

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	747
Land:	Sri Lanka
Kilde:	Human Rights Council
Titel:	Situation of human rights in Sri Lanka – Annual report of the Office of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
Udgivet:	27. august 2024
Optaget på baggrundsmaterialet:	19. december 2024



General Assembly

Distr.: General
27 August 2024

Original: English

Human Rights Council

Fifty-seventh session

9 September–9 October 2024

Agenda item 2

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Situation of human rights in Sri Lanka

Comprehensive report of the Office of the United Nations High Commissioner for Human Rights*

Summary

In the present report, submitted pursuant to Human Rights Council resolution 51/1, the Office of the United Nations High Commissioner for Human Rights provides a comprehensive analysis of the human rights situation in Sri Lanka, highlighting some concerning trends with a potentially far-reaching impact on the enjoyment of fundamental rights and freedoms in the country. In the report, the Office notes the nexus between impunity for past and current human rights violations and broader demands for accountability in governance and makes recommendations for action by Sri Lanka and the international community to advance reconciliation, accountability and human rights.

* The present report was submitted to the conference services for processing after the deadline as a result of consultations with the Member State.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 51/1, in which the Office of the United Nations High Commissioner for Human Rights (OHCHR) was requested to enhance its monitoring and reporting on the situation of human rights in Sri Lanka, including on the impact of the economic crisis and corruption on human rights. The Council requested OHCHR to present, at the Council's fifty-seventh session, a comprehensive report that included further options for advancing accountability. The present report covers developments between the adoption of resolution 51/1, in October 2022, and July 2024, with reference to events in previous years, where appropriate.

2. OHCHR welcomes the Government's engagement in the preparation of the present report, while noting its rejection of Human Rights Council resolutions 46/1, in particular paragraph 6 thereof, and 51/1, in particular paragraph 8 thereof. OHCHR sent questions to the Government and the Human Rights Commission of Sri Lanka, received detailed responses and shared the draft report with the Government for factual comments, which it received. During the preparation of the present report, OHCHR engaged directly, in person and online, with a range of civil society stakeholders. An OHCHR delegation visited Sri Lanka for further consultations in June 2024.

3. In February 2023, Sri Lanka was reviewed as part of the fourth cycle of the universal periodic review and, in July 2023, it decided to support 173 of the 294 recommendations received in that context.¹ The Government established a new interministerial standing committee on human rights in February 2024 to follow up on the implementation of recommendations from international human rights mechanisms, such as the universal periodic review and the human rights treaty bodies. In August 2023, Sri Lanka submitted its initial report under the International Convention for the Protection of All Persons from Enforced Disappearance.² As of June 2024, the Government had nine pending visit requests from Human Rights Council special procedure mandate holders.³

4. In May 2024, the Global Alliance of National Human Rights Institutions recommended that the Human Rights Commission of Sri Lanka be re-accredited with A status. In its report, the Global Alliance provided several recommendations, including the recommendation that the Commission take proactive steps to ensure its accessibility to the wider community, including in the north and east of the country.⁴ In June 2024, the Parliament passed the Women Empowerment Act, which includes a provision on establishing a national commission on women.

II. Human rights trends and developments

5. Sri Lanka has experienced deep economic crisis since 2022, compounded by the global economic situation and severe debt distress. While the immediate macroeconomic situation has stabilized and the Government has successfully negotiated a debt restructuring with the country's creditors, the aftermath of the crisis continues to significantly affect the human rights of large segments of the population. The popular demands of the mass protest movement in 2022 for democratic reform and for accountability for corruption and economic mismanagement remain largely unfulfilled. Long overdue reforms to advance human rights and reconciliation, especially in the institutional and security sectors, have not been carried out.⁵ On the contrary, as described in the present report, there are renewed threats to fundamental freedoms, as evidenced by new or proposed regressive laws and ongoing instances of threats, intimidation and violence against victims of the civil war, members of civil society, journalists and critics.

¹ A/HRC/53/16/Add.1, para. 5.

² CED/C/LKA/1.

³ See <https://spinternet.ohchr.org/Search.aspx?Lang=en>.

⁴ See <https://www.hrcsl.lk/wp-content/uploads/2024/05/NHRI-Sri-Lanka-Report-by-GANHRI.pdf>.

⁵ A/HRC/46/20, paras. 20–23; and A/HRC/51/5, paras. 21–26.

6. Against this backdrop, the next presidential election is due to take place on 21 September 2024.⁶ This will be followed by parliamentary elections, due to be held by August 2025. Local elections, which were scheduled for March 2022, continue to be postponed as of July 2024, despite the ruling by the Supreme Court that they should be held at the earliest possible opportunity, and provincial council elections under the thirteenth constitutional amendment have not been held since 2014.

A. Deepening human rights impacts of the economic crisis

7. Support from the International Monetary Fund has helped to boost the country's performance as measured by macroeconomic indicators. By early July 2024, the Government had reached agreements on debt restructuring with its creditors. However, the cumulative impacts of the economic crisis and associated austerity measures on the enjoyment of economic and social rights has continued to reverberate deeply and widely at the household and individual levels, affecting the poorest and already marginalized groups in particular. Confronted with limited fiscal space, the Government has taken measures to strengthen its revenue base in line with International Monetary Fund targets – including the lowering of the personal income tax threshold to 100,000 rupees (\$328) per month, despite reduced real wages; the introduction of cost-reflective fuel and utility pricing; and successive increases to and a broadening of the value added tax – that have had an impact on those at lower socioeconomic levels and women in particular.⁷

8. Between 2021 and 2023, the poverty rate doubled, from 13.1 to 25.9 per cent, and is expected to remain at elevated levels over the next few years.⁸ Survey results from the Department of Census and Statistics indicate that, since March 2022, 60.5 per cent of households have seen their monthly income decrease, and 91 per cent of households have experienced an increase in monthly expenditure.⁹ Falling incomes (in both nominal and real terms) and increasing household indebtedness have had an impact on the enjoyment of the right to an adequate standard of living for many Sri Lankans, as some food, health, education, transport and other expenses have to be prioritized over others.

9. In July 2023, the Government introduced Aswesuma, a means-tested, poverty-targeted cash transfer scheme that has so far reached 2 million families. In July 2024, the Government approved a new national social protection policy, and spending on social security increased from 174 billion rupees in 2023 to 205 billion rupees in 2024.

10. The World Food Programme estimates that about one quarter of households are moderately food insecure, with households that are reliant on social protection and other assistance schemes being most at risk. Households in the plantation community constitute the highest proportion of those that consume inadequate food, and female-headed households make up a higher proportion of those that consume inadequate meals and adopt more severe coping strategies (e.g. selling assets and spending savings) than male-headed households.¹⁰ Between 2021 and 2023, according to data from the Ministry of Health, the proportion of children suffering from wasting or stunting increased across all age groups.¹¹ The Government has initiated various food support programmes, allocating about 12.7 billion

⁶ See http://documents.gov.lk/files/egz/2024/7/2394-51_E.pdf.

⁷ See <https://www.ft.lk/opinion/Urgent-plea-by-feminists-to-address-humanitarian-crisis-caused-by-economic-collapse/14-733198>; and <https://www.ft.lk/opinion/Universal-social-security-If-not-now-when/14-736777>.

⁸ See <https://openknowledge.worldbank.org/server/api/core/bitstreams/a498539d-ae15-4911-8895-fff713aa063a/content>; and <https://thedocs.worldbank.org/en/doc/64a39c836b5aff415ca339ae14a1afbc-0310062023/original/Sri-Lanka-Development-Update-April-2023-final.pdf>.

⁹ See http://www.statistics.gov.lk/WebReleases/HECS_Bulletin_Final.

¹⁰ See https://docs.wfp.org/api/documents/WFP-0000158905/download/?_ga=2.44937895.2078595437.1717510781-1011957968.1711620644.

¹¹ See <https://fhh.health.gov.lk/events/routine-nutrition-information-dashboard/>.

rupees in 2024 for the distribution of rice among about 3.4 million beneficiaries and providing a school food programme for 1.6 million students.¹²

11. According to data from the Department of Census and Statistics, among those who experienced an illness during the economic crisis, almost one quarter changed health treatment procedures due to a lack of funds.¹³ Other critical factors that have had an impact on patients' access to medical care include the emigration of significant numbers of health professionals, leading to reduced access and even closures of hospitals and medical centres,¹⁴ shortages of medicines¹⁵ and issues with counterfeit medicines and corruption in the health sector.¹⁶

B. Worrying legislative developments

12. Since 2023, the Government has introduced an array of new or proposed laws granting broad powers to the security forces and significantly expanding pre-existing restrictions on the freedoms of expression and opinion and of association.¹⁷ There is a concern that the cumulative effect of existing legislation and these new laws will have profound implications for the protection of fundamental freedoms and the rule of law in Sri Lanka.

13. For years, United Nations human rights experts, OHCHR and national and international organizations have expressed concern about various repressive laws, such as the Prevention of Terrorism Act and the Bureau of Rehabilitation Act, and the misuse of the International Covenant on Civil and Political Rights Act: such laws are often used to arrest, detain and prosecute journalists and human rights defenders.¹⁸ For instance, in May 2023, Nathasha Edirisooriya, a stand-up comedian, was remanded under section 3 of the International Covenant on Civil and Political Rights Act for allegedly "insulting" Buddhism.¹⁹ A magistrate's court dismissed the case on 19 June 2024.

14. The Online Safety Act, passed in January 2024, and several proposed laws, namely, the anti-terrorism bill, the non-governmental organizations (registration and supervision) and registration bill and the Sri Lanka telecommunications (amendment) bill, raise concerns, including in relation to vague definitions of offences, broad enforcement powers conferred upon the authorities, disproportionate penalties and inadequate or non-existent judicial oversight. For example, while the Government states that the Online Safety Act is intended to combat digital crimes, it contains vaguely defined terms and definitions of offences, allowing for arbitrary interpretation and enforcement.²⁰ United Nations human rights experts have expressed concern that the powers granted to the future Online Safety Commission could result in the arbitrary targeting of anyone who expresses dissenting or minority opinions or is critical of the Government's actions.²¹ The anti-terrorism bill, which is currently before the Parliament, also grants broad powers to the executive, including the power to declare any place in the country "prohibited" and to declare curfews in all or parts

¹² Observations of the Government on the advance unedited version of the present report.

¹³ See http://www.statistics.gov.lk/WebReleases/HECS_Bulletin_Final.

¹⁴ See <https://www.newsfirst.lk/2023/11/28/40-hospitals-in-sri-lanka-closed-down>; <https://economynext.com/despite-economic-recovery-more-sri-lankan-doctors-want-to-leave-for-better-pay-kids-future-148267/>; and <https://www.context.news/socioeconomic-inclusion/sri-lankan-health-crisis-could-worsen-as-doctors-seek-work-abroad>.

¹⁵ See <https://www.dailymirror.lk/breaking-news/Patients-in-dire-straits-as-drug-shortage-hits-Govt-hospitals/108-281838>.

¹⁶ See <https://www.bbc.com/news/world-asia-68561893>; <https://www.tisirilanka.org/tisl-files-fr-case-regarding-controversial-medical-supplies-procurement-through-indian-credit-line/>; and <https://www.tisirilanka.org/tisl-files-fr-petition-over-human-immunoglobulin-and-other-controversial-medical-supplies/>.

¹⁷ CCPR/C/LKA/CO/6, para. 40.

¹⁸ For example, *ibid.*, paras. 16 and 40 (b).

¹⁹ See communication LKA 5/2023. All communications mentioned in the present report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

²⁰ See <https://www.ohchr.org/en/press-briefing-notes/2023/10/human-rights-concerns-over-two-draft-laws-sri-lanka>.

²¹ See communication LKA 9/2023.

of the territory of Sri Lanka, with limited safeguards. It includes new provisions that criminalize speech, such as section 10 on the “encouragement of terrorism”.²²

15. Despite promises of a de facto moratorium on the application of the Prevention of Terrorism Act, the authorities have continued to use it to arrest and detain people, including Tamils commemorating their relatives who died in the civil war. The Government reported that, in 2023 and 2024, four persons had been arrested under the Act and five had received detention orders. The Government indicated that nine persons detained under the Act had been released between January 2023 and May 2024 and that bail had been granted to several suspects. The Human Rights Commission of Sri Lanka, however, reported that the authorities had notified it of 46 cases of arrest and detention under the Act between January 2023 and April 2024. OHCHR received reports that, in at least 12 cases, the Act had been used to detain people – primarily those participating or involved in the organization of memorialization activities – for a short period and without adequate acknowledgment of their deprivation of liberty and that they had then been released on bail or discharged weeks or months later.²³

C. Erosion of democratic checks and balances

16. Although the twenty-first constitutional amendment, of October 2022, rolled back some of the most concerning features of the twentieth amendment, concerns persist. In March 2023, the Human Rights Committee expressed concern that the twenty-first amendment still appeared to permit the executive presidency to exert undue influence on the independence of the judiciary and other oversight institutions, as a majority of the members of the Constitutional Council were parliamentarians.²⁴ In January 2024, the President’s Office claimed authority over the Constitutional Council in relation to appointments to certain public offices,²⁵ raising fresh concerns about executive interference. The tussle between the President and the Constitutional Council, in particular concerning Supreme Court nominations, has continued, leading to an interim order by the Supreme Court in April 2024 preventing executive nominations to the apex court.²⁶ The President twice sought extensions to the term of office of the Attorney General, beyond his retirement date, both of which were rejected by the Constitutional Council.

17. Respect for democratic principles and the rule of law has been undermined in the law-making process. Several laws, such as the Online Safety Act, were formulated or passed without adequate consultation with the public, key stakeholders, including civil society, or technology companies.²⁷ In addition, despite its importance, the Sri Lanka telecommunications (amendment) bill was presented to the Parliament in May 2024, with minimal public consultation.²⁸

18. In November 2023, the Supreme Court found over 30 clauses of the online safety bill to be inconsistent with the Constitution of Sri Lanka.²⁹ On 24 January 2024, the Parliament nevertheless passed the law without incorporating several of the amendments required by the Supreme Court. The Human Rights Commission of Sri Lanka noted that, owing to several of its sections and certain omissions, the Online Safety Act did not comply with the determination of the Supreme Court,³⁰ and fundamental rights petitions have been filed against the passage of the Act.³¹ The Government informed OHCHR that the Cabinet had approved further revisions to the law, although they had not yet been published. Nevertheless,

²² See <https://www.ohchr.org/en/documents/tools-and-resources/ohchr-preliminary-comments-sri-lankas-draft-anti-terrorism-bill>.

²³ See, for example, communication LKA 1/2024.

²⁴ CCPR/C/LKA/CO/6, para. 5.

²⁵ See <https://pmd.gov.lk/news/performance-of-the-constitutional-duties-of-the-president-and-the-constitutional-council/>.

²⁶ See <https://www.dailymirror.lk/print/front-page/Constitutional-Council-rejects-Presidents-Supreme-Court-pick/238-276192>; and <https://www.adaderana.lk/news.php?nid=98940>.

²⁷ See <https://aicasia.org/download/889/>.

²⁸ See http://documents.gov.lk/files/bill/2024/5/479-2024_E.pdf; and communication LKA 9/2023.

²⁹ See <https://www.hrcsl.lk/wp-content/uploads/2024/02/HRCSL-Press-Notice-08022024.pdf>.

³⁰ Ibid.

³¹ See <https://www.themorning.lk/articles/1DjrRE6q5whH8b6ImfpA>.

criminal proceedings have already been initiated under the new law in three cases.³² In June 2024, when the Supreme Court ruled that the enactment of the gender equality bill was inconsistent with the Constitution, the President attacked the Court in the Parliament and proposed appointing a select committee to override the judgment, a move that could trigger a fundamental constitutional conflict between the three branches of government and risk the independence of the judiciary.

D. Civic space restrictions and reprisals

19. Civil society plays a critical role in rural areas in addressing the worst impacts of the economic crisis and supporting conflict-affected communities. However, restrictive operating space and increasing administrative and legal restrictions are making the environment for service delivery, development work and advocacy for human rights even more difficult. Civil society organizations are required to be registered with the non-governmental organization (NGO) secretariat, which was transferred to the Ministry of Public Security in July 2022. The activities and sources of funding of civil society organizations are closely monitored by the intelligence services, in particular in the north and east of the country.

20. As of July 2024, the Government was drafting a new law to regulate NGO activities to address concerns about money-laundering and the financing of terrorism.³³ The Government reported that, in January 2024, it had disseminated the bill through media channels.³⁴ The bill, which was viewed by OHCHR, contains many problematic provisions, including a provision granting broad discretion to the authorities to approve or deny registration and clauses on “duties of NGOs”, which impose restrictions on engagement “in any political activity” or activities that affect “core cultural values”. These provisions are inconsistent with the requirements of international human rights law, such as the International Covenant on Civil and Political Rights, according to which restrictions on the right to freedom of association must be proportionate and necessary to achieve a legitimate aim (art. 22), and could have a chilling effect on the exercise of the right to freedom of association.

1. Intimidation against journalists and civil society actors

21. During the reporting period, OHCHR observed a persistent trend of the surveillance, intimidation and harassment of journalists and civil society actors, especially those working on enforced disappearances, land seizures or environmental issues or with former combatants in the north and east of the country. Civil society organizations reported that police officials from the Criminal Investigation Department or the Terrorist Investigation Division often summoned or visited them to question them about their programmes and funding, the participants in their events and the contacts and international travel of their staff, without a legal basis. Journalists in these regions face abusive lawsuits, violence, intimidation and surveillance. For instance, in October 2023, Punniyamoorthy Sasikaran and Valasingham Krishnakumar were questioned after covering a protest about State-supported land seizures.³⁵ In November 2023, they received a court order to hand over unedited footage of a Buddhist monk threatening violence against Tamils.³⁶

2. Reprisals and intimidation against families of the disappeared

22. During the reporting period, OHCHR received six reports of intimidation, surveillance and reprisals against family members of disappeared persons engaging with the

³² See, for example, <https://www.dailymirror.lk/breaking-news/Army-Commander-obtains-order-against-YouTube-channel-under-Online-Safety-Act/108-282656>.

³³ Observations of the Government on the advance unedited version of the present report.

³⁴ Ibid.

³⁵ See <https://cpj.org/2023/11/two-sri-lankan-journalists-questioned-harassed-following-protest-coverage/>.

³⁶ See https://www.facebook.com/maddunews/videos/1360369847901836/?extid=NS-UNK-UNK-UNK-IOS_GK0T-GK1C&mibextid=j8LeHn (in Sinhala).

United Nations or international actors, including members of the diplomatic community. Women victims in particular reported receiving late-night calls from individuals claiming to be Criminal Investigation Department or Terrorist Investigation Division personnel, who questioned them about their participation in protests and visits to Colombo or Geneva, including the funding they had received and the individuals they had met.

E. Emerging and worsening human rights concerns

1. Human rights concerns around operation Yukthiya

23. Since December 2023, the police, under the direction of the Minister of Public Security and with the support of armed forces personnel, have carried out a heavy-handed operation, known as “Yukthiya”, with the stated aim of controlling the “drug menace”. The deployment of military personnel in the operation represents a troubling escalation in the militarization of drug-related law enforcement efforts. The Government reported that, as at 20 May 2024, among the 121,957 persons who had been arrested, 43,465 had been released on bail, 8,300 remained in custody, 4,344 had received judicial detention orders and 3,056 had been referred for rehabilitation.

24. According to information received by OHCHR, most of those arrested were drug users or were drug-dependent, but they were not drug traffickers. Various entities, including the Human Rights Commission of Sri Lanka, the Bar Association and United Nations experts, have voiced concerns over alleged arbitrary arrests and instances of torture and ill-treatment during the operation and the detention of hundreds in military-run compulsory rehabilitation centres.³⁷ According to the Human Rights Commission of Sri Lanka, between the start of the operation and April 2024, it received 60 complaints, including 14 complaints of torture. Furthermore, disturbing rhetoric from the Ministry of Public Security encouraging the use of excessive force during the operation raises significant concerns.³⁸

25. Following its 2017 visit to Sri Lanka, the Working Group on Arbitrary Detention recommended that drug treatment programmes be managed by trained medical personnel instead of the military.³⁹ Despite the absence of any legal provision authorizing military involvement in such programmes, the military continues to manage facilities such as Kandakadu, where there have been reports of torture, ill-treatment and even deaths, as well as serious conflicts among inmates.⁴⁰

2. Ongoing custodial deaths, arbitrary arrests/abductions, torture and sexual violence

26. Torture and ill-treatment by members of the police and security forces remain prevalent in Sri Lanka.⁴¹ In April 2023, the Human Rights Committee stated that it was deeply concerned about the widespread practice of torture and ill-treatment by police and security forces in places of detention, which had resulted in deaths in custody.⁴² The Human Rights Commission of Sri Lanka informed OHCHR that it had received 2,845 complaints of torture and 675 complaints of degrading treatment between January 2023 and March 2024. The Commission reported that, over that period, it had received 21 complaints of extrajudicial killing, 26 complaints of death in custody and 1,342 complaints of arbitrary arrest and detention. The Government informed OHCHR that there had been 14 deaths in custody in

³⁷ See <https://www.hrcsl.lk/the-yukthiya-operation-press-notice-no-hrc-p-i-e-08-01-24/>; <https://www.hrw.org/news/2024/01/15/sri-lanka-stop-abusive-anti-drug-operation-and-release-those-arbitrarily-detained>; <https://www.ohchr.org/en/press-releases/2024/01/un-experts-call-sri-lanka-immediately-suspend-and-review-yukthiya-anti-drug>; and <https://www.ohchr.org/en/press-briefing-notes/2024/01/sri-lanka-anti-drugs-operation>.

³⁸ See <https://x.com/lankafiles/status/1783895418843115580>.

³⁹ A/HRC/39/45/Add.2, para. 56.

⁴⁰ See https://www.dailymirror.lk/breaking_news/Two-soldiers-two-Airmen-arrested-over-Kandakadu-inmates-death/108-240225; and <https://www.newswire.lk/2022/11/07/president-calls-for-full-report-on-kandakadu-violence/>.

⁴¹ See https://www.hrcsl.lk/wp-content/uploads/2023/06/International-Day-in-Support-of-Victims-of-Torture-2023_Chairpersons-Message.pdf; and CCPR/C/LKA/CO/6, para. 26.

⁴² CCPR/C/LKA/CO/6, para. 26.

2023 and 3 in 2024 and that the police had issued Circular No. 2747/2023 on preventing custodial and “encounter” deaths.

27. OHCHR examined recent allegations of abduction, arbitrary detention, torture, ill-treatment and sexual violence perpetrated against individuals of Tamil ethnicity by the Sri Lankan security forces, mainly in the districts of Jaffna, Kilinochchi, Mannar, Mullaittivu and Vavuniya. These date from as recently as January 2024. OHCHR interviewed eight alleged victims. A clear pattern emerged: Tamils, primarily men who had been involved in protests over disappearances, land/environmental rights or the commemoration of war victims and were believed to have previously been involved or linked with the Liberation Tigers of Tamil Eelam (LTTE), were monitored or photographed and were subsequently arrested by people who verbally identified themselves as Criminal Investigation Department or Terrorist Investigation Division personnel. In a few cases, the families of the victims filed complaints with the police and the Human Rights Commission of Sri Lanka, copies of which were seen by OHCHR, reporting that the victims had gone missing.

28. Victims described how officers had come during the evening or at night, had blindfolded and gagged them and had then transported them in a van to a detention facility in a location unknown to them or their families, between 30 minutes and two hours away. They had been interrogated for three to five days on their links with ex-LTTE cadres abroad, fundraising, the individuals behind the protests and any attempts to regroup LTTE. Their interrogators had attempted to obtain “confessions” or elicit information on buried weapons or money.

29. OHCHR assessed as credible specific accounts of the security forces using various techniques of torture and cruel, inhuman or degrading treatment. Many of the interviewees reported having experienced sexual torture, including rape, having had their testicles squeezed, forced nudity and having had their breasts bitten, either during interrogation or in the holding cell. Victims described having “confessed”, by making up information, simply to end the treatment to which they had been subjected, or having signed blank papers or documents in Sinhala, a language that the majority of the victims could not read.

30. Nearly all the interviewees recounted that they had eventually been released when a family member had paid a bribe to someone in the security forces, often using an intermediary. They had then fled Sri Lanka. In most cases, the victims said that security or intelligence agents had visited their homes, either to search for them or to inform their families that they had escaped from custody.

31. OHCHR carefully assessed the reliability and credibility of these victims and the veracity of the information they had provided. Their accounts were detailed and consistent and were recorded at different times, in different countries. Several victims said that, before their interview with OHCHR, they had never spoken about their experiences. Several others were receiving medical and psychological care and counselling.

32. OHCHR provided an overview of the cases to the Government, seeking further information. The Government responded that the allegations lacked sufficient detail but that it took allegations of abduction, unlawful detention and torture seriously and that it was committed to thorough investigations and prosecutions. It highlighted that, as a party to international human rights treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, Sri Lanka had a robust legal framework for the prohibition of torture. The Government also highlighted the proactive role of the judiciary in providing relief to victims of torture, as well as the functions of the Human Rights Commission of Sri Lanka as the national preventive mechanism on torture and the Office on Missing Persons in investigating alleged cases of enforced disappearance. The Government noted that relevant laws granted the judiciary, the Human Rights Commission of Sri Lanka and the Office on Missing Persons access to places of detention. OHCHR stands ready to assist the Government in strengthening national mechanisms for the investigation and prevention of torture.

F. Land contestations and restrictions on religious freedom

33. In February 2024, the Government initiated a nationwide programme, known as “Urumaya”, to convert land licences into freehold deeds for over 2 million individuals.⁴³ In the north and east of the country, land-related conflicts remain a fundamental issue 15 years after the end of the civil war.⁴⁴ A series of ad hoc releases of land from the military back to civilian control occurred between December 2022 and March 2024,⁴⁵ and the Government indicated that a committee had been established within the Ministry of Defence to identify further land to be released. However, land issues are complicated by other factors, such as changes to the physical landscape and destruction of landmarks; secondary ownership disputes; continued military presence, sometimes for economic activities; and practical difficulties with entering or utilizing released land, as surrounding areas or access routes remain under military control.

34. In parallel, land disputes involving one or more State actors, including the Department of Archaeology, the Mahaweli Authority, the Department of Forest Preservation, the Department of Wildlife Preservation and the police, continue to simmer. Land has increasingly been gazetted for forest cover, limiting its practical use. Conflicts concerning contested claims over archaeological remains have exacerbated ethno-religious tensions, with an impact on livelihoods. These grievances are at times overlaid with religious dynamics, which has an impact on the rights of minority communities to religious worship and participation in cultural life. In March 2024, eight devotees were arrested while participating in Shivaratri festival rituals at the Veddukkunaari temple, a contested site near Vavuniya.⁴⁶

35. In one such dispute, at Kurunthur Malai in Mullaittivu, a judge who had ordered the demolition of new constructions at a religious site claimed by both Hindu and Buddhist worshippers and had subsequently found the Director General of the Department of Archaeology in contempt of court⁴⁷ resigned in September 2023, claiming threats to his life.⁴⁸ The Government noted that legal proceedings in the case were ongoing and that both communities conducted religious activities at the site.

III. Impunity, accountability and reconciliation

A. Accountability and reconciliation

36. The year 2024 marks 15 years since the end of the devastating civil war in Sri Lanka. During that 30-year war, persistent and grave human rights violations and abuses were committed by both security forces and LTTE. The United Nations has previously established⁴⁹ that there are reasonable grounds to believe that grave violations of human

⁴³ See <https://pmd.gov.lk/news/urumaya-program-to-solve-land-issues-for-two-million-people-to-begin-on-05th-february/>.

⁴⁴ See A/HRC/45/45/Add.1.

⁴⁵ See <https://www.army.lk/news/army-used-land-padippalai-released-owners>; <https://www.army.lk/news/more-lands-used-security-purposes-palaly-hsz-released-civilians>; <https://www.army.lk/news/more-army-used-mullaittivu-lands-released-civilians>; <https://www.army.lk/news/more-army-used-lands-released-mullaittivu>; <https://www.army.lk/news/more-army-used-lands-released-civilians-batticaloa>; <https://www.army.lk/news/55-infantry-division-releases-more-land-kilinochchi-district-secretary>; <https://www.army.lk/news/sri-lanka-army-returns-over-100-acres-land-rightful-owners-jaffna-peninsula>; and <https://www.army.lk/news/235-acres-returned-jaffna-farmers>.

⁴⁶ See <https://www.hrw.org/news/2024/03/19/sri-lankan-authorities-detain-hindu-worshippers>.

⁴⁷ See <https://www.tamilguardian.com/content/contempt-court-kurunthumalai-incident-archaeological-department-official-held-accountable>.

⁴⁸ See <https://www.newswire.lk/2023/09/30/law-associations-raise-concerns-over-resignation-of-mullaittivu-judge/>.

⁴⁹ See the conference room paper of OHCHR on its investigation on Sri Lanka, 16 September 2015, para. 1113, available at

rights, war crimes and crimes against humanity were committed during the conflict. To date, the Government has rarely even acknowledged the serious violations that occurred during the conflict or provided victims with adequate redress. Numerous commissions of inquiry appointed by successive Governments, often in response to international pressure, have failed credibly to establish truth and advance accountability and reconciliation.⁵⁰ The commitment made by the Government in 2015 to create a judicial mechanism with a special counsel to investigate conflict-related crimes has not been implemented.

37. The Government reported that the Office for Reparations had granted approximately 2.4 billion rupees (\$7,928,304) to 9,169 families from January 2023 to June 2024 and had implemented three main programmes: the monetary relief programme, the livelihood support programme and the psychosocial support programme. OHCHR was informed that the data on monetary relief were not disaggregated by category of beneficiary, including women-headed households.

38. The Government informed OHCHR that there were no restrictions on family members memorializing their loved ones, provided that they did not glorify terrorism. It noted that memorialization was recognized as a collective remedy in the Office for Reparations Act and that many commemorations had been held in 2024, throughout the country. However, according to information received by OHCHR, several commemoration events were disrupted, in particular in Eastern Province. For instance, in May 2024, four people, including three women, were arbitrarily arrested and detained in Trincomalee for serving *kanji*, a rice porridge, at a commemoration event, purportedly on public health grounds.⁵¹ The authorities secured court orders to prevent some relatives of forcibly disappeared individuals and others from holding commemorations.⁵² In late June 2024, the report of the Expert Committee on Memorialization, established by the President in August 2023, was made public.⁵³ The findings and recommendations in the report could be an important foundation for new initiatives, with the full participation of victims from all communities.

39. Despite its mandate to search for and trace missing persons and its broad legal powers of investigation, including powers to issue summonses, request assistance from the authorities and search premises,⁵⁴ the Office on Missing Persons has focused primarily on assessing the entitlement of victims' families to financial assistance, reducing duplicate entries in its database and closing cases (through panels of preliminary inquiries). OHCHR is concerned that such an approach puts the burden on families to provide additional information or evidence, which is often retraumatizing for victims. The Office on Missing Persons informed OHCHR that it had so far established the fate of 16 missing persons, relating to the period from 2002 to 2007. Eleven of them were found alive, one had died, and four cases were being processed by the courts. The Office on Missing Persons stated that, of the 5,791 complaints from phase I (2000–2021) that had been reviewed so far, 1,058 were associated with the military forces or LTTE. Of those 1,058 complaints, 397 had been the subject of further action, including 50 files forwarded to the Criminal Investigation Department for further verification. Separately, in May 2024, the Human Rights Commission of Sri Lanka requested the Attorney General to launch an independent investigation into the possible enforced disappearance of a person from Anuradhapura in March 2024.⁵⁵

https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx; and the report of the Panel of Experts on Accountability in Sri Lanka, paras. 421, 422 and 424, available at

<https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20Rep%20on%20Account%20in%20Sri%20Lanka.pdf>.

⁵⁰ See the conference room paper of OHCHR; and report of the Panel of Experts on Accountability in Sri Lanka.

⁵¹ See <https://www.hrcsl.lk/wp-content/uploads/2024/05/HRCSL-Press-Notice-21052024.pdf>.

⁵² See <https://www.hrw.org/news/2024/05/23/sri-lanka-crackdown-over-civil-war-anniversary>.

⁵³ See <https://www.presidentsoffice.gov.lk/wp-content/uploads/2024/06/Committee-Report-English.pdf>.

⁵⁴ Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, sect. 12 (c) (ii), (d), (e) and (g).

⁵⁵ See <https://www.hrcsl.lk/wp-content/uploads/2024/05/HRCSL-letter-to-Hon-Attorney-General-on-14-05-2024.pdf>.

40. Despite the fact that several mass graves have been accidentally discovered and partially exhumed in Sri Lanka in recent decades,⁵⁶ to the knowledge of OHCHR, hardly any remains have been successfully identified and returned to the families for burial and/or dignified commemoration. The Government reported that 5.7 million rupees (\$18,800) had been released for the first phase of the excavation and exhumation of a mass grave found in Kokku Thoduvai, Mullaitivu District, in June 2023, with an additional 9.7 million rupees (\$32,000) to be allocated for the second phase, and the remains of 45 individuals had been recovered by forensic archaeologists. OHCHR remains concerned that there are insufficient financial, human and technical resources to conduct exhumations in line with international standards and encourages the Government to seek international support in this regard.⁵⁷

41. The Government reported that the Cabinet subcommittee on reconciliation, appointed by the President to promote reconciliation, and the special unit established under the President's Office have been addressing various issues faced by the people of Northern and Eastern Provinces and that the President had met regularly with Tamil Members of Parliament. These initiatives are a step in the right direction. The Government should publicize the outcomes of these deliberations and the agreed timeline to resolve the issues identified in these meetings.

42. In January 2024, the Government gazetted draft legislation for a commission for truth, unity and reconciliation.⁵⁸ The interim secretariat on the truth and reconciliation mechanism has undertaken 65 consultations during visits to Northern and Eastern Provinces and Colombo. However, victims and civil society organizations have strongly opposed the establishment of the proposed truth-seeking mechanism and have suggested that the Government first take specific steps to create an environment conducive to reconciliation.⁵⁹ Furthermore, the initiative for a credible truth-seeking process is undermined by the continued surveillance, harassment and arrest of victims by the security forces, as discussed above. For any truth-seeking mechanism to be successful, it must enjoy the trust of stakeholders and demonstrate the potential to achieve meaningful results for victims and affected communities. Importantly, such a truth-seeking mechanism must be appropriately designed, free from political and military influence and led by commissioners or experts who meet the highest standards of professionalism, independence, integrity and expertise. Such a mechanism must also be part of a comprehensive transitional justice strategy, with appropriate links to existing or future mechanisms, such as a judicial mechanism.⁶⁰

43. On 22 July 2024, the Cabinet decided to extend an apology on behalf of the Government to all the communities affected by the mandatory cremation policy enacted during the coronavirus disease (COVID-19) pandemic and to prepare a draft law on the burial or cremation of dead bodies at religious discretion.⁶¹ The mandatory cremation policy caused immense suffering to mourning Muslim families and a huge financial burden for poor families, in particular persons employed on a day-by-day basis, who could not afford the cremation fee.⁶² Another recent example of a regulation discriminating against the Muslim minority is the withholding of examination results from 70 Muslim students in Trincomalee in June 2024 who had arrived at an advanced-level examination wearing a hijab or headscarf.⁶³

⁵⁶ See <https://srilankachrd.org/office/uploads/278.pdf>.

⁵⁷ See communication LKA 6/2023.

⁵⁸ See communication LKA 7/2023.

⁵⁹ See <https://www.themorning.lk/articles/Uo7wCnlwGcm6pEXOvXZv>.

⁶⁰ See also <https://www.hrcsl.lk/wp-content/uploads/2024/01/HRCSL-Press-Notice-HRCSL-letter-to-President-on-17-Jan-2024.pdf>.

⁶¹ Observations of the Government on the advance unedited version of the present report.

⁶² See communication LKA 8/2020.

⁶³ See <https://www.hrw.org/news/2024/06/26/sri-lanka-blocks-exam-results-over-muslim-head-coverings>.

B. Entrenched impunity

44. Lack of accountability for past and present human rights violations at all levels remains a fundamental human rights problem in Sri Lanka, in particular in cases in which the alleged perpetrators are members of the security forces.⁶⁴ The unwillingness or inability of the State to prosecute and punish perpetrators of crimes is best illustrated by the lack of meaningful progress in emblematic cases. This entrenched impunity is manifest in the corruption, abuse of power and governance failures that were among the root causes of the country's recent economic crisis.⁶⁵

45. Several cases, highlighted repeatedly in OHCHR reports, such as the massacre of 17 humanitarian workers in Muttur in 2006, the killing of five Tamil students in Trincomalee in 2006, the murder of journalist Lasantha Wickrematunge in 2009 and the disappearance of journalist Prageeth Eknaligoda in 2010, have faced prolonged delays and setbacks during the investigation stages.⁶⁶ Others have been the subject of interference, acquittals or the dropping of charges. For instance, following the assassination of Tamil Member of Parliament Joseph Pararajasingham in 2005, at a Christmas church service in full view of witnesses, the Attorney General informed the court that he would not proceed with the prosecution. Subsequently, the Batticaloa High Court acquitted and ordered the release of all five suspects, including current Member of Parliament Sivanesanathurai Chandrakanthan (known as "Pillayan").⁶⁷ These cases underscore the pressing need for reform within the Office of the Attorney General to ensure an independent prosecutorial authority, separate from the function of the Attorney General, that can make independent prosecutorial decisions, including in relation to cases of human rights violations.

46. Even in the few cases that progressed to the trial stage, there have been significant setbacks, which illustrate the often insurmountable barriers to access to justice for victims, even in the most emblematic of cases. Trial proceedings in connection with the alleged enforced disappearance of 11 individuals, predominantly Tamil young people, in 2008 and 2009 have been stayed following a writ petition by a former navy commander who is one of the accused. A case involving the murder of eight Tamil civilians, including four children, in Mirusuvil in April 2000 was a rare exception to the lack of accountability in Sri Lanka, as Staff Sergeant Sunil Ratnayake was convicted in 2015. His conviction was upheld by the Supreme Court in 2019. However, he was pardoned by the then President in March 2020. The Supreme Court is currently hearing a fundamental rights petition challenging the presidential pardon.⁶⁸

47. There has been limited progress in the criminal investigation into the bombings on Easter Sunday 2019. Several criminal cases have been filed, including with courts in Kalmunai, Kegalle, Mawanella, Nuwara Eliya and Puttalam. However, there has been very little further progress in those cases, and none of them has resulted in a conviction. The full findings of the Presidential Commission of Inquiry on the Easter Sunday attacks have not been published. However, the Catholic Church has received the remaining unpublished parts of the investigation report.⁶⁹ Meanwhile, new potential evidence and inside accounts have continued to come to light, warranting a follow-up investigation. According to the Government, following the establishment of a "victim fund" within the Office for Reparations, 196 beneficiaries were provided with financial compensation in 2023, with 165

⁶⁴ See also [A/HRC/46/20](#), paras. 24–28; [A/HRC/49/9](#), paras. 10–19; [A/HRC/51/5](#), para. 50; and [A/HRC/54/20](#), para. 61.

⁶⁵ See <https://www.imf.org/en/Publications/CR/Issues/2023/09/29/Sri-Lanka-Technical-Assistance-Report-Governance-Diagnostic-Assessment-539804>.

⁶⁶ [A/HRC/46/20](#), para. 27; and the conference room paper of OHCHR, paras. 234–238 and 1237–1240.

⁶⁷ See <https://www.cpalanka.org/wp-content/uploads/2022/07/AGs-Decision-to-Drop-Charges.pdf>; and <https://www.amnesty.org/en/latest/press-release/2021/01/sri-lanka-collapse-of-joseph-pararajasingham-murder-case-a-failure-of-justice/>.

⁶⁸ See <https://www.cpalanka.org/fundamental-rights-applications-challenging-the-decision-to-pardon-sunil-ratnayake/>.

⁶⁹ See <https://www.dailymirror.lk/breaking-news/Received-full-presidential-commission-report-on-Easter-Sunday-attacks-Cardinal/108-280850>.

further beneficiaries by the end of May 2024.⁷⁰ However, the orders issued by the Supreme Court in January 2023 for the former President and several senior officials to pay compensation personally have not been fully implemented, with only partial payment by 30 June 2024.⁷¹ As at 17 July 2024, 134,975,588 rupees (\$446,393) had been received from the respondents, of the 311,000,000 rupees (\$1,028,545) ordered by the Supreme Court. On 15 July 2024, the Supreme Court directed the former President to pay the full amount by 30 August 2024.

48. In February 2024, a new Inspector General of Police, Deshabandu Tennakoon, was confirmed, despite the finding by the Supreme Court that he was responsible for having committed torture in 2010.⁷² The Presidential Commission of Inquiry on the Easter Sunday attacks reportedly found Tennakoon (then Deputy Inspector General for Colombo North) to have been negligent in having failed to prevent the attacks and recommended disciplinary action.⁷³ Several petitions challenging the constitutionality of his appointment have been filed before the Supreme Court.⁷⁴ Furthermore, retired General Kamal Gunaratne has been serving as Secretary to the Ministry of Defence since November 2019, despite having been credibly alleged to have committed grave violations of international human rights and humanitarian law during the armed conflict.⁷⁵ These appointments reinforce a sense of impunity, compound victims' suffering and undermine accountability and reconciliation.

IV. Further options for advancing accountability

49. Foremost responsibility for investigating and prosecuting crimes under international law and ensuring accountability lies with the Government of Sri Lanka. A fundamental precondition for meaningful progress is recognition of the State's responsibility for the accountability deficit and an acknowledgment of the serious violations that occurred during the war and the continuing impact of the atrocities committed.⁷⁶ A clear and public change of narrative, in combination with a comprehensive road map for truth and justice, could contribute to re-establishing trust in the authorities and help to address the profound polarization in the country.

50. OHCHR has highlighted the structural changes that need to be made to advance accountability.⁷⁷ These include: a comprehensive structural reform of the security sector and the judicial authorities, including the establishment of a fully independent Office of the Attorney General to ensure the necessary impartiality and independence of the different actors involved; and the strengthening of the separation of powers and checks and balances in the country. The creation of a judicial mechanism with a special counsel, which was recommended and initially accepted by the Sri Lankan authorities, as proposed in Human Rights Council resolution 30/1 in 2015, should be reconsidered.

51. Complementary strategies on the part of the international community remain important in helping to break the cycle of systematic impunity. These include using all potential forms of jurisdiction, including in accordance with the accepted principles of extraterritorial and universal jurisdiction, to investigate and prosecute crimes under international law committed in Sri Lanka and increasing the extent of mutual legal cooperation in relation to relevant cases between relevant jurisdictions.⁷⁸ States should

⁷⁰ See https://reparations.gov.lk/web/images/OR_-_Payments_from_Victim_Fund.pdf.

⁷¹ See https://www.reparations.gov.lk/web/index.php?option=com_content&view=article&id=153:action-taken-by-or-on-orders-made-by-the-supreme-court&catid=8:news-and-events&lang=en&Itemid=282.

⁷² See https://www.supremecourt.lk/images/documents/sc_107_2011.pdf.

⁷³ See <https://www.ucanews.com/news/sri-lanka-church-slams-promotion-of-tainted-officer/103433/>.

⁷⁴ See <https://www.cpalanka.org/centre-for-policy-alternatives-cpa-challenges-constitutionality-of-the-appointment-of-inspector-general-of-the-sri-lanka-police-igp/>; and <https://www.newswire.lk/2024/03/14/fr-petition-filed-challenging-appointment-of-igp-deshabandu-tennakoon/>.

⁷⁵ A/HRC/46/20, para. 23.

⁷⁶ Ibid., para. 52.

⁷⁷ Ibid.; and A/HRC/51/5, para. 68.

⁷⁸ A/HRC/51/5, para. 64 (a).

strengthen judicial and other means of cooperation by, among other steps, confidentially exchanging, as far as possible, information about the measures that they have taken against certain individuals and the underlying evidentiary material. Relevant States should take further advantage of the full potential of the OHCHR repository created pursuant to Human Rights Council resolutions 46/1 and 51/1 by proactively sharing relevant information for inclusion in the repository, in addition to making requests for access to relevant material. States could take further measures to facilitate the access of persons holding relevant substantive information concerning the commission of violations to investigative authorities abroad, including by granting visas and, when necessary, facilitating permanent relocation.

52. Among other measures, States could consider, consistent with international law, imposing and expanding targeted sanctions, including asset freezes, travel bans and other restrictive measures, against persons credibly alleged to be responsible for gross violations and abuses of international human rights law or serious violations of international humanitarian law.⁷⁹ States should consider various forms of vetting for Sri Lankan officials credibly implicated in human rights violations. This includes strict application of United Nations human rights screening procedures for deployment to United Nations peacekeeping missions and similar screening for bilateral exchanges or training opportunities. States could also take steps to avoid persons being able to shelter behind the diplomatic privileges and immunities accorded to ambassadors and other diplomatic staff when such persons have been credibly alleged to have been involved in violations.⁸⁰ In addition, States should support initiatives to further strengthen and empower victims and civil society organizations working in the accountability sphere.⁸¹

53. Furthermore, States and multilateral and international institutions and organizations could use their influence on the Sri Lankan authorities to raise specific concerns about human rights violations and accountability gaps, while pressing for tangible results, in bilateral dialogues and, as appropriate, in the design and implementation of financial and other assistance initiatives. When relevant, States should support memorialization initiatives organized by diaspora groups outside Sri Lanka.

54. The international legal system offers further opportunities, including through the inter-State complaint mechanisms of the human rights treaty bodies⁸² and/or proceedings before the International Court of Justice, where provided for in relevant human rights treaties. Efforts have been undertaken by civil society organizations to request the Prosecutor of the International Criminal Court, to the extent possible, to exercise jurisdiction over relevant crimes committed in Sri Lanka. The Rome Statute of the International Criminal Court provides opportunities for States to activate the Court's jurisdiction, including by means of the formal referral of a situation by the Security Council (arts. 12–15).

55. Through its resolutions 46/1 and 51/1, the Human Rights Council decided, *inter alia*, to strengthen the capacity of OHCHR in relation to advancing accountability for gross violations of human rights and serious violations of humanitarian law and related crimes committed by all parties in Sri Lanka. To this end, OHCHR established a specialized project team, the OHCHR Sri Lanka accountability project. The team and its work have been affected over the past year by the liquidity situation in relation to the regular budget of the United Nations.

56. As at 5 July 2024, the repository established within the framework of the OHCHR project comprises 96,215 items and contains information from over 470 different sources (over 220 witnesses and 250 organizations), including international and multilateral organizations. OHCHR continues to engage with key actors to transfer relevant data sets, consistent with applicable rules. Information contained in the repository is optimized by interlinking different information sets, strengthening the electronic data management system

⁷⁹ *Ibid.*, para. 64 (b).

⁸⁰ *Ibid.*, para. 64 (c).

⁸¹ *Ibid.*, para. 64 (e).

⁸² Sri Lanka accepted the competence of the Human Rights Committee under article 41 of the International Covenant on Civil and Political Rights upon ratification on 11 June 1980 and the inter-State communication procedure under article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance upon ratification on 25 May 2016.

and using state-of-the-art analytical tools, including trialling artificial intelligence-driven software tools, in a digitally secure environment.

57. Throughout the reporting period, OHCHR continued to advocate for victims and survivors and integrated a victim-centred approach in implementing the mandate. In 2023, OHCHR carried out a series of consultations with victims to explore the impact of enforced disappearance in Sri Lanka. OHCHR is acutely aware of the risks faced by victims, witnesses and human rights defenders working on current and past human rights violations and, as part of its response to these risks, has reinforced its partnership with protection networks and support mechanisms, including to provide psychosocial support.

58. OHCHR has continued its accountability-related investigations of alleged violations, prioritizing specific cases of unlawful killing, enforced disappearance, torture, sexual and gender-based crimes and the violation of children's rights. Profiles of the individuals allegedly responsible have been strengthened, and the team has created mappings of relevant State and non-State structures and actors.

59. OHCHR continues to support judicial and non-judicial proceedings with competent jurisdictions through the sharing of relevant information and evidence, in accordance with United Nations rules and procedures. To date, OHCHR has received official requests from national authorities for information and evidence in relation to 11 named individuals. Moreover, OHCHR has continued its dialogue with relevant actors in the accountability context, including civil society organizations in the field, and uses its mandate and the network that it has created to facilitate contact and collaboration between key actors.

V. Conclusions and recommendations

60. As Sri Lanka approaches the presidential and parliamentary elections, it has an opportunity to recommit to the transformational changes demanded by the broad cross section of Sri Lankans who protested in 2022. The Government has a responsibility – prior, during and after the election period – to fully protect and respect the rights to freedom of expression and association and of peaceful assembly, including by refraining from the use of unnecessary or excessive force against protesters, to take measures to prevent and tackle rhetoric and practices that are divisive and discriminatory on religious, gender or other grounds and to prevent election-related and other human rights violations and abuses.

61. OHCHR is mindful of the deep impact that the economic crisis and debt burden are having on all Sri Lankans, in particular the poorest and those in other situations of vulnerability. This economic stress is exacerbated for Sri Lanka and many other developing countries by the prevailing global economic situation and international financial architecture. OHCHR urges Sri Lanka to ensure that decisions on economic policy and fiscal consolidation are guided by its international human rights obligations, including by ensuring adequate social protection. External creditors should provide the Government with the fiscal space needed to realize economic, social and cultural rights and to ensure that austerity measures do not undermine the country's ability to fulfil its human rights obligations.

62. The trends observed during the reporting period, including a continuing lack of respect for fundamental freedoms, as evidenced by new regressive laws, the erosion of democratic checks and balances, instances of threats, intimidation and violence against victims of the civil war, civil society actors and journalists and the resurfacing of serious past human rights violations, are of deep concern.

63. The failure of Sri Lanka to specifically recognize victims' suffering, to acknowledge the role played by the military and other security forces in the commission of gross human rights violations and to address past and present violations has been a key obstacle to the rule of law, democracy and good governance. Many of the structures and some of the members of the State apparatus credibly implicated in grave crimes and human rights violations remain in place, preventing meaningful progress in terms of accountability and the perpetuation of human rights violations. Entrenched impunity

has been manifest in the corruption and abuse of power that contributed to the economic crisis and drove the popular protests in 2022.⁸³

64. Following the elections, the newly elected Government should – as a matter of urgency – pursue an inclusive national vision for Sri Lanka that addresses the root causes of the conflict and undertake the fundamental constitutional and institutional reforms needed to strengthen democracy and the devolution of political authority and to advance accountability and reconciliation.

65. Fundamental changes are needed to advance accountability and reconciliation and prevent future human rights violations and the abuse of power. This includes implementing significant security sector reforms, which should involve vetting to remove those implicated in serious violations, and establishing an operational and judicial framework to ensure strict compliance with human rights standards. The Government should undertake the constitutional, legal and institutional reforms necessary to comply with the country's international human rights obligations, prevent the recurrence of grave violations and strengthen democratic and devolved systems of governance. OHCHR continues to stand ready to assist Sri Lanka on this path.

66. The Human Rights Council and the individual States Members of the United Nations should continue to fill the accountability gap in Sri Lanka by supporting and utilizing the full potential of the strengthened capacity of OHCHR to undertake accountability-related work under Council resolutions 46/1 and 51/1 and helping to create the conditions and political will necessary for undertaking meaningful accountability and reconciliation efforts in the country.

67. Building on the recommendations set out in previous reports,⁸⁴ OHCHR recommends that the Government of Sri Lanka:

(a) Actively promote an inclusive, pluralistic vision for Sri Lanka, based on non-discrimination and the protection of human rights for all, including by preventing and condemning speech and actions by religious officials that incite discrimination, hatred and violence against women and minority communities;

(b) Ensure the right to political participation through free and fair elections at all levels of government;

(c) Create an enabling environment for transitional justice by implementing confidence-building measures, such as releasing military-held land, stopping new land seizures in the north and east of the country, releasing all long-term detainees under the Prevention of Terrorism Act and decriminalizing and supporting victim memorialization initiatives;

(d) Remove from power and refrain from appointing or promoting persons credibly alleged to have perpetrated human rights violations to high-level positions in the Government, the security sector or the diplomatic corps, as well as to any institution, especially those established to achieve transitional justice and accountability;

(e) Immediately impose a moratorium on the application of the Prevention of Terrorism Act and ensure that any replacement legislation is consistent with international human rights law and the benchmarks previously laid out by United Nations human rights experts for counter-terrorism legislation;⁸⁵

(f) Repeal or amend existing or proposed laws that unduly restrict the rights to freedom of opinion and expression and of association and peaceful assembly, including the Online Safety Act, the International Covenant on Civil and Political Rights Act, the NGO bill and the proposed amendment to the Sri Lanka Telecommunications Act;

⁸³ See [A/HRC/51/5](#).

⁸⁴ [A/HRC/46/20](#), para. 60; [A/HRC/49/9](#), para. 67; [A/HRC/51/5](#), para. 71; and [A/HRC/54/20](#), para. 65.

⁸⁵ See communication LKA 7/2021.

(g) Publicly issue unequivocal instructions to all branches of the military, intelligence and police forces indicating that arbitrary arrests, extrajudicial killings, torture, sexual violence and other human rights violations are prohibited and will be systematically investigated and punished;

(h) Establish, as a matter of urgency, an independent prosecutorial authority, separate from the function of the Attorney General, to assess relevant information and make independent prosecutorial decisions, including in relation to cases of human rights violations and violations of international humanitarian law committed in past decades;

(i) Avoid the involvement of the military in law enforcement and commercial and civil affairs and significantly reduce the military presence in Northern and Eastern Provinces;

(j) Order all security and intelligence agencies to immediately end all forms of surveillance and harassment of and reprisals against human rights defenders, journalists, victims of human rights violations and their families, especially women;

(k) Assess and mitigate the impact of austerity measures on the standard of living of disadvantaged and marginalized individuals and groups and take all appropriate measures to protect the core content of rights protected under the International Covenant on Economic, Social and Cultural Rights, especially for those individuals and groups;

(l) Assess the negative impact of corruption on the enjoyment of human rights and ensure the adoption of anti-corruption measures aligned with human rights obligations;

(m) Ensure that social protection measures reach disadvantaged and marginalized individuals and groups, including by increasing the fiscal allocation for social security;

(n) Adjudicate land disputes in ways that are transparent, consultative, impartial and non-discriminatory and ensure interfaith dialogue about the erection of religious sites;

(o) Stop operation Yukthiya and release all individuals detained in that context, provide community-based treatment, rehabilitation and harm-reduction support to people with drug dependency and develop and implement a human rights- and public health-centred drug policy in line with the International Guidelines on Human Rights and Drug Policy;

(p) Recognize the competence of the Committee on Enforced Disappearances to receive and consider communications under article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance and accede to the Rome Statute of the International Criminal Court.

68. OHCHR recommends that the Human Rights Council and Member States, as applicable:

(a) Cooperate in investigating and prosecuting alleged perpetrators of international crimes committed by any party to the conflict in Sri Lanka through judicial proceedings before national jurisdictions, including under accepted principles of extraterritorial or universal jurisdiction, through relevant international networks and mutual legal assistance processes and in cooperation with survivors, families and their representatives;

(b) Consider using other international legal options to advance accountability in Sri Lanka;

(c) Explore, as part of a wider range of accountability measures and consistent with international law, further targeted sanctions, such as asset freezes and travel bans against individuals credibly alleged to have perpetrated gross international human rights violations or serious humanitarian law violations;

(d) Review asylum measures in respect of Sri Lankan nationals to protect those facing reprisals and refrain from any refoulement in cases that present a real risk of torture or other serious human rights violations;

(e) Support OHCHR to continue its monitoring and reporting and its strengthened work on accountability for human rights violations and related crimes in Sri Lanka.
