responsible for maintaining internal security and in November was moved from the Ministry of Law and Order to the Ministry of Defense. The military falls under the Ministry of Defense and is responsible for external security. According to the criminal procedure code, the military may be called upon to handle specifically delineated domestic security responsibilities. President Sirisena served as the minister

of defense, but the civilian secretary of defense had daily operational responsibility over the military and, as of November, the police. The nearly 11,000-member paramilitary Special Task Force is a police entity that reports to the Inspector General of Police, which falls under the Ministry of Law and Order. It coordinates internal security operations with the military.

Civilian authorities generally maintained control over the security forces. Reports indicated that during anti-Muslim violence in March, the police initially were slow to respond or stop perpetrators from damaging Muslim buildings and assaulting Muslim individuals. The Ministry of Law and Order is responsible for determining whether security force killings were justifiable. According to civil society, intelligence operatives conducted domestic surveillance operations and harassed or intimidated members of civil society (see section 2.a., Freedom of Expression, Including for the Press).

Impunity for conflict-era abuses also persisted, including military, paramilitary, police, and other security-sector officials implicated in cases involving the alleged targeted killing of parliamentarians, abductions, and suspected killings of journalists and private citizens. Civil society organizations asserted the government and the courts were largely reluctant to take action against security forces. Prosecutions for abuses committed by the security forces and police were rare but increasing, as were prosecutions for government corruption and malfeasance.

Security forces had limited internal mechanisms to investigate abuses, but victims may bring cases directly to the Supreme Court. The HRCSL and criminal courts may also investigate such abuses, and the government pursued prosecutions and secured convictions in multiple high-profile cases against members of the security services. On August 9, the Jaffna High Court sentenced two senior military intelligence officers to death for the killing of a Liberation Tigers of Tamil Eelam (LTTE) militant while in custody in 1998. On July 18, the Supreme Court upheld and reimposed the suspended sentence of imprisonment of former Welikada police chief inspector Kamal Amarasinghe, who was convicted for assault. On July 5, the Supreme Court ruled against the police, ordering payment of compensation to a commercial sex worker and holding that her fundamental rights had been violated when she was harassed in 2014. On June 7, two police officers were sentenced to 20 years and six months of imprisonment with hard labor by the Colombo High Court after they were convicted of rape in Bambalapitiya in 2003. In October the United Nations sent the commander of the Sri Lankan peacekeeping contingent in Mali back to Sri Lanka after reportedly having discovered information that claimed to link him to a unit implicated in atrocities during Sri Lanka's civil war.

In March widespread anti-Muslim violence erupted in the central Buddhist region of Kandy District, resulting in hundreds of Muslim homes, business, and mosques being destroyed or damaged, in addition to the deaths of four individuals and the injury of 28 others. Observers and victims of the violence reported some members of the police and Special Task Force either took no action to quell the violence or actively participated.

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 issued 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, the 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 the police before seeing a magistrate, but for suspects accused of nonbailable offenses, bail is awarded only at a magistrate’s discretion, i.e., after appearing before a magistrate.

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. After a July 2017 visit by a UN special rapporteur on the protection of detainees accused of terrorism, the UN report noted that of 81 prisoners in pretrial detention awaiting the police investigation to be completed and the Attorney General’s Department filing of charges for offenses under the PTA, 70 had been in detention without trial for more than five years and 12 had been in detention without trial for more than 10 years. There was no known action on these cases during the year.

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.

The minister of justice acknowledged the suspension of the PTA in February 2017; however, the government made at least four arrests under the PTA during the year.

Arbitrary Arrest: The HRCSL received 101 complaints of arbitrary arrest and detention through June. 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.

In October dozens of Tamil prisoners across the country, including former LTTE fighters, undertook a hunger strike, demanding an immediate resolution to their 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.

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.

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 (CHRD) 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,” and the CHRD reported that more than 130 such prisoners remained in detention. The government did not acknowledge any political prisoners and claimed the prisoners in question were 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. According to the acquisition notices, most of the land acquired was for use as army camps and bases, but among the purposes listed on certain notices were the establishment of a hotel, a factory, and a farm. Throughout the year 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 approximately 2,300 acres of land. Since 2009 the government reported that it had released more than 83,000 acres of land, representing more than 80 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 and that the military held lands it viewed as economically valuable. 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.

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.

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.

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.

Press and Media Freedom: Independent media were active and expressed a wide variety of views. Journalists in the Tamil-majority north, 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 October, after former President Mahinda Rajapaksa was appointed prime minister in a move challenged in court as unconstitutional, some of Rajapaksa’s supporters took control of state media outlets. The International Federation of Journalists reported serious concern about harassment of journalists at state media institutions, and in some cases mobs loyal to Rajapaksa entered facilities and threatened employees and forced them to leave the premises. In another case the bodyguard of a minister loyal to ousted Prime Minister Ranil Wickremesinghe opened fire into a crowd of protesters outside a state media outlet, killing a Rajapaksa supporter.

Violence and Harassment: There were reports of harassment and intimidation of journalists when covering sensitive issues. Reporters Without Borders reported authorities intimidated *Tamil Guardian* journalist Uthayarasa Shalin in August following his coverage of a festival at a Hindu temple, but there were conflicting reports whether Shalin was targeted due to his work as a journalist.

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 private individuals or supporters of the government asking them to refrain from reporting anything that tainted the first family. On June 5, the Telecommunications Regulatory Authority (TRA) closed Telshan Network, a private television station. TRA accused the network of defaulting on its license fees. The network denied the allegations and claimed the closure was politically motivated. In November 2017 TRA blocked access of London-based website *Lanka eNews* after it published an expose into alleged corruption in President Sirisena’s office; the site remained blocked at year’s end.

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 March the government imposed a weeklong ban on several social media platforms, including Facebook, Whatsapp, and Instagram, during a state of emergency imposed following an eruption of anti-Muslim violence in the Central Province.

According to International Telecommunication Union data, approximately 34 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

State university officials allegedly prevented professors and university students from criticizing government officials. There were no other reported government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

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

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.

Freedom of Association

The law provides for freedom of association but limits the right, for example, by criminalizing association with or membership in banned organizations. Christian groups and churches reported 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 www.state.gov/religiousfreedomreport/ (<http://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, refugees, returning refugees, stateless persons, or other persons of concern.

Internally Displaced Persons (IDPs)

The country’s civil war that ended in 2009 caused widespread, prolonged displacement, including forced displacement by the government and the LTTE, particularly of Tamils. According to the Ministry of Resettlement, Rehabilitation, Northern Development, and Hindu Religious Affairs, 37,815 citizens remained IDPs as of June 30. 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 IDPs in welfare camps.

The government promoted the return and resettlement of IDPs by returning approximately 840 acres of military-seized land and making 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.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status. The government relied on UNHCR to provide food, housing, and education for refugees in the country and to pursue third-country resettlement for them. The law does not permit refugees and asylum seekers to work or enroll in the government school system, but many worked informally.

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: The Commonwealth Observer Group reported that in the 2015 presidential election, voters exercised their franchise freely and that vote counting was transparent with the results swiftly revealed to the public. Observers reported widespread abuse of state resources used for campaigning, consistent bias in state media toward the former government, and denial of access to venues for the opposition candidate.

Domestic and international observers concurred that local authorities conducted the 2015 parliamentary elections in a fair and free manner with few reports of violence. The EU election observation mission’s preliminary findings stated the elections were “well administered and offered voters a genuine choice from among a broad range of political alternatives, although campaign rules were restrictive.” The mission noted the government respected freedoms of assembly and movement. It added that party activists and candidates campaigned vigorously despite restrictive campaign rules, such as not allowing candidates to engage in door-to-door campaigning, canvass in person, or distribute leaflets.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Voters elected 13 women to the 225member parliament in 2015. The local government elections held during the year included for the first time a quota for women’s participation, requiring that 25 percent of all local and municipal council seats be held by women. Parties struggled to reach this new quota, but the final results came close to the required total, reaching 22.8 percent of all local government elected positions.

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 continuing problem. For example, in December 2017 a presidential commission investigating irregularities in a Central Bank bond sale recommended legal action against a former finance minister and a former central bank governor. Corruption investigations against current or former government officials were often stalled.

After President Sirisena’s announcement on October 26 removing Prime Minister Wickremesinghe and appointing former president Rajapaksa as prime minister, Sirisena prorogued parliament until November 16, during which time there were numerous reports of attempted vote buying to secure support for the move when parliament reconvened. In one case a member of parliament alleged he was offered 500 million rupees (Rs) (\$2.89 million) to switch sides and support Rajapaksa as prime minister.

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.

United Nations and Other International Bodies: The UN Human Rights Council continued to have a country-specific resolution related to addressing justice, accountability, and reconciliation in Sri Lanka. The current resolution, cosponsored by Sri Lanka and passed in 2017, maintains UN monitoring of the commitments Sri Lanka made in 2015 to address these issues until March 2019. Despite Sri Lanka’s cosponsorship of the 2015 and 2017 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.

Government Human Rights Bodies: The HRCSL has jurisdiction to investigate human rights violations. The HRCSL is composed 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 Sri Lankan peacekeepers, although the memorandum of understanding between the United Nations, HRCSL, Ministry of Defense, and Ministry of Law and Order for the vetting of all Sri Lankan military and police participants in peacekeeping operations was not finalized by year's end.

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.

In February two men reportedly raped a nurse at a private hospital in Narahenpita. Police in Narahenpita arrested the suspects five days after receiving the report, and their trial was underway at year's end.

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): 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 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.

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 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. 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 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.

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 or other male relative. The bride’s consent is not required.

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.

Child sex tourism remained a problem.

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.html> (https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html).

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

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.

National/Racial/Ethnic Minorities

Both local and Indian-origin Tamils maintained 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 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. It also replaced military governors of the Northern and Eastern Provinces with civilians. The Office of National Unity and Reconciliation,

established by the president 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 non-recurrence 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 October 4, President Maithripala Sirisena, in his capacity as minister of defense, publicly ordered the security forces to release all remaining private land in their possession by December 31. Observers noted that implementation by the deadline was logistically improbable.

Extremist Buddhist monks instigated violent attacks on Muslims and their property. In March Sinhalese mobs led by Buddhist monks attacked Muslim civilians, shops, homes, and mosques that resulted in two confirmed deaths, 28 injured, and extensive property damage. Observers blamed local government and law enforcement officials for failing to stop the riots, with some claiming police personnel took part in the anti-Muslim rioting. The central government responded by declaring a 10-day state of emergency, sending in the army to restore order, restricting social media, and arresting more than 150 alleged perpetrators.

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. Although prosecutions were rare, human rights organizations reported police used the threat of arrest to assault, harass, and sexually and monetarily extort LGBTI individuals. Those convicted of engaging in same-sex sexual activity in private or in public face 10 years’ imprisonment. 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 clients and occasionally refused to provide health care to HIV-positive persons.

Other Societal Violence or Discrimination

Sources stated some Buddhist monks regularly tried to close down Christian and Muslim places of worship on the grounds they lacked the Ministry of Buddha Sasana's approval. The National Christian Evangelical Alliance of Sri Lanka documented 65 cases of attacks on churches, intimidation and violence against pastors and their congregations, and obstruction of worship services as of September.

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 2017 the government began using the essential public-services act to declare the Sri Lankan Railway and petroleum sector as essential sectors, thus deterring the workers from striking.

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 had filed only 10 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 two cases and continued to try the other eight. 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 from January to September.

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 generally enforced the laws, but resources, inspections, and remediation efforts were not always adequate. 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 www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agricultural work or technical training. The 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 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, industries and services were the largest sectors employing child labor. Within these sectors 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 www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/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 did not prohibit employment or occupational discrimination on the basis of color, sexual orientation and/or gender identity, age, HIV-positive status, or status with regard to other communicable diseases.

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 sometimes earned less than men for equal work.

e. Acceptable Conditions of Work

The parliament passed its first-ever national minimum wage law in 2016, mandating a wage of 10,000 Rs (\$58) per month and 400 Rs (\$2.31) per day. In addition 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. The minimum wage in the public sector remained unchanged at 32,040 Rs (\$185) between 2016 and 2018. The official estimate of the threshold poverty level was 4,659 Rs (\$26.90) per person per month.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five and one-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 sometimes inadequate. 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. The financial punishment for nonpayment of wages is

negligible, with fines ranging from 100 Rs (\$0.58) to 250 Rs (\$1.44) for the first offense, 250 Rs (\$1.44) to 500 Rs (\$2.89) for the second offense, to 1,000 Rs (\$5.78) or incarceration for a term not exceeding six months, or both, for the third offense. 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.

No reliable sources of data covered the informal sector.

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